

20101739D

## SENATE BILL NO. 156

Senate Amendments in [ ] - January 21, 2020

A BILL to amend and reenact §§ 9.1-151, 16.1-228, 16.1-241, and 63.2-100 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 16.1-283.3 and by adding in Chapter 9 of Title 63.2 an article numbered 2, consisting of sections numbered 63.2-917 through 63.2-923, relating to Fostering Futures program.

Patron Prior to Engrossment—Senator Favola

Referred to Committee on Rehabilitation and Social Services

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

1. That §§ 9.1-151, 16.1-228, 16.1-241, 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 16.1-283.3 and by adding in Chapter 9 of Title 63.2 an article numbered 2, consisting of sections numbered 63.2-917 through 63.2-923, as follows:

**§ 9.1-151. Court-Appointed Special Advocate Program; appointment of advisory committee.**

A. There is established a Court-Appointed Special Advocate Program (the Program) that shall be administered by the Department. The Program shall provide services in accordance with this article to children who are subjects of judicial proceedings (i) involving allegations that the child is abused, neglected, in need of services, or in need of supervision or (ii) for the restoration of parental rights pursuant to § 16.1-283.2 and for whom the juvenile and domestic relations district court judge determines such services are appropriate. Court-Appointed Special Advocate volunteer appointments may continue for youth 18 years of age and older who are in foster care if the court has retained jurisdiction pursuant to subsection Z of § 16.1-241 or § 16.1-242 and the juvenile and domestic relations district court judge determines such services are appropriate. The Department shall adopt regulations necessary and appropriate for the administration of the Program.

B. The Board shall appoint an Advisory Committee to the Court-Appointed Special Advocate Program, consisting of 15 members, one of whom shall be a judge of the juvenile and domestic relations district court or circuit court, knowledgeable of court matters, child welfare, and juvenile justice issues and representative of both state and local interests. The duties of the Advisory Committee shall be to advise the Board on all matters relating to the Program and the needs of the clients served by the Program, and to make such recommendations as it may deem desirable.

**§ 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 § 55.1-2000, 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

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

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

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

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

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

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

78 "Child," "juvenile," or "minor" means a person *who is (i) less than 18 years of age or (ii) less than*  
79 *21 years of age and meets the eligibility criteria for the Fostering Futures program set forth in*  
80 *§ 63.2-919.*

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

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

95 "Child in need of supervision" means:

96 1. A child who, while subject to compulsory school attendance, is habitually and without justification  
97 absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of  
98 any and all educational services and programs that are required to be provided by law and which meet  
99 the child's particular educational needs, (ii) the school system from which the child is absent or other  
100 appropriate agency has made a reasonable effort to effect the child's regular attendance without success,  
101 and (iii) the school system has provided documentation that it has complied with the provisions of  
102 § 22.1-258; or

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

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

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

114 "Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an  
115 ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of  
116 § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an  
117 act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if  
118 committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to  
119 take a breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or town.

120 "Delinquent child" means a child who has committed a delinquent act or an adult who has committed

121 a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been  
 122 terminated under the provisions of § 16.1-269.6.

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

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

132 "Family or household member" means (i) the person's spouse, whether or not he or she resides in the  
 133 same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same  
 134 home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters,  
 135 half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in  
 136 the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law,  
 137 daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v)  
 138 any individual who has a child in common with the person, whether or not the person and that  
 139 individual have been married or have resided together at any time, or (vi) any individual who cohabits  
 140 or who, within the previous 12 months, cohabited with the person, and any children of either of them  
 141 then residing in the same home with the person.

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

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

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

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

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

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

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

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

180 "Legal custody" means (i) a legal status created by court order which vests in a custodian the right to  
 181 have physical custody of the child, to determine and redetermine where and with whom he shall live,

182 the right and duty to protect, train and discipline him and to provide him with food, shelter, education  
183 and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal  
184 status created by court order of joint custody as defined in § 20-107.2.

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

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

196 "Qualified residential treatment program" means a program that (i) provides 24-hour residential  
197 placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that  
198 meets the clinical and other needs of children with serious emotional or behavioral disorders, including  
199 any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this  
200 definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site  
201 and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts  
202 outreach with the child's family members, including efforts to maintain connections between the child  
203 and his siblings and other family; documents and maintains records of such outreach efforts; and  
204 maintains contact information for any known biological family and fictive kin of the child; (v) whenever  
205 appropriate and in the best interest of the child, facilitates participation by family members in the child's  
206 treatment program before and after discharge and documents the manner in which such participation is  
207 facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months  
208 after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an  
209 organization approved by the federal Secretary of Health and Human Services; and (viii) requires that  
210 any child placed in the program receive an assessment within 30 days of such placement by a qualified  
211 individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based,  
212 validated, and functional assessment tool approved by the Commissioner of Social Services; (b)  
213 identifies whether the needs of the child can be met through placement with a family member or in a  
214 foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified  
215 residential treatment program, that would provide the most effective and appropriate level of care for the  
216 child in the least restrictive environment and be consistent with the short-term and long-term goals  
217 established for the child in his foster care or permanency plan; (c) establishes a list of short-term and  
218 long-term mental and behavioral health goals for the child; and (d) is documented in a written report to  
219 be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282,  
220 16.1-282.1, or 16.1-282.2.

