

VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

CHAPTER 25

An Act to amend and reenact § 63.2-900.1 of the Code of Virginia, relating to kinship foster care; waiver of foster home approval standards.

[H 674]

Approved February 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-900.1 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-900.1. Kinship foster care.

A. The local board shall, in accordance with regulations adopted by the Board, determine whether the child has a relative who is eligible to become a kinship foster parent.

B. Kinship foster care placements pursuant to this section shall be subject to all requirements of, and shall be eligible for all services related to, foster care placement contained in this chapter. ~~However, the Commissioner may grant a variance from the requirements of this chapter pursuant to 42 U.S.C. § 671 (a)(10) and allow the placement of a child in with a kinship foster care provider when he determines that (i) the requirement would impose a substantial hardship on the kinship foster care provider and (ii) the variance would not adversely affect the safety and well-being of the child to be placed in an arrangement for kinship care as defined in § 63.2-100 or with the kinship foster care provider. Variances Subject to approval by the Commissioner, a local board may grant a waiver of the Board's standards for foster home approval, set forth in regulations, that are not related to safety. Waivers granted pursuant to this subsection shall be considered and, if appropriate, granted on a case-by-case basis and shall include consideration of the unique needs of each child to be placed. Upon request by a local board, the Commissioner shall review the local board's decision and reasoning to grant a waiver and shall verify that the foster home approval standard being waived is not related to safety. The approval or disapproval by the Commissioner of the local board's waiver shall not be considered a case decision as defined in § 2.2-4001.~~

C. The kinship foster parent shall be eligible to receive payment at the full foster care rate for the care of the child.

D. A child placed in kinship foster care pursuant to this section shall not be removed from the physical custody of the kinship foster parent, provided the child has been living with the kinship foster parent for six consecutive months and the placement continues to meet approval standards for foster care, unless (i) the kinship foster parent consents to the removal; (ii) removal is agreed upon at a family partnership meeting as defined by the Department; (iii) removal is ordered by a court of competent jurisdiction; or (iv) removal is warranted pursuant to § 63.2-1517.