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SENATE BILL NO. 1679

Offered January 11, 2019

A BILL to amend and reenact §§ 16.1-228, 16.1-281 through 16.1-282.2, and 63.2-100 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.2-906.1, relating to statutory alignment with federal Family First Prevention Services Act.

Patron—Mason

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-228, 16.1-281 through 16.1-282.2, and 63.2-100 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 63.2-906.1 as follows:

§ 16.1-228. Definitions.

When used in this chapter, unless the context otherwise requires:

"Abused or neglected child" means any child:

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, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

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 sexual act upon a child in violation of the law;

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;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a delinquent act which would be a felony if committed by an adult.

"Boot camp" means a short term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.

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59 "Child," "juvenile," or "minor" means a person less than 18 years of age.

60 "Child in need of services" means (i) a child whose behavior, conduct or condition presents or results  
61 in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14  
62 whose behavior, conduct or condition presents or results in a serious threat to the well-being and  
63 physical safety of another person; however, no child who in good faith is under treatment solely by  
64 spiritual means through prayer in accordance with the tenets and practices of a recognized church or  
65 religious denomination shall for that reason alone be considered to be a child in need of services, nor  
66 shall any child who habitually remains away from or habitually deserts or abandons his family as a  
67 result of what the court or the local child protective services unit determines to be incidents of physical,  
68 emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

69 However, to find that a child falls within these provisions, (i) the conduct complained of must  
70 present a clear and substantial danger to the child's life or health or to the life or health of another  
71 person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being  
72 received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or  
73 services needed by the child or his family.

74 "Child in need of supervision" means:

75 1. A child who, while subject to compulsory school attendance, is habitually and without justification  
76 absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of  
77 any and all educational services and programs that are required to be provided by law and which meet  
78 the child's particular educational needs, (ii) the school system from which the child is absent or other  
79 appropriate agency has made a reasonable effort to effect the child's regular attendance without success,  
80 and (iii) the school system has provided documentation that it has complied with the provisions of  
81 § 22.1-258; or

82 2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or  
83 placement authority, remains away from or deserts or abandons his family or lawful custodian on more  
84 than one occasion or escapes or remains away without proper authority from a residential care facility in  
85 which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to  
86 the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not  
87 presently being received, and (iii) the intervention of the court is essential to provide the treatment,  
88 rehabilitation or services needed by the child or his family.

89 "Child welfare agency" means a child-placing agency, child-caring institution or independent foster  
90 home as defined in § 63.2-100.

91 "The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile  
92 and domestic relations district court of each county or city.

93 "Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an  
94 ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of  
95 § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an  
96 act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if  
97 committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to  
98 take a breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or town.

99 "Delinquent child" means a child who has committed a delinquent act or an adult who has committed  
100 a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been  
101 terminated under the provisions of § 16.1-269.6.

102 "Department" means the Department of Juvenile Justice and "Director" means the administrative head  
103 in charge thereof or such of his assistants and subordinates as are designated by him to discharge the  
104 duties imposed upon him under this law.

105 "Family abuse" means any act involving violence, force, or threat that results in bodily injury or  
106 places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by  
107 a person against such person's family or household member. Such act includes, but is not limited to, any  
108 forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of  
109 Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable  
110 apprehension of death, sexual assault, or bodily injury.

111 "Family or household member" means (i) the person's spouse, whether or not he or she resides in the  
112 same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same  
113 home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters,  
114 half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in  
115 the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law,  
116 daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v)  
117 any individual who has a child in common with the person, whether or not the person and that  
118 individual have been married or have resided together at any time, or (vi) any individual who cohabits  
119 or who, within the previous 12 months, cohabited with the person, and any children of either of them  
120 then residing in the same home with the person.

121 *"Fictive kin" means persons who are not related to a child by blood or adoption but have an*  
122 *established relationship with the child or his family.*

123 "Foster care services" means the provision of a full range of casework, treatment and community  
124 services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or  
125 in need of services as defined in this section and his family when the child (i) has been identified as  
126 needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through  
127 an agreement between the local board of social services or a public agency designated by the  
128 community policy and management team and the parents or guardians where legal custody remains with  
129 the parents or guardians, (iii) has been committed or entrusted to a local board of social services or  
130 child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board  
131 pursuant to § 16.1-293.

132 "Independent living arrangement" means placement of (i) a child at least 16 years of age who is in  
133 the custody of a local board or licensed child-placing agency by the local board or licensed child-placing  
134 agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was  
135 committed to the Department of Juvenile Justice immediately prior to placement by the Department of  
136 Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute  
137 parental supervision.

138 "Independent living services" means services and activities provided to a child in foster care 14 years  
139 of age or older and who has been committed or entrusted to a local board of social services, child  
140 welfare agency, or private child-placing agency. "Independent living services" may also mean services  
141 and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet  
142 reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his  
143 commitment to the Department of Juvenile Justice, was in the custody of a local board of social  
144 services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was  
145 committed to the Department of Juvenile Justice immediately prior to placement in an independent  
146 living arrangement. Such services shall include counseling, education, housing, employment, and money  
147 management skills development and access to essential documents and other appropriate services to help  
148 children or persons prepare for self-sufficiency.

149 "Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this  
150 chapter.

151 "Jail" or "other facility designed for the detention of adults" means a local or regional correctional  
152 facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding  
153 cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the  
154 transfer of a child to a juvenile facility.

155 "The judge" means the judge or the substitute judge of the juvenile and domestic relations district  
156 court of each county or city.

157 "This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in  
158 this chapter.

159 "Legal custody" means (i) a legal status created by court order which vests in a custodian the right to  
160 have physical custody of the child, to determine and redetermine where and with whom he shall live,  
161 the right and duty to protect, train and discipline him and to provide him with food, shelter, education  
162 and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal  
163 status created by court order of joint custody as defined in § 20-107.2.

164 "Permanent foster care placement" means the place of residence in which a child resides and in  
165 which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation  
166 and agreement between the placing agency and the place of permanent foster care that the child shall  
167 remain in the placement until he reaches the age of majority unless modified by court order or unless  
168 removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of  
169 residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term  
170 basis.

171 *"Qualified individual" means a trained professional or licensed clinician who is not an employee of*  
172 *the local board of social services or licensed child-placing agency that placed the child in a qualified*  
173 *residential treatment program and is not affiliated with any placement setting in which children are*  
174 *placed by such local board of social services or licensed child-placing agency.*

175 *"Qualified residential treatment program" means a program that (i) provides 24-hour residential*  
176 *placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that*  
177 *meets the clinical and other needs of children with serious emotional or behavioral disorders, including*  
178 *any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this*  
179 *definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site*  
180 *and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts*  
181 *outreach with the child's family members, including efforts to maintain connections between the child*

182 *and his siblings and other family; documents and maintains records of such outreach efforts; and*  
183 *maintains contact information for any known biological family and fictive kin of the child; (v) whenever*  
184 *appropriate and in the best interest of the child, facilitates participation by family members in the*  
185 *child's treatment program before and after discharge and documents the manner in which such*  
186 *participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at*  
187 *least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and*  
188 *accredited by an organization approved by the federal Secretary of Health and Human Services; and*  
189 *(viii) requires that any child placed in the program receive an assessment within 30 days of such*  
190 *placement by a qualified individual that (a) assesses the strengths and needs of the child using an*  
191 *age-appropriate, evidence-based, validated, and functional assessment tool approved by the*  
192 *Commissioner of Social Services; (b) identifies whether the needs of the child can be met through*  
193 *placement with a family member or in a foster home or, if not, in a placement setting authorized by 42*  
194 *U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most*  
195 *effective and appropriate level of care for the child in the least restrictive environment and be consistent*  
196 *with the short-term and long-term goals established for the child in his foster care or permanency plan;*  
197 *(c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and*  
198 *(d) is documented in a written report to be filed with the court prior to any hearing on the child's*  
199 *placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.*

200 "Residual parental rights and responsibilities" means all rights and responsibilities remaining with the  
201 parent after the transfer of legal custody or guardianship of the person, including but not limited to the  
202 right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility  
203 for support.

204 "Secure facility" or "detention home" means a local, regional or state public or private locked  
205 residential facility that has construction fixtures designed to prevent escape and to restrict the movement  
206 and activities of children held in lawful custody.

