

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Chapter 9 of Title 63.2 a section numbered*
3 *63.2-915, relating to foster care and adoption; decisions regarding federal benefits; appeal to the*
4 *Commissioner.*

5 [H 2045]

6 Approved

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

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

10 **§ 63.2-915. Appeals to Commissioner.**

11 *A. Pursuant to 42 U.S.C. § 671(a)(12) any individual whose claim for benefits available pursuant to*
12 *42 U.S.C. § 670 et seq. or, whose claim for benefits pursuant to Code of Virginia § 63.2-905 is denied*
13 *or is not acted upon by the local department with reasonable promptness shall have the right to appeal*
14 *to the Commissioner.*

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

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

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

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

ENROLLED

HB2045ER