

# VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

## CHAPTER 438

*An Act to amend and reenact § 63.2-900.1 of the Code of Virginia, relating to kinship foster care; notice.*

[S 1720]

Approved March 18, 2019

**Be it enacted by the General Assembly of Virginia:**

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

**§ 63.2-900.1. Kinship foster care.**

A. The local board shall, in accordance with regulations adopted by the Board, determine whether the child has ~~a relative~~ *any relatives* who ~~is~~ *may be* eligible to become a kinship foster parent. *The local board shall take all reasonable steps to provide notice to such relatives of their potential eligibility to become a kinship foster parent and explain any opportunities such relatives may have to participate in the placement and care of the child, including opportunities available through kinship foster care or kinship guardianship.*

B. Kinship foster care placements pursuant to this section shall be subject to all requirements of, and shall be eligible for all services related to, foster care placement contained in this chapter. Subject to approval by the Commissioner, a local board may grant a waiver of the Board's standards for foster home approval, set forth in regulations, that are not related to safety. Waivers granted pursuant to this subsection shall be considered and, if appropriate, granted on a case-by-case basis and shall include consideration of the unique needs of each child to be placed. Upon request by a local board, the Commissioner shall review the local board's decision and reasoning to grant a waiver and shall verify that the foster home approval standard being waived is not related to safety. The approval or disapproval by the Commissioner of the local board's waiver shall not be considered a case decision as defined in § 2.2-4001.

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

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