

# VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

## CHAPTER 856

*An Act to amend the Code of Virginia by adding in Chapter 12.1 of Title 63.1 a section numbered 63.1-248.18, establishing a child protective services multiple response system.*

[H 36]

Approved April 9, 1996

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

**1. That the Code of Virginia is amended by adding in Chapter 12.1 of Title 63.1 a section numbered 63.1-248.18 as follows:**

*§ 63.1-248.18. Establishment of pilot multiple response system.*

*A. By March 1, 1997, the Department shall establish a multiple response child protective services system in at least three but no more than five areas of the state selected by the Department. Areas may be composed of any combination of one or more counties or cities or both counties and cities. The multiple response system is designed to protect children at risk by effective use of available community resources. When appropriate, families will be offered services through the local department or through community agencies to promote safe, positive relationships within families by emphasizing prevention and assistance; or when otherwise appropriate, local departments will investigate, in conjunction with law-enforcement agencies pursuant to memoranda of understanding, allegations of child abuse or neglect for appropriate intervention or follow up action. The Department shall develop criteria for the selection of pilot areas which shall include an assessment of the effectiveness of the area's plan for community involvement in child protective services and a determination of whether local departments in the area have effective agreements with law-enforcement agencies and the attorney for the Commonwealth ensuring interagency cooperation.*

*By November 1, 1996, the Department shall submit to the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services a report outlining the plan for the multiple response system, including copies of any requests for proposals and the criteria developed for selection of pilot areas.*

*The pilot programs shall be subject to the provisions of this chapter, State Board regulations and Department policies except to the extent that such regulations and policies are inconsistent with the provisions of this section.*

*The State Board shall promulgate regulations to implement the provisions of this section to be effective within 280 days of July 1, 1996.*

*B. Upon receipt of a report of child abuse or neglect, the local department, after making an initial assessment shall determine whether the appropriate level of intervention is (i) investigation, (ii) family assessment and services or (iii) referral by the local department for services even though the report does not meet the definition of abuse or neglect. The Department shall develop an assessment instrument which shall be used to determine the appropriate level of intervention. A report may be reclassified at any time during the local department's involvement with the case.*

*C. The local department may investigate any report of child abuse or neglect but the following reports of child abuse or neglect shall be investigated regardless of the outcome of the assessment: (i) sexual abuse, (ii) child fatality, (iii) abuse or neglect resulting in serious injury as defined in § 18.2-371.1, (iv) child has been taken into the custody of the local department of social services or (v) cases involving a caretaker at a state licensed child day center, religiously exempt child day center, regulated family day home, private or public school, or hospital or any institution.*

*D. Cases determined to be appropriate for investigation shall be investigated in accordance with the provisions of this chapter. Investigations shall be completed within forty-five days of receipt of the report. However, upon written justification by the local department, such investigation may be extended up to a total of sixty days. Upon completion of the investigation, the department shall consult with the child's family about services to address the family's needs.*

*In cases determined to be appropriate for family assessment, the local department shall immediately contact the subject of the report and the family of the child alleged to have been abused or neglected and give each a written explanation of the family assessment procedure, verbally explain the procedure, and assess the service needs of the family. The purpose of the family assessment is to ensure the safety of the child identified in the report and, if appropriate, to provide services that deter future child abuse and neglect. The family assessment and identification of service needs shall be based on information gathered from the family and other sources. The family assessment shall be completed within forty-five days of receipt of the report. However, upon written justification by the local department, the family assessment may be extended up to a total of sixty days.*

*The family assessment shall be in writing and shall be completed in accordance with State Board*

regulation. Upon completion of the family assessment, the department shall consult with the family about services to address the family's needs.

*E. Families have the option of declining the services offered as a result of the family assessment. If the family declines the services, the case shall be closed unless the local department determines that sufficient cause exists to redetermine the case as one that needs to be investigated. In no instance shall a case be redetermined as an investigation solely because the family declines services. The local department shall commence an immediate investigation if, at any time during the family assessment and services approach, it determines that an investigation is required. Such an investigation shall be completed within forty-five days of the date that it is determined that an investigation is required.*

*F. Reports that are not investigated shall not be determined founded or unfounded and shall not be entered into the central registry. Reports that are investigated shall be determined founded or unfounded, and founded reports shall be entered into the central registry in accordance with the provisions of this chapter. The subject of the report shall have access to his own record in the central registry.*

*G. All child abuse and neglect reports and the department's subsequent involvement with the case shall be recorded. The record, which shall be separate from the central registry, shall be accessible only to the Department and to local departments for child protective services. The subject of the report is the person who is alleged to have committed abuse or neglect. The subject of the report shall have access to his own record. Records of reports not investigated shall be purged three years after the date of the report if there are no subsequent reports regarding the same child or the person who is the subject of the report in that three years. The department shall retain such records for an additional period of up to two years if requested in writing by the person who is the subject of such complaint or report.*

*H. The Department shall develop a training program for all staff persons involved in child protective services in the pilot programs, and all such staff shall receive this training.*

*I. The Department shall evaluate and report on the impact and effectiveness of the multiple response system in meeting the purposes of the system. The evaluation shall include, but is not limited to, the following information: turnover rate of child protective services workers, changes in the number of investigations, the number of families receiving services, the number of families rejecting services, the effectiveness of the initial assessment in determining the appropriate level of intervention, the impact on out-of-home placements, the cost effectiveness of the system, the availability of needed services, community cooperation, successes and problems encountered, the overall operation of the multiple response system and recommendations for improvement. The Department shall submit a preliminary report to the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by December 15, 1997, and subsequent annual reports by December 15, 1998, and by December 15, 1999.*

**2. That this act shall become effective only if state funds are provided to carry out the provisions of this section by the 1996 General Assembly.**