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HOUSE BILL NO. 2034

Offered January 14, 2015

Prefiled January 14, 2015

A *BILL to amend and reenact §§ 63.2-100 and 63.2-1715 of the Code of Virginia and to amend the Code of Virginia by adding in Title 20 a chapter numbered 10, consisting of sections numbered 20-166 and 20-167, relating to delegation of parental or legal custodial powers; child-placing agency.*

Patrons—Byron, Bell, Richard P., Cline, Cox, Fariss, Garrett, O'Bannon and Wilt

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-100 and 63.2-1715 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 20 a chapter numbered 10, consisting of sections numbered 20-166 and 20-167, as follows:

CHAPTER 10.**POWER OF ATTORNEY TO DELEGATE PARENTAL OR LEGAL CUSTODIAL POWERS.****§ 20-166. Power of attorney to delegate parental or legal custodial powers.**

A. A parent or legal custodian of a child, by a properly executed power of attorney pursuant to § 20-167, may delegate to another person, for a period not to exceed one year, any of the powers regarding the custody, care, and property of the child except the power to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child. A delegation of powers under this section shall not operate to change or modify any parental or legal rights, obligations, or authority established by an existing court order, or deprive a parent or legal custodian of any parental or legal rights, obligations, or authority regarding the custody, visitation, or support of any child under this Title.

B. The parent or legal custodian of the child shall have the authority to revoke or withdraw the power of attorney authorized by subsection A at any time. If the delegation of authority lasts longer than one year, the parent or legal custodian of the child shall execute a new power of attorney for each additional year that the delegation exists.

C. The attorney-in-fact shall exercise parental or legal authority on a continuous basis for not less than 24 hours and without compensation for the intended duration of the power of attorney authorized by subsection A and shall not be subject to the licensing requirements of § 63.2-1701.

D. The execution of a power of attorney by a parent or legal custodian authorized by subsection A shall not constitute abandonment, abuse, or neglect as defined in § 63.2-100 unless the parent or legal custodian fails to make contact or execute a new power of attorney after the one-year time limit has elapsed.

E. Under a delegation of powers as authorized by subsection A, the child subject to the power of attorney shall not be deemed placed in foster care, in a foster home, or in an independent foster home as defined in § 63.2-100, and the parties shall not be subject to any of the licensing requirements or regulations for foster care.

§ 20-167. Statutory form for power of attorney to delegate parental or legal custodial powers.

A. A power of attorney to delegate parental or legal authority executed pursuant to this chapter shall be substantially as follows:

POWER OF ATTORNEY TO DELEGATE PARENTAL OR LEGAL CUSTODIAL POWERS

1. I certify that I am the parent or legal custodian of:

(Full name of minor child)

(Date of birth)

(Full name of minor child)

(Date of birth)

(Full name of minor child)

(Date of birth)

2. I designate _____ (insert full name, address, and phone number of designated attorney-in-fact) as the attorney-in-fact of each child listed above.

3. I delegate to the attorney-in-fact all of my power and authority regarding the care, custody, and property of each minor child named above, including the right to enroll the child in school, the right to inspect and obtain copies of education records and other records concerning the child, the right to

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58 attend school activities and other functions concerning the child, and the right to give or withhold any
59 consent or waiver with respect to school activities, medical and dental treatment, and any other activity,
60 function, or treatment that may concern the child. This delegation shall not include the power or
61 authority to consent to marriage or adoption of the child, the performance or inducement of an abortion
62 on or for the child, or the termination of parental rights to the child.

63 OR

64 3. I delegate to the attorney-in-fact the following specific powers and responsibilities:

65 _____
66 _____
67 This delegation shall not include the power or authority to consent to marriage or adoption of the
68 child, the performance or inducement of an abortion on or for the child, or the termination of parental
69 rights to the child.

70 4. This power of attorney is effective for a period not to exceed one year, beginning _____
71 (insert date) and ending _____ (insert date). I reserve the right to revoke this authority at any time.
72 (Signature of parent/legal custodian) _____ (Date) _____

73 5. I hereby accept my designation as attorney-in-fact for the minor child/children specified in this
74 power of attorney.

75 (Signature of attorney-in-fact) _____ (Date) _____

76 B. A power of attorney executed under this chapter is legally sufficient if the wording of the form
77 complies substantially with subsection A, the form is properly completed, and the signatures of the
78 parties are acknowledged or verified before a notary public.

