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SENATE BILL NO. 415

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact §§ 16.1-228, 63.2-100, and 63.2-905.1 of the Code of Virginia, relating to foster care and independent living services.

 Patron—Vogel

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-228, 63.2-100, and 63.2-905.1 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-228. Definitions.

When used in this chapter, unless the context otherwise requires:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis; or

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or rescue squad, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended rescue squad that employs emergency medical technicians, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a delinquent act which would be a felony if committed by an adult.

"Boot camp" means a short term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.

"Child," "juvenile," or "minor" means a person less than 18 years of age.

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and

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59 physical safety of another person; however, no child who in good faith is under treatment solely by
60 spiritual means through prayer in accordance with the tenets and practices of a recognized church or
61 religious denomination shall for that reason alone be considered to be a child in need of services, nor
62 shall any child who habitually remains away from or habitually deserts or abandons his family as a
63 result of what the court or the local child protective services unit determines to be incidents of physical,
64 emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

65 However, to find that a child falls within these provisions, (i) the conduct complained of must
66 present a clear and substantial danger to the child's life or health or to the life or health of another
67 person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being
68 received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or
69 services needed by the child or his family.

70 "Child in need of supervision" means:

71 1. A child who, while subject to compulsory school attendance, is habitually and without justification
72 absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of
73 any and all educational services and programs that are required to be provided by law and which meet
74 the child's particular educational needs, (ii) the school system from which the child is absent or other
75 appropriate agency has made a reasonable effort to effect the child's regular attendance without success,
76 and (iii) the school system has provided documentation that it has complied with the provisions of
77 § 22.1-258; or

78 2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or
79 placement authority, remains away from or deserts or abandons his family or lawful custodian on more
80 than one occasion or escapes or remains away without proper authority from a residential care facility in
81 which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to
82 the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not
83 presently being received, and (iii) the intervention of the court is essential to provide the treatment,
84 rehabilitation or services needed by the child or his family.

85 "Child welfare agency" means a child-placing agency, child-caring institution or independent foster
86 home as defined in § 63.2-100.

87 "The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile
88 and domestic relations district court of each county or city.

89 "Delinquent act" means (i) an act designated a crime under the law of this Commonwealth, or an
90 ordinance of any city, county, town or service district, or under federal law, (ii) a violation of
91 § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an
92 act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if
93 committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to
94 take a blood or breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city or
95 town.

96 "Delinquent child" means a child who has committed a delinquent act or an adult who has committed
97 a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been
98 terminated under the provisions of § 16.1-269.6.

99 "Department" means the Department of Juvenile Justice and "Director" means the administrative head
100 in charge thereof or such of his assistants and subordinates as are designated by him to discharge the
101 duties imposed upon him under this law.

102 "Family abuse" means any act involving violence, force, or threat including, but not limited to, any
103 forceful detention, which results in bodily injury or places one in reasonable apprehension of bodily
104 injury and which is committed by a person against such person's family or household member.

105 "Family or household member" means (i) the person's spouse, whether or not he or she resides in the
106 same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same
107 home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters,
108 half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in
109 the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law,
110 daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v)
111 any individual who has a child in common with the person, whether or not the person and that
112 individual have been married or have resided together at any time, or (vi) any individual who cohabits
113 or who, within the previous 12 months, cohabited with the person, and any children of either of them
114 then residing in the same home with the person.

115 "Foster care services" means the provision of a full range of casework, treatment and community
116 services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or
117 in need of services as defined in this section and his family when the child (i) has been identified as
118 needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through
119 an agreement between the local board of social services or a public agency designated by the
120 community policy and management team and the parents or guardians where legal custody remains with

the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293.

