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SENATE BILL NO. 385

Senate Amendments in [] — February 2, 2016

A *BILL to amend and reenact § 63.2-1723 of the Code of Virginia, relating to foster and adoptive parents; waiver.*

Patron Prior to Engrossment—Senator Hanger

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:**1. That § 63.2-1723 of the Code of Virginia is amended and reenacted as follows:****§ 63.2-1723. Child welfare agencies and foster or adoptive parents; criminal conviction and waiver.**

A. Any person who seeks to operate, volunteer *at*, or work at a child welfare agency *or seeks to be approved by a child-placing agency as a foster or adoptive parent* and who is disqualified because of a criminal conviction or a criminal conviction in the background check of any other adult living in a family day home regulated by the Department *or in the home of the applicant*, pursuant to §§ [63.2-901.1,] 63.2-1720, 63.2-1720.1, 63.2-1721, 63.2-1721.1, and 63.2-1724, may apply in writing for a waiver from the Commissioner. The Commissioner may grant a waiver if the Commissioner determines that (i) the person is of good moral character and reputation and (ii) the waiver would not adversely affect the safety and well-being of children in the person's care. The Commissioner shall not grant a waiver to any person who has been convicted of a barrier crime as defined in § 63.2-1719. However, the Commissioner may grant a waiver to a family day home licensed or registered by the Department *or foster or adoptive parents approved by a child-placing agency* if any other adult living in the home of the applicant or provider has been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, provided that (a) five years have elapsed following the conviction and (b) the Department has conducted a home study that includes, but is not limited to, (1) an assessment of the safety of children placed in the home and (2) a determination that the offender is now a person of good moral character and reputation. The waiver shall not be granted if the adult living in the home is an assistant or substitute provider or if such adult has been convicted of a misdemeanor offense under both §§ 18.2-57 and 18.2-57.2. Any waiver granted under this section shall be available for inspection by the public. The child welfare agency shall notify in writing every parent and guardian of the children in its care of any waiver granted for its operators, employees or volunteers.

B. The Board shall adopt regulations to implement the provisions of this section.

ENGROSSED

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