

16101843D

HOUSE BILL NO. 600

Offered January 13, 2016

Prefiled January 11, 2016

A *BILL to amend and reenact §§ 16.1-228, 16.1-281, 16.1-282.1, 63.2-100, as it is currently effective and as it shall become effective, 63.2-904, 63.2-905.2, 63.2-906, 63.2-908, and 63.2-1502 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.2-905.3, relating to child welfare mandates.*

Patron—Bell, Richard P.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-228, 16.1-281, 16.1-282.1, 63.2-100, as it is currently effective and as it shall become effective, 63.2-904, 63.2-905.2, 63.2-906, 63.2-908, and 63.2-1502 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 63.2-905.3 as follows:

§ 16.1-228. Definitions.

When used in this chapter, unless the context otherwise requires:

"Abused or neglected child" means any child:

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

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;

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

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

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

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

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

7. *Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.*

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a delinquent act which would be a felony if committed by an adult.

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59 "Boot camp" means a short term secure or nonsecure juvenile residential facility with highly
60 structured components including, but not limited to, military style drill and ceremony, physical labor,
61 education and rigid discipline, and no less than six months of intensive aftercare.

62 "Child," "juvenile," or "minor" means a person less than 18 years of age.

63 "Child in need of services" means (i) a child whose behavior, conduct or condition presents or results
64 in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14
65 whose behavior, conduct or condition presents or results in a serious threat to the well-being and
66 physical safety of another person; however, no child who in good faith is under treatment solely by
67 spiritual means through prayer in accordance with the tenets and practices of a recognized church or
68 religious denomination shall for that reason alone be considered to be a child in need of services, nor
69 shall any child who habitually remains away from or habitually deserts or abandons his family as a
70 result of what the court or the local child protective services unit determines to be incidents of physical,
71 emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

72 However, to find that a child falls within these provisions, (i) the conduct complained of must
73 present a clear and substantial danger to the child's life or health or to the life or health of another
74 person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being
75 received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or
76 services needed by the child or his family.

77 "Child in need of supervision" means:

78 1. A child who, while subject to compulsory school attendance, is habitually and without justification
79 absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of
80 any and all educational services and programs that are required to be provided by law and which meet
81 the child's particular educational needs, (ii) the school system from which the child is absent or other
82 appropriate agency has made a reasonable effort to effect the child's regular attendance without success,
83 and (iii) the school system has provided documentation that it has complied with the provisions of
84 § 22.1-258; or

85 2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or
86 placement authority, remains away from or deserts or abandons his family or lawful custodian on more
87 than one occasion or escapes or remains away without proper authority from a residential care facility in
88 which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to
89 the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not
90 presently being received, and (iii) the intervention of the court is essential to provide the treatment,
91 rehabilitation or services needed by the child or his family.

92 "Child welfare agency" means a child-placing agency, child-caring institution or independent foster
93 home as defined in § 63.2-100.

94 "The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile
95 and domestic relations district court of each county or city.

96 "Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an
97 ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of
98 § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an
99 act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if
100 committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to
101 take a blood or breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or
102 town.

103 "Delinquent child" means a child who has committed a delinquent act or an adult who has committed
104 a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been
105 terminated under the provisions of § 16.1-269.6.

106 "Department" means the Department of Juvenile Justice and "Director" means the administrative head
107 in charge thereof or such of his assistants and subordinates as are designated by him to discharge the
108 duties imposed upon him under this law.

109 "Family abuse" means any act involving violence, force, or threat that results in bodily injury or
110 places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by
111 a person against such person's family or household member. Such act includes, but is not limited to, any
112 forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of
113 Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable
114 apprehension of death, sexual assault, or bodily injury.

115 "Family or household member" means (i) the person's spouse, whether or not he or she resides in the
116 same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same
117 home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters,
118 half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in
119 the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law,
120 daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v)

121 any individual who has a child in common with the person, whether or not the person and that
122 individual have been married or have resided together at any time, or (vi) any individual who cohabits
123 or who, within the previous 12 months, cohabited with the person, and any children of either of them
124 then residing in the same home with the person.

125 "Foster care services" means the provision of a full range of casework, treatment and community
126 services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or
127 in need of services as defined in this section and his family when the child (i) has been identified as
128 needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through
129 an agreement between the local board of social services or a public agency designated by the
130 community policy and management team and the parents or guardians where legal custody remains with
131 the parents or guardians, (iii) has been committed or entrusted to a local board of social services or
132 child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board
133 pursuant to § 16.1-293.

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

138 "Independent living services" means services and activities provided to a child in foster care 14 years
139 of age or older and who has been committed or entrusted to a local board of social services, child
140 welfare agency, or private child-placing agency. "Independent living services" may also mean services
141 and activities provided to a person who was in foster care on his 18th birthday and has not yet reached
142 the age of 21 years. Such services shall include counseling, education, housing, employment, and money
143 management skills development and access to essential documents and other appropriate services to help
144 children or persons prepare for self-sufficiency.

145 "Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this
146 chapter.

147 "Jail" or "other facility designed for the detention of adults" means a local or regional correctional
148 facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding
149 cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the
150 transfer of a child to a juvenile facility.

151 "The judge" means the judge or the substitute judge of the juvenile and domestic relations district
152 court of each county or city.

153 "This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in
154 this chapter.

155 "Legal custody" means (i) a legal status created by court order which vests in a custodian the right to
156 have physical custody of the child, to determine and redetermine where and with whom he shall live,
157 the right and duty to protect, train and discipline him and to provide him with food, shelter, education
158 and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal
159 status created by court order of joint custody as defined in § 20-107.2.

160 "Permanent foster care placement" means the place of residence in which a child resides and in
161 which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation
162 and agreement between the placing agency and the place of permanent foster care that the child shall
163 remain in the placement until he reaches the age of majority unless modified by court order or unless
164 removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of
165 residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term
166 basis.

167 "Residual parental rights and responsibilities" means all rights and responsibilities remaining with the
168 parent after the transfer of legal custody or guardianship of the person, including but not limited to the
169 right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility
170 for support.

171 "Secure facility" or "detention home" means a local, regional or state public or private locked
172 residential facility that has construction fixtures designed to prevent escape and to restrict the movement
173 and activities of children held in lawful custody.

174 "Shelter care" means the temporary care of children in physically unrestricting facilities.

