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SENATE BILL NO. 1037

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rehabilitation and Social Services
on February 4, 2011)

(Patron Prior to Substitute—Senator Barker)

A BILL to amend and reenact §§ 16.1-281, 16.1-282, 16.1-282.1, and 63.2-906 of the Code of Virginia, relating to foster care plan; independent living.

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-281, 16.1-282, 16.1-282.1, and 63.2-906 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-281. Foster care plan.

A. In any case in which (i) a local board of social services places a child through an agreement with the parents or guardians where legal custody remains with the parents or guardian, or (ii) legal custody of a child is given to a local board of social services or a child welfare agency, the local department of social services or child welfare agency shall prepare a foster care plan for such child, as described hereinafter. The individual family service plan developed by the family assessment and planning team pursuant to § 2.2-5208 may be accepted by the court as the foster care plan if it meets the requirements of this section.

The representatives of such department or agency 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 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 placed the child. The representatives of such department or agency 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 or agency shall include in the plan a full description of the reasons therefor.

The department or child welfare agency shall file the plan with the juvenile and domestic relations district court within 60 days following the transfer of custody or the board's placement of the child unless the court, for good cause shown, allows an extension of time, which shall not exceed an additional 60 days. However, a foster care plan shall be filed in accordance with the provisions of § 16.1-277.01 with a petition for approval of an entrustment agreement. A foster care plan need not be prepared if the child is returned to his prior family or placed in an adoptive home within 60 days following transfer of custody to the board or agency or the board's placement of the child.

B. The foster care plan shall describe in writing (i) the programs, care, services and other support which will be offered to the child and his parents and other prior custodians; (ii) the participation and conduct which will be sought from the child's parents and other prior custodians; (iii) the visitation and other contacts which will be permitted between the child and his parents and other prior custodians, and between the child and his siblings; (iv) the nature of the placement or placements which will be provided for the child; and (v) for children 14 years of age and older, the child's needs and goals in the areas of counseling, education, housing, employment, and money management skills development, along with specific independent living services that will be provided to the child to help him reach these goals; and (vi) where appropriate for children age 16 or over, *In cases in which a foster care plan approved prior to July 1, 2011, identifies independent living as the goal for the child, and in cases involving children admitted to the United States as refugees or asylees who are 16 years of age or older and for whom the goal is independent living, the plan shall also describe the programs and services which will help the child prepare for the transition from foster care to independent living. If consistent with the child's health and safety, the plan shall be designed to support reasonable efforts which lead to the return of the child to his parents or other prior custodians within the shortest practicable time which shall be specified in the plan. The child's health and safety shall be the paramount concern of the court and the agency throughout the placement, case planning, service provision and review process.*

If the department or child welfare agency concludes that it is not reasonably likely that the child can be returned to his prior family within a practicable time, consistent with the best interests of the child, in a separate section of the plan the department, child welfare agency or team shall (a) include a full description of the reasons for this conclusion; (b) provide information on the opportunities for placing the child with a relative or in an adoptive home; (c) design the plan to lead to the child's successful placement with a relative if a subsequent transfer of custody to the relative is planned, or in an adoptive home within the shortest practicable time, and if neither of such placements is feasible; (d) explain why permanent foster care or independent living for a child 16 years of age or older is the plan for the child

60 *in cases involving children admitted to the United States as refugees or asylees who are 16 years of age*
61 *or older and for whom the goal is independent living.*

62 "Independent living" as used in this section has the meaning set forth in § 63.2-100.

