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HOUSE BILL NO. 1135

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend and reenact §§ 63.2-1502 and 63.2-1516.1 of the Code of Virginia, relating to child protective services; training and investigation procedures.

Patrons—McDonnell, Black, Landes, Lingamfelter, Nixon and Sherwood; Senators: Hanger, Puckett, Quayle and Ruff

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-1502 and 63.2-1516.1 of the Code of Virginia are amended and reenacted as follows:

§ 63.2-1502. Establishment of Child-Protective Services Unit; duties.

There is created a Child-Protective Services Unit in the Department that shall have the following powers and duties:

1. To evaluate and strengthen all local, regional and state programs dealing with child abuse and neglect.

2. To assume primary responsibility for directing the planning and funding of child-protective services. This shall include reviewing and approving the annual proposed plans and budgets for protective services submitted by the local departments.

3. To assist in developing programs aimed at discovering and preventing the many factors causing child abuse and neglect.

4. To prepare and disseminate, including the presentation of, educational programs and materials on child abuse and neglect.

5. To provide educational programs for professionals required by law to make reports under this chapter.

6. To establish standards of training and provide educational programs to qualify workers in the field of child-protective services. *Such standards of training shall include provisions regarding the legal duties of the workers in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment.*

7. To establish standards of training and educational programs to qualify workers to determine whether complaints of abuse or neglect of a child in a private or state-operated hospital, institution or other facility, or public school, are founded.

8. To maintain staff qualified pursuant to Board regulations to assist local department personnel in determining whether an employee of a private or state-operated hospital, institution or other facility or an employee of a school board, abused or neglected a child in such hospital, institution, or other facility, or public school.

9. To monitor the processing and determination of cases where an employee of a private or state-operated hospital, institution or other facility, or an employee of a school board, is suspected of abusing or neglecting a child in such hospital, institution, or other facility, or public school.

10. To help coordinate child-protective services at the state, regional, and local levels with the efforts of other state and voluntary social, medical and legal agencies.

11. To maintain a child abuse and neglect information system that includes all cases of child abuse and neglect within the Commonwealth.

12. To provide for methods to preserve the confidentiality of all records in order to protect the rights of the child, and his parents or guardians.

§ 63.2-1516.1. Investigation procedures involving person who is the subject of the complaint; release of information in joint investigations.

A. Except as provided in subsection B of this section, ~~in cases where a child is alleged to have been abused or neglected by a teacher, principal or other person employed by a local school board or employed in a school operated by the Commonwealth, in the course of such employment in a nonresidential setting,~~ the local department conducting the investigation shall comply with the following provisions in conducting its investigation:

1. The local department shall conduct a face-to-face interview with the person who is the subject of the complaint or report.

2. At the onset of the initial interview with the alleged abuser or neglector, the local department shall notify him in writing of the general nature of the complaint and the identity of the alleged child victim

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58 regarding the purpose of the contacts.

59 3. The written notification shall include the information that the alleged abuser or neglecter has the
60 right to have an attorney or other representative of his choice present during his interviews. However,
61 the failure by a representative of the Department of Social Services to so advise the subject of the
62 complaint shall not cause an otherwise voluntary statement to be inadmissible in a criminal proceeding.

63 4. Written notification of the findings shall be submitted to the alleged abuser or neglecter. The
64 notification shall include a summary of the investigation and an explanation of how the information
65 gathered supports the disposition.

66 5. The written notification of the findings shall inform the alleged abuser or neglecter of his right to
67 appeal.

68 6. The written notification of the findings shall inform the alleged abuser or neglecter of his right to
69 review information about himself in the record with the following exceptions:

70 a. The identity of the person making the report.

71 b. Information provided by any law-enforcement official.

72 c. Information that may endanger the well-being of the child.

73 d. The identity of a witness or any other person if such release may endanger the life or safety of
74 such witness or person.

75 B. In all cases in which an alleged act of child abuse or neglect is also being criminally investigated
76 by a law-enforcement agency, and the local department is conducting a joint investigation with a
77 law-enforcement officer in regard to such an alleged act, no information in the possession of the local
78 department from such joint investigation shall be released by the local department except as authorized
79 by the investigating law-enforcement officer or his supervisor or the local attorney for the
80 Commonwealth.

81 C. Failure to comply with investigation procedures does not preclude a finding of abuse or neglect if
82 such a finding is warranted by the facts.