175 "State Board" means the State Board of Juvenile Justice.

176 "Status offender" means a child who commits an act prohibited by law which would not be criminal
177 if committed by an adult.

178 "Status offense" means an act prohibited by law which would not be an offense if committed by an
179 adult.

180 "Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of
181 § 16.1-269.1 when committed by a juvenile 14 years of age or older.

182 § 16.1-281. Foster care plan.

183 A. In any case in which (i) a local board of social services places a child through an agreement with
184 the parents or guardians where legal custody remains with the parents or guardian, or (ii) legal custody
185 of a child is given to a local board of social services or a child welfare agency, the local department of
186 social services or child welfare agency shall prepare a foster care plan for such child, as described
187 hereinafter. The individual family service plan developed by the family assessment and planning team
188 pursuant to § 2.2-5208 may be accepted by the court as the foster care plan if it meets the requirements
189 of this section.

190 The representatives of such department or agency shall involve the child's parent(s) in the
191 development of the plan, except when parental rights have been terminated or the local department of
192 social services or child welfare agency has made diligent efforts to locate the parent(s) and such
193 parent(s) cannot be located, and any other person or persons standing in loco parentis at the time the
194 board or child welfare agency obtained custody or the board placed the child. The representatives of
195 such department or agency shall involve ~~the~~ *a child who is 14 years of age or older* in the development
196 of the plan; *and, at the option of such child, up to two members of the case planning team who are*
197 *chosen by the child and who are not a foster parent of, or caseworker for, the child. A child under 14*
198 *years of age may be involved in the development of the plan* if such involvement is consistent with the
199 best interests of the child. In cases where either the parent(s) or child is not involved in the development
200 of the plan, the department or agency shall include in the plan a full description of the reasons therefor.

201 The department or child welfare agency shall file the plan with the juvenile and domestic relations
202 district court within 45 days following the transfer of custody or the board's placement of the child
203 unless the court, for good cause shown, allows an extension of time, which shall not exceed
204 additional 60 days. However, a foster care plan shall be filed in accordance with the provisions of
205 § 16.1-277.01 with a petition for approval of an entrustment agreement. A foster care plan need not be
206 prepared if the child is returned to his prior family or placed in an adoptive home within 45 days
207 following transfer of custody to the board or agency or the board's placement of the child.

208 B. The foster care plan shall describe in writing (i) the programs, care, services and other support
209 which will be offered to the child and his parents and other prior custodians; (ii) the participation and
210 conduct which will be sought from the child's parents and other prior custodians; (iii) the visitation and
211 other contacts which will be permitted between the child and his parents and other prior custodians, and
212 between the child and his siblings; (iv) the nature of the placement or placements which will be
213 provided for the child; (v) for school-age children, the school placement of the child; ~~and~~ (vi) for
214 children 14 years of age and older, the child's needs and goals in the areas of counseling, education,
215 housing, employment, and money management skills development, along with specific independent
216 living services that will be provided to the child to help him reach these goals; (vii) *an explanation of*
217 *the child's rights with respect to education, health, visitation, court participation, and the right to stay*
218 *safe and avoid exploitation; and (viii) all documentation specified in 42 U.S.C. § 675(5)(1) and*
219 *§ 63.2-905.3. In cases in which a foster care plan approved prior to July 1, 2011, identifies independent*
220 *living as the goal for the child, and in cases involving children admitted to the United States as refugees*
221 *or asylees who are 16 years of age or older and for whom the goal is independent living, the plan shall*
222 *also describe the programs and services which will help the child prepare for the transition from foster*
223 *care to independent living. If consistent with the child's health and safety, the plan shall be designed to*
224 *support reasonable efforts which lead to the return of the child to his parents or other prior custodians*
225 *within the shortest practicable time which shall be specified in the plan. The child's health and safety*
226 *shall be the paramount concern of the court and the agency throughout the placement, case planning,*
227 *service provision and review process. The plan shall include a signed acknowledgment by the child that*
228 *the child has received a copy of the plan and that the rights contained therein have been explained to*
229 *the child in an age-appropriate manner.*

230 If the department or child welfare agency concludes that it is not reasonably likely that the child can
231 be returned to his prior family within a practicable time, consistent with the best interests of the child,
232 the department, child welfare agency or team shall (a) include a full description of the reasons for this
233 conclusion; (b) provide information on the opportunities for placing the child with a relative or in an
234 adoptive home; (c) design the plan to lead to the child's successful placement with a relative if a
235 subsequent transfer of custody to the relative is planned, or in an adoptive home within the shortest
236 practicable time, and if neither of such placements is feasible; (d) explain why permanent foster care is
237 the plan for the child or independent living is the plan for the child in cases involving children admitted
238 to the United States as refugees or asylees who are 16 years of age or older and for whom the goal is
239 independent living.

240 "Independent living" as used in this section has the meaning set forth in § 63.2-100.

241 The local board or other child welfare agency having custody of the child shall not be required by
242 the court to make reasonable efforts to reunite the child with a parent if the court finds that (1) the
243 residual parental rights of the parent regarding a sibling of the child have previously been involuntarily

244 terminated; (2) the parent has been convicted of an offense under the laws of the Commonwealth or a
 245 substantially similar law of any other state, the United States or any foreign jurisdiction that constitutes
 246 murder or voluntary manslaughter, or a felony attempt, conspiracy or solicitation to commit any such
 247 offense, if the victim of the offense was a child of the parent, a child with whom the parent resided at
 248 the time such offense occurred or the other parent of the child; (3) the parent has been convicted of an
 249 offense under the laws of the Commonwealth or a substantially similar law of any other state, the
 250 United States or any foreign jurisdiction that constitutes felony assault resulting in serious bodily injury
 251 or felony bodily wounding resulting in serious bodily injury or felony sexual assault, if the victim of the
 252 offense was a child of the parent or a child with whom the parent resided at the time of such offense; or
 253 (4) based on clear and convincing evidence, the parent has subjected any child to aggravated
 254 circumstances, or abandoned a child under circumstances which would justify the termination of residual
 255 parental rights pursuant to subsection D of § 16.1-283.