63 The local board or other child welfare agency having custody of the child shall not be required by
64 the court to make reasonable efforts to reunite the child with a parent if the court finds that (1) the
65 residual parental rights of the parent regarding a sibling of the child have previously been involuntarily
66 terminated; (2) the parent has been convicted of an offense under the laws of the Commonwealth or a
67 substantially similar law of any other state, the United States or any foreign jurisdiction that constitutes
68 murder or voluntary manslaughter, or a felony attempt, conspiracy or solicitation to commit any such
69 offense, if the victim of the offense was a child of the parent, a child with whom the parent resided at
70 the time such offense occurred or the other parent of the child; (3) the parent has been convicted of an
71 offense under the laws of the Commonwealth or a substantially similar law of any other state, the
72 United States or any foreign jurisdiction that constitutes felony assault resulting in serious bodily injury
73 or felony bodily wounding resulting in serious bodily injury or felony sexual assault, if the victim of the
74 offense was a child of the parent or a child with whom the parent resided at the time of such offense; or
75 (4) based on clear and convincing evidence, the parent has subjected any child to aggravated
76 circumstances, or abandoned a child under circumstances which would justify the termination of residual
77 parental rights pursuant to subsection D of § 16.1-283.

78 As used in this section:

79 "Aggravated circumstances" means torture, chronic or severe abuse, or chronic or severe sexual
80 abuse, if the victim of such conduct was a child of the parent or child with whom the parent resided at
81 the time such conduct occurred, including the failure to protect such a child from such conduct, which
82 conduct or failure to protect: (i) evinces a wanton or depraved indifference to human life, or (ii) has
83 resulted in the death of such a child or in serious bodily injury to such a child.

84 "Chronic abuse" or "chronic sexual abuse" means recurring acts of physical abuse that place the
85 child's health, safety and well-being at risk.

86 "Serious bodily injury" means bodily injury that involves substantial risk of death, extreme physical
87 pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily
88 member, organ or mental faculty.

89 "Severe abuse" or "severe sexual abuse" may include an act or omission that occurred only once, but
90 otherwise meets the definition of "aggravated circumstances."

91 Within 30 days of making a determination that reasonable efforts to reunite the child with the parents
92 are not required, the court shall hold a permanency planning hearing pursuant to § 16.1-282.1.

93 C. A copy of the entire foster care plan shall be sent by the court to the child, if he is 12 years of
94 age or older; the guardian ad litem for the child, the attorney for the child's parents or for any other
95 person standing in loco parentis at the time the board or child welfare agency obtained custody or the
96 board placed the child, to the parents or other person standing in loco parentis, and such other persons
97 as appear to the court to have a proper interest in the plan. However, a copy of the plan shall not be
98 sent to a parent whose parental rights regarding the child have been terminated. A copy of the plan,
99 excluding the section of the plan describing the reasons why the child cannot be returned home and the
100 alternative chosen, shall be sent by the court to the foster parents. A hearing shall be held for the
101 purpose of reviewing and approving the foster care plan. The hearing shall be held within 75 days of (i)
102 the child's initial foster care placement, if the child was placed through an agreement between the
103 parents or guardians and the local department of social services or a child welfare agency; (ii) the
104 original preliminary removal order hearing, if the child was placed in foster care pursuant to § 16.1-252;
105 (iii) the hearing on the petition for relief of custody, if the child was placed in foster care pursuant to
106 § 16.1-277.02; or (iv) the dispositional hearing at which the child was placed in foster care and an order
107 was entered pursuant to § 16.1-278.2, 16.1-278.3, 16.1-278.4, 16.1-278.5, 16.1-278.6, or 16.1-278.8.
108 However, the hearing shall be held in accordance with the provisions of § 16.1-277.01 with a petition
109 for approval of an entrustment agreement. If the judge makes any revision in any part of the foster care
110 plan, a copy of the changes shall be sent by the court to all persons who received a copy of the original
111 of that part of the plan.

112 C1. Any order transferring custody of the child to a relative other than the child's prior family shall
113 be entered only upon a finding, based upon a preponderance of the evidence, that the relative is one
114 who, after an investigation as directed by the court, (i) is found by the court to be willing and qualified
115 to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child;
116 (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the
117 ability to protect the child from abuse and neglect; and the order shall so state. The court's order
118 transferring custody to a relative should further provide for, as appropriate, any terms or conditions
119 which would promote the child's interest and welfare; ongoing provision of social services to the child
120 and the child's custodian; and court review of the child's placement.