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

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

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

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

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

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

234 "Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of  
235 § 16.1-269.1 when committed by a juvenile 14 years of age or older.

236 **§ 16.1-241. Jurisdiction; consent for abortion.**

237 The judges of the juvenile and domestic relations district court elected or appointed under this law  
238 shall be conservators of the peace within the corporate limits of the cities and the boundaries of the  
239 counties for which they are respectively chosen and within one mile beyond the limits of such cities and  
240 counties. Except as hereinafter provided, each juvenile and domestic relations district court shall have,  
241 within the limits of the territory for which it is created, exclusive original jurisdiction, and within one  
242 mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile court or courts of  
243 the adjoining city or county, over all cases, matters and proceedings involving:

- 244 A. The custody, visitation, support, control or disposition of a child:
- 245 1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status
- 246 offender, or delinquent except where the jurisdiction of the juvenile court has been terminated or
- 247 divested;
- 248 2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical
- 249 or mental incapacity of his parents is without parental care and guardianship;
- 250 2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated
- 251 as having abused or neglected another child in the care of the parent or custodian;
- 252 3. Whose custody, visitation or support is a subject of controversy or requires determination. In such
- 253 cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, except
- 254 as provided in § 16.1-244;
- 255 4. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817
- 256 or whose parent or parents for good cause desire to be relieved of his care and custody;
- 257 5. Where the termination of residual parental rights and responsibilities is sought. In such cases
- 258 jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided
- 259 in § 16.1-244;
- 260 6. Who is charged with a traffic infraction as defined in § 46.2-100; or
- 261 7. Who is alleged to have refused to take a blood test in violation of § 18.2-268.2.
- 262 In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated
- 263 in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the juvenile
- 264 court shall be limited to conducting a preliminary hearing to determine if there is probable cause to
- 265 believe that the juvenile committed the act alleged and that the juvenile was 14 years of age or older at
- 266 the time of the commission of the alleged offense, and any matters related thereto. In any case in which
- 267 the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection C of
- 268 § 16.1-269.1, and for all charges ancillary thereto, if the attorney for the Commonwealth has given
- 269 notice as provided in subsection C of § 16.1-269.1, the jurisdiction of the juvenile court shall be limited
- 270 to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile
- 271 committed the act alleged and that the juvenile was 14 years of age or older at the time of the
- 272 commission of the alleged offense, and any matters related thereto. A determination by the juvenile
- 273 court following a preliminary hearing pursuant to subsection B or C of § 16.1-269.1 to certify a charge
- 274 to the grand jury shall divest the juvenile court of jurisdiction over the charge and any ancillary charge.
- 275 In any case in which a transfer hearing is held pursuant to subsection A of § 16.1-269.1, if the juvenile
- 276 court determines to transfer the case, jurisdiction of the juvenile court over the case shall be divested as
- 277 provided in § 16.1-269.6.
- 278 In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after a
- 279 violent juvenile felony charge has been dismissed or a violent juvenile felony has been reduced to a
- 280 lesser offense not constituting a violent juvenile felony, the jurisdiction of the juvenile court shall not be
- 281 divested unless there is a transfer pursuant to subsection A of § 16.1-269.1.
- 282 The authority of the juvenile court to adjudicate matters involving the custody, visitation, support,
- 283 control or disposition of a child shall not be limited to the consideration of petitions filed by a mother,
- 284 father or legal guardian but shall include petitions filed at any time by any party with a legitimate
- 285 interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not
- 286 be limited to, grandparents, step-grandparents, stepparents, former stepparents, blood relatives and family
- 287 members. A party with a legitimate interest shall not include any person (i) whose parental rights have
- 288 been terminated by court order, either voluntarily or involuntarily, (ii) whose interest in the child derives
- 289 from or through a person whose parental rights have been terminated by court order, either voluntarily
- 290 or involuntarily, including, but not limited to, grandparents, stepparents, former stepparents, blood
- 291 relatives and family members, if the child subsequently has been legally adopted, except where a final
- 292 order of adoption is entered pursuant to § 63.2-1241, or (iii) who has been convicted of a violation of
- 293 subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another
- 294 state, the United States, or any foreign jurisdiction, when the child who is the subject of the petition was
- 295 conceived as a result of such violation. The authority of the juvenile court to consider a petition
- 296 involving the custody of a child shall not be proscribed or limited where the child has previously been
- 297 awarded to the custody of a local board of social services.
- 298 A1. Making specific findings of fact required by state or federal law to enable a child to apply for or
- 299 receive a state or federal benefit.
- 300 B. The admission of minors for inpatient treatment in a mental health facility in accordance with the
- 301 provisions of Article 16 (§ 16.1-335 et seq.) and the involuntary admission of a person with mental
- 302 illness or judicial certification of eligibility for admission to a training center for persons with
- 303 intellectual disability in accordance with the provisions of Chapter 8 (§ 37.2-800 et seq.) of Title 37.2.
- 304 Jurisdiction of the involuntary admission and certification of adults shall be concurrent with the general

