

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 674]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 63.2-900.1 of the Code of Virginia is amended and reenacted as follows:**8 **§ 63.2-900.1. Kinship foster care.**9 A. The local board shall, in accordance with regulations adopted by the Board, determine whether the  
10 child has a relative who is eligible to become a kinship foster parent.

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

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

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

ENROLLED

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