79 **§ 63.2-100. Definitions.**

80 As used in this title, unless the context requires a different meaning:

81 "Abused or neglected child" means any child less than 18 years of age:

82 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or
83 inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than
84 accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental
85 functions, including, but not limited to, a child who is with his parent or other person responsible for his
86 care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled
87 substance, or (ii) during the unlawful sale of such substance by that child's parents or other person
88 responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would
89 constitute a felony violation of § 18.2-248;

90 2. Whose parents or other person responsible for his care neglects or refuses to provide care
91 necessary for his health. However, no child who in good faith is under treatment solely by spiritual
92 means through prayer in accordance with the tenets and practices of a recognized church or religious
93 denomination shall for that reason alone be considered to be an abused or neglected child. Further, a
94 decision by parents who have legal authority for the child or, in the absence of parents with legal
95 authority for the child, any person with legal authority for the child, who refuses a particular medical
96 treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary
97 care if (i) such decision is made jointly by the parents or other person with legal authority and the child;
98 (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the
99 subject of his medical treatment; (iii) the parents or other person with legal authority and the child have
100 considered alternative treatment options; and (iv) the parents or other person with legal authority and the
101 child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision
102 shall be construed to limit the provisions of § 16.1-278.4;

103 3. Whose parents or other person responsible for his care abandons such child;

104 4. Whose parents or other person responsible for his care commits or allows to be committed any act
105 of sexual exploitation or any sexual act upon a child in violation of the law;

106 5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or
107 physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco
108 parentis; or

109 6. Whose parents or other person responsible for his care creates a substantial risk of physical or
110 mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as
111 defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the
112 parent or other person responsible for his care knows has been convicted of an offense against a minor
113 for which registration is required as a violent sexual offender pursuant to § 9.1-902.

114 If a civil proceeding under this title is based solely on the parent having left the child at a hospital
115 or rescue squad, it shall be an affirmative defense that such parent safely delivered the child to a
116 hospital that provides 24-hour emergency services or to an attended rescue squad that employs
117 emergency medical technicians, within 14 days of the child's birth. For purposes of terminating parental
118 rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected
119 child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal use of an incapacitated adult or his resources for another's profit or advantage.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult neglect" means that an adult is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person under 18 years of age.

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the

181 absence of a parent or guardian, a person or organization has agreed to assume responsibility for the
182 supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

183 "Child-placing agency" means any person who places children in foster homes, adoptive homes or
184 independent living arrangements pursuant to § 63.2-1819 or a local board that places children in foster
185 homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221, *other than a private,*
186 *nonprofit organization that does not accept public funds and that assists parents with the process of*
187 *delegating parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et*
188 *seq.) of Title 20, including assistance with identifying appropriate placements for their children, or that*
189 *provides services and resources to support children, parents and legal guardians, and persons to whom*
190 *parental or legal custodial powers are delegated pursuant to Chapter 10 of Title 20. Officers,*
191 *employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as*
192 *such, who serve as or maintain a child-placing agency, shall not be required to be licensed.*

193 "Child-protective services" means the identification, receipt and immediate response to complaints
194 and reports of alleged child abuse or neglect for children under 18 years of age. It also includes
195 assessment, and arranging for and providing necessary protective and rehabilitative services for a child
196 and his family when the child has been found to have been abused or neglected or is at risk of being
197 abused or neglected.

198 "Child support services" means any civil, criminal or administrative action taken by the Division of
199 Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or
200 collect child support, or child and spousal support.

201 "Child-welfare agency" means a child day center, child-placing agency, children's residential facility,
202 family day home, family day system, or independent foster home.

203 "Children's residential facility" means any facility, child-caring institution, or group home that is
204 maintained for the purpose of receiving children separated from their parents or guardians for full-time
205 care, maintenance, protection and guidance, or for the purpose of providing independent living services
206 to persons between 18 and 21 years of age who are in the process of transitioning out of foster care.
207 Children's residential facility shall not include:

208 1. A licensed or accredited educational institution whose pupils, in the ordinary course of events,
209 return annually to the homes of their parents or guardians for not less than two months of summer
210 vacation;

211 2. An establishment required to be licensed as a summer camp by § 35.1-18; and

212 3. A licensed or accredited hospital legally maintained as such.