305 district court.

306 C. Except as provided in subsections D and H, judicial consent to such activities as may require  
307 parental consent may be given for a child who has been separated from his parents, guardian, legal  
308 custodian or other person standing in loco parentis and is in the custody of the court when such consent  
309 is required by law.

310 D. Judicial consent for emergency surgical or medical treatment for a child who is neither married  
311 nor has ever been married, when the consent of his parent, guardian, legal custodian or other person  
312 standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person  
313 standing in loco parentis (i) is not a resident of the Commonwealth, (ii) has his whereabouts unknown,  
314 (iii) cannot be consulted with promptness, reasonable under the circumstances, or (iv) fails to give such  
315 consent or provide such treatment when requested by the judge to do so.

316 E. Any person charged with deserting, abandoning or failing to provide support for any person in  
317 violation of law.

318 F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

319 1. Who has been abused or neglected;

320 2. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817  
321 or is otherwise before the court pursuant to subdivision A 4; or

322 3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court  
323 finds that such person has by overt act or omission induced, caused, encouraged or contributed to the  
324 conduct of the child complained of in the petition.

325 G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other  
326 person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services  
327 that are required by law to be provided for that child or such child's parent, guardian, legal custodian or  
328 other person standing in loco parentis. Jurisdiction in such cases shall be concurrent with and not  
329 exclusive of that of courts having equity jurisdiction as provided in § 16.1-244.

330 H. Judicial consent to apply for a work permit for a child when such child is separated from his  
331 parents, legal guardian or other person standing in loco parentis.

332 I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or  
333 neglect of children or with any violation of law that causes or tends to cause a child to come within the  
334 purview of this law, or with any other offense against the person of a child. In prosecution for felonies  
335 over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is  
336 probable cause.

337 J. All offenses in which one family or household member is charged with an offense in which  
338 another family or household member is the victim and all offenses under § 18.2-49.1.

339 In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to  
340 determining whether or not there is probable cause. Any objection based on jurisdiction under this  
341 subsection shall be made before a jury is impaneled and sworn in a jury trial or, in a nonjury trial,  
342 before the earlier of when the court begins to hear or receive evidence or the first witness is sworn, or it  
343 shall be conclusively waived for all purposes. Any such objection shall not affect or be grounds for  
344 challenging directly or collaterally the jurisdiction of the court in which the case is tried.

345 K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily  
346 relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such  
347 parental rights. No such petition shall be accepted, however, after the child has been placed in the home  
348 of adoptive parents.

349 L. Any person who seeks spousal support after having separated from his spouse. A decision under  
350 this subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court.  
351 A circuit court shall have concurrent original jurisdiction in all causes of action under this subdivision.

352 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1,  
353 16.1-253.4, or 16.1-279.1, and all petitions filed for the purpose of obtaining an order of protection  
354 pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 if either the alleged victim or the respondent is a  
355 juvenile.

356 N. Any person who escapes or remains away without proper authority from a residential care facility  
357 in which he had been placed by the court or as a result of his commitment to the Virginia Department  
358 of Juvenile Justice.

359 O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.).

360 P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 19  
361 (§ 63.2-1900 et seq.) of Title 63.2, or by another state in the same manner as if the orders were entered  
362 by a juvenile and domestic relations district court upon the filing of a certified copy of such order in the  
363 juvenile and domestic relations district court.

364 Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20.  
365 A circuit court shall have concurrent original jurisdiction to the extent provided for in § 20-49.2.

366 R. [Repealed.]

367 S. Petitions filed by school boards against parents pursuant to §§ 16.1-241.2 and 22.1-279.3.

368 T. Petitions to enforce any request for information or subpoena that is not complied with or to  
 369 review any refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect  
 370 pursuant to § 63.2-1526.