207 "Shelter care" means the temporary care of children in physically unrestricting facilities.

208 "State Board" means the State Board of Juvenile Justice.

209 "Status offender" means a child who commits an act prohibited by law which would not be criminal  
210 if committed by an adult.

211 "Status offense" means an act prohibited by law which would not be an offense if committed by an  
212 adult.

213 "Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of  
214 § 16.1-269.1 when committed by a juvenile 14 years of age or older.

215 **§ 16.1-281. Foster care plan.**

216 A. In any case in which (i) a local board of social services places a child through an agreement with  
217 the parents or guardians where legal custody remains with the parents or guardian, or (ii) legal custody  
218 of a child is given to a local board of social services or a child welfare agency, the local department of  
219 social services or child welfare agency shall prepare a foster care plan for such child, as described  
220 hereinafter. The individual family service plan developed by the family assessment and planning team  
221 pursuant to § 2.2-5208 may be accepted by the court as the foster care plan if it meets the requirements  
222 of this section.

223 The representatives of such department or agency shall involve the child's parent(s) in the  
224 development of the plan, except when parental rights have been terminated or the local department of  
225 social services or child welfare agency has made diligent efforts to locate the parent(s) and such  
226 parent(s) cannot be located, and any other person or persons standing in loco parentis at the time the  
227 board or child welfare agency obtained custody or the board placed the child. The representatives of  
228 such department or agency shall involve a child who is 14 years of age or older in the development of  
229 the plan and, at the option of such child, up to two members of the case planning team who are chosen  
230 by the child and who are not a foster parent of, or caseworker for, the child. A child under 14 years of  
231 age may be involved in the development of the plan if such involvement is consistent with the best  
232 interests of the child. In cases where either the parent(s) or child is not involved in the development of  
233 the plan, the department or agency shall include in the plan a full description of the reasons therefor.

234 The department or child welfare agency shall file the plan with the juvenile and domestic relations  
235 district court within 45 days following the transfer of custody or the board's placement of the child  
236 unless the court, for good cause shown, allows an extension of time, which shall not exceed an  
237 additional 60 days. However, a foster care plan shall be filed in accordance with the provisions of  
238 § 16.1-277.01 with a petition for approval of an entrustment agreement. A foster care plan need not be  
239 prepared if the child is returned to his prior family or placed in an adoptive home within 45 days  
240 following transfer of custody to the board or agency or the board's placement of the child.

241 B. The foster care plan shall describe in writing (i) the programs, care, services and other support  
242 which will be offered to the child and his parents and other prior custodians; (ii) the participation and  
243 conduct which will be sought from the child's parents and other prior custodians; (iii) the visitation and

244 other contacts which will be permitted between the child and his parents and other prior custodians, and  
 245 between the child and his siblings; (iv) the nature of the placement or placements which will be  
 246 provided for the child; (v) for school-age children, the school placement of the child; (vi) for children  
 247 14 years of age and older, the child's needs and goals in the areas of counseling, education, housing,  
 248 employment, and money management skills development, along with specific independent living services  
 249 that will be provided to the child to help him reach these goals; and (vii) for children 14 years and  
 250 older, an explanation of the child's rights with respect to education, health, visitation, court participation,  
 251 and the right to stay safe and avoid exploitation; ~~and (viii).~~ *The foster care plan shall include all*  
 252 *documentation specified in 42 U.S.C. § 675(5)(l) and § 63.2-905.3. If the child in foster care is placed*  
 253 *in a qualified residential treatment program as defined in § 16.1-228, the foster care plan shall also*  
 254 *include the report and documentation set forth in subsection A of § 63.2-906.1. If the child in foster*  
 255 *care is pregnant or is the parent of a child, the foster care plan shall also include (a) a list of the*  
 256 *services and programs to be provided to or on behalf of the child to ensure parental readiness or*  
 257 *capability and (b) a description of the foster care prevention strategy for any child born to the child in*  
 258 *foster care. In cases in which a foster care plan approved prior to July 1, 2011, identifies independent*  
 259 *living as the goal for the child, and in cases involving children admitted to the United States as refugees*  
 260 *or asylees who are 16 years of age or older and for whom the goal is independent living, the plan shall*  
 261 *also describe the programs and services which will help the child prepare for the transition from foster*  
 262 *care to independent living. If consistent with the child's health and safety, the plan shall be designed to*  
 263 *support reasonable efforts which lead to the return of the child to his parents or other prior custodians*  
 264 *within the shortest practicable time which shall be specified in the plan. The child's health and safety*  
 265 *shall be the paramount concern of the court and the agency throughout the placement, case planning,*  
 266 *service provision and review process. For a child 14 years of age and older, the plan shall include a*  
 267 *signed acknowledgment by the child that the child has received a copy of the plan and that the rights*  
 268 *contained therein have been explained to the child in an age-appropriate manner.*

269 If the department or child welfare agency concludes that it is not reasonably likely that the child can  
 270 be returned to his prior family within a practicable time, consistent with the best interests of the child,  
 271 the department, child welfare agency or team shall ~~(a)~~ (1) include a full description of the reasons for  
 272 this conclusion; ~~(b)~~ (2) provide information on the opportunities for placing the child with a relative or  
 273 in an adoptive home; ~~(c)~~ (3) design the plan to lead to the child's successful placement with a relative if  
 274 a subsequent transfer of custody to the relative is planned, or in an adoptive home within the shortest  
 275 practicable time; and (4) if neither of such placements is feasible; ~~(d)~~, explain why permanent foster  
 276 care is the plan for the child or independent living is the plan for the child in cases involving children  
 277 admitted to the United States as refugees or asylees who are 16 years of age or older and for whom the  
 278 goal is independent living.

279 "~~Independent living~~" as used in this section has the meaning set forth in § 63.2-100.

280 The local board or other child welfare agency having custody of the child shall not be required by  
 281 the court to make reasonable efforts to reunite the child with a parent if the court finds that ~~(1)~~ (A) the  
 282 residual parental rights of the parent regarding a sibling of the child have previously been involuntarily  
 283 terminated; ~~(2)~~ (B) the parent has been convicted of an offense under the laws of the Commonwealth or  
 284 a substantially similar law of any other state, the United States or any foreign jurisdiction that  
 285 constitutes murder or voluntary manslaughter, or a felony attempt, conspiracy or solicitation to commit  
 286 any such offense, if the victim of the offense was a child of the parent, a child with whom the parent  
 287 resided at the time such offense occurred or the other parent of the child; ~~(3)~~ (C) the parent has been  
 288 convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other  
 289 state, the United States or any foreign jurisdiction that constitutes felony assault resulting in serious  
 290 bodily injury or felony bodily wounding resulting in serious bodily injury or felony sexual assault, if the  
 291 victim of the offense was a child of the parent or a child with whom the parent resided at the time of  
 292 such offense; or ~~(4)~~ (D) based on clear and convincing evidence, the parent has subjected any child to  
 293 aggravated circumstances, or abandoned a child under circumstances which would justify the termination  
 294 of residual parental rights pursuant to subsection D of § 16.1-283.

295 As used in this section:

296 "Aggravated circumstances" means torture, chronic or severe abuse, or chronic or severe sexual  
 297 abuse, if the victim of such conduct was a child of the parent or child with whom the parent resided at  
 298 the time such conduct occurred, including the failure to protect such a child from such conduct, which  
 299 conduct or failure to protect: (i) evinces a wanton or depraved indifference to human life, or (ii) has  
 300 resulted in the death of such a child or in serious bodily injury to such a child.

301 "Chronic abuse" or "chronic sexual abuse" means recurring acts of physical abuse that place the  
 302 child's health, safety and well-being at risk.

303 "~~Independent living~~" has the meaning set forth in § 63.2-100.

304 "Serious bodily injury" means bodily injury that involves substantial risk of death, extreme physical

305 pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily  
306 member, organ or mental faculty.

307 "Severe abuse" or "severe sexual abuse" may include an act or omission that occurred only once, but  
308 otherwise meets the definition of "aggravated circumstances."

309 Within 30 days of making a determination that reasonable efforts to reunite the child with the parents  
310 are not required, the court shall hold a permanency planning hearing pursuant to § 16.1-282.1.

