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HOUSE BILL NO. 1839

Offered January 10, 2007

Prefiled January 3, 2007

A BILL to amend and reenact § 63.2-1505 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 17 of Title 63.2 an article numbered 3.1, consisting of sections numbered 63.2-1727.1 through 63.2-1727.4, relating to the Child Care Provider Registry.

Patrons—Fralin and Tata

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1505 of the Code of Virginia is amended and reenacted and the Code of Virginia is amended by adding in Chapter 17 of Title 63.2 an article numbered 3.1, consisting of sections numbered 63.2-1727.1 through 63.2-1727.4 as follows:

§ 63.2-1505. Investigations by local departments.

A. An investigation requires the collection of information necessary to determine:

1. The immediate safety needs of the child;
2. The protective and rehabilitative services needs of the child and family that will deter abuse or neglect;

3. Risk of future harm to the child;

4. Alternative plans for the child's safety if protective and rehabilitative services are indicated and the family is unable or unwilling to participate in services;

5. Whether abuse or neglect has occurred;

6. If abuse or neglect has occurred, who abused or neglected the child; and

7. A finding of either founded or unfounded based on the facts collected during the investigation.

B. If the local department responds to the report or complaint by conducting an investigation, the local department shall:

1. Make immediate investigation and, if the report or complaint was based upon one of the factors specified in subsection B of § 63.2-1509, the local department may file a petition pursuant to § 16.1-241.3;

2. Complete a report and transmit it forthwith to the Department, except that no such report shall be transmitted in cases in which the cause to suspect abuse or neglect is one of the factors specified in subsection B of § 63.2-1509 and the mother sought substance abuse counseling or treatment prior to the child's birth;

3. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and his family;

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

5. Determine within forty-five days if a report of abuse or neglect is founded or unfounded and transmit a report to such effect to the Department and to the person who is the subject of the investigation. However, upon written justification by the local department, such determination may be extended, not to exceed a total of sixty days. If through the exercise of reasonable diligence the local department is unable to find the child who is the subject of the report, the time the child cannot be found shall not be computed as part of the forty-five-day or sixty-day period and documentation of such reasonable diligence shall be placed in the record; and

6. If a report of abuse or neglect is unfounded, transmit a report to such effect to the complainant and parent or guardian and the person responsible for the care of the child in those cases where such person was suspected of abuse or neglect.

7. If a report of abuse or neglect is founded, transmit a report to such effect to the Department. Upon receipt of such report, the Department shall update the Virginia Child Care Provider Registry to reflect the finding of a founded complaint of abuse or neglect by removing the name of the subject of the founded complaint of abuse or neglect.

Article 3.1.

Virginia Child Care Provider Registry.

§ 63.2-1727.1. Virginia Child Care Provider Registry created.

The Virginia Child Care Provider Registry (the Registry) is established in the Department of Social Services. Child care providers who wish to offer their services in the Commonwealth, and who are not required to be licensed pursuant to this chapter, may voluntarily register with the Registry and authorize

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HB1839

59 the Registry to disclose whether or not the registered provider is the subject of a founded complaint of
60 child abuse or neglect within the Commonwealth, in accordance with this article.

61 § 63.2-1727.2. Registration; form; required information; penalty.

62 A. "Child care provider" means any provider of care in the residence of the provider or the home of
63 any of the children in care, of any children under the age of 13, exclusive of the provider's own
64 children and any children who reside in the home, when at least one child receives care for
65 compensation.

66 B. Any individual who is (i) 18 years or older and (ii) a citizen of the United States or a resident
67 alien may register with the Registry.

68 C. The Department shall prepare a registration form that shall require (i) the registrant's current
69 name and any other name by which he was known; (ii) the registrant's address and telephone number;
70 (iii) the registrant's date of birth; and (iv) the registrant's social security number. The registration form
71 shall be signed by the registrant. Any false statement in the registration form, if such statement is
72 knowingly or willfully made, shall be a ground for prosecution of perjury as provided for in § 18.2-434.

73 D. A registrant may withdraw from the Registry at any time by submitting a notarized affidavit to
74 that effect to the Department.

75 § 63.2-1727.3. Duties of the Department.

76 A. Upon receipt of the registration form, the Department shall conduct a search of the records
77 contained in the central registry and shall maintain the results of such search in the Registry database.

78 B. The Department shall establish and maintain the Registry and adopt rules and regulations to
79 carry out the provisions of this article.

80 C. The Department shall assess a \$10 registration fee, which shall be deposited in the Child Care
81 Provider Registry Fund established in § 63.2-1727.4.

82 § 63.2-1727.4. Virginia Child Care Provider Registry Fund.

83 There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia
84 Child Care Provider Registry Fund, hereafter referred to as "the Fund." The Fund shall be established
85 on the books of the Comptroller. All registration fees collected by the Department pursuant to
86 § 63.2-1727.3 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys
87 in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund,
88 including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall
89 remain in the Fund. Moneys in the Fund shall be used solely for the purposes of the administration of
90 the Virginia Child Care Provider Registry. Expenditures and disbursements from the Fund shall be
91 made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the
92 Commissioner.