371 U. Petitions filed in connection with parental placement adoption consent hearings pursuant to  
 372 § 63.2-1233. Such proceedings shall be advanced on the docket so as to be heard by the court within 10  
 373 days of filing of the petition, or as soon thereafter as practicable so as to provide the earliest possible  
 374 disposition.

375 V. Petitions filed for the purpose of obtaining the court's assistance with the execution of consent to  
 376 an adoption when the consent to an adoption is executed pursuant to the laws of another state and the  
 377 laws of that state provide for the execution of consent to an adoption in the court of the  
 378 Commonwealth.

379 W. Petitions filed by a juvenile seeking judicial authorization for a physician to perform an abortion  
 380 if a minor elects not to seek consent of an authorized person.

381 After a hearing, a judge shall issue an order authorizing a physician to perform an abortion, without  
 382 the consent of any authorized person, if he finds that (i) the minor is mature enough and well enough  
 383 informed to make her abortion decision, in consultation with her physician, independent of the wishes of  
 384 any authorized person, or (ii) the minor is not mature enough or well enough informed to make such  
 385 decision, but the desired abortion would be in her best interest.

386 If the judge authorizes an abortion based on the best interests of the minor, such order shall  
 387 expressly state that such authorization is subject to the physician or his agent giving notice of intent to  
 388 perform the abortion; however, no such notice shall be required if the judge finds that such notice would  
 389 not be in the best interest of the minor. In determining whether notice is in the best interest of the  
 390 minor, the judge shall consider the totality of the circumstances; however, he shall find that notice is not  
 391 in the best interest of the minor if he finds that (i) one or more authorized persons with whom the  
 392 minor regularly and customarily resides is abusive or neglectful, and (ii) every other authorized person,  
 393 if any, is either abusive or neglectful or has refused to accept responsibility as parent, legal guardian,  
 394 custodian or person standing in loco parentis.

395 The minor may participate in the court proceedings on her own behalf, and the court may appoint a  
 396 guardian ad litem for the minor. The court shall advise the minor that she has a right to counsel and  
 397 shall, upon her request, appoint counsel for her.

398 Notwithstanding any other provision of law, the provisions of this subsection shall govern  
 399 proceedings relating to consent for a minor's abortion. Court proceedings under this subsection and  
 400 records of such proceedings shall be confidential. Such proceedings shall be given precedence over other  
 401 pending matters so that the court may reach a decision promptly and without delay in order to serve the  
 402 best interests of the minor. Court proceedings under this subsection shall be heard and decided as soon  
 403 as practicable but in no event later than four days after the petition is filed.

404 An expedited confidential appeal to the circuit court shall be available to any minor for whom the  
 405 court denies an order authorizing an abortion without consent or without notice. Any such appeal shall  
 406 be heard and decided no later than five days after the appeal is filed. The time periods required by this  
 407 subsection shall be subject to subsection B of § 1-210. An order authorizing an abortion without consent  
 408 or without notice shall not be subject to appeal.

409 No filing fees shall be required of the minor at trial or upon appeal.

410 If either the original court or the circuit court fails to act within the time periods required by this  
 411 subsection, the court before which the proceeding is pending shall immediately authorize a physician to  
 412 perform the abortion without consent of or notice to an authorized person.

413 Nothing contained in this subsection shall be construed to authorize a physician to perform an  
 414 abortion on a minor in circumstances or in a manner that would be unlawful if performed on an adult  
 415 woman.

416 A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent  
 417 has been obtained or the minor delivers to the physician a court order entered pursuant to this section  
 418 and the physician or his agent provides such notice as such order may require. However, neither consent  
 419 nor judicial authorization nor notice shall be required if the minor declares that she is abused or  
 420 neglected and the attending physician has reason to suspect that the minor may be an abused or  
 421 neglected child as defined in § 63.2-100 and reports the suspected abuse or neglect in accordance with  
 422 § 63.2-1509; or if there is a medical emergency, in which case the attending physician shall certify the  
 423 facts justifying the exception in the minor's medical record.

424 For purposes of this subsection:

425 "Authorization" means the minor has delivered to the physician a notarized, written statement signed  
 426 by an authorized person that the authorized person knows of the minor's intent to have an abortion and  
 427 consents to such abortion being performed on the minor.

428 "Authorized person" means (i) a parent or duly appointed legal guardian or custodian of the minor or  
429 (ii) a person standing in loco parentis, including, but not limited to, a grandparent or adult sibling with  
430 whom the minor regularly and customarily resides and who has care and control of the minor. Any  
431 person who knows he is not an authorized person and who knowingly and willfully signs an  
432 authorization statement consenting to an abortion for a minor is guilty of a Class 3 misdemeanor.