256 As used in this section:

257 "Aggravated circumstances" means torture, chronic or severe abuse, or chronic or severe sexual
 258 abuse, if the victim of such conduct was a child of the parent or child with whom the parent resided at
 259 the time such conduct occurred, including the failure to protect such a child from such conduct, which
 260 conduct or failure to protect: (i) evinces a wanton or depraved indifference to human life, or (ii) has
 261 resulted in the death of such a child or in serious bodily injury to such a child.

262 "Chronic abuse" or "chronic sexual abuse" means recurring acts of physical abuse that place the
 263 child's health, safety and well-being at risk.

264 "Serious bodily injury" means bodily injury that involves substantial risk of death, extreme physical
 265 pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily
 266 member, organ or mental faculty.

267 "Severe abuse" or "severe sexual abuse" may include an act or omission that occurred only once, but
 268 otherwise meets the definition of "aggravated circumstances."

269 Within 30 days of making a determination that reasonable efforts to reunite the child with the parents
 270 are not required, the court shall hold a permanency planning hearing pursuant to § 16.1-282.1.

271 C. A copy of the entire foster care plan shall be sent by the court to the child, if he is 12 years of
 272 age or older; the guardian ad litem for the child, the attorney for the child's parents or for any other
 273 person standing in loco parentis at the time the board or child welfare agency obtained custody or the
 274 board placed the child, to the parents or other person standing in loco parentis, and such other persons
 275 as appear to the court to have a proper interest in the plan. However, a copy of the plan shall not be
 276 sent to a parent whose parental rights regarding the child have been terminated. A copy of the plan shall
 277 be sent by the court to the foster parents. A hearing shall be held for the purpose of reviewing and
 278 approving the foster care plan. The hearing shall be held within 60 days of (i) the child's initial foster
 279 care placement, if the child was placed through an agreement between the parents or guardians and the
 280 local department of social services or a child welfare agency; (ii) the original preliminary removal order
 281 hearing, if the child was placed in foster care pursuant to § 16.1-252; (iii) the hearing on the petition for
 282 relief of custody, if the child was placed in foster care pursuant to § 16.1-277.02; or (iv) the
 283 dispositional hearing at which the child was placed in foster care and an order was entered pursuant to
 284 § 16.1-278.2, 16.1-278.3, 16.1-278.4, 16.1-278.5, 16.1-278.6, or 16.1-278.8. However, the hearing shall
 285 be held in accordance with the provisions of § 16.1-277.01 with a petition for approval of an
 286 entrustment agreement. If the judge makes any revision in any part of the foster care plan, a copy of the
 287 changes shall be sent by the court to all persons who received a copy of the original of that part of the
 288 plan.

289 C1. Any order transferring custody of the child to a relative other than the child's prior family shall
 290 be entered only upon a finding, based upon a preponderance of the evidence, that the relative is one
 291 who, after an investigation as directed by the court, (i) is found by the court to be willing and qualified
 292 to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child;
 293 (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the
 294 ability to protect the child from abuse and neglect; and the order shall so state. The court's order
 295 transferring custody to a relative should further provide for, as appropriate, any terms or conditions
 296 which would promote the child's interest and welfare; ongoing provision of social services to the child
 297 and the child's custodian; and court review of the child's placement.

298 C2. Any order entered at the conclusion of the hearing that has the effect of achieving a permanent
 299 goal for the child by terminating residual parental rights pursuant to § 16.1-277.01, 16.1-277.02,
 300 16.1-278.3, or 16.1-283; by placing the child in permanent foster care pursuant to clause (iv) of
 301 subsection A of § 16.1-282.1; or, in cases in which independent living was identified as the goal for a
 302 child in a foster care plan approved prior to July 1, 2011, or in which a child has been admitted to the
 303 United States as a refugee or asylee and is over 16 years of age and independent living has been
 304 identified as the permanency goal for the child, by directing the board or agency to provide the child

305 with services to achieve independent living status, if the child has attained the age of 16 years, pursuant
 306 to clause (v) of subsection A of § 16.1-282.1 shall state whether reasonable efforts have been made to
 307 place the child in a timely manner in accordance with the foster care plan and to complete the steps
 308 necessary to finalize the permanent placement of the child.

309 D. The court in which the foster care plan is filed shall be notified immediately if the child is
 310 returned to his parents or other persons standing in loco parentis at the time the board or agency
 311 obtained custody or the board placed the child.

312 E. At the conclusion of the hearing at which the initial foster care plan is reviewed, the court shall
 313 schedule a foster care review hearing to be held within four months in accordance with § 16.1-282.
 314 However, if an order is entered pursuant to subsection C2, the court shall schedule a foster care review
 315 hearing to be held within 12 months of the entry of such order in accordance with the provisions of
 316 § 16.1-282.2. Parties who are present at the hearing at which the initial foster care plan is reviewed shall
 317 be given notice of the date set for the foster care review hearing and parties who are not present shall
 318 be summoned as provided in § 16.1-263.

319 F. Nothing in this section shall limit the authority of the juvenile judge or the staff of the juvenile
 320 court, upon order of the judge, to review the status of children in the custody of local boards of social
 321 services or placed by local boards of social services on its own motion. The court shall appoint an
 322 attorney to act as guardian ad litem to represent the child any time a hearing is held to review the foster
 323 care plan filed for the child or to review the child's status in foster care.

324 **§ 16.1-282.1. Permanency planning hearing for children in foster care.**

325 A. In the case of a child who was the subject of a foster care plan filed with the court pursuant to
 326 § 16.1-281, a permanency planning hearing shall be held within 10 months of the dispositional hearing
 327 at which the foster care plan pursuant to § 16.1-281 was reviewed if the child (a) was placed through an
 328 agreement between the parents or guardians and the local board of social services where legal custody
 329 remains with the parents or guardians and such agreement has not been dissolved by court order; or (b)
 330 is under the legal custody of a local board of social services or a child welfare agency and has not had
 331 a petition to terminate parental rights filed on the child's behalf, has not been placed in permanent foster
 332 care, or is age 16 or over and the plan for the child is not independent living. The board or child
 333 welfare agency shall file a petition for a permanency planning hearing 30 days prior to the date of the
 334 permanency planning hearing scheduled by the court. The purpose of this hearing is to establish a
 335 permanent goal for the child and either to achieve the permanent goal or to defer such action through
 336 the approval of an interim plan for the child.