213 "Commissioner" means the Commissioner of the Department, his designee or authorized
214 representative.

215 "Department" means the State Department of Social Services.

216 "Department of Health and Human Services" means the Department of Health and Human Services
217 of the United States government or any department or agency thereof that may hereafter be designated
218 as the agency to administer the Social Security Act, as amended.

219 "Disposable income" means that part of the income due and payable of any individual remaining
220 after the deduction of any amount required by law to be withheld.

221 "Energy assistance" means benefits to assist low-income households with their home heating and
222 cooling needs, including, but not limited to, purchase of materials or substances used for home heating,
223 repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or
224 repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance
225 with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the
226 Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

227 "Family day home" means a child day program offered in the residence of the provider or the home
228 of any of the children in care for one through 12 children under the age of 13, exclusive of the
229 provider's own children and any children who reside in the home, when at least one child receives care
230 for compensation. The provider of a licensed or registered family day home shall disclose to the parents
231 or guardians of children in their care the percentage of time per week that persons other than the
232 provider will care for the children. Family day homes serving six through 12 children, exclusive of the
233 provider's own children and any children who reside in the home, shall be licensed. However, no family
234 day home shall care for more than four children under the age of two, including the provider's own
235 children and any children who reside in the home, unless the family day home is licensed or voluntarily
236 registered. However, a family day home where the children in care are all grandchildren of the provider
237 shall not be required to be licensed.

238 "Family day system" means any person who approves family day homes as members of its system;
239 who refers children to available family day homes in that system; and who, through contractual
240 arrangement, may provide central administrative functions including, but not limited to, training of
241 operators of member homes; technical assistance and consultation to operators of member homes;
242 inspection, supervision, monitoring, and evaluation of member homes; and referral of children to

available health and social services.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency. *"Foster care placement" does not include placement of a child in accordance with a power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.*

"Foster home" means the place of residence of any natural person in which any child, other than a child by birth or adoption of such person *or a child who is the subject of a power of attorney to delegate parental or legal custodial powers by his parents to the natural person who has been designated the child's legal guardian pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20 and who exercises legal authority over the child on a continuous basis for at least 24 hours and without compensation,* resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person ~~and~~; (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; *and (iii) a home in which are received only children who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.*

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years or (ii) is at least 18 years of age but who has not yet reached 21 years of age and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in

304 a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

305 "Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the
306 aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child
307 care; and general relief.

308 "Qualified assessor" means an entity contracting with the Department of Medical Assistance Services
309 to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for
310 a home and community-based waiver program, including an independent physician contracting with the
311 Department of Medical Assistance Services to complete the uniform assessment instrument for residents
312 of assisted living facilities, or any hospital that has contracted with the Department of Medical
313 Assistance Services to perform nursing facility pre-admission screenings.

314 "Registered family day home" means any family day home that has met the standards for voluntary
315 registration for such homes pursuant to regulations adopted by the Board and that has obtained a
316 certificate of registration from the Commissioner.

317 "Residential living care" means a level of service provided by an assisted living facility for adults
318 who may have physical or mental impairments and require only minimal assistance with the activities of
319 daily living. The definition of "residential living care" includes the services provided by independent
320 living facilities that voluntarily become licensed.

321 "Social services" means foster care, adoption, adoption assistance, child-protective services, domestic
322 violence services, or any other services program implemented in accordance with regulations adopted by
323 the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of
324 Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14
325 of Title 51.5 provided by local departments of social services in accordance with regulations and under
326 the supervision of the Commissioner for Aging and Rehabilitative Services.

327 "Special order" means an order imposing an administrative sanction issued to any party licensed
328 pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A
329 special order shall be considered a case decision as defined in § 2.2-4001.

330 "Temporary Assistance for Needy Families" or "TANF" means the program administered by the
331 Department through which a relative can receive monthly cash assistance for the support of his eligible
332 children.

333 "Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the
334 Temporary Assistance for Needy Families program for families in which both natural or adoptive
335 parents of a child reside in the home and neither parent is exempt from the Virginia Initiative for
336 Employment Not Welfare (VIEW) participation under § 63.2-609.

337 "Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social
338 Security Act, as amended, and administered by the Department through which foster care is provided on
339 behalf of qualifying children.