433 "Consent" means that (i) the physician has given notice of intent to perform the abortion and has  
434 received authorization from an authorized person, or (ii) at least one authorized person is present with  
435 the minor seeking the abortion and provides written authorization to the physician, which shall be  
436 witnessed by the physician or an agent thereof. In either case, the written authorization shall be  
437 incorporated into the minor's medical record and maintained as a part thereof.

438 "Medical emergency" means any condition which, on the basis of the physician's good faith clinical  
439 judgment, so complicates the medical condition of the pregnant minor as to necessitate the immediate  
440 abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial  
441 and irreversible impairment of a major bodily function.

442 "Notice of intent to perform the abortion" means that (i) the physician or his agent has given actual  
443 notice of his intention to perform such abortion to an authorized person, either in person or by  
444 telephone, at least 24 hours previous to the performance of the abortion; or (ii) the physician or his  
445 agent, after a reasonable effort to notify an authorized person, has mailed notice to an authorized person  
446 by certified mail, addressed to such person at his usual place of abode, with return receipt requested, at  
447 least 72 hours prior to the performance of the abortion.

448 "Perform an abortion" means to interrupt or terminate a pregnancy by any surgical or nonsurgical  
449 procedure or to induce a miscarriage as provided in § 18.2-72, 18.2-73, or 18.2-74.

450 "Unemancipated minor" means a minor who has not been emancipated by (i) entry into a valid  
451 marriage, even though the marriage may have been terminated by dissolution; (ii) active duty with any  
452 of the Armed Forces of the United States; (iii) willingly living separate and apart from his or her  
453 parents or guardian, with the consent or acquiescence of the parents or guardian; or (iv) entry of an  
454 order of emancipation pursuant to Article 15 (§ 16.1-331 et seq.).

455 X. Petitions filed pursuant to Article 17 (§ 16.1-349 et seq.) relating to standby guardians for minor  
456 children.

457 Y. Petitions involving minors filed pursuant to § 32.1-45.1 relating to obtaining a blood specimen or  
458 test results.

459 Z. *Petitions filed pursuant to § 16.1-283.3 for review of voluntary agreements for continuation of*  
460 *services and support for persons who meet the eligibility criteria for the Fostering Futures program set*  
461 *forth in § 63.2-919.*

462 The ages specified in this law refer to the age of the child at the time of the acts complained of in  
463 the petition.

464 Notwithstanding any other provision of law, no fees shall be charged by a sheriff for the service of  
465 any process in a proceeding pursuant to subdivision A 3, except as provided in subdivision A 6 of  
466 § 17.1-272, or subsection B, D, M, or R.

467 Notwithstanding the provisions of § 18.2-71, any physician who performs an abortion in violation of  
468 subsection W shall be guilty of a Class 3 misdemeanor.

469 **§ 16.1-283.3. Review of voluntary continuing services and support agreements for former foster**  
470 **youth.**

471 A. *Whenever a program participant, as defined in § 63.2-918, enters into a voluntary continuing*  
472 *services and support agreement with a local department of social services pursuant to § 63.2-921, a*  
473 *hearing shall be held to review the agreement and the program participant's case plan. In determining*  
474 *whether to approve the [ ~~agreement and~~ ] case plan, the court shall determine whether remaining in the*  
475 *care and placement responsibility of the local department of social services is in the program*  
476 *participant's best interests and whether the program participant's case plan is sufficient to achieve the*  
477 *goal of independence. Such hearing shall be held by the juvenile and domestic relations district court*  
478 *that last had jurisdiction over the program participant's foster care proceedings when the program*  
479 *participant was a minor. The petition for review of the voluntary continuing services and support*  
480 *agreement and the program participant's case plan shall be filed by the local department of social*  
481 *services no later than 30 days after execution of the voluntary continuing services and support*  
482 *agreement. The petition shall include documentation of the program participant's last foster care*  
483 *placement as a minor and the responsible local department of social services, a copy of the signed*  
484 *voluntary continuing services and support agreement, a copy of the program participant's case plan, and*  
485 *any other information the local department of social services or the program participant wishes the*  
486 *court to consider.*

487 B. *Upon receiving a petition for review of the voluntary continuing services and support agreement*  
488 *and the program participant's case plan, the court shall schedule a hearing [ ~~as soon as practicable,~~*  
489 *but no later than* ] [ *to be held within* ] 45 days after receipt of the petition. [ ~~Unless the program~~

490 participant waives the appointment of legal counsel for this hearing, the court shall appoint legal  
 491 counsel for the program participant, who may be the guardian ad litem who represented the program  
 492 participant while in foster care as a minor. Such legal counsel shall be compensated pursuant to  
 493 § 16.1-267 ] [ The court may appoint counsel or a guardian ad litem for the program participant  
 494 pursuant to § 16.1-266 ] . The court may [ ; with the consent of the program participant, ] reappoint or  
 495 continue the appointment of the court-appointed special advocate volunteer who served the program  
 496 participant as a minor or, if the previous volunteer is unavailable, appoint another special advocate  
 497 volunteer. The court shall provide notice of the hearing and copies of the petition to the program  
 498 participant, the program participant's legal counsel, the local department of social services, and any  
 499 other persons who, in the court's discretion, have a legitimate interest in the hearing. The local  
 500 department of social services shall identify for the court all persons who may have a legitimate interest  
 501 in the hearing.