337 To achieve the permanent goal, the petition for a permanency planning hearing shall seek to (i)
 338 transfer the custody of the child to his prior family, or dissolve the board's placement agreement and
 339 return the child to his prior family; (ii) transfer custody of the child to a relative other than the child's
 340 prior family, subject to the provisions of subsection A1; (iii) terminate residual parental rights pursuant
 341 to § 16.1-277.01 or 16.1-283; (iv) place ~~the~~ a child who is 16 years of age or older in permanent foster
 342 care pursuant to § 63.2-908; (v) if the child has been admitted to the United States as a refugee or
 343 asylee and has attained the age of 16 years or ~~over~~ older and the plan is independent living, direct the
 344 board or agency to provide the child with services to transition from foster care; or (vi) place ~~the~~ a child
 345 who is 16 years of age or older in another planned permanent living arrangement in accordance with the
 346 provisions of subsection A2. In cases in which a foster care plan approved prior to July 1, 2011,
 347 includes independent living as the goal for a child who is not admitted to the United States as an asylee
 348 or refugee, the petition shall direct the board or agency to provide the child with services to transition
 349 from foster care.

350 For approval of an interim plan, the petition for a permanency planning hearing shall seek to
 351 continue custody with the board or agency, or continue placement with the board through a parental
 352 agreement; or transfer custody to the board or child welfare agency from the parents or guardian of a
 353 child who has been in foster care through an agreement where the parents or guardian retains custody.

354 Upon receipt of the petition, if a permanency planning hearing has not already been scheduled, the
 355 court shall schedule such a hearing to be held within 30 days. The permanency planning hearing shall
 356 be held within 10 months of the dispositional hearing at which the foster care plan was reviewed
 357 pursuant to § 16.1-281. The provisions of subsection B of § 16.1-282 shall apply to this petition. The
 358 procedures of subsection C of § 16.1-282 and the provisions of subsection E of § 16.1-282 shall apply to
 359 the scheduling and notice of proceedings under this section.

360 A1. The following requirements shall apply to the transfer of custody of the child to a relative other
 361 than the child's prior family in accordance with the provisions of (ii) of subsection A of this section.
 362 Any order transferring custody of the child to a relative other than the child's prior family shall be
 363 entered only upon a finding, based upon a preponderance of the evidence, that the relative is one who,
 364 after an investigation as directed by the court, (i) is found by the court to be willing and qualified to
 365 receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child;
 366 (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the

367 ability to protect the child from abuse and neglect; and the order shall so state. The court's order
 368 transferring custody to a relative should further provide, as appropriate, for any terms or conditions
 369 which would promote the child's interest and welfare.

370 A2. The following requirements shall apply to the selection and approval of placement in another
 371 planned permanent living arrangement as the permanent goal for the child in accordance with clause (vi)
 372 of subsection A of this section.

373 1. The board or child welfare agency shall petition for alternative (vi) of subsection A only if the
 374 child has a severe and chronic emotional, physical or neurological disabling condition for which the
 375 child requires long-term residential treatment; and the board or child welfare agency has thoroughly
 376 investigated the feasibility of the alternatives listed in clauses (i) through (v) of subsection A and
 377 determined that none of those alternatives is in the best interests of the child. In a foster care plan filed
 378 with the petition pursuant to this section, the board or agency shall document the following: (i) the
 379 investigation conducted of the placement alternatives listed in clauses (i) through (v) of subsection A
 380 and why each of these is not currently in the best interest of the child; (ii) at least one compelling
 381 reason why none of the alternatives listed in clauses (i) through (v) is achievable for the child at the
 382 time placement in another planned permanent living arrangement is selected as the permanent goal for
 383 the child; (iii) the identity of the long-term residential treatment service provider; (iv) the nature of the
 384 child's disability; (v) the anticipated length of time required for the child's treatment; and (vi) the status
 385 of the child's eligibility for admission and long-term treatment. *The court shall ensure that the local*
 386 *department has documentation of the intensive, ongoing, and, as of the date of the hearing, unsuccessful*
 387 *efforts made to return the child home or secure a placement for the child with a fit and willing relative,*
 388 *including adult siblings, or an adoptive parent, including through efforts that utilize search technology,*
 389 *including social media, to find the child's biological family members. The court shall ask the child about*
 390 *his desired permanency outcome and make a judicial determination, accompanied by an explanation of*
 391 *the reasons that the alternatives listed in clauses (i) through (iii) of subsection A continue to not be in*
 392 *the best interest of the child.*

393 2. Before approving alternative (vi) of subsection A ~~of this section~~ as the plan for the child, the court
 394 shall find (i) that the child has a severe and chronic emotional, physical or neurological disabling
 395 condition; (ii) that the child requires long-term residential treatment for the disabling condition; and (iii)
 396 that none of the alternatives listed in clauses (i) through (v) of subsection A is achievable for the child
 397 at the time placement in another planned permanent living arrangement is approved as the permanent
 398 goal for the child. If the board or agency petitions for alternative (vi), alternative (vi) may be approved
 399 by the court for a period of six months at a time.

400 3. At the conclusion of the permanency planning hearing, if alternative (vi) of subsection A ~~of this~~
 401 ~~section~~ is the permanent plan, the court shall schedule a hearing to be held within six months to review
 402 the child's placement in another planned permanent living arrangement in accordance with subdivision 4
 403 of subsection A2. All parties present at the hearing at which clause (vi) of subsection A is approved as
 404 the permanent plan for the child shall be given notice of the date scheduled for the foster care review
 405 hearing. Parties not present shall be summoned to appear as provided in § 16.1-263. Otherwise, this
 406 subsection A2 shall govern the scheduling and notice for such hearings.

407 4. The court shall review a foster care plan for any child who is placed in another planned
 408 permanent living arrangement every six months from the date of the permanency planning hearing held
 409 pursuant to this subsection, so long as the child remains in the legal custody of the board or child
 410 welfare agency. The board or child welfare agency shall file such petitions for review pursuant to the
 411 provisions of § 16.1-282 and shall, in addition, include in the petition the information required by
 412 subdivision 1 of subsection A2 of this section. The petition for foster care review shall be filed no later
 413 than 30 days prior to the hearing scheduled in accordance with subdivision 3 of subsection A2. At the
 414 conclusion of the foster care review hearing, if alternative (vi) of subsection A ~~of this section~~ remains
 415 the permanent plan, the court shall enter an order that states whether reasonable efforts have been made
 416 to place the child in a timely manner in accordance with the permanency plan and to monitor the child's
 417 status in another planned permanent living arrangement.

