

VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

CHAPTER 124

An Act to amend and reenact §§ 63.2-906 and 63.2-910 of the Code of Virginia, relating to foster care; placement of a child pursuant to agreement.

[S 1012]

Approved February 25, 2009

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-906 and 63.2-910 of the Code of Virginia are amended and reenacted as follows:

§ 63.2-906. Foster care plans; permissible plan goals; court review of foster children.

A. Each child, who is committed or entrusted to the care of a local board or to a licensed child-placing agency, or who is placed through an agreement between a local board or a public agency designated by the community policy and management team and the parent, parents or guardians, where legal custody remains with the parent, parents or guardians, shall have a foster care plan prepared by the local department, the designated public or child welfare agency, or the family assessment and planning team established pursuant to § 2.2-5207, as specified in § 16.1-281. The representatives of such department, child welfare agency, or team shall involve the child's parent(s) in the development of the plan, except when parental rights have been terminated or the local department of social services or other designated child welfare agency has made diligent efforts to locate the parent(s) and such parent(s) cannot be located, and any other person or persons standing in loco parentis at the time the board or child welfare agency obtained custody or the board or the public child welfare agency placed the child. The representatives of such department, child welfare agency, or team shall involve the child in the development of the plan, if such involvement is consistent with the best interests of the child. In cases where either the parent(s) or child is not involved in the development of the plan, the department, child welfare agency, or team shall include in the plan a full description of the reasons therefor.

A court may place a child in the care and custody of (i) a public agency in accordance with § 16.1-251 or 16.1-252, and (ii) a public or licensed private child-placing agency in accordance with § 16.1-278.2, 16.1-278.4, 16.1-278.5, 16.1-278.6, or 16.1-278.8. Children may be placed by voluntary relinquishment in the care and custody of a public or private agency in accordance with § 16.1-277.01 or §§ 16.1-277.02 and 16.1-278.3. Children may be placed through an agreement where legal custody remains with the parent, parents or guardians in accordance with §§ 63.2-900 and 63.2-903, or § 2.2-5208.

B. Each child in foster care shall be assigned a permanent plan goal to be reviewed and approved by the juvenile and domestic relations district court having jurisdiction of the child's case. Permissible plan goals are to:

1. Transfer custody of the child to his prior family;
2. Transfer custody of the child to a relative other than his prior family;
3. Finalize an adoption of the child;
4. Place the child in permanent foster care;
5. Transition to independent living; or
6. Place the child in another planned permanent living arrangement in accordance with subsection A 2 of § 16.1-282.1.

C. Each child in foster care shall be subject to the permanency planning and review procedures established in §§ 16.1-281, 16.1-282, and 16.1-282.1.

§ 63.2-910. Child support for child placed in foster care where legal custody remains with parent or guardian.

Responsible persons shall pay child support for a child placed in foster care through an agreement where legal custody remains with the parent or guardian pursuant to subdivision 4 of § 16.1-278.2 or § 63.2-900, from the date that the child was placed in foster care. The agreement between the parents and the local board or public agency shall include provisions for the payment of child support. In fixing the amount of support, the court, the Division of Child Support Enforcement, and the local board or the public agency shall consider the extent to which the payment of support by the responsible person may affect the ability of such responsible person to implement a foster care plan. If the responsible person fails or refuses to pay such sum on a timely basis, the local board or public agency may petition the juvenile court to order such payment.