502 C. At the conclusion of the hearing, the court shall enter an order that:

503 1. Determines whether remaining under the care and placement responsibility of the local department  
 504 of social services is in the best interests of the program participant; and

505 2. Approves or denies the program participant's case plan.

506 In determining whether to approve or deny the program participant's case plan, the court shall  
 507 consider whether the services and support provided under the case plan are sufficient to support the  
 508 program participant's goal of achieving independence. If the court makes any revision to the case plan,  
 509 a copy of such revisions shall be sent by the court to all persons who received a copy of the original  
 510 case plan.

511 D. After the initial hearing, the court may close the case or schedule a subsequent hearing to be  
 512 held within six months to review the program participant's case plan. Subsequent review hearings may  
 513 be held at six-month or shorter intervals in the discretion of the court. The local department of social  
 514 services shall file a petition for review of the program participant's case plan [ ~~at least 45~~ ] [ within 30  
 515 ] days prior to any such scheduled hearing. If a hearing was not previously scheduled, the court shall  
 516 schedule a hearing [ to be held ] within 30 days of receipt of the petition. The court shall provide  
 517 notice of the hearing and a copy of the petition in accordance with subsection B. If subsequent review  
 518 hearings are not held by the court, the local department of social services shall conduct administrative  
 519 reviews pursuant to § 63.2-923.

520 E. In all hearings held pursuant to this section, the court shall consult with the program participant  
 521 in an age-appropriate manner regarding his case plan.

522 **§ 63.2-100. Definitions.**

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

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

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

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

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

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

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

551 parentis;

552 6. Whose parents or other person responsible for his care creates a substantial risk of physical or  
553 mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as  
554 defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who  
555 the parent or other person responsible for his care knows has been convicted of an offense against a  
556 minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

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

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

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

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

570 "Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable  
571 confinement of an adult as defined in § 63.2-1603.

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

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

591 "Adult foster care" means room and board, supervision, and special services to an adult who has a  
592 physical or mental condition. Adult foster care may be provided by a single provider for up to three  
593 adults. "Adult foster care" does not include services or support provided to individuals through the  
594 *Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9.*

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

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

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

607 "Assisted living facility" means any congregate residential setting that provides or coordinates  
608 personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for  
609 the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for  
610 in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board  
611 of Health or the Department of Behavioral Health and Developmental Services, but including any  
612 portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or

613 maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility  
 614 serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational  
 615 program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as  
 616 a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the  
 617 facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled  
 618 that provides no more than basic coordination of care services and is funded by the U.S. Department of  
 619 Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing  
 620 Development Authority. Included in this definition are any two or more places, establishments or  
 621 institutions owned or operated by a single entity and providing maintenance or care to a combined total  
 622 of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general  
 623 supervision and oversight of the physical and mental well-being of an aged, infirm or disabled  
 624 individual.

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

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

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

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

632 "Child" means any natural person *who is (i) under 18 years of age or (ii) under 21 years of age and*  
 633 *meets the eligibility criteria for the Fostering Futures program set forth in § 63.2-919.*

634 "Child day center" means a child day program offered to (i) two or more children under the age of  
 635 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or  
 636 more children at any location.

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

640 "Child-placing agency" means (i) any person who places children in foster homes, adoptive homes or  
 641 independent living arrangements pursuant to § 63.2-1819, (ii) a local board that places children in foster  
 642 homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221, or (iii) an entity that assists  
 643 parents with the process of delegating parental and legal custodial powers of their children pursuant to  
 644 Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom  
 645 such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title  
 646 20. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their  
 647 authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

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

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

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

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

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

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

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

668 "Commissioner" means the Commissioner of the Department, his designee or authorized  
 669 representative.

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

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

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

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

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

689 "Family day home" means a child day program offered in the residence of the provider or the home  
690 of any of the children in care for one through 12 children under the age of 13, exclusive of the  
691 provider's own children and any children who reside in the home, when at least one child receives care  
692 for compensation. The provider of a licensed or registered family day home shall disclose to the parents  
693 or guardians of children in their care the percentage of time per week that persons other than the  
694 provider will care for the children. Family day homes serving five through 12 children, exclusive of the  
695 provider's own children and any children who reside in the home, shall be licensed. However, no family  
696 day home shall care for more than four children under the age of two, including the provider's own  
697 children and any children who reside in the home, unless the family day home is licensed or voluntarily  
698 registered. However, a family day home where the children in care are all related to the provider by  
699 blood or marriage shall not be required to be licensed.

