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HOUSE BILL NO. 897

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions)

(Patron Prior to Substitute—Delegate Albo)

House Amendments in [] — January 24, 2012

A BILL to amend and reenact § 63.2-1530 of the Code of Virginia, relating to the Virginia Child Protection Accountability System.

Be it enacted by the General Assembly of Virginia:**1. That § 63.2-1530 of the Code of Virginia is amended and reenacted as follows:**

§ 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 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 investigated by the Department pursuant to subsection I of §§ 63.2-1503 and 63.2-1505; (iv) the total number of cases determined to be founded cases of abuse or neglect; and (v) the total number of cases resulting in a finding that the complaint was founded resulting in administrative appeal. Information reported pursuant to clause (v) 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. 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. ~~The~~ From the Department of State Police shall report, annually, in a format approved by the Department of Social Services, arrest and disposition statistics for violations of §§ 18.2-48, 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.4, 18.2-355, 18.2-361, 18.2-366, 18.2-370 through 18.2-370.2, 18.2-371, 18.2-371.1, 18.2-374.1, 18.2-374.1:1, 18.2-374.3, 18.2-387, and 40.1-103 for inclusion in the Child Protection Accountability System.

3. From every circuit court in the Commonwealth for which data is available through the statewide Case Management System: (i) the total number of (a) misdemeanor convictions appealed from the district court to the circuit court, (b) felony charges certified from the district court to the circuit court, and (c) charges brought by direct indictment in the circuit court that involve a violation of any ~~code~~ Code section set forth in subdivision B 2; (ii) the total number of cases appealed, certified, or transferred to the court or brought by direct indictment in the circuit court involving a violation of any ~~code~~ Code section set forth in subdivision B 2 that result in a trial, including the number of bench trials and the number of jury trials; and (iii) the total number of trials involving a violation of any ~~code~~ Code section set forth in subdivision B 2 resulting in (a) a plea agreement, (b) transfer to another court, (c) a finding of not guilty, (d) conviction on a lesser included offense, or (e) conviction on all charges, by type of trial.

4. From the Virginia Criminal Sentencing Commission, information on sentences imposed for offenses listed in subdivision 2, including (i) the name of the sentencing judge, (ii) the offense or offenses for which a sentence was imposed, (iii) the age of the victim and offender, (iv) the relationship between the victim and the offender, (v) the locality in which the offense occurred, (vi) the sentence imposed and the actual time served, (vii) whether the sentence was an upward or downward departure from the sentencing guidelines or within the sentencing guidelines, and (viii) the reasons given for the departure, if any, from the sentencing guidelines.

[~~5. From the Office of the Executive Secretary of the Supreme Court of Virginia, information on the total number of (i) removal orders pursuant to § 16.1-251 or 16.1-252 (ii) protective orders pursuant to § 16.1-253, 16.1-253.4, or 19.2-152.8; and (iii) preliminary protective orders alleging family abuse pursuant to § 16.1-253.1 granted, denied, or dismissed in each circuit court or juvenile and domestic relations district court.~~ 5. From the Office of the Executive Secretary of the Supreme Court of Virginia, information by locality on cases from the Juvenile and Domestic Relations District Courts' Case Management System involving (i) children alleged to be abused or neglected, including (a) the number of petitions filed, (b) the number of cases in which an emergency removal order was issued, (c) the number of cases in which a preliminary removal order was issued prior to an adjudicatory hearing, (d)

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60 *the number of cases in which a preliminary removal order or a preliminary child protective order or*
61 *both were issued at a preliminary hearing, and (e) the number of cases in which a preliminary child*
62 *protective order or a child protective order was issued other than at a preliminary hearing; and (ii)*
63 *information on family abuse cases, including (a) the number of family abuse emergency protective*
64 *orders issued by magistrates and juvenile and domestic relations district courts pursuant to*
65 *§ 16.1-253.4, (b) the number of family abuse protective petitions filed, and (c) the number of family*
66 *abuse protective orders issued pursuant to § 16.1-279.1.]*

67 Information required to be reported pursuant to subdivisions B 1, B 2, and B 3 through 5 shall be
68 reported annually in a format approved by the Department of Social Services and aggregated by locality.

69 C. Data collected pursuant to subsection B shall be made available to the public on a website
70 established and maintained by the Department and shall also be made readily available to the public in
71 print format. Information included in the System shall be presented in such a manner that no individual
72 identifying information shall be included. [**2. That the Office of the Executive Secretary of the**
73 **Supreme Court shall work together with the Department of Social Services to develop a process**
74 **whereby the Supreme Court will report information about (i) the number of petitions for an**
75 **emergency or preliminary removal or protective order filed and the type of abuse alleged, the**
76 **relationship between the victim and the individual alleged to have committed the abuse, and the**
77 **disposition of each case in which a petition was filed and (ii) the number of emergency or**
78 **preliminary removal or protective orders granted, denied, or dismissed by specific type of order**
79 **and by the name of the judge or magistrate granting, denying, or dismissing the order. 2. That the**
80 **Office of the Executive Secretary of the Supreme Court of Virginia shall work together with the**
81 **Department of Social Services to determine how the following information concerning children**
82 **who are alleged to have been abused or neglected and for whom a petition has been filed in a**
83 **Juvenile and Domestic Relations District Court can be retrieved from the Juvenile and Domestic**
84 **Relations District Courts' Case Management System or the Online Automated Services**
85 **Information System maintained by the Department for inclusion in the Virginia Child Protection**
86 **Accountability System: (i) the type of abuse alleged, (ii) the relationship between the victim and**
87 **the individual alleged to have committed the abuse or neglect, and (iii) the disposition of each case,**
88 **including whether a legal change of custody or a protective order was granted or denied/dismissed.**
89 **The Office of the Executive Secretary of the Supreme Court of Virginia shall determine if the**
90 **following information can be retrieved from the Juvenile and Domestic Relations District Courts'**
91 **Case Management System or the Circuit Court Case Management System, as appropriate: (i) the**
92 **number of family abuse preliminary protective orders issued pursuant to § 16.1-253.1, (ii) the**
93 **number of petitions filed requesting the issuance of a protective order pursuant to § 19.2-152.10,**
94 **(iii) the number of preliminary protective orders issued pursuant to § 19.2-152.9, (iv) the number**
95 **of protective orders issued pursuant to § 19.2-152.10, (v) the type of abuse alleged, and (vi) the**
96 **relationship between the victim and the individual alleged to have committed the abuse.]**