

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 641

An Act to amend and reenact §§ 63.1-248.6:02 and 63.1-248.19 of the Code of Virginia, relating to child protective services differential response.

[H 828]

Approved April 6, 2002

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.1-248.6:02 and 63.1-248.19 of the Code of Virginia are amended and reenacted as follows:

§ 63.1-248.6:02. Family assessments by local departments.

A. When a local department has been designated as a child protective services differential response system participant by the Department pursuant to § 63.1-248.2:1 and responds to the report or complaint by conducting a family assessment, the local department shall:

1. Conduct an immediate family assessment and, if the report or complaint was based upon one of the factors specified in subsection A1 of § 63.1-248.3, the department may file a petition pursuant to § 16.1-241.3;

2. Immediately contact the subject of the report and the family of the child alleged to have been abused or neglected and give each a written *and an oral* explanation of the family assessment procedure. The family assessment shall be in writing and shall be completed in accordance with Board regulation;

3. Complete the family assessment within forty-five days and transmit a report to such effect to the Department and to the person who is the subject of the family assessment. However, upon written justification by the local department, the family assessment may be extended, not to exceed a total of sixty days;

4. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and his family. *Families have the option of declining the services offered as a result of the family assessment. If the family declines the services, the case shall be closed unless the local department determines that sufficient cause exists to redetermine the case as one that needs to be investigated. In no instance shall a case be redetermined as an investigation solely because the family declines services;*

5. Petition the court for services deemed necessary including, but not limited to, removal of the child or his siblings from their home;

6. Make no disposition of founded or unfounded for reports in which a family assessment is completed. *Reports in which a family assessment is completed shall not be entered into the central registry contained in § 63.1-248.8; and*

7. Commence an immediate investigation, if at any time during the completion of the family assessment, the local department determines that an investigation is required.

B. When a local department of social services has been designated as a child protective services differential response agency by the Department, the local department may investigate any report of child abuse or neglect, but the following valid reports of child abuse or neglect shall be investigated: (i) sexual abuse, (ii) child fatality, (iii) abuse or neglect resulting in serious injury as defined in § 18.2-371.1, (iv) child has been taken into the custody of the local department of social services, or (v) cases involving a caretaker at a state-licensed child day center, religiously exempt child day center, regulated family day home, private or public school, or hospital or any institution.

§ 63.1-248.19. Evaluation of the child protective services differential response system.

The Department shall evaluate and report on the impact and effectiveness of the implementation of the child protective services differential response system in meeting the purposes set forth in this chapter. The evaluation shall include, but is not limited to, the following information: changes in the number of investigations, the number of families receiving services, the number of families rejecting services, *the effectiveness of the initial assessment in determining the appropriate level of intervention*, the impact on out-of-home placements, the availability of needed services, community cooperation, successes and problems encountered, the overall operation of the child protective services differential response system and recommendations for improvement. The Department shall submit annual reports to the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services.