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

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

708 "Foster care placement" means placement of a child through (i) an agreement between the parents or  
709 guardians and the local board where legal custody remains with the parents or guardians or (ii) an  
710 entrustment or commitment of the child to the local board or licensed child-placing agency. "Foster care  
711 placement" does not include placement of a child in accordance with a power of attorney pursuant to  
712 Chapter 10 (§ 20-166 et seq.) of Title 20.

713 "Foster home" means a residence licensed by a child-placing agency or local board in which any  
714 child, other than a child by birth or adoption of such person or a child who is the subject of a power of  
715 attorney to delegate parental or legal custodial powers by his parents or legal custodian to the natural  
716 person who has been designated the child's legal guardian pursuant to Chapter 10 (§ 20-166 et seq.) of  
717 Title 20 and who exercises legal authority over the child on a continuous basis for at least 24 hours  
718 without compensation, resides as a member of the household.

719 "General relief" means money payments and other forms of relief made to those persons mentioned  
720 in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with  
721 § 63.2-401.

722 "Independent foster home" means a private family home in which any child, other than a child by  
723 birth or adoption of such person, resides as a member of the household and has been placed therein  
724 independently of a child-placing agency except (i) a home in which are received only children related by  
725 birth or adoption of the person who maintains such home and children of personal friends of such  
726 person; (ii) a home in which is received a child or children committed under the provisions of  
727 subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and  
728 (iii) a home in which are received only children who are the subject of a properly executed power of  
729 attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

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

733 "Independent living arrangement" means placement of (i) a child at least 16 years of age who is in  
734 the custody of a local board or licensed child-placing agency by the local board or licensed child-placing  
735 agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was

736 committed to the Department of Juvenile Justice immediately prior to placement by the Department of  
737 Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute  
738 parental supervision.

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

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

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

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

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

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

766 "Kinship guardianship" means a relationship established in accordance with § 63.2-1305 between a  
767 child and an adult relative of the child who has formerly acted as the child's foster parent that is  
768 intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult  
769 relative of the child of the authority necessary to ensure the protection, education, care and control, and  
770 custody of the child and the authority for decision making for the child.

771 "Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that  
772 provides, subject to a kinship guardianship assistance agreement developed in accordance with  
773 § 63.2-1305, payments to eligible individuals who have received custody of a relative child of whom  
774 they had been the foster parents.

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

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

778 "Local director" means the director or his designated representative of the local department of the  
779 city or county.

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

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

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

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

794 "Qualified individual" means a trained professional or licensed clinician who is not an employee of  
795 the local board of social services or licensed child-placing agency that placed the child in a qualified  
796 residential treatment program and is not affiliated with any placement setting in which children are

797 placed by such local board of social services or licensed child-placing agency.

798 "Qualified residential treatment program" means a program that (i) provides 24-hour residential  
 799 placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that  
 800 meets the clinical and other needs of children with serious emotional or behavioral disorders, including  
 801 any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this  
 802 definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site  
 803 and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts  
 804 outreach with the child's family members, including efforts to maintain connections between the child  
 805 and his siblings and other family; documents and maintains records of such outreach efforts; and  
 806 maintains contact information for any known biological family and fictive kin of the child; (v) whenever  
 807 appropriate and in the best interest of the child, facilitates participation by family members in the child's  
 808 treatment program before and after discharge and documents the manner in which such participation is  
 809 facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months  
 810 after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an  
 811 organization approved by the federal Secretary of Health and Human Services; and (viii) requires that  
 812 any child placed in the program receive an assessment within 30 days of such placement by a qualified  
 813 individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based,  
 814 validated, and functional assessment tool approved by the Commissioner of Social Services; (b)  
 815 identifies whether the needs of the child can be met through placement with a family member or in a  
 816 foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified  
 817 residential treatment program, that would provide the most effective and appropriate level of care for the  
 818 child in the least restrictive environment and be consistent with the short-term and long-term goals  
 819 established for the child in his foster care or permanency plan; (c) establishes a list of short-term and  
 820 long-term mental and behavioral health goals for the child; and (d) is documented in a written report to  
 821 be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282,  
 822 16.1-282.1, or 16.1-282.2.

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

826 "Residential living care" means a level of service provided by an assisted living facility for adults  
 827 who may have physical or mental impairments and require only minimal assistance with the activities of  
 828 daily living. The definition of "residential living care" includes the services provided by independent  
 829 living facilities that voluntarily become licensed.