418 However, if at any time during the six-month approval periods permitted by this subsection, a
 419 determination is made by treatment providers that the child's need for long-term residential treatment for
 420 the child's disabling condition is eliminated, the board or agency shall immediately begin to plan for
 421 post-discharge services and shall, within 30 days of making such a determination, file a petition for a
 422 permanency planning hearing pursuant to subsection A of this section. Upon receipt of the petition, the
 423 court shall schedule a permanency planning hearing to be held within 30 days. The provisions of
 424 subsection B of § 16.1-282 shall apply to this petition. The procedures of subsection C of § 16.1-282
 425 and the provisions of subsection E of § 16.1-282 shall apply to proceedings under this section.

426 A3. *The following requirements shall apply to the selection and approval of permanent foster care*
 427 *pursuant to clause (iv) of subsection A:*

428 1. The court shall ensure that the local department has documentation of the intensive, ongoing, and,
429 as of the date of the hearing, unsuccessful efforts made to return the child home or secure a placement
430 for the child with a fit and willing relative, including adult siblings, or an adoptive parent, including
431 through efforts that utilize search technology, including social media, to find the child's biological family
432 members.

433 2. The court shall ask the child about his desired permanency outcome and make a judicial
434 determination, accompanied by an explanation of the reasons that the alternatives listed in clauses (i)
435 through (iii) of subsection A continue to not be in the best interest of the child.

436 B. The following requirements shall apply to the selection and approval of an interim plan for the
437 child in accordance with subsection A.

438 1. The board or child welfare agency shall petition for approval of an interim plan only if the board
439 or child welfare agency has thoroughly investigated the feasibility of the alternatives listed in clauses (i)
440 through (v) of subsection A and determined that none of those alternatives is in the best interest of the
441 child. If the board or agency petitions for approval of an interim plan, such plan may be approved by
442 the court for a maximum period of six months. The board or agency shall also file a foster care plan
443 that (i) identifies a permanent goal for the child that corresponds with one of the alternatives specified in
444 clauses (i) through (v) of subsection A; (ii) includes provisions for accomplishing the permanent goal
445 within six months; and (iii) summarizes the investigation conducted of the alternatives listed in clauses
446 (i) through (v) of subsection A and why achieving each of these is not in the best interest of the child at
447 this time.

448 2. Before approving an interim plan for the child, the court shall find:

449 a. When returning home remains the plan for the child, that the parent has made marked progress
450 toward reunification with the child, the parent has maintained a close and positive relationship with the
451 child, and the child is likely to return home within the near future, although it is premature to set an
452 exact date for return at the time of this hearing; or

453 b. When returning home is not the plan for the child, that marked progress is being made to achieve
454 the permanent goal identified by the board or child welfare agency and that it is premature to set an
455 exact date for accomplishing the goal at the time of this hearing.

456 3. Upon approval of an interim plan, the court shall schedule a hearing to be held within six months
457 to determine that the permanent goal is accomplished and to enter an order consistent with alternative
458 (i), (ii), (iii), (iv), or (v) of subsection A. All parties present at the initial permanency planning hearing
459 shall be given notice of the date scheduled for the second permanency planning hearing. Parties not
460 present shall be summoned to appear as provided in § 16.1-263. Otherwise, subsection A shall govern
461 the scheduling and notice for such hearings.

462 C. At the conclusion of the permanency planning hearing held pursuant to this section, whether
463 action is taken or deferred to achieve the permanent goal for the child, the court shall enter an order that
464 states whether reasonable efforts have been made to reunite the child with the child's prior family, if
465 returning home is the permanent goal for the child; or whether reasonable efforts have been made to
466 achieve the permanent goal identified by the board or agency, if the goal is other than returning the
467 child home.

468 In making this determination, the court shall give consideration to whether the board or agency has
469 placed the child in a timely manner in accordance with the foster care plan and completed the steps
470 necessary to finalize the permanent placement of the child.

471 **§ 63.2-100. (Effective until July 1, 2016) Definitions.**

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

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

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

482 2. Whose parents or other person responsible for his care neglects or refuses to provide care
483 necessary for his health. However, no child who in good faith is under treatment solely by spiritual
484 means through prayer in accordance with the tenets and practices of a recognized church or religious
485 denomination shall for that reason alone be considered to be an abused or neglected child. Further, a
486 decision by parents who have legal authority for the child or, in the absence of parents with legal
487 authority for the child, any person with legal authority for the child, who refuses a particular medical
488 treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary
489 care if (i) such decision is made jointly by the parents or other person with legal authority and the child;

490 (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the
 491 subject of his medical treatment; (iii) the parents or other person with legal authority and the child have
 492 considered alternative treatment options; and (iv) the parents or other person with legal authority and the
 493 child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision
 494 shall be construed to limit the provisions of § 16.1-278.4;

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

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

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

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

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

512 7. *Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in*
 513 *the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of*
 514 *Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.*

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

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

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

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

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

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

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

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

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

546 "Assisted living facility" means any congregate residential setting that provides or coordinates
 547 personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for
 548 the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for
 549 in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board
 550 of Health or the Department of Behavioral Health and Developmental Services, but including any

551 portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or
552 maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility
553 serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational
554 program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as
555 a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the
556 facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled
557 that provides no more than basic coordination of care services and is funded by the U.S. Department of
558 Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing
559 Development Authority. Included in this definition are any two or more places, establishments or
560 institutions owned or operated by a single entity and providing maintenance or care to a combined total
561 of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general
562 supervision and oversight of the physical and mental well-being of an aged, infirm or disabled
563 individual.

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

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

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

570 "Board" means the State Board of Social Services.

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

572 "Child day center" means a child day program offered to (i) two or more children under the age of
573 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or
574 more children at any location.

575 "Child day program" means a regularly operating service arrangement for children where, during the
576 absence of a parent or guardian, a person or organization has agreed to assume responsibility for the
577 supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

578 "Child-placing agency" means any person who places children in foster homes, adoptive homes or
579 independent living arrangements pursuant to § 63.2-1819 or a local board that places children in foster
580 homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221. Officers, employees, or
581 agents of the Commonwealth, or any locality acting within the scope of their authority as such, who
582 serve as or maintain a child-placing agency, shall not be required to be licensed.