"Independent living arrangement" means placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" ~~may~~ *shall* also mean services and activities provided to a person who was in foster care on his 18th birthday and has not yet reached the age of 21 years. Such services shall include counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

§ 63.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would

182 constitute a felony violation of § 18.2-248;

183 2. Whose parents or other person responsible for his care neglects or refuses to provide care
184 necessary for his health. However, no child who in good faith is under treatment solely by spiritual
185 means through prayer in accordance with the tenets and practices of a recognized church or religious
186 denomination shall for that reason alone be considered to be an abused or neglected child. Further, a
187 decision by parents who have legal authority for the child or, in the absence of parents with legal
188 authority for the child, any person with legal authority for the child, who refuses a particular medical
189 treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary
190 care if (i) such decision is made jointly by the parents or other person with legal authority and the child;
191 (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the
192 subject of his medical treatment; (iii) the parents or other person with legal authority and the child have
193 considered alternative treatment options; and (iv) the parents or other person with legal authority and the
194 child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision
195 shall be construed to limit the provisions of § 16.1-278.4;

196 3. Whose parents or other person responsible for his care abandons such child;

197 4. Whose parents or other person responsible for his care commits or allows to be committed any act
198 of sexual exploitation or any sexual act upon a child in violation of the law;

199 5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or
200 physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco
201 parentis; or

202 6. Whose parents or other person responsible for his care creates a substantial risk of physical or
203 mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as
204 defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the
205 parent or other person responsible for his care knows has been convicted of an offense against a minor
206 for which registration is required as a violent sexual offender pursuant to § 9.1-902.

207 If a civil proceeding under this title is based solely on the parent having left the child at a hospital
208 or rescue squad, it shall be an affirmative defense that such parent safely delivered the child to a
209 hospital that provides 24-hour emergency services or to an attended rescue squad that employs
210 emergency medical technicians, within 14 days of the child's birth. For purposes of terminating parental
211 rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected
212 child upon the ground of abandonment.

213 "Adoptive home" means any family home selected and approved by a parent, local board or a
214 licensed child-placing agency for the placement of a child with the intent of adoption.

215 "Adoptive placement" means arranging for the care of a child who is in the custody of a
216 child-placing agency in an approved home for the purpose of adoption.

217 "Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable
218 confinement of an adult.

219 "Adult day care center" means any facility that is either operated for profit or that desires licensure
220 and that provides supplementary care and protection during only a part of the day to four or more aged,
221 infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by
222 the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii)
223 the home or residence of an individual who cares for only persons related to him by blood or marriage.
224 Included in this definition are any two or more places, establishments or institutions owned, operated or
225 controlled by a single entity and providing such supplementary care and protection to a combined total
226 of four or more aged, infirm or disabled adults.

227 "Adult exploitation" means the illegal use of an incapacitated adult or his resources for another's
228 profit or advantage.

229 "Adult foster care" means room and board, supervision, and special services to an adult who has a
230 physical or mental condition. Adult foster care may be provided by a single provider for up to three
231 adults.

232 "Adult neglect" means that an adult is living under such circumstances that he is not able to provide
233 for himself or is not being provided services necessary to maintain his physical and mental health and
234 that the failure to receive such necessary services impairs or threatens to impair his well-being.
235 However, no adult shall be considered neglected solely on the basis that such adult is receiving religious
236 nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such
237 treatment or care is performed in good faith and in accordance with the religious practices of the adult
238 and there is a written or oral expression of consent by that adult.

239 "Adult protective services" means services provided by the local department that are necessary to
240 protect an adult from abuse, neglect or exploitation.

241 "Assisted living care" means a level of service provided by an assisted living facility for adults who
242 may have physical or mental impairments and require at least a moderate level of assistance with
243 activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.) of this title, but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person under 18 years of age.

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child-placing agency" means any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819 or a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child day center, child-placing agency, children's residential facility, family day home, family day system, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;

2. An establishment required to be licensed as a summer camp by § 35.1-18; and

3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services

305 of the United States government or any department or agency thereof that may hereafter be designated
306 as the agency to administer the Social Security Act, as amended.

307 "Disposable income" means that part of the income due and payable of any individual remaining
308 after the deduction of any amount required by law to be withheld.

309 "Energy assistance" means benefits to assist low-income households with their home heating and
310 cooling needs, including, but not limited to, purchase of materials or substances used for home heating,
311 repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or
312 repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance
313 with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the
314 Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

315 "Family day home" means a child day program offered in the residence of the provider or the home
316 of any of the children in care for one through 12 children under the age of 13, exclusive of the
317 provider's own children and any children who reside in the home, when at least one child receives care
318 for compensation. The provider of a licensed or registered family day home shall disclose to the parents
319 or guardians of children in their care the percentage of time per week that persons other than the
320 provider will care for the children. Family day homes serving six through 12 children, exclusive of the
321 provider's own children and any children who reside in the home, shall be licensed. However, no family
322 day home shall care for more than four children under the age of two, including the provider's own
323 children and any children who reside in the home, unless the family day home is licensed or voluntarily
324 registered. However, a family day home where the children in care are all grandchildren of the provider
325 shall not be required to be licensed.