121 C2. Any order entered at the conclusion of the hearing that has the effect of achieving a permanent

122 goal for the child by terminating residual parental rights pursuant to § 16.1-277.01, 16.1-277.02,
 123 16.1-278.3, or 16.1-283; by placing the child in permanent foster care pursuant to clause (iv) of
 124 subsection A of § 16.1-282.1; or, *in cases in which independent living was identified as the goal for a*
 125 *child in a foster care plan approved prior to July 1, 2011, or in which a child has been admitted to the*
 126 *United States as a refugee or asylee and is over 16 years of age and independent living has been*
 127 *identified as the permanency goal for the child*, by directing the board or agency to provide the child
 128 with services to achieve independent living status, if the child has attained the age of 16 years, pursuant
 129 to clause (v) of subsection A of § 16.1-282.1 shall state whether reasonable efforts have been made to
 130 place the child in a timely manner in accordance with the foster care plan and to complete the steps
 131 necessary to finalize the permanent placement of the child.

132 D. The court in which the foster care plan is filed shall be notified immediately if the child is
 133 returned to his parents or other persons standing in loco parentis at the time the board or agency
 134 obtained custody or the board placed the child.

135 E. At the conclusion of the hearing at which the initial foster care plan is reviewed, the court shall
 136 schedule a foster care review hearing to be held within six months in accordance with § 16.1-282.
 137 However, if an order is entered pursuant to subsection C2, the court shall schedule a foster care review
 138 hearing to be held within 12 months of the entry of such order in accordance with the provisions of
 139 § 16.1-282.2. Parties who are present at the hearing at which the initial foster care plan is reviewed shall
 140 be given notice of the date set for the foster care review hearing and parties who are not present shall
 141 be summoned as provided in § 16.1-263.

142 F. Nothing in this section shall limit the authority of the juvenile judge or the staff of the juvenile
 143 court, upon order of the judge, to review the status of children in the custody of local boards of social
 144 services or placed by local boards of social services on its own motion. The court shall appoint an
 145 attorney to act as guardian ad litem to represent the child any time a hearing is held to review the foster
 146 care plan filed for the child or to review the child's status in foster care.

147 § 16.1-282. Foster care review.

148 A. In the case of a child who was the subject of a foster care plan filed with the court pursuant to
 149 § 16.1-281, a foster care review hearing shall be held within six months of the dispositional hearing at
 150 which the foster care plan pursuant to § 16.1-281 was reviewed if the child: (a) was placed through an
 151 agreement between the parents or guardians and the local board of social services where legal custody
 152 remains with the parents or guardians and such agreement has not been dissolved by court order; or (b)
 153 is under the legal custody of a local board of social services or a child welfare agency and has not had
 154 a petition to terminate parental rights granted, filed or ordered to be filed on the child's behalf; has not
 155 been placed in permanent foster care; or is age 16 or over and the plan for the child is not independent
 156 living.

157 Any interested party, including the parent, guardian or person who stood in loco parentis prior to the
 158 board's placement of the child or the board's or child welfare agency's assumption of legal custody, may
 159 file with the court the petition for a foster care review hearing hereinafter described at any time after the
 160 initial foster care placement of the child. However, the board or child welfare agency shall file the
 161 petition within five months of the dispositional hearing at which the foster care plan was reviewed
 162 pursuant to § 16.1-281.

163 B. The petition shall:

164 1. Be filed in the court in which the foster care plan for the child was reviewed and approved. Upon
 165 the order of such court, however, the petition may be filed in the court of the county or city in which
 166 the board or child welfare agency having legal custody or having placed the child has its principal office
 167 or where the child resides;

168 2. State, if such is reasonably obtainable, the current address of the child's parents and, if the child
 169 was in the custody of a person or persons standing in loco parentis at the time the board or child
 170 welfare agency obtained legal custody or the board placed the child, of such person or persons;

171 3. Describe the placement or placements provided for the child while in foster care and the services
 172 or programs offered to the child and his parents and, if applicable, the persons previously standing in
 173 loco parentis;

174 4. Describe the nature and frequency of the contacts between the child and his parents and, if
 175 applicable, the persons previously standing in loco parentis;

176 5. Set forth in detail the manner in which the foster care plan previously filed with the court was or
 177 was not complied with and the extent to which the goals thereof have been met; and

178 6. Set forth the disposition sought and the grounds therefor; however, in the case of a child who has
 179 attained age 16 and for whom the plan is independent living, the foster care plan shall be included and
 180 shall address the services needed to assist the child to transition from foster care to independent living.

