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**Before the Committees on Youth Affairs & on the Judiciary and Public Safety  
Council of the District of Columbia**

**Public Hearing Regarding:**

**B26-400  
Statutory Neglect Amendment Act**

**November 13, 2025**

Legal Aid DC<sup>1</sup> submits the following testimony regarding B26-400, the Statutory Neglect Amendment Act of 2025 ("the Act"). While our attorneys do not practice directly in abuse and neglect court, we often represent clients whose families have been involved with CFSA. Given our work with survivors and with Washington, D.C. residents living in poverty, Legal Aid can provide helpful insight on the Act and its implications on our community members. We thank the Council for its action to protect District families and keep vulnerable youth with their parents.

Though Legal Aid supports much of the intent behind the Act, there are several provisions that we believe will have unintended effects on vulnerable community members. We use this written testimony to discuss these effects and propose methods to address them.

**Issue 1: The addition of "exposure to domestic violence" as a new basis to find that a parent has abused their child puts protective parents at risk of losing their children due to the actions of their abuser.**

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<sup>1</sup> Legal Aid DC was formed in 1932 to "provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs." Over the last 87 years, tens of thousands of the District's neediest residents have been served by Legal Aid staff and volunteers. Legal Aid currently works in the areas of housing, family law, public benefits, immigration, and consumer protection. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal justice system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. More information about Legal Aid can be obtained from our website, [www.LegalAidDC.org](http://www.LegalAidDC.org), and our blog, [www.MakingJusticeReal.org](http://www.MakingJusticeReal.org).

The Act proposes changes to D.C. Code § 16-2301(23)(A)'s definition of "abused." Under the current statute, the term "abused," when used with reference to a child, means: "(i) infliction of physical or mental injury upon a child; (ii) sexual abuse or exploitation of a child; or (iii) negligent treatment or maltreatment of a child." The Act seeks to add "(iv) exposure to domestic violence as defined by section § 4-551" as an additional basis to find that a child has been abused.

D.C. Code § 4-551 defines domestic violence as a "pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner, dating partner, or family member. The term 'domestic violence' includes physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This consists of any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone."

We are concerned that the addition of "exposure to domestic violence" as a new basis to find that a parent has abused their child puts protective parents, specifically survivors of domestic violence, at risk of losing their children due to the actions of their abuser.

It can take a domestic violence survivor seven times before leaving an abusive relationship. The period of time where a survivor is leaving the abusive relationship is often the most dangerous time for the survivor and their families.<sup>2</sup> In an already extremely stressful and dangerous situation, the language of this bill would put additional burdens on survivors, many of whom are already worried about losing custody of their children to their abuser.

Further, D.C. Code § 4-551's definition of domestic violence is extremely broad – intentionally so, as it relates to the establishment of a Domestic Violence Hotline. It includes acts of abuse or control for which a survivor cannot obtain a civil protection

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<sup>2</sup> National Domestic Violence Hotline, "Why People Stay It's not as easy as simply walking away," <https://www.thehotline.org/support-others/why-people-stay-in-an-abusive-relationship/>.

order<sup>3</sup>, such as emotional or economic actions or threats of those actions. Because survivors cannot seek civil protection orders for every manifestation of domestic violence described in the statute, they will be less capable than ever of shielding their child from exposure to domestic violence in all its forms. As such, adding "exposure to domestic violence" to the abuse definition puts protective parents at risk of having neglect cases opened against them--cases which can lead to losing custody of their children. The addition of "exposure" places protective parents in a bind with limited statutory remedies available to them.

Furthermore, we believe the current statute and associated case law already provide protection for the children targeted by this proposed change. Under current law, D.C. Code § 16-2301(23)(A) also defines the term "abused," when used with reference to a child, to include "infliction of physical or mental injury upon a child." Case law interpreting the statute states that "evidence that a child was present during episodes of domestic violence" can be mental injury.<sup>4</sup>

We ask that D.C. Code § 16-2301(23)(A)(iv) be removed from the Act as a definition of "abused." A protective parent should not lose their child due to the actions of their abuser.