311 C. A copy of the entire foster care plan shall be sent by the court to the child, if he is 12 years of  
312 age or older; the guardian ad litem for the child, the attorney for the child's parents or for any other  
313 person standing in loco parentis at the time the board or child welfare agency obtained custody or the  
314 board placed the child, to the parents or other person standing in loco parentis, and such other persons  
315 as appear to the court to have a proper interest in the plan. However, a copy of the plan shall not be  
316 sent to a parent whose parental rights regarding the child have been terminated. A copy of the plan shall  
317 be sent by the court to the foster parents. A hearing shall be held for the purpose of reviewing and  
318 approving the foster care plan. The hearing shall be held within 60 days of (i) the child's initial foster  
319 care placement, if the child was placed through an agreement between the parents or guardians and the  
320 local department of social services or a child welfare agency; (ii) the original preliminary removal order  
321 hearing, if the child was placed in foster care pursuant to § 16.1-252; (iii) the hearing on the petition for  
322 relief of custody, if the child was placed in foster care pursuant to § 16.1-277.02; or (iv) the  
323 dispositional hearing at which the child was placed in foster care and an order was entered pursuant to  
324 § 16.1-278.2, 16.1-278.3, 16.1-278.4, 16.1-278.5, 16.1-278.6, or 16.1-278.8. However, the hearing shall  
325 be held in accordance with the provisions of § 16.1-277.01 with a petition for approval of an  
326 entrustment agreement. If the judge makes any revision in any part of the foster care plan, a copy of the  
327 changes shall be sent by the court to all persons who received a copy of the original of that part of the  
328 plan.

329 C1. Any order transferring custody of the child to a relative other than the child's prior family shall  
330 be entered only upon a finding, based upon a preponderance of the evidence, that the relative is one  
331 who, after an investigation as directed by the court, (i) is found by the court to be willing and qualified  
332 to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child;  
333 (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the  
334 ability to protect the child from abuse and neglect; and the order shall so state. The court's order  
335 transferring custody to a relative should further provide for, as appropriate, any terms or conditions  
336 which would promote the child's interest and welfare; ongoing provision of social services to the child  
337 and the child's custodian; and court review of the child's placement.

338 C2. Any order entered at the conclusion of the hearing that has the effect of achieving a permanent  
339 goal for the child by terminating residual parental rights pursuant to § 16.1-277.01, 16.1-277.02,  
340 16.1-278.3, or 16.1-283; by placing the child in permanent foster care pursuant to clause (iv) of  
341 subsection A of § 16.1-282.1; or, in cases in which independent living was identified as the goal for a  
342 child in a foster care plan approved prior to July 1, 2011, or in which a child has been admitted to the  
343 United States as a refugee or asylee and is over 16 years of age and independent living has been  
344 identified as the permanency goal for the child, by directing the board or agency to provide the child  
345 with services to achieve independent living status, if the child has attained the age of 16 years, pursuant  
346 to clause (v) of subsection A of § 16.1-282.1 shall state whether reasonable efforts have been made to  
347 place the child in a timely manner in accordance with the foster care plan and to complete the steps  
348 necessary to finalize the permanent placement of the child.

349 D. The court in which the foster care plan is filed shall be notified immediately if the child is  
350 returned to his parents or other persons standing in loco parentis at the time the board or agency  
351 obtained custody or the board placed the child.

352 E. 1. *In cases in which a child is placed by the local board of social services or a licensed*  
353 *child-placing agency in a qualified residential treatment program as defined in § 16.1-228, a hearing*  
354 *shall be held within 60 days of such placement. Prior to such hearing, the qualified residential*  
355 *treatment program shall file with the court the assessment report prepared pursuant to clause (viii) of*  
356 *the definition of qualified residential treatment program set forth in § 16.1-228. The court shall (i)*  
357 *consider the assessment report prepared by a qualified individual pursuant to clause (viii) of the*  
358 *definition of qualified residential treatment program set forth in § 16.1-228 and submitted pursuant to*  
359 *this subsection; (ii) consider the report and documentation required under subsection A of § 63.2-906.1*  
360 *and filed with the foster care or permanency plan; (iii) determine whether the needs of the child can be*  
361 *met through placement in a foster home or, if not, whether placement in the qualified residential*  
362 *treatment program would provide the most effective and appropriate level of care for the child in the*  
363 *least restrictive environment and be consistent with the short-term and long-term goals established for*  
364 *the child in his foster care or permanency plan; and (iv) approve or deny the placement of the child in*  
365 *the qualified residential treatment program. The hearing required by this subsection may be held in*  
366 *conjunction with a dispositional hearing held pursuant to subsection C, a foster care review hearing*

367 held pursuant to § 16.1-282, a permanency planning hearing held pursuant to § 16.1-282.1, or an  
 368 annual foster care review hearing held pursuant to § 16.1-282.2, provided that such hearing has already  
 369 been scheduled by the court and is held within 60 days of the child's placement in the qualified  
 370 residential treatment program.

371 2. If the child remains placed in the qualified residential treatment program during any subsequent  
 372 hearings held pursuant to subsection C or § 16.1-282, 16.1-282.1, or 16.1-282.2, the local board of  
 373 social services or licensed child-placing agency shall present evidence at such hearing that demonstrates  
 374 (i) that the ongoing assessment of the child's strengths and needs continues to support the determination  
 375 that the child's needs cannot be met through placement in a foster home and that the child's placement  
 376 in the qualified residential treatment program provides the most effective and appropriate level of care  
 377 for the child in the least restrictive environment and is consistent with the short-term and long-term  
 378 goals established for the child in his foster care or permanency plan; (ii) the specific treatment or  
 379 service needs of the child that will be met in the qualified residential treatment program and the length  
 380 of time the child is expected to need such treatment or services; and (iii) the efforts made by the local  
 381 board of social services to prepare the child to return home or to be placed with a fit and willing  
 382 relative, legal guardian, or adoptive parent, or in a foster home. The court shall review such evidence  
 383 and approve or deny the continued placement of the child in the qualified residential treatment program.

384 F. At the conclusion of the hearing at which the initial foster care plan is reviewed, the court shall  
 385 schedule a foster care review hearing to be held within four months in accordance with § 16.1-282.  
 386 However, if an order is entered pursuant to subsection C2, the court shall schedule a foster care review  
 387 hearing to be held within 12 months of the entry of such order in accordance with the provisions of  
 388 § 16.1-282.2. Parties who are present at the hearing at which the initial foster care plan is reviewed shall  
 389 be given notice of the date set for the foster care review hearing and parties who are not present shall  
 390 be summoned as provided in § 16.1-263.

391 E. G. Nothing in this section shall limit the authority of the juvenile judge or the staff of the juvenile  
 392 court, upon order of the judge, to review the status of children in the custody of local boards of social  
 393 services or placed by local boards of social services on its own motion. The court shall appoint an  
 394 attorney to act as guardian ad litem to represent the child any time a hearing is held to review the foster  
 395 care plan filed for the child or to review the child's status in foster care.

396 **§ 16.1-282. Foster care review.**

397 A. In the case of a child who was the subject of a foster care plan filed with the court pursuant to  
 398 § 16.1-281, a foster care review hearing shall be held within four months of the dispositional hearing at  
 399 which the foster care plan pursuant to § 16.1-281 was reviewed if the child: ~~(a)~~ (i) was placed through  
 400 an agreement between the parents or guardians and the local board of social services where legal  
 401 custody remains with the parents or guardians and such agreement has not been dissolved by court  
 402 order; or ~~(b)~~ (ii) is under the legal custody of a local board of social services or a child welfare agency  
 403 and has not had a petition to terminate parental rights granted, filed or ordered to be filed on the child's  
 404 behalf; has not been placed in permanent foster care; or is age 16 or over and the plan for the child is  
 405 not independent living.

406 Any interested party, including the parent, guardian or person who stood in loco parentis prior to the  
 407 board's placement of the child or the board's or child welfare agency's assumption of legal custody, may  
 408 file with the court the petition for a foster care review hearing hereinafter described at any time after the  
 409 initial foster care placement of the child. However, the board or child welfare agency shall file the  
 410 petition within three months of the dispositional hearing at which the foster care plan was reviewed  
 411 pursuant to § 16.1-281.

