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## HOUSE BILL NO. 2045

House Amendments in [ ] — January 24, 2013

A BILL to amend the Code of Virginia by adding in Chapter 9 of Title 63.2 a section numbered 63.2-915, relating to foster care and adoption; decisions regarding federal benefits; appeal to the Commissioner.

Patron Prior to Engrossment—Delegate Robinson

Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:**

1. That the Code of Virginia is amended by adding in Chapter 9 of Title 63.2 a section numbered 63.2-915 as follows:

**§ 63.2-915. Appeals to Commissioner.**

A. ~~[ A guardian ad litem for a child, foster parent on behalf of a child, or a parent of a child, prior to the termination of their parental rights, who is aggrieved by any decision of a local board granting, denying, or changing a benefit available to that child in foster care may appeal to the Commissioner. Pursuant to 42 U.S.C. § 671(a)(12) any individual whose claim for benefits available pursuant to 42 U.S.C. § 670 et seq. or, whose claim for benefits pursuant to Code of Virginia § 63.2-905 is denied or is not acted upon by the local department with reasonable promptness shall have the right to appeal to the Commissioner. ]~~

B. The Commissioner shall provide an opportunity for a hearing, reasonable notice of which shall be given in writing to the applicant or recipient and to the proper local board in such manner and form as the Commissioner may prescribe. The Commissioner may make or cause to be made an investigation of the facts. The Commissioner shall give fair and impartial consideration to testimony of witnesses, or other evidence produced at the hearing, reports by the local board and local director or of investigations made or caused to be made by the Commissioner, or any facts that the Commissioner may deem proper to enable him to decide fairly the appeal or review. The decision of the Commissioner shall be binding and considered a final agency action for purposes of judicial review of such action pursuant to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

C. The Commissioner may delegate the duty and authority to consider and make determinations on any appeal filed in accordance with this section to duly qualified officers.

D. The Board shall promulgate regulations to implement the provisions of this section.

2. That the Board of Social Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

ENGROSSED

HB2045E