



WASHINGTON, D.C.
**HOMELESS
YOUTH**
H A N D B O O K
LEGAL ISSUES AND OPTIONS

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY



**Baker
McKenzie.**

Homeless Youth Handbook - Legal Issues and Options

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Foreword

PROUD TO SERVE CHILDREN AND YOUTH EXPERIENCING HOMELESSNESS

- *How does a 15-year-old gifted student with a disability know she has the right to stay in the school she has attended for two years when her family becomes homeless?*
- *What does a 20-year-old do to replace his state issued ID to start a new job if he has no identifying documents and no parents?*
- *Where can a pregnant 16-year-old find out how to qualify for prenatal care?*

Life is really challenging when you don't have a consistent place to sleep each night and don't know when you will see your next meal or where to turn for support. Some questions seem easy, like "where do I get an ID?" But the solutions are hard to come by, and failure means you could lose the job that was going to help pay for a rented room. So a youth ends up sleeping another week in public parks. Other questions seem daunting and complex, like "can they kick me out of my school just because my parents lost their house?" But actually, the law is very clear that all children have an absolute right to remain in their school despite losing a stable home. Still, reality does not make that legal answer a very practical one for some students. With no one to help, and no resource to explain that a child has the right to stay in their school, it is as if children don't have these rights at all.

These are the types of challenges we aimed to tackle by coming together to craft the **Homeless Youth Handbook - Washington DC**. We are volunteers, lawyers, and other professionals who have been guided by expert advocates for homeless youth in Washington, DC who work every day to support, strengthen and empower children and youth experiencing homelessness. The result of this Handbook, the fruit of the efforts of more than 100 volunteers, is to give young people answers to questions and challenges they face simply because of the circumstances life has presented. They need information that is immediate, clear, correct and practical.

Although it may not seem the most obvious need for a child without food, shelter or safety, legal answers are critical for youth in crisis. It is the law that could help youth solve many of the problems that confront them. The law can help homeless youth access benefits and services, achieve protection from those who would harm them, and experience true empowerment to transform their own circumstances. This Handbook aims to put all of that power in a young person's hands—quite literally. Through a mobile-friendly website, young people and their advocates have 24/7 access to up-to-date information in a format that is understandable and easy to use. This useful tool is accessible on phones, tablets, public computers, or wherever the internet is available.

The Handbook includes answers to each of the questions above and hundreds of others. Youth helped us form the questions, and many people have helped build the answers so that youth can find success and the realization of their rights. We are all very proud to help make that happen.

Wouldn't it be amazing if every young person in crisis could get to a lawyer to answer their questions? Of course. But that solution may not be realistic in a time of shrinking legal aid resources and growing systemic barriers. We hope this Handbook can be the first step taken by a young person trying to overcome barriers. We hope it helps educate young people, either for their own sake or for that of a friend. To get these innocent youth on their feet, they first must know and understand what the law can provide—only then can they find a way to access it.

As a team, we are so very proud to have helped craft this Handbook as a first step down the path to stability—and ultimately, success—for homeless youth in Washington, DC.

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Advocates for Justice & Education (www.aje-dc.org)
American Friends Service Committee (www.afsc.org)
AYUDA (www.ayuda.com)
Bread for the City (www.breadforthecity.org)
Break the Cycle (www.breakthecycle.org)
Casa Ruby (www.casaruby.org)
Children's Law Center (www.childrenslawcenter.org)
Coalition for Juvenile Justice (www.juvjustice.org)
Community Connections (www.ccdc1.org)
Covenant House (www.covenanthousedc.org/)
DC Alliance of Youth Advocates (DCAYA) (www.dc-aya.org)
DC Coalition Against Domestic Violence (DCCADV) (www.dccadv.org)
Friendship Place (www.friendshipplace.org)
Juvenile Justice Clinic (www.georgetown.edu)
Latin American Youth Center (LAYC) (www.layc-dc.org)
Legal Aid Society (www.legalaiddc.org)
Network for Victim Recovery (NVRDC) (www.nvrdc.org)
The Public Defender Service (PDS) Juvenile Services (www.pdsdc.org)
Sasha Bruce (www.sashabruce.org)
School Justice Project (www.sjpdc.org)
SMYAL (www.smyal.org)
Teen Alliance for Prepared Parenting (<https://www.medstarwashington.org/our-services/womens-health/treatments/maternity-services/teen-alliance-for-prepared-planning/>)
Whitman Walker Health (www.whitman-walker.org)
The Washington Legal Clinic for the Homeless (WLCH) (www.legalclinic.org)

Art Recognition

The art work showcased on the cover of the Homeless Youth Handbook – Washington, DC was licensed from the artist, Joi Cole. “Together We Can End Homelessness” is an original work of Joi Cole. Ms. Cole is a featured artist in Homeless Youth Handbook series, providing the art work for the Homeless Youth Handbook - California and designing the award plaques for the 35th annual McKinney Vento Awards.

If you are interested in Ms. Cole’s artwork, you can reach out directly to joicole24@gmail.com or follow [@joicoleart](https://www.instagram.com/joicoleart) on Instagram.



Using the Homeless Youth Handbook

Available Online

The information in the Homeless Youth Handbook - Washington, D.C. also can be found on www.homelessyouth.org. The information on the website version is updated routinely and should be accessed for more up to date information on rights and resources in Washington, D.C. The website also is searchable if you cannot find the information you are looking for in this Handbook. The Washington, D.C. Handbook can be found directly at: <https://www.homelessyouth.org/us/washington-dc>.



Using the HYH

The Homeless Youth Handbook series has been designed to help the reader understand legal rights and find reliable resources for support. The Handbook is divided into chapters for help finding information. Each chapter includes several smaller topics to help in the review process. In order to understand the information in this Handbook more efficiently, please note the following:

- Words or phrases in green (example: [attorney-client privilege](#)) are defined at the end of the book in the Glossary section.
- Links to websites for more information or support are shown in blue. The web address is included in the footnote at the end of the page. (example: [ACLU webpage on Know Your Rights: What To Do If You're Stopped By Police, Immigration Agents or The FBI page.](#)¹)
- Other chapters in this Handbook may also be helpful. Other chapters, subtopics or questions that may be useful are shown in red. (example: [Can I ask for a lawyer to be present even if I can't afford one?](#))

¹ www.aclu.org/know-your-rights/stopped-by-police/

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1. Interaction with Police

Being Questioned by the Police

If the police stop me on the street, what information do I have to provide?

If you are stopped by police, you have the right to remain silent. If you wish to exercise that right, you may want to say that out loud to the police. You do not need to show the police your identification. If you are stopped on the street, you can ask the police if you are free to walk away. If you are, you can walk away. If you are not, ask why you are being detained. The police need a reason to arrest you.

Remember, anything you say to the police may be used against you. Even if you have not done anything wrong, information you give to the police can be used against you. If the police question you beyond that, you can tell them you do not want to talk and that you would like a lawyer. See the response to [Can I ask for a lawyer to be present even if I can't afford one?](#) Once you ask for a lawyer, police are required to stop asking you questions. Even if you have already answered some of their questions, you can stop and ask for a lawyer at any time.

More information can be found on the [ACLU webpage on Know Your Rights: What To Do If You're Stopped By Police, Immigration Agents or The FBI page](#).¹

How should I behave if I am stopped by the police?

Even if you feel it is unfair to be stopped by the police, stay calm, quiet, and polite. Do not do or say threatening things. A bad attitude will make the police believe you might be dangerous. Walking, moving around, or running away may also give the police a reason to believe you are dangerous.

Can I ask for a lawyer to be present even if I cannot afford one?

Yes. You have the right to have a lawyer present when you are being questioned by police, even if you cannot afford one. You can tell the police at any time that you want a lawyer. This right to an attorney is your right any time the police question you. In most cases where you are charged with a youth offense in [juvenile court](#), the court must provide you with a lawyer at no cost to you.

What kind of information should I share with my lawyer?

It is in your best interest to share as much information as possible to help your case. Be honest and detailed when talking to your lawyer. Remember, everything you tell your lawyer is confidential and considered [attorney-client privileged](#). This means your lawyer cannot tell others what you tell your lawyer unless you give your permission for them to do so. Your lawyer will ask you for information about your case, including, for example, where you are living and with whom, whether you go to school, whether you have been picked up by the police before and

¹ www.aclu.org/know-your-rights/stopped-by-police/

why, and any other details that that may enable your lawyer to help you. Your lawyer may also ask you for details regarding the incident that resulted in your arrest and your encounter with the police.

Does my parent or guardian have to be present when police question me?

The police do not need to wait until your parent or guardian arrives before they can question you, and they do not have to wait for permission from your parent or guardian to question you. You may, however, say you do not wish to answer questions.

Can I remain silent when police question me?

You may say that you want to exercise your rights under the Constitution of the United States to remain silent and not answer any questions. You can find more information on your Constitutional rights on the Legal Information Institute (LII) website, Miranda Warning page.

If the police contact me and ask me to come in for questioning or to make a statement, do I have to talk to them?

You are not required to make a statement, answer police questions, or participate in a police investigation. You have the right to remain silent if police try to question you about a crime. You should have a lawyer with you when you go to a police station for questioning. You always have the right to have a lawyer with you. See [Can I ask for a lawyer to be present even if I cannot afford one?](#)

What questions should I ask the police if they contact me and state that they need me to come in for questioning?

You should ask if they have a **warrant** for your arrest. If they do not, you are not required to go to the police station voluntarily. If there is a **warrant** for your arrest, you should bring a lawyer with you, if possible, when you turn yourself in. See [Can I ask for a lawyer to be present even if I cannot afford one?](#) Even if the police have either an **arrest warrant** or a **search warrant**, you do not have to answer questions and you may still ask for a lawyer.

If the police tell you that they just want to question you as a witness, then ask them if you are free to leave. If they say no, you are under arrest and you can ask for a lawyer. If the police say that you are free to leave, you may want to leave and consult with a lawyer.

Arrests and Detention

When can the police arrest me?

The police can arrest you if they suspect that you have committed a crime.

See the [General Criminal Law chapter](#) for list of crimes and more information on criminal law.

If I am arrested, can I ask the police to call my parent or guardian?

You have the right to make a phone call if you are arrested. You can use this phone call to call your parent, guardian, or attorney. If you do not have an attorney, you have the right to ask for one.

More information can be found on the [ACLU Washington D.C. website](#).²

Can the police take me into custody if they suspect that I have run away?

Running away is not a crime in Washington, D.C., but the police may still take you into **protective custody**, which is not the same as being arrested, and they may return you to your home. It is unlawful for an adult who is four (4) or more years older than a minor, to assist that minor to run away for the purpose of criminal activity. [D.C. Code - § 22-811](#).³

Also note that three missing persons reports will qualify a **child** for having a Child In Need of Supervision (CHINS) case filed against them. If the [D.C. Office of the Attorney General \(OAG\)](#)⁴ decides to move forward with a CHINS case, it can seek a pre-petition custody order (juvenile arrest warrant) for a youth.

Is it a crime for an adult to help me run away?

It is unlawful for an **adult** four (4) or more years older than a **minor** to assist that minor to run away for the purpose of criminal activity. See [D.C. Code - § 22-811](#).⁵ It is not a crime for an adult to give you shelter.

See the [Options for Safety and Stability chapter](#) for helplines, shelters and organizations that can help find temporary housing, basic living essentials and counseling.

Are the police allowed to use physical force to detain me?

Yes, the police may use physical force if they try to take you into **custody** or arrest you and you resist. If you experience any sort of violence from a police officer or are assaulted during your interactions with the police, you should write down the details (date and time, location, what happened, etc.) and get the names and contact information of any witnesses. If you are injured, you should take pictures of your injuries and look for medical help. After that, you may want to contact a **civil rights** lawyer.

More information can be found on the [ACLU webpage on Know Your Rights: What To Do If You're Stopped By Police, Immigration Agents or The FBI page](#).⁶

² www.acludc.org/

³ code.dccouncil.us/dc/council/code/sections/22-811.html

⁴ oag.dc.gov/

⁵ code.dccouncil.us/dc/council/code/sections/22-811.html

⁶ www.aclu.org/know-your-rights/stopped-by-police/

Curfew Laws in D.C.

Is there a curfew in D.C.?

There is a juvenile curfew for people under the age of 17 in Washington, D.C., who are in the District of Columbia during curfew hours. [Juvenile Curfew Act](#).⁷ This includes both D.C. residents as well as young people who reside elsewhere but are present in D.C. Persons under the age of 17 cannot remain in or on a street, park or other outdoor public place, in a vehicle or on the premises of any establishment within the District of Columbia during curfew hours, unless they are involved in certain exempted activities.

What is the curfew?

For the months of **September through June, curfews are as follows:**

- Sunday through Thursday nights, 11 pm until 6 am the following day
- Friday, Saturday and Sunday nights. 12:01 am to 6 am

During **July and August only:** Curfew hours are 12:01 am to 6 am seven days a week.

More information from the D.C. Metropolitan Police regarding curfew can be found on [DC.gov's website](#).⁸

What exceptions are there to the curfew law?

Persons under the age of 17 are exempt from the [Juvenile Curfew Act](#)⁹ if they:

- Accompany a parent or guardian;
- Complete an errand at the direction of a parent or guardian, without detour or stop;
- Ride in a motor vehicle involved in interstate travel;
- Work or return home from a job, without detour or stop;
- Become involved in an emergency;
- Stand on a sidewalk that joins their residence or the residence of a next-door neighbor, if the neighbor did not complain to police;
- Attend an official school, religious, or other recreational activity sponsored by the District of Columbia, a civic organization, or other similar group that takes responsibility for the juvenile (this includes traveling to and from the activity); and
- Exercise their First Amendment rights protected by the [US Constitution](#)¹⁰, including the free exercise of speech, religion, and right of assembly.

A brochure from the D.C. Metropolitan Police with additional information can be found on [DC.gov's website](#).¹¹

⁷ code.dccouncil.us/dc/council/code/titles/2/chapters/15/subchapters/III/

⁸ mpdc.dc.gov/page/dcs-curfew-law-know-facts

⁹ code.dccouncil.us/dc/council/code/titles/2/chapters/15/subchapters/III/

¹⁰ guides.loc.gov/constitution

¹¹ mpdc.dc.gov/page/dcs-curfew-law-know-facts

What are the penalties for violating the curfew law?

Anyone under the age of 17 who violates the curfew will be detained by the D.C. Metropolitan Police Department. Officers will attempt to take the juvenile home (or to the home of a relative or other responsible adult). If that is not possible, the juvenile will be held at the district police station. A parent, legal guardian or other responsible adult will be contacted to pick up the child. If not picked up by 6:00 am, the juvenile will be handed over to the D.C. Child and Family Services Agency. A parent or legal guardian of a juvenile under the age of 17 commits an offense if he or she knowingly permits, or by insufficient control allows, the juvenile to violate the curfew law. Any adult who violates the Juvenile Curfew Act is subject to a fine not to exceed \$500 or community service. A juvenile who violates curfew may be ordered to perform up to 25 hours of community service.

A brochure from the D.C. Metropolitan Police with additional information can be found on [DC.gov's website](http://DC.gov).¹²

Your Rights While In Custody

What rights do I have while in police custody?

You have your Miranda rights. See *What information must the police give me if I get arrested?*. Unfortunately, the police only have to inform you of your Miranda rights if you are under arrest and being questioned, so the first thing you may want to do is confirm whether you are under arrest.

You also have the right to walk away from the police if you are not under arrest. If you are unsure whether you are under arrest, you can ask the police officer if you are under arrest or if you are free to leave. Keep in mind that if you run from the police for any reason, an officer may later testify in court that you ran away, which can make it look like you did something wrong or illegal. If you are not free to leave, you have the right to remain silent. If a police officer tries to arrest you and you resist the arrest, you can be charged with another offense or crime.

What information must the police give me if I get arrested?

The officer must inform you of your Miranda rights before asking you questions. Your rights include:

1. You have the right to remain silent;
2. Anything you say can be used against you in court;
3. You have the right to have a lawyer present while you are questioned; and
4. If you cannot afford a lawyer, you will be provided with one for free.

You can find more information on your Miranda rights on the LII website, [Miranda Warning page](#).¹³

¹² mpdc.dc.gov/page/dcs-curfew-law-know-facts

¹³ www.law.cornell.edu/wex/miranda_warning

Can the police take away my stuff if they take me into custody?

Yes. In some circumstances, if you are arrested and your belongings are taken from you, you can get the items back when you are released from **custody**. You can ask for your belongings from the law enforcement agency that arrested you. If your belongings are needed at trial, they may not be released until the end of the case. The police will not return illegal items, such as drugs, weapons, or money gained illegally.

What happens to me as a juvenile if I am arrested in D.C.?

D.C. Metropolitan Police Department (MPD)¹⁴ at the **Juvenile Processing Center**¹⁵ at 1000 Mount Olivet Road, NE, Washington, D.C., 20019. In some cases, MPD may choose to dismiss or divert the youth to a program outside of the juvenile justice system. Otherwise, **Court Social Services (CSS)** conducts a screening to determine whether the youth should be held at Youth Services Center (**YSC**) or released to a guardian until the next court action.

To learn more about the stages of court action following arrest, see *What happens during the time before my case goes to court?*; and *What happens when my case goes to court?*; *What happens if I am placed with DYRS?*.

What happens during the time before my case goes to court?

If you are a **youth** and the **OAG** files the case in the **juvenile justice system**¹⁶, an initial hearing is held to determine whether the case will move forward and, if so, where the youth will be placed prior to **adjudication**. There are three options for pre-adjudication placement:

1. Community release, in which the youth resides with an approved guardian and is monitored by **CSS**;
2. A detention alternative, such as a shelter home; or
3. Secure detention at **YSC**. If a youth is aged 15 to 17 and charged with certain violent crimes, the **OAG** may transfer the case to the adult system.

What happens when my case goes to court?

If you are a **youth**, a formal decision will be made about whether or not you were involved in a **delinquent act**, either through a **plea** or Court ruling. If it is decided that you were involved in a delinquent act, then there is a hearing to determine your **disposition**. For the period between **adjudication** and disposition, the Court can place you on community release, in a shelter facility, or at **YSC**. At the dispositional hearing, the Court will determine whether you should be placed on probation with **CSS** or committed to **Department of Youth Rehabilitation Services (DYRS)**¹⁷ custody. This decision is informed by a pre-disposition report prepared by **CSS**, which includes an assessment of your emotional, social, educational, and delinquency history and recommends a plan for treatment and disposition. If **CSS** plans to recommend you for commitment with

¹⁴ mpdc.dc.gov/

¹⁵ mpdc.dc.gov/page/youth-and-family-services-division

¹⁶ dyrs.dc.gov/page/dcs-juvenile-justice-system

¹⁷ dyrs.dc.gov/page/dcs-juvenile-justice-system

DYRS, then DYRS will also submit a pre-disposition report that outlines your supervision and treatment needs.

A DYRS commitment can be for a specific or indefinite period of time, so long as the commitment does not exceed your twenty-first birthday. The Court can require that DYRS obtain approval prior to ending your commitment or it can grant DYRS authority to end the commitment when the agency deems appropriate. Under the [Comprehensive Youth Justice Amendment Act](#)¹⁸, youth adjudicated on status offenses can no longer be committed past their eighteenth birthday.

What happens if I am placed with the Department of Youth Rehabilitation Services (DYRS)?

If you are committed to DYRS¹⁹, the agency is responsible for all decisions regarding your placement and rehabilitation plans. This determination involves the following process:

- Review of DYRS Recommendations: The Court may weigh in on a treatment plan, but typically relies on DYRS to make a treatment plan.
- Review of Reports and Assessments: DYRS staff reviews disposition reports, social studies prepared by CSS, psychological and psychiatric evaluations, psycho-educational evaluations, and discharge summaries from other programs and placements.
- Mental Health and Substance Abuse Needs Assessments: If you are admitted to YSC and New Beginnings, DYRS staff, including licensed clinicians and behavioral health specialists, conduct mental health and substance abuse needs assessments such as the Child and Adolescent Service Intensity Instrument (CASII), the Massachusetts Youth Screening Instrument (MAYSI), the Trauma Symptom Checklist (TSC) and the Substance Abuse Subtle Screening Inventory (SASSI). More information can be found on the YSC and New Beginnings website.²⁰
- Risk Assessments: DYRS conducts risk assessments using the Structured Decision Making (SDM) tool. SDM takes into account various factors, including offense severity, number and type of prior adjudications, number of out-of-home placements, school discipline/attendance, substance abuse issues and peer relationships. The outcome of the SDM risk assessment guides the level of restrictiveness in which you will receive services.
- Team Decision Making Meetings (TDMs): DYRS convenes TDMs²¹ to help develop placement and service plans tailored to each youth's strengths and needs. In addition to DYRS staff and providers, participants in the TDMs may include lawyers, parents, family members, mentors, teachers, and other individuals who are involved in your life.

What happens after I finish my time with DYRS?

While committed to DYRS, youth who have been removed from the community receive services aimed at preparing them for successful community reentry. These services can include individual and family counseling, educational programs, job and employment training, substance abuse monitoring and counseling, independent living-skills training, home assessments, tutoring, mentoring, recreational activities, job placements, and ongoing TDMs. When placed in

¹⁸ code.dccouncil.us/dc/council/laws/21-238.html

¹⁹ dyrs.dc.gov/page/dcs-juvenile-justice-system

²⁰ dyrs.dc.gov/service/new-beginnings-youth-development-center

²¹ dyrs.dc.gov/page/team-decision-making-meetings

the community, committed youth are monitored by DYRS staff and service providers, and some youth also wear [electronic monitoring](#)²² (GPS) devices.

Warrants & Police Searches

Can the police search my house, car or other personal belongings whenever they want?

No. Typically, police need a [warrant](#) to search your house, car, or other personal belongings. There are some exceptions to this rule. Police can search a home or a car without a warrant where the owner consents or agrees to the search, if contraband (illegal material) is in plain view, if there are [exigent circumstances](#), or if it is a [search incident to arrest](#). If the police officer believes in good faith (honestly) that your situation justifies a warrantless search, the officer may search the area.

If the officer states that he or she has a warrant, ask the officer to slip it under the door or hold it up to the window so you can inspect it. If a police officer searches your house, car, or belongings and you suspect he/she did not have a [warrant](#) beforehand, and you did not consent, be sure to tell your lawyer.

More information can be found on the [ACLU Washington D.C. website](#).²³

What are the consequences of giving consent for the police to search my property?

You can give consent to the police to search your home, residence, car, or person. By giving them consent, you are giving them permission to make these searches without a [warrant](#). If the police present you with a piece of paper and ask you to sign it, it may be a consent form. Read it carefully before you sign it. If you sign it and it is a consent form, you have given permission to the police to make a warrantless search. If you limit your consent to a portion of your property or a particular time frame, the police officers must confine their search to those limits, unless or until they get a valid [warrant](#).

After you give your consent, the police may use any evidence they find against you in court. If you do not give your consent and the police do not have a [warrant](#) but do a search anyway, your lawyer may be able to prevent this evidence from being used against you if you are later charged with a crime.

Are the police required to follow certain procedures when they come to search my property?

When the police arrive at your home with a search [warrant](#), they must knock on the door and announce their identity and purpose before forcibly entering the property. The police do not have to knock and announce their presence if it would be dangerous or useless for them to do so, or if they have good reason to think that announcing their presence would prevent the

²² dyrs.dc.gov/service/electronic-monitoring

²³ www.acludc.org/en/issues

effective investigation of a crime (for example, if someone inside the house/dwelling would destroy evidence based on the police announcing themselves).²⁴

What if the police claim that they have a search warrant but do not actually have it on them?

If the searching officers do not physically possess the **warrant**, they may secure the premises until the **warrant** arrives. Even though the police officers do not physically possess a **warrant**, if the **warrant** is on the way, they may enter your home and secure it—but not search it—until the **warrant** arrives.

Can the police search my car without a warrant?

Yes. There are four circumstances under which the police may search your vehicle without a warrant.

1. The police may search your vehicle without a warrant if they arrest someone who was recently in your vehicle, including you. This is commonly known as a **search incident to arrest**.
2. The police may search your vehicle without a **warrant** if they have a **reasonable belief**, or **probable cause to believe**, that you have committed or are about to commit an offense, and there are **exigent circumstances**.
3. When the police impound a vehicle (i.e., take it into their possession) they may search the vehicle without a **warrant** to protect any of the owner's property left inside, but also to protect the police from any dangerous items hidden inside.
4. If you voluntarily consent to the search, the police may search it without a **warrant**. The police cannot, however, use threats to intimidate you into giving this consent.

Can the police search property that I left behind or threw away?

Yes. If you abandon your vehicle or your personal property, the police may search and seize that property without a **warrant**. For search and seizure purposes, property is considered abandoned when it is voluntarily thrown away, left behind, or otherwise given up. The police will look at the particular facts and circumstances to determine whether it was likely your intention to give up ownership of the property. For example, stepping away from your backpack for 10 minutes and coming back to it later is not considered **abandonment**. If the police approach you to arrest or question you and you throw away property before or after that police interaction, that property is considered abandoned. If you throw something in the trash and place it where trash is normally collected, that property is considered abandoned and the police may search and seize it. Trash in a personal trash can and not placed in an area where trash is normally collected is not considered abandoned, and the police may not search or seize it without a **warrant**.

²⁴ code.dccouncil.us/dc/council/code/sections/23-524.html

What kind of information needs to be in the warrant?

The **warrant** must identify and describe the place to be searched, and the person or property to be seized.²⁵ If a police officer presents you with a **warrant**, examine the contents of the **warrant**. If it is mostly accurate (for example, states the correct address and the property inside), it is likely sufficient for the police officer to lawfully search the property involved. However, if the **warrant** does not accurately describe your property (for example, the apartment number is incorrect or names the entire apartment building rather than your unit) or your person, then that **warrant** is invalid and you have a right to require that the police obtain a valid **warrant** before they search your property.

What should I do if I think that the police are conducting an illegal search?

Stay calm and keep a record. If you believe that the police have failed to follow the law and are searching your home or personal property illegally, do not physically try to stop them from conducting their search. Make sure you object verbally (for instance, you can say something like, “I do not consent to this search.”). After the search, write down the important details, such as the date, exact time, and place of the search; a description of the police officers, including their names and badge numbers, clothing, etc.; and a description of the cars driven by the officers (for example, whether the cars were marked or unmarked police vehicles).

Legal Help

Where can I go for legal assistance?

There are several resources across D.C. that can provide additional help when you are dealing with police issues.

- **Washington Legal Clinic for the Homeless:**²⁶ This group is dedicated to helping the homeless with legal issues including interactions with the police. Phone: (202) 328-5500.
- **Criminal Justice Act (CJA) Attorneys:**²⁷ This group provides free legal help to persons charged with crimes. Phone: (202) 824-2830.
- **D.C. Public Defender Service:**²⁸ This group provides free legal help to persons charged with crimes. Phone the Attorney of the Day at: (202) 628-1200.
- **D.C. Public Defender Service Community Defender Division:**²⁹ This group helps adults and children resolve legal issues that arise from prior arrests, convictions, or incarceration. Phone: (202) 824-2801.

²⁵ code.dccouncil.us/dc/council/code/sections/23-521.html

²⁶ www.legalclinic.org/legal-help/

²⁷ www.uscourts.gov/rules-policies/judiciary-policies/criminal-justice-act-cja-guidelines

²⁸ www.pdsdc.org/

²⁹ www.pdsdc.org/about-us/legal-services/community-defender-division

- [Metropolitan Police Department \(MPD\) Property Questions](#):³⁰ If your property was taken by the police, the MPD Command Information Center can tell you what number to call to find out about your property. Phone: (202) 727-9099.

³⁰ mpdc.dc.gov/page/evidence-control-branch

2. Options for Safety and Stability

D.C. Hotlines For Help

Where can I get help if I am thinking of running away?

You can call one of the hotlines in Washington, D.C. to help you get housing or help if you are thinking of running away:

- 24-hour Shelter Hotline (over 18) - **(202) 399-7093**
- 24-hour Safe Place Hotline (under 18) - **(202) 547-7777**
- Mayor's Call Center: **311**

Impact of Running Away From Home

Is it a crime to run away in Washington, D.C.?

No. You cannot be charged with a crime for running away from home, but you should be aware that if you are under 18 (“a **minor**”) and are stopped by police, they can take you into custody if they suspect that you are running away from your parents or guardian. If you ran away from home because you are being **abused** or **neglected**, tell the police officer. Police officers are required to report child **abuse** or **neglect** at home to **the Child and Family Services Agency (“CFSA”)**³², and the **CFSA** must investigate your situation. This could lead to placement in foster care or it could lead to services for your family.

For more information on interactions with police, see the **Interactions with Police** chapter in this Handbook.

What if I resist being taken into custody?

If you resist being taken into custody, you could be injured, or you could be charged with physical resistance. For more information on interactions with police, see the **Interactions with Law Enforcement** chapter in this Handbook.

What happens if you are under 18 and taken into custody by a police officer?

If you are a minor and taken into custody by a police officer, there may be a preliminary inquiry into whether you are **delinquent**, a child in need of supervision, or neglected.

Depending on the findings of the preliminary inquiry, you may be released to your parent or guardian. If going back home is not a safe option for you, you may temporarily be placed in shelter care (e.g., a foster home, group home or youth shelter).

³² cfsa.dc.gov/

What happens if it is determined that I am delinquent?

If you are considered to be **delinquent**, you may be temporarily placed in **detention**. At a later time, you will need to attend **family court** hearings where a judge may make additional decisions about whether or not you are abused, neglected or a **child in need of supervision (“CHINS”)**, and whether or not you should be placed back with your parent/guardian, or be placed under protective supervision or probation, have custody transferred to a public or private agency, relative, or another appropriate person, or, if necessary, be committed to a facility for medical, psychiatric or other treatment. If you are a **CHINS** between the ages of 14 and 18, you will be ordered to complete at least 90 hours of community service. [D.C. Code §§ 16-2301, 16-2309, 16-2310, 16-2311, 16-2312, 16-2313, 16-2320 \(2018\)](#).³³

Is there a curfew in D.C. for minors?

Yes. The D.C. curfew law applies to persons under the age of 17. More information can be found on the [Metropolitan Police’s website](#).³⁴

What is the curfew in D.C.?

For the months of September through June, curfews are as follows:

- Sunday through Thursday nights, curfew begins at 11 pm on and continues until 6 am the following day
- Friday, Saturday and Sunday nights. (curfew on “Friday night” begins at 12:01 am Saturday; curfew on “Saturday night” begins at 12:01 am Sunday), curfew hours are 12:01 am to 6 am. During July and August only: Curfew hours are 12:01 am to 6 am, seven days a week.

A brochure from the D.C. Metropolitan Police with additional information can be found on DC.gov’s website.

More information and resources can be found on the [Metropolitan Police’s website](#).³⁵

What happens if I am outside after curfew?

You could be returned home or held at the district police station to be turned over to a parent, legal guardian or other responsible adult. You may also be responsible for community service. More information can be found on the [Metropolitan Police’s website](#).³⁶ If you are caught out during curfew hours, a fine of up to \$500 or community service can be imposed. [D.C. Code §§ 2-1542, 2-1543 \(2018\)](#).³⁷

For more information on curfew violations, see the [Interactions with Law Enforcement chapter](#) in this Handbook.

³³ code.dccouncil.us/dc/council/code/titles/16/chapters/23/subchapters/II/.

³⁴ mpdc.dc.gov/

³⁵ mpdc.dc.gov/

³⁶ mpdc.dc.gov/

³⁷ code.dccouncil.us/dc/council/code/titles/2/chapters/15/subchapters/III/

Are there any exemptions to the curfew law in D.C.?

Yes, there are exceptions if you are accompanied by a parent or guardian, attending an official school, religious or other recreational activity, working, and other exceptions. Detailed information on the exemptions from the curfew law can be found on the [Metropolitan Police's website](#)³⁸ or in the [Interactions with Law Enforcement](#) chapter of this Handbook.

Is it a crime for a relative or friend to give you shelter without your parent's permission or notification to the police?

In D.C., there is no specific law referring to the harboring of runaway youth in general, as long as harboring that youth is not contributing to his or her delinquency. [D.C. § Code 22-811](#).³⁹ It is a crime, though, to harbor, conceal or aid a child who is absent without permission from a home or institution in which they have been placed by the Board of Public Welfare. [D.C. § Code 4-125 \(2011\)](#).⁴⁰

Basic Resources Available to Homeless Youth

I am homeless, where can I get food, water and hygiene products?

If you are a homeless youth, you can get basic essentials such as food, water and hygienic products through street outreach programs. Street outreach programs are also available to help you make a smooth transition into self-sufficient living, free from the dangers of homelessness and street life. You can contact:

- [Covenant House D.C.](#)⁴¹
 - 2001 Mississippi Ave SE Washington, D.C.
 - Phone: (202) 610-9600
 - After Hours (202) 270-2201
- [Friendship Place](#)⁴²
 - 4713 Wisconsin Ave NW, Washington, D.C. 20016
 - Phone: (202) 364-1419
- [Casa Ruby](#)⁴³
 - 7530 Georgia Ave NW, Washington, D.C. 20012
 - Phone: (202) 355-5155

³⁸ mpdc.dc.gov/

³⁹ code.dccouncil.us/dc/council/code/titles/22/chapters/8A/

⁴⁰ code.dccouncil.us/dc/council/code/sections/4-125.html

⁴¹ covenanthousedc.org/

⁴² friendshipplace.org/

⁴³ casaruby.org/

- [Sasha Bruce](#)⁴⁴
 - Multiple locations for drop-in including *741 8th St SE*
 - Phone: (202) 675-9340
 - Emergencies: (202) 547-7777
- [Latin American Youth Center](#)⁴⁵
 - 3045 15th Street, NW, Washington, D.C.
 - Phone: (202) 713-0475
- [Whitman Walker Youth Drop-In Center](#)⁴⁶
 - 651 Pennsylvania Avenue, SE, Washington, D.C. 20003
 - Phone: (202) 745-7000

For a list of other local options, call or visit the following:

- Runaway and Homeless Youth (RHY) Hotline - Phone: (202) 547-7777
- [D.C. Coordinated Entry System](#)⁴⁷ - under ‘Help?’ for a list of outreach providers and drop-in center locations

Can I be eligible for food assistance in D.C.?

Yes, if you are homeless, you may be eligible for federal assistance with food through the SNAP/[Food Stamps](#) Program.

If you live in a shelter or completely by yourself, you should be able to apply for the SNAP/[Food Stamps](#) on your own. When applying, your parent’s income should not be considered to determine your eligibility. If you live at a shelter, you may also want to have a caseworker from the shelter write a letter stating you live at the shelter.

More information can be found on the [Department of Human Services \(DHS\) website](#)⁴⁸ or see the [Public Benefits chapter](#) of this Handbook.

Shelter Options

What is the right to shelter in D.C. and what does it mean for homeless youth?

Washington D.C. is one of only a few “right to shelter” cities in the U.S. In D.C., the “right to shelter” means that when the temperature outside is cold enough, individuals experiencing homelessness are guaranteed a place to sleep at night. This right is provided by D.C. law.⁴⁹ For

⁴⁴ www.sashabruce.org/

⁴⁵ www.layc-dc.org/

⁴⁶ www.whitman-walker.org/location-youth-services

⁴⁷ www.coordinatedentry.com/

⁴⁸ dhs.dc.gov/service/supplemental-nutrition-assistance-snap

⁴⁹ code.dccouncil.us/dc/council/code/titles/4/chapters/7A/subchapters/IV/

more, information, see also the Department of Human Service's webpage on Hypothermia/Hyperthermia Alerts.⁵⁰

However, in order to receive shelter, you may need to prove that you are from Washington D.C. Recent changes to D.C. law affect how you prove you are eligible to receive shelter. You can review the [Homeless Services Reform Act Amendment](#) section in this Handbook for more information. A complete list of the documents you can provide to show you are eligible to receive shelter can be found online.⁵¹

What are the differences in accessing shelter for homeless youth under 18 and homeless youth 18 and older?

There are many different services for homeless youth in D.C. Generally, there are services available for youth in D.C. who are age 24 or younger and are homeless, at risk of homelessness, or living in transitional housing or shelter. Some of these services are available to youth aged 18-24, while other services are available only to youth aged 17 and younger. You can find more information about these services on the DHS webpage on Youth Homeless Services.⁵²

In addition, a variety of other resources are available in D.C. for at-risk youth. For example, the D.C. Department of Behavioral Health offers drug and alcohol treatment and support for youth up to age 21. The Children and Adolescent Mobile Psychiatric Service also provides immediate emergency services to children and youth from ages 6-21 who are facing a behavioral or mental health crisis. You can find more information about these and other services on the [D.C. Department of Behavioral Health's website](#).⁵³

Lastly, there are medical services available for youth in D.C. who are victims of physical and sexual abuse or domestic violence. Some of these medical services are designed for youth under age 18 and will provide you with free transportation to the medical facility. You can find more information about these services on the Assault Services Knowledge (A.S.K.) D.C. website.⁵⁴

Are there emergency shelters that can help me if I am homeless?

Emergency shelters provide short-term housing to young people in need. A few local options are listed below. Often shelters are full, so calling a shelter in advance of showing up might be helpful.

- [Covenant House D.C.](#)⁵⁵
 - 2001 Mississippi Ave SE Washington, D.C.
 - Phone: (202) 610-9600
 - After Hours: (202) 270-2201
- [Sasha Bruce House \(Sasha Bruce has other housing and shelter programs as well\)](#)⁵⁶

⁵⁰ dhs.dc.gov/service/hypo-hyperthermia-watch.

⁵¹ code.dccouncil.us/dc/council/laws/22-65.html.

⁵² dhs.dc.gov/page/youth-homeless-services

⁵³ dbh.dc.gov/

⁵⁴ www.assaultservicesknowledge.org/dc/get-help-city/services-teens-and-minors

⁵⁵ covenanthousedc.org/

- 1022 Maryland Avenue NE, Washington D.C. 20002
- Phone: (202) 546-4900
- Phone: (202) 675-9340
- Emergencies: (202) 547-7777
- **Casa Ruby**⁵⁷
 - 7530 Georgia Ave NW, Washington, D.C. 20012
 - Phone: (202) 355 - 5155
- **The SMYAL Youth House**⁵⁸
 - for LGBTQ youth
 - Phone: (202) 567-3166

For a list of other local options, visit the following websites:

- www.coordinatedentry.com under 'Help?' for a list of overnight shelters
- dhs.dc.gov/page/shelter / Phone: (202) 399-7093
- homelessshelterdirectory.org

Are there other shelter options that are more long term?

Transitional living facilities provide homeless persons, including homeless youth, a place to live for periods of time ranging from six to 18 months while receiving support that will help them live independently. In addition to the resources above, the facilities listed below may be available for transitional living:

- Latin American Youth Center Transitional Living
 - Phone: (202) 695-1278
 - www.layc-dc.org/what-we-do/safe-housing/transitional-living/
- Olaiya's Cradle
 - Phone: (202) 675-8371
 - www.sashabruce.org/programs/safehomes/olaiyas-cradle/
- Wanda Alston House
 - Phone: (202) 733-3643
 - Wandaalstonfoundation.org

If you are LGBTQ+ review the **LGBTQ+ chapter** in this Handbook for more information on resources for LGBTQ+ shelter options.

⁵⁶ www.sashabruce.org/

⁵⁷ casaruby.org/

⁵⁸ smyal.org/housing

Options for Leaving Your Home

What options are available to youth who need to leave their parent or guardian's home?

There are several options outside of running away if you need to leave the home of your parent or guardian. Detailed information can be found in the [Foster Care chapter](#) in this Handbook.

Dependency

A minor can be legally removed from home through a dependency proceeding. If you think your parents cannot or will not take care of you properly, you don't have to be dependent on your parents just because you are underage. Instead, you can seek help from D.C.'s Child and Family Services Agency ("CFSA"). If you or someone else contacts CFSA and reports that you have been abused or neglected, this will start an investigation, which could lead to you being placed in the home of someone other than your parents. This could be another relative, a friend's family, or a group home. This usually requires several court hearings and a finding by the court that you:

- Have been **abandoned, abused, or neglected** by your parents/custodians,
- Have no parent/custodian/responsible **adult** relative to take care of you, or
- Are at risk of being abused or neglected by your parents/custodian if you go back home.

Custody with someone who is not your parent

If you have a supportive family member or friend who is willing to take care of you, you can ask that person to petition the court for custody.

A person other than your parent can file a complaint to get **custody** of you if (a) your parent(s) consent(s) to the complaint, (b) the person lived with you in your home for at least 4 of the past 6 months immediately before the filing of the complaint and took on most of the duties and responsibilities of taking care of you, or (c) you are living with the person now and the person can specify in detail why it is necessary for you to live with them in order to prevent harm to you. The **family court** will then decide whether to grant custody to the person who has filed the custody complaint. The **family court** may take into consideration complaints of neglect or abuse already being processed by the **CFSA**. [D.C. Code § 16-831.02 \(2018\)](#).⁵⁹ **Custody** gives your relative or family friend the ability to make decisions for you regarding your health, education and general welfare, and get access to your educational, medical and other records.

Emancipation

Generally, **emancipation** occurs when you reach the "age of majority", which is 18 in D.C.

This means that you become independent from your parents, and are able to legally obtain housing, buy cars or other essential goods, or engage in other transactions necessary to live independently, and are free from the legal control and **custody** of your parents. D.C. does not have a general law that addresses the process of emancipation. Emancipation does not change all of your rights as a **minor** regarding certain laws. For example, an emancipated **adult** still may

⁵⁹ code.dccouncil.us/dc/council/code/sections/16-831.02.html

not drink and vote until he or she reaches the appropriate age. See further discussion in [Turning 18 Chapter](#) in this Handbook.

Permanent Guardianship

Permanent guardianship involves the transfer of legal responsibility from the Department of Children and Families to an adult who can be a relative, foster parent or another adult with a significant relationship with the child.

In other words, if you have a relative or other [adult](#) who is not your parent but is willing to take care of you, he or she can assume legal and financial responsibility over you until you reach the age of 18 through [permanent guardianship](#). See further discussion in [Foster Care Chapter](#) and [Turning 18 Chapter](#) in this Handbook. More information can be found at [D.C. Code § 16-2381](#).⁶⁰

After permanent guardianship occurs, the guardian may freely make decisions about you, with a couple of exceptions. Generally, the guardian may decide any matters about your protection, education, care, control, and [custody](#). If the permanency order establishes specific guidelines, however, those guidelines must be followed. Also, the guardian may not return you to the care and [custody](#) of the person from whom you were removed.

If someone has permanent guardianship over me, do my biological parents have any other rights and responsibilities?

Even after a permanent guardianship occurs, your biological parents maintain some rights and responsibilities. [Permanent guardianship](#) gives the guardian the right to have care, control, and [custody](#) of the child and to make medical and educational decisions for the child. After a permanent guardianship occurs, biological parents do not maintain the right to review the child's medical records and make decisions about the child's treatment and medication. However, the parents still maintain some rights and responsibilities, including the right to consent to [adoption](#) and the duty to provide financial and/or medical support as ordered by the court. The child also maintains the right to [inherit](#) from his or her parents. See [D.C. Code § 16-2389](#).⁶¹

Is it possible for my parent(s) to take back parental rights after a permanent guardianship?

[Permanent guardianship](#) is intended to continue until you reach age 18, but a parent may try to take back his or her parental rights by reopening the case or asking the judge to reconsider the case. In order to reopen a case, a parent must prove that there would be no endangerment to your safety, well-being, and physical, mental, and emotional health resulting from the change.

What other permanent options are available?

Permanent guardianship is not the only permanency option available. Other permanency options include reunification with your parents, adoption, permanent placement with a fit and willing relative, and placement in another planned permanent living arrangement.

⁶⁰ code.dccouncil.us/dc/council/code/sections/16-2381.html

⁶¹ code.dccouncil.us/dc/council/code/sections/16-2389.html

Can my relative guardian who is caring for me receive financial assistance from the D.C. government to help them care for me?

In order to be eligible for state-funded guardianship assistance payments (also known as subsidized permanent guardianship programs), the relative must show that the financial burden would prevent the relative from serving as caregiver without the assistance payment.

For more information on guardianship, review the **Foster Care chapter** in this Handbook.

Foster Care

If you cannot live with your own family, Foster Care is a program that can provide you with temporary care.

The process of being in **foster care** requires a court case, but even as a **minor** you can request a lawyer to help you with your process. You might be placed into **foster care** if you are homeless or if you are in danger at home. During the case, the court might appoint you a guardian to help the court decide what is in your best interest. If you are placed into **foster care**, you will be assigned a **caseworker** and you will be placed with your siblings if possible. You have a legal right to see your siblings and your parents. You also have a right to attend school regularly if you are in **foster care**. You can remain in foster care until you are 18, and sometimes you can remain in foster care until you are 21. If you run away from **foster care** or if you are not safe in **foster care**, you should contact your **caseworker** or the Washington D.C. Hotlines listed earlier in this Chapter.

For more detailed information on foster care, review the **Foster Care chapter** in this Handbook.

Legal Help

You may want to seek the help of a lawyer if you are going to pursue dependency, custody, guardianship or foster care proceedings. If you cannot afford an attorney, you can contact your local legal aid program. You may also be able to complete some of the legal forms yourself with the help of the **Family Court Self-Help Center**.⁶²

Below is a list of legal resources that might be able to help you. You may need to reach out to a few organizations to see if they are available to help you with your legal issues.

- **Children's Law Center Helpline**⁶³: (202) 467-4900
- **D.C. Courts Family Court Self-Help Center**⁶⁴
- **Legal Aid Society of D.C.**⁶⁵
- **D.C. Bar Pro Bono Center**⁶⁶

⁶² www.dccourts.gov/services/family-matters/self-help-center

⁶³ www.childrenslawcenter.org/sites/default/files/helpline%202015.pdf

⁶⁴ www.dccourts.gov/services/family-matters/self-help-center

⁶⁵ www.legalaiddc.org/

⁶⁶ www.dcbbar.org/pro-bono/

Homeless Services Reform Act Amendment

What does the amendment of the HRSA mean for homeless youth in D.C.?

Effective February 28, 2018, the Homeless Services Reform Act of 2005 (the “HRSA”) was amended. The amendments changed how Washington, D.C. provides services to homeless individuals. Many different changes to the HRSA were made, but some of the most important ones for homeless youth are the following:

- You will need to prove you are a resident of D.C. to access homeless services. The amended HRSA introduces stricter requirements for proving you are a resident of D.C. (for example, you must provide certain documents to prove that you are from D.C.). Examples of what you can provide include evidence that you are attending school in D.C. or a valid D.C. driver’s license or ID card. A complete list of the documents you can provide to show you are a D.C. resident can be found online.⁶⁷
- The amended HRSA enhances protections for LGBT youth and increases training requirements for workers providing services to homeless LGBT youth.

See [D.C. Law 22-65](#)⁶⁸ for more information on the changes to the HRSA.

What are the legal requirements for providers of services to homeless youth in D.C.?

The D.C. Code establishes legal standards for providers of services to homeless youth in D.C. For example, the D.C. Code contains a general requirement for all providers of service to homeless individuals and families to ensure its staff members are appropriately trained, qualified, and supervised. These service providers also must develop systems to report bullying and harassment, which is especially important for youth. See [D.C. Code § 4-754.21](#).⁶⁹

Providers of temporary shelter, transitional housing, and permanent housing programs for families also must provide access to immediate indoor and outdoor areas equipped with basic facilities for exercise and play for use by minor children. See [D.C. Code § 4-754.24](#).⁷⁰

There are also a number of special requirements for providers of services to **LGBTQ** youth. All service provider employees must be trained in certain areas specific to the LGBTQ population, including the following:

- Current social science research and common risk factors for LGBTQ youth;
- Information about the coming out process and its impact on LGBTQ youth;
- Best practices for supporting LGBTQ youth in shelter, housing, and supportive services;
- Suicide awareness and prevention;
- Legal requirements for providers for homeless youth.

See [D.C. Code § 4-754.21a](#).⁷¹

⁶⁷ code.dccouncil.us/dc/council/laws/22-65.html

⁶⁸ code.dccouncil.us/dc/council/code/sections/4-754.21.html

⁶⁹ code.dccouncil.us/dc/council/code/sections/4-754.21.html

⁷⁰ code.dccouncil.us/dc/council/code/sections/4-754.24.html

In addition, providers of shelter, transitional housing, or permanent housing programs for LGBTQ homeless youth must implement certain family acceptance interventions to educate families on the impact of rejection toward their LGBTQ children and negative outcomes for LGBTQ youth associated with rejection (such as depression, suicidal behavior, drug use, and unprotected sex). These interventions may include individual and family sessions, assessment tools, and resources for families that promote acceptance by parents and positive well-being and development of LGBTQ youth. See [D.C. Code § 4-754.25a](#).

⁷¹ code.dccouncil.us/dc/council/code/sections/4-754.21a.html

3. Status Offenses

Definition and Consequences

*What is a **status offense**?*

Status offenses are behaviors that would not be a crime in D.C. if committed by an adult. Basically, the act is noncriminal, but becomes a violation of law only because of a person's status as a **child**.

*Can I be charged with a **status offense**?*

You can be charged with a **status offense** if you have violated one of the laws or rules that only apply to **children** (age 17 or under) in the District of Columbia. This means that the same conduct would not be illegal if you were age 18 or over.

*What are some examples of **status offenses**?*

The most common examples of **status offenses** are running away from your parent's or guardian's home, violating curfew, chronic or persistent **truancy** (missing school), or acting in a way that makes it difficult or impossible for your parent or guardian to control you. More information can be found on the [D.C. Courts website](#)⁷² and the [Parent and Adolescent Support program website](#).⁷³

*Will I immediately go to court if I am charged with a **status offense**?*

Not necessarily. D.C. created the Status Offender Unit, a program that finds organizations to work with young people who have committed **status offenses**, to keep **children** from being criminally charged. The Status Offender Unit is a part of the [District of Columbia Family Court, Social Services Division \(FCSSD\)](#).⁷⁴ Details on the Unit can be found on the [D.C. Courts website](#).⁷⁵

The Status Offender Unit will work with a parent, guardian, custodian or concerned individual to initiate a **Person in Need of Supervision (PINS)** complaint or a truancy action. Through the Status Offender Unit, a **Probation Officer** will start an investigation by interviewing the parent (or guardian, custodian, or concerned individual) and the **child** and, in some cases, may make a recommendation to the Attorney General when appropriate. Services will be offered to the **child** and the family, such as tutoring or monitoring curfew. However, a **child** may end up in court if these services are not effective.

⁷² www.dccourts.gov/

⁷³ dhs.dc.gov/service/parent-and-adolescent-support-pass

⁷⁴ www.dccourts.gov/superior-court/family-social-services

⁷⁵ www.dccourts.gov/superior-court/family-social-services/learn-more

More information can be found on the [D.C. Courts website](#)⁷⁶ or in the [Status Offender Unit Brochure](#).⁷⁷

What does it mean to be a Person in Need of Supervision (PINS)?

As a **PINS**, you and your parent (or guardian, custodian, or concerned individual) will work with a Probation Officer to discuss behavioral changes, next steps, and any applicable services.

Who qualifies as a Person in Need of Supervision (PINS)?

To qualify as a **PINS**, a court must find that the child is in need of care or rehabilitation and qualifies under one of the following:

- You have regularly skipped school without a valid excuse;
- You have committed a **status offense**; or
- You have been habitually disobedient to your parents. [D.C. Code § 16-2301\(8\)](#).⁷⁸

This designation will not happen until after you go through the process set out below.

How does the PINS process work?

For a child who has committed a **status offense**, it may be necessary—or you may wish—for you to be labeled as a **PINS**. You would only be labeled a **PINS** after the District of Columbia Family Court, Social Services Division (FCSSD) has conducted a “**dispositional hearing**.” [D.C. Code § 16-2301\(17\)](#).⁷⁹

What happens if I am classified as a PINS?

If a judge decides you qualify as a **PINS**, the judge will determine what services or actions you need, including:

- residing with another adult who will care for you;
- placing you in foster care or in the custody of the D.C. Child and Family Services Agency (CFSA);
- ordering you or your parent/guardian to do community service (volunteer work);
- placing you in a shelter;
- imposing a fine on you or your parent/guardian or making you or your parent/guardian pay for certain costs;
- ordering you or your parent/guardian to go to counseling; or
- ordering a combination of these things.

⁷⁶ www.dccourts.gov/superior-court/family-social-services/status-offender

⁷⁷ www.dccourts.gov/sites/default/files/matters-docs/StatusOffenderBrochure_v2_20111001.pdf

⁷⁸ code.dccouncil.us/dc/council/code/sections/16-2301.html

⁷⁹ code.dccouncil.us/dc/council/code/sections/16-2301.html

Programs for Help

*Are there any places where I can seek help if I may have committed a **status offense** or think I might?*

Yes, several organizations in D.C. have programs that may be helpful to you:

- **Parent and Adolescent Support Services (PASS) – Department of Human Services (DHS):**⁸⁰ Dedicated to serving District of Columbia families of children who commit **status offenses**.
- **ACCESS Youth:**⁸¹ Provides a range of programs and services for at-risk youth.
- **Show Up, Stand Out:**⁸² This is a free program of the District of Columbia Office of Victim Services and Justice Grants (OVSJG) that helps parents and **legal guardians** solve the problem of truancy.
- **D.C. ReEngagement Center:**⁸³ Provides services for persons ages 16 through 24 who have dropped out of school to reconnect with educational opportunities and other services.
- **Department of Behavioral Health (DBH):**⁸⁴ Provides a full range of prevention, intervention, and treatment services for minors, adults, and families with behavioral health, mental and/or substance abuse, and other needs.
- **Neighborhood Collaboratives:** There are 5 Neighborhood Collaboratives, each of which serves a particular neighborhood or wards within the District of Columbia and provides a wide variety of services for children and families. **Wards 1 and 2, Collaborative Solutions for Communities**⁸⁵; **Ward 4, Georgia Avenue Family Support Collaborative**⁸⁶; **Wards 5 and 6, Edgewood/Brookland Family Support Collaborative**⁸⁷; **Ward 7, East of the River Family Strengthening Collaborative**⁸⁸; and **Ward 8, Far Southeast Family Strengthening Collaborative.**⁸⁹
- **Big Brothers Big Sisters of the National Capital Area:**⁹⁰ Offers meaningful relationships between children (ages 7-18) and adult mentors.

There are many other organizations in the District of Columbia that may be able to assist you. If you do not find the resources you need at one of the organizations listed above, you may want to ask a friend or someone else you trust to refer you to an organization that better suits your needs.

⁸⁰ dhs.dc.gov/service/parent-and-adolescent-support-pass

⁸¹ accessyouthinc.org/

⁸² www.showupstandout.org/

⁸³ backontrackdc.osse.dc.gov/

⁸⁴ dbh.dc.gov/

⁸⁵ wearecsc.org/

⁸⁶ gafsc-dc.org/

⁸⁷ ebfsc.org/

⁸⁸ www.erfsc.org/

⁸⁹ www.fsfsc.org/

⁹⁰ www.bbbsnca.org/

Running Away from Home

Is it a crime in Washington, D.C. to run away from home?

Running away is not a **status offense** in the District of Columbia, but you may be classified as a PINS if you run away.

Are there safe places I can go to if I run away?

If you have run away from home, a place marked with **The National Safe Place Network**⁹¹ sign is a place you can go to for help. The yellow sign next to this blurb is the mark of a “Safe Place.” If you go to one of these places and tell someone working there that you need a safe place, they will contact someone from a **Safe Place agency**.⁹² In about 20 to 30 minutes, someone who works at Safe Place will come talk with you about what is going on and, if necessary, provide a way to go to a Safe Place location. Once you are there, you can meet with a counselor, get in contact with your parents or guardian, or just take some time to calm down and figure things out.



If you do not or cannot find a “Safe Place” sign, you can send a text message with the word “**SAFE**” to the number **4HELP (44357)** to find the address of the nearest Safe Place. If you prefer, you can say that you would like someone to text with instead of going to a “Safe Place” location, and a counselor will respond to help answer any questions or give advice on any challenging situations you may be facing.

Visit the **National Safe Place website**⁹³ to find a location near you. In addition, you can call or visit your nearest runaway shelter.

Mental Health and Substance Abuse

What if I suffer from mental health-related issues?

If you are struggling with mental health issues, there may be special resources available to you. For more information on mental health laws and resources, visit the chapter on **Mental Health chapter** in this Handbook.

I am struggling with substance abuse, but I want help. What do I do?

If you are struggling with substance abuse and want to obtain outpatient treatment, you can do so without your parent or guardian’s consent. Treatment can include detoxification, regular outpatient treatment, or intensive outpatient treatment. You can call the **District of Columbia**

⁹¹ www.nationalsafeplace.org/

⁹² www.nationalsafeplace.org/licensed-safe-place-agency

⁹³ www.nationalsafeplace.org/

Department of Behavioral Health (DBH) at **202-673-2200** or **dbh@dc.gov** or visit [the DBH website](#)⁹⁴ to receive free and **confidential** information about dealing with substance abuse.

For more information on substance abuse, visit the chapter on **Substance Abuse chapter** in this Handbook.

Impact on Education

*Is it a **status offense** to miss school?*

It can be. Generally, you must attend school on a regular basis. If you are five years old or older (or will be five years old before September 30th of the current school year), you must attend school “regularly” during the entire school term. Regular attendance means actual attendance during the school day at a public, private, or parochial school. You are required to attend school until you reach age 18. Your parents or legal guardians are responsible for ensuring that you attend school every day unless you have a valid excuse to be absent. [D.C. Code Ann. § 38-202](#).⁹⁵

If you are struggling with issues that are preventing you from going to school (whether internal or external), you can access the [District of Columbia’s Office of the State Superintendent of Education’s Attendance and Truancy Resources Guide](#)⁹⁶ to learn more about the laws and requirements for attending school. Even though these resources are meant for parents and families, this information could be helpful to minors and students themselves.

For more information on attendance requirements, visit the chapter on **Education chapter** in this Handbook.

What if I missed school because I was sick?

If you are absent for an extended period of time because of an illness, your doctor must write a note. Your doctor needs to send a statement to your school telling them why it is necessary for you to miss so many days of school. Your doctor should explain your condition in some detail. A nurse will not be able to provide a doctor’s note.

What happens if I miss a lot of school?

That depends on your age.

For students ages 5 through 13, if you have too many unexcused absences, the [Student Support Team \(SST\)](#)⁹⁷ at your school will refer you and your parent or **legal guardian** to the [District of Columbia Child and Family Services Agency \(CFSA\)](#)⁹⁸ after 10 unexcused absences during the school year. Neglect charges may be filed against your parent or **legal guardian** by CFSA or the Office of the Attorney General (OAG). More information can be found in the [District](#)

⁹⁴ dbh.dc.gov

⁹⁵ code.dccouncil.us/dc/council/code/sections/38-202.html

⁹⁶ osse.dc.gov/publication/attendance-and-truancy-resources-parents

⁹⁷ dcps.dc.gov/page/student-support-teams

⁹⁸ cfsa.dc.gov/

of Columbia's Office of the State Superintendent of Education's Attendance and Truancy Resources Guide⁹⁹ and in the **Education chapter** in this Handbook.

For students ages 14 through 17, if you have too many unexcused absences, the **Student Support Team (SST)**¹⁰⁰ at your school will refer you and your parent or **legal guardian** to the Juvenile Division of the Office of the Attorney General (OAG) and the District of Columbia Family Court, Social Services Division (FCSSD) after 15 unexcused absences during the school year. You may be referred for prosecution or other interventions.

If the unexcused absences are confirmed in Family Court, the judge will order you and your parent or **legal guardian** to make sure you attend school on a regular basis. The judge may also assign community service (for example, picking up garbage in the park, helping senior citizens with carrying groceries, etc.), and require you and your parent or **legal guardian** to participate in various programs such as vocational training, mental health treatment, or other topics. You may also be determined to be a **PINS**.

Other Risk Factors and Issues

*How can committing a **status offense** affect my immigration status?*

Any negative interaction with the law can affect your immigration status. For more information, you should review the **Immigration chapter** in this Handbook.

What if I am a juvenile sex offender?

Being a juvenile sex offender is not the same as committing a **status offense.** In the District of Columbia, a juvenile sex offender is a **minor** who has been found guilty of a sex crime, or has committed juvenile sexual abuse. You can also visit the **Criminal Law chapter** to learn more about criminal law in the District of Columbia.

⁹⁹ osse.dc.gov/publication/attendance-and-truancy-resources-parents

¹⁰⁰ dcps.dc.gov/page/student-support-teams

4. Foster Care

General Information on Foster Care

What is foster care?

Foster care is the placement of a child or youth under the age of 21 outside of his or her home. The placement can be in a group home, in an individual foster home, or with a relative or nonrelative. The foster home or foster parent is paid to take care of the child or youth and is responsible for providing day-to-day care. Relatives and nonrelatives may also get financial assistance when they care for a child placed in their home by the state. Foster care may last a short or long period of time, depending on the circumstances.

Who operates the foster care system in D.C.?

The **Child and Family Services Agency (CFSA)**¹⁰¹ is responsible for the **foster care** system in D.C. **CFSA** does four main things: (1) takes reports of and investigates known or suspected **child abuse** and neglect; (2) helps parents or caretakers keep children safe by providing them with services; (3) provides safe out-of-home placements, including training foster parents and checking on children in out-of-home placements; and (4) finds permanent homes for youth via adoption where necessary.

The **CFSA Child Protection Hotline** is available 24 hours a day, 7 days a week at (202) 671-SAFE (7233). The **CFSA** office is open Monday through Friday from 8:15 am to 4:45 pm and can be reached at:

200 I Street, SE, Washington, D.C. 20003
Phone: (202) 442-6100
Fax: (202) 727-6505
TTY: 711
Email: cfsa@dc.gov

Information about **CFSA** is also available in **Amharic (አማርኛ)**,¹⁰² **Chinese (中文)**,¹⁰³ **French (Français)**,¹⁰⁴ **Korean (한국어)**,¹⁰⁵ **Spanish (Español)**,¹⁰⁶ and **Vietnamese (Tiếng Việt)**.¹⁰⁷

More information on the foster care system in D.C. can be found on the **Child and Family Services Agency website**.¹⁰⁸

¹⁰¹ cfsa.dc.gov/

¹⁰² cfsa.dc.gov/page/cfsa-amharic

¹⁰³ cfsa.dc.gov/page/-cfsa-chinese

¹⁰⁴ cfsa.dc.gov/page/cfsa-french

¹⁰⁵ cfsa.dc.gov/page/cfsa-korean

¹⁰⁶ cfsa.dc.gov/page/cfsa-spanish

¹⁰⁷ cfsa.dc.gov/page/cfsa-vietnamese

¹⁰⁸ cfsa.dc.gov/

How do you enter foster care?

You may enter or be placed into the foster care system for a number of reasons, including:

- Abuse
- Neglect
- Exploitation
- Abandonment

To report known or suspected abuse, neglect, exploitation or abandonment of a minor (including yourself), you can call the [CFSA Child Protection Hotline](#) at any time at 202-671-SAFE (7233). The [CFSA Child Protection Hotline](#) is available 24 hours a day, 7 days a week.

All calls to the [Child Protection Hotline](#) are confidential and a trained hotline worker will ask you a lot of questions, including:

- Your name, address, age, and gender
- Who is caring for you and whether other children live in your home
- Whether you are being abused and/or neglected and if you have been previously abused or neglected
- Any other information that may be helpful

For more information on abuse and neglect, review the [Child and Family Services Agency website](#).¹⁰⁹ The [Child and Family Services Agency's website](#) also includes information about reporting child abuse.

What happens after a report has been made to the CFSA Child Protection Hotline?

The CFSA hotline worker who received the report will take a look at the situation and decide how CFSA should respond. If a child is in immediate danger, a [Child Protective Services Social Worker](#) is called to respond and help immediately. CFSA also will look to see if earlier reports regarding the same child or family have been made to the hotline. Sometimes the reports come in through non-hotline channels.

Then, CFSA will do one or more of the following:

1. **Family assessment:** In cases where CFSA finds that abuse or neglect puts the child at a low to medium safety risk, CFSA will do a family assessment within three to five days following a [Child Protection Hotline](#) report. It is up to the family whether to do the assessment with CFSA. During a family assessment, the family does not enter the child welfare or foster care system, but rather CFSA will work with the family to find ways to resolve any issues that may be posing a risk to their children. This may include participating in services offered by CFSA and community-based partners.
2. **Investigation:** In cases where severe physical or sexual abuse or other high-risk safety issues are reported, CFSA will open an investigation. A [Child Protective Services social worker](#) will visit the home within 24 to 48 hours of the report, confirm whether the child

¹⁰⁹ cfsa.dc.gov/service/report-child-abuse-and-neglect

has been neglected or abused, identify the abuser or other persons putting the child at high risk, and decide if the child must be removed from the home for safety reasons.

Depending on the results of the investigation, **CFSA** may file a complaint in **Family Court**. For more information on the court process see “*The Court Process for Foster Care*” section below.

3. **No action:** **CFSA** may determine that a report does not meet the legal requirements for **CFSA** intervention.

For more information on the actions taken after a hotline report is made, visit the “[What Happens After the Report](#)” webpage¹¹⁰ of the **CFSA** website.

*What happens if **CFSA** determines that a child or youth cannot remain safe at home?*

CFSA can only remove children from their homes for good reason, and the **Family Court** must agree that **CFSA** did the right thing. If **CFSA** determines that a child is not safe at home, **CFSA** may remove the child from his/her home and place the child with someone else in the family, in a licensed foster home, or in an emergency licensed kinship home until a hearing on the removal can be held.

An initial hearing with the **Family Court**¹¹¹ is usually held within 3 days of a child’s removal. At the first hearing, **CFSA** presents evidence of abuse or neglect. The judge will then determine whether the child should return home or be placed outside the home (e.g., with a relative, nonrelative, foster family or group home).

*Can I get myself into **foster care**?*

Yes, if you are under the age of 18 and facing abuse, neglect, abandonment or exploitation, you can contact **CFSA** yourself. You can call the **CFSA Child Protection Hotline**¹¹² at any time. The **CFSA Child Protection Hotline** is available 24 hours a day, 7 days a week at 202-671-SAFE (7233).

[CFSA Child Protection Hotline](#), review the [CFSA website](#).¹¹³

*What do I do if I feel like I am being mistreated in **foster care**?*

As a child or youth in foster care in D.C., you have very specific rights. Check out the **Youth Bill of Rights**.¹¹⁴ You have the right to be treated fairly and with respect. No one may scare, bully, or abuse or neglect you. No one may punish you with hitting or other violence. No one may refuse to help you or disrespect you because of your race, color, religion, appearance, sexual orientation, or disability.

¹¹⁰ cfsa.dc.gov/publication/what-happens-after-report

¹¹¹ www.dccourts.gov/superior-court/family-court-operations

¹¹² cfsa.dc.gov/service/report-child-abuse-and-neglect

¹¹³ cfsa.dc.gov/publication/faqs-about-reporting

¹¹⁴

cfsa.dc.gov/sites/default/files/dc/sites/cfsa/page_content/attachments/CFSA%20Youth%20Bill%20of%20Rights%20in%20English.pdf

You have a right to speak up any time you are upset about how you are being treated. No one can punish you for speaking up. You should contact your [social worker](#), [guardian ad litem](#), or [CFSA Ombudsman](#) if you are being mistreated. See the “[I have questions or concerns about my case and foster placement--who do I reach out to about this?](#)” question below for more details.

You can also call the [CFSA Child Protection Hotline](#) at any time. The [CFSA Child Protection Hotline](#) is available 24 hours a day, 7 days a week at 202-671-SAFE (7233). For more information on making a report to the [CFSA Child Protection Hotline](#), review the [CFSA website](#).¹¹⁵

The Court Process for Foster Care

What happens after CFSA files a complaint in Family Court alleging that a child has been abused or neglected?

Here is what happens after [CFSA](#) files a complaint in the Family Court for the D.C. Superior Court:

- **Service of Process on Parents/Guardians:** The parents/guardians are served with a copy of the Summons and Notice of Initial Hearing. They are required to appear in a specific courtroom on the date and time as stated in the Notice.
- **Initial Hearing:** The assigned judge will hold an initial hearing within 72 hours of the child being removed from their home. During the initial hearing:
 - The court will appoint an attorney for the child and a separate attorney for the parents if the parents cannot afford an attorney. However, the parents are free to hire their own attorney at their own expense, if they prefer.
 - CFSA will file its petition alleging how the child has been abused or neglected.
 - The judge will determine whether the child should return home or be placed outside the home (e.g., with a relative, nonrelative, foster family or group home) until a trial is held.
 - A trial date will be set.
- **Mediation:** The parties and their attorneys may meet with a mediator to talk about the case in a less formal setting and try to reach an agreement. If the parents agree that the child has been [neglected](#) and/or [abused](#), they can appear before a judge to sign a document called a stipulation admitting neglect or abuse.
- **Pre-Trial Hearing:** If no stipulation is signed admitting that the child was neglected or abused, the court will hold a trial. A pre-trial hearing comes before the trial and is held to find out if everyone is ready for the trial.
- **Trial:** The purpose of the trial is for the judge to hear evidence and decide whether the child was [neglected](#) or [abused](#). If the judge decides that the child was not [neglected](#) or [abused](#), the case is dropped and the child is allowed to return to their home without court supervision. If the judge determines that the child was neglected or abused, a disposition hearing is held to determine where and with whom the child should live.
- **Disposition:** During the disposition hearing, the judge decides whether the child should be placed outside the home (including in a foster home, group home, relative’s home,

¹¹⁵ cfsa.dc.gov/publication/faqs-about-reporting

another parent's home, or other placement) or remain with their parent. The judge will also determine the plan for returning the child to their parent.

- **Review Hearing/Permanency Hearing:** After disposition, if a child is removed from the parent's home, review or permanency hearings will take place every six months or so to determine if the child can return to their parent. If that is not possible, the judge will look at other plans such as adoption, guardianship, or custody to the other parent or a third party like an aunt or grandparent.

For a flowchart of the court process and details about each step, see the [D.C. Superior Court Family Court Parent Calendar](#).¹¹⁶

For more information on the various types of **permanency options** (which refers to alternative options to foster care that provide long term/permanent guardians and homes for children), see this [Permanency Options Comparison Chart](#).¹¹⁷

What does “**best interests of the child**” mean?

When it comes to legal proceedings relating to children, you will often hear or see the phrase “**best interests**” of the child. “**Best interests**” of the child is the key legal standard by which **Family Court, guardians ad litem, CFSA, social workers, CASAs**, and other government workers make important life decisions (including services, actions, or orders) for the child.

Under D.C. law, the way a court decides if a certain action (for example, [giving custody of the child to a third party](#),¹¹⁸ [naming a permanent guardian for the child](#),¹¹⁹ or [terminating parental rights](#))¹²⁰ will be in the child's “**best interests**” by looking at the following things:

- The child's need to have consistent care and caretakers in a stable and permanent home as soon as possible, taking into account the differences in the development and the concept of time of children of different ages;
- The physical, mental, and emotional health needs of the child and all members of the home who may affect the welfare of the child, with the child's physical, mental, and emotional needs being most important;
- The child's emotional ties and relationships with his or her parent(s), siblings, relatives, and caretakers;
- Whether the child was abandoned by his or her parent, guardian, or custodian in a D.C. hospital for at least 10 days after birth, even if discharged by the hospital;
- Whether illegal drug-related activity continues to exist in a child's home environment after intervention and services have been provide
- What the child believes would be in his or her own **best interests** in the matter.

D.C. Code § 16–831.08.¹²¹ *Note: Under D.C. law, it is presumed that it would not be in the child's **best interests** to grant custody of the child to a person who has committed a crime by **abusing, neglecting, abandoning or exploiting** the child. That person or persons would need to*

¹¹⁶ www.dccourts.gov/sites/default/files/matters-docs/General%20Order%20pdf/Family-Court-PARENT-CALENDAR-2018.pdf

¹¹⁷

www.childrenslawcenter.org/sites/default/files/attachments/resources/1.%20Practice%20Guides%20and%20Material%20s_0.pdf

¹¹⁸ code.dccouncil.us/dc/council/code/sections/16-831.08.html

¹¹⁹ code.dccouncil.us/dc/council/code/sections/16-2383.html

¹²⁰ code.dccouncil.us/dc/council/code/sections/16-2353.html

¹²¹ code.dccouncil.us/dc/council/code/sections/16-831.08.html

overcome that presumption and prove otherwise to the court that custody would be in the child's best interests.

What is a *Guardian ad Litem*?

A *Guardian ad Litem* (GAL) is a lawyer appointed by the court to represent and speak up for the best interests of the child in abuse and neglect proceedings. (Note: A *Guardian ad Litem* is not the same as a legal or permanent guardian. See *Guardianship section* below.) The GAL's role is to protect a child's basic needs and interests. The GAL has a number of responsibilities, including:

- Visiting and speaking with the child.
- Explaining to the child, in a way that the child can understand, his or her rights and what is happening in his or her case.
- Assisting the minor in determining what his or her best interests are. (Note: In cases where the child is unable to determine their own best interests, even with assistance, the GAL may determine the child's best interests based on what he or she believes would be best.)
- Telling the judge what the child wants and telling the judge what the GAL believes would be best for the child.
- Monitoring the child in their home or foster home to ensure that they are well cared for and their needs are met.

The GAL is there to support and defend the child's interests so if there are any concerns or questions about what is happening with your case, or if you feel you are being mistreated or are unclear about your rights, remember that you can always reach out to your GAL.

GALs are provided free of charge. If you want to learn more about *Guardians ad Litem*, visit the [D.C. Court website](#).¹²²

What is a *Court Appointed Special Advocate*?

In addition to a *Guardian ad Litem*, the court may also appoint a *Court Appointed Special Advocate* (CASA). A CASA is a specially trained volunteer that is appointed to speak to the court on behalf of the child. The CASA will meet with the child and find out the child's wants and needs as well as how he or she feels about his or her current situation. The CASA will then either file a written report or come to a court hearing and report directly to the judge.

The CASA is not a lawyer and is there to speak up for the child and help him or her navigate the D.C. foster care system, including the legal process and life in foster care. You can always reach out to your CASA with any questions or concerns about your case, your placement, or your rights in general.

More information about CASAs can be found here on the [Court Appointed Special Advocates for Children Washington D.C. website](#).¹²³

¹²² www.dccourts.gov/sites/default/files/divisionspdfs/committee%20on%20admissions%20pdf/13-06-ATTACHMENT-Revised-Standards-of-Practice-CCAN-GAL-Appointments.pdf

¹²³ casadc.org/

Can my parent, Guardian ad Litem, or Court Appointed Special Advocate appear in court?

Yes. Your parent, your **Guardian ad Litem**, and your **Court Appointed Special Advocate** are allowed to appear in court and present evidence.

Can I appear in court?

Yes, you are allowed to appear in court for your own case. If you would like to appear in court, you should let your **social worker**, caregiver, **Guardian ad Litem**, **Court Appointed Special Advocate (CASA)** and/or lawyer know that you want to go to court and make sure that they arrange for you to attend.

Can I have a lawyer?

Yes, you have the right to ask for a lawyer, regardless of how old you are. You can also ask your **social worker**, **Guardian ad Litem**, **Court Appointed Special Advocate (CASA)**, or parent to request a lawyer on your behalf.

In some cases, if the court determines there is too great of a conflict between the minor's **best interests** and the minor's expressed wishes, or good cause exists, a lawyer may be appointed to represent the minor child. If a lawyer is appointed for you, that lawyer will advocate in court for what you want.

What if I was born outside of the United States?

If you were born outside of the United States, you might not be a U.S. citizen. If you are not a U.S. citizen and do not have a lawyer in your dependency case, you should talk to your **social worker**, **Guardian ad Litem**, caregiver, or **Court Appointed Special Advocate** to find legal assistance as soon as possible.

You should review the **Immigration chapter** in this Handbook for more information on your rights and resources if you are living undocumented in the United States.

You can also contact the following groups for help on Immigration issues:

- D.C. Bar Immigration Legal Advice and Referral Clinic: www.dcbbar.org/pro-bono/volunteer/immigration-clinic.cfm
- Casa Ruby: casaruby.org/our-services/#immigration
- Catholic Charities: catholiccharitiesdc.org/ils/
- Whitman-Walker Health: whitman-walker.org/care-program/legal-services-immigration
- CARECEN: carecencdc.org/direct-services/immigration-legal-services/

I have questions or concerns about my case and foster placement – who do I reach out to about this?

You have a right to know how to reach the team working on your case. Your team includes your **social worker**, **Guardian ad Litem**, and anyone else working on your case. Your **social worker** should visit you regularly and be there to answer your questions or address any concerns you

have about your case. You should be able to count on your [social worker](#) to answer your calls, but if you are having trouble reaching your [social worker](#), you can always reach out to his or her supervisor. You can get your [social worker's](#) supervisor's name and telephone number by calling your [social worker](#) and listening to his or her voicemail message.

If you are at least fourteen years of age and have tried to reach out to your team without success, you can also reach out to the [CFSA Ombudsman](#) for help. Your [Ombudsman](#) can help with living arrangements and your rights. You can contact them the [Ombudsman](#) at:

- Phone: 1 (855) 874-3273
- Email: yo.bud@dc.gov
- Text: (202) 246-9364

If you have been abused or neglected, call the [CFSA Child Protection Hotline](#) at (202) 671-SAFE (7233). The [CFSA Child Protection Hotline](#) is available 24 hours a day, 7 days a week. **If you feel that you are in immediate danger, call 911.**

Living in Foster Care

Can I live with relatives or friends?

If you are removed from your parent's or guardian's home and have a family member or friend who you think you can live with, tell your [social worker](#), [Guardian ad Litem](#), or [Court Appointed Special Advocate \(CASA\)](#).

Although [CFSA](#) will generally prioritize placement with a relative or friend, relatives and friends are still required to prove that they are willing and able to provide a safe and secure environment for you and obtain a license in order to become a foster caregiver. Both family members and friends are required to obtain licenses from [CFSA](#), but family members may be eligible to apply for a temporary or emergency kinship home license, which allows them to get a license quickly for more immediate placement.

Ultimately, a judge will determine whether you can live with relatives or friends during your initial hearing (see the "[What happens at the initial hearing?](#)" question above) after being presented with evidence, reports, and other information by your parent, [CFSA](#), your [Guardian ad Litem](#), and your [Court Appointed Special Advocate](#).

If the judge determines that it is not in your [best interests](#) to live with a relative or friend or living with a family member or friend cannot be arranged, you will be placed in a licensed foster home or group home.

For more information on your rights while in [foster care](#), check out the [Youth Bill of Rights](#).

Can I still see my parents, siblings, and other relatives if I am in foster care?

Unless there is a reason to believe that continued contact with your family will be unsafe or harmful to you or there is a court order that legally prohibits your family from contacting you, you have the right to stay in touch with your family and other people important to you. You should

have regularly scheduled visits with your parents, siblings (if they are not in the same placement), and other relatives and be able to communicate with them by phone, email, or mail.

Remember that if you are otherwise allowed to see or communicate with your family, your foster parent or caregiver cannot prevent you from doing that. Foster parents and caregivers can never deny you those rights as a form of discipline or punishment.

If you have a **guardian**, the guardianship order may specify how and how often you can visit your parents. If the order does not specify, then your **guardian** can determine the nature and frequency of your contact with others, including your parents.

If you have any questions about how to stay in touch with your family or if you would like to see your parents or siblings more often, you should contact your social worker, lawyer, **Guardian ad Litem**, or **the CFSA Ombudsman**.

For more information on your rights while in foster care, check out the [Youth Bill of Rights](#).

Can I still live with my siblings if I am placed in foster care?

Yes, you should live in the same **foster care** placement as your siblings unless there is a special reason not to place siblings together or it is not possible because there are not placements available together.

Even if you are not placed with your siblings, you still have the right to see them. See the “**Can I still see my parents, siblings, and other relatives if I am in foster care?**” question above for more details.

For more information on your rights while in foster care, check out the [Youth Bill of Rights](#).¹²⁴

I do not feel safe where I have been placed. What do I do?

You should report this to your **social worker**, lawyer, **Guardian ad Litem**, or another member of your service team.

Remember that your foster parent is not allowed to prevent you from contacting or meeting with your **social worker**, lawyer, **Guardian ad Litem**, or any other member of your service team.

If you have been **abused** or **neglected**, call the [CFSA Child Protection Hotline](#) at 202-671-SAFE (7233). The [CFSA Child Protection Hotline](#) is available 24 hours a day, 7 days a week. If you feel that you are in immediate danger, call 911.

Once **CFSA** is notified, they will conduct an investigation and determine if it is in your **best interests** to remove you from the placement and may suspend or revoke your foster parent’s license.

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cfsa.dc.gov/sites/default/files/dc/sites/cfsa/page_content/attachments/CFSA%20Youth%20Bill%20of%20Rights%20in%20English.pdf

Guardianship

What is a guardian?

A **guardian** (which is different from a **guardian ad litem**) is a caregiver who obtains long-term custody of a child through a guardianship order issued by the court and has the same rights and responsibilities as a parent, including providing the child with food, shelter, clothing, routine health care, discipline, nurturing, education and giving permission for social and school activities. Once someone is appointed as your guardian, they do not need review, oversight or approval from the court or CFSA to make life decisions about you.

Guardianship does not terminate parental rights, including the parent's right to visit or contact the child (unless otherwise limited by the court). The parent can ask the court to change the terms of the guardianship at any time, including requesting that it be terminated.

The laws specific to guardianship can be found on the [D.C. Council website](#).¹²⁵ You can find more details about what a guardianship is at the [Children's Law Center website](#).¹²⁶

Why would I get a guardian if I am in foster care?

If it is in your **best interest**, you cannot be reunified with your parents, adoption is not appropriate for you, and you are currently living with someone who is able to provide a safe and permanent home for you, the court may appoint that person who is providing you a home as your "permanent guardian." In making this determination, the court will consider things like your physical, mental and emotional needs, the quality of your interactions with your family, caretakers and the proposed permanent **guardian**, and your opinion of your own **best interests**.

Even though the term "permanent" is used, this form of guardianship ends when you turn 18. But if you consent and the court finds it in your **best interests**, you can continue the permanent guardianship until age 21.

The laws specific to guardianship can be found on the [D.C. Council website](#).¹²⁷ You can find more details about what a guardianship is at the [Children's Law Center website](#).¹²⁸

How do I know whether guardianship is a good idea?

Before you agree to go into a guardianship, you should make sure that you understand what it means, what your rights are, and what you are giving up. For example, youth in guardianships cannot re-enter foster care after turning eighteen years old. On the other hand, youth in guardianships may be entitled to financial assistance in the form of a guardianship subsidy. You can find out more about the permanent guardianship subsidy on the CFSA website.¹²⁹

¹²⁵ code.dccouncil.us/dc/council/code/titles/16/chapters/23/subchapters/V/

¹²⁶ www.childrenslawcenter.org/sites/default/files/attachments/resources/Tab%20%20Bundle.pdf

¹²⁷ code.dccouncil.us/dc/council/code/titles/16/chapters/23/subchapters/V/

¹²⁸ www.childrenslawcenter.org/sites/default/files/attachments/resources/Tab%20%20Bundle.pdf

¹²⁹ cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/Program%20-%20Permanent%20Guardianship%20Subsidy%20(FINAL%202015)_0.pdf

You may want to ask your [social worker](#), [CASA](#), [guardian ad litem](#), or lawyer for advice and guidance before you are put into a guardianship. If you do not have a lawyer, you can ask that one be appointed.

You can also check out the [Permanency Options Comparison Chart](#)¹³⁰ to learn more about guardianship and compare it to other types of permanency options.

Who can become a [guardian](#)?

Anyone may file to become a [legal guardian](#) in D.C. However, before entering a guardianship order and appointing a permanent [guardian](#), the court must find that:

- The child has been neglected and that they have been living with the proposed [guardian](#) for at least six months;
- Permanent guardianship is in the [best interests](#) of the child;
- Adoption, termination of parental rights, or reunification with the parent is not appropriate; and
- The proposed permanent [guardian](#) is appropriate and able to provide a safe and permanent home for the child.

If the child is fourteen years old or older, the court will designate the [guardian](#) selected by the child unless the courts finds that doing so would be against the child's [best interests](#).

What are my [guardian's](#) responsibilities?

A [guardian](#) maintains physical custody of the child and has the following rights and responsibilities under [D.C. law](#):¹³¹

- Protect, nurture, discipline, and educate the child;
- Provide food, clothing, shelter, education as required by law, and routine health care for the child;
- Consent to health care for injury to the child resulting from the negligence or acts of third persons, without the guardian assuming liability for consenting unless a parent would have been liable in the circumstances;
- Authorize a release of health care and educational information;
- Authorize a release of information when consent of a parent is required by law, regulation, or policy;
- Consent to social and school activities of the child;
- Consent to military enlistment;
- Obtain representation for the child in legal actions; and
- Determine the nature and extent of the child's contact with other persons.

What are guardians not allowed to do?

[Guardians](#) should not do any of the following:

- Stop you from contacting your family and friends unless the guardian believes that contact could be harmful to you.

¹³⁰ www.childrenslawcenter.org/sites/default/files/attachments/resources/Tab%2013%20Bundle_0.pdf

¹³¹ code.dccouncil.us/dc/council/code/sections/16-2389.html

- Refuse to provide food, clothing, shelter, education, and routine health care, as required by law.
- Restrict your physical liberty more than necessary to protect you or someone else from serious physical injury, illness, or disease.
- Abuse or neglect you.

For more information on your rights relating to guardianship, check out the [Youth Bill of Rights](#). If you have been abused or neglected, call the [CFSA Child Protection Hotline](#) at 202-671-SAFE (7233). The [CFSA Child Protection Hotline](#) is available 24 hours a day, 7 days a week. **If you feel that you are in immediate danger, call 911.**

Education While in Foster Care

Can I go to school while in foster care?

Yes, you always have the right to a free, public education in D.C. In most cases, you should be able to continue attending the school that you were in before you were placed in foster care or a new placement. See [Can I still go to the school I was in before I was in foster care after I am in foster care?](#)

Your foster parent must enroll you in school within one school day of receiving documentation needed for school placement from CFSA. More information can be found on the [Office of Well Being](#)¹³² website. For more information on education, you should review the [Education chapter](#) in this Handbook.

Can I still go to the school I was in before I was in foster care after I am in foster care?

Yes, all children in foster care have a right to educational stability. This means that unless the court determines that it is not in your best interest, you have the right to keep attending the same school you were in prior to entering foster care. If you move from one foster home to another you likewise have the right to stay at the same school you were in prior to the change unless it is determined that doing so would not be in your best interest. This is a guarantee under Federal law and is explained by the [National Association of Education for Homeless Children and Youth](#).¹³³

Can I join extracurricular activities?

You have the right to participate in activities after school like sports, volunteer work, clubs, and youth groups. Your foster parent or home should help provide or arrange transportation to and from these activities. You also have the right to have a job and your foster parent should help provide transportation to your workplace and any clothing you may need for your job.

¹³² cfsa.dc.gov/page/office-well-being-school-enrollment-process

¹³³ naehcy.org/essa-and-children-foster-care/

What if I am homeless - can I still go to school?

Under [federal law](#),¹³⁴ homeless children and youth still have a right to free, public education if they are in foster care and homeless. More information can be found on the [National Center for Homeless Education's briefing on Enrolling Children and Youth Experiencing Homelessness in School](#).¹³⁵ Specifically, students experiencing homelessness have the right to:

- Enroll in school, attend classes, and participate in all school activities immediately, even if they do not have their school records, medical records or any other documents the school may ask for during the enrollment process.
- Stay in the same school they were last enrolled in as long as it is in their best interest.
- Attend the school closest to where they are now living if it is in the best interest of the child.
- Receive transportation assistance to and from school.
- Receive uniform assistance if uniforms are required at school.
- Request help from the local homeless liaison for other supports, such as medical, dental, mental, and other health-related services.

In D.C., the [Office of the State Superintendent of Education \(OSSE\)](#) operates a Homeless Education Program to ensure that all homeless youth have access to free and appropriate public educational opportunities and services. The [OSSE Homeless Education Program](#)¹³⁶ has additional information about your rights and other resources for you. You can check out this helpful [fact sheet](#)¹³⁷ about the Homeless Education Program for more information.

For more information on education, you should review the Basic Rights to Education Section of the [Education chapter](#) in this Handbook. You can also review the [Homelessness While in Foster Care](#) section below.

What are homeless liaisons?

A homeless liaison is someone at your school who can help with any problem you may have if you do not have a permanent, stable place to sleep. Your homeless liaison is there to provide you with confidential support.

How can I access a homeless liaison?

homeless liaison to help provide support to homeless families and children. You can find the homeless liaison for your D.C. public or charter school [online](#),¹³⁸ or call (202) 654-6123 for additional assistance.

More information about attending school while homeless and the homeless liaisons can be found on the [D.C. Public Schools website](#)¹³⁹ and in the [What can the homeless liaison do for me?](#) Section of the [Education Chapter](#).

¹³⁴ nche.ed.gov/mckinney-vento/

¹³⁵ nche.ed.gov/wp-content/uploads/2018/10/enrollment.pdf

¹³⁶ osse.dc.gov/service/homeless-education-program

¹³⁷

osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Homeless%20Education%20Program%20Fact%20Sheet%20as%20of%20May%203%2C%202018.pdf

¹³⁸ osse.dc.gov/service/homeless-education-program-district-columbia-homeless-liaisons-contact-list

What if I want to go to college?

To go to college, you must get a high school diploma, pass the [General Educational Development \(GED\)](#)¹⁴⁰ test, or complete the requirements of the [National External Diploma Program \(NEDP\)](#).¹⁴¹ More information on the academic requirements for obtaining a D.C. Public School diploma can be found [online](#).¹⁴²

CFSA's [Office of Youth Empowerment \(OYE\)](#)¹⁴³ is responsible for providing foster youth who are fifteen and older with support and services to help them prepare for transitioning into adulthood, including pre-college services. Your social worker will need to connect you to OYE within thirty days of your 15th birthday. You are entitled to continue receiving support from OYE even after your foster care case is closed.

The [D.C. Education and Training Voucher Program \(ETV\)](#) offers foster youth and former foster youth financial support through ETV to enable them to attend colleges, universities and vocational training institutions in any state. ETV offers students up to \$5000 a year for a maximum of four years to cover expenses like tuition, books and school supplies, meal cards, on-campus room and board. In certain cases, ETV funds can also be used to pay for rent, food, and transportation costs. Additional information can be found in the [Schools & Education](#) section of this chapter.

How do I apply for the Education and Training Voucher Program?

The [D.C. Education and Training Voucher Program \(ETV\)](#)¹⁴⁴ is offered on a first-come, first-served basis so students should submit their applications as early as possible. Students must reapply for funds each year.

To be eligible for ETV, the applicant must:

- Be a current or former foster student who was:
 - In CFSA foster care on or after his or her 15th birthday; **OR**
 - Was placed in guardianship status from foster care after his or her 16th birthday; **OR**
 - Was adopted from foster care and the adoption was finalized after his or her 16th birthday.
- Be a U.S. citizen or qualified non-citizen.
- Have personal assets worth less than \$10,000.
- Be between 18 and 21 years old to apply for the first time.
 - **Note:** Students with an existing grant can reapply for ETV up to age 23.
- Have been accepted into or enrolled in a degree, certificate or other accredited program at a college, university, technical, or vocational school. **AND**
- Have completed a FAFSA (Free Application for Federal Student Aid) application.¹⁴⁵

¹³⁹ dcps.dc.gov/service/homeless-children-and-youth-services-dcps

¹⁴⁰ osse.dc.gov/service/ged-tests

¹⁴¹ osse.dc.gov/service/adult-learners

¹⁴² www.dcregs.dc.gov/Common/DCMR/RuleList.aspx?ChapterNum=5-A22&ChapterId=3491

¹⁴³ cfsa.dc.gov/page/office-youth-empowerment

¹⁴⁴ www.fc2sprograms.org/washington-d-c/

For more information and to apply for ETV, visit the [Foster Care to Success website](#).¹⁴⁶

Can I get help with college tuition?

Washington, D.C. residents are eligible for [D.C. Tuition Assistance Grant \(DCTAG\)](#)¹⁴⁷ which was created to help expand higher education opportunities for college-bound residents by providing the following financial assistance to full-time and part-time students:

- Up to \$10,000 per academic year (up to \$5,000 per semester) toward the difference between in-state and out-of-state tuition at public colleges/universities in the US, Guam, and Puerto Rico, for a lifetime maximum of \$50,000. Awards are limited to six years following the date of the first semester the student begins receiving funding.
- Up to \$2,500 per academic year (up to \$1,250 per semester) for four-year private Historically Black Colleges and Universities, nationwide, and private colleges and universities in the D.C. metropolitan area, for a lifetime maximum of \$12,500. Awards are limited to six years following the date of the first semester the student begins receiving funding.

Students may also be able to obtain college funding through [D.C. College Access Program Last Dollar \(DC-CAP\) Last Dollar Award](#).¹⁴⁸ The DC-CAP provides counseling and need-based scholarships of up to \$2,000 per year to graduates of D.C. public and D.C. charter high schools to help subsidize college expenses in cases where the student's resources and financial aid are not enough to cover the cost.

How can I apply for tuition assistance through DCTAG?

Students must apply for the [DCTAG](#) award each year through [D.C. OneApp](#) before the deadline for the upcoming academic year. Part-time students will receive reduced awards. For a list of eligible institutions, go [to the DCTAG website](#).¹⁴⁹ To apply, go to the [D.C. OneApp Website](#).¹⁵⁰ This is a website organized by the Office of the Superintendent of the D.C. public schools.

There are a number of [eligibility requirements](#)¹⁵¹ for applicants. For more information on DCTAG, check out its website¹⁵² or call Higher Education Financial Services at:

810 First Street NE, 3rd Floor
Washington, D.C. 20002
Main number: (202) 727-2824
Toll-free: (877) 485-6751

¹⁴⁵ studentaid.ed.gov/sa/fafsa

¹⁴⁶ www.fc2sprograms.org/washington-d-c/

¹⁴⁷ osse.dc.gov/dctag

¹⁴⁸ dccap.org/

¹⁴⁹ osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/DCTAG-Participating-Colleges-and-Universities.pdf

¹⁵⁰ dconeapp.dc.gov/

¹⁵¹ osse.dc.gov/page/dctag-prepare#supportingdocs

¹⁵² osse.dc.gov/dctag

How can I apply for DC-CAP?

To be eligible for [DC-CAP](#),¹⁵³ the applicant must:

- .C. public high school or public charter high school within the last five years. For a list of eligible high schools, go to DC-CAP website Last Dollar Award page.¹⁵⁴
- Maintain a grade point average of at least 2.0.

For more information and to apply for DC-CAP, go to the DC-CAP website [Last Dollar Award page](#).¹⁵⁵

What scholarships are available for additional college funds for foster youth?

There are many scholarships out there that you can apply for to obtain financial assistance to help pay for college. A few scholarship programs aimed at foster youth can be found below. Each scholarship has its own eligibility criteria, which may vary each year. Review each site before applying.

1. Foster Care to Success Program: fc2success.org/
2. The Shawn Carter Scholarship Foundation: shawncartersf.com/scholarship-fund/
3. Horatio Alger Scholarship Program: scholars.horatioalger.org/
4. Gates Millennium Scholars Program: gmsp.org/
5. Thurgood Marshall College Fund (TMCf) Scholarships: www.tmcf.org/our-scholarships/about-scholarships

To search for other scholarships, go to bigfuture.collegeboard.org/scholarship-search.

Homeless While in a Foster Care Placement

Who is considered homeless?

You are considered “homeless” if you do not have a fixed (permanent), regular, and adequate nighttime residence. Examples of situations that would fall under this definition include:

- You share housing with someone else because you lost your house or have financial hardship.
- You live in a motel, hotel, trailer park, or on camping grounds.
- You live in an emergency or transitional shelter or transitional housing.
- You are living in a public or private place that is not meant to be used for regular sleeping.
- You are living in a car, park, other public space, abandoned building, substandard housing, bus or train station, or places that are not safe.

¹⁵³ dccap.org/

¹⁵⁴ dccap.org/index.php?q=college-students/last-dollar-award

¹⁵⁵ dccap.org/index.php?q=college-students/last-dollar-award

More information on legal rights as a homeless student under the McKinney-Vento Homeless Assistance Act can be found on the [National Center for Homeless Education website](#).¹⁵⁶

What resources are available if I am homeless while placed in foster care?

If you become homeless after being placed in a foster home, you can contact the following youth organizations for shelter and services:

- [Covenant House Washington D.C.](#)¹⁵⁷ (ages 12-24): (202) 610-9600 or 1 (800) 999-9999 (24/7)
- [Sasha Bruce Youthwork](#)¹⁵⁸ (ages 12-24): (202) 547-7777
- [The Wanda Alston House](#)¹⁵⁹ (LGBTQ youth ages 16-24): (202) 636-1646
- [Latin American Youth Center](#)¹⁶⁰ (ages 18-24): (202) 319-2225
- [Casa Ruby](#)¹⁶¹ (Transgender, genderqueer, and gender non-conforming youth ages 18-24): (202) 355-5155
- [SMYAL Youth House](#)¹⁶² (LGBTQ youth ages 18-24): (202) 567-3166

You should also review the [Options for Safety and Stability](#) and the [Public Benefits](#) chapters in this Handbook for additional resources.

Runaway While in Foster Care

What does it mean to be a runaway?

Although D.C. law does not specifically define what being a runaway means, if you are under 18 years old and are away from your parent's, guardian's, or custodian's home or foster care placement, you are considered a "runaway".

Is it a crime to run away?

No, it is not a crime to run away in D.C. However, if you run away and are not able to find shelter at night and are out in the open, you may violate [D.C.'s Juvenile Curfew Act of 1995](#). Under this law, youth under 17 years of age are committing an offense if they are in a public place or on the premises of any establishment in D.C. during certain hours, unless they fall under an exemption (for example, being accompanied by a parent or guardian).

For more information on D.C. curfew law, go to [Metropolitan Police Department website](#)¹⁶³ or the [Options for Safety and Stability chapter](#) in this Handbook.

¹⁵⁶ nche.ed.gov/mckinney-vento/

¹⁵⁷ covenanthousedc.org/

¹⁵⁸ www.sashabruce.org/

¹⁵⁹ www.wandaalstonfoundation.org/

¹⁶⁰ www.layc-dc.org/

¹⁶¹ casaruby.org/

¹⁶² smyal.org/housing/

¹⁶³ mpdc.dc.gov/page/dcs-curfew-law-know-facts

You may also be in violation of D.C.'s truancy laws if you are between the ages of 5 and 17 and stop attending school after you run away. For more information on D.C. truancy law, review the [Options for Safety and Stability](#) chapter and [Status Offenses](#) chapters in this Handbook.

What if I run away from where I have been placed (such as a foster home)?

If you run away from your placement, you should contact your social worker or [Guardian ad Litem](#) immediately and tell them what happened so that they can help you.

I ran away and need a place to stay – where can I go?

If you ran away and need a place to stay, you should look for a shelter that is close to you. If you are a CFSA youth, you can contact your social worker for a new placement. Also, D.C. has a variety of programs and centers that serve young people seeking alternatives to being on the streets, including social, educational, recreational, and counseling services. For more programs, call D.C.'s Answers Please! helpline at (202) INFO-211 (463-6211) or online at answersplease.dc.gov.

A few shelter options are:

[Sasha Bruce Youthwork](#)¹⁶⁴
1022 Maryland Avenue NE
Washington, D.C. 20002
Phone: (202) 675-9340
Emergencies: (202) 547-7777

[Latin American Youth Center](#)¹⁶⁵ (ages 18-24)
1419 Columbia Road NW
Washington, D.C. 20009
Phone: (202) 319-2225

[Casa Ruby](#)¹⁶⁶ (Transgender, genderqueer, and gender non-conforming youth ages 18-24)
7530 Georgia Avenue NW
Washington, D.C. 20012
Phone/Emergency Hotline: (202) 355-5155

[Covenant House Washington D.C.](#)¹⁶⁷ (ages 12-24)
2001 Mississippi Avenue SE
Washington, D.C.
Phone: (202) 610-9600 or 1 (800) 999-9999 (24/7)

[The Wanda Alston House](#)¹⁶⁸ (LGBTQ youth ages 16-24)
300 New Jersey Avenue, NW
Suite 900

¹⁶⁴ www.sashabruce.org

¹⁶⁵ www.layc-dc.org

¹⁶⁶ casaruby.org/

¹⁶⁷ covenanthousedc.org/

¹⁶⁸ www.wandaalstonfoundation.org/

Washington, D.C. 20001
Phone: 202-636-1646/ 733-3643

[SMYAL Youth House](#)¹⁶⁹ (LGBTQ youth ages 18-24):
410 7th Street SE
Washington, D.C. 20003
Phone: (202) 567-3166

You can also call the [Runaway Hotline](#)¹⁷⁰ at 1-800-RUNAWAY (1-800-786-2929) or text at (66008). You can also contact the Homeless Youth Hotline at (202) 547-7777.

If you have an emergency, you should call 911.

Turning 18 While in Foster Care

I just turned 18 – can I stay in foster care?

Yes, you can remain in foster care until you are 21 years old. Youth typically exit foster care at age 21, unless there is some other permanency option found for you before you are 21. You should also review the [Turning 18 chapter](#) in this Handbook for additional information and resources as well as the [Where can I live if I remain in foster care after I turn 21?](#) response in this Handbook. Additional information for former foster care youth can also be found on the [D.C. Department of Health Care Finance website](#).¹⁷¹

Where can I live if I remain in foster care after I turn 21?

There are several options for where you live after you leave foster care. You can remain in your current placement (for example, in your foster home or group home). You can also apply for the Independent Living Program or Rapid Housing Assistance.

[Independent Living Program](#)¹⁷²

An [Independent Living Program \(ILP\)](#) is a residential program for older youth who are preparing to transition out of foster care. The most up-to-date requirements can be found on the [CFSA website](#).¹⁷³ Those requirements include that youth must:

- Be at least 20 years old.
- Have graduated from high school, received a GED or obtained vocational certification.
- Be attending college or a vocational program as a full-time student, or be employed at least 20 hours weekly in a job he or she has held for at least three months. This includes paid internships or fellowships, gap year programs, or AmeriCorps service.
- Have no pending or unresolved criminal proceedings at the time the application is made.
- Enter into a roommate living situation.
- Have a checking account with a minimum balance of \$100 and an active Making Money Grow matched savings account reflecting consistent deposits over a 3-month period.

¹⁶⁹ smyal.org/housing/

¹⁷⁰ www.1800runaway.org/

¹⁷¹ dhcf.dc.gov/service/former-foster-care-youth

¹⁷² cfsa.dc.gov/publication/ai-requirements-youth-contracted-independent-living-programs

¹⁷³ cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/AI_ILP_FINAL_March_2018.pdf

To apply for [ILP](#), visit the [Child and Family Services website](#).¹⁷⁴

[CFSA Rapid Housing Assistance Program](#)¹⁷⁵

The [Rapid Housing Assistance Program \(RHAP\)](#) provides short term rental assistance to allow youth transitioning from foster care time to establish a stable place to live. To be eligible for RHAP, you must meet the following criteria:

- Be between the ages of 18 and 23
- Be employed or have some type of monthly income that will allow you to live in your desired housing choice, or be attending college full-time with at least a 2.0 (or alternative scale equivalent) GPA

Note that youth who were previously in foster care can submit an RHAP application at any time before age 23. If you are still in care, ask your social worker for more information about applying. If you have already aged out of foster care, contact your assigned aftercare worker. Additional information for former foster care youth can also be found on the [D.C. Department of Health Care Finance website](#).¹⁷⁶

Where can I get resources for leaving foster care?

Leaving foster care is often called “Transition”. Your social worker, Guardian ad Litem, or CASA should provide you with resources to help you before you leave foster care. There are also several resources that help you create a transition plan to help you when you leave:

- [Department of Education Foster Care Transition Toolkit](#):¹⁷⁷ provides guidance on questions about education, housing, money management, and social/emotional issues you may encounter as you get older and leave the foster care system.
- [FosterClub’s Transition Toolkit](#):¹⁷⁸ provides guidance for developing a transition plan taking into account things like finances, education, job and career, life skills, health, housing, and transportation.

Additional information for former foster care youth can also be found on the [D.C. Department of Health Care Finance website](#).¹⁷⁹ You can also refer to the [Public Benefits chapter](#) in this Handbook for additional information on benefits available in Washington, D.C.

What resources are available for helping me when it is time to leave foster care?

Transition Planning

Beginning at age 15, you should be meeting with your social worker every six (6) months to work on a transition plan for leaving foster care. At age 20, you should meet with your social worker at least every ninety (90) days to work on a transition plan until you are 21 years old.

¹⁷⁴ cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/ILP_Youth_Application_Form_FINAL.pdf

¹⁷⁵ cfsa.dc.gov/publication/ai-rapid-housing-assistance-program-rhap

¹⁷⁶ dhcf.dc.gov/service/former-foster-care-youth

¹⁷⁷ www2.ed.gov/about/inits/ed/foster-care/youth-transition-toolkit.pdf

¹⁷⁸ store.fosterclub.com/transition-toolkit-download/

¹⁷⁹ dhcf.dc.gov/service/former-foster-care-youth

21 Jumpstart Review

If you are between 20.5 and 21 years old, you are required to participate in a 21 Jumpstart Review, which is a meeting between you and your social worker and other members of your support network (e.g., Guardian ad Litem, CASA, OYE case worker) to identify any barriers that may prevent a successful transition out of foster care and any resources that will be necessary to help prepare you to age out. More information can be found on the [Office of Youth Empowerment's website](#).¹⁸⁰

Youth Aftercare Services

You may also be eligible for [youth aftercare services](#) offered by the Office of Youth Empowerment (OYE), if you meet certain eligibility requirements. [Youth aftercare services](#) provides services to youth aged 21 to 23 leading up to, and for two calendars years following, their transition out of foster care. The services provided include, but are not limited to, housing assistance, employment/vocational information, guidance on assessing public services, and parenting support for those youth with dependent children. Your social worker should submit a referral for Youth Aftercare when you turn 20.5 years old.

For more information about youth aftercare services, or if you are having trouble ensuring that a referral is completed, you can contact Nicole Broome at OYE (nicole.broome@dc.gov, 202-727-7372). Additional information for former foster care youth can also be found on the [D.C. Department of Health Care Finance website](#).¹⁸¹

What are my housing options after foster care?

For housing resources check out:

- [Department of Housing and Community Development Search](#):¹⁸² a search tool to find available rental housing and related resources (e.g., budget calculators, tips on what to look for when visiting apartments).
- [D.C. Office of the Tenant Advocate](#):¹⁸³ provides resources (including contacts for organizations that can assist with housing issues) for tenants, including tenant's rights, rent control, and the eviction process.

More information can also be found in the response to the *Where can I live if I remain in foster care after I turn 21?* question above. You can also refer to the [Housing & Contracts chapter](#) in this Handbook for additional housing resources.

What else am I entitled to when I leave foster care?

Before leaving foster care, you have the right to receive the following documents:

- Birth certificate
- Social security card
- D.C. ID cards
- Transcript/Copy of Diploma/GED

¹⁸⁰ cfsa.dc.gov/sites/default/files/dc/sites/cfsa/service_content/attachments/OYE%2021%20JumpStartReview.pdf

¹⁸¹ dhcf.dc.gov/service/former-foster-care-youth

¹⁸² www.dchousingsearch.org/?_sm_au_=iVVV4N5p88Qn4TRsKkM6NKsW8f6TG

¹⁸³ ota.dc.gov/page/information-tenants

- Financial aid documents
- Proof of commitment – final court order closing case
- Medical and immunization records
- Credit report
- Other personal information

More information about resources when leaving foster care can be found on the [U.S. Department of Education's Foster Care Transition Toolkit](#).¹⁸⁴

Other Services and Resources

Where can I get more information about resources that may be available in my community?

