

VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

CHAPTER 503

An Act to amend and reenact § 63.1-55.4 of the Code of Virginia, relating to adult protective services.

[H 2533]

Approved March 22, 2001

Be it enacted by the General Assembly of Virginia:

1. That § 63.1-55.4 of the Code of Virginia is amended and reenacted as follows:

§ 63.1-55.4. Same; duty of director upon receiving report; confidentiality.

Any director of a department of social services or public welfare who receives a report that a person is in need of protective services shall make a prompt and thorough investigation to determine whether the person is in need of protective services and what services are needed. The investigation shall include a visit to the person and consultation with others having knowledge of the facts of the particular case. If the department is denied access to interview the person or denied entrance to the residence of the person believed to be an adult in need of protective services, the department may petition the circuit court for an order allowing access or entry or both. Upon a showing of good cause, the court may enter such order upon a petition supported by an affidavit or by sworn testimony in person which establishes that such department has received a report that the individual is in need of protective services and access to interview the person has been denied the department by a third party. After completing the investigation, the director shall make a written report of the case indicating whether he believes protective services are needed. If a report that a person is in need of protective services is unfounded, the director shall notify the individual making the report of this determination. If the director determines that the adult needs protective services according to the criteria set forth in subsection A of § 63.1-55.6, the director may petition the circuit court for an emergency order for protective services pursuant to § 63.1-55.6. *If the case involves a regulated facility, and if the person alleged to be in need of services leaves the facility or if his safety is otherwise assured, the director shall forthwith refer the case to the appropriate regulatory authority or agency for administrative or criminal investigation. The director shall, not later than forty-five days after referral, contact the investigating agency to determine the status of the investigation.*

All reports, documentary evidence, and other information received or maintained by the director pursuant to this section shall be confidential and not subject to the Virginia Freedom of Information Act (§ 2.1-340 et seq.), except that such information may be disclosed to persons having a legitimate interest therein where disclosure of the information is reasonably necessary for the conduct of investigations by state or local government agencies or the provision of services to the individual who is the subject of the report, in accordance with regulations promulgated by the Board. Such regulations shall require that the Board receive appropriate assurances from the agencies to which the information is disclosed that it will be held confidential except to the extent that disclosure is required by law.