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

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

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

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

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

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

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

603 "Commissioner" means the Commissioner of the Department, his designee or authorized
604 representative.

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

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

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

611 "Energy assistance" means benefits to assist low-income households with their home heating and
612 cooling needs, including, but not limited to, purchase of materials or substances used for home heating,

613 repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or
 614 repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance
 615 with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the
 616 Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

617 "Family day home" means a child day program offered in the residence of the provider or the home
 618 of any of the children in care for one through 12 children under the age of 13, exclusive of the
 619 provider's own children and any children who reside in the home, when at least one child receives care
 620 for compensation. The provider of a licensed or registered family day home shall disclose to the parents
 621 or guardians of children in their care the percentage of time per week that persons other than the
 622 provider will care for the children. Family day homes serving six through 12 children, exclusive of the
 623 provider's own children and any children who reside in the home, shall be licensed. However, no family
 624 day home shall care for more than four children under the age of two, including the provider's own
 625 children and any children who reside in the home, unless the family day home is licensed or voluntarily
 626 registered. However, a family day home where the children in care are all grandchildren of the provider
 627 shall not be required to be licensed.

628 "Family day system" means any person who approves family day homes as members of its system;
 629 who refers children to available family day homes in that system; and who, through contractual
 630 arrangement, may provide central administrative functions including, but not limited to, training of
 631 operators of member homes; technical assistance and consultation to operators of member homes;
 632 inspection, supervision, monitoring, and evaluation of member homes; and referral of children to
 633 available health and social services.

634 "Foster care placement" means placement of a child through (i) an agreement between the parents or
 635 guardians and the local board where legal custody remains with the parents or guardians or (ii) an
 636 entrustment or commitment of the child to the local board or licensed child-placing agency.

637 "Foster home" means the place of residence of any natural person in which any child, other than a
 638 child by birth or adoption of such person, resides as a member of the household.

639 "General relief" means money payments and other forms of relief made to those persons mentioned
 640 in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with §
 641 63.2-401.

642 "Independent foster home" means a private family home in which any child, other than a child by
 643 birth or adoption of such person, resides as a member of the household and has been placed therein
 644 independently of a child-placing agency except (i) a home in which are received only children related by
 645 birth or adoption of the person who maintains such home and children of personal friends of such
 646 person and (ii) a home in which is received a child or children committed under the provisions of
 647 subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8.

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

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

655 "Independent living services" means services and activities provided to a child in foster care 14 years
 656 of age or older who was committed or entrusted to a local board of social services, child welfare
 657 agency, or private child-placing agency. "Independent living services" may also mean services and
 658 activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached
 659 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
 660 who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of
 661 a local board of social services. Such services shall include counseling, education, housing, employment,
 662 and money management skills development, access to essential documents, and other appropriate
 663 services to help children or persons prepare for self-sufficiency.

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

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

671 "Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care
 672 placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of
 673 the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or

674 nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the
675 action of any court.

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

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

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

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

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

685 "Parental placement" means locating or effecting the placement of a child or the placing of a child in
686 a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

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

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

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

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

703 *"Sibling" means each of two or more children having one or more parents in common.*

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

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

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

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

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

723 **§ 63.2-100. (Effective July 1, 2016) Definitions.**

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

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

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

734 2. Whose parents or other person responsible for his care neglects or refuses to provide care
735 necessary for his health. However, no child who in good faith is under treatment solely by spiritual

736 means through prayer in accordance with the tenets and practices of a recognized church or religious
 737 denomination shall for that reason alone be considered to be an abused or neglected child. Further, a
 738 decision by parents who have legal authority for the child or, in the absence of parents with legal
 739 authority for the child, any person with legal authority for the child, who refuses a particular medical
 740 treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary
 741 care if (i) such decision is made jointly by the parents or other person with legal authority and the child;
 742 (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the
 743 subject of his medical treatment; (iii) the parents or other person with legal authority and the child have
 744 considered alternative treatment options; and (iv) the parents or other person with legal authority and the
 745 child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision
 746 shall be construed to limit the provisions of § 16.1-278.4;

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

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

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

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

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

764 7. *Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in*
 765 *the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of*
 766 *Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.*

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

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

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

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

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

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

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

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

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

797 activities of daily living.

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

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

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

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

822 "Board" means the State Board of Social Services.

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

824 "Child day center" means a child day program offered to (i) two or more children under the age of
 825 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or
 826 more children at any location.

827 "Child day program" means a regularly operating service arrangement for children where, during the
 828 absence of a parent or guardian, a person or organization has agreed to assume responsibility for the
 829 supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

830 "Child-placing agency" means any person who places children in foster homes, adoptive homes or
 831 independent living arrangements pursuant to § 63.2-1819 or a local board that places children in foster
 832 homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221. Officers, employees, or
 833 agents of the Commonwealth, or any locality acting within the scope of their authority as such, who
 834 serve as or maintain a child-placing agency, shall not be required to be licensed.

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

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

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

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

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

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

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

855 "Commissioner" means the Commissioner of the Department, his designee or authorized
 856 representative.

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

858 "Department of Health and Human Services" means the Department of Health and Human Services

859 of the United States government or any department or agency thereof that may hereafter be designated
860 as the agency to administer the Social Security Act, as amended.

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

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

869 "Family day home" means a child day program offered in the residence of the provider or the home
870 of any of the children in care for one through 12 children under the age of 13, exclusive of the
871 provider's own children and any children who reside in the home, when at least one child receives care
872 for compensation. The provider of a licensed or registered family day home shall disclose to the parents
873 or guardians of children in their care the percentage of time per week that persons other than the
874 provider will care for the children. Family day homes serving five through 12 children, exclusive of the
875 provider's own children and any children who reside in the home, shall be licensed. However, no family
876 day home shall care for more than four children under the age of two, including the provider's own
877 children and any children who reside in the home, unless the family day home is licensed or voluntarily
878 registered. However, a family day home where the children in care are all related to the provider by
879 blood or marriage shall not be required to be licensed.

880 "Family day system" means any person who approves family day homes as members of its system;
881 who refers children to available family day homes in that system; and who, through contractual
882 arrangement, may provide central administrative functions including, but not limited to, training of
883 operators of member homes; technical assistance and consultation to operators of member homes;
884 inspection, supervision, monitoring, and evaluation of member homes; and referral of children to
885 available health and social services.