Call **311** or check out the [D.C. 311 Website](#),¹⁸⁵ which helps connect users to free information about government and public services in your community and provide referrals to health, social, and human services.

Additional community and government resources can be found here:

- [Addiction Prevention and Recovery Administration](#)¹⁸⁶
- [Bread for the City](#)¹⁸⁷
- [Children's Health Project](#)¹⁸⁸
- [Community of Hope](#)¹⁸⁹
- [D.C. Child and Family Services Agency](#)¹⁹⁰
- [D.C. Department of Health, Programs and Services](#)¹⁹¹
- [D.C. Department of Human Services](#)¹⁹²
- [D.C. Department of Behavioral Health](#)¹⁹³
- [D.C. Fire and Emergency Services Department](#)¹⁹⁴
- [D.C. Housing Authority](#)¹⁹⁵
- [D.C. Metropolitan Police Department](#)¹⁹⁶
- [D.C. Office of Latino Affairs](#)¹⁹⁷
- [Developing Families Center](#)¹⁹⁸
- [Family and Medical Counseling Services, Inc](#)¹⁹⁹
- [Healthy Babies](#)²⁰⁰

¹⁸⁴ ota.dc.gov/page/information-tenants

¹⁸⁵ 311.dc.gov/citizen/home

¹⁸⁶ dchealth.dc.gov/

¹⁸⁷ breadforthecity.org/

¹⁸⁸ www.dcpca.org/childrens-health-project

¹⁸⁹ www.dcpca.org/community-of-hope

¹⁹⁰ cfsa.dc.gov/

¹⁹¹ dchealth.dc.gov/

¹⁹² dhs.dc.gov/

¹⁹³ dbh.dc.gov/

¹⁹⁴ dc.gov/agency/fire-and-emergency-medical-services-department

¹⁹⁵ www.dchousing.org/?AspxAutoDetectCookieSupport=1

¹⁹⁶ mpdc.dc.gov/

¹⁹⁷ mola.dc.gov/

¹⁹⁸ www.developingfamilies.org/

¹⁹⁹ www.fmcsinc.org/

- [House of Ruth](#)²⁰¹
- [La Clínica Del Pueblo](#)²⁰²
- [Mary's Center](#)²⁰³
- [MetroHealth \(Formerly Carl Vogel Center\)](#)²⁰⁴
- [Perry Family Health Center](#)²⁰⁵
- [Planned Parenthood of Metropolitan Washington](#)²⁰⁶
- [SOME \(So Others Might Eat\)](#)²⁰⁷
- [Spanish Catholic Center](#)²⁰⁸
- [Temporary Cash Assistance for Needy Families \(TANF\)](#)²⁰⁹
- [Unity Health Care](#)²¹⁰
- [Whitman-Walker Health](#)²¹¹

²⁰⁰ www.healthybabiesproject.org/

²⁰¹ houseofruth.org/

²⁰² www.lcdp.org/

²⁰³ www.maryscenter.org/

²⁰⁴ metrohealthdc.org/

²⁰⁵ provhosp.org/patients-guests/locations/perry-family-health

²⁰⁶ www.plannedparenthood.org/planned-parenthood-metropolitan-washington-dc

²⁰⁷ www.some.org/

²⁰⁸ www.catholiccharitiesdc.org/

²⁰⁹ dhs.dc.gov/service/whats-new-tanf

²¹⁰ www.unityhealthcare.org/

²¹¹ www.whitman-walker.org/

5. Turning 18

Significance of Turning 18

Why does turning 18 matter legally?

When you reach your 18th birthday, you will gain most of the legal rights and responsibilities of being an adult in the District of Columbia (D.C.). This means that instead of your parents, foster parents, judges or case workers making decisions for you, you will legally be able to make most of your own decisions, including for example, where to live and work, whether to continue to go to school, and whether to marry or to start a family.

Note that you still cannot purchase or possess alcohol until age 21 (with no exceptions). D.C. has a [Zero Tolerance Policy](#) for drinking and driving if you are under 21 – this means that having even one drink and getting behind the wheel can lead to you being placed under arrest and charged with Driving While Intoxicated (DWI).

At what age can I obtain identification and documents without [parental consent/involvement](#)?

In D.C., an individual is able to sign a [contract](#) without [parental consent](#) or involvement once he or she turns 18. Upon turning 18, an individual is fully responsible for the [contracts](#) (for example, rental agreements, employment [contracts](#), [contracts](#) regarding medical care) he or she signs. Although a young adult under the age of 18 may sign a [contract](#), any [contract](#) he or she signs is legally unenforceable. This means that the individual under the age of 18 who signed the [contract](#) is not required by law to respect the terms and conditions of the [contract](#) he or she signed. If an individual over the age of 18 signs a [contract](#), the [contract](#) will be enforceable against him or her. This means that the individual over the age of 18 will be required to respect the terms and conditions of the [contract](#) he or she signed.

What new rights and responsibilities do I get when I turn 18?

When you turn 18, you gain both rights and responsibilities. In D.C., these rights include-- among other things-- voting, making [contracts](#), and making organ donation and end-of-life arrangements:

- You have the right to vote.
- You have the right to sign a [contract](#).
- You have the right to apply for a loan or borrow money from a financial institution.
- You have the right to make a will.
- You have the right to make end-of-life decisions for yourself (for example, whether to stay on life support, whether to be an organ donor upon death, etc.).
- You have the right to erase the records of convictions that occurred before turning 18.

Some responsibilities that start when you turn 18 include:

- You can get called to serve on jury duty;
- You have the obligation to live up to [contracts](#) and agreements that you sign;

- If you are a male, you must register for the draft. This can either be done automatically when you apply for a driver's license or permit (or other state-issued ID) or it can be done by clicking [here](#).²¹²

It is important to keep in mind that if you break the law after you turn 18, the court will consider you an adult and you can be sentenced to serve time in an adult prison if you are convicted. Review the **Criminal Law chapter** in this Handbook.

Your parent(s) or guardian(s) are no longer required to support you once you turn 18 (unless a court has ordered them to), so you may have to figure out how to support yourself.

Can I get the legal rights of an adult before I turn 18?

Yes, you can get most of the legal rights you would get at age 18 prior to that in a process called **emancipation**. Generally, you can seek to become **emancipated** if you can meet the following requirements:

1. You are at least sixteen (16) years old;
2. You are living apart from your parents with their consent or **acquiescence**; and
3. You are able to manage your own finances and have a legal source of **income** (that is, you can provide evidence that you can support yourself).

Additionally, you can seek to become **emancipated** if you become married as a minor or are abandoned by your parents. It is particularly important that you are financially self-sufficient.

*How do I get **emancipated**?*

In order to be declared an adult before you turn 18, you must file a petition in D.C. Superior Court that demonstrates that you meet the requirements. For help finding an attorney, you can visit [here](#)²¹³ for a list of **emancipation** attorneys in D.C. or contact the **D.C. Bar**.²¹⁴

Who can give me advice if my parents or guardians cannot?

To assist you in making decisions about your future, you are encouraged to seek competent advice from a trusted adult. For example:

- A foster parent or guardian is no longer legally responsible to provide assistance but may still be a good source of advice or direction;
- Another mature adult, such as a former caseworker, teacher, mentor, pastor or lawyer may be willing to advocate on your behalf;
- If you are employed, there may be an Employee Assistance Program available through your workplace that provides confidential counseling for a variety of issues;
- The resources listed in the **Public Benefits chapter** of this Handbook include agencies that oversee financial assistance for shelter, food, education, and medical needs;

²¹² usa.gov/selective-service

²¹³ attorneys.lawinfo.com/emancipation/district-of-columbia/washington/?_sm_au_=iVVvsJ2qKkWW1rVWHkM6NKsW8f6TG

²¹⁴ www.dctbar.org/

- There are also non-profit organizations that provide assistance and mentorship. [The Children's Law Center](#) is an example of a D.C. organization that serves as a good resource for teens.

The Internet can be a helpful tool, but remember that not everything on the Internet is true. If you are unsure whether a source on the Internet is reliable, then it is best to ask someone you can trust.

Can I leave D.C. once I turn 18?

Yes. However, if you are receiving benefits or social services as a result of having been in **foster care** or for other reasons, you may not qualify for those same benefits if you move to another state. If you are in **Extended Foster Care** you may wish to talk to your lawyer or social worker about continuing to receive benefits and other programs before you move.

Some other things you need to think about if you leave D.C.:

- If you have registered to vote, you will need to re-register in your new state. Information regarding registering to vote in any state can be found on the register to vote website by clicking [here](#).²¹⁵
- Before you move, you might want to set up a mail-forwarding request with the post office.
- If you do not currently have a permanent address in your new location, you might want to get a post office box, and then submit a forwarding request to the post office. A forwarding request is generally good for six months and can be renewed for another six months. See usps.com/manage/forward.htm for more information.
- If you are traveling out of state with a friend who is under 18 years of age, you must have a document signed by that friend's parent or guardian, and notarized, giving your friend permission to travel.
- If you have a child of your own, you must respect any court ruling regarding custody and visitation before you move.

I came from another country with my parents, but I want to move out of my parent's house when I turn 18. Can I stay in the United States?

It may be possible to stay in the U.S., but you should understand the broader paths to legal immigration status. See the **Immigration and Undocumented Youth** chapter of this Handbook for more information on living in the U.S. while undocumented.

What kind of paperwork will I need to worry about after I turn 18?

Once you turn 18, you should know where these documents are and have access to them in case you ever need them:

- Birth certificate;
- Social security card;
- D.C. identification card or D.C. driver's license;

²¹⁵ www.usa.gov/register-to-vote.

- Immunization records;
- Health and education records;
- Passport (if you travel outside of the U.S.);
- **Green card** and/or **visa** (if you are an immigrant); and
- Tribal identification card (if you are Native American and an enrolled member of a tribe).

Review the chapters on **Identification and Immigration and Undocumented Youth** in this **Handbook** for more information on how to obtain these documents.

Foster Care and Housing Programs After 18

I was in foster care prior to turning 18 years old. What happens after I turn 18?

If you will be or were in licensed **foster care** when you turn(ed) 18, you have four options:

1. Remain in **foster care** until the age of 21 (Extended **Foster Care**)
2. Enter an Independent Living Program
3. Enter a **Rapid Housing Assistance Program**
4. Leave **foster care**

What is Extended Foster Care?

Extended **foster care** provides for youth beginning at age 18 until they are 21 years old. You are eligible for extended **foster care** if you are under 21 years and were still in **foster care** when you turned 18. For more information about additional criteria, see the *What else do I need to do to remain in foster care after I turn 18?* question below for more information on those requirements.

How does Extended Foster Care work?

Extended **Foster Care** is a program that allows certain youth to remain in **foster care** beyond age 18. If you are in **foster care** when you turn 18, you may be eligible to continue receiving **foster care** support, such as housing, medical care, services and money until you turn 21.

Extended **Foster Care** is completely voluntary. Even if you meet all of the **eligibility** requirements, you do not have to participate, and you can stop participating at any time after starting. Talk to your lawyer about the rules for leaving and returning to **foster care** between ages 18 and 21.

For more information on extended **foster care**, review the section on Extended **Foster Care** in the **Foster Care** chapter of this Handbook.

What is an Independent Living Program and how does it work?

Independent Living Programs²¹⁶ are designed to assist older youth who are preparing to transition out of **foster care**. Rather than living with a foster family, in the Independent Living Program, youth live with a roommate in an apartment independently but have a social worker to assist them. To enter the program, you must:

1. Be at least 20 years of age;
2. Have graduated from high school, received a GED or obtained vocational certification;
3. Attend college or a vocational program full time, or be employed at least 20 hours weekly in a job you have held for at least 3 months;
4. Have no pending or unresolved criminal proceedings;
5. Enter into a roommate living situation; and
6. Have a checking account with a minimum balance of \$100 and a savings account.

To participate in an Independent Living Program, you must apply with the **D.C. Child and Family Services Agency**.²¹⁷

What is a Rapid Housing Program and how does it work?

You may also be eligible for the **Rapid Housing Assistance Program (RHAP)**²¹⁸, which provides short term rental assistance to, among other groups, youth transitioning out of **foster care**. To be eligible for RHAP, you must:

- Demonstrate progressive maturity and achievement of self-sufficiency goals as outlined in your transition plan;
- Have part-time employment if currently enrolled in school or a vocational program;
- Have full-time employment if not enrolled in school or a vocational program; and
- Rapid Housing applications must be submitted 90 days prior to exiting care and leaving the jurisdiction or as soon as you have decided to leave the jurisdiction. Upon approval, you must provide the name, telephone number, address of prospective **landlord**, and approval letter from the **landlord** at least 60 days before transitioning from care.

For additional information on the criteria and procedures for RHAP, visit the Children and Family Service Agency website and read “Procedures for Accessing Housing Assistance”.²¹⁹

Note that youth who were previously in **foster care** can submit an RHAP application at any time before age 23. More information can be found on the **Children and Family Service Agency website**.²²⁰

²¹⁶ cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/AI_ILP_FINAL_March_2018.pdf

²¹⁷ cfsa.dc.gov/publication/ai-requirements-youth-contracted-independent-living-programs

²¹⁸ cfsa.dc.gov/publication/ai-rapid-housing-assistance-program-rhap

²¹⁹ cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/fy10_rhp_criteria-_1.pdf

²²⁰ cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/AI%20-%20Rapid%20Housing%20Assistance%20Program%20%28RHAP%29%20%28final%29_3.pdf

*What happens if I leave **foster care** after turning 18?*

You may still be able to receive some emergency benefits until you turn 21. These benefits include emergency rent payments, emergency car repairs, employment assistance, and mental health/substance **abuse** services.

Even if you leave **foster care** after turning 18, you can still apply at any time to enter **Extended Foster Care** if you meet the requirements for that program.

See the **Foster Care chapter** of this Handbook for additional information.

*Can I re-enter **foster care** after age 18?*

Youth over the age of 18 cannot return to the **foster care** system for shelter after they have left. They can receive aftercare support and services, but they cannot return to a foster placement.

See the **Foster Care chapter** of this Handbook for additional information.

*I have not been in **foster care**, but my parents want me to move out when I turn 18. Can I go to a foster home?*

No. If you have not been in **foster care** prior to your 18th birthday, you do not qualify for **foster care** after turning 18. If you have safety concerns before your 18th birthday, you can bring them to someone's attention through police, social workers or even the teachers at your school. There are independent living programs and shelters for youth who are forced to leave home at 18 but are not able to support themselves independently. See the **Options for Safety & Stability chapter** of this Handbook for a list of such programs.

My foster home has been abusive. Can I leave? Can I seek legal help?

You should seek assistance immediately. If any individual under age 18 is or was verbally, physically, or sexually **abused**, immediately report the situation to a trusted adult such as a medical professional, teacher, lawyer, or a caseworker. **D.C.'s Children and Family Services Agency**²²¹ also takes reports of child **abuse** and neglect 24 hours a day, seven days a week at (202) 671-SAFE or (202) 671-7233. If you are in immediate danger, contact 911.

It is important to report **abuse** incident(s) to prevent further **abuse** to others and to facilitate further legal action, if appropriate. Individuals can report this to their lawyer or social worker, the police or a trusted adult, but they should not keep it to themselves.

See the **Foster Care chapter** of this Handbook for additional information.

²²¹ cfsa.dc.gov/

I have been in foster care for years. When I turn 18, can I go visit my biological parents without limitations? My siblings?

Unless there is a specific court order (an **injunction** or no contact order) that prohibits you from having contact with a person, you have the right to see whomever you want to see any time you want once you turn 18. This includes your biological parents, siblings, and other relatives. The exception is that if the people you want to see are under age 18, their caregiver may prevent them from seeing you.

Food, Healthcare, and Other Assistance Programs for Adults

Can I get help paying for college?

For a broader discussion on higher education, refer to the **Education chapter** of this Handbook for financial aid related information.

If you are a homeless student (this includes students living in shelters, transitional housing programs, or couch-surfing), you may be entitled to financial aid to attend college. You will have to fill out the **Free Application for Federal Student Aid**²²² (FAFSA) to receive financial aid. One of the requirements of the FAFSA is that you provide your parent(s)' financial information. If, however, you do not have access to such information, or such information does not exist, the **College Cost Reduction and Access Act (CCRAA) of 2007**²²³ provides that you do not need it when filling out the FAFSA. If you qualify as an "independent student," you will not be required to provide any parental financial information on your FAFSA application. To qualify as an independent student, you must be determined to be an unaccompanied and homeless youth, or unaccompanied and at risk of homelessness. You must also be supporting yourself during the school year in which you apply for financial aid.

For College and Career Preparation Services: There are programs from the **Child and Family Services Agency's Office of Youth Empowerment (OYE)**²²⁴ for those attending post-secondary institutions and their caregivers who can assist in the college and career preparation process. OYE has two dedicated teams that provide college and career preparation to all youth beginning in the 9th grade. These units support high school graduation and exposure to various career paths. For youth interested in pursuing a vocational trade, OYE partners with public and private job-training programs and employers to offer youth opportunities for work experience and vocational training.

For eligible students in D.C., tuition assistance is available. The **D.C. Tuition Assistance Grant (DCTAG)**²²⁵ was created for the purpose of expanding higher education choices for D.C. college-bound residents. Participating schools include all public institutions (more than 2,500 public colleges and universities in the nation), Historically Black Colleges and Universities (HBCUs), and private non-profit colleges and universities within the Washington Metropolitan area. An eligible student must be:

- enrolled at an eligible institution on at least a half-time basis;

²²² studentaid.ed.gov/sa/fafsa

²²³ www.govinfo.gov/content/pkg/PLAW-110publ84/pdf/PLAW-110publ84.pdf

²²⁴ cfsa.dc.gov/page/office-youth-empowerment

²²⁵ osse.dc.gov/dctag

- in their first bachelor's degree program; and
- in good academic standing as defined by the institution.

You can also find additional information on tuition waivers and other financial assistance programs and scholarships in the **Higher Education section** of the **Education chapter** of this Handbook.

There are other **federal (Federal Student Aid)**²²⁶ and D.C. (**D.C. College Access Program**)²²⁷ financial aid programs available. Review the websites for detailed information. If you are attending high school, you should work with your college guidance counselor to find other sources for financial scholarships and merit aid.

Is it against the law to be homeless?

No, it is not against the law to be homeless.

However, there may be some circumstances or behaviors associated with being homeless that may be against the law or may draw attention from police:

- If you live or sleep on federal parkland or in the doorway of another person's property, you may be subject to **trespassing** laws. Sleeping in other public spaces in D.C. is legal as long as you do not block pedestrian access. **Loitering** is not a crime in D.C.
- **Panhandling** is generally legal in D.C., but illegal on federal parkland.
- You may not aggressively **panhandle**, **panhandle** from someone in an automobile, or **panhandle** close to an ATM or Metro property. These activities may lead to arrest.
- You may not drink alcohol or have an open container in public and cannot be intoxicated in public.

What kind of services can help me if I am 18-24 years old and homeless?

In D.C., the Homeless Services Program through the Department of Human Services (DHS) provide services to homeless youth and adults. Visit the **DHS website**²²⁸ where you can find the following resources:

- **D.C. Food Finder**²²⁹
- **D.C. Housing Search**²³⁰
- **DHS Proof of Residency Guidance for eligibility for homeless services**²³¹
- **Process for Obtaining a Driver License or Identification Card**²³²
- Employment resources
- Healthcare options
- Subsidized Non-driver's identification
- Substance **Abuse** resources

²²⁶ studentaid.ed.gov/sa/

²²⁷ dccap.org/news

²²⁸ dhs.dc.gov/service/resources-dhs

²²⁹ www.dchunger.org/get-help/

²³⁰ dchousingsearch.org/

²³¹ dhs.dc.gov/service/resources-dhs

²³² dhs.dc.gov/page/process-obtaining-driver-license-or-identification-card

- Transportation resources

Another helpful resource is [The National Coalition for the Homeless](#),²³³ a non-profit organization in D.C. They can provide information on:

- Emergency shelters and housing
- Specialized transitional housing assistance
- Permanent housing for individuals and families

The National Coalition for the Homeless can also help with Employment and Training Assistance Services, which includes job readiness activities, job search, job placement, substance **abuse** education, and individual counseling. To learn more about The National Coalition for the Homeless' programs, services, general **eligibility** criteria and admission requirements, visit their [website](#).²³⁴

[SOME \(So Others Might Eat\)](#)²³⁵ is an interfaith, community-based organization that helps people living in poverty or experiencing homelessness in D.C. They offer comprehensive supportive services for each point in the journey from homelessness to independence. This includes:

- A hot breakfast and lunch offered every day of the year
- Showers are available every day of the year
- Clothing available on Tuesdays and Fridays (8:30 am EST - 11:30 am EST) (Bring ID).
- Health Services
- Medical Clinic
- Dental Clinic
- Emergency Walk-ins accepted all day
- Addiction Recovery
- Employment Training
- Mental Health services
- Housing programs

Federal grants to consider (if you have children) include [Temporary Assistance for Needy Families \(TANF\)](#),²³⁶ which provides **income** assistance, job training, child care, and other supportive services to low-income families with children.

Local food banks may also be able to provide food support. A list of food banks across D.C. and beyond can be found at [FoodPantries.org](#). [Capital Area Food Bank \(CAFB\)](#)²³⁷ offers two ways for those in need of services to find the provider closest to them:

- Call the Hunger Lifeline for personalized recommendations to community food resources: 202-644-9807 (Monday - Friday 9 am EST - 5 pm EST)
- Enter your zip code in the [Food Bank Network field on their website](#) to search for services related to food, transportation, education, job training and more.

²³³ nationalhomeless.org/

²³⁴ nationalhomeless.org/

²³⁵ www.some.org

²³⁶ dhs.dc.gov/service/whats-new-tanf

²³⁷ www.capitalareafoodbank.org/about-cafb/

For longer term food assistance, the [Supplemental Nutrition Assistance Program \(SNAP\)](#) is a federal nutrition program that helps eligible community members stretch their food budgets and access nutritious food. Once eligible community members are approved for SNAP benefits, they are able to shop at supermarkets that accept SNAP payments, convenience stores, and some farmers' markets.

Learn more about SNAP and receive help with the application process from [D.C. Hunger Solutions](#), which can be reached on their [website](#)²³⁸ or by phone at 202-640-1088.

You can also visit the [Options for Safety and Stability chapter](#) in this Handbook for more resources.

Can I move in with friends or with friends' parents?

Yes. However, if the person you move in with does not own the property, that person should make sure that they will not break the terms of their [lease](#) by allowing you to stay with them long-term. You and your friend should agree on basic terms such as whether or not you will pay rent, how long you expect to stay, whether or not you will share food, etc. Note that if you have an agreement to pay rent to a friend or acquaintance in exchange for a place to sleep, you are considered a tenant under D.C. law and have certain tenant's rights even in the absence of a written rental agreement. See the [Housing and Contracts chapter](#) of this Handbook.

Can I rent my own apartment or room when I turn 18?

Yes. Once you turn 18, you can sign a [lease](#) or a rental agreement for housing – any of these documents would be a legally binding [contract](#). For more information, visit the [Housing and Contracts chapter](#) of this Handbook.

What do I need to know if I plan to rent my own apartment or room?

For a broader discussion of renting an apartment, visit the [Housing and Contracts chapter of this Handbook](#). A few quick notes you may want to consider before you rent a space to live:

- If you rent a room, apartment, or house on your own, make sure you have the [income](#) to support not only the monthly rent, but the security deposit, monthly utilities, extra fees, and parking. Before you sign a [contract](#), make sure you know the process for ending the [contract](#) and/or moving out.
- If you share a room, apartment, or house with someone else and your name is not on the [contract](#), you may still have an [oral agreement](#) regarding rights and responsibilities. This means you may still be legally required to pay rent even if there is no paper document. And you may still have to be sued for [eviction](#) even without a written [lease](#).
- If you have a disagreement with the [landlord](#), [see the Housing chapter of this Handbook](#) for what to do.
- If you entered into a housing [contract](#) and you move out unexpectedly, without notice, or are [evicted](#), this default may have a negative impact on your [credit](#) record. You may be able to end a [lease](#) early if you enter the military, or if you are a victim of domestic violence, assault, stalking or other safety issues. However, you must notify the [landlord](#)

²³⁸ www.dchunger.org

in writing 14 days in advance of your move out date that you or someone in your household is a victim of domestic violence or you must show that you have a **protective order**.

- If you sign a one year **lease**, once the one year is up, your **lease** remains in effect on a month to month basis. You may therefore terminate your **lease** at any point, with one month's notice.

How do I get health insurance once I turn 18?

If you are or were in state care and receiving Medicaid when you turn(ed) 18, then you are eligible for Medicaid until you turn 26. For the most part, to be eligible for Medicaid, you must be one of the following:

- Be age 65 or older
- Have a permanent disability as that term is defined by the Social Security Administration. Check the Social Security Administration website²³⁹ to determine if you are “disabled” according to the Social Security Administration.
- Be blind;
- Be a pregnant woman;
- Be a child, or the parent or caretaker of a child.

In addition, you must meet certain other requirements, such as:

- Be a U.S. citizen or meet certain immigration rules;
- Be a resident of the state where you apply;
- Have a Social Security number.

If your parent(s) or guardian(s) claim you as a dependent, they may be able to cover you under their health insurance until you turn 26.

For more detailed information, please see the **Health Care chapter of this Handbook**.

If neither of the above apply to you, or if your parent(s) or guardian(s) will not help cover you under their health insurance, then you will have to get your own health insurance. You can look for options at www.healthcare.gov and www.dchealthyfamilies.com.

Can I get my own food stamps once I turn 18?

Yes. For a list of requirements to qualify for the U.S. Department of Agriculture Supplemental Nutrition Assistance Program (SNAP), visit www.benefits.gov/benefits/benefit-details/1368. D.C. provides centralized benefit information at dhs.dc.gov/service/apply-benefits.

You can also review the **Government Financial Support (Public Benefits) chapter** of this Handbook for more information on benefits for which you may be eligible.

If an individual is pregnant or has a child under 5 years old, they may also be eligible for a Special Supplemental Nutrition Program for Women, Infants and Children (WIC). More information on WIC can be found online at the D.C. Health Department website.²⁴⁰

²³⁹ www.ssa.gov/planners/disability/qualify.html#anchor3

²⁴⁰ dchealth.dc.gov/service/special-supplemental-nutrition-program-women-infants-and-children-wic

Can I collect welfare payments once I turn 18?

The [Temporary Assistance for Needy Families \(TANF\) Program](#)²⁴¹ provides cash assistance to families with dependent children. In order to qualify for this benefit program, you must be: 1) a D.C. resident; 2) either pregnant or responsible for a child under 19 years of age; 3) a U.S. national, citizen, legal alien, or permanent resident; 4) have low or very low [income](#), and 5) be either under-employed (working for very low wages), unemployed or about to become unemployed.

You can also review the [Government Financial Support \(Public Benefits\) chapter](#) of this Handbook for more information on benefits for which you may be eligible.

Can I be rejected for any of these benefits for any reason? Because of my race, religion, sex, or anything like that?

No. Under the [D.C. Human Rights Act](#),²⁴² it is against the law for staff administering various state benefit programs to discriminate based upon the actual or perceived:

- race
- color
- religion
- national origin
- sex
- age
- marital status
- personal appearance
- sexual orientation
- [gender](#) identity or expression
- familial status, family responsibilities, political affiliation
- source of [income](#) or
- disability of any individual.

You may, however, be refused benefits if you do not qualify for the particular benefit program.

Legal Claims and Issues After Turning 18

What is a [contract](#)? Can I have a [contract](#) that is not written down?

A [contract](#) is an agreement between two or more people. It does not have to be written down, but certain [contracts](#) do have to be in writing in order to enforce them. Some examples of these are [contracts](#) for the payment of another person's debts, real estate deals, any agreement that is for something longer than one year, and transfers of property after death (for example, a will).

²⁴¹ dhs.dc.gov/service/whats-new-tanf

²⁴² code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/

Even though most other **contracts** do not have to be written down, it is usually a good idea to write down a **contract** when you agree to something with someone. This way, if there is a problem or you end up in court over it, there is proof of what the original agreement was.

You can find a broader discussion of **contracts** in the **Housing and Contracts chapter** of this Handbook.

*What should I think about when signing a **contract**?*

When signing a **contract**, make sure that you do the following:

- Read the entire **contract** before signing it.
- Do not sign anything until you fully understand the agreement. Not understanding a **contract** generally is not an excuse for breaking an agreement and can have serious legal consequences. If you have any questions about a **contract**, ask the other person or get help.
- If you do not agree with something in the **contract**, talk to the other party about changing or removing it.
- Do not sign a **contract** with blank spaces. Either fill them in or cross them out.

Be sure to keep a signed copy of the **contract** in a safe place. You can find a broader discussion of **contracts** in the **Housing and Contracts chapter** of this Handbook.

*I signed a **contract** before I turned 18. Is it a valid **contract**?*

With a few exceptions, **contracts** entered into before the age of 18 are generally voidable (meaning you can cancel them), but consult a lawyer to make sure. **Contracts** that may be enforceable even if signed before age 18 include:

- **contracts** involving food or shelter;
- **contracts** for educational purposes, like student loans;
- **contracts** for artistic or creative services or for professional sports; and
- **contracts** entered into before 18 if you are married at the time you enter the **contract**.

For more information on **contracts** or for legal help, visit D.C. Law Help's website.²⁴³ You can find a broader discussion of **contracts** in the **Housing and Contracts chapter** of this Handbook.

Can I file a lawsuit for something that happened before I was 18? For example, if I was injured or someone owed me money from before I turned 18.

If you feel you have a legal claim, you should consult an attorney. All legal claims are subject to a **statute of limitations**, which means there is a limited amount of time to pursue your claim. The good news is that, most of the time, the clock on the **statute of limitation** for your claim does not start ticking until you turn 18. Once you have turned 18, your legal claims are subject to the statutes of limitations and you might not be able to do anything about them if you wait too long.

²⁴³ www.lawhelp.org/dc/issues

For example, if you are injured in a car accident on your 17th birthday, even though the **statute of limitation** is three years, you could file your claim until you were 21 because the **statute of limitations** would not start running until you were 18. After you turned 21, you would be barred forever from bringing the lawsuit.

If you need help finding a lawyer, you can visit [Law Help](#)²⁴⁴ or find a pro bono lawyer through the [D.C. Bar](#).²⁴⁵ You can find a broader discussion of **contracts** in the **Housing and Contracts chapter** of this Handbook.

See chapter on **Lawsuits in General chapter** of this Handbook for more detail on how to pursue a claim.

What should I do if someone sues me?

If a private individual (not a police officer or prosecutor) believes that you have done something wrong that hurts them, they may try to sue you. A private action is considered a “civil” lawsuit, and is different from “criminal” proceedings.

A civil action is a lawsuit where someone sues you for money or something else to compensate for an injury or damaged property that they say you caused. When you turn 18, you can be sued personally (without having your parent(s) or guardian(s) involved).. If you hire a lawyer, your lawyer will know the rules and procedures that apply in your case. If you choose not to hire a lawyer, then you will have to figure out on your own which rules and procedures apply, and follow them closely. Unlike in a criminal proceeding, the state will not provide you with a lawyer if you cannot afford one. When you are sued, you will have a certain amount of time to respond to the complaint filed against you. If you do not respond to the complaint in time, you can face a default judgment, which means you would likely be responsible for everything the person suing you is asking for, plus court fees.

If you cannot afford a lawyer, you may be able to get some free help or advice (called “pro bono” work). Go to the [D.C. Bar](#)²⁴⁶ to look for a pro bono legal resource. For more information, see the **Lawsuits in General chapter** in this Handbook.

When would I need to find and speak to a lawyer?

A few examples of situations where you might want to speak to a lawyer include:

- When you have been denied government benefits such as TANF, SNAP, or access to shelter;
- When you have been sued in court, including for **eviction** by a **landlord**;
- If you think you have been discriminated against by an employer, a **landlord**, a school, or someone else;
- When you think your rights have been violated by the police or someone else;
- Before signing a **contract**;
- Before making a will or planning an estate;
- If you are arrested or charged with a crime;
- When you are involved in an accident;

²⁴⁴ www.lawhelp.org/

²⁴⁵ www.dcbbar.org/pro-bono/

²⁴⁶ www.dcbbar.org/pro-bono/

- When there are changes in your family status like marriage, adoption, or divorce.

For more information, see the Lawsuits in General chapter in this Handbook.

How do I find a lawyer?

Contact information for lawyers can be found online at [D.C. Law Help's website](#).²⁴⁷

Generally, an individual should look for a lawyer with experience and/or expertise in the particular area of law applicable to the individual's case (often referred to as "practice areas").

For example, if you have trouble at your job, you will want a lawyer that specializes in employment or labor law. Once you have found possible lawyers who have the right experience, you can contact them to set up an initial meeting to discuss whether or not your case has merit, and whether that lawyer is right for the job (there may be a charge for this initial meeting). See the [Lawsuits in General chapter](#) in this Handbook for information on civil suits.

There are many resources you can use to find a lawyer:

- You can get recommendations from people you know.
- Free legal aid agencies. Depending on how much money you make and the nature of your legal problem, you may be able to get free help in civil [cases](#) from a legal services program. See [Law Help](#)²⁴⁸ for more information on these.
- Lawyer Referral Service: If you cannot find a legal aid agency to assist you, the [D.C. Bar Association has a Lawyer Referral Services](#),²⁴⁹ which can connect you quickly and easily to a lawyer who specializes in the area of your case. There is a small fee for the referral, which includes the first meeting with the lawyer. At that meeting you can discuss how much the lawyer would charge you for your case.

What happens if I get arrested?

If you have been arrested or are concerned you may be arrested, you should review the [Criminal Law chapter](#) in this Handbook for more detailed information about your rights and additional resources that you should know if you are arrested or may be arrested.

If you are arrested in D.C., remember that you have certain rights. These include:

- The right to remain silent. It is true that anything you say can and will be used against you in a court of law. You have the right to be silent and you may want to avoid making any statements that may be used against you in the future.
- The right to have an attorney present with you during any questioning. You will not automatically get an attorney - you have to ask for one. After you have identified yourself, you should ask for an attorney, tell the officer(s) that you will not answer any more questions until you have an attorney present, and then exercise your right to silence during questioning and wait for an attorney to arrive.
- An initial appearance before a judge must happen within 24 hours of your arrest. During this appearance, you should be informed of the charges against you and asked if you understand the charges. Usually, it is at this appearance that the judge makes a decision

²⁴⁷ www.lawhelp.org/DC/

²⁴⁸ www.lawhelp.org/DC/

²⁴⁹ www.dcbbar.org/for-the-public/hiring-a-lawyer.cfm

whether to release you pending your trial and whether to set bail (which is very rare in D.C.). The judge will also set a trial date and appoint an attorney for you if you do not have one already and cannot afford one.

What happens if I am arrested and I cannot afford a lawyer?

If you cannot afford to hire a lawyer when facing criminal charges, the judge will appoint one to represent you free of charge. Normally, an attorney will already be in court, but it is unlikely that you will be able to speak to this attorney during the court appearance. When appointed by the judge, the attorney probably does not know anything about your case and will likely tell you not to say anything about your case at the initial appearance. Additional information can be found on the [D.C. Public Defender Service website](#).²⁵⁰

Remember that a representative from the U.S. Attorney's Office will probably be present in the courtroom, so be careful about what you say because they can also use anything you say against you in a later court appearance.

For more information, see the [Criminal Law chapter](#) in this Handbook.

What if I do not like the lawyer assigned to me?

If the particular lawyer doesn't have the right experience/expertise, or is otherwise not able to take on an individual's case, he or she should direct you to another lawyer or resource to find an appropriate lawyer. Don't be afraid to ask for a recommendation for another lawyer.

In the event of criminal proceedings where an attorney has been appointed by the court, an individual may ask the judge assigned to the case to replace that attorney if the individual does not like the assigned attorney or feels he/she is not adequately representing the individual.

I did not even know I was breaking a law. Can I still be convicted of a crime?

Yes. Not being aware of the law is not a defense – if you break a law, you are still responsible. Before you do something, ask yourself if what you are doing will hurt someone or damage someone else's property. If it will, it may be a crime.

Can my criminal record as a kid be used against me after I turn 18?

Yes. It is a common misconception that your record is "wiped clean" after you turn 18. In fact, your juvenile criminal record can be considered for sentencing purposes when you are an adult.

²⁵⁰ www.pdsdc.org/need-legal-advice/

I was in trouble with the law a few years ago. Can I get my record erased? Sealed? (So my employer will not discover it?)

Maybe. In general, you cannot erase your criminal record, but in D.C. you can seal the record from when you were under 18. However, that only prevents the general public from accessing it. The government still keeps a record of the arrest or conviction on file.

You can file a motion in Superior Court to have all records associated with a juvenile case sealed. You generally need to wait until two years after you have been released from court supervision. In addition, you cannot have been subsequently convicted of a crime or adjudicated delinquent or in need of supervision. Upon entry of the order, the proceedings will be treated as if they never occurred.

For more information on sealing your record, who can see your record after you seal it, and how to seal it, visit the [D.C. Public Defender Service website](#).²⁵¹ Also, see the [Criminal Law chapter](#) in this Handbook.

After I turn 18, is it okay to have sex with someone who has not turned 18 yet?

Maybe. In D.C., the age of consent is 16 years old. Anyone under age 16 is not legally able to consent to sexual activity. If you are over 18 and have sex with someone under 16, you have committed [Statutory Rape](#). You can be found guilty of [statutory rape](#) even if both people consent, and even if you have made an honest mistake about the other person's age.

[Statutory Rape](#) is broken into categories, and penalties vary depending on the circumstances of the crime. The penalties are very serious and include up to life in prison and large fines. The D.C. [statute of limitations](#) for [statutory rape](#) is fifteen years from the time of the offense (which means that after you commit [statutory rape](#), the government would have fifteen years to charge you for that crime), and any attempt to bring charges for a [statutory rape](#) offense that occurred more than fifteen years ago would not be successful. The fifteen year period starts to run when the victim turns 21 years old.

However, there is an exception: D.C. has a close-in-age exemption, which allows someone under 16 to consent to sex with a partner who is less than four years older than they are. This would allow, for example, a 15 year old to legally consent to sex with a person who was 18.

For more information, see the [Criminal Law chapter](#) in this Handbook.

²⁵¹ www.pdsdc.org/need-legal-advice/record-sealing-and-expungement

Voting, Military and Taxes

Can I register to vote before I turn 18? What do I need to register?

You can register to vote in D.C. prior to turning 18, although you will not be allowed to vote until you are 18. In order to register, you must meet all of these requirements:

- At least 16 years old (in the case of a Primary Election, you are at least 17 years old and you will be 18 years old by the next General Election). You must be at least 18 years old to vote in General and Special Elections;
- You are a U.S. citizen;
- You are a D.C. resident;
- A court has not declared you to be “mentally incapacitated” with respect to the right to vote; and
- If you have been convicted of a felony, you are no longer serving time and have been released from jail. You can register even if you are still on parole or probation.

More information on the requirements to vote and registering to vote in D.C. can be found on the [D.C. Board of Elections website](#).²⁵² For more information on the [clemency process](#) and criminal law, see the [General Criminal Law chapter](#) in this Handbook.

Note that you must be a U.S. citizen to register to vote. If you have a [green card](#), [visa](#), or anything other than U.S. citizenship, you are not able to vote. For more information on Immigration, you should review the [Immigration chapter](#) in this Handbook.

Can I register to vote even if I am homeless?

Yes. On your registration form, you can write the address for a place of residence or a “home-base” where you can regularly be reached. This can be a street corner, a park, a shelter, or any other place where you usually stay at night.

More information on the requirements to vote and registering to vote in D.C. can be found on the [D.C. Board of Elections website](#).²⁵³

How do I register to vote?

If you want to vote in an election, you must register with the D.C. Board of Elections (DCBOE). If you want to register online or by mail you must do so at least **21 days** before the election.

To register online, complete and submit a voter registration form on [Vote4DC’s website](#)²⁵⁴ or download the free mobile app, [Vote4DC](#), at least 21 days before an election. [Vote4DC](#) is available on iOS and Android devices.

To register by mail, print, fill out, and sign a Voter Registration Application on the [D.C. Board of Elections website](#)²⁵⁵ or find one at certain locations such as public libraries, Metropolitan Police Department precincts, or fire stations. If you are registering to vote in D.C. for the first time and

²⁵² dcboe.org/

²⁵³ dcboe.org/

²⁵⁴ vote4dc.com

²⁵⁵ dcboe.org/

decide to submit your application by mail, make sure to include a photocopy of a current “proof of residence”. Acceptable proofs of residence include:

- Current and valid D.C. DMV-issued ID
- Government check or paycheck
- Bank statement
- Current bill for a utility (e.g. electric, gas, telephone)
- Student housing statement or tuition bill
- Homeless shelter statement
- Current **lease** or rental agreement
- Other government-issued document showing your name and address.

If the election you want to vote in is less than 21 days away, you can register to vote in person. D.C. offers Same-Day Registration at Early Voting Centers and at the polls on Election Day.

Additional information on the requirements to vote and registering to vote in D.C. can be found on the [D.C. Board of Elections website](#).²⁵⁶

After I have registered to vote, what do I need to bring with me to vote?

Registered voters do not need to present proof of residence to vote, however, some polling places require ID to enter. It is therefore encouraged that you take some form of identification with you to vote. If you are a first-time voter who registered by mail and did not provide proof of residence when registering, you will need to show proof of residence in order to cast a ballot. If you do not have the necessary proof, you may be able to cast a “Special Ballot,” which will be counted after your registration is verified. See the [D.C. Board of Elections](#)²⁵⁷ website for more information.

Can I vote if I do not have a photo ID?

You do not need photo ID to vote in D.C. See the [D.C. Board of Elections](#) website for more information. You can also find information regarding the forms of identification you can bring to vote, by visiting the [D.C. Board of Elections website](#).²⁵⁸

Can I vote if I have been convicted of a crime?

If you were convicted of a crime, you may still be able to vote.

If you were convicted of a **misdemeanor**, you can vote. If you were convicted of a **felony** in D.C. or in federal court while you were a resident of D.C., you lose your right to vote only while you are incarcerated and receive automatic restoration of voting rights upon release. For further information, contact your local election official at the [U.S. Vote Foundation](#).²⁵⁹ You will have to re-register to vote. See the response to *How do I register to vote?* question above.

²⁵⁶ dcboe.org

²⁵⁷ dcboe.org

²⁵⁸ dcboe.org

²⁵⁹ www.usvotefoundation.org/

Do I have to sign up for the draft when I turn 18?

Men between the ages of 18 and 25 must register with the [Selective Service](#)²⁶⁰ (military draft) **within 30 days** of turning 18. This includes legal residents and [undocumented immigrants](#) (non-US citizens), refugees, asylum seekers and persons with disabilities.

- Registration may be done online or in-person at a high school or nearby post office.
- If the individual applies for student financial aid, you may also register for the draft on that application.
- Failure to register for the draft may prevent individuals from receiving student financial aid, or make them ineligible for federal employment. An individual can also be fined for failure to register. If an individual is not a U.S. citizen, he may be barred from ever obtaining citizenship.
- Individuals will need a social security number to complete this registration, although they may subsequently provide that number.
- At present (May 2019), **women** are **not** required or permitted to register for the [Selective Service](#). (Note: Congress has recently approved a plan to amend the law regarding [Selective Service](#) to require women to register as well as men).

Do I have to pay taxes or file a tax return?

If you are making or receiving money, you have to report your [income](#) and pay taxes. If you are making money or receiving money in other ways (for example, scholarships or unemployment compensation), you have to report that [income](#) to the government and you may have to pay taxes on it. If you were working before you turned 18, the money that you made was most likely included on the [tax return](#) of your parent or guardian. (In some cases, you may have already filed a return as an individual before age 18).

More information on filing your taxes and resources to help you do so can be found on the [Internal Revenue Service's website](#).²⁶¹

What kind of taxes do I need to pay?

You may need to pay [income](#) tax to the U.S. government and to the D.C. government. The agency that collects taxes for the U.S. federal government is called the [Internal Revenue Service \(IRS\)](#). These are called “Federal Income Taxes.” The Office of Tax and Revenue is the D.C. agency that collects taxes owed to D.C. Generally, if you are required to file a federal tax return, you must also file a D.C. [tax return](#) as long as:

- Your permanent residence was in D.C. for either part of or the full taxable year.
- You lived in D.C. for 183 days or more during the year, even if your permanent residence was outside of D.C.
- You were a member of the armed forces and your home of record was D.C. for either part of or the full year.
- You are the spouse of an exempt military person or of any other exempt person such as a nonresident presidential appointee or an elected official.

²⁶⁰ www.sss.gov

²⁶¹ www.irs.gov

Check out [Mytax.dc.gov](https://mytax.dc.gov) for information on how to file and pay individual taxes in D.C. Keep in mind that if you work for yourself or as an [independent contractor](#),²⁶² you must pay taxes quarterly and not just once a year.

How do I pay my taxes?

Volunteer tax advisors are often available at a public library or community center. These volunteers can help you determine which documents you need to prepare your tax return.

You may qualify to have free filing of your federal and state tax return through a program called [D.C. Freefile by the DC Office of Tax and Revenue](#).²⁶³ Also, you may qualify for free help through [Community Tax Aid, Inc. \(CTA\)](#),²⁶⁴ which provides comprehensive, affordable professional [income](#) tax assistance to low-[income](#) members of the D.C. community.

What are tax credits? Do I qualify?

A tax [credit](#) is an amount of money that you can deduct from the total amount of taxes you pay - almost like a discount. You can get [credits](#) for things like being a parent and for your education expenses. You may also be able to apply for the [Earned Income Tax Credit \(EITC\)](#).²⁶⁵ The EITC is for working individuals who have low [income](#). In order to qualify, you must make less than a certain amount per year. The amount varies if you are married or have children. There is also a D.C. EITC. For more information on D.C.'s EITC, visit the [Office of Tax and Revenue \(OTR\)](#).²⁶⁶

What are the rules I need to follow for paying my taxes?

Federal [income](#) tax returns are due to the [Internal Revenue Service \(IRS\)](#) by April 15 of each year, and D.C. [income](#) state taxes are due to the [Office of Tax and Revenue \(OTR\)](#)²⁶⁷ also on April 15. As an adult, even if you have had federal [income](#) tax withheld from your pay, you must still file an annual [income](#) tax return with the IRS. It is against the law to not file federal or D.C. [income](#) taxes. There are a number of different forms to help you calculate the tax owed or refund due. One form you may have to file is a [W-2](#),²⁶⁸ which is the form that an employer must send to an employee and the IRS at the end of the year. The [W-2](#) form reports an employee's annual wages and the amount of taxes withheld from his or her paycheck. Another important form is a [W-4](#),²⁶⁹ which is a tax form used to evaluate an employee's personal tax situation and calculate the correct amount of federal [income](#) tax that should be withheld from his or her pay.

The [IRS website](#)²⁷⁰ provides free information on filing your tax returns. For D.C. [income](#) tax return questions, visit [MyTax D.C.'s website](#).²⁷¹

²⁶² www.irs.gov/businesses/small-businesses-self-employed/independent-contractor-self-employed-or-employee

²⁶³ otr.cfo.dc.gov/page/dc-freefile-opportunities

²⁶⁴ www.communitytaxaiddc.org

²⁶⁵ www.irs.gov/credits-deductions/individuals/earned-income-tax-credit

²⁶⁶ otr.cfo.dc.gov/page/earned-income-tax-credit-dc

²⁶⁷ otr.cfo.dc.gov/

²⁶⁸ www.irs.gov/forms-pubs/about-form-w-2

²⁶⁹ www.irs.gov/pub/irs-pdf/fw4.pdf

²⁷⁰ www.irs.gov

²⁷¹ mytax.dc.gov/_/

Purchases and Credit

Can I buy a car on credit?

Maybe. Depending on your **credit** history, **credit rating**, and amount of money you have on hand to make a down payment, you may be able to buy a car on **credit**. It is very important to pay your bills and debts on time as well as maintain good **credit**. By doing so, you will maintain a good **credit rating**, which you will need when making major purchases or applying for a **credit** card, mortgage or even a phone hookup.

For more information, check out the **Consumer and Credit** chapter in this Handbook.

I bought a car in D.C. Now what do I have to do?

When you buy a car in D.C., you will need to do some paperwork to register and title the car in your name. All D.C. residents must register their vehicles with the D.C. Department of Motor Vehicles (D.C. DMV). You must handle your first-time vehicle registration in person at a **D.C. DMV service center**.²⁷² You cannot register your vehicle online, by mail, or by phone.

If you buy a car from a dealer, they will usually take care of the paperwork for you. Make sure the dealer:

- Gives you the title to the car;
- Collects excise tax;
- Registers the car on your behalf; and
- Gives you temporary tags.

If you bought a car from another person, you will be taking care of most of the paperwork yourself. You will need to obtain:

- The vehicle title from the seller.
- Verification of the odometer reading (recorded on the back of the title or on the inspection certificate).
- A bill of sale from the seller for your records.
- A vehicle inspection, if the inspection is not current.
- Car insurance coverage for the car.

For more information about registering your car, go to the **D.C. DMV** website.²⁷³

I bought a car outside of D.C. Now what do I have to do?

To register a car in D.C., you must have a D.C. driver's license or D.C. identification card. Other requirements include the following:

- You must have the vehicle title.
- The vehicle must be inspected.
- You must have proof that the vehicle is insured.

²⁷² dmv.dc.gov/

²⁷³ dmv.dc.gov/

For more information, visit the [D.C. DMV website](#).²⁷⁴

*Can I get a **credit** card?*

Maybe. Depending on your **credit** history and **credit** score, you may be able to get a **credit** card. Agreeing to the terms of a **credit** card is the same as signing a **contract** to pay for whatever you purchase on **credit**. **Review the terms carefully** and speak to a trusted adult (such as a teacher or social worker) to assist in the decision.

See the **Consumer and Credit** chapter in this Handbook for more details.

What is identity theft? What if it happens to me?

Identity theft is when someone uses another person's personal information (like social security number, birthday, name, address, etc.) to get something for themselves (goods, services, or **credit**), and it is a very serious crime. For more information on identity theft, ways to prevent it, and what to do if it happens to you, see the **Identification** chapter of this Handbook, specifically, the **Identity Fraud** section in that chapter.

Working After Turning 18

Where can I work once I turn 18?

In general, you are allowed to work in any profession from the age of 18 onward. However, there are certain professions or positions that have a higher minimum age, such as bartender jobs (minimum age of 21). Each job will have its own set of qualifications or skills required in order to be hired. These may include minimum education requirements, language skills, computer skills, physical requirements (in the case of physically demanding jobs), or previous experience.

For more information on working generally, refer to the **Employment** chapter in this Handbook.

What hours and how many hours can I work?

Once you turn 18, you generally may work any number of hours or at any time that you and your employer agree to. In general, if you work more than 40 hours in a week or more than 12 hours in a day, your employer is required to pay you overtime (1.5 times more than your normal hourly rate) for the extra time. For more information about your rights as an employee, visit [Know Your Rights D.C.](#)²⁷⁵

Note that if you are under 18, there may be restrictions as to how many hours you can work. See the **Employment** chapter in this Handbook for more information.

²⁷⁴ dmv.dc.gov/

²⁷⁵ www.knowyourrightsdcc.org/?_sm_au_=iVV2SZsWITN0kjFBKkM6NKsW8f6TG

I think I am being discriminated against at work. What rights do I have?

You have rights against illegal **discrimination** at work. In D.C., an employer may not discriminate against you (including by not hiring you) based on your race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, **gender** identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of **income**, status as a victim of an intra-family offense, place of residence or business, and/or **credit** information. If you feel you are being discriminated against in an illegal manner, see the **Employment chapter in this Handbook** for a discussion of the options available to you or contact your local **US Equal Employment Opportunity Commission (EEOC)**.²⁷⁶ In addition, **Know Your Rights D.C.**²⁷⁷ has a helpful site with information on filing a complaint in D.C.

Check the **Legal Aid Society**²⁷⁸ for potential additional assistance.

I think I am being sexually harassed at work. What rights do I have?

Sexual Harassment is another form of illegal **discrimination** prohibited by federal and D.C. law. **Sexual harassment** is unwelcome sexual behavior on the part of a supervisor, co-worker or client. Such conduct could be sexual comments, pressure for sexual favors, inappropriate touching or even sexual **assault**. **Sexual harassment** could also be one employee subjecting another to unwelcome sexual jokes or degrading comments about or posters of women or men.

If you feel you are being discriminated against, you should review the **Employment chapter** in this Handbook for additional information on your legal rights and resources.

Can I be fired?

Generally, yes. In most cases, you can be fired from your job for any reason except **discrimination**, in retaliation for speaking up about a problem, or for expressing protected political speech. In most cases you will be characterized as an “**at will**” employee, meaning you can be fired for any (or no) reason at all, except for the reasons mentioned above.

Common reasons for getting fired include being late, leaving work without telling anyone, absences, lack of courtesy to fellow employees or the public, failure to follow rules and regulations, lying on your employment application, and failure to perform your duties. If you feel you have been unfairly fired, see the **Employment chapter** in this Handbook for a discussion of the options available to you.

²⁷⁶ www.eeoc.gov/field/washington/index.cfm

²⁷⁷ www.knowyourrightsdc.org/

²⁷⁸ www.legalaiddc.org

I am trying to find a job but I need money now. What can I do?

You have a few options for financial help before getting a regular paycheck.

You may be eligible to receive **Temporary Assistance to Needy Families (TANF)**, a form of **public assistance** that provides temporary cash and health benefits for eligible families including **teen parents** and pregnant teens. Once you are 18, you no longer need to reside with a parent or guardian in order to receive **TANF**. If you meet certain qualifications, you may be eligible for unemployment benefits, which provide temporary, partial wage replacement benefits to qualified workers who are unemployed through no fault of their own. For more information, see the Department of Employment Services website.²⁷⁹

Also see the discussion of **public benefits** in the Government Financial Support (Public Benefits) chapter in this Handbook.

Do I have a right to take vacation from my job?

Your employer is not required to provide paid time off for holidays or vacations. Some companies do provide these benefits. However, you do have the right to unpaid and paid leave under certain circumstances described below.

More information can be found in the **Employment chapter** in this Handbook.

Can I take time off to care for a new baby, recover from an illness, attend my child's school events, or care for a sick relative?

If you have been at your current job for at least 12 months, working for at least 1,250 hours, and if your employer has at least 50 employees, then the federal **Family and Medical Leave Act (FMLA)**²⁸⁰ allows you to take up to 12 weeks of unpaid time off in order to (a) care for your newborn, newly fostered, or newly adopted child; (b) recover from being seriously ill; or (c) care for your child, spouse, or parent who is suffering from a serious health condition.

If you are pregnant or you are a parent with a newborn baby, you may also be entitled to unpaid time off through the **D.C. Family and Medical Leave Act**.²⁸¹ The D.C. Family and Medical Leave Act requires employers with 20 or more employees to allow an eligible employee to take up to 16 weeks of unpaid leave during any 24-month period for the birth of a child or placement of a child with the employee for whom the employee permanently assumes and discharges parental responsibility. For more information, refer to the **Pregnancy and Parenting chapter** of this Handbook.

In D.C., employers are required to provide you with paid sick and safe leave. The amount you are entitled to and how quickly you earn leave varies by the size of your employer. If you are sick, injured, or have a medical appointment, you can be paid for time away from work to recover or to go to the doctor. You can also use paid sick days to take a family member to the doctor or take care of a sick family member. Even check-ups and other preventative care visits qualify, but you need to give your employer reasonable notice of planned absences. You can

²⁷⁹ does.dc.gov/

²⁸⁰ www.dol.gov/general/topic/benefits-leave/fmla

²⁸¹ ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/DCFMLA_Poster_March2016.pdf

also use paid sick and safe days when you or a family member need services related to domestic violence, stalking or sexual assault.

D.C. employers must allow an employee who is a parent at least 24 hours of unpaid leave during a 12 month period in which to attend or participate in a child's school-related activities.

Additional information can be found in the [Employment chapter](#) in this Handbook.

When can I enlist in the military? Can I enlist before I turn 18?

You may enlist in any branch of the military at age 17 (with [parental consent](#)) or age 18 (without [parental consent](#)) if you meet all [eligibility](#) requirements. Each branch of the military has its own requirements for enlistment, which can be found either on their website or by talking with recruiters. The [U.S. Government website](#)²⁸² has more detailed information on joining the military and military entrance requirements.

Note that the local laws (such as the legal drinking age) where you live will still generally apply to you if you enlist in the military, unless you are in a foreign country with a Status of Forces agreement with the U.S. that modifies how the local laws apply to you. You will also be subject to the [Uniform Code of Military Justice](#)²⁸³ and to the code of conduct and ethical standards adopted by the branch in which you enlist.

School and Education After Turning 18

I have not finished high school yet. Can I stay in school even though I am turning 18?

Yes. You can remain in high school until you complete the requirements for graduation. For more information, go to the [D.C. Public Schools website](#)²⁸⁴. To learn more about getting your [GED](#) (equivalent to a high school diploma), visit ged.com/policies/district_of_columbia/.

Are there scholarships available for me to attend private high school?

There are need-based annual scholarships through the [D.C. Opportunity Scholarship Program \(OSP\)](#) for eligible D.C. students to attend a participating private D.C. high school. Many private high schools also offer financial aid. Check with the school you are interested in attending. Additional information can be found in the [Schools and Education chapter](#) in this Handbook.

Can I go to college?

Yes. Individuals can go to college if they meet the educational and financial requirements. Individuals can apply to a two-year or even four-year public college without a high school diploma or HSE/TASC certificate, if they can qualify in other ways. However, these individuals

²⁸² www.usa.gov/join-military

²⁸³ www.military.com/join-armed-forces/the-uniform-code-of-military-justice-ucmj.html

²⁸⁴ dcatlas.dcgis.dc.gov/schools/

may not be eligible for federal, state or private financial aid—scholarships or loans—if they do not have a diploma or certificate.

It is important to note that immigration status may also prevent individuals from going to college. More information on immigration issues can be found in the [Immigration and Undocumented Youth chapter](#) in this Handbook.

Can I get financial aid for college even if I am turning 18?

Yes. The [Free Application for Federal Student Aid \(FAFSA\)](#)²⁸⁵ is the federal application form that students must complete in order to apply for almost all types of financial aid: Pell Grants, state grants, institutional grants, tuition waivers, work study, and student loans. “Independent students” do not need to provide financial information from their parent or guardian in order to determine student [eligibility](#) for aid. Please see The College Cost Reduction and Access Act of 2007 (P.L. 110-84) for more information.²⁸⁶ Independent students include:

- unaccompanied homeless youth;
- youth who are in [foster care](#) at any time after the age of 13; or
- youth who are [emancipated](#) minors.

You may not be eligible for federal, state or private financial aid—scholarships or loans—if you do not have a high school diploma or [GED](#) certificate. For more information on going to college generally, see the [Schools & Education chapter in this Handbook](#). The [Federal Student Aid website](#)²⁸⁷ also has additional information and resources.

If you sign up for financial aid, beware of “predatory lending practices,” which encourage you to take on a large loan without telling you how and when to repay it. Defaulting (failing to make required payments) on a student loan can affect your personal [credit rating](#) and become a problem when you apply for employment, housing, and other financial benefits.

Review the [Consumer and Credit chapter](#) in this Handbook. The [Identity Theft section in that chapter](#) will include additional helpful information on lending.

Marriage and Children

Can I get married once I turn 18? Who can I marry?

You are allowed to marry anyone who is at least 18 years old and not married to someone else. Couples consisting of any combination of [genders](#) can get married in D.C., whether they are gay or straight. You can get married starting at the age of 16 if your parent or guardian provides written consent.

How can I get married?

In order for a marriage to be legally recognized in D.C., you must get a marriage license from the D.C. Superior Court Marriage Bureau. If you live outside the greater D.C. area, or do not have the time, desire or ability to apply in person, D.C. Marriage Application by proxy is another

²⁸⁵ studentaid.ed.gov/sa/fafsa

²⁸⁶ www.congress.gov/110/plaws/publ84/PLAW-110publ84.pdf

²⁸⁷ studentaid.ed.gov/sa/

option. Unlike other jurisdictions, D.C. only allows marriages to be performed by someone authorized by the court (known as the “officiant”). You will need to provide the full name of the authorized officiant so it is important that you have an officiant before applying for your license. For further information, visit the [D.C. Courts website](#).²⁸⁸

What if I get pregnant?

*For a broader discussion of pregnancy, [paternity](#), and parenting related rights and resources, please review the [Pregnancy and Parenting chapter](#) in this Handbook.

If you are pregnant, you may qualify for assistance during your pregnancy. If you are pregnant and homeless or low-income, you may qualify for healthcare, housing, and other benefits during the term of your pregnancy and for a certain period of time after the birth of your child. You may be able to qualify for [Medicaid for Pregnant Women](#).²⁸⁹ Review the [Government Financial Support \(Public Benefits\) chapter](#) of this Handbook for more information. The [D.C. Department of Health Finance](#)²⁹⁰ provides additional information about resources for pregnant women.

I am pregnant. Can I still go to high school?

Yes. If you are pregnant, you can still complete your high school education. You can remain at your high school until you complete the requirements for graduation. You may attend your high school, an alternative high school, or a [GED](#) program at the community college.

I am pregnant. Can I still keep my job? Can they fire me?

If you are pregnant and employed, your employer cannot fire you because of your pregnancy. In some circumstances, you can be terminated if you are unable to do the work that you have been hired to do. You also may want to review the [Employment chapter](#) in this Handbook for a broader view of your rights as an employee.

I am a mother and I am not married. What does that mean for my child? How can I establish paternity?

In D.C., when a child is born to unmarried parents or parents who are not in a domestic partnership, there is no automatic legal relationship between the father and the child. There are two ways to establish parentage for a child. One, is by having the mother and father voluntarily signing an [Acknowledgment of Paternity \(AOP\)](#).²⁹¹ If both parents complete the AOP form, they do not have to go to court to establish parentage for their child(ren), and the father’s name will be placed on the birth certificate. The other way to establish parentage is through the court by filing a paternity petition. The [Child Support Services Division](#)²⁹² can help you file a petition with the D.C. Superior Court. The petition will name the individual whom you think is your child’s legal parent and you can request a child support order. The D.C. Superior Court will hold a hearing with both parents attending, and the potential parent will have an opportunity to prove they are or are not the legal parent.

²⁸⁸ www.dccourts.gov/services/marriage-matters

²⁸⁹ myflfamilies.com/service-programs/access/medicaid.shtml#pw

²⁹⁰ dhcf.dc.gov/page/pregnancy-resources

²⁹¹ cssd.dc.gov/page/acknowledgement-paternity

²⁹² cssd.dc.gov/page/establishing-parentage-and-paternity

I am the custodial parent who lives with my child, but we do not live with the other biological parent. Can I get child support?

Yes. If you are one of the biological parents (and the custodial parent), you have the right to receive **child support** and arrange a custody and visitation schedule for your child. The **Child Support Services Division**²⁹³ may be able to help you locate the other biological parent, amongst other services.

*For a broader discussion of pregnancy, paternity, and parenting related rights and resources, please review the **Pregnancy and Parenting Teens and Paternity Issues chapter** of this Handbook for more information.

I am the non-custodial parent. Do I have to pay child support? What are my rights to visitation or to share custody?

If you are the non-custodial parent, you may be required to pay **child support** if your child lives with the custodial/biological parent. You can petition the court for visitation or custody at any time. The judge will make a determination as to visitation and custody based on what is in the best interest of the child, which is determined based on several factors, including but not limited to, where the child has been residing and bonding between the child and each parent. Custody or visitation rights may be withdrawn or curtailed by the court based on **neglect** or **abandonment** or if the parent has perpetrated **abuse**. For more information, see the **Pregnancy and Parenting** in this Handbook.

If I am a parent of a child, can I get any benefits to help me and my child?

You may be eligible for health and welfare benefits, including Temporary Assistance for Needy Families (TANF). See the chapters on **Government Financial Support (Public Benefits) and Pregnancy and Parenting in this Handbook** for more information.

What if I father a baby?

If you are married to or in a registered domestic partnership with the child's mother, you are generally presumed to be the father.

In D.C., when a child is born to unmarried parents or parents who are not in a domestic partnership, there is no automatic legal relationship between the father and the child. Information regarding ways to establish paternity can be found on the **Child Support Services Division website**.²⁹⁴ Once paternity is established (or presumed), you will have the rights and responsibilities of a father, including the obligation to financially support your child.

²⁹³ cssd.dc.gov/page/receiving-child-support-payments

²⁹⁴ cssd.dc.gov/page/receiving-child-support-payments

What rights do I have as a father?

The “**legal father**” is the man recognized (or seen) by the state as the child’s parent. If a child is born to married parents, the husband is recognized (or seen) as the **legal father**. Sometimes, legal recognition of the father is called **paternity**. A **legal father** has certain duties, including providing support for the child.

6. Housing and Contracts

Living Options if Homeless

Can I stay in an abandoned building?

No. The general rule is that it is [criminal trespass](#)²⁹⁵ for a person to knowingly enter a building without permission or remain in a building after being asked to leave. If you use force, such as breaking a window, you may have committed [criminal forcible entry](#).²⁹⁶ For more information on criminal legal issues, please refer to the [Criminal Law chapter](#) in this Handbook, specifically the [What kinds of felonies and misdemeanors are common among youth?](#) question.

Can I stay in a home or building owned by someone else?

No. It is [trespassing](#) to stay in a property without permission. Signs or other warnings against [trespassing](#), such as a fence or security system, indicate that [trespassing](#) is not allowed. Further, breaking and entering into another person's home may result in an arrest for [burglary](#)²⁹⁷ if the police have any reason to believe that you intended to commit a crime inside the home. For more information on criminal legal issues, please refer to the [Criminal Law chapter](#) in this Handbook.

What is squatting?

[Squatting](#) is the act of staying in a place that belongs to someone else without the owner's permission. [Squatting](#) is a form of [trespassing](#) that typically is longer in duration than a [trespass](#).

Can I be arrested for [squatting](#)?

You can be arrested for unlawful entry on property. [D.C. Code § 22-3302](#).²⁹⁸

If I am staying in a building without permission, can I get kicked out of it?

Yes. You may also be charged with unlawful entry on property. [D.C. Code § 22-3302](#).²⁹⁹

²⁹⁵ statelaws.findlaw.com/dc-law/district-of-columbia-unlawful-entry-and-trespass-laws.html

²⁹⁶ codes.findlaw.com/dc/division-iv-criminal-law-and-procedure-and-prisoners/dc-code-sect-22-3301.html

²⁹⁷ statelaws.findlaw.com/dc-law/district-of-columbia-burglary-laws.html

²⁹⁸ code.dccouncil.us/dc/council/code/sections/22-3302.html

²⁹⁹ code.dccouncil.us/dc/council/code/sections/22-3302.html

Is it possible for the property that I am squatting in to become mine if I stay long enough?

It is nearly impossible for you to acquire property this way because you must satisfy some very difficult requirements. In order for a squatter to gain legal ownership of a piece of property, the following circumstances generally must be met:

- your presence must be *open* to the public (obvious to the average observer);
- your presence must be *continuous* (for an uninterrupted period of time);
- your possession of the land must be *exclusive* (not shared with the property owner);
- **AND**
- your possession of the land must be *adverse* (without the property owner's permission).

This process is called **Adverse Possession**. It takes a very long time for someone to gain ownership of property by adverse possession - you must be the exclusive occupant of the property for at least **15 years** under **D.C. law**³⁰⁰ and taxes on the property must be current. **D.C. Code § 16-1113**.³⁰¹

The criteria for **Adverse Possession** are often too difficult to meet. In a practical sense, you should not rely on **Adverse Possession** as a strategy for gaining property. If you intend to occupy or currently occupy an abandoned building, you may want to contact one of the **Lawyer Referral Services** at the end of this section to consult with an attorney regarding the specific facts of your case.

What are some of my legal options for housing if I am homeless?

You should review the chapter on **Options for Safety and Stability chapter** in this Handbook for more information on living options if you are homeless. A few legal options for living if you are homeless include:

- Staying in a shelter
- Staying with friends or **family**
- Renting a room or apartment
- Applying for the Rapid Housing Program from the Child & Family Services Agency (CFSA)

Leases and Contracts

What is a lease?

A **lease** is a written or **oral agreement** between someone who wants to live in a unit (also known as a tenant) and the property owner (also called the landlord) that sets forth the terms, conditions, rules, and other things concerning the unit. An agreement between two or more people may also be called a "**contract**".

³⁰⁰ statelaws.findlaw.com/dc-law/district-of-columbia-adverse-possession-laws.html

³⁰¹ code.dccouncil.us/dc/council/code/sections/16-1113.html

*Can I sign a **lease** or **contract**?*

The age of majority in D.C. is 18. Generally, you must be the age of majority to sign a **contract**. Visit code.dccouncil.us/dc/council/code/sections/46-101.html for more information.

*How old do I have to be to sign a **contract**?*

Generally speaking, you must be 18 years old to enter into a **contract**. If you are under 18, you still may be able to sue to make the terms of a **contract** apply to you (this is called “enforcing” a **contract**). However, the other party may not be able to sue to enforce the **contract** against you, but there are certain exceptions referenced below.

*Can I get out of a **contract** I already signed because I am a **minor**? How?*

Maybe. Generally, if you sign a **contract** when you are under 18 (a **minor**), the **contract** can be cancelled within a reasonable amount of time after you turn 18 unless it is a **lease** (see above). If the **contract** is cancelled, you must return all money and property that you received in the contract.

Contracts for things such as food or shelter usually cannot be cancelled even if you were a **minor** when you signed the contract.

You **cannot** cancel a **contract** that you signed when you were a minor, if:

- You lied about being over 18,
- An innocent third party would be harmed by cancelling the **contract**,
- You were **emancipated** at the time you signed the contract (for more information see the section on **Emancipation** in this chapter),
- You were married when you signed the **contract**, or
- A parent/**legal guardian** signed the contract on your behalf.

While this law may seem beneficial to minors, be careful. **Landlords** often refuse to **contract** with minors because the **minor** can easily get out of the **lease**.

*Do I need permission from my parents to sign a **contract**?*

No. But, if a parent or **legal guardian** signs a **contract** on a minor’s behalf, the **contract** cannot be cancelled.

*Should someone else look at the **contract** before I sign it?*

Having a lawyer, parent, guardian, or other adult friend look over your **contract** is a good idea, but it is not required.

What are some things I should look for, or be on the lookout for, in a lease?

While a **lease** will be specifically tailored to your rental agreement, there are certain things you should always look out for:

- **Rent.** You should carefully review the amount of rent and when the payments are due and any increases. Do not assume there is a grace period that allows you to turn in rent payments a few days late.
- **Hidden charges or penalties.** Make sure you know when and how much your landlord is allowed to charge you for certain violations or fees, such as:
 - Paying rent late
 - Replacing a lost key
 - Having a pet
- **Security Deposit.** Leases usually require payment for the first month's rent and in some cases, the last month's rent as a Security Deposit. Check the **lease** to make sure you know the amount of your security deposit and reasons why your landlord can keep it. In D.C., a landlord cannot charge more than one month's rent as a security deposit.
- **Utilities.** Sometimes tenants are responsible for paying things like hot water, heat, electricity, parking, and trash disposal. Before signing a lease, you should know what you must pay for and ask how much a tenant typically pays per month for each item.
- **How long does the lease last?** You should know the exact term of your **lease**. Make sure you do not have to notify the landlord at the end of the term as to whether you plan to leave or renew the **lease**. All **leases** require a termination notice to be provided within a specific period of time if you wish to move out, so make sure to check!
- **Automatic renewal.** Under D.C. law, when the lease term expires, the lease automatically converts to a month to month lease meaning you can terminate the lease at any time with 30 days' notice. The landlord, however, may not terminate the lease unless he/she brings you to court for nonpayment of rent or another lease violation.
- **Are pets allowed?** Even if landlords do not allow pets, they cannot prevent you from having a **service animal** or emotional support animal that you need due to a disability.
- **Who can live in the space?** Many **leases** have provisions governing how long a guest can stay with you and some **leases** say that having someone live with you who is not on the **lease** is a reason for the landlord to end your **lease** early.

What is a "Condition Check-in List"?

A condition check-in list (also called a move-in punch list) describes the condition and cleanliness of the unit and its furnishings **before** you move in.

Should I get a Condition Check-in List?

Yes. It is important to get this from the **Landlord**. By creating a record of problems and issues, the condition check-in list documents all damages that your landlord cannot deduct from your security deposit when you leave the unit.

Who should sign the Condition Check-in List?

Both you and your landlord need to sign the condition check-in list.

Do not sign the condition check-in list unless and until you have seen the unit and can verify that the list is accurate and includes all of the problems. If you discover damages after signing the condition check-in list, contact your landlord as soon as possible to amend the condition check-in list. Send a letter to document if they do not call you and take pictures with dates.

Sometimes issues occur after you have left that are out of your control, like a storm flooding the apartment or dust gathering after prolonged vacancy. These instances should not be counted against you.

Finding an Apartment and Signing a Lease

How can I find an apartment?

If you qualify as low-income, you may want to talk to your local housing authority for what options may be available for you (The **Government Financial Support (Public Benefits) chapter** in this Handbook has additional information on housing options). You can also visit apartments.com, housingetc.org or homelessshelterdirectory.org/washingtondc.html to find affordable housing in D.C.

What if I do not have access to a computer or the internet?

You can go to any public library for access to a computer and the internet. You do not need a library card; just register at the front desk and tell them you want to use a computer. For a list of public libraries, you can visit www.dclibrary.org.

Can a landlord make me submit to a background check, credit card check or other screening process?

Yes. A landlord is allowed to check your past rental history, **eviction** history, credit history, and other relevant information before renting to you. In D.C., most landlords are prohibited from checking your criminal background until after they have decided that you meet all other criteria.³⁰²

Sometimes a landlord will want to charge you a “screening fee,” which covers the cost of conducting the check or hiring a company to do it. Check with the landlord BEFORE signing or agreeing to it and make sure the landlord tells you how much it is going to cost.

The landlord must tell you in writing that he or she is running a check on you. The landlord cannot charge you more for the screening than it actually costs him or her. If the landlord rejects you because of something he or she found out in your screening, the landlord is required to tell you in writing exactly why you were rejected. Prior to obtaining any information about you or charging you an application fee, the potential landlord is required to notify you in writing of:

- The types of information that will be accessed for the tenant screening;

³⁰² code.dccouncil.us/dc/council/code/sections/42-3541.02.html

- The criteria that may result in a denial of the application; and
- If a consumer report is used, the name and address of the consumer reporting agency and the potential tenant's right to obtain a free copy of the consumer report in the event of a denial or other adverse action, and to dispute the accuracy of information appearing in the consumer report.

If you are denied, the landlord must tell you the reasons why in writing. For more information about your rights as a tenant or potential tenant, contact the [D.C. Office of the Tenant Advocate](#).³⁰³

Can a landlord refuse to rent to me because of my immigration status?

No. Every person in the United States is covered by the [Fair Housing Act](#).³⁰⁴ The Fair Housing Act protects people from **discrimination** when they are renting, buying, or securing financing for any house. The Act prohibits **discrimination** in the sale, rental, and financing of dwellings, and in other housing related transactions, based on race, color, national origin, religion, sex, familial status, and disability.

Discrimination is illegal regardless of the victim's immigration status. Examples from the U.S. Department of Housing and Urban Development's website include:

- If a landlord refuses to rent to someone because of a person's religion, that is illegal **discrimination** regardless of immigration status.
- If a landlord charges a different price or asks for additional identification documents because of a person's national origin, that is illegal **discrimination** regardless of immigration status.
- If a lender offers different terms on a mortgage to a potential homebuyer because of the homebuyer's race, that is illegal **discrimination** regardless of immigration status.

More information, including details on filing a [housing discrimination](#) complaint, can be found on the [U.S. Department of Housing and Urban Development's website](#).³⁰⁵

Can a landlord refuse to rent to me because of my juvenile offender record?

Having a **criminal record** is not a protected class under federal fair housing laws. **Landlords** can establish screening criteria that reject applicants with **criminal records**. However, it is discriminatory to perform criminal background checks only on certain applicants, or to distinguish between applicants with criminal records based on otherwise protected classifications like race, religion, color, etc. In other words, the same criteria and background checks must be used for every applicant. If you have a registration requirement based on a previous sex offense, you may be refused housing by a landlord.

In D.C., if you are seeking rental housing from a landlord that owns 3 or more properties, the landlord can only consider criminal convictions (not arrests or pending charges) for serious

³⁰³ ota.dc.gov/page/information-tenants

³⁰⁴ www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview

³⁰⁵ www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint

crimes, such as fraud, arson, burglary or human trafficking.³⁰⁶ Landlords are not allowed to consider a criminal conviction until they have decided that you meet all other eligibility criteria.

You may be able to seal your criminal record. The [D.C. Public Defender's website](#)³⁰⁷ also has information on sealing and expunging records. This might make it easier to find housing because a landlord may look at criminal offenses.

For more information on expunging and sealing records, please refer to the [General Criminal Law chapter](#) in this Handbook.

*Can a landlord refuse to rent to me because of other reasons, for example, because of my race, because I have kids, or because I am a **victim or survivor** of domestic violence?*

No. The [Fair Housing Act](#)³⁰⁸ protects people from **discrimination** when they are renting, buying, or securing financing for any house. The Act prohibits **discrimination** in the sale, rental, and financing of dwellings, and in other housing related transactions, based on race, color, national origin, religion, sex, familial status (which includes having children), and disability. See [D.C. Code § 2-1402.21\(f\)](#)³⁰⁹ and [D.C. Code § 42-3505.07](#).³¹⁰

If you think you have been the subject of landlord **discrimination**, take notes, keep any documents or other records that document the **discrimination** (for example, a threatening or demeaning letter), and contact one of the following agencies that investigates and enforces fair housing complaints:

U.S. Department of Housing and Urban Development	hud.gov
File an online complaint or contact your regional HUD office	hud.gov/housing_discrimination
DC Office of Human Rights (202) 727-4559	ohr.dc.gov/service/file-discrimination-complaint
HUD Fair Housing Complaints Hotline (800) 669 - 9777	hud.gov hotlines

*Should I sign a **lease**? And if so, what kind?*

It is good practice to have a written **lease** so that both you and the landlord know what you are agreeing to. Without a written **lease**, a landlord may try and change the terms and rules that govern your **lease** during the term of your **lease**, without you knowing about it. For example, a written **lease** would make it difficult for a landlord to change the amount of rent you pay each month without your agreeing to it.

³⁰⁶ code.dccouncil.us/dc/council/code/sections/42-3541.02.html

³⁰⁷ www.pdsdc.org/need-legal-advice/record-sealing-and-expungement

³⁰⁸ www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint

³⁰⁹ code.dccouncil.us/dc/council/code/sections/2-1402.21.html

³¹⁰ code.dccouncil.us/dc/council/code/sections/42-3505.07.html

There are two types of rental agreements between the landlord and tenant: the month-to-month agreement (as referenced below in more detail) and the term **lease** (as referenced below in more detail). Deciding which option is better for you will depend on your situation. However, the landlord can insist that you sign a **lease** in order to live in the property.

If you have not agreed to a specific term, the duration of the **lease** will be determined based on how often you pay rent. For example, if you pay rent weekly, your tenancy is week-to-week. If you pay rent monthly, your tenancy is month-to-month.

*What is a month-to-month **lease**?*

Under a month-to-month **lease**, either you or your landlord can get out of the agreement within the month simply by notifying the other person. On the other hand, the agreement could continue indefinitely if both of you are satisfied with the arrangement.

To end your month-to-month tenancy, you typically must give at least 30 days' notice in writing before the end of the monthly period.

*What is a term **lease**?*

Term **leases** require you to stay in your apartment or house for a minimum amount of time. There is no standard for **lease** terms, but 12 months is common. In the case that the term is longer than one year, term **leases** must be written and signed, which requires both you and your landlord to comply with the agreement for the entire term.

Your landlord will not be allowed to raise the rent or change the rules of the **lease** during your **lease** term unless specifically set forth in the **lease**.

Your landlord must also provide you with a copy of your **lease**.

What is a security deposit?

A security deposit is money you give to your landlord before the **lease** starts to protect the landlord in case you cause damage to the property or for unpaid rent.

When can the landlord keep my security deposit?

Normally, your landlord cannot keep the security deposit for "normal wear and tear" to the property. Any damages beyond normal wear and tear may be taken out of the security deposit. This list gives examples of what fits within and out of normal wear and tear.

Normal Wear and Tear	Beyond Normal Wear and Tear
<ul style="list-style-type: none">• A worn carpet• Chipped paint; faded or dingy paint• Worn finish on wood floor	<ul style="list-style-type: none">• Broken windows• Holes in the wall• Leaving trash or other items that have to be thrown away• Leaving your apartment in a state that it is unhealthy or unsafe

What should I do before I move out of my rental?

Before you move out, you may want to take pictures of your apartment and have a move out checklist done and signed by the landlord and you. You may also want to provide the landlord with a forwarding address to have your security deposit returned to you. You can prepare a “change of address” notice with the United States Post Office. You can do so in person at the closest Post Office or fill out a notice online at [USPS Change of Address Form](#).³¹¹

When does the **landlord** need to return the Security Deposit?

The landlord should return a security deposit within 45 days. If after 45 days the landlord does not return your deposit or send you a letter stating why part or all of your security deposit will not be returned, you can sue them for the return of the entire deposit. More information can be found on [LawHelp.org/DC](#).³¹² Under D.C. law, if the landlord acted in bad faith when he or she did not return your security deposit, you can ask the court to order triple damages-- or triple your security deposit.

What other fees might the **landlord** ask me to pay?

There are several types of fees and deposits that a landlord may ask for:

Payment	What Is It	Your Rights and Typical Obligations
Application fee or holding fee	A payment to the landlord before you make an agreement, so that the landlord does not rent the place to another person.	<p>If you change your mind and decide not to move in: the landlord keeps the fee.</p> <p>If you do move in: the fee may apply towards your security deposit or first month’s rent. Check with your landlord and your lease agreement.</p> <p>If there is a holding fee then the landlord must provide you with a receipt for the fee or deposit, together with a written statement of the conditions, if any, under which the fee or deposit may be retained, immediately upon payment of the fee or deposit. A landlord cannot charge you a fee to place you on a waiting list.</p>
Cleaning fee	A payment to the landlord for the residence to be cleaned after you move out.	Some landlords request a non-refundable cleaning fee, meaning the landlord will keep the fee no matter how you leave

³¹¹ www.usps.com/

³¹² www.lawhelp.org/dc/resource/frequently-asked-questions-about-security-dep

Payment	What Is It	Your Rights and Typical Obligations
		the place.
Damage Deposit	A payment used to cover the cost of damages you or your guests cause to the property. This is an uncommon but sometimes added provision to a lease because it is usually covered by the Security Deposit.	A damage deposit is similar to a security deposit, but can only be used to cover the cost of damages. A damage deposit cannot be used to cover unpaid rent.
Pet Deposit	A payment used to cover the cost of any damage any pet causes.	A pet deposit is similar to a security deposit but can only be used to cover damage caused by the pet and not for unpaid rent or other damages.

Living in an Apartment

What kinds of rules will I have to follow as a tenant?

As a tenant, you are required to follow certain rules. As a tenant, you must avoid violating the terms of your **lease**. The list below includes a few basic tenant rules:

- Pay rent by its due date (or likely pay penalties).
- Keep the property clean and sanitary. Remove all garbage.
- When moving out, leave the apartment in as good of a condition as when you moved in, except for normal wear and tear.
- No criminal activity. Make sure your guests follow this rule as well.
- Keep all of the plumbing fixtures clean and sanitary and in good repair.
- Otherwise comply with the terms and conditions of the **lease**.
- Sometimes there are rules about noise and disturbing your neighbors.

You should also review the lease carefully for other rules that your landlord may have in the lease. See the following questions for additional lease terms that might be in your lease agreement.

*If your **lease** says that you are not allowed to have a pet, can you have one?*

No, your landlord's pet restriction is reasonable, so you must comply. While you may think your pet has not caused any problems, it could provoke other tenants' allergies or cause problems in the future. If this restriction is not in your **lease**, then your landlord cannot add it until the **lease** ends. If it is a month-to-month agreement, then your landlord must give you 30 days' notice of the new rule. If the pet is a service animal, the landlord must allow it. See ***What if it is a service/emotional support animal?*** section of this chapter for more details.

What if it is a service/emotional support animal?

If you utilize a specially trained animal for assistance related to a physical or mental disability, your service animal is not considered a pet and you are allowed to have the animal by following certain supervision and care requirements. Please visit www.nolo.com/legal-encyclopedia/d-c-laws-on-service-dogs-and-emotional-support-animals.html for more information.

Can you let other people live in your apartment?

You are required to comply with all reasonable rules or restrictions your landlord has on the property. If you agreed with your landlord that other people would not live in your apartment (check your **lease** if you signed one), that rule is probably reasonable. You could ask your landlord if you would like to have someone live with you. Your landlord might allow you to do so, but the new person would most likely have to go through a background check. Usually, guests are allowed to stay with you for a certain period of time laid out in your lease.

If your roommate does not pay the rent, what happens?

Your landlord is not required to accept partial rent payments. If your roommate does not pay rent, and you do not cover his or her portion of the payment, your landlord can begin the **eviction** process. Additionally, your landlord may have the choice to sue either you or your roommate for the missing rent. Keep in mind that if your roommate did not sign the **lease**, then the landlord will look to you to pay the entire amount of the rent payment.

If your landlord successfully sues you for the rent, then you can bring a lawsuit against your roommate. Always keep records of your rental payments, because you will only win a lawsuit against your roommate if you can prove that the rent you covered was your roommate's portion and not your own.

Can you make someone who is living in your apartment leave?

It depends. If the person also signed the **lease** with the landlord, the same **eviction** process applies for that person as it does for you. But, you alone cannot evict that person, only your landlord can start an **eviction** against that person, and you cannot physically remove the other tenant.

However, if the person is not on the **lease** but is a guest of yours, you can tell him or her to leave. It is possible to ask the landlord to evict the other person, too. If that person is not paying rent, not following the rental agreement, or is creating significant problems, then you should inform your landlord, who can then choose to initiate the **eviction** process. The other tenant's problems may get you in trouble too, so informing your landlord right away is important.

Laws For Landlords

*What is the **landlord** required to do?*

D.C. law requires your landlord to provide apartments that are in a safe, habitable and livable condition. The landlord has a duty to make all repairs necessary to make buildings and apartments habitable. D.C. law also requires landlords to maintain buildings and apartments

according to many established standards, including the [Housing Code Standards listed on the Department of Consumer and Regulatory Affairs website](#).³¹³

The **landlord** must perform these obligations no matter what. However, some other repair or maintenance duties that ordinarily would be the landlord's responsibility (like yard work) can become the duty of the tenant, if:

- both parties agree in writing that the tenant will do the work; and
- the tenant receives adequate payment, either by a reduction in rent or direct payment from the **landlord**.

If you are experiencing problems with a **landlord** who is not making necessary repairs or who is not providing a unit that is fit to live in, you should not stop paying rent. The [Housing Conditions Calendar](#)³¹⁴ allows tenants to sue landlords for D.C. Housing Code violations quickly.

*What is a **landlord** not allowed to do?*

There are many things that a landlord is not allowed to do, such as:

- *Raising Rent.* Under a month-to-month tenancy, a **landlord** can raise the rent once a year, as long as the **landlord** gives you notice 30 days in advance (unless your **lease** says something different). During a fixed term **lease**, a **landlord** cannot raise the rent for the duration of the term (unless your **lease** says something different). For more information, please visit ota.dc.gov/page/allowable-rent-increases.
- *Shut Offs.* Your **landlord** cannot intentionally shut off your utility services (including water, heat or gas) except for necessary repairs. See the [District of Columbia Tenant Bill of Rights](#).³¹⁵
- *Entering Without Permission.* You have a right to keep your **landlord** from entering the apartment without your permission. The **landlord** can only enter without permission if your **lease** says they can, if there is an emergency, or if the **landlord** has a reason to enter and provides you with notice at least 48 hours before entry. [D.C. Code § 8–231.06](#).³¹⁶
- *Retaliation.* Your **landlord** is not allowed to **retaliate** against you for your **good faith** complaints or attempts to enforce your rights. For example, if you ask your **landlord** to make certain repairs in your apartment, then the **landlord** cannot attempt to evict you to “get even.” See www.nolo.com/legal-encyclopedia/free-books/renters-rights-book/chapter11-1.html for more information.

What if your neighbors are being too loud?

If the neighbors live in the same building as you or have the same **landlord** as you, you can tell your **landlord** or building manager about the problem. You have the right to prevent others from doing things that create a “public nuisance,” which is behavior that annoys, injures, or

³¹³ dcra.dc.gov/service/dc-housing-code-standards

³¹⁴ www.dccourts.gov/services/civil-matters/housing-conditions-calendar

³¹⁵

ota.dc.gov/sites/default/files/dc/sites/ota/publication/attachments/2015%2007%2003%20OTA%20DC%20Tenant%20Bill%20of%20Rights%20ODAI-OTA%20FINAL.pdf

³¹⁶ code.dccouncil.us/dc/council/code/sections/8-231.06.html

endangers safety, health, comfort, or sleep or offends the public decency. See [D.C. Code § 22-1321](#).³¹⁷

Someone being loud (noise pollution) would probably have to offend more people than just you in order to be a public nuisance. You have every right to address the issue with your neighbors, and maybe you can work with them to find a compromise. If the noise is offensive enough and the neighbors refuse to stop, you can call the police for disturbance of the peace. Do not confront your neighbor in an aggressive or violent manner. If your neighbor becomes aggressive or violent, then call the police.

*What if you think the **Landlord** is breaking the rules of the lease or the laws?*

You cannot go to the police to enforce the rules written into a **lease** unless you are being removed from your property illegally. Instead, you should seek assistance from the [D.C. Office of the Tenant Advocate](#)³¹⁸ or call an attorney at one of the legal services organizations listed below.

Lease Terminations

*How do you terminate a month-to-month **lease**?*

If you have a month-to-month agreement: It is easy for tenants in D.C. to get out of a month-to-month rental agreement. You must give your **landlord** written notice 30 days before the end of the monthly period (unless your rental agreement provides for a shorter amount of notice). Be sure to check your rental agreement, which may require you to give notice to end the tenancy on the first of the month or on another specific date.

In some rare situations, you may be able to move out with less (or no) notice – for example, your **landlord** seriously violates the rental agreement or fails to fulfill legal responsibilities affecting your health or safety. You can also move out early if you experience domestic violence and need to move for safety reasons [District of Columbia Rev. Stat. §§ 42-3505.07, 42-3505-08](#).³¹⁹ For more information on domestic violence, please visit the [Dating and Domestic Violence chapter](#) in this Handbook. You should speak to a lawyer at one of the legal services organizations listed below to find out if you have the right to move out early.

*How do you terminate a term **lease**?*

Check your **lease** to find out if you are required to notify your **landlord** if you are leaving at the end of a **lease**. If you leave before the end of your **lease** and do not otherwise reach an agreement with the **landlord**, your landlord may be able to:

- demand an early termination fee, if one is included in your **lease**;
- continue to charge you rent as it becomes due until the landlord finds a new tenant, which the landlord must use reasonable efforts to do;

³¹⁷ code.dccouncil.us/dc/council/code/sections/22-1321.html

³¹⁸ ota.dc.gov/

³¹⁹ code.dccouncil.us/dc/council/code/sections/42-3505.07.html

*Does the **Landlord** have an obligation to rent your apartment if you leave before the end of your **lease**?*

Yes. Whether you have a term **lease** or a month-to-month agreement, your **landlord** must try to rent the property as soon as he or she finds out that you left and can only charge you for the time that the property was vacant.

*What notice of termination of the lease does the **landlord** have to give you if it is a month-to-month agreement?*

30 days' notice is required. Also, a **landlord** can decide not to renew a month-to-month agreement for any reason or no reason at all, so long as the reason is not discriminatory like because of your race, religion, disability, etc. If your **landlord** gives you notice, your **lease** will end on the final day of the term. If you fail to move out after your **lease** expires (this is called "holding over"), your **landlord** can recover possession of your apartment and charge you more than the amount of your rent payment identified in the **lease**. In some situations, a **landlord** can charge you up to double the amount of your original rent payment for the period of time that you stay in the apartment. [D.C. Code § 42-3207](#)³²⁰

Evictions

Many legal aid organizations work to keep people in housing. If you receive an **eviction** notice, ask for help from one of the following organizations as soon as possible:

- [D.C. Law Students in Court](#)³²¹
 - (202) 638-4798
- [Legal Aid Society](#)³²²
 - 202-628-1161
- [Bread for the City](#)³²³
 - 202-265-2400
- [Washington Legal Clinic for the Homeless](#)³²⁴
 - 202-328-5500
- [Neighborhood Legal Services Program](#)³²⁵
 - 202-832-6577

³²⁰ code.dccouncil.us/dc/council/code/sections/42-3207.html

³²¹ risingforjustice.org/

³²² www.legalaiddc.org/

³²³ breadforthecity.org/

³²⁴ www.legalclinic.org/

³²⁵ nlsp.org/

Can your *Landlord* evict you?

Yes, in certain circumstances but your landlord must always take you to court first. If you are using your rental unit to store, distribute, use, or manufacture drugs, your *landlord* can immediately start the *eviction* process in court by filing a complaint against you. Your *landlord* can also evict you if you break the terms of your *lease*. In this case, your landlord must give you a 30 day notice to quit or cure, which gives you 30 days to fix the problem. If you do not fix it, the landlord can then file a complaint for eviction against you in landlord-tenant court. A landlord also must give you a 30 day notice to quit before filing for eviction against you for nonpayment of rent (not paying your rent on time). However, they do not need to give you 30 days' notice if you waived this right in your lease.

Does your landlord need a reason to evict you?

Yes. If you have a term *lease*, your *landlord* probably cannot evict you during the term of the *lease* without *cause*. You should check the specific terms of your *lease* to be sure. However, if you have a month-to-month tenancy, your *landlord* can choose not to renew your *lease* without *cause* but must provide you with 30 days' notice. If that happens, this would not be an *eviction*. However, if you remain in the unit past the date the landlord asks you to leave, the landlord must bring you to court to evict you. There are NO self-help evictions in D.C. This means a landlord can never change the locks or remove your belongings without first bringing you to court.

What is the process for *evictions*?

There is an *eviction* process that must be followed to remove you from your rental property, which is as follows:

1. Written notice issued to tenant by *landlord* (except in cases of drug violations or late rent if you have waived the right to a 30 day notice).
2. *Eviction* filed with court by the *landlord*.
3. *Eviction* summons delivered (or in legal terms, "served") on the tenant by police officer or process server.
4. The tenant must appear in court on the date and time stated in the summons or request that the Court reschedule the hearing. If the tenant does not appear or request a new date, the court will issue a decision in favor of the landlord called a "default judgment".
5. If the court rules in favor of the *landlord*:
 - The court will issue a document called a Writ of Restitution,
 - A United States Marshall will serve that document on the Tenant, and
 - The tenant has at least two weeks to leave the property after being served with the document.
 - If the eviction is for nonpayment of rent, the tenant may remain in possession of the unit if the tenant pays all the rent due prior to the U.S. Marshall evicting him or her.
 - Only the U.S. Marshalls can carry out the eviction of a tenant in D.C. To learn where in D.C. the U.S. Marshalls will be doing evictions that day, call 202-879-4879.

For more information on the eviction process, visit the [U.S. Marshals Service website](#).³²⁶

Can your landlord take your personal property?

No, unless you abandon it. If the landlord takes your personal property, the landlord may have to pay you back for the greater of either three months' rent or other monetary damages you suffered, including your attorneys' fees.

Review the [Lawyer Referral](#) section below for assistance in finding a lawyer to help with your [eviction](#) process.

Couch-Surfing

What is couch-surfing?

Couch-surfing is a popular form of short term housing. Couch-surfing is where you live in a spare room, living room or even on a couch of a homeowner (usually a friend) with their permission, for a short period of time.

If you are couch-surfing for free, can you get kicked out?

Yes, if there is no [lease](#), you must leave if asked. If the place you are couch surfing is rented from a [landlord](#), the [landlord](#) could have rules restricting guests' length of stay. Without signing the [lease](#) yourself, you may subject your friend to an additional fee, or worse, cause your friend to violate the terms of his or her [lease and face eviction](#). Also, if your friend has a housing voucher (often called "Section 8," a program run by the D.C. Housing Authority) or other housing assistance, he or she could lose their housing subsidy if you stay more than a certain amount of time. See www.dchousing.org/ for more information.

Mail and Addresses

Using a Friend's Address

Can I use my friend's address?

If you are staying at a friend's house you may be able to use their address for mail, school or residency. Federal and D.C. [law](#)³²⁷ provide that homeless youth must have access to free public education and must be admitted without delay to the school in the neighborhood in which they are currently staying if they choose to enroll there. For more information on education related topics, please refer to the [Education chapter](#) in this Handbook.

³²⁶ www.usmarshals.gov/district/dc-sc/general/evictions.htm

³²⁷ osse.dc.gov/service/homeless-education-program-frequently-asked-questions

Additional Options for Getting Mail

Can I get an address from the U.S. Post Office?

Even if you do not have an address, you can temporarily get mail sent to a post office in your area for free. The U.S. Post Office offers “General Delivery” mail services to individuals who do not have a fixed address or identification. This service is offered for free. There is no time limit for how long an individual may receive general delivery mail at a post office. Typically, mail is held for no more than 30 days.

You will need to find the Post Office in your area that handles General Delivery in a specific area to determine which Post Office mail will be sent to. Call 1-800-ASK-USPS (1-800-275-8777) and request “Customer Service.” You can also obtain the proper General Delivery address information at any Post Office or by selecting the “Look Up a ZIP Code” button on the US Postal Service homepage.³²⁸ Using the ZIP Code lookup tool, type “General Delivery” in the address line, followed by your City and State, and click “Find.” The General Delivery location’s ZIP code will be provided.

If you are going to have mail sent to you through general delivery, mail needs to be sent with your name, noting “General Delivery” along with the city, state and zip code.³²⁹ An example of a correctly formatted General Delivery address should be addressed like this:

JOHN DOE
GENERAL DELIVERY
ANYTOWN, FL 12345-9999

You will need to pick up your mail at the designated “General Delivery” post office within 30 days of it being sent.

How can I find affordable housing in D.C.?

A list of organizations that may be able to assist you in finding affordable housing can be found on the [D.C. Department of Housing and Community Development website](#).³³⁰

Housing Choice Voucher/Section 8

How do I apply for a housing choice voucher/section 8?

The housing choice voucher program is the federal government’s major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. Since housing assistance is provided on behalf of the family or individual, participants are able to find their own housing, including single-family homes, townhouses and apartments.

³²⁸ www.usps.com

³²⁹ pe.usps.com/text/pub28/28c2_033.htm

³³⁰ dhcd.dc.gov/node/702332

How do I apply for a housing choice voucher/section 8?

If you are interested in applying for a voucher, contact the [local public housing agency](#).³³¹

How do I know if I am eligible for housing choice voucher/section 8?

Eligibility for a housing voucher is determined by the public housing agency (“PHA”) based on the total annual gross income and family size and is limited to U.S. citizens and specified categories of non-citizens who have eligible immigration status. In general, the family’s income may not exceed 50% of the median income for the county or metropolitan area in which the family chooses to live. By law, a PHA must provide 75 percent of its voucher to applicants whose incomes do not exceed 30 percent of the area median income. Median income levels are published by HUD and vary by location. The PHA serving your community can provide you with the income limits for your area and family size.

During the application process, the PHA will collect information on family income, assets, and family composition. The PHA will verify this information with other local agencies, your employer and bank, and will use the information to determine program eligibility and the amount of the housing assistance payment

If the PHA determines that your family is eligible, the PHA will put your name on a waiting list, unless it is able to assist you immediately. Once your name is reached on the waiting list, the PHA will contact you and issue you a housing voucher.

How do housing vouchers work?

The housing choice voucher program places the choice of housing in the hands of the individual family. A very low-income family is selected by the PHA to participate is encouraged to consider several housing choices to secure the best housing for the family needs. A housing voucher holder is advised of the unit size for which it is eligible based on family size and composition.

The housing unit selected by the family must meet an acceptable level of health and safety before the PHA can approve the unit. When the voucher holder finds a unit that it wishes to occupy and reaches an agreement with the landlord over the lease terms, the PHA must inspect the dwelling and determine that the rent requested is reasonable.

Transitional Housing

How do housing vouchers work?

There are a number of transitional housing options that can lead young people back to a more stable and supportive family situation, or on a path to true independence and self-sufficiency.

A number of transitional housing options are listed in the table below:

Program Name	Type of Transitional Housing	More information
--------------	------------------------------	------------------

³³¹ www.hud.gov/program_offices/public_indian_housing/pha/contacts

Sasha Bruce House	24 Hour Shelter	Visit Sasha Bruce website ³³²
Sasha Bruce Independent Living Program	Long Term Shelter	Visit the Independent Living Program website ³³³
Sasha Bruce Transitional Living Program	Long Term Shelter	Visit the Transitional Living Program ³³⁴
Sasha Bruce Transitional Housing Program	Long Term Shelter	Visit the Transitional Housing Program ³³⁵
Sasha Bruce Permanent Housing Program	Long Term Shelter	Visit the Permanent Housing Program ³³⁶
Olaiya's Cradle	Long Term Shelter	Visit Olaiya's Cradle ³³⁷

What is public housing?

Public housing is government-owned housing that is available to low-income individuals and families at a reduced rent. The [D.C. Housing Authority \(DCHA\)](#)³³⁸ manages public housing across D.C. Additional information on applying can be found on the [District Alliance for Safe Housing website](#).³³⁹ If eligible, the local housing authority determines how much rent you will pay each month. Check out the HUD [Public Housing Fact Sheet](#)³⁴⁰ for more information.

Where can I go for more information regarding public housing?

The [D.C. Housing Authority \(DCHA\)](#),³⁴¹ located at 1133 North Capitol Street, NE, can help you apply for public housing and tell you what documentation you need to provide in order to verify the information on your application. If you are eligible, DCHA will check your references to make sure you would be a good tenant. DCHA has a very long waiting list and may not be accepting applications at this time. However, you can apply for public housing in other jurisdictions as well.

How do I know if I am eligible for public housing?

You must be over 18 or be an [emancipated minor to apply for public housing](#).³⁴² In addition, [eligibility](#) is determined by: annual [gross income](#), age, [family](#) status, disability status; immigration status, and other factors. For more information see [HUD's eligibility page](#).³⁴³

³³² www.sashabruce.org/programs/safehomes/sasha-bruce-house/

³³³ www.sashabruce.org/programs/safehomes/independent-living-program-ilp/

³³⁴ www.sashabruce.org/programs/safehomes/transitional-living-program-tlp/

³³⁵ www.sashabruce.org/programs/safehomes/transitional-housing-program/

³³⁶ www.sashabruce.org/programs/safehomes/permanent-housing-program-php/

³³⁷ www.sashabruce.org/programs/safehomes/olaiyas-cradle/

³³⁸ www.dchousing.org/topic.aspx?topid=3&AspxAutoDetectCookieSupport=1

³³⁹ www.dashdc.org/housing-resource-center/find-safe-housing/permanent-housing/apply-public-housing/

³⁴⁰ www.hud.gov/topics/rental_assistance/phprog

³⁴¹ www.dchousing.org/?AspxAutoDetectCookieSupport=1

³⁴² www.legalaidocba.org/documents/Emancipation.pdf

You can find out more about your [rights online](#).³⁴⁴ If you feel your rights have been violated or you have been discriminated against in relation to public housing, contact University Legal Services or one of the D.C. legal services providers listed above.

How do I apply for public housing in D.C.?

In order to apply for public housing, you will need to produce certain documents requested by the housing authority representative, such as a [birth certificate](#) or tax return. The Public Housing Authority may also rely on other forms of verification of the information on your application, such as speaking directly to your employer.

[Eligible noncitizens](#)³⁴⁵ must sign a declaration of their immigration status and a verification consent form and provide their original Immigration Naturalization Service (INS) documentation. Review the [Immigration and Undocumented Youth chapter](#) in this Handbook for more information on legal rights and resources.

If you are accepted into a public housing program, the housing authority will require you to sign a [lease](#). A public housing [lease](#) automatically renews as long as you comply with the [lease](#) provisions and meet the [income limits](#).³⁴⁶

For more information on how to apply for public housing, please visit www.dchousing.org.³⁴⁷ Note that as of June 2019, the waitlist for public housing is at 10 years and is currently **closed**.

How long can I stay in public housing?

You may stay in public housing as long as you comply with the [lease](#). This means you can stay as long as you continue to be eligible for the program and comply with the [eligibility requirements](#).³⁴⁸

What if the conditions in my unit are bad?

If conditions are bad in your public housing unit, contact your local housing authority or [file a complaint](#).³⁴⁹ Public housing authorities are required to:

- follow all building and housing codes that affect the health or safety of the tenants;
- follow all [lease](#) provisions dealing with maintenance and repair;
- keep all electrical wiring, heating, ventilation, sanitation and elevators in safe working order;
- make sure there are enough containers for garbage for the whole building;
- make all necessary repairs;
- keep the common areas (for example, hallways, community rooms, laundry facilities, sidewalks, and playgrounds) clean and safe; **and**
- follow state law requiring weatherization and insulation.

³⁴³ www.hud.gov/topics/rental_assistance/phprog

³⁴⁴ www.hud.gov/

³⁴⁵ affordablehousingonline.com/guide/housing-for-immigrants/eligible-noncitizens

³⁴⁶ www.hud.gov/topics/rental_assistance/phprog

³⁴⁷ www.dchousing.org/topic.aspx?topicid=4

³⁴⁸ www.hud.gov/topics/rental_assistance/phprog

³⁴⁹ www.hud.gov/complaints/badlandlord

The housing authority cannot charge you for ordinary repairs and maintenance, although it can make you pay for damage caused by you, your household, or your invited guests.

Can I be evicted from public housing? For what reasons?

Yes, but only for good **cause**. This means that the housing authority must prove that you violated your **lease**. Your **lease** will tell you what you have promised to do and not to do in your public housing unit. Some examples of “good **cause**” for **eviction** include:

- serious or repeated violations **lease** terms;
- destruction or vandalism of property, or disturbing the peace of other residents;
- criminal activity that threatens the health and safety of other tenants; or
- drug-related activity.

Does the Public Housing Authority have to give me notice before evicting me?

Yes. The notice must be in writing and include which rules of your lease that you violated and the reasons the housing authority believes you violated those rules. The housing authority may also give you an opportunity to correct your **lease** violations. In some cases, the housing authority must provide you with an informal hearing before they can **evict** you. The housing authority must also observe D.C. **eviction** law.

What if the housing authority has done something wrong?

A grievance is an official way to resolve disputes with the public housing authority. Each public housing authority has different rules for the grievance process. Ask your public housing authority for a copy of its process, which will tell you important things like how to make a complaint.

Who can file a grievance?

If you are the **tenant**, you can file a grievance against the public housing authority if the public housing authority has done something against the rules that are in the **lease** or its policies. You can also file a grievance if you are notified that your **lease** is being ended (called a “termination of **lease** notice”).

You may not file a grievance if the dispute is with other tenants and not with the public housing authority. You may not file a grievance if you gave up (waived) your right to the grievance process or if you are being **evicted** for any of the following reasons:

- Any criminal activity that threatens other tenants or public housing authority workers;
- Any violent or drug related criminal activity on or off the property; or
- Any criminal activity that resulted in a **felony** conviction of a household member.