181 C. Upon receipt of the petition filed by the board, child welfare agency, or any interested party as
 182 provided in subsection B of this section, the court shall schedule a hearing to be held within 30 days if

183 a hearing was not previously scheduled. The court shall provide notice of the hearing and a copy of the
184 petition to the following, each of whom shall be a party entitled to participate in the proceeding:

185 1. The child, if he is 12 years of age or older;

186 2. The attorney-at-law representing the child as guardian ad litem;

187 3. The child's parents and, if the child was in the custody of a person standing in loco parentis at the
188 time the department obtained custody, such person or persons. No such notification shall be required,
189 however, if the judge certifies on the record that the identity of the parent or guardian is not reasonably
190 ascertainable. An affidavit of the mother that the identity of the father is not reasonably ascertainable
191 shall be sufficient evidence of this fact, provided there is no other evidence before the court which
192 would refute such an affidavit. If the parent or guardian of the child did not appear at the dispositional
193 hearing and was not noticed to return for the foster care review hearing in accordance with subsection E
194 of § 16.1-281, the parent or guardian shall be summoned to appear at the foster care review hearing in
195 accordance with § 16.1-263. The review hearing shall be held pursuant to this section although a parent
196 or guardian fails to appear and is not represented by counsel, provided personal or substituted service
197 was made on the parent or guardian, or the court determines that such person cannot be found, after
198 reasonable effort, or in the case of a person who is without the Commonwealth, the person cannot be
199 found or his post office address cannot be ascertained after reasonable effort;

200 4. The foster parent or foster parents or other care providers of the child;

201 5. The petitioning board or child welfare agency; and

202 6. Such other persons as the court, in its discretion, may direct. The local board of social services or
203 other child welfare agency shall identify for the court such other persons as have a legitimate interest in
204 the hearing, including, but not limited to, preadoptive parents for a child in foster care.

205 D. At the conclusion of the hearing, the court shall, upon the proof adduced in accordance with the
206 best interests of the child and subject to the provisions of subsection D1, enter any appropriate order of
207 disposition consistent with the dispositional alternatives available to the court at the time of the original
208 hearing. The court order shall state whether reasonable efforts, if applicable, have been made to reunite
209 the child with his parents, guardian or other person standing in loco parentis to the child. Any order
210 entered at the conclusion of this hearing that has the effect of achieving a permanent goal for the child
211 by terminating residual parental rights pursuant to § 16.1-277.01, 16.1-277.02, 16.1-278.3, or 16.1-283;
212 by placing the child in permanent foster care pursuant to subdivision A iv of § 16.1-282.1; or, if the
213 child has attained the age of 16 years and the plan for the child is independent living, directing the
214 board or agency to provide the necessary services to transition from foster care, pursuant to subdivision
215 A v of § 16.1-282.1 shall state whether reasonable efforts have been made to place the child in a timely
216 manner in accordance with the foster care plan and to complete the steps necessary to finalize the
217 permanent placement of the child.

218 D1. Any order transferring custody of the child to a relative other than the child's prior family shall
219 be entered only upon a finding, based upon a preponderance of the evidence, that the relative is one
220 who, after an investigation as directed by the court, (i) is found by the court to be willing and qualified
221 to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child;
222 (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the
223 ability to protect the child from abuse and neglect; and the order shall so state. The court's order
224 transferring custody to a relative should further provide for, as appropriate, any terms and conditions
225 which would promote the child's interest and welfare; ongoing provision of social services to the child
226 and the child's custodian; and court review of the child's placement.

