

# VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

## CHAPTER 562

*An Act to amend and reenact § 63.2-900.1 of the Code of Virginia, relating to kinship foster care; training and approval processes.*

[S 1025]

Approved March 31, 2020

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

**1. That § 63.2-900.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 63.2-900.1. Kinship foster care.**

A. The local board shall, in accordance with regulations adopted by the Board, determine whether the child has any relative who may be eligible to become a kinship foster parent. Searches for relatives eligible to serve as kinship foster parents shall be conducted at the time the child enters foster care, at least annually thereafter, and prior to any subsequent changes to the child's placement setting. The local board shall take all reasonable steps to provide notice to such relatives of their potential eligibility to become kinship foster parents and explain any opportunities such relatives may have to participate in the placement and care of the child, including opportunities available through kinship foster care or kinship guardianship.

B. Kinship foster care placements pursuant to this section shall be subject to all requirements of, and shall be eligible for all services related to, foster care placement contained in this chapter. Subject to approval by the Commissioner, a local board may grant a waiver of the Board's standards for foster home approval, set forth in regulations, that are not related to safety. *Training requirements may be waived for purposes of initial approval; however, such training requirements shall be completed within six months of the initial approval. If a local board determines that training requirements are a barrier to placement with a kinship foster parent and that placement with such kinship foster parent is in the child's best interest, the local board shall submit a waiver request to the Commissioner.* Waivers granted pursuant to this subsection shall be considered and, if appropriate, granted on a case-by-case basis and shall include consideration of the unique needs of each child to be placed. Upon request by a local board, the Commissioner shall review the local board's decision and reasoning to grant a waiver and shall verify that the foster home approval standard being waived is not related to safety. *If the Commissioner grants the waiver and allows approval of the home in accordance with Board regulations, the child may be placed in the home immediately.* The approval or disapproval by the Commissioner of the local board's waiver shall not be considered a case decision as defined in § 2.2-4001.

C. The kinship foster parent shall be eligible to receive payment at the full foster care rate for the care of the child.

D. *During the process of determining whether a person should be approved as a kinship foster parent, a local board shall not require that the child be removed from the physical custody of the kinship foster parent who is the subject of such approval process, provided the placement remains in the child's best interest.*

E. A child placed in kinship foster care pursuant to this section shall not be removed from the physical custody of the kinship foster parent, provided that the child has been living with the kinship foster parent for six consecutive months and the placement continues to meet approval standards for foster care, unless (i) the kinship foster parent consents to the removal; (ii) removal is agreed upon at a family partnership meeting as defined by the Department; (iii) removal is ordered by a court of competent jurisdiction; or (iv) removal is warranted pursuant to § 63.2-1517.

**2. That the Department of Social Services shall develop a training program that is tailored to persons seeking approval as a kinship foster parent. Such program shall take into consideration the unique characteristics of kinship foster care placements and include information regarding services, funding, options, and other resources that will be available to the kinship foster parent.**

**3. That the Department of Social Services (the Department) shall develop a document that provides comprehensive information regarding kinship foster care, including information about available services, funding, options, and other resources. The Department shall make such document available on its website and require local boards of social services to provide information about such document to all potential kinship foster parents.**

**4. That the Department of Social Services shall provide training to local boards of social services regarding the process through which a person may be approved as a kinship foster parent without requiring removal of the child from the physical custody of such person.**

**5. That the Board of Social Services (the Board) shall promulgate regulations to implement the provisions of this act, including the process for relative foster home approval. The Board's initial**

**adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption.**