Alternatively, should the Council include the "exposure to domestic violence" provision in the Act over our recommendation to remove it, we strongly encourage using the definition of an "intrafamily offense" under D.C. Code § 16-1001(8) instead of the definition of domestic violence under D.C. Code § 4-551. If the Council continues to use D.C. Code § 4-551 to define domestic violence, a parent may not be able to obtain a civil protection order for their abuser's actions but risk losing their child and have neglect findings made against them. Using the definition of an "intrafamily offense" under D.C. Code § 16-1001(8) not only ensures consistency across the D.C. Code, but provides a statutory remedy for survivors for any act of domestic violence that could form the basis for an abuse finding, thereby providing

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<sup>3</sup> A survivor of domestic violence can obtain a civil protection order against their abuser under D.C. Code § 16-1001 et. seq. To obtain a civil protection order, a survivor must prove their abuser committed an "intrafamily offense" against them, which is defined as "(A) an offense punishable as a criminal offense against an intimate partner, a family member, or a household member; or (B) An offense punishable as cruelty to animals, under [§ 22-1001](#) or [§ 22-1002](#), against an animal that an intimate partner, family member, or household member owns, possesses, or controls." D.C. Code § 16-1001(8).

<sup>4</sup> *In re L.D.H.*, 776 A.2d 570, 575 (D.C. 2001). See also *In re N.P.*, 882 A.2d 241, 248 (D.C. 2005).

an option to survivors to address and eliminate their child's exposure to domestic violence.

We also recommend the Council specifically define the term “exposure” as proposed in the Act’s § 16-2301(23)(A)(iv), a term which is currently undefined. Including a definition of the term “exposure” can reduce the risk of interpretations that are overly broad, which currently place additional burdens on survivors. As domestic violence advocates who work with people living in poverty, we are dedicated to ensuring that our client communities are safe and that children have what they need to thrive. We know that the Council shares our views in this and believe that deleting this unnecessary provision will clarify the Act and keep the focus on the larger goals.

**Issue 2: The lack of financial means test<sup>5</sup> should be applied to the entirety of the Act’s § 16-2301 (9)(A)(ii) because poverty alone should not form the basis for neglect.**

While poverty and neglect are often correlated, poverty does not inherently mean a caregiver is neglectful.<sup>6</sup> A caregiver's limited financial means, alone, should not form the basis to make a finding of neglect against a parent. Caregivers should be given support by our community, not subjected to the breakup of their families due to factors outside of their control.

Additionally, poverty is racialized, impacting our local communities of color at higher rates, which also increases their likelihood of contact with the child welfare system.<sup>7</sup> Research shows that Black families are more likely to be the subject of initial reports, more likely to be investigated, and more likely to have allegations substantiated against them.<sup>8</sup> A child of color is more likely to enter the foster care system than a white child.<sup>9</sup>

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<sup>5</sup> We use this language to refer to provisions of the Act that permit the finding of neglect only where the alleged behavior is “is not due solely to lack of financial means”.

<sup>6</sup> See Yordy, Jill, *Poverty and Child Neglect: How Did We Get It Wrong?*. NCSL.org, February 21, 2023. [Poverty and Child Neglect: How Did We Get It Wrong? -...](#)

<sup>7</sup> See Levinson-Johnson, Jodi, *Poverty and Neglect Are Not The Same – It’s Time to Realign Our Response*. APHSA.org, May 21, 2021. [Poverty and Neglect Are Not the Same – It’s Time to Realign Our Response - APHSA](#)

<sup>8</sup> See Thomas, Margaret M C, Waldfogel, Jane, and Williams, Ovita F, *Inequities in CPS Contact Between Black and White Children*, Child Maltreatment, Feb. 1, 2023, at 42, 43-44.

