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SENATE BILL NO. 436

Offered January 13, 2016

Prefiled January 12, 2016

A BILL to amend and reenact §§ 16.1-228, 16.1-241, 63.2-100, as it is currently effective and as it shall become effective, and 63.2-1302 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 16.1-283.3 and by adding in Chapter 9 of Title 63.2 an article numbered 2, consisting of sections numbered 63.2-916 through 63.2-922, relating to Fostering Futures program.

Patrons—Favola, Ebbin and McPike; Delegate: Kory

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-228, 16.1-241, 63.2-100, as it is currently effective and as it shall become effective, and 63.2-1302 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 16.1-283.3 and by adding in Chapter 9 of Title 63.2 an article numbered 2, consisting of sections numbered 63.2-916 through 63.2-922, 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.

"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.

"Boot camp" means a short term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor,

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59 education and rigid discipline, and no less than six months of intensive aftercare.

60 "Child," "juvenile," or "minor" means a person *who is (i) less than 18 years of age or (ii) less than*
61 *21 years of age and meets the eligibility criteria for the Fostering Futures program set forth in*
62 *§ 63.2-918.*

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)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 16.1-241. Jurisdiction; consent for abortion.

The judges of the juvenile and domestic relations district court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the limits of such cities and counties. Except as hereinafter provided, each juvenile and domestic relations district court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile court or courts of the adjoining city or county, over all cases, matters and proceedings involving:

A. The custody, visitation, support, control or disposition of a child:

1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or delinquent except where the jurisdiction of the juvenile court has been terminated or divested;

2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or mental incapacity of his parents is without parental care and guardianship;

2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian;

3. Whose custody, visitation or support is a subject of controversy or requires determination. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, except as provided in § 16.1-244;

4. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or whose parent or parents for good cause desire to be relieved of his care and custody;

5. Where the termination of residual parental rights and responsibilities is sought. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in § 16.1-244; and

6. Who is charged with a traffic infraction as defined in § 46.2-100.

In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was 14 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection C of § 16.1-269.1, and for all charges ancillary thereto, if the attorney for the Commonwealth has given notice as provided in subsection C of § 16.1-269.1, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was 14 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. A determination by the juvenile court following a preliminary hearing pursuant to subsection B or C of § 16.1-269.1 to certify a charge to the grand jury shall divest the juvenile court of jurisdiction over the charge and any ancillary charge. In any case in which a transfer hearing is held pursuant to subsection A of § 16.1-269.1, if the juvenile court determines to transfer the case, jurisdiction of the juvenile court over the case shall be divested as provided in § 16.1-269.6.

In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after a violent juvenile felony charge has been dismissed or a violent juvenile felony has been reduced to a lesser offense not constituting a violent juvenile felony, the jurisdiction of the juvenile court shall not be divested unless there is a transfer pursuant to subsection A of § 16.1-269.1.

The authority of the juvenile court to adjudicate matters involving the custody, visitation, support, control or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father or legal guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not be limited to, grandparents, step-grandparents, stepparents, former stepparents, blood relatives and family members. A party with a legitimate interest shall not include any person (i) whose parental rights have been terminated by court order, either voluntarily or involuntarily, (ii) whose interest in the child derives from or through a person whose parental rights have been terminated by court order, either voluntarily or involuntarily, including, but not limited to, grandparents, stepparents, former stepparents, blood relatives and family members, if the child subsequently has been legally adopted, except where a final order of adoption is entered pursuant to § 63.2-1241, or (iii) who has been convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, when the child who is the subject of the petition was conceived as a result of such violation. The authority of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where the child has previously been awarded to the custody of a local board of social services.

B. The admission of minors for inpatient treatment in a mental health facility in accordance with the

provisions of Article 16 (§ 16.1-335 et seq.) and the involuntary admission of a person with mental illness or judicial certification of eligibility for admission to a training center for persons with intellectual disability in accordance with the provisions of Chapter 8 (§ 37.2-800 et seq.) of Title 37.2. Jurisdiction of the involuntary admission and certification of adults shall be concurrent with the general district court.