326 "Family day system" means any person who approves family day homes as members of its system;
327 who refers children to available family day homes in that system; and who, through contractual
328 arrangement, may provide central administrative functions including, but not limited to, training of
329 operators of member homes; technical assistance and consultation to operators of member homes;
330 inspection, supervision, monitoring, and evaluation of member homes; and referral of children to
331 available health and social services.

332 "Foster care placement" means placement of a child through (i) an agreement between the parents or
333 guardians and the local board or the public agency designated by the community policy and
334 management team where legal custody remains with the parents or guardians or (ii) an entrustment or
335 commitment of the child to the local board or licensed child-placing agency.

336 "Foster home" means the place of residence of any natural person in which any child, other than a
337 child by birth or adoption of such person, resides as a member of the household.

338 "General relief" means money payments and other forms of relief made to those persons mentioned
339 in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with
340 § 63.2-401.

341 "Independent foster home" means a private family home in which any child, other than a child by
342 birth or adoption of such person, resides as a member of the household and has been placed therein
343 independently of a child-placing agency except (i) a home in which are received only children related by
344 birth or adoption of the person who maintains such home and children of personal friends of such
345 person and (ii) a home in which is received a child or children committed under the provisions of
346 subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8.

347 "Independent living" means a planned program of services designed to assist a child aged 16 and
348 over and persons who are former foster care children between the ages of 18 and 21 in transitioning
349 from foster care to self sufficiency.

350 "Independent living arrangement" means placement of a child at least 16 years of age who is in the
351 custody of a local board or licensed child-placing agency and has been placed by the local board or
352 licensed child-placing agency in a living arrangement in which he does not have daily substitute parental
353 supervision.

354 "Independent living services" means services and activities provided to a child in foster care 14 years
355 of age or older who was committed or entrusted to a local board of social services, child welfare
356 agency, or private child-placing agency. "Independent living services" ~~may~~ shall also mean services and
357 activities provided to a person who was in foster care on his 18th birthday and has not yet reached the
358 age of 21 years. Such services shall include counseling, education, housing, employment, and money
359 management skills development, access to essential documents, and other appropriate services to help
360 children or persons prepare for self-sufficiency.

361 "Independent physician" means a physician who is chosen by the resident of the assisted living
362 facility and who has no financial interest in the assisted living facility, directly or indirectly, as an
363 owner, officer, or employee or as an independent contractor with the residence.

364 "Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster
365 care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other
366 entity authorized to make such placements in accordance with the laws of the foreign country under

which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Social services" means foster care, adoption, adoption assistance, adult services, adult protective services, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from the Virginia Initiative for Employment Not Welfare (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

§ 63.2-905.1. Independent living services.

Local departments and licensed child-placing agencies ~~may~~ *shall* provide independent living services to ~~persons~~ *any person* between 18 and 21 years of age who *requests such services and* ~~are~~ *is* in the process of transitioning from foster care to self-sufficiency. Any person who was committed or entrusted to a local board or licensed child-placing agency may choose to discontinue receiving independent living services any time before his 21st birthday in accordance with regulations adopted by the Board. The local board or licensed child-placing agency shall restore independent living services at the request of that person provided that (i) the person has not yet reached 21 years of age and (ii) the person has entered into a written agreement, less than ~~60 days~~ *six months* after independent living services have been discontinued, with the local board or licensed child-placing agency regarding the terms and conditions of his receipt of independent living services. *Local departments shall provide any person who chooses to leave foster care or terminate independent living services before his twenty-first birthday*

428 *written notice of his right to request restoration of independent living services in accordance with this*
429 *section.* Local departments and licensed child-placing agencies may provide independent living services
430 as part of the foster care services provided to any child 14 years of age or older. All independent living
431 services shall be provided in accordance with regulations adopted by the board.