412 B. The petition shall:

413 1. Be filed in the court in which the foster care plan for the child was reviewed and approved. Upon  
 414 the order of such court, however, the petition may be filed in the court of the county or city in which  
 415 the board or child welfare agency having legal custody or having placed the child has its principal office  
 416 or where the child resides;

417 2. State, if such is reasonably obtainable, the current address of the child's parents and, if the child  
 418 was in the custody of a person or persons standing in loco parentis at the time the board or child  
 419 welfare agency obtained legal custody or the board placed the child, of such person or persons;

420 3. Describe the placement or placements provided for the child while in foster care and the services  
 421 or programs offered to the child and his parents and, if applicable, the persons previously standing in  
 422 loco parentis;

423 4. Describe the nature and frequency of the contacts between the child and his parents and, if  
 424 applicable, the persons previously standing in loco parentis;

425 5. Set forth in detail the manner in which the foster care plan previously filed with the court was or  
 426 was not complied with and the extent to which the goals thereof have been met; and

427 6. Set forth the disposition sought and the grounds therefor; however, in the case of a child who has

428 attained age 16 and for whom the plan is independent living, the foster care plan shall be included and  
 429 shall address the services needed to assist the child to transition from foster care to independent living.

430 C. Upon receipt of the petition filed by the board, child welfare agency, or any interested party as  
 431 provided in subsection B of this section, the court shall schedule a hearing to be held within 30 days if  
 432 a hearing was not previously scheduled. The court shall provide notice of the hearing and a copy of the  
 433 petition to the following, each of whom shall be a party entitled to participate in the proceeding:

434 1. The child, if he is 12 years of age or older;

435 2. The attorney-at-law representing the child as guardian ad litem;

436 3. The child's parents and, if the child was in the custody of a person standing in loco parentis at the  
 437 time the department obtained custody, such person or persons. No such notification shall be required,  
 438 however, if the judge certifies on the record that the identity of the parent or guardian is not reasonably  
 439 ascertainable. An affidavit of the mother that the identity of the father is not reasonably ascertainable  
 440 shall be sufficient evidence of this fact, provided there is no other evidence before the court which  
 441 would refute such an affidavit. If the parent or guardian of the child did not appear at the dispositional  
 442 hearing and was not noticed to return for the foster care review hearing in accordance with subsection E  
 443 F of § 16.1-281, the parent or guardian shall be summoned to appear at the foster care review hearing in  
 444 accordance with § 16.1-263. The review hearing shall be held pursuant to this section although a parent  
 445 or guardian fails to appear and is not represented by counsel, provided personal or substituted service  
 446 was made on the parent or guardian, or the court determines that such person cannot be found, after  
 447 reasonable effort, or in the case of a person who is without the Commonwealth, the person cannot be  
 448 found or his post office address cannot be ascertained after reasonable effort;

449 4. The foster parent or foster parents or other care providers of the child;

450 5. The petitioning board or child welfare agency; and

451 6. Such other persons as the court, in its discretion, may direct. The local board of social services or  
 452 other child welfare agency shall identify for the court such other persons as have a legitimate interest in  
 453 the hearing, including, but not limited to, preadoptive parents for a child in foster care.

454 D. *In cases in which a child is placed by the local board of social services or a licensed*  
 455 *child-placing agency in a qualified residential treatment program as defined in § 16.1-228, the*  
 456 *provisions of subsection E of § 16.1-281 shall apply to any hearing held pursuant to this section.*

457 E. At the conclusion of the hearing, the court shall, upon the proof adduced in accordance with the  
 458 best interests of the child and subject to the provisions of subsection ~~D~~ F, enter any appropriate order  
 459 of disposition consistent with the dispositional alternatives available to the court at the time of the  
 460 original hearing. The court order shall state whether reasonable efforts, if applicable, have been made to  
 461 reunite the child with his parents, guardian or other person standing in loco parentis to the child. Any  
 462 order entered at the conclusion of this hearing that has the effect of achieving a permanent goal for the  
 463 child by terminating residual parental rights pursuant to § 16.1-277.01, 16.1-277.02, 16.1-278.3, or  
 464 16.1-283; by placing the child in permanent foster care pursuant to ~~subdivision clause (iv) of subsection~~  
 465 ~~A iv~~ of § 16.1-282.1; or, if the child has attained the age of 16 years and the plan for the child is  
 466 independent living, directing the board or agency to provide the necessary services to transition from  
 467 foster care, pursuant to ~~subdivision clause (v) of subsection A v~~ of § 16.1-282.1 shall state whether  
 468 reasonable efforts have been made to place the child in a timely manner in accordance with the foster  
 469 care plan and to complete the steps necessary to finalize the permanent placement of the child.

470 ~~D~~ F. Any order transferring custody of the child to a relative other than the child's prior family  
 471 shall be entered only upon a finding, based upon a preponderance of the evidence, that the relative is  
 472 one who, after an investigation as directed by the court, (i) is found by the court to be willing and  
 473 qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with  
 474 the child; (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing  
 475 and has the ability to protect the child from abuse and neglect; and the order shall so state. The court's  
 476 order transferring custody to a relative should further provide for, as appropriate, any terms and  
 477 conditions which would promote the child's interest and welfare; ongoing provision of social services to  
 478 the child and the child's custodian; and court review of the child's placement.

479 E. G. The court shall possess continuing jurisdiction over cases reviewed under this section for so  
 480 long as a child remains in a foster care placement or, when a child is returned to his prior family  
 481 subject to conditions imposed by the court, for so long as such conditions are effective. After the  
 482 hearing required pursuant to subsection C, the court shall schedule a permanency planning hearing on  
 483 the case to be held five months thereafter in accordance with § 16.1-282.1 or within 30 days upon the  
 484 petition of any party entitled to notice in proceedings under this section when the judge determines there  
 485 is good cause shown for such a hearing. However, in the case of a child who is the subject of an order  
 486 that has the effect of achieving a permanent goal for the child by terminating residual parental rights  
 487 pursuant to § 16.1-277.01, 16.1-277.02, 16.1-278.3, or 16.1-283; by placing the child in permanent foster  
 488 care pursuant to ~~subdivision clause (iv) of subsection A iv~~ of § 16.1-282.1; or by directing the board or  
 489 agency to provide the child with services to achieve independent living status, if the child has attained

490 the age of 16 years, pursuant to ~~subdivision~~ *clause (v) of subsection A* of § 16.1-282.1, a permanency  
 491 planning hearing within five months shall not be required and the court shall schedule a foster care  
 492 review hearing to be held within 12 months of the entry of such order in accordance with the provisions  
 493 of § 16.1-282.2.

494 **§ 16.1-282.1. Permanency planning hearing for children in foster care.**

495 A. In the case of a child who was the subject of a foster care plan filed with the court pursuant to  
 496 § 16.1-281, a permanency planning hearing shall be held within 10 months of the dispositional hearing  
 497 at which the foster care plan pursuant to § 16.1-281 was reviewed if the child (a) was placed through an  
 498 agreement between the parents or guardians and the local board of social services where legal custody  
 499 remains with the parents or guardians and such agreement has not been dissolved by court order; or (b)  
 500 is under the legal custody of a local board of social services or a child welfare agency and has not had  
 501 a petition to terminate parental rights filed on the child's behalf, has not been placed in permanent foster  
 502 care, or is age 16 or over and the plan for the child is not independent living. The board or child  
 503 welfare agency shall file a petition for a permanency planning hearing 30 days prior to the date of the  
 504 permanency planning hearing scheduled by the court. The purpose of this hearing is to establish a  
 505 permanent goal for the child and either to achieve the permanent goal or to defer such action through  
 506 the approval of an interim plan for the child.

507 To achieve the permanent goal, the petition for a permanency planning hearing shall seek to (i)  
 508 transfer the custody of the child to his prior family, or dissolve the board's placement agreement and  
 509 return the child to his prior family; (ii) transfer custody of the child to a relative other than the child's  
 510 prior family, subject to the provisions of subsection A1; (iii) terminate residual parental rights pursuant  
 511 to § 16.1-277.01 or 16.1-283; (iv) place a child who is 16 years of age or older in permanent foster care  
 512 pursuant to § 63.2-908; (v) if the child has been admitted to the United States as a refugee or asylee and  
 513 has attained the age of 16 years or older and the plan is independent living, direct the board or agency  
 514 to provide the child with services to transition from foster care; or (vi) place a child who is 16 years of  
 515 age or older in another planned permanent living arrangement in accordance with the provisions of  
 516 subsection A2. In cases in which a foster care plan approved prior to July 1, 2011, includes independent  
 517 living as the goal for a child who is not admitted to the United States as an asylee or refugee, the  
 518 petition shall direct the board or agency to provide the child with services to transition from foster care.

