

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 336

An Act to amend and reenact §§ 63.2-902 and 63.2-904 of the Code of Virginia, relating to foster care agreements; rights of foster parent; dispute resolution; regulations.

[H 2108]

Approved March 12, 2019

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-902 and 63.2-904 of the Code of Virginia are amended and reenacted as follows:

§ 63.2-902. Agreements with persons taking children.

A. Every local board and licensed child-placing agency shall, with respect to each child placed by it in a foster home or children's residential facility, enter into a written agreement contained in an approved foster care policy with the head of such home or facility, which agreement shall provide that the authorized representatives of the local board or agency shall have access at all times to such child and to the home or facility, and that the head of the home or facility will release custody of the child so placed to the authorized representatives of the local board or agency whenever, in the opinion of the local board or agency, or in the opinion of the Commissioner, it is in the best interests of the child.

B. *Local boards and licensed child-placing agencies shall implement and publicize a dispute resolution process through which a foster parent may contest an alleged violation of the regulations governing the collaboration, communication, access, and transparency between the local boards and licensed child-placing agencies and foster parents. Prior to filing a complaint through such dispute resolution process, the foster parent shall contact the family services specialist assigned to the foster home, provide a detailed description of the conduct constituting the alleged violation of the regulations governing collaboration, communication, access, and transparency between the local boards and licensed child-placing agencies and foster parents, and attempt to resolve the dispute. Family services specialists shall respond within five business days and explain any corrective action to be taken in response to the foster parent's complaint. If the foster parent and family services specialist are unable to resolve the complaint informally, the foster parent may file a written complaint through the dispute resolution process with the local board's foster care supervisor or assigned designee. The complaint shall include a detailed description of the conduct constituting the alleged violation of the regulations governing collaboration, communication, access, and transparency between the local boards and licensed child-placing agencies and foster parents, along with any other information required by Department regulation. The foster care supervisor or assigned designee shall respond to the complaint in writing within five business days, setting forth all findings regarding the alleged violation and any corrective action to be taken.*

If the foster parent disagrees with the findings or corrective actions proposed by the foster care supervisor or assigned designee, the foster parent may appeal the decision to the local director by filing a written notice of appeal. The notice of appeal shall include a detailed description of the conduct constituting the alleged violation of the regulations governing collaboration, communication, access, and transparency between the local boards and licensed child-placing agencies and foster parents, a copy of the foster care supervisor or assigned designee's findings and recommendations, and any other information required by Department regulation. The local director shall hold a meeting between all parties within seven business days to gather any information necessary to determine the validity of the alleged violation of the regulations governing collaboration, communication, access, and transparency between the local boards and licensed child-placing agencies and foster parents and the appropriateness of any recommendations for corrective action made by the family services specialist and foster care supervisor or assigned designee. A summary of the meeting shall be documented in writing by the family services specialist after approval by the foster care supervisor or assigned designee. Following such meeting and documentation, the local director shall issue to all parties written findings and, when applicable, recommendations for corrective action.

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

A. Before placing or arranging for the placement of any such child in a foster home or independent living arrangement, a local board or licensed child-placing agency shall cause a careful study to be made to determine the suitability of such home or independent living arrangement, and after placement shall cause such home or independent living arrangement and child to be visited as often as necessary to protect the interests of such child. Home studies by local boards shall be conducted in accordance with the Mutual Family Assessment home study template and any addenda thereto developed by the Department.

B. Every local board or licensed child-placing agency that places a child in a foster home or

independent living arrangement shall maintain such supervision over such home or independent living arrangement as shall be required by the standards and policies established by the Board.

C. Whenever any child placed by a local board or licensed child-placing agency and still under its control or supervision is subject, in the home in which he is placed, to unwholesome influences or to neglect or mistreatment, or whenever the Commissioner shall so order, such local board or agency shall cause the child to be removed from such home and shall make for him such arrangements as may be approved by the Commissioner. *Notwithstanding any other provision of law, the Commissioner shall have the authority to place, remove, or direct the placement or removal of any child who is under the supervision and control of a local board or licensed child-placing agency. Pursuant to such authority, the Commissioner shall remove or direct the removal of any child placed by a local board or licensed child-placing agency in a foster home or children's residential facility that fails to comply with any state or federal requirements intended to protect the child's health, safety, or well-being.*

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

2. That the Department of Social Services shall promulgate regulations to ensure collaboration, communication, access, and transparency between the local boards and licensed child-placing agencies and foster parents to be effective within 280 days of the enactment of this act. These regulations shall include a statement of the rights and responsibilities of foster parents, requirements for the provision of background, medical, and psychological information to foster parents for each child placed in their home, and requirements for notice to foster parents of any court hearings and scheduled meetings regarding a foster child placed in their care.