886 "Foster care placement" means placement of a child through (i) an agreement between the parents or
887 guardians and the local board where legal custody remains with the parents or guardians or (ii) an
888 entrustment or commitment of the child to the local board or licensed child-placing agency.

889 "Foster home" means the place of residence of any natural person in which any child, other than a
890 child by birth or adoption of such person, resides as a member of the household.

891 "General relief" means money payments and other forms of relief made to those persons mentioned
892 in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with §
893 63.2-401.

894 "Independent foster home" means a private family home in which any child, other than a child by
895 birth or adoption of such person, resides as a member of the household and has been placed therein
896 independently of a child-placing agency except (i) a home in which are received only children related by
897 birth or adoption of the person who maintains such home and children of personal friends of such
898 person and (ii) a home in which is received a child or children committed under the provisions of
899 subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8.

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

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

907 "Independent living services" means services and activities provided to a child in foster care 14 years
908 of age or older who was committed or entrusted to a local board of social services, child welfare
909 agency, or private child-placing agency. "Independent living services" may also mean services and
910 activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached
911 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
912 who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of
913 a local board of social services. Such services shall include counseling, education, housing, employment,
914 and money management skills development, access to essential documents, and other appropriate
915 services to help children or persons prepare for self-sufficiency.

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

919 "Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster

920 care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other
 921 entity authorized to make such placements in accordance with the laws of the foreign country under
 922 which it operates.

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

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

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

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

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

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

937 "Parental placement" means locating or effecting the placement of a child or the placing of a child in
 938 a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

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

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

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

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

955 "*Sibling*" means each of two or more children having one or more parents in common.

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

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

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

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

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

975 **§ 63.2-904. Investigation, visitation, and supervision of foster homes or independent living**
 976 **arrangement; removal of child.**

977 A. Before placing or arranging for the placement of any such child in a foster home or independent
 978 living arrangement, a local board or licensed child-placing agency shall cause a careful study to be made
 979 to determine the suitability of such home or independent living arrangement, and after placement shall
 980 cause such home or independent living arrangement and child to be visited as often as necessary to
 981 protect the interests of such child.

982 B. Every local board or licensed child-placing agency that places a child in a foster home or
983 independent living arrangement shall maintain such supervision over such home or independent living
984 arrangement as shall be required by the standards and policies established by the Board.

985 C. Whenever any child placed by a local board or licensed child-placing agency and still under its
986 control or supervision is subject, in the home in which he is placed, to unwholesome influences or to
987 neglect or mistreatment, or whenever the Commissioner shall so order, such local board or agency shall
988 cause the child to be removed from such home and shall make for him such arrangements as may be
989 approved by the Commissioner.

990 D. *Consistent with the reasonable and prudent parent standard defined in 42 U.S.C. § 675(10)(A),*
991 *caregivers for children in foster care shall support normalcy for such children. The Board shall adopt*
992 *regulations to assist local boards and licensed child-placing agencies in carrying out practices that*
993 *support careful and sensible parental decisions that maintain the health, safety, and best interest of the*
994 *child while at the same time encouraging his emotional and developmental growth.*

995 **§ 63.2-905.2. Annual credit checks for children in foster care.**

996 Local departments shall conduct annual credit checks on children ~~aged 16~~ 14 years of age and older
997 who are in foster care to identify cases of identity theft or misuse of personal identifying information of
998 such children. Local departments shall resolve, to the greatest extent possible, cases of identity theft or
999 misuse of personal identifying information of foster care children identified pursuant to this section.

1000 **§ 63.2-905.3. Documents provided to foster care youth.**

1001 *When a child is leaving foster care upon reaching 18 years of age, unless the child has been in*
1002 *foster care for less than six months, the local department shall ensure that the child has, if eligible to*
1003 *receive, (i) a certified birth certificate, (ii) a social security card, (iii) health insurance information, (iv)*
1004 *a copy of the child's health care records, and (v) a driver's license or identification card issued by the*
1005 *Commonwealth.*

1006 **§ 63.2-906. Foster care plans; permissible plan goals; court review of foster children.**

1007 A. Each child who is committed or entrusted to the care of a local board or to a licensed
1008 child-placing agency or who is placed through an agreement between a local board and the parent,
1009 parents or guardians, where legal custody remains with the parent, parents or guardians, shall have a
1010 foster care plan prepared by the local department, the child welfare agency, or the family assessment
1011 and planning team established pursuant to § 2.2-5207, as specified in § 16.1-281. The representatives of
1012 such department, child welfare agency, or team shall involve the child's parent(s) in the development of
1013 the plan, except when parental rights have been terminated or the local department of social services or
1014 child welfare agency has made diligent efforts to locate the parent(s) and such parent(s) cannot be
1015 located, and any other person or persons standing in loco parentis at the time the board or child welfare
1016 agency obtained custody or the board or the child welfare agency placed the child. The representatives
1017 of such department, child welfare agency, or team shall involve the child in the development of the
1018 plan, if such involvement is consistent with the best interests of the child. In cases where either the
1019 parent(s) or child is not involved in the development of the plan, the department, child welfare agency,
1020 or team shall include in the plan a full description of the reasons therefor.

1021 A court may place a child in the care and custody of (i) a public agency in accordance with
1022 § 16.1-251 or 16.1-252, and (ii) a public or licensed private child-placing agency in accordance with
1023 § 16.1-278.2, 16.1-278.4, 16.1-278.5, 16.1-278.6, or 16.1-278.8. Children may be placed by voluntary
1024 relinquishment in the care and custody of a public or private agency in accordance with § 16.1-277.01
1025 or §§ 16.1-277.02 and 16.1-278.3. Children may be placed through an agreement where legal custody
1026 remains with the parent, parents or guardians in accordance with §§ 63.2-900 and 63.2-903, or §
1027 2.2-5208.

1028 B. Each child in foster care shall be assigned a permanent plan goal to be reviewed and approved by
1029 the juvenile and domestic relations district court having jurisdiction of the child's case. Permissible plan
1030 goals are to:

- 1031 1. Transfer custody of the child to his prior family;
- 1032 2. Transfer custody of the child to a relative other than his prior family;
- 1033 3. Finalize an adoption of the child;
- 1034 4. Place ~~the~~ a child who is 16 years of age or older in permanent foster care;
- 1035 5. Transition to independent living if, and only if, the child is admitted to the United States as a
1036 refugee or asylee; or
- 1037 6. Place ~~the~~ a child who is 16 years of age or older in another planned permanent living
1038 arrangement in accordance with subsection A2 of § 16.1-282.1.