For more information on criminal issues, please review the **Criminal Law** chapter of this Handbook, specifically the *What is the difference between a felony and a misdemeanor?* response.

How are grievances resolved?

First, you must write a letter to your housing authority describing what the problem is and asking for an informal conference. The housing authority will send you a letter telling you when the informal conference is scheduled. At the informal conference you will have an opportunity to describe your problem to the representative from the housing authority. The housing authority will tell you at the informal hearing what it plans to do about your problem.

If the housing authority plans to solve your problem to your satisfaction, then the grievance process can stop there. If not, you can request a formal hearing. A formal hearing is a meeting where a housing authority hearing officer or a panel of people listens to both sides and makes a decision about what the housing authority should do. To request a formal hearing, another letter must be written to the housing authority.

Can I bring a lawyer or other person to assist me?

Yes. You can bring an advocate or lawyer to both the informal conference and formal hearing.

Staying in a Shelter

How can I find a shelter? What do they provide?

Homeless shelters provide temporary housing for individuals and families. Shelters provide a variety of services including lodging, food, basic hygiene care, and substance abuse support services. However, services vary widely from one shelter to another, and space may be limited. All shelters are free. To find a shelter in your area, visit the [Community Partnership For the Prevention of Homelessness website](#).³⁵⁰

What are the requirements to stay in a shelter?

Not all shelters require residents to be “homeless” or be experiencing “long-term homelessness” in order to stay. But, if a shelter does require residents to be homeless, the definition of homeless in D.C. for children and youth is expansive. All children and youth under 18 years of age who are living apart from a parent or guardian, excluding those who are in the physical custody of D.C., and all youth between 18 and 24 years of age who are economically or emotionally detached from their families and lack an adequate or fixed residence, including children and youth who are unstably housed, living in doubled up circumstances, in transitional housing, in shelter, or on the street are considered homeless.³⁵¹ More information about how to determine if you would qualify as homeless can be found on nn4youth.org.

Keep in mind that some shelters only serve specific groups of people, such as veterans, families, youth under a certain age, or survivors of domestic violence. Given these restrictions, it is best to speak to a shelter representative or [check online](#)³⁵² to determine whether you may qualify to stay at a particular shelter. If a shelter is not specifically for youth, you must be at least 18 years of age to stay there. D.C. has single men’s shelters, single women’s shelters, and family shelters. Family shelters are for people who have at least one minor child in their care.

³⁵⁰ community-partnership.org/find-help/youth

³⁵¹ code.dccouncil.us/dc/council/code/sections/4-753.01.html

³⁵² www.homelessshelterdirectory.org/cgi-bin/id/city.cgi?city=Washington&state=DC

What do I do if the shelter is full?

Many shelters reach capacity or have long waiting lists and must turn people down. Some shelters do provide referrals to other shelters, so you can ask the shelter representative for other options. If a shelter does not provide referrals, dial 211 for your local information and referral hotline.

How long can I stay at a shelter?

There are no time limits on shelter stays in D.C. for the most part. Check the [Homeless Shelter Directory](#)³⁵³ for more information about shelters.

*Will potential **landlords** or employers know that I stayed at a shelter?*

Homeless shelters often require identification, but generally only use that information for their own purposes. The shelter typically will not release information about you without your permission unless the police request it.

However, there is no law that prevents an employer or **landlord** from asking you to list your prior residences on an application. A gap in addresses may indicate a period of homelessness, but would not necessarily reveal that you have stayed at a shelter.

For more information on employment related issues, please review the [Employment Law chapter](#) in this Handbook.

³⁵³ www.shelterlist.com/city/dc-washington

7. Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ+)

Immediate Help & Housing

Where can I go for immediate help?

There are several places that you can turn for immediate help.

For help 24 hours a day, 7 days a week:

- Contact [The Trevor Project](http://www.thetrevorproject.org/)³⁵⁴ who provide crisis intervention and suicide prevention for LGBTQ+ youth through the TrevorLifeline: Call (866) 488-7386 or text START to 678678.
- Chat with a counselor at TrevorChat. [TrevorSpace](http://www.trevorspace.org/)³⁵⁵ is an online community for LGBTQ+ youth and their friends.
- Contact the Gay, Lesbian, Bisexual, Transgender and Questioning (GLBTQ+) National Help Center at glbthotline.org/peer-chat.html or (888) 843-4564.
- On a more local level, contact the D.C. Department of Behavioural Health [Access Helpline](http://www.dbh.dc.gov/service/access-helpline)³⁵⁶ at (888) 7WE-HELP (888-793-4357).

For another option between 10am - 4am:

- Contact [Trans Lifeline](http://www.translifeline.org/),³⁵⁷ a national trans-led organization dedicated to improving the quality of trans lives by responding to the critical needs of the community with direct service, material support, advocacy, and education. Call: 877-565-8860. Volunteers may be available during off hours.

Are emergency shelter options available if I have been kicked out of my home because I am LGBTQ+?

Yes. Call one of the below hotline numbers to find an emergency shelter in Washington, D.C.:

- 24-hour Shelter Hotline (over 18) - **(202) 399-7093**
- 24-hour Safe Place Hotline (under 18) - **(202) 547-7777**
- Mayor's Call Center: **311**

Additional shelter options can be found in the [Options for Safety and Stability chapter](#) in this Handbook.

³⁵⁴ www.thetrevorproject.org/

³⁵⁵ www.trevorspace.org/

³⁵⁶ dbh.dc.gov/service/access-helpline

³⁵⁷ www.translifeline.org/

Can an emergency shelter prevent me from using a shelter if I am LGBTQ+?

No. You have a right under federal and D.C. law to be free from discrimination. Housing providers cannot discriminate on the basis of gender nonconformity, your sexual orientation or gender identity or expression. For example, it is illegal in D.C. to:

- refuse housing to someone; or
- make housing unavailable to someone; or
- falsely tell someone housing is unavailable,

because of gender nonconformity, your sexual orientation or gender identity or expression.

For more information, please refer to the **Housing Discrimination** section of this chapter. For additional information about the details of these laws that protect your rights, refer to the **Fair Housing Act**³⁵⁸ and **DC Human Rights Act of 1977**.³⁵⁹

Housing Discrimination

What should I do if I suspect a landlord will not give me housing because I am LGBTQ+?

You are entitled to protection from discrimination. Under the D.C. Human Rights Act, landlords are prohibited from discriminating based on your sexual orientation or gender identity or expression.

If you think you have been discriminated against by a landlord because of your LGBTQ+ identity, contact the **Office of Human Rights for the District of Columbia via their website**³⁶⁰ or by phone at (202) 727-4559. Any complaint must be filed within one year of the date on which you believe the discrimination occurred.

Federal Law: The Federal Fair Housing Act prohibits landlords from discriminating on the basis of race, color, religion, national origin, sex, familial status, or disability. The Federal Fair Housing Act does not specifically include sexual orientation and gender identity as protected classes, however there are bills in Congress to make this inclusion explicit. Additional information on the status of this bill can be found online at **H.R. 2402**³⁶¹ and the **U.S. Department of Housing and Urban Development (HUD) website**.³⁶² Additional information can be found on the **Human Rights Campaign website**.³⁶³

The Whitman-Walker Health Legal Services Program can help you with housing discrimination. The services are free; you can contact them at contact-legal@whitman-walker.org or by phone at (202) 939-7630.

³⁵⁸ www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint

³⁵⁹ ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/LawsAndRegs-HumanRightsAct-1977-English.pdf

³⁶⁰ ohr.dc.gov/

³⁶¹ www.govtrack.us/congress/bills/116/hr2402/text

³⁶² www.hud.gov/program_offices/fair_housing_equal_opp/housing_discrimination_and_persons_identifying_lgbtq

³⁶³ www.hrc.org/resources/housing-for-lgbt-people-what-you-need-to-know-about-property-ownership-and

For more information on housing-related issues, refer to the [Housing and Contracts](#) chapter of this Handbook.

What should I do if I have been a victim of trafficking and am having difficulty locating a place to live?

For more information on sexual exploitation issues, refer to the [Domestic and Dating Violence](#) chapter of this Handbook. There are resources to help you and detailed information on your legal rights.

- [Amara Legal Services](#)³⁶⁴ can help you with legal issues related to exploitation and trafficking including criminal law issues.

For youth survivors of sex trafficking in D.C.:

- [Courtney's House](#)³⁶⁵ provides counseling and has a survivor's hotline (Call 1-888-261-3665).
- [FAIR Girls](#)³⁶⁶ has a safe house for women (and people who identify as female) ages 18-26 and offers counseling and legal and medical referrals.

What should I do if I have been kicked out of my home because I am LGBTQ+?

Temporary housing may be available. Refer to the [Temporary Housing](#) section in this chapter. See also [Shelter Options for Homeless Youth](#) in the chapter, [Options for Safety and Stability](#), in this Handbook. There are several LGBTQ+-specific housing programs and support in the D.C. Metro Area including:

- [The Wanda Alston Foundation](#)³⁶⁷ at (202) 733-3642;
- [Covenant House Washington](#)³⁶⁸ at (202) 610-9600;
- [Casa Ruby](#)³⁶⁹ at (202) 355-5515);
- [SMYAL](#)³⁷⁰ at (202) 546-5940; and
- [Latin American Youth Center](#)³⁷¹ (LAYC) at (202) 713-0475.

Each of these providers is part of the Coordinated Entry system which means you can go to any shelter and receive the same assessment. This assessment represents standardized access and assessment for all individuals to ensure that people experiencing homelessness can get help with both immediate and long-term housing and service needs. You can call any of these providers to schedule an assessment, which will add you to the housing list. For SMYAL and LAYC, you may also complete an intake in person at their drop-in centers.

- [SMYAL](#)'s drop-in center is located at 410 7th Street SE, Washington, D.C. 20003, phone: (202) 546-5940.

³⁶⁴ www.amaralegal.org/

³⁶⁵ www.courtneyshouse.org/

³⁶⁶ www.fairgirls.org/

³⁶⁷ www.wandaalstonfoundation.org/

³⁶⁸ covenanthousedc.org/

³⁶⁹ casaruby.org/

³⁷⁰ smyal.org/

³⁷¹ www.layc-dc.org/

- [Latin American Youth Center](#)'s drop-in center is located at 3045 15th Street, NW, Washington, D.C. 20009; Monday–Friday, 9 am to p.m.; phone: (202) 768-7801.
- [The D.C. Center for the LGBTQ+ Community](#)³⁷² and the [Mayor's Office of LGBTQ+ Affairs](#)³⁷³ may also provide support and help connect you with crisis-housing resources.

Employment Discrimination

What are my legal rights at my job if I am LGBTQ+?

In D.C., it is illegal to discriminate against an employee based on their sexual orientation or gender identity or expression. For more information, please refer to [DC Human Rights Act of 1977](#).³⁷⁴ You can consult [Lambda Legal](#)³⁷⁵ or the [Human Rights Campaign Foundation](#)³⁷⁶ for detailed and current information on this subject.

For more information on employment issues, refer to the [Employment chapter](#) of this Handbook.

More information can also be found on the [Office of Human Rights website](#).³⁷⁷ The Whitman-Walker Health Legal Services Program provides free legal support to LGBTQ+ persons facing discrimination or harassment in the workplace. You can contact them at contact-legal@whitman-walker.org or by phone at (202) 939-7630.

What should I do if a potential employer refused to hire me or an employer fired me because of my LGBTQ+ status?

It may be illegal and/or against company policy for an employer to refuse to hire you – or to fire you - because you are LGBTQ+.

D.C. Law: The [D.C. Human Rights Act of 1977](#)³⁷⁸ prohibits both public sector and private sector employers from discriminating based on your sexual orientation or gender identity or expression. If you think you have been discriminated against by an employer because of your LGBTQ+ identity, contact the [Office of Human Rights for D.C. online](#)³⁷⁹ or by phone at (202) 727-4559. It is important to contact the Office of Human Rights quickly as any complaint must be filed within one year of the date on which you believe the discrimination occurred. [Lambda Legal](#)³⁸⁰ is also a good source for information and resources about DC laws related to workplace discrimination and the LGBTQ+ community.

Federal Law: [Title VII of the Civil Rights Act of 1964](#)³⁸¹ prohibits employers from discriminating on the basis of gender identity or sexual orientation. These federal law protections apply and protect individuals even if there is a contrary state or local law. For more information on how

³⁷² thedccenter.org/

³⁷³ lgbtq.dc.gov/

³⁷⁴ ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/LawsAndRegs-HumanRightsAct-1977-English.pdf

³⁷⁵ www.lambdalegal.org/states-regions/washington-dc

³⁷⁶ www.hrc.org/explore/topic/workplace

³⁷⁷ ohr.dc.gov/

³⁷⁸ ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/LawsAndRegs-HumanRightsAct-1977-English.pdf

³⁷⁹ ohr.dc.gov/

³⁸⁰ www.lambdalegal.org/states-regions/washington-dc

³⁸¹ www.eeoc.gov/laws/statutes/titlevii.cfm

Title VII might help you, visit the [EEOC website](#).³⁸² If you are trans, the [Transgender Law Center](#)³⁸³ has resources and information about employment laws relating to trans individuals.

Other Options: Your employer also may have a company policy prohibiting discrimination based on sexual [orientation](#) and/or gender identity. Ask to see your employer's policies, which may be found in an employee handbook for your workplace. You can also check out the [Corporate Equality Index by the Human Rights Campaign Foundation](#) to find out how hundreds of U.S. companies rank for LGBTQ+ equality.

What if I have been a victim of trafficking and am having difficulty finding a job?

For more information on employment issues, refer to the [Employment chapter](#) of this Handbook.

Foster Care, Housing, and General Support

Where can I find general information about my rights in the child welfare and juvenile justice systems?

The "[Getting Down To Basics](#)" [toolkit](#)³⁸⁴ created by Lambda Legal provides guidance on an array of issues affecting LGBTQ+ youth and the adults and organizations that provide them with out-of-home care.

Do I have a right to be placed in a safe foster home and to freely express my sexual orientation and gender identity?

Yes. All LGBTQ+ foster youth have a right to safe placement in a foster home free from discrimination or mistreatment based on sexual orientation or gender identity, to express your gender identity in foster care, and to be open about your sexual orientation in foster care. The [D.C. Youth Bill of Rights](#)³⁸⁵ also covers foster care issues.

If you are in foster care and believe you are being treated differently from others because of your sexual orientation or gender identity, talk to your caseworker, Guardian Ad Litem (GAL), and/or attorney to request a change in placement. If you do not have an attorney and would like one, ask the court to appoint an attorney for you at your next hearing or even sooner. For some general information about your rights in foster care, visit the [Human Rights Campaign's LGBTQ Youth in the Foster System](#)³⁸⁶ resource.

For more information on foster care issues, refer to the [Foster Care chapter](#) of this Handbook.

³⁸² www.eeoc.gov/eeoc/newsroom/wysk/enforcement_protections_lgbt_workers.cfm

³⁸³ transgenderlawcenter.org/legal/employment

³⁸⁴ www.lambdalegal.org/publications/getting-down-to-basics

³⁸⁵ cfsa.dc.gov/page/youth-bill-rights-cfsa

³⁸⁶ www.hrc.org/resources/lgbt-youth-in-the-foster-care-system

What should I do if I have been beaten up or otherwise abused in foster care?

Report the crime to the police. If it is an emergency, call 911. If for any reason you are afraid to call the police, call [Lambda Legal](http://www.lambdalegal.org)³⁸⁷ immediately at (866) 542-8336. If you have been abused or neglected while in foster care, you also can contact the [D.C. Child and Family Services Agency](http://www.cfsa.dc.gov)³⁸⁸ Hotline at (202) 671-SAFE (7233).

If there are adults in your life who you trust, reach out and tell them about the abuse. Also tell these adults if you feel you have been neglected in foster care or treated unfairly, and seek their advice about your options.

What should I do if I ever feel unsafe in my foster home?

Talk to your social worker, Guardian Ad Litem (GAL), or attorney to request a change in placement. If you have been beaten up or physically assaulted, or are the victim of a crime, you may want to report the situation to the police. The [D.C. Youth Bill of Rights](http://www.cfsa.dc.gov)³⁸⁹ also covers foster care issues.

If I am LGBTQ+ and find myself in juvenile detention, do I have a right to be safe?

Yes. Every juvenile detention center is obligated to keep youth in its care safe, and this includes LGBTQ+ youth.

You can also call [Lambda Legal](http://www.lambdalegal.org)³⁹⁰ at (212) 809-8585 for additional resources and information. For more information on juvenile detention issues, refer to the [General Criminal Law](#) chapter in this Handbook.

Assault, Abuse, and Hate Crimes

What happens if I am assaulted because I am LGBTQ+?

This is called a “hate crime,” and both D.C. and federal laws support increased penalties for crimes committed by someone motivated by hate and directed at a member of the LGBTQ+ community. Information about the Federal Hate Crimes Prevention Act and related laws can be found on the [Human Rights Campaign’s website](http://www.hrc.org).³⁹¹

If you have been the victim of a hate crime, contact the police to report the crime as soon as possible. In an emergency, call 911. You can also contact [Lambda Legal](http://www.lambdalegal.org) for help at (212) 809-8585 or lambdalegal.org/help.

If you have been abused in foster care, see the resources listed under [Foster Care](#) and [Juvenile Detention](#) in this chapter.

³⁸⁷ www.lambdalegal.org/

³⁸⁸ cfsa.dc.gov/

³⁸⁹ cfsa.dc.gov/page/youth-bill-rights-cfsa

³⁹⁰ www.lambdalegal.org

³⁹¹ www.hrc.org/resources/hate-crimes-law

No matter what your age, if you have been sexually assaulted you can contact the [D.C. Victims Hotline](#)³⁹² at (844) 4-HELP-DC (4357-32) for legal help, shelter, emergency financial assistance, and other services to support you in your recovery. You can also call the [National Sexual Assault Telephone Hotline](#)³⁹³ at (800) 656-HOPE (4673) to be connected with a trained staff member from a sexual assault service provider in your area. You can also contact the [Network for Victim Recovery of D.C.](#)³⁹⁴

No matter what your age, if your parents are physically or emotionally abusing you because you identify as a member of the LGBTQ+ community, you can seek help. If you feel unsafe at home, try to speak with a trusted adult, such as a teacher, social worker, healthcare professional, counselor, or police officer. **If you are in danger, call 911 immediately.** You can report parental or caretaker abuse by calling the Child Protective Services hotline at (202) 671-SAFE or (202) 671-7233. You can report parental and any other abuse to the [Youth and Preventive Services Division of the Metropolitan Police Department](#)³⁹⁵ at (202) 576-6768. If you can no longer stay at your home because you are suffering abuse there, see this Handbook's section on [Temporary Housing](#) to find a shelter.

You can also reach out to [It Gets Better](#),³⁹⁶ which provides national and local resources to help with a crisis.

Your immigration status does not change your right to be free from assault, abuse and hate crimes.

What if I am 18 or over and have been assaulted?

If you are 18 or over and are the victim of a crime (including a hate crime, sexual or other assault, or abuse), you will need to decide if you wish to seek medical treatment and/or contact the police. If there is an emergency or if you wish to seek medical treatment, you can call 911 for emergency help. You can seek medical attention without the consent of others. If you wish to file a police report about a crime that has been committed, you can do so by contacting the police on 911 or going to your local police station in person. If you wish to file a police report, it is important to file the report as soon as possible.

If you are transgender and, if for any reason, you are hesitant to call the police, call [Lambda Legal](#)³⁹⁷ immediately at (212) 809-8585. You can also reach the D.C. Victim Hotline, which is available for all crime victims in D.C., at 844-4-HELP-DC.

For more information on health care and medical treatment, refer to the [Health Care and Medical Rights chapter](#) in this Handbook.

Where can I get help if I am under 18 and have been assaulted?

Generally, if you are under 18, Washington, D.C. law requires that you get your parents' consent to receive medical care, unless you are suffering from a condition that requires emergency treatment and it is impossible for your parent or guardian to be located. For more

³⁹² dcvictim.org/

³⁹³ www.rainn.org/about-national-sexual-assault-telephone-hotline

³⁹⁴ www.nvrdc.org/crime-victims-rights-legal-services

³⁹⁵ mpdc.dc.gov/page/youth-and-family-services-division

³⁹⁶ itgetsbetter.org/

³⁹⁷ www.lambdalegal.org

information on health care and medical treatment, refer to the [Health Care and Medical Rights chapter](#) in this Handbook.

If you are a victim of a crime, and you do not feel comfortable telling your parents, you can contact the [Youth and Preventive Services Division of the Metropolitan Police Department](#)³⁹⁸ at (202) 576-6768. [ASK DC](#)³⁹⁹ also has a list of services for minors and teens to find help and resources. That includes a forensic medical exam through the [Children's National Medical Center](#)⁴⁰⁰ for minors. You can also request a specialized [Sexual Assault Nurse Examiner](#).⁴⁰¹

If someone you care about is a victim, you can call on their behalf. Remember, no matter how old you are, if you intend to file a police report about a crime, it is important to do so as soon as possible. If there is an emergency or if you are in need of medical care, call 911 immediately.

You can speak with someone from [RAINN](#)⁴⁰² 24 hours a day/7 days a week at (800) 656 - 4673 or you can [chat online](#) if you can do so from a safe place.

Mental health services may be provided to any minor who knowingly and voluntarily seeks services on an outpatient basis. Parental or guardian consent is not needed. You must be 18 in order to receive inpatient care and 16 in order to consent to psychotropic drugs without consent of a parent or guardian. Additional information can be found in the [Mental Health and Substance Abuse chapter](#) of this Handbook.

Where do I go if I need emotional support and help?

If you need emotional support, you can contact the various organizations below:

- No matter what your age, if you want to talk to someone for emotional support for any reason, you can contact [The Trevor Project](#).⁴⁰³ You will be connected with a safe, non-judgmental person by phone, text, or online chat (refer to the [Mental Health Remote Counseling](#) section in this chapter).
- You may also reach out to one of the resources on It Gets Better's [website](#),⁴⁰⁴ or call them at (800) 273-8255. It Gets Better provides national and local resources to help you through a crisis – including feelings of despair and suicide.
- The GLBT National Help Center also operates a youth talk-line which you can find at glbthotline.org/peer-chat.html or at (800) 246-7743.
- Whitman Walker Health provides free therapy services to youth who have experienced or witnessed something that is hard to talk about. You can get more information about this program by either coming to their youth drop-in center open Monday - Friday, 11 am - 7 pm (651 Pennsylvania Ave. SE) or calling (202) 745-7000 and asking about their youth mental health services.

³⁹⁸ mpdc.dc.gov/page/youth-and-family-services-division

³⁹⁹ www.assaultservicesknowledge.org/dc/get-help-city/services-teens-and-minors

⁴⁰⁰ childrensnational.org/departments/child-and-adolescent-protection

⁴⁰¹ www.dcfne.org/#

⁴⁰² www.rainn.org/

⁴⁰³ www.thetrevorproject.org/get-help-now/

⁴⁰⁴ itgetsbetter.org/get-help/

Rights in School (Including your right NOT to be bullied)

Bullying

What are my rights if I am being bullied?

Everyone has a right to a safe learning environment, free from bullying. Bullying and cyber-bullying at school are illegal under D.C. law, and schools are required to investigate reports of bullying. More information on the D.C. Public Schools policy regarding bullying can be found [online](#).⁴⁰⁵ To learn more about your rights under D.C. law, check out the [Washington D.C. Office of Human Rights website](#)⁴⁰⁶ and review [Stopbullying.gov](#).

If you are bullied in school because you are LGBTQ+, tell a school staff member you trust, such as your teacher, counselor, or principal. If you are not comfortable verbally reporting a bullying incident, check your school to see if they provide an online reporting option. You may also reach out to one of the resources at [itgetsbetter.org/pages/get-help/](#) or [stopbullying.gov/get-help-now/index.html](#).

If you believe you are not getting the proper response from your school, you can contact the [U.S. Department of Education](#) or [Department of Justice at their offices of Civil Rights](#).⁴⁰⁷ [Lambda Legal](#) also can be a helpful resource for you if you are being bullied. You can find information at [lambdalegal.org/know-your-rights/article/youth-bullying](#).

D.C. Public Schools' Office of Student Health and Wellness has several programs to support LGBTQ+ students in schools including an LGBTQ+ liaison program, annual Leading with Pride LGBTQ+ youth conference, and transgender and gender-nonconforming policy. You can find out more about the support they can provide by going to their website at [dcps.dc.gov/node/1078512](#).

Free Speech Rights at School

What are my free speech rights at school generally?

If you attend a public school, your right to speak freely is protected by the First Amendment, though there are some restrictions (for example, if your speech is verbally abusive or promotes illegal drug use or is lewd or profane). Some common questions you may have are:

Question	Answer
Do I have a right to speak about my LGBTQ+ status?	Yes.
Do I have a right to speak about my LGBTQ+ issues and wear messages about LGBTQ+ issues, including on clothing, buttons or jewelry without censorship or discrimination?	Yes.

⁴⁰⁵ [dcps.dc.gov/bullying](#)

⁴⁰⁶ [ohr.dc.gov/page/knowyourpolicy](#)

⁴⁰⁷ [www.stopbullying.gov/get-help-now/index.html](#)

Can I share written materials with others on LGBTQ+ issues?	Yes.
Can the school impose extra restrictions or procedural hurdles on me to prevent me from doing the above?	No, your school may not discriminate based on your LGBTQ+ status or issues.
Can the school stop me from speaking about my LGBTQ+ status or issues because it is “sexual”?	No, there is nothing inherently “sexual” about this type of expression such that a school can stop it on the grounds it is “sexual”.
Can the school limit public displays of affection between myself and my LGBTQ+ partner?	Your school may apply certain limits in relation to public displays of affection, as long as such limits apply to everyone and not just LGBTQ+ students.

To learn more, check out Lambda’s site at lambdalegal.org/know-your-rights/article/youth-speech-rights or call (212) 809-8585. Additional information can be found in the **Education chapter** in this Handbook.

What are my legal rights at school dances?

Most likely, it is unlawful for your school to prohibit same-sex couples from dances. And as noted above, school limits on the display of affection – like kissing – should apply to everyone, not just certain groups like LGBTQ+ youth. Contact Lambda Legal if you have problems or questions about such issues, or want to know more at lambdalegal.org/know-your-rights/article/youth-dances or (212) 809-8585.

Scholarships and Financial Aid

What if I want to go to college but am unsure of how to pay for it?

Some scholarships are available. Review the **Education chapter** of this Handbook for information about attending college as a homeless youth. Also, there are scholarships for LGBTQ+ students that can be used to cover tuition, books, supplies, housing, and transportation while you are in school. If you would like more information, these organizations offer more information about scholarships for LGBTQ+ students:

- hrc.org/scholarship-database/c/district-of-columbia
- smyal.org/scholarship
- collegescholarships.org/scholarships/lgbt-students.htm
- pointfoundation.org
- campuspride.org/national-scholarship-database
- nerdwallet.com/blog/loans/student-loans/great-lgbt-scholarships/

Civil Rights

Do I have a right to marry if I am 18 or older and am LGBTQ+?

If you are 18 or older, under D.C. law, you can marry freely. You can marry your loved one, regardless of your gender identity or assigned sex. Same-sex marriages are recognized nationwide, including in D.C. If you are 18 years old, your gender, assigned sex, and sexual orientation are not relevant to your right to marry.

Do I have a right to marry if I am under 18?

You can legally marry if you are 16 or 17, but you need written consent from your parents or legal guardian (being an adult chosen by a judge to act as a substitute parent to make financial and legal decisions for you). However, you do not need your parents' consent if they are no longer living (though you may still need your legal guardian's consent, if you have one). You also do not need your parent or guardian's consent to marry if you have been married before.

What happens if I identify as trans and transition after getting married?

If you identify as transgender and transition after getting married, your marriage will remain valid. As long as your marriage was valid when you entered into it, it will not be invalidated because of a change in sex or gender identification occurring after marriage.

What are my rights to marry if my immigration status is not legal or if I have a criminal record?

You have a right to get married in this country, regardless of your immigration status and regardless of your past criminal record. See the [Immigration chapter](#) in this Handbook.

Military Enrollment

Do I have a right to be free of discrimination in the military if I identify as LGBTQ+?

You can join the military and – according to the law – be open about your sexual orientation without fear of discrimination. The U.S. military used to exclude gay men, bisexuals, and lesbians from service but it does not do so anymore. Transgender people have also been allowed to openly serve since June 30, 2016, and they no longer can be discharged or otherwise separated from the military just for being transgender. However, litigation continues, as does attempts by the Trump-Pence Administration, to change these policies. See this Human Rights Campaign site for developments: hrc.org/resources/transgender-military-service.

You can find more information on the specific requirements for each branch of the military at todaysmilitary.com/joining. More information on the rights of LGBTQ+ in the military may be found at www.militarypartners.org.

What is required for me to enroll in the military?

If you are (a) 17 or older; (b) a US citizen or legal permanent resident (have a permanent residence card); (c) have a high school diploma (or GED); (d) pass a medical exam; and (e) pass an aptitude test, you can serve in the U.S. military.

If you are not yet 18, in addition to the above requirements, you will also need parental consent.

Gender-Transition and Change of Name and Gender on ID and School Records

What name and gender can I use on school records?

You have the right to use the name that matches your gender identity. You have the right to introduce yourself and ask people to use the name and gender you choose, regardless of the name or gender that appears on your official ID documents.

If you attend a D.C. Public School, their Office of Student Health and Wellness can be a support for you, if you face difficulties around your name in school.

How do I change my name on official ID documents?

Whitman-Walker Health Legal Services offers free legal assistance with this process through their monthly Name and Gender Change Clinic. Thanks to [TransLAW](#),⁴⁰⁸ financial aid is available to anyone unable to afford any cost (filing fee, mailing cost, cost of new ID, cost of updated birth certificate, etc.) related to updating your documents with your correct name or gender marker. The services are free; you can contact them at contact-legal@whitman-walker.org or by phone at (202) 939-7630 or -7627. They also offer free printed guides to assist with document updates for residents of D.C., MD, VA, and WV.

The process for changing your name depends on the requirements of the entity issuing the identification. Further details are included below:

Court Order for Name Change

To change your name on official ID documents (for example, D.C. ID card, driver's license, birth certificate, passport, Social Security record), you need to make a formal request to Judge-in-Chambers, Superior Court of the District of Columbia, 500 Indiana Avenue, NW, Room 4220, Fourth Floor, Washington, D.C. 20001. Such a request is called a "name change application". Please visit the [D.C. Courts website](#)⁴⁰⁹ to get the form you will need to file the "name change application". This website also contains instructions on how to file the "name change application".

If you are under 18, your parents (or legal guardian) need to file an [Application for Change of Name of a Minor](#)⁴¹⁰ with the same office. Both of your parents need to be aware of your decision.

⁴⁰⁸ www.translawdc.org/

⁴⁰⁹ www.dccourts.gov/services/judge-in-chambers/application-change-name

⁴¹⁰ www.dccourts.gov/node/20515

All D.C. name-change applications require (a) proof of D.C. residency and identity (valid photo ID), (b) payment of a filing fee of \$60, [unless a waiver is granted by the court](#),⁴¹¹ (c) notification to your creditors so they are aware of your name change, and (d) (in some cases) attendance at hearing before a judge to review your application. The court will then issue a final order, approving or rejecting your request. If approved, you can use this order to request a change of name on your D.C. ID card, driver's license, and other official ID documents.

Birth Certificate

You can change both your gender marker and name at the SAME TIME.

Name. Present your original court order along with the application requesting a copy of your birth certificate.

Gender. Surgery is not required to update the gender marker on your D.C. birth certificate. Everyone receives a birth certificate when born, indicating your name, sex/gender, place of birth, and parent/s names. Your birth certificate is an important document that you keep for the rest of your life and that you need if you wish to change the gender marker on your ID documents (*i.e.*, D.C. ID card, driver's license, Social Security record, passport, etc.).

If you are 18 or older, you can request a change of gender on your birth certificate by filing a Birth Certificate Gender Designation Application Form with the D.C. Department of Health, Vital Records Division. Instructions for requesting an amendment to your birth certificate can be found at: translawdc.org/resources/DC-guide. If you are under 18, your parents (or legal guardian) will need to file the application along with a signed statement from a licensed doctor certifying your gender designation. Additional information is available on [Lambda Legal's website](#).⁴¹²

School Records

If you have successfully changed your name and/or gender on your ID documents, you can ask your school to change your school records. You have the right to request that your school change your name and/or gender to match your new ID documents. If you are under 18, your parents (or legal guardian) will have to submit the request on your behalf. Find more information on how to amend your school records on [Lambda Legal's website](#). If you attend a D.C. Public School, their Office of Student Health and Wellness can be a support for you if you face difficulties around your name in school. You can find out more about the support they can provide by going to their website at dcps.dc.gov/node/1078512.

Social Security

You can change both your gender marker and name at the SAME TIME.

Name Change. Once you have obtained a court order recognizing your name change, you must report your name change to the Social Security Administration (SSA). You must change your name with SSA **before** updating the name on your D.C. ID. Details on applying for a name change with the Social Security Administration can be found at SSA.gov.

Gender Change. Although your Social Security card does not show a gender marker, other government agencies look to your Social Security records to verify your gender. For example, if

⁴¹¹ www.dccourts.gov/services/judge-in-chambers/in-forma-pauperis-fee-waiver

⁴¹² www.lambdalegal.org

your gender marker on your tax or employment records does not match your Social Security records, SSA may contact your employer to question the difference, thereby disclosing your transgender status. Changing your gender marker with SSA will help you avoid this situation.

Detailed information on applying to change your gender marker can be found on the www.ssa.gov website. If you are not a U.S. citizen, the SSA must see your current U.S. immigration document(s) and your foreign passport with biographical information or photograph. Note: SSA will not accept a birth certificate, hospital souvenir birth certificate, Social Security card stub, or a Social Security record as evidence of identity and requires proof of your transition.

State ID/License

You can change both your gender marker and name at the SAME TIME.

Name Change. Present your original court order along with your NEW Social Security card and the required supporting documents at your local DMV office. More information can be found on the [DMV website](#).⁴¹³

Gender Change. You will need to complete a [Gender Self-Designation Form](#).⁴¹⁴ The form does not need to be signed by a medical or social services professional, and no further evidence of your transition (such as medical records or a letter from a doctor) is required.

Immigration

What if I do not have lawful immigration status in the U.S. but I am afraid to return to my country because of my sexual orientation or gender identity?

You may be eligible to apply for asylum based on fear of persecution of sexual orientation and/or gender identity in your home country. You generally have to apply for asylum within a year of arriving to the U.S. There are exceptions if you are still under 18 or for changed circumstances such as coming out about your identity or starting gender transition, or extraordinary circumstances due to homelessness or other trauma in the U.S. that prevented you from applying sooner. It is important to speak to an immigration attorney experienced in asylum law about your case as soon as possible because these cases can be very complicated and many organizations have wait lists or limited appointments available. If you live in the D.C. area and need immigration help, you can contact [Immigration Equality](#)⁴¹⁵ at (212) 714-2904, [Whitman-Walker Health's](#)⁴¹⁶ Legal Intake Coordinator at (202) 939-7630, [U.S. Committee for Refugees and Immigrants \(USCRI\)](#)⁴¹⁷ at (888) 872-0546, or [Kids in Need of Defense](#)⁴¹⁸ if you are still under 17 years old by email at Infodc@supportkind.org.

For more information about immigration issues, refer to the [Immigration chapter](#) in this Handbook.

⁴¹³ dmv.dc.gov/page/name-changes-and-corrections

⁴¹⁴ dmv.dc.gov/publication/gender-self-designation-form

⁴¹⁵ www.immigrationequality.org/

⁴¹⁶ www.whitman-walker.org/

⁴¹⁷ refugees.org/

⁴¹⁸ supportkind.org/

Mental Health Remote Counseling

How do I obtain mental health care counseling and other services remotely?

Resources are available to you, 24/7, in person, online or over the phone. There are counselors around D.C. and throughout the country available to support and advise you. Youth groups are a safe space for LGBTQ+ youth to discuss and share experiences and locate resources.

You can always reach out to a counselor over the phone, or online. [The Trevor Project](http://www.thetrevorproject.org) is a national organization providing crisis intervention and suicide prevention for LGBTQ+ youth through the Trevor Lifeline at (866) 488-7386 (toll free, 24/7). It provides free counseling and interactive discussions for LGBTQ+ youth through different platforms, including Trevor Chat and Trevor Text. Learn more at thetrevorproject.org/pages/support-center.

The [GLBT National Help Center](http://www.glbthotline.org)⁴¹⁹ is an information and counseling center based in California, but available to anyone nationwide. Its national hotline number is (800) 246-7743 (toll free, Monday through Saturday). You will receive private one-on-one support and information about local resources available throughout the country, including in D.C. The GLBT Center also has a [Trans Teens Online Talk Group](http://www.glbthotline.org/trans-teens)⁴²⁰ a weekly moderated group for transgender teens (ages 12 to 19) to talk in a safe space.

To locate general resources about coming out, you can contact The Trevor Project, GLBT or the Human Rights Campaign at hrc.org/explore/topic/coming-out.

Mental Health and Youth Centers

How do I obtain mental health care services in person?

In D.C., you can visit centers providing counseling and medical support to LGBTQ+ youth. You can walk in, call, or email the centers below to receive free or low-cost professional counseling or medical support. There are different centers in different locations:

- [Children's National Health System](http://www.childrensnational.org)⁴²¹ (111 Michigan Avenue, Washington, D.C. 20010); provides affordable, high-quality health and wellness care, including physicals, hormonal treatment and mental health counseling for transgender and gender-nonconforming youth. You can contact them at (888) 884-BEAR(2327).
- [Whitman-Walker Health](http://www.whitman-walker.org)⁴²² provides free, confidential and on-going mental health therapy to youth who have experienced or witnessed something that is difficult to talk about. These services are offered at Whitman Walker Health's three office locations: 1525 14th St. NW, 645 Pennsylvania Ave. SE, Suite 104, and 2301 MLK Jr. Ave. SE. If you are interested in getting connected with these services, please call (202) 745-7000 and ask about the youth mental health program. Whitman Walker also has a

⁴¹⁹ www.glbthotline.org/

⁴²⁰ www.glbthotline.org/transsteens.html

⁴²¹ childrensnational.org/

⁴²² www.whitman-walker.org/youth-services

youth drop-in center called the Peer Education Center (PEC) that provides free and confidential HIV/STI/Pregnancy testing, youth-centered activities and workshops, computer lab, open art studio space, and much more. The PEC is open from 3:30 pm – 7 pm, Monday -Friday and is located at 651 Pennsylvania Ave. SE.

- [SMYAL](#)⁴²³ works with [MBI Health Services](#)⁴²⁴ to provide free, confidential and ongoing professional counseling services to interested youth. MBI is located at 4017 Minnesota Ave., NE, Washington, D.C. 20019. You can call (202) 388-9202 and request to schedule an intake session, at which point you should tell them that you are being referred by SMYAL. These services are not limited, so you may access them for as long as you have mental health needs. SMYAL also provides a youth center, support groups and HIV testing and counseling.
- [Latin American Youth Center](#)⁴²⁵ (1419 Columbia Road, NW, 3rd Floor, Washington, D.C. 20009) provides drop-in testing for HIV, pregnancy, and STI, along with free birth control consultations and STI treatments. Latin American Youth Center also provides mental health counseling for depression, anxiety, family conflict, or substance abuse.

Gender Affirmative Care

How do I find medical care to support my gender transition?

Transition-related health care is available for youth under 18 and may be covered by your health insurance provider. Trans youth may need and/or want gender-affirming specific medical care, including hormone prescriptions and monitoring or sex-reassignment surgery. D.C. Trans Coalition has compiled resources containing information about organizations offering information on gender-affirming counseling and treatment throughout D.C. at dctranscoalition.wordpress.com/resources/trans-health-and-services-in-dc/. These resources can help you find doctors or counselors with experience working with trans youth. Also, you can find a list of health insurance companies that cover the costs of a gender affirming therapy at hrc.org/resources/finding-insurance-for-transgender-related-healthcare.

Children's National Medical Center has a [Gender Development Program](#)⁴²⁶ that supports youth and young people's gender journey and can provide needed medical support and connection with social resources.

Can I choose the gender of the doctor or nurse who examines me?

You have the right to choose the gender of the doctors and nurses who examine you. If you are voluntarily seeking medical assistance, you have the right to feel comfortable with the doctor who will examine you. If you are uncomfortable, you can ask for a different provider – and you can specify if you want a male or female doctor. You can also refuse the consultation you are offered.

⁴²³ smyal.org/

⁴²⁴ www.mbihs.com/what-we-offer

⁴²⁵ www.layc-dc.org/youth-corner/health-services-at-layc/

⁴²⁶ childrensnational.org/departments/gender-development-program

See the [Health Care and Medical Rights chapter](#) in this Handbook for information about resources available to youth seeking medical attention (such as your choice of doctor, available insurance policies, etc.).

What do I need to know about HIV criminal exposure laws?

While D.C. does not have a state law that makes it a crime for people with an HIV diagnosis to not disclose their HIV status prior to engaging in sexual conduct, D.C. still has more general laws that could be used to prosecute someone who knowingly exposes another person to an excessive risk of harm. In addition to potential criminal liability, a person who transmits HIV to another person or puts another person at risk of HIV infection might face civil liability. Additional information can be found on [Lambda Legal's webpage on HIV Criminalization](#).⁴²⁷

Youth-Led Initiatives, Social Activities, and Discussion Groups

What initiatives, social activities, and discussion groups exist for LGBTQ+ youth?

You can join LGBTQ+ youth groups and social events near you. There are several centers that host social events and activities for LGBTQ+ youth to meet their peers in the D.C. area. Most are free and offer a good way to make friends and to talk to professionals:

- [Youth Pride Alliance](#)⁴²⁸: Youth Pride Alliance is a non-profit organization for LGBTQ+ youth empowerment to encourage positive self-development and expression, as well as leadership, while bridging diverse communities and individuals to address issues of visibility, equality, and social justice.
- [SMYAL](#)⁴²⁹: SMYAL's sole purpose is to support LGBTQ+ youth in the DC area. SMYAL can provide support for LGBTQ+ youth dealing with a variety of issues such as coming out and discrimination, bullying or violence, anxiety and depression, HIV or other health concerns, or any other difficult circumstances. You can reach SMYAL at (202) 546-5940.
- [The Wanda Alston Foundation](#)⁴³⁰: The Wanda Alston Foundation is dedicated to ensuring that LGBTQ youth have access to services that improve their overall quality of life. This is achieved through advocacy and programming. The Wanda Alston Foundation advocates for increased resources for youth while providing programs including housing, life skills training, linkages to other social services, and capacity building assistance for other community allies. You can reach the Wanda Alston Foundation at (202) 733-3643.
- [Covenant House Washington](#)⁴³¹: Covenant House offers “wrap-around supportive” services to LGBTQ+ youth from the tri-state region (DC, MD, VA). They provide youth with safe stable housing, while engaging youth in services they need to become self-sustaining adults upon leaving the program. Programs include housing,

⁴²⁷ www.lambdalegal.org/know-your-rights/article/hiv-criminalization

⁴²⁸ youthpridealliance.org/

⁴²⁹ smyal.org/

⁴³⁰ www.wandaalstonfoundation.org/us/

⁴³¹ covenanthousedc.org/

case management, GED/high school diploma prep, college placement/ post-secondary support, and job/career placement. Covenant House is located at 2001 Mississippi Ave SE Washington, D.C. You can reach them at (202) 610-9600.

- [Casa Ruby](#)⁴³²: Casa Ruby is a multicultural LGBTQ+ youth organization providing educational, health, housing, and social services to individuals in the D.C. area. Casa Ruby is located at 7530 Georgia Ave NW, Washington, D.C. 20012. You can reach them at (202) 355-5155.
- [La Clínica's HIV youth initiative, ¡Empodérate! \(Empower Yourself!\)](#)⁴³³ is the only bilingual, HIV program that targets young Latino men who have sex with men and young male-to-female transgender Latinas between the ages of 18 and 29 in Washington, D.C. ¡Empodérate! builds on La Clínica's history of fighting the HIV epidemic in the Latinx community through programs that create a safe and supportive space in which to strengthen individuals and community. They are located at 3166 Mount Pleasant St. NW Washington, D.C. 20010; and 7411 Riggs Road, Suite 308 Adelphi, MD 20783. General hours of operation are Monday through Friday, 9 am to 8 pm. No appointment is needed. Free, bilingual, confidential HIV testing is offered from 9 am to 5 pm, Monday through Friday; on Tuesday, testing is offered until 7:30 pm.

Additional Support & Help for LGBTQ+ Youth

Where can I find other resources and information about my legal rights if I am LGBTQ+?

There are many organizations committed to serving the LGBTQ+ community in D.C. Some groups are national, including [Lambda Legal](#),⁴³⁴ a leading organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people, and those with HIV. For specific information about Washington, D.C., refer to [Lambda Legal's Washington, D.C.](#)⁴³⁵ page. You can also reach Lambda Legal by phone at (212) 809-8585. If you are trans, the [Transgender Law Center](#)⁴³⁶ has up-to-date information about your legal rights. Lambda Legal also has resources specifically for [trans youth](#).⁴³⁷

On the local level, [Whitman-Walker Health](#)⁴³⁸ is a community health center providing free legal services to LGBTQ+ clients, including youth. They help clients with issues related to transgender and LGBTQ+ discrimination, name and gender changes, immigration, access to affirming healthcare, and public benefits. You can reach them at contact-legal@whitman-walker.org or (202) 939-7630. Whitman-Walker also provides primary, HIV and trans-specific health care; dental care; behavioral health services; and more. Call (202) 745-7000 to make a medical appointment. Legal services are available to youth of any age; medical and counseling services are provided to persons age 13 and up.

⁴³² casaruby.org/ casaruby.org/

⁴³³ sexisd.org/healthcare-finder-location/la-clinica/

⁴³⁴ www.lambdalegal.org

⁴³⁵ www.lambdalegal.org/states-regions/washington-dc

⁴³⁶ transgenderlawcenter.org/

⁴³⁷ www.lambdalegal.org/know-your-rights/article/youth-transgender

⁴³⁸ www.whitman-walker.org/

The [Human Rights Campaign/Municipal Equality Index](#)⁴³⁹, [Equaldex](#)⁴⁴⁰ and [GLAA](#)⁴⁴¹ also provide more detailed and current information on local laws related to LGBTQ+ issues.

⁴³⁹ www.hrc.org/mei

⁴⁴⁰ www.equaldex.com/

⁴⁴¹ glaa.org/

8. Schools and Education

Basic Rights to Education

What are my basic rights to education?

Your rights to education are protected under federal law. The District of Columbia (D.C.) is required to give each child living in D.C. access to free public education through 12th grade or until the age of 21. For special education students, federal law provides the right to access services until age 22. In D.C., special education students have the right to attend school and receive their special education services through the end of the semester during which they turn 22.

You have basic education rights as a young person:

- You are entitled to a free public education through 12th grade or until the age of 21 in a uniform, safe, secure, efficient, and high quality system of education. Also, federal law guarantees that students living in temporary situations (such as a shelter) will have the same rights to public education and services that are available to students with permanent homes.
- If you are a student with special education needs living in D.C., you have a right to a free, appropriate public education until the end of the semester during which you turn 22.
- You have the right to equal educational opportunity without **discrimination**.
- You have the right to due process of law. This means that you have the right to be notified of a disciplinary action against you (such as being suspended or expelled) and that you are entitled to an opportunity to be heard, to respond, to present evidence and arguments, and to challenge evidence.
- While your school can make rules and set reasonable limitations, you still have some constitutional rights at school, including freedom of speech and press, peaceable assembly (to gather together with others peacefully), and exercise of religion.
- Your school has limits on its ability to search you or your belongings at school. However, they may do so when the school principal or a school employee designated by the principal has reasonable suspicion that you are in possession of something that is prohibited or illegal.

What are my rights to basic education if I am experiencing homelessness?

You have the same rights to receive a free public education as any other student. The [McKinney-Vento Homeless Assistance Act](#) provides special protections for **homeless** students. **Homeless** students must be provided access to free public education and must be admitted to a school in the district where the student lives or their **family** lives. Furthermore, the school district is required to assist you in meeting any admissions requirements, even if you do not have a permanent residence. A school district cannot deny free admission to you because you are **homeless** and cannot prove your residency.

The [McKinney-Vento Homeless Assistance Act](#)⁴⁴² provides special rights for **homeless** youth, including:

- the right to immediate enrollment in school, even if you do not have all the necessary paperwork like immunizations, prior school records or proof of residence.
- the right to attend the school of your choice, which can be either the school you attended before you became homeless (called your “school of origin”) or the school near where you are staying now.
- transportation to and from school.
- equal access to the same free, appropriate public education and services, including public preschool education, as provided to other children and youth.
- the right to not be separated from the mainstream school environment but to participate in the school’s regular academic programs along with students who are not **homeless**.
- Confidentiality regarding your homeless status.

The rights under this Act apply until high school graduation or until age 21.

If you find that a school or school personnel are unaware of these rights, request to be put in contact with the school’s homeless student liaison. For more information and to find a school’s homeless student liaisons, see the [D.C. Office of the State Superintendent of Education’s website](#)⁴⁴³ or the [DCPS website](#).⁴⁴⁴ For additional information on your rights and other frequently asked questions, see [The Most Frequently Asked Questions on the Education Rights of Children and Youth in Homeless Situations](#) on the [National Association for the Education of Homeless Youth website](#).⁴⁴⁵ Also see the National Law Center on Homelessness & Poverty’s Know Your Rights Toolkit.⁴⁴⁶

*Am I considered “**homeless**” under the law?*

You are considered **homeless** under the [McKinney-Vento Homeless Assistance Act](#)⁴⁴⁷ if you do not have “a fixed, regular, and adequate nighttime residence”. This means you are considered **homeless** if you are:

- Living with a friend, relative, or someone else because you lost your home or can’t afford a home;
- Living in a motel, hotel, trailer park, or campground because you have nowhere else to go;
- Living in a shelter, including emergency or transitional shelters, domestic violence shelters, and runaway and **homeless** youth shelters;
- Living in places not ordinarily used for sleeping, such as cars, parks, public places, abandoned buildings, or bus or train stations; or
- Abandoned in a hospital.

⁴⁴² www2.ed.gov/policy/elsec/leg/esea02/pg116.htm

⁴⁴³ www.osse.dc.gov/service/education-homeless-children-and-youth-program.

⁴⁴⁴ www.dcps.dc.gov/service/homeless-children-and-youth-services-dcps.

⁴⁴⁵ naehcy.org/

⁴⁴⁶ nlchp.org/resources/toolkits/

⁴⁴⁷ www2.ed.gov/policy/elsec/leg/esea02/pg116.html

*Does the [McKinney-Vento Homeless Assistance Act](#) put a time limit on how long I can be considered **homeless**?*

No. There is no specific time limit placed on how long a student can be considered **homeless**. You are eligible under the [McKinney-Vento Homeless Assistance Act](#)⁴⁴⁸ if you do not have “a fixed, regular, and adequate nighttime residence” at any point during the school year. If you are identified as **homeless** at any point during the school year, you are eligible for education benefits for the remainder of the school year, even if you do find permanent housing.

I am not living with a parent or guardian; do I still qualify?

Yes. The [McKinney-Vento Homeless Assistance Act](#) will protect you if you are **homeless** and not living with a parent or guardian. You are considered an **unaccompanied youth** even if your **family** wants you to return home.

*Do I have the same rights if I’m awaiting **foster care** placement or in **foster care**?*

No, the [McKinney-Vento Homeless Assistance Act](#) does not cover you if you are “awaiting **foster care** placement” or in **foster care**. If you are in **foster care**, your rights are covered by different federal laws.

The [Fostering Connections Act of 2008](#)⁴⁴⁹ and the [Every Student Succeeds Act of 2015](#)⁴⁵⁰ include educational requirements for child welfare agencies. Specifically, your case plan must make sure that your placement in **foster care** takes into account how close you will be to your **school of origin**. The case plan also must consider if your classes and school are the right fit for you. In addition, the child welfare agency must coordinate with your school to make sure that you remain in the **school of origin**, if it is in your **best interest**, and that you have a way to get to and from school. Schools districts must also now have a **liaison** to the child welfare system.

For more information regarding your education while in **foster care** and your education when transitioning out of **foster care**, visit the [U.S. Department of Education website on students in foster care](#).⁴⁵¹

If a student committed to the Department of Youth Rehabilitation Services is placed in a therapeutic foster home, the student has the opportunity to remain in their current school as a ward of DC. If the therapeutic foster placement is located outside of D.C., the student has the opportunity to either attend their new neighborhood school, or remain at a D.C. school.

Does my school have to advise me of my rights under the [McKinney-Vento Homeless Assistance Act](#)?

Yes. If you are **homeless**, your school must make sure that you are aware of the [McKinney-Vento Homeless Assistance Act](#), who it covers, and what it provides. School districts must

⁴⁴⁸ www2.ed.gov/policy/elsec/leg/esea02/pg116.html

⁴⁴⁹ www.childwelfare.gov/topics/systemwide/laws-policies/federal/

⁴⁵⁰ www.ed.gov/ESSA

⁴⁵¹ www2.ed.gov/about/inits/ed/foster-care/index.html

distribute public notices about the education rights of **homeless** youth in places where youth receive services, such as schools, **family** shelters or drop-in centers and soup kitchens.

Is there anyone at school I can go to if I have questions about my rights?

Every school district must designate a “**homeless liaison**”. The [McKinney-Vento Homeless Assistance Act](#)⁴⁵² requires **homeless liaisons** to make sure that you are identified as **homeless** in order to offer appropriate services to you and your **family**. If you would like to meet with your district’s **homeless liaison**, any teacher or administrator can point you in the right direction. The Homeless Education Liaison(s) in your D.C. school can be found in the [D.C. Homeless Liaison List](#)⁴⁵³ maintained by the [D.C. Office of the State Superintendent of Education](#).

*What can the **homeless liaison** do for me?*

Homeless liaisons can help you with, among other things:

- Enrolling in school immediately, even if you do not have the documentation the school would normally need;
- Getting **immunizations**, immunization records, or other medical records;
- Providing transportation options to get you to/from school;
- Providing information about your rights as a **homeless** youth, and available school programs and services;
- Settling disagreements between you and the school;
- Referring you to any needed medical, dental, or mental health services; and
- Making sure you have the chance to do well in school.

What help can I get if English is not my first language?

Schools must provide appropriate language instruction to you if you are not able to understand English well enough to learn in the school. The school is responsible for determining if you need special English instruction after you start school and for testing your progress every year. If your participation in special English classes puts you behind in other areas, your school must assist you in those areas to make sure you have “**equal participation**” in the school’s regular programs. The school may also be required to provide information to your parents or guardian in their primary language in certain circumstances. More information about your rights under [Title VI of the Civil Rights Act of 1964](#)⁴⁵⁴ can be found on the [U.S. Department of Education’s website](#).⁴⁵⁵

*Can I stay at the school I was in before I became **homeless**?*

Yes, pursuant to the [McKinney-Vento Homeless Assistance Act](#). When choosing which school to attend when you are **homeless**, the choice must be made in your **best interest**. Generally, changing schools will have a big impact on your academic and social progress. So a school district should keep you in your “**school of origin**”—the school you were attending when you became **homeless**—unless, you, your parent, or guardian disagree.

⁴⁵² www2.ed.gov/policy/elsec/leg/esea02/pg116.html

⁴⁵³ osse.dc.gov/service/homeless-education-program-district-columbia-homeless-liaisons-contact-list

⁴⁵⁴ www.hhs.gov/civil-rights/for-individuals/special-topics/needy-families/civil-rights-requirements/index.html

⁴⁵⁵ www2.ed.gov/about/offices/list/ocr/eeolep/index.html

You have the right to remain in your **school of origin** for as long as you are **homeless**, even if you are **homeless** for multiple school years or if you move to temporary housing in another school district or even another state. If you move into permanent housing in another school district during the school year, you can finish that academic year in your **school of origin**.

More information on the [McKinney-Vento Homeless Assistance Act](#)⁴⁵⁶ can be found on the [National Center for Homeless Education's website](#).⁴⁵⁷

*Can I attend a different school after I become **homeless**?*

Yes. While the [McKinney-Vento Homeless Assistance Act](#) favors staying in your **school of origin**, school choice must be made based on your **best interest**. Under the Act, you are entitled to enroll in any public school that other students living in the same area are eligible to attend or stay at the school you were attending when you lost your housing

Can I attend a public charter school?

Yes, if you meet the school's skills-related criteria or other requirements (as described below). D.C. public charter schools must follow the [McKinney-Vento Homeless Assistance Act](#). If the charter school has particular, skills-related entrance requirements (for example, a fine arts charter school with requirements related to artistic ability), you must meet those criteria.

To enroll in a charter school in D.C., you must submit an application through [My School D.C.](#)⁴⁵⁸ My School D.C. is the common application and common lottery for D.C.'s public school options. You must either be offered a seat through the lottery or obtain an available seat after all lottery and waitlisted seats have been offered. Upon enrollment, the school must follow McKinney-Vento requirements for allowing you to enroll even if you do not have all of the normal documents. D.C. public charter schools often have long waiting lists and most do not allow you to move up the waitlist just because you may live near the school. Some charter schools in D.C. do not accept students off their waitlists after a certain time each year (usually October) though some may still allow you to be added to the waitlist or enroll later in the year.

Can I attend a private school?

The [McKinney-Vento Homeless Assistance Act](#) does not apply to private schools. However, private schools do not usually give preference to students from certain geographic areas and therefore would not normally require a student to transfer out because of a move or becoming homeless. However, because McKinney-Vento does not apply to private schools, they can require documentation prior to enrollment, and do not have to provide transportation to a student who suddenly finds themselves living further away, etc. However, if you are attending a private school paid for by DCPS due to an Individualized Education Program, you should be able to continue to attend no matter where you are temporarily residing, and transportation should be provided or paid for by D.C.

⁴⁵⁶ www2.ed.gov/policy/elsec/leg/esea02/pg116.html

⁴⁵⁷ nche.ed.gov/mckinney-vento/

⁴⁵⁸ www.myschooldc.org/

How do I enroll in school? How soon can I enroll?

The [McKinney-Vento Homeless Assistance Act](#)⁴⁵⁹ requires schools to enroll **homeless** students immediately. If you wish to transfer to the school near where you are staying now, go to the school as soon as possible and let them know you are experiencing homelessness and want to enroll. The normal enrollment requirements should be waived and they should enroll you the day you request to enroll. Normally, before being allowed to attend school, students must provide proof of age and identity (for example, a **birth certificate**) and proof of health exam and required **immunizations**. However, if you are **homeless**, the school must give you a temporary exemption from this requirement. During that time, the school's **homeless liaison** should assist you with getting the right health exam and immunization records and any other paperwork, and assist with any other issues with enrolling. The homeless liaison(s) in your D.C. School can be found in the [D.C. Homeless Liaison List](#)⁴⁶⁰ maintained by the [D.C. Office of the State Superintendent of Education](#).

What if I haven't attended school for an extended period of time because I am homeless? Can I still enroll?

Yes. Even if you missed school for an extended period of time, you can still attend.

*If I'm over 18, can I stay in high school until I graduate, or do I have to get a **GED** (General Education Development)?*

You do not have to switch to a **GED** program after you turn 18. Schools should not push you into a **GED** program if you would rather graduate from high school. Students can attend high school in D.C. until [age 20](#).⁴⁶¹

*Are **GED**, online education, and alternative programs also available to me?*

Yes. The [McKinney-Vento Homeless Assistance Act](#) also guarantees access to **GED**, Online Education, and Alternative Programs, until age 21. However, it is up to you whether to receive a high school degree or seek a **GED** instead.

Does the school need to provide transportation?

Yes. McKinney-Vento requires all schools to assist homeless students in finding a way to and from school. In D.C., the [Kids Ride Free program](#) allows all students, homeless or housed, to ride for free on all Metro buses and the metro/trains within D.C. to get to school and school-related activities. To be eligible, students must be between ages 5 and 21 and enrolled in an elementary, middle or high school, public, private, charter or parochial, located in D.C. Although students must be D.C. residents or a "Ward of D.C." through the Foster Care System, if you are homeless and cannot prove D.C. residency or moved to D.C. after becoming homeless, your D.C. school homeless liaison should help you obtain a Kids Ride Free MetroCard. More information on Kids Ride Free can be found [on the Washington Metropolitan Area Transit](#)

⁴⁵⁹ www2.ed.gov/policy/elsec/leg/esea02/pg116.html

⁴⁶⁰ osse.dc.gov/service/homeless-education-program-district-columbia-homeless-liaisons-contact-list

⁴⁶¹ www.myschooldc.org/how-apply/age-cutoffs-cutoff-dates

[Authority's website](#).⁴⁶² See below if the student is too young to take public transportation alone or cannot take public transportation for other reasons. The McKinney-Vento transportation requirement applies across state lines as well as within school districts.

Does the school have to provide “door-to-door” transportation?

Generally, no, unless that is the only appropriate arrangement for you. If, for example, you live by a dangerous neighborhood or intersection, and crossing that intersection would put your safety at risk, door-to-door transportation may be required.

Does public transportation count?

Yes, if public transportation is appropriate for you. But, if using public transportation is dangerous (for example, you are very young), or public transportation takes too long, another more appropriate mode of transportation may be required. In D.C. you have access to the [Kids Ride Free SmarTrip card](#)⁴⁶³ for free travel to school and school-related activities.

How far can I live from my school and still be entitled to transportation?

Transportation services depend on individual determinations. The [McKinney-Vento Homeless Assistance Act](#)⁴⁶⁴ requires school districts to provide transportation to your [school of origin](#). If the school is far away, that may mean that the [school of origin](#) may not be in your [best interest](#). However, if you have an Individualized Education Plan that requires that you attend a certain school that is far away from where you are staying, that should be taken into account.

If I provide my own transportation, will the school reimburse me for transportation costs?

Generally, yes, under the [McKinney-Vento Homeless Assistance Act](#). School districts may provide gas vouchers or mileage reimbursements if providing your own transportation is a cost-effective means of meeting the school district's transportation obligations. More information can be found on the [National Center for Homeless Education's practice briefing on Transporting Children and Youth Experiencing Homelessness](#).⁴⁶⁵ However, generally speaking in D.C., if you are old enough and able to take public transportation, the [Kids Ride Free](#) program will be the least expensive mode of transportation and therefore you will not be reimbursed for mileage or gas.

Can I participate in extra-curricular activities?

Yes. The [McKinney-Vento Homeless Assistance Act](#) requires DCPS to eliminate barriers to you enrolling in school and staying in school. Enrollment is defined as attending school and participating fully in school activities. Sports and other extra-curricular activities are school

⁴⁶² www.wmata.com/fares/dc-kidsridefree.cfm

⁴⁶³ www.wmata.com/fares/dc-kidsridefree.cfm

⁴⁶⁴ www2.ed.gov/policy/elsec/leg/esea02/pg116.html

⁴⁶⁵ nche.ed.gov/wp-content/uploads/2019/01/transportation.pdf

activities and therefore you must be allowed to participate in these activities without unnecessary barriers, including waiver of fees and residency requirements.

I cannot afford to pay fees for extra-curricular activities. Can I still participate?

Yes. If fees for extra-curricular activities are a barrier to your full participation, those fees should be waived. Your school's [homeless liaison](#) should help you figure out how to get fees waived. The homeless liaison(s) in your D.C. School can be found in the [D.C. Homeless Liaison List](#)⁴⁶⁶ maintained by the [D.C. Office of the State Superintendent of Education](#).

Can I play sports even if I do not meet the residency requirements?

Many courts have determined that school athletic associations are considered to be part of the state. So, athletic associations must comply with the [McKinney-Vento Homeless Assistance Act](#)'s requirements by exempting you from certain participation rules, such as attendance rules, that you cannot meet due to your homelessness and transportation or other challenges.

Can I receive free meals?

Yes. Under the [Child Nutrition and WIC Reauthorization Act of 2004](#),⁴⁶⁷ if you are identified as [homeless](#) by your school's [homeless liaison](#), you are automatically eligible for free school meals.

Do I still have the right to attend school if I am married or pregnant?

DCPS cannot stop you from attending school if you are married and/or pregnant. You are entitled to receive the same or equivalent educational instruction as other students. If you would like, you can request to be assigned to a special class or program that meets your needs, including teenage parent programs or adult education programs that allow you to continue working toward a high school diploma. [Title IX, Civil Rights Act](#). More information can be found on the [U.S. Department of Education's website](#).⁴⁶⁸

I am a [homeless teen parent](#). Can I still send my child to preschool?

Yes. Equal access to all school services for children or youth experiencing homelessness specifically includes access to preschool education programs administered by DCPS. [McKinney-Vento Homeless Assistance Act](#).⁴⁶⁹

⁴⁶⁶ osse.dc.gov/service/homeless-education-program-district-columbia-homeless-liaisons-contact-list

⁴⁶⁷ www.fns.usda.gov/tn/local-school-wellness-policy

⁴⁶⁸ www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html

⁴⁶⁹ www2.ed.gov/policy/elsec/leg/esea02/pg116.html

*Can my child participate in **Head Start** programs?*

Yes. Families and children experiencing homelessness can enroll in **Head Start** and similar programs administered by DCPS. More information can be found at [District of Columbia Head Start](#).⁴⁷⁰

Do my basic rights to education change and should I do anything differently based upon my immigration status?

No, your rights do not change. Under [federal law](#),⁴⁷¹ states and local educational agencies are obligated to provide all children - regardless of immigration status - with equal access to public education at the elementary and secondary level. This includes children such as unaccompanied children who may be involved in immigration [proceedings](#). Public schools are not allowed to provide to any agency, including the federal government, information that would reveal your undocumented status without first getting permission from your parents. In addition, it is illegal for school staff to inquire about a student's or [family's](#) immigration status, request immigration documents or take any action that might prevent immigrant students from enrolling in and attending school.

Do my basic rights to education change and should I do anything differently if I am living on my own?

Your rights do not change. Your school's [homeless liaison](#) can help you by:

- Helping you enroll in a school after considering your wishes;
- Providing you with notice of your appeal rights and helping you file an appeal if you disagree with a school decision;
- Assisting you with obtaining transportation to and from your school of origin;
- Assisting you in obtaining the necessary documentation and [immunizations](#) to complete your official enrollment in school and ensuring you are allowed to attend school in the meantime; and
- Making sure that you are immediately enrolled in school, even while a dispute is being resolved regarding where you should attend or what documents are needed.

Do my basic rights to education change and should I do anything differently if I am LGBTQ+?

While there is currently no federal law protecting members of the LGBTQ community from [discrimination](#) in education based upon LGBTQ status, the [D.C. Human Rights Act](#)⁴⁷² prohibits schools from discrimination in education based on, among other things, sexual orientation and gender identity or expression. [D.C. Code Ann. §§ 2-1402.41; 2-1402.42](#).⁴⁷³ In addition, if you are a member of the LGBTQ community and homeless, you have all of the services and

⁴⁷⁰ www.benefits.gov/benefit/1902

⁴⁷¹ www2.ed.gov/about/offices/list/ocr/known.html?src=ft

⁴⁷² ohr.dc.gov/protectedtraits

⁴⁷³ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/II/parts/E/

benefits available to you under the [McKinney-Vento Homeless Assistance Act](#).⁴⁷⁴ See the [LGBTQ chapter](#) in this Handbook for more information.

There are also many scholarship opportunities specifically for LGBTQ students. More information can be found on the websites of the following organizations:

- [Human Rights Campaign](#)⁴⁷⁵
- [SMYAL](#)⁴⁷⁶
- [College Scholarships](#)⁴⁷⁷
- [Point Foundation](#)⁴⁷⁸
- [Campus Pride](#)⁴⁷⁹
- [Nerd Wallet](#)⁴⁸⁰

Do my basic rights to education change and should I do anything differently if I have a disability?

[Section 504 of the federal Rehabilitation Act of 1973](#)⁴⁸¹ prohibits any federally funded program, including public schools, from discriminating against an individual because of a disability. In addition, the [D.C. Human Rights Act](#)⁴⁸² prohibits schools from discrimination in education based on disability. [29 U.S.C. Section 701](#).⁴⁸³ If you have a disability, you have a right to reasonable services and [accommodations](#) in all school programs and activities. Examples of accommodation include access to insulin and nebulizers, extra time on tests, materials in a different format, an elevator pass or a tool to assist with reading. Schools are also prohibited from excluding you from facilities, programs, benefits, activities, or services that are provided to students without disabilities. Schools are required to make sure that all students receive equal access to educational opportunities.

For detailed information on these rights, visit the [D.C. Public Schools 504 Page](#).⁴⁸⁴ A student with a disability may become eligible for an [accommodation](#) plan. A parent, teacher or other member of a school may raise concerns about your unique needs for special help. Following this, parents, teachers and staff members will meet to discuss your situation, including what types of support and [accommodation](#) are appropriate to meet your needs. These [accommodations](#) will be described in your [accommodation](#) plan.

Do my basic rights to education change and should I do anything differently if I have a criminal record?

If you are put in jail or juvenile detention for violation or alleged violation of a law, you are not considered [homeless](#) and the services under the [McKinney-Vento Homeless Assistance Act](#)⁴⁸⁵

⁴⁷⁴ www2.ed.gov/policy/elsec/leg/esea02/pg116.html

⁴⁷⁵ www.hrc.org/scholarship-database/c/district-of-columbia

⁴⁷⁶ smyal.org/youth/youth-leadership-award/

⁴⁷⁷ www.collegescholarships.org/scholarships/lgbt-students.htm

⁴⁷⁸ pointfoundation.org/

⁴⁷⁹ www.campuspride.org/%20national%20scholarship%20database/

⁴⁸⁰ www.nerdwallet.com/blog/loans/student-loans/great-lgbt-scholarships/

⁴⁸¹ www.dol.gov/agencies/oasam/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973

⁴⁸² ohr.dc.gov/protectedtraits

⁴⁸³ [uscode.house.gov/view.xhtml?req=\(title:29%20section:701%20edition:prelim\)](http://uscode.house.gov/view.xhtml?req=(title:29%20section:701%20edition:prelim))

⁴⁸⁴ dcps.dc.gov/page/section-504

⁴⁸⁵ www2.ed.gov/policy/elsec/leg/esea02/pg116.html

are not available to you. Children and youth who are in jail or juvenile detention are part of and subject to the juvenile justice system, under which education may be provided. However, if you are **homeless** after being released from jail or juvenile detention, you are entitled to the services under the [McKinney-Vento Homeless Assistance Act](#).

You may not be denied equal educational opportunity or be discriminated against on the basis of (among other things) previous arrest or previous incarceration. Schools cannot deny you enrollment as a result of a criminal record. Instead, high schools should support all young people and put in place monitoring and guidance to ensure that young people do not drop out of school and also to provide youth who have dropped out and/or youth returning from correctional facilities with a support system to ensure their continued education. [Office of the State Superintendent of Education](#).⁴⁸⁶ For more information, also see the [2017-18 Monitoring Grant Guidance and Tool](#).⁴⁸⁷

School Attendance and Truancy

Do I have to go to school?

All children age five years old or older (or who will be five years old before September 30th of the current school year) must attend school “regularly” during the entire school term. Regular attendance means actual attendance during the school day at a public, private, or parochial school. You are required to attend school until you reach age 18 or graduate, whichever comes first. Parents or legal guardians are responsible for making sure that you attend school every day unless you have a valid excuse. [D.C. Code Ann. § 38-202](#).⁴⁸⁸ If you are 17 or older and you are working, you may be allowed to have flexible school hours but only if it does not jeopardize or prevent your graduation. [D.C. Code Ann. § 38-202\(c\)](#).

For more information, see the [D.C. Attendance and Truancy Resources for Parents](#).⁴⁸⁹

Can I be excused from the mandatory attendance requirement?

You may miss school for a valid excuse. [D.C. Code Ann. § 38-202\(a\)](#).⁴⁹⁰ If you miss school for a valid excuse, your school is required to provide you with opportunities to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.

If you miss 2 or more full-days or 4 or more half-days, your parent or guardian could be found guilty of a misdemeanor and be fined \$100 or more and/or imprisoned for up to 5 days and/or be required to perform community service. [D.C. Code Ann. § 38-203](#).⁴⁹¹ If you do not attend school and a police officer locates you and reasonably believes that you should be at school, the police officer can take you into custody and bring you to the nearest **truancy** center.

⁴⁸⁶ osse.dc.gov/publication/risk-based-monitoring-tools-and-resources

⁴⁸⁷ osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/2017-18%20Monitoring%20Grant%20Guidance%20and%20Tool_1.pdf

⁴⁸⁸ code.dccouncil.us/dc/council/code/sections/38-202.html

⁴⁸⁹ osse.dc.gov/publication/attendance-and-truancy-resources-parents

⁴⁹⁰ code.dccouncil.us/dc/council/code/sections/38-202.html

⁴⁹¹ code.dccouncil.us/dc/council/code/sections/38-203.html

Can I get my school records sealed?

After you have reached the age of 18, graduated from high school, or received a GED, you may request that the police seal all records regarding any previous incidents in which you were taken into custody for **truancy**. [D.C. Code Ann. § 38-207](#).⁴⁹²

More information can be found on the Office of the State Superintendent of Education's website.⁴⁹³

What is a "valid excuse" for missing school?

Your school determines what absences are valid excuses. Schools are required to list the categories of absences that they will accept as valid. These categories should be clearly explained in the school's parent or student handbook that is distributed at the beginning of every school year or when a student is enrolled at the school. While there are differences between school policies, all schools must include certain categories of excused absences, including: illness, death in the **family**, mandatory attendance in court, observance of religious holidays, suspension, school closings, and emergencies. Valid excuses for absences must be provided to the school within five school days. [D.C. Code Ann. § 38-202](#).⁴⁹⁴

More information on truancy can be found on the [Office of the State Superintendent of Education's website](#).⁴⁹⁵

What will the school do if I do not have a valid excuse?

After the first unexcused absence, your school must contact your parent or guardian on the same day to determine the reason for the absence and request documentation for absence.

If you have five or more unexcused absences, your school must refer you to a **school-based student support team (SST)** within two school days. The **SST** is required to attempt to work with you and your parent or legal guardian to address the unexcused absences, including determining the underlying cause, making recommendations for professional assistance and using other resources and developing an action plan with the student and parent or guardian to improve attendance.

If a student is absent for ten or more full day unexcused absences, the school is legally obligated to begin notifying other agencies, including: (1) for students aged 5-17, the Office of the State Superintendent of Education; (2) for students aged 5-13, the D.C. Child and Family Services Agency, that will assign a social worker from Child Protective Services whose responsibilities include investigating abuse or neglect in the home (and neglect charges can be made against the parents or legal guardians), and; (3) for students aged 14-17, after fifteen full days of unexcused absences, students will be referred to the Court Social Services Division of the D.C. Superior Court and the D.C. Attorney General's juvenile division for potential prosecution, diversion or community based interventions.

⁴⁹² code.dccouncil.us/dc/council/code/sections/38-207.html

⁴⁹³ osse.dc.gov/node/1108697

⁴⁹⁴ code.dccouncil.us/dc/council/code/sections/38-202.html

⁴⁹⁵ osse.dc.gov/publication/attendance-and-truancy-resources-parents

While schools are not required to notify the D.C. police, the D.C. police are required to take students suspected of being **truant** into custody and return them to school. See [D.C. Code Ann. § 38-208](#).⁴⁹⁶

DCPS also has strict rules about how being absent can impact your grades. Students in middle or high school who have more than 30 unexcused absences from a class are given a failing grade for that class. A student who is failed for 30 or more unexcused absences has a right to make a written request to appeal to the school principal within ten school days of getting the failing grade. An Appeals Panel will make a decision. That decision can be appealed to the School Chancellor within ten school days after getting this decision. More information can be found at the [D.C. Public Schools website](#).⁴⁹⁷ Also, Charter Schools set their own rules about how unexcused absences impact grades. Your Charter School Handbook should explain the policy and how to make an appeal.

If I have too many unexcused absences can my parents go to jail?

If you are considered **truant** or habitually **truant**, and your parent or guardian refuses to cooperate with the school in getting you back to school, your parent or guardian can be charged with a crime and upon conviction, be fined and/or jailed. More information on truancy can be found on the [Office of the State Superintendent of Education's website](#).⁴⁹⁸

What if I stopped attending school due to intimidation, harassment, or discrimination?

Schools are required to take reasonable steps to protect you from **discrimination**, harassment, or bullying by other students or by school staff. D.C. and federal laws prohibit public schools from actual or perceived discrimination against students on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, **family** responsibilities, political affiliation, source of **income**, or disability. DCPS has a [Bullying Prevention Policy](#).⁴⁹⁹ More information and a copy of the policy is available on the [DCPS website](#).⁵⁰⁰ Report the harassment to your school principal or the principal's designee and/or discuss the harassment as part of the **SST** process and request:

- An appropriate investigation and intervention with the student or staff person who is harassing you; or
- Your transfer or that of the harasser to another class or school.

If you have already complained to the school about harassment and the problem persists, consider contacting an agency, organization or attorney that handles **discrimination** claims such as the:

⁴⁹⁶ code.dccouncil.us/dc/council/code/sections/38-208.html

⁴⁹⁷ dcps.dc.gov/sites/default/files/dc/sites/dcps/page_content/attachments/FINAL%20DCPS%20Attendance%20and%20Truancy%20Policy%2008-21-18.pdf

⁴⁹⁸ dcps.dc.gov/sites/default/files/dc/sites/dcps/page_content/attachments/FINAL%20DCPS%20Attendance%20and%20Truancy%20Policy%2008-21-18.pdf

⁴⁹⁹ dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/DCPS%20Bullying%20Prevention%20Policy.pdf

⁵⁰⁰ dcps.dc.gov/bullying

- [American Civil Liberties Union \(ACLU\)](#)⁵⁰¹
- [Advocates for Justice in Education](#)⁵⁰²
- [Children’s Law Center](#)⁵⁰³

What if I stopped attending school due to a language barrier?

You should not be forced to stop attending school because of a language barrier. Federal law requires schools to take action to overcome a student’s language barrier that hinders your [equal participation](#) in educational programs.

Does my school have a responsibility to address my disability or special education needs?

Yes. If you have a mental, physical or emotional impairment that interferes with your ability to learn, your school has a responsibility to address your disability needs through [accommodations](#) and special education services. Federal law requires school districts to provide appropriate special educational services to you. Two federal laws – the [Individuals with Disabilities Education Act \(IDEA\)](#) and [Section 504 of the Rehabilitation Act of 1973](#)⁵⁰⁴ (Section 504) – protect your rights and set out procedures for enforcing those rights. You may receive [accommodations](#) under either Section 504 or the IDEA.

For more on special education, review the [Special Education section](#) below.

Do my rights and obligations with respect to school attendance and [truancy](#) change and should I do anything differently,

(a) *based upon my age?*

Generally, no. Until you are 18, you are required by law to attend school unless you have been granted a diploma or certificate of graduation that has been determined by the DC school board to be equivalent to a high school diploma. A minor who is 17 may be allowed flexible school hours if they are lawfully and regularly employed, provided that such exception does not jeopardize or prevent timely graduation.

(b) *based upon my immigration status?*

No. Your rights and obligation to attend school do not change.

(c) *based upon whether I am in foster care, living with a parent, living on my own, or in the juvenile justice system?*

No. Regardless of whether you are in [foster care](#), living with a parent or parents or living on your own, you are required by law and have the right to attend school. However, if you are in jail, you are subject to the juvenile justice system, where school may be provided.

(d) *If I am a member of the LGBTQ community?*

⁵⁰¹ www.aclu.org/affiliate/washington-dc

⁵⁰² www.aje-dc.org/

⁵⁰³ www.childrenslawcenter.org/

⁵⁰⁴ dredf.org/legal-advocacy/laws/section-504-of-the-rehabilitation-act-of-1973/

No. Your status as a member of the LGBTQ community does not change your legal obligation or right to attend school.

(e) *If I have a disability?*

No. Your disability does not generally change your legal obligation or right to attend school. However, if your school attendance issue is tied to your disability, your school is required to consider and provide necessary accommodations.

Alternative Schooling Options

What other alternatives for my education are available?

If you are looking for an alternative to your school, there are several options available.

High School Equivalency Diploma

The Office of the State Superintendent of Education's GED® Program Office oversees the GED® testing centers. The [GED Program Office](#) allows D.C. residents to obtain a high school equivalency diploma by preparing for and taking the GED® test through the GED Testing Service® and passing with a score of at least 145. In D.C., if you pass the GED® with a score of 145 or greater on all four subjects, you will earn a State High School Diploma.

A high school equivalency diploma is not exactly the same as getting a high school diploma, and some employers, colleges and universities will not admit applicants unless they have a high school diploma. Other colleges and employers treat a high school equivalency diploma in the same manner as a high school diploma.

Refer to the [Office of the State Superintendent of Education's website](#)⁵⁰⁵ for more information.

Pursuant to [D.C. Municipal Regulations Chapter 5-A § 8402.1\(d\)](#)⁵⁰⁶, applicants for the GED® test must be at least 18 years of age to be eligible to take the test, unless the requirement is waived by OSSE. OSSE will consider waiving the minimum age requirement for a 16 or 17-year-old GED® test applicant who meets all other eligibility requirements as stated in [Chapter 84 of Title 5A of the DC Municipal Regulations](#), and can provide documentation proving that they:

- Have not been enrolled in a traditional high school program for at least six months and have submitted a Notice of Intent to Home School with OSSE;
- Have not been enrolled in a traditional high school program for at least six months, and are enrolled in a DCPS or DC Public Charter School-based educational program that provides academic preparation toward GED® completion;
- Are in jail or juvenile detention or in an out-of-home secure placement within the juvenile justice system and cannot reasonably be able to complete a traditional high school diploma program based on their current level of academic credits and time remaining for compulsory education; **or**
- Are enrolled in a program established by federal law to provide GED® test preparation to youth under the age of 18.

⁵⁰⁵ osse.dc.gov/service/ged-tests

⁵⁰⁶ www.dcregs.dc.gov/Common/DCMR/RuleList.aspx?ChapterNum=5-A84&ChapterId=3685

For more information, refer to the [GED Program Office's website](#).⁵⁰⁷ In addition, questions about the [GED](#)[®] age waiver can be addressed by the [OSSE's GED Program Office](#) at (202) 274-7173.

Home Education

D.C. law gives your parent or guardian the option to teach you at home. Home Education can satisfy the D.C. requirements for regular school attendance. Home schooled children must receive regular and thorough instruction. For more information refer to the [D.C. Homeschooling Program](#).⁵⁰⁸

Magnet Schools

[Magnet schools and magnet programs](#)⁵⁰⁹ offer a specialized curriculum sometimes around a particular theme or focus such as mathematics, science, technology, communications, international affairs, business or performing arts. A magnet school is defined as an elementary, middle, or high school that offers, to all students enrolled in that particular school, a special curriculum capable of attracting substantial numbers of students of different social, economic, ethnic, and racial backgrounds.

School Discipline – Suspension and Expulsion

What are my basic rights as a student?

- You may not be denied equal educational opportunity or be discriminated against on the basis of your national origin, race, religion, economic status, sex, pregnancy, marital status, previous arrest, previous incarceration, or a physical, mental or sensory handicap;
- You have the constitutional right to freedom of speech and press, to peacefully gather, to the free exercise of religion, and to have your school be free from discrimination or violence based on group identity like your race, with reasonable limitations on the time, place, and manner of exercising these rights;
- You generally possess the constitutional right to be secure from unreasonable search and seizure of your person, papers and belongings - but at school this could be interpreted differently. For example, a locker is school property and can be searched at any time and for any reason. Also, a student's personal property may be searched by school authorities if there is reasonable suspicion that the search will recover evidence of a violation of school rules or of the law. Similarly, metal detectors are not classified as a search when on school property as these metal detectors are used to ensure students do not bring items to school that violate school rules or the law;
- You have the right to be free from unlawful interference, meaning you can freely enjoy all of your human rights, while attending school; and
- You may not be deprived of the right to an equal educational opportunity without due process of law, meaning that if you are denied enrollment, suspended, or expelled, you have the right to a notice telling you the basis for the school's decision and a right to appeal the decision. An appeal is a process during which you can argue for a different decision.

⁵⁰⁷ osse.dc.gov/service/ged-tests

⁵⁰⁸ osse.dc.gov/service/dc-homeschooling-program

⁵⁰⁹ magnet.edu/about/what-are-magnet-schools

More information can be found on the [U.S. Department of Education, Office of Civil Rights website](#).⁵¹⁰

What are my responsibilities as a student?

You have the responsibility to attend school, do your assignments, follow the written rules of the school, and submit to reasonable corrective actions or disciplinary measures imposed by teachers and by school administrators.

Can the school discipline me for my behavior?

DCPS can impose discipline on students as authorized by D.C. statutes and rules. However, pursuant to *Tinker v. Des Moines (1969)*,⁵¹¹ the Supreme Court noted that students do not shed their constitutional rights at the schoolhouse gate. Even though students are in school, they do still have constitutional rights, such as the right to free speech and due process outlined above.

What should I do if I get in trouble at school and face being suspended or expelled?

It may be helpful to gather information about the incident. Write it down in your own words. What were you accused of doing? Who were you with? Keep copies of any letters, emails and forms you receive from the school, as well as letters or correspondence (and emails) you send to the school. But be careful where you keep this written information after you write it. Remember that anything you say, put online, or text, can be used against you. If you think you may be accused of a crime, do not talk with anyone about the incident until you have spoken with an attorney. If you need help fighting a suspension or expulsion, contact [Advocates for Justice in Education](#).⁵¹²

How do I know if I broke any rules at my school?

Ask for a copy of the written rule(s) the school says you have broken. You should only be punished if you have violated a school or DCPS rule. Also, you should be given access to the school's discipline policies and other information at the beginning of each school year. In the event you did not receive this information, ask for a copy or summary of the school's policies. If English is not your primary language, ask for a copy of the school's policies written in your own language. You may also ask the principal or DCPS for a written or spoken translation, if needed.

For what reasons can I be suspended or expelled?

In order to know what is expected of you while on school property, at school events or on school buses, you should refer to your school's code of student conduct.

Under D.C. law, you must be expelled for at least one year for bringing a weapon (defined as including a firearm, firearm silencer or destructive device such as a bomb or grenade) to school. If this happens, you will be assigned to an alternative education program so you can continue receiving educational services during the expulsion.

⁵¹⁰ www2.ed.gov/about/offices/list/ocr/know.html?src=ft

⁵¹¹ www.law.cornell.edu/supremecourt/text/393/503

⁵¹² www.aje-dc.org/

You may also be immediately removed from school and expelled for assaulting or physically attacking a teacher, school employee, or another student.

If you have been convicted (or pled guilty or nolo contendere “no contest”) to a violent crime and if the **victim** of that crime attends the same school, you may be prohibited from attending that school (and transferred to a different school).

You may also be disciplined, which may include suspension (in-school or out-of-school suspension) or expulsion if the conduct is severe enough to cause serious bodily injury or emotional distress, for:

- Possession or use of alcohol or drugs;
- Unauthorized possession, use or distribution of over-the-counter medicine;
- Obscene, seriously offensive, or abusive language or gestures;
- Disruptive behavior, disrespect or disorderly conduct in school, at bus stops or on school buses;
- Use or distribution of profane, obscene or abusive language or materials;
- **Sexual harassment**;
- Vandalism, theft, fighting, or threats;
- Bullying (including harassment, cyberbullying and cyberstalking); or
- Other violations of the School’s Code of Student Conduct.

Under D.C. law, you cannot be suspended for unexcused absences or for arriving late to school. However if you miss more than 20 days of school in a row, you could be unenrolled from the school.

- You cannot be suspended for more than 10 consecutive school days if you are in Grades 6 through 12. If you are sent home for part of the school day this counts as a suspension.
- You cannot be suspended for more than 20 total days during a school year unless the Chancellor provides a written reason to the student and parent for suspending for more than 20 total days.
- If you are suspended, the school must make a plan that allows you to continue your studies and get your assignments during your suspension, and to make up the work missed during supervision.

For more information review the [Student Fair Access to School Act](#).⁵¹³

Will disciplinary actions hurt me in the long term?

That depends. Expulsion will have the most significant negative impact on you in the long term, as you will miss a considerable amount of school. Regardless, no form of discipline should prevent you from completing a grade or subject. Under the federal [Family Educational Rights and Privacy Act](#),⁵¹⁴ colleges are not entitled to have access to your disciplinary history. These records cannot be released unless a parent or a student (who is at least 18 years old or legally emancipated) authorizes the release. Still, most colleges will ask you for records if you were disciplined in high school. If you transfer from one high school to another, the disciplinary records may be sent as well, and no consent from you or your parent is required. If you go to

⁵¹³ dcps.dc.gov/chapter25

⁵¹⁴ www.law.cornell.edu/uscode/text/20/1232g

another school district, you cannot be denied enrollment due to the disciplinary records, but your records may be considered if you request to be transferred to a school in the same or in a different district.

A violation of school rules can result in both school disciplinary action as well as in criminal enforcement action. A juvenile **criminal record** can affect your ability to receive federal student loans and to obtain certain types of employment, such as working with children or in hospitals. If you are adjudicated for crimes outside of school, the probation officer must provide the records to the superintendent of the school you are attending.

What is the process for a suspension or expulsion?

Except for emergencies or behavior that requires immediate suspension (violence for example), the student is given a conference with the school official responsible for proposing the disciplinary action before the suspension or expulsion is implemented.

During the conference school officials must explain the rule(s) that you violated and the facts on which they based their decision to expel or suspend you. The student has the opportunity to explain their side of the story. Afterwards, a statement informing the parents/guardians (or the adult student) of any proposed discipline will be given, along with information on the student's right to appeal. The proposed discipline will then be submitted to a person designated by the Chancellor (head of D.C. Public Schools).

For expulsions, a person designated by the Chancellor reviews the expulsion recommendation and either agrees with or changes the recommendation. If the person agrees with the recommended expulsion, a written proposal for expulsion is immediately forwarded to the head of the **Office of Youth Engagement**.

How do I appeal a suspension?

For DCPS schools: A suspension of 5 school days or less can be appealed to the principal. A suspension of between 6 to 10 school days may be appealed to a person chosen by the Chancellor. The appeal must be made no later than 2 school days after receiving the notice of suspension and may be made before receiving formal written notice of the suspension. Appeals must be heard no later than 1 school day after the appeal is requested. The time for holding the appeal can be extended up to 3 school days upon the request of the parent/guardian or adult student.

For students in charter schools: Charter schools must set up their own appeals process. The student handbook should tell you how to appeal.

How do I appeal a long-term suspension or an expulsion?

For students in DCPS schools: A student who has been suspended for 11 school days or more or who has been expelled is entitled to a hearing. A copy of the suspension or expulsion recommendation will be forwarded to the hearing office so the hearing can be immediately scheduled. Once a hearing is scheduled, the student shall be placed on suspension or in another appropriate placement until the conclusion of the hearing and appeals process.

Within 1 school day of the hearing, the hearing office shall issue a written recommendation. For long-term suspensions, a person chosen by the Chancellor shall render a final decision within 1

school day. For expulsions, the head of the Office of Youth Engagement shall render a final decision within 1 school day. A copy of the final determination shall be given or mailed within 24 hours to the parent/guardian or adult student.

Long-term suspensions may be appealed directly to the head of the Office of Youth Engagement within 5 school days of receiving notification of the suspension. Expulsions may be appealed directly to the Chancellor within 5 school days of receiving notification of the expulsion. The Chancellor shall hold a conference within 3 school days of receiving the appeal request. The Chancellor shall render a final decision within 2 school days after the conclusion of the conference. A written summary of the conference proceedings and the final decision will be provided to the student and parent/guardian.

For students in charter schools: Charter schools must set up their own appeals process. The student handbook should tell you how to appeal.

Special Education

Am I entitled to special education and related services?

The [Individuals with Disabilities Education Improvement Act of 2004 \(IDEA\)](#)⁵¹⁵ is a federal law that imposes an affirmative duty on school districts to evaluate children who are suspected of needing special education services, regardless of whether the child's parents or guardians ask for such services.

Students who are experiencing difficulties in school can be evaluated by a team of professionals to determine the student's educational strengths and needs. If [exceptional student education \(ESE\)](#) services are warranted, the team will develop an Individualized Education Program (IEP) identifying the [ESE](#) services the school will provide to the student. For more information on these student and family rights and community resources, visit the D.C. Office of the State Superintendent of Education's [Parent, Community, and Stakeholder Special Education Information](#)⁵¹⁶ webpage.

[Section 504 of the federal Rehabilitation Act of 1973](#)⁵¹⁷ prohibits any federally funded program, including public schools, from discriminating against an individual because of a disability. In addition, the D.C. Human Rights Act prohibits schools from discrimination in education based on disability. If you have a disability, you have a right to reasonable services and accommodations in all school programs and activities. These accommodations include medical and educational accommodations, such as access to insulin and nebulizers, extra time on tests, an elevator pass or a scribe. Schools are also prohibited from excluding you from facilities, programs, benefits, activities, or services that are provided to students without disabilities. Schools are required to ensure that all students receive equal access to educational opportunities.

For detailed information on these rights, visit the [D.C. Public Schools 504 Page](#).⁵¹⁸ A student with a disability may become eligible for an accommodation plan. A parent, teacher or other member of a school may raise concerns about your unique need for special help. Following this, parents, teachers and staff members will meet to discuss your situation, including what types of

⁵¹⁵ sites.ed.gov/idea/

⁵¹⁶ osse.dc.gov/service/parent-community-and-stakeholder-special-education-information

⁵¹⁷ dredf.org/legal-advocacy/laws/section-504-of-the-rehabilitation-act-of-1973/

⁵¹⁸ dcps.dc.gov/page/section-504

support and accommodation are appropriate to meet your needs. These accommodations will be described in your accommodation plan.

Should I be evaluated for special education?

A parent, counselor, teacher or school administrator may submit a referral or make a verbal request for special education services for a student. This referral is then reviewed by the Individualized Education Program (IEP) team. This team will collect evaluations and determine whether the student is eligible for special education services.

If I am not doing well in school because I am homeless, should I still be evaluated for special education?

Yes. If you are experiencing homelessness, you may miss school, have poor physical health, and struggle with behavior issues related to the stress of losing your housing. IDEA requires school districts to conduct special education evaluations upon your parents' request. This evaluation is how your school determines if you have a disability requiring special education and related services.

What is an Individualized Education Program (IEP)?

An IEP is a written education plan that is individualized to meet your needs. Your IEP will be prepared by your IEP Team. It describes the programs and services that the school will provide, the educational goals that are set for you, and how your progress toward the goals will be measured.

For more details regarding IEPs, please visit the U.S. Department of Education's [question and answer page](#).⁵¹⁹ More information can also be found on the [D.C. Public Schools website](#).⁵²⁰

Who will be on my IEP team?

Your IEP team is a group of individuals that must include the following people:

- Your parent or guardian;
- At least one of your regular education teachers, if you are participating in the regular education environment;
- At least one special education teacher;
- A school district representative who knows about special needs services and the general curriculum, and is knowledgeable about DCPS resources;
- Someone who can interpret evaluation data;
- If your parents or DCPS wishes, other people with expertise or knowledge about you; and
- You, if appropriate.

More information on IEPs can be found on the [U.S. Department of Education's website](#).⁵²¹ More information can also be found on the [D.C. Public Schools website](#).⁵²²

⁵¹⁹ www2.ed.gov/parents/needs/speced/iepguide/index.html

⁵²⁰ dcps.dc.gov/specialeducation

When will the school write an IEP for me?

Your IEP team must meet and write an IEP plan within 30 days of finding you eligible for special education and related services. More information on IEPs can be found on the [U.S. Department of Education's website](#).⁵²³

Will I be notified of IEP team meetings?

Yes, the school must send you and your parent or guardian advance written notice of IEP meetings within a reasonable time. IEP team meetings are usually held once per year but you can request that one be held at any time if you or your parent or guardian have concerns about your IEP. The notice will tell you the date and time of the meeting, the location, the purpose of the meeting, and who will be attending. If you want to attend the meeting but are unavailable at that time, you should contact the school to schedule another time. You have the right to an interpreter at IEP meetings.

What does an IEP include?

Make sure your IEP includes:

- Your current strengths at school;
- What you need help with;
- How your disability affects your success in school;
- What you should learn by the end of the school year;
- The special education services, support, accommodations or modifications, and assistive technology you will receive during the year;
- An explanation of any time that will be spent receiving instruction outside the regular class;
- How your progress will be measured;
- By age 14, a transition service plan is required in order to help the student achieve their post-high school goals.

When is an IEP reviewed?

Your IEP will be reviewed at least once per year. It can be reviewed more frequently upon request of an IEP team member, including you or your parent or guardian. More information on IEPs can be found on the [U.S. Department of Education's website](#).⁵²⁴

Can I be disciplined for behavior related to my disabilities?

As a part of your federal right to be free from disability discrimination, there are limitations on punishment for behaviors related to your disability:

- You can receive up to 10 days of suspension (all at one time, or total in a school year) before the IEP team must consider if the behavior was related to your disabilities.

⁵²¹ www2.ed.gov/parents/needs/speced/iepguide/index.html

⁵²² dcps.dc.gov/specialeducation

⁵²³ www2.ed.gov/parents/needs/speced/iepguide/index.html

⁵²⁴ www2.ed.gov/parents/needs/speced/iepguide/index.html

- Within 10 days of imposing or proposing exclusion for more than 10 school days, relevant members of the IEP team must meet and determine whether your misconduct was related to your disability. The 10 school days may be the result of one disciplinary action or the result of several disciplinary actions if the total time out of school equals 10 days or more;
- If the IEP team decides that the behavior is related to your disability (and does not involve weapons or drugs, serious bodily injury or danger to yourself or others) a behavior plan will need to be created based on a Functional Behavioral Assessment to address and prevent the misconduct. The school may return you to your current placement;
- If the misconduct was NOT a result of your disability, the school may discipline you in the same manner as it would a general education student, as long as educational services are provided during the period of exclusion. If you are expelled for misbehavior that is not a manifestation of your disability, the school must continue to provide you with special education services during your expulsion period.
- You can still be moved to an alternative education setting if a dangerous weapon, illegal drugs, or serious bodily injury are involved, even if the behavior was related to your disability.

Can I be completely removed from school for misconduct when it is either related to or unrelated to my disabilities?

Students with disabilities can still be disciplined. The special education needs and records of a child with a disability must be considered. A suspension of more than 10 days requires the school to make a determination about whether the behavior is related to the student's disability. If the behavior is unrelated to the disability, the student can receive the same disciplinary actions as children without disabilities. If the student is removed from school for more than 10 school days, the school must continue to provide the specialized instruction and related services specified in the IEP. You can see more details about the law that governs discipline for special education students, known as Section 504, at [Disability Rights Education and Defense Fund](#)⁵²⁵ and [The Office of the Student Advocate](#).⁵²⁶

If the behavior was a manifestation of the student's disability because the IEP was not implemented, then the student can appeal to the school through a [Due Process Hearing](#).

What if the IEP team fails to develop or modify a behavior plan for me after my determination meeting?

If the school doesn't develop or modify a behavior plan and later tries to suspend or expel you, you may have a defense to the suspension or expulsion. The deficiencies in the IEP must be addressed.

Useful resources include: [6 Tips to Make Sure Your Child's IEP Is Implemented Properly](#)⁵²⁷ and [When the IEP Team Meets](#).⁵²⁸

⁵²⁵ dredf.org/legal-advocacy/laws/section-504-of-the-rehabilitation-act-of-1973/

⁵²⁶ sboe.dc.gov/sites/default/files/dc/sites/sboe/publication/attachments/Understanding%20the%20Differences%20-%20IEP%20vs%20504%20Plan%20.pdf

⁵²⁷ www.understood.org/en/school-learning/special-services/ieps/6-tips-to-make-sure-your-childs-iep-is-implemented-properly

What if I disagree with the IEP team's determination regarding whether my behavior was a manifestation of my disability and/or I am not getting the special education services I believe I need?

If you disagree with the **IEP** team's determinations, you or your parent or guardian have the option of engaging in the dispute resolution process, and can write "not in agreement" next to their signature on the **IEP**. Under the **IDEA** federal law, if you or your parent or guardian disagree with a special education decision made by the school, you can submit a request for a due process hearing. A due process hearing is similar to a trial. A hearing officer, instead of a judge, will listen to your case, and then make a decision based on an unbiased view of your case. At the hearing, your parent or guardian and your school(s) and the school district can give the hearing officer documents to review, present witnesses, and cross-examine the other side's witnesses. More information can be found at [Sec. 300.511](#).⁵²⁹ More information regarding the due process hearing can be found online on the [OSSE website](#).⁵³⁰ You may wish to talk to an attorney about this process.

In addition to a due process hearing, federal law gives your parent or guardian the following rights and procedural safeguards to make sure you are receiving the special education services you may be entitled to: the right to mediation and the right to file a complaint with [the Local Educational Agency \(LEA\) and/or State Educational Agency \(SEA\) and/or the parents](#).⁵³¹ These rights and procedural safeguards, including the right to a due process hearing, generally transfer to you when you turn 18.

You should be given a copy of all of your rights and procedural safeguards at IEP meetings. If you or your parent or guardian disagree with a special education decision made by the school, you can submit a request for a due process hearing.

In D.C., you can contact the [D.C. Office of the Ombudsman for Public Education](#)⁵³² if you would like help resolving a complaint about special education with the school and do not want to make a request for a due process hearing. Alternatively, you can contact Advocates for Justice in Education.

What is a special education due process hearing?

If you or your parents disagree with a special education decision made by the school, you can ask for a **due process hearing**. A **due process hearing** is similar to a trial. A hearing officer, instead of a judge, will listen to your case, and then make a decision based on an unbiased view of your case. At the hearing, your parent or guardian and your school can give the hearing officer documents to review, present witnesses, and cross-examine the other side's witnesses. More information can be found at [Sec. 300.511](#).⁵³³ More information regarding the **due process hearing** can be found online on the [OSSE website](#).⁵³⁴

⁵²⁸ www.parentcenterhub.org/meetings/#when

⁵²⁹ sites.ed.gov/idea/regs/b/e/300.511

⁵³⁰ osse.dc.gov/publication/due-process-complaint-form

⁵³¹ osse.dc.gov/publication/due-process-complaint-form

⁵³² sboe.dc.gov/page/office-ombudsman-public-education

⁵³³ sites.ed.gov/idea/regs/b/e/300.511

⁵³⁴ osse.dc.gov/publication/due-process-complaint-form

But if you think you have been discriminated against because of your disability, you can file a complaint with the [Office of Civil Rights of the U.S. Department of Education](#).⁵³⁵

Do I have to have a reason to request a special education due process hearing?

Yes, you have to have a reason to request a [due process hearing](#). [Sec. 300.511](#). You or your care-giver/parent have the right to request a due process hearing about whether or not you are eligible or entitled to an initial evaluation, about the details and contents of your current [IEP](#), about your educational placement, and about whether or not you are entitled to a [Free Appropriate Public Education \(FAPE\)](#).⁵³⁶

How do I request a special education due process hearing?

You must file a due process complaint notice. The complaint form and more information regarding the [due process hearing](#) and where and how to file your notice can be found online on the [OSSE's website](#).

What services will I receive between the time I request a special education due process hearing and the time the hearing officer makes a decision?

You will continue to receive the same services between the time you request a [due process hearing](#) and the time a decision is issued. Your care-giver/parent and DCPS can agree that you will receive different services during this time.

Do special education laws apply to me if I am homeless?

Yes. The [Individuals with Disabilities Education Act \(IDEA\)](#) contains several provisions specific to children in homeless situations. [IDEA](#) defines homeless children to include any children or youth considered homeless under the [McKinney-Vento Homeless Assistance Act](#). It includes a specific requirement that ensures that children with disabilities experiencing homelessness are identified, located, and evaluated.

If I am a homeless, special education student, do I have the right to remain in my [school of origin](#)?

Yes. The [McKinney-Vento Homeless Assistance Act](#)⁵³⁷ applies to students receiving special education services in the same way it applies to other students. In addition, any state receiving IDEA funds (including D.C.) must ensure that the requirements of the McKinney-Vento Act are met for all children with disabilities in homeless situations in the state. Therefore, you must be allowed to remain in your [school of origin](#), unless it is not feasible or against your parent's or guardian's wishes. Frequently, the [school of origin](#) is preferred because changing schools and educational programs can be particularly difficult for students with special needs. Of course, if

⁵³⁵ www2.ed.gov/about/offices/list/ocr/docs/howto.html

⁵³⁶ www2.ed.gov/about/offices/list/ocr/docs/edlite-FAPE504.html

⁵³⁷ www2.ed.gov/policy/elsec/leg/esea02/pg116.html

the distance is such that the commute would be more detrimental than changing schools would be, then you may have to change schools. However you may be moved to another school if your current school cannot provide you with the special education services that are on your IEP but the other school can. In this case, transportation services should be part of your IEP.

There are more legal requirements under [IDEA](#) that might be important. You keep all your rights under the [McKinney-Vento Homeless Assistance Act](#) as a homeless student with special education needs regardless of what the law says under [IDEA](#).

If I am a special education student and I become homeless and elect to remain in my [school of origin](#), who pays for the transportation?

Federal law maintains that the new school district where you live must provide transportation to the [school of origin](#) upon request. If you are enrolled in a charter school, the district or school that provides transportation for other pupils enrolled in the charter school is responsible for providing your transportation. This is true regardless of the services you receive, including special education and related services. Transportation may be included as a “related service” in your [IEP](#), meaning you need it because of your disability. If transportation is listed as a related service in your [IEP](#), your transportation should be funded from the special education budget. If transportation is not an appropriate related service, your transportation should be funded in the same way it is for all other students experiencing homelessness.

Any state receiving funds under [IDEA](#) (including D.C.) must ensure that the requirements of the [McKinney-Vento Homeless Assistance Act](#) are met for all homeless children with disabilities in the state. See the questions above regarding [transportation](#) to your school of origin.

Must schools immediately enroll me if I am homeless and receiving special education services?

Yes. You must be enrolled immediately in school, including attending classes and participating fully in school activities. Any state receiving funds under [IDEA](#) must ensure that the requirements of the [McKinney-Vento Homeless Assistance Act](#) are met for all homeless children with disabilities in the state.

Must schools immediately provide special education services to me if I am homeless and have an IEP from another school district or state?

Yes. If you have a current [IEP](#) and change school districts during the school year, the new district must, in consultation with your parent or care-giver, provide you with a free, appropriate public education ([FAPE](#)) immediately, including services comparable to those described in your previous [IEP](#). While such services are being provided, the district can either adopt the existing [IEP](#) or implement a new [IEP](#). If the new school district is in a different state, the district can choose to conduct a new evaluation and develop a new [IEP](#), while services are being provided. [IDEA Sec. 300.323](#).⁵³⁸

⁵³⁸ sites.ed.gov/idea/regs/b/d/300.323

How can a school determine what services to provide to me if there are no school records?

The enrolling school must contact the previous school for records. If you change districts during the school year, **IDEA** specifically requires your new school to promptly obtain your records from your old school - and it requires that your old school promptly responds to the records request. The school district's **homeless liaison** should work with special education staff to ensure that your special needs can be identified and addressed quickly. **IDEA Sec. 300.323**.

The Homeless **Liaison(s)** for your D.C. school can be found in the **D.C. Homeless Liaison List**⁵³⁹ maintained by the **D.C. Office of the State Superintendent of Education**. DCPS should have procedures for obtaining your school records promptly. If the records cannot be sent immediately, the new school should speak with staff from your old school to get basic information about you. Former teachers, counselors and administrators should be able to provide this information. Even if records are delayed, you must be enrolled in school and provided with a **FAPE** immediately.

If I change school districts while special education evaluations are underway, must the new school district continue the evaluation process?

