

15102660D

SENATE BILL NO. 1423

Offered January 23, 2015

A *BILL to amend and reenact §§ 63.2-900 and 63.2-1251 of the Code of Virginia, relating to placement of children entering foster care; Putative Father Registry.*

Patron—Barker

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-900 and 63.2-1251 of the Code of Virginia are amended and reenacted as follows:

§ 63.2-900. Accepting children for placement in homes, facilities, etc., by local boards.

A. Pursuant to § 63.2-319, a local board shall have the right to accept for placement in suitable family homes, children's residential facilities or independent living arrangements, subject to the supervision of the Commissioner and in accordance with regulations adopted by the Board, such persons under 18 years of age as may be entrusted to it by the parent, parents or guardian, committed by any court of competent jurisdiction, or placed through an agreement between it and the parent, parents or guardians where legal custody remains with the parent, parents, or guardians.

Prior to accepting custody of a person under 18 years of age, the local board shall conduct a search of the Putative Father Registry (the Registry) established pursuant to Article 7 (§ 63.2-1249 et seq.) of Chapter 12 to determine whether any man has registered as a putative father of the child. If the local board determines that a man has registered with the Registry as the putative father of the child, the local board shall contact the man and determine whether placement of the child with the putative father, rather than in foster care, is in the best interests of the child.

The Board shall adopt regulations for the provision of foster care services by local boards, which shall be directed toward the prevention of unnecessary foster care placements and towards the immediate care of and permanent planning for children in the custody of or placed by local boards and that shall achieve, as quickly as practicable, permanent placements for such children. The local board shall first seek out kinship care options to keep children out of foster care and as a placement option for those children in foster care, if it is in the child's best interests, pursuant to § 63.2-900.1. In cases in which a child cannot be returned to his prior family or placed for adoption and kinship care is not currently in the best interests of the child, the local board shall consider the placement and services that afford the best alternative for protecting the child's welfare. Placements may include but are not limited to family foster care, treatment foster care and residential care. Services may include but are not limited to assessment and stabilization, diligent family search, intensive in-home, intensive wraparound, respite, mentoring, family mentoring, adoption support, supported adoption, crisis stabilization or other community-based services. The Board shall also approve in foster care policy the language of the agreement required in § 63.2-902. The agreement shall include at a minimum a Code of Ethics and mutual responsibilities for all parties to the agreement.

The local board shall, in accordance with the regulations adopted by the Board and in accordance with the entrustment agreement or other order by which such person is entrusted or committed to its care, have custody and control of the person so entrusted or committed to it until he is lawfully discharged, has been adopted or has attained his majority.

Whenever a local board places a child where legal custody remains with the parent, parents or guardians, the board shall enter into an agreement with the parent, parents or guardians. The agreement shall specify the responsibilities of each for the care and control of the child.

The local board shall have authority to place for adoption, and to consent to the adoption of, any child properly committed or entrusted to its care when the order of commitment or entrustment agreement between the parent or parents and the agency provides for the termination of all parental rights and responsibilities with respect to the child for the purpose of placing and consenting to the adoption of the child.

The local board shall also have the right to accept temporary custody of any person under 18 years of age taken into custody pursuant to subdivision B of § 16.1-246 or § 63.2-1517. The placement of a child in a foster home, whether within or without the Commonwealth, shall not be for the purpose of adoption unless the placement agreement between the foster parents and the local board specifically so stipulates.

B. Prior to the approval of any family for placement of a child, a home study shall be completed and the prospective foster or adoptive parents shall be informed that information about shaken baby syndrome, its effects, and resources for help and support for caretakers is available on a website

INTRODUCED

SB1423

59 maintained by the Department as prescribed in regulations adopted by the Board.

60 C. Prior to placing any such child in any foster home or children's residential facility, the local board
61 shall enter into a written agreement with the foster parents, pursuant to § 63.2-902, or other appropriate
62 custodian setting forth therein the conditions under which the child is so placed pursuant to § 63.2-902.
63 However, if a child is placed in a children's residential facility licensed as a temporary emergency
64 shelter, and a verbal agreement for placement is secured within eight hours of the child's arrival at the
65 facility, the written agreement does not need to be entered into prior to placement, but shall be
66 completed and signed by the local board and the facility representative within 24 hours of the child's
67 arrival or by the end of the next business day after the child's arrival.

68 D. Within 72 hours of placing a child of school age in a foster care placement, as defined in
69 § 63.2-100, the local social services agency making such placement shall, in writing, (i) notify the
70 principal of the school in which the student is to be enrolled and the superintendent of the relevant
71 school division or his designee of such placement, and (ii) inform the principal of the status of the
72 parental rights.

73 If the documents required for enrollment of the foster child pursuant to § 22.1-3.1, 22.1-270 or
74 22.1-271.2, are not immediately available upon taking the child into custody, the placing social services
75 agency shall obtain and produce or otherwise ensure compliance with such requirements for the foster
76 child within 30 days after the child's enrollment.

77 **§ 63.2-1251. Furnishing information; confidentiality; penalty.**

78 A. The Department is not required to locate the mother of a child who is the subject of a
79 registration, but the Department shall send a copy of the notice of registration to the mother if an
80 address is provided.

81 B. Information contained in the registry is confidential and may only be released on request to:

- 82 1. A court or a person designated by the court;
- 83 2. The mother of the child who is the subject of the registration;
- 84 3. An agency authorized by law to receive such information;
- 85 4. A licensed child-placing agency;
- 86 5. A support enforcement agency;
- 87 6. The child's guardian ad litem;
- 88 7. A party or the party's attorney of record in an adoption proceeding, custody proceeding, paternity
89 proceeding, or in a proceeding of termination of parental rights, regarding a child who is the subject of
90 the registration; ~~and~~

91 8. A putative father registry in another state; *and*

92 9. *A local board of social services for the purpose of identifying placement options for a child*
93 *pursuant to § 63.2-900.*

94 C. Information contained in the registry shall be exempt from disclosure under the Virginia Freedom
95 of Information Act (§ 2.2-3700 et seq.).

96 D. An individual who intentionally releases information from the registry to an individual or agency
97 not authorized to receive the information in this section is guilty of a Class 4 misdemeanor.