<sup>9</sup> See Levinson-Johnson, Jodi, *Poverty and Neglect Are Not The Same – It’s Time to Realign Our Response*. APHSA.org, May 21, 2021. [Poverty and Neglect Are Not the Same – It’s Time to Realign](#)

Failing to include language that prohibits a finding of neglect where the allegation is solely due to lack of financial means risks disproportionately and unnecessarily subjecting communities of color to the child welfare system.

The Act proposes to include, as a definition of “neglect” under § 16-2301 (9)(A)(ii)(I), “[t]he failure of the child’s parent, guardian, or custodian to plan for or provide the child with adequate food, clothing, or shelter; education; or treatment or care necessary for the child’s physical or mental health, provided the failure is not due solely to lack of financial means.”

We recognize and appreciate the Council’s understanding of the dynamic between poverty and neglect, and their inclusion of language to protect families experiencing poverty. However, the Act also proposes to include, as a definition of “neglect” under § 16-2301 (9)(A)(ii)(I), “[t]he failure of the child’s parent, guardian, or custodian to plan for or provide adequate supervision for the child.” This provision does not include language prohibiting a finding of neglect where the alleged failure to plan or provide for adequate supervision for a child is due solely to a lack of financial means.

We recommend the Act apply the lack of financial means test to both provisions. The ability to provide supervision or plan for supervision can at times require sufficient financial means. For example, sometimes, the only factor prohibiting a parent from providing “adequate supervision” is having the financial means to hire a babysitter or afford a before or after school care program. Parents should not be at risk of losing their children solely because of poverty.

### **Issue 3: The terms “adequate supervision” and “environment” are not defined in the proposed bill.**

The Act’s definition of “neglect” under § 16-2301 (9)(A)(ii)(I), “[t]he failure of the child’s parent, guardian, or custodian to plan for or provide adequate supervision for the child”, contains two undefined terms, “adequate supervision” and “environment,” which will be subject to interpretation or misinterpretation if enacted as drafted. Without specific definitions, these broad and vague terms risk interpretations subject to implicit bias regarding who is found to be a neglected child.

If the Council decides to keep this provision as written, we request the opportunity to work together to narrow and clarify this language to ensure it is not used to harm our communities living in poverty, who may be more at risk of losing their children because they live in an environment that an agency employee could deem to be unsafe based on stereotypes or implicit biases.

**Issue 4: The language of the proposed protections stating that receipt of public benefits and lack of stable housing shall not be the sole basis for substantiating neglect is unclear.**

The Act proposes to include two new provisions in the statute, § 106(b-1) and § 106(b-2). Section 106(b-1) states that “[a] finding by the Agency of a parent or guardian’s eligibility for or receipt of public benefits shall not be used by the Agency as the sole basis to establish that parental failure is unrelated to a lack of financial means under §16-2301(9)(A)(ii).” Section 106(b-2) states that “[h]omelessness or lack of stable housing shall not be used by the Agency as the sole basis for substantiating neglect under § 16-2301(9)(A)(ii).”

We appreciate the Council’s commitment to protecting community members experiencing poverty and unstable housing. We believe these provisions are an important step towards protecting people experiencing poverty and survivors fleeing domestic violence from unnecessary contact with the child welfare system and recommend their inclusion in the Act. However, the provisions as written are unclear and risk being interpreted in ways that do not fulfill their protective intent.

We recommend the language of both provisions be clarified to ensure the protections are applied correctly to support our community. We support the proposed language recommended by the Office of the Attorney General: “§ 106(b-1) Eligibility for or receipt of public benefits alone is insufficient to establish that the failure is not due solely to the lack of financial means under this provision. § 106(b-2) Homelessness or lack of stable housing alone is insufficient to establish neglect under §16-2301(9)(A)(ii).”

Legal Aid applauds the Council for recognizing that changes need to be made to the statute to better protect children and families – especially those living in poverty. We thank the Council for considering our recommendations to the Act, which we believe, if adopted, will preserve the Act’s intent. We hope to continue discussions with the Council on how to better support and uplift our community.