Yes. Under **IDEA**, school districts must complete initial evaluations within 60 days of your parent's or care-giver's request or within time frames established by the state. These time limits apply to students who change school districts during the evaluation process, so the new school district cannot "restart the clock" when you enroll. The only procedure to extend the time frame is if the new district is making sufficient progress to ensure a prompt completion of evaluations, and your parent and the school agree to a specific time when the evaluation will be completed. In addition, **IDEA** specifically requires schools to ensure that assessments of children who change districts during the school year are coordinated with prior schools as necessary and as quickly as possible, to ensure prompt completion of full evaluations. To get these evaluations done faster, the new school should immediately get all evaluations and other paperwork concerning you from the old school, and consult with the previous school psychologist, counselor and/or teachers about your needs.

If I am unaccompanied and under 18, who signs for special education services?

Under **IDEA**, the following people can sign for special education services on your behalf:

- A parent or **legal guardian**;
- An **adult** acting in the place of a parent and with whom you are living; or
- If consistent with state law, a **foster parent**.

If the school district cannot identify or locate such an adult, the district must appoint a surrogate parent for you. If you are an **unaccompanied youth** or a ward of the state, **IDEA** requires the district to ensure that your rights are protected. Part of that responsibility is to assign a surrogate parent if one is necessary. The surrogate parent must be trained in special education

⁵³⁹ osse.dc.gov/service/homeless-education-program-district-columbia-homeless-liaisons-contact-list

procedures and cannot be a DHS social worker, a school district employee, or any other person who might have a conflict of interest (a conflict of interest means a person has a personal or agency interest that may not be in your best interest). If you have someone in your life who knows about your special education needs and is interested in helping you succeed in school, you may request that the person be appointed as your surrogate parent.

Because the process of appointing a surrogate parent can take several weeks, school districts should appoint immediate, temporary surrogate parents for you. Temporary surrogate parents can consent to evaluations or sign **IEPs** so that assessments and services can begin immediately while a regular surrogate parent is being appointed. Due to their more limited role, appropriate candidates for temporary surrogate parents include staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs, as well as the district's **homeless liaisons** or other school district staff. The Homeless Education **Liaison(s)** at your D.C. School can be found in the **D.C. Homeless Liaison List**⁵⁴⁰ maintained by the **D.C. Office of the State Superintendent of Education**.

Do my basic rights to special education change and should I do anything differently,

(a) *based upon my age?*

Generally, no. For special education students living in D.C., students have a right to special education services through the end of the semester during which they turn 22.

(b) *based upon my immigration status?*

No. Your rights do not change.

(c) *If I am a member of the LGBTQ community?*

No. Your rights do not change.

(d) *If I have a disability?*

No.

Higher Education

If I am a homeless youth and receive no financial support from my parents, can I still go to college and receive financial aid? What do I need to do?

As a homeless student, you may be entitled to financial aid to attend college. Assuming you are unable to pay for college, you will have to fill out the **Free Application for Federal Student Aid**⁵⁴¹ (**FAFSA**) to receive financial aid. One of the requirements of the **FAFSA** is that you provide your parents financial information. If, however, you do not have access to such information, or such

⁵⁴⁰ osse.dc.gov/service/homeless-education-program-district-columbia-homeless-liaisons-contact-list

⁵⁴¹ studentaid.ed.gov/sa/fafsa

information does not exist, the [College Cost Reduction and Access Act \(CCRAA\) of 2007](#)⁵⁴² provides that you do not need it when filing out the [FAFSA](#). If you qualify as an “independent student,” you will not be required to provide any parental financial information on your [FAFSA](#) application. To qualify as an independent student, you must be determined to be an unaccompanied and homeless youth, or unaccompanied and at risk of homelessness youth. You must also be supporting yourself during the school year in which you apply for financial aid. These determinations can and must be made by any of the following people:

- A school district local homeless [liaison](#);
- A U.S. Department of Housing and Urban Development emergency shelter program director or their designee;
- A Runaway and Homeless Youth Act program director or their designee; or
- A college financial aid administrator.

Your high school counselor and homeless [liaison](#) should have information to help you. The Homeless [Liaison\(s\)](#) at your D.C. School can be found in the [D.C. Homeless Liaison List](#)⁵⁴³ maintained by the [D.C. Office of the State Superintendent of Education](#).

Once you show that you are an independent student, you can work with the admissions and financial aid offices at the college you choose to attend to determine what documentation you will need to obtain. You may need letters from your current school’s homeless [liaison](#), counselors, social workers, or other [service providers](#) in your community to assist with this process. They can provide information about your [academic status](#), your goals, and your personal situation to assist with your admission to college and your receipt of financial aid.

There are other [federal](#) financial aid programs available.

Can I get help with tuition expense in D.C.?

You can apply for a [D.C. Tuition Assistance Grant \(DCTAG\)](#).⁵⁴⁴ DCTAG provides up to \$2,500 per academic year toward tuition at private colleges and universities in the D.C. area. Eligible DCTAG students may use DCTAG to attend any one of the more than 2,500 public colleges and universities in the nation. The award is paid directly to the institution and is equal to the difference between the in-state and the out-of-state tuition (up to \$10,000 per year). Information on [DCTAG Awards is available here](#).⁵⁴⁵ The application form is available on the [OSSE website](#).⁵⁴⁶

What if I have been living in a shelter or transitional housing? Am I considered an independent student?

Maybe, but not necessarily. To be considered an independent student, a school district local homeless [liaison](#), college financial aid administrator [or someone similar](#) must make a decision that you are an independent student. Once this determination has been made, you will be considered an independent student. Living in a shelter or transitional housing is certainly a fact to be considered, as it will help the person making the decision better understand the true

⁵⁴² www.govinfo.gov/content/pkg/PLAW-110publ84/pdf/PLAW-110publ84.pdf

⁵⁴³ osse.dc.gov/service/homeless-education-program-district-columbia-homeless-liaisons-contact-list

⁵⁴⁴ osse.dc.gov/dctag

⁵⁴⁵ osse.dc.gov/awards

⁵⁴⁶ osse.dc.gov/dctag

nature of your situation. If you do not have independent student status, contact your high school counselor or the homeless [liaison](#) or the National Center for Homeless Education at (800) 308-2145. You will need this determination to complete the [FAFSA](#).

If I am not in a stable home situation, what mailing address do I use for correspondence on college applications and aid information?

Use an address that you can access and that you know will not change, such as your school or your homeless shelter. To the extent you have a family member or another adult that you trust, you can provide that person's address, but if you choose to do so you should be absolutely certain that person is going to remain at that address and hold any mail that comes for you.

What if I have been living with a family member or friend who is supporting me? How do I complete FAFSA questions about guardianship?

The federal government has suggested that if your school will not verify your homeless status, you may contact a financial aid office to ask for an independent status determination. This means it is a new review by someone who does not consider what the school did the first time. You may need to provide documentation, such as a letter from friends or family with whom you have been staying, an employer, counselor, your church, temple, mosque, or other place of worship, or some other person that can speak about the true nature of your situation. If you are unable to obtain such a document, you should contact the financial aid administrators at the colleges you wish to attend and set up an interview to establish your status.

Where can I find more information on [FAFSA](#)?

The [FAFSA website](#)⁵⁴⁷ has additional information and resources. Also, the sources below include further information on applying for financial aid and tips for completing FAFSA:

- [“Making Student Status Determinations for Unaccompanied Homeless Youth: Eligibility Tool for Financial Aid Administrators”](#)⁵⁴⁸
- [“The Smart Student Guide to Financial Aid”](#)⁵⁴⁹

What other options do I have for funding for college? Can I get scholarships?

Hundreds of organizations create scholarships for youth who need assistance paying for school. Once awarded, these funds can be used for anything (unless the organization specifically states what you are allowed to use the money for). In most cases, once you get the check, you can apply it to tuition, books, or just keep it in the bank as a spending fund for whatever needs you

⁵⁴⁷ studentaid.ed.gov/sa/fafsa

⁵⁴⁸ www.theotx.org/resource/making-student-status-determinations-unaccompanied-homeless-youth-eligibility-tool-financial-aid-administrators/

⁵⁴⁹ www.finaid.org/

may have while getting your degree. As such, scholarships can be your ticket to a stable future. General information about scholarships can be found on www.scholarships.com.

You often need to include a physical address for correspondence to apply for scholarships. Check with your school or social worker or case manager to see if there is an address that you can use for scholarship purposes.

Do my rights to higher education and financial aid change and should I do anything differently...

(a) based upon my immigration status?

You may be able to apply for financial aid at private institutions, but you will not qualify for federal financial aid if you are **undocumented**. Only U.S. citizens and eligible non-citizens qualify for federal financial aid. For **eligibility** requirements and more information regarding federal financial aid, visit studentaid.ed.gov/sa/eligibility. Generally, eligible non-citizens include:

- Lawful Permanent Residents (permanent residence card (also known as **green card**) holders);
- Holders of Arrival-Departure Record (I-94) showing: refugee status, asylum granted, Cuban-Haitian entrant status, parolee status (for at least 1 year with the intention to become a U.S. citizen or permanent resident);
- T visa holders;
- Those with **Violence Against Women Act (VAWA)** status; or
- Citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.

If you do not qualify for federal financial aid, here are some resources for possible private funding opportunities:

- Asking your high school college counselor for lists of private scholarships or to help you find scholarships online;
- Checking with your country's embassy or a consulate in the U.S. or with the appropriate government office in your home country;
- Applying for a loan at a bank (you will need a co-signer who is a U.S. citizen or lawful permanent resident);
- Checking college or university websites or career centers for outside scholarships;
- Using the [U.S. Department of Labor's free scholarship search tool](#)⁵⁵⁰; or
- Visiting the [Education USA website](#).⁵⁵¹

(b) If I am a member of the LGBTQ community?

No. If you are a member of the LGBTQ community, you have the same right to pursue higher education and financial aid. There are several scholarships available particularly for LGBTQ students:

More information can be found on the websites of the following organizations:

⁵⁵⁰ www.careeronestop.org/toolkit/training/find-scholarships.aspx

⁵⁵¹ educationusa.state.gov/find-advising-center

- [Human Rights Campaign](#)⁵⁵²
- [SMYAL](#)⁵⁵³
- [College Scholarships](#)⁵⁵⁴
- [Point Foundation](#)⁵⁵⁵
- [Campus Pride](#)⁵⁵⁶
- [Nerd Wallet](#)⁵⁵⁷

(c) *If I have a disability?*

No. The [D.C. Human Rights Act](#)⁵⁵⁸ prohibits schools from discriminating in education based on disability. Schools are required to ensure that all students receive equal access to educational opportunities.

The Americans with Disabilities Act prohibits state and local governments (including all public colleges and universities) from discriminating against persons with disabilities. Section 504 of the Rehabilitation Act of 1973 says no college or university that receives federal money, such as student loans, can discriminate against a person with a disability. This includes most private colleges and universities

All colleges and universities receiving federal financial assistance and with at least 15 employees must identify at least one employee to make sure the school follows the disability anti-discrimination laws. This employee is known as the *Section 504 Coordinator*. The Section 504 Coordinator's contact information is required to be published by the college or university and is often posted on the school's website. If you have questions or concerns, you should contact your school's Section 504 Coordinator.

If you think you have been discriminated against because of your disability, you can file a complaint with the [Office of Civil Rights of the U.S. Department of Education](#),⁵⁵⁹ where your regional office is located. Further information on [how to file a discrimination complaint with the Office of Civil Rights can be found here](#).⁵⁶⁰ You can also file a complaint with the [D.C. Office of Human Rights](#).⁵⁶¹

⁵⁵² www.hrc.org/scholarship-database/c/district-of-columbia

⁵⁵³ smyal.org/youth/youth-leadership-award/

⁵⁵⁴ www.collegescholarships.org/scholarships/lgbt-students.htm

⁵⁵⁵ pointfoundation.org/

⁵⁵⁶ www.campuspride.org/%20national%20scholarship%20database/

⁵⁵⁷ www.nerdwallet.com/blog/loans/student-loans/great-lgbt-scholarships/

⁵⁵⁸ ohr.dc.gov/page/human-rights-laws-regulations-and-policies

⁵⁵⁹ www2.ed.gov/about/offices/list/ocr/index.html

⁵⁶⁰ www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt

⁵⁶¹ ohr.dc.gov/service/file-discrimination-complaint

9. Employment Law

Minimum Wage

What is the minimum wage in D.C.?

The **minimum wage** in D.C. for employees who do not receive gratuities (tips) is \$13.25 an hour beginning July 1, 2018. [D.C. Code § 32-1003](#).⁵⁶² If you are employed in a job where you get tips, such as a server, and entitled to keep your gratuities (tips), the minimum wage is \$3.89 per hour. [D.C. Code § 32-1003\(f\)\(1\)](#).

Note that the minimum wage changes annually. Visit the [D.C. Department of Employment Services website](#)⁵⁶³ for the yearly minimum wage rates.

Can my employer pay me less than the minimum wage if I get tips?

Employers may count the tips you receive against the minimum wage. When your tips are combined with this wage rate, your employer should make sure that you still receive the regular minimum wage rate (as of July 1, 2018) of \$13.25 per hour. [D.C. Code § 32-1003\(f\)\(1\)](#).

My employer said I have to pool my tips, is that allowed?

Your employer may also require or allow you to participate in tip pooling arrangements, but only those employees who “**customarily/regularly receive tips**” may participate in the tip sharing pool. [D.C. Code § 32-1003\(g\)](#).

Examples of employees who “customarily/regularly receive tips” are bellhops, bussers and bartenders.

Can I be paid less than the minimum wage?

Yes, but only in specific circumstances allowed by law. Those include:

1. Workers with disabilities may be paid less only when the employer has received an authorizing certificate from the U.S. Department of Labor. More information can be found on the [U.S. Department of Labor’s website](#).⁵⁶⁴
2. People employed under provisions of the Workforce Innovation and Opportunity Act shall be paid pursuant to that Act. More information can be found on the Department of Employment Services website.⁵⁶⁵
3. Persons employed under provisions of the Youth Employment Act shall be paid pursuant to that Act. [D.C. Code § 32-241](#).⁵⁶⁶

⁵⁶² code.dccouncil.us/dc/council/code/sections/32-1003.html

⁵⁶³ does.dc.gov/

⁵⁶⁴ www.dol.gov/whd/workerswithdisabilities/

⁵⁶⁵ does.dc.gov/page/workforce-innovation-and-opportunity-act-wioa

4. Persons employed under provisions of the Older Americans Act⁵⁶⁷ shall be paid pursuant to that Act.
5. Students employed by institutions of higher education may be paid the minimum wage established by the United States government (currently \$7.25/hour).
6. The Wage Theft Prevention Amendment Act of 2014,⁵⁶⁸ effective February 26, 2015, removed adult learners as a minimum wage exception. Newly hired persons 18 years of age or older must be paid the established D.C. minimum wage immediately upon hire.
7. The minimum wage law also does not apply to certain positions under the Fair Labor Standards Act:⁵⁶⁹
 - a) employed in a bona fide executive, administrative, professional, computer, or outside sales capacity; or
 - b) engaged in the delivery of newspapers to the home of the consumer.

To qualify under (a) or (b) above, you must meet certain tests regarding your job duties and be paid on a salary basis at not less than \$455 per week. Your job title does not determine exempt status.

What can I do if I think I should be paid minimum wage and I am not?

You can file a complaint with the [D.C. Department of Employment Services](#)⁵⁷⁰ by completing the D.C. Wage Claim Application.

What are split shifts and do I still get minimum wage?

A split shift is a work schedule where you work your entire shift, but in two different shifts, for example from 9 am to 12 pm and then from 2 pm to 6 pm. An employer must pay you for one additional hour at the minimum wage for each day during which you work a split shift. [D.C. Mun. Regs. Tit. 7, § 906](#).⁵⁷¹

Is there a different minimum wage for youth?

Yes, but only for certain programs including an **in-school** employment and work readiness training program to provide for the employment or training during the school year of students aged 14 through 21 years on a part-time basis. These students cannot be paid less than the federal minimum wage of \$7.25 per hour for employment, or \$5.25 per hour for work readiness training. [D.C. Code § 32-241](#).⁵⁷²

⁵⁶⁶ code.dccouncil.us/dc/council/code/sections/32-241.html

⁵⁶⁷ www.congress.gov/bill/114th-congress/senate-bill/192

⁵⁶⁸ does.dc.gov/page/wage-theft-prevention-amendment-act-2014

⁵⁶⁹ www.dol.gov/whd/overtime/fs17a_overview.htm

⁵⁷⁰ does.dc.gov/page/how-file-claim

⁵⁷¹ dcrules.elaws.us/dcmr/7-906

⁵⁷² code.dccouncil.us/dc/council/code/sections/32-241.html

Also including **out-of-school** youth, year-round employment and work readiness training program to provide youth 16 through 24 years of age with employment and work readiness training.

They are paid the prevailing entry level wage for the job being performed and no less than the federal minimum wage of \$7.25 per hour for work or \$5.25 per hour for work readiness training.

[D.C. Code § 32-241](#).

Under federal law, if you are under the age of 20, you may be paid a federal minimum wage of not less than \$4.25 for the first 90 consecutive calendar days of work. Your employer may pay you this reduced wage only if your work does not displace other workers. After 90 consecutive days of employment, or when you reach age 20 (whichever comes first), you must receive at least the D.C. minimum wage. More information on youth minimum wage can be found on the [Department of Labor's](#)⁵⁷³ website regarding sub-minimum wage.

Does my employer have to tell me about my rights as an employee?

Yes, your employer must prominently display a poster in the workplace that informs you of your rights and of the minimum wage in D.C. The law of D.C. requires that your employer place a poster in an easy to see place that informs you of your rights, including the minimum wage. [D.C. Code § 32-1003](#).⁵⁷⁴

Getting Paid

How often should I be paid?

Employers are required to pay employees all wages due at least twice during each calendar month. However, administrative, executive, or professional employees are required to be paid no less frequently than once per month. Employers must pay employees on regular paydays designated in advance by the employer. An employer must pay wages not more than 10 days after the end of a pay period. [D.C. Code 32-1302](#).⁵⁷⁵

What hours should I be paid for?

The D.C. **minimum wage** laws require employers to compensate employees for all hours worked, also referred to as working time. D.C. law defines working time to include all the time employees:

1. Are required to be on the employer's premises, on duty, or at a prescribed place;
2. Are permitted to work;
3. Are permitted to travel in connection with the business of the employer; or

⁵⁷³ www.dol.gov/general/topic/wages/subminimumwage

⁵⁷⁴ code.dccouncil.us/dc/council/code/sections/32-1003.html

⁵⁷⁵ code.dccouncil.us/dc/council/code/sections/32-1302.html

4. Wait on the employer's premises for work. D.C. Code § 32-1002⁵⁷⁶

Are individuals required to be paid the same regardless of sex or gender identity?

Yes, your employer cannot pay you less because of your sex or gender identity.

D.C. does not have separate legislation requiring employers to pay male and female workers equally. However, the [D.C. Human Rights Act](#),⁵⁷⁷ which applies to public and private employers as well as all employees, including interns, prohibits employers from discriminating based on race, color, genetic information, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, source of income, disability, status as a victim of intrafamily offense, place of residence or business, or political affiliation. [D.C. Code § 2- 1401.01 - Intent of Council](#).⁵⁷⁸

Additional information can be found in the [Human Rights chapter](#) in this Handbook.

Overtime

What is overtime pay?

Overtime work includes any hours worked above 40 hours in any work week. [D.C. Code § 32-1003](#).⁵⁷⁹

How much should I get paid if I am earning overtime?

If you work overtime, you should receive one and a half times your regular rate of pay (“time and a half”). There are no limits to the number of hours your employer may require you to work in one workday or one workweek. However, if you work over 40 hours a week, you should receive time and a half for any hours above the 40 hour threshold. [U.S. Department of Labor, Fact Sheet #23](#).⁵⁸⁰

Example: *Multiply your standard rate by 1.5 to find your overtime hourly pay rate. For example, assume you make a standard rate of \$10 an hour. Your overtime rate is \$15 per hour.*

Can I get overtime if I work more than 8 hours in a day?

You must work over 40 hours in total in one week to get overtime. If you work more than 8 hours in a day, but do not exceed 40 hours in a week, you will not be entitled to receive overtime. This includes if you work on a holiday, a Saturday, or a Sunday. Your employer may agree to pay you more overtime than what is described here, and may enter into a [contract](#) with you that gives you this right. [U.S. Department of Labor, Fact Sheet #23](#).

⁵⁷⁶ code.dccouncil.us/dc/council/code/sections/32-1002.html

⁵⁷⁷ ohr.dc.gov/protectedtraits

⁵⁷⁸ code.dccouncil.us/dc/council/code/sections/2-1401.01.html

⁵⁷⁹ code.dccouncil.us/dc/council/code/sections/32-1003.html

⁵⁸⁰ www.dol.gov/whd/regs/compliance/whdfs23.pdf

My employer said my job is not overtime eligible -- is that true?

Maybe. Some jobs are “exempt” from D.C. overtime laws, however, the majority of jobs that pay you by the hour are not exempt from overtime. In order to be classified as “exempt,” the job must require you to perform specific duties and be paid a minimum salary level. Employers cannot avoid their overtime obligations by just paying you a salary for all hours worked (as opposed to hourly). [D.C. Code § 32-1003\(c\)](#).

Meals/Breaks

Am I entitled to a break?

No, neither federal or D.C. law require that an employer provide you with meals or breaks. More information can be found on the [U.S. Department of Labor’s website](#).⁵⁸¹

I am a breastfeeding mother -- am I entitled to a break?

Yes, all employers covered by the [Affordable Care Act of the Fair Labor Standards Act](#)⁵⁸² are required to provide a reasonable break for an employee to express breast milk for her child up to 1 year after her child’s birth. Employers must also provide a place, other than a restroom, that may be used for pumping. More information can be found on the [U.S. Department of Labor’s website](#).⁵⁸³

If I get a break, do I get paid during that time?

When employers do offer short breaks (usually lasting about 5 to 20 minutes), federal law considers the breaks as paid work hours that would be included in the sum of hours worked during the work week and considered in determining if overtime was worked.

Set meal periods (typically lasting at least 30 minutes) serve a different purpose than coffee or snack breaks and are not work or paid time.

Hours of Work

Am I allowed to work if I am under 18?

Yes, but there are specific requirements for getting a permit and the limitations on the hours of work if you are under 18. See the questions in this section for more details.

⁵⁸¹ www.dol.gov/general/topic/workhours/breaks

⁵⁸² www.dol.gov/whd/nursingmothers/sec7rflsa_btnm.htm

⁵⁸³ www.dol.gov/whd/nursingmothers/faqBTNM.htm

Do I need a work permit if I am under 18?

Yes, you need a work permit. Work permits are also referred to as employment certificates. Work permits can be found on the District of Columbia, [Office of Youth Engagement's website](#).⁵⁸⁴

How do I get a work permit?

Work permits must be obtained from the [D.C. Public Schools Office of Youth Engagement](#).⁵⁸⁵ You will need to complete the [Official Work Permit and Child Labor Application](#).⁵⁸⁶

What hours am I allowed to work if I am 16 or 17?

Youth ages 16 or 17 are allowed to work between the hours of 6 am and 10 pm. The total hours worked for the week cannot exceed 48 hours, and cannot exceed 8 hours in a single day. Youth ages 16 or 17 are also not allowed to work more than six days in a row. [D.C. Code § 32-202](#).⁵⁸⁷

What hours am I allowed to work if I am 14 or 15?

Youth between the ages of 14 and 15 may only work in certain areas and at certain hours, depending on whether school is in session.

When public school is in session:

- No working during school hours;
- No more than 3 hours on a school day, including Fridays;
- No more than 8 hours on a non-school day;
- No more than 18 hours during a week;
- Between 7 am and 7 pm; and
- No more than six days in a row in a week.

When public school is not in session:

- No more than 8 hours a day;
- No more than 40 hours per week;
- Between the hours of 7 am and 7 pm (except between June 1 and Labor day when the evening hour is extended to 9 pm); and
- No more than six days in a row in a week.

More information can be found on the [U.S. Department of Labor's website](#).⁵⁸⁸

⁵⁸⁴ careerservices.gwu.edu/sites/g/files/zaxdzs2271f/downloads/DCPS-Work-Permit-Application.pdf

⁵⁸⁵ dcps.dc.gov/service/homeless-children-and-youth-services-dcps

⁵⁸⁶ careerservices.gwu.edu/sites/g/files/zaxdzs2271f/downloads/DCPS-Work-Permit-Application.pdf

⁵⁸⁷ code.dccouncil.us/dc/council/code/sections/32-202.html

⁵⁸⁸ www.dol.gov/whd/regs/compliance/whdfs43.htm

Are there any jobs I cannot do if I am a minor?

In addition, there are certain jobs, including certain industrial or other hazardous occupations, that minors may not perform regardless of age. The [U.S. Department of Labor's website](#)⁵⁸⁹ provides a list of categories of jobs deemed unsafe for minors.

The [D.C. Office of Employment Services](#)⁵⁹⁰ provides additional guidance and contains specific programs for youth workers in the District.

Employment Screening

Can an employer ask me about my criminal record?

In D.C., an employer or potential employer may not ask you about your criminal history during the application or interview process. The D.C. Fair Criminal Record Screening Amendment Act of 2014 prohibits most employers in D.C. from asking about criminal backgrounds on job applications or during the interview process. [D.C. Code § 32-1342](#).⁵⁹¹

More information can be found on the [D.C. Office of Human Rights website](#).⁵⁹²

What can I do if I think an employer or potential employer is looking into my criminal record?

If you believe your employer or potential employer improperly asked about or looked into your criminal background, you can file a complaint with the D.C. Office of Human Rights. More information can be found on the [D.C. Office of Human Rights website](#).⁵⁹³

The law applies to employers with 11 or more employees who are hiring for job positions that are located in D.C. This includes the D.C. government, corporations, universities, small businesses and non-profit organizations, among others.

Are there situations when an employer can ask about a criminal record?

The law has a number of exceptions in which the employer may request criminal background information prior to employment. An employer may ask about criminal history when:

- A federal or D.C. law or regulation require considering an applicant's criminal history;
- A position is designated by government program or obligation to encourage employment of those with criminal histories; or
- The facility or employer provides programs or services to children or vulnerable adults.

⁵⁸⁹ www.youthrules.gov/

⁵⁹⁰ does.dc.gov/service/youth-services

⁵⁹¹ code.dccouncil.us/dc/council/code/sections/32-1342.html

⁵⁹² ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/OHRGuidance16-02_FCRSA_FINAL.pdf

⁵⁹³ ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/OHRGuidance16-02_FCRSA_FINAL.pdf

Employers covered by the exceptions above may inquire about your criminal history prior to making an offer employment. More information can be found on the [D.C. Office of Human Rights website](#).⁵⁹⁴

Can a potential employer ask for my criminal record after I receive an offer of employment?

An employer may ask you about and look into criminal convictions only after extending a [conditional offer of employment](#). An employer may not consider arrests or past criminal accusations that did not result in a conviction.

When can my offer be taken away due to a criminal record?

An employer who properly asks you about a criminal conviction can only withdraw the offer or take a negative action against you for a legitimate business reason. An employer must consider the following six factors in determining whether it will withdraw its offer of employment to you:

- The specific duties and responsibilities necessarily related to the employment sought;
- Fitness or ability of the person to perform one or more job duties or responsibilities given the offense;
- Time elapsed since the occurrence of the offense;
- Age of the applicant when the offense occurred;
- Frequency and seriousness of the offense; and
- Information provided by applicant or on his or her behalf that indicates rehabilitation or good conduct since the offense occurred.

An employer may not ask you to obtain an arrest report at your expense, even after extending you an offer of employment. More information can be found on the [D.C. Office of Human Rights website](#).⁵⁹⁵

Do I have to be told if an employer decides to withdraw its offer of employment because of a prior criminal conviction?

Yes, the employer must provide you with a notice of your right to file a complaint with the D.C. Office of Human Rights. Specifically, an employer must provide you with notice advising you that you have 30 days to submit a request to the employer for a copy of all interview and hiring-related records created for you by the employer in consideration of your application, including your criminal records. The employer has 30 days from the time it received your request to provide you with the information. More information on filing a complaint can be found on the [D.C. Office of Human Rights website](#).⁵⁹⁶

⁵⁹⁴ ohr.dc.gov/page/criminal-background-screening-and-employment-exemptions

⁵⁹⁵ ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/EmployerFAQ_FINAL_121714.pdf

⁵⁹⁶ ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/EmployerFAQ_FINAL_121714.pdf

How long do I have to file a complaint if a potential employer withdraws an offer of employment because of a prior criminal conviction?

If you elect to bring a claim to the D.C. Office of Human Rights, you must do so within one year. [D.C. Code § 32–1343](#).⁵⁹⁷ More information on filing a complaint can be found on the [D.C. Office of Human Rights website](#).⁵⁹⁸

Can a juvenile criminal record be disclosed to a potential employer?

Your juvenile criminal record may not be disclosed to an employer except in certain circumstances. Information about juvenile cases and law enforcement records are not generally available to the public, including most employers. [D.C. Code §§ 16-2331](#)⁵⁹⁹, [16-2332](#)⁶⁰⁰, [16-2333](#).⁶⁰¹ That means that your arrest and conviction records are ordinarily kept confidential and cannot be provided to unauthorized persons.

There are a number of exceptions, however. If you have been found delinquent for a qualifying offense, D.C. may disclose the information concerning a crime of violence or certain felonies. [D.C. Code § 16-2333\(e\)](#).

Workers' Compensation

I was hurt on the job -- am I entitled to compensation?

If you are accidentally hurt while working in D.C., you should notify your employer and the [D.C. Office of Workers' Compensation](#)⁶⁰² in writing within 30 days of when you become aware of the injury and its connection to your employment. [D.C. Code § 32–1513](#).⁶⁰³ Your employer must pay you or provide benefits to help you recover. To qualify, your injury must have occurred while working in D.C. or while working outside of D.C., either for an employer who is principally located in D.C. or under an employment contract entered into in D.C. [D.C. Code § 32–1503](#).⁶⁰⁴

If your case involves an **occupational disease** (a disease that is typically caused by your particular trade, job, or type of employment) or is linked to being continually exposed to a harmful chemical or substance (such as silicosis, asbestosis or radiation diseases), the employer where you were last exposed is liable to pay workers' compensation. [D.C. Code § 32–1510](#).⁶⁰⁵

⁵⁹⁷ code.dccouncil.us/dc/council/code/sections/32-1343.html

⁵⁹⁸ ohr.dc.gov/page/returningcitizens/applicants

⁵⁹⁹ code.dccouncil.us/dc/council/code/sections/16-2331.html

⁶⁰⁰ code.dccouncil.us/dc/council/code/sections/16-2332.html

⁶⁰¹ code.dccouncil.us/dc/council/code/sections/16-2333.html

⁶⁰² does.dc.gov/page/office-workers-compensation-does

⁶⁰³ code.dccouncil.us/dc/council/code/sections/32-1513.html

⁶⁰⁴ code.dccouncil.us/dc/council/code/sections/32-1503.html

⁶⁰⁵ code.dccouncil.us/dc/council/code/sections/32-1510.html

You may not receive workers' compensation from D.C. if you are receiving workers' compensation from any other state for the same injury. [D.C. Code § 32–1503](#).⁶⁰⁶

When do I have to file a claim for workers' compensation?

Generally, a claim must be filed within one year after the injury. [D.C. Code § 32–1514](#).⁶⁰⁷ Additional information can be found on the [D.C. Department of Employment Services website](#).⁶⁰⁸

What kind of pay or benefits can I get if I was hurt on the job?

The type of pay or benefits depends on your injury. If you cannot work because of your injury, you are entitled to be paid 2/3 of your average weekly wages (based on the 26 weeks of employment prior to your injury) for the duration of the time you are unable to work. If your disability is permanent (for example, loss of a limb) you are entitled to an additional payment of 2/3 of your average weekly wages for a set amount of time depending on the specific injury. [D.C. Code § 32–1508](#).⁶⁰⁹

For example, if you lose an arm in a work accident, you are entitled to be paid 2/3 of your average weekly wages for 312 weeks in addition to being paid 2/3 of your average weekly wages during the time you are unable to work because of the injury.

If you suffer an injury at work that increases your disability from a previous unrelated injury, your employer is liable as if the work injury alone caused your subsequent disability. [D.C. Code § 32–1508](#).⁶¹⁰

When will my workers' compensation start? How will it be paid?

Your employer must pay workers' compensation promptly, periodically and directly. The first payment of compensation is due within two (2) weeks after the employer becomes aware of the job-related injury. After that, compensation shall be paid in installments every two weeks. [D.C. Code § 32–1515](#).⁶¹¹

Can I get workers' compensation if I am a minor?

If you are a minor, D.C. may require the appointment of a guardian or other representative to receive compensation payable to you and to exercise the powers granted to you under the law. [D.C. Code § 32–1512](#).⁶¹²

⁶⁰⁶ code.dccouncil.us/dc/council/code/sections/32-1503.html

⁶⁰⁷ code.dccouncil.us/dc/council/code/sections/32-1514.html

⁶⁰⁸ does.dc.gov/page/workers-compensation-does

⁶⁰⁹ code.dccouncil.us/dc/council/code/sections/32-1508.html

⁶¹⁰ code.dccouncil.us/dc/council/code/sections/32-1508.html

⁶¹¹ code.dccouncil.us/dc/council/code/sections/32-1515.html

⁶¹² code.dccouncil.us/dc/council/code/sections/32-1512.html

When will my injury at work not be covered by workers' compensation?

Only accidental injuries are covered. If your injury was caused by intoxication or because you intentionally tried to injure yourself or others, you are not entitled to workers' compensation.

[D.C. Code § 32-1503.](#)⁶¹³

You are only entitled to workers' compensation if you are an employee, not an independent contractor. An employer-employee relationship exists if the employer has the right of control over the employee (for example, sets hours and method of payment, provides equipment and has the right to fire). An employer-employee relationship also exists if the work being done by the employee is integral to the employer's business and not the employee's own business or professional service.

Does my employer have to provide me medical treatment to help me recover?

If you are injured at work, your employer must provide medical, surgical and vocational rehabilitation services needed to help you recover from the injury. Your employer must pay for necessary travel expenses, medicine, nursing and hospital services, and medical supplies associated with your treatment for the time required for you to recover from your injury. Employers are also required to provide vocational rehabilitation and to assist an injured employee in finding alternative employment. [D.C. Code § 32-1507.](#)⁶¹⁴

Can my employer fire me if I file a claim for workers' compensation?

No. It is against the law for an employer to discriminate against you because you have claimed or attempted to claim workers' compensation from your employer. If you are terminated in retaliation for making a workers' compensation claim, you are entitled to get your job back and be compensated for any lost wages, provided that you are still able to perform the duties of your job. [D.C. Code § 32-1542.](#)⁶¹⁵

How do I file a workers' compensation claim in D.C.?

You can file a claim for workers' compensation on the [D.C. Department of Employment Services webpage -- Workers' Compensation.](#)⁶¹⁶ To file a claim you should:

- Report the job-related illness or injury promptly to your employer.
- Report the job-related illness or injury in writing to the Office of Workers' Compensation within 30 days of when the injury or illness occurs or when you become aware of it.
- Complete the [DCWC Form 7A.](#)⁶¹⁷ The form can be obtained from the employer, insurance carrier, or D.C. Office of Workers' Compensation.

⁶¹³ code.dccouncil.us/dc/council/code/sections/32-1503.html

⁶¹⁴ code.dccouncil.us/dc/council/code/sections/32-1507.html

⁶¹⁵ code.dccouncil.us/dc/council/code/sections/32-1542.html

⁶¹⁶ does.dc.gov/page/workers-compensation-does

⁶¹⁷ does.dc.gov/publication/owc-7a-employees-claim-application

- Keep a copy of the completed form for your records, file a copy with your employer and send the original to the Office of Workers' Compensation.
- [DCWC Form 7A](#) must be filed within one year after injury. The form can be obtained from the employer, insurance carrier, or the D.C. Office of Workers' Compensation.

Drug Testing

Can I be required to take a drug test at work?

D.C. does not have any laws prohibiting an employer from requiring an employee or applicant from paying for pre-hire medical, physical, or drug tests.

What can my employer do if I refuse to take a drug test?

If you refuse to submit to a drug test, your employer may fire you or refuse to hire you.

What drug testing policies are legal?

Your employer's drug testing policies can legally include the following types of drug tests:

- **Job applicant drug testing**— Your employer may require that you complete a limited drug test during the application phase (see restrictions below). Your employer may use your decision not to complete a drug test as a basis for refusing to hire you. Your employer may also use a positive drug test as a basis for refusing to hire you.
- **Reasonable-suspicion drug testing**— Your employer can require you to submit to reasonable-suspicion drug testing, meaning that your employer may require that you complete a drug test if they have a reasonable basis to believe that you may have been or are using drugs.
- **Routine fitness-for-duty drug testing**— Your employer may require you to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination. The fitness-for-duty medical examination must also be part of your employer's established policy or scheduled routinely for all members of an employment classification or group.

Can I be tested for marijuana usage before I am hired?

No. In D.C., an employer is not allowed to test someone for marijuana who is applying for a job until after a conditional offer of employment has been extended, unless such test is required by law. [D.C. Code § 32-931](#).⁶¹⁸ Employees are still required to comply with employer workplace drug policies, including restrictions on marijuana use. Employers can still deny a position based on a positive test for marijuana that is given after a conditional offer of employment is extended. This restriction on pre-employment marijuana testing does not apply to federal employment contracts. [D.C. Code § 32-931](#).

⁶¹⁸ code.dccouncil.us/dc/council/code/sections/32-931.html

Job Training

What job training programs are available for youth in D.C.?

D.C. offers a number of opportunities for young people to build their skills, receive training and gain important work experience. For example, the [Pathways for Young Adults Program \(PYAP\)](#)⁶¹⁹ assists out-of-school and out-of-work D.C. residents ages 18 through 24 by providing occupational training, life skills development and work readiness instructions. PYAP has a phased approach that starts with occupational training, then work readiness instruction and finally internship experience. Youths are assigned to an internship with an approved employer and must commit to work 25-40 hours a week throughout all phases of the program.

D.C. also offers the [Mayor Marion S. Barry Summer Youth Employment Program \(MBSYEP\)](#)⁶²⁰ that provides youth in D.C. ages 14-24 with summer work experience with private or government employers. MBSYEP gives young people the opportunity to earn money, develop skills and gain meaningful work experience.

If you are between ages 16-24, out of work and no longer attending school, D.C. has an [Out-of-School Program](#)⁶²¹ that provides occupational skills training, career awareness counseling, work readiness modules, basic education, GED preparation, internship experiences and vocational skills training. The Out-of-School Program provides training in Retail Services, Hospitality, Administrative Assistance, Information Technology, Culinary Arts, Automotive Services and other fields to young adults who are no longer attending school.

D.C. also has an apprenticeship program that combines on-the-job training with classroom instruction. The [Office of Apprenticeship](#),⁶²² Information and Training (OAIT) oversees and administers the apprenticeship system in D.C. Apprenticeship programs are sponsored by employers, labor groups and employer associations. Applicants for apprenticeships must be at least 16 years old and meet the sponsor's qualifications.

[Job Corps](#)⁶²³ is another resource for educational and vocational training program run by the U.S. Department of Labor. This program serves men and women ages 16 and up, including career planning, on-the-job training, job placement and other services. [AmeriCorps Programs](#)⁶²⁴ also place young adults into service positions to build skills and earn money.

Reemployment Assistance and Unemployment Compensation

Where can I get help with finding a job?

D.C. provides free re-employment services⁶²⁵ and assistance to unemployed workers and those entering the job market for the first time. The [D.C. Department Employment Services website](#)⁶²⁵ has links to services that can help you find a job, including a link to the [job search website](#).

⁶¹⁹ does.dc.gov/service/pathways-young-adults-0

⁶²⁰ does.dc.gov/service/mayor-marion-s-barry-summer-youth-employment-program

⁶²¹ does.dc.gov/service/out-school-program

⁶²² does.dc.gov/service/apprenticeships

⁶²³ www.dol.gov/general/topic/training/jobcorps

⁶²⁴ www.nationalservice.gov/programs/ameriCorps

⁶²⁵ does.dc.gov/service/apprenticeships

How can I apply for a job?

To apply for a job through dcnetworks.org, you will need to first register online at: www.dcnetworks.org/vosnet/loginintro.aspx.

1. Search and apply for jobs at: dcnetworks.org/jobbanks.
2. Type in the name of the job, you are looking for into the “Keyword” search box, like [cashier].
3. Click on “**D.C.**” in “Area” box only if you want to change the location of your search to outside of D.C. If you are looking for a job in D.C., you do not need to make any changes.
4. Click the “**Search**” button and select which job(s) you are interested in.
5. Then click on the “**How to apply for this job**” button and follow the instructions.

Am I eligible for benefits if I lose a job?

If you become unemployed after having worked, you may be eligible to receive benefits. You must file a claim with the [D.C. Department of Employment Services, Office of Unemployment Compensation](#),⁶²⁶ which is also called the Unemployment Insurance Office.

What information do I need to get unemployment benefits?

To begin the process of filing for unemployment benefits you will need to have the following information available:

1. Your social security number
2. Your most recent employer’s name, address, phone number and dates of employment
3. Your Alien Registration Number, if you are not a U.S. Citizen
4. Your DD214, if you are ex-military
5. Your Standard Form 8 or Standard Form 50, if you are a former federal employee

It is important to remember that you will not be able to collect unemployment compensation if you stop work voluntarily or are fired because of misconduct (for example, behaving in a way not permitted by your employer). More information can be found at [D.C. Department of Employment Services, Office of Unemployment Compensation](#).⁶²⁷

How do I apply for unemployment benefits?

In D.C. you can file a claim for unemployment benefits online on the D.C. Department of Employment Services website. Begin your claim by filling out the [online initial claim form](#).⁶²⁸ You

⁶²⁶ does.dc.gov/service/unemployment-compensation

⁶²⁷ does.dc.gov/service/unemployment-compensation

⁶²⁸ does.dcnetworks.org/initialclaims/FilingEligibility.aspx

can also find more information regarding things to know when filing a claim at:
does.dc.gov/node/224102.

How much do unemployment insurance benefits pay?

The amount you receive in unemployment benefits depends on how much you were earning before you lost your job. As in every other state, D.C. looks at your work history during the past 12 months, which is called the “**base period**”. If you are found eligible, you will receive 1/26 of your wages in the highest paid quarter of your base period. The maximum benefit is \$425 per week. (This amount may be adjusted each year by the [D.C. Department of Employment Services](#) so please check their [website](#)⁶²⁹ for updates.) You may receive benefits for a maximum of 26 weeks.

Sick Leave

Am I entitled to paid sick leave from my job?

Yes, under the [D.C. Sick Leave Law](#),⁶³⁰ employers are required to provide almost all employees with paid sick leave, even if they are part-time employees. The number of days and hours depends on how large your employer is and how many hours per week you work. For more information, see www.knowyourrightsdcc.org/know-your-rights-dc/paid-sick-leave/.

Your employer may be required to provide additional days of leave (unpaid) to employees pursuant to D.C.’s Family and Medical Leave Act and/or the federal Family and Medical Leave Act. [D.C. Code § 32-501](#).⁶³¹

Am I entitled to parental leave?

In D.C., employers are required to provide employees with parental leave and allow an employee who is a parent at least 24 hours of unpaid leave during a 12 month period in which to attend or participate in a child’s school-related activities. The employee must notify his/her employer at least 10 days in advance or as soon as otherwise possible. An employer may deny the parental leave, but only if the leave would disrupt the employer’s business, making production or service delivery unusually difficult. [D.C. Code § 32-521.02](#).⁶³²

Are there laws that protect me from working on a holiday?

In D.C., employers must permit employees to take off from work, unpaid, on April 16, D.C. Emancipation Day, unless doing so would disrupt the employer’s operations and make production or service delivery particularly difficult. An employee must notify his/her employer of his/her desire to take time off on April 16 at least ten (10) days in advance of that date. [D.C. Code § 32-521.02](#).⁶³³

⁶²⁹ does.dc.gov/

⁶³⁰ www.employmentlawhandbook.com/leave-laws/sick-leave-laws/district-of-columbia-sick-leave-law/

⁶³¹ code.dccouncil.us/dc/council/code/titles/32/chapters/5/

⁶³² code.dccouncil.us/dc/council/code/titles/32/chapters/5/

⁶³³ code.dccouncil.us/dc/council/code/titles/32/chapters/5/

D.C. has no other laws requiring private employers to provide paid or unpaid leave on holidays. This means an employer can require an employee to work holidays.

Am I entitled to leave for serving on jury duty?

D.C. law requires employers to provide employees with leave to respond to a jury summons and serve on a jury. The law prohibits an employer from terminating, disciplining, threatening, or otherwise coercing an employee because the employee receives or responds to a summons or serves on a jury. [D.C. Code § 11-1913](#).⁶³⁴ The law does not require your employer to pay you for jury duty.

Am I entitled to vacation time from my job?

In D.C., employers are not required to provide employees with vacation leave, either paid or unpaid.

Am I entitled to time off to vote in an election?

No, D.C. does not have any laws requiring an employer to provide employees either paid or unpaid leave to vote.

Complaints Against Employer

Can I be fired if I report my employer for a legal violation?

No, your employer cannot fire, suspend or punish you in any way for reporting or threatening to report any violation of a law, rule or regulation to the appropriate government agency.

This is known as “**retaliation**.”

An employee may not be discharged (or discriminated against) in retaliation for lawfully disclosing information to a government or law enforcement agency. [D.C. Code § 2-381.04](#).⁶³⁵

If you are working in Health Care, an employee of a long-term care facility may not be discharged (or discriminated against) in retaliation for making communications with the D.C. Long-Term Care Ombudsman Program. The communication must be made in good faith. [D.C. Code § 7-702.07\(b\)](#).⁶³⁶

An employee may not be discharged (or discriminated against) in retaliation for filing a complaint, instituting a proceeding, or testifying at a proceeding concerning a violation of minimum wage laws. [D.C. Code § 32-1010\(3\)](#).⁶³⁷

Generally, D.C. public employees may not be discharged (or discriminated against) for reporting gross mismanagement, gross misuse of waste of public resources of funds, abuse of authority, or other violation of federal, state or local law. [D.C. Code § 1-615.53](#).⁶³⁸

⁶³⁴ code.dccouncil.us/dc/council/code/sections/11-1913.html

⁶³⁵ code.dccouncil.us/dc/council/code/sections/2-381.04.html

⁶³⁶ code.dccouncil.us/dc/council/code/sections/7-702.07.html

⁶³⁷ code.dccouncil.us/dc/council/code/sections/32-1010.html

An employee may not be discharged (or discriminated against) in retaliation for filing a workers' compensation claim or testifying in a workers' compensation proceeding. [D.C. Code § 32-1542](#).⁶³⁹

It is unlawful for an employer to coerce, threaten, or retaliate against any employee for exercising his or her rights under the D.C. Human Rights Act or aiding another person in the exercise of his or her rights. [D.C. Code § 2-1402.61](#).⁶⁴⁰

What should I do if I think I've been retaliated against?

If you think you have been retaliated against in violation of the D.C. Human Rights Act, you can file a complaint with the [D.C. Office of Human Rights](#).⁶⁴¹ The complaint must be filed within one year of the retaliatory action. You can also file a lawsuit in an appropriate court within one year of the retaliatory action. [D.C. Code § 2-1402.61](#).

What should I do if I think my employer is discriminating against me?

D.C. law prohibits employment discrimination based on race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, place of residence or business and/or credit information. Employees also may have protections under federal law. For more information about employment discrimination, visit the [Human Rights chapter](#) in this Handbook.

⁶³⁸ code.dccouncil.us/dc/council/code/sections/1-615.53.html

⁶³⁹ code.dccouncil.us/dc/council/code/sections/32-1542.html

⁶⁴⁰ code.dccouncil.us/dc/council/code/sections/2-1402.61.html

⁶⁴¹ ohr.dc.gov/

10. General Criminal Law

General Information

At what age am I still considered a juvenile?

Any person under the age of 18 is considered a **juvenile**. In general, criminal actions engaged in while under the age of 18 will appear on your **juvenile criminal record**. Criminal actions engaged in on or after your 18th birthday will appear on your **adult criminal record**. However, sometimes juveniles can be charged as adults. See below for more information.

Can a juvenile be charged as an adult in Washington, D.C.?

Yes. Despite the existence of juvenile courts, many youth may still be tried as adults. There are two ways that a juvenile can be prosecuted as an adult.

First, under the **statutory exclusion**, if you are a juvenile aged 16 or older and you are charged with certain serious crimes as listed under **D.C. Code §16-2301(3)**,⁶⁴² you will be prosecuted in the adult criminal division. These crimes include:

- Being charged by the United States attorney with (i) murder, first degree sexual abuse, burglary in the first degree, robbery while armed, or assault with intent to commit any such offense, or (ii) an offense listed in clause (i) and any other offense properly joinable with such an offense;
- Being charged with an offense referred to in subparagraph (A)(i) and convicted by plea or verdict of a lesser included offense; or
- Being charged with a traffic offense.

Second, the **prosecutor** may request a transfer to adult criminal court under the following circumstances:

- You were at least 15 at the time of the conduct charged and you are alleged to have committed a **felony**;
- You are at least 16 and already under commitment to an agency or institution as a **delinquent child**;
- You are 18 or older and are alleged to have committed a **delinquent act** prior to turning age 18; or
- You are charged with the illegal possession or control of a firearm within 1,000 feet of a public or private day care center, elementary school, vocational school, secondary school, college, junior college, or university, or any public swimming pool, playground, video arcade, or youth center, or an event sponsored by any of the above entities.

D.C. Code §16-2307(a)(1)-(4).⁶⁴³

⁶⁴² code.dccouncil.us/dc/council/code/sections/16-2301.html

⁶⁴³ code.dccouncil.us/dc/council/code/sections/16-2307.html

If you are found guilty or plead guilty in adult court and you are sentenced as an adult, you will forever be considered an adult for any future violations of law.

How will my case be transferred to adult court?

If you are a juvenile, there are two ways your case can be transferred to adult court:

- **Statutory Exclusion** – [D.C. Code §16-2301\(3\)](#)⁶⁴⁴ excludes certain offenses committed by a juvenile aged 16 years or older from the jurisdiction of the juvenile court. The prosecution may, in its discretion, prosecute juveniles charged with these enumerated crimes in adult court.
- **Discretionary Judicial Waiver** - If you are at least 15 years old, a **prosecutor** may make a motion to transfer you to an adult court. After a motion is made, a judge conducts a hearing and reviews your history, the charge and potential for rehabilitation. Then, the judge either grants or denies the **prosecutor's** request. The judge's decision is based on legal criteria, the facts of the case, and your circumstances. In general, the government must show by a **preponderance of the evidence** that the transfer to adult court "is in the interest of the public welfare and the protection of the public security and there are no reasonable prospects for rehabilitation of the child." [D.C. Code §16-2307\(d\)\(2\)\(A\)](#).⁶⁴⁵ There is a rebuttable presumption that a juvenile between 15 to 18 years of age should be transferred to adult court if he/she is charged with certain violent offenses. [D.C. Code §16-2307\(e-2\)](#).

What is the difference between Juvenile Court and Adult Court?

Juvenile court is geared towards rehabilitation, while adult court emphasizes punishment. Juvenile courts also recognize your family unit in a way that adult courts may not; while your parents get to stand next to you in juvenile court and speak with juvenile court judges about what your situation might be at home, they are not allowed the same level of participation in **adult** criminal court.

Unless you can afford to pay a **bond**, if you are prosecuted as an adult, you stay in adult jail pending trial. If convicted, you may serve an adult sentence in adult facilities. Adult facilities generally lack the specialized counseling and educational resources available in juvenile facilities. In adult facilities, you will not be separated from adult prisoners. In most instances, **felony** convictions as an **adult** are on your record for life. However, young people in D.C. are eligible to be sentenced under the Youth Rehabilitation Act, which allows for some adult convictions to be sealed.

For more information on navigating the juvenile court system, refer to the [Family Guide to the District of Columbia Juvenile Justice System](#).⁶⁴⁶

What happens if the judge finds I am guilty in Juvenile Court?

You will be referred to as a "**delinquent child**," meaning a juvenile who has been adjudicated to have committed a delinquent act and is in need of care or rehabilitation. An order of adjudication is not a criminal conviction.

⁶⁴⁴ code.dccouncil.us/dc/council/code/sections/16-2301.html

⁶⁴⁵ code.dccouncil.us/dc/council/code/sections/16-2307.html

⁶⁴⁶ www.dccourts.gov/sites/default/files/matters-docs/Family-Guide-to-DC-Juvenile-System.pdf

What is the difference between a felony and a misdemeanor?

A **felony** is considered a more serious offense than a **misdemeanor**. A felony is the highest category of crime. Examples of felonies include murder, **burglary**, and first degree theft. If you commit a **felony** and you are convicted, you may be imprisoned for a year or more. A misdemeanor is a lesser category of crime. If you commit a **misdemeanor** and you are convicted, you may serve up to one year in a D.C. jail. Examples of **misdemeanors** include simple assault/threat to do bodily harm, unlawful entry on property, theft in the second degree (first or second offense), and **disorderly conduct**.

What do I have to share if I am asked about any convictions when applying for a job?

When applying to jobs and asked, “Have you ever been convicted of a **felony**?” you may answer “no” if you were adjudicated as a juvenile. Remember, you will only have a conviction if you are convicted or plead guilty in **adult** court. If you have a conviction or plead guilty in **adult** court, you must answer “yes” to that question on any job application that asks that question.

For more information on employment issues, refer to the **Employment chapter** in this Handbook.

Can I get my juvenile criminal record sealed or expunged?

Your criminal record contains every contact you have ever had with law enforcement, including all arrests, charges, and convictions. In order to remove something from your record, a court must order to seal or **expunge** the record. In Washington D.C., a juvenile may file a motion with the D.C. Family Court to seal his/her **juvenile criminal record** under certain circumstances. For example, a juvenile may move to seal the records if (i) two years have elapsed since the final discharge of the youth from legal custody or supervision, and (ii) he/she has not been subsequently convicted of a crime or adjudicated delinquent and no proceeding is pending seeking such conviction or adjudication. If the court grants the motion to seal, then all proceedings in the case shall be treated as if they never occurred, and the Family Court and any other department or agency shall reply to any inquiry about that person’s record by responding that no record exists with respect to the juvenile. It is important to note that, if you are subsequently adjudicated delinquent or in need of supervision or convicted of a felony, the sealing order would be nullified and vacated.

Once you become an **adult**, your juvenile records do not automatically disappear. Your record must be sealed or expunged.

For more information and help on sealing or expunging your record, please visit the [D.C. Public Defender Service’s website](#).⁶⁴⁷

What is the difference between sealing and expunging? What happens to a criminal record when it is sealed or expunged?

Sealing hides your criminal record from the public. It orders the clerk’s office and the police department to remove your criminal record from public view so that no one can view it. In

⁶⁴⁷ www.pdsdc.org/need-legal-advice/record-sealing-and-expungement

general, if your criminal record is sealed, it can only be seen by government agencies, like law enforcement, but cannot be viewed by most potential employers.

Expunging erases your criminal record. Government agencies that have access to sealed records, like law enforcement, will not be able to see what was on your criminal record if you **expunge** it. Government agencies will only know that *something* was **expunged**. If the government agency wants to know what was removed from the record, the agency must get permission from a court.

How do I check if my juvenile record was sealed?

If your records were sealed on the ground of actual innocence, each agency involved is required to file a certification with the court within 90 days of an order to seal the records indicating that the records have been sealed. [D.C. Code §16-802](#).⁶⁴⁸

You may also request the records from the D.C. Family Court or other relevant agencies to see if they acknowledge that no records exist.

If I have a conviction as an adult, can I get my record sealed?

If you have been convicted of an eligible misdemeanor or eligible felony under D.C. law, you may make a motion to seal the records if it has been at least 8 years since you completed your sentence and you do not have a disqualifying arrest or conviction. [D.C. Code §16-803\(c\)](#)⁶⁴⁹ and [D.C. Code §16-801\(6\)-\(7\)](#).⁶⁵⁰

Some states have specific statutes allowing victims of **human trafficking**, juvenile or not, to have parts of their record **expunged**. D.C. has considered, but has not passed, a similar law.

Rights Prior To Arrest

Can I be questioned by police without a parent or guardian present?

Yes. Police may question you but you may ask to have your parents present during questioning. Once you ask for your parents to be present, the police must stop asking you questions. You may also say you do not wish to answer questions. You ALWAYS have the right to remain silent from police questioning and you can exercise that right any time you wish by simply stating, "I am exercising my right to remain silent" or something to that effect.

Can I be questioned without a lawyer present?

Yes. Police may question you but you may request for a lawyer to be present or you may tell the police you wish to remain silent. In that case, the police must stop asking you questions. Even if you begin to answer police questions, you can stop and ask for a lawyer at any time. If you change your mind during the questioning, the police must stop questioning you as soon as you request a lawyer. You may also exercise your right to not answer any questions without having

⁶⁴⁸ code.dccouncil.us/dc/council/code/sections/16-802.html

⁶⁴⁹ code.dccouncil.us/dc/council/code/sections/16-803.html

⁶⁵⁰ code.dccouncil.us/dc/council/code/sections/16-801.html

a lawyer present at any time. It is your right under the U.S. Constitution not to answer any police questions. Even if you haven't done anything wrong and you have not been arrested, information you give to the police can be used against you because your statements are considered voluntary (not coerced). Anything you say can be used against you in a court of law. It can also give reasons for the police to arrest you if you haven't been arrested already.

Do I have additional rights related to police questioning if I'm transgender?

These rights apply to you if you are under 18 years old or if you are transgender and declare to the police officers that you are transgender. It is up to you whether you want to do so.

- You cannot be stopped for being trans.
- You can't be frisked to "determine" your gender.
- Officers must respect your name and pronouns.
- Officers can't ask about your body, surgeries, etc.
- Officers cannot perform squat searches in front of other people or in public.
- Officers cannot make you remove clothes, hair, falsies, binding, etc. unless they think it will pose a threat.
- During arrest and booking, you can ask to be searched by a male or female officer.
- You should be placed in an individual holding cell for the length of time you're held by MPD.
- If moved, you should be transported separately.
- If you have an old record with MPD, they must update it to reflect your current name and gender.

Additional information and support can be found on the [D.C. Trans Coalition website](#).⁶⁵¹

What information am I required to provide to the police?

Always be respectful and non-confrontational with the police. However, the only information you're legally required to give the police is your name, date of birth, and address. If you are driving, you must also show your driver's license, proof of insurance, and registration. For other questions the police ask you, you have the right to tell them that you do not want to talk to the police and that you would like to speak to an attorney.

*When do the police need a **warrant**?*

A **warrant** is an order issued by a judge instructing a police officer to search a certain place or to arrest a particular person. A judge decides whether or not to issue a **warrant**. Sometimes the police must get a **warrant** to conduct a search or make an arrest. A judge may issue a search **warrant** if there is **probable cause** to think that there is evidence of a crime in your home, temporary residence, car, or another location. A judge may issue an arrest **warrant** if there is **probable cause** to think that you have committed a crime. A judge may also issue an arrest **warrant** if you don't show up to court when required.

⁶⁵¹ dctranscoalition.wordpress.com/know-your-rights-in-dc/your-rights-with-the-metro-police/

*Can I be searched or arrested without a **warrant**?*

Yes. You can be arrested if a police officer has a **reasonable suspicion** or **probable cause** to believe that you have committed or are about to commit a crime. You can also be searched without a **warrant** if:

- You have been arrested. A “search incident to a lawful arrest” permits police to search an arrested person and the area within the person’s immediate control.
- You are behaving suspiciously. “Stop and Frisk” allows an officer to stop a person who is behaving suspiciously and investigate. The officer can pat down that person if the officer fears for his/her safety.
- You consent to a search by a police officer. “Consent searches” require that you give permission to search voluntarily after you have been advised of your right to refuse the search. If you refuse, police can still get a **warrant** to search and seize evidence.
- Certain items are in plain view. “Plain view” includes three types of searches:
 - when an officer sees an illegal item sitting out in the open in a public place;
 - when an officer lawfully enters into a constitutionally protected area (like a home) and sees an illegal item sitting out in the open; and
 - when an officer, standing in a place s/he has a right to be, sees an object that is inside a constitutionally protected area (like sitting on the seat of a car or looking into a lighted living room from the sidewalk).
- You are a fleeing suspect and the police are in hot pursuit. “Hot pursuit” allows an officer to follow a fleeing suspect into a building or a home.
- There is an emergency situation. “Emergency situations” include the right to search a building without stopping to get a **warrant** first when there is a potentially dangerous situation where the police needs to protect human life or substantial property interests. For example, screams are heard or there is a bomb threat. These are only examples however, and there are many different events that could be viewed as an emergency.
- You are arrested while occupying a vehicle. In most instances where a vehicle occupant is arrested, police can search the inside of the car (where the driver sits) but cannot search the trunk without a **warrant** or an exception to the **warrant** requirement.
- You are at the border, in an airport, or on school grounds. Borders, airplanes and schools are also subject to special rules. Customs agents, airport security, and school officials are authorized to search without **probable cause**.

Are there separate rules at my school?

Yes, schools are subject to special rules. School officials are authorized to search you or your locker or school bag without **probable cause**. Random searches and searches based on rumors are not justified. The search must be justified when it starts and reasonable in how it is done.

Do I have to let a police officer search my car?

If you are stopped in your car, you have to give the police officer your driver’s license, registration, and proof of insurance, if requested. Generally police need a search **warrant**, but one exception to this is ‘searches incident to arrest’. This rule means you and the area and objects in close proximity to you (the grab area) can be searched without a **warrant** if the police lawfully arrest you. However, they cannot search the back seat or the trunk. Items in plain view

in the back seat would be searchable though, e.g. if there were drugs sitting on the back seat in the open. To protect yourself, you may want to make it clear that you do not consent to a search. If you consent, the police officer has the ability to search your car even without a **warrant**.

You cannot be arrested for minor traffic offenses, but police can tow your car and perform an inventory search of the vehicle if you cannot legally drive the vehicle you are in (for example, if you are drunk or don't have a license). Finally, it is important to know that the police may call a canine unit to have a drug dog sniff the outside of your car even without **probable cause**. If the dog smells something, it can provide police with **probable cause** to search the entire car, and to get a **warrant** for locked compartments like the trunk.

*How do I find out if there is a **warrant** for my arrest?*

The D.C. Courts' website has an active warrant list, which can be searched by name or case number at [District of Columbia Active Warrant List](#).⁶⁵²

If you have not yet been arrested, you can also have a lawyer ask the police if there is a warrant out for your arrest.

If you are going to turn yourself in on a **warrant**, anything you bring with you will be inventoried.

Arrests, Police Custody, and Detention

How do I know if I am under arrest?

You are arrested when law enforcement officers take you into **custody** or otherwise deprive you of your freedom of movement in any significant way, in order to hold you to answer for a criminal offense. Police officers are obligated, under D.C. law, to identify themselves and to advise you that you are under arrest and why, unless you try to flee or forcibly resist before the officer can give you this information. You may be under arrest even though no one has actually used the word "arrest" or any other comparable word (this would be the case in the event a reasonable person in that situation would believe he/she was free to leave). The fact that you have been deprived of your freedom of movement in some significant manner may amount legally to an arrest.

In D.C., police officers may also issue you a **field arrest** form. This means that the officer had **probable cause** to believe that you committed one or more certain **misdemeanor** criminal offenses that are eligible for **non-custodial arrest**. Failure to report to a police station within 15 days from the date of the citation will result in a warrant being issued for your arrest. When you appear at the police station, the booking process will be completed.

What rights do I have if I am arrested?

1. After you are arrested, you have a right to know:
 - Whether a **warrant** has been issued for your arrest and the nature of the offense specified in the **warrant**; or

⁶⁵² www.dccourts.gov/services/active-warrant-list

- If you are arrested without a **warrant**, the nature of the offense on which the arrest is based.
- 2. **You have the RIGHT TO REMAIN SILENT.** This means that you don't have to talk with anyone, including the police detectives or state's attorneys. When you are arrested, the police must read you your "**Miranda**" rights, which generally state that you have the right to remain silent and the right to a lawyer. While you have a right to remain silent, you must provide the following information about yourself to the police, if requested: name, address, age, and date of birth. You are not required to answer any other question or provide any other information.
- 3. While under arrest and in **custody**, you have the right to be provided food, shelter, and if required, medical treatment.
- 4. Any statements you make **MAY BE USED AS EVIDENCE AGAINST YOU** if you are charged with a crime. You do not have to make a formal statement, answer any questions about the alleged incident, or take a lie detector test.
- 5. You have the right to have access to a lawyer. If you do not have a lawyer, you may ask a lawyer to represent you at no cost to you or your family. You can choose to do this by phone or you have the right to have a lawyer meet with you in person while you are in **custody** after being arrested, even if you have not been charged with a crime.
- 6. Additionally, you have the right to talk to a family member. The officer is expected to notify your parents when are taken into **custody**. If the officer has not notified your parents, you may ask the officer to be able to talk to them.

When do I have a right to a lawyer?

You have the right to have a lawyer present anytime you are questioned by police and at any court hearing for an offense that carries a potential penalty of six months jail time or longer. If you have already been charged with a crime, you also have the right to have a lawyer present during a line-up.

It is your right to have a lawyer represent you even if you cannot afford one. If you cannot afford to pay a lawyer and you are being charged with a crime for which you may be sent to jail if convicted, you are entitled to a free lawyer. If you cannot afford your own lawyer, the court would appoint one for you.

You have the right to fire your lawyer and get a new lawyer at any time before trial if you can afford one. You will need to ask the judge's permission, but you have the right to do so. For more information on your right to an attorney and to fair representation go to the [D.C. Public Defender Service website](#).⁶⁵³

When do I see a judge after my arrest?

In D.C., an **initial or first appearance** will usually occur the day after your arrest unless you are arrested late Saturday, as there are no hearings held on Sundays. An **arraignment** is the initial appearance in a misdemeanor case. A **presentment** is the initial appearance in a felony case. At the **initial appearance**, a judge informs you of the charges, determines if there will be a bond set

⁶⁵³ www.pdsdc.org/need-legal-advice

or whether you can be **released upon your own recognizance**, and most importantly, appoints a lawyer (usually the public defender) if you need one. The judge will determine whether you need a public defender based on the financial interview conducted prior to your **initial appearance**. The interview consists of basic questions, including employment status, marital status and debts.

For juveniles, your initial appearance in **juvenile court** is called an “**initial hearing**.”

Pre-Trial Release For Juveniles - What happens when you are arrested as a juvenile?

As a juvenile, if you do not have a prior record and are in custody for certain misdemeanors, the officer may choose not to arrest you and instead divert you away from the juvenile justice system into an alternative community-based **diversion program**. In that case you will be released to a parent or caretaker with directions to appear at the next session of the **diversion program**. If you complete the **diversion program** successfully, you will have no juvenile record for this incident and, if asked, you can say that you have not been arrested.

If the officer chooses to arrest you, you and your case will be **booked** in the juvenile justice system. If you are **booked**, the officer will take you to a **Youth Services Center** or “**YSC**” of the **Court Social Services** or “**CSS**” for further processing. CSS is D.C.’s juvenile probation agency, and it is a part of the **Superior Court Family Court**. The CSS probation officer checks court records to learn if you had any other court involvement and will also interview you and any available family. These interviews serve two purposes: first, they help identify yours and your family’s strengths and needs. Second, they allow CSS to assign you a **risk assessment score**. CSS uses **risk assessment scoring** to help them make an informed recommendation to the judge at the **initial hearing** about whether to release or detain you and what other conditions to put in place between the **initial hearing** and any trial.

At the **initial hearing**, the Court may decide to (1) release you to an approved guardian to be monitored by the CSS, (2) place you in a detention alternative such as a shelter home, or (3) place you in secure detention at the Youth Services Center or “**YSC**”. If CSS plans to recommend you be placed in a shelter home or secure detention, the **Department of Youth Rehabilitation Services** or “**DYRS**” will also interview you to determine your supervision and treatment needs using the **Structured Decision Making** or “**SDM**” tool. SDM takes into account various factors, including offense severity, number and type of prior adjudications, number of out-of-home placements, school discipline/attendance, substance abuse issues, and peer relationships. The outcome of the SDM risk assessment guides the level of restrictiveness in which you will receive services. A DYRS commitment can be for any amount of time so long as the commitment does not exceed your twenty-first birthday. While you are in DYRS custody, DYRS will provide a number of services to help you successfully reenter your community including individual and family counseling, educational programs, vocational and employment training, substance abuse monitoring and counseling, independent living-skills training, home assessments, tutoring, mentoring, recreational activities, job placements, and ongoing **Youth Family Team Meetings** or “**YFTMs**”. When placed in the community, you will continue to be monitored by DYRS staff and service providers, and you may also be required to wear an **electronic monitoring** or “**GPS Monitor**” device that monitors your location.

Pre-Trial Release For Adults - What does it mean to be released on bail?

Bail is designed to guarantee your appearance in court. Unless charged with an offense other than murder in the first degree, murder in the second degree, or assault with intent to kill while armed, every person charged with a crime or violation of municipal or county ordinances is entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure your presence at trial or assure the integrity of the judicial process, you may be denied pretrial release. The court will require that a specific amount of money be deposited with the clerk of the court or sheriff to satisfy **bail**. [D.C. Code § 16-704](#).

Sometimes the court allows deposit of a bond or title to a vehicle or home. Most bonds are eligible to be posted by a bondsman. Typically a bondsman will charge 10% of the total bond fee. For example, if **bail** is set at \$5,000 as a condition of your pretrial release, you would have the option of either posting the full \$5,000 in cash, which would be placed in the court registry, or you could pay a bondsman \$500 and the bondsman posts the **bail** in the form of a \$5,000 bond. In either case you would be released from jail. Usually a member of the family must get the money, give the money to the clerk or sheriff and then show the receipt in order to get you released. Private **bail** bondspersons can be called from the jail. [D.C. Superior Court Rules of Criminal Procedure 116](#).⁶⁵⁴

What happens if I do not appear for trial after being released on bail bond?

If you do not appear, the court will issue an arrest **warrant** and you will forfeit the money deposited for the bond. The **bail bond** agent may also arrest you and return you to jail. Doing so will likely result in an extra cost for the person who paid the bond.

Pre-Trial Release For Adults - What does it mean to be released on your own recognizance?

When you are released **on your own recognizance** or “ROR,” you are released without having to post **bail**. Instead, the judge releases you after you promise, in writing, that you will appear in court for all upcoming court hearings and proceedings. This is usually limited to non-serious cases or cases in which there was no **probable cause** for arrest.

Pre-Trial Release For Adults - What does it mean to be released to Pre-Trial Services?

The **Pretrial Services Agency** or “PSA” for D.C. is the federal agency responsible for gathering information about newly arrested defendants and preparing the recommendations considered by the Court in deciding release options. PSA recommends the least restrictive conditions that promote public safety and your return to Court. PSA supervises defendants released to the community through a variety of programs that include drug treatment, mental health services and referral to a range of social services. As a condition to your release, PSA may require you

⁶⁵⁴ www.dccourts.gov/superior-court/rules

to wear a **GPS Monitor**. You will be assigned to a **Pretrial Services Officer** (known as your “**PSO**” or your “**case manager**”) who is responsible for notifying the court if you do not satisfy conditions of our release. While your case is pending, PSA can help you in a variety of ways. PSA can help you voluntarily surrender on an outstanding bench warrant, obtain drug treatment, mental health treatment, or other social services (such as temporary shelter, government-issued identification, job listings, GED, etc.).

What is Juvenile Diversion?

Juvenile diversion is a process by which you may be able to avoid criminal charges and a juvenile court record altogether. Under appropriate circumstances, the government elects not to prosecute youth who commit status offenses (e.g., truancy, curfew violations, extreme disobedience and running away) and/or low-level delinquency offenses. Instead, the government offers youth the opportunity to participate in the **ACE Diversion Program**, a program that connects youth and families to a range of individually tailored support and behavioral health services.

The ACE Diversion Program is a six month program that: (1) Assesses the needs of the diverted youth; (2) Links youth and their families to individually tailored services; and (3) Monitors successful program participation. When you enter the program, ACE specialists measure your level of stress, trauma, and behavioral needs. ACE coordinators use this evaluation to develop a customized program of wrap-around services designed to help you achieve success and avoid new criminal offenses. These services may include individual and family therapy, mentoring, tutoring, mental-health treatment, school support, and recreation. You can find more information on the [ACE Diversion Program website](#).⁶⁵⁵

In general, to participate, you must accept responsibility for your offense and sign a diversion agreement. Throughout the duration of the **diversion** period you must meet all of the conditions of the agreement. These conditions will generally include having good school attendance, abiding by a curfew, staying off drugs and, potentially, reporting to your social worker or case manager.

If you participate in diversion, you will not be subject to juvenile detention. However, if you fail to successfully complete the **diversion** program, your case will be turned over to court where it is possible that the judge may decide to place you in detention.

If you are an adult and you have committed a non-violent crime you may be offered a pre-trial **diversion** opportunity as well. This could include community service, a payment of a fine, and counseling. Successful completion of a **diversion** program can keep your record clear of a criminal conviction. For more information on adult diversion programs, visit the [Pretrial Services Agency for the District of Columbia website](#).⁶⁵⁶

Illegal Behaviors And Crimes

What is a misdemeanor crime in D.C.?

D.C. misdemeanor crimes include offenses such as disorderly conduct, aggressive panhandling, possession of an open container of alcohol, and drinking or urinating in public.

⁶⁵⁵ dhs.dc.gov/page/alternatives-court-experience-ace-diversion-program

⁶⁵⁶ psa.gov/?q=about

These offenses are prosecuted by the D.C. Attorney General's office and handled in the Superior Court's D.C. Misdemeanor and Traffic Community Courts. Although the criminal behavior is not violent, it has a significant negative impact on the D.C. community and the quality of life of its residents.

More information can be found on the [D.C. Courts website](#).⁶⁵⁷

What is the difference between a felony and a misdemeanor?

Generally, a misdemeanor is a less serious offense and punishable by less than a year in prison. Felonies are more serious crimes and have sentences that vary widely, but are generally over one year.

What types of offenses seem minor but are felonies in D.C.?

There are several. For example, if you falsely apply for an ID or unlawfully spray a fire extinguisher or falsely report child abuse.

What are the penalties for using a fake ID?

If you are caught with a fake ID, you may be charged with misrepresentation of age. Misrepresentation of age in D.C. is a misdemeanor punishable by a maximum of a \$300 fine and a 90 day suspension of your driving privileges on your first violation, a \$600 fine and 180 day suspension on your second violation, and a \$1,000 fine and one year suspension on your third or subsequent violation. [D.C. Code § 25-1002](#).⁶⁵⁸

What is the legal drinking age in Washington, D.C.?

The current legal drinking age in D.C. is 21.

What can happen if I drink and drive?

Driving while under the influence of alcoholic beverages or a controlled substance is one of the most serious traffic violations an individual can commit. If you are found guilty of driving while under the influence (DUI), you are subject to heavy penalties for the first offense including a \$1,000 fine, 180 days in jail and 6 months' license suspension. Subsequent offenses result in fines of as much as \$10,000, one year in jail (with a mandatory incarceration for a minimum period starting from 10 days imposed) and up to two years' license suspension. [D.C. Code § 50-2206](#).⁶⁵⁹

D.C. has a Zero Tolerance for DUI drivers under the age of 21. This means that if you are under the age of 21 you are not allowed to have any measurable alcohol in your system. The D.C. DUI law also applies if you are driving under the influence of controlled substances such as marijuana, cocaine, inhalants and other drugs. [D.C. Code § 50-2206](#).⁶⁶⁰

⁶⁵⁷ www.dccourts.gov/services/criminal-matters/dc-misdemeanors

⁶⁵⁸ code.dccouncil.us/dc/council/code/sections/25-1002.html

⁶⁵⁹ code.dccouncil.us/dc/council/code/titles/50/chapters/22/subchapters/III-A/

⁶⁶⁰ code.dccouncil.us/dc/council/code/titles/50/chapters/22/subchapters/III-A/

If you are intoxicated and in a vehicle with the keys, the vehicle does NOT have to be running for you to be charged with DUI. Actual physical control can be established where a person is in a vehicle with the means to drive, regardless of whether the vehicle is in motion or even running. This includes cases where individuals have been charged and convicted with a DUI for sleeping in a car while under the influence.

If you operate a motor vehicle in D.C., you are subject to the “implied consent” law. [D.C. Code § 50-1905](#).⁶⁶¹ This means that you have agreed to take a chemical test if the officer has a reasonable suspicion that you are under the influence of an alcoholic beverage or controlled substance. A urine test can be requested if drugs are suspected. A blood test can be requested under some circumstances (e.g., traffic accident). If you refuse to take the test, your license will be suspended for up to one year. Upon receipt of the law enforcement officer’s sworn statement that you refused, the department will notify you in writing by certified mail to your last known address that your license has been suspended unless a notice of suspension has already been served by a police officer. Therefore, it is very important that your correct address appears on your driver’s license. If it does not, you should immediately correct it with the Department of Motor Vehicles. Failing to timely change your address on your driver’s license can be the basis for another charge.

What is the Open Container Law?

It is unlawful for you to possess an open container of an alcoholic beverage while operating a vehicle or while a passenger in or on a vehicle being operated. If you operate a vehicle and you violate this law you are guilty of a noncriminal moving traffic violation and will be fined. If you are a passenger of a vehicle and you violate this law, you are also guilty of a noncriminal nonmoving traffic violation and will also be fined. [D.C. Code § 25-1001](#).⁶⁶²

Can I lose my driver’s license if I drop out of school?

No. While a number of states do require enrollment in an educational program and satisfactorily meeting relevant attendance requirements in order to apply for or retain a driver’s license, D.C. is not one of them.

What is disorderly conduct?

You may be charged with disorderly conduct, which is a misdemeanor, if you:

- Intentionally or recklessly cause someone to be in fear that they or their possessions are likely to be harmed or taken;
- Incite or provoke violence;
- Use direct or abusive language or gestures at another person in a manner to likely provoke physical retaliation or violence;
- Engage in loud, threatening or abusive language with the intent of impeding or disrupting a public gathering, a religious service, or a funeral;
- Engage in loud, threatening or abusive language or disruptive conduct with the intent and effect of disrupting the lawful use of a public conveyance or the conduct of business;

⁶⁶¹ code.dccouncil.us/dc/council/code/titles/50/chapters/19/

⁶⁶² code.dccouncil.us/dc/council/code/sections/25-1001.html

- Make unreasonably loud noise between 10:00 pm and 7:00 am that is likely to annoy or disturb one or more persons in their residences;
- Urinate or defecate in public other than in a urinal or toilet;
- Secretly look into a window or opening of a home; or
- Unnecessarily crowd someone in public or place a hand near their handbag, purse or wallet.

What is *panhandling* and is it illegal?

Yes *panhandling* is illegal in certain places and/or in a certain manner. D.C. law prohibits aggressively asking, begging, or soliciting money and other things of value in any of the following places: sidewalks, streets, alleys, driveways, parking lots, parks, plazas, buildings, doorways and entrances to buildings and gas stations, and the ground surrounding buildings. In addition, it is unlawful to panhandle in any manner (i.e., aggressively or not) in the following locations: in public transportation vehicles or at bus, train or subway stations or stops, within 10 feet of any ATM, from a car in traffic on a street or in a parking garage, or on residential property. It is also unlawful to ask for money in exchange for cleaning vehicle windows while in traffic on the street or for protecting or cleaning vehicles or bicycles parked on a public street. [D.C. Code § 22-2302](#).⁶⁶³ If you are caught violating the *panhandling* laws, you could be fined up to \$500, be put in jail for up to 90 days, or both. [D.C. Code § 22-2304](#).⁶⁶⁴

What is *loitering* and is it a crime?

Yes. Under D.C. law, you should be respectful of people's businesses as it is unlawful for an owner or employee of a business establishment to permit a minor under the age of 16, having reasonable grounds to believe that such minor is a truant or unlawfully absent from school, to loiter on the premises of such business establishment during those hours when school is in session. [D.C. Code § 32-221](#).⁶⁶⁵ It is unlawful for you, alone or with others, to crowd streets, sidewalks, entrances to buildings, passage through buildings or parks, or to engage in unauthorized demonstrations (such as marching, congregating, standing, sitting, lying down, parading etc.). If you violate this section you could be guilty of a misdemeanor and fined up to \$500 and jailed for up to 90 days. [D.C. Code § 22-1307](#).⁶⁶⁶ The First Amendment protects your right to peaceably assemble. This means that you have a constitutional right to demonstrate or protest. D.C. police generally understand and respect this right and arrests of protesters by D.C. police is rare. For more information and to learn when and how to get a permit or otherwise prepare to protest, see [Demonstration Rights in D.C. - Know Your Rights](#).⁶⁶⁷

⁶⁶³ code.dccouncil.us/dc/council/code/titles/22/chapters/23/

⁶⁶⁴ code.dccouncil.us/dc/council/code/titles/22/chapters/23/

⁶⁶⁵ code.dccouncil.us/dc/council/code/sections/32-221.html

⁶⁶⁶ code.dccouncil.us/dc/council/code/sections/22-1307.html

⁶⁶⁷

static1.squarespace.com/static/5771a914893fc0bcf89ced82/t/5b0c2919352f53c0a53f529d/1527523611226/DemonstrationGuide.pdf

What is trespassing and when is it a crime?

Under D.C. law, **criminal trespass** is defined as the willful entry into or the remaining upon property without the express or implied permission of the owner. It can also include returning to or ignoring a prior request to stay off real property. [D.C. Code § 22-2302](#).⁶⁶⁸

Sexual Offenses

What are the laws for sexual conduct with another youth if I am under 18? What if my partner is under 18, too?

In D.C., the age of consent for sex is 16 years old. Children under the age of 16 are not legally able to consent to sexual activity and such activity may result in prosecution for a **criminal offence**. Close in age exemptions exist - a child under the age of 16 cannot consent to sexual activity with a person who is at least 4 years older; a child under the age of 18 in a “significant relationship” (which means a relationship of trust, authority or dependency such as, for example, parent, sibling, close relative, teacher) with a person over 18 years cannot consent to sexual activity with such person. [D.C. Code §§ 22.3001\(5A\), 22-3008, 22-3009](#).⁶⁶⁹ This means that if anyone who is at least 4 years older than a child under the age of 16 (and there is no relationship of trust, authority or dependency) engaged in sexual activity with such child, any sexual activity is a criminal offence.

*What is the definition of **prostitution** according to the law?*

It is a crime in most states to offer, agree to, or engage in a sexual act for money or other compensation at any age. In D.C., “prostitution” is defined as a sexual act or contact with another person in return for giving or receiving anything of value. [D.C. Code § 22-2701.01\(3\)](#).⁶⁷⁰ The stages of a typical prostitution “transaction” can involve charges against the provider of services for “prostitution”, the customer paying for the services for “solicitation of prostitution”, and any middleman for “pandering” or “pimping.” See [D.C. Code § 22-2705](#).⁶⁷¹

Is prostitution legal if I am over 18 years old?

No. In most states (including D.C.) it is a crime to offer, agree to, or engage in a sexual act for money or other compensation. If convicted of prostitution, you could be fined up to \$500 and jailed up to 90 days (or both) for your first offense, up to \$1,000 and jailed up to 180 days (or both) for your second offense, and up to \$12,500 and jailed up to 2 years (or both) for subsequent offenses. See [D.C. Code § 22-2701](#).⁶⁷²

⁶⁶⁸ code.dccouncil.us/dc/council/code/titles/22/chapters/23/

⁶⁶⁹ code.dccouncil.us/dc/council/code/titles/22/chapters/30/subchapters//

⁶⁷⁰ code.dccouncil.us/dc/council/code/sections/22-2701.html

⁶⁷¹ code.dccouncil.us/dc/council/code/sections/22-2705.html

⁶⁷² code.dccouncil.us/dc/council/code/sections/22-2701.html

What is human trafficking? What is sex trafficking?

Human trafficking is using force, fraud, or coercion to recruit, transport, or obtain a person for labor or services for the purpose of involuntary servitude, debt bondage, or slavery. See [D.C. Code Chapter 18A](#).⁶⁷³ **Human trafficking is a form of modern-day slavery.** **Sex trafficking** is illegal and dangerous. **Sex trafficking** occurs when a person of any age is forced to perform sex acts through the use of force, fraud, or coercion. This includes: prostitution, pornography, stripping, and exotic dancing. See [D.C. Code §§ 22-1833](#)⁶⁷⁴, [22-1834](#).⁶⁷⁵

The person trafficked is considered a victim of sex trafficking. This means that you may be eligible for help with a state provided safe house or residential facility for victims. Engaging in prostitution *does not* disqualify you from this help, as juveniles engaging in prostitution are victims. Rather than being found delinquent as a child who commits a crime, you may be found dependent. Dependent juveniles receive help finding a safe place, getting away from traffickers, and reuniting with positive family figures. See [D.C. Code § 22-2701\(d\)](#).⁶⁷⁶ See [D.C. Human Trafficking Task Force](#).⁶⁷⁷

I think I know someone involved in sex trafficking. What happens if I make a report?

Sex trafficking and **human trafficking** are illegal and dangerous. **There is help available for victims of sex trafficking.** You will not get in trouble for asking for help for you or someone you know. Contact the National Human Trafficking Hotline at 1-888-373-7888 report any potential victims of **human trafficking**. You can also text “info” or “help” to BeFree (233-733).

Visit the following link to the D.C. Human Trafficking Task Force to find **human trafficking** resources: [justice.gov/usao-dc/human-trafficking](https://www.justice.gov/usao-dc/human-trafficking).

Who do I call if I have questions about prostitution or sex trafficking?

There are several resources that may be helpful to you. See the below list of toll-free contact numbers on the [Office for Victims of Crime website](#).⁶⁷⁸

Battered Women’s Justice Project	(800) 903-0111 x 1
Bureau of Indian Affairs Indian Country Child Abuse Hotline	(800) 633-5155
Child Welfare Information Gateway	(800) 394-3366
Childhelp USA National Hotline	(800) 4-A-CHILD

⁶⁷³ code.dccouncil.us/dc/council/code/titles/22/chapters/18A/

⁶⁷⁴ code.dccouncil.us/dc/council/code/sections/22-1833.html

⁶⁷⁵ code.dccouncil.us/dc/council/code/sections/22-1834.html

⁶⁷⁶ code.dccouncil.us/dc/council/code/sections/22-2701.html

⁶⁷⁷ www.justice.gov/usao-dc/human-trafficking

⁶⁷⁸ www.ovc.gov/help/tollfree.html

Federal Trade Commission Identity Theft Hotline	(877) ID-THEFT
Mothers Against Drunk Driving	(800) GET-MADD
National Center for Missing & Exploited Children	(800) 843-5678
TDD Hotline	(800) 826-7653
National Crime Prevention Council	(800) NCPC-911
National Crime Victim Law Institute Referral Line	(888) 768-6556
National Domestic Violence Hotline	(800) 799-7233
TTY Hotline	(800) 787-3224
National Human Trafficking Hotline	(888) 373-7888
National Organization for Victim Assistance	(800) TRY-NOVA
National Organization of Parents of Murdered Children	(888) 818-POMC
National Resource Center on Domestic Violence	(800) 537-2238 x 5
TTY Hotline	(800) 553-2508
National Sexual Violence Resource Center	(877) 739-3895
TTY Hotline	(717) 909-0715
Parents for Megan's Law Helpline	(888) ASK-PFML (888) 275-7365
Rape, Abuse & Incest National Network (RAINN)	(800) 656-HOPE
Resource Center on Domestic Violence, Child Protection and Custody	(800) 527-3223
Safe Helpline (sexual assault support for the DoD community)	(877) 995-5247
Substance Abuse & Mental Health Services Administration TDD Hotline Español	(877) SAMHSA-7 (Tel. (877) 726-4727) (800) 487-4889 (800) 662-HELP (Tel. (800) 662-4357)
Trafficking in Persons and Worker Exploitation Task Force	(888) 428-7581
United States Postal Inspection Service	(877) 876-2455

Reporting A Crime

What can I do if I just witnessed a crime? Do I have to call 911?

If you have just seen or been the victim of a crime, or one is in progress, **call 911 immediately**. The law does not require any witness to a crime to call 911 or speak with the responding officer, except in certain circumstances where mandatory reporting applies such as teachers and social workers reporting of child abuse. If a witness wishes to remain anonymous, there is no duty to offer up personal identifying information.

What if I am the victim of a crime? Do victims have rights in a criminal case? Am I entitled to know what is going on in the case?

Crime victims in D.C. have rights under federal and D.C. law as well as D.C. court rules. Victims in juvenile delinquency cases may be able to use traditional crime victims' rights laws in addition to the rights specifically listed under D.C. law for juvenile delinquency cases.

A crime victim can assert their rights with or without an attorney. Sometimes this involves filing a motion in the criminal case. [The Network for Victim Recovery of DC](#)⁶⁷⁹ provides free legal representation to victims of all types of crimes (including victims of domestic violence) in D.C.

The D.C. Crime Victim's Rights law provides for the fair treatment of victims and witnesses in the criminal justice and juvenile justice systems. Victims of crime and their representatives are entitled to be informed, to be present, and to be heard when relevant, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the defendant's constitutional rights. [D.C. Code § 23–1901](#).⁶⁸⁰

Victim's rights include:

- To be treated with fairness, dignity, and in a manner that protects privacy
- To be reasonably protected from the defendant
- To be notified of court proceedings
- To be present at court proceedings, including sentencing, release, parole, record-sealing, and post-conviction hearings, unless the court determines the victim's testimony would be materially affected if they heard testimony from others, or where the needs of justice require the victim not be present
- To make a statement at the sentencing and record-sealing hearing
- To confer with the prosecutor
- To receive an order of restitution for injury or loss caused by defendant
- To receive information about the conviction, sentencing, imprisonment, detention, and release of defendant, and about court orders to seal defendant's criminal records
- To receive notice of legal rights provided to victims
- To be notified of any available victim advocate or other person who may help develop a safety plan or identify appropriate services
- To submit, prior to sentencing, a written victim impact statement containing information about emotional, psychological, financial, or physical harm the victim suffered

⁶⁷⁹ www.nvrdc.org/

⁶⁸⁰ code.dccouncil.us/dc/council/code/sections/23-1901.html

- To offer at defendant's release or parole hearing a written statement about whether defendant should be granted release or parole

During the investigation, a crime victim has the right not to talk to anybody including law enforcement, the prosecutor, a defense attorney or their investigator, etc. However, if a victim chooses not to talk to law enforcement or the prosecutor, it might result in the case being dropped. Anything a victim says to the prosecutor, an advocate from the prosecutor's office, or law enforcement might be something the prosecutor has to tell the defense. If you have sensitive information, you may want to keep it private (for example, if you are receiving mental health treatment, or if you are an undocumented immigrant). On one hand, you might need to tell your sensitive information to the prosecutor for the case to move forward. On the other hand, you should think very carefully, and perhaps consult your own attorney, before revealing sensitive information during this process.

If the defense tries to obtain your private records (like medical or mental health records), and the Court Rules are followed, you should receive notice so that you have an opportunity to object.

11. Health Care and Medical Rights

Access to Health Care

What options do I have for low cost or no cost medical coverage?

There are several programs that you may qualify for if you are in need of low cost or no cost medical coverage. The programs discussed in this chapter include: [Medicaid](#), [D.C. Healthcare Alliance](#), [D.C. Healthy Families](#), and [Immigrant Children's Program](#). Each program has its own eligibility requirements, benefits, and coverage, as discussed below.

Medicaid

What is Medicaid?

[Medicaid](#) is a joint federal-state health insurance program that provides health care coverage to low-income and disabled adults, children and families.

Who is eligible for Medicaid?

To be eligible for D.C. [Medicaid](#), you must be a D.C. resident and must meet both non-financial and financial eligibility requirements. If you are receiving [supplemental security income \(SSI\)](#), are in foster care, or were previously in foster care, you will likely qualify for [Medicaid](#) regardless of your income. There are several ways to qualify for [Medicaid](#). Additional detail on the eligibility rules can be found on the [D.C. Department of Health Care Finance website](#).⁶⁸¹

What services are covered with Medicaid?

Medicaid covers many health services, including doctor visits, hospital care, prescription drugs, mental health services, transportation and many others.

How can I apply for Medicaid?

Information about applying for Medicaid can be found on the [D.C. Department of Health Care Finance website](#).⁶⁸²

If I apply for Medicaid now, can this cover medical bills I have already received from past care?

Yes. [Medicaid](#) will cover costs for medical care up to **three (3) months** prior to your application date. This is called [retroactive Medicaid](#). This means that if you visit a hospital because of a [medical emergency](#) and are uninsured, [Medicaid](#) might cover the cost of your visit if you apply for and are accepted to receive [Medicaid](#) after the visit (within three-months).

⁶⁸¹ dhcf.dc.gov/service/what-medicaid

⁶⁸² dhcf.dc.gov/service/what-medicaid

This means that if you need medical assistance now, but have not applied for **Medicaid**, you can visit a doctor or hospital that accepts **Medicaid** and then apply for **Medicaid** afterwards. This currently works in D.C. (but some other states do not allow retroactive application for coverage).

Once **D.C. Health Link**⁶⁸³ has determined that you are eligible for **Medicaid**, you can file an application for coverage of past medical bills. But, you must do so within **twelve (12) months** of your original application for **Medicaid**.

D.C. Healthcare Alliance

What is D.C. Healthcare Alliance?

The **D.C. Healthcare Alliance Program** (“the Alliance”) is a locally funded program that serves low-income D.C. residents who have no other health insurance and are **not** eligible for either Medicaid or Medicare.

Who is eligible for D.C. Healthcare Alliance?

You may be eligible for **D.C. Healthcare Alliance**, if you:

1. Are twenty-one (21) and older;
2. Are a D.C. resident;
3. Have income at or below 200% of the federal poverty level (“FPL”) (see chart below);
4. Have resources (for example, a bank account) at or below \$4,000 for one person and \$6,000 for couple or families; and
5. Have no other health insurance, including Medicare and Medicaid.

What is the income threshold?

D.C. Alliance covers households with incomes up to 200% of the Federal Poverty Level (FPL). The income thresholds for 2018 are listed below. The amounts change every year -- check the **D.C. Healthcare Alliance Program**⁶⁸⁴ website for up-to-date information on income **thresholds**.

Household Size	Maximum Monthly Income
1 person household	\$1,945
2 person household	\$2,622
3 person household	\$3,298
4 person household	\$3,975

⁶⁸³ dchealthlink.com/

⁶⁸⁴ dhcf.dc.gov/service/health-care-alliance

Household Size	Maximum Monthly Income
5 person household	\$4,652
6 person household	\$5,328
7 person household	\$6,005
8 person household	\$6,682

What are some of the services that D.C. Healthcare Alliance covers?

[D.C. Healthcare Alliance Program](#) covers several health services, including:

- Doctor visits
- Gender transition-related care
- Preventive care (checkups, diet and nutrition)
- Prenatal care (pregnancy)
- Prescription drugs (medicine)
- Laboratory services (tests)
- Medical supplies
- Dental services up to \$1,000

*What are some of the services that D.C. Health Care Alliance does **not** cover?*

- Any service provided by a healthcare professional outside of the provider network
- Vision care
- Mental/behavioral health and substance abuse services
- Non-emergency transportation services
- Long term care services that extend more than 30 days
- Cosmetic Surgery
- Open heart surgery
- Organ transplantation

More information can be found on the [D.C. Healthcare Alliance Program](#)⁶⁸⁵ website.

How are services received?

Once you have been determined as eligible for the [D.C. Healthcare Alliance Program](#), you will be automatically assigned to a managed care health plan. You have 90 days to request a change in your managed care providers. The Alliance does not allow providers (doctors, hospitals and managed care organizations) to charge co-payments or fees for health services.

⁶⁸⁵ dhcf.dc.gov/service/health-care-alliance

Are services eligible for retroactive coverage with D.C. Alliance?

No. [D.C. Healthcare Alliance Program](#) enrollees are **not** eligible for retroactive coverage.

D.C. Healthy Families

What is D.C. Healthy Families?

[D.C. Healthy Families](#)⁶⁸⁶ is D.C.'s version of the federal [State Children's Health Insurance Program \("SCHIP"\)](#),⁶⁸⁷ which provides health coverage to children under the age of 21 and families with incomes too high to qualify for [Medicaid](#), but who cannot afford private insurance. The program is administered by the [D.C. Department of Health Care Finance](#).⁶⁸⁸

Who is eligible for D.C. Healthy Families?

In general, the child must be a D.C. resident, and a [U.S. national, citizen, legal alien, or permanent resident](#) to be eligible for [D.C. Healthy Families](#). In order to qualify, you must have an annual household income (before taxes) that is below the following amounts:

Household Size (number of people)	Maximum Income Per Year
1	\$36,180
2	\$48,720
3	\$61,260
4	\$73,800
5	\$86,340
6	\$98,880
7	\$111,420
8	\$123,960

The threshold income amounts above are as of June 2019, but they change every year. You should review the [D.C. Healthy Families](#)⁶⁸⁹ website for up-to-date information on the requirements.

⁶⁸⁶ dhcf.dc.gov/service/dc-healthy-families

⁶⁸⁷ www.benefits.gov/benefit/607

⁶⁸⁸ dhcf.dc.gov/

⁶⁸⁹ dhcf.dc.gov/service/dc-healthy-families

What does D.C. Healthy Families cover?

Some benefits covered through [D.C. Healthy Families](#) include:

- Routine check-ups
- Immunizations (shots)
- Doctor visits
- Prescriptions (medicine)
- Dental and vision care
- Inpatient and outpatient hospital care
- Laboratory and x-ray services
- Emergency services
- Urgent care services
- Rehabilitative services (helping a person get back to physical, mental, and/or cognitive (thinking and learning) health that they lost from a disease or injury)
- Specialty care
- Wellness programs
- Transportation for appointments

Immigrant Children's Program

What is the Immigrant Children's Program?

The [Immigrant Children's Program](#)⁶⁹⁰ is a program designed to provide health coverage to individuals under the age of twenty-one (21) who are not eligible for Medicaid due to their immigration status. Services covered under the Immigrant Children's Program are identical to the services covered under Medicaid for children under age twenty-one (21).

Who is eligible for the Immigrant Children's Program?

You may be eligible for the Immigrant Children's Program, if you:

1. Are under the age of twenty-one (21)
2. Are a D.C. resident;
3. Are not eligible for Medicaid; **and**
4. Have income at or below 200% of the FPL

*There is no resource test for the Immigrant Children's Program.

⁶⁹⁰ dhcf.dc.gov/service/immigrant-childrens-program

What is the income threshold for the Immigrant Children's Program?

The [Immigrant Children's Program](#) provides medical coverage to those qualifying per the eligibility requirements above and meeting the income thresholds, which cover household incomes up to 200% of the Federal Poverty Level (FPL). These amounts are up to date as of June 2019, and they may change every year.

Household Size (number of people)	Maximum Income Per Month
1	\$1,945
2	\$2,622
3	\$3,298
4	\$3,975
5	\$4,652
6	\$5,328
7	\$6,005
8	\$6,682

Check the [Immigrant Children's Program website](#)⁶⁹¹ for up-to-date information.

What are some of the services that the Immigrant Children's Program covers?

The services offered under the [Immigrant Children's Program](#) are very similar to the services offered to children enrolled in D.C. Medicaid. There is no Fee-For-Service provision for children enrolled in the Immigrant Children's Program (ICP).

- Doctor visits
- Eye care
- Preventive care (checkups, diet and nutrition)
- Dental services and related treatment
- Prescription drugs
- Laboratory services
- Medical supplies

⁶⁹¹ dhcf.dc.gov/service/immigrant-childrens-program

More information can be found on the [D.C. Department Health Care Finance's website](#).⁶⁹²

What are some of the services that the Immigrant Children's Program does not cover?

A few examples of services that are **not** covered by the Immigrant Children's Program include:

- Cosmetic surgery or procedures that are not medically necessary
- Recreational therapy or experimental treatment, supplies, equipment or drugs

More information can be found on the [D.C. Department Health Care Finance's website](#).⁶⁹³

How are Immigrant Children's Program services received?

Once a child has been determined eligible for the [Immigrant Children's Program \(ICP\)](#), the child will be automatically assigned to a managed care health plan. There is a 90-day grace period to request a change in the managed care provider (meaning that they can request this change within 90 days). The Immigrant Children's Program does not allow providers (doctors, hospitals, and managed care organizations) to charge co-payments or fees for health services.

Does the Immigrant Children's Program insurance cover medical expenses from before I enrolled?

No. The Immigrant Children program does not cover expenses from before someone enrolls in the program.

How do I apply for the Immigrant Children's Program medical coverage?

Applying for medical coverage can be done through the [D.C. Department of Health Care Finance's website](#).⁶⁹⁴

Prescription Medicine

How can I get prescription drug coverage?

Medicaid will cover the cost of your prescriptions. As long as the **prescription** is from a licensed **healthcare provider**, all **Managed Medical Assistance plans** offered through **Medicaid** will cover the cost.

If you do not qualify for **Medicaid**, you can still get discounted **prescription** drugs by signing up for the [D.C. Rx Prescription Discount Drug Card](#).⁶⁹⁵ D.C. offers **discount drug cards** to ALL D.C. residents regardless of age, income, or whether you have existing health insurance. The program offers discounts on all commonly prescribed drugs (brand name and generic, which

⁶⁹² dhcf.dc.gov/service/immigrant-childrens-program

⁶⁹³ dhcf.dc.gov/service/immigrant-childrens-program

⁶⁹⁴ dhcf.dc.gov/service/how-apply-medical-coverage

⁶⁹⁵ dcrxcard.com/

means drugs without a brand name) whether you have existing insurance coverage or not. This is useful even for those with insurance because any family member can use the card for a prescription not covered by the family plan. The card is accepted at over 98% of all D.C. pharmacies, and there are no enrollment forms, annual fees, or limits on how many times you may use the card.

What can I do if Medicaid refuses to cover the cost of my prescription?

If **Medicaid** refuses to cover the cost, you have the right to appeal this decision. More information can be found on [D.C. Health Link](#)⁶⁹⁶ website and on the [D.C. Health Link Appeals Rights guide](#).⁶⁹⁷

You may appeal through any of the following methods:

- Calling [D.C. Health Link](#) Customer Service toll-free at (855) 532-5465
- Completing the [Appeal Request for Individuals and Families](#)⁶⁹⁸ form and sending it:
 - by fax to (202) 724-2041,
 - by e-mail to DC.OARA@dc.gov, or
 - by mail to:

Office of Administrative Review and Appeals
64 New York Avenue NE, 5th Floor
Washington, D.C. 20002

- Going to the [Office of Administrative Hearings Resource Center](#),⁶⁹⁹ located at:
441 4th Street NW, Suite 450-North, Washington, D.C. 20001 for help filing an appeal.

Emergency Services

How can I get emergency healthcare services?

Do not delay emergency services. Public and private hospitals cannot refuse to treat you if you are having a **medical emergency**, regardless of your ability to pay for the treatment. This is your **right under federal law**.⁷⁰⁰

A medical emergency involves severe symptoms, including but not limited to strong, severe pain. You are having a **medical emergency** if you are suffering from severe symptoms that, without medical care, could:

- Place your health or the health of your fetus (if you are pregnant) in serious jeopardy;
- Result in serious damage to your body's functions; or

⁶⁹⁶ dchealthlink.com/node/2239

⁶⁹⁷ [www.dchealthlink.com/sites/default/files/v2/forms/Appeal%20Rights%20Notice%20Insert%20\(FINAL%209-16-13\).pdf](http://www.dchealthlink.com/sites/default/files/v2/forms/Appeal%20Rights%20Notice%20Insert%20(FINAL%209-16-13).pdf)

⁶⁹⁸ dchealthlink.com/sites/default/files/v2/forms/Individual_Appeal_Request_10-27-15.pdf

⁶⁹⁹ oah.dc.gov/service/oah-resource-center

⁷⁰⁰ www.cms.gov/Regulations-and-Guidance/Legislation/EMTALA/

- Result in the damage of any part of your body.

IMPORTANT: Even if you are not a U.S. citizen, a hospital cannot deny you emergency treatment based on your ability to pay.

Other Medical and Mental Health Support/Resources

What free health clinics are available around D.C. for me?

Friendship Place -- serving D.C., Maryland, Virginia⁷⁰¹

The [Friendship Place](#) Welcome Center serves D.C. and the surrounding counties in Maryland and Virginia. Its mission is to empower people experiencing or at risk of homelessness to obtain stable housing and rebuild their lives.

The Welcome Center will support you with basic needs such as food, showers, laundry, personal hygiene supplies, clothing and access to FREE [medical](#) and [mental health](#) services. The Welcome Center can assist you with applying for government benefits such as Supplemental Nutrition Assistance Program (“[SNAP](#)”) and [Medicaid](#).

Anyone who visits the Drop-in Center and Clinic, located at the Welcome Center, can see a doctor, nurse or psychiatrist for FREE. No insurance, or even ID, is required. You can receive life-saving medications and treatments for conditions like high blood pressure, diabetes and asthma. There is no red tape and no appointments are necessary.

If treatment cannot be completed at the clinic, doctors will try to find a specialist to provide FREE care to you. It is possible to get same-day psychiatric appointments, no questions asked. You can immediately get help without having to share personal information.

The Welcome Center is located at 4713 Wisconsin Ave, NW, Washington, D.C., between the Tenleytown and Friendship Heights Metro Stations. You can reach the Welcome Center at (202) 364-1419 or by email at info@friendshipplace.org.

Whitman-Walker Youth Services⁷⁰²

[Whitman-Walker Health \(WWH\)](#) is a non-profit community health center with multiple locations that serves D.C. Its mission is to provide stigma-free health care services to anyone who walks through their doors. It is also a place where members of the LGBTQ community, as well as those living with or affected by HIV feel supported, welcomed and respected.

In addition to offering FREE HIV and STI testing, counseling and referral services, WWH provides comprehensive health services, a Gay Men’s Health and Wellness Evening STI Clinic, Transgender Care and Services, Dental Health Services, a Pharmacy, help accessing health insurance, and Youth Services.

The youth services, offered at the Youth Drop-In Center address below, include:

- Youth activities such as movie nights, art therapy, sex education, and poetry slams;
- HIV and STI testing and counseling; and

⁷⁰¹ friendshipplace.org/

⁷⁰² www.whitman-walker.org/location-youth-services

- Mental health counseling and individual and group therapy.
- Youth can also receive comprehensive health care at Whitman Walker's main location at 1525 14th Street, NW.

Whitman-Walker Health's main office is located at 1525 14th Street, NW, Washington, D.C. You can reach Whitman-Walker Health at (202) 745-7000 or by email at whitman-walker.org.

You can reach Whitman Walker Youth Services as well by walking in to the Youth Services Drop-In Center at 651 Pennsylvania Avenue, SE. The hours of the drop-in center are Monday-Friday, 11:00 am to 7:00 pm.

Consent to Medical Treatment -- Minors

Can someone under 18 consent to medical treatment?

In many cases, minors cannot consent to their own medical treatment. A parent or legal guardian must consent on your behalf.

However, if you are a minor who no longer lives with a legal guardian and is financially independent or you are married, you are considered to be emancipated and can consent to your own treatment.

If you are emancipated or married, you do not require consent for any medical treatments so you are able to access all of your medical records upon request and your parent or former guardian may not access records for care you consented to independently.

If you are under the age of 18, healthcare providers are required by law to get "informed consent" from you, or your parent or legal guardian for any treatment or procedure you receive. Informed consent means that the doctor or healthcare provider should provide you with enough information before the procedure is performed to allow you to have a general understanding of the treatment, know about the risks and benefits, and understand the availability of other methods of treatment and their outcomes.