519 For approval of an interim plan, the petition for a permanency planning hearing shall seek to  
 520 continue custody with the board or agency, or continue placement with the board through a parental  
 521 agreement; or transfer custody to the board or child welfare agency from the parents or guardian of a  
 522 child who has been in foster care through an agreement where the parents or guardian retains custody.

523 Upon receipt of the petition, if a permanency planning hearing has not already been scheduled, the  
 524 court shall schedule such a hearing to be held within 30 days. The permanency planning hearing shall  
 525 be held within 10 months of the dispositional hearing at which the foster care plan was reviewed  
 526 pursuant to § 16.1-281. The provisions of subsection B of § 16.1-282 shall apply to this petition. The  
 527 procedures of subsection C of § 16.1-282 and the provisions of subsection ~~E~~ G of § 16.1-282 shall apply  
 528 to the scheduling and notice of proceedings under this section.

529 A1. The following requirements shall apply to the transfer of custody of the child to a relative other  
 530 than the child's prior family in accordance with the provisions of *clause (ii)* of subsection A. Any order  
 531 transferring custody of the child to a relative other than the child's prior family shall be entered only  
 532 upon a finding, based upon a preponderance of the evidence, that the relative is one who, after an  
 533 investigation as directed by the court, (i) is found by the court to be willing and qualified to receive and  
 534 care for the child; (ii) is willing to have a positive, continuous relationship with the child; (iii) is  
 535 committed to providing a permanent, suitable home for the child; and (iv) is willing and has the ability  
 536 to protect the child from abuse and neglect; and the order shall so state. The court's order transferring  
 537 custody to a relative should further provide, as appropriate, for any terms or conditions which would  
 538 promote the child's interest and welfare.

539 A2. The following requirements shall apply to the selection and approval of placement in another  
 540 planned permanent living arrangement as the permanent goal for the child in accordance with *clause (vi)*  
 541 of subsection A:

542 1. The board or child welfare agency shall petition for alternative (vi) of subsection A only if the  
 543 child has a severe and chronic emotional, physical or neurological disabling condition for which the  
 544 child requires long-term residential treatment; and the board or child welfare agency has thoroughly  
 545 investigated the feasibility of the alternatives listed in clauses (i) through (v) of subsection A and  
 546 determined that none of those alternatives is in the best interests of the child. In a foster care plan filed  
 547 with the petition pursuant to this section, the board or agency shall document the following: (i) the  
 548 investigation conducted of the placement alternatives listed in clauses (i) through (v) of subsection A  
 549 and why each of these is not currently in the best interest of the child; (ii) at least one compelling  
 550 reason why none of the alternatives listed in clauses (i) through (v) is achievable for the child at the

551 time placement in another planned permanent living arrangement is selected as the permanent goal for  
552 the child; (iii) the identity of the long-term residential treatment service provider; (iv) the nature of the  
553 child's disability; (v) the anticipated length of time required for the child's treatment; and (vi) the status  
554 of the child's eligibility for admission and long-term treatment. The court shall ensure that the local  
555 department has documentation of the intensive, ongoing, and, as of the date of the hearing, unsuccessful  
556 efforts made to return the child home or secure a placement for the child with a fit and willing relative,  
557 including adult siblings, or an adoptive parent, including through efforts that utilize search technology,  
558 including social media, to find the child's biological family members. The court shall ask the child about  
559 the child's desired permanency outcome and make a judicial determination, accompanied by an  
560 explanation of the reasons that the alternatives listed in clauses (i) through (iii) of subsection A continue  
561 to not be in the best interest of the child.

562 2. Before approving alternative (vi) of subsection A as the plan for the child, the court shall find (i)  
563 that the child has a severe and chronic emotional, physical or neurological disabling condition; (ii) that  
564 the child requires long-term residential treatment for the disabling condition; and (iii) that none of the  
565 alternatives listed in clauses (i) through (v) of subsection A is achievable for the child at the time  
566 placement in another planned permanent living arrangement is approved as the permanent goal for the  
567 child. If the board or agency petitions for alternative (vi), alternative (vi) may be approved by the court  
568 for a period of six months at a time.

569 3. At the conclusion of the permanency planning hearing, if alternative (vi) of subsection A is the  
570 permanent plan, the court shall schedule a hearing to be held within six months to review the child's  
571 placement in another planned permanent living arrangement in accordance with subdivision A2 4 of  
572 ~~subsection A2~~. All parties present at the hearing at which clause (vi) of subsection A is approved as the  
573 permanent plan for the child shall be given notice of the date scheduled for the foster care review  
574 hearing. Parties not present shall be summoned to appear as provided in § 16.1-263. Otherwise, this  
575 subsection A2 shall govern the scheduling and notice for such hearings.

576 4. The court shall review a foster care plan for any child who is placed in another planned  
577 permanent living arrangement every six months from the date of the permanency planning hearing held  
578 pursuant to this subsection, so long as the child remains in the legal custody of the board or child  
579 welfare agency. The board or child welfare agency shall file such petitions for review pursuant to the  
580 provisions of § 16.1-282 and shall, in addition, include in the petition the information required by  
581 subdivision A2 1 of ~~subsection A2 of this section~~. The petition for foster care review shall be filed no  
582 later than 30 days prior to the hearing scheduled in accordance with subdivision A2 3 of ~~subsection A2~~.  
583 At the conclusion of the foster care review hearing, if alternative (vi) of subsection A remains the  
584 permanent plan, the court shall enter an order that states whether reasonable efforts have been made to  
585 place the child in a timely manner in accordance with the permanency plan and to monitor the child's  
586 status in another planned permanent living arrangement.

587 However, if at any time during the six-month approval periods permitted by this subsection, a  
588 determination is made by treatment providers that the child's need for long-term residential treatment for  
589 the child's disabling condition is eliminated, the board or agency shall immediately begin to plan for  
590 post-discharge services and shall, within 30 days of making such a determination, file a petition for a  
591 permanency planning hearing pursuant to subsection A of ~~this section~~. Upon receipt of the petition, the  
592 court shall schedule a permanency planning hearing to be held within 30 days. The provisions of  
593 subsection B of § 16.1-282 shall apply to this petition. The procedures of subsection C of § 16.1-282  
594 and the provisions of subsection ~~E G~~ of § 16.1-282 shall apply to proceedings under this section.

595 A3. The following requirements shall apply to the selection and approval of permanent foster care  
596 pursuant to clause (iv) of subsection A:

597 1. The court shall ensure that the local department has documentation of the intensive, ongoing, and,  
598 as of the date of the hearing, unsuccessful efforts made to return the child home or secure a placement  
599 for the child with a fit and willing relative, including adult siblings, or an adoptive parent, including  
600 through efforts that utilize search technology, including social media, to find the child's biological family  
601 members.

602 2. The court shall ask the child about the child's desired permanency outcome and make a judicial  
603 determination, accompanied by an explanation of the reasons that the alternatives listed in clauses (i)  
604 through (iii) of subsection A continue to not be in the best interest of the child.

605 B. The following requirements shall apply to the selection and approval of an interim plan for the  
606 child in accordance with subsection A:

607 1. The board or child welfare agency shall petition for approval of an interim plan only if the board  
608 or child welfare agency has thoroughly investigated the feasibility of the alternatives listed in clauses (i)  
609 through (v) of subsection A and determined that none of those alternatives is in the best interest of the  
610 child. If the board or agency petitions for approval of an interim plan, such plan may be approved by  
611 the court for a maximum period of six months. The board or agency shall also file a foster care plan  
612 that (i) identifies a permanent goal for the child that corresponds with one of the alternatives specified in

613 clauses (i) through (v) of subsection A; (ii) includes provisions for accomplishing the permanent goal  
 614 within six months; and (iii) summarizes the investigation conducted of the alternatives listed in clauses  
 615 (i) through (v) of subsection A and why achieving each of these is not in the best interest of the child at  
 616 this time. The foster care plan shall describe the child's placement, including the in-state and out-of-state  
 617 placement options and whether the child's placement is in state or out of state. If the child's placement is  
 618 out of state, the foster care plan shall provide the reason why the out-of-state placement is appropriate  
 619 and in the best interests of the child.