C. Except as provided in subsections D and H, judicial consent to such activities as may require parental consent may be given for a child who has been separated from his parents, guardian, legal custodian or other person standing in loco parentis and is in the custody of the court when such consent is required by law.

D. Judicial consent for emergency surgical or medical treatment for a child who is neither married nor has ever been married, when the consent of his parent, guardian, legal custodian or other person standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person standing in loco parentis (i) is not a resident of the Commonwealth, (ii) has his whereabouts unknown, (iii) cannot be consulted with promptness, reasonable under the circumstances, or (iv) fails to give such consent or provide such treatment when requested by the judge to do so.

E. Any person charged with deserting, abandoning or failing to provide support for any person in violation of law.

F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

1. Who has been abused or neglected;
2. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or is otherwise before the court pursuant to subdivision A 4; or

3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court finds that such person has by overt act or omission induced, caused, encouraged or contributed to the conduct of the child complained of in the petition.

G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services that are required by law to be provided for that child or such child's parent, guardian, legal custodian or other person standing in loco parentis. Jurisdiction in such cases shall be concurrent with and not exclusive of that of courts having equity jurisdiction as provided in § 16.1-244.

H. Judicial consent to apply for a work permit for a child when such child is separated from his parents, legal guardian or other person standing in loco parentis.

I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect of children or with any violation of law that causes or tends to cause a child to come within the purview of this law, or with any other offense against the person of a child. In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause.

J. All offenses in which one family or household member is charged with an offense in which another family or household member is the victim and all offenses under § 18.2-49.1.

In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause. Any objection based on jurisdiction under this subsection shall be made before a jury is impaneled and sworn in a jury trial or, in a nonjury trial, before the earlier of when the court begins to hear or receive evidence or the first witness is sworn, or it shall be conclusively waived for all purposes. Any such objection shall not affect or be grounds for challenging directly or collaterally the jurisdiction of the court in which the case is tried.

K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such parental rights. No such petition shall be accepted, however, after the child has been placed in the home of adoptive parents.

L. Any person who seeks spousal support after having separated from his spouse. A decision under this subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court. A circuit court shall have concurrent original jurisdiction in all causes of action under this subdivision.

M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, and all petitions filed for the purpose of obtaining an order of protection pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 if either the alleged victim or the respondent is a juvenile.

N. Any person who escapes or remains away without proper authority from a residential care facility in which he had been placed by the court or as a result of his commitment to the Virginia Department of Juvenile Justice.

O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.).

P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, or by another state in the same manner as if the orders were entered

305 by a juvenile and domestic relations district court upon the filing of a certified copy of such order in the
306 juvenile and domestic relations district court.

307 Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20.
308 A circuit court shall have concurrent original jurisdiction to the extent provided for in § 20-49.2.

309 R. [Repealed.]

310 S. Petitions filed by school boards against parents pursuant to §§ 16.1-241.2 and 22.1-279.3.

311 T. Petitions to enforce any request for information or subpoena that is not complied with or to
312 review any refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect
313 pursuant to § 63.2-1526.

314 U. Petitions filed in connection with parental placement adoption consent hearings pursuant to
315 § 63.2-1233. Such proceedings shall be advanced on the docket so as to be heard by the court within 10
316 days of filing of the petition, or as soon thereafter as practicable so as to provide the earliest possible
317 disposition.

318 V. Petitions filed for the purpose of obtaining the court's assistance with the execution of consent to
319 an adoption when the consent to an adoption is executed pursuant to the laws of another state and the
320 laws of that state provide for the execution of consent to an adoption in the court of the
321 Commonwealth.

322 W. Petitions filed by a juvenile seeking judicial authorization for a physician to perform an abortion
323 if a minor elects not to seek consent of an authorized person.

