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HOUSE BILL NO. 1904

Offered January 14, 2009

Prefiled January 13, 2009

A *BILL to amend the Code of Virginia by adding in Chapter 15 of Title 63.2 an article numbered 6, consisting of a section numbered 63.2-1530, relating to the Virginia Child Protection Accountability System.*

 Patron—Armstrong

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 15 of Title 63.2 an article numbered 6, consisting of a section numbered 63.2-1530 as follows:

*Article 6.**Virginia Child Protection Accountability System.**§ 63.2-1530. Virginia Child Protection Accountability System.*

A. *The Virginia Child Protection Accountability System (the System) is created to collect and make available to the public information on the response to reported cases of child abuse and neglect in the Commonwealth. The Department shall establish and maintain the System. The Board shall promulgate regulations to implement the provisions of this section.*

B. *The following information shall, notwithstanding any state law regarding privacy or confidentiality of records, be included in the System and made available to the public via a website established and maintained by the Department and in print format:*

1. *From the Department, (i) the total number of complaints alleging child abuse, neglect, or a combination thereof received, (ii) the total number of complaints deemed valid pursuant to § 63.2-1508, (iii) the total number of complaints that resulted in a report to the attorney for the Commonwealth and local law-enforcement agency pursuant to subsection D of § 63.2-1503, (iv) the total number of complaints that resulted in a report to the regional medical examiner pursuant to subsection E of § 63.2-1503, (v) the total number of complaints investigated by the Department pursuant to subsection I of § 63.2-1503 and § 63.2-1505, (vi) the total number of cases determined to be founded cases of abuse or neglect, (vii) the total number of cases for which a petition for services was filed with the juvenile and domestic relations court for the county or city, by type of abuse alleged, and (viii) the total number of cases resulting in a finding that the complaint was founded resulting in administrative appeal. Information reported pursuant to (viii) above shall be reported by total number of appeals to the local department, total number of appeals to the Department, and total number of appeals by outcome of the appeal, and shall be reported by region. For each category of information required by this subdivision, the Department shall also report the total number of cases by type of abuse; by gender, age, and race of the alleged victim; and by the nature of the relationship between the alleged victim and alleged abuser.*

2. *From each juvenile and domestic relations court in the Commonwealth, (i) the total number of petitions alleging abuse or neglect of a child sought to be filed with the court; (ii) the total number of petitions authorized by the court intake officer for filing and the number of petitions not authorized by the intake officer pursuant to subsection C of § 16.1-260, and, for petitions not authorized by the intake officer, the reasons for the rejection, including (a) the intake officer does not believe that probable cause exists to believe that abuse or neglect has occurred, (b) the intake officer believes that authorization of the petition is not in the best interests of the family or juvenile, or (c) the intake officer believes that the matter may be effectively dealt with by some agency other than the court; (iii) the total number of cases in which an attorney was appointed for a child; (iv) the total number of cases in which a nonattorney guardian ad litem or court-appointed special advocate was appointed for the child; (v) the total number of cases resulting in entry of an order by the court; (vi) the total number of cases in which the final order entered differed from the outcome requested by the attorney for the Department; and (vii) the total number of cases appealed, including the total number of cases appealed by the attorney for the Department, the attorney for the child, and the attorney for the parent. Information related to the total number of petitions filed with the court shall be reported by identity of the person filing the petition. Information related to the total number of cases resulting in entry of an order by the court shall be reported by type of order entered. For each category of information required by this subdivision, the court shall also report the total number of cases by type of abuse alleged; by gender, age, and race of the alleged victim; and by the nature of the relationship between the alleged victim*

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59 and alleged abuser.

60 3. From every law-enforcement agency in the Commonwealth (i) the total number of reports of child
61 abuse and neglect filed with the agency, (ii) the total number of cases in which a search warrant was
62 authorized, (iii) the total number of cases in which an arrest was made, and (iv) the total number of
63 cases referred to the attorney for the Commonwealth for the city or county. For each category of
64 information required by this subdivision, the agency shall also report the total number of cases by type
65 of abuse alleged; by gender, age, and race of the alleged victim; and by the nature of the relationship
66 between the alleged victim and alleged abuser.

67 4. From the attorney for the Commonwealth for each county and city in the Commonwealth, (i) the
68 total number of cases of alleged child abuse and neglect referred to the agency, (ii) the total number of
69 cases in which charges were filed, (iii) the total number of cases referred to the agency and not
70 prosecuted, (iv) the total number of cases resulting in a plea agreement, and (v) the total of number of
71 cases that resulted in a trial. For information reported pursuant to (iii) above, the agency shall report
72 the reason why the agency declined to prosecute the case. For each category of information required by
73 this subdivision, the office shall also report the total number of cases by type of abuse alleged; by
74 gender, age, and race of the alleged victim; and by the nature of the relationship between the alleged
75 victim and alleged abuser.

76 5. From every circuit court in the Commonwealth (i) the total number cases referred, (ii) the total
77 number of trials involving alleged abuse or neglect of a child, including the number of bench trials and
78 the number of jury trials; (iii) the total number of trials resulting in (a) a plea agreement, (b) referral
79 of the case to another court, (c) dismissal of all charges, (d) conviction on a lesser included offense,
80 and (e) conviction on all charges, by type of trial; and (iv) the total number of cases in which the
81 actual sentence departed from the recommended sentence, including the total number of cases in which
82 the actual sentence was an upward departure from the recommended sentence, and the total number of
83 cases in which the departure was a downward departure from the recommended sentence. For each
84 category of information required by this subdivision, the court shall also report the total number of
85 cases by type of abuse alleged; by gender, age, and race of the alleged victim; and by the nature of the
86 relationship between the alleged victim and alleged abuser.

87 C. Data collected pursuant to subsection B shall be made available to the public on a website
88 established and maintained by the Department and shall also be made readily available to the public in
89 print format. Information made available to the public pursuant to this section shall be presented in
90 aggregate at the county level. Information included in the System shall be presented in such a manner
91 that no individual identifying information shall be included.