In some situations, minors -- even non-emancipated minors -- can provide informed consent for their medical treatment in D.C. Generally, if you were able to consent to having a healthcare procedure or receiving care without parental consent, only YOU may control your healthcare information relating to that procedure or care. However, if your parent or legal guardian was required to consent to a procedure or treatment, they likely will be able to access those medical records.

Can a minor consent to medical treatment for themselves in an emergency?

A medical emergency is an exception where informed consent by you or your parent or legal guardian may not be required. If there is a medical emergency where you are suffering from a severe injury or illness and delaying treatment would endanger your health or safety, the healthcare provider can act without consent. If you are under the age of 18 and you are unable to provide the name of your legal guardian or they cannot be reached within a reasonable amount of time, consent will not be required in an emergency.

When can a minor consent to their own non-emergency medical treatment?

If you are under 18, you can consent to the following types of health services:

1. If you are under 18, you can consent to health services for the **prevention, diagnosis or treatment of sexually transmitted infections (“STIs”)**, which may include HIV/AIDS. [22 DMCR B600.7](#).⁷⁰³ Doctors providing care for **sexually transmitted infections** are not allowed to send any billing information to your parent or **legal guardian** if you have provided the **consent** for treatment without your parent’s knowledge. However, you will be responsible for the cost of your care, unless you are proven unable to pay and receive the services at a free health clinic or qualify for Medicaid or other health programs. [22 DMCR B601.1, B601.3](#).⁷⁰⁴
2. If you are under 18, you can consent to and receive **substance abuse treatment, including drug and alcohol abuse** treatment, from a doctor without your parent’s permission. [22 DMCR B600.7](#). You can find additional information in the **Mental Health and Substance Abuse chapter** of this Handbook.
3. If you are under 18, you can consent to health services for the prevention, diagnosis, or treatment of mental or emotional conditions without your parent’s permission. [22 DMCR B600.7](#). You can find additional information in the **Mental Health and Substance Abuse chapter** of this Handbook.
4. If you are under 18, you can also consent to health services for the prevention, diagnosis, or treatment related to a pregnancy and reproductive health, including termination of a pregnancy and accessing birth control, without your parent’s permission. [22 DMCR B600.7](#). You can find additional information in the **Pregnancy and Parenting chapter** of this Handbook.

For more information on consent for procedures, review the response to *What about consenting to surgery?* below.

Do consent rules differ if I need surgery?

If you are a minor, you may receive health care without your parent’s, **legal guardian’s** or **legal custodian’s** approval if your doctor thinks getting their approval would delay necessary urgent treatment or keep you in unnecessary pain. [22 DMCR B600.4](#).⁷⁰⁵

NOTE: *If you do not have regular contact with your parent or they cannot be easily reached, it may be useful to make someone else your **legal guardian** or **legal custodian** so that they can **consent** to surgery, if needed. Getting a court-ordered temporary guardianship can be started with the Probate Division of D.C. Superior Court. You can find the petition on the [D.C. Courts website](#).*⁷⁰⁶

Other than you, your **legal guardian or parent (if their consent was required for the treatment)**, and other **healthcare providers** involved in your treatment, your medical records cannot be

⁷⁰³ dcrules.elaws.us/dcmr/22-b600

⁷⁰⁴ dcrules.elaws.us/dcmr/22-b601

⁷⁰⁵ dcrules.elaws.us/dcmr/22-b600

⁷⁰⁶ www.dccourts.gov/services/judge-in-chambers/petition-for-appointment-of-temporary-guardian

discussed or shown to any other person without permission. Your medical records are protected under [federal law \(HIPAA\)](#),⁷⁰⁷ which requires [healthcare providers](#) to prevent your healthcare information from being shared with others without your permission. (There are a few exceptions to this rule, including if you are involved in legal action and the medical records are requested by the court or if the records must be reported for public health reasons, like poison control.)

The [Mental Health and Substance Abuse chapter](#) in this Handbook also has information that may be helpful on consent.

Will healthcare providers like doctors or nurses talk to anyone else about my medical procedures?

If you can consent to treatment on your own, then your [healthcare providers](#) must keep this treatment confidential. If a parent or guardian’s consent was needed, the healthcare provider may only discuss your case with you or that parent or guardian who gave consent.

The one exception to these confidentiality rules is that the healthcare provider is required by law to inform law enforcement if they have reasonable cause to suspect that a [minor](#) has suffered [abuse](#), [neglect](#), or has been abandoned by a caregiver.

Any records created as a result of reporting [abuse](#) will be kept [confidential](#) except for the purposes of the investigation. This can include refusing to allow your [legal guardian](#) to access the information if they are involved in the [abuse](#).

Nutrition Programs

What programs are there to help me get food or benefits for food?

The [D.C. Supplemental Nutrition Assistance Program \(“SNAP”\)](#)⁷⁰⁸ provides food benefits, access to a healthy diet, and education on food preparation and nutrition to low-income households.

You are provided with an electronic card that is used like an ATM (debit) card to buy eligible food in supermarkets. Youth experiencing homelessness, including unaccompanied youth, are eligible to apply for SNAP benefits as single individual households. Note that you cannot apply for SNAP individually if you are already included in someone else’s household for SNAP benefits.

In general, you must be a D.C. resident and have an annual household income (before taxes) that is below the following amounts:

Household Size	Maximum Income Level (Per Year)
1	\$24,950
2	\$33,820

⁷⁰⁷ www.hhs.gov/hipaa/for-individuals/guidance-materials-for-consumers/index.html

⁷⁰⁸ dhs.dc.gov/service/supplemental-nutrition-assistance-snap

Household Size	Maximum Income Level (Per Year)
3	\$42,660
4	\$51,500
5	\$60,340
6	\$69,180
7	\$78,020
8	\$86,860

SNAP eligibility requirements change every year. Check the [SNAP](#) information on the [D.C. Department of Human Services](#)⁷⁰⁹ website for up-to-date information. More information on [SNAP](#) can be found in the [Public Benefits chapter](#) in this Handbook.

What programs exist in D.C. to help pregnant or parenting teens?

The [D.C. Special Supplemental Nutrition Program for Women, Infants, and Children](#) (“WIC”) provides supplemental foods, health care referrals, and nutrition education.

To qualify for WIC program, you must be:

- Pregnant or breastfeeding (you can be any age), a new mother (you can be any age), an infant, or child up to age 5;
- Living in D.C. (you do not have to show proof of U.S. citizenship);
- Meet income guidelines (listed below); and/or
- Have a nutritional or medical risk (as determined by nutritionist or other health professional).

Household Size	Maximum Income Level (Per Year) (2018 limits)
1	\$22,311
2	\$30,044
3	\$37,777
4	\$45,510
5	\$53,243
6	\$60,976

⁷⁰⁹ dhs.dc.gov/service/supplemental-nutrition-assistance-snap

Household Size	Maximum Income Level (Per Year) (2018 limits)
7	\$68,709
8	\$76,442

WIC eligibility requirements change every year. Check the [WIC](#) information on the [D.C. Department of Human Services website](#)⁷¹⁰ for up-to-date information. You can use the [USDA Food and Nutrition Prescreening Tool](#)⁷¹¹ to help determine if you are eligible. More information on [WIC](#) can be found in the [Public Benefits chapter](#) in this Handbook.

Can I get free meals at school?

Yes, as a homeless youth, you can gain access to free meals, including free breakfast and free lunch at school, through the [National School Lunch Program](#).⁷¹² In order to access free meals, contact your school and fill out a school meal application. You may need your parent or [legal guardian](#) to get involved in order to qualify.

You may find more information about the application process at the [D.C. Office of the State Superintendent of Education](#) at (202) 727-1839 or wellness.nutrition@dc.gov.

More information can also be found in the [Public Benefits chapter](#) in this Handbook.

Where can I get food during the summer?

During the summer, you can access free food at many locations throughout D.C.

The D.C. Free [Summer Meals Program](#)⁷¹³ provides nutritious meals to qualifying low-income children 18 years old and under when school is not in session at approved sites. You must be a D.C. resident and have an annual household income (before taxes) that is below the following amounts to receive FREE meals or REDUCED price meals:

Household Size (number of people)	Maximum Income Level (Per Year) to Receive FREE Meals	Maximum Income Level (Per Year) to Receive REDUCED Price Meals
1	\$15,782	\$22,459
2	\$21,398	\$30,451
3	\$27,014	\$38,443
4	\$32,630	\$46,435

⁷¹⁰ dchealth.dc.gov/service/special-supplemental-nutrition-program-women-infants-and-children-wic

⁷¹¹ wic.fns.usda.gov/wps/pages/preScreenTool.xhtml;jsessionid=5e628475805cd5fd46cec570be8a

⁷¹² www.fns.usda.gov/nsfp

⁷¹³ osse.dc.gov/dcsummermeals

Household Size (number of people)	Maximum Income Level (Per Year) to Receive <u>FREE</u> Meals	Maximum Income Level (Per Year) to Receive <u>REDUCED</u> Price Meals
5	\$38,246	\$54,427
6	\$43,862	\$62,419
7	\$49,478	\$70,411
8	\$55,094	\$78,403

To find a meal site for June through August, text “FOOD” to 877-877 or call 1-866-3HUNGRY. More information can be found in the [Public Benefits chapter](#) in this Handbook.

You also can learn about proper nutrition and food preparation.

[SMYAL](#) (Supporting and Mentoring Youth Advocates and Leaders) supports and empowers lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth in the D.C. area. [SMYAL’s Youth Housing program](#)⁷¹⁴ offers many monthly life skills courses including [nutrition and cooking classes](#). If you are interested in entering the program, you will need to have an intake interview. To schedule an interview, call (202) 567-3166 or e-mail supporterinfo@smyal.org.

Temporary residential shelters sometimes have food available during your stay. See references to [Friendship Place](#)⁷¹⁵ above.

⁷¹⁴ smyal.org/resources/

⁷¹⁵ friendshipplace.org/

12. Mental Health and Substance Abuse Law

If you are having a medical health emergency, or if you feel like you are going to hurt yourself or someone else, you should contact 911 as soon as possible.

Basics and Definitions

What is mental health?

Mental health refers to a person's psychological and emotional well-being. It can determine how one thinks, feels, and acts. Mental health may involve a diagnosis by a doctor, most often by a psychiatrist, of a mental illness. More information on mental health generally can be found on the [U.S. Department of Health and Human Services website](http://www.hhs.gov).⁷¹⁶

According to D.C. law, mental illness is defined as a **psychosis** or other disease which substantially **impairs** the mental health of a person. For more information on mental health under D.C. law, go to: code.dccouncil.us/dc/council/code/titles/21/chapters/5/subchapters//.

What is substance abuse?

“Substance abuse” is a phrase that refers to the misuse or dependency on substances including alcohol or drugs.

According to D.C. law, “substance abuse” is defined as a pattern of **pathological** use of a drug or alcohol that impairs the ability to function socially or at work or produces **physiological dependency** such as increased physical tolerance or physical symptoms when the drug or alcohol is not used. For more information on substance abuse under D.C. law, go to: code.dccouncil.us/dc/council/code/sections/7-3002.html.

Laws Related to Mental Health and Substance Abuse

Are there laws that protect people who receive mental health care in D.C. from abuse by mental health service providers?

Yes. The Mental Health Consumers' Rights Protection Act of 2001 is a set of laws in D.C. that protect the rights of people who receive mental health care. For example, providers must respect the dignity, autonomy, and privacy of all consumers, consumers are guaranteed service free of abuse, neglect and coercion, and consumers may not be discriminated against. For more information, see the [Mental Health Consumers' Rights Protection Act of 2001](http://www.mentalhealth.gov/basics/what-is-mental-health).⁷¹⁷

⁷¹⁶ www.mentalhealth.gov/basics/what-is-mental-health

⁷¹⁷ code.dccouncil.us/dc/council/code/titles/7/chapters/12A/

Are there laws that protect the privacy of people who receive mental health care in D.C.?

Yes. The D.C. Mental Health Information Act of 1978 is the name given to a set of laws that deal with the disclosure of mental health information. Providers must treat consumers with consideration and respect for the consumer's dignity, autonomy, and privacy. Confidentiality of information for mental health patients is guaranteed with limited exceptions. More information, see the [D.C. Mental Health Information Act of 1978](#).⁷¹⁸

Access to Treatment

What types of treatment are available for mental health?

Mental health services that may be available to you include:

- Treatment to reduce or improve the symptoms of severe distress or mental illness.
- Rehabilitation to reduce disabling conditions that result from mental illness.
- Support services to help individuals live more independent lives. Other services to help you get what you need to address your illness and live a healthy life.

You can find additional information about mental health treatment by visiting:

- [nmha.org/types-mental-health-treatments](https://www.nmha.org/types-mental-health-treatments)
- dbh.dc.gov/page/behavioral-health-resource-directory

You may get mental health services in different ways based on your mental health status and goals, what is available to you in your community, and your preferences. The mental health services available to you also may depend on your age. In D.C. you must be 18 years old to consent to inpatient care (except in cases of emergency) and 16 years old to consent to psychotropic medication. You may consent to outpatient services at any age. See [D.C. Code § 7-1231.14](#).⁷¹⁹

D.C. law provides that individuals will have access to mental health services and mental health support free of **discrimination**. Take a look at the following for more information: [D.C. Code § 7-1231.14](#).⁷²⁰

What types of treatment are available for substance abuse?

Substance abuse services that may be available to you include:

- Information on the consequences of substance abuse, other activities to do that do not involve substance abuse, and finding substance abuse prevention programs.
- Services to help you figure out if you have a substance abuse problem.
- Services to help you get counseling and other help to stop using drugs and/or alcohol.
- Rehab services, including residential, **outpatient**, at-home, or medical treatment.

⁷¹⁸ code.dccouncil.us/dc/council/code/titles/7/chapters/12A/

⁷¹⁹ code.dccouncil.us/dc/council/code/sections/7-1231.14.html

⁷²⁰ code.dccouncil.us/dc/council/code/sections/7-1231.14.html

- Other services such as self-help, support groups and activities, supportive housing, career services, and educational services.

The type of treatment you need will be based in part on your specific situation. You can find additional information about substance abuse treatment by visiting:

- dbh.dc.gov/page/apra
- dbh.dc.gov/page/behavioral-health-resource-directory
- drugrehab.com/washington-dc/

How do I find treatment?

You can find resources for mental health and substance abuse through the [Substance Abuse and Mental Health Services Administration](#)⁷²¹ national hotline at **1-800-662-HELP** (4357). This Helpline is free, **confidential** and operates 24/7 and 365-days-a-year. Callers can get a treatment referral and information in English and Spanish, for both you and your family.

There are treatment centers for mental health and substance abuse located in D.C. You can find help by clicking on the following resources:

- findahealthcenter.hrsa.gov/index.html
- samhsa.gov
- mentalhealthamerica.net/b4stage4-where-get-help-0

What should I do if I have a mental health or substance abuse emergency?

If you are having a medical health emergency, or if you feel like you are going to hurt yourself or someone else, you should contact 911 as soon as possible.

Emergencies may involve the threat of suicide or an actual suicide attempt. If you feel like you are going to hurt yourself or someone else, you should call emergency services at 911. You should also call 911 to report if you or someone else is in danger of attempting suicide or has done something life-threatening to themselves or someone else.

You can find resources for mental health and substance abuse through the [Substance Abuse and Mental Health Services Administration](#) national hotline at **1-800-662-HELP** (4357).

You can talk to someone 24 hours a day if you feel like you are going to hurt yourself.

The **24-hour National Suicide Prevention Lifeline** at **1-800-273-TALK (1-800-273-8255)** will connect you with someone to help you and talk to you. You can also **text** the Crisis Line 24-hours a day at **741-741**. Both the phone call and the text will connect you to a live, trained counselor. More information on services can be found on [Lifeline's website](#).⁷²²

⁷²¹ www.samhsa.gov/

⁷²² suicidepreventionlifeline.org/

What can I do in non-emergency situations?

If it is not an emergency and you are under the age of 18, you may voluntarily and confidentially seek **outpatient** mental health services in D.C. without the consent of a parent or guardian. A mental health care provider may deliver **outpatient** mental health services and mental health support other than medication to you without parental or guardian consent for a period of 90 days if they determine that:

- You know and volunteer to find mental health services; and
- The services are necessary for your well-being.

Treatment may sometimes continue beyond 90 days if a mental health provider finds that you want the services and that you continue to need the services. Another option would be that the mental health provider may find that your services need to end after 90 days unless you agree to let the mental health provider contact your parents or guardian to keep giving you mental health services.

You can also find help by clicking on the following resources:

- findahealthcenter.hrsa.gov/index.html
- samhsa.gov
- mentalhealthamerica.net/b4stage4-where-get-help-0

If it is not an emergency and you are under 18 but over 16 years old, you may agree to take medicine without the consent or knowledge of a parent or guardian or the court's approval, only if:

- Your parent(s) or guardian is not available to make the decision and the mental health provider finds that you can give consent, and that the medicine is needed; or
- Getting the consent of your parent(s) or guardian would be harmful to you **AND** both your treating physician and a non-treating psychiatrist find you are able to give consent and you need the medicine; or
- Your parent(s) or guardian refuses to give consent and both the treating physician and a non-treating psychiatrist find that you can give consent and that you need the medicine. In this case your parent or guardian will be notified.

For more information, go to: code.dccouncil.us/dc/council/code/sections/7-1231.14.html.

If there is no emergency and you are under 16 years of age, a hospital giving you **inpatient** mental health services may not give you medicine without the consent of your parent or guardian or a court of law.

There are other resources that may be helpful to you if you need help. The National Alliance on Mental Illness⁷²³ has some helpful resources.

⁷²³ nami.org

What if I cannot pay for mental health or substance abuse services?

You may be entitled to **public benefits** for the treatment of mental health or substance abuse. See the **Public Benefits chapter** in this Handbook for details. There are also some free mental health and substance abuse services for youth available at the following agencies:

- **Whitman Walker Health:** Provides youth mental health services via individual and group therapy for young people ages 13-24 with a specific focus on trauma recovery, LGBTQ identities and other life challenges. These services are free and available to young people who have experienced or witnessed a crime (no police report required). Call (202) 207-2361 for questions or to schedule a screening.
- **Mary's Center:**
 - **School-Based Mental Health:**⁷²⁴ Mary's Center places one or more highly skilled and bilingual mental health therapists in 19 public schools in Wards 1, 4, and 5 to support students and promote behavioral wellness. The program reduces barriers to accessing diagnostic assessments and culturally responsive, trauma informed behavioral health care. The list of schools is updated yearly on their website.⁷²⁵
 - **Teen Clinics:** Mary's Center also provides Teen Clinics at their Georgia Avenue and Ontario Road sites to provide the opportunity for teens to receive medical care, health education, mental health services, social services, and reproductive health services, in a structured, friendly environment. Teen Clinics are confidential and are held on Saturdays. Call 1-844-79-MARYS or 1-844-796-2797 to learn when the next Teen Clinic is scheduled.
- **LAYC:** LAYC is a certified Core Service Agency through the D.C. Department of Behavioral Health to provide free mental health services to D.C. youth. Services are provided in English and/or Spanish.
- **School Mental Health Programs:** Several charter and public schools offer mental health services to students.

Mental Illness

You should not be denied treatment for mental illness because of your inability to pay, but a mental health provider is allowed to try to collect for the cost of mental health services if you are able to pay for the services. For more information on this, refer to **D.C. Code Section 21-586.**⁷²⁶

Substance Abuse

If you are a D.C. resident who applies for substance abuse treatment, or if a court refers you for treatment, you will be able to get treatment at a facility if a qualified health professional finds that you need treatment in a non-hospital residential setting. **If this occurs, you should not be denied treatment for substance abuse because of your inability to pay.**

The determination of your need for treatment may be made by a qualified health professional on duty at the treatment facility or by any other qualified health professional who has examined you

⁷²⁴ www.maryscenter.org/behavioral-health/children-and-teens/school-based-mental-health-program/

⁷²⁵ www.maryscenter.org/behavioral-health/children-and-teens/school-based-mental-health-program/

⁷²⁶ code.dccouncil.us/dc/council/code/sections/21-586.html

prior to your application or referral for admission. More information can be found in the [D.C. Code Section 44-1202](#).⁷²⁷

Commitment to a Treatment Facility

What is commitment in mental health?

Commitment in mental health means you are being admitted to a psychiatric hospital or other mental health facility for treatment. Commitment can be voluntary or involuntary.

What is the difference between voluntary and involuntary commitment in mental health?

Voluntary commitment occurs when you choose to be admitted to a hospital or other in-patient facility for mental health treatment.

Involuntary commitment (also known as civil commitment) is a legal process where you can be ordered to go to a hospital or other in-patient facility for mental health treatment, regardless of your wishes.

Can I get voluntary treatment for mental health?

You may apply to a public or private hospital, the Department of Mental Health, or any mental health provider in D.C. to become a voluntary patient for the treatment of a mental illness. If you are under 18, your parent or legal guardian will need to apply for admission. If you are 18 or older you may apply for admission yourself. You will be admitted as a voluntary patient if the admitting doctor determines there is a need for you to be in the hospital.

If you are examined by a doctor who finds that you are not in need of hospitalization but that you are in need of **outpatient treatment**, the doctor should help you get voluntary outpatient treatment. If you are under 18, you may get outpatient mental health treatment without a parent or legal guardian.

More information can be found in the [D.C. Code Section 21-511](#).⁷²⁸

Is voluntary treatment available for substance abuse?

You can volunteer for substance abuse treatment by applying to a service provider. If you go to a facility for admission to a substance abuse treatment program, you will receive a screening to determine if you are eligible for substance abuse treatment and to determine the level of care you need. You will be asked to provide proof of residency in order to enter a treatment program. Proof of residency could be a letter from a homeless shelter verifying that the shelter is your place of residence. If you are under 18, your parent or legal guardian will need to verify that you are a D.C. resident or you can provide written verification from social services that you are in their custody.

More information can be found in the [D.C. Municipal Regulations, Chapter 29-24](#).⁷²⁹

⁷²⁷ code.dccouncil.us/dc/council/code/sections/44-1202.html

⁷²⁸ code.dccouncil.us/dc/council/code/sections/21-511.html

What is “informed consent”?

Informed consent means that you agree to something you fully understand, you are competent to make such a decision, and you are not being forced or deceived into making that decision. Before you give your consent to medical care, you should be given information about the services or support you are about to receive, including its purpose, side effects, and potential risks and benefits, as well as information about other options for treatment.

More information can be found in the [D.C. Code Section 7–1231.07](#).⁷³⁰

When can someone be involuntarily examined for mental illness?

The following people can file a petition for involuntary commitment of an individual who they believe is presently a danger to themselves or others:

- A spouse;
- A parent or legal guardian;
- A physician or a qualified psychologist; or
- An officer or agent of the Department of Mental Health or
- A police officer.

After such a petition is filed, the [Commission on Mental Health](#)⁷³¹ must promptly examine the individual and promptly hold a hearing. The individual has a right to an attorney at this hearing as well as the right to be present, to testify, and to examine other witnesses. If, after a hearing, the Commission on Mental Health finds that the person is : i) mentally ill; and ii) because of the illness is likely to hurt themselves or other persons if not committed, the Commission on Mental Health will report that fact to the D.C. Superior Court. The individual and their attorney will receive a copy of that report, and the court will promptly set a hearing date. [D.C. Code Section 21-543](#).⁷³²

Following the hearing, if the court or jury finds the individual is: i) not mentally ill; or ii) not likely to hurt themselves or others as a result of mental illness, the court will order the individual’s release. However, if the court finds that the individual is mentally ill and likely to hurt themselves or others, the court may order their commitment to the Department of Mental Health or to any other facility, hospital, or mental health provider. The court will order the least restrictive method of treatment that is in the best interest of the individual and the public. If issued, an order of commitment will be for a period of one year. Examinations by a mental health provider must occur at least every 90 days from the date the court order was issued. More information can be found in the [D.C. Code Sections 21-541 through 21-546](#).⁷³³

Can the police take me into custody for mental health reasons?

Yes, a police officer may take you into **custody** if they believe you are mentally ill and are likely to hurt yourself or others if you are not immediately detained. If this is the case, the police officer

⁷²⁹ dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-2403

⁷³⁰ code.dccouncil.us/dc/council/code/sections/7-1231.07.html

⁷³¹

dbh.dc.gov/sites/default/files/dc/sites/dmh/publication/attachments/SY%202017.18%20School%20Mental%20Health%20Program%20%28002%29.pdf

⁷³² code.dccouncil.us/dc/council/code/sections/21-543.html

⁷³³ code.dccouncil.us/dc/council/code/titles/21/

will transport you to a public or private hospital (you will not be put in jail) and ask that you be admitted for emergency observation and diagnosis. More information can be found in the [D.C. Code Sections 21-521 and 21-585](#).⁷³⁴

You may then be held for emergency observation and diagnosis if a medical provider examines you and finds that you may be mentally ill and are likely to hurt yourself or others if released. If, however, the psychiatrist or physician finds that you are not mentally ill, not likely to hurt yourself or others, or that staying in a facility to prevent such harm is not necessary, you will not be admitted to a hospital or facility as an inpatient. Instead, you will receive **outpatient** treatment.

If you are admitted to a hospital and you are under 18 years old, your parent or legal guardian will be notified within 24 hours of your admission. If you are 18 years of age or older, your parent or legal guardian will only be notified if you want your parent or legal guardian to be notified. More information can be found in the [D.C. Code Section 21-522](#).⁷³⁵

Can a court force me to participate in outpatient mental health treatment or counseling?

Yes, in certain cases, a court can force you to participate in outpatient mental health treatment or counseling. In some cases, after you have been involuntarily committed, if it is found that **outpatient** treatment is appropriate, then you will be released from an inpatient facility and receive outpatient mental health services as an emergency non-voluntary patient. More information can be found in the [D.C. Code Section 21-526](#).⁷³⁶

Do I have the right to an attorney if I am being considered for involuntary commitment?

Yes, if there is a concern that you are mentally ill and, because of the mental illness, likely to hurt yourself or others, you have the right to be represented by counsel in any commitment proceeding. If you do not hire an attorney yourself, the court will appoint one to represent you. More information can be found in the [D.C. Code Section 21-543](#).⁷³⁷

What are my rights if I am committed?

You keep many of your individual rights if you are committed, whether voluntarily or involuntarily. If you are in a residential, day, or inpatient treatment program you have the following rights, subject to your health and safety and the health and safety of others:

- Free from seclusion and restraint of any form that is not medically necessary or that is used as a means of force, discipline, convenience, or retaliation by staff.
- Free communication with, and reasonable visitation by, your attorneys, clergy, family members, significant others, personal representatives, and guardians;
- Access to telephones to make and receive confidential calls and chances to communicate by mail or otherwise with officials in the Department of Mental Health, their attorneys, the court, and your personal physicians or psychologists;

⁷³⁴ code.dccouncil.us/dc/council/code/titles/21/

⁷³⁵ code.dccouncil.us/dc/council/code/sections/21-522.html

⁷³⁶ code.dccouncil.us/dc/council/code/sections/21-526.html

⁷³⁷ code.dccouncil.us/dc/council/code/sections/21-543.html

- Your mail or communications may be read only if there is reason to believe that they contain items, information, or substances that may be harmful to you or others;
- Freedom to wear your own clothes and to keep and use personal possessions, including toiletries, unless a physician finds that certain limits on these rights are needed for medical care purposes;
- Freedom to maintain your personal appearance, including head and body hair, according to personal taste unless it may harm the health or safety of yourself or others;
- Access to reasonable individual storage space for private use;
- Freedom to engage in religion, and freedom from harassment, so that you can freely engage in the religious practices of the provider or others;
- Reasonable chances for social interaction with members of either sex, unless it is specifically limited or withheld under your service plan because your physician or psychologist believes allowing you to interact freely with others presents a risk of serious harm to you or others or will interfere with your treatment; and
- Opportunities for regular exercise and freedom to go outdoors regularly.

More information can be found in the [D.C. Code Section 7-1231.04](#).⁷³⁸

What can I do if I am wrongfully committed or I am being denied my rights in a facility?

Anytime you are held in a mental health facility, you may **petition** the court to question the cause and legality of your detention. The court must grant a hearing to a person whose continued hospitalization is ordered, if a hearing is requested.

More information can be found in the [D.C. Code Sections 21-525](#)⁷³⁹ and [21-549](#).⁷⁴⁰

When am I allowed to leave a mental health facility or stop treatment?

If you were accepted for voluntary treatment by a hospital or a mental health provider and are over 18, you may, at any time, obtain your release from the hospital or other provider by filing a written request. Within a period of 48 hours after the receipt of the request, they should give you discharge instructions and you should be released.

If you are under 18 and admitted into inpatient treatment voluntarily, your parent or legal guardian may file a written request for release at any time. If you are under 18 and sought voluntary outpatient treatment without the consent of your parent or legal guardian, then you may be released from that treatment by filing a written request yourself.

If the chief of service or chief clinical officer finds that you have recovered after voluntarily receiving treatment or that continued treatment is no longer beneficial or advisable for you, they may release you from the hospital or from other treatment without your written request. More information can be found in the [D.C. Code Sections 21-511](#)⁷⁴¹ and [21-512](#).⁷⁴²

⁷³⁸ code.dccouncil.us/dc/council/code/sections/7-1231.04.html

⁷³⁹ code.dccouncil.us/dc/council/code/sections/21-525.html

⁷⁴⁰ code.dccouncil.us/dc/council/code/sections/21-549.html

⁷⁴¹ code.dccouncil.us/dc/council/code/sections/21-511.html

⁷⁴² code.dccouncil.us/dc/council/code/sections/21-512.html

If you have been hospitalized under a court order, within 48 hours after the order is entered, you should be examined by a psychiatrist or qualified psychologist. If the psychiatrist or qualified psychologist, after the examination, finds that you are not mentally ill to the extent that you are likely to hurt yourself or others if not presently detained, then you should be immediately released. More information can be found in the [D.C. Code Section 21-527](#).⁷⁴³

If you have been involuntarily committed by a court order, your mental health will be examined by a psychiatrist or qualified psychologist at least every 90 days from the date the court order was issued. They will report their opinion as to whether you are mentally ill and, if mentally ill, whether you are likely to hurt yourself or others if not committed. If as a result of any of these examinations, it is found that you are no longer mentally ill to the extent that you are likely to hurt yourself or others, then you should be released. More information can be found in the [D.C. Code Section 21-546](#).⁷⁴⁴

Will my parents be notified if I am admitted to a mental health treatment facility?

Yes, if you are involuntarily admitted to a facility and you are under age 18, the facility must notify you parent or legal guardian within 24 hours of involuntary commitment.

If you are 18 or over and admitted to a facility, your parent or legal guardian will only be notified if you want or in the situation of an emergency. More information can be found in the [D.C. Code Section 21-522](#).⁷⁴⁵

Can I see my medical records? Can others see them too?

You should have reasonable access to your medical records unless such access is determined by your doctor to be harmful to you. Generally, it is unlawful for a mental health professional or facility to disclose your mental health information to anyone else unless you have authorized it or it is in an emergency.

However, your mental health information may be disclosed to certain individuals on an emergency basis if a mental health professional reasonably believes that such disclosure is necessary to urgently hospitalize you or to protect you or another person from harm.

More information can be found in the [D.C. Code Sections 7-1203.01](#)⁷⁴⁶ and [17-1202.03](#).⁷⁴⁷

See the [Health Care and Medical Rights chapter](#) in this Handbook for more details.

⁷⁴³ code.dccouncil.us/dc/council/code/sections/21-527.html

⁷⁴⁴ code.dccouncil.us/dc/council/code/sections/21-546.html

⁷⁴⁵ code.dccouncil.us/dc/council/code/sections/21-522.html

⁷⁴⁶ code.dccouncil.us/dc/council/code/sections/7-1203.01.html

⁷⁴⁷ code.dccouncil.us/dc/council/code/sections/7-1203.03.html

13. Pregnancy and Parenting Teens

Privacy Rights Related to Pregnancy and Medical Care

Will visits to a health center or doctor for my pregnancy be kept confidential?

In Washington, D.C., a minor (under age 18) can consent to some medical treatment without the health care provider telling the minor's parents. Prenatal care is one such type of treatment. Therefore, you can get health care related to pregnancy or prenatal care without parent or guardian consent, and your healthcare provider will not talk about this information with your parents or law enforcement without your consent. If you are enrolled in school in D.C., you can access free, confidential medical care from one of the [D.C. School Based Health Centers](#).⁷⁴⁸ The School Based Health Centers are located in the following high schools:

- Anacostia Senior High School
- Ballou Senior High School
- Cardozo Learning Center
- Coolidge Senior High School
- Dunbar Senior High School
- Roosevelt Senior High School
- Woodson Senior High School

You can find more information about these centers at the [D.C. Department of Health](#)⁷⁴⁹ website. You can also receive pre or post-natal care from one of the following health centers:

- [Community of Hope](#)⁷⁵⁰ (202-407-7747)
- [Developing Families Center](#)⁷⁵¹ (202-398-2007)
- [La Clinica del Pueblo](#)⁷⁵² (202-462-4788)
- [Mary's Center](#)⁷⁵³ (202-483-8196)
- [Perry Family Health Center](#)⁷⁵⁴ (202-682-3840)
- [Teen Alliance for Prepared Parenting \(TAPP\)](#)⁷⁵⁵ (202-877-0755)

There is an important exception to the confidentiality of your visits: healthcare workers are required to report suspected “**abuse or neglect**.” “**Abuse or neglect**” means physical abuse, sexual abuse, willful cruelty, unjustified punishment, unlawful corporal punishment, or general or severe neglect of you or your child. If such abuse or neglect is known or suspected, your doctor is required to provide information to the [D.C. Child and Family Services Agency](#) (“CFSA”) or the police. CFSA and law enforcement will have access to all important or required records for

⁷⁴⁸ dchealth.dc.gov/service/school-based-health-centers

⁷⁴⁹ dchealth.dc.gov/

⁷⁵⁰ www.communityofhopedc.org/healthcare/family-health-and-birth-center

⁷⁵¹ www.developingfamilies.org/

⁷⁵² www.lcdp.org/

⁷⁵³ www.maryscenter.org/

⁷⁵⁴ provhosp.org/patients-guests/locations/perry-family-health

⁷⁵⁵ www.medstarwashington.org/our-services/womens-health/treatments/maternity-services/teen-alliance-for-prepared-planning/

investigation. You can read more about child abuse, who must report, and other related information at the [CFSA](#)⁷⁵⁶ website.

For more information on your medical rights generally, visit the [Healthcare and Medical Rights](#) chapter of this Handbook.

Can a parent or guardian tell me what to do if I am pregnant?

Your parents or guardian cannot legally force you to handle your pregnancy in any way. In Washington, D.C., only you (even if you are a minor) have the right to decide what to do about your pregnancy. The law allows you to raise the baby, place the baby with another adult family member who agrees to raise the baby, place the baby with a different family through adoption, or have an abortion. [D.C. Municipal Regulations § 22-B600.7](#)⁷⁵⁷; [D.C. Code § 16-304\(c\)](#).⁷⁵⁸

See the sections on [Kinship Care, Adoption, and Abortion](#) in this chapter for more details about these options.

Can I take a pregnancy test if I am under 18?

Yes. You do not need permission from your parent or guardian for a pregnancy test. You can buy a home pregnancy test at a grocery store or drug store. You can also get a pregnancy test at a doctor's office or a local clinic. The doctor's office may charge you full price (up to \$100 or more), but many family planning health centers offer free or reduced-cost pregnancy tests.

To find a health center that offers free or reduced-cost pregnancy tests, call 1-800-MOM-BABY (1-800-666-2229).

Where can I get birth control?

Birth control is available to you. D.C. law allows anyone age 12 and older to consent to receiving birth control. Your parents will not be notified if you obtain birth control. A new law, signed on January 31, 2018, allows women access to birth control prescriptions at pharmacies. Additional information can be found on the [sex etc. website](#).⁷⁵⁹

There are various types of birth control available. You can find the nearest family planning clinic by searching the "Find a Family Planning Clinic" box at the [U.S. Department of Health and Human Services](#)⁷⁶⁰ website. More information about family planning services is available on the [D.C. Department of Health's](#)⁷⁶¹ website.

If I am pregnant, can I visit a doctor without my parents?

Yes, in D.C. you can seek medical care if you are pregnant without your parent's consent. See the [Planned Parenthood](#) website for more information.⁷⁶²

⁷⁵⁶ cfsa.dc.gov/

⁷⁵⁷ dcrules.elaws.us/dcmr/22-b600

⁷⁵⁸ code.dccouncil.us/dc/council/code/sections/16-304.html

⁷⁵⁹ sexetc.org/states/district-of-columbia

⁷⁶⁰ www.hhs.gov/opa/pregnancy-prevention/index.html

⁷⁶¹ dchealth.dc.gov/service/pregnancy-services

⁷⁶² www.plannedparenthood.org/learn/teens/preventing-pregnancy-stds/parental-consent-and-notification-laws

Abortion

What is an abortion?

An **abortion** is when a woman chooses to end her pregnancy. There are two kinds of abortions: **medical** and **surgical**.

A **medical abortion** is when a woman takes medication (usually a pill) to end her pregnancy. The medication may be available at family planning health centers or over the counter at a drug store like CVS. A **medical abortion** likely will not be offered after a woman's ninth week of pregnancy.

A **surgical abortion** is when the fetus is terminated and surgically removed from the uterus by a doctor.

Are there any restrictions on when I can get an abortion?

Washington, D.C. does not have any laws prohibiting **abortion** after a certain point in pregnancy. More information can be found on the [Planned Parenthood website](#).⁷⁶³ However, Virginia does not permit **abortions** in the third trimester, which is after 25 weeks. Virginia Code § 18.2-72.⁷⁶⁴ Maryland does not permit abortion after "viability," which must be determined by a doctor and is usually at around the same number of weeks as Virginia. Maryland Health § 20-209.⁷⁶⁵

Also, even if you have health insurance, it may not always cover the full cost of an **abortion**. See the section on **Health Insurance for You and Your Baby** in this chapter for more information about health insurance. The [National Abortion Federation](#)⁷⁶⁶ has additional information on their website or by phone on their hotline at 1-800-772-9100.

Do I have to tell a parent or guardian if I want to have an abortion? Do they have to approve?

If you are a minor, your parent or guardian's consent is not required to get an abortion in Washington, D.C. [D.C. Code § 22-600.7](#).⁷⁶⁷ More information on parental consent by state can be found on the [Planned Parenthood website](#).⁷⁶⁸

For more information on your medical rights, visit the **Healthcare and Medical Rights** chapter of this Handbook.

Do I need the permission of my baby's father to get an abortion?

You do not need the permission of the father of the child or anyone else to have an abortion in D.C. [D.C. Code § 22-600.7](#).⁷⁶⁹

⁷⁶³ www.plannedparenthood.org/health-center/district-of-columbia/washington/20002/carol-whitehill-moses-center-4221-90230/abortion

⁷⁶⁴ law.lis.virginia.gov/vacode/title18.2/chapter4/section18.2-72/

⁷⁶⁵ law.justia.com/codes/maryland/2005/ghg/20-209.html

⁷⁶⁶ prochoice.org/

⁷⁶⁷ doh.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/DCMR%2022%20B600_7.pdf

⁷⁶⁸ www.plannedparenthood.org/learn/teens/preventing-pregnancy-stds/parental-consent-and-notification-laws

Where can I get resources if I am thinking of having an abortion?

The following organizations can provide information about an abortion:

- **Planned Parenthood:**⁷⁷⁰ call 1-800-230-PLAN
- **National Abortion Federation:**⁷⁷¹ call 1-877-257-0012
- **All-Options Talkline:**⁷⁷² call 1-888-493-0092 to talk to someone for free and confidentially or look at other resources to help you evaluate your options.

You can refer to the sections on **Kinship Care** and **Adoption** in this chapter for options other than abortion.

Family Help to Care For My Baby

Can a relative take care of my baby? Do they have to?

If your baby is living with a relative, that relative is called a **kinship caregiver**. **Kinship caregivers** can be grandparents, aunts, uncles, or adult brothers or sisters. They are not required to take care of your baby. A relative can be a **kinship caregiver** for either a temporary or permanent period of time. If you give up care of your child to a relative for a certain period of time, your rights as a parent still remain intact. However, even though you do not automatically lose your rights as a parent, the longer your child is in the care of another person, the greater the potential risk to you that the person could be successful in getting custody over your child, if the person files for custody by going to court. Once a court has granted a relative custody of a child, it is up to a court to determine whether to return custody of a child to the parent. **D.C. Code § 16-831.10-11.**⁷⁷³

Is there additional help available to a kinship caregiver?

There are many financial, legal, and emotional issues for **kinship caregivers** to learn about. There are several resources available at the D.C. KinCare Alliance website.⁷⁷⁴

Adoption

What does it mean legally for someone to adopt my baby?

Adoption is a permanent, legal agreement in which you agree to place your child in the care of another person or family member. Washington, D.C. allows all minor parents to choose to place their children up for **adoption**. If you are pregnant, and are not ready to be a parent, or if you have a child and believe you can no longer care for your child, you can explore adoption as an option.

⁷⁶⁹ www.plannedparenthood.org/learn/teens/preventing-pregnancy-stds/parental-consent-and-notification-laws

⁷⁷⁰ plannedparenthood.org

⁷⁷¹ prochoice.org/think-youre-pregnant/find-a-provider/

⁷⁷² www.all-options.org/find-support/talkline/

⁷⁷³ code.dccouncil.us/dc/council/code/titles/16/chapters/8A/

⁷⁷⁴ www.dckincare.org

Adoption permanently changes your legal rights. You will be asked to sign legal papers agreeing to the **adoption** of your child. [D.C. Code § 16-312](#).⁷⁷⁵ Detailed information on adoption can be found in [D.C. Code §§ 16-301 to 315](#).⁷⁷⁶ By signing adoption papers, you agree to let someone else be the legal parent to your child instead of you. After signing these papers, you will be given 14 days during which you may change your mind. After that, it is very difficult to get an adoption reversed and your legal rights reinstated.

If and when a court decides that your parental rights are terminated, you will have no rights concerning your child unless you have an open adoption. Most adoptions are closed, however, meaning that all contact with your child will be entirely up to the adoptive parents. You can try to agree with the adoptive parents to a more open adoption. In an open adoption, you and the adoptive parents will decide before the baby is born what contact you will have with them and with your biological child after the adoption is final. Sometimes this will include visits. Sometimes it will only include updates about and perhaps photos of your biological child from the adoptive parents.

Does the father of my child have to agree to adoption?

Yes, the father of your child is required to give permission for the adoption unless his parental rights have already been terminated by a court due to abuse or neglect. If the father is alive, can be found, and has not voluntarily failed to care or provide for the child in the last 6 months, his permission for the adoption must be sought. [D.C. Code §§ 16-301 to 315](#).⁷⁷⁷

The father of your child can prove his paternity by either:

- A written statement acknowledging paternity signed under oath by the mother and father; or
- A result and affidavit from a laboratory of a genetic test affirming at least a 99 percent probability that he is the father of the child.

How can I find an adoption agency?

For a directory of adoption agencies in D.C., visit the [Adoption Network's website](#).⁷⁷⁸ If you are thinking about adoption through an agency, you may want to contact several agencies and ask questions to determine which agency is right for you. The list below includes questions you may want to consider asking an agency about its services. You should also consider questions relevant to your own situation.

- Will using your services cost me anything?
- Do you offer counseling or support groups for birth parents?
- How do you screen the adoptive family?
- Will I be able to meet with adoptive families?
- Do I have any say in choosing the adoptive family?
- If I choose an open adoption, will you help me stay in touch with the adoptive family?
- Can your agency help with prenatal care or delivery costs?

⁷⁷⁵ code.dccouncil.us/dc/council/code/sections/16-312.html

⁷⁷⁶ code.dccouncil.us/dc/council/code/titles/16/chapters/3/

⁷⁷⁷ code.dccouncil.us/dc/council/code/titles/16/chapters/3/

⁷⁷⁸ adoptionnetwork.com/district-of-columbia-adoption/washington-dc-adoption-agencies-and-resources

- Do you work with families looking for babies of different races or ethnicities? Are these families interested in adopting babies with special needs?
- Do you work with LGBTQ individuals or couples looking to adopt?

What resources can help me figure out if adoption is right for me?

There are resources available to discuss your pregnancy options. An adoption agency can also help you answer some of the questions you might have. You can talk to an adoption professional for free by calling 1-800-ADOPT-11 (1-800-236-7811) or contacting someone through adoption.com, which offers free adoption counseling. Other resources for more information and support include:

- National Pro-Choice Adoption Collaborative: prochoiceadoption.org or call 1-800-982-3678
- All-Options: all-options.org or call 1-888-493-0092
- Child Welfare Information Gateway: childwelfare.gov/pubPDFs/f_pregna.pdf
- D.C. Child and Family Services Agency: cfsa.dc.gov/

Safe Haven Laws

What can I do if I just gave birth and I cannot take care of my baby?

Washington, D.C.'s **Safe Haven Law** allows a parent who is unable or unwilling to care for their newborn baby to safely surrender (give up) the baby within 14 days of birth without suffering any legal consequences. All that is required is that the baby be left at any hospital in Washington, D.C. with an on-duty employee of the hospital. You do not have to bring the baby to the hospital yourself. You can have someone else, such as a family member, friend, priest, or social worker, bring in the infant. You do not need to give your name. As long as the baby is unharmed there will be no negative legal consequences. More information can be found on the D.C. Child and Family Services Agency website.⁷⁷⁹ For more information about the law in D.C., you can call 1-888-510-BABY (2229) to speak to someone confidentially.

You may also safely surrender your baby within 10 days of birth in Maryland⁷⁸⁰ and within 14 days of birth in Virginia.⁷⁸¹

Can I be anonymous if I give up my baby?

You can stay anonymous when you give up your baby, unless the baby shows signs of abuse or neglect. You do not have to provide any information about yourself or the baby, but Safe Haven staff will take down any information you are willing to give them about the baby. The police will only investigate if the baby shows signs of abuse or neglect. Giving up the baby under the law is not a sign of abuse or neglect. When the baby is born at the hospital and you decide to give the

⁷⁷⁹ cfsa.dc.gov/service/safe-havens-newborns

⁷⁸⁰ safehaven.tv/states/maryland/

⁷⁸¹ safehaven.tv/states/virginia/

baby up, you can also ask the hospital not to put your name on the birth certificate. More information can be found on the [D.C. Child and Family Services Agency](#).⁷⁸²

You can also contact [A Safe Haven for Newborns](#)⁷⁸³ for more information and help as to how to do this safely and privately in Washington, D.C. by calling 1-888-510-BABY (2229).

Can I get my baby back if I surrender him or her?

A “safely surrendered” baby can be reclaimed within 14 days of being surrendered. You must call within 14 days of leaving your baby at the hospital safe haven. You will need to give your name and have a medical test to prove you are the baby’s parent. A CFSA social worker will visit your home to make sure it is safe and to offer help you and the baby may need.

More information can be found on the [D.C. Child and Family Services Agency](#).⁷⁸⁴

Responsibilities of Grandparents

Are my parents or guardian required to take care of me even if I get pregnant?

Your parents are required to support you until you turn 18, as long as they have the money and resources to do so. Parents are required to give you food, clothing, shelter, and healthcare, to supervise you, and to give you a safe place to live. If your parents cannot care for you or do not want to care for you, they must find another responsible adult to care for you or get CFSA involved. Contact CFSA to seek help. See the [Turning 18 - Becoming a Legal Adult](#) chapter of this Handbook for more information on your rights as you turn 18. [D.C. Code § 16–2301\(9\)\(A\)\(ii\)](#).⁷⁸⁵

Your parent or guardian cannot legally make you leave home because you are pregnant or having a child. If you are under 18, even if you are pregnant or have a baby, the responsibilities of your parents or guardians to and for you do not end, with some limited exceptions. If your parents decide that you cannot live with them, they must find a safe place for you to live.

Are my parents or guardian required to take care of my baby?

Your parents do not have any legal responsibility to find your child a safe place to live. Your parents do not have to support your baby. [D.C. Code § 16–2301\(9\)\(A\)\(ii\)](#).⁷⁸⁶

Am I emancipated from my parents if I have a baby?

No, you are not automatically emancipated (free to live on your own without being controlled by your parents or guardians) if you have a child. If you are under 18, the law says you are still a child, and your parents still have parental rights and obligations toward you unless: (i) you are married, or (ii) you join the armed services with your parent’s consent. If you are homeless and

⁷⁸² cfsa.dc.gov/service/safe-havens-newborns

⁷⁸³ asafehavenfornewborns.com/

⁷⁸⁴ cfsa.dc.gov/service/safe-havens-newborns

⁷⁸⁵ [code.dccouncil.us/dc/council/code/sections/16-2301.html#\(9\)](http://code.dccouncil.us/dc/council/code/sections/16-2301.html#(9))

⁷⁸⁶⁷⁸⁶ [code.dccouncil.us/dc/council/code/sections/16-2301.html#\(9\)](http://code.dccouncil.us/dc/council/code/sections/16-2301.html#(9))

pregnant, you can find a list of various housing options for pregnant women at the [Covenant House](#)⁷⁸⁷ website.

Rights and Obligation as a Parent

What are my rights as a parent?

Teen parents have the same rights and responsibilities as adult parents. Whether they are minors or adults, parents have the right to custody and control of their children, and your parent or guardian cannot take away your rights to your child. An unmarried mother automatically has custody over her child; her age does not matter. An unmarried father also has custody rights, but those rights cannot be claimed until paternity has been established. If there is no court order, both parents have equal rights to legal and physical custody. Parents can agree on any custody and visitation arrangement they believe is appropriate. [D.C. Code § 16–914](#)⁷⁸⁸, [D.C. Code § 16–909](#).⁷⁸⁹

If you cannot agree with the other parent of your child with respect to custody, the [D.C. Family Court](#)⁷⁹⁰ offers free mediation through the [Multi-Door Dispute Resolution Division](#)⁷⁹¹ (202-879-1549) where trained mediators work with you and the other parent to develop an agreement. You can use Multi-Door without having a court case.

What are my rights as a parent of my child?

A parent's rights are superior to the rights of non-parents, including grandparents. As long as you take care of your child, only you and the other parent have the right to custody of your child. This applies even if you are under 18 and still living with a parent or guardian. It is up to you how you raise your child. [D.C. Code § 16–831](#).⁷⁹²

When can someone else get custody of my child?

In limited circumstances, someone other than the parents can be awarded custody of a child. The most common circumstances in which that is possible are:

- When the other person seeking custody has the agreement of the parent;
- When the other person seeking custody has been living with and caring for the child, as a parent would; or
- When the child is currently living with the other person seeking custody and custody needs to be awarded to in order to prevent harm to the child.

The judge must then decide whether there are good enough reasons to give custody to someone who is not the mother or father. [D.C. Code § 16–831](#).⁷⁹³

⁷⁸⁷ covenanthousedc.org/

⁷⁸⁸ code.dccouncil.us/dc/council/code/sections/16-914.html

⁷⁸⁹ code.dccouncil.us/dc/council/code/sections/16-909.html

⁷⁹⁰ www.dccourts.gov/superior-court/family-court-operations

⁷⁹¹ www.dccourts.gov/superior-court/multi-door-dispute-resolution-division

⁷⁹² code.dccouncil.us/dc/council/code/sections/16-831.html

⁷⁹³ code.dccouncil.us/dc/council/code/sections/16-831.html

If you are caring for your child, you have the right to receive child support payments from the child's other parent who is not caring for them. You can find out more in the response to the *Can I get child support from the other parent?* question in this chapter. More information on custody can be found at LawHelp.org/DC.

What are my obligations as a parent?

You are responsible for providing your child with food, clothing, shelter, education, and medical care until your child turns 18. Your parent or guardian does not have the right to make those decisions for your child or the obligation to do so. [D.C. Code § 16–2353](#).⁷⁹⁴ Both parents are legally required to care of their children physically, emotionally, and financially. If you do not want to be involved in your baby's life, whether you are the mother or the father, you are still required to provide financial support for your baby (unless and until you have legally allowed someone else to adopt your baby). Once the law recognizes a person as the parent of a child, they have the right to be with, care for, and make decisions about their child's life such as education, healthcare, religion, and where to live. This is true even if the parents are under age 18.

The requirement of parents to support their child ends only when the child turns 18 or gets married. [CSSD Policy on Emancipated Minors](#)⁷⁹⁵; [D.C. Code § 46–101](#).⁷⁹⁶

Can someone take away my child?

D.C. cannot automatically take away your child without a valid reason. You have the right to be with your child unless you give up that right (as with adoption), or D.C. finds that the child has been abused or neglected and determines the child is no longer being cared for or is no longer safe.

If someone suspects that a child is being abused or neglected, they may report it to [CFSA](#). Depending on the information provided, CFSA may initiate an investigation to determine whether or not the report is true. [D.C. Code § 4–1301.04](#).⁷⁹⁷

What happens if I am being investigated for abusing or neglecting my child?

If someone suspects that a child is being abused or neglected, they may report it to CFSA. Depending on the information provided, [CFSA](#)⁷⁹⁸ may initiate an investigation to determine whether or not the report is true. As a parent, you are allowed to be involved in the investigation and to have an attorney present when the investigator is talking to you. So long as the child is not in immediate danger, the child will likely not be removed from you. Once an investigator gathers facts, they will determine whether court intervention is necessary or whether the child should be examined by a doctor. [CFSA](#) will send you a letter summarizing what it believes happened.

⁷⁹⁴ code.dccouncil.us/dc/council/code/sections/16-2353.html

⁷⁹⁵ cssd.dc.gov/sites/default/files/dc/sites/cssd/publication/attachments/2008-21%20Emancipation%20and%20Emancipated%20Minors.pdf

⁷⁹⁶ code.dccouncil.us/dc/council/code/sections/46-101.html

⁷⁹⁷ code.dccouncil.us/dc/council/code/sections/4-1301.04.html

⁷⁹⁸ cfsa.dc.gov/

An investigation could lead to a number of different things. Some investigations end with a decision that no abuse or neglect has occurred and no further action is taken. Some investigations require a safety plan that tries to improve the child's living situation and conditions to make sure that the child is safe in the future. If CFSA finds that your child likely was abused or neglected, then [CFSA](#) or another organization will stay involved with your family. Serious problems may require your child to be removed from the home. A court may recommend certain services such as parenting classes, substance abuse treatment, counseling, or anger management classes.

What happens if CFSA takes my child away from me?

In the event an investigator decides that a child should be removed from his or her parents because of concerns for the child's safety, the child will be placed in the home of a relative, close friend, or in foster care and [CFSA](#) will have a Family Team Meeting within 3 to 5 days to determine the next steps for getting your child back. You will then have a hearing with the D.C. Family Court to determine whether the child should be returned or temporarily placed with another caregiver.

For detailed information on the process, visit the [D.C. CFSA](#)⁷⁹⁹ website.

If I am in Foster Care, will my baby go into Foster Care?

If you are in foster care when you have your baby, your child will not automatically be taken into foster care. There is the possibility that your child can continue to live with you in your foster home. If you lose or give up custody of your child, your child will not necessarily be placed in foster care either. First, the court will decide whether the child's other parent can care for him or her. The court may also check on whether your child can stay with your relatives or the other parent's relatives. [D.C. Code § 16–2320](#).⁸⁰⁰

Child Support

Can I get child support from the other parent?

Child support is the money a parent pays to provide their child with clothes, food, medical care, education, a place to live, and childcare. The possible support you and your baby can get from the other parent depends on many factors, such as the other parent's income. Some parents can provide financial support, health insurance for the child, or part of their Social Security, workers' compensation, life insurance, or other benefits. [D.C. Code § 16–916.01](#).⁸⁰¹

More information about making a petition for child support is available on the [D.C. Courts website](#).⁸⁰²

⁷⁹⁹ cfsa.dc.gov/

⁸⁰⁰ code.dccouncil.us/dc/council/code/sections/16-2320.html

⁸⁰¹ code.dccouncil.us/dc/council/code/sections/16-916.01.html

⁸⁰² www.dccourts.gov/services/family-matters/parentage-child-support

Where do I file a child support case?

In most situations, the child support case must be filed where the parent who owes child support lives.

For example, if the child lives with her mother in D.C., but the father lives in Pennsylvania, the child support case would usually be filed in Pennsylvania. However, the case could be started in D.C. (usually through the [Child Support Services Division \(CSSD\) of the Office of the Attorney General \(OAG\) for the District of Columbia](#)⁸⁰³) and then transferred to Pennsylvania, so that the mother would not have to travel to Pennsylvania. In certain circumstances, you can file in D.C. against a parent who does not live here. Additional information can be found on the [D.C. Courts website](#).⁸⁰⁴

Paternity and Fathers' Rights and Obligations

What is paternity? How do I establish that I am my baby's father?

Paternity means that a person is the biological father of a child. The law about **paternity** can be found on the [D.C. Council's website](#).⁸⁰⁵ You can also go to court and get the court to say you are the father. This will usually require a DNA test. You can review the [Child Support Services Division's](#)⁸⁰⁶ website for more information about establishing **paternity**.

What rights does a legal father have?

The “**legal father**” is the man recognized (or seen) by the state as the child's parent. If a child is born to married parents or registered domestic partners, the mother's spouse or domestic partner is recognized (or seen) as the **legal father**. Sometimes, legal recognition of the father is called **paternity**. A **legal father** has certain duties, including providing support for the child. A child is also more likely to have a relationship with the father and his **family** if he is recognized as the **legal father**. [D.C. Code § 16–909](#).⁸⁰⁷

How does it affect my rights with my child if I am not married to my child's mother or her registered domestic partner?

A “presumed father” is someone that the courts treat as the **legal father**. If a child is born to an unmarried mother, the child does not automatically have a **legal father**. However, a man is presumed to be the father if he and the mother sign an [Acknowledgment of Paternity \(“AOP”\)](#).⁸⁰⁸ The easiest way to complete the AOP is to do it at the hospital or birthing center after the child is born. The AOP is filed with Vital Records Division of the Department of Health.

If your child is already born, you can go to either the Vital Records Division or the Child Support Services Division. At both locations, staff will explain your rights and responsibilities, help you complete the AOP, notarize it, and have it filed.

⁸⁰³ [cssd.dc.gov/](#)

⁸⁰⁴ [www.dccourts.gov/services/family-matters/parentage-child-support](#)

⁸⁰⁵ [code.dccouncil.us/dc/council/code/sections/16-909.html](#)

⁸⁰⁶ [cssd.dc.gov/page/establishing-parentage-and-paternity](#)

⁸⁰⁷ [code.dccouncil.us/dc/council/code/sections/16-909.html](#)

⁸⁰⁸ [cssd.dc.gov/node/151432](#)

What are my rights as a father before paternity is established?

Before **paternity** is legally established, the father does not have any legal right to see the baby and does not have any responsibilities. Until this time, the mother may, for example, limit how much time the father (and anyone else) can see the child and can also decide to give the child away for **adoption** without the father's permission. Review the **Adoption** section in this chapter for more information about when the father's permission is or is not required. [D.C. Code § 16–909](#).⁸⁰⁹

What happens after paternity is established?

If there is no court order, both parents have equal rights to legal and physical custody. Parents can agree on any custody and visitation arrangement they believe is appropriate. Parents can also seek a custody order if they disagree about the arrangement, if someone is challenging custodial rights, or to avoid such disagreements or challenges in the future. A custody order can be helpful because it is legally enforceable, which means a judge can require the parents to follow it.

What if I am a father and my child lives with someone other than me?

If you do not live with the mother and child, you may be required to pay **child support** once you have been established as the **legal father** of the child. You can find more information on benefits in the **Government Financial Support (Public Benefits)** chapter in this Handbook.

If I am a father, how do I get custody or visitation with my child?

If you cannot agree on a custody or visitation schedule with the other parent of your child, you can file a case in court seeking that right. You must first file a Complaint for Custody and/or Visitation in D.C. Family Court. The judge will first have you try the **Multi-Door Dispute Resolution Program**⁸¹⁰, but if you cannot agree after that, there will be a custody trial. Each of the parents will try to prove what is in the best interest of the child. The law assumes that joint custody is in the child's best interest—that it is best for a child for both parents to be involved in caring for and making decisions about the child. However, the judge can award sole custody if the judge decides that joint custody is not in the child's best interest, or if there has been child abuse, child neglect, parental kidnapping, or domestic violence.

What do I have to do when I become a father?

Once you establish that you are the **legal father** of a child, you become liable for providing financial support to care for the child. Also, you may be eligible for health benefits for the child, depending on your citizenship, **income**, and resource limitations. See the **Government Financial Support (Public Benefits)** and **Pregnancy, Parenting Teens and Paternity Issues** sections for more information. To find out if you are eligible for **Medicaid** and CHIP coverage, visit [HealthCare.gov](#).

⁸⁰⁹ code.dccouncil.us/dc/council/code/sections/16-909.html

⁸¹⁰ www.dccourts.gov/superior-court/multi-door-dispute-resolution-division

What else do I need to think about if I am not married or do not live with the parent of my child?

You may also want to discuss who makes emergency decisions on behalf of your child. You may also be eligible for state health benefits for your dependent child, depending on your citizenship, [income](#) and resource limitations. See the [Pregnancy, Parenting Teens and Paternity Issues](#) section for more information.

Health Insurance and Healthcare for Your Child

Will my baby be eligible for Medicaid?

D.C. offers Medicaid insurance for uninsured, low-income children from birth through age 20. If you have [Medicaid](#), your [child is also eligible](#)⁸¹¹ for [Medicaid](#)—which means free medical care for your child, too. If you qualify for D.C. Medicaid, your child can participate in the [D.C. Healthy Families Program](#), which covers doctor visits, vision and dental care, prescription drugs, hospital stays, and transportation for appointments. D.C. Healthy Families also offers special programs for newborn babies, children with disabilities or special healthcare needs, and people with HIV and AIDS.

D.C. also offers health coverage under the [Immigrant Children's Program \("ICP"\)](#)⁸¹² to individuals through age 20 who are not eligible for Medicaid due to citizenship issues. Services covered under the ICP are identical to the services covered under Medicaid for children through age 20.

How do I find a doctor?

Your choice of doctor will depend on which [D.C. Healthy Families provider you choose](#). [Medicaid](#) and each of the CHIP programs have different [network](#) providers, which means a different set of doctors that you can see under this program. You will be given a list of [network](#) providers (doctors) that you can choose from. Visit the [D.C. Healthy Families Program](#)⁸¹³ website for more information and details. This list of [network](#) providers can be used to find a [healthcare provider](#) for your baby before they are born.

Am I eligible for Medicaid if I am pregnant or a teen parent?

You may be eligible for D.C. [Medicaid](#). [Medicaid](#) provides medical coverage to low-[income](#) individuals and families. The state and federal government share the cost of the [Medicaid](#) program.

If you are pregnant and do not have [Medicaid](#), you can go to a doctor or clinic that accepts [Medicaid](#). Note that not every doctor or clinic accepts [Medicaid](#). If you have [income](#) below a certain level, the doctor who examines you can find that you are eligible for temporary [Medicaid](#) coverage during your visit. This is called [Presumptive Eligibility for Pregnant Women \(PEPW\)](#).⁸¹⁴

⁸¹¹ www.insurekidsnow.gov/coverage/dc/index.html

⁸¹² dhcf.dc.gov/service/immigrant-childrens-program

⁸¹³ dhcf.dc.gov/service/dc-healthy-families

⁸¹⁴ dhcf.dc.gov/service/presumptive-eligibility

You will still need to apply for **Medicaid** since **PEPW** is only a short-term option that gives you access to healthcare while you apply for **Medicaid**.

How to apply for **Medicaid** in D.C.:

- Online at **D.C. Health Link**⁸¹⁵ (or call 1-855-532-5465);
- submit the application through an **ACCESS service** center;
- visit an **ESA Service Center** in person;
- Finally, you can submit a paper application by mail or fax. Details on mailing or faxing applications can be found on the **D.C. Department of Health Care Finance website**.⁸¹⁶

You may be eligible for **Medicaid** in other situations.

- D.C. provides Medicaid coverage to children under age 21 who are D.C. residents, U.S. citizens, or have eligible immigration status and are in D.C. foster care under the care and custody of Child and Family Services Agency. This coverage is subject to **income limitations**⁸¹⁷ to qualify.
- If you receive **Temporary Assistance for Needy Families (TANF)**, you may be eligible for **Medicaid**. See the section on **Public Benefits for You & Your Baby** for more information.

If you are currently on your parent's or legal guardian's health insurance, you may have coverage until you are age 26. See **The Patient Protection and Affordable Care Act**⁸¹⁸ for more information.

Can I lose my baby if I do not take good care of him or her?

Yes, you can lose your baby if you do not take adequate care of your baby. The D.C. Child and Family Services Agency (**CFSA**) will investigate any reports of suspected child abuse or neglect. Sometimes they will remove your child—if they think they are in danger—but sometimes they will provide you with services to help you provide better care for your baby. A social worker may help you get services—such as day care—so your children can stay at home with you.

However, **CFSA** has the legal responsibility to protect children from abuse and neglect. If a home is just not safe, they will remove children to and put them in a safe place. They try to keep brothers and sisters together in the most family-like setting that will meet their needs. They will also try first to place a child with a relative before a traditional foster home. If you know of a relative who could care for your child, you should give their name to CFSA. When CFSA removes children from home, they have 72 hours (excluding Sundays) to ask D.C. Family Court to agree or disagree with removing the children. If the court disagrees with removing the child, your child will be immediately returned to your care. You will have an attorney appointed who will represent you in these court hearings free of charge.

More information can be found on **CFSA's website**.⁸¹⁹

⁸¹⁵ dhealthlink.com/

⁸¹⁶ dhcf.dc.gov/service/how-apply-medical-coverage

⁸¹⁷ dhcf.dc.gov/service/infants-children-0-20

⁸¹⁸ www.healthcare.gov/young-adults/children-under-26/

⁸¹⁹ cfsa.dc.gov/page/when-child-welfare-must-take-your-child-home

What resources are there to help take care of my baby?

You can ask your child's doctor (pediatrician) for help with things you need for your baby like clothing, diapers, child care, and more. You can also ask [CFSA](#) for help, including:

- Counseling;
- Parent education and support;
- Housing assistance;
- Child care;
- Substance abuse treatment;
- Medical treatment; and
- Educational evaluations for children.

These prenatal care centers can also help you with caring for your baby:

- [Children's National Medical Center](#) – 1-888-884-2327
- [Community of Hope](#) – 202-407-7747
- [D.C. Healthy Start Project](#) – 202-442-5955
- [Developing Families Center](#) – 202-398-2007
- [La Clinica del Pueblo](#) – 202-462-4788
- [Mary's Center](#) – 202-483-8196
- [Perry Family Health Center](#) – 202-682-3840
- [Teen Alliance for Prepared Parenting \(TAPP\)](#) – 202-877-0755
- [Teen Parent Assessment Program \(TPAP\)](#) – 202-698-4334

In particular, the [D.C. Healthy Start](#) program is designed to provide support and referrals for services and resources for all women, parents, and infants up to 2 years of age.

Where can I find shelter or housing for myself and my baby?

More resources are available to help you provide for your baby, including:

- [House of Ruth](#) – 202-667-7001
- [Covenant House D.C.](#) – 202-610-9600
- [Sasha Bruce](#) – 202-675-9340

If you are enrolled in school, you can talk to your school's [Homeless Liaison](#), who can help direct you to other services and support. Details can be found in the [Schools and Education chapter](#) in this Handbook.

Public Benefits for You & Your Baby

What cash assistance or other benefits are available for me and my baby?

The **Women, Infants, and Children program (WIC)** gives food and other nutritional help to teens and women who are pregnant or with babies and young children. Ask your doctor how you can get **WIC** or visit **D.C. Health**⁸²⁰ to learn more about the application process.

D.C.'s Department of Human Services offers **public benefits**. You may be eligible for **Temporary Assistance for Needy Families (TANF)**, which provides cash assistance to families with children under 18 or under 19 if full-time high school students. Pregnant women may also receive **TANF**, either in the third trimester of pregnancy (if unable to work) or in the 9th month of pregnancy. Visit the **DHS website to see if you meet the requirements and qualify for these benefits**.⁸²¹

D.C. also provides food stamps, also known as Supplemental Nutrition Assistance Program (SNAP) benefits. Benefits are provided on an electronic card that is used like an ATM card and accepted at most grocery stores and some farmers' markets. You can apply for these benefits in person or through the mail. Visit DHS' website for the **combined application for TANF and SNAP benefits**⁸²², fill it out, and either mail it in or take it to a **service center**.⁸²³

Can I get additional help paying for diapers?

The only public assistance program that can be used for diapers is **TANF**, but **TANF** is meant to cover many other expenses, too, such as heat, electric, water, and other living expenses. The **Greater D.C. Diaper Bank**⁸²⁴ provides free diapers, other basic baby products, and personal hygiene products.

Going to School While Pregnant and Parenting

Can I get kicked out of school if I am pregnant or have a baby?

You have a legal right to stay in school while pregnant and parenting. Federal law prohibits **discrimination** on the basis of sex—including pregnancy and parenting—in educational programs and activities. All public schools and private schools that receive federal funds must comply with this law. For more information on this legal right, you can review the U.S. Department of Education's **website**.⁸²⁵ **Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §1681.**

More information can be found in the **Schools and Education chapter** in this Handbook.

⁸²⁰ dchealth.dc.gov/service/special-supplemental-nutrition-program-women-infants-and-children-wic

⁸²¹ dhs.dc.gov/service/whats-new-tanf

⁸²² dhs.dc.gov/node/117542

⁸²³ dhs.dc.gov/node/117522

⁸²⁴ greaterdcdiaperbank.org/

⁸²⁵ www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html

What rights do I have at school as a parent?

As a mother or father, you have certain rights at your school. You cannot be treated differently or worse than other students because you are a parent, and you should be allowed to use school-related childcare centers or take parenting classes.

More information can be found in the [Schools and Education chapter](#) in this Handbook.

What resources and help can I get as a parent in school?

D.C. Public Schools runs the [New Heights Program for Expectant and Parenting Students](#),⁸²⁶ which provides expectant and parenting DCPS students (male or female) with the assistance, support and guidance they need to handle the responsibilities of raising a child and graduating from high school.

[New Heights](#) offers:

- Supportive case management and help with getting childcare, WIC, housing, [TANF](#), employment, job training, college/university admissions and more;
- Educational workshops including such topics as prenatal care, parenting, financial literacy, career planning, healthy relationships and other issues;
- A program that allows participants to earn free items for their children such as diapers, clothing, toys, equipment, accessories and more.
- Tokens for transportation and/or a daily stipend.

What schools in D.C. have the New Heights program for parents?

The following schools have the [New Heights program](#) in their buildings, and the New Heights program can be reached at the following phone numbers:

- Anacostia: (202) 645-4040
- Ballou: (202) 645-3400
- Ballou STAY: (202) 727-5344
- Cardozo: (202) 671-1995
- CHEC: (202) 939-7700 ext. 5063
- Coolidge: (202) 282-0081
- Dunbar: (202) 698-3762
- Luke C. Moore: (202) 678-7890
- Roosevelt: (202) 576-8899
- Roosevelt STAY: (202) 576-8399
- Washington MET: (202)727-4985
- Wilson: (202) 282-0120
- Woodson: (202) 939-2030

What happens if I drop out of school?

If you do drop out of school, the school must tell you where else you can continue your education. Examples of places you could go are extended day programs in the public school

⁸²⁶ dcps.dc.gov/publication/new-heights-program-information

system or the local community college. Pregnant and parenting teens who finish high school have an easier time getting a job and earn higher pay. They are less likely to need government aid, and their children are more likely to graduate from high school.

How do my rights change if I am a parent who is a homeless student?

As a homeless parent, you have the right to the same education as other students. You have the right to education whether you are homeless or pregnant. The [McKinney-Vento Homeless Assistance Act of 2001](#)⁸²⁷ requires all schools to provide homeless students, including unaccompanied youth, a free and appropriate education.

Within DCPS, the [Youth Engagement Division \(YED\)](#) and [Homeless Children and Youth Program \(HCYP\)](#)⁸²⁸ work with homeless students and families, schools, shelters and community organizations to ensure that the basic educational rights of students are protected. These rights include:

- The right to immediate enrollment in school;
- The right to confidentiality regarding homeless status;
- The right to continue attending the school you were attending before you became homeless (your school of origin) or to enroll immediately in the school in your new neighborhood, whichever you choose as in your best interest;
- The right to transportation assistance to your school of origin
- The right to a challenging, rigorous education equal to that of your peers
- The right to resources and help you need to stay in school such as uniforms, housing assistance, tutoring, or other help

More information about your rights can be found in the [Schools & Education Chapter](#) of this Handbook.

Who can help me at school if I am homeless and a parent?

Each school has a [homeless liaison who is there to help you](#).⁸²⁹ This staff member is responsible for helping homeless students and their families by protecting their rights and providing them support.

[HYCP](#)⁸³⁰ can also provide school supplies, school fee assistance, referrals to other city services, and parent training. Through the [Neediest Kids Fund](#)⁸³¹/Bridge to Success, DCPS school staff can also request uniforms, shoes, groceries, personal items, medicine and other things to support your student's needs.

More information can be found in the [Schools and Education chapter](#) in this Handbook.

⁸²⁷ nche.ed.gov/mckinney-vento/

⁸²⁸ dcps.dc.gov/service/homeless-children-and-youth-services-dcps

⁸²⁹ dcps.dc.gov/publication/sy2017-2018-school-based-homeless-liaison-contact-list

⁸³⁰ dcps.dc.gov/service/homeless-children-and-youth-services-dcps

⁸³¹ www.nccf-cares.org/neediest-kids/

Childcare

Where can I get help with childcare expenses?

D.C.'s Department of Human Services⁸³² runs a subsidized childcare program, which helps low-income families pay their child care fees. The child care subsidy is based on an assessment of need, income and family size. In addition to helping income eligible, working families, the [Child Care Assistance Program](#)⁸³³ also serves:

- Families who are receiving Temporary Assistance for Needy Families (TANF) and participating in education and training in accordance with their Individual Responsibility Plans (IRPs);
- Teen parents seeking a high school degree or its equivalent; and/or
- Families not receiving TANF, who are pursuing additional education to improve employment opportunities and prospects

To apply, parents must visit the [Child Care Services Division](#).⁸³⁴

D.C. Head Start is another program that provides education, health, nutrition, and other services for low-income children ages 3 to 5. Visit [D.C.'s Head Start website](#)⁸³⁵ for more information.

If you are in foster care, you can discuss childcare options with your caseworker and find out about all of the different options.

⁸³² dhs.dc.gov/

⁸³³ dhs.dc.gov/sites/default/files/dc/sites/dhs/service_content/attachments/Child%20Care%20Fact%20Sheet_4.pdf

⁸³⁴ dhs.dc.gov/service/child-care-services

⁸³⁵ osse.dc.gov/service/early-learning-services-parents-head-start

14. Domestic and Dating Violence

Terms and Legal Concepts

What are Domestic Violence and Dating Violence?

Domestic violence is a pattern of any coercive and abusive behaviors, used by an individual to exercise power and control over another person in an intimate relationship.

Domestic violence can refer to several types of abuse, including:

- Family violence
- Intimate partner or dating abuse
- Elder abuse
- Sibling abuse
- Child abuse

Dating violence is when one person hurts or scares someone they are dating on purpose. Dating violence is very similar to domestic violence. You do not have to be “dating” for violence to be dating violence. It is still considered dating violence even if you are just hooking up or “talking.”

The same concepts generally apply to both domestic violence and dating violence, so for simplicity the rest of this chapter uses the term “domestic violence” to mean both types of violence.

Domestic violence is rarely an isolated incident, which means if it happens once, it often happens again. It does not have to involve physical violence and can involve different kinds of abuse, including:

- Physical abuse
- Financial abuse
- Emotional, verbal, or psychological abuse
- Sexual abuse
- Technology abuse

More information to understand what abuse might look and feel like can be found on [Break The Cycle’s website](#).⁸³⁶ Put another way, domestic violence includes actions, threats, or other behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. [D.C. Code § 4-551](#).⁸³⁷ These behaviors are used to maintain fear, intimidation, and power.

None of these behaviors are acceptable or legal. The D.C. Metropolitan Police Department’s [domestic violence webpage](#)⁸³⁸ has more information.

⁸³⁶ www.breakthecycle.org/learn-about-dating-abuse?_sm_au_=iVVn8HMknT2JNZjsKkM6NKsW8f6TG

⁸³⁷ code.dccouncil.us/dc/council/code/sections/4-551.html

⁸³⁸ mpdc.dc.gov/page/what-domestic-violence

Domestic and dating violence can also happen in lesbian, gay, bisexual, transgender, and queer (LGBTQ) relationships. For more information on LGBTQ legal issues and resources, see the [LGBTQ chapter](#) in this Handbook.

Who is hurt by domestic violence?

Domestic violence can happen to anyone, anywhere. Also, different types of people can commit domestic violence. A survivor or an abusive person could be any:

- Age
- Gender
- Race
- Religion
- Sexual orientation
- Nationality
- Educational background
- Financial status

Domestic violence can happen between spouses and partners, and between family, friends, schoolmates, and household members, or between people who are dating or in a romantic, dating, or sexual relationship. [D.C. Code § 16-1001\(6\)-\(9\)](#).⁸³⁹ For example, a mother hitting a son, or a boyfriend bullying a girlfriend into unwanted situations through financial control or threats both would qualify as domestic violence.

Men and boys are also victims, and women and girls can be the perpetrators of domestic violence against men and boys. Boys who are sexually assaulted can experience different emotions, reactions, and other experiences than girls and should be able to seek help without fear or shame. Studies have shown that since at least 1970, about [one in six](#) men experiences [sexual assault](#) or [sexual abuse](#) during their lives. For more information, see the [RAINN.org](#)⁸⁴⁰ webpage on sexual assault of men and boys and [1in6.org's](#)⁸⁴¹ many resources, studies, stories, and other information.

What acts are considered domestic violence?

Domestic violence occurs when someone hurts, threatens, or intimidates another person in order to control or manipulate that person. This can include physical, sexual, emotional, economic, psychological, and other forms of [abuse](#). Even threatening to hurt someone, [stalking](#), and [cyberstalking](#) are forms of domestic violence. Some examples include:

- Physical abuse (for example, slapping, hair pulling, strangling, hitting, kicking, grabbing, excessively squeezing or shaking, twisting an arm, burning someone, spitting on a person, or otherwise intentionally injuring another)
- Acting with extreme jealousy and possessiveness
- Isolating someone from their family or friends
- Threatening to kill someone or threatening to commit suicide
- Controlling someone's money or assets (for example, car, computer, or phone, etc.)

⁸³⁹ [dcode.elaws.us/code?no=16-1001](http://dccode.elaws.us/code?no=16-1001)

⁸⁴⁰ rainn.org/articles/sexual-assault-men-and-boys

⁸⁴¹ 1in6.org/

- Demanding access to someone’s digital accounts (for example, passwords, text messages, etc.)
- **Stalking** or **cyberstalking** someone (in person, by phone, or over the Internet)
- Demanding sex or unwanted sexual acts
- Sending unwanted sexual images
- Pressuring a person to send sexual images
- Threatening to reveal sexual images of a person
- Demanding that a person return calls, texts, and other communications immediately
- Texting, calling, or communicating an excessive number of times per day
- Calling someone names and hurting them emotionally
- Using someone’s children against them
- Harming someone’s pets
- Withholding someone’s medical help
- Hiding devices or equipment that would help someone perform tasks or activities (for example, wheelchairs, scooters, crutches, and hearing aids)
- Threatening to “out” someone who is lesbian, gay, bisexual, transgender, or queer
- Threatening to call immigration or ICE if someone or their children are not lawfully in the country
- Destroying someone’s property or keeping their possessions
- Controlling someone with a look or gesture

General legal definitions for sexual abuse, **stalking**, and other offenses: [D.C. Code §§ 4-551\(1\); 4-555.01\(15\), \(16\)](#)⁸⁴²; [22-1901](#)⁸⁴³; [22-3002 - 3006](#)⁸⁴⁴; [22-3018](#)⁸⁴⁵; [22-3133](#)⁸⁴⁶. More information can be found on LawHelp.org/DC.

If you or a friend need to talk to someone about whether you are being abused or are being abusive, the [National Domestic Violence Hotline](#)⁸⁴⁷ is a free hotline available 24/7. You can talk to an advocate over the phone, computer chat, or text.

If you want to learn more about domestic and dating violence, [Break the Cycle](#)⁸⁴⁸ has more examples and information especially geared toward young people ages 12-24. [Love Is Respect](#)⁸⁴⁹ is another useful website, made especially for young people and their loved ones.

What is the relationship between abuser and victim in a domestic violence situation?

The legal definition of **domestic violence** is when someone commits or threatens to commit any crime against a victim and is related to that victim in one of the following ways ([D.C. Code § 16-1003\(a\)](#)⁸⁵⁰):

⁸⁴² code.dccouncil.us/dc/council/code/sections/4-555.01.html

⁸⁴³ code.dccouncil.us/dc/council/code/sections/22-1901.html

⁸⁴⁴ code.dccouncil.us/dc/council/code/titles/22/chapters/30/subchapters/III/

⁸⁴⁵ code.dccouncil.us/dc/council/code/sections/22-3018.html

⁸⁴⁶ code.dccouncil.us/dc/council/code/sections/22-3133.html

⁸⁴⁷ www.thehotline.org/

⁸⁴⁸ www.breakthecycle.org/learn-about-dating-abuse

⁸⁴⁹ www.loveisrespect.org/

⁸⁵⁰ code.dccouncil.us/dc/council/code/sections/16-1003.html

- Currently or formerly related by: marriage, domestic partnership and/or through a romantic, dating, or sexual relationship;
- Blood, adoption, legal custody, marriage, or domestic partnership (such as a brother- or father-in-law);
- Sharing a child in common;
- Sharing a home, now or in the past (such as a roommate); or
- Having a relationship (marriage, domestic partnership, dating) with the same person the abuser has or had a relationship with (for example, you are dating Jane and Jane's ex-husband assaults you) ([D.C. Code § 16-1001\(6\)-\(9\)](#)⁸⁵¹).

This legal definition is narrower in scope than the social definitions of domestic and dating violence. There are many people who may have survived experiences that meet the social definition of domestic violence and identify as survivors of domestic violence, whether or not their experiences meet the legal definition of domestic violence. [D.C. Code § 16-1001\(6\)-\(9\)](#).

There are many domestic violence service providers who can still help survivors who do not meet the legal definition. Review the [Getting Help & Emergency Needs section](#) in this chapter for more information and resources.

If the abuser and victim do not have a special relationship, can the victim take legal action?

There are several types of special relationships that fit into the legal definition of domestic violence in D.C. (for example, spouses, former dating partners, girlfriends, boyfriends, roommates, just to name a few). These special relationships include more than marriage, so be sure to check out that section to see whether your situation fits the definition.

For more information, see the response to [What is the relationship between abuser and victim in a domestic violence situation?](#) above.

If your relationship does not meet one of these descriptions then you may not be able to take legal action against the abuser, but you can still get help. You can speak to a lawyer by calling one of the legal services organizations in the [Getting Help & Emergency Needs section](#) in this chapter for more information and resources.

Specific Descriptions of Domestic and Dating Violence

Can dating violence involve sexual exploitation?

Yes, [dating](#) violence often involves sexual exploitation, a type of sexual abuse that occurs when a trusted partner forces or tricks someone into performing sexual acts without consent or in return for money, food, clothing, or a place to stay. A person can believe they are in a loving, consensual relationship, but become exploited by their trusted partner to engage in non-consensual or illegal acts.

Sexual exploitation can be a type of human trafficking. Human trafficking is illegal under federal and D.C. law. ([18 USC § 1589](#)⁸⁵²; [D.C. Code §§ 22-1831 through 22-1843](#).⁸⁵³) Other types of

⁸⁵¹ code.dccouncil.us/dc/council/code/sections/16-1001.html

⁸⁵² www.law.cornell.edu/uscode/text/18/1589

human trafficking can be a part of dating violence as well, such as forced labor and domestic servitude.

If you think you might be a victim of human trafficking, and you want to learn about ways to get help, please call one of these organizations for help:

- [FAIR Girls](http://www.fairgirls.org):⁸⁵⁴ 202-520-9777
- [Courtney's House Hotline](http://www.courtneyshouse.org):⁸⁵⁵ 888-261-3665
- [Amara Legal Center](http://www.amaralegal.org):⁸⁵⁶ 240-257-6492
- [National Human Trafficking Hotline](http://humantraffickinghotline.org) (D.C. Chapter):⁸⁵⁷ 888-373-7888

What is *stalking*?

Stalking is a pattern of behavior used to intimidate or threaten someone, such as by unwanted physical or digital presence. Stalking can be another form of domestic and dating violence, but it can also be done by an acquaintance or a stranger. A stalker might follow, contact, intimidate or harass another person with the intent to make that person afraid or emotionally distressed. The stalking law in D.C. can be found at [D.C. Code §22-3133](#).⁸⁵⁸

Stalking can include:

- Making unwanted phone calls
- Sending unwanted texts, emails, or letters
- Following or spying on someone
- Showing up or waiting at places where someone is without a legitimate reason
- Leaving unwanted presents or items for someone (such as flowers)
- Going through or taking someone's property
- Tracking or monitoring someone's Internet activities, technological devices, and social media profiles
- Collecting information on someone
- Taking unwanted, including secret, pictures or videos of someone

Under D.C. law, unlike with dating and domestic violence, the stalking behavior does not have to occur between two people in any particular type of relationship to count as stalking. They can even be strangers. [D.C. Code §22-3133](#).⁸⁵⁹

What is *sexual violence*?

Sexual violence is any sexual activity when consent is not obtained or given freely. Sexual violence encompasses a range of offenses, including completed or attempted nonconsensual sex acts (for example, rape), abusive sexual contact (for example, unwanted touching), and non-contact sexual abuse (for example, threatened sexual violence). Sexual violence also includes related acts of retaliation.

⁸⁵³ code.dccouncil.us/dc/council/code/titles/22/chapters/18A/

⁸⁵⁴ www.fairgirls.org/

⁸⁵⁵ www.courtneyshouse.org/

⁸⁵⁶ www.amaralegal.org/

⁸⁵⁷ humantraffickinghotline.org/

⁸⁵⁸ code.dccouncil.us/dc/council/code/sections/22-3133.html

⁸⁵⁹ code.dccouncil.us/dc/council/code/sections/22-3133.html

D.C. does not specifically define sexual violence or abuse, but makes clear that certain crimes constitute sexual abuse. Sexual abuse crimes are categorized as either “sexual acts” or “sexual contact,” and there are various degrees of these crimes, as seen in this statute: [D.C. Code § 22-3001](#).⁸⁶⁰

What kind of sexual abuse is criminal under the law?

Sexual abuse is a crime in D.C. The following behaviors can be sexual abuse if they are done without consent:

- Penetration of the anus or vulva of another by a penis;
- Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
- The penetration, however slight, of the anus or vulva by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; and
- Touching with any clothed or unclothed body part or any object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

Criminal sexual contact is

- the touching with any clothed or unclothed body part or any object,
- either directly or through the clothing,
- of the genitalia, anus, groin, breast, inner thigh, or buttocks
- of any person
- with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

More information on the relevant laws can be found at [D.C. Code § 22-3001\(8\), \(9\)](#).⁸⁶¹

Safety Planning

How can I plan for my safety?

Safety planning is important, and the following domestic violence hotlines and local shelters can help with forming a safety plan.

- [House of Ruth](#):⁸⁶² 202-667-7001 ext. 515
- [My Sister's Place](#):⁸⁶³ 844-443-5732 (24-hour hotline), or 202-540-1064
- [Break the Cycle](#):⁸⁶⁴ 202-849-6289
- [Deaf Abused Women's Network \(DAWN\)](#):⁸⁶⁵ 855-812-1001 (video phone) or 202-559-5366 (24-hour video phone)

⁸⁶⁰ code.dccouncil.us/dc/council/code/titles/22/chapters/30/

⁸⁶¹ code.dccouncil.us/dc/council/code/titles/22/chapters/30/

⁸⁶² houseofruth.org/

⁸⁶³ mysistersplacedc.org/

⁸⁶⁴ www.breakthecycle.org/

⁸⁶⁵ deafdawn.org/

- [Jewish Coalition Against Domestic Abuse](#):⁸⁶⁶ 877-885-2232
- [National Domestic Violence Hotline](#):⁸⁶⁷ 800-799-SAFE (800-799-7233) or 800-787-3224 (TTY)
- [D.C. Rape Crisis Center](#):⁸⁶⁸ 202-333-RAPE (202-333-7273)
- [D.C. Victim Hotline](#):⁸⁶⁹ 844-4-HELPDC (844-443-5732)
- [Calvary Women's Services](#):⁸⁷⁰ 202-678-2341
- [Sasha Bruce](#):⁸⁷¹ 202-547-7777 (*emergencies*) or 202-675-9340 (*general info*)
- [Access HelpLine](#) (D.C. Department of Behavioral Health):⁸⁷² 888-793-4357 (TTY: 711)
- [Rape, Abuse & Incest National Network \(RAINN\)](#):⁸⁷³ 800-656-HOPE (800-656-4673)
- [Catholic Charities Men's Shelter \(men 18 years or older\)](#):⁸⁷⁴ 202-561-4014
- [D.C. Department of Human Services Shelter Hotline](#):⁸⁷⁵ 800-535-7252
- D.C. DHS also has a list of drop-in centers, emergency shelters, and other programs it funds focused on youth homeless services, [on their website](#).⁸⁷⁶

Additional resources and options are further below under [Getting Help & Emergency Needs](#) section below.

What should I do if someone is monitoring my Internet use?

If someone searches for help on the Internet, their abuser may be able to view their computer activity and track their Internet use. Computers store a lot of information about searches, emails, texts, instant messages, cell calls, purchases, banking, and other activities. Thus, emailing, texting, and IMing (Instant Messaging) may not be a safe or confidential way to talk about danger or abuse. If you use email or private messages through social media or online chat services, try to use a computer and an account the abuser does not know about or have access to, such as a computer in a public library, at a trusted friend's house, or at an Internet cafe.

Be careful about erasing your browser history. If you erase everything, your abuser might become suspicious.

Some tips from the [D.C. Coalition Against Domestic Violence](#)⁸⁷⁷ include:

- If you receive harassing emails, save them as evidence
- Choose passwords that are not easy to guess, and change passwords often
- If you can, keep files on a removable thumb drive or hard drive (e.g., USB stick) and put passwords on them to make it harder for someone to access

⁸⁶⁶ www.guidestar.org/profile/52-2259318

⁸⁶⁷ www.thehotline.org/

⁸⁶⁸ dcrcc.org/

⁸⁶⁹ dcvictim.org/

⁸⁷⁰ www.calvaryservices.org/

⁸⁷¹ www.sashabruce.org/

⁸⁷² dbh.dc.gov/service/access-helpline

⁸⁷³ hotline.rainn.org/online

⁸⁷⁴ www.catholiccharitiesdc.org/housinghelp/801east/

⁸⁷⁵ dhs.dc.gov/

⁸⁷⁶ dhs.dc.gov/page/youth-homeless-services

⁸⁷⁷ dccadv.org/?pid=107

Police Investigations and Criminal Charges Against Abuser

What should I think about before I contact the police about domestic abuse?

Before calling the police, you should consider the following concerns:

- If the person experiencing abuse does not have a safety plan giving you permission to contact the police on their behalf, doing so can limit their ability to make their own choices. People experiencing abuse have more information about their situation than we do, and they are in the best position to make strategic decisions for their own safety and well-being.
- The person experiencing abuse might not be able to speak honestly with law enforcement about the abuse. If the police do show up, it might be safest for the person who is being abused to deny or downplay the abuse, particularly if the abusive partner is present.
- Having police involved could upset the abusive partner. When the police leave, the abuser might harm their partner more because police were involved.

These tips can be helpful for a person calling the police for themselves, but they are also important if you are thinking about calling the police to help someone other than yourself. Additional helpful information can be found at [D.C. Coalition Against Domestic Violence](#).⁸⁷⁸

What will the police do with allegations of domestic violence?

The police are required to report all allegations of domestic violence.

D.C. has a *mandatory arrest policy* in cases of domestic violence. [D.C. Code § 16-1031](#).⁸⁷⁹ If the police believe that domestic violence has occurred, they will arrest the offender or apply for an arrest warrant, whether or not the victim wants this.

The police are required to:

- prepare a report following any complaint or allegation of domestic violence;
- give the victim the report number before leaving the scene;
- give the victim their name and badge number when the victim speaks with them.

More information can be found on the [D.C. Safe website](#)⁸⁸⁰ and on the [Metropolitan Police Department's website](#).⁸⁸¹ Note: Instead of using the term “domestic violence,” [D.C. Code § 16-1031](#) uses the term “Intrafamily Offense,” though it covers aspects of domestic and dating violence.

⁸⁷⁸ dccadv.org/?pid=107

⁸⁷⁹ code.dccouncil.us/dc/council/code/sections/16-1031.html

⁸⁸⁰ www.dcsafe.org/

⁸⁸¹ mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/victim_resources.pdf

What can a victim do to get police help?

To the extent you are able to, you will need to provide evidence and information to the police interviewer that you speak with. The police need this information in order to help protect you against your abuser. Some suggestions include:

- Give the police the names of any witnesses
- Show the police all injuries, bruises, scratches, areas of tenderness or pain, and any damaged property (documenting injuries quickly will help preserve evidence)
- Tell the police about any specific threats of violence or suicide the abuser made and whether the victim feels the abuser will try to carry out those threats
- Tell the police of all other incidents of abuse that have happened in the past, including instances involving other victims of the abuser
- Show the police all relevant past court documents such as civil or criminal orders (including current and past protection orders or injunctions)
- Tell the police about the abuser's past criminal record
- Tell the police if the abuser owns or has access to weapons

You can ask the police officers to help you be more comfortable in several ways:

- Ask the police to do the interview away from the abuser
- If needed or helpful, ask for an interpreter or call someone who can interpret
- If you have been sexually assaulted, ask the police to have a sexual assault advocate present during the interview
- Ask the police to have a friend or relative present during the interview
- Ask the police to make a written report
- Ask for the police officer's card, name, and badge number
- Ask for the case number of the police report and a phone number so you can call to follow-up

If you are concerned about being alone with or talking to the police by yourself, you can reach out to [D.C. Coalition Against Domestic Violence](#)⁸⁸² or you can find additional resources on the [D.C. Metropolitan Police Department website](#).⁸⁸³

Can a victim be arrested or charged with a crime?

Sometimes. But, in situations where multiple people claim to be the victim of domestic violence in the same incident, D.C. law requires law enforcement officers to hear all complaints and attempt to determine which person is the primary aggressor. It is preferred that the officer arrest only the primary aggressor and not a person who acts in a reasonable manner in self-defense or in the defense of another family or household member experiencing domestic violence.

Will the abuser be charged?

If the abuser is an adult, the prosecutor might file charges against the abuser in a criminal case. If the abuser is 17 years old or younger, a prosecutor might file a juvenile delinquency case against the abuser.

⁸⁸² dccadv.org/?pid=51

⁸⁸³ mpdc.dc.gov/page/domestic-violence-resources

This section focuses on the adult criminal process. The juvenile delinquency case process is similar to criminal cases in some ways and different in other ways.

If the **abuser** is arrested, they may be formally charged and tried in court for domestic violence. The process going through court generally includes:

Arrest/Court: Abusers arrested for domestic violence crimes are booked into jail. The arrested abuser (called a **defendant**) cannot be released until they have appeared at a hearing before a judge. At that hearing, the judge will set any special conditions (known as “conditions of pretrial release”), and will decide whether to issue a criminal stay away / no contact order, which prohibits the **defendant** from coming near or contacting the victim.

Even if the judge in the criminal case issues a criminal stay away / no contact order, a victim might want to file a civil protection order case as well. For criminal cases, the government, not the victim, decides whether the case gets dropped. If the criminal case goes away, the criminal stay away / no contact order also goes away. Moreover, civil protection orders can be more customized to fit a victim’s needs. Civil protection orders are discussed more in another section below.

Prosecutor Review: A **prosecutor** (also called an Assistant United States Attorney in D.C.), is a lawyer who represents D.C., and not you personally. After receiving the police report, the prosecutor will investigate, look at the evidence and **statements**, and decide whether to formally charge and try the case against the **defendant**. If a prosecutor files a criminal case, it is up to them whether to drop it, not the victim. Remember, in a criminal case, it is the prosecutor against the abuser, not the victim against the abuser. However, the victim may be called as a witness to testify against the abuser. Also, the victim has rights under federal and D.C. law that are described more in another section.

Victim Cooperation: One key factor a prosecutor considers in determining whether to formally charge the abuser is whether the victim will cooperate. If not (for example, if the victim is afraid or for other reasons, does not want to press charges against the **defendant**, and refuses to answer questions or to testify), the **prosecutor** will assess whether a case can be proven without this testimony and whether there is other evidence (such as documents, medical records, other witnesses, and videos or photos) supporting a prosecution.

Filing Charges as a Misdemeanor or Felony: Domestic violence charges can be filed as either a **misdemeanor** or a **felony**. This is up to the **prosecutor** and the decision will be based on the extent of the injuries and any prior reported incidents of domestic violence by the **defendant**. A domestic violence incident may result in criminal charges of **assault** and **battery**.

What does the rest of the court process involve?

Trial: If no plea deal is reached, the case will proceed to trial and verdict. The victim will likely be subpoenaed to the trial to testify. However, the prosecutor will spend some time with the victim before trial to discuss their testimony.

Sentencing: If the **defendant** pleads or is found guilty, the judge will decide the sentence. While judges have some discretion in sentencing, they must follow applicable sentencing guidelines. Depending on the type of crime and any prior convictions, the guidelines provide a range of possible penalties. If the judge orders the **defendant** to pay **restitution**, the **victim** may be reimbursed for their damages or losses. The **victim** has the right to make an impact **statement** at the sentencing hearing.

How long will the case take?

A domestic violence case sometimes takes months to get to trial. This will vary based on the nature of the legal action and the court where the case is pending. There is no guarantee the **abuser** will go to jail if convicted. During this time, you must take steps to protect yourself and perhaps your family.

Do victims have rights in a criminal case?

Yes. Crime victims in D.C. have rights under federal and D.C. law as well as D.C. court rules. ([18 USC § 3771](#)⁸⁸⁴; [D.C. Code § 23-1901](#)⁸⁸⁵; [D.C. Code § 23-1904](#)⁸⁸⁶; [D.C. Sup. Ct. Crim. r 60](#).⁸⁸⁷) Victims in juvenile delinquency cases may be able to use traditional crime victims' rights laws in addition to the rights specifically listed under D.C. law for juvenile delinquency cases. [D.C. Code § 16-2340](#).⁸⁸⁸

A crime victim can assert their rights with or without an attorney. Sometimes this involves filing a motion in the criminal case. The [Network for Victim Recovery of D.C.](#)⁸⁸⁹ provides free legal representation to victims of all types of crimes (including victims of domestic violence) in D.C. [Break the Cycle](#)⁸⁹⁰ provides free legal representation to victims ages 12-24 in dating abuse, domestic violence, sexual assault, and stalking cases.

The [D.C. Crime Victim's Rights](#)⁸⁹¹ law provides for the fair treatment of victims and witnesses in the criminal justice and juvenile justice systems. Victims of crime and their representatives are entitled to be informed, to be present, and to be heard when relevant, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the **defendant's** constitutional rights. Victim's rights include:

- To be treated with fairness, dignity, and in a manner that protects privacy
- To be reasonably protected from the **defendant**
- To be notified of court proceedings
- To be present at court proceedings, including sentencing, release, parole, record-sealing, and post-conviction hearings, unless the court determines the victim's testimony would be materially affected if they heard testimony from others, or where the needs of justice require that the victim not be present
- To confer with the prosecutor
- To receive an order of **restitution** for injury or loss caused by **defendant**
- To receive information about the conviction, sentencing, imprisonment, detention, and release of **defendant**, and about court orders to seal **defendant's** criminal records.
- To receive notice of legal rights provided to victims
- To be notified of any available victim advocate or other person who may help develop a safety plan or identify appropriate services
- To make a **statement** at the sentencing and record-sealing hearing

⁸⁸⁴ uscode.house.gov/view.xhtml?path=&req=%28title%3A18+section%3A3771

⁸⁸⁵ code.dccouncil.us/dc/council/code/sections/23-1901.html

⁸⁸⁶ code.dccouncil.us/dc/council/code/sections/23-1904.html

⁸⁸⁷ code.dccouncil.us/dc/council/code/sections/23-1904.html

⁸⁸⁸ code.dccouncil.us/dc/council/code/sections/16-2340.html

⁸⁸⁹ www.nvrvc.org/

⁸⁹⁰ www.breakthecycle.org/

⁸⁹¹ code.dccouncil.us/dc/council/code/sections/23-1901.html

- To submit, prior to sentencing, a written victim impact **statement** containing information about emotional, psychological, financial, or physical harm the victim suffered
- To offer at **defendant's** release or parole hearing a written **statement** about whether **defendant** should be granted release or parole

During the investigation, a crime victim has the right not to talk to anybody including law enforcement, the prosecutor, a defense attorney or their investigator, etc. However, if a victim chooses not to talk to law enforcement or the prosecutor, it might result in the case being dropped. Anything a victim says to the prosecutor, an advocate from the prosecutor's office, or law enforcement might be something the prosecutor has to tell the defense. If you have sensitive information you may want to keep it private (for example, if you are receiving mental health treatment or if you are an undocumented immigrant). On one hand, you might need to tell your sensitive information to the prosecutor for the case to move forward. On the other hand, you should think very carefully, and perhaps consult your own attorney, before revealing sensitive information during this process.

If the defense tries to obtain your private records (like medical or mental health records), and the Court Rules are followed, you should receive notice so that you have an opportunity to object. (*D.C. Sup. Ct. Crim. r 17(c)(3)*.⁸⁹²) See the **General Criminal Law chapter** in this Handbook for general information about victim's rights.

What kind of punishment can a court impose on the abuser?

In criminal cases, if a **defendant** is found guilty, the judge will determine the appropriate sentence based on the facts and the law. The punishment (the sentence) will vary based upon the crime. For example:

- A simple assault (**misdemeanor**) conviction: maximum of 180 days in jail and \$1,000 in fines. *D.C. Code § 22-404*.⁸⁹³
- Threats to do bodily harm: maximum of 6 months in jail and \$2,500 in fines. *D.C. Code § 22-407*.⁸⁹⁴
- Aggravated assault: maximum of 10 years in prison and \$25,000 in fines; attempted aggravated assault: maximum of 5 years in prison and \$12,500 in fines. *D.C. Code § 22-401*.⁸⁹⁵
- Assault with intent to commit another offense: maximum of 5 years in prison and \$12,500 in fines. *D.C. Code § 22-403*.⁸⁹⁶ *This offense is often applied when one commits an assault in violation of a protection order.*
- **Stalking**: maximum of 1 year in prison and \$2,500 in fines, or both. *D.C. Code § 22-3133; D.C. Code § 22-3134*.⁸⁹⁷ (The sentences for stalking can be much greater—up to 10 years and \$25,000 in fines—depending on the ages of the stalker and victim, whether there was a no contact order, and other factors.)

Even though jail and prison time is a possibility, sometimes a judge will sentence a defendant to probation. Courts can also impose other punishments, such as counseling and criminal stay-away / no contact orders.

⁸⁹² www.dccourts.gov/sites/default/files/rules-superior-court/Criminal%20Rule%2017%20Subpoena.pdf

⁸⁹³ code.dccouncil.us/dc/council/code/sections/22-404.html

⁸⁹⁴ code.dccouncil.us/dc/council/code/sections/22-407.html

⁸⁹⁵ code.dccouncil.us/dc/council/code/sections/22-401.html

⁸⁹⁶ code.dccouncil.us/dc/council/code/sections/22-403.html

⁸⁹⁷ code.dccouncil.us/dc/council/code/titles/22/chapters/31A/

What legal options exist to protect me or my children?

You have multiple legal options. Create a safety plan to help you decide whether these options are right for you:

- File a police report and inform the police officer, detective, or prosecutor that you would like for the abuser to be charged. Ask the prosecutor to request that a criminal stay away / no contact order be entered in the criminal case. If the prosecutor does not make the request, file your own crime victims' rights motion making the request. More information is provided in other sections.
- File a petition for a civil protection order (CPO). A civil protection order can require the abuser to stay away from you and stop contacting you. More information is provided in other sections.
- **File papers with the family court requesting a child custody and visitation order** if you and your abuser have children under age 18 together. [D.C. Code § 16-914\(a\)\(2\),\(a-1\)](#).⁸⁹⁸ If there is a history of abuse by one parent against the other parent, that can be important information to tell the family court judge. The court can also require the abuser to pay **child support**.
- If you are a student, you can ask your school to protect you from your abuser. Your school might be required to protect you and provide you with accommodations under Title IX, which is a federal law that prohibits all publicly funded schools (elementary, secondary, or colleges and universities) from discriminating against students on the basis of sex. ([2017 Dep't of Education Memo](#).⁸⁹⁹) Title IX requires schools to investigate allegations of sexual assault or dating violence between students and take steps to ensure the safety of the victim so that the victim can continue to receive an adequate education.
- Your employer cannot discriminate against you based on your status as a victim of domestic violence or as a family member of a victim of domestic violence. D.C. Code §§ 2-1402.11(a)-(c)⁹⁰⁰; 2-1402.73⁹⁰¹; 2.1411-02.⁹⁰² (As of May 2019, the law had not been codified. [More information on the status of the law can be found online](#).⁹⁰³) See the **Employment chapter** of this Handbook for additional information.
- Your landlord cannot discriminate against you based on your status as a victim of domestic violence and must take certain steps to ensure your safety, such as changing the locks on your door or allowing you to terminate your lease early. [D.C. Code § 16-273](#).⁹⁰⁴ See the **Housing and Contracts chapter** of this Handbook for additional information.

What else can I do to protect myself?

- **Safety Plan:** To stay safe in a domestic violence situation, create a safety plan. A D.C. SAFE **advocate** can give advice and provide a code to use for the safety planning feature on its website. [Survivors and Advocates for Empowerment \(SAFE\) puts out a](#)

⁸⁹⁸ code.dccouncil.us/dc/council/code/sections/16-914.html

⁸⁹⁹ www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.pdf

⁹⁰⁰ code.dccouncil.us/dc/council/code/sections/2-1402.11.html

⁹⁰¹ code.dccouncil.us/dc/council/code/sections/2-1402.73.html

⁹⁰² code.dccouncil.us/dc/council/code/sections/2-1411.02.html

⁹⁰³ code.dccouncil.us/dc/council/laws/22-281.html

⁹⁰⁴ code.dccouncil.us/dc/council/laws/16-273.html

[brochure](#)⁹⁰⁵ with tips for staying safe. The National Network to End Domestic Violence (NNDEV) has a [tech safety app](#) to help identify technology-facilitated harassment, [stalking](#) or abuse and includes tips on what can be done. Break the Cycle has created a Cyber Safety Plan that is available: www.endtechabuse.org/2018/12/20/tool-5/.

- **Relocation:** Several programs in D.C. provide confidential shelter and housing to survivors of dating and domestic violence:
 - [House of Ruth](#):⁹⁰⁶ 202-667-7001 ext. 515 (*general*) or ext. 223 (*women with children*)
 - [Sasha Bruce](#) (*youth only, ages 11-17*):⁹⁰⁷ 202-547-7777 (*emergencies*) or 202-675-9340 (*information*)
 - [District Alliance for Safe Housing \(DASH\)](#):⁹⁰⁸ 202-290-2356 ext. 101
 - [My Sister's Place](#):⁹⁰⁹ 1-844-443-5732

Protection Orders

What is a Civil Protection Order (CPO)?