324 After a hearing, a judge shall issue an order authorizing a physician to perform an abortion, without
325 the consent of any authorized person, if he finds that (i) the minor is mature enough and well enough
326 informed to make her abortion decision, in consultation with her physician, independent of the wishes of
327 any authorized person, or (ii) the minor is not mature enough or well enough informed to make such
328 decision, but the desired abortion would be in her best interest.

329 If the judge authorizes an abortion based on the best interests of the minor, such order shall
330 expressly state that such authorization is subject to the physician or his agent giving notice of intent to
331 perform the abortion; however, no such notice shall be required if the judge finds that such notice would
332 not be in the best interest of the minor. In determining whether notice is in the best interest of the
333 minor, the judge shall consider the totality of the circumstances; however, he shall find that notice is not
334 in the best interest of the minor if he finds that (i) one or more authorized persons with whom the
335 minor regularly and customarily resides is abusive or neglectful, and (ii) every other authorized person,
336 if any, is either abusive or neglectful or has refused to accept responsibility as parent, legal guardian,
337 custodian or person standing in loco parentis.

338 The minor may participate in the court proceedings on her own behalf, and the court may appoint a
339 guardian ad litem for the minor. The court shall advise the minor that she has a right to counsel and
340 shall, upon her request, appoint counsel for her.

341 Notwithstanding any other provision of law, the provisions of this subsection shall govern
342 proceedings relating to consent for a minor's abortion. Court proceedings under this subsection and
343 records of such proceedings shall be confidential. Such proceedings shall be given precedence over other
344 pending matters so that the court may reach a decision promptly and without delay in order to serve the
345 best interests of the minor. Court proceedings under this subsection shall be heard and decided as soon
346 as practicable but in no event later than four days after the petition is filed.

347 An expedited confidential appeal to the circuit court shall be available to any minor for whom the
348 court denies an order authorizing an abortion without consent or without notice. Any such appeal shall
349 be heard and decided no later than five days after the appeal is filed. The time periods required by this
350 subsection shall be subject to subsection B of § 1-210. An order authorizing an abortion without consent
351 or without notice shall not be subject to appeal.

352 No filing fees shall be required of the minor at trial or upon appeal.

353 If either the original court or the circuit court fails to act within the time periods required by this
354 subsection, the court before which the proceeding is pending shall immediately authorize a physician to
355 perform the abortion without consent of or notice to an authorized person.

356 Nothing contained in this subsection shall be construed to authorize a physician to perform an
357 abortion on a minor in circumstances or in a manner that would be unlawful if performed on an adult
358 woman.

359 A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent
360 has been obtained or the minor delivers to the physician a court order entered pursuant to this section
361 and the physician or his agent provides such notice as such order may require. However, neither consent
362 nor judicial authorization nor notice shall be required if the minor declares that she is abused or
363 neglected and the attending physician has reason to suspect that the minor may be an abused or
364 neglected child as defined in § 63.2-100 and reports the suspected abuse or neglect in accordance with
365 § 63.2-1509; or if there is a medical emergency, in which case the attending physician shall certify the
366 facts justifying the exception in the minor's medical record.

For purposes of this subsection:

"Authorization" means the minor has delivered to the physician a notarized, written statement signed by an authorized person that the authorized person knows of the minor's intent to have an abortion and consents to such abortion being performed on the minor.

"Authorized person" means (i) a parent or duly appointed legal guardian or custodian of the minor or (ii) a person standing in loco parentis, including, but not limited to, a grandparent or adult sibling with whom the minor regularly and customarily resides and who has care and control of the minor. Any person who knows he is not an authorized person and who knowingly and willfully signs an authorization statement consenting to an abortion for a minor is guilty of a Class 3 misdemeanor.

"Consent" means that (i) the physician has given notice of intent to perform the abortion and has received authorization from an authorized person, or (ii) at least one authorized person is present with the minor seeking the abortion and provides written authorization to the physician, which shall be witnessed by the physician or an agent thereof. In either case, the written authorization shall be incorporated into the minor's medical record and maintained as a part thereof.

