

VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

CHAPTER 427

An Act to amend and reenact § 63.1-198 of the Code of Virginia, relating to child welfare agencies.

[H 2894]

Approved March 15, 1997

Be it enacted by the General Assembly of Virginia:

1. That § 63.1-198 of the Code of Virginia is amended and reenacted as follows:

§ 63.1-198. Investigation on receipt of application.

Upon receipt of the application, the Commissioner shall cause an investigation to be made of the applicant's activities, services, facilities, financial responsibility, and character and reputation. The character and reputation investigation shall include a criminal history records check, pursuant to § 19.2-389, of the applicant; his agents and board members who are involved in the day-to-day operations of the child welfare agency or who are alone with, in control of, or supervising one or more of the children; and any other adult living in the home of an applicant for licensure or registration as a family day home. The applicant shall submit the request for a criminal history record check to the Central Criminal Records Exchange and shall forward the original notification of criminal record clearance or original criminal history record to the Commissioner's representative prior to issuance of a license or approval of registration. All applicants for licensure or registration shall provide the Commissioner's representative with a sworn statement or affirmation disclosing whether the applicant; his agents and board members who are involved in the day-to-day operations of the child welfare agency or who are alone with, in control of, or supervising one or more of the children; or any other adult living in the home of an applicant for licensure or registration as a family day home has ever been convicted of or is the subject of pending charges for any offense specified in § 63.1-198.1 within the Commonwealth or any equivalent offense outside the Commonwealth. The Commissioner shall not issue a license or registration to any child welfare agency if the applicant; his agents and board members who are involved in the day-to-day operations of the child welfare agency or who are alone with, in control of, or supervising one or more of the children; or any other adult living in the home of an applicant for licensure or registration as a family day home has been convicted of one of the crimes specified in § 63.1-198.1. No applicant, agent or board member of the applicant shall be involved in the day-to-day operations of the child welfare agency or shall be alone with, in control of, or supervising one or more of the children without first having a criminal history records check and a sworn disclosure statement or affirmation showing that he has not been convicted of or is not the subject of pending charges for one of the crimes specified in § 63.1-198.1. Any person making a materially false statement regarding any such offense shall be guilty of a Class 1 misdemeanor.

The applicant shall afford the representatives of the Commissioner required to make the investigation reasonable opportunity to inspect all of the applicant's facilities, books and records, and to interview its agents and employees and any child or other person within its custody or control. *However, the financial records of an applicant shall not be subject to inspection if the applicant submits a current balance sheet and income statement accompanied by a letter from a certified public accountant certifying the accuracy thereof and three credit references.*

The provisions of this section referring to a sworn statement or affirmation and to prohibitions on the issuance of a license for any offense specified in § 63.1-198.1 shall not apply to any child-caring institution licensed pursuant to § 63.1-196, which instead shall comply with the background investigation requirements contained in § 63.1-248.7:2.