Under [D.C. law](#)⁹¹⁰, a [Civil Protection Order](#) (CPO) is a court order that provides legally enforceable protection from an abuser, generally for up to one year. The judge may extend, cancel, or change the terms of the order for “good cause.” [D.C. Code §§ 16-1003](#)⁹¹¹; [16-1005\(d\)](#).⁹¹²

In other states, this type of order may be called a “[restraining order](#),” “order of protection,” or “[injunction](#)”.

What protection can I get with a Civil Protection Order (CPO)?

The court will order different things in different cases. In some case, the [CPO](#) can make the abuser:

- Stop committing or threatening to commit criminal offenses (like assaulting or threatening) against the victim (and victim’s family)
- Stay away from the victim and have no contact with them (and their family) or be at certain locations
- Receive mandatory psychiatric or medical treatment or appropriate counseling programs
- Move out of the victim’s home
- Return the victim’s property or give up jointly owned property
- Give temporary custody of [minor](#) children to the victim or develop a visitation plan
- Pay costs for damages and attorney fees
- Give up firearms
- Return a pet or service animal belonging to the victim or one of the victim’s household members

⁹⁰⁵ www.dcvlp.org/wp-content/uploads/2016/02/Safety-Planning-2016.pdf

⁹⁰⁶ houseofruth.org/

⁹⁰⁷ www.sashabruce.org/

⁹⁰⁸ www.dashdc.org/

⁹⁰⁹ mysistersplacedc.org/

⁹¹⁰ code.dccouncil.us/dc/council/code/titles/16/chapters/10/subchapters//

⁹¹¹ code.dccouncil.us/dc/council/code/sections/16-1003.html

⁹¹² code.dccouncil.us/dc/council/code/sections/16-1005.html

- Perform or stop any other actions as may be appropriate.

More information can be found at [D.C. Code § 16-1005\(c\)\(1\)-\(12\)](#).⁹¹³ If the abuser is not following the terms of the CPO, the CPO can also order the police to enforce the order. [D.C. Code § 16-1005\(c\)\(9\)](#).

Can I get a Civil Protection Order (CPO) if my abuser is the other parent of my child or children?

Yes, a **victim** can apply for a Civil Protection Order (CPO) against the **abuser** with whom they have a child in common.

Special rules apply if the abuser seeks custody or visitation of a victim's children. [D.C. Code § 16-1005\(c-1\)](#).⁹¹⁴ If the judge finds that the abuser has committed domestic violence directed at family members, then two things will happen:

- The judge should start with the assumption that joint custody is not in the children's best interest. The abuser can give the judge evidence to reverse this assumption.
- The abuser bears the burden of proving that visitation with the children will not endanger the children or significantly impair their emotional development. If the judge finds that the victim and their children can be adequately protected from harm during visitation and exchanges, then the abuser can be granted visitation. Any decision granting custody or visitation to the abuser must be supported by a judge's written **statement** explaining the judge's decision.

What is a Temporary Protection Order (TPO)?

A **Temporary Protection Order (TPO)**⁹¹⁵ is similar to a **CPO** but lasts for up to two weeks and is granted by a civil court, usually without the abuser present. A TPO is intended to maintain a safe situation temporarily until a hearing on the CPO is scheduled and heard. [D.C. Code § 16-1004\(b\)\(1\)](#).⁹¹⁶ If you feel the abuser has put you or your family in immediate danger, request a TPO in addition to a CPO. If the CPO hearing is delayed, the court may extend the TPO until the CPO hearing ends. [D.C. Code § 16-1004\(b\)\(2\)](#).⁹¹⁷

Who can obtain a CPO or TPO?

Any victim of domestic **violence**, family violence, dating abuse, **stalking**, **sexual assault**, or **sexual abuse**, may file a petition for civil protection in the Domestic Violence Division of the D.C. Superior Court against the abuser. [D.C. Code § 16-1001\(12\)](#)⁹¹⁸; [D.C. Code § 16-1002](#).⁹¹⁹ To bring this petition, you must reside, live, work or attend school in D.C., be under the legal custody of a D.C. government agency, or the underlying offense must have happened in D.C. [D.C. Code § 16-1006](#).⁹²⁰

⁹¹³ code.dccouncil.us/dc/council/code/sections/16-1005.html

⁹¹⁴ code.dccouncil.us/dc/council/code/sections/16-1005.html

⁹¹⁵ www.dcvlp.org/wp-content/uploads/2016/02/Safety-Planning-2016.pdf

⁹¹⁶ code.dccouncil.us/dc/council/code/sections/16-1004.html

⁹¹⁷ code.dccouncil.us/dc/council/code/sections/16-1004.html

⁹¹⁸ code.dccouncil.us/dc/council/code/sections/16-1001.html

⁹¹⁹ code.dccouncil.us/dc/council/code/sections/16-1002.html

⁹²⁰ code.dccouncil.us/dc/council/code/sections/16-1006.html

The following persons can also file a protection order petition ([D.C. Code § 16-1003\(a\), \(b\)](#)⁹²¹):

- Any adult victim may file on their own behalf
- The parent/guardian/custodian or other appropriate adult may file on behalf of a **minor** victim
- A **minor** victim who is 16 to 17 may file on their own behalf
- A **minor** victim between the ages of 12 and 15—and a victim of intimate partner violence—may file without a parent/guardian/custodian or other appropriate adult acting on their behalf (but a court may appoint an attorney for the **minor** if needed and if this would not excessively delay the court's **TPO** decision)
- A **minor** victim between the ages of 12 and 15 may petition for civil protection only if his or her parent/guardian/custodian or other appropriate adult files the petition on the **minor's** behalf
- A **minor** who is less than 12 years old may petition for civil protection only if their parent/guardian/custodian or other appropriate adult files the petition on the **minor's** behalf
- A custodial parent, guardian, or custodian of a **minor** victim may not file a petition for civil protection against the **minor**
- Under some circumstances and at the request of a victim, a victim's representatives, a government agency, or the D.C. Attorney General may file a petition for civil protection on a victim's behalf. (The Attorney General would represent the interests of D.C., not the victim.)

More information can be found on the [D.C. Courts' website](#).⁹²²

How do I get a **Civil Protection Order**?

Go to the [Domestic Violence Intake Center \(DVIC\)](#).⁹²³ The **DVIC** provides a single access point for victims of domestic violence by conducting intake evaluations, providing counseling, safety planning, assisting victims in drafting pleadings and other documents necessary for acquisition of protection orders and free legal representation. The **DVICs** are open Monday through Friday, (except holidays) between 8 am and 4 pm, and are located at:

D.C. Superior Court 500 Indiana Avenue, NW, Suite 4235 Washington, D.C. (202) 879-0152	United Medical Center 1328 Southern Avenue, SE, Suite 311 Washington, D.C. (202) 561-3000
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A **D.C. SAFE**⁹²⁴ **advocate** will meet with you, explain the court process, address safety concerns, and help draft the [Petition and Affidavit for the Civil Protection Order](#).⁹²⁵

A person requesting a protection order is called a **petitioner** (the victim), and the person against whom the petitioner is seeking a protective order is called the **respondent** (the abuser). Review

⁹²¹ code.dccouncil.us/dc/council/code/sections/16-1003.html

⁹²² www.dccourts.gov/services/domestic-violence-matters/get-a-protection-order

⁹²³ mpdc.dc.gov/page/domestic-violence-intake-center

⁹²⁴ www.dcsafe.org/

⁹²⁵ www.dccourts.gov/sites/default/files/2018-01/Petition%20and%20Affidavit%20for%20Civil%20Protection%20Order%202018.pdf

the [Petition and Affidavit for Civil Protection Order](#) form before you visit the [Domestic Violence Resource Clinic](#)⁹²⁶ site so you know what kind of information you need for the petition (for example, dates and times of any crimes or threats, former addresses, other child custody cases, names and addresses of other people the children lived with, and visitation and child support details).

After you have completed the petition, you will go to the D.C. Superior Court clerk's office, sign the petition under oath, and file it with the court. The clerk's office will give you papers about the court date.

Whom can I file a Protection Order Petition against?

A Petition for Protection Order can be filed against someone who has committed or threatened to commit a crime against you. [D.C. Code § 16-1041\(6\)](#).⁹²⁷ The alleged abuser can be anyone 12 years or older who is:

- the victim's family member,
- the victim's roommate,
- someone with whom the victim had a dating relationship or a child in common, or is or was married to,
- someone who previously dated the victim's current or former boyfriend or girlfriend.

For more information, see [D.C. Code § 16-1001\(6\) and \(13\)](#).⁹²⁸

A victim can file the petition at any time and does not need to wait for the Attorney General or prosecutor to first bring a case against the abuser. [D.C. Code § 16-1002](#).⁹²⁹

More information can be found on the [D.C. Courts' website](#).⁹³⁰

*Do I need a lawyer to obtain a **CPO** or **TPO**?*

No. A victim can represent themselves as what is known as a *pro se* petitioner. However, a lawyer can be very helpful, especially if the abuser has a lawyer or the issues are complicated. A victim may be able to get a lawyer to help them **for free** by calling or visiting:

- [Domestic Violence Resource Clinic](#)⁹³¹ (DVRC) – 202-425-7573
- [D.C. Volunteer Lawyers Project](#)⁹³² (DCVLP) – 202-425-7573 or 202-618-9691
- [Network for Victim Recovery of D.C.](#)⁹³³ (NVRDC) – 202-742-1727
- [Victim Legal Network of D.C.](#)⁹³⁴ (VLNDC) – 202-639-1788
- [Break the Cycle](#)⁹³⁵ (BTC) – 202-849-6289
- [Domestic Violence Resource Clinic](#)⁹³⁶ also offers substance abuse counseling, transportation assistance, and public benefits applications.

⁹²⁶ www.dcvlp.org/clinic/

⁹²⁷ code.dccouncil.us/dc/council/code/sections/16-1041.html

⁹²⁸ code.dccouncil.us/dc/council/code/sections/16-1001.html

⁹²⁹ code.dccouncil.us/dc/council/code/sections/16-1002.html

⁹³⁰ www.dccourts.gov/services/domestic-violence-matters/get-a-protection-order

⁹³¹ www.dccourts.gov/services/domestic-violence-matters/get-a-protection-order

⁹³² www.dcvlp.org/

⁹³³ www.nvrdc.org/civil

⁹³⁴ vlndc.org

⁹³⁵ www.breakthecycle.org/legal-services

The D.C. Volunteer Lawyers Project is available every Wednesday from 1– 3:30 pm at 400 I Street SW, Washington, D.C., or call 202-425-7573 or email clinic@dclvp.com. Victims of domestic violence, sexual violence, and/or **stalking** can meet with Project lawyers for legal advice and assistance on CPOs, family law, or immigration matters. You can also consult with on-site [District Alliance for Safe Housing](#)⁹³⁷ and [My Sister's Place](#)⁹³⁸ housing experts in case you need alternate housing options.

Network for Victim Recovery of D.C. (NVRDC) provides free legal and advocacy services to victims of all types of crimes. Through the NVRDC Call-In Legal Clinic, attorneys provide free one-on-one legal advice to victims of crime. The clinic is open on the first and third Tuesday of the month from 4:00 pm to 6:00 pm, and the second and fourth Thursday of the month from 11:00 am to 1:00 pm. To double check the hours, please feel free to call in advance or check out NVRDC's [Facebook](#)⁹³⁹ or [Instagram](#).⁹⁴⁰ You may also call the following number: 202-742-1727. You will then be prompted to select the option for the clinic.

Victim Legal Network of D.C. works to connect all crime victims to free and/or low-cost legal assistance at a D.C. legal service organization in an effort to seamlessly address all of a crime victim's legal needs. The VLNDC Intake Line is 202-629-1788 and is open Monday to Friday from 9:00 am to 5:00 pm.

Break the Cycle represents youth survivors of domestic violence, dating abuse, sexual assault and **stalking** in **civil protection orders**, custody, visitation, safety planning, victim's rights, and Title IX school safety cases.

Do I have to go to court to get a protection order?

Maybe. In most cases, the victim will need to come to court to get a protection order. How to start a case is described in another section.

If you are a minor or incapacitated, the Attorney General or your parent, guardian, custodian, or other appropriate adult might be able to file the petition on your behalf. You might not be required to come to court. However, in order for the case to be successful, you might have to testify as a witness.

More information can be found on the [D.C. Courts' website](#).⁹⁴¹

Can I get a protection order the same day if I am in danger?

Yes, if you are in immediate danger, you can seek a **Temporary Protection Order (TPO)** the same day you file the petition. Usually, the **TPO** request will be heard by the judge on the same day you file the petition. If you have presented enough reasons to warrant a TPO, the judge may issue the order that day. The TPO will be in effect for 14 days and is intended to offer temporary protection until the CPO hearing date. [D.C. Code § 16-1003](#).⁹⁴²

⁹³⁶ www.dclvp.org/clinic/

⁹³⁷ www.guidestar.org/profile/71-1019574

⁹³⁸ mysistersplacedc.org/

⁹³⁹ www.facebook.com/NetworkforVictimRecoveryDC/

⁹⁴⁰ www.instagram.com/nvrdc/

⁹⁴¹ www.dccourts.gov/services/domestic-violence-matters/get-a-protection-order

⁹⁴² code.dccouncil.us/dc/council/code/sections/16-1003.html

More information can be found on the [D.C. Courts' website](#).⁹⁴³

Do I need to give my abuser notice of a protection order?

The **respondent** (i.e., the abuser) or someone over the age of 18 who lives with your abuser will need to be “served” with (i.e., formally given) a copy of the Petition and Affidavit for Protection Order, the Notice of Hearing and the Order to Appear, and **Temporary Protection Order**. [D.C. Code § 16-1004\(d\)](#).⁹⁴⁴

You cannot serve these papers yourself and need to request the help of someone who is older than 18 and is not mentioned in the Petition or a **witness**. For example, you may ask a police officer, private process server, friend, family member, or hired help. Whoever serves these papers on your abuser must complete a Return of Service form that you then need to bring to the hearing to prove that the abuser received the required documentation.

How do I prepare for a CPO hearing?

You must prepare your evidence for the hearing on your petition for a **CPO**, review the petition, bring any **witnesses**, and return to court on your scheduled CPO hearing date. Here are some items that may be relevant at the hearing and that you should bring:

- Testimony by you and any helpful witnesses. If in writing, it should be written down immediately or as soon after an incident as possible, and signed and dated by the witness;
- Medical reports, police reports, and photos of injuries;
- Children’s birth certificates and any custody or visitation orders;
- Threatening or offensive emails or texts;
- Items or belongings that the abuser damaged or broke;
- Photos, recordings, or videos of the abuser hurting or threatening you;
- Photos or videos of your home, car, or belongings damaged or destroyed by abuser;
- Photos of weapons the abuser used;
- Tapes of calls you may have made to 911, which can be subpoenaed;
- Certified copies of the abuser’s criminal convictions; and
- Diary or calendar entries where you documented the abuse as it happened.

What will the judge consider at a CPO hearing?

A judge will look at several factors to decide whether you are in immediate danger of domestic violence, including:

- Past threats causing fear of physical harm (such as a raised fist, throwing an object at you, a threat to hit or kill you);
- Past threats to use weapons against you (such as threatening to attack you with a gun or knife);
- Past threats to conceal, kidnap, or harm your child;
- **Harassment** and **stalking**;
- Physical **abuse** (pushing, shoving, hitting, kicking, physical restraint);

⁹⁴³ www.dccourts.gov/services/domestic-violence-matters/get-a-protection-order

⁹⁴⁴ code.dccouncil.us/dc/council/code/sections/16-1004.html

- Harm to your **family**, close friends, close acquaintances, or **family** pets;
- The **abuser** physically preventing you from leaving your home or calling 911;
- The **abuser's** violent criminal history and prior orders of protection;
- If the **abuser** has destroyed your personal property (such as your telephone or clothing); and
- Anything the abuser does to make you reasonably believe you are in immediate danger of domestic violence.

What can I expect when I arrive for a CPO hearing?

You will first talk to an **attorney negotiator**, who will meet with you before the hearing to see if you and the abuser can reach an agreement about the CPO, or to see if the **abuser** will consent to the CPO without a hearing. Listen to all the information the negotiator gives to you, and ask questions cautiously as the negotiator is not your lawyer and cannot give legal advice.

Note that you will want to plan to arrive early at the courthouse (aim for half an hour ahead of your court time) as there are often lines and security to get in. It is most important that you are **not late** because the court may decide that you are a no-show and no longer interested in pursuing a **CPO** and either dismiss or deny your petition. The **TPO** would also expire. Once the hearing date is set, you are required to appear in court on that date or ask for a later date (“a continuance”), which, if granted, postpones the court date.

Can I change the date of my CPO hearing?

Once the hearing date is set, you are required to appear in court on that date. You can ask for a later date (“a continuance”), which, if granted, postpones the court date.

*What happens after the **CPO** hearing?*

If the court issues a **CPO**, some steps you should consider include:

- Carefully read the CPO **before** leaving the courthouse. If there is a typo or something is wrong or missing, ask the court clerk how to correct the order before you leave.
- Make several copies of the CPO right away and keep a copy with you at all times.
- Keep extra copies of the CPO (and perhaps a photo of the **abuser**) at school, work, home, your kids' school or daycare, your car, and with your **family**, your closest friends, your neighbors and your attorney.
- Make sure others named in or protected by the CPO have a copy of the CPO.
- If possible, enhance the security of your home, car, school, and workplace, including changing your locks (if legal), your commuting pattern, and your phone number.

Detailed information regarding how to obtain a civil protection order is found in the Survivors and Advocates for Empowerment (SAFE) guide called [A SAFE Client's Guide to Civil Protection Orders in D.C.](#)⁹⁴⁵ as well as from WomensLaw.org.

⁹⁴⁵ safety.gwu.edu/sites/g/files/zaxdzs2386/f/downloads/DC%20GuideForCPO.pdf

*What if my abuser violates the **CPO** or **TPO**?*

If your abuser violates a CPO or valid foreign protection order, this is a misdemeanor punishable by a fine of up to \$1,000 or by imprisonment of up to 180 days, or both. [D.C. Code § 16-1005\(g\)](#).⁹⁴⁶

*If a D.C. court grants a **CPO** or **TPO** and I later move to another state, will that state recognize and enforce the D.C. order?*

Yes. If you have a **CPO** from a D.C. court that meets federal standards, the CPO can be enforced in another state. The federal [Violence Against Women Act](#)⁹⁴⁷ states that all valid civil protection orders granted in the U.S. must receive “full faith and credit” in all state and tribal courts within the U.S., including U.S. territories. [18 U.S.C. § 2265](#).⁹⁴⁸ Thus, if the abuser violates your out-of-state civil protection order, they will be punished according to the laws of whatever state you are in when the order is violated.

A civil protection order will be valid and enforceable anywhere in the U.S. as long as:

- The order was issued to prevent violent or threatening acts, harassing behavior, sexual violence, or it was issued to prevent another person from coming near you or contacting you. [18 U.S.C. § 2266\(5\)](#);⁹⁴⁹
- Your abuser received notice of the order and had an opportunity to defend and present their side of the story; or if an emergency order was issued, the abuser was later given an opportunity to go to court to tell their side of the story at a hearing before the temporary order was to expire. [18 U.S.C. § 2265\(a\), \(b\)](#).⁹⁵⁰

Some states require that you register the protection order with them before an abuser can be prosecuted or arrested for a violation of the order. If you move, you might want to call the clerk of court in your new state and tell the clerk that you have a civil protection order from D.C. and ask whether you need to register it with them.

If I got a protection order from another state, will D.C. recognize and enforce that foreign protection order?

Yes. D.C. has adopted the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. [D.C. Code § 16-1041 through 1048](#).⁹⁵¹ This means that D.C. courts can recognize and enforce valid domestic protection orders issued in other state jurisdictions. [D.C. Code § 16-1042](#).⁹⁵² Additionally, once a law enforcement officer finds there is probable cause to believe that a valid foreign (meaning, non-D.C.) protection order exists and that the order has been violated, they must enforce the order as if it were a D.C. protection order, even if the foreign order had not been registered or filed in D.C. [D.C. Code § 16-1043](#).⁹⁵³

⁹⁴⁶ code.dccouncil.us/dc/council/code/sections/16-1005.html

⁹⁴⁷ www.law.cornell.edu/uscode/text/18/2261

⁹⁴⁸ www.law.cornell.edu/uscode/text/18/2265

⁹⁴⁹ www.law.cornell.edu/uscode/text/18/2266

⁹⁵⁰ www.law.cornell.edu/uscode/text/18/2265

⁹⁵¹ code.dccouncil.us/dc/council/code/titles/16/chapters/10/subchapters/IV/

⁹⁵² code.dccouncil.us/dc/council/code/sections/16-1042.html

⁹⁵³ code.dccouncil.us/dc/council/code/sections/16-1043.html

To protect your rights, you should consider registering or filing your foreign protection order in the D.C. Superior Court. [D.C. Code § 16-1043](#). There is no fee to register your foreign civil protection order.

What if the judge denies my CPO?

If your request for a CPO is denied, contact the [Domestic Violence Intake Center](#)⁹⁵⁴ and they can help you figure out if there was a clerical, typographical, or filing error, or whether you simply did not convince the judge that you had good cause to have the CPO issued.

If there was a clerical or typographical error, or the hearing date was scheduled for the wrong date, you can contact the [D.C. Superior Court clerk's office](#)⁹⁵⁵ and ask if there is a way to correct the document and re-submit the CPO.

If the court denied the CPO because it found that you did not give enough evidence of domestic violence, you can file another petition for a CPO if another incident happens.

A person can only appeal a court order for legal reasons. It is not a second chance to convince a different court your case was right. So, understand that your case might not be appropriate for appeal.

[DV LEAP](#)⁹⁵⁶ takes cases where an abuse victim has been wrongfully denied justice and appeals their case to a higher court -- mostly free of charge.

Military Sexual Assault and Domestic Violence

What if my abuser is an active member of the U.S. military?

If your abuser is an active military member, you can seek a [Military Protective Order \(MPO\)](#)⁹⁵⁷ from the abuser's unit commander, in addition to a D.C. CPO. [10 U.S.C. § 1567](#).⁹⁵⁸ To qualify for an MPO, you must be the spouse or ex-spouse, current or former intimate partner, or have a child in common with the abuser. More information can be found on the [U.S. Department of Defense Instruction 6400.06](#).⁹⁵⁹ The abuser's status as a military member triggers the possibility for military jurisdiction. Anyone can be a victim, regardless of whether they are part of the military. By law, victims must be consulted about their preference for pursuing the matter under either civilian or military jurisdiction, but ultimately the military and civilian authorities make the final decision.

A victim, victim advocate, installation law enforcement agency, or [Family Advocacy Program](#)⁹⁶⁰ clinician may request a commander to issue an MPO. The MPO is enforceable only while the abusive service duty member is in the command that issued the order. If the abuser is transferred to a new command, the MPO will no longer be valid and the victim must ask the commander of the former unit to contact the new commander to request a new MPO. Although

⁹⁵⁴ mpdc.dc.gov/page/domestic-violence-intake-center

⁹⁵⁵ www.dccourts.gov/superior-court/domestic-violence-unit/get-a-protection-order

⁹⁵⁶ www.dvleap.org/

⁹⁵⁷ www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2873.pdf

⁹⁵⁸ www.govinfo.gov/content/pkg/USCODE-2011-title10/html/USCODE-2011-title10-subtitleA-partII-chap80-sec1567.htm

⁹⁵⁹ www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/640006p.pdf

⁹⁶⁰ www.militaryonesource.mil/family-relationships/family-life/preventing-abuse-neglect/the-family-advocacy-program

the unit commander has discretion as to how long to keep a MPO in place, typically the duration of a MPO may be from one month to two years. More information can be found at [32 CFR § 635.29](#).⁹⁶¹

What is the difference between Military and Civilian Courts?

Unlike civilian courts, which are situated in courthouses and operate on a regular or daily basis, military courts are called into operation when needed and may be held in any location. You cannot just find and walk into a military court.

Military courts require a “convening authority” to order prosecution and call the court into operation. An individual with a role higher up in the military is responsible as the convening authority. Generally, these individuals are not attorneys, though they may consult advisors including attorneys. They will order a military court to convene if there is probable cause that a crime has been committed, including the crime of domestic violence.

The law and rules governing criminal trials differ between military and civilian courts, but there are also many similarities. All branches of the military have their own investigative units. A Staff Judge Advocate is responsible for playing the role of prosecutor.

What rights does a victim have in military cases?

Federal law gives victims in military cases certain specific rights under the Department of Defense’s [Victim’s Bill of Rights](#).⁹⁶² These rights are generally similar to victim’s rights in civilian courts. Specifically, if you are a victim of sexual assault by a member of the military, you have the following rights in the military court system:

- The right to be treated with fairness and respect for your dignity and privacy;
- The right to be reasonably protected from the accused offender;
- The right to reasonable, accurate, and timely notice of public preliminary hearings, pretrial confinement hearings, court proceedings, and clemency and parole hearings related to the offense;
- The right to be present at all public proceedings related to the offense unless the hearing officer or military judge determines that your testimony would be materially altered if you as the victim heard other testimony;
- The right to reasonably confer with the prosecutor/Trial Counsel in the case;
- The right to receive available [restitution](#);
- The right to be reasonably heard at: 1) a public hearing concerning the continuation of any pretrial confinement of the accused; 2) a sentencing hearing related to the offense; 3) a public Military Department Clemency and Parole Board hearing related to the offense;
- The right to submit a written statement to the Convening Authority prior to taking action on findings and sentence;
- The right to proceedings free from unreasonable delay;
- The right to be provided information, if applicable, about the conviction, sentencing, imprisonment, Convening Authority’s action, appellate review, and release of the offender.

⁹⁶¹ www.govinfo.gov/content/pkg/CFR-2009-title32-vol4/xml/CFR-2009-title32-vol4-sec635-29.xml

⁹⁶² www.sapr.mil/victims-bill-rights

The [Victims' Bill of Rights webpage](#)⁹⁶³ also has links to forms and other procedural information.

Further information and links to victim witness programs for specific military branches is available on the Department of Defense's [Victim and Witness Assistance Council's website](#).⁹⁶⁴

How do I report sexual assault in the military?

There are two types of reporting available in the military system: restricted and unrestricted. Restricted reporting does not notify command or law enforcement, while unrestricted reporting does notify command and law enforcement. You may elect for either if you qualify, and a restricted report may be switched to an unrestricted report at any time. ([Reporting options webpage](#)⁹⁶⁵)

Restricted Reporting

This option is available to adult victims of sexual assault who wish to confidentially disclose the crime without initiating the official investigative process or notification. Qualifying individuals include military personnel of the Armed Forces and their adult dependents. **Civilians and Department of Defense contractor victims may only use unrestricted reporting.**

A restricted report ensures that the victim receives both medical and mental healthcare, advocacy services, and legal advice without notifying law enforcement or command. Limited details will be provided to the installation commander, but the victim's identity will not be provided.

Restricted reporting allows victims time and space to make informed decisions about participating in an investigation. The assailant cannot be held accountable with restricted reporting, and the victim cannot receive a military protective order. ([Restricted reporting webpage](#)⁹⁶⁶)

Unrestricted Reporting

This option is available to all victims and allows for an official investigation. More reporting channels are available, including:

- Law enforcement
- Commanders
- Sexual Assault Response Coordinators
- Sexual Assault Prevention and Response ("SAPR") Victim Advocates
- Health care personnel

Unrestricted reporting allows the victim to request a Military Protective Order or an Expedited Transfer to move to a different unit or base. ([Unrestricted reporting webpage](#)⁹⁶⁷)

⁹⁶³ www.sapr.mil/victims-bill-rights

⁹⁶⁴ vwac.defense.gov/

⁹⁶⁵ www.sapr.mil/reporting-options

⁹⁶⁶ www.sapr.mil/restricted-reporting

⁹⁶⁷ www.sapr.mil/unrestricted-reporting

How do I obtain a Military Protective Order?

You may request a protective order from the commanding officer, who will issue the order. Military protective orders are more restricted than civilian (non-military) protective orders. Unlike civilian protective orders, where state courts issue the orders after the assailant receives notice of the protective order request and the opportunity for a hearing, military protective orders are issued by a commanding officer and the service member-assailant has no chance to respond. Law enforcement and civilian courts will not enforce military protective orders. The assailant must be “served” with (i.e., formally given) the protective order for both military and civilian protective orders to take effect. Military “service” of the order may be performed on base, but service members cannot be served with civilian protective orders on base.

What does a Military Protective Order do?

A military protective order allows the commanding officer to order the service member to stop the **abuse** and may limit the service member’s ability to do certain things.

What happens if my abuser violates a Military Protective Order (MPO)?

If the abuser violates the MPO, they can be disciplined under Article 92 of the Uniform Code of Military Justice, which includes non-judicial or criminal punishment, court-martial proceedings, confinement, pay restriction, **restitution** or other disciplinary measures. [32 CFR § 635.29](#)⁹⁶⁸ and [Article 92 of Uniform Code of Military Justice](#).⁹⁶⁹ However, civilian (i.e., non-military) courts and law enforcement do not have the power to enforce MPOs. If your abuser has violated the MPO, you need to report the violations of both the D.C. **CPO** and the MPO to base command, the unit commander, and/or the military police. Note: D.C. protection orders and foreign (non-D.C.) protection orders have full force and effect on military installations. [10 USC § 1561a\(a\)](#).⁹⁷⁰

If the abuser does not reside on a military installation at any time during the term of the MPO, the unit commander shall notify local law enforcement of the issuance of the MPO and the individuals involved in the order. [10 USC § 1567\(a\)](#).⁹⁷¹

Who can enforce a Military Protective Order?

One important difference between military and civilian protective orders is who will actually enforce the order. Protective orders issued by civilian courts have full force and effect on military bases. [10 USC § 1561a\(a\)](#).⁹⁷² Military protective orders, however, will not be enforced by law enforcement and civilian courts.

⁹⁶⁸ codes.findlaw.com/us/title-10-armed-forces/10-usc-sect-1567a.html

⁹⁶⁹ www.law.cornell.edu/uscode/text/10/892

⁹⁷⁰ www.govinfo.gov/content/pkg/USCODE-2010-title10/html/USCODE-2010-title10-subtitleA-partII-chap80-sec1561a.htm

⁹⁷¹ codes.findlaw.com/us/title-10-armed-forces/10-usc-sect-1567a.html

⁹⁷² www.govinfo.gov/content/pkg/USCODE-2010-title10/html/USCODE-2010-title10-subtitleA-partII-chap80-sec1561a.htm

Do I have a right to a lawyer in a Military Court?

Victims have a [right to victims' legal counsel](#)⁹⁷³ who will help safeguard their rights and help them understand the process, although currently only military, military dependents, and certain Department of Defense employees are eligible for these services free of charge. There may be civilian legal counsel available in your area to assist.

Investigators will collect evidence, and the entire process may take several months. If you are a service member, your commander should, at a minimum, ensure that you receive monthly updates regarding the investigation and proceedings until the final disposition. "Final disposition" means the conclusion of any judicial, non-judicial, and administrative actions.

Are there any programs in the military that can help with domestic violence issues?

The military's [Family Advocacy Programs](#)⁹⁷⁴ (FAP) work to prevent domestic violence and abuse by offering programs to help stop violence and abuse before it starts. FAP also works to ensure the safety of victims and help families overcome the effects of violence. FAP can coordinate intervention at all levels, including law enforcement, social services, health services, and legal services. They can walk you through your options with the military, as well as the civilian D.C. court system.

More information can be found on the [Family Advocacy Programs website](#).⁹⁷⁵

The Department of Defense (DoD) also has a "Safe Helpline" set of programs established to provide a clear channel for members of the DoD community to receive anonymous, secure, and confidential support. Check their [website](#)⁹⁷⁶ for information about these programs generally. The telephone helpline is 877-995-5247, and an online one-on-one chat program and other resources are available at the [SafeHelpline website](#).⁹⁷⁷

Victim's Compensation

Can I get compensation for my injuries or losses from the abuse?

You might be eligible for damages through [restitution](#) in a criminal trial, or through the [D.C. Crime Victims Compensation Program](#).

How can I get damages in criminal court?

If your abuser is convicted at trial, the judge can order that they pay you damages for injuries or losses you suffered as a result of the crimes against you. This is also referred to as [restitution](#). [D.C. Code §§ 4-501 through 4-518](#).⁹⁷⁸

⁹⁷³ www.sapr.mil/victims-bill-rights

⁹⁷⁴

⁹⁷⁵ www.militaryonesource.mil/family-relationships/family-life/preventing-abuse-neglect/the-family-advocacy-program

⁹⁷⁶ www.sapr.mil/dod-safe-helpline

⁹⁷⁷ safehelpline.org/

⁹⁷⁸ code.dccouncil.us/dc/council/code/titles/4/chapters/5/subchapters//

How can I get damages through the D.C. Crime Victims Compensation Program?

Victims of violent crime (such as domestic or sexual violence) can contact the [D.C. Crime Victims Compensation Program](#)⁹⁷⁹ and apply for financial assistance and reimbursement for many crime-related expenses. Some of these expenses covered by the [D.C. Crime Victims Compensation Program](#) include:

- Medical expenses
- Mental health counseling: up to \$3,000 for adults, \$6,000 for children
- Physical or occupational therapy, or rehabilitation
- Lost wages for up to 52 weeks or \$10,000
- Temporary emergency food and housing necessary because of the crime: up to 120 days or \$400 for food, and \$3,000 for housing
- Moving expenses necessary as a result of the crime, where the health and safety of the victim are jeopardized: up to \$1,500, not to exceed 120 days
- Transportation costs to participate in the investigation or prosecution of the case or to receive medical treatment: up to \$100 for local travel and \$500 for necessary out-of-state travel
- Replacement of doors, windows, locks or other items to secure the victims' home: up to \$1,000
- Reimbursement for auto rental while the victims' car is being held as evidence by law enforcement: up to \$2,000
- Attorney's fees to assist in some appeals: lesser of \$500 or 10 percent of the award;
- Emergency award: up to \$1,000

[D.C. Code §§ 4-501 through 4-518](#).⁹⁸⁰

Who is eligible for the D.C. Crime Victims Compensation Program?

Some of the [eligibility requirements](#) for the Crime Victims Compensation Program include the following:

1. You suffered physical injury or emotional trauma in D.C. because of the crime.
2. The crime was reported to law enforcement within seven days from when it occurred, or if the report could not reasonably be made within seven days, then within seven days of when it could first reasonably be reported. Additionally, victims of sexual assault can satisfy this requirement by obtaining a sexual assault exam; victims of domestic violence by seeking a [civil protection order](#); and victims of child cruelty if a neglect petition is filed in the D.C. Superior Court. (These time limits may be waived, especially if there are compelling health or safety concerns. [D.C. Code § 4-506\(d\)](#).)
3. You applied for compensation within one year after the crime—or within one year of learning about the [Crime Victims Compensation Program](#), if you can show that the delay in learning about the program was reasonable.

⁹⁷⁹ www.dccourts.gov/services/crime-victims-compensation-matters

⁹⁸⁰ code.dccouncil.us/dc/council/code/titles/4/chapters/5/subchapters//

4. You cooperated with police requests to apprehend your abuser.
5. You did not participate in, consent to, or provoke the crime

More information can be found at [D.C. Code § 4-506](#).⁹⁸¹

How do I apply for the D.C. Crime Victims Compensation Program?

Submit a completed application, along with a copy of your D.C. police report or [CPO](#) and the bills or receipts that you would like to have reimbursed by the Program. [You do not need an attorney](#) to file a claim for compensation. Applications can be submitted in person or mailed to:

Court Building A
515 5th Street NW, Suite 109
Washington, D.C. 20001

Or submitted in person to:

United Medical Center
1310 Southern Avenue SE, Room 311
Washington, D.C. 20032

More information about the application process can be found on the [D.C. Courts' website](#).⁹⁸²

What happens after I apply for the D.C. Crime Victims Compensation Program?

Crime Victims Compensation Program staff will conduct interviews to determine needs, process claims, and provide referrals to other D.C. victim service agencies. You will be notified by mail of their decision and, if your application is denied, you will be informed of the appeal process and the availability of free legal services. If there is new or previously unavailable information, you can file a Request for Reconsideration within 30 days.

More information can be found on the D.C. Courts' website relating to [the application review process](#) and [getting legal assistance](#).⁹⁸³

Housing Issues and Evictions

Can I break the lease early to leave my rental unit if I feel unsafe here due to domestic violence?

Yes. If you provide your landlord with a copy of the [CPO](#) or [TPO](#), or a letter signed by a qualified third party documenting the abuse within 90 days of the [domestic violence](#) incident, the landlord must release you from the lease within 14 days or when a new tenant rents the unit, whichever comes first. [D.C. Code § 42-3505.07\(b\)-\(e\)](#).

⁹⁸¹ code.dccouncil.us/dc/council/code/sections/4-506.html

⁹⁸² www.dccourts.gov/services/crime-victims-compensation-matters/procedures

⁹⁸³ www.dccourts.gov/services/crime-victims-compensation-matters/attorney

A “qualified third party” may be a law enforcement officer, a sworn officer of the D.C. Housing Authority Office of Public Safety, a health professional, or a domestic violence counselor. Your request to terminate the lease must be made within 90 days of the domestic violence incident. [D.C. Code § 42-3505.07\(a\)](#).⁹⁸⁴

You are still responsible for paying rent attributable to the 14-day period before the lease terminates or the new tenant rents the unit, whichever is sooner, plus any unpaid rent or sums you owed previously. [D.C. Code § 42-3505.07\(f\) and \(g\)](#).⁹⁸⁵ The landlord cannot keep the security deposit simply because you broke the lease. But, you are still liable for damages to the apartment, even if caused by the domestic violence, and the landlord has the right to deduct those damages from your security deposit. However, you may be able to seek compensation from the [D.C. Crime Victims Compensation Program](#)⁹⁸⁶ to help cover those closes (e.g., up to \$1,000 for crime scene clean up). See the earlier section in this chapter, [Victim’s Compensation](#), for more information.

[District Alliance for Safe Housing \(DASH\)](#) has published a “[Community-Based Advocates Toolkit: How to Make Sure Your Clients Have Safe Housing](#)”⁹⁸⁷ that contains easy to follow charts about which resources to contact in certain situations. This resource also provides sample complaints and letters that you can send to state and federal agencies, or to landlords. If you are seeking lock changes, removing a household member from a lease, or early termination from a lease, this is a good resource.

Where can I go for help if I need alternative housing?

If you need housing due to domestic violence, one of these agencies - in addition to the [domestic violence shelters listed above](#) -- may be able to help you:

- The Virginia Williams Family Resource Center⁹⁸⁸ (referrals to family shelter if you have a minor child)
- [Emergency Rental Assistance Program](#)⁹⁸⁹ (provides back rent, security deposit, and first month’s rent in new apartment)
- Catholic Charities - Archdiocese of Washington, D.C.⁹⁹⁰ (runs various shelter and housing programs)
- D.C. Coordinated Assessment and Housing Placement⁹⁹¹ (lists various outreach & drop-in centers, especially for single individuals)

Can a landlord evict me because I am a victim of domestic violence?

No. Both D.C. and federal law provide survivors with defenses to eviction if the eviction is related to domestic violence. [D.C. Code § 42-3505.01\(c-1\)](#)⁹⁹²; [42 USC § 1437f\(o\)\(6\)\(B\)](#),

⁹⁸⁴ code.dccouncil.us/dc/council/code/sections/42-3505.07.html

⁹⁸⁵ code.dccouncil.us/dc/council/code/sections/42-3505.07.html

⁹⁸⁶ www.dccourts.gov/services/crime-victims-compensation-matters/compensable-costs

⁹⁸⁷ safehousingpartnerships.org/sites/default/files/2017-01/DC_Advocate_Toolkit_2015_Final.pdf

⁹⁸⁸ www.community-partnership.org/find-help/families?_sm_au_=iVVpPtFRvTj6jv1qKkM6NKsW8f6TG

⁹⁸⁹ dhs.dc.gov/service/emergency-rental-assistance-program

⁹⁹⁰ www.catholiccharitiesdc.org/housinghelp/

⁹⁹¹ www.coordinatedentry.com/help.html

⁹⁹² code.dccouncil.us/dc/council/code/sections/42-3505.01.html

(r)(5).⁹⁹³ You cannot be evicted because of a domestic violence incident, because you called the police once or many times, because your abuser caused a disturbance in your apartment or damaged the apartment, or for other reasons related to domestic violence. Note that additionally, your landlord cannot restrict, penalize, or prohibit you from calling the police or emergency services due to domestic violence.

D.C. law gives you these defenses no matter the type of housing—private or public—that you reside in. Federal law (the [Violence Against Women Act \(VAWA\)](#)⁹⁹⁴) gives you these defenses to eviction if you reside in federally funded housing, which includes but is not limited to public housing, project-based housing, or housing choice voucher program (Section 8) housing. Note that VAWA applies to all persons, regardless of their gender.

More information can be found in the [Housing chapter](#) of this Handbook.

*If I live with my abuser in public housing and I call the police to protect me from domestic or dating violence, sexual assault, or **stalking**, can the D.C. Housing Authority (DCHA) terminate me for violating the lease?*

No. The acts of domestic or dating violence or the act of calling the police cannot be considered a violation of the lease by you, and [DCHA cannot terminate your lease because of them \(see section 18.2 of the Public Housing lease\)](#).⁹⁹⁵ In fact, DCHA can bifurcate the lease, which means that it can remove one household member from the lease. You can ask DCHA to terminate your abuser from the program and allow you to maintain the lease.

*Can I ask my landlord to change the locks to the doors of my rental unit to protect me from my **abuser**?*

Yes. If you submit a written request to your landlord to change the locks, they must change the locks to all entrance doors within 5 business days. [D.C. Code § 42-3505.08](#).⁹⁹⁶ But, if your abuser is on your lease, you must have and provide to the landlord, the [CPO](#) or [TPO](#) you have against your abuser. [D.C. Code § 42-3505.08\(a\)](#). DASH's "[Community-Based Advocates Toolkit: How to Make Sure Your Clients Have Safe Housing](#)"⁹⁹⁷ provides a sample letter to a landlord you can use.

Your landlord will be responsible for initially paying the cost to change the locks, but within 45 days, you are required to reimburse your landlord for all reasonable costs and fees associated with the lock change. [D.C. Code § 42-3505.08\(b\)](#). The landlord cannot give your abuser keys or access to your unit unless the court lifts the [CPO](#) or [TPO](#) or issues an order allowing limited access to the unit. [D.C. Code § 42-3505.08\(c\)](#).⁹⁹⁸

Even when the locks are changed, the abuser must meet their obligations under the lease. [D.C. Code § 42-3505.08\(e\)](#).

⁹⁹³ www.law.cornell.edu/uscode/text/42/1437f

⁹⁹⁴ www.aclu.org/other/housing-discrimination-and-domestic-violence?redirect=womens-rights/housing-discrimination-and-domestic-violence

⁹⁹⁵ www.dchousing.org/docs/english_lease_12_07.pdf

⁹⁹⁶ www.dchousing.org/docs/english_lease_12_07.pdf

⁹⁹⁷ safehousingpartnerships.org/sites/default/files/2017-01/DC_Advocate_Toolkit_2015_Final.pdf

⁹⁹⁸ www.dchousing.org/docs/english_lease_12_07.pdf

Can a landlord or homeowner refuse to rent or sell me housing because I am a victim of domestic violence?

No. A landlord, housing provider, or homeowner cannot engage in housing discrimination by refusing to rent or to sell housing on the basis of your status as a victim of domestic violence. [D.C. Code § 2-1402.21\(a\) and \(f\)](#)⁹⁹⁹ (private landlord); [42 USC § 1437f\(r\)\(5\)](#)¹⁰⁰⁰ (public housing).

What can I do if I am refused housing because I am a victim of domestic violence?

If you think you have been discriminated against by a landlord, homeowner, or shelter due to your status as a victim of domestic violence, you can [file a complaint](#)¹⁰⁰¹ with the D.C. Office of Human Rights (OHR). [D.C. Code § 2-1411.03](#).¹⁰⁰²

If you are living in public housing, can also [file a complaint](#)¹⁰⁰³ with the [U.S. Department of Housing & Urban Development \(HUD\)](#).¹⁰⁰⁴ When submitting a complaint with HUD, you will need to provide as much information as possible. This includes:

- Your name and address;
- The name and address of the person your complaint is against;
- A short description of the events that cause you to believe your rights were violated; and
- The dates of the alleged violation.

HUD investigates after it receives your complaint, and you must file your complaint within one year of the last date of the alleged discrimination. It is best to file your complaint as soon as possible after the discriminatory conduct.

Immigration Concerns

What if I am a domestic violence victim and I need documentation for my immigration status?

In the US, [individuals who do not have legal immigration status](#) and who are [victims](#) of domestic violence, sexual assault, or other specific crimes, may apply for legal status for themselves and their children in three ways:

- Self-petitions for legal status under the [Violence Against Women Act \(VAWA\)](#)
- Cancellation of removal under VAWA
- U-nonimmigrant status for crime victims (often called a “U-VISA”)

Due to the complexities of the immigration process for victims of domestic and sexual violence, it is important for victims to consult with an immigration attorney or domestic violence service

⁹⁹⁹ code.dccouncil.us/dc/council/code/sections/2-1402.21.html

¹⁰⁰⁰ www.law.cornell.edu/uscode/text/42/1437f

¹⁰⁰¹ ohr.dc.gov/service/file-discrimination-complaint

¹⁰⁰² code.dccouncil.us/dc/council/code/sections/2-1411.03.html

¹⁰⁰³ www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint

¹⁰⁰⁴ www.hud.gov/program_offices/fair_housing_equal_opp/complaint-process

provider to discuss their immigration options. See the **Immigration chapter** of this Handbook for detailed information on immigration options and remedies.

The following legal service providers can answer your domestic violence immigration questions or refer you to someone who can:

- **Ayuda**¹⁰⁰⁵ (which means “help” in Spanish) is the leading provider of free multilingual legal and social services for low-income **individuals who do not have legal immigration status** in D.C. Its mission is to protect the rights of such individuals in the areas of immigration, human trafficking, domestic violence, and sexual assault.
- **My Sister’s Place**¹⁰⁰⁶ is the largest non-profit agency exclusively serving battered women and their children in D.C., including **individuals who do not have legal immigration status**. My Sister’s Place provides sanctuary from abuse by maintaining an emergency shelter, and transitional housing (including the D.C. area’s only transitional housing for **individuals who do not have legal immigration status**). It offers an Emergency Services Center and a 24-hour crisis hotline: 844-443-5732.
- The **American Immigration Lawyers Association**¹⁰⁰⁷ provides search options for finding an immigration lawyer.

*As someone who does not have legal immigration status, can I petition for a **CPO** or **TPO**?*

Yes. There is no minimum residency requirement to apply for a **CPO** or **TPO**. Instead, one must reside, live, work, or attend school in D.C., be under the legal custody of a D.C. government agency, or establish that the abuse occurred in D.C. **D.C. Code § 16-1006**.

Getting Help & Emergency Needs

Where can I get immediate help for domestic or dating violence?

If you or someone you know is experiencing dating or domestic violence, call the **D.C. Victim Hotline**¹⁰⁰⁸ at **844-4-HELPDC (844-443-5732)**. An advocate can talk to you about your concerns and can help connect you to an advocate who can help you decide what to do next.

Where can I get help?

D.C. Government Domestic Violence Resources

- The **Domestic Violence Intake Centers**¹⁰⁰⁹ (DVIC) are available 8 am - 4 pm, at
 - Moultrie Courthouse
500 Indiana Avenue, NW, Room 4550
Washington, D.C. 20001
202-879-0152

¹⁰⁰⁵ www.ayuda.com/

¹⁰⁰⁶ mysistersplacedc.org/

¹⁰⁰⁷ www.aialawyer.com/

¹⁰⁰⁸ dcvictim.org/

¹⁰⁰⁹ mpdc.dc.gov/page/domestic-violence-intake-center

- United Medical Center
1328 Southern Avenue, SE, Suite 311
Washington, D.C. 20032
202-561-3000

The DVIC provides a single access point for victims of domestic violence by conducting intake evaluations, providing counseling, safety planning, assisting victims in drafting pleadings and other documents necessary for acquisition of protective orders and free legal representation [through the Legal Aid Society of D.C.](#)¹⁰¹⁰

Going through the DVIC immediately will make it much easier to receive **victim's compensation**, discussed above.

- The [Domestic Violence Unit of the D.C. Metropolitan Police Department](#) serves as a liaison among the Metropolitan Police Department (MPD/police), the U.S. Attorney's Office, other law enforcement agencies, victim service agencies, victim advocates, and the community in the D.C. area. It also provides information on victims' rights and services. Call them at 202-727-7137 or visit their website for more information: [Domestic Violence Unit](#).¹⁰¹¹

[D.C. Victim Hotline](#):¹⁰¹² Call 844-4-HELPC (844-443-5732) for information about your rights and referrals to community-based organizations that provide counseling, advocacy, and legal advice

- [D.C. Child and Family Services](#):¹⁰¹³
 - 202-442-6100: domestic violence intervention
 - 202-671-SAFE (202-671-7233): child abuse or neglect
- [Access Helpline](#):¹⁰¹⁴ 888-793-4357 (TTY: 711), available 24/7. Services provided by the D.C. Department of Behavioral Health, including certified behavioral health care providers. Young people can call the Access Helpline for help dealing with the trauma of family, death, school, drugs, gangs and violence. They can help you sort out and manage feelings of hopelessness, anger, grief, stress or whatever is troubling you.
- D.C. Department of Human Services Shelter Hotline: ¹⁰¹⁵ 800-535-7252
 - D.C. DHS also has a list of drop-in centers, emergency shelters, and other programs it funds focused on youth homeless services.

¹⁰¹⁰ www.legalaiddc.org/locations/

¹⁰¹¹ mpdc.dc.gov/page/domestic-violence-unit

¹⁰¹² dcvictim.org/

¹⁰¹³ cfsa.dc.gov/

¹⁰¹⁴ dbh.dc.gov/service/access-helpline

¹⁰¹⁵ dhs.dc.gov/

Local Domestic Violence Shelters and Other Victim Resources

- **D.C. Rape Crisis Center**¹⁰¹⁶ is the designated State Sexual Assault Coalition for D.C., providing survivor-centered advocacy through therapeutic services, training and technical assistance, community education, internships, and more. It is the first and oldest rape crisis center in the country.
 - 202-333-RAPE or 202-333-7273 (24 hour crisis hotline)
 - 202-328-1371 (TTY)
 - Email: dcrcc@dcrcc.org
- **House of Ruth**¹⁰¹⁷ (*for single women or women with children*) provides housing and supportive services to families and single women, developmental day care for children and supportive services for their parents, and free counseling for women who are dealing with or recovering from domestic violence.
 - 202-667-7001 ext. 515 (*general*) or ext. 223 (*women with children*)
- **Sasha Bruce**¹⁰¹⁸ (*youth only, ages 11-17*) has a **number of shelters**,¹⁰¹⁹ from 24-hour shelters to longer-term shelters and transitional and permanent living and housing programs. Its non-shelter programs include counseling and classes that can lead young people back to a more stable and supportive family situation, or on a path to true independence and self-sufficiency.
 - 202-547-7777 (*emergencies*) or 202-675-9340 (*information*)
- **District Alliance for Safe Housing**¹⁰²⁰ (DASH) has D.C.'s largest dedicated safe housing program, providing units for domestic violence victims and their families in crisis, as well as transitional to permanent housing. DASH also provides a weekly walk-in clinic with free legal services, housing assistance & counseling. No appointment needed. The walk-in clinic is child-friendly, accessible by public transportation, and services are available in Spanish.
 - 202-290-2356 ext. 101 (*information*)
 - Weekly Domestic Violence Resource Clinic on Wednesdays, 1:00-3:30 pm at Westminster Church (400 I Street, SW, D.C.)
- **My Sister's Place**¹⁰²¹ is the largest non-profit agency exclusively serving battered women and their children in D.C., including **individuals who do not have legal immigration status**. My Sister's Place provides sanctuary from abuse by maintaining an emergency shelter and transitional housing (including the D.C. area's only transitional housing for **individuals who do not have legal immigration status**). It offers an Emergency Services Center as well.
 - 202-540-1064 (general information, queries answered within 2 business days)

¹⁰¹⁶ dcrcc.org/what-we-do/

¹⁰¹⁷ houseofruth.org/

¹⁰¹⁸ www.sashabruce.org/

¹⁰¹⁹ www.sashabruce.org/programs/safehomes/

¹⁰²⁰ www.dashdc.org/programs-services/safe-housing/

¹⁰²¹ mysistersplacedc.org/get-help/

- **D.C. Department of Human Services Shelter Hotline:**¹⁰²² 800-535-7252
 - D.C. DHS also has a list of drop-in centers, emergency shelters, and other programs it funds focused on youth homeless services.¹⁰²³

National Hotlines (generally available 24/7)

- **National Domestic Violence Hotline:**¹⁰²⁴
 - 800-799-SAFE or 800-799-7233
 - TTY: 800-787-3224
- **U.S. National Teen Dating Abuse Helpline**¹⁰²⁵
 - 866-331-9474
 - TTY: 866-331-8453
 - Chat 24/7/365: loveisrespect.org
 - Text LOVEIS to 22522
- **National Child Abuse Hotline**¹⁰²⁶
 - 800-4-A-Child (800-422-4453)
- **National Human Trafficking Hotline**¹⁰²⁷
 - 888-373-7888 (Text: 233-733)
- National Sexual Assault Hotline (**RAINN**)¹⁰²⁸
 - 800-656-HOPE (800-656-4673)
 - [Live chat available](#)
- **Hotline for Victims of Crime**¹⁰²⁹ (including **stalking**)
 - 855-4-VICTIM (855-484-2846)
- **Darkness to Light**¹⁰³⁰ (child sexual abuse)
 - 866-FOR-LIGHT (866-367-5444)

Additional Local Resources

- **Casa Ruby LGBT Community Center**¹⁰³¹
 - 202-355-5155

¹⁰²² dhs.dc.gov/

¹⁰²³ dhs.dc.gov/page/youth-homeless-services

¹⁰²⁴ www.thehotline.org/

¹⁰²⁵ www.loveisrespect.org/

¹⁰²⁶ www.childhelp.org/hotline/

¹⁰²⁷ humantraffickinghotline.org/

¹⁰²⁸ www.rainn.org/get-help

¹⁰²⁹ victimconnect.org/

¹⁰³⁰ www.d2l.org/get-help/

¹⁰³¹ casaruby.org/our-services/

- Asian/Pacific Islander Domestic Violence Resource Project (DVRP)¹⁰³²
 - 202-833-2233
- [Jewish Coalition Against Domestic Abuse \(JCADA\)](#)¹⁰³³ (Serving all faiths, races, ages, national origins)
 - 877-88-JCADA (877-885-2232)
- [Deaf Abused Women's Network \(DAWN\)](#)¹⁰³⁴ (serving all genders):
 - 855-812-1001 (*video phone*)
 - 202-559-5366 (*24-hour video phone*)
 - Email: hotline@deafdawn.org

Resources specific to women and girls

- [HER Resiliency Center](#)¹⁰³⁵
 - 202-643-7831 (*for women ages 18-25*) Referrals for mental health and substance abuse, educational and vocational training, housing options, etc.
 - Email: info@HERdc.org
- [Calvary Women's Services](#)¹⁰³⁶
 - 202-678-2341
 - Email: info@calvaryservices.org
- [Battered Women Charged with Crimes](#)¹⁰³⁷ page of womenslaw.org, for victims of domestic violence who have been charged with a crime.
 - [Battered Women's Justice Project](#):¹⁰³⁸
 - 800-903-1111; prompt 1
 - Email: technicalassistance@bwjp.org
 - [Email contact form](#)
 - National Clearinghouse for the Defense of Battered Women¹⁰³⁹
 - 215-351-0010
 - 800-903-0111 ext. 3
 - Email: ncdbw@ncdbw.org

¹⁰³² dvrp.org/survivor-services-program/

¹⁰³³ jcada.org/

¹⁰³⁴ deafdawn.org/

¹⁰³⁵ herresiliencycenter.org/who-we-serve/

¹⁰³⁶ www.calvaryservices.org/programs/

¹⁰³⁷ www.womenslaw.org/find-help/federal/abuse-victims-charged-crimes

¹⁰³⁸ www.bwjp.org/index.html

¹⁰³⁹ www.ncdbw.org/

Resources specific to men and boys

- [1in6](http://1in6.org/):¹⁰⁴⁰ Recognizing that one in six men experiences **sexual abuse** or **sexual assault** during their lives, this site focuses on breaking the social stigma and silence around males as victims and supporting their recovery.
 - Hosts [weekly online support groups](#) (Monday and Wednesday evenings)
 - [24/7 helpline chat](#) (free and anonymous)
- [MaleSurvivor](http://malesurvivor.org/):¹⁰⁴¹ A website dedicated to supporting male victims of sexual abuse, including information, links to therapists, healing services, and other support.
- [Catholic Charities Men's Shelters and Housing Programs](http://www.catholiccharitiesdc.org/housinghelp/)¹⁰⁴² (*men 18 years or older*): Website lists several shelter and housing programs for single men.

Human Trafficking

- [National Human Trafficking Hotline](#)¹⁰⁴³
 - 888-373-7888 (TTY: 711)
 - Text: 233-733
 - [Live chat](#)
- [Fair Girls](#):¹⁰⁴⁴ Girls and transgender female survivors of trafficking
 - [Referral form](#)
 - 855-900-3247 (*crisis number*) (Monday to Friday, 9:00 am to 5:00 pm)
 - 202-520-9777 (*general info*)
- [Courtney's House D.C.](#):¹⁰⁴⁵ Children
 - 202-423-0480 (*survivor hotline/referrals*)
 - 202-525-1426 (*general info*)
- Amara Legal Center:¹⁰⁴⁶ Any gender
 - 240-257-6492
- Tahirih Justice Center:¹⁰⁴⁷ Immigrant women and girls
 - 571-282-6161

Military Family Advocacy Programs:

- [Army Resources](#)¹⁰⁴⁸
- [Navy Resources](#)¹⁰⁴⁹

¹⁰⁴⁰ 1in6.org/

¹⁰⁴¹ malesurvivor.org/

¹⁰⁴² www.catholiccharitiesdc.org/housinghelp/

¹⁰⁴³ humantraffickinghotline.org/

¹⁰⁴⁴ www.fairgirls.org/

¹⁰⁴⁵ www.courtneyshouse.org/

¹⁰⁴⁶ www.amaralegal.org/

¹⁰⁴⁷ www.tahirih.org/

¹⁰⁴⁸ www.armymwr.com/programs-and-services/personal-assistance/family-advocacy

- [Air Force Resources](#)¹⁰⁵⁰ (search for specific installation)
- [Marine Corps Resources](#)¹⁰⁵¹
 - 703-784-2570/3523 (Monday to Friday, 8:00 am to 4:30 pm)
- [The Battered Women’s Justice Project’s Military Advocacy Program](#)¹⁰⁵²
 - 571-384-0985
- [Real Warriors](#)¹⁰⁵³ (contains information on various military resources)

Free Legal Service Organizations and Referrals:

- [D.C. Volunteer Lawyers Project \(DCVLP\)](#)¹⁰⁵⁴ provides free legal services to survivors of dating and domestic violence and helps them obtain civil protection orders and other legal remedies they may need to stay safe, including custody, child support, safe visitation orders, removal of the abuser from the home, and divorce.
 - 202-425-7573 or 202-618-9691
 - [Walk-in clinic](#)¹⁰⁵⁵ on Wednesdays at [Westminster Presbyterian Church at 400 I St SW, D.C.](#) (near Waterfront metro)
 - Email: info@dcvlp.org
- [Network for Victim Recovery of D.C. \(NVRDC\)](#)¹⁰⁵⁶ empowers victims of all crimes, including victims of domestic and dating violence, to achieve survivor defined justice through case management and legal services, including [civil protection orders](#).¹⁰⁵⁷ Contact or check social media for weekly call-in clinic times to speak with an attorney.
 - 202-742-1727
 - Email: info@nvrdc.org
 - [Facebook](#)¹⁰⁵⁸ and [Instagram](#)¹⁰⁵⁹
- [Break the Cycle \(BTC\)](#)¹⁰⁶⁰ specializes in serving young people ages 12-24 who have been the victims of dating abuse, domestic violence, sexual assault, or [stalking](#). Provides free legal help to obtain a civil protection order as well as custody and safe visitation plans, child support, accompaniment through the criminal process, and victims rights representation. BTC also advocates for students under Title IX, a federal law that helps to ensure schools ensure the safety of student victims.
 - Text “loveis” to 22522 to chat with a peer [advocate](#) 24/7
 - Call 202-849-6289 for legal help
 - [Email form submission page](#)

¹⁰⁴⁹ www.cnic.navy.mil/ffr/family_readiness/fleet_and_family_support_program.html

¹⁰⁵⁰ www.usafservices.com/Installations.aspx#ForceGridSearchBar

¹⁰⁵¹ usmc-mccs.org/services/support/family-advocacy/

¹⁰⁵² www.bwjp.org/our-work/projects/military-and-veterans-advocacy-program.html

¹⁰⁵³ www.realwarriors.net/

¹⁰⁵⁴ www.dcvlp.org/

¹⁰⁵⁵ www.dcvlp.org/dvclinic/

¹⁰⁵⁶ www.nvrdc.org/

¹⁰⁵⁷ www.nvrdc.org/civil

¹⁰⁵⁸ www.facebook.com/NetworkforVictimRecoveryDC/

¹⁰⁵⁹ www.instagram.com/nvrdc/

¹⁰⁶⁰ www.breakthecycle.org/

- [Ayuda](#)¹⁰⁶¹ (which means “help” in Spanish) is the leading provider of free multilingual legal and social services for low-income **individuals who do not have legal immigration status** in D.C. Its mission is to protect the rights of such individuals in the areas of immigration, human trafficking, domestic violence, and sexual assault.
 - 202-387-4848 for *appointment hours or general information*
- [Bread for the City’s legal clinic](#)¹⁰⁶² helps survivors of domestic violence in Civil Protection Orders, family law cases (like custody and divorce), and immigration cases (like VAWA self-petitions, U visas, and SIJS), and helps custodial and non-custodial parents with child support cases.
 - 202-386-7616 (Monday to Thursday, 9 am to 5 pm)
- [District Alliance for Safe Housing](#)¹⁰⁶³ (DASH) provides a weekly walk-in clinic with free legal services, housing assistance & counseling. No appointment needed. The walk-in clinic is child-friendly, accessible by public transportation and services are available in Spanish. The clinic is in collaboration with the [Domestic Violence Resource Clinic](#)¹⁰⁶⁴ (DVRC).
 - 202-290-2356 ext. 101 (*information*)
 - Weekly Domestic Violence Resource Clinic on Wednesdays, 1:00-3:30 pm at Westminster Church (400 I Street, SW, D.C.)
- [Neighborhood Legal Services Program \(NSLP\)](#)¹⁰⁶⁵ provides free legal information, advice and representation to low-income D.C. residents in civil legal matters. We are committed to equal access to justice for all members of our community. For **domestic violence issues**, NSLP can help with **civil protection orders**, custody, and other legal issues.
 - 202-832-NLSP (202-832-6577)
- [Amara Legal Center](#)¹⁰⁶⁶ helps clients obtain **civil protection orders** against abusers, including traffickers and/or buyers. Amara also represents survivors in name change, family law, expungement, and other legal matters.
 - 240-257-6492
 - Email: info@amaralegal.org
- [Victim Legal Network of D.C.](#)¹⁰⁶⁷ works to connect all crime victims to free and low-cost legal assistance at a D.C. legal service organization in an effort to seamlessly address all of a crime victim’s legal needs.
 - Intake Line: 202-629-1788 (Monday to Friday, 9:00 am to 5:00 pm)

¹⁰⁶¹ ayuda.com/

¹⁰⁶² breadforthecity.org/legal/

¹⁰⁶³ www.dashdc.org/programs-services/safe-housing/

¹⁰⁶⁴ www.dcvlp.org/clinic/

¹⁰⁶⁵ nlsp.org/

¹⁰⁶⁶ www.amaralegal.org/services/

¹⁰⁶⁷ vlndc.org/

- **More options:** [LawHelp's D.C. section](#) provides [general legal information](#) online on domestic violence issues and a list of dozens of [additional free legal service providers and programs](#)¹⁰⁶⁸ in D.C. focusing on domestic violence and related family law issues.

For referrals to lawyers who charge a fee:

- The Bar Association of D.C.¹⁰⁶⁹ has a lawyer referral service that can refer you to an attorney who may be able to assist you with your problem. The e-mail address is irs@badc.org. You will receive a one-hour consultation for a small fee and if your case has merit, that consulting attorney may consider taking on your case for representation at an hourly rate or based on a one-time contingency fee.
- The [American Immigration Lawyers Association](#)¹⁰⁷⁰ provides search options for finding an immigration lawyer.
- **More options:** For more resources, visit the [D.C. Coalition Against Domestic Violence Resources page](#).¹⁰⁷¹

¹⁰⁶⁸ www.lawhelp.org/dc/find-legal-help/family-law/domestic-violence-1

¹⁰⁶⁹ www.dcbar.org

¹⁰⁷⁰ www.aialawyer.com/

¹⁰⁷¹ dccadv.org/?pid=51

15. Identification

Basics of Identification Documents

When will I need to show valid government issued identification?

Identification is required in a variety of situations – enrolling in school, picking up prescriptions at a pharmacy, entering government buildings, flying, and others. Identification is often required to get another form of ID. In D.C., you may need a photo ID to:

- Get a copy of your Social Security Card
- Apply for financial aid / loans
- Apply for a job
- Apply for other kinds of licenses / permits
- Open a bank account
- Rent an apartment
- Apply for government benefits, such as public assistance
- Cash checks

The information in this chapter will help you figure out what you need to get an ID and how to go about getting one. There are several different types of identification addressed in this chapter. This chapter also includes information on how to change your name or your gender marker that is on your identification and on identity theft.

How do I show proof of my identity?

There are different forms of documents that you may be able to use to prove your identity. Some examples include:

- a birth certificate
- U.S. Passport or Passport Card
- Social Security Card
- Valid ID card issued by D.C. or another state or territory
- Valid Driver's License issued by D.C. or another state or territory

If you are not a U.S. citizen, you may be able to prove your identity using a valid permanent resident card, [U.S. work permit](#), valid passport from your country of citizenship, a [D.C. Limited Purpose Non-Driver ID card](#) (see below in this chapter) or a [D.C. Limited Purpose Driver License](#) (see below in this chapter). For more information on immigration related questions, please review the [Immigration chapter](#) in this Handbook.

What do I do if I don't have any form of identification?

If you don't have any form of identification, you should first get a birth certificate. A birth certificate is required to apply for most other forms of ID. See the section below on [Birth Certificates](#) for detail on getting a birth certificate.

Birth Certificate

How do I get my birth certificate?

If you were **born in D.C.**, you, a member of your immediate family (including father, mother, sister or brother), your guardian, or your legal representative can request your birth certificate through the [D.C. Health Department's Vital Records Division](#). You or your family are required to bring a copy of a Primary ID, which includes: 1) a valid, unexpired State-issued driver's license; a valid, unexpired Passport; or a valid, unexpired State-issued ID card. If you or your family do not have a Primary ID, you can bring 3 or more Secondary ID sources. A detailed list of acceptable secondary ID sources can be found on the D.C. [Birth Certificate Application](#).¹⁰⁷²

Aside from immediate family, who else is allowed to get a copy of my birth certificate?

In addition to immediate family members, individuals who are not immediate family members or your legal representatives can request a birth certificate for you. These individuals are required to provide additional documentation to prove identity. A full list of who is eligible to request your birth certificate and the additional documents needed, as well as more information, can be found on the [D.C. Department of Health website](#).¹⁰⁷³

How do I request my birth certificate?

If you were born in D.C., you can request a copy of your birth certificate in the following ways: in person, by mail, by phone, and online. Detailed and up to date information on requesting a birth certificate and the application can be found on the [D.C. Department of Health website](#).¹⁰⁷⁴

Where can I find the application to apply for a birth certificate?

The [D.C. Department of Health](#), Vital Records department has the application available for download on its [website](#).¹⁰⁷⁵ Detailed information on the identification documents required can be found on the application. More detail on the identity requirements can be found in this section on [Birth Certificates](#) as well.

What information or documents do I need in order to request a copy of my birth certificate?

The person requesting the birth certificate must prove their identity. The type of documents and information required depends on who is requesting the birth certificate. Up to date information on the documents required can be found on the [D.C. Department of Health, Vital Records webpage on Birth Certificates Services](#).¹⁰⁷⁶ As of March 2019, the documents required are detailed below:

¹⁰⁷² dchealth.dc.gov/sites/default/files/dc/sites/doh/service_content/attachments/DC_Birth_Application.pdf

¹⁰⁷³ dchealth.dc.gov/service/birth-certificates

¹⁰⁷⁴ dchealth.dc.gov/sites/default/files/dc/sites/doh/service_content/attachments/DC_Birth_Application.pdf



¹⁰⁷⁵ dchealth.dc.gov/sites/default/files/dc/sites/doh/service_content/attachments/DC_Birth_Application.pdf

¹⁰⁷⁶ dchealth.dc.gov/service/birth-certificates

★★★ DC Department of Health
Certificate Entitlement Requirements

To ensure the security of all DC birth, death, and domestic partnership certificates, the District of Columbia Vital Records Division strictly enforces who is entitled to receive these certificates.

The following **Certificate Entitlement Requirements** document who is legally approved to request and receive District of Columbia Birth, Death, or Domestic Partnership (D.P.) certificates:

Person Ordering is...	Entitled to...			Must Provide...
	Birth	Death	D.P.	
 Self (must be at least 18 years old)	✓		✓	Must provide the required identification document(s) matching the certificate holder's name†
 Spouse		✓		Must be named as spouse on the certificate
 Domestic Partner		✓	✓	Must be named as domestic partner on the certificate
 Parent	✓	✓		Must be named as parent on the certificate*
 Adult Child or Sibling	✓	✓		Your certified birth certificate* supporting the stated relationship
 Grandparent	✓	✓		Birth: Your child's birth certificate* supporting the stated relationship Death: Proof of tangible interest** or legal need (court, insurance, or estate settlement documents)
 Adult Grandchild	✓	✓		Birth: Your birth certificate* supporting the stated relationships AND your parent(s) birth certificate* Death: Proof of tangible interest** or legal need (court, insurance, or estate settlement documents)
 Legal Guardian	✓	✓		Copy of the legal court order with seal, naming you as legal guardian
 Legal Representative	✓	✓		Copy of retainer agreement, bar card AND typed letter on firm's letterhead authorizing retrieval of the record
 Other Government	✓	✓		Typed letter on firm's letterhead displaying your name and sufficiently identifying the administrative purpose or direct & tangible interest** AND your unexpired work ID with photo
 Social Worker	✓			Typed letter on your firm's letterhead displaying your name AND your unexpired work ID with photo
 Power of Attorney	✓			Copy of the original, certified Power of Attorney (POA expires once the principal or grantor is deceased)
 Law Enforcement	✓	✓		DC Superior Court subpoena or other court documents ordering issuance AND your unexpired work ID with photo
 Other Parties		✓		Proof of tangible interest** or legal need (court, insurance, or estate settlement documents)

† If the name on the identification does not match the name on the certificate, the applicant must provide evidence of legal name change. This may include an original marriage certificate or an original sealed legal name change court order, which would require completion of a birth certificate amendment application and fee payment.

* For births that occurred in DC you do not need to provide the actual certificate, the certificate number will allow DC Department of Health to verify the information. For births occurring outside of DC, you will need to provide the actual certificate requested.

** Direct & tangible interest means that your need for the certificate is related to personal or property rights.

These requirements may change on occasion. Please visit the [D.C. Department of Health, Vital Records webpage on Birth Certificates Services](#)¹⁰⁷⁷ website for the most up to date information.

What type of documents fulfil the identity requirement to get a birth certificate?

The types of identity documents required depend on the person making the request. A detailed list can be found on the [Department of Health's D.C. Birth Certificate application](#)¹⁰⁷⁸ or on the [D.C. Department of Health's guide on Identity Verification Requirements](#).¹⁰⁷⁹

¹⁰⁷⁷ dchealth.dc.gov/service/birth-certificates

¹⁰⁷⁸ dchealth.dc.gov/sites/default/files/dc/sites/doh/service_content/attachments/DC_Birth_Application.pdf

Is there a cost to get a birth certificate in Washington, D.C.?

Yes, depending on how you request your birth certificate (in person, by mail, by phone or online) the cost will range from \$23 - \$38.95 (as of June 2019). This charge may change annually. To check the current cost for the request, refer to the [D.C. Department of Health, Vital Records Division website](#).¹⁰⁸⁰ There is a D.C. government program to waive the fee for a birth certificate for individuals experiencing homelessness. Information on this program can be found on the [D.C. Government website](#).¹⁰⁸¹

How can I get a birth certificate if I was born outside of D.C.?

If you were not born in D.C. but were born in a U.S. state or territory, you must apply for a birth certificate through the state where you were born. You can visit the [CDC's website](#)¹⁰⁸² to find out how and where to apply for a birth certificate.

How can I get a birth certificate if I was born outside of the U.S.?

If you were born in a foreign country, you must get a birth certificate through the foreign vital records office of the country in which you were born. For more information on how to get a foreign birth certificate, visit the [CDC's website](#).¹⁰⁸³

If you were born outside the U.S., but became a naturalized U.S. citizen, you may apply for a certificate of citizenship. For more information on certificates of citizenship, review the [Immigration chapter](#) of this Handbook.

Social Security Number (SSN)

I don't have a Social Security Number -- how do I get one?

To obtain or replace a [Social Security card](#), you will need to (1) provide documents proving U.S. citizenship or immigration status, age, and identity; (2) complete an application; and (3) either mail or take the application and documents to a Social Security office. See the official [Social Security website](#)¹⁰⁸⁴ for further information.

If I am not a U.S. citizen, can I still get a Social Security Number?

Maybe. If you are lawfully present in the U.S. and are legally able to work, you may be eligible for a Social Security Number. More information can be found on the [Social Security Administration's website](#).¹⁰⁸⁵ You can apply before coming to the U.S. as part of your visa

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dchealth.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/Identity%20Verification%20Requirements.pdf

¹⁰⁸⁰ dchealth.dc.gov/service/birth-certificates

¹⁰⁸¹

dhs.dc.gov/sites/default/files/dc/sites/dhs/service_content/attachments/Guidance_No%20Fee%20Birth%20Certificates.pdf

¹⁰⁸² www.cdc.gov/nchs/w2w/index.htm

¹⁰⁸³ www.cdc.gov/nchs/w2w/index.htm

¹⁰⁸⁴ www.ssa.gov/ssnumber/ss5doc.htm

¹⁰⁸⁵ www.ssa.gov/ssnumber/ss5doc.htm

application or go to the Social Security office in person. You can also apply at the same time as you apply for your work authorization on the [USCIS Form I-765](#).¹⁰⁸⁶

To apply for a Social Security Number, you will need to prove your age. You can do this with your foreign birth certificate or through other documents, such as your passport or a document issued by the Department of Homeland Security.

Can I get a Social Security Number if I have Deferred Action (DACA) status?

After [USCIS](#) has granted your [DACA](#) application and you have received an Employment Authorization Card (I-766), you can apply for and receive a Social Security number. To apply, you should have a certified copy of a document that shows your age (e.g., birth certificate, passport, religious record, school record, medical record) and the application for a Social Security Card ([Form SS-5](#)).¹⁰⁸⁷ Additional information can be found on the [Social Security Administration's website](#).¹⁰⁸⁸ Additional information on obtaining DACA status can be found in the [Immigration chapter](#) in this Handbook.

How do I get a Social Security card?

To obtain or replace a social security card, you will need to (1) provide documents proving U.S. citizenship or immigration status, age, and identity; (2) complete an application; and (3) either mail or take the application and documents to a social security office. Go to the [Social Security Administration's website](#) for additional information.

Where are the Social Security Administration offices?

To locate the nearest Social Security office, visit the [Social Security Administration's website](#).¹⁰⁸⁹

U.S. Passport

How do I get a U.S. Passport?

If any of the following statements are true, you will need to apply in person for a [U.S. Passport](#) using [Form DS-11](#):

- you are applying for the first time for a U.S. Passport;
- you are under age 16;
- you had a U.S. Passport that was issued when you were under age 16;
- you had a U.S. Passport that was lost, stolen, or damaged; or
- you had a U.S. Passport that was issued more than 15 years ago.

If none of the above statements are true, then you may be able to renew by mail using [Form DS-82](#). All forms are available on the [U.S. Department of State website](#).¹⁰⁹⁰

¹⁰⁸⁶ www.uscis.gov/i-765

¹⁰⁸⁷ www.ssa.gov/forms/ss-5fs.pdf

¹⁰⁸⁸ www.ssa.gov/ssnumber/ss5doc.htm

¹⁰⁸⁹ secure.ssa.gov/ICON/main.jsp

Where do I apply in person?

Where you apply depends on how quickly you need your passport. It typically takes about 4-6 weeks to get your passport. If you can wait for that time frame, you can apply at any [Passport Acceptance Facility](#). Note that some [Passport Acceptance Facilities](#) require advance appointments. If you need your passport more urgently, you will need to apply for expedited (quick) processing. More information on getting your passport quickly can be found on the [State Department website](#).¹⁰⁹¹

What documents do I need to bring with my Passport application?

You will need documents that establish your U.S. citizenship, identity, passport photos and the fee. A full and up-to-date list of all documents required can be found on the [U.S. State Department website](#).¹⁰⁹²

Note the fees and requirements change routinely, so please check the [U.S. State Department website](#)¹⁰⁹³ before you apply.

What is the fee for applying for a U.S. Passport?

The fees for a U.S. Passport for applicants age 16 or older as of September 2018 are: \$30 (U.S. Passport Card), \$110 (U.S. Passport Book) and a \$35 processing fee. For children (age 15 or younger), the fees as of September 2018 are: \$15 (U.S. Passport Card), \$80 (U.S. Passport Book) and a \$35 processing fee. Note that the fees may change, so check the [U.S. State Department website](#)¹⁰⁹⁴ before you apply.

Can I get a U.S. Passport if I am not a U.S. citizen?

No, you must be a U.S. citizen in order to get a U.S. Passport. For more information, check the [U.S. Department of State website](#).¹⁰⁹⁵

Washington, D.C. IDs: Options

What forms of identification are available to residents of D.C.?

You can obtain a government issued identification from the Washington, D.C. Department of Motor Vehicles. Those IDs include:

- Driver's License
 - REAL ID Driver's License
 - D.C. DMV Limited Purpose Driver's License
 - Driver's License for Non-U.S. Citizens

¹⁰⁹⁰ travel.state.gov/content/travel/en/passports/requirements/forms.html

¹⁰⁹¹ travel.state.gov/content/travel/en/passports/requirements/where-to-apply.html

¹⁰⁹² travel.state.gov/content/travel/en/passports/apply-renew-passport/apply-in-person.html

¹⁰⁹³ travel.state.gov/content/travel/en/passports/apply-renew-passport/apply-in-person.html

¹⁰⁹⁴ travel.state.gov/content/travel/en/passports/apply-renew-passport/apply-in-person.html

¹⁰⁹⁵ travel.state.gov/content/travel/en/passports/requirements/where-to-apply.html

- Non-Driver ID Cards
 - REAL ID Non-Driver ID Card
 - Limited Purpose Non-Driver ID Card

Each of these identification documents is described in this chapter below.

Driver's License: Types and Requirements

What are the different types of driver's licenses I can get in Washington, D.C.?

You can obtain a government issued driver's license from the Washington, D.C. Department of Motor Vehicles. Those Driver's Licenses include:

- REAL ID Driver's License
- D.C. DMV Limited Purpose Driver's License
- Driver's License for Non-U.S. Citizens

Each of these identification documents is described below in this chapter.

What age do I have to be to get a Driver's License in D.C.?

You have to be at least 16 years old and meet several requirements. The requirements differ slightly between the three types of Driver's Licenses as discussed below. Additional information can be found on the differences and the application process on the [D.C. DMV website](#).¹⁰⁹⁶

What is a Provisional License?

This is a driver's license (either a REAL ID or Limited Purpose) with certain limitations for individuals under age 21. It allows the holder to operate a motor vehicle only during restricted hours, if you are driving to or from work, a school-sponsored activity, a religious or athletic event, or to certain training sessions.

Detailed information on the requirements can be found on the [DMV website](#).¹⁰⁹⁷

How long is a Provisional License valid?

The REAL ID or Limited Purpose provisional license is valid for 1 year for U.S. citizens. If you are a non-U.S. citizen, the valid period depends on the length of your residency.

Can I get a full license after having a Provisional License?

Yes. You can get a full license (DMV REAL ID or Limited Purpose license) after you have had a provisional license for at least 6 months. To get a full license with conditions you have to meet the following requirements:

¹⁰⁹⁶ dmv.dc.gov/service/driver-licenses

¹⁰⁹⁷ dmv.dc.gov/node/1119121

- Be at least 17 years old;
- Have held a provisional license for at least 6 months;
- Not have an offense that could have had points assessed on your license in the last 12 months; and
- Provide a signed form showing you practiced night driving skills at least 10 hours with a driver who is 21 or over. This person can be anyone with a valid, full driver's license who is 21 or over.

Additional information can be found on the [Full License with Conditions page on the DMV website](#).¹⁰⁹⁸

Are there any restrictions on my driver's license if I am under 18?

Yes. You can drive alone, but the following conditions apply:

- You can only have 2 people under 21 in your car at a time (siblings are an exception);
- You cannot operate a passenger vehicle or motorized bike for competition;
- You must be involved in a D.C. driving program called the [GRAD License Program](#) and your parent will be notified of any violations;
- Driving hours are restricted:
 - **September to June:** Sunday to Thursday, 6 am–10:59 pm, Friday and Saturday, 6 am–11:59 pm
 - **July and August:** Every day, 6 am–11:59 pm

More information can be found on the [D.C. DMV website](#).¹⁰⁹⁹

Before I get my Driver's License, can I practice driving?

Yes, but in order to learn to drive and practice driving in D.C. you must have a valid D.C. DMV learner permit. D.C. DMV offers learners either a REAL ID learner permit or a Limited Purpose learner permit for individuals 16 years or older. Detailed information on obtaining a learner's permit can be found on the [DMV website](#).¹¹⁰⁰

What are the requirements for a Learner Permit?

You **must be at least 16 years old**, must pass vision screening and knowledge tests and provide documentation that proves your identity, residency, and eligibility, among other things. Detailed information on obtaining a learner's permit can be found on the [DMV website](#).¹¹⁰¹

What is the fee for a D.C. REAL ID or Limited Purpose Learner Permit?

The fee is currently (as of September 2018) \$20. Detailed information on obtaining a learner's permit can be found on the [DMV website](#).¹¹⁰²

¹⁰⁹⁸ dmv.dc.gov/service/full-license-conditions

¹⁰⁹⁹ dmv.dc.gov/service/full-license-conditions

¹¹⁰⁰ dmv.dc.gov/service/learner-permits-and-provisional-licenses

¹¹⁰¹ dmv.dc.gov/service/learner-permits-and-provisional-licenses

I have a valid Driver License from another state. How do I get a D.C. Driver License?

If you reside in D.C. for more than 30 days, you must convert your out-of-state driver license or provisional license to either a D.C. DMV REAL ID driver license or a REAL ID provisional license. You will have to provide proof of your residency. If you have an out-of-state driver license but do not qualify for a D.C. DMV REAL ID license, you may be eligible for a D.C. DMV Limited Purpose driver license. You do not need a D.C. Driver license if you are a student, diplomat, active military member, part-time resident, member of Congress, or presidential appointee and are thus eligible for driving privilege reciprocity with your home state or jurisdiction. If you are under 18, you will receive a Driver License with Conditions.

More information can be found on the [DMV webpage for new D.C. Residents](#).¹¹⁰³

I am over 21 years old and have my Learner's Permit. What are my steps to getting a full driver license?

If you do not have a valid driver license from another jurisdiction, when you have passed the knowledge test and been issued a learner permit, you can schedule a road skills test. More information on the road skills test is available on the DMV website on [Road Skills Tests](#).¹¹⁰⁴

Driver's License: REAL ID Driver's License

What is a REAL ID?

Washington, D.C., is changing their identifications to follow new federal requirements. These new IDs are called REAL IDs and have more documentation requirements than the old D.C. ID. If you do not have all of the documents but have a previous D.C. Driver's license, you may be eligible for a Federal Non-Compliant ID that is marked "Federal Limits Apply." More information on obtaining a REAL ID Driver's License can be found on the [D.C. DMV website](#).¹¹⁰⁵

How old do I have to be to get a REAL ID Driver's License?

You must be at least 16 years old. More information on obtaining a REAL ID Driver's License can be found on the [D.C. DMV website](#).¹¹⁰⁶

What documents do I need to apply for a REAL ID Driver's License?

You must bring documents to the D.C. DMV to prove that you are eligible for a driver's license. Those documents include:

- [Proof of identity and age](#);

¹¹⁰² dmv.dc.gov/service/learner-permits-and-provisional-licenses

¹¹⁰³ dmv.dc.gov/service/for-new-district-residents

¹¹⁰⁴ dmv.dc.gov/node/1114977

¹¹⁰⁵ dmv.dc.gov/node/1119101

¹¹⁰⁶ dmv.dc.gov/node/1119101

- [Two \(2\) documents that prove you reside in D.C.;](#)
- [Proof of your Social Security Number;](#)
- [Proof of your ability to drive;](#) and
- [Parent approval](#) (if you are 16 or 17); and maybe
- [Medical/Eye Form](#) if you have a medical condition listed on the Driver's License application.

More information on obtaining a REAL ID Driver's License and a detailed list of all documents to prove each requirement is provided on the [D.C. DMV website](#).¹¹⁰⁷

What else do I need to do to get a REAL ID Driver's License when I go to the D.C. DMV?

You will need to bring your completed application and required documents to the D.C. DMV. At the D.C. DMV, you will also need to:

- [Pass a Vision Screening;](#)
- [Pass a Knowledge Test;](#)
- Take a new photograph;
- [Pay any fees;](#) and
- [Pass a Road Skills test if you do not have a valid license from another State.](#)

Note that you will need to schedule a road skills test appointment; the D.C. DMV does not accept walk-ins.

Driver's License: Limited Purpose Driver's License

What is a Limited Purpose Driver's License?

The D.C. DMV Limited Purpose driver's license allows D.C. residents who cannot provide a Social Security Number to drive legally. More information can be found on the [D.C. DMV Limited Purpose Driver License webpage](#).¹¹⁰⁸

How is a D.C. DMV Limited Purpose Driver's License different from the other D.C. Driver's License?

The Limited Purpose Driver's License is marked with "not valid for federal purposes." Other than this marking, it looks like the current D.C. DMV Driver's License. It does look different from the **REAL ID Driver's License**. A Limited Purpose Driver's License cannot be used for certain federal purposes such as to enter federal facilities, enter a nuclear plant, or board an airplane. Additionally, other entities may or may not accept the credential for identification purposes.

More information can be found on the [D.C. DMV website](#).¹¹⁰⁹

¹¹⁰⁷ dmv.dc.gov/node/1119101

¹¹⁰⁸ dmv.dc.gov/service/limited-purpose-driver-license

¹¹⁰⁹ dmv.dc.gov/node/1120167

What documents do I need to apply for a D.C. DMV Limited Purpose Driver's License?

Similar to the D.C. Driver's License, you need documents to prove your identity, age, current address and residency in D.C. An up-to-date list of all acceptable documents to prove the eligibility requirements can be found on the [D.C. DMV website](#).¹¹¹⁰

If I am undocumented, how will obtaining a D.C. DMV Limited Purpose Driver's License impact my immigration status?

According to the [D.C. DMV's website](#),¹¹¹¹ the Driver's Safety Amendment Act prohibits the use of a Limited Purpose credential for consideration of an individual's citizenship or immigration status or as a basis for a criminal investigation, arrest, or detention. Additional information regarding immigration concerns can be found in the [Immigration chapter](#) in this Handbook.

Driver's License: Driver's License for Non-U.S. Citizens

Can I get a D.C. Driver's License if I am not a U.S. citizen?

Yes. You may be eligible to get a D.C. DMV Driver's License if you meet the following requirements to prove your identity: Social Security number, current D.C. residency, and legal presence in the U.S. More information can be found in response to [What documents do I need to apply for a REAL ID Driver's License?](#) in this chapter.

Detailed information on the D.C. Driver's License for Non-U.S. Citizens can be found on the [D.C. DMV website](#).¹¹¹²

What immigration documents do I need to get a D.C. Driver's License if I am not a U.S. citizen?

A non-U.S. citizen with a [USCIS Notice of Action Form I-797](#)¹¹¹³ may be issued a temporary Driver's License or ID card for the duration of processing time listed in the notice. The maximum duration for the license is 18 months. Non-U.S. citizens on visitor visas are not eligible to obtain a license. Detailed information on the D.C. Driver's License for Non-U.S. Citizens can be found on the [D.C. DMV website](#).¹¹¹⁴

Can I be issued a REAL ID if I am a non-citizen?

Yes, you may also be eligible for a REAL ID driver's license as a non-U.S. citizen. You will have to follow the process to obtain a REAL ID driver's license on the [DMV's website](#).¹¹¹⁵ More information can be found in the [Driver's License: REAL ID Driver's License section](#) above.

¹¹¹⁰ dmv.dc.gov/page/limited-purpose-credential-required-and-acceptable-documents

¹¹¹¹ dmv.dc.gov/node/1120167

¹¹¹² dmv.dc.gov/service/driver-license-for-non-us-citizens

¹¹¹³ www.uscis.gov/forms/form-i-797c-notice-action

¹¹¹⁴ dmv.dc.gov/service/driver-license-for-non-us-citizens

¹¹¹⁵ dmv.dc.gov/service/driver-license-for-non-us-citizens

Non-Driver ID Cards

What forms of non-driver identification are available to residents of D.C.?

You can obtain a government issued identification from the Washington, D.C. Department of Motor Vehicles. Those non-driver IDs include:

- Non-Driver ID Cards (ID Card)
 - **REAL ID Non-Driver ID Card**
 - **Limited Purpose Non-Driver ID Card**

Each of these identification documents is described below.

Why would I want to get a Non-Driver ID Card?

You can get a Non-Driver ID Card if you need an official form of identification but do not want or need a driver license at this time.

What is the difference between a REAL ID Card and a Limited Purpose ID Card?

A REAL ID card is an official form of ID that you can use to board an airplane in the U.S. and enter other federal properties. You will also be able to select certain options regarding **voting**, organ donation, Selective Service eligibility, and veteran status. If you get a Limited Purpose ID card, you will not be able to use this ID to board an airplane.

More information can be found on the [DMV website on Non-Driver Identification Cards](#).¹¹¹⁶

Can I get a free D.C. REAL ID or a Non-Driver ID Card if I am homeless?

Yes, if you meet certain criteria. Residents who are homeless are eligible for a free non-driver ID if they are certified as homeless by an approved social service provider. For the free ID, “homeless” means someone without a regular residence, or someone who’s primary night-time residence is a shelter, transitional housing, or outside.

A homeless resident still needs to submit the required documents to the DMV to prove identity, a Social Security Number, proof of residency and a No Fee Identification Card from, which you can get from a certified social services agency approved by the D.C. Department of Social Services. More information can be found on the [D.C. DMV website](#).¹¹¹⁷

¹¹¹⁶ dmv.dc.gov/service/non-driver-identification-cards

¹¹¹⁷ dmv.dc.gov/node/1120181

Who can get a REAL Non-Driver ID Card?

A resident of D.C. who is at least 15 years old is eligible. You cannot get a REAL Non-Driver ID if you have a valid driver's license or ID card in D.C. or in another state. Detail on applying for a REAL ID Non-Driver ID card can be found on the [D.C. DMV website](#).¹¹¹⁸

How can I get a REAL Non-Driver ID Card?

You have to apply for a D.C. DMV REAL ID by filling out the [application](#)¹¹¹⁹ on the D.C. DMV website. You will bring the completed form and required documents to a [local DMV Service Center](#). You will need to bring documents to prove that you are eligible:

- [Proof of identity and age](#);
- [Two documents to prove you reside in D.C.](#);
- [Proof of your Social Security Number](#); and
- (If you are under 18, [proof of parent approval](#)).

Details on applying can be found on the [D.C. DMV website](#).¹¹²⁰

How long is a D.C. REAL ID Non-Driver ID Card valid?

A REAL ID Non-Driver Identification Card is valid for 8 years for U.S. Citizens and is [renewable](#).¹¹²¹ If you are not a U.S. Citizen, the REAL ID non-driver ID card will expire at the end of your approved duration of stay.

Do I need parent approval to get a REAL ID Non-Driver ID Card if I am under 18?

Yes, you must show [proof of parent approval](#).¹¹²²

What is the difference between a REAL ID and a Limited Purpose ID?

A Limited Purpose Non-Driver ID card is available to persons who do not have, have never had, or are not eligible for a Social Security Number. The other requirements for a Limited Purpose ID are similar to a REAL ID. You must be a D.C. resident and have lived in D.C. for at least 6 months, be at least 15 years of age and not have a valid driver license or identification card in D.C. or from another state or jurisdiction. Minors under the age of 18 will be required to submit the Parental Consent form.

Detail on applying for a Limited Purpose Non-Driver ID can be found on the [D.C. DMV website](#).¹¹²³

¹¹¹⁸ dmv.dc.gov/service/obtain-a-real-id-non-driver-identification-card

¹¹¹⁹ dmv.dc.gov/node/1117687

¹¹²⁰ dmv.dc.gov/node/1089402

¹¹²¹ dmv.dc.gov/service/renew-a-non-driver-id-card

¹¹²² dmv.dc.gov/node/136072

¹¹²³ dmv.dc.gov/service/obtain-limited-purpose-non-driver-identification-card

What documents do I need to apply for a Limited Purpose Non-Driver ID card?

In order to obtain a Limited Purpose Non-Driver ID card, you are required to fill out the [Identification Card application](#). You will also need to provide:

- [Proof of identity and age](#);
- [Two documents that prove you reside in D.C.](#);
- [Two documents that prove you have resided in D.C. for at least six months](#);
- [Proof of your Social Security ineligibility](#); and
- (if you are under 18, [proof of parental support](#)).

Additional detail on applying for a Limited Purpose Non-Driver ID card can be found on the [D.C. DMV website](#).¹¹²⁴

Changing your Legal Name

I am over 18, how do I change my name?

To apply for a legal name change in D.C., you must:

- have lived in D.C. for a least six (6) months before filing an [application](#);
- complete and submit the [Application for Change of Name](#) and any required documents;
- be at least 18 years old; and
- pay the court filing fee (\$60).

You may also qualify for a fee waiver based upon your income. The application must be filed in Judge-in-Chambers in the Superior Court of the District of Columbia. Detailed information on applying for a name change can be found on the [D.C. Courts website](#).¹¹²⁵ Further detail and support can be found on the [National Center for Transgender Equality's website](#)¹¹²⁶ and the [Trans Legal Advocates of Washington](#)¹¹²⁷ website.

I am under 18, can I change my name?

If you are under 18, you need a parent, legal guardian, or next-of-kin to apply for a name change on your behalf. The requirements are otherwise the same as above in the response to *["I am over 18, how do I change my name?"](#)*. Detailed information on applying for a name change of a minor can be found on the [D.C. Courts website](#).¹¹²⁸ Further detail and support can be found on the [National Center for Transgender Equality's website](#)¹¹²⁹ and the [Trans Legal Advocates of Washington](#)¹¹³⁰ website.

¹¹²⁴ dmv.dc.gov/node/1117687

¹¹²⁵ www.dccourts.gov/services/judge-in-chambers/application-change-name

¹¹²⁶ transequality.org/documents/state/district-columbia

¹¹²⁷ www.translawdc.org/resources/DC-guide

¹¹²⁸ [www.dccourts.gov/sites/default/files/Minor%20\(Name%20Change\).pdf](http://www.dccourts.gov/sites/default/files/Minor%20(Name%20Change).pdf)

¹¹²⁹ transequality.org/documents/state/district-columbia

¹¹³⁰ www.translawdc.org/resources/DC-guide

What do I need to do after I legally change my name?

Once you change your legal name, you'll need to change your name on several of your other legal documents and other important sources, for example:

- [Social Security card](#)
- [D.C. DMV Non-Driver ID Card or Driver's License](#)
- [Vehicle registration and title](#)
- Bank accounts
- School Records
- Employer Records

Visit the [D.C. DMV's website](#)¹¹³¹ for more information on how to change your name on your driver license or ID card and vehicle registration and title.

How do I change my legal name on my U.S. Passport?

If you have a valid U.S. Passport, you can change your name on it by mailing to the address listed on the [Passport Renewal Application \(Form DS-82\)](#), the following:

- Completed [Passport Renewal Application \(Form DS-82\)](#);
- Most recent U.S. Passport (book or card);
- Recent color photograph (2x2 inches);
- Certified Court Order for a Name Change; and
- Required [fees](#).

Detailed information and resources on changing your name can be found on the [Trans Legal Advocates of Washington](#)¹¹³² website.

Changing Gender Marker

I was born in Washington, D.C. How do I change my gender marker on my birth certificate?

To change your gender designation (and regarding name, see the [What do I need to do after I legally change my name?](#) response) on your D.C. birth certificate, you will need to apply in person or by mail at the [Department of Health, Vital Records Division](#), First Floor, 899 North Capitol Street, NE, Washington, D.C. 20002.

You will need to submit the following documents:

- Completed [Birth Certificate Gender Designation Application Form](#),¹¹³³ signed by the applicant (address on the application should be the address where you want your certificate mailed);
- Completed and signed [Statement of Licensed Healthcare Provider Certifying the Applicant's Gender Designation](#),¹¹³⁴ signed by your healthcare provider;

¹¹³¹ dmv.dc.gov/page/name-changes-and-corrections

¹¹³² www.translawdc.org/resources/DC-guide

¹¹³³ dchealth.dc.gov/node/924462

- Photocopy of the applicant's non-expired photo ID (driver's license, passport, or other government issued identification card) that reflects a good likeness and satisfactorily identifies you;
- Original or certified copy of the Court Order for a Name Change, if applicable; and
- A check or money order payable to D.C. Treasurer for total cost. Amending birth certificate (\$28.00) + certified copy of birth certificate (\$23.00) = \$51.00.

Detailed information and resources on changing your gender designation can be found on the [Trans Legal Advocates of Washington](#)¹¹³⁵ website.

How do I change my gender marker on my D.C. Driver's License or ID Card?

Changing a gender designation on a driver's license or ID card must be done through the D.C. DMV. The process includes:

- Submit a completed and signed [Gender Designation form](#).¹¹³⁶
- Pay applicable fees for a new or amended license; and
- Have a new photograph taken.

Applicants should indicate on the form the gender designation that is the best fit for them. Transgender people may identify as male, female, or neither male nor female. Additionally, people of any gender may choose not to disclose their gender using an X marker.

An applicant is **not** required to have already changed their gender designation on their birth certificate or other forms of identification to change their gender on their D.C. ID or D.C. license, and is not required to have matching gender designations on all forms of identification.

Detailed information and resources on changing your gender designation can be found on the [Trans Legal Advocates of Washington](#)¹¹³⁷ website.

How do I change my gender marker on my U.S. Passport?

You must apply in person using [Form DS-11](#). A gender designation change requires an in-person appointment at a [Passport Acceptance Facility](#). You must provide the following:

1. Two 2x2 inch photographs of yourself;
2. Proof of U.S. citizenship, such as a previous passport or a birth certificate;
3. A valid form of government-issued photo ID such as a previous passport, driver's license or state or tribal ID card;
4. A completed form [DS-11, Application for a U.S. Passport](#);
5. A physician certification of your gender, following the sample in the National Center for Transgender Equality's [Passport Resource](#);

¹¹³⁴ dchealth.dc.gov/node/924462

¹¹³⁵ www.translawdc.org/resources/DC-guide

¹¹³⁶ dmv.dc.gov/publication/gender-self-designation-form

¹¹³⁷ www.translawdc.org/resources/DC-guide

6. If you are also updating your name, legal documentation of name change; and
7. Current [applicable fees](#).

Detailed information and resources on changing your gender designation can be found on the [Trans Legal Advocates of Washington](#)¹¹³⁸ website.

How do I change my gender marker with the Social Security Administration?

To change your gender on your Social Security's records, you will need to go to a [Social Security office](#) in-person. You will need to prepare and provide the following information and documents:

1. [Application for Social Security Card](#);
2. An unexpired identification document, such as driver's license, state-issued identity card, or U.S. Passport (ID document can include your former name);
3. Proof of U.S. citizenship or lawful immigration status, such as a passport, birth certificate or immigration documentation;
4. If you are updating your name, a certified copy of the Court Order for Change of Name; and
5. If you are updating the gender marker in your Social Security records, you can show a passport, birth certificate, or court order with the correct gender, or a signed letter on letterhead from your licensed physician certifying your gender. The National Center for Transgender Equality has a sample [Social Security Resource](#) for a template physician's letter.

Detailed information and resources on changing your gender designation can be found on the [Trans Legal Advocates of Washington](#)¹¹³⁹ website. Additional information on the impact of changing a gender marker on Social Security benefits can be found on the [Trans Equality website](#).¹¹⁴⁰

Identity Theft

What is Identity Theft?

Identity theft is when someone steals your personal information and uses it without your permission. [D.C. Code § 25–1002](#).¹¹⁴¹ Identity theft also includes instances where someone takes key pieces of your personal information—including your name, your birth date, your address, your Social Security Number or your credit card number—and then uses that information without your knowledge or permission.

¹¹³⁸ www.translawdc.org/resources/DC-guide

¹¹³⁹ www.translawdc.org/resources/DC-guide

¹¹⁴⁰ transequality.org/know-your-rights/social-security

¹¹⁴¹ code.dccouncil.us/dc/council/code/sections/22-3227.02.html

How can my identity be stolen?

People can steal your identity in a number of ways. More information on identity theft can be found in the [Identity Theft section](#) in the [Consumer and Credit chapter](#) in this Handbook.

I think that my identity has been stolen. What do I do?

If you suspect that you have been the victim of identity theft, then you should act quickly to clear your name. Refer to the [Identity Theft section](#) in the [Consumer and Credit chapter](#) in this Handbook for the steps you can take.

Using Someone Else's Identity

Am I committing a crime if I use a fake ID to purchase alcohol?

It is against the law in D.C. to misrepresent your age in order to purchase or consume alcohol. [D.C. Code § 25-1002](#).¹¹⁴²

- For a first time violation, you can be fined up to \$300 and have your driving privileges suspended for 90 days.
- For a second violation, you can be fined up to \$600 and have your driving privileges suspended for 180 days.
- For the third and each subsequent violation, you can be fined up to \$1,000 and have your driving privileges suspended for one year.

Am I committing a crime if I take someone else's identity?

Yes. Taking someone else's identity can be considered the criminal act of identity theft under D.C. law. The legal requirements for identity theft are found in [D.C. Code § 25-1002](#). You can be guilty of identity theft if you have someone's identity and intend to either use it, give it, or sell it to another person but have not yet done so. [D.C. Code § 25-1002](#).

What are the criminal penalties for identity theft in D.C.?

If convicted of identity theft under [D.C. Code § 25-1002](#), you may be subject to imprisonment and a fine. The amount of jail time and the fine depends on the financial injury suffered by the victim. More information can be found at [D.C. Code § 22-3227.03](#).¹¹⁴³

¹¹⁴² code.dccouncil.us/dc/council/code/sections/22-3227.02.html

¹¹⁴³ code.dccouncil.us/dc/council/code/sections/22-3227.03.html

16. Consumer and Credit

Credit Basics

What is credit?

Your credit history or “credit” describes how you use money. It includes how you have handled your credit cards, money you have borrowed in loans or spent on your credit cards, and your **utility bills** (like for electricity, water, gas, or internet) if you have ever had them. Many things affect your credit. For additional information, refer to the response to *What kinds of things affect my credit?* question below.

The list below includes additional resources that may be helpful to you with regards to your credit:

- [The Consumer Financial Protection Bureau \(“CFPB”\) outlines the basics on credit reports and scores.](#)¹¹⁴⁴
- [The Federal Trade Commission \(“FTC”\) on credit and loans.](#)¹¹⁴⁵
- [FTC: Your credit history, what to know and do.](#)¹¹⁴⁶

Do I have a credit history?

If you have never had credit cards, **loans**, or **bills**, you may not have a credit history. You can check whether you have a credit history by requesting a copy of your credit report. If you have a credit history, your credit report will describe your credit history. You can use your credit report to maintain **good credit**, recover from **bad credit**, and fix errors or mistakes on your credit report. Your credit report will include information about your:

- **Identity:** this includes your name, address, marital status, date of birth, number of dependents, previous addresses, and Social Security number.
- **Employment:** this includes your present job, length of employment, income, and previous jobs.
- **Credit History:** this is a list of your history with companies who have extended credit to you in the past (for example, what loans you have taken or credit cards you have held, and whether you have repaid them), and who else has requested your credit report.
- **Public Record:** this includes lawsuits and judgments, bankruptcy records, or other legal proceedings recorded by a court. Criminal records are not included in your credit report.

For additional information on credit history, you can refer to the following website: [FTC: Your credit history.](#)¹¹⁴⁷ Additional information on credit reports can be found in this section on **Credit Basics**.

¹¹⁴⁴ www.consumerfinance.gov/consumer-tools/credit-reports-and-scores/

¹¹⁴⁵ www.consumer.ftc.gov/topics/credit-and-loans

¹¹⁴⁶ www.consumer.gov/articles/1009-your-credit-history

¹¹⁴⁷ www.consumer.gov/articles/1009-your-credit-history

What is my credit report?

Your credit report is a summary of your **credit history**. Your credit report will include information about you:

- **Identity:** this includes your name, address, marital status, date of birth, number of dependents, previous addresses, and Social Security number.
- **Employment:** this includes your present job, length of employment, income, and previous jobs.
- **Credit History:** this is a list of your history with companies who have extended credit to you in the past (for example, what loans you have taken or credit cards you have held, and whether you have repaid them), and who else has requested your credit report.
- **Public Record:** this includes lawsuits and judgments, bankruptcy records, or other legal proceedings recorded by a court. Criminal records are not included in your credit report.

How do I get a copy of my credit report?

You have a right to receive a free copy of your credit report annually. You are also entitled to a copy of your credit report if you were denied housing or something else due to our credit. More information on obtaining a free credit report can be found on the [FTC website](#).¹¹⁴⁸ You may want to be wary of using for-profit websites that say they offer a free credit report. If you use your credit card, prepaid card, or debit card on a website to get a credit report, your card might be billed monthly for services you did not mean to sign up for.

If you have a credit card, the Consumer Finance Protection Bureau has asked most credit companies to provide you with your credit score for free. Some credit card companies are offering [credit scores even to non-cardholders](#).¹¹⁴⁹ You can also get a good idea of your credit score by getting a free copy of your credit report. See "[What is my credit report? How do I get a copy of it?](#)". Your credit score is calculated based on the information in your credit report. If you know your credit report is good, your score should also be good.

You can also order a credit report from credit companies. You will likely be charged for this copy. Additional resources on credit reports include:

- [CFPB: Youth and credit reports](#)¹¹⁵⁰
- [FTC: How do I order my free report?](#)¹¹⁵¹

What is a credit score?

A credit score is a number based on your credit history. Businesses use your credit score to estimate how responsible you are with money. A high credit score means you have **good credit**. A low credit score means you have **bad credit**. Different **consumer reporting agencies** may have different scores for you. Credit scores can range from the low 300s to the mid-800s.