"Medical emergency" means any condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of the pregnant minor as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function.

"Notice of intent to perform the abortion" means that (i) the physician or his agent has given actual notice of his intention to perform such abortion to an authorized person, either in person or by telephone, at least 24 hours previous to the performance of the abortion; or (ii) the physician or his agent, after a reasonable effort to notify an authorized person, has mailed notice to an authorized person by certified mail, addressed to such person at his usual place of abode, with return receipt requested, at least 72 hours prior to the performance of the abortion.

"Perform an abortion" means to interrupt or terminate a pregnancy by any surgical or nonsurgical procedure or to induce a miscarriage as provided in § 18.2-72, 18.2-73, or 18.2-74.

"Unemancipated minor" means a minor who has not been emancipated by (i) entry into a valid marriage, even though the marriage may have been terminated by dissolution; (ii) active duty with any of the Armed Forces of the United States; (iii) willingly living separate and apart from his or her parents or guardian, with the consent or acquiescence of the parents or guardian; or (iv) entry of an order of emancipation pursuant to Article 15 (§ 16.1-331 et seq.).

X. Petitions filed pursuant to Article 17 (§ 16.1-349 et seq.) relating to standby guardians for minor children.

Y. *Petitions filed pursuant to § 16.1-283.3 for review of voluntary agreements for continuation of services and support for persons who meet the eligibility criteria for the Fostering Futures program set forth in § 63.2-918.*

The ages specified in this law refer to the age of the child at the time of the acts complained of in the petition.

Notwithstanding any other provision of law, no fees shall be charged by a sheriff for the service of any process in a proceeding pursuant to subdivision A 3, except as provided in subdivision A 6 of § 17.1-272, or subsection B, D, M, or R.

Notwithstanding the provisions of § 18.2-71, any physician who performs an abortion in violation of subsection W shall be guilty of a Class 3 misdemeanor.

§ 16.1-283.3. Review of voluntary continuing services and support agreements for former foster youth.

A. A petition for review and approval of a voluntary continuing services and support agreement authorized by § 63.2-920 shall be filed by the local department of social services. The juvenile and domestic relations district court shall have jurisdiction in foster cases related to the Fostering Futures program set forth in Article 2 (§ 63.2-916 et seq.) of Chapter 9 of Title 63.2 where the program participant who is the subject of the agreement was last in foster care as a minor. The petition shall be filed no later than 30 days after the agreement is signed by the program participant and local department of social services. The petition shall include documentation of the program participant's last foster care placement as a minor and the responsible local department of social services and shall be accompanied by the signed voluntary continuing services and support agreement, a copy of the local department of social service's case plan, and any other information the local department of social services or the program participant wishes the court to consider.

B. Upon receiving a petition for review of the voluntary continuing services and support agreement, the court shall schedule a hearing as soon as practicable, but no later than 45 days from the receipt of the petition, to determine whether the terms of such agreement are in the best interests of the program participant. The court shall appoint for the program participant legal counsel, who may be the guardian ad litem who represented the program participant as a minor while in foster care, who shall be

compensated as legal counsel pursuant to § 16.1-267. The program participant may waive the appointment of legal counsel for the purpose of this hearing. The court may, with the consent of the program participant, reappoint or continue the appointment of the court-appointed special advocate volunteer who served the program participant as a minor or, if the previous volunteer is unavailable, appoint another special advocate volunteer. The court shall provide notice of the hearing and a copy of the agreement and the local department of social services' case plan to the program participant who is the subject of the agreement, the program participant's legal counsel, the petitioning local department of social services, and such other persons having a legitimate interest in the hearing.