620 2. Before approving an interim plan for the child, the court shall find:

621 a. When returning home remains the plan for the child, that the parent has made marked progress  
 622 toward reunification with the child, the parent has maintained a close and positive relationship with the  
 623 child, and the child is likely to return home within the near future, although it is premature to set an  
 624 exact date for return at the time of this hearing; or

625 b. When returning home is not the plan for the child, that marked progress is being made to achieve  
 626 the permanent goal identified by the board or child welfare agency and that it is premature to set an  
 627 exact date for accomplishing the goal at the time of this hearing. The court shall consider the in-state  
 628 and out-of-state placement options, and if the child has been placed out of state, determine whether the  
 629 out-of-state placement is appropriate and in the best interests of the child.

630 3. Upon approval of an interim plan, the court shall schedule a hearing to be held within six months  
 631 to determine that the permanent goal is accomplished and to enter an order consistent with alternative  
 632 (i), (ii), (iii), (iv), or (v) of subsection A. All parties present at the initial permanency planning hearing  
 633 shall be given notice of the date scheduled for the second permanency planning hearing. Parties not  
 634 present shall be summoned to appear as provided in § 16.1-263. Otherwise, subsection A shall govern  
 635 the scheduling and notice for such hearings.

636 C. In each permanency planning hearing and in any hearing regarding the transition of the child from  
 637 foster care to independent living, the court shall consult with the child in an age-appropriate manner  
 638 regarding the proposed permanency plan or transition plan for the child, unless the court finds that such  
 639 consultation is not in the best interests of the child.

640 D. *In cases in which a child is placed by the local board of social services or a licensed*  
 641 *child-placing agency in a qualified residential treatment program as defined in § 16.1-228, the*  
 642 *provisions of subsection E of § 16.1-281 shall apply to any hearing held pursuant to this section.*

643 E. At the conclusion of the permanency planning hearing held pursuant to this section, whether  
 644 action is taken or deferred to achieve the permanent goal for the child, the court shall enter an order that  
 645 states whether reasonable efforts have been made to reunite the child with the child's prior family, if  
 646 returning home is the permanent goal for the child; or whether reasonable efforts have been made to  
 647 achieve the permanent goal identified by the board or agency, if the goal is other than returning the  
 648 child home.

649 In making this determination, the court shall give consideration to whether the board or agency has  
 650 placed the child in a timely manner in accordance with the foster care plan and completed the steps  
 651 necessary to finalize the permanent placement of the child.

652 **§ 16.1-282.2. Annual foster care review.**

653 A. The court shall review a foster care plan annually for any child who remains in the legal custody  
 654 of a local board of social services or a child welfare agency and (i) on whose behalf a petition to  
 655 terminate parental rights has been granted, filed or ordered to be filed, (ii) who is placed in permanent  
 656 foster care, or (iii) who is age 16 or over and for whom the plan is independent living. The foster care  
 657 review hearing shall be scheduled at the conclusion of a hearing held pursuant to § 16.1-281, 16.1-282,  
 658 or 16.1-282.1 at which the order is entered: terminating parental rights, directing the filing of a petition  
 659 for termination of parental rights by the board or agency, placing the child in permanent foster care, or  
 660 directing the board or agency to provide the child who is age 16 or over and for whom the plan is  
 661 independent living with services to transition from foster care. The foster care review hearing shall be  
 662 held within 12 months of the date of such order, so long as the child remains in the custody of the  
 663 board or agency.

664 The board or agency shall file the petition for a foster care review hearing, and the court shall  
 665 provide notice of the foster care review hearing in accordance with the provisions of § 16.1-282. The  
 666 board or agency shall file a written Adoption Progress Report with the juvenile court pursuant to  
 667 § 16.1-277.01, 16.1-277.02, 16.1-278.3, or 16.1-283, if applicable, with the petition required by this  
 668 section. The court order entered at the conclusion of the hearing held on the petition shall state whether  
 669 reasonable efforts have been made to place the child in a timely manner in accordance with the  
 670 approved foster care plan that established a permanent goal for the child and to complete the steps  
 671 necessary to finalize the permanent placement of the child.

672 B. At the foster care review hearing in the case of a child who is placed in permanent foster care,  
 673 the court shall give consideration to the appropriateness of the services being provided to the child and

674 permanent foster parents, to any change in circumstances since the entry of the order placing the child  
675 in permanent foster care, and to such other factors as the court deems proper.

676 C. At the foster care review hearing in the case of a child who meets the criteria of subdivisions A 1  
677 through 4 of § 16.1-283.2, the court shall inquire of the guardian ad litem and the local board of social  
678 services whether the child has expressed a preference that the possibility of restoring the parental rights  
679 of his parent or parents be investigated. If the child expresses or has expressed such a preference, the  
680 court shall direct the local board of social services or the child's guardian ad litem to conduct an  
681 investigation of the parent or parents. If, following such investigation, the local board of social services  
682 or the child's guardian ad litem deems it appropriate to do so, either may file a petition for the  
683 restoration of parental rights. A hearing on such petition shall be held as provided by § 16.1-283.2.

684 D. *In cases in which a child is placed by the local board of social services or a licensed*  
685 *child-placing agency in a qualified residential treatment program as defined in § 16.1-228, the*  
686 *provisions of subsection E of § 16.1-281 shall apply to any hearing held pursuant to this section.*

687 **§ 63.2-100. Definitions.**

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

689 "Abused or neglected child" means any child less than 18 years of age:

690 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or  
691 inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than  
692 accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental  
693 functions, including, but not limited to, a child who is with his parent or other person responsible for his  
694 care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled  
695 substance, or (ii) during the unlawful sale of such substance by that child's parents or other person  
696 responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would  
697 constitute a felony violation of § 18.2-248;

698 2. Whose parents or other person responsible for his care neglects or refuses to provide care  
699 necessary for his health. However, no child who in good faith is under treatment solely by spiritual  
700 means through prayer in accordance with the tenets and practices of a recognized church or religious  
701 denomination shall for that reason alone be considered to be an abused or neglected child. Further, a  
702 decision by parents who have legal authority for the child or, in the absence of parents with legal  
703 authority for the child, any person with legal authority for the child, who refuses a particular medical  
704 treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary  
705 care if (i) such decision is made jointly by the parents or other person with legal authority and the child;  
706 (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the  
707 subject of his medical treatment; (iii) the parents or other person with legal authority and the child have  
708 considered alternative treatment options; and (iv) the parents or other person with legal authority and the  
709 child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision  
710 shall be construed to limit the provisions of § 16.1-278.4;

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

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

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

717 6. Whose parents or other person responsible for his care creates a substantial risk of physical or  
718 mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as  
719 defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the  
720 parent or other person responsible for his care knows has been convicted of an offense against a minor  
721 for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

722 7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in  
723 the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims  
724 of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

725 If a civil proceeding under this title is based solely on the parent having left the child at a hospital  
726 or emergency medical services agency, it shall be an affirmative defense that such parent safely  
727 delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency  
728 medical services agency that employs emergency medical services providers, within 14 days of the  
729 child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for  
730 adoption, the court may find such a child is a neglected child upon the ground of abandonment.

731 "Adoptive home" means any family home selected and approved by a parent, local board or a  
732 licensed child-placing agency for the placement of a child with the intent of adoption.

733 "Adoptive placement" means arranging for the care of a child who is in the custody of a  
734 child-placing agency in an approved home for the purpose of adoption.

735 "Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable

736 confinement of an adult as defined in § 63.2-1603.

737 "Adult day care center" means any facility that is either operated for profit or that desires licensure  
 738 and that provides supplementary care and protection during only a part of the day to four or more aged,  
 739 infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by  
 740 the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii)  
 741 the home or residence of an individual who cares for only persons related to him by blood or marriage.  
 742 Included in this definition are any two or more places, establishments or institutions owned, operated or  
 743 controlled by a single entity and providing such supplementary care and protection to a combined total  
 744 of four or more aged, infirm or disabled adults.

745 "Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as  
 746 defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit,  
 747 benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the  
 748 adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult  
 749 exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or  
 750 an intentional failure to use the financial resources of an adult in a manner that results in neglect of  
 751 such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property  
 752 through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for  
 753 goods or services or perform services against his will for another's profit, benefit, or advantage if the  
 754 adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services  
 755 or to perform such services.