340 **§ 63.2-1715. Exemptions from licensure.**

341 A. The following child day programs shall not be required to be licensed:

342 1. A child day center that has obtained an exemption pursuant to § 63.2-1716.

343 2. A program where, by written policy given to and signed by a parent or guardian, school-aged
344 children are free to enter and leave the premises without permission or supervision, regardless of (i)
345 such program's location or the number of days per week of its operation; (ii) the provision of
346 transportation services, including drop-off and pick-up times; or (iii) the scheduling of breaks for snacks,
347 homework, or other activities. A program that would qualify for this exemption except that it assumes
348 responsibility for the supervision, protection and well-being of several children with disabilities who are
349 mainstreamed shall not be subject to licensure.

350 3. A program of instructional experience in a single focus, such as, but not limited to, computer
351 science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if
352 no child is allowed to attend for more than 25 days in any three-month period commencing with
353 enrollment. This exemption does not apply if children merely change their enrollment to a different
354 focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a
355 three-month period.

356 4. Programs of instructional or recreational activities wherein no child under age six attends for more
357 than six hours weekly with no class or activity period to exceed one and one-half hours, and no child
358 six years of age or above attends for more than six hours weekly when school is in session or 12 hours
359 weekly when school is not in session. Competition, performances and exhibitions related to the
360 instructional or recreational activity shall be excluded when determining the hours of program operation.

361 5. A program that operates no more than a total of 20 program days in the course of a calendar year
362 provided that programs serving children under age six operate no more than two consecutive weeks
363 without a break of at least a week.

364 6. Instructional programs offered by public and private schools that satisfy compulsory attendance
365 laws or the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored

extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.

7. Education and care programs provided by public schools that are not exempt pursuant to subdivision A 6 shall be regulated by the State Board of Education using regulations that incorporate, but may exceed, the regulations for child day centers licensed by the Commissioner.

8. Early intervention programs for children eligible under Part C of the Individuals with Disabilities Education Act, as amended, wherein no child attends for more than a total of six hours per week.

9. Practice or competition in organized competitive sports leagues.

10. Programs of religious instruction, such as Sunday schools, vacation Bible schools, and Bar Mitzvah or Bat Mitzvah classes, and child-minding services provided to allow parents or guardians who are on site to attend religious worship or instructional services.

11. Child-minding services that are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) is not an on-duty employee, except for part-time employees working less than two hours per day, (ii) can be contacted and can resume responsibility for the child's supervision within 30 minutes, and (iii) is receiving or providing services or participating in activities offered by the establishment.

12. A certified preschool or nursery school program operated by a private school that is accredited by a statewide accrediting organization recognized by the State Board of Education or accredited by the National Association for the Education of Young Children's National Academy of Early Childhood Programs; the Association of Christian Schools International; the American Association of Christian Schools; the National Early Childhood Program Accreditation; the National Accreditation Council for Early Childhood Professional Personnel and Programs; the International Academy for Private Education; the American Montessori Society; the International Accreditation and Certification of Childhood Educators, Programs, and Trainers; or the National Accreditation Commission that complies with the provisions of § 63.2-1717.

13. A program of recreational activities offered by local governments, staffed by local government employees, and attended by school-age children. Such programs shall be subject to safety and supervisory standards established by local governments.

14. A program of instructional or athletic experience operated during the summer months by, and as an extension of, an accredited private elementary, middle, or high school program as set forth in § 22.1-19 and administered by the Virginia Council for Private Education.

B. Family day homes that are members of a licensed family day system shall not be required to obtain a license from the Commissioner.

C. No private nonprofit organization that does not accept public funds and that assists parents with the process of delegating parental or custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20, including assistance with identifying appropriate placements for their children, or provides services and resources to support children, parents and legal guardians, and persons to whom parental or legal custodial power are delegated pursuant to Chapter 10 of Title 20 shall be required to obtain a license as a child-placing agency from the Commissioner. No person to whom parental and legal custodial powers has been delegated pursuant to Chapter 10 of Title 20 shall be required to obtain a license to operate an independent foster home or approval as a foster parent from the Commissioner.

D. Officers, employees, or agents of the Commonwealth, or of any county, city, or town acting within the scope of their authority as such, who serve as or maintain a child-placing agency shall not be required to be licensed.