C. At the conclusion of the hearing and upon presentation or proffering of evidence or information by the local department of social services, the program participant, and the program participant's legal counsel or the court-appointed special advocate, the court may:

1. Approve the agreement and the case plan as presented;
2. Approve the agreement or case plan or both with revisions, as agreed to by the parties, having determined, in agreement with the parties, that the program participant requires additional services or support to achieve the goals documented in the case plan; or

3. Disapprove the agreement or case plan or both and order the local department of social services to submit a revised agreement or case plan or both, as appropriate, to the court within 30 days. The court may order the local department of social services to provide additional services or support, as authorized by law, in the revised case plan. The local department of social services shall file a petition for a review hearing of any revised agreement or case plan to be set by the court in accordance with subsection B.

D. After the initial hearing, if the court determines no further judicial review is required, the court may finalize the required judicial review by closing the court case. The local department of social services shall continue to conduct administrative reviews of the case for the remaining term of the voluntary continuing services and support agreement. If, after the initial hearing, the court determines that judicial review should continue, the court may schedule a subsequent review hearing no later than six months after the initial hearing, at which an initial agreement or case plan was reviewed, to review the program participant's progress and the provision of services and support by the local department of social services. If judicial review is continued, review hearings shall be held every six months unless otherwise order by the court at earlier dates.

E. All reviews, whether by the court or by the local department of social services, shall be conducted at least once every six months and at additional times at the request of the program participant, the local department of social services, or any other party to the proceeding and shall ensure that the program participant is receiving the necessary services and support to facilitate his transition to permanency and self-sufficiency. Procedural safeguards, as described in 42 U.S.C. § 675(5)(C), shall be provided to all program participants, including that, in all reviews or hearings regarding the transition of the program participant from foster care to independent living, the court or local department of social services shall consult, in an age-appropriate manner, with the program participant regarding the proposed permanency or transition plan for the program participant and any other procedural safeguards that apply to children under 18 years of age pursuant to existing state and federal law.

F. All case plans shall be developed in consultation with the program participant and, at the option of the participant, with up to two members of the case planning team who are chosen by the participant. An individual selected by a program participant to be a member of the case planning team may be removed from the team at any time if there is good cause to believe that the individual would not act in the best interests of the program participant.

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

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

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

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. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical

treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

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 act of sexual exploitation or 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 title 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 providers, 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.

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

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

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

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

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

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults. *"Adult foster care" does not include the Fostering Futures program set forth in Article 2 (§ 63.2-916 et seq.) of Chapter 9 or participants in the Fostering Futures program.*

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

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

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

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

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 *who is (i) under 18 years of age or (ii) under 21 years of age and*
572 *meets the eligibility criteria for the Fostering Futures program set forth in § 63.2-918.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

612 "Energy assistance" means benefits to assist low-income households with their home heating and

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

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

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

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

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

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

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

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

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

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

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

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

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of

674 the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or
675 nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the
676 action of any court.

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

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

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

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

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

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

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

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

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

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

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 *"Supervised independent living setting" means the residence of a person 18 years of age or older*
714 *who is participating in the Fostering Futures program set forth in Article 2 (§ 63.2-916 et seq.) of*
715 *Chapter 9 where supervision includes a monthly visit by a service worker or, when appropriate,*
716 *contracted supervision. "Supervised independent living setting" does not include residential facilities or*
717 *group homes.*

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

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

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

728 **§ 63.2-100. (Effective July 1, 2016) Definitions.**

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

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

731 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or
732 inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than
733 accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental
734 functions, including, but not limited to, a child who is with his parent or other person responsible for his
735 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. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

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 act of sexual exploitation or 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 title 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 providers, 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.

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

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

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

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

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

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults. *"Adult foster care" does not include the Fostering Futures program set forth in Article 2 (§ 63.2-916 et seq.) of Chapter 9 or participants in the Fostering Futures program.*

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

"Adult protective services" means services provided by the local department that are necessary to

797 protect an adult from abuse, neglect or exploitation.

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

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

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

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

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

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

826 "Child" means any natural person *who is (i) under 18 years of age or (ii) under 21 years of age and*
827 *meets the eligibility criteria for the Fostering Futures program set forth in § 63.2-918.*

828 "Child day center" means a child day program offered to (i) two or more children under the age of
829 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or
830 more children at any location.