756 "Adult foster care" means room and board, supervision, and special services to an adult who has a  
 757 physical or mental condition. Adult foster care may be provided by a single provider for up to three  
 758 adults.

759 "Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances  
 760 that he is not able to provide for himself or is not being provided services necessary to maintain his  
 761 physical and mental health and that the failure to receive such necessary services impairs or threatens to  
 762 impair his well-being. However, no adult shall be considered neglected solely on the basis that such  
 763 adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical  
 764 care, provided that such treatment or care is performed in good faith and in accordance with the  
 765 religious practices of the adult and there is a written or oral expression of consent by that adult.

766 "Adult protective services" means services provided by the local department that are necessary to  
 767 protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

768 "Assisted living care" means a level of service provided by an assisted living facility for adults who  
 769 may have physical or mental impairments and require at least a moderate level of assistance with  
 770 activities of daily living.

771 "Assisted living facility" means any congregate residential setting that provides or coordinates  
 772 personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for  
 773 the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for  
 774 in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board  
 775 of Health or the Department of Behavioral Health and Developmental Services, but including any  
 776 portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or  
 777 maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility  
 778 serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational  
 779 program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as  
 780 a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the  
 781 facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled  
 782 that provides no more than basic coordination of care services and is funded by the U.S. Department of  
 783 Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing  
 784 Development Authority. Included in this definition are any two or more places, establishments or  
 785 institutions owned or operated by a single entity and providing maintenance or care to a combined total  
 786 of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general  
 787 supervision and oversight of the physical and mental well-being of an aged, infirm or disabled  
 788 individual.

789 "Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who  
 790 receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive  
 791 these benefits except for excess income.

792 "Birth family" or "birth sibling" means the child's biological family or biological sibling.

793 "Birth parent" means the child's biological parent and, for purposes of adoptive placement, means  
 794 parent(s) by previous adoption.

795 "Board" means the State Board of Social Services.

796 "Child" means any natural person under 18 years of age.

797 "Child day center" means a child day program offered to (i) two or more children under the age of  
798 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or  
799 more children at any location.

800 "Child day program" means a regularly operating service arrangement for children where, during the  
801 absence of a parent or guardian, a person or organization has agreed to assume responsibility for the  
802 supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

803 "Child-placing agency" means any person who places children in foster homes, adoptive homes or  
804 independent living arrangements pursuant to § 63.2-1819 or a local board that places children in foster  
805 homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221. Officers, employees, or  
806 agents of the Commonwealth, or any locality acting within the scope of their authority as such, who  
807 serve as or maintain a child-placing agency, shall not be required to be licensed.

808 "Child-protective services" means the identification, receipt and immediate response to complaints  
809 and reports of alleged child abuse or neglect for children under 18 years of age. It also includes  
810 assessment, and arranging for and providing necessary protective and rehabilitative services for a child  
811 and his family when the child has been found to have been abused or neglected or is at risk of being  
812 abused or neglected.

813 "Child support services" means any civil, criminal or administrative action taken by the Division of  
814 Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or  
815 collect child support, or child and spousal support.

816 "Child-welfare agency" means a child day center, child-placing agency, children's residential facility,  
817 family day home, family day system, or independent foster home.

818 "Children's residential facility" means any facility, child-caring institution, or group home that is  
819 maintained for the purpose of receiving children separated from their parents or guardians for full-time  
820 care, maintenance, protection and guidance, or for the purpose of providing independent living services  
821 to persons between 18 and 21 years of age who are in the process of transitioning out of foster care.  
822 Children's residential facility shall not include:

823 1. A licensed or accredited educational institution whose pupils, in the ordinary course of events,  
824 return annually to the homes of their parents or guardians for not less than two months of summer  
825 vacation;

826 2. An establishment required to be licensed as a summer camp by § 35.1-18; and

827 3. A licensed or accredited hospital legally maintained as such.

828 "Commissioner" means the Commissioner of the Department, his designee or authorized  
829 representative.

830 "Department" means the State Department of Social Services.

831 "Department of Health and Human Services" means the Department of Health and Human Services  
832 of the United States government or any department or agency thereof that may hereafter be designated  
833 as the agency to administer the Social Security Act, as amended.

834 "Disposable income" means that part of the income due and payable of any individual remaining  
835 after the deduction of any amount required by law to be withheld.

836 "Energy assistance" means benefits to assist low-income households with their home heating and  
837 cooling needs, including, but not limited to, purchase of materials or substances used for home heating,  
838 repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or  
839 repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance  
840 with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the  
841 Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

842 "Family and permanency team" means the group of individuals assembled by the local department to  
843 assist with determining planning and placement options for a child, which shall include, as appropriate,  
844 all biological relatives and fictive kin of the child, as well as any professionals who have served as a  
845 resource to the child or his family, such as teachers, medical or mental health providers, and clergy  
846 members. In the case of a child who is 14 years of age or older, the family and permanency team shall  
847 also include any members of the child's case planning team that were selected by the child in  
848 accordance with subsection A of § 16.1-281.

849 "Family day home" means a child day program offered in the residence of the provider or the home  
850 of any of the children in care for one through 12 children under the age of 13, exclusive of the  
851 provider's own children and any children who reside in the home, when at least one child receives care  
852 for compensation. The provider of a licensed or registered family day home shall disclose to the parents  
853 or guardians of children in their care the percentage of time per week that persons other than the  
854 provider will care for the children. Family day homes serving five through 12 children, exclusive of the  
855 provider's own children and any children who reside in the home, shall be licensed. However, no family  
856 day home shall care for more than four children under the age of two, including the provider's own  
857 children and any children who reside in the home, unless the family day home is licensed or voluntarily  
858 registered. However, a family day home where the children in care are all related to the provider by

859 blood or marriage shall not be required to be licensed.

860 "Family day system" means any person who approves family day homes as members of its system;  
861 who refers children to available family day homes in that system; and who, through contractual  
862 arrangement, may provide central administrative functions including, but not limited to, training of  
863 operators of member homes; technical assistance and consultation to operators of member homes;  
864 inspection, supervision, monitoring, and evaluation of member homes; and referral of children to  
865 available health and social services.

866 "*Fictive kin*" means persons who are not related to a child by blood or adoption but have an  
867 established relationship with the child or his family.

868 "Foster care placement" means placement of a child through (i) an agreement between the parents or  
869 guardians and the local board where legal custody remains with the parents or guardians or (ii) an  
870 entrustment or commitment of the child to the local board or licensed child-placing agency.

871 "Foster home" means ~~the place of a residence of any natural person~~ licensed by a child-placing  
872 agency or local board in which any child, other than a child by birth or adoption of such person,  
873 resides as a member of the household.

874 "General relief" means money payments and other forms of relief made to those persons mentioned  
875 in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with §  
876 63.2-401.

877 "Independent foster home" means a private family home in which any child, other than a child by  
878 birth or adoption of such person, resides as a member of the household and has been placed therein  
879 independently of a child-placing agency except (i) a home in which are received only children related by  
880 birth or adoption of the person who maintains such home and children of personal friends of such  
881 person and (ii) a home in which is received a child or children committed under the provisions of  
882 subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8.

883 "Independent living" means a planned program of services designed to assist a child age 16 and over  
884 and persons who are former foster care children or were formerly committed to the Department of  
885 Juvenile Justice and are between the ages of 18 and 21 in transitioning to self-sufficiency.

886 "Independent living arrangement" means placement of (i) a child at least 16 years of age who is in  
887 the custody of a local board or licensed child-placing agency by the local board or licensed child-placing  
888 agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was  
889 committed to the Department of Juvenile Justice immediately prior to placement by the Department of  
890 Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute  
891 parental supervision.

892 "Independent living services" means services and activities provided to a child in foster care 14 years  
893 of age or older who was committed or entrusted to a local board of social services, child welfare  
894 agency, or private child-placing agency. "Independent living services" may also mean services and  
895 activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached  
896 the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his  
897 commitment to the Department of Juvenile Justice, was in the custody of a local board of social  
898 services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was  
899 committed to the Department of Juvenile Justice immediately prior to placement in an independent  
900 living arrangement. Such services shall include counseling, education, housing, employment, and money  
901 management skills development, access to essential documents, and other appropriate services to help  
902 children or persons prepare for self-sufficiency.