¹¹⁴⁸ www.ftc.gov/faq/consumer-protection/get-my-free-credit-report

¹¹⁴⁹ www.nerdwallet.com/blog/credit-cards/discover-offers-free-fico-scores/

¹¹⁵⁰ www.consumerfinance.gov/about-us/blog/how-to-protect-vulnerable-children-from-identity-theft/

¹¹⁵¹ www.consumer.ftc.gov/articles/0155-free-credit-reports

Who else can look at my credit report?

Businesses may look at your credit report to learn more about you. They may use it to decide whether to give you loans, credit cards, rental housing, or **insurance**. Your credit score is based on your credit report.

In some states, employers can look at your credit report before offering you a job. In D.C., it is illegal for an employer to ask about or use a person's credit history to make employment decisions. See the [Fair Credit in Employment Amendment Act of 2016 \(FCEAA\)](#). There are some exceptions such as jobs with the Metropolitan Police Department and other government positions. A list of the exceptions to the [FCEAA](#) can be found here: [Fair Credit in Employment Amendment Act of 2016 \(FCEAA\)](#).¹¹⁵²

Cell phone companies and **insurance** companies look at your credit report. Landlords may also request to run a credit check before letting you rent an apartment or a room. If you have **bad credit** or your rental history is bad (for example, you were evicted), it may affect your ability to rent. If there is an eviction in your name when you were a minor, you may be able to get this off your record with the help of an attorney. There are legal aid programs that might be available to help with housing issues, such as: [Legal Aid Society of D.C.](#)¹¹⁵³, [Bread for the City](#)¹¹⁵⁴, [Neighborhood Legal Services Program](#).¹¹⁵⁵ You should contact the organizations if you have any legal needs to see if you can get legal support.

What happens if I am denied housing or a credit card because of information on my credit report?

If you are denied an apartment or a credit card because of information on your credit report, you should receive what is called "an adverse action notice." An adverse action notice is a letter that tells you that you were denied whatever you applied for (like an apartment, credit card, or loan). Under the law, this letter must tell you how to contact the **consumer reporting agency** that provided information about you. You have 30 days to call or write the **consumer reporting agency** to get a free copy of the report that was used in this decision. You should always do this, especially for housing, because there are sometimes mistakes and you have a right to have mistakes corrected.

More information regarding Adverse Action notices can be found on the [Federal Trade Commission's website](#).¹¹⁵⁶ Additional resources on credit reports include: [FTC: Why do I have a credit report?](#)¹¹⁵⁷

Why should I care about my credit?

Having **good credit** is important for a number of reasons. For instance, people with **good credit** will be able to get loans (including student loans) more easily and better **interest** rates. Getting a better interest rate on a loan is helpful because it means you will pay less money over time.

¹¹⁵² ohr.dc.gov/sites/default/files/dc/sites/ohr/page_content/attachments/FairCredit_FAQ_100517.pdf

¹¹⁵³ www.legalaiddc.org/?_sm_au_=iVV1T0WLNRObQWMPKkM6NKsW8f6TG

¹¹⁵⁴ breadforthecity.org/

¹¹⁵⁵ nlsp.org/

¹¹⁵⁶ www.ftc.gov/tips-advice/business-center/guidance/using-consumer-reports-credit-decisions-what-know-about-adverse

¹¹⁵⁷ www.consumer.gov/articles/1009-your-credit-history

What kinds of things negatively affect my credit?

Your credit describes how responsible you are with money, so things that affect your credit are things that describe how you deal with money. For example:

- Late payments, such as for **bills**;
- Failing to pay a college loan (also referred to as defaulting on loans), see the response to *“When is it okay to borrow money?”* or paying your loans late;
- Letting a bank account get overdrawn (taking out more money than you have) and then the account gets closed by the bank;
- The number of requests for your credit report (see *“What is my credit report? How do I get a copy of it?”*) when you apply for a loan;
- Money owed to a government agency or because of a judgment or court order (for example, money you owe for traffic tickets, judgments for restitution, unpaid taxes, or child support);
- Unpaid rent you owe to a landlord if you move out of an apartment and owe money (breaking a lease or because you were evicted for unpaid rent);
- Money owed to a cell phone company or **utility** (cable, internet, phone, electricity, etc.) because you stopped paying.

What kind of things positively affect my credit?

There are several things that may improve your credit score (**good credit**), including:

- The length of time your bank accounts have been open;
- Owning a lower amount on an **installment loan** (like a car loan or a student loan) compared to the amount you originally borrowed;
- Having your student loans in good standing;
- Settling older collection debts for less money than you owe (negotiating a settlement agreement);
- On-time payments made for credit cards or **secured credit cards**;
- Payments made through a credit-building program like **Lending Circles**,¹¹⁵⁸ is a free way to build **good credit**.

What happens if I have bad credit?

Having **bad credit** can be expensive and can make some financial situations more challenging. For example:

- **Bad credit** makes it harder to borrow money when you need it, such as with student loans and credit cards, see *“What is a credit card? What is a debit card?”*.
- People with very bad credit may not be able to borrow money at all.
- People with **bad credit** get worse **insurance** rates (meaning insurance is more expensive) and **interest rates** on their loans (meaning higher interest rates so borrowing money is more expensive than with **good credit**).
- Landlords may look at your credit report, see *“What is my credit report?”*. They might decide not to rent to you based on your credit score.

¹¹⁵⁸ missionassetfund.org/lending-circles/

- If you fail to pay a loan on your car or home, these things [may be taken away from you](#)¹¹⁵⁹ as repayment of the loan, known as “repossession.”
- Recovering from bad credit can take a long time.

NOTE: Some companies will offer to fix or “repair” your credit for a fee, or resolve or settle your debts. These companies will charge you money and will not help you out of debt. See a [Non-profit Credit Counseling agency](#)¹¹⁶⁰ at a community organization instead.

*How do I recover from **bad credit**?*

Recovering from **bad credit** (See “[What is credit? Why should I care?](#)”) takes time. There is no such thing as “credit repair” and **anyone who offers to repair your credit for a fee is trying to scam you**. Here are some things you can do to improve your credit:

- Pay your **bills** on time. This is the most important thing you can do.
- Lower the amount you owe, especially on your credit cards, see “[What is a credit card? What is a debit card?](#)”. Owing a lot of money hurts your credit.
- Do not get new credit cards if you do not need them. A lot of new credit cards or loans hurt your credit score.
- Do not close older credit cards unless they have a high annual fee. Having credit for a longer time helps your credit score.
- Watch out for scams because identity thieves can cause **bad credit** in your name.
- Fix any errors (see “[What should I do if there are errors on my credit report?](#)”) on your credit report.

Beware of credit repair scams. There is no quick and easy way to improve your credit or get rid of debt. There is no way to delete the parts of your credit report that make you look bad if they are correct.

Additional resources regarding your credit report can be found at:

- [FTC: Choosing a Credit Counselor](#)¹¹⁶¹
- [Non-profit Credit Counseling Resources](#)¹¹⁶²

What should I do if there are errors on my credit report?

Fix them. Contact the **consumer reporting agency** who provided your credit report. You can contact them by mail or over the Internet:

- [Experian: How to dispute credit report information online](#)¹¹⁶³
- [Equifax: Equifax dispute process](#)¹¹⁶⁴
- [TransUnion: Credit report disputes](#)¹¹⁶⁵

¹¹⁵⁹ www.consumer.ftc.gov/articles/0144-vehicle-repossession

¹¹⁶⁰ www.nfcc.org/

¹¹⁶¹ www.consumer.ftc.gov/articles/0153-choosing-credit-counselor

¹¹⁶² www.nfcc.org/

¹¹⁶³ www.experian.com/blogs/ask-experian/credit-education/faqs/how-to-dispute-credit-report-information/?intcmp=INTUTL4252011_dishcr

¹¹⁶⁴ www.equifax.com/personal/credit-report-services/credit-dispute/

¹¹⁶⁵ www.transunion.com/credit-disputes/dispute-your-credit

You should contact all three if the error shows up on all three credit reports.

Under federal law, the [consumer reporting agency](#) must investigate your dispute within 30 days. If an error is fixed, the [consumer reporting agency](#) will give you a free, corrected report. If you want, the [consumer reporting agency](#) will also send a corrected report to anyone who received a report in the past six months. More information can be found on the [FTC website regarding the Fair Credit Reporting Act](#).¹¹⁶⁶

What can I do if I disagree with something on my credit report?

Consider sending a letter to the [consumer reporting agencies](#), and keep a copy so you have a record of the dispute. You may also send a letter to the company that is reporting the wrong information. Include as much information as possible in your dispute letter to help them resolve the matter. If the dispute does not solve the problem, you may ask the [consumer reporting agency](#) to include a statement with your file. That statement will be included with all future copies of your report. The dispute just shows that you do not agree with something in your credit report, but it does not remove the item from your credit report.

More information can be found at [FTC: Disputing Errors on Credit Reports](#).¹¹⁶⁷

Why is it expensive to have a bad credit score?

Your credit determines your “borrowing costs” for debt (money you borrow) and whether lenders are willing to lend to you in the first place. In other words, if you have [bad credit](#) and need a loan to buy a car, pay for school, or for any other reason, the lender will either reject your application or give you a higher interest rate, which means that you will pay more money over time.

Bank Accounts

How old do I need to be to open a bank account?

Call the bank you are interested in to see what their requirements are to open a bank account. Generally, you will need to be 18 or have a parent/legal guardian with you. If your parent or legal guardian opens the account with you, they will likely be the co-owner of the account. Other requirements include:

- **Identification:** You will need 2 forms of government [identification](#).
- **Proof of Address:** A bank will ask for a lease or [utility](#) bill with your name and current address to prove your address.
- **Opening Deposit:** You will need to put some money into the account when you open it, usually between \$25 - \$100.
- **Complete an Application:** Once you provide all of the required information to the bank, the bank will run a special credit check on your past banking history to decide whether to approve your application.

¹¹⁶⁶ www.consumer.ftc.gov/articles/pdf-0096-fair-credit-reporting-act.pdf

¹¹⁶⁷ www.consumer.ftc.gov/articles/0151-disputing-errors-credit-reports

*Can I get a bank account if I have **bad credit**?*

If you have **bad credit**, you may not be able to open a regular bank account, but you may be able to open a “second chance” checking account. Second chance checking accounts often have monthly fees and certain requirements that regular checking accounts do not have. If you can use your second chance account responsibly for about 6 months to 1 year, many banks will let you change your account into a regular checking account.

Borrowing Money

When would I need to borrow money?

Borrowing money is normal. It can be useful for emergencies, for convenience, and for large purchases. You will likely be charged interest on the loan -- the amount will depend on the **interest rate** on the loan. The interest rate should be clearly stated in the loan documents. You will get lower **interest** rates if you have good credit.

What other costs should I be aware of with a loan?

Some lenders may charge very high **interest** rates, such as **payday loans**¹¹⁶⁸ and cash advances. This will make your total payment back for the loan substantially higher than what you borrowed originally.

Be cautious of a company that offers to lend you thousands of dollars immediately. There are companies that advertise online, on the radio, and on TV to get you money “now.” These loans can cost you over \$20,000 to borrow only \$2,500 and you may not get a chance to get out of the loan once you see how expensive it is. On these loans, each payment you make will only go to **interest** and you will still owe the same amount even after you pay hundreds of dollars per month for years.

Also, you should be cautious of giving your car title in exchange for a loan. Many payday lenders will loan you money if you let them have your car title. These loans are also very expensive and you risk losing your car! These companies make you put a remote disconnect switch in your car so if you miss the payment, they can shut off your car and come repossess it.

What happens if I don't pay back a loan?

This is called “defaulting.” If you **default** on a secured loan, the bank or lender that provided the loan may be able to take whatever you used to secure the loan (like a car or home).

Unsecured debt like medical bills, payday loans, credit card bills, and utility bills are different. If you **default** on a credit card, medical or private student loan, the lender might sue you to collect the debt. If a lender sues you in court and wins, the lender will have a judgment against you. If a lender wins a judgment and you do not or cannot pay the amount you owe, then the lender might be able to take money out of your bank account and take some of your paycheck directly from your employer, depending on how much you make (this is called “garnishment”).

¹¹⁶⁸ www.consumer.ftc.gov/articles/0097-payday-loans

Can I be sent to jail if I don't pay back a loan?

No, you cannot go to jail because you do not pay your bills. You cannot be deported because you do not pay your bills. A defaulted debt will show up in your credit report, see the response to *“What kinds of things affect my credit?”*, for seven years from the date you stopped paying.

If you do not pay a **balance**, a creditor (the person or company that you owe) has the right to sue you to collect the **balance**. If you are sued by a debt collector, your local legal aid office can help you to find resources to respond. Additional information can be found in the **Lawsuits in General** chapter in this Handbook.

Managing Credit Cards

What are the differences between credit cards and debit cards?

A credit card is a kind of loan. Whenever you buy something with a credit card, you are borrowing money. (Your **“credit limit”** is the maximum amount of money you can borrow with that credit card). You pay that borrowed money back at the end of the month. If you do not pay it back at the end of the month, you may be charged **interest**. Your behavior with your credit cards affects your credit, see the *“What is credit? Why should I care?”* question for more information.

Debit cards are linked to the funds currently in your bank account. They are like using the money in your checking account instead of taking the money out as cash. When you purchase things using a debit card, the amount spent is automatically deducted from your bank account.

What information is required on a credit card application?

The information asked on a credit card application is your personal and confidential information, so make sure the application is from a legitimate source. You will need to provide your legal name and any names you have used in the past. The lender will need your birth date, Social Security number, mailing address, phone numbers, and an email address. The application will ask about your yearly **gross income** (your earnings before taxes and other deductions). It may also ask for employer contact information to verify your job and **income**. The application may ask about your monthly rent and how long you have lived at your current address. In addition, some applications will ask about your monthly expenses and debt, such as car or student loans that you currently are paying.

What are the options if I cannot get a credit card?

If you are unable to get a credit card, you may want to work toward building a good credit history. A few ways you can do this are:

- You can get a **“secured credit card”** with some banks or companies. A **secured credit card** works like a credit card.
- You can open a **checking account** and keep it in good standing.

These steps will help you start to build a credit history. Missed payments or charged-off debt has less of an effect on your credit score over time. More information can be found at [FTC: What if I can't get a credit card?](#)¹¹⁶⁹

*What happens if I do not pay my credit card **balance** each month?*

Each month you will receive a statement of how much you spent on your credit card with an amount due. This amount due may not be the total **balance** of how much you spent on the card in that month. If you pay the minimum payment only, you will be paying **interest** on the rest of the amount that you have outstanding until you pay it off. Paying off your credit card bill every month in full will save you money: if you pay in full every time, then the credit card company will not charge you **interest**.

More information can be found at: [FTC: Using a Credit Card](#)¹¹⁷⁰

What should I do if I lose my credit card or see fraudulent charges on my credit card statement?

If you lose your credit card, or if you think someone has stolen your credit card, you are only responsible for up to \$50 if you report the loss before your card is used. See [The Fair Credit Billing Act \(FCBA\)](#).¹¹⁷¹ Call as soon as you realize something is wrong.

If someone makes unauthorized transactions with your credit card number, but your card is not lost, you are not liable for those transactions if you report them within 60 days of your statement being sent to you. More information can be found on the [Federal Trade Commission's website](#).¹¹⁷²

What should I do if I lose my debit card or see fraudulent charges on my account?

If you notify your bank or credit union of your lost debit card or any fraudulent charge within two business days, your loss will likely be limited to \$50 (note: this liability limit has been agreed to by many banks, credit unions, and debit card issuers, but you will need to refer to the liability limits given by your bank / debit card issuer, as these limits may differ). If you notify your bank or credit union between three to 60 business days after the fraudulent charge, your maximum loss will likely be \$500. After 60 days, you will be responsible for all of the fraudulent charges. It is very important to check your bank or credit union statements regularly. Ask your bank for its rules.

You should contact your bank, credit union, or debit card issuer as soon as you know or suspect a problem. More information can be found on the [Federal Trade Commission's website](#).¹¹⁷³

¹¹⁶⁹ www.consumer.gov/articles/1010-using-credit

¹¹⁷⁰ www.consumer.ftc.gov/articles/0205-using-credit-card

¹¹⁷¹ www.consumer.ftc.gov/articles/0219-disputing-credit-card-charges

¹¹⁷² www.consumer.ftc.gov/articles/0213-lost-or-stolen-credit-atm-and-debit-cards

¹¹⁷³ www.consumer.ftc.gov/articles/0213-lost-or-stolen-credit-atm-and-debit-cards

Identity Theft

What is identity theft?

Identity theft is a serious crime where someone steals or uses your personal information without your permission. This can be your name, your birth date, your address, your **Social Security Number**, your phone number, your e-mail address or your credit card number.

More information can be found on the [Office for Victims of Crime website](http://www.fbi.gov/office-for-victims-of-crime).¹¹⁷⁴ Additional tips for protecting yourself from **identity theft** are available at the Identity Theft Center at idtheftcenter.org.

Why should I worry about identity theft?

You may be responsible for what the thief does with your personal information, so monitor your information frequently. Under the law, you may have a legal defense to keep from paying any debt made by an identity thief in your name.

It is often hard to know that **identity theft** has occurred until it is too late. For example, you may find out your identity has been stolen when you check your bank statement and see fake charges, or when you are contacted by a collections agency regarding a debt you did not borrow. This is why it is so important to actively protect your important personal information and regularly check your bank statements and credit report, see “*What is my credit report?*” above. Additional tips for protecting yourself from **identity theft** are available at the Identity Theft Center at idtheftcenter.org.

How can my identity be stolen?

A thief can get your personal information in person or online. This can happen in several ways, including:

- Anyone, including family, friends, former roommates, etc., that may have access to your information, perhaps by still receiving your mail or having some of your bills in their possession.
- Thieves may steal your wallet to gain access to your driver’s license or ID, your credit card information, and other personal information you carry around with you.
- They can also steal account numbers from businesses or medical offices.
- Thieves may use your phone without your knowledge or steal it to gain access to your personal information and to access apps, social media and accounts directly from your phone.
- Thieves may search through your trash to find old bills, receipts, or other documents with your personal information on it.
- Thieves may place a special device on ATMs, gas pumps and other credit card swiping devices that stores the numbers of your credit or debit cards and your password/PIN number.
- Pretexting or “spoofing”: Thieves will contact you pretending to have a sincere reason for needing your personal information and trick you into giving your information away. For

¹¹⁷⁴ www.ovc.gov/pubs/ID_theft/idtheftlaws.html

example, they might pretend to be the police or your bank. Some identity thieves are able to manipulate caller ID to display a fake phone number on your phone.

- **Phishing:** Thieves will set up a legitimate-looking but fake business or website. Believing it is a real business or a real website, you will provide your personal information or credit card information.

*What can I do to protect myself from **identity theft**?*

- **Safeguard your personal information:** Be diligent in protecting your wallet, your important documents, and any place that has your personal information. Don't carry sensitive personal information, such as your **Social Security Number**, your PIN numbers or your Passport (if you have one) with you unless absolutely necessary.
- **Limit your risk exposure:** Don't keep all of your personal information in one place; if a thief gets to it, he or she has everything! Avoid saying your personal information, particularly your **Social Security Number**, out loud in public.
- **Be smart on the Internet:**
 - Don't provide personal information over the internet when using a public computer (for example, at a library, school or community center) because this information may be accessible to others who use that computer after you.
 - Make up "difficult" passwords for online accounts (use a mix of capital letters, numbers and non-numeric/non-alphabetical characters or symbols), use different passwords at each site you access, keep them private and change them frequently.
 - Be certain of the source and content of everything you download. When in doubt, don't open, download or share files if you don't know where they came from or who created them.
 - **Be careful with your phone:** Password-protect access to your phone and do not store any passwords or personal information on it.
 - Install security software and keep your software updated, and consider installation of a "phone finder" app.
 - Carefully review your monthly phone bill and report any unauthorized use.
 - When you replace and dispose of your old phone, check your owner's manual or the device manufacturer's website for information on how to delete information permanently and how to save information to your new device. Remove the subscriber identity module (SIM) card from your old phone, and delete your old phone's address book, browser history, photos, phone book, call history, voicemails, organizer folders and all sent and received text messages.
 - If your phone is operating slowly or erratically or your call or e-mail log shows calls or messages that you did not make, it may mean that software allowing outside access has been installed.
- **Be aware of the risks of social media:** If you post too much information about yourself on social media, an identity thief can find out information about your life, use it to answer "challenge questions" on your accounts, and obtain access to your accounts and information. Never post your full name, Social Security number, address, phone number or account numbers on publicly accessible sites.
- **Don't give away your personal information:** Unless you are absolutely certain a person is contacting you from a legitimate institution or for a legitimate reason, never disclose sensitive personal information like your **Social Security Number**. You should be wary of disclosing information because you feel pressured. Generally, legitimate businesses will

not ask for information via email, text or voicemail messages; think twice if you are asked for information in this way.

- Actively monitor your accounts and bank statements: If you check your bank accounts every day, you can easily spot when fraudulent charges are made. And, typically, if you spot the fraudulent charges early enough, you won't be responsible for them!
- Check your credit report at least annually: You are entitled to a free credit report (see "[What is my credit report? How do I get a copy of it?](#)") every year. Your credit report will show your loans, [leases](#), [contracts](#) (such as cell phone contracts) and credit cards taken out in your name.
- Properly dispose of documents with your personal information on them: If possible, shred or destroy any documents that have your personal information.

These and additional tips for protecting yourself from [identity theft](#) are available at the Identity Theft Center at idtheftcenter.org.

What should I do if my identity is stolen?

If you think you have been the victim of identity theft then you should act quickly to clear your name. For a checklist of steps to take, consult the Federal Trade Commission's [Consumer Information website](#).¹¹⁷⁵

Call companies where you know your identity was used fraudulently:

- Call the company, ask for the fraud department, and tell them someone stole your identity.
- Ask them to close the accounts.
- Change logins, passwords, and PINS for all of your accounts. Avoid using easily available information, such as your birth date, the last four digits of your Social Security number, your phone number, or a series of consecutive numbers.

Tell one of the major [consumer reporting agencies](#)

- Contact one of the three major [consumer reporting agencies](#) (listed immediately below) and [request a fraud alert or security freeze](#)¹¹⁷⁶ be placed on your credit report to stop new accounts from being fraudulently opened in your name. That company is then required to tell the other two companies.
 - Equifax: (800) 525-6285; Equifax.com/CreditReportAssistance
 - TransUnion: (800) 680-7289; TransUnion.com/fraud
 - Experian: (888) 397-3742; Experian.com/fraudalert
- Get a copy of your credit report (which is free with a fraud alert) from each credit reporting agency. If it is not offered to you, request it. See the question "[What is my credit report? How do I get a copy of it?](#)" for more information.
- Get a police report. You can either go [online](#)¹¹⁷⁷ or go into the police station in person to make a report. It is very important to include the police report when you send your disputes to the [consumer reporting agencies](#) and to any companies where there was an account opened in your name.

¹¹⁷⁵ www.consumer.ftc.gov/

¹¹⁷⁶ mpdc.dc.gov/node/206412

¹¹⁷⁷ mpdc.dc.gov/node/200592

The [Office of the Attorney General for the District of Columbia](#)¹¹⁷⁸ also has a helpful checklist in the event of identity theft. The Network for Victim Recovery of D.C., [NVRDC](#),¹¹⁷⁹ also has a helpful list on dealing with and working through identity theft.

What is the difference between a credit freeze and a fraud alert?

You can place an initial [fraud alert](#)¹¹⁸⁰ on your credit profile by calling any of the three [consumer reporting agencies](#) at the numbers above. A 90-day fraud alert is free and informs the [consumer reporting agencies](#) that you think your identity might have been stolen. Before a new account is opened in your name, the company that opens the account needs to take reasonable steps to verify your identity. If you provide your phone number, this may include calling you.

If you get a police report and provide it to the [consumer reporting agencies](#), you can [extend your fraud alert to seven years](#)¹¹⁸¹ and a company is required to call you to verify your identity before opening an account or increasing your [credit limits](#).

You can place a [credit freeze](#) on all three of your credit profiles. A credit freeze typically costs \$10 per [consumer reporting agency](#) and you also must pay \$10 if you need to unfreeze your credit to apply for a loan or for housing. More information can be found on [Experian's website](#),¹¹⁸² for example. A [credit freeze](#) may make it more difficult to apply for credit cards, bank accounts, or housing. We recommend a [credit freeze](#) if you have actual knowledge that someone is actively misusing your identity, for example, if you start seeing accounts you do not recognize on your credit reports.

Figure out if other fraudulent accounts have been opened

- Make a list of all of your bank, credit, [utility](#), and service accounts and compare this list to your credit report. See *“What is my credit report? How do I get a copy of it?”*.
- If any unfamiliar accounts are on your credit report (see *“What is my credit report?”*), or if the information (such as current [balances](#)) listed is not correct, call that creditor immediately, close the account, and dispute the charges. Tell them the account may have been opened by an identity thief.

Report the identity theft to local law enforcement and the FTC:

- [Report the identity theft crime to your local police department](#) and request a copy of the police report. A list of what you should bring to the police department is on the [FTC's website](#).¹¹⁸³
- [Report the identity theft crime to the FTC](#) and get an ID Theft Affidavit. This can be done by filing a complaint with the FTC using the online complaint form or by calling the FTC's identity theft hotline at 1-877-438-4338.

Continue to check your credit reports:

- Monitor your credit report (see *“What is my credit report? How do I get a copy of it?”*) on an ongoing basis to prevent continued identity theft abuses.

¹¹⁷⁸ oag.dc.gov/consumer-protection/consumer-alert-identity-theft

¹¹⁷⁹ www.nvrdc.org/id-theft-action/

¹¹⁸⁰ www.consumer.ftc.gov/articles/0275-place-fraud-alert

¹¹⁸¹ www.consumer.ftc.gov/articles/0279-extended-fraud-alerts-and-credit-freezes

¹¹⁸² www.experian.com/blogs/ask-experian/credit-education/preventing-fraud/security-freeze/

¹¹⁸³ www.identitytheft.gov/

- Getting a police report entitles you to a [free credit report](#).¹¹⁸⁴ You are also entitled to one free credit report per year.

What do I do if debt collectors are calling about an account opened by an identity thief?

- Tell the [debt collector](#) that you (1) are the victim of identity theft, (2) dispute the validity of the debt, and (3) are not responsible for the debt because you did not create it.
- Send the [debt collector](#) a [follow-up letter](#)¹¹⁸⁵ (by certified mail, return receipt requested) saying the same things, along with a copy of your police report and copies of any documents received from the creditor.

Common Scams

What should I do if I am scammed?

- First, contact the person or business that you think has scammed you. At first, a simple phone call may be enough to resolve the matter, particularly if the issue is just a misunderstanding. You should also consider filing a police report if it is a serious scam. Make sure to gather all evidence of the scam you have in writing.
- Second, [file a consumer claim with the D.C. Attorney General](#).¹¹⁸⁶
- Third, if the amount you've lost is \$5,000 or less, consider filing a lawsuit in small claims court. You must be 18 years old to file a claim or have a parent or guardian do it for you. Additional information can be found in the [Lawsuits in General chapter](#) in this Handbook.
- Finally, if you cannot resolve the issue through the means above and the scammer is a legally existing business, contact and report the scammer to the Better Business Bureau (BBB). You could also file a complaint with the [Office of the Attorney General in Washington, D.C.](#), the Federal Trade Commission (FTC), or the Consumer Financial Protection Bureau (CFPB).

Payday Loans

What is a payday loan?

Generally, payday loans are short-term cash loans for \$500 or less that must be repaid in 31 days or less in a single lump sum payment. A payday loan is usually repaid on the borrower's next payday, or when income is received from another source such as a pension or Social Security. The due date is typically two to four weeks from the date the loan was made. The specific due date is set in the payday loan agreement. Payday loans can charge borrowers extremely high levels of interest for short-term immediate credit and often contain hidden fees.

More information can be found on the [Consumer Financial Protection Bureau website](#).¹¹⁸⁷

¹¹⁸⁴ oag.dc.gov/consumer-protection/consumer-alert-identity-theft

¹¹⁸⁵ oag.dc.gov/consumer-protection/consumer-alert-debt-collection

¹¹⁸⁶ oag.dc.gov/consumer-protection/other-consumer-help-agencies-and-websites/submit-consumer-complaint

¹¹⁸⁷ www.consumerfinance.gov/consumer-tools/payday-loans/answers/

Are payday loans legal in D.C.?

Payday loans are not legal in D.C., which caps interest at 24% per year (far lower than the interest charged by payday lenders). [D.C. Code §§ 28-3301\(a\)](#)¹¹⁸⁸ and [26-319](#)¹¹⁸⁹ (prohibits check cashers from payday lending).

Are payday loans legal in Maryland?

Payday loans are not legal in Maryland, which caps interest at 33% per year (far lower than the interest charged by payday lenders). Consumer loan act applies. [Md. Code Com. Law § 12-101 et seq.](#)¹¹⁹⁰

Are payday loans legal in Virginia?

Payday loans are legal in Virginia, but not in Maryland or D.C. [Va. Code Ann. §§ 6.2-1800 et seq.](#)¹¹⁹¹

What is the cost of a payday loan?

Typically, payday loans come with many fees and costs like those described on the [Consumer Financial Protection Bureau's website](#).¹¹⁹² There is usually an up-front fee that the borrower has to pay when taking out the loan. Many states have adopted laws that set a maximum amount for payday loan fees ranging from \$10-\$30 for every \$100 borrowed. For more information on the limits in Washington, D.C., see the "[Are payday loans legal in D.C.?](#)" response.

If a borrower chooses to get a payday loan in the form of a prepaid debit card, there can be more fees such as (i) fees for checking the debit card **balance** or calling customer service, (ii) fees for putting money onto the debit card, (iii) service fees each time the borrower uses the debit card, or (iv) other types of monthly fees for having an active debit card account. All of these fees add up and limit the amount of money available to you out of the borrowed amount.

A payday loan is usually much more expensive than other types of loans.

How do I pay for the payday loan?

The lender holds your signed and pre-dated check for the full amount of the loan plus a very high fee. The lender also has you sign a contract that allows the lender to take full payment for the loan and fees directly from your bank account when it is due. When the payday loan is due, the loan company cashes the check and withdraws the borrowed amount from your bank account together with any interest and fees owed. It is common practice for the payday lender to take the fees out from the amount of money loaned to the borrower up-front. By taking the fees up-front, the lender reduces its risk of not getting paid.

¹¹⁸⁸ code.dccouncil.us/dc/council/code/sections/28-3301.html

¹¹⁸⁹ code.dccouncil.us/dc/council/code/sections/26-319.html

¹¹⁹⁰ law.justia.com/codes/maryland/2005/gcl/12-101.html

¹¹⁹¹ law.lis.virginia.gov/vacode/title6.2/chapter18/section6.2-1800/

¹¹⁹² www.consumerfinance.gov/consumer-tools/payday-loans/answers/

More information can be found on the [Consumer Financial Protection Bureau's website](#).¹¹⁹³

What happens if I do not pay back the loan?

If you cannot pay back your payday loan, you won't go to jail. In the U.S., you cannot be sent to jail for being in debt. As noted in the section entitled "[How do I pay for the payday loan?](#)", lenders can take payment from your bank account without any further action by you. If you do not have enough money in your bank account to repay the loan, the payday lender and your bank can charge you a bounced check fee and the lender can continue to try to collect the debt.

If you cannot pay back your payday loan, you should try to negotiate with the payday lender to extend the time you have to repay the loan. If the lender refuses to extend the payments and you still are unable to pay, you should expect to receive phone calls from the payday lender and a debt collector acting on the lender's behalf.

You should also consider going to credit counseling for guidance on how to deal with your situation. You can learn more about credit counseling at the [National Foundation for Credit Counseling](#).¹¹⁹⁴

Are there alternatives to payday loans?

There are many alternatives to a payday loan. First, you can go to a bank or a credit union to request a traditional loan. Banks and credit unions are much better than a payday lender because banks and credit unions will charge significantly lower interest rates and fees. Second, you can ask your employer for a payroll advance, which occurs when your employer pays you early for future work. Companies do not typically charge fees or interest for this. Third, you can use a credit card, which can be expensive if you only make minimum payments, but a credit card is still much cheaper than a payday loan. Fourth, though not a great option, you can inquire about a pawn shop (see section entitled [Pawn Shops and Check Cashing Services](#)) or a car title loan. With a pawn or car title loan, you could lose your possessions if you fail to repay the loan, but such a loan still may be a cheaper alternative to a payday loan.

Finally, depending on your situation, you can also seek government assistance in [Maryland](#), [Virginia](#) and [D.C.](#) If you need money for a specific service, there are many programs that can assist you, including (i) help paying your rent, (ii) emergency and homeless services in [Maryland](#), [Virginia](#), and [D.C.](#), (iii) help paying your [home energy bill](#), (iv) help paying your [phone bill](#), and (v) help paying for needed medicine such as [Rx Assist](#),¹¹⁹⁵ [Partnership for Prescription Assistance](#),¹¹⁹⁶ and the [National Organization for Rare Disorders](#).¹¹⁹⁷

What should I do if I need money fast?

As an initial step, you should consider speaking to a [credit counselor](#) about how to get help. Here are a few options to consider:

¹¹⁹³ www.consumerfinance.gov/consumer-tools/payday-loans/answers/

¹¹⁹⁴ www.nfcc.org/

¹¹⁹⁵ dcrxcard.com/

¹¹⁹⁶ medicineassistancetool.org/

¹¹⁹⁷ rarediseases.org/

- Speak to the business or person that you owe money and see if you can have more time to pay what you owe or consider working out a payment plan where you pay a small amount per week or month with interest.
- Ask a church, charity or family member for help.
- Ask your bank or credit union if they are able to help.
- Check with your employer and see if your employer has an employee loan program. Certain employers offer interest free loans for employees. Alternatively, consider asking for an advance on your salary.

Debt Collections

Who is a debt collector?

Debt collectors are people who collect debts. They include collection agencies or lawyers. There are also companies that buy debts from businesses and then try to collect them. These debt collectors also are called debt collection agencies, debt collection companies, or debt buyers.

Are there laws that prevent debt collectors from harassing me?

Yes. The [Fair Debt Collection Practices Act \(FDCPA\)](#)¹¹⁹⁸ is a federal law that provides limitations on what debt collectors can do when collecting certain types of debt. [Maryland state law](#)¹¹⁹⁹ and [D.C. law](#)¹²⁰⁰ also have specific laws limiting what debt collectors can and cannot do. Although Virginia has not adopted specific laws regarding what debt collectors can and cannot do, federal law still applies and protects Virginia residents. Debt collectors cannot:

- Threaten violence or other criminal acts;
- Use profane or obscene language;
- Falsely accuse you of fraud or other crimes;
- Threaten to arrest you or take your property without proper court proceedings;
- Use the telephone to harass you by calling anonymously or making repeated calls;
- Call you before 8 am or after 9 pm;
- Make collect telephone calls without disclosing the true name of the caller before the charges are accepted;
- Use a false name or identification;
- Misrepresent the amount of the debt or its judicial status;
- Send documents that falsely look like they are from a court or other official agency;
- Fail to identify who you owe the debt to;
- Misrepresent the nature of the services rendered by the debt collection agency or debt collector; or
- Falsely represent that the debt collector has information or something of value in order to discover information about you.

For additional information from the Federal Government on debt collectors, visit the [FTC's website](#).¹²⁰¹

¹¹⁹⁸ www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/fair-debt-collection-practices-act-text

¹¹⁹⁹ www.marylandattorneygeneral.gov/Pages/CPD/Tips-Publications/edge117.aspx

¹²⁰⁰ oag.dc.gov/sites/default/files/2018-02/Debt-Collection-Law.pdf

¹²⁰¹ www.consumer.ftc.gov/articles/debt-collection-faqs

A debt collector said they would garnish my wages, what does that mean?

A **wage or bank account garnishment**¹²⁰² occurs when a creditor takes a portion of your paycheck or money from your bank account to collect money you owe. Garnishments generally require a court order that results from a **judgment**.¹²⁰³ However, certain debts owed to the government may also result in garnishment, even without a judgment.

State and federal laws have limits or “exemptions” that apply to bank account and wage garnishments, usually to make sure you have something left to live on. It is also a violation of the **Fair Debt Collection Practices Act (FDCPA)** for a debt collector to threaten that your wages will be garnished if your wages cannot legally be garnished. More information can be found on the **Consumer Financial Protection Bureau website**.¹²⁰⁴

Can a debt collector take my paycheck?

Generally, your wages cannot be “garnished” (a fancy way of saying take away your paycheck) without a court order. Debt collectors are prohibited from threatening to take away your wages without a court order. More information can be found on the **Consumer Financial Protection Bureau website**.¹²⁰⁵

Do I have to talk to a debt collector?

No, you do not. However, if a debt collector contacts you about a debt, you may want to talk to the debt collector at least once to see if you can resolve the matter even if you cannot repay the amount owed immediately or do not think you owe the debt. If the debt is a phony debt, your identity may have been stolen.

Refer to the **Identity Theft** section in this chapter for guidance on how to deal with identity theft.

What does a debt collector have to tell me about a debt?

Debt collectors need to provide a “proof of the debt” which means they will need to send you information to show the amount of the debt and the name of the creditor (the person who says you own the debt). More information can be found on the **Consumer Financial Protection Bureau’s website**.¹²⁰⁶

What can I do if I want a debt collector to stop contacting me?

You can stop a debt collector from contacting you by writing a letter to the collector telling them to stop. You should keep a copy of this letter. After receiving your letter, a debt collector must not contact you again except to say there will be no further contact or to notify you that the debt collector or the creditor intends to take some specific action.

¹²⁰² www.consumerfinance.gov/ask-cfpb/can-a-debt-collector-garnish-my-bank-account-or-my-wages-en-1439/

¹²⁰³ www.consumerfinance.gov/ask-cfpb/what-is-a-judgment-en-1381/

¹²⁰⁴ www.consumerfinance.gov/consumer-tools/debt-collection/answers/key-terms/#garnishment

¹²⁰⁵ www.consumerfinance.gov/consumer-tools/debt-collection/answers/key-terms/#garnishment

¹²⁰⁶ www.consumerfinance.gov/consumer-tools/debt-collection/

It is important to note that this does not make the debt go away. The debt collector or your original creditor (the person or company that you owe the debt to) can sue you for repayment of the debt. More information and sample letters can be found on the [Consumer Financial Protection Bureau website](#).¹²⁰⁷

What can I do if I think a debt collector has violated the law?

If you think you have been harassed or deceived by a debt collector, you can report this problem to the [Washington, D.C. Attorney General's Office](#),¹²⁰⁸ the [Federal Trade Commission](#),¹²⁰⁹ and the [Consumer Financial Protection Bureau](#).¹²¹⁰

You may also be able to seek an [injunction](#) from a court to order the debt collector to stop harassing you and [damages](#) against the debt collector. For legal help, see the legal referral directory for [Maryland](#),¹²¹¹ [Virginia](#),¹²¹² and [Washington, D.C.](#)¹²¹³

Pawn Shops and Check Cashing Services

What is a pawn shop?

A pawn shop is a business where a consumer promises personal property (for example, jewelry or musical instruments) as [collateral](#) for a loan. The personal property is held by the pawn shop and may be bought back by the consumer for a set price within a certain period of time. If you do not pay back the money owed plus interest, the pawn shop gets to keep the personal property you left. Pawn shop interest rates are much higher than bank loans or credit cards, but, generally, are not as high as payday loans. Additional information on payday loans can be found in the section on [Payday Loans](#).

What are some of the risks of taking a loan from a pawn shop?

The main risk from using a pawn shop to obtain a loan is that you will not get back the item you gave the pawn shop to hold as collateral for the loan if you do not repay the loan on time. A secondary risk is the amount of money you are paying for the loan because pawn shops will charge you a higher interest rate than banks or credit cards.

What is a check cashing business?

Check cashing businesses will cash checks written out to you. You sign the check and provide the check cashing business with the required identification and the check cashing business gives you the amount of the check in cash, minus a fee, which could either be a flat fee or a percentage of the total amount of the check.

¹²⁰⁷ www.consumerfinance.gov/consumer-tools/debt-collection/

¹²⁰⁸ oag.dc.gov/consumer-protection/consumer-alert-debt-collection

¹²⁰⁹ www.consumer.ftc.gov/articles/debt-collection-faqs

¹²¹⁰ www.consumerfinance.gov/consumer-tools/debt-collection/

¹²¹¹ www.msba.org/for-the-public/lawyer-referral-information/

¹²¹² www.vsb.org/vlrs/

¹²¹³ badc.org/public-services/lrs/

Is a check cashing service more expensive than a bank account?

Generally, yes. A check cashing business will usually charge you a large fee. To avoid fees, you may want to consider opening a bank account or going directly to the bank identified on the check and asking to cash it.

17. Government Financial Support (Public Benefits)

General

*What types of **public benefits** are available to me?*

Depending on your circumstances, you may be eligible for one or more D.C. or federal public benefit programs, which can provide you with cash, food, or other help, including:

- **Homeless Services**¹²¹⁴ including:
 - **Emergency Rental Assistance**¹²¹⁵ to prevent an eviction
 - Shelter (including both family shelter, singles shelter, and youth shelter)
 - Housing resources
- **Food Stamps/Supplemental Nutrition Assistance Program (SNAP)**:¹²¹⁶ benefits on a plastic card, like an ATM card, that can be used to purchase food at a grocery store;
- **Temporary Assistance for Needy Families (TANF)**:¹²¹⁷ cash benefits for low-income families with minor children;
- **Social Security Disability Insurance (SSDI)**:¹²¹⁸ a person who has worked enough years may qualify to receive these benefits to provide for general living expenses. Children of these recipients can collect these benefits as well, including even after their parent's death;
- **Supplemental Security Income (SSI)**:¹²¹⁹ may be available to disabled children whose parents are low **income**, which provides cash to pay for general living expenses;
- **Child Care Subsidies**:¹²²⁰ may be available for low income families, to assist with child care costs
- **Energy Assistance Programs**:¹²²¹ to lower or help pay off your utility bills; and
- The **Lifeline Program**:¹²²² which is a discount telephone service.

Additional information on available public benefits can be found in other chapters of this Handbook:

- Emergency shelter and urgent benefits options are discussed in the **Options for Safety and Stability chapter** in this Handbook.
- Educational Financial Aid is discussed in **Schools and Education chapter** in this Handbook.

¹²¹⁴ dhs.dc.gov/service/homeless-services

¹²¹⁵ dhs.dc.gov/node/117692

¹²¹⁶ dhs.dc.gov/snapinfo

¹²¹⁷ www.benefits.gov/benefit/1656

¹²¹⁸ www.ssa.gov/disability/

¹²¹⁹ www.ssa.gov/ssi/

¹²²⁰ osse.dc.gov/service/child-care-subsidyvoucher-program

¹²²¹ doee.dc.gov/publication/energy-assistance-program-applications

¹²²² www.lifelinesupport.org/ls/default.aspx

- **Medicaid** (medical card/health insurance), D.C. Healthcare Alliance, and Children's Health Insurance Program (CHIP) are discussed in the **Health Care and Medical Rights chapter** in this Handbook.

Where can I find information about the public benefits available to me in D.C.?

For parents with minor children, the **Virginia Williams Family Resource Center**¹²²³ provides several critical services all within one service location: Applications for family shelter, Housing resources, TANF services, Emergency Rental Assistance, and Child Care Services. At the time of this publication, the center is open Monday-Thursday, 8:30 a.m. - 4:00 p.m., and Friday, 8:30 a.m. -12:00 p.m. at 920-A Rhode Island, NE, Washington, D.C. The location is accessible from the Rhode Island Avenue Metrorail station via the Red Line or the G8 Metro bus.

You can visit Virginia Williams to apply for the following services and benefits:

Homeless Services

- Emergency Rental Assistance
- Housing Resources
- Temporary Shelter
- Community Resources

Public Benefits

- TANF
- Medicaid
- Childcare Subsidy for families working on their TANF goals

You can also visit an **ESA** Service Center. At the time of this publication, the five **ESA** Service Centers are located at:

Service Center	Address
Anacostia	2100 Martin Luther King Avenue, SE
Congress Heights	4049 South Capitol Street, SW
Fort Davis	3851 Alabama Avenue, SE
H Street	645 H Street, NE
Taylor Street	1207 Taylor Street, NW

Hours of Operation

7:30 am - 4:45 pm, Monday - Friday

¹²²³ dhs.dc.gov/page/virginia-williams-family-resource-center

ESA's Customer Service

If you have any questions about the center servicing your address or about the services they offer, call (202) 727-5355

Special Notes about the H Street Location

Interim Disability Assistance applications are accepted at the H Street Service Center located at 645 H Street NE. The main entrance is on 7th Street NE (7th & H Streets).

Depending on the type of public benefit you are applying for, you might need to bring specific documentation to the ESA service center and you will need to be interviewed for all programs except Medicaid. More information on the materials and documents you should bring with you can be found below.

Additional general program information can be found on the [D.C. Department of Human Services website](#).¹²²⁴

Social Security and SSI benefits are administered by the federal government. You can contact the Social Security Administration online, over the phone, or in person:

- Online: www.ssa.gov
- For Social Security: www.ssa.gov/pubs/EN-05-10085.pdf
- For SSI: www.ssa.gov/ssi/text-child-ussi.htm
- Phone: (800) 772-1213
- In-Person: Find a nearby Social Security office [here](#).¹²²⁵

Emergency Rental Assistance Program (ERAP)

What is D.C.'s Emergency Rental Assistance Program (ERAP)?

ERAP¹²²⁶ helps low income D.C. residents facing housing emergencies. ERAP may provide the following:

- Overdue rent, including late costs and court fees, if eviction is about to happen
- Security deposit for a new apartment
- First month's rent for a new apartment

ERAP cannot help pay for utilities, mortgage payments, or any housing expense other than those listed above. More information can be found on the [D.C. Department of Human Services website](#).¹²²⁷

¹²²⁴ dhs.dc.gov/node/957902

¹²²⁵ secure.ssa.gov/ICON/main.jsp

¹²²⁶ dhs.dc.gov/service/emergency-rental-assistance-program

¹²²⁷ dhs.dc.gov/service/emergency-rental-assistance-program

Who is eligible for ERAP?

You must be:

- a **D.C. resident**
- your income must be below 125% of the monthly **federal poverty level** for your household size
- You must have a minor child(ren) or disabled person (either of which could include yourself) or an elderly person in the household.

The amount paid on behalf of eligible families depends on a household's income and available resources.

Are there limits on how much ERAP can pay?

- For overdue rent, **ERAP**¹²²⁸ can pay up to five months of overdue rent or \$4,250, whichever is smaller. In cases of disability or households with seven or more children, the maximum amount can be increased to up to \$6,000.
- For security deposits and the first month's rent, ERAP can pay up to a total of \$900.
- If paying the highest ERAP amount will not take care of the housing emergency, ERAP cannot make its payment until you show how the rest of the needed money will be paid. Also, you can only receive help from ERAP once in a twelve month period.

Will ERAP give me the money directly?

No, **ERAP** will make its payment directly to the landlord, court, or court marshals.

Where can I apply for ERAP?

There are six organizations that take applications for ERAP. You can request an **ERAP** appointment at these different locations in Washington, D.C. You can find the list of locations for appointments and contact information on the **D.C. Department of Human Services website**:¹²²⁹

Catholic Charities The Southeast Family Center 2812 Pennsylvania Avenue, SE Washington, D.C. 20020 Office: (202) 338-3100 Fax: (202) 338-3188 Call-in: Monday 9am – 11am (weekly) website: catholiccharitiesdc.org	Salvation Army Location The Solomon G. Brown Social Services Center 2300 Martin Luther King, Jr. Avenue, SE, Washington, D.C. 20020 Office: (202) 678-9701 Fax: (202) 889-8492 website: salvationarmynca.org/solomon-g-brown/
Housing Counseling Services, Inc. 2410 17th Street, NW, Suite 100 Washington, D.C. 20009 Office: (202) 667-7006 Fax: (202) 667-1267	Virginia Williams Family Resource Center 920 Rhode Island Avenue NE Washington, D.C. 20018 Office: (202) 312-5510

¹²²⁸ dhs.dc.gov/service/emergency-rental-assistance-program

¹²²⁹ dhs.dc.gov/service/emergency-rental-assistance-program

<p>HCS Central Intake Phone: (202) 667-7339 Call-in: First business day/month: (202) 667-7339 website: housingetc.org/</p>	<p>Fax: (202) 312-5598 Website: community-partnership.org (Appointments scheduled on the 3rd Wednesday of each month starting at 9 am by phone call only.)</p>
<p>Salvation Army National Capital Area Command 1434 Harvard St, NW Suite B Washington, D.C. 20009 Office: (202) 332-5000 Fax: (202) 332-5156 Website: salvationarmynca.org</p>	<p>The United Planning Organization 2907 Martin Luther King Jr. Avenue, SE, Washington, D.C. 20032 Office: (202) 562-3800 Fax: (202) 562-3802 Website: upo.org</p>

You must fill out an application, be interviewed, and provide documents requested by the organization to determine if you are eligible. If you do not have enough resources to pay for the residence/house after the immediate emergency is taken care of, you must also agree to take part in case management services. Additional information can be found on the [D.C. Department of Human Services website](#).¹²³⁰ For questions or comments, you can reach the ERAP program via email at: erap.program@dc.gov.

Supplemental Nutritional Assistance Program (SNAP)

What food assistance benefits are available in D.C.?

There are programs near you that can help you buy food if you're unable to buy it yourself. [The Supplemental Nutrition Assistance Program \(SNAP\)](#) is a locally run federal program that helps eligible people buy food at grocery stores, farmers markets, and convenience stores. The assistance, formerly known as "food stamps," now comes on an [EBT](#) card which looks like and is used like a debit card.

More information on [SNAP](#) can be found on the [D.C. Department of Human Services website](#).¹²³¹

Am I eligible for SNAP benefits?

To qualify, you must be a resident of D.C. and you must meet certain [income](#) requirements.

What is the income eligibility to qualify for SNAP benefits?

SNAP eligibility is determined based upon the entire household. A [SNAP Household](#) includes everyone who lives together and purchases and prepares meals together. If you live together but do not purchase and prepare meals together, then that person is not included in your SNAP household.

¹²³⁰ dhs.dc.gov/service/emergency-rental-assistance-program

¹²³¹ dhs.dc.gov/service/supplemental-nutrition-assistance-snap

The **SNAP Eligibility** Limits for the period October 1, 2018 through September 30, 2019 are listed below, and generally 200% of the **Federal Poverty Level**.

SNAP Eligibility Limits -- October 1, 2018 through September 30, 2019		
Household Size	Gross monthly income (200 percent of poverty)	Net monthly income (100 percent of poverty)
1	\$1,316	\$1,012
2	\$1,784	\$1,372
3	\$2,252	\$1,732
4	\$2,720	\$2,092
5	\$3,188	\$2,452
6	\$3,656	\$2,812
7	\$4,124	\$3,172
8	\$4,592	\$3,532
Each additional member	+\$463	+\$360

Gross monthly income means your income before taxes and before any of the SNAP program's deductions are applied. For a family of three the poverty line for fiscal year 2019 is \$1,732 per month. This means that 200% of poverty is \$2,252 per month or \$27,000 per year. If you are part of a household of three your whole household's income would have to be under these amounts in order to be eligible for SNAP.

How much will my benefits be?

Once found eligible, the amount you receive will depend on other factors including your household size, your income, and other factors. The average SNAP benefit in 2018 for a household of three was \$378 per month. For a household of one it was \$134 per month.

Some households that include a person who is disabled or who is age 60 or older may receive additional benefits.

Are there work requirements in order to get SNAP benefits?

No, not in Washington, D.C.

Can I apply if my parents or guardians are not citizens?

Yes, if you are a citizen or qualified noncitizen, but your guardian or parents are not, you can apply for assistance by yourself even if you live with them.

More information can be found on the USDA [Food and Nutrition website](#).¹²³²

What documents should I bring to my SNAP appointment?

ESA recommends that you bring the following information or documents with you:

	<u>Examples</u>
Income	Recent paystubs (for example, W-2 forms); disability income, Workers Compensation.
Assets	Recent bank and checking account statements.
D.C. Residency	D.C. driver's license, lease, rent receipt, written statement from your landlord, utility or telephone bill.
Social Security Number	Social Security card; tax or payroll documents with your SSN on it; D.C. driver's license with your SSN on it. (Not required for SNAP-only applicants.)
Medical Exam Report / Disability	Recent medical report (or Form 856) and any supporting materials from your doctor.
Immigration Information	Employment Authorization card, I-94, visa, passport, or other documents from the INS.
Rent / Mortgage	Lease, rent receipt, cancelled check, mortgage statement.
Utility Bills	Recent bills for electric, gas, fuel, phone, water, telephone. (if you pay these separately from your rent.)

More information on the eligibility requirements for **SNAP** can be found on the D.C. Department of Human Services website.

How do I apply for food assistance?

Applications are required for **SNAP**. Applications are available at each of the **Economic Security Administration (ESA) offices**, or online. Fill out the application with as much information as you have. The application is also available online in Spanish and Amharic. **NOTE:** There is a joint application for **SNAP/Medical Assistance (Medicaid/Alliance)/TANF**. You only need to fill out the portions for **SNAP**, unless you are applying for other programs as well. It is recommended that you apply for Medical Assistance (Medicaid/Alliance) as well if you do not have health insurance. Also apply for TANF if you have a minor child in your care. You can do so by checking each box at the top of your application.

¹²³² www.fns.usda.gov/snap/recipient/eligibility#What%20are%20the%20SNAP%20work%20requirements?

After the application is complete, it should be submitted to an ESA office. You can mail it in or bring it in, but we recommend bringing it in person and asking for a date-stamped receipt. Local ESAs can be found [online](#)¹²³³ or by calling ESA's customer service line at (202) 727-5355.

What happens after my application is submitted?

You will still need to be interviewed. You will meet with a caseworker who will help you complete the application process. They will inform you of any missing documentation and other programs for which you might be eligible. Be sure to ask your caseworker any questions you may have or if you have problems collecting your documentation.

If the application is returned in person, plan to have enough time to wait for an interview with a caseworker. If that is not possible, turn in your application, and be prepared to come back for an interview. If found eligible for benefits, you will receive them back to the date you applied.

If you disagree with a decision in your case, you may request a fair hearing with an official within 90 days of when your local **SNAP** office made the decision. Call (202) 698-4650 to find out more. You can also call (202) 727-8280. At a Fair Hearing, you can ask someone else to speak for you. This could be an attorney, a friend, a relative, or someone else. You can also bring witnesses.

What documents and information do I need to apply for SNAP?

You may need the following information for all individuals who are in your **SNAP** household:

- Social Security number and date of birth
- Identification (ex. driver's license, school or work ID, birth certificate, medical insurance card)
- Income information such as job, **child support** or any other sources
- Resource or asset information such as checking, savings accounts, vehicles, homes, land or life insurance
- Housing expenses such as rent or utilities (ex. gas and water bills, electricity)
- Health insurance information

More information on the documents required for the **SNAP** interview can be found on the D.C. Department of Human Services' website.¹²³⁴

What if I need food stamps in less than a week?

You might be able to receive food stamps in less than a week if you meet one of the following requirements:

- Your household income will be \$150 or less for a month
- You do not have \$100 in cash or in a bank account
- Your income and ready cash for a month is not more than your rent and utilities

Make sure you properly fill out the Expedited Food Stamps section of your application in order to accelerate the process.

¹²³³ dhs.dc.gov/node/117522

¹²³⁴ dhs.dc.gov/snapinfo

Temporary Assistance for Needy Families (TANF)

What is D.C.'s Temporary Assistance for Needy Families (TANF) program?

D.C.'s [Temporary Assistance for Needy Families](#)¹²³⁵ (TANF) program provides cash assistance to qualifying families with children, as well as training, child care subsidies/support, job preparation and job placement.

How do I apply for TANF?

To apply for TANF in D.C. you can visit the D.C. Department of Human Services [website](#)¹²³⁶ and download the combined application form or go to the nearest [Economic Security Administration \(ESA\) Service Center](#).¹²³⁷ All application forms must be signed and dated and submitted to ESA to begin processing. You can either mail your application or deliver it in person to an ESA Service Center. With one form you can apply for TANF, SNAP, and Medical Assistance.

What documents should I bring to my TANF appointment?

ESA recommends that you bring the following information or documents with you:

	<u>Examples of documents or information:</u>
Income	Recent pay stubs, disability income, or Workers Compensation; etc.
Assets	Recent bank and checking account statements, etc.
D.C. Residency	D.C. driver's license, lease, rent receipt, written statement from your landlord, utility or telephone bill.
Social Security Number	Social Security card; tax or payroll documents with your SSN on it; D.C. driver's license with your SSN on it; etc. (Not required for Food Stamp-only applicants.)
Medical Exam Report / Disability	Recent medical report (or Form 856) and any supporting materials from your doctor.
Immigration Information	Employment Authorization card, I-94, visa, passport, or other documents from the INS.

¹²³⁵ www.benefits.gov/benefit/1656

¹²³⁶ dhs.dc.gov/service/apply-benefits

¹²³⁷ dhs.dc.gov/node/117522

	<u>Examples of documents or information:</u>
Relationship	Birth certificate (full copy) for your child(ren) or official records from a school, court, or hospital.
“Living With”	Statements from two non-relatives or school records.

More information on the eligibility requirements for **TANF** can be found on the [D.C. Department of Human Services website](#).¹²³⁸

Note: Also bring your Medicaid card or other health insurance card, if you have one.

How much can I receive in TANF payments and for how long?

Recent changes to the program have increased benefits and removed the 60-month limit on receiving benefits. The amount of the monthly **TANF** payment depends on the number of people in the household. In 2019, a family of three could receive up to \$784 a month and could continue receiving cash assistance until the family’s income reached \$1,480 a month.

Who is eligible for TANF in D.C.?

You may be eligible for **TANF** if all of the criteria below are met:

- You are a resident of D.C.;
- You are either pregnant or responsible for a child under 19 years of age;
- You are a U.S. national, citizen, legal alien, or permanent resident; and
- You are either under-employed (working for very low wages), unemployed, or about to become unemployed.

The eligibility requirements, including the income limits, change annually. You should refer to D.C.’s [TANF website](#)¹²³⁹ or call 202-727-5355 for up-to-date information.

Can I get TANF benefits if I am not a U.S. citizen?

Even if you’re not a U.S. citizen, assistance may still be available. D.C. provides assistance to **qualified noncitizens** (for example, those with legal permanent resident status or who have been granted asylum or refugee status). Note that you may need to wait for five years after obtaining your qualified immigrant status, depending on the type of status you have. These **qualified noncitizens** receiving **TANF** are subject to the same work requirements and time limits as other recipients. However, if you are a citizen or qualified noncitizen, but your guardian or parents are not, you can apply for assistance for yourself. You should refer to D.C.’s [TANF website](#)¹²⁴⁰ for additional information.

¹²³⁸ dhs.dc.gov/service/whats-new-tanf

¹²³⁹ dhs.dc.gov/service/whats-new-tanf

¹²⁴⁰ dhs.dc.gov/service/whats-new-tanf

Can I get TANF benefits if I just moved to D.C.?

If your family just moved to D.C. from another state, you may still be eligible for assistance. The **eligibility** requirements for families from another state are the same as for families from D.C.

What other TANF eligibility requirements should I be aware of?

People seeking **TANF** must now attend an Orientation and complete an Assessment and Individual Responsibility Plan (IRP) when applying for or recertifying for benefits. [More information can be found online.](#)¹²⁴¹

Are there other benefits if I am a teen parent or pregnant?

Teen Parent Assessment Program (TPAP) is a part of the TANF program specifically for pregnant or parenting teens. It is a voluntary program that provides case management services for teen parents, ages 14-17 years old. Teen parents under the age of 18 also participate in a living arrangement assessment.

A pregnant teen minor or parenting teen who is younger than 18 must:

- Attend high school or an equivalent educational, training or other similarly approved program.
- Complete an Orientation, a Work Readiness Assessment, and an Individual Responsibility Plan (IRP). The Orientation explains the new requirements for receiving TANF. The Assessment is a private interview with a DHS specialist that will identify your strengths as well as challenges to determine the best vendor/provider to help you move toward self-sufficiency. Finally the, IRP is developed by you along with a Vocational Development Specialist (VDS) from DHS. It lists your goals, and career interests, and the steps needed to achieve self-sufficiency.
- Provide proof of pregnancy where applicable.
- Provide proof of D.C. residency.

For more information about the TPAP Program, visit the [D.C. Department of Human Services website](#)¹²⁴² or call (202) 698-4334.

How can TPAP help me?

The **Teen Parent Assessment program (TPAP)** helps teens by:

- Completing assessments of the living arrangements for **TANF** applicants and clients who are under 18 years of age, and not living with their parent or legal guardian;
- Providing case management and support services to teen parents who receive **TANF** benefits to help them develop goals and achieve self-sufficiency;
- Working to reduce teen pregnancy; and
- Conducting motivational workshops.

¹²⁴¹

dhs.dc.gov/sites/default/files/dc/sites/dhs/service_content/attachments/TANF%20Requirements%20Fact%20Sheet_1.pdf
¹²⁴² dhs.dc.gov/page/teen-parent-assessment-program-tpap

Participating teen parents have access to the following services through **TPAP**:

- Counseling
- Educational programs
- Parenting classes
- Teen pregnancy and prevention programs
- Support obtaining daycare
- Other community-based services

For more information about the TPAP Program, visit the [D.C. Department of Human Services website](#)¹²⁴³ or call (202) 698-4334.

*What are the eligibility requirements for **TPAP**?*

To be eligible for **TPAP** services, you must be **TANF** eligible, a **TANF** recipient, or a teen parent under the age of 18 in need of services. Referrals are accepted in writing or by phone, including referrals from caseworkers, the D.C. Public Schools, community-based programs, and the ESA.

Teen parents who are receiving **TANF** or who are **TANF**-eligible should call the Family Assessment and Resource Center to schedule an appointment to attend a TANF Orientation and complete the Work Readiness Assessment and Individual Responsibility Plan process. You can reach the Family Resource Center at (202) 698.1860. Upon completion of this process, TANF customers between the ages of 14-17 will be assigned to TPAP.

For more information about the TPAP Program, visit the [D.C. Department of Human Services website](#)¹²⁴⁴ or call (202) 698-4334.

Women, Infant, Children (WIC) Benefits

Is there additional food assistance for women and children?

Yes. [The Special Supplemental Nutrition Program for Women, Infants, and Children \(WIC\)](#) provides funding for supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding women, and to infants and children up to age five who are found to be at nutritional risk.

*What kind of services and support can I get through **WIC**?*

WIC is a program that provides services to pregnant women, new mothers, infants, and children up to age 5 including:

- Nutrition counseling and education
- Breastfeeding resources and support
- Nutrient-rich foods
- Immunization assessment and screening
- Referrals to health and social services providers

¹²⁴³ dhs.dc.gov/page/teen-parent-assessment-program-tpap

¹²⁴⁴ dhs.dc.gov/page/teen-parent-assessment-program-tpap

For women and children over 1 year old, WIC also provides fresh fruits and vegetables (during May - November) through the Farmers' Market Nutrition Program.

Additional information on the WIC program in D.C. can be found on the [D.C. Health website](#).¹²⁴⁵

Who can participate in WIC?

You can participate in WIC if you:

- Are pregnant or breastfeeding, a new mother, an infant, or a child up to age 5;
- Live in D.C. (You do not have to show proof of U.S. citizenship to participate.);
- Meet income guidelines or medical risk for your family as listed below or are participating in Medicaid, D.C. Healthy Families, School Lunch Program, Temporary Assistance for Needy Families (TANF), or the SNAP Program; and/or
- Have a nutritional or medical risk (determined by a nutritionist or other health professional).
- Fill out the [WIC Prescreening Tool](#)¹²⁴⁶ to find out if you might be eligible for WIC.

Additional information on the WIC program in D.C. can be found on the [D.C. Health website](#).¹²⁴⁷

What are the income guidelines to participate in WIC?

For 2019, you must have an annual household **income** (before taxes) that is below the following amounts. [Always check with WIC before applying](#) as these **eligibility** amounts change annually.

Household Size	Maximum Income Level (Per Year)
1	\$12,490
2	\$16,910
3	\$21,330
4	\$25,750
5	\$30,170
6	\$34,590
7	\$39,010
8*	\$43,430

*For households with more than eight people, add \$4,420 per additional person.

¹²⁴⁵ dchealth.dc.gov/node/114172

¹²⁴⁶ wic.fns.usda.gov/wps/pages/preScreenTool.xhtml;jsessionid=5e628475805cd5fd46cec570be8a

¹²⁴⁷ dchealth.dc.gov/node/114172

If you're over income, you can still be eligible, provided that the family receives Medicaid benefits or participates in SNAP. In addition, all foster children are automatically eligible for WIC regardless of the caregiver's income level.

How do I apply for WIC?

To apply for **WIC**, contact a local WIC office to schedule an appointment. Call (800) 345-1WIC to talk to WIC staff. They can assist with figuring out if you are eligible. If you are eligible, a WIC staff person will schedule an appointment at a **WIC** clinic of your choice.

A current list of **WIC** Clinic locations can be found on D.C.'s **WIC website**.¹²⁴⁸ The list of WIC Clinic locations in 2018 is below:

Ward-1	<p>Children's Hospital 111 Michigan Ave. NW 20010 Phone (202) 476-5594 Fax: (202) 476-5524 Mon - Fri. 8:30am-4:30pm</p>
	<p>Children's Health Center Shaw 2220 11th St. NW 20010 Phone: (202) 476-6298 Fax: (202) 476-6299 Mon. - Fri. 8:30am-4:30pm</p>
	<p>Children's Hospital - Marie Reed Clinic 2250 Champlain St., NW 20009 Phone: (202) 476-6986 or 6987 Fax: (202) 745-5589 Wed. & Thurs. 8:30am-4:30pm</p>
	<p>Upper Cardozo Clinic 3020 14th St., NW 20009 Phone: (202) 299-1554 Fax: (202) 299-1763 Mon. - Fri. 8:30am-5pm</p>

¹²⁴⁸ www.wicprograms.org/ci/dc-washington

	<p>Mary's Center for Maternal & Child Care 2333 Ontario Rd., NW 20009 Phone: (202) 232-6679 or 6721 Fax: (202) 232-3429 Mon. - Fri. 8:30am-5pm *1st & 3rd Sat. *9am-3pm</p>
	<p>Children's Hospital - Adams Morgan Dorchester Clinic 1630 Euclid St., NW 20009 Phone: (202) 476-5479 Fax: (202) 476-5554 Mon. - Fri. 8:30am-4:30pm Lunch: 12pm-1pm</p>
Ward-4	<p>Mary's Center - Georgia Ave. 3912 Georgia Ave., NW 20011 3rd floor Phone: (202) 545-8042/ 232-6721 Fax: (202) 829-1412 Mon. - Fri. 8:30am-5pm</p>
Ward-5	<p>Howard University Hospital 2041 Georgia Ave., NW 20060 Rm. #1-K03 Phone: (202) 865-4942 Fax: (202) 865-7517 Mon. - Fri. 9am-4pm *2nd & 4th Sat. *9am-12pm</p>
	<p>Walker Jones Health Clinic 40 Patterson St., NE Phone: (202) 478-4717 or 4716 Fax: (202) 4780-609 Mon. & Thurs. 8:15am-4:15pm</p>

	<p>Mary's Center- Brookland Brentwood Village Shopping Center Inside Adventure Dentist 1305 Rhode Island Ave., NE Phone: (202) 269-0487 Fax: (202) 232-6721 Tues. & Thurs. 8:30am-5pm</p>
Ward-6	<p>Southwest Clinic 850 Delaware Ave., SW 20024 3rd Floor Phone: (202) 548-4549 Tues. 8:30am-5pm</p>
Ward-7	<p>Unity's Parkside Health Clinic 765 Kenilworth Terr., NE 20019 Phone: (202) 388-8177 or 8175 Fax: (202) 388-8164 Mon. - Fri. 8:15am-4:45pm</p>
	<p>East of the River Health Care 123 45th St., NE 20019 Phone: (202) 388-7752 Fax: (202) 388-5205 Mon., Tues. & Thurs. - Fri. 8:30am-5pm Weds. 11am-7:30pm/Lunch: 3pm-4pm</p>
	<p>HUH @ Minnesota Ave. Clinic 3924 Minnesota Ave., NE 20019 Phone: (202) 627-7851 or 7852 Mon. - Fri. 9am-4:30pm</p>
Ward-8	<p>Children's Health Center Good Hope Rd. 2501 Good Hope Rd., SE 20020 Phone: (202) 476-6994 Fax: (202) 476-6991 Mon. - Fri. 8:30am-4:30pm</p>
	<p>Anacostia Health Center 1500 Galen St., SE 20020 Phone: (202) 610-5491 or 5492 Fax: (202) 610-5087 Mon. - Fri. 8:30am-5pm</p>

	<p>Children’s Health Center @ MLK 3720 MLK Jr. Ave., SE 20020 Phone: (202) 476-6585 Tues., Wed., Thurs. 8:30am-4:30pm</p>
WIC Mobile Unit Sites	<p>Ward-5 D.C. Birthing Center 17th & Benning Road NE Weds. 9am-3pm</p>
	<p>Ward-8 United Medical Center 1310 Southern Avenue, SE Mon. 9:00am-3pm</p>
	<p>Joint Base Anacostia – BAFB (Military Families ONLY) Bolling Air Force Base Tues. & Thurs. 9am-3:30 pm</p>
	<p>Children’s at MLK The Big Chair 2101 MLK Jr. Ave., 5th Fl SE (202) 476-6994</p>
	<p>Children’s at the ARC 1901 Miss. Ave. SE (202) 436-3062</p>

The local **WIC** office will give you an appointment to see if you are eligible for WIC. At this visit, your household **income** and the medical/nutrition status of each applicant will be reviewed.

Special Food Assistance Programs

What other food assistance programs are available in D.C.?

The [National School Breakfast and Lunch Program for the District of Columbia](#),¹²⁴⁹ administered as the [Free and Reduced Price Meals \(FARM\) program](#).¹²⁵⁰ Applications are available on the [D.C. Public Schools website](#).

¹²⁴⁹ www.benefits.gov/benefit/1957

¹²⁵⁰ dcps.dc.gov/farm

For 2019-2020 school year, you may also fill out a [paper form available online](#)¹²⁵¹ and mail or fax to:

Food & Nutrition Services
1200 First Street, NE 9th Floor
Washington, D.C. 20002
Fax: (202) 727-2512

Additional information on applying can be found on the [D.C. Public Schools website](#).¹²⁵²

What are the income eligibility guidelines for the National School Breakfast and Lunch Program for D.C.?

In order to qualify for the [National School Breakfast and Lunch Program](#), you must have an annual household income (before taxes) that is below the following amount for your household size:

Household Size*	Maximum Income Level (Per Year)
1	\$23,107
2	\$31,284
3	\$39,461
4	\$47,638
5	\$55,815
6	\$63,992
7	\$72,169
8	\$80,346

*For households with more than eight people, add \$8,177 per additional person. Always check with the [appropriate agency](#)¹²⁵³ to ensure the most accurate guidelines.

Are there food assistance programs available in D.C. during the Summer?

During the summer months when school is not in session, the [D.C. Free Summer Meals Program](#)¹²⁵⁴ offers free meals to children 18 and under. To find a meal site from June through

¹²⁵¹ www.myschoolapps.com/Application

¹²⁵² dcps.dc.gov/publication/free-and-reduced-priced-meals-farm-application

¹²⁵³ www.benefits.gov/benefit/1957

¹²⁵⁴ osse.dc.gov/dcsummermeals

August, Text “FOOD” to 877-877 or call (866) 3-Hungry or (866) 348-6479. You can also visit the [USDA Food and Nutrition Service website](#)¹²⁵⁵ to find a location in your community.

Social Security and SSI Benefits

Which Social Security Benefits may be available to me?

There are three [Social Security Benefits](#)¹²⁵⁶ that could benefit you:

- [Supplemental Security Income](#)¹²⁵⁷ (**SSI**) – Disability benefits based on financial need
- [Social Security Disability Insurance](#)¹²⁵⁸ (**SSDI**) – Disability benefits based on work history
- [Social Security Survivors Benefits \(Survivors Benefits\)](#)¹²⁵⁹ – When someone receiving Social Security payments dies, his or her family members may qualify for Survivors Benefits. Survivors Benefits are monthly benefit payments to certain family members of the person who died. Eligible family members include unmarried children up to age 18 (or 19 if you are still in high school) and unmarried children of any age with a disability that began before age 22.

In order to apply for Social Security payments, you will need to provide certain information and/or documentation. Make sure you have:

- Your social security number (and if you are applying for Survivors Benefits, your parent’s or grandparent’s social security number); and
- Your birth certificate.

You may also need to provide other documentation depending on the program. For example, if you are applying for Survivors Benefits you will need to provide proof of your parents or grandparent’s death (death certificate), and if you are applying for disability benefits, you will need to provide medical evidence of the disability.

What is Supplemental Security Income (SSI)?

SSI makes monthly payments to people who have low **income** and few resources, and who are either (i) age 65 or older; (ii) blind; or (iii) **disabled**.

More information on the relevant criteria can be found on the [SSI website](#).¹²⁶⁰

What disabilities qualify me for SSI?

Qualifying disabilities to be eligible for SSI include physical and mental conditions that seriously limit day-to-day activities. To **qualify** as **disabled**, you must have a physical or mental condition(s) that very seriously limits your activities, and the conditions must have lasted, or be expected to last, at least one year or are likely to result in death. If you are **disabled**, have little

¹²⁵⁵ fnssnaphal-gjs.esriemcs.com/summerfoodrocks/

¹²⁵⁶ www.ssa.gov/pubs/EN-05-10026.pdf

¹²⁵⁷ www.ssa.gov/ssi/

¹²⁵⁸ www.ssa.gov/disability/

¹²⁵⁹ www.ssa.gov/benefits/survivors/

¹²⁶⁰ www.ssa.gov/benefits/ssi/

or no **income** and resources, and are a U.S. citizen or legal immigrant, you may be eligible for **SSI**.

Documents to show regular medical treatment are important. Disability claims require proof of regular medical treatment and mental health care. One of the main challenges homeless youth face in applying for and receiving **SSI** is their inability to meet Social Security's disability criteria because they don't have enough medical evidence or documentation of their condition and its effect on their ability to do work. **IMPORTANT:** Make sure that you have access to regular medical treatment, including mental health care, and keep any paperwork you receive during your care to ensure that your disability is fully documented and supported by medical records.

The standards used to determine whether you have a disability are different for those under 18. Once a **disabled** person turns 18, his or her status will be reevaluated again using the standards for **adults**.

*How do I apply for **SSI**?*

If you are under 18, to **apply for disability benefits**¹²⁶¹ you will need to complete an Application for Supplemental Security Income and a Child Disability Report. **SSI** applications require medical records and letters of support. To apply for **SSI** payments you will need:

- Your **social security number** (and if you're applying for Survivors Benefits, your parent's or grandparent's social security number);
- Your **birth certificate**;
- **Medical records** proving your disability; and
- **Letters of support** from social workers, teachers, or other people in your life describing how your disability affects your ability to function.

If you want to make an appointment with a Social Security representative, you can call the Social Security office at 1-800-772-1213. **NOTE:** Prior to starting the application, you may want to review the **SSI Child Disability Starter Kit**,¹²⁶² which includes a checklist of the information you will need to complete the application and interview.

*What is Social Security Disability Insurance (**SSDI**)?*

SSDI pays benefits to you and certain members of your family if you are disabled and have worked long enough and paid Social Security taxes.

*How do I know if I am eligible for **SSDI**?*

You must meet **Social Security's definition of disability** which is the same as used for **SSI**.

In addition, you must have worked long enough and paid Social Security (FICA) taxes sufficiently to have qualified for this benefit. The amount of time you must have worked depends on how old you were when you became disabled.

¹²⁶¹ www.ssa.gov/planners/disability/apply.html

¹²⁶² www.ssa.gov/disability/disability_starter_kits_child_eng.htm

Unlike SSI, SSDI is not “means tested,” which means you do not need to fall under a certain level of income or financial resources to qualify. More information can be found on the [Social Security website](#).¹²⁶³

How do I apply for SSDI?

There are two ways that you can apply for disability benefits. You can:

1. Apply online at www.socialsecurity.gov if you are over 18; or
2. Call the toll-free number, 1-800-772-1213, to make an appointment to file a disability claim at your local Social Security office or to set up an appointment for someone to take your claim over the telephone.

The Disability Starter Kit also is available online on the Social Security website at www.ssa.gov/disability.

What are Social Security Survivors Benefits?

If your spouse, parent, or stepparent dies, you may be eligible for Social Security survivor benefits. You may be eligible for survivors’ benefits if you are:

- An unmarried child under age 18 (or up to age 19 if you are attending high school still), and your parent or, under certain circumstances, a stepparent, grandparent or adopted parent, is deceased but worked while living;
- Of any age and you became disabled before age 22 and are still disabled; or
- If you were married and your spouse died (but worked while living) and you care for your deceased spouse’s child, you may be eligible for survivors’ benefits if you worked and your child has a disability.

How do I apply for Survivors Benefits?

To apply for [Survivors Benefits](#)¹²⁶⁴ you will need to either apply for benefits at 1-800-772-1213 or go to your local Social Security office. You cannot report a death or apply for survivors benefits online. A [Social Security office locator can be found online](#).¹²⁶⁵

Is Parental Permission Required before I apply even if I do not live with my parents?

Parental permission is not required for children who are not living with their parents. [Minor children](#) who are eligible for Social Security can apply for benefits without providing any information or receiving permission from their parents as long as they can show that they are not living with their parents.

¹²⁶³ www.ssa.gov/planners/disability/qualify.html

¹²⁶⁴ www.ssa.gov/planners/survivors/ifyou.html

¹²⁶⁵ secure.ssa.gov/ICON/main.jsp

Child Care Subsidies

Are there any child care related assistance programs in D.C.?

Yes, the [DHS's subsidized child care program](#)¹²⁶⁶ helps low-income families pay their child care fees. The child care subsidy is based on an assessment of need, income, and family size.

Who is eligible for the child care subsidy?

The program is meant to serve working families and:

- Families who are receiving [Temporary Assistance for Needy Families \(TANF\)](#) and participating in education and training in accordance with their Individual Responsibility Plans (IRP);
- Teen parents seeking a high school degree or its equivalent;
- Families not receiving TANF who are pursuing additional education to improve employment opportunities and prospects.

More information can be found on the Department of Human Services website on its [Child Care Services page](#).¹²⁶⁷

How do I apply for a child care subsidy?

Parents must visit the Child Care Services Division in person to apply for assistance at:

4049 South Capitol Street SW
Washington, D.C. 20032
Phone: (202) 727-0284

Child Care Subsidy Admissions Forms can be sent by email to: childcare.admissions@dc.gov

Limited walk-in visits for new applicants are available on a “first-come, first-served” basis on Monday, Tuesday, and Wednesday from 8:15 am - 3:30 pm. Applicants are encouraged to call (202) 727-0284 to schedule an appointment, Monday-Friday from 8:15 am to 3:30 pm.

More information can be found on the Department of Human Services website on its [Child Care Services page](#).¹²⁶⁸ If you require assistance with obtaining a Child Care Provider, you may contact [OSSE Child Care Connections online](#)¹²⁶⁹ or at (202)-829-2500.

¹²⁶⁶ dhs.dc.gov/service/child-care-services

¹²⁶⁷ dhs.dc.gov/service/child-care-services

¹²⁶⁸ dhs.dc.gov/service/child-care-services

¹²⁶⁹ osse.dc.gov/page/dc-child-care-connections

Low Income Home Energy Assistance Program (LIHEAP)

What is the Low Income Home Energy Assistance Program and how can it help me?

The [Low Income Home Energy Assistance Program \(LIHEAP\)](#) is a federally-funded program that helps low-income households with their utility bills. The D.C. LIHEAP program may be able to offer you one or more of the following types of assistance:

- Bill payment assistance;
- Energy crisis assistance; and
- Weatherization and energy-related home repairs.

Eligible households may receive assistance towards their energy bill between \$250 and \$1,500 as a one-time regular energy assistance benefit.

What are the eligibility requirements for the Low Income Home Energy Assistance Program?

You must be a resident of D.C., need financial assistance with utility bills and have an annual household income (before taxes) that is below 60% of the State Median Income. More information on the [Low Income Home Energy Assistance Program \(LIHEAP\)](#) can be found on the [D.C. Department of Energy & Environment's website](#).¹²⁷⁰

The Income Guidelines to apply for LIHEAP beginning October 1, 2018 are below. [Check the guidelines before you apply as they change routinely.](#)

Household Size	Maximum Annual Income
1	\$30,918
2	\$40,431
3	\$49,944
4	\$59,457
5	\$68,970
6	\$78,483
7	\$80,267
8	\$82,051

¹²⁷⁰ doee.dc.gov/liheap

A person who participates or has family members who participate in certain other benefit programs, such as the SNAP, SSI, TANF or certain other benefits may be automatically eligible. More information can be found on the [D.C. Department of Energy & Environment's website](#).¹²⁷¹

What is the application process for the Low Income Home Energy Assistance Program?

D.C. residents may apply for energy assistance through an [online application](#).¹²⁷² Applications are also taken in person by calling 311 to make an appointment and going to one of the Department of Energy and Environment Energy Centers:

<p>1207 Taylor St., NW Washington, D.C. 20011</p> <p>Bilingual (Spanish) staff on site</p> <p>ADA Compliance</p> <p>Interpreter services Available</p> <p>Serving Wards 1,2,3,4, 5 & 6</p>	<p>2100 Martin Luther King, Jr. Ave., SE Washington, D.C. 20020</p> <p>Interpreter services Available</p> <p>ADA Compliance</p> <p>Serving Wards 6,7, & 8</p>
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More information can be found on the D.C. Department of Energy & Environment's website.¹²⁷³

What documents are required for the Low Income Home Energy Assistance Program appointment?

Bring the following documents with you to receive energy assistance:

- Your service disconnection notice or a letter from the utility company that states the service has been disconnected (if applicable);
- Your most recent utility bills (or a copy);
- A government-issued photo ID;
- Proof of income for everyone in your home who receives income; and
- Social Security cards for everyone in your home.

Are there any programs to get utility discounts?

Residents may also apply for the Utility Discount Program to receive a reduced rate on their utility costs. To learn more, please visit the [Utility Discount Program](#).¹²⁷⁴

¹²⁷¹ doee.dc.gov/liheap

¹²⁷² doee.libera.com/portal/Login.aspx?ReturnUri=%2fportal%2fdefault.aspx

¹²⁷³ doee.dc.gov/liheap

¹²⁷⁴ doee.dc.gov/node/9402

Assistance with Home or Wireless Phone and Internet Service: The Lifeline Program

What is the Lifeline Program and how can it help me?

The [Lifeline Program](#)¹²⁷⁵ is a federal program that provides a monthly benefit to assist with the costs of home or wireless phone and broadband service for eligible households.

The Lifeline benefit can lower or eliminate the cost of your monthly phone or internet bill. Only one benefit is available per household; either phone service (home or wireless) or internet (home or mobile), but not both.

Am I eligible for Lifeline?

You are automatically eligible if you receive benefits through one or more of the following programs: [Medicaid](#), SSI, Federal Housing Assistance/Section 8 Programs, SNAP ([Food Stamps](#)), Bureau of Indian Affairs (BIA) General Assistance, and Tribally Administered [TANF](#).

Otherwise, you may qualify if your household's [income](#) is at or below 135% of the federal poverty guidelines. Look up whether your [income](#) qualifies. If your [income](#) is at or below the amount listed for your household's size and location, your household may be eligible for a Lifeline Program benefit.

More information can be found on the [D.C. Lifeline website](#).¹²⁷⁶

How do I apply for Lifeline Benefits?

Call the local phone company and tell the sales department that you want to apply for the Lifeline Program. For more information, go to www.lifelinesupport.org, and click on your state.

¹²⁷⁵ dcpsc.org/Lifeline-Awareness-Week.aspx

¹²⁷⁶ www.opc-dc.gov/consumer-assistance/utilities/lifeline

18. Lawsuits in General

Civil Law Cases

A civil lawsuit often involves someone (the **plaintiff**) seeking money from a person or business (the **defendant**) who caused them harm or broke an agreement. It may also involve the plaintiff seeking an injunction (an order from the court requiring the defendant to do something or stop doing something).

Civil law differs from criminal law, where the government (through a **prosecutor**) pursues charges for criminal wrongdoing against someone (the defendant) and, if guilty, that person may be sent to jail and/or pay a fine.

Most civil cases involve:

1. disagreements about whether a person did what they were supposed to do under a contract or agreement,
2. the collection of a debt (such as money borrowed but not returned),
3. asking for money because of a personal injury (like injury caused by a car accident),
4. damage to property or disagreements over property,
5. landlord-tenant issues, or
6. family law issues, such as child custody, divorce, or dating abuse and civil protection orders.

Additional information on criminal law can be found in the **General Criminal Law chapter** in this Handbook.

What resources are available to me if I want to file a lawsuit or if I am being sued?

There are some free and low-cost resources available to help you with a lawsuit, whether you are the plaintiff or the defendant.

Included below is a list of organizations across Washington, D.C. where you may be able to get free or low cost legal help. Many D.C. courts have help desks that can be of use too.

- **Legal Aid Society of D.C.:**¹²⁷⁷ Legal Aid provides legal services to low-income individuals in family law, domestic violence, housing, public benefits like **TANF** and **SNAP** (food stamps), and consumer law. It has offices in Northwest and Southeast D.C. (Phone: (202) 628-1161).
- **The Washington Legal Clinic for the Homeless:**¹²⁷⁸ This group is dedicated to helping people who are homeless or at risk of becoming homeless with legal issues involving

¹²⁷⁷ www.legalaiddc.org/

¹²⁷⁸ www.legalclinic.org/legal-help/

housing, shelter, public benefits like TANF, SNAP (food stamps), and SSI, consumer law issues, emergency assistance, disability discrimination, and police interactions with people on the street who are homeless. Phone: (202) 328-5500.

- **Neighborhood Legal Services Program:**¹²⁷⁹ This program provides free legal information, advice, and representation to low-income D.C. residents in civil legal matters such as public benefits (TANF, SNAP (food stamps), SSI), housing, and family law. Phone: (202) 832-6577.

Do I need to find a lawyer to represent me?

It is possible to represent yourself in a legal case, without hiring an attorney. This is called “*pro se*.” Handling a civil lawsuit by yourself can be very difficult, however. Before deciding to represent yourself, you should consider whether having an attorney will make your case more successful. If you decide to represent yourself in a case in the D.C. Superior Court, the court publishes a [Handbook for Self Represented Parties](#).¹²⁸⁰

How do I find a lawyer to help me?

Some of the organizations listed above in response to the “*What resources are available to me if I want to file a lawsuit or if I am being sued?*” question above may be able to put you in contact with a lawyer. If none of the above organizations can help you, you can contact the [Bar Association of D.C.](#), which has a lawyer referral service. You should also ask people that you know and trust if they have any recommendations.

You should meet with the lawyer before you decide to hire them. You should find a lawyer with the best qualifications, experience, and knowledge to meet your legal needs. Many lawyers can handle a wide variety of cases. In the personal injury field, there are many lawyers who handle relatively non-complex cases, but relatively few who handle complex personal injury cases such as medical malpractice. You may have to search a little harder to find these attorneys. Ask the lawyer for their “track record” with cases like yours. Look at the attorney’s website to see if they have successfully handled other cases like yours.

How do lawyers charge for their help?

There are basically four types of fee arrangements. (1) A lawyer working “pro bono” will represent you for free (although you may need to pay expenses, such as court fees). (2) A lawyer may charge you a flat fee (a fixed amount) for the case or phase of the case (for example, for a trial, but not an appeal). (3) Many lawyers charge at an hourly rate. The amount you pay will depend on how many hours it takes to do the work. (4) Some lawyers will take your case on a “contingency” basis if the case involves you suing someone for money damages. The lawyer receives an agreed upon percentage of the money you win, and usually gets paid only if you win (although you may need to pay some expenses).

You should always be clear about what, if anything, working with a lawyer will cost you before agreeing to representation.

¹²⁷⁹ nls.org/

¹²⁸⁰ www.dccourts.gov/sites/default/files/divisionspdfs/Handbook-for-Self-Represented-Parties.pdf

Small Claims Court

What is Small Claims Court?

In D.C., you can sue in [Small Claims Court](#)¹²⁸¹ if you are seeking compensation or damages in the amount of \$10,000 or less. You do not need a lawyer, and you can represent yourself. The court process is simpler and faster than in other courts. A judge usually decides the case, after hearing from both sides, unless you or the other party requests a jury. If a [jury](#) is requested, the case will be transferred to the standard Civil Division of the D.C. Superior Court.

Examples of small claims include:

- Your friend refuses to pay back the \$200 you loaned him or her.
- Your new \$50 video game will not work. The business who sold it to you refuses to refund your money.
- A person took your backpack and sold it. The total value of the backpack, including all items you had inside, is \$1,000.
- You worked for someone, but the person refuses to pay you.

What is the process for filing a claim in Small Claims Court?

The D.C. Superior Court publishes a [Small Claims Handbook](#) that can guide you through the small claims process. Generally, the small claims court process looks like this:

- To start the claim process, fill out the [necessary form\(s\)](#)¹²⁸², including a Statement of Claim and Information Sheet, and then file the form(s) with the court clerk.
- Each person or business being sued in the case (each defendant) must be given a [summons/notice to appear](#)¹²⁸³ in court. The summons or notice will notify them of your lawsuit and tell them the date and time they must appear in court. A copy of the Statement of Claim should be attached to the summons/notice to appear. There are additional fees required for delivering these documents to the individuals being sued.
- The individual being sued may file a counterclaim, set-off claim, or third-party complaint. A counterclaim is when a person being sued brings their own claims against the person who sued them. A set-off claim is when two people owe each other money, therefore both debts even out. Finally, a third-party complaint is when the [defendant](#) brings a claim against another person who is not involved in the case yet.
- The court may schedule a pre-trial conference or order the plaintiff and defendant to attend mediation, which is a meeting outside of court with a mediator (a neutral third person), who tries to help resolve your disagreement.
- After a decision is made by the court, the winner is responsible for collecting the money or property the court says is owed. The winner can either arrange to get payment from the loser or work with law enforcement to collect the money (for example, if the loser refuses to pay).

¹²⁸¹ www.dccourts.gov/services/civil-matters/requesting-10k-or-less

¹²⁸² www.dccourts.gov/services/civil-matters/requesting-10k-or-less

¹²⁸³ www.dccourts.gov/node/18682

What happens if I receive a notice to appear in Small Claims Court?

If you are sued as a **defendant** in Small Claims Court, you generally do not need to file anything, but you do need to show up. At the hearing, be prepared to explain to the judge why you believe you are not responsible for paying the money at issue. Bring with you any documents or papers that might help you convince the judge of your position. More information can be found in the D.C. Superior Court [Small Claims Handbook](#).¹²⁸⁴

Other D.C. and Federal Courts

Where can I file a lawsuit if the amount is more than \$10,000?

If you are seeking more than \$10,000 in damages, you would file a lawsuit in the Civil Action Branch of the [D.C. Superior Court](#).¹²⁸⁵

Can I sue if the government wronged me?

You may be able to sue government employees who committed a wrong against you, but generally you cannot sue the government itself. You may sue for negligence (meaning you were harmed by someone being careless) or for violation of your constitutional rights. Examples of potential constitutional rights violations include excessive use of force by a police officer or improper denial of services by a government agency. There is a federal law called the [Civil Rights Act](#)¹²⁸⁶ that allows an individual to sue government employees for violations of constitutional rights.

For more information about making a complaint or filing a legal claim against a police officer, refer to the response to “[Can I sue if the police have harassed or abused me?](#)” question below.

Can I sue for damages if I was sexually assaulted or abused?

Yes. But the law requires you to file the lawsuit within a certain period of time (what is called the “statute of limitations”). In D.C., if you were a minor when the abuse happened, your lawsuit must be filed within three years after you realized (or should have realized) you were abused, or by the time you turn 25 years old (within seven years after your eighteenth birthday), whichever is later.

If you have been the victim of sexual assault, you can contact the [D.C. Rape Crisis Center](#)¹²⁸⁷ 24-hours a day at (202) 333-RAPE.

If the assault or abuse occurred very recently, you can also sue for protection from further abuse or assault by filing a civil protection order case in the [Domestic Violence Division of the](#)

¹²⁸⁴ www.dccourts.gov/sites/default/files/SmallClaimsHandbook.pdf

¹²⁸⁵ www.dccourts.gov/sites/default/files/SmallClaimsHandbook.pdf

¹²⁸⁶ www.law.cornell.edu/uscode/text/42/1983

¹²⁸⁷ dcrcc.org/

D.C. Superior Court.¹²⁸⁸ For more information and resources, see the **Dating and Domestic Violence** chapter of this Handbook.

How long do I have to file a lawsuit?

It depends on the type of claim you are bringing. The time for bringing a lawsuit is set by law, and you must pay careful attention to those deadlines (called a **statute of limitations**). For example, cases for assault/battery must be brought within one year of the event. If you are suing because you were physically injured due to someone's negligence, you must bring your case within 3 years. No matter how long the law gives you, it is almost always a good idea to bring your lawsuit as soon as possible.

Can I settle my court case once it has been filed?

Yes. Typically, you are free to resolve your dispute with the **defendant** at any point. If you can reach an agreement with the person you have sued (or the person who has sued you), the lawsuit can be voluntarily dismissed. Settling could save you time, money, and frustration. It could also make the outcome of your case more certain. If you have an attorney, you should discuss the offer with your attorney.

Can I sue if the police have harassed or abused me?

Yes. You can sue if the police have violated your civil rights. For example, if the police made a false arrest, used excessive force, or denied you food or water while in custody, you can sue. If you believe you have a reason to sue the police, you may seek help from the **ACLU of Washington D.C.**¹²⁸⁹

Before filing a lawsuit, however, you should take certain steps. Write down each incident of harassment or violation of your rights. Include the date, time, location, officer's name and badge number (if possible), witnesses (if any), what was said and done by all participants, and any other relevant facts. The more detailed your notes are, the better. Your notes will be used as the basis for any complaints or lawsuits you may file later. Consider taking any photos that might be helpful.

Call the police station the officer(s) work(s) for and ask about its process for filing a formal complaint. Do not give your name or any identifying information at this time. Focus on finding out what the process is. A complaint against the D.C. Metropolitan Police Department can be filed with the **Office of Police Complaints.**¹²⁹⁰ If you decide to, you can file a formal complaint and demand that an investigation be conducted into the officer's conduct. If the harassing behavior does not stop after filing a formal complaint, consider filing a civil lawsuit. You may want to consult an attorney who specializes in the area of civil rights.

Can I ignore a lawsuit that is filed against me?

If you receive a written notice telling you that you have been sued, you should not ignore it, even if you disagree with the allegations being made about you. Most courts will set a deadline for you to respond to the lawsuit, which should be stated in the documents that are given to you

¹²⁸⁸ www.dccourts.gov/services/domestic-violence-matters

¹²⁸⁹ www.aclu.org/affiliate/washington-dc

¹²⁹⁰ policecomplaints.dc.gov/

about the case. If you do not respond by the deadline, the court may rule against you and declare the person who has sued you the winner. This may result in a **judgment** (money damages or other penalty) being entered against you. Having a court judgment against you can hurt your credit rating, can prevent you from getting a loan or buying things on credit. It might also show up on background checks for potential employers. The **judgment** will not go away until you pay the **plaintiff** the money that the court says you owe them.

19. Immigration and Undocumented Youth

Note: US Immigration law is extremely complex. When possible, you should consult with a legal aid office or an immigration attorney.

Being Undocumented in the U.S.

What does it mean to be undocumented?

Being **undocumented** means that you do not have any legal immigrant status or proof of your legal immigrant status. An **undocumented** immigrant is someone born outside the U.S. or its territories (like Puerto Rico), or a non-citizen who either overstayed a visa or entered the U.S. without inspection.

Can I be forced to leave the U.S.?

If immigration authorities believe that you are in the U.S. illegally or without permission, they can begin the process of trying to return you to your home country. That process is called “**deportation**” or “**removal**.” “**Deportation proceedings**,” which are now called “**removal proceedings**,” is a court process that allows people facing deportation to see a judge. The judge decides if that person must be deported to their home country or if that person has any defenses against deportation and should be allowed to stay.

*Who can be **deported** or **removed**?*

Anyone who is not a U.S. citizen can be deported – even people who are lawful permanent residents (people who have “permanent residence cards”). Some infractions, even minor ones, can lead to deportation.

The list below includes some reasons why people may end up in deportation proceedings:

- Being in the U.S. without permission (not having “papers” or being **undocumented**);
- Saying you are a U.S. citizen when you are not;
- Voting unlawfully - only U.S. citizens are allowed to vote in federal and most state or local elections, so it is important NOT to register to vote until you become a U.S. citizen;
- Marrying someone just to help them get lawful permanent status or so you can get lawful permanent status (“marriage fraud”);
- Drug convictions or even committing a drug crime for which you were arrested, but not convicted;
- Marijuana use advisory: even if marijuana is “legalized” or “decriminalized” in your city or state, marijuana is still illegal under federal and immigration laws. As such, the use, sale, or transportation of marijuana can still get you deported or prevent you from being able to apply for lawful immigration status in the future;
- Stealing;
- Violent crimes such as rape, murder, assault, battery;
- Domestic violence or violating a protection order;
- Gun convictions;
- Sex offences including statutory rape;

- Prostitution;
- Driving under the influence of drugs or alcohol (in some cases);
- Giving false or misleading information to the government;
- Using false documents or papers;
- Helping or encouraging someone else to enter the U.S. illegally; or
- Gang affiliations

Can I travel outside the U.S.?

It depends on what type of immigration status you have. If you are an **undocumented** immigrant and leave the U.S., you will not be allowed to return unless you have a way to return legally (with the U.S. government's permission) and you have applied for a **waiver**¹²⁹¹ that forgives the time you previously spent in the U.S. unlawfully. Only people who have parents or spouses that are U.S. Citizens or Permanent Residents may apply for this waiver, which is very difficult to get approved, so traveling outside the U.S. after living in this country without documents will seriously complicate any future request for immigration benefits.

Dealing with Police or Immigration Authorities

What can I do if I am approached by authorities?

All people in the U.S. have rights and protections under the U.S. Constitution. If you are approached by immigration authorities or the police and arrested, **you can remain silent**. Here are some things you can do if you are approached:

- You may state your name, but you are not required to answer any other questions.
- You are not required to provide information about where you were born or how you entered the U.S.
- If you are approached by immigration authorities, you do not have an automatic right to a lawyer.
- If you are arrested by the police for a criminal matter, you may have the right to a lawyer at no cost.
- If you are arrested and ask for a lawyer, you have the right to talk to the lawyer and ask that the lawyer be present when the police question you (more information is available in the **General Criminal Law chapter** in this Handbook).
- You are not required to show any documents, and you may show a letter from a lawyer.
- You are not required to sign anything. Be aware that an **Order of Voluntary Departure/Return/Removal** has serious legal implications – you are not required to sign any document and you have the right to ask to first talk to an attorney.

If the authorities come to your home and do not show you a search warrant, you are not required to open the door and you are not required to show any documents. If the authorities do come to your home, ask to see a **Search Warrant BEFORE opening the door**. If you open the door and allow them in without a warrant, you will lose some of your rights. You may ask the Authorities to slide the warrant under the door or to show it through a window. Make sure the warrant has the complete address of where you are at the moment or the name

¹²⁹¹ www.uscis.gov/i-601

of the individual they are looking for. See this D.C. guide in English¹²⁹² and Spanish¹²⁹³ for more information.

Paths to Legal Status and Permanent Residence

Can I get legal status to stay in the U.S.?

Even if you are **undocumented**, you may be able to apply for lawful immigration status.

There are different kinds of lawful status in the U.S. A **temporary or “nonimmigrant” visa holder** has permission to stay and/or work in the U.S. for a specific period, depending on the type of visa. Other individuals may have **asylum protection** or other forms of immigration status that allows them to stay in the U.S. indefinitely. Individuals with **asylum** or certain types of temporary visas may apply for **lawful permanent residence** in the U.S. (a “permanent residence card”). A U.S. lawful permanent resident (“permanent residence card” holder) has permission to live and work in the U.S. on a permanent basis. Many lawful permanent residents may eventually apply to “naturalize” – apply for U.S. citizenship – if they meet certain requirements, but you must become a Lawful Permanent Resident before you can apply for citizenship. A **naturalized U.S. citizen** has the same rights as a person born in the U.S., including the right to vote.

In most cases, you must apply for lawful immigration status through **U.S. Citizenship and Immigration Services**¹²⁹⁴ (**USCIS**), the government agency that oversees lawful immigration in the U.S. In some cases, if you have been located by immigration authorities and you are in deportation proceedings, an immigration judge can issue a decision regarding your application for legal immigration status.

The type of legal immigration status available to you depends on several factors, some of which include when and how you came to the U.S., the conditions in your home country, and your family background. This chapter includes general information on some of the ways undocumented youth can apply for legal immigration status. It is very important to seek the advice of an immigration attorney regarding the specific facts of your case.

What types of legal immigration status are available?

The type of legal immigration status available to you depends on your situation, including when and how you came to the U.S., the conditions in your home country and your family background. The following list includes some of the types of legal immigration status that might be available to you:

1. **Special Immigrant Juvenile Status (SIJS)**
2. **Deferred Action for Childhood Arrivals**
3. **T Visa**

¹²⁹² www.acludc.org/en/know-your-rights/know-your-rights-police-immigration-or-fbi-stops

¹²⁹³ www.aclu.org/know-your-rights/que-debe-hacer-si-la-policia/#que-debe-hacer-si-la-policia-agentes-de-inmigracion-o-el-fbi-lo-detienen

¹²⁹⁴ www.aclu.org/know-your-rights/que-debe-hacer-si-la-policia/#que-debe-hacer-si-la-policia-agentes-de-inmigracion-o-el-fbi-lo-detienen

4. **U Visa**
5. **VAWA Work permit**
6. **Asylum**
7. **Temporary Protected Status**

Path to Legal Status: Asylum

What is asylum?

Asylum is a form of protection the U.S. government can offer that allows a person to live and work legally in the U.S. and to apply for lawful permanent residence after one year. The right of **asylum** means that a person who has been persecuted or afraid of persecution in the future, by their own country, may request protection from another foreign country. There are several requirements that must be met in order to get asylum. For more information, review the [USCIS website page on asylum](#).¹²⁹⁵

*How do I know if I am eligible for **asylum**?*

There are certain criteria necessary to show that you are eligible for **asylum**. You must show that you have suffered past persecution (very seriously harmed or threatened) or fear that you will suffer future persecution, which must include:

- Fear of being persecuted by your government or a group that your government cannot or will not control
- The harm you fear must be based on your race, religion, political opinion, nationality or membership in a particular social group

More information on the **asylum** application process can be found on the [USCIS website](#).¹²⁹⁶

*What time limits apply to **asylum** applications?*

Generally, a person must apply for **asylum** within one year of arriving in the U.S. There are certain exceptions to the one-year rule, including if you are still a minor, your circumstances have changed, or you have faced extraordinary circumstances that make it difficult to apply for asylum within one year of arriving in the U.S. However, you still must apply within a reasonable timeframe of any changed or extraordinary circumstances (usually within a few months). Proving an exception to the one year rule can be complicated, so you may want to find an attorney experienced with asylum law as soon as possible if you are afraid to return to your country.

¹²⁹⁵ www.uscis.gov/humanitarian/refugees-asylum/asylum

¹²⁹⁶ www.uscis.gov/humanitarian/refugees-asylum/asylum

*Can I be disqualified from getting **asylum**?*

Yes. Certain serious crimes, participating in persecution of others, previous deportations, or having lived safely in another country, can disqualify you from asylum. For more information, review the [USCIS website page on asylum](#).¹²⁹⁷

*What will my status be if I am granted **asylum**?*

Certain undocumented immigrants may obtain legal status and lawful permanent residence in the U.S. after being granted **asylum**. If you are granted **asylum** you may apply for lawful permanent residence after one year.

Can I apply for asylum if I am transgender and I am afraid of returning to my home country because of my gender identity?

Yes, you may be able to apply for **asylum if you fear for your safety if you returned to your home country due to your gender identity**. Taking steps towards gender transition may be a changed circumstance for an exception to the one-year filing requirement. These applications can be complicated and it is important to find an attorney experienced with asylum law as soon as possible. A good place to call for more information and help is Whitman Walker Health¹²⁹⁸, which provides legal services related to gender identity and related to immigration. For more information, review the [USCIS website page on asylum](#).¹²⁹⁹

Special Status for Youth Under Age 21: SIJS

*What is **Special Immigrant Juvenile Status (SIJS)**?*

Special immigrant Juvenile Status (SIJS) is a type of status that protects you from deportation and makes it possible to apply for lawful permanent residence (a “permanent residence card”). If you are undocumented and you are dependent under state law, such as in foster care, it is likely that **SIJS** is an option for you. Other youth who may qualify are those who have been abandoned, abused, or neglected by one or both of their parents, even if they are not in foster care.

More information on **SIJS** can be found on the [USCIS website](#). Also see the chapter on **Foster Care** in this Handbook.

*What are the eligibility requirements for **SIJS**?*

To be eligible for **SIJS**, you must be:

- 21 years or younger at the time you apply with **USCIS**;
- Unmarried when you file and when **USCIS** makes a decision on your application;
- You must either be declared dependent in juvenile court OR under the jurisdiction of a juvenile court (including dependency court or delinquency court), where the court has

¹²⁹⁷ www.uscis.gov/humanitarian/refugees-asylum/asylum

¹²⁹⁸ www.whitman-walker.org/

¹²⁹⁹ www.uscis.gov/humanitarian/refugees-asylum/asylum

made a decision about your placement (in foster care, with a relative, or in juvenile detention);

- The juvenile court must declare that reunification with one or both of your parent(s) is not viable due to abuse, abandonment, neglect, or a similar reason under state law
- The juvenile court must declare that is not in your best interest to return to your home country and that it is in your best interest to stay in the U.S.

After securing the court order, you must apply for **SIJS** with **USCIS**, and establish that you meet all the legal requirements for this benefit. More information can be found on the USCIS website.¹³⁰⁰

*How do I get **SIJS** status?*

Before you can apply for **SIJS**, you must obtain a “predicate order” by a state court. In that order, the state court (including dependency, delinquency, family or probate) needs to make certain findings. Specifically, the state court must declare (1) that you are a **dependent** of the court (or must place you with a state agency, a private agency, or a private person); (2) that it is not in your best interests to return to your home country (or the country you last lived in); and (3) that you cannot be reunited with a parent because of abuse, abandonment, neglect or similar reason under state law.

The order must state that you have been declared dependent by a state juvenile court, or you must be under the jurisdiction of a juvenile court (including dependency, delinquency, family or probate court), and the court must declare it is in your best interest to stay in the U.S. Even though you can apply with USCIS until you turn 21, most states (including D.C.) will only issue these court orders if you are under 18 years old. More information can be found on the USCIS website.¹³⁰¹

*When getting **SIJS** status, what do I do after the state court gives me an order?*

After securing the court order, you must apply for **SIJS** with **USCIS** and establish that you meet all the legal requirements for this benefit. For more information visit the USCIS website.

Undocumented Children in the US: DACA

What Is Deferred Action for Childhood Arrivals (DACA)?

Note: On September 5, 2017, President Trump ended the DACA Program. As of February 14, 2018, **USCIS** is not accepting requests from individuals who have never before been granted DACA. As of the date of publication, there are court cases pending that may determine the future of DACA for renewals and new applicants. If you have DACA or are looking to apply for DACA, you should continue to stay up to date with DACA developments on the USCIS website.¹³⁰²

¹³⁰⁰ www.uscis.gov/green-card/sij

¹³⁰¹ www.uscis.gov/green-card/sij

¹³⁰² www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction

Can I get immigration status if my family brought me to the U.S. when I was young?

