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SENATE BILL NO. 702

Offered January 22, 2010

A BILL to amend and reenact §§ 63.2-319 and 63.2-900 of the Code of Virginia, relating to child welfare; placement of children.

Patron—Marsden

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:**1. That §§ 63.2-319 and 63.2-900 of the Code of Virginia are amended and reenacted as follows:**

§ 63.2-319. Child welfare and other services.

Each local board shall provide, either directly or through the purchase of services subject to the supervision of the Commissioner and in accordance with regulations adopted by the Board, any or all child welfare services herein described when such services are not available through other agencies serving residents in the locality. For purposes of this section, the term "child welfare services" means public social services that are directed toward:

1. Protecting the welfare of all children including handicapped, homeless, dependent, or neglected children;

2. Preventing or remedying, or assisting in the solution of problems that may result in the neglect, abuse, exploitation or delinquency of children;

3. Preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving these problems and preventing the break up of the family where preventing the removal of a child is desirable and possible;

4. Restoring to their families children who have been removed by providing services to the families and children or providing for the care of children in residential facilities in cases in which family reunification is not in the best interests of the child and residential care provides the best alternative for meeting the child's educational and other needs and protecting the child's welfare, especially when placement in residential care offers the best opportunity for keeping sibling groups intact;

5. Placing children in suitable adoptive homes in cases where restoration to the biological family is not possible or appropriate; and

6. Assuring adequate care of children away from their homes in cases where they cannot be returned home or placed for adoption.

Each local board is also authorized and, as may be provided by regulations of the Board, shall provide rehabilitation and other services to help individuals attain or retain self-care or self-support and such services as are likely to prevent or reduce dependency and, in the case of dependent children, to maintain and strengthen family life.

§ 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 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. In cases in which family reunification or kinship care is not in the best interests of the child, the local boards shall consider placing the child in residential care when the residential facility affords the best alternative for meeting the child's educational needs and protecting the child's welfare or when residential care provides the best option for keeping sibling groups intact.* 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

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59 with the entrustment agreement or other order by which such person is entrusted or committed to its
60 care, have custody and control of the person so entrusted or committed to it until he is lawfully
61 discharged, has been adopted or has attained his majority.

62 Whenever a local board places a child where legal custody remains with the parent, parents or
63 guardians, the board shall enter into an agreement with the parent, parents or guardians. The agreement
64 shall specify the responsibilities of each for the care and control of the child.

65 The local board shall have authority to place for adoption, and to consent to the adoption of, any
66 child properly committed or entrusted to its care when the order of commitment or entrustment
67 agreement between the parent or parents and the agency provides for the termination of all parental
68 rights and responsibilities with respect to the child for the purpose of placing and consenting to the
69 adoption of the child.

70 The local board shall also have the right to accept temporary custody of any person under 18 years
71 of age taken into custody pursuant to subdivision B of § 16.1-246 or 63.2-1517. The placement of a
72 child in a foster home, whether within or without the Commonwealth, shall not be for the purpose of
73 adoption unless the placement agreement between the foster parents and the local board specifically so
74 stipulates.

75 B. Prior to the approval of any family for placement of a child, a home study shall be completed as
76 prescribed in regulations adopted by the Board.

77 C. Prior to placing any such child in any foster home or children's residential facility, the local board
78 shall enter into a written agreement with the foster parents, pursuant to § 63.2-902, or other appropriate
79 custodian setting forth therein the conditions under which the child is so placed pursuant to § 63.2-902.
80 However, if a child is placed in a children's residential facility licensed as a temporary emergency
81 shelter, and a verbal agreement for placement is secured within eight hours of the child's arrival at the
82 facility, the written agreement does not need to be entered into prior to placement, but shall be
83 completed and signed by the local board and the facility representative within 24 hours of the child's
84 arrival or by the end of the next business day after the child's arrival.

85 D. Within 72 hours of placing a child of school age in a foster care placement, as defined in
86 § 63.2-100, the local social services agency making such placement shall, in writing, (i) notify the
87 principal of the school in which the student is to be enrolled and the superintendent of the relevant
88 school division or his designee of such placement, and (ii) inform the principal of the status of the
89 parental rights.

90 If the documents required for enrollment of the foster child pursuant to § 22.1-3.1, 22.1-270 or
91 22.1-271.2, are not immediately available upon taking the child into custody, the placing social services
92 agency shall obtain and produce or otherwise ensure compliance with such requirements for the foster
93 child within 30 days after the child's enrollment.