

060872768

SENATE BILL NO. 48

Offered January 11, 2006

Prefiled December 28, 2005

A BILL to amend and reenact § 63.2-900 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.2-900.1, relating to kinship foster care.

Patron—Miller

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-900 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 63.2-900.1, as follows:

§ 63.2-900. Accepting children for placement in homes, facilities, etc., by local boards.

A. Pursuant to § 63.2-319, a local board shall have the right to accept for placement in suitable family homes, children's residential facilities or independent living arrangements, subject to the supervision of the Commissioner and in accordance with regulations adopted by the Board, such persons under 18 years of age as may be entrusted to it by the parent, parents or guardian, committed by any court of competent jurisdiction, or placed through an agreement between it and the parent, parents or guardians where legal custody remains with the parent, parents, or guardians.

The Board shall adopt regulations for the provision of foster care services by local boards, which shall be directed toward the prevention of unnecessary foster care placements and towards the immediate care of and permanent planning for children in the custody of or placed by local boards and that shall achieve, as quickly as practicable, permanent placements for such children. ~~The In determining foster care placement, the local board shall first seek out kinship care options to keep children out of foster care and as a placement option for those children in foster care, if it is in the child's best interest pursuant to § 63.2-900.1.~~

The local board shall, in accordance with the regulations adopted by the Board and in accordance with the entrustment agreement or other order by which such person is entrusted or committed to its care, have custody and control of the person so entrusted or committed to it until he is lawfully discharged, has been adopted or has attained his majority.

Whenever a local board places a child where legal custody remains with the parent, parents or guardians, the board shall enter into an agreement with the parent, parents or guardians. The agreement shall specify the responsibilities of each for the care and control of the child.

The local board shall have authority to place for adoption, and to consent to the adoption of, any child properly committed or entrusted to its care when the order of commitment or entrustment agreement between the parent or parents and the agency provides for the termination of all parental rights and responsibilities with respect to the child for the purpose of placing and consenting to the adoption of the child.

The local board shall also have the right to accept temporary custody of any person under 18 years of age taken into custody pursuant to subdivision B of § 16.1-246 or 63.2-1517. The placement of a child in a foster home, whether within or without the Commonwealth, shall not be for the purpose of adoption unless the placement agreement between the foster parents and the local board specifically so stipulates.

B. Prior to the approval of any family for placement of a child, a home study shall be completed as prescribed in regulations adopted by the Board.

C. Prior to placing any such child in any foster home or children's residential facility, the local board shall enter into a written agreement with the foster parents or other appropriate custodian setting forth therein the conditions under which the child is so placed pursuant to § 63.2-902. However, if a child is placed in a children's residential facility licensed as a temporary emergency shelter, and a verbal agreement for placement is secured within eight hours of the child's arrival at the facility, the written agreement does not need to be entered into prior to placement, but shall be completed and signed by the local board and the facility representative within 24 hours of the child's arrival or by the end of the next business day after the child's arrival.

D. Within 72 hours of placing a child of school age in a foster care placement, as defined in § 63.2-100, the local social services agency making such placement shall, in writing, (i) notify the principal of the school in which the student is to be enrolled and the superintendent of the relevant school division or his designee of such placement, and (ii) inform the principal of the status of the parental rights.

INTRODUCED

SB48

59 If the documents required for enrollment of the foster child pursuant to § 22.1-3.1, 22.1-270 or
60 22.1-271.2, are not immediately available upon taking the child into custody, the placing social services
61 agency shall obtain and produce or otherwise ensure compliance with such requirements for the foster
62 child within 30 days after the child's enrollment.

63 § 63.2-900.1. *Kinship foster care.*

64 A. *The local board shall, in accordance with regulations adopted by the Board, determine whether*
65 *the child has a relative who is eligible to become a kinship foster parent. To be eligible, the relative*
66 *must:*

67 1. *Be related, through blood, marriage, or adoption, within the first three degrees to the parent or*
68 *step-parent of the child.*

69 2. *Be 21 years of age or older, except that if the spouse or partner of the relative is 21 years of age*
70 *or older and living in the home, and the relative is between 18 and 21 years of age, the department*
71 *may waive the age requirement.*

72 B. *Before making a kinship foster care placement, the local board shall conduct a criminal history*
73 *check pursuant to §63.2-901.1.*

74 C. *Kinship foster care placements pursuant to this section shall be subject to all other requirements*
75 *and shall be eligible for all services related to foster care placement contained in this chapter.*

76 D. *The kinship foster parent shall be eligible to receive payment at the full foster care rate for the*
77 *care of the child.*