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

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

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

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

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

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

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

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

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

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

"Department" means the State Department of Social Services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

968 *"Supervised independent living setting" means the residence of a person 18 years of age or older*
969 *who is participating in the Fostering Futures program set forth in Article 2 (§ 63.2-916 et seq.) of*
970 *Chapter 9 where supervision includes a monthly visit by a service worker or, when appropriate,*
971 *contracted supervision. "Supervised independent living setting" does not include residential facilities or*
972 *group homes.*

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

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

980 "Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social
981 Security Act, as amended, and administered by the Department through which foster care is provided on

behalf of qualifying children.

Article 2.

Fostering Futures.

§ 63.2-916. Purpose of the Fostering Futures program.

The purpose of the Fostering Futures program is to provide services and support to individuals 18 years of age or older but less than 21 years of age who were formerly in foster care as a minor. Such services and support shall be designed to assist the program participant in transitioning to full adulthood, becoming self-sufficient, and creating permanent positive relationships. The program is voluntary and shall at all times recognize and respect the autonomy of the participant. Nothing in this program or the provisions thereof shall be construed to abrogate any other rights that a person who has reached the age of 18 may have as an adult under state law.

§ 63.2-917. Definitions.

For purposes of the Fostering Futures program:

"Case plan" means the plan developed by the local department for a participant in the Fostering Futures program, which plan shall be consistent with the applicable provisions of 42 U.S.C. § 675(1).

"Child" means an individual who is (i) under 18 years of age or (ii) under 21 years of age and meets the eligibility criteria for the Fostering Futures program set forth in § 63.2-918.

"Fostering Futures" means the services and support available to individuals between 18 and 21 years of age who are participating in the Fostering Futures program.

"Local department" means the local department of social services under the local board having care and custody of the program participant when he reached 18 years of age.

"Program participant" means an individual who meets the requirements set forth in § 63.2-918.

"Voluntary continuing services and support agreement" means a binding written agreement entered in accordance with § 63.2-920 between the local department and the program participant.

§ 63.2-918. Fostering Futures program; eligibility.

The Fostering Futures program is available, on a voluntary basis, to an individual between 18 and 21 years of age who:

1. Was in the custody of a local department of social services either:

a. Prior to reaching 18 years of age, remained in foster care upon turning 18 years of age, and entered foster care pursuant to a court order due to (i) child abuse or neglect, (ii) status as a child at risk of abuse or neglect, (iii) approval of an entrustment agreement, (iv) approval of a relief of custody, (v) status as a child in need of services, (vi) status as a child in need of supervision, (vii) a status offense, (viii) delinquency, or (ix) a placement agreement with a child's parent or guardian; or

b. Immediately prior to commitment to the Department of Juvenile Justice and is transitioning from such commitment to self-sufficiency; and

2. Who is:

a. Completing secondary education or an equivalent credential;

b. Enrolled in an institution that provides postsecondary or vocational education;

c. Employed for at least 80 hours per month;

d. Participating in a program or activity designed to promote employment or remove barriers to employment; or

e. Incapable of doing any of the activities described in subdivisions a through d due to a medical condition, which incapability is supported by regularly updated information in the program participant's case plan.

§ 63.2-919. Continuing services and support.

