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HOUSE BILL NO. 1456

Offered January 14, 2015

Prefiled December 30, 2014

A BILL to amend and reenact § 16.1-241.3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.2-1506.1, relating to reports of substance abuse by a pregnant woman; child-protective services.

Patrons—Adams and Miller

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-241.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 63.2-1506.1 as follows:

§ 16.1-241.3. Newborn and unborn children; substance abuse.

Upon the filing of a petition alleging that an investigation has been commenced in response to a report of suspected abuse or neglect of the child based upon § 63.2-1506.1 or a factor specified in subsection B of § 63.2-1509, the court may enter any order authorized pursuant to this chapter which the court deems necessary to protect the health and welfare of the child pending final disposition of the investigation pursuant to Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2 or other proceedings brought pursuant to this chapter. Such orders may include, but shall not be limited to, an emergency removal order pursuant to § 16.1-251, a preliminary protective order pursuant to § 16.1-253 or an order authorized pursuant to subdivisions A 1 through 4 of § 16.1-278.2. The fact that an order was entered pursuant to this section shall not be admissible as evidence in any criminal, civil or administrative proceeding other than a proceeding to enforce the order.

The order shall be effective for a limited duration not to exceed the period of time necessary to conclude the investigation and any proceedings initiated pursuant to Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2, but shall be a final order subject to appeal.

§ 63.2-1506.1. Reports of substance abuse by a pregnant woman.

If a local department receives a report or complaint that a pregnant woman is using a controlled substance where such use would constitute a felony or Class 1 misdemeanor drug offense and would render the woman's unborn child abused or neglected, the local department shall determine the validity of such report and shall make a determination to conduct an investigation pursuant to § 63.2-1505 or a family assessment pursuant to § 63.2-1506. For purposes of this section, the term "abused or neglected child" includes the woman's unborn child, and the provisions of this article shall apply mutatis mutandis to any investigation or family assessment conducted pursuant to this section.

INTRODUCED

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