227 E. The court shall possess continuing jurisdiction over cases reviewed under this section for so long
228 as a child remains in a foster care placement or, when a child is returned to his prior family subject to
229 conditions imposed by the court, for so long as such conditions are effective. After the hearing required
230 pursuant to subsection C, the court shall schedule a permanency planning hearing on the case to be held
231 five months thereafter in accordance with § 16.1-282.1 or within 30 days upon the petition of any party
232 entitled to notice in proceedings under this section when the judge determines there is good cause shown
233 for such a hearing. However, in the case of a child who is the subject of an order that has the effect of
234 achieving a permanent goal for the child by terminating residual parental rights pursuant to
235 § 16.1-277.01, 16.1-277.02, 16.1-278.3, or 16.1-283; by placing the child in permanent foster care
236 pursuant to subdivision A iv of § 16.1-282.1; or by directing the board or agency to provide the child
237 with services to achieve independent living status, if the child has attained the age of 16 years, pursuant
238 to subdivision A v of § 16.1-282.1, a permanency planning hearing within five months shall not be
239 required and the court shall schedule a foster care review hearing to be held within 12 months of the
240 entry of such order in accordance with the provisions of § 16.1-282.2.

241 § 16.1-282.1. Permanency planning hearing for children in foster care.

242 A. In the case of a child who was the subject of a foster care plan filed with the court pursuant to
243 § 16.1-281, a permanency planning hearing shall be held within 11 months of the dispositional hearing
244 at which the foster care plan pursuant to § 16.1-281 was reviewed if the child (a) was placed through an

245 agreement between the parents or guardians and the local board of social services where legal custody
 246 remains with the parents or guardians and such agreement has not been dissolved by court order; or (b)
 247 is under the legal custody of a local board of social services or a child welfare agency and has not had
 248 a petition to terminate parental rights filed on the child's behalf, has not been placed in permanent foster
 249 care, or is age 16 or over and the plan for the child is not independent living. The board or child
 250 welfare agency shall file a petition for a permanency planning hearing within 10 months of the
 251 dispositional hearing at which the foster care plan was reviewed pursuant to § 16.1-281. The purpose of
 252 this hearing is to establish a permanent goal for the child and either to achieve the permanent goal or to
 253 defer such action through the approval of an interim plan for the child.

254 To achieve the permanent goal, the petition for a permanency planning hearing shall seek to (i)
 255 transfer the custody of the child to his prior family, or dissolve the board's placement agreement and
 256 return the child to his prior family; (ii) transfer custody of the child to a relative other than the child's
 257 prior family, subject to the provisions of subsection A1; (iii) terminate residual parental rights pursuant
 258 to § 16.1-277.01 or 16.1-283; (iv) place the child in permanent foster care pursuant to § 63.2-908; (v) if
 259 the child has *been admitted to the United States as a refugee or asylee and has attained the age of 16*
 260 *years or over and the plan is independent living, direct the board or agency to provide the child with*
 261 *services to transition from foster care; or (vi) place the child in another planned permanent living*
 262 *arrangement in accordance with the provisions of subsection A2. In cases in which a foster care plan*
 263 *approved prior to July 1, 2011, includes independent living as the goal for a child who is not admitted*
 264 *to the United States as an asylee or refugee, the petition shall direct the board or agency to provide the*
 265 *child with services to transition from foster care.*

266 For approval of an interim plan, the petition for a permanency planning hearing shall seek to
 267 continue custody with the board or agency, or continue placement with the board through a parental
 268 agreement; or transfer custody to the board or child welfare agency from the parents or guardian of a
 269 child who has been in foster care through an agreement where the parents or guardian retains custody.

270 Upon receipt of the petition, if a permanency planning hearing has not already been scheduled, the
 271 court shall schedule such a hearing to be held within 30 days. The permanency planning hearing shall
 272 be held within 11 months of the dispositional hearing at which the foster care plan was reviewed
 273 pursuant to § 16.1-281. The provisions of subsection B of § 16.1-282 shall apply to this petition. The
 274 procedures of subsection C of § 16.1-282 and the provisions of subsection E of § 16.1-282 shall apply to
 275 the scheduling and notice of proceedings under this section.