Continuing services and support provided under the Fostering Futures program shall include the following, where necessary:

1. Medical care under the Virginia Medicaid medical assistance program;

2. Housing, placement, and support in the form of continued foster care maintenance payments in an amount not less than the rate set immediately prior to the program participant's exit from foster care. Program participants who have enrolled in the Fostering Futures program may reside in independent living settings, in which case (i) the local department may send all or part of the foster care maintenance payments directly to the program participant, as agreed upon by the local department and the program participant, taking into consideration the needs of the program participant and his independence, unless the program participant resides in a foster family home, in which case the foster care maintenance payments shall be paid to the foster parents; and (ii) rules and restrictions regarding housing options shall be respectful of the program participant's autonomy and developmental maturity. Safety assessments of the living arrangements shall be age-appropriate and consistent with federal guidance on a supervised setting in which the program participant lives independently; and

3. Case management services, including a case plan that describes (i) the program participant's housing situation or living arrangement; (ii) the resources available to the program participant in the

transition from the Fostering Futures program to adulthood; and (iii) the assistance to be offered and provided to meet the program participant's individual goals, if such assistance is appropriate and the participant is eligible and consents to receive such assistance. All case plans shall be developed in consultation with the program participant and, at the participant's option, with up to two members of the case planning team who are chosen by the program participant and are not a foster parent of, or caseworker for, such program participant. An individual selected by a program participant to be a member of the case planning team may be removed from the team at any time if there is good cause to believe that the individual would not act in the best interests of the program participant.

§ 63.2-920. Voluntary continuing services and support agreement; services provided; service worker; duties.

A. In order to participate in the Fostering Futures program, the program participant must be determined eligible under the provisions of § 63.2-918 and shall enter into a voluntary continuing services and support agreement with the local department. Such written agreement shall include, at a minimum, the following:

1. A requirement that the program participant continues to be eligible under § 63.2-918 for the duration of the voluntary continuing services and support agreement;

2. The services and support the program participant shall receive through the Fostering Futures program;

3. An explanation to the program participant of the voluntary nature of participation in the Fostering Futures program and the participant's right to terminate the voluntary continuing services and support agreement at any time;

4. The specific conditions that may result in the termination of the voluntary continuing services and support agreement and the program participant's early discharge from the Fostering Futures program; and

5. The program participant's right to appeal the denial or delay of a service required in the case plan.

B. The services and support to be provided to the program participant pursuant to the voluntary continuing services and support agreement shall begin no later than 30 days after both the program participant and the local department sign the voluntary continuing services and support agreement in accordance with § 63.2-921.

C. The local department shall assign a service worker for each program participant in the Fostering Futures program to provide case management services. Every service worker shall have specialized training in providing transition services and support for program participants and knowledge of resources available in the community.

D. The local department shall provide continuing efforts at achieving permanency and creating permanent connections for a program participant in the Fostering Futures program.

E. The local department shall fulfill all case plan obligations consistent with the applicable provisions of 42 U.S.C. § 675(1) for all program participants.

F. Upon the signing of the voluntary continuing services and support agreement by the program participant and the local department, the local department shall conduct a redetermination of income eligibility for purposes of Title IV-E of the federal Social Security Act, 42 U.S.C. § 672.

§ 63.2-921. Termination of voluntary continuing services and support agreement; notice; appeal.

A. A program participant may terminate the voluntary continuing services and support agreement and stop receiving services and support at any time. Upon such termination, the local department shall provide the program participant with a clear written notice informing the program participant of the potential negative effects resulting from such a termination, the option to reenter the Fostering Futures program at any time before reaching 21 years of age, and the procedures for reentering if the participant meets the eligibility requirements of § 63.2-918.

B. If the local department determines that the program participant is no longer eligible under § 63.2-918, the local department must terminate the voluntary continuing services and support agreement and cease the provision of all services and support to the program participant. Academic breaks in postsecondary education attendance, such as semester and seasonal breaks, and other transitions between eligibility requirements under § 63.2-918, including education and employment transitions not longer than 30 days, shall not be a basis for termination. Upon determining that the program participant is no longer eligible under § 63.2-918, the local department shall give written notice to the program participant 30 days prior to termination that the voluntary continuing services and support agreement will be terminated that includes (i) an explanation of the basis for termination, (ii) information about the process for appealing the termination, (iii) information about the option to enter into another voluntary continuing services and support agreement once the program participant reestablishes eligibility under § 63.2-918, and (iv) information about, including contact information for, community resources that may benefit the program participant, particularly information regarding state programs established pursuant to 42 U.S.C. 677. Appeals of terminations of voluntary continuing

services and support agreements or of denials or delays of the provision of services specified in the agreement shall be conducted in accordance with the provisions of § 63.2-915 and regulations established by the Board.