903 "Independent physician" means a physician who is chosen by the resident of the assisted living  
904 facility and who has no financial interest in the assisted living facility, directly or indirectly, as an  
905 owner, officer, or employee or as an independent contractor with the residence.

906 "Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster  
907 care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other  
908 entity authorized to make such placements in accordance with the laws of the foreign country under  
909 which it operates.

910 "Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care  
911 placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of  
912 the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or  
913 nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the  
914 action of any court.

915 "Kinship care" means the full-time care, nurturing, and protection of children by relatives.

916 "Kinship guardian" means the adult relative of a child in a kinship guardianship established in  
917 accordance with § 63.2-1305 who has been awarded custody of the child by the court after acting as the  
918 child's foster parent.

919 "Kinship guardianship" means a relationship established in accordance with § 63.2-1305 between a

920 child and an adult relative of the child who has formerly acted as the child's foster parent that is  
921 intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult  
922 relative of the child of the authority necessary to ensure the protection, education, care and control, and  
923 custody of the child and the authority for decision making for the child.

924 "Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that  
925 provides, subject to a kinship guardianship assistance agreement developed in accordance with  
926 § 63.2-1305, payments to eligible individuals who have received custody of a relative child of whom  
927 they had been the foster parents.

928 "Local board" means the local board of social services representing one or more counties or cities.

929 "Local department" means the local department of social services of any county or city in this  
930 Commonwealth.

931 "Local director" means the director or his designated representative of the local department of the  
932 city or county.

933 "Merit system plan" means those regulations adopted by the Board in the development and operation  
934 of a system of personnel administration meeting requirements of the federal Office of Personnel  
935 Management.

936 "Parental placement" means locating or effecting the placement of a child or the placing of a child in  
937 a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

938 "Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the  
939 aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child  
940 care; and general relief.

941 "Qualified assessor" means an entity contracting with the Department of Medical Assistance Services  
942 to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for  
943 a home and community-based waiver program, including an independent physician contracting with the  
944 Department of Medical Assistance Services to complete the uniform assessment instrument for residents  
945 of assisted living facilities, or any hospital that has contracted with the Department of Medical  
946 Assistance Services to perform nursing facility pre-admission screenings.

947 "*Qualified individual*" means a trained professional or licensed clinician who is not an employee of  
948 the local board of social services or licensed child-placing agency that placed the child in a qualified  
949 residential treatment program and is not affiliated with any placement setting in which children are  
950 placed by such local board of social services or licensed child-placing agency.

951 "*Qualified residential treatment program*" means a program that (i) provides 24-hour residential  
952 placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that  
953 meets the clinical and other needs of children with serious emotional or behavioral disorders, including  
954 any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this  
955 definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site  
956 and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts  
957 outreach with the child's family members, including efforts to maintain connections between the child  
958 and his siblings and other family; documents and maintains records of such outreach efforts; and  
959 maintains contact information for any known biological family and fictive kin of the child; (v) whenever  
960 appropriate and in the best interest of the child, facilitates participation by family members in the  
961 child's treatment program before and after discharge and documents the manner in which such  
962 participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at  
963 least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and  
964 accredited by an organization approved by the federal Secretary of Health and Human Services; and  
965 (viii) requires that any child placed in the program receive an assessment within 30 days of such  
966 placement by a qualified individual that (a) assesses the strengths and needs of the child using an  
967 age-appropriate, evidence-based, validated, and functional assessment tool approved by the  
968 Commissioner of Social Services; (b) identifies whether the needs of the child can be met through  
969 placement with a family member or in a foster home or, if not, in a placement setting authorized by 42  
970 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most  
971 effective and appropriate level of care for the child in the least restrictive environment and be consistent  
972 with the short-term and long-term goals established for the child in his foster care or permanency plan;  
973 (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and  
974 (d) is documented in a written report to be filed with the court prior to any hearing on the child's  
975 placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

976 "Registered family day home" means any family day home that has met the standards for voluntary  
977 registration for such homes pursuant to regulations adopted by the Board and that has obtained a  
978 certificate of registration from the Commissioner.

979 "Residential living care" means a level of service provided by an assisted living facility for adults  
980 who may have physical or mental impairments and require only minimal assistance with the activities of  
981 daily living. The definition of "residential living care" includes the services provided by independent

982 living facilities that voluntarily become licensed.  
 983 "Sibling" means each of two or more children having one or more parents in common.  
 984 "Social services" means foster care, adoption, adoption assistance, child-protective services, domestic  
 985 violence services, or any other services program implemented in accordance with regulations adopted by  
 986 the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of  
 987 Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14  
 988 of Title 51.5 provided by local departments of social services in accordance with regulations and under  
 989 the supervision of the Commissioner for Aging and Rehabilitative Services.  
 990 "Special order" means an order imposing an administrative sanction issued to any party licensed  
 991 pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A  
 992 special order shall be considered a case decision as defined in § 2.2-4001.  
 993 "Temporary Assistance for Needy Families" or "TANF" means the program administered by the  
 994 Department through which a relative can receive monthly cash assistance for the support of his eligible  
 995 children.  
 996 "Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the  
 997 Temporary Assistance for Needy Families program for families in which both natural or adoptive  
 998 parents of a child reside in the home and neither parent is exempt from the Virginia Initiative for  
 999 Employment Not Welfare (VIEW) participation under § 63.2-609.  
 1000 "Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social  
 1001 Security Act, as amended, and administered by the Department through which foster care is provided on  
 1002 behalf of qualifying children.  
 1003 **§ 63.2-906.1. Qualified residential treatment programs.**  
 1004 *A. In cases in which a child is placed by a local board or licensed child-placing agency in a*  
 1005 *qualified residential treatment program as defined in § 63.2-100, the foster care plan shall include (i) a*  
 1006 *description of the reasonable and good faith efforts made by the local department to identify and*  
 1007 *include on the child's family and permanency team all appropriate biological relatives, fictive kin,*  
 1008 *professionals, and, if the child is 14 years of age or older, members of the child's case planning team*  
 1009 *that were selected by the child in accordance with subsection A of § 16.1-281; (ii) contact information*  
 1010 *for all members of the child's family and permanency team and for other family members and fictive*  
 1011 *kin; (iii) evidence that all meetings of the family and permanency team are held at a time and place*  
 1012 *convenient for the child's family; (iv) if reunification is the goal for the child, evidence demonstrating*  
 1013 *that the parent from whom the child was removed provided input on the members of the family and*  
 1014 *permanency team; (v) the assessment report prepared pursuant to clause (viii) of the definition of*  
 1015 *qualified residential treatment program set forth in § 63.2-100 and evidence that such assessment was*  
 1016 *conducted in conjunction with the child's family and permanency team; (vi) the placement preferences of*  
 1017 *the child and the family and permanency team with recognition that the child should be placed with his*  
 1018 *siblings unless the court finds that such placement is contrary to the best interest of the child; and (vii)*  
 1019 *if the placement preferences of the child and the family and permanency team differ from the placement*  
 1020 *recommended in the assessment report prepared pursuant to clause (viii) of the definition of qualified*  
 1021 *residential treatment program set forth in § 63.2-100, the reasons why the preferences of the child and*  
 1022 *the family and permanency team were not recommended.*  
 1023 *B. In all cases in which a child is placed by a local board or licensed child-placing agency in a*  
 1024 *qualified residential treatment program as defined in § 63.2-100, a hearing shall be held in accordance*  
 1025 *with the provisions of subsection E of § 16.1-281 within 60 days of such placement.*  
 1026 *C. If any child 13 years of age or older is placed in a qualified residential treatment program for*  
 1027 *more than 12 consecutive months or 18 nonconsecutive months, or any child 12 years of age or younger*  
 1028 *is placed in a qualified residential treatment program for more than six consecutive or nonconsecutive*  
 1029 *months, the Commissioner shall submit to the federal Secretary of Health and Human Services (i) the*  
 1030 *most recent versions of the evidence and documentation required under subdivision E 2 of § 16.1-281*  
 1031 *and (ii) a written approval, signed by the Commissioner, for the continued placement of the child in the*  
 1032 *qualified residential treatment program.*