276 A1. The following requirements shall apply to the transfer of custody of the child to a relative other
 277 than the child's prior family in accordance with the provisions of (ii) of subsection A of this section.
 278 Any order transferring custody of the child to a relative other than the child's prior family shall be
 279 entered only upon a finding, based upon a preponderance of the evidence, that the relative is one who,
 280 after an investigation as directed by the court, (i) is found by the court to be willing and qualified to
 281 receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child;
 282 (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the
 283 ability to protect the child from abuse and neglect; and the order shall so state. The court's order
 284 transferring custody to a relative should further provide, as appropriate, for any terms or conditions
 285 which would promote the child's interest and welfare.

286 A2. The following requirements shall apply to the selection and approval of placement in another
 287 planned permanent living arrangement as the permanent goal for the child in accordance with clause (vi)
 288 of subsection A of this section.

289 1. The board or child welfare agency shall petition for alternative (vi) of subsection A only if the
 290 child has a severe and chronic emotional, physical or neurological disabling condition for which the
 291 child requires long-term residential treatment; and the board or child welfare agency has thoroughly
 292 investigated the feasibility of the alternatives listed in clauses (i) through (v) of subsection A and
 293 determined that none of those alternatives is in the best interests of the child. In a foster care plan filed
 294 with the petition pursuant to this section, the board or agency shall document the following: (i) the
 295 investigation conducted of the placement alternatives listed in clauses (i) through (v) of subsection A
 296 and why each of these is not currently in the best interest of the child; (ii) at least one compelling
 297 reason why none of the alternatives listed in clauses (i) through (v) is achievable for the child at the
 298 time placement in another planned permanent living arrangement is selected as the permanent goal for
 299 the child; (iii) the identity of the long-term residential treatment service provider; (iv) the nature of the
 300 child's disability; (v) the anticipated length of time required for the child's treatment; and (vi) the status
 301 of the child's eligibility for admission and long-term treatment.

302 2. Before approving alternative (vi) of subsection A of this section as the plan for the child, the court
 303 shall find (i) that the child has a severe and chronic emotional, physical or neurological disabling
 304 condition; (ii) that the child requires long-term residential treatment for the disabling condition; and (iii)
 305 that none of the alternatives listed in clauses (i) through (v) of subsection A is achievable for the child

306 at the time placement in another planned permanent living arrangement is approved as the permanent
307 goal for the child. If the board or agency petitions for alternative (vi), alternative (vi) may be approved
308 by the court for a period of six months at a time.

309 3. At the conclusion of the permanency planning hearing, if alternative (vi) of subsection A of this
310 section is the permanent plan, the court shall schedule a hearing to be held within six months to review
311 the child's placement in another planned permanent living arrangement in accordance with subdivision 4
312 of subsection A2. All parties present at the hearing at which clause (vi) of subsection A is approved as
313 the permanent plan for the child shall be given notice of the date scheduled for the foster care review
314 hearing. Parties not present shall be summoned to appear as provided in § 16.1-263. Otherwise, this
315 subsection A2 shall govern the scheduling and notice for such hearings.

316 4. The court shall review a foster care plan for any child who is placed in another planned
317 permanent living arrangement every six months from the date of the permanency planning hearing held
318 pursuant to this subsection, so long as the child remains in the legal custody of the board or child
319 welfare agency. The board or child welfare agency shall file such petitions for review pursuant to the
320 provisions of § 16.1-282 and shall, in addition, include in the petition the information required by
321 subdivision 1 of subsection A2 of this section. The petition for foster care review shall be filed no later
322 than 30 days prior to the hearing scheduled in accordance with subdivision 3 of subsection A2. At the
323 conclusion of the foster care review hearing, if alternative (vi) of subsection A of this section remains
324 the permanent plan, the court shall enter an order that states whether reasonable efforts have been made
325 to place the child in a timely manner in accordance with the permanency plan and to monitor the child's
326 status in another planned permanent living arrangement.