You may be eligible to apply for [Deferred Action for Childhood Arrivals \(DACA\)](#). If you have [DACA](#) or are looking to apply for [DACA](#), you should continue to stay up to date with [DACA developments on USCIS website](#).¹³⁰³

What is the Deferred Action for Childhood Arrivals (DACA) program?

The Deferred Action for Childhood Arrivals ([DACA](#)) Program allows certain undocumented children who were brought to the U.S. before the age of 16 to remain in the U.S. without the threat of deportation for a period of two years. The ability to remain in the U.S. for two years can also be renewed in some cases. Persons granted [DACA](#) may apply for [work permits](#) and do not accrue unlawful presence during the period for which [DACA](#) is granted.

To be eligible for [DACA](#), you must:

- Have been under the age of 31 as of June 15, 2012;
- Have come to the U.S. before reaching your 16th birthday;
- Be at least 15 years old at the time of your [DACA](#) request, unless you are currently in removal proceedings or have a final removal or voluntary departure order;
- Have continuously resided in the U.S. since June 15, 2007 and have been physically present in the U.S. on June 15, 2012;
- Had no lawful status on June 15, 2012;
- Be present in the U.S. at the time of making your [DACA](#) request;
- Be currently in school, have graduated from high school, received your GED, or be an honorably discharged veteran of the Coast Guard or Armed Forces of the U.S.; and
- Not have been convicted of any felony, significant misdemeanor, or three or more other misdemeanors, and not otherwise pose a threat to U.S. national security or public safety.

If you are looking to apply for [DACA](#), up to date information on [DACA developments can be found on the USCIS website](#).¹³⁰⁴

How do I file for [DACA](#)?

You can apply to renew your [DACA](#) by completing forms, paying the filing fee, and sending your application and supporting documentation to the correct [USCIS](#) lockbox. For more information about [DACA](#) and eligibility for a fee exemption, visit the [USCIS](#) website for the [application instructions and Form I-821\(d\)](#).¹³⁰⁵ If you are looking to apply for [DACA](#), up to date information on [DACA developments can be found on the USCIS website](#).¹³⁰⁶

¹³⁰³ www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction

¹³⁰⁴ www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction

¹³⁰⁵ www.uscis.gov/i-821d

¹³⁰⁶ www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction

*If I have **DACA**, can I travel outside the U.S.?*

A person granted **DACA** may not be able to travel outside the U.S. unless they receive permission by applying for Advance Parole. As of June 2019, USCIS is NO LONGER accepting applications for Advance Parole for people with DACA.

DACA does not grant immigration status. Rather, it provides relief from deportation for eligible individuals. That means that if you travel outside of the U.S., you may not be able to return, particularly if you have a deportation order or have an immigration court case. You should consult with a legal aid office or an immigration attorney before submitting any application or leaving the country.

Up to date information on [DACA developments can be found on the USCIS website](#).

*Does **DACA** give me legal status in the U.S.?*

Deferred Action is granted for two-year increments. Since **DACA** does not provide any lawful immigration status, when the current period of deferred action expires or is terminated, removal will no longer be deferred unless your renewal is granted. If you do not renew your Deferred Action on time or if you engage in unlawful activities that make you no longer eligible, you will no longer be eligible for lawful employment and may be subject to deportation. Up to date information on [DACA developments can be found on the USCIS website](#).¹³⁰⁷

*How long will I be able to remain in the U.S. with **DACA**?*

Deferred Action is granted for two-year increments and may be renewed. Since DACA does not provide any lawful immigration status, when your current period of deferred action expires or is terminated, your removal will no longer be deferred. This means you will no longer be eligible for lawful employment and may be subject to deportation. Up to date information on [DACA developments can be found on the USCIS website](#).

Visa for Victims of Human Trafficking: T Visa

*What special protections and status are available to victims of **human trafficking**?*

You may apply for a **T visa** (also called “T Nonimmigrant Status”) if you are someone who has been the victim of **human trafficking**. **Human trafficking** is a form of modern-day slavery in which traffickers lure individuals with false promises of employment and a better life but then subject them to forced labor or commercial sexual exploitation. The T visa begins as a temporary visa that allows you to live and work in the U.S. for four years. After three years in this status, you can apply for lawful permanent residence (a “**permanent residence card**”).

For more information about T Visas, visit the [USCIS website](#)¹³⁰⁸ for detailed information or contact one of these organizations in D.C.:

¹³⁰⁷ www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction
¹³⁰⁸ www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status#T%20Nonimmigrant%20Eligibility

- [Tahirih Justice Center](http://www.tahirih.org/)¹³⁰⁹
- [Ayuda](http://ayuda.com/)¹³¹⁰
- [Amara Legal Center](http://www.amaralegal.org/)¹³¹¹

How do I qualify for a T visa (Trafficking Visa)?

The T visa allows victims of **human trafficking** to temporarily stay and work in the U.S. The T visa can be valid for up to four years, and a T visa holder may be eligible to apply for permanent residence (a "**permanent residence card**") after three years on the T visa. In addition, certain family members with a T visa may also be eligible to live and work in the U.S.

To be eligible for a T visa, you must:

- Be or have been a victim of **human trafficking**
- Victim of **human trafficking** means that a person is subject to an act or practice such as "severe forms of trafficking in persons," which includes sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- Be physically present in the U.S.
- Be 18 or older and comply with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of **human trafficking** (or are under the age of 18, or otherwise unable to cooperate due to physical or psychological trauma) and
- Show that you would suffer extreme hardship involving unusual and severe harm if you have to go back to your home country.

Depending on your age and marital status you may include family members on your application. As part of the application, you must provide a personal statement explaining how you were a victim of trafficking and evidence to show you meet the eligibility requirements. You can find the forms and more information for [applying for a T visa on the USCIS website](#).¹³¹²

If you do not meet all the requirements for a T Visa, you may be eligible for a **U Visa, Asylum, SIJS**, or relief under the **Violence Against Women Act (VAWA)**. More information on applying for relief under each provision is discussed in this chapter.

How do I know if I am a victim of trafficking?

You may be a victim of trafficking if you find yourself relating to some, or many, of the following:

- Trafficking victims often do not think of themselves as victims.
- Trafficking victims are often unable to escape the control of the trafficker or escape being forced by the trafficker to work or do something against their will.

¹³⁰⁹ www.tahirih.org/

¹³¹⁰ ayuda.com/

¹³¹¹ www.amaralegal.org/

¹³¹² www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status

- Trafficking victims often have their documents and other legal papers withheld from them.
- Trafficking victims may be working long hours, may be working every day of the week, often live where they work, and may not be paid for their work.
- Trafficking victims may be more afraid of law enforcement than of their traffickers.
- Trafficking victims may be ashamed of what they have done.
- Trafficking victims may be in debt to their traffickers.
- Their family members may have been threatened by the traffickers.

For more information about T Visas, visit the [USCIS website](#) for detailed information or contact one of these organizations in D.C.:

- [Tahirih Justice Center](#)¹³¹³
- [Ayuda](#)¹³¹⁴
- [Amara Legal Center](#)¹³¹⁵

Visa for Crime Victims: U Visa

Can I get immigration status if I am a victim of a crime?

Yes. You can apply for a U nonimmigrant visa, also known as a **U visa**.

What is a U visa?

You may be able to apply for a **U visa** (also called “U Nonimmigrant Status”) if you or your parent(s) have been victims of a crime (including domestic violence) or if you have suffered mental or physical abuse as a result of the crime and are helpful to law enforcement or government officials in the U.S.

This visa begins as a temporary visa that allows you to live and work in the U.S. for four years. After three years of living in the U.S. with a **U visa**, you may apply for lawful permanent residence (a “permanent residence card”). If you or your parent(s) qualify for a **U visa**, certain family members may also be eligible.

Who is eligible for a U visa?

You may be eligible for a **U visa** if:

- You are the victim of qualifying criminal activity, including: abduction, abusive sexual contact, blackmail, domestic violence, extortion, false imprisonment, female genital mutilation, felonious assault, fraud in foreign labor contracting, hostage, incest, involuntary servitude, kidnapping, manslaughter, murder, obstruction of justice, peonage, perjury, prostitution, rape, sexual assault, sexual exploitation, slave trade, stalking, torture, trafficking, witness tampering, unlawful criminal restraint, or other related crimes

¹³¹³ www.tahirih.org/

¹³¹⁴ ayuda.com/

¹³¹⁵ www.amaralegal.org/

- You have suffered substantial physical or mental abuse as a result of having been a victim of criminal activity
- You have information about the criminal activity
- You were helpful, are helpful, or are likely to be helpful to law enforcement in the investigation or prosecution of the crime
- The crime occurred in the U.S. or violated U.S. laws

Depending on your age and marital status, you may include family members as derivatives of your application. For more information on the application process, you should review the [USCIS website section on U visas](#).¹³¹⁶

How do I apply for a U visa as a victim of a crime?

To apply for a **U visa**, you must submit documents including a law enforcement certification, a personal statement, and evidence that you meet the eligibility requirements. If you are under the age of 16 or unable to provide information due to a disability, a parent, guardian, or someone you trust may possess the information about the crime and assist law enforcement on your behalf. You must submit the U visa application within 6 months of law enforcement signing the certification.

For more information on the form and application process, [you may want to review the USCIS website section on U visas](#).¹³¹⁷

Can I apply for a U visa while outside the U.S.?

Yes, you can still apply. If you are outside the U.S., you must apply for a **U visa** at a U.S. Embassy or Consulate, generally in your country of permanent residence. More information can be found on the [U.S. Department of State website](#).¹³¹⁸

For more information on the form and application process, [review the USCIS website section on U visas](#).

Temporary Protected Status

What if problems in my home country make it difficult for me to return safely?

You may be eligible for a **Temporary Protected Status (TPS)**.

What Is Temporary Protected Status?

Temporary Protected Status is a special immigration benefit for citizens of countries that suffer from an ongoing armed conflict (such as a civil war); an environmental disaster (such as an

¹³¹⁶ www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status

¹³¹⁷ www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status

¹³¹⁸ travel.state.gov/content/travel/en/us-visas/other-visa-categories/visas-for-victims-of-criminal-activity.html

earthquake or hurricane); an epidemic; or other extraordinary, temporary conditions. For a list of countries that currently receive **TPS**, visit uscis.gov/tps.

TPS provides temporary permission to stay in the U.S. and a temporary **work permit**. **TPS** is a temporary benefit that does not lead to **lawful permanent resident** status, although you can still apply for other visa types or **lawful permanent residence** (a “**permanent residence card**”) if you are eligible. For more information on **TPS**, visit the [USCIS website](https://uscis.gov/tps).¹³¹⁹

What relief does Temporary Protected Status (TPS) provide?

TPS only provides you with temporary relief from deportation. **TPS** is not amnesty or immunity and it does not provide you with legal immigration status or a path to lawful permanent residence or citizenship. During the designated period, individuals are not removable from the U.S., can obtain employment authorization, and may be granted travel authorization through Advance Parole (see section below).

Registration for **TPS** does not prevent you from:

- Applying for nonimmigrant status;
- Filing for adjustment of status based on an immigrant petition; or
- Applying for any other immigration benefit or protection for which you may be eligible.

You must still meet all of the eligibility requirements for that particular benefit. For more information on **TPS**, please visit the [USCIS website](https://uscis.gov/tps).

Does TPS apply to broad groups of citizens from a designated country?

Yes, the Secretary of Homeland Security may designate a foreign country for **TPS** due to conditions in the country that temporarily prevent the country’s nationals from returning safely, or in certain circumstances, where the county is unable to handle the return of its nationals adequately.

How can I find out what countries have been designated for TPS?

The [USCIS website](https://uscis.gov/tps) keeps an up to date list of information on each country that is currently designated. For more information on **TPS**, visit the [USCIS website](https://uscis.gov/tps).¹³²⁰

Can TPS end or be revoked?

Yes, **TPS** can be revoked. According to [USCIS](https://uscis.gov/tps), individuals who are in the U.S. solely on the basis of **TPS** are required to leave the country by a designated date if their **TPS** is revoked. While USCIS has attempted in recent months to revoke **TPS** for people from certain countries, those attempts have so far been rejected by federal courts. More information can be found on the [USCIS website](https://uscis.gov/tps).

¹³¹⁹ [www.uscis.gov/humanitarian/temporary-protected-status](https://uscis.gov/humanitarian/temporary-protected-status)

¹³²⁰ [www.uscis.gov/humanitarian/temporary-protected-status](https://uscis.gov/humanitarian/temporary-protected-status)

Do I have to have been in the U.S. to apply for TPS?

Every country has a specific “designation date” which is key for qualification. To qualify for TPS, you had to be physically present in the U.S. on that day and have continued to live in the U.S. ever since. There are no automatic benefits for family members of people with TPS, so even if your parents or spouse have TPS you must have entered on time and meet the requirements on your own to be able to apply. [More information can be found on the USCIS website.](#)¹³²¹

When can I apply for TPS? Can I also apply for a work permit?

When you apply for TPS, you may also apply for a work permit. This work permit entitles you to identification documents, including a Social Security Card and a driver’s license.

To apply for TPS, you must file Form I-821 (available at uscis.gov/i-821) and Form I-765 for the work permit (available at uscis.gov/i-765). If you have not applied for TPS before or if you missed a re-registration period, you will need to explain why you are applying late. You should consult with a legal aid office or an immigration attorney. The following organizations provide free advice and representation in immigration matters in D.C.:

- [Ayuda](#)¹³²²
- [CAIR Coalition](#)¹³²³
- [CARECEN](#)¹³²⁴
- [Human Rights First \(asylum only\)](#)¹³²⁵
- [Ethiopian Community Center](#)¹³²⁶
- [Lutheran Social Services of the National Capital Area](#)¹³²⁷
- [American-Arab Anti-Discrimination Committee \(TPS and asylum\)](#)¹³²⁸
- [Catholic Charities Immigration Legal Services](#)¹³²⁹
- [American Immigration Council, Legal Action Center](#)¹³³⁰
- [DC Bar Pro Bono Free Immigration Legal Clinic](#)¹³³¹
- [Asian Pacific American Legal Resource Center](#)¹³³²

[More information can be found on the USCIS website.](#)¹³³³

¹³²¹ travel.state.gov/content/travel/en/us-visas/other-visa-categories/visas-for-victims-of-criminal-activity.html

¹³²² ayuda.com/

¹³²³ www.caircoalition.org/

¹³²⁴ carecenc.org/direct-services/immigration-legal-services/

¹³²⁵ www.humanrightsfirst.org/

¹³²⁶ www.ethiopiancommunitydc.org/

¹³²⁷ lssnca.org/programs/immigration-citizenship/

¹³²⁸ www.adc.org/

¹³²⁹ www.catholiccharitiesdc.org/ils/

¹³³⁰ www.shusterman.com/americanimmigrationcouncil/

¹³³¹ www.dcbar.org/pro-bono/volunteer/immigration-clinic.cfm

¹³³² www.apalrc.org/

¹³³³ travel.state.gov/content/travel/en/us-visas/other-visa-categories/visas-for-victims-of-criminal-activity.html

Protection for Victims of Domestic Violence: VAWA

What protections are available if I come from an abusive household?

The [Violence Against Women Act \(“VAWA”\)](#)¹³³⁴ is a law that allows some abused family members of U.S. citizens or lawful permanent residents to stay in the U.S., to apply for a [work permit](#) and eventually apply for lawful permanent residence.

Who is eligible for VAWA relief?

VAWA allows people who have been abused by a family member, such as children battered by their parents, to escape dangerous situations by filing an immigration visa petition without the knowledge of the abuser. The abuse can be emotional or verbal; it does not have to be physical abuse. Both males and females can qualify for relief under VAWA. VAWA is available to:

- Spouses and former spouses of abusive U.S. citizens or lawful permanent residents.
- Children of abusive citizens or lawful permanent residents who file before turning 25.
- An immigrant parent of an abused immigrant child, even if the immigrant parent is not herself abused.
- Non-citizen spouses whose children are abused by the child’s other U.S. citizen or lawful permanent resident parent.

More information can be found on the [USCIS website](#).¹³³⁵

Who else do I need to prove to get VAWA relief?

In addition to proving abuse, a self-petitioner must also prove:

- Good faith marriage if the abuser is a spouse or step-parent.
- Relationship to the abuser.
- Immigration status of the citizen or spouse, parent, or child.
- Good moral character of the applicant.
- Residence with the abusive family member.
- Parent-child relationship if the applicant is a non-abusive immigrant parent whose U.S. citizen or lawful permanent resident spouse perpetrated the abuse.

Additional information can also be found on the [American Immigration Council webpage regarding VAWA](#).¹³³⁶ Further information can be found on the [USCIS website](#).¹³³⁷

If you have been the victim of domestic violence, you may also be eligible for [SIJS](#) or a [U visa](#). Since different visas have different rules, you should consult an immigration expert to find out which might be the best option for you.

¹³³⁴ travel.state.gov/content/travel/en/us-visas/other-visa-categories/visas-for-victims-of-criminal-activity.html

¹³³⁵ www.uscis.gov/humanitarian/battered-spouse-children-parents

¹³³⁶ www.americanimmigrationcouncil.org/research/violence-against-women-act-vawa-provides-protections-immigrant-women-and-victims-crime

¹³³⁷ www.uscis.gov/humanitarian/battered-spouse-children-parents

*If I get VAWA, can I get a **work permit** or permanent residence?*

If you are eligible for VAWA, you may be able to get certain public benefits, apply for a **work permit** and apply for permanent residence. You must complete Form I-360 (available at www.uscis.gov/i-360) with the required evidence. Upon approval, you can be placed in deferred action if you do not have a legal immigration status in the U.S. Upon approval, you will be eligible to apply for a **work permit** and may also be eligible to apply for permanent residence (a “permanent residence card”). For information regarding eligibility requirements and the application process, visit the [USCIS website](#).¹³³⁸

More information is available in the **Domestic and Dating Violence chapter** in this Handbook.

Permission to Return to US After Travel: Advance Parole

*What is **Advance Parole**?*

Advance parole allows someone to travel back to the U.S. without applying for a visa. A transportation company (airlines) can accept an **advance parole** document instead of a visa as proof that you are authorized to travel to the U.S. An **advance parole** document does not replace your passport. Advance parole is generally only available for people with certain types of immigration status. Lawful permanent residents do not need to apply for advance parole to be able to travel outside the U.S.

An **advance parole** document does not guarantee that you will be allowed to reenter the U.S. At the airport or border, a U.S. Customs and Border Protection (CBP) officer will make the final decision about whether to allow you to reenter the U.S.

For information on how to apply for **advance parole**, go to the [Form I-131, Application for Travel Document](#).¹³³⁹

*When is **Advance Parole** most commonly used?*

Advance parole is most commonly used when someone has a pending:

- [Form I-485, Application to Register Permanent Residence or to Adjust Status](#):¹³⁴⁰ If you depart the U.S. while your Form I-485 is pending without first obtaining **advance parole**, USCIS may deny your case unless you fit into a narrow exception for people with certain nonimmigrant statuses.
- [Form I-589, Application for Asylum and for Withholding of Removal](#):¹³⁴¹ If you are an **asylum** applicant and you intend to travel outside the U.S. and return, you must apply for and receive **advance parole**. If you leave the U.S. without first obtaining **advance parole**, USCIS may determine that you have abandoned your **asylum** application.

¹³³⁸ www.uscis.gov/humanitarian/battered-spouse-children-parents

¹³³⁹ www.uscis.gov/i-131

¹³⁴⁰ www.uscis.gov/i-485

¹³⁴¹ www.uscis.gov/i-589

For information on how to apply for [advance parole](#), go to the [Form I-131, Application for Travel Document](#).¹³⁴²

Living and Working in the U.S.

Can I legally work in the U.S. if I am undocumented?

No. You are not allowed to legally work in the U.S. if you are undocumented. The only way you are allowed to work legally in the U.S. is if you have obtained legal immigration status and received employment authorization (a “[work permit](#)”) based on that status or have lawful permanent residency.

What if an employment application asks for my immigration status?

Even if you need employment, you should not lie and state that you are a U.S. citizen. Employers are required to ask you to show that you are authorized to work in the U.S. Lying about your identity and/or citizenship is a crime and can have serious effects on any future application for immigration benefits.

If I am undocumented and working, should I pay taxes?

If you are undocumented and working, you should still pay taxes. Failure to do so could negatively impact a future application for immigration status or citizenship. If you do not have a Social Security Number you can file taxes using an Individual Taxpayer Identification Number (“ITIN”). Information regarding obtaining an ITIN can be found on the [Internal Revenue Service’s website](#).¹³⁴³

Can I receive public benefits and healthcare if undocumented?

In certain situations, yes, you may still be entitled to some benefits and services even if you are undocumented. The [Government Financial Support \(Public Benefits\) chapter](#) and the [Health Care and Medical Rights chapter](#) in this Handbook provide a detailed description of federal and D.C. public assistance and health care programs available in D.C.

Whether you are eligible to receive benefits depends on your immigration status. Generally, federal aid programs require U.S. citizenship. Additionally, undocumented youth and “nonimmigrants” - those in the U.S. for a limited time (students, tourists, visitors for business) or here for a special purpose (migrant farmers) - are generally not eligible for these benefits.

Can I access the civil court system if I am undocumented?

You are still able to access the civil court system, even if you are undocumented. Your immigration status does not prevent you from protecting your rights. Please visit the [Lawsuits in General chapter](#) to find out more information about lawsuits.

¹³⁴² www.uscis.gov/i-131

¹³⁴³ www.irs.gov/individuals/individual-taxpayer-identification-number

Social Security Numbers and Other Identification

Can I get a Social Security Card with no immigration status?

Generally, you can only apply for a Social Security Number if you have permission to work from the U.S. Department of Homeland Security. You must present original or certified copies of documents establishing your immigration status, work eligibility, age, and identity. You may use your lawful permanent residence card, employment authorization document ([work permit](#)), or a valid I-94 (arrival/departure record) to establish your U.S. immigration status. For more information on how to apply for a social security number, you can visit the [Social Security Administration website](#).¹³⁴⁴

For more information on forms of identification, you should review the [Identification chapter](#) in this Handbook.

Education and Schooling for Undocumented Persons

Can I go to school even if I am undocumented?

Yes. You have a right to receive a free public education through the 12th grade, regardless of your immigration status. Under federal law, states and local educational agencies are obligated to provide all children an education regardless of immigration status – with equal access to public education at the elementary and secondary level. This includes undocumented immigrant children as well as unaccompanied children who may be involved in immigration proceedings.

A public school cannot require you to provide proof of your immigration status at any time in order to go to school. A school has no legal reason to request, see, copy, or take any of your immigration related documents (such as a passport, visa, I-94, I-20, etc.). Also, public schools are not allowed to provide to any agency, including the federal government, information that would reveal your undocumented status without first getting permission from your parents.

For more information on education issues, you should review the [Education chapter](#) in this Handbook.

Can I pay in-state tuition for college even if I am undocumented?

As an undocumented student, you may receive in-state tuition at any school, college, or branch campus of the University of the D.C. pursuant to the [UDC Dream Amendment Act of 2016](#),¹³⁴⁵ as long as:

- Within the previous 10 years, you attended high school in D.C. for 3 years, graduated from a high school in D.C., or received the equivalent of a high school diploma in D.C.; and
- Submit one of the following:
 - An official transcript from a D.C. public, public charter, or private school as evidence of attendance;

¹³⁴⁴ www.ssa.gov/ssnumber/ss5doc.htm

¹³⁴⁵ code.dccouncil.us/dc/council/laws/21-275.html

- A diploma from a D.C. public, public charter, or private school as evidence of graduation;
- A state diploma from the Office of the State Superintendent of Education; or
- An official certificate of completion of the equivalent of a high school diploma.

For information regarding the UDC Dream Amendment Act of 2016, visit code.dccouncil.us/dc/council/laws/21-275.html.

Can I apply for financial aid for college if I am undocumented?

You may be able to apply for financial aid at private institutions, but you cannot apply for federal financial aid if you are undocumented. Only U.S. citizens and eligible non-citizens qualify for federal financial aid. For eligibility requirements and more information regarding federal financial aid, visit studentaid.ed.gov/sa/eligibility.

Generally, eligible non-citizens include:

- Permanent residents (permanent residence card holders)
- Holders of Arrival-Departure Record (I-94) showing: refugee status, asylum granted, Cuban-Haitian entrant status, parolee status (for at least 1 year with the intention to become a U.S. citizen or permanent resident)
- **T Visa** holders
- **VAWA** status
- Citizens of the Federated States of Micronesia, Republic of the Marshall Islands, or Republic of Palau.

Civic Participation -- Voting and Military Enlistment

Can I vote if I am not a U.S. citizen?

No. Only citizens of the U.S. who are at least 18 years old can register to vote. Permanent residents (permanent residence card holders) or persons with other immigrant/non-immigrant visas cannot register or vote. Voting unlawfully or signing a voter registration form for U.S. citizens can cause you to lose your immigration status and potentially get you deported or prevent you from applying for lawful status in the future.

Can I register to vote if I am not a U.S. citizen?

No. Only U.S. citizens at least 18 years old can register to vote in federal elections. Undocumented youth or youth granted a legal status as described above cannot vote. If you are not eligible to register to vote, do not make the mistake of registering to vote accidentally. Doing so can seriously harm your immigration case. Registering to vote will also negatively impact your ability to apply for legal status in the U.S. in the future.

Can I join the military if I am not a U.S. citizen?

No. Generally, to be eligible to join the U.S. military, you must be a U.S. citizen or a permanent resident (permanent residence card holder). Non-citizen permanent residence card holders

must live in the U.S. and must speak, read, and write English fluently in order to be eligible to join the U.S. military.

What is the **Selective Service Program**? Do I have to register?

Most males between 18 and 25 must register for **Selective Service** regardless of their immigration status. The mission of the **Selective Service** is to supply the U.S. Department of Defense with adequate manpower during a national emergency. Almost all males 18 through 25 are required to register for **Selective Service**, including undocumented immigrants, lawful permanent residents, those seeking **asylum**, and refugees. Non-citizens who are not required to register include men who are in the U.S. on a valid student or visitor visa and men who are part of a diplomatic or trade mission and their families.

According to the Selective Service System, it has not now or in the past collected or shared any information regarding immigration status with other branches of the U.S. government.

Immigration Scams and Notario Fraud

How do I know if I am hiring a licensed immigration lawyer?

Beware of individuals or companies, particularly **notarios**, that offer to assist you with the immigration application process for a fee. **Notarios** are **not** licensed to practice law and might not have any legal training. You should only trust reliable sources for information such as government websites or legal aid organizations. Unfortunately, there are individuals who target immigrants for scams. The only types of non-attorneys who are authorized to provide legal advice and representation on immigration cases are called Department of Justice (DOJ) Accredited Representatives. These are staff members at non-profit organizations who have special training and receive special accreditation from the Department of Justice after a lengthy application and background check process. You can verify if someone is an Accredited Representative on the [DOJ website](#).¹³⁴⁶ More information on **notario** fraud can be found on the [American Bar Association's website](#).¹³⁴⁷

Where can I go for legal assistance for immigration issues?

There are several organizations across Washington D.C. that provide legal support and guidance regarding immigration issues.

(a) **Ayuda**¹³⁴⁸ (Downtown Washington D.C. Office)

Areas of legal assistance	Adjustment of Status, Asylum applications, Consular Processing, Deferred Action for Childhood Arrivals (DACA), Employment authorization, Family-based petitions, NACARA, Naturalization/Citizenship, Removal hearings, Special Immigrant Juvenile Status, T visas, Temporary Protected Status (TPS), U visas, Violence Against Women Act (VAWA) petitions
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¹³⁴⁶ www.justice.gov/eoir/recognition-accreditation-roster-reports

¹³⁴⁷ www.americanbar.org/groups/public_interest/immigration/projects_initiatives/fight-notario-fraud/

¹³⁴⁸ www.ayuda.com/

Types of legal assistance	Help completing forms, Filings with USCIS, Representation at Asylum Interviews (Credible Fear Interviews, Reasonable Fear Interviews), Representation before the Immigration Court, Representation before the Board of Immigration Appeals (BIA)
Location	1413 K Street, Washington, D.C. 20005
Contact	(202) 387-4848

(b) [Capital Area Immigrants' Rights \(CAIR\) Coalition](#)¹³⁴⁹

Areas of legal assistance	Adjustment of Status, Asylum applications, Habeas Corpus, NACARA, Removal hearings, Special Immigrant Juvenile Status, T visas, U visas
Types of legal assistance	Help completing forms, Filings with USCIS, Representation at Asylum Interviews (Credible Fear Interviews, Reasonable Fear Interviews), Representation before the Immigration Court, Representation before the Board of Immigration Appeals (BIA), Federal court appeals
Location	1612 K St. N.W., Suite 204, Washington, D.C. 20006
Contact	(202) 331-3320; info@caircoalition.org

(c) [U.S. Committee for Refugees and Immigrants](#)¹³⁵⁰

Areas of legal assistance	Adjustment of Status, Asylum applications, Consular Processing, Deferred Action for Childhood Arrivals (DACA), Employment authorization, Family-based petitions, NACARA, Naturalization/Citizenship, Removal hearings, Special Immigrant Juvenile Status, T visas, Temporary Protected Status (TPS), U visas, Violence Against Women Act (VAWA) petitions
Types of legal assistance	Help completing forms, Filings with USCIS, Representation at Asylum Interviews (Credible Fear Interviews, Reasonable Fear Interviews), Representation before the Immigration Court, Representation before the Board of Immigration Appeals (BIA)
Location	1719 13th Street NW, Suite 350, Washington, D.C. 20009
Contact	(703) 310-1130, refugees.org

Additional legal resources can also be found online at the [Immigration Advocates Network](#).¹³⁵¹

¹³⁴⁹ www.caircoalition.org/

¹³⁵⁰ www.immigrationadvocates.org/nonprofit/legaldirectory/organization.631011-US_Committee_for_Refugees_and_Immigrants_Washington_DC_Office

¹³⁵¹ www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=DC

20. Human Rights

D.C. Human Rights Act

What is the D.C. Human Rights Act (“DCHRA”)?

The [District of Columbia Human Rights Act](#) or [DCHRA](#) prohibits discrimination in employment, housing, public accommodations and educational institutions. The D.C. Office of Human Rights (“OHR”) enforces [DCHRA](#). See the [OHR website](#)¹³⁵² for more information.

Who is protected by the [DCHRA](#)?

[DCHRA](#) protects against discrimination based on any “[protected traits](#).”

[Protected traits](#) include: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, place of residence or business, and/or credit information. The meaning of each [protected trait](#) is included in the glossary.

For more information, see [D.C. Code §§ 2-1401.01 – 2-1404.04](#)¹³⁵³ or the [OHR website](#).¹³⁵⁴

Employment

Who is protected in employment situations under the [DCHRA](#)?

In employment situations, you cannot be discriminated against because of your [race](#), [color](#), [religion](#), [national origin](#), [sex](#), [age](#), [marital status](#), [personal appearance](#), [sexual orientation](#), [gender identity or expression](#), [family responsibilities](#), [genetic information](#), [disability](#), [matriculation](#), [political affiliation](#), and/or [credit information](#). See [D.C. Code § 2-1402.11\(a\)](#).¹³⁵⁵

This applies to both actual and perceived [protected traits](#). For example, if someone does not hire you because they believe you have a [disability](#), that would be discriminatory, even if you do not in fact have a [disability](#).

What actions is an employer (or prospective employer) prohibited from taking under the [DCHRA](#)?

An [employer](#) (or prospective [employer](#)) is prohibited from (a) failing or refusing to hire a prospective [employee](#) or (b) firing a current [employee](#), because of one of the [protected traits](#) set out above. Your [protected traits](#) should not determine whether you get or keep your job. See [D.C. Code § 2-1402.11\(a\)\(1\)](#).

¹³⁵² ohr.dc.gov/protectedtraits

¹³⁵³ code.dccouncil.us/dc/council/code/titles/2/chapters/14/

¹³⁵⁴ ohr.dc.gov/protectedtraits

¹³⁵⁵ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/II/parts/B/

Employers are also prohibited from discriminating against their **employees** in other ways, because of the **employee's protected traits**. For example, your **protected traits** should not impact how much you get paid, how much vacation allowance you get, the hours you are required to work, whether you get promoted, or how you are treated by your **employer**. Equally, your **employer** should not segregate or classify you - based on your **protected traits** - in a way that impacts upon your employment opportunities. See [D.C. Code § 2-1402.11\(a\)\(1\)](#).

An **employer** must not determine whether to offer an apprenticeship or training program (including on-the-job training) to an individual based on their **protected traits**. See [D.C. Code § 2-1402.11\(a\)\(1\)](#); [D.C. Code § 2-1402.11\(a\)\(4\)\(A\)](#).¹³⁵⁶

*Am I protected against discrimination by an employment agency under **DCHRA**?*

Yes. **Employment agencies** are prohibited from failing or refusing to refer an individual for employment (or to otherwise discriminate against that individual) because of that individual's **protected traits**. For example, an **employment agency** could not refuse to refer you for a construction job simply because you are female; **sex** is a **protected trait**. See [D.C. Code § 2-1402.11\(a\)\(2\)](#); [D.C. Code § 2-1402.11\(a\)\(4\)\(A\)](#).¹³⁵⁷

*Am I protected against discrimination by a labor organization under **DCHRA**?*

Yes. Labor organizations are prohibited from excluding or kicking out an individual from membership of that organization (or to otherwise discriminate against that individual) because of that individual's **protected traits**. Equally, a labor organization must not segregate or classify an individual - based on their **protected traits** - in a way that impacts upon their employment opportunities. See [D.C. Code § 2-1402.11\(a\)\(3\)](#); [D.C. Code § 2-1402.11\(a\)\(4\)\(A\)-\(B\)](#).¹³⁵⁸

Can an employer advertise a position with a preference for people that speak a particular language, for example, Polish?

Yes, if the position being advertised requires a knowledge of that language and so it is a "business necessity." For example, if the **employer** is recruiting a Polish-language interpreter, the **employer** could state its need for Polish speakers and that would not be unlawful. See [D.C. Code 2-1401.03\(a\)](#).¹³⁵⁹

However, if the position being advertised does not require a knowledge of that language, the **employer** is prohibited from stating its preference for speakers of that language. See [D.C. Code § 2-1402.11\(a\)\(4\)\(B\)](#).¹³⁶⁰

¹³⁵⁶ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/II/parts/B/

¹³⁵⁷ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/II/parts/B/

¹³⁵⁸ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/II/parts/B/

¹³⁵⁹ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/I/

¹³⁶⁰ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/II/parts/B/

Can I be discriminated against because of my religion?

You should not be discriminated against because of your religious beliefs. **Religion** is a **protected trait**. See [D.C. Code § 2-1401.01](#)¹³⁶¹ and [D.C. Code § 2-1402.11\(a\)](#).¹³⁶²

Should my employer accommodate my religious practices?

Yes. An **employer** must accommodate your **religious practices** if it reasonable for them to do so. An **employer** may accommodate your **religious practices** by allowing you to make up for lost work time by allowing you to work:

1. During your scheduled lunch time or other work breaks;
2. Before or after your usual working hours;
3. Outside of your normal business hours;
4. During your paid vacation days;
5. During another **employee's** working hours as part of a voluntary swap with the other **employee**; or
6. In any other manner that you agree with your **employer**.

For more information, see [D.C. Code § 2-1402.11\(c\)\(2\)](#).¹³⁶³

An **employer** does not need to accommodate your **religious practices** if it would be an “undue hardship,” in other words, if they would incur significant costs in doing so. See [D.C. Code § 2-1402.11\(c\)\(1\)](#).

How much notice do I have to give to my employer if I need to take time off to observe a religious practice?

You must notify your **employer** of your need for time off to observe a **religious practice** at least ten (10) working days in advance. See [D.C. Code § 2-1402.11\(c\)\(4\)](#).

A working day is a Monday to Friday, not including public holidays (such as Independence Day and Labor Day). For example, if you need to take time off from work on Friday 23 August, you must notify your **employer** by no later than Friday 9 August (assuming there are no public holidays in between). See [D.C. Code § 2-1402.11\(c\)\(4\)](#).¹³⁶⁴

You are not required to give ten (10) working days' notice where there is no reasonable way for you to foresee the need to take the time off. See [D.C. Code § 2-1402.11\(c\)\(4\)](#).

¹³⁶¹ code.dccouncil.us/dc/council/code/sections/2-1401.01.html

¹³⁶² code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/II/parts/B/

¹³⁶³ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/II/parts/B/

¹³⁶⁴ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/II/parts/B/

What should I do if my employer refuses to or cannot accommodate my religious practices?

Your **employer** must accommodate your **religious practices** if it is reasonable for them to do so. They do not need to accommodate your **religious practices** if they would incur significant costs in doing so. See [D.C. Code § 2-1402.11\(c\)\(1\)](#).

If your **employer** cannot accommodate your **religious practices** without incurring significant costs, you may have the option of taking unpaid leave (assuming this does not cause your **employer** to incur significant costs.) See [D.C. Code § 2-1402.11\(c\)\(3\)](#).

If you believe that your **employer** has wrongly refused to accommodate your **religious practices**, you may file a complaint with [OHR](#).¹³⁶⁵

Can an employer refuse to hire me because I am overweight and they believe that I will increase the cost of their health insurance?

No, you cannot be discriminated against on the basis of your **personal appearance, disability, or perceived disability**. See [D.C. Code § 2-1401.01](#)¹³⁶⁶ and [D.C. Code § 2-1402.11\(a\)](#).¹³⁶⁷

An **employer** may only refuse to hire you if it has a “business necessity” to do so. If the position is extremely physically demanding and requires applicants to pass a physical activity test, the **employer** may refuse to hire you if you do not pass that test. See [D.C. Code 2-1401.03\(a\)](#).¹³⁶⁸

Increased costs to the business are not “business necessities.” If you are capable of performing the advertised position, it would be unlawful for the **employer** to refuse to hire you because you are overweight on the basis that it will increase the cost of the **employer’s** health insurance. See [D.C. Code § 2-1401.03\(a\)](#).

I am a new hire and the youngest employee. I have to work on weekends. Older or more senior employees don’t have to. Is this allowed?

Yes, this is not discriminatory as long as the practice is part of an established seniority system or employee benefit scheme. See [D.C. Code § 2-1402.12\(a\)](#).¹³⁶⁹

However, if this practice was based solely on your **age** and had nothing to do with seniority, that would be discriminatory. See [D.C. Code § 2-1402.11\(a\)](#).¹³⁷⁰

¹³⁶⁵ ohr.dc.gov/service/file-complaint

¹³⁶⁶ code.dccouncil.us/dc/council/code/sections/2-1401.01.html

¹³⁶⁷ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/II/parts/B/

¹³⁶⁸ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/I/

¹³⁶⁹ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/II/parts/B/

¹³⁷⁰ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/II/parts/B/

I am pregnant. Can my employer fire me?

No, your **employer** may not fire you because you are pregnant. Discrimination based on **sex**, which is a **protected trait**, includes discrimination based on pregnancy, childbirth, and related medical conditions. See [D.C. Code § 2-1401.05\(a\)](#).¹³⁷¹

An **employer** must treat a pregnant **employee** in the same manner that it treats other **employees** who are temporarily unable to perform the functions of their jobs, such as those with temporary disabilities. See [D.C. Code § 2-1401.05\(b\)](#).

For more information on protecting pregnant workers, see the [OHR website](#).¹³⁷²

I committed a crime 15 years ago. Do I need to show my arrest record to a prospective employer?

No, you should not be required to produce a copy of your arrest record. Further, an “**arrest record**” only contains listings of convictions that have occurred within ten (10) years from the time that the record was requested. Arrests from fifteen (15) years ago should therefore not appear. See [D.C. Code § 2-1402.66](#).¹³⁷³

The D.C. Fair Criminal Record Screening Amendment Act of 2014 aims to prevent unlawful screening of a job applicant’s criminal background, which applies to all **employers** with eleven (11) or more **employees**. At no point can the prospective **employer** ask about arrest and criminal accusations which are not pending or did not result in a conviction. A prospective **employer** may only ask about criminal convictions once a conditional job offer has been made, and the job offer may only then be withdrawn in certain circumstances - more information can be found on the [OHR website](#).¹³⁷⁴ OHR provides additional resources regarding criminal background screening and employment on [the website](#).¹³⁷⁵

What other rights do I have as an employee?

Employees have additional rights under D.C. law, including: the right to be paid minimum wage, overtime and sick leave; the right to maintain the confidentiality of certain information such as health and criminal history during the application process; the right to earn worker’s compensation; and the right to be free from retaliation. Additional information can be found on the [D.C. Department of Labor website](#).¹³⁷⁶

¹³⁷¹ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/I/

¹³⁷² ohr.dc.gov/page/pregnantworkers

¹³⁷³ [code.dccouncil.us/dc/council/code/sections/2-](http://code.dccouncil.us/dc/council/code/sections/2-1402.66.html#!?query=arrest%20record&path=library%7CD.C.%20Code&from=0)

[1402.66.html#!?query=arrest%20record&path=library%7CD.C.%20Code&from=0](http://code.dccouncil.us/dc/council/code/sections/2-1402.66.html#!?query=arrest%20record&path=library%7CD.C.%20Code&from=0)

¹³⁷⁴ ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/EmployerFAQ_FINAL_121714.pdf

¹³⁷⁵ ohr.dc.gov/page/returningcitizens/employers

¹³⁷⁶ does.dc.gov/service/labor-standardsworker-protection

Housing and Commercial Space

*Who is protected from housing discrimination under the **DCHRA**?*

In housing situations, you cannot be discriminated against because of your **race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, disability, matriculation, political affiliation, source of income, status as a victim of an intra-family offense** and/or **place of residence or business**. See [D.C. Code § 2-1402.21\(a\)](#).

This applies to both actual and perceived **protected traits**. For example, if a landlord denied you housing because they believe that you are the victim of domestic violence, that would be discriminatory (as **status as a victim of an intra-family offense** is a **protected trait**) even if you are not in fact a victim of domestic violence. See [D.C. Code § 2-1402.21\(a\)](#).¹³⁷⁷

*What kind of housing discrimination is prohibited under the **DCHRA**?*

In a housing context, it would be discriminatory to do the following, because of someone's **protected traits**:

- terminate or refuse to enter into a housing transaction (for example, refuse to rent an apartment to someone);
- require different terms for a sale or lease of property or include restrictions or conditions in the terms of the transaction;
- falsely suggest that a property is not available when it is;
- refuse or restrict access to facilities, services, repairs or improvements;
- include a preference, limitation, or discrimination based upon a **protected trait**.

See [D.C. Code § 2-1402.21\(a\)\(1-2\)](#). (4-5) for more information.¹³⁷⁸

Can I be denied housing based on my religious or political affiliation?

Yes. But only if that religious or political organization is a charity or it operates for educational purposes. In those cases, the religious or political organization can limit sales, rentals or housing to members of the same **religion** or political organization. However, the organization can never restrict membership or housing on the basis of **race, color, national origin**, or another **protected trait**. See [D.C. Code § 2-1401.03\(b\)](#).¹³⁷⁹

Can a landlord refuse me housing because I have children?

No. **Family responsibility** and **familial status** are **protected traits**; you cannot be discriminated against because you have one or more children who reside with you. See [D.C. Code § 2-1402.21\(a\)](#); [D.C. Code § 2-1402.21\(c\)](#).¹³⁸⁰

¹³⁷⁷ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/II/parts/C/

¹³⁷⁸ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/II/parts/C/

¹³⁷⁹ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/I/

¹³⁸⁰ code.dccouncil.us/dc/council/code/sections/2-1402.21.html

Can a landlord refuse me housing because I have a disability?

No. **Disability** is a **protected trait** so it is unlawful to discriminate against you because of a **disability**. See [D.C. Code § 2-1402.21\(a\)](#); [D.C. Code § 2-1402.21\(d\)](#).

What rights do I have to housing if I or my roommate are disabled?

It is against the law to discriminate against a buyer or renter of **real estate** or to otherwise make a place unavailable to a buyer or renter because of a **disability** (of the buyer or renter, or of someone who the buyer or renter intends to live with). It is also against the law to require different terms, conditions, or privileges of sale or rental of housing or in providing services because of a **disability**. See [D.C. Code § 2-1402.21\(d\)](#).

Does the landlord have to make changes to the property so I can move around more easily?

No, but the landlord must permit you to, at your expense, make reasonable modifications to the property in order to allow you to enjoy it fully. However, the landlord may require you to restore the interior of the property to the condition that existed before the modification was made, if reasonable to do so. See [D.C. Code § 2-1402.21\(d\)\(3\)\(A\)](#).

Does the landlord need to install a ramp or elevator in order for me to get into my multifamily building?

Yes, but only if the building was built after April 20, 1999. The common areas of the building must allow for easy access and use by people with disabilities, and the doors must be designed sufficiently wide to allow wheelchairs to fit through. See [D.C. Code § 2-1402.21\(d\)\(3\)\(C\)](#).

The building must also include (a) an accessible route into and through the property, (b) kitchens and bathrooms that allow a wheelchair to maneuver around the space, (c) light switches and electrical outlets in accessible locations, and (d) reinforcements in the bathroom walls to allow for the later installation of grab bars. See [DC Code § 2-1402.21\(d\)\(3\)\(D\)](#).¹³⁸¹

Older buildings (built before April 20, 1999) are not subject to these requirements.

Is there any reason why a landlord could refuse to rent to someone with a disability?

Yes, if the person's **disability** would result in a direct threat to the health or safety of other individuals, or would result in substantial physical damage to the property of others. See [D.C. Code § 2-1402.21\(d\)\(5\)](#).

¹³⁸¹ code.dccouncil.us/dc/council/code/sections/2-1402.21.html

Can a landlord refuse to rent a property to me because I am hiding from my partner due to domestic violence?

No. A landlord cannot refuse to rent to you because you are a victim of an **intra-family offense**, such as domestic violence. It is also illegal for a landlord to refuse to improve security and safety measures, so long as (a) you pay for the costs of those improvements up front and (b) the changes are necessary to ensure your security and safety. See [D.C. Code § 2-1402.21\(f\)\(3\)\(A\)](#).¹³⁸²

Can the landlord charge me a fee for terminating my lease early in order to leave a physically abusive relationship?

No. The landlord must allow you to terminate (cancel) your lease early upon 14 days written notice to the landlord with proof that you are the victim of an **intra-family offense**. See [D.C. Code § 2-1402.21\(f\)\(3\)\(B\)](#);¹³⁸³ [D.C. Code § 42-3505.07](#).¹³⁸⁴

In addition, you may not be prohibited from calling for police or emergency assistance, or being charged a fee for calling police or emergency assistance. See [D.C. Code § 2-1402.21\(f\)\(3\)\(C\)](#).¹³⁸⁵ For more information, please refer to the **Housing and Contracts** chapter of this Handbook.

Can a rental agency refuse to show me certain properties that I am interested in because she believes that I will be “more comfortable” in another neighborhood?

No, she cannot direct you or attempt to direct you away from one property or neighborhood and towards another because of discrimination, prejudice, fear or unrest. This includes advertising properties as unavailable that are in fact available. For example, saying that a property was “just rented” when it was not would be illegal. See [D.C. Code § 2-1402.22](#).¹³⁸⁶

Does the **DCHRA** apply to a landlord who is renting a room within his own home?

No, **DCHRA** will not apply if the landlord is renting a room(s) in a building or apartment where he or his family also live, assuming that the landlord does not house more than (a) four (4) families where the landlord shares a kitchen or bathroom with the tenants, or (b) two (2) families living independently of each other. See [D.C. Code § 2-1402.24\(a\)](#).¹³⁸⁷

¹³⁸² code.dccouncil.us/dc/council/code/sections/2-1402.21.html

¹³⁸³ code.dccouncil.us/dc/council/code/sections/2-1402.21.html

¹³⁸⁴ code.dccouncil.us/dc/council/code/sections/42-3505.07.html

¹³⁸⁵ code.dccouncil.us/dc/council/code/sections/2-1402.21.html

¹³⁸⁶ code.dccouncil.us/dc/council/code/sections/2-1402.22.html

¹³⁸⁷ code.dccouncil.us/dc/council/code/sections/2-1402.24.html

Public Accommodations

Who is protected against discrimination in public places or on public transportation under the DCHRA?

In **public accommodations** (including public places or on public transportation), you cannot be discriminated against because of your **race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, genetic information, disability, matriculation, political affiliation, source of income and/or place of residence or business**. See [D.C. Code § 2–1402.31\(a\)](#).¹³⁸⁸

This applies to both actual and perceived **protected traits**.

What actions are prohibited in public places and public transportation under the DCHRA?

It would be discriminatory if you were denied (completely or in part) access to use the goods, services and facilities in public places, or if you did not receive equal access to those goods, service and facilities, because of your **protected traits**. See [D.C. Code § 2–1402.31\(a\)\(1\)](#).¹³⁸⁹

Everyone stares at me when I walk into restaurants. It makes me feel unwelcome. What should I do?

Generally, restaurants are considered to be **public accommodations**. You should not be discriminated against or made to feel unwelcome because of your **protected traits**. If you are made to feel unwelcome by the **owner** or staff of that restaurant because of your **protected traits**, you can file a complaint with OHR. More information can be found on [OHR's website](#).¹³⁹⁰

Health Care, including Women's Rights after Childbirth

What human rights do I have for health care?

A **health benefit plan** or **health insurer** cannot discriminate against you because of your **race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, genetic information, disability, matriculation, political affiliation, source of income and/or place of residence or business**. See [D.C. Code § 2–1402.31\(a\)\(3\)](#).

A **health benefit plan** or **health insurer** is not entitled to establish or alter their eligibility rules, coverage, premium, or contribution amounts on the basis of your or your **family members genetic information**. See [D.C. Code § 2-1402.31\(a\)\(3\)](#).¹³⁹¹

¹³⁸⁸ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/II/parts/D/

¹³⁸⁹ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters/II/parts/D/

¹³⁹⁰ ohr.dc.gov/service/file-discrimination-complaint

¹³⁹¹ code.dccouncil.us/dc/council/code/sections/2-1402.31.html

Can a health benefit plan or health insurer insist that I undergo genetic testing?

No. A **health benefit plan** or **health insurer** may not request or require you or your **family members** to undergo a **genetic test**. See [D.C. Code § 2-1402.31\(a\)\(4\)](#).

Can I be required to breastfeed my baby in private?

No. All women have the right to breastfeed their children in any location they are entitled to be with their children - that location could be public or private. This is regardless of whether the woman's breast is exposed or uncovered during the breastfeeding of her child. See [D.C. Code § 2-1402.82\(c\)\(1\)](#).¹³⁹²

The **DCHRA** encourages public acceptance of breastfeeding, and understands that breastfeeding a baby constitutes a basic act of nurturing to which every mother and child has a right.

I have returned to work after giving birth. What rights do I have at work if I am still breastfeeding?

Your **employer** must give you reasonable daily unpaid breaks so that you can express breast milk for your child. If you already have a break period (paid or unpaid), your unpaid break to express breast milk will be deemed to occur at the same time. See [D.C. Code § 2-1402.82\(d\)\(1\)](#).

However, your **employer** does not need to give you such a break if it would be an “undue hardship,” in other words, if they would incur significant costs in doing so. See [D.C. Code § 2-1402.82\(d\)\(1\)](#).

Your **employer** is also required to make reasonable efforts to provide a sanitary room or other location close to the work area, other than a bathroom or toilet stall, where you can pump breast milk in privacy and security. The location may include a childcare facility in close proximity to your work location. See [D.C. Code § 2-1402.82\(d\)\(2\)](#).

Schools, Education & Admissions

*Who is protected against discrimination in D.C. schools under the **DCHRA**?*

An **educational institution** may not discriminate against you because of your **race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, political affiliation, source of income, and/or disability**. See [D.C. Code § 2-1402.41\(1\)](#).¹³⁹³

¹³⁹² code.dccouncil.us/dc/council/code/sections/2-1402.82.html

¹³⁹³ code.dccouncil.us/dc/council/code/sections/2-1402.41.html

This applies to both actual and perceived **protected traits**. For example, if you are not accepted by a school because that school believes you are homosexual, that would be discriminatory even if you are not in fact, homosexual. See [D.C. Code § 2-1402.41\(1\)](#).

What actions are educational institutions prohibited from taking under the **DCHRA**?

An **educational institution** is prohibited from denying or restricting you from using or accessing any of its programs, services or facilities because of your **protected traits**. See [D.C. Code § 2-1402.41\(1\)](#).

Except in very limited circumstances, **educational institutions** are prohibited from asking for information (either in person or in writing) about your **race, color, religion, or national origin**, if you are applying for admission to that institution. See [D.C. Code § 2-1402.41\(2\)](#).

Can I be denied admission to an educational institution that is affiliated with a religious organization because I do not practice that religion?

Yes, religious (and political) organizations may limit admission to individuals who do not practice that **religion**. Similarly, those organizations are allowed to give preference to individuals who do practice that **religion** (or who share the same political views) over those who do not. See [D.C. Code § 2-1401.03\(b\)](#).¹³⁹⁴

Can I be denied admission to an educational institution based on my sex or age?

Yes, private pre-schools, elementary schools, secondary schools and undergraduate college may deny you admission based on your **age** or **sex**. See [D.C. Code § 2-1402.42](#).¹³⁹⁵

However, if a private college offers a course that is not available anywhere else in D.C., that course must be available to both sexes (subject to the relevant entry requirements). See [D.C. Code § 2-1402.42](#).¹³⁹⁶

What is an affirmative action plan and is it legal?

Affirmative action plans are devised to correct past discriminatory practices. For example, a school may have discriminated against women in the past, and so few women have attended that school. In this case, the affirmative action plan would provide preferential treatment to women. Affirmative action plans are legal under [D.C. Code § 2-1402.53\(a\)](#)¹³⁹⁷ if they are approved by the D.C. government.

¹³⁹⁴ code.dccouncil.us/dc/council/code/titles/2/chapters/14/units/A/subchapters//

¹³⁹⁵ code.dccouncil.us/dc/council/code/sections/2-1402.42.html

¹³⁹⁶ code.dccouncil.us/dc/council/code/sections/2-1402.42.html

¹³⁹⁷ code.dccouncil.us/dc/council/code/sections/2-1402.53.html

Filing Complaints under DCHRA

How do I file a complaint under the DCHRA?

To file a complaint with OHR, you have to complete an intake questionnaire and submit it to OHR. You can access the questionnaires and submit them on [OHR's website](#).¹³⁹⁸

Who can file a complaint?

You can file a complaint with OHR if you believe that you have been discriminated against in an employment, housing, public accommodations or educational context. You can also file a complaint if you have been denied language access services by a government agency or if a prospective employer or housing provider has improperly asked about your criminal record. The full list of reasons for which you can file a complaint - and the online complaint forms - can be found [on the OHR website](#).¹³⁹⁹

If you intend to file a complaint, it is important to note that:

- You do not have to be a D.C. resident, but the alleged discrimination must have taken place in D.C.
- Your complaint must be filed with OHR within one year of the occurrence or discovery of the alleged act.

Can I report to OHR if someone else is being discriminated against?

Yes. If you suspect that someone else (such as a friend or relative) is being discriminated against, you can report it to [OHR](#).¹⁴⁰⁰ You can also use this form to report discrimination against yourself.

I want to file a complaint, but I am afraid that my employer or school will destroy key information.

Your **employer** or school must keep business records for a period of 6 months from the date that the record is made. That could include application forms, sales and rental records, credit and reference reports, personnel records, and any other record relating to the status of your employment.

In addition, as soon as you file a complaint against an **employer**, the **employer** must maintain all records of potential relevance to your claim. If an **employer** destroys records that relate to your complaint, the **employer** will be in violation of the law.

¹³⁹⁸ ohr.dc.gov/service/file-discrimination-complaint

¹³⁹⁹ ohr.dc.gov/service/file-discrimination-complaint

¹⁴⁰⁰ dcforms.dc.gov/webform/report-discrimination-form

Can my boss fire me if I file a discrimination complaint?

No, your boss could not fire you because you filed a discrimination complaint. It is unlawful to retaliate against, interfere with, intimidate or discriminate against a person because that person has complained or spoken out about discrimination. It is also against the law for an employer to ask someone else to retaliate against you on their behalf. This is called retaliation and you are protected from retaliation by law. More information about retaliation in the work place can be found on the [EEOC website](#).¹⁴⁰¹

How do I file a discrimination complaint against D.C. government agencies, officials or employees?

If you believe you or another person has been discriminated against by D.C. government agencies, officials or employees, you can file what is known as an “administrative complaint”. See [D.C. Code § 2-1403.03](#).¹⁴⁰² You have to file the complaint within one year of the discriminatory action.

All complaints will be mediated before a full investigation takes place, and you can withdraw your complaint at any time until the completion of the full investigation. See [D.C. Code § 2-1403.04](#).¹⁴⁰³

If you are a current, former or prospective **employee** of the D.C. government and you believe that you have been discriminated against in any aspect of that employment, you must first consult an Equal Employment Opportunity counselor before you can file a formal complaint with OHR. For help finding an EEO counselor, see the [OHR website](#).¹⁴⁰⁴

¹⁴⁰¹ www.eeoc.gov/laws/types/retaliation.cfm

¹⁴⁰² code.dccouncil.us/dc/council/code/sections/2-1403.03.html

¹⁴⁰³ code.dccouncil.us/dc/council/code/sections/2-1403.04.html

¹⁴⁰⁴

ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/Certified%20EEO%20Counselors%20and%20Office%20List_rev_08.14.18.pdf

GLOSSARY

Abandonment: to cast away, leave, or desert property or a child.

Abandonment of a Child: abandonment of a child occurs in any of these four (4) situations: 1) the child is found alone without his or her parents who have made no effort to maintain a relationship with the child and reasonable efforts have been made to identify the child and locate the parents for at least a period of four (4) weeks after the child was found; 2) the parent(s) gave a false identity when the child was born and disappeared with no subsequent effort to maintain a relationship with the child, and reasonable efforts have been made to locate the parent for a period of four (4) weeks after the parent(s) disappearance; 3) the child's parent or guardian is known but has made no reasonable effort to maintain a relationship with the child for a period of at least four (4) months; or 4) ten (10) days after the child is born in a D.C. hospital and ready for discharge, the parent or guardian make no effort to claim or otherwise maintain a relationship with the child and disappear.

Abortion: when a woman chooses to end her pregnancy.

Abuse: conduct that encompasses cruel or violent treatment of a person, especially regularly or repeatedly, including physical or mental injury, sexual abuse or exploitation. Abuse can generally refer to the mistreatment or violent treatment of a person.

Abuse of a Child: conduct that puts a child in a dangerous situation, hurting a child on purpose, sexually exploiting or having inappropriate sexual contact with a child, or mentally or emotionally harming a child.

Abuser: abusers come from all professions, educational backgrounds, ethnic backgrounds, all ages, races, sexes, sexual orientations, gender identities, social classes, and religious affiliations. Abusers do have some characteristics in common, including that they fail to take responsibility for their actions, their belief in the use of violence, the use of defense mechanisms to justify abusive behaviors, extreme jealousy, and conflicting personalities. One of the greatest fears an abuser has is the fear that their partner will abandon them. This manifests itself in extreme jealousy and possessiveness. They believe if they can just control them, they will not leave, and they will do anything to keep them from leaving - even maiming and killing them. Abusers typically present a different personality outside the home than they do inside, which complicates the partner's ability to describe their experiences to people outside of the relationship.

Academic Status: your grades, level in school, discipline record, and any other important information about how you have done in school so far.

ACE Diversion Program: a six month D.C. diversion program that connects youth and families to a range of individually tailored support and behavioral health services as an alternative to prosecution of juveniles in certain cases.

Accommodations: supports and services provided to help a student succeed in school.

Acquiescence: accepting something without protest; accepting without objection.

Adjudication: a formal judgment, ruling or decision.

Adoption: a permanent, legal agreement in which you agree to place your child in the care of another person or family member.

Adult: an individual who is twenty-one years of age or older. Even though an individual who turns 18 is no longer a minor, that individual will not have certain rights until turning 21. See further discussion in the **Turning 18 Chapter** in this Handbook.

Adult Criminal Record: criminal actions engaged in, on or after your 18th birthday, will appear on this court record and be accessible to the public unless sealed or expunged.

Adult court: adult criminal court which is the Criminal Division of the Superior Court.

Advance Parole: allows someone to travel back to the U.S. without applying for a visa.

Adverse Possession: a way for a **squatter** to gain legal ownership of a piece of property, which requires the squatter's 1) presence, which must be open to the public (obvious to the average observer), 2) the presence must be continuous (for an uninterrupted period of time); 3) possession of the land must be exclusive (not shared with the property owner); and 4) possession of the land must be adverse (without the property owner's permission). These requirements must be met for fifteen (15) years under D.C. law.

Advocate: in the context of this handbook, an advocate is an individual from a rape crisis center, domestic violence agency, legal services organization, or a sexual assault program who works with victims and survivors of domestic and sexual violence. An advocate provides emotional support, safety planning and practical assistance with legal, social services, medical and other related issues.

Age: as a protected trait, it means 18 years or older.

Alliance: a D.C. funded health insurance program for adults who do not qualify for Medicaid based on their immigration status. Not to be confused with Alliance Insurance Services.

Arraignment: the initial appearance in front of a judge after the arrest in a misdemeanor case.

Assault and Battery: the crime of threatening a person with the act of making physical contact with them.

Assistive Technology: any item, piece of equipment, or product system, which is used to increase, maintain, or improve the capabilities of individuals with disabilities.

Asylum: a form of protection granted by a state (such as the U.S. government) to someone who has left their home country as a political refugee, so they may live and work legally in the U.S. and they may apply for lawful permanent residence after one year.

Attorney-Client Privilege: the privilege of confidentiality for information you share with your attorney.

Bad Credit: a low credit score means you have bad credit.

Bankruptcy: when a court has decided that a person or company is unable to pay for their debts.

Bail: the release of an accused person with the promise to appear in court when required. Sometimes a bail bond may be required for the release on bail.

Bail Bond: an amount of money determined by a judge that needs to be paid for the release of a person from detention. If the person does not return to court when required, the amount of money is forfeited.

Balance: the amount of money that you still owe for a credit card bill or the amount of money left in your bank account.

Best Interest: what is best for your happiness, security, mental health and emotional development.

Best Interests of the Child: this includes a variety of factors related to the child and his or her circumstances that courts/judges consider when deciding what type of services, actions, and orders will best protect and care for a child with the child's ultimate safety and well-being as the most important goals.

Bill: a document describing the amount of money owed for a service, such as for a restaurant or a utility (examples include a phone bill, an electric bill, or a water bill).

Birth Certificate: a government issued document certifying the circumstances of birth, such as name, gender, date of birth, place of birth and parentage.

Booked: the process by which a law enforcement official registers charges against a person believed to have violated the law.

Burglary: breaking into or entering any premises with intent to carry away any fixture or thing from such premises or to commit any criminal offense in such premises.

Caseworker: A worker who monitors the welfare of children in foster care. Caseworkers also work to find permanent homes for children in foster care.

Cause: "good cause" or "for cause" are legal terms meaning that adequate or substantial reasons exist to take a certain action. What constitutes a good cause is determined on a case-by-case basis.

CDC: also known as Center for Disease Control.

Checking account: An account at a bank or credit union where you can keep money and access it whenever you need it. If you have a checking account, you can typically write checks to pay for items that you purchase and receive a debit or ATM card.

Child and Family Services Agency (CFSA): the D.C. Child and Family Services Agency is the government public child welfare agency in the District of Columbia responsible for protecting child victims and those at risk of abuse and neglect and for assisting their families. They are responsible for the foster care system in D.C.

Child and Family Services Agency (CFSA) Ombudsman: The CFSA Ombudsman is an official from the CFSA who is appointed to assist children age 15 or older who have been trying to work through issues with their social worker and/or guardian to resolve certain issues such as living arrangements, rights and fair treatment.

Child: any person under 18 years of age.

Child in Need of Supervision (CHINS): This is a finding by a court that a child is both 1) in need of care or rehabilitation and 2) one of the following: (a) is subject to compulsory school

attendance and habitually truant from school without justification; (b) has committed an offense committable only by children; or (c) has been habitually disobedient of the reasonable and lawful commands of his parent, guardian or other custodian and is ungovernable.

Child Protection Hotline: The 24-hour, 7 days a week Child Protection Hotline of the CFSA is a confidential hotline at (202) 671-SAFE or (202)671-7233 by which callers can get protection and help for child victims and those at risk up to age 18 in D.C.

Child Protective Services (CPS): Child Protective Services is a division of the CFSA that is responsible for providing social work services to children and families to protect children from abuse and neglect.

Child Support: Court-ordered payments, typically made by a divorced or separated parent who does not have custody/guardianship of his or her child/children, to support his or her minor child or children.

Civil Protection Order (CPO): A court order issued by a judge, designed to provide you with long-term protection from an abuser. A CPO is tailored to your needs and can order your abuser to stop abusing and/or threatening you, to stay away from you, not to contact you in any way, and provide other forms of relief that you need to be safe. In other places, a CPO-type of order might be called a “restraining order.”

Civil Rights: a class of rights which protects your freedoms from infringement by the government, including the police.

Clemency Process: the steps by which you are given certain rights (like the right to vote) back after a conviction or after your sentence has been lessened.

Coercion: persuading someone to do something by using force or threats.

Collateral: valuable property owned by someone who wants to borrow money that the person agrees will become the property of the lender if the debt is not paid back.

Color: as a protected trait, means skin pigmentation or complexion.

Conditional Offer Of Employment: a conditional letter of employment is a formal job offer that is dependent on the employee passing certain tests or conditions. The job offer is formalized only after all the conditions are successfully met. If you do not pass your company’s requirements, they simply revoke or rescind the job offer.

Confidential: Kept in strict privacy or secrecy; Confidential, for medical treatments, means that information about the treatment, like medical records, cannot be communicated, transmitted, disclosed or released without the permission of the person who consented/agreed to the care. For example, if you are the victim of a sexual assault and you decide to follow a treatment to heal from such assault, generally, your health care provider will not be able to discuss your treatment with anybody else, unless you give your okay to share that information.

Consent: Permission for something to happen or agreeing to do something; if you consent to an action, you agree that you are comfortable with that action (for example, you can consent to have a medical procedure done).

Consent (sexual): Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent is **not** automatically conferred just because there is a prior or current relationship between the actor and the victim

or when the victim fails to resist a particular sexual act. A person who is mentally incapacitated or physically helpless cannot consent to a sexual act. Minors who are under the age of 16 or in certain relationships with the actor (up to the age of 18) legally cannot consent to sexual activity.

Consumer reporting agency: A company that collects credit or public record information and sells consumer reports and credit scores to other companies. Purchasers of consumer reports make credit, employment, and housing decisions based on the information in consumer reports. There are three main credit bureaus: Experian, Equifax, and TransUnion.

Contract: a written or spoken agreement that can be enforceable by law; a written or spoken agreement between two or more people; a written or spoken agreement that is legally binding that can be enforced by a court.

Court Appointed Special Advocate (CASA): CASA is a volunteer who is appointed by the court and gets to know the child by consulting with parents, relatives, foster parents, teachers, medical professionals, attorneys, social workers and others to gather information that they provide to the Family Court, judges, Guardians at Litem, and others of what the child needs and what will be the best permanent home for them.

Credit: borrowed money that you can use to purchase goods and services. You can obtain credit from a creditor (such as a loan or credit card), and in return, you agree to pay back the amount you borrowed, plus applicable finance charges or interest, at a future time.

Credit freeze: A service you can pay for that prohibits the credit reporting agencies from releasing any information in your credit file to potential creditors, insurers, employers, or residential landlords unless you lift the credit freeze.

Credit Information: as a protected trait, means any information bearing on an individual's creditworthiness, credit standing, credit capacity or credit history.

Credit limit: The maximum amount of money that you can borrow with a credit card.

Credit Rating: an estimate of the ability of a person or organization to fulfill their financial commitments (pay back the borrowed money), based on previous dealings.

Creditors: means a person or company that is owed money.

Criminal record: a record of a person's criminal history which is compiled and updated on local, state and federal levels by various law enforcement agencies and is generally used by potential employers, landlords, lenders and others to assess trustworthiness.

Criminal trespass: The willful entry into or the remaining upon property without the express or implied permission of the owner. It can also include returning to or ignoring a prior request to stay off real property.

CSS: D.C. Court Social Services; D.C.'s juvenile probation agency, which is part of the Superior Court Family Court.

Custody (police): anytime the police deprive you of your freedom of action in a significant way, such as detaining you (also known as detention). Realistically though, it means being arrested.

Custody (family): the protective care or guardianship of someone. Custody may be ordered by a court.

Customarily Receives Tips: A tipped employee engages in an occupation in which he or she customarily and regularly receives more than \$30 per month in tips. An employer of a tipped employee is only required to pay \$2.13 per hour in direct wages if that amount combined with the tips received at least equals the federal minimum wage.

Cyberstalking: Stalking and harassing a victim using technology. This can include using search engines to find out information about you (address, social security number, etc.), using email to harass you, using chat rooms and forums that you use to learn more about you, hacking into your personal computer or mobile device, harassing you on social media, and so forth.

D.C. Crime Victims Compensation Program: Provides financial assistance and reimbursement to victims of violent crime and their families with crime-related expenses. Crime-related expenses can include, but are not limited to, funeral and burial costs, medical and mental health expenses, lost wages, loss of support, crime scene clean up, and temporary emergency food, shelter and costs of relocation. Crime Victims Compensation staff conduct interviews to determine needs, process claims, and provide referrals to other victim service agencies in D.C. The Crime Victims Compensation Program is funded by fines and fees paid to the D.C. Courts.

D.C. Department of Health: The D.C. Department of Health provides health and human services and fosters sound, sustained advances in the sciences underlying medicine, public health, and social services.

D.C. Limited Purpose Driver License: The D.C. DMV Limited Purpose driver's license allows D.C. residents who cannot provide a Social Security number to drive legally.

D.C. Resident: a person living in the District of Columbia voluntarily and not for a temporary purpose; that is, one with no intention of presently leaving D.C.

Damages: a money award owed to a winning party by the losing party in a civil case; Money that a court orders one person or company to pay another person or company as compensation for an injury or loss.

Dating violence: A form of domestic violence occurring between someone who is, was, or is attempting to be in a romantic or sexual relationship with another person.

Debt: The amount of money that you have borrowed from a lender and that you have not yet paid back to the lender (a lender could be a person, a bank, or a company).

Debt collector: A person or company whose job it is to collect money owed when an individual is in default of his/her loans. A debt can be legally collected in three ways: phone calls, letters, or a lawsuit in civil court.

Default: A loan is in default when a person who borrows money misses a payment. The debt is then in default until all the missed payments are made. This brings the debt "current".

Defendant: The person or company/entity being sued in a civil lawsuit. Or, in a criminal case, a person charged with committing a crime.

Deferred Action for Childhood Arrivals (DACA): DACA allows certain undocumented children who were brought to the U.S. before the age of 16 to remain in the U.S. without the threat of deportation for a period of two years, with the possibility of continued renewal.

Delinquent: A child who has committed a delinquent act (generally, a child who has committed a crime).

Delinquent act: an act designated as an offense under the laws 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.

Department of Youth Rehabilitation Services (DYRS): A D.C. government agency that monitors, evaluates, and provides treatment and services to youth who have been committed to the agency's care for placement in a shelter or at the Youth Services Center.

Dependency: a court proceeding in which a juvenile may be placed in protective custody if the court finds that abuse or neglect of the juvenile has occurred.

Deportation Proceedings: Now called "removal proceedings," is a court process that allows people facing deportation to see a judge. The judge decides if that person must be deported to their home country or if that person has any defenses against deportation and will be allowed to stay.

Detention: the temporary, secure custody of a child in facilities until the final disposition of a legal proceeding.

Disability: as a protected trait, means a physical or mental impairment that substantially limits one or more major life activities; includes those with HIV/AIDS.

Disabled: A person having a physical or mental condition or injury that limits movements, senses, or activities.

Discount drug cards: If you do not qualify for Medicaid, you can still get discounted prescription drugs by signing up for the D.C. Rx Prescription Discount Drug Card. D.C. offers discount drug cards to ALL D.C. residents regardless of age, income, or whether you have existing health insurance.

Discrimination: discrimination happens when one person or a group of people are treated differently (and unfairly) based on a characteristic like race, sex, religion, disability or another trait. For example, if a teen parent is not allowed to participate in certain classes or activities at school, this might be a form of discrimination.

Disorderly conduct: A misdemeanor act, including intentionally or recklessly causing someone to be in fear that they or their possessions are likely to be harmed or taken, inciting or provoking violence, use direct or abusive language or gestures at another person in a manner to likely provoke physical retaliation or violence.

Disposition: the final settlement of a matter.

Dispositional Hearing: Where a person has pled guilty to a status offense or has been found guilty and in need of supervision, a judicial officer holds a hearing to evaluate the case.

Diversion program: A community-based program intending to divert a juvenile from the juvenile justice system.

Domestic violence: A pattern of coercive and abusive behaviors used by an individual to exercise power and control over another person in an intimate relationship, including family, social, romantic, or sexual relationships.

Domestic Violence Division: a part of D.C. Superior Court that handles requests for Civil Protection Orders (CPOs) as well as cases alleging violations of protection orders and all misdemeanor criminal cases involving an “intrafamily offense” (i.e., domestic violence).

Due process hearing: similar to a trial, but a hearing officer, instead of a judge, will listen to your case and then make a decision based on an unbiased view of the facts.

Economic Security Administration Office: also known as ESA.

Educational Institution: any public or private institution including an academy, college, elementary or secondary school, extension course, kindergarten, nursery, school system or university; a business, nursing, professional, secretarial, technical, or vocational school.

Electronic Benefit Transfer (EBT): an electronic system that allows state governments and benefit departments to issue and track benefits with a plastic payment card with a magnetic strip and a PIN that is issued to authorized recipients.

Electronic monitoring or “GPS Monitor” device: A device that monitors your location.

Eligibility: when you are eligible for a benefit, activity, or program, it means you meet certain requirements, and because you meet those requirements, you have a right to participate in the activity or receive the benefits. For example, in order to be eligible for Medicaid, your income must be under a certain amount, you must be a resident of the state where you will receive Medicaid, and sometimes must be a certain age.

Emancipated: a legal term describing a child’s release from the custody and control of his or her parents or guardian. An emancipated minor is a person who is not yet an adult but because of certain circumstances, is no longer under the care of a legal guardian or parent. For example, you may be emancipated if you are financially independent or married.

Emancipation: the time at which you become legally independent from your parents, and are free from the legal control and custody of your parents. This generally happens when you turn 18 in D.C., but can occur prior to that age if certain requirements are proven.

Employee: any individual employed by or seeking employment from an employer.

Employer: any person who, for compensation, employs an individual (except for a family member or domestic servant engaged in work in the home).

Employment agency: any person or group regularly attempting to find and place employees with an employer.

Eviction: refers to a landlord requiring, through the legal process, a tenant to move out.

Exceptional student education (ESE) services: are education services provided to support children with disabilities, from birth through 21 years of age, and their families, ensuring access to fair and high-quality education.

Exigent circumstances: Emergency circumstances which require immediate police attention.

Exploitation: Exploitation means when a parent, guardian, or other custodian allows or forces a child into prostitution or to watch or help create obscene or pornographic photos or videos or other activity involving inappropriate sexual conduct.

Expunge: If a criminal record is “expunged,” the government agencies that have access to sealed records, like law enforcement, will not be able to see what was on your criminal record, the government agencies will only know that *something* was expunged. If the government agency wants to know what was removed from the record, the agency must get permission from a court.

Familial status: as a protected trait, means a parent or guardian of children under the age of 18; includes a pregnant woman, or a person who is in the process of securing legal custody of an individual under 18.

Family: A group of people whose needs and resources are considered together. The D.C. Code defines “Family Member” as (A) an individual’s spouse or domestic partner, in-law, child (including foster child and grandchild), spouse of a child, parent, brother or sister, and spouse of a brother or sister; (B) a child who lives with an individual and for whom an individual permanently assumes and discharges parental responsibility; and (C) a person with whom an individual shares or has shared, for not less than the preceding 12 months, a mutual residence and with whom an individual maintains a committed relationship. (3) The D.C. Code further defines “Family Member” as a person to whom an individual is related by blood, legal custody, or marriage.

Family Court: the Family Court of the Superior Court of the District of Columbia specifically handles proceedings that involve children and family issues. A judge in family court will try to sort out a variety of family related issues including paternity, custody and visitation, guardianship, foster care, and adoption. Many courts also offer resource centers.

Family member: means the spouse of the individual, a dependent child (whether born or placed for adoption with the individual) and all other individuals related by blood to the individual, spouse, or child.

Family responsibilities: as a protected trait, means supporting a person in a dependent relationship, which includes, but is not limited to, your children, grandchildren and parents.

Federal Poverty Level: A measure of income (annual cash) used by the U.S. government to determine who is eligible for certain public benefits and programs. The Department of Health and Human Services updates the poverty guidelines each January. HHS issues poverty guidelines for each household size.

Felony: The highest category of crime, typically one involving violence, regarded as more serious than a misdemeanor, and usually punishable by imprisonment for more than one year. Examples of felonies include murder, burglary, and first degree theft.

Food Stamps: Food-purchasing assistance in the form of a voucher provided by U.S. federal and state governments to individuals with low income or no income to help purchase food.

Foreign protection order: A civil protection order that was issued by a court in another state, i.e., outside of D.C.

Foster Care: the temporary placement of a child or young person under the age of 21 in the care and custody of a foster family (who may or may not be related to the child), boarding home, group home, agency boarding home or child care institution approved by the government.

Foster Parent: a caregiver directed to take care of a child by a judge’s order and supervised by the D.C. Children and Families Services Agency (CFSA).

Free and Appropriate Public Education (FAPE): something that every child must receive even if they have a documented special education need.

Free Application for Federal Student Aid (FAFSA): an application for a federal government student loan to help pay for college tuition.

GED: the General Equivalency Diploma (GED) is similar to a high school diploma and requires passing a test on four subjects (Math, English, Science and History).

Gender: social and cultural reference to being male or female.

Gender Designation Form: A form that allows D.C. residents to choose the gender designation that is the best fit for them.

Gender identity or expression: as a protected trait, means a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth.

General Assistance: also known as **General Relief**, is a term used to describe welfare programs that benefits adults without dependents (single people or married couples without children).

Genetic information: as a protected trait, means your DNA or family history that may provide information as to your predisposition or likelihood of contracting a disease or illness.

Genetic test: means an analysis of human genes or genetic information that is used to identify the presence or absence of alterations in genetic material that are associated with disease or illness.

Good Credit: A high credit score means you have good credit.

Good Faith: honest, fair, and reasonable.

GRAD License Program: a special license program offered by the D.C. DMV to inexperienced drivers between the ages of 16 and 21 years old in order to provide support to help drivers improve their driving skills and graduate from learner permit to provisional license, to a full D.C. DMV driver's license.

Green cards: officially now known as a Permanent Residence Card. It is a photo identifications card that is received upon becoming a U.S. lawful permanent resident. Largely out of date terminology.

Gross Income: a household's total, non-excluded income, before any tax or other deductions have been made.

Guardian or "Guardianship of the person of a minor": a relative or other custodian who becomes responsible for a child placed in their care and has the duty and authority to make important life decisions relating to the child and their general welfare.

Guardian ad Litem (GAL): A Guardian ad Litem (GAL) is a lawyer appointed by the court to represent and speak up for the best interests of the child in abuse and neglect proceedings. The GAL's role is to protect a child's basic needs and interests.

Harassment: Conduct that annoys, threatens, intimidates, alarms, or puts a person in fear of their safety. Harassment is unwanted, unwelcomed and uninvited behavior that demeans, threatens or offends the victim and results in a hostile environment for the victim. Harassing behavior may include, but is not limited to, calling someone names, making lewd propositions, assaulting, hampering or blocking someone's movement, offensive touching, or physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons.

Head Start: is a Federal program that promotes school readiness of children from birth to age five from low-income families. Head Start programs provide a learning environment that supports children's growth in many areas such as language, literacy, and social and emotional development.

Health benefit plan: means any accident and health insurance policy.

Health Insurance: a type of insurance coverage that pays for medical and surgical expenses incurred by the insured. Health Insurance can reimburse the insured for expenses incurred from illness or injury, or pay the care provider directly.

Health Insurer: means any person that provides one or more health benefits plan or insurance.

Healthcare Provider: a doctor, psychologist, dentist, optometrist, nurse, clinical social worker or other qualified healthcare professional, who is authorized to practice medical services by the state.

HIV/AIDS: this stands for the "human immunodeficiency virus (HIV)" which causes the "acquired immunodeficiency syndrome (AIDS)". This is a chronic, potentially life-threatening condition that damages your immune system. HIV is a sexually transmitted infection (STI).

Homeless under the McKinney-Vento Homeless Assistant Act: You are considered homeless under the McKinney-Vento Homeless Assistant Act if you do not have "a fixed, regular, and adequate nighttime residence." This includes:

- Living with a friend, relative, or someone else because you lost your home or cannot afford a home;
- Living in a motel, hotel, trailer park, or campground because you have nowhere else to go;
- Living in a shelter, including emergency or transitional shelters, domestic violence shelters, and runaway and homeless youth shelters;
- Living in places not ordinarily used for sleeping, such as cars, parks, public places, abandoned buildings, or bus or train stations;
- Abandoned in a hospital.

Housing Discrimination: discrimination in home sales, financing, and rentals based on protected classes such as race, color, religion, disability, sex, familial status, or national origin.

Human Trafficking: Using force, fraud, or coercion to recruit, transport, or obtain a person for labor or services for the purpose of involuntary servitude, debt bondage, or slavery; A form of modern-day slavery where traffickers lure people with false promises of employment or a better life, often taking advantage of people who need money, are unemployed, and lack access to a better life.

Immunizations: shots (vaccines) given to children to protect them against certain diseases.

Impair: to make weaker or damage.

Income: income is the amount of money you or your family receive in a certain period of time for services you provide (for example, as wages for doing a job), from public benefits, or from other sources.

Individualized Education Program (IEP): the plan put together for a student's schooling to address his/her disabilities.

Individuals with Disabilities Education Act (IDEA): Individuals with Disabilities Education Act, the federal law that governs what schools must do for students with disabilities.

Individual Responsibility Plan: also known as an IRP.

Informed Consent: patient's permission to undergo a medical procedure, for example a surgery, or be admitted to a program, after having been informed of the risks, benefits, and other options available by the doctor or healthcare provider, with enough information that gives you a general understanding of the treatment.

Initial or First Appearance: The first appearance in front of a judge after the arrest, at which a judge informs you of the charges, determines if there will be a bond set or whether you can be released upon your own recognizance, and most importantly, appoints a lawyer (usually the public defender) if you need one.

Initial Hearing: The initial appearance of a juvenile in juvenile court.

Injunction: an order from a court that forbids you from doing a specific act (example: you can no longer go to an individual's house).

Installment Loan: credit extended in one lump sum and paid back over time, like a student loan, a car loan, or a payday loan. An installment loan will have a fixed or variable interest rate over the life of the loan. Make sure you check the cost of credit and the annual percentage rate ("APR") before getting an installment loan so you know how much you will be paying to borrow the money.

Insurance: A pre-paid service that helps you pay for things like medical care or car accidents.

Interest: The cost of borrowing money. As an oversimplified example, if you take out a \$100 loan at a 10% interest rate, you will pay a fee of 10% of \$100 (equaling \$10), meaning you will have to pay back \$110 total. You can see the cost of the money you borrow by looking at the APR, which is the "annual percentage rate." This information is disclosed to you by law at the time you borrow money.

Intimate Partner Violence (IPV): Violence between those who are or have been in a romantic or sexual relationship. IPV is another term for domestic violence.

Judgment: Decision of a court regarding the rights and liabilities in a case.

Jury: The group of individuals who hear a court case and make the final decision of guilt or innocence (in a criminal case) or decide whether a party owes money or other duties (in a civil lawsuit).

Juvenile: any individual under 18 years of age.

Juvenile court: the Family Court Social Services Division is D.C.'s juvenile probation agency responsible for serving and supervising juveniles involved in the "front-end" of D.C.'s juvenile justice system.

Juvenile criminal record: Criminal actions engaged in while under the age of 18, which will appear on your juvenile criminal record.

Juvenile Diversion: A process of diverting criminal defendants from the criminal justice system, by which a defendant may be able to avoid criminal charges and a juvenile court record altogether.

Kinship Caregiver: a non-parent relative with whom a child lives.

Landlord: a person who rents land, building space or apartments to another person.

Lawful Permanent Resident: Also known as "green card" holders, are non-citizens who are lawfully authorized to live permanently within the US.

Lease: a specific contract related to renting, most likely an apartment, for a period of time.

Legal Custodian: A person with the legal right to physical custody of a child or minor, and someone who can decide where and with whom that child should live.

Legal Father: the man recognized as the child's father, meaning he has the rights and obligations of the father.

Legal Guardian: A legal guardian is a person who has the legal authority (and the corresponding duty) to care for the personal and property interests of another person.

LGBTQ: Lesbian, gay, bisexual, transsexual, queer, and/or questioning. A related acronym is LGBTQIA+, which stands for lesbian, gay, bisexual, transsexual, queer/questioning, intersex, asexual, and other concepts on the gender or sexuality spectrums.

Liaison: someone who connects with individuals and helps them connect with a certain group or program. A liaison might be a representative from a group that is easy to contact and discuss questions with. A School Homeless Liaison is a school staff member who has been appointed by the school to assist homeless students.

Loitering: standing or waiting around a public place without a real reason (example hanging out outside of a gas station). Act of remaining in a certain place for no designated reason, alone or with others.

Managed Medical Assistance Plans: a type of health insurance; these plans contract with health care providers and medical facilities to provide care for members at reduced costs and these providers are considered "in network".

Marital Status: as a protected trait, means married, single, in a domestic partnership, divorced, separated, and widowed.

Matriculation: as a protected trait, means being enrolled in a college, university or some type of secondary school.

Mediation: A formal intervention between parents and personnel of early intervention or school systems to achieve reconciliation, settlement or compromise.

Medicaid: A government program that provides health coverage to children, families, pregnant women, the elderly, and people with disabilities. Medicaid covers U.S. citizens and eligible immigrants. In most cases, these services are provided at no cost to families who qualify under Medicaid guidelines. Medicaid pays for a full set of services for children, including preventive care, immunizations, screening and treatment of health conditions, doctor and hospital visits, and vision and dental care; Medicaid is a joint program, funded primarily by the federal government and run at the state level, where coverage may vary.

Medical Abortion: when a woman takes medication (usually a pill) to end her pregnancy (typically not available after nine (9) weeks of pregnancy).

Medical Emergency: When strong, severe pain or other symptoms occur that, without medical care, could place your health or the health of your fetus in serious jeopardy, cause damage to any part of your body, or lead to death.

Medical Services: Medical care from a healthcare provider that helps you feel better.

Mental Health Services: Getting help from medical professionals related to psychological well-being and satisfactory adjustment to society and to the ordinary demands of life.

Mentally Incapacitated: the legal status of an individual who is unable to take responsibility for his/her everyday life because of a mental illness or disability.

Minimum Wage: The lowest compensation that employers can legally pay their workers. The “price floor” below which workers may not sell their labor.

Minor: typically, any person under 18 years of age. For some things, such as the legal drinking age, it applies to any person under 21 years of age.

Miranda Rights: The rights of individuals in police custody to be given certain legal warning statements by the police before the police can question the individual; The right to (a) remain silent, (b) have access to an attorney, and (c) the right to receive written notice of the charges against him or her.

Misdemeanor: A lesser category of crime under which someone may serve up to one year in a D.C. jail. Examples of a misdemeanor include simple assault/threat to do bodily harm, unlawful entry on property, theft in the second degree (first or second offense), and disorderly conduct.

National Center for Transgender Equality: The National Center for Transgender Equality is a non-profit social equality organization that advocates to change policies and society to increase understanding and acceptance of transgender people. The organization works to replace disrespect, discrimination, and violence with empathy, opportunity, and justice.

National origin: as a protected trait, means the country or area where one’s ancestors are from.

Neglect: a form of abuse where someone, who is responsible for caring for another, fails to do so. This can mean harm to a child’s or young person’s health or welfare by failing to give them enough food, shelter, clothing, supervision, education or medical care. A lack of money is not considered neglect. Neglect can be the result of carelessness, or can be deliberate.

Net Monthly Income: the total amount of income after taxes and other deductions earned in a month.

Network/Network Provider: a doctor or group of doctors whose healthcare services are covered by your healthcare insurer or program.

Non-Custodial Arrest: also known as “**Field Arrest**,” an arrest that requires the person to appear within 15 days before an official of the relevant law enforcement agency to complete the arrest process.

Notarios: Individuals who represent themselves as qualified to offer legal advice or services on immigration matters. A “Notary Public” in the United States is not usually an attorney and not qualified to give legal advice.

Nutrition: getting the food necessary for good health and growth.

OAG: D.C. Office of the Attorney General.

Office of Youth Engagement (OYE): a group that are responsible for involving young people in responsible, challenging actions to create positive social change.

Oral Agreement: a contract that has not been written down, but can still be binding.

Occupational Disease: An occupational disease arises from the conditions to which a specific type of worker is exposed. The disease must be produced as a natural incident of a particular occupation, such as asbestosis from asbestos removal.

Outpatient: when a patient receives treatment, such as counseling, but does not stay overnight in a facility.

Owner: a person having the right to own, possess, sell, rent, lease, or control any real property.

Panhandling: to beg in the streets for money or food; can be considered a misdemeanor if done in an aggressive manner.

Parental consent: the consent of your parent or legal guardian that is required under some laws before a minor can receive certain treatment or do certain activities.

Passport Acceptance Facility: A passport acceptance facility is authorized by the U.S. Department of State to accept and verify the documents, applicant signature and identity for passport applications.

Paternity: legal recognition of the biological father of a child.

Pathological: persistent or habitual; involving or caused by a physical or mental disease.

Permanent Guardianship: when the legal and financial responsibility to care for a child is transferred from the Department of Children and Families to an adult who can be a relative, foster parent or another adult with a significant relationship with the child. See further discussion in **Foster Care** Chapter and **Turning 18** Chapter in this Handbook.

Persecution: the systematic mistreatment of an individual or group of individuals, especially because of race or political or religious beliefs.

Person In Need of Supervision (PINS): A child that is in need of care or rehabilitation and qualifies under one of the following:

- You have regularly skipped school without a valid excuse;
- You have committed a status offense; or
- You have been habitually disobedient to your parents.

Personal appearance: as a protected trait, means the outward appearance of any person, irrespective of sex. It could relate to bodily condition or characteristics, manner or style of dress, and manner or style of hair and beard. It does not relate to the requirement of cleanliness, uniforms, or standards for a reasonable business purpose.

Petition: a written request made to a court asking for a specific action to be taken.

Physiological dependency: when the body adapts to the continued presence of a drug.

Place of residence or business: as a protected trait, means the geographical location of home or work.

Plaintiff: A person who has filed a civil lawsuit against another person or a business/entity.

Plea: a formal statement by or on behalf of a defendant or prisoner, stating guilt or innocence in response to a charge.

Political affiliation: as a protected trait, means belonging to or supporting any political party.

Preponderance of the evidence: A standard of burden of proof requiring the greater weight of the evidence.

Presentment: The initial appearance in front of a judge after the arrest in a felony case.

Prescription: A medicine that a doctor determines that a patient needs. The prescription itself is a written instruction for the patient to be given that medicine.

Presumptive Eligibility for Pregnant Women (PEPW): a program that allows a pregnant woman to receive temporary Medicaid coverage for prenatal care for up to 45 days.

Pretrial Services Agency (PSA): The federal agency responsible for gathering information about newly arrested defendants and preparing the recommendations considered by the Court in deciding release options.

Pretrial Services Officer (PSO): A case manager who is responsible for notifying the court if a defendant does not satisfy their conditions of release.

Pro Se: This is a Latin phrase meaning “for oneself” or “on one’s own behalf.” A person who participates in a lawsuit “*pro se*” represents him or herself, without an attorney.

Probable Cause: the requirement in criminal law that police have adequate reason to arrest someone, conduct a search, or seize property relating to an alleged crime.

Proceeding: a proceeding can be either legal or administrative and usually requires that you present yourself to an official or judge for review and decision regarding the facts or circumstances of a given situation. A proceeding may relate to parenting, public benefits, child custody issues, education, etc.

Prosecutor: a lawyer, representing the government, who conducts the case against a defendant in a criminal court; if you are a victim, you and the prosecutor may both be against the defendant, but technically the prosecutor represents the government, not you as the victim.

Prostitution: A sexual act or sexual contact with another person in return for giving or receiving anything of value.

Protected Trait: means groups of individuals protected by the DCHRA.

Protective Custody: the detention of a person for their own protection.

Psychosis: a condition that makes it difficult to tell what is real and what is not.

Public Accommodation: hotels, motels, restaurants, stores, parks, among other things.

Public Assistance: see Public Benefits, below. Public Assistance covers a wide range of benefits that the government provides to low income or needy individuals.

Public Benefits: Assistance, sometimes in the form of cash, administered by the federal or D.C. government that sometimes requires certain qualifications, such as age or income. Examples include Food Stamps (SNAP), Medicaid, Supplemental Security Income, Temporary Assistance to Needy Families (TANF).

Qualified Noncitizens: Non-citizen immigrants who qualify or are generally eligible for certain public benefits based on their immigration status. The most common immigration statuses are: lawful permanent residents (LPRs), refugees, asylees, people with pending VAWA petitions, and victims of trafficking. Depending on their qualified status and the type of benefit, immigrants may need to wait five years in qualified status before they can receive the benefit. Qualified noncitizens are eligible for coverage through Medicaid and the Children's Health Insurance Program (CHIP), if they meet their state's income and residency rules. In certain cases, even non-qualified immigrants can qualify for public benefits.

Race: as a protected trait, means classification or association based on a person's ancestry or ethnicity.

Reasonable Suspicion/Belief: a belief based on articulable facts and circumstances indicating a past, current or impending violation of law. This standard is lower than probable cause. However, a mere hunch is insufficient as a basis for reasonable suspicion; it is a subjective standard used to validate a warrantless search and seizure or arrest.

Released upon your Own Recognizance (ROR): Released from court without having to post bail pending the hearing in a criminal matter. Release is in exchange for a promise, in writing, that the defendant will appear in court for all upcoming court hearings and proceedings.

Religion/Religious Practice: as a protected trait, means a belief system which may or may not include spirituality.

Removal Proceedings: also called "**deportation proceedings**," a court process that allows people facing deportation/removal to see a judge. The judge decides if that person must be deported to their home country or if that person has any defenses against deportation/removal and will be allowed to stay.

Restitution: A legal term meaning a payment, other compensation, or other actions to make a situation right or to restore the victim to the situation (economic or otherwise) the victim was in

before the loss, damage, or injury. Restitution could mean paying a sum of money or replacing a damaged item, or it could take another form such as providing certain services.

Retaliate or Retaliation: In employment or housing, means an employer or landlord punishing an employee or tenant for complaining about discrimination, housing conditions, harassment, or other concerns.

Risk Assessment Score: A score assigned to a juvenile defendant by CSS (D.C.'s juvenile probation agency) to help them make an informed recommendation to the judge at the initial hearing about whether to release or detain a juvenile defendant and what other conditions to put in place between the initial hearing and any trial.

Safe Haven Law: a law that allows a parent who is unable or unwilling to care for their newborn baby to safely surrender the baby within fourteen (14) days of birth without suffering any legal consequences as long as the baby is unharmed.

School of Origin: the school a student was attending when they became **homeless**.

School-Based Student Support Team (SST): school staff dedicated to identifying and supporting students who have academic, behavioral or other problems, by providing early assistance and connecting them to appropriate support.

Sealed: If a record has been “sealed”, anyone who asks about the case will be told it does not exist, except it can only be seen by government agencies, like law enforcement.

Search Incident to Arrest: Under this exception to the search warrant requirement, an arresting officer may search only the person arrested and the area within which that person might gain possession of a weapon or might destroy or hide evidence.

Secured Credit Card: Unlike regular credit cards, a secured credit card requires a minimum security deposit (putting a certain amount of money up front) from you to secure your credit line.

Secured Loan: a loan secured by some type of collateral (for example, assets or property of yours that the lender values, such as a car or a paycheck). If you do not repay a secured loan, the lender keeps your collateral. Most car loans are “secured loans”. You buy the car by putting some cash down and then making monthly payments on the remainder of the cost. If you default on those payments, the bank can take the car from you and sell it to pay off the remainder of the loan.

Selective Service: Compulsory (required) service or enlistment in the U.S. armed forces. The mission of the Selective Service is to supply the U.S. Department of Defense with adequate manpower during a national emergency. Almost all males 18 through 25 are required to register for Selective Service, including undocumented immigrants, lawful permanent residents, those seeking asylum, and refugees. Non-citizens who are not required to register include men who are in the U.S. on a valid student or visitor visa, and men who are part of a diplomatic or trade mission and their families.

Service Animal: an animal, such as a guide dog, that is specially trained to assist a person with physical or mental disabilities, which that person relies on for disability-related help. This does not include an animal whose sole purpose is to serve as a crime deterrent or that serves solely as a companion. [D.C. Code Ann. § 7-1009](#).

Service Provider: agencies or organizations that provide assistance to clients such as counseling, treatment planning, vocational activities, educational training, and recreational activities.

Sex: as a protected trait, means a person's gender.

Sex Trafficking: Forcing a person of any age to perform sex acts through the use of force, fraud, or coercion; includes the recruitment, harboring, transportation, obtaining, patronizing or soliciting of a person for the purpose of a commercial sex act. This includes: prostitution, pornography, stripping, and exotic dancing.

Sexual Abuse: Unwanted sexual activity when the perpetrator uses force, makes threats, or takes advantage of victims not able to give consent. Most victims and perpetrators know each other. Immediate reactions to sexual abuse include shock, fear or disbelief. Long-term symptoms include anxiety, fear, or post-traumatic stress disorder.

Sexual Assault: Sexual contact or behavior that occurs without explicit consent of the victim. Some forms of sexual assault include attempted rape or rape, fondling or unwanted sexual touching, forcing a victim to perform sexual acts such as oral sex, or penetrating the perpetrator's body.

Sexual Exploitation: Sexual exploitation means taking advantage of sexuality of a person to make a personal gain or profit. It is the abuse of a position of vulnerability, differential power, or trust for sexual purposes.

Sexual Harassment: A type of harassment technique that relates to gender or unwanted sexual advances or obscene remarks. Sexual harassment includes a range of actions from mild wrongdoing to sexual abuse or assault. Harassment can occur in many different social settings such as the workplace, the home, school, churches, etc. Harassers or victims may be of any gender.

Sexual Orientation: as a protected trait, a person's sexual identity, usually in terms of their gender and the gender of the person to whom they are attracted. Types of sexual orientations include but are not limited to gay, lesbian, straight, bisexual, and asexual.

Sexually Transmitted Infections (STIs): Sexually transmitted infections are infections you can get by having sex with someone who has an infection. STIs caused by viruses include hepatitis B, herpes, HIV, and the human papilloma virus (HPV). STIs caused by bacteria include chlamydia, gonorrhea, and syphilis.

Signature Loans: loans that are not secured by collateral. If you do not repay a signature loan, the lender has no collateral to keep. An example is a student loan. You can take out a loan from the government to help pay for college. If you do not repay your student loan in a timely manner, the government sue you for repayment and garnish your wages. But, because there is no "collateral" they cannot take your property and sell it to repay the loan.

Social Security Administration: Is a U.S. government agency that administers social programs covering disability, retirement, and survivors' benefits.

Social Security Disability Insurance: also known as SSDI.

Social Security Number: A nine digit number issued to U.S. citizens, permanent residents and temporary residents under section 205 of the Social Security Act.

Social Worker: “Social Worker” is a government worker who provides assistance, relief, and other social services to children and families to help them with difficulties relating to money, health, safety, physical and mental well-being, and social difficulties.

Source of Income: as a protected trait, means the origination of a person’s income. For example, you cannot be discriminated against by a potential landlord because your income is from public benefits. They could deny you the housing because you don’t have enough income, but not because of the source of your income.

Special Immigrant Juvenile Status (SIJS): type of status that protects you from deportation and makes it possible to apply for lawful permanent residence (a “green card”). If you are undocumented and you are dependent under Washington, D.C., law, SIJS may be an option for you to obtain legal immigration status. Other youth who may qualify are those who have been abandoned, abused, or neglected by one or both of their parents, even if they are not in foster care.

Squatting: is occupying an abandoned or unoccupied space or building, usually residential, that you do not own, rent, or otherwise have permission to use. Squatting generally refers to a longer duration than trespassing.

Stalking: A pattern of behavior used to intimidate or threaten someone, such as by unwanted physical or digital communication. Stalking can be another form of domestic and dating violence, but it can also be done by an acquaintance or a stranger. A stalker might follow, contact, intimidate or harass another person with the intent to make that person afraid or emotionally distressed.

Statement: In a law enforcement, court, or other legal context, a statement is an official description, explanation, story, or report made by a witness to an event. If it is in writing, it is generally signed and often can be used as evidence in a court case or other legal dispute. (Prior to signing any statement, carefully read it and edit it as much as you need to. Ask how much time you have to review and edit it before signing it. You should have enough time to think about it and make sure it is accurate and complete. If you have or will get a lawyer, consider reviewing it with your lawyer before signing.)

Status as a Victim of an Intra-Family Offense: as a protected trait, means a person who was subjected to domestic violence, dating abuse, sexual assault, or stalking.

Status Offense: An act prohibited by law that would not be an offense if committed by an adult, such as truancy, curfew violation, or running away.

Statute of Limitations: a time limit where you must bring certain kinds of legal action within that time, otherwise it expires.

Statutory Exclusion: Certain offenses committed by a juvenile aged 16 years or older may be excluded from the jurisdiction of the juvenile court and may instead be prosecuted in adult court.

Statutory Rape: the crime in which an individual has sexual intercourse with a minor, regardless of whether the minor agreed or not.

Structured Decision Making (SDM): A tool used by the Department of Youth Rehabilitation Services (DYRS) to determine the supervision and treatment needs of a delinquent child who has been committed to their care.

Substance abuse: The inability to reduce consumption, including, alcohol or drug addiction

Supplemental Nutrition Assistance Program (SNAP): provides nutrition benefits to supplement the food budget of needy families so they can purchase healthy food and become more independent and healthy.

Supplemental Security Income (SSI): a Federal income supplement program to help people who have little or no income and it provides cash to meet basic needs for food, clothing, and shelter.

Surgical Abortion: when the fetus is terminated and surgically removed from the uterus by a doctor.

Survivors: A person who survives. As used here, a family members who are still alive after the death of another.

T Visa: a nonimmigrant visa for victims of human trafficking.

Tax Return: a form on which a taxpayer makes an annual statement of income and personal circumstances, used by the tax authorities to assess liability for tax.\

Teen parent: an unmarried parent who is less than 18 years old or an unmarried parent who is 18 years old and is a full-time student in secondary school or the equivalent level of career training.

Temporary Assistance to Needy Families (TANF): a form of public assistance that provides temporary cash and medical help for eligible low-income applicants who are either pregnant or responsible for a child under 19.

Temporary Protection Order (TPO): An order signed by a judge that is similar to a civil protection order (CPO) but that can be granted almost immediately and is only temporary. TPOs in D.C. usually last for up to two weeks. TPOs are granted by a civil court, usually without the abuser present. A TPO is intended to maintain a safe situation temporarily while a hearing on the CPO is scheduled and heard. [D.C. Code § 16-1004\(b\)\(1\)](#). When a TPO expires, it can often be renewed if the CPO hearing has not happened yet. Similarly, a **temporary restraining order or TRO** lasts for approximately 14 days. A judge can order a party to do or not do something for that brief period of time, including staying away from and/or having no contact with you. In a TRO, the judge cannot order a party to go to counseling or drug treatment, pay money, address custody issues, or evict someone.

Temporary Protected Status (TPS): provides the recipient with temporary relief from deportation. TPS is not amnesty or immunity and does not provide you with legal immigration status or a path to lawful permanent residence or citizenship.

Threshold: a maximum amount of something; in this chapter, it means the maximum amount of income to be eligible for various programs.

TPAP: also known as Teen Parent Assessment Program.

Trans Legal Advocates of Washington: is a legal advocate organization that was founded in Washington, D.C. in order to serve the legal needs of transgender people in the D.C. area, which includes the immediate areas of Virginia and Maryland.

Transgender: a person whose sense of personal identity and gender does not correspond with their sex at birth.

Trespassing: entering someone else's land or property without express or implied permission of the owner.

Truancy: constantly missing school when you are legally required to go (ages 6-16)

U Visa: The U nonimmigrant visa for victims of crimes who have suffered substantial mental or physical abuse as a result of the crime and who are willing to help law enforcement and government officials in the investigation or prosecution of a crime.

U.S. Citizenship and Immigration Services (USCIS): an agency of the U.S. Department of Homeland Security that administers the country's naturalization and immigration system.

U.S. Department of State: the diplomatic wing of the U.S. federal government, handling matters of foreign affairs with other nations and international bodies. The State Department's primary job is to promote American foreign policy throughout the world.

U.S. Passport: form of identification that is issued exclusively by the U.S. Department of State which allows U.S. citizens and nationals to travel or temporarily reside in foreign territories. Passports also allow U.S. citizens and nationals access to U.S. consular services and assistance while abroad.

U.S. Work Permit: Is a form of identification that is issued by the U.S. Citizenship and Immigration Services. Its holders can show it to employers to prove their right to work in the U.S.

Unaccompanied Youth: under the [McKinney-Vento Homeless Assistance Act \(42 USC § 11434a\(6\)a\)](#): a **homeless** child or youth not in the physical custody of a parent or guardian.

Undocumented Immigrant: a person born outside the U.S. or its territories (like Puerto Rico), or a non-citizen who either overstayed a visa or entered the U.S. without inspection (EWI).

Utility: A business that supplies a community with a basic need, such as water or electricity.

Virus: a computer program that is designed to infiltrate your phone or computer and cause damage or steal information.

Victim or Survivor: you, your children, and any other family or household members who have experienced dating abuse, domestic violence, or another violent act.

Victim's Advocate: A person who works with a crime victim to file applications, locate victim service programs, support groups, or mental health counselors, and handle quality of life issues that arise after victimization.

Violence Against Women Act (VAWA): A U.S. federal law that, among other things, provides funding nationwide for the investigation and prosecution of domestic violence, dating violence, sexual assault, stalking, and sex trafficking. Although "women" is in the name, the protections provided by VAWA cover anyone, regardless of the gender of the victim or the abuser. It also allows spouses, parents, or children battered by family members to escape dangerous situations by filing an immigration visa petition without the knowledge of the abuser, if the abuser is a U.S. citizen or Lawful Permanent Resident.

Visa: an endorsement on a passport indicating that the holder is allowed to enter, leave, or stay for a specified period of time in a country.

Warrant: a piece of paper that represents an order issued by a judge that allows police to search or arrest you.

WIC: The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), is a federal and state program that gives food, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding women who recently had a baby, and to infants and children up to age five (5) who are at risk of being unhealthy due to poor nutrition.

Wire Transfer (Wiring Money): A process in which you request a bank or a financial institution to send or transfer money from one location to another location.

Work Permit: Legal authorization to work in the U.S. for a specific period of time.

Youth Family Team Meetings (YFTMs): structured planning and decision-making meetings handled by DYRS.

Youth: any person who is at least 13 years of age and under 18 years of age.

Youth Bill of Rights: The Youth Bill of Rights is a set of rights guaranteed by D.C. laws to all children and youth living in foster care.

Youth Services Center (YSC): a secure residential facility for detained youth.



www.homelessyouth.org