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HOUSE BILL NO. 850

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare, and Institutions
on January 24, 2008)

(Patron Prior to Substitute—Orrock)

A *BILL to amend and reenact §§ 63.2-900 and 63.2-902 of the Code of Virginia, relating to a foster care agreement.*

Be it enacted by the General Assembly of Virginia:**1. That §§ 63.2-900 and 63.2-902 of the Code of Virginia are amended and reenacted 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 Board shall also approve in foster care policy the language of the agreement required in § 63.2-902. The agreement shall include at a minimum a Code of Ethics and mutual responsibilities for all parties to the agreement.* -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, *pursuant to § 63.2-902*, 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.

If the documents required for enrollment of the foster child pursuant to § 22.1-3.1, 22.1-270 or 22.1-271.2, are not immediately available upon taking the child into custody, the placing social services

60 agency shall obtain and produce or otherwise ensure compliance with such requirements for the foster
61 child within 30 days after the child's enrollment.

62 § 63.2-902. Agreements with persons taking children.

63 Every local board and licensed child-placing agency shall, with respect to each child placed by it in a
64 foster home or children's residential facility, enter into a written agreement *as approved in foster care*
65 *policy* with the head of such home or facility, which agreement shall provide that the authorized
66 representatives of the local board or agency shall have access at all times to such child and to the home
67 or facility, and that the head of the home or facility will release custody of the child so placed to the
68 authorized representatives of the local board or agency whenever, in the opinion of the local board or
69 agency, or in the opinion of the Commissioner, it is in the best interests of the child.

70 **2. That the Board of Social Services shall approve the agreement in foster care policy by January**
71 **1, 2009, establishing the requirements of the agreement signed by foster parents prior to**
72 **placement of children in their home as referenced in subsection C of § 63.2-900 of the Code of**
73 **Virginia. In approving the foster care policy, the Board shall assure that the Department has**
74 **secured input from representatives from foster and adoptive families, local boards and**
75 **departments, child-placing agencies, judicial staff, youth in foster and adoptive homes, and such**
76 **other advocates or experts as the Board deems necessary. The Board shall ensure that the**
77 **agreement includes: (i) the identification of mutual responsibilities for foster parents, foster care**
78 **workers, and directors of child-placing agencies, including local departments; (ii) a Code of Ethics**
79 **for all parties to the agreement; and (iii) the model agreement required to be used by all local**
80 **departments and private agencies that requires the signature of each foster parent and worker, as**
81 **well as the local department of social services' or child-placing agency's chief executive officer.**