327 However, if at any time during the six-month approval periods permitted by this subsection, a
328 determination is made by treatment providers that the child's need for long-term residential treatment for
329 the child's disabling condition is eliminated, the board or agency shall immediately begin to plan for
330 post-discharge services and shall, within 30 days of making such a determination, file a petition for a
331 permanency planning hearing pursuant to subsection A of this section. Upon receipt of the petition, the
332 court shall schedule a permanency planning hearing to be held within 30 days. The provisions of
333 subsection B of § 16.1-282 shall apply to this petition. The procedures of subsection C of § 16.1-282
334 and the provisions of subsection E of § 16.1-282 shall apply to proceedings under this section.

335 B. The following requirements shall apply to the selection and approval of an interim plan for the
336 child in accordance with subsection A.

337 1. The board or child welfare agency shall petition for approval of an interim plan only if the board
338 or child welfare agency has thoroughly investigated the feasibility of the alternatives listed in clauses (i)
339 through (v) of subsection A and determined that none of those alternatives is in the best interest of the
340 child. If the board or agency petitions for approval of an interim plan, such plan may be approved by
341 the court for a maximum period of six months. The board or agency shall also file a foster care plan
342 that (i) identifies a permanent goal for the child that corresponds with one of the alternatives specified in
343 clauses (i) through (v) of subsection A; (ii) includes provisions for accomplishing the permanent goal
344 within six months; and (iii) summarizes the investigation conducted of the alternatives listed in clauses
345 (i) through (v) of subsection A and why achieving each of these is not in the best interest of the child at
346 this time.

347 2. Before approving an interim plan for the child, the court shall find:

348 a. When returning home remains the plan for the child, that the parent has made marked progress
349 toward reunification with the child, the parent has maintained a close and positive relationship with the
350 child, and the child is likely to return home within the near future, although it is premature to set an
351 exact date for return at the time of this hearing; or

352 b. When returning home is not the plan for the child, that marked progress is being made to achieve
353 the permanent goal identified by the board or child welfare agency and that it is premature to set an
354 exact date for accomplishing the goal at the time of this hearing.

355 3. Upon approval of an interim plan, the court shall schedule a hearing to be held within six months
356 to determine that the permanent goal is accomplished and to enter an order consistent with alternative
357 (i), (ii), (iii), (iv), or (v) of subsection A. All parties present at the initial permanency planning hearing
358 shall be given notice of the date scheduled for the second permanency planning hearing. Parties not
359 present shall be summoned to appear as provided in § 16.1-263. Otherwise, subsection A shall govern
360 the scheduling and notice for such hearings.

361 C. At the conclusion of the permanency planning hearing held pursuant to this section, whether
362 action is taken or deferred to achieve the permanent goal for the child, the court shall enter an order that
363 states whether reasonable efforts have been made to reunite the child with the child's prior family, if
364 returning home is the permanent goal for the child; or whether reasonable efforts have been made to
365 achieve the permanent goal identified by the board or agency, if the goal is other than returning the
366 child home.

367 In making this determination, the court shall give consideration to whether the board or agency has

368 placed the child in a timely manner in accordance with the foster care plan and completed the steps
369 necessary to finalize the permanent placement of the child.

370 § 63.2-906. Foster care plans; permissible plan goals; court review of foster children.

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

385 A court may place a child in the care and custody of (i) a public agency in accordance with
386 § 16.1-251 or 16.1-252, and (ii) a public or licensed private child-placing agency in accordance with
387 § 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
388 relinquishment in the care and custody of a public or private agency in accordance with § 16.1-277.01
389 or §§ 16.1-277.02 and 16.1-278.3. Children may be placed through an agreement where legal custody
390 remains with the parent, parents or guardians in accordance with §§ 63.2-900 and 63.2-903, or
391 § 2.2-5208.

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

- 395 1. Transfer custody of the child to his prior family;
- 396 2. Transfer custody of the child to a relative other than his prior family;
- 397 3. Finalize an adoption of the child;
- 398 4. Place the child in permanent foster care;
- 399 5. ~~Transition~~*If the child is admitted to the United States as a refugee or asylee, transition to*
400 independent living; or
- 401 6. Place the child in another planned permanent living arrangement in accordance with subsection A
402 2 of § 16.1-282.1.

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