§ 63.2-922. Court proceedings; administrative reviews.

A local department that enters into a voluntary continuing services and support agreement with a former foster child shall file a petition for review of the agreement in accordance with § 16.1-283.3. Upon the finalization of such review by the court, the local department shall conduct administrative reviews of the case for the remaining term of the voluntary continuing services and support agreement as provided in subsection D of § 16.1-283.3.

§ 63.2-1302. Adoption assistance payments; maintenance; special needs; payment agreements; continuation of payments when adoptive parents move to another jurisdiction; procedural requirements.

A. Adoption assistance payments may include:

1. Title IV-E or state-funded maintenance payments that shall be payable monthly to provide for the support and care of the child; however, Title IV-E or state-funded maintenance payments shall not exceed the foster care payment that would otherwise be made for the child; and

2. State special services payments to provide special services to the child that the adoptive parents cannot afford and that are not covered by insurance or otherwise, including, but not limited to:

a. Medical, surgical and dental care;

b. Hospitalization;

c. Individual remedial educational services;

d. Psychological and psychiatric treatment;

e. Speech and physical therapy; and

f. Special services, equipment, treatment and training for physical and mental handicaps.

State special services payments may be paid to the vendor of the goods or services directly or to the adoptive parents.

B. Adoption assistance payments shall cease when the child with special needs reaches the age of 18 years. If it is determined that the child has a mental or physical handicap, or an educational delay resulting from such handicap, warranting the continuation of assistance, adoption assistance payments may be made until the child reaches the age of 21 years. *The local department shall provide continued adoption assistance until the child reaches 21 years of age if (i) an adoption assistance agreement for the child became effective after the child reached the age of 16 and (ii) the child meets the eligibility requirements set forth in subdivision 2 of § 63.2-918.*

C. Adoption assistance payments shall be made on the basis of an adoption assistance agreement entered into by the local board and the adoptive parents or, in cases in which the child is in the custody of a licensed child-placing agency, an agreement between the local board, the licensed child-placing agency and the adoptive parents.

Prior to entering into an adoption assistance agreement, the local board or licensed child-placing agency shall ensure that adoptive parents have received information about their child's eligibility for adoption assistance; about their child's special needs and, to the extent possible, the current and potential impact of those special needs. The local board or licensed child-placing agency shall also ensure that adoptive parents receive information about the process for appeal in the event of a disagreement between the adoptive parent and the local board or the adoptive parent and the child-placing agency and information about the procedures for revising the adoption assistance agreement.

Adoptive parents shall submit annually to the local board within thirty days of the anniversary date of the approved agreement an affidavit which certifies that (i) the child on whose behalf they are receiving adoption assistance payments remains in their care, (ii) the child's condition requiring adoption assistance continues to exist, and (iii) whether or not changes to the adoption assistance agreement are requested.

Title IV-E and state-funded maintenance payments made pursuant to this section shall be changed only in accordance with the provisions of § 473 of Title IV-E of the Social Security Act (42 U.S.C. § 673).

D. Responsibility for adoption assistance payments for a child placed for adoption shall be continued by the local board that initiated the agreement in the event that the adoptive parents live in or move to another jurisdiction.

E. Payments may be made under this chapter from appropriations for foster care services for the maintenance and medical or other services for children who have special needs in accordance with § 63.2-1301. Within the limitations of the appropriations to the Department, the Commissioner shall reimburse any agency making payments under this chapter. Any such agency may seek and accept funds from other sources, including federal, state, local, and private sources, to carry out the purposes of this chapter.

1166 2. That the Department of Social Services shall make services and support available under the
1167 Fostering Futures program to eligible participants who reach 18 years of age on or after July 1,
1168 2016.