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SENATE BILL NO. 941

Offered January 9, 2013

Prefiled January 7, 2013

A *BILL to amend and reenact § 63.2-1518 of the Code of Virginia, relating to alleged child abuse or neglect; authority to talk to child or sibling.*

Patron—Reeves

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:**1. That § 63.2-1518 of the Code of Virginia is amended and reenacted as follows:****§ 63.2-1518. Authority to talk to child or sibling.**

A. Any person required to make a report or conduct an investigation or family assessment, pursuant to this chapter may talk to any child suspected of being abused or neglected or to any of his siblings without consent of and outside the presence of his parent, guardian, legal custodian, or other person standing in loco parentis, or school personnel, *provided such child has been taken into emergency custody pursuant to § 63.2-1517.*

B. *In cases in which a child has not been taken into emergency custody pursuant to § 63.2-1517 and consent to talk to a child suspected of being abused or neglected or to any of his siblings has been withheld, the person required to conduct an investigation or family assessment may file a petition to require the parent, guardian, legal custodian, or other person standing in loco parentis of the child or his sibling to produce the child or his sibling for the purposes of an interview with the juvenile and domestic relations court for the county or city in which the child or his sibling resides or is located. The petition shall include the name, date of birth, and address of the child, if known, and a statement of the factual circumstances that allegedly necessitate the investigation and interview.*

C. *Upon receipt of a petition pursuant to subsection B, the court shall set a hearing not more than five days after the date of the filing of the petition and serve notice of the hearing along with a copy of the petition at least 24 hours in advance of the hearing upon the parents, guardian, legal custodian, or other person standing in loco parentis of the child; the guardian ad litem of the child if one has been appointed; and the child if he is 12 years of age or older. If the court finds by clear and convincing evidence that probable cause exists to believe that the child is abused or neglected, the court may order that the child or his sibling be produced for the purpose of an interview outside of the presence of his parent, guardian, legal custodian, or other person standing in loco parentis.*

INTRODUCED

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