

VIRGINIA ACTS OF ASSEMBLY -- 2007 SESSION

CHAPTER 617

An Act to amend and reenact § 63.2-901.1 of the Code of Virginia, relating to criminal history and central registry check for placement of children.

[H 1687]

Approved March 20, 2007

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-901.1 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-901.1. Criminal history and central registry check for placements of children.

A. Each local board and licensed child-placing agency shall obtain and consider, in accordance with regulations adopted by the Board, criminal history record information from the Central Criminal Records Exchange and the Federal Bureau of Investigation through the Central Criminal Records Exchange and the results of a search of the child abuse and neglect central registry of any individual with whom the local board or agency is considering placing a child on an emergency, temporary or permanent basis, including the birth parent of a child in foster care placement *unless the birth parent has revoked an entrustment agreement pursuant to § 63.2-1223 or 63.2-1817 or a local board or birth parent revokes a placement agreement while legal custody remains with the parent, parents, or guardians pursuant to § 63.2-900*. The local board or agency may also obtain such a criminal records or registry search on all adult household members residing in the home of the individual with whom the child is to be placed. The local board or child placing agency shall require the individual for whom a criminal history record information check was requested to submit to fingerprinting and provide personal descriptive information to be forwarded along with the fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal record history information. Such state criminal records or registry search shall be at no cost to the individual. The local board or child placing agency will be required to pay for the national fingerprint criminal history record check or may require such individual to pay the cost of the fingerprinting or the national fingerprinting criminal history record check or both. If the placement is not made because of information obtained through a national fingerprint criminal history or registry search or both, the local board or agency, upon request, shall provide a copy of the information obtained to the individual who is the subject of the search. Further dissemination of the information provided to the local board or agency is prohibited.

B. In emergency circumstances, each local board or licensed child-placing agency may obtain, from a criminal justice agency, criminal history record information from the Central Criminal Records Exchange and the Federal Bureau of Investigation through the Virginia Criminal Information Network (VCIN) for the criminal records search authorized by this section. Within three days of placing a child, the local board or child placing agency shall require the individual for whom a criminal history record information check was requested to submit to fingerprinting and provide personal descriptive information to be forwarded along with the fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal record history information. The child shall be removed from the home immediately if any adult resident fails to provide such fingerprints and written permission to perform a national criminal history record check when requested. Such state criminal records or registry search shall be at no cost to the individual. The local board or child placing agency will be required to pay for the national fingerprint criminal history record check or may require such individual to pay the cost of the fingerprinting or the national fingerprint criminal history record check or both.

C. A child-placing agency may approve as a foster parent an applicant convicted of not more than one misdemeanor as set out in § 18.2-57 not involving abuse, neglect, moral turpitude, or a minor, provided 10 years have elapsed following the conviction.