

LD6062836

**HOUSE BILL NO. 1988**

Offered January 20, 1995

*A BILL to amend and reenact §§ 2.1-759, 9-267 and 63.1-248.2, as it is currently effective and as it may become effective, of the Code of Virginia, relating to definitions of prevention and early intervention.*

Patrons—Darnier, Bloxom, Christian, Deeds, Giesen, Jackson and Jones, J.C.; Senators: Calhoun, Houck, Miller, Y.B. and Trumbo

Referred to Committee on General Laws

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

**1. That §§ 2.1-759, 9-267, and 63.1-248.2, as it is currently effective and as it may become effective, of the Code of Virginia are amended and reenacted as follows:**

§ 2.1-759. State trust fund.

A. Effective January 1, 1993, there is established a state trust fund with funds appropriated by the General Assembly. The purposes of this fund are to develop:

1. Early intervention services for young children ~~at risk of developing emotional or behavior problems, or both, due to environmental, physical or psychological stress,~~ and their families, ~~which are defined to include: prevention efforts for individuals who have (i) higher than average risk for developing problems based on biological, psychological or social/environmental factors, (ii) minimal, but noticeable symptoms that foreshadow problems and, (iii) biological predisposition to problems;~~ and

2. Community services for troubled youths who have emotional or behavior problems, or both, and who can appropriately and effectively be served in the home or community, or both, and their families.

The fund shall consist of moneys from the state general fund, federal grants, and private foundations.

B. Proposals for requesting these funds shall be made by community policy and management teams to the state management team. The state management team shall make recommendations on the proposals it receives to the state executive council, which shall award the grants to the community teams in accordance with the policies developed under the authority of § 2.1-748 of this chapter.

§ 9-267. Definitions.

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

"Council" means the Virginia Council on Coordinating Prevention.

"Early intervention" means ~~prevention efforts for individuals who have (i) higher than average risk for developing problems based on biological, psychological or social/environmental factors; (ii) minimal, but noticeable, symptoms that foreshadow problems, and (iii) biological predisposition to problems.~~

"Plan" means the Comprehensive Prevention Plan.

"Prevention" means ~~efforts that (i) promote health and competence in people and (ii) create, promote and strengthen environments that nurture people in their development so they achieve their potential and contribute positively to society.~~

§ 63.1-248.2. (For effective date - See note) Definitions.

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

~~A.~~ "Abused or neglected child" means any child less than eighteen 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;

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 act of sexual exploitation or any sexual act upon a child in violation of the law; or

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.

"Complaint" means any information or allegation of abuse or neglect made orally or in writing other than the reports referred to below.

~~B.~~ "Department" means the State Department of Social Services.

INTRODUCED

HB1988

60 C. "Local department" means the department of public welfare or social services of any county or  
61 city in this Commonwealth.

62 *"Prevention" means efforts that (i) promote health and competence in people and (ii) create, promote*  
63 *and strengthen environments that nurture people in their development so they achieve their potential and*  
64 *contribute positively to society.*

65 D. "Report" means an official document on which information is given concerning abuse and neglect  
66 and which is required to be made by persons designated herein and by local departments in those  
67 situations in which investigation of a complaint from the general public reveals suspected abuse or  
68 neglect.

69 E. ~~"Complaint" means any information or allegation of abuse or neglect made orally or in writing~~  
70 ~~other than the reports referred to above.~~

71 F. "The court" means the ~~the~~ juvenile and domestic relations district court of the county or city.

72 Nothing in this section shall relieve any person specified in § 63.1-248.3 from making reports  
73 required in that section, regardless of the identity of the person suspected to have caused such abuse or  
74 neglect.

75 § 63.1-248.2. (Delayed effective date - See notes) Definitions.

76 As used in this chapter unless the context requires a different meaning:

77 A. "Abused or neglected child" means any child less than eighteen years of age:

78 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or  
79 inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than  
80 accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental  
81 functions;

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

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

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

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

92 *"Complaint" means any information or allegation of abuse or neglect made orally or in writing other*  
93 *than the reports referred to below.*

94 B. "Department" means the State Department of Social Services.

95 C. "Local department" means the department of public welfare or social services of any county or  
96 city in this Commonwealth.

97 *"Prevention" means efforts that (i) promote health and competence in people and (ii) create, promote*  
98 *and strengthen environments that nurture people in their development so they achieve their potential and*  
99 *contribute positively to society.*

100 D. "Report" means an official document on which information is given concerning abuse and neglect  
101 and which is required to be made by persons designated herein and by local departments in those  
102 situations in which investigation of a complaint from the general public reveals suspected abuse or  
103 neglect.

104 E. ~~"Complaint" means any information or allegation of abuse or neglect made orally or in writing~~  
105 ~~other than the reports referred to above.~~

106 F. "The court" means the family court of the county or city.

107 Nothing in this section shall relieve any person specified in § 63.1-248.3 from making reports  
108 required in that section, regardless of the identity of the person suspected to have caused such abuse or  
109 neglect.