



DISTRICT OF COLUMBIA
**JUVENILE BAR
ASSOCIATION**

**Testimony of William E. Mount, Esq.
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Before the Committee on Youth Affairs
Council of the District of Columbia
The Honorable Zachary Parker, Chairperson

Public Roundtable on the Department of Youth Rehabilitation Services' Fifth Rulemaking on
Community Placement of Juvenile Offenders
October 7, 2026

Good afternoon, Chairperson Parker and members of the Committee. My name is Will Mount. I am the President of the D.C. Juvenile Bar Association, and I have represented young people in delinquency cases in Superior Court for about ten years. Our members are the court-appointed lawyers who stand next to these kids at Community Status Review Hearings. We have submitted a detailed written statement, so I will flag one problem the rule ignores and then make three points.

What is at stake. These hearings decide whether a young person who is living at home or in a group home in their community gets removed and locked in a secure facility.

The problem the rule ignores comes first. DYRS routinely asks kids to sign away their right to this fundamental hearing in advance, before they are even placed in the community and before they are even accused of anything. Our members have seen this happen regardless of what "level" the youth was assessed to be or what their treatment recommendations were. This summer, one of our members had a client who was sent to New Beginnings for one reason: he did not sign the waiver. A success plan for home placement had been developed over several team meetings with the family and with educational and mental health professionals, and had even been filed with the court. None of that mattered because he wouldn't pre-emptively sign away his rights. And this is not a one-off. DYRS has developed routine forms for youth to give up their due process rights: a standard waiver and a separate one for suspended placements. Both are attached to our written statement. A child who signs never gets a hearing, so nothing else in this rule matters for that child. The rule should prohibit that practice.

The same goes for the Community Placement Agreement, the document whose breach gets a child locked up. DYRS is routinely having children sign these agreements without telling their lawyers. Even when our members have specifically requested to be present to support the client, DYRS still excludes them, taking the position that counsel does not need to be present. Counsel is not even provided a copy of the signed agreement after the fact without filing a records request with DYRS's General Counsel. Remember who is signing. Every one of these clients is a child, and the data consistently show that youth with disabilities are grossly overrepresented in the juvenile justice system. Many of our clients have learning disabilities or other challenges that make it hard to understand a legally binding document without a lawyer. If DYRS believes these agreements are fair, why is it working so hard to keep the lawyers out of the room? The rule should require notice to, and the opportunity for youth to consult with, their counsel.

Now to the rule itself. First, under this rule, the person who decides whether a child is locked up never hears the evidence. The three-member panel is gone. A single hearing officer decides only whether a violation occurred. The consequence is decided later, on paper, by a Deputy Director who never sees a witness, never hears argument, and never hears from the child. The most important decision in the case happens outside the hearing room.

Second, the rule makes it easier to remove a child and harder to come back. Emergency removal used to require an independent finding of probable cause. Now it takes a "reasonable basis," decided on DYRS's own paperwork, without the child being heard. After that, the child stays in secure detention through every level of appeal, including an appeal filed by DYRS.

Third, the rule expands from 13 to 20 the categories of offenses where a charge alone forces DYRS to seek revocation. Not a finding of probable cause. Not an adjudication. A charge. In 2019, the Court of Appeals vacated a DYRS revocation that relied in part on an arrest a judge had already found was not supported by probable cause. And consider who gets charged. Black youth are about half of the young people in this city and more than nine out of ten of the young people arrested. Our clients are too often arrested for what they look like and where they live, not for what they have done. The Attorney General's own numbers show how many of those arrests go nowhere. Even in the year he described as having the highest papering rate in at least five years, his office declined to bring charges on roughly one in four of the juvenile arrests police present to it. A rule that forces a revocation petition on the charge alone will only serve to increase those disparities.

The rule also cuts the time to appeal from seven business days to three, sets no firm deadline for DYRS to turn over its evidence and no penalty when it is late, and treats every missed hearing as a violation no matter the reason.

The rule gets some things right. Hearings will be recorded, the burden of proof will be on DYRS, and children will be represented by lawyers. We support that.

But on balance, this rule moves in the wrong direction. We ask the Committee to press DYRS to fix it, and to legislate if DYRS will not. Fixing these problems now will also mean fewer appeals later, and less chance that this rule ends up back in front of this Committee. Our members are ready to assist in drafting the language. Thank you.

The D.C. Juvenile Bar Association's full written statement, with citations and requested revisions to each provision, has been submitted separately for the record.