1039 C. Each child in foster care shall be subject to the permanency planning and review procedures
1040 established in §§ 16.1-281, 16.1-282, and 16.1-282.1.

1041 **§ 63.2-908. Permanent foster care placement.**

1042 A. Permanent foster care placement means the place in which a child has been placed pursuant to the

1043 provisions of §§ 63.2-900, 63.2-903 and this section with the expectation and agreement between the
 1044 placing agency and the place of permanent foster care that the child shall remain in the placement until
 1045 he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251
 1046 or § 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or
 1047 persons deemed appropriate to meet a child's needs on a long-term basis.

1048 B. A local department or a licensed child-placing agency shall have authority pursuant to a court
 1049 order to place a child *who is 16 years of age or older* over whom it has legal custody in a permanent
 1050 foster care placement where the child shall remain until attaining majority or thereafter, until the age of
 1051 ~~twenty-one~~ 21 years, if such placement is a requisite to providing funds for the care of such child, so
 1052 long as the child is a participant in an educational, treatment or training program approved pursuant to
 1053 regulations of the Board. No such child shall be removed from the physical custody of the foster parents
 1054 in the permanent care placement except upon order of the court or pursuant to § 16.1-251 or
 1055 § 63.2-1517. The department or agency so placing a child shall retain legal custody of the child. A court
 1056 shall not order that a child be placed in permanent foster care unless it finds that (i) diligent efforts have
 1057 been made by the local department to place the child with his natural parents and such efforts have been
 1058 unsuccessful, and (ii) diligent efforts have been made by the local department to place the child for
 1059 adoption and such efforts have been unsuccessful or adoption is not a reasonable alternative for a
 1060 long-term placement for the child under the circumstances.

1061 C. Unless modified by the court order, the foster parent in the permanent foster care placement shall
 1062 have the authority to consent to surgery, entrance into the armed services, marriage, application for a
 1063 motor vehicle and driver's license, application for admission into college and any other such activities
 1064 that require parental consent and shall have the responsibility for informing the placing department or
 1065 agency of any such actions.

1066 D. Any child placed in a permanent foster care placement by a local department shall, with the
 1067 cooperation of the foster parents with whom the permanent foster care placement has been made, receive
 1068 the same services and benefits as any other child in foster care pursuant to §§ 63.2-319, 63.2-900 and
 1069 63.2-903 and any other applicable provisions of law.

1070 E. The Board shall establish minimum standards for the utilization, supervision and evaluation of
 1071 permanent foster care placements.

1072 F. The rate of payment for permanent foster care placements by a local department shall be in
 1073 accordance with standards and rates established by the Board. The rate of payment for such placements
 1074 by other licensed child-placing agencies shall be in accordance with standards and rates established by
 1075 the individual agency.

1076 G. If the child has a continuing involvement with his natural parents, the natural parents should be
 1077 involved in the planning for a permanent placement. The court order placing the child in a permanent
 1078 placement shall include a specification of the nature and frequency of visiting arrangements with the
 1079 natural parents.

1080 H. Any change in the placement of a child in permanent foster care or the responsibilities of the
 1081 foster parents for that child shall be made only by order of the court which ordered the placement
 1082 pursuant to a petition filed by the foster parents, local department, licensed child-placing agency or other
 1083 appropriate party.

1084 **§ 63.2-1502. Establishment of Child-Protective Services Unit; duties.**

1085 There is created a Child-Protective Services Unit in the Department that shall have the following
 1086 powers and duties:

1087 1. To evaluate and strengthen all local, regional and state programs dealing with child abuse and
 1088 neglect.

1089 2. To assume primary responsibility for directing the planning and funding of child-protective
 1090 services. This shall include reviewing and approving the annual proposed plans and budgets for
 1091 protective services submitted by the local departments.

1092 3. To assist in developing programs aimed at discovering and preventing the many factors causing
 1093 child abuse and neglect.

1094 4. To prepare and disseminate, including the presentation of, educational programs and materials on
 1095 child abuse and neglect.

1096 5. To provide educational programs for professionals required by law to make reports under this
 1097 chapter.

1098 6. To establish standards of training and provide educational programs to qualify workers in the field
 1099 of child-protective services. Such standards of training shall include provisions regarding the legal duties
 1100 of the workers in order to protect the constitutional and statutory rights and safety of children and
 1101 families from the initial time of contact during investigation through treatment.

1102 7. To establish standards of training and educational programs to qualify workers to determine
 1103 whether complaints of abuse or neglect of a child in a private or state-operated hospital, institution or
 1104 other facility, or public school, are founded.

- 1105 8. To maintain staff qualified pursuant to Board regulations to assist local department personnel in
1106 determining whether an employee of a private or state-operated hospital, institution or other facility or
1107 an employee of a school board, abused or neglected a child in such hospital, institution, or other facility,
1108 or public school.
- 1109 9. To monitor the processing and determination of cases where an employee of a private or
1110 state-operated hospital, institution or other facility, or an employee of a school board, is suspected of
1111 abusing or neglecting a child in such hospital, institution, or other facility, or public school.
- 1112 10. To help coordinate child-protective services at the state, regional, and local levels with the efforts
1113 of other state and voluntary social, medical and legal agencies.
- 1114 11. To maintain a child abuse and neglect information system that includes all cases of child abuse
1115 and neglect within the Commonwealth.
- 1116 12. To provide for methods to preserve the confidentiality of all records in order to protect the rights
1117 of the child, and his parents or guardians.
- 1118 13. To establish minimum training requirements for workers and supervisors on family abuse and
1119 domestic violence, including the relationship between domestic violence and child abuse and neglect.
- 1120 14. *To establish minimum training requirements for workers and supervisors on identifying,*
1121 *assessing, and providing comprehensive services for children who are victims of sex trafficking or severe*
1122 *forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et*
1123 *seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq., including efforts*
1124 *to coordinate with law-enforcement, juvenile justice, and social service agencies such as runaway and*
1125 *homeless youth shelters to serve this population.*