830 "Sibling" means each of two or more children having one or more parents in common.

831 "Social services" means foster care, adoption, adoption assistance, child-protective services, domestic  
 832 violence services, or any other services program implemented in accordance with regulations adopted by  
 833 the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of  
 834 Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14  
 835 of Title 51.5 provided by local departments of social services in accordance with regulations and under  
 836 the supervision of the Commissioner for Aging and Rehabilitative Services.

837 "Special order" means an order imposing an administrative sanction issued to any party licensed  
 838 pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A  
 839 special order shall be considered a case decision as defined in § 2.2-4001.

840 "*Supervised independent living setting*" means the residence of a person 18 years of age or older  
 841 who is participating in the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of  
 842 Chapter 9 where supervision includes a monthly visit [ ~~or video conference~~ ] with a service worker or,  
 843 when appropriate, contracted supervision. "*Supervised independent living setting*" does not include  
 844 residential facilities or group homes.

845 "Temporary Assistance for Needy Families" or "TANF" means the program administered by the  
 846 Department through which a relative can receive monthly cash assistance for the support of his eligible  
 847 children.

848 "Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the  
 849 Temporary Assistance for Needy Families program for families in which both natural or adoptive  
 850 parents of a child reside in the home and neither parent is exempt from Virginia Initiative for Education  
 851 and Work (VIEW) participation under § 63.2-609.

852 "Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social  
 853 Security Act, as amended, and administered by the Department through which foster care is provided on  
 854 behalf of qualifying children.

855 *Article 2.*

856 *Fostering Futures.*

857 **§ 63.2-917. Fostering Futures program; established.**

858 *The Fostering Futures program is established to provide services and support to individuals 18 years*

859 of age or older but less than 21 years of age who were in foster care upon turning 18 years of age.  
 860 Such services and support shall be designed to assist the program participant in transitioning to  
 861 adulthood, becoming self-sufficient, and creating permanent, positive relationships. The program is  
 862 voluntary and shall at all times recognize and respect the autonomy of the participant. The Fostering  
 863 Futures program shall not be construed to abrogate any other rights that a person 18 years of age or  
 864 older may have as an adult under state law.

865 **§ 63.2-918. Definitions.**

866 For purposes of this article:

867 "Case plan" means the plan developed by the local department for a program participant in  
 868 accordance with 42 U.S.C. § 675(1).

869 "Child" means an individual who is (i) less than 18 years of age or (ii) less than 21 years of age  
 870 and meets the eligibility criteria for the Fostering Futures program set forth in § 63.2-919.

871 "Fostering Futures" means the services and support available to individuals between 18 and 21  
 872 years of age who are participating in the Fostering Futures program.

873 "Local department" means the local department of social services under the local board having care  
 874 and custody of the program participant when he reached 18 years of age.

875 "Program participant" means an individual who meets the eligibility criteria set forth in § 63.2-919.

876 "Voluntary continuing services and support agreement" means a binding written agreement entered  
 877 into by the local department and program participant in accordance with § 63.2-921.

878 **§ 63.2-919. Fostering Futures program; eligibility.**

879 The Fostering Futures program is available, on a voluntary basis, to an individual between 18 and  
 880 21 years of age who:

881 1. Was (i) in the custody of a local department immediately prior to reaching 18 years of age,  
 882 remained in foster care upon turning 18 years of age, and entered foster care pursuant to a court  
 883 order; or (ii) in the custody of a local department immediately prior to commitment to the Department  
 884 of Juvenile Justice and is transitioning from such commitment to self-sufficiency; and

885 2. Is (i) completing secondary education or an equivalent credential; (ii) enrolled in an institution  
 886 that provides postsecondary or vocational education; (iii) employed for at least 80 hours per month; (iv)  
 887 participating in a program or activity designed to promote employment or remove barriers to  
 888 employment; or (v) incapable of doing any of the activities described in clauses (i) through (iv) due to a  
 889 medical condition, which incapability is supported by regularly updated information in the program  
 890 participant's case plan.

891 **§ 63.2-920. Continuing services and support.**

892 Continuing services and support provided under the Fostering Futures program shall include the  
 893 following, where necessary:

894 1. Medical care under the state plan for medical assistance;

895 2. Housing, placement, and support in the form of continued foster care maintenance payments in an  
 896 amount not less than the rate set immediately prior to the program participant's exit from foster care.  
 897 Policies and decisions regarding housing options shall take into consideration the program participant's  
 898 autonomy and developmental maturity, and safety assessments of such living arrangements shall be  
 899 age-appropriate and consistent with federal guidance on supervised settings in which program  
 900 participants live independently. For program participants residing in an independent living setting, the  
 901 local department may send all or part of the foster care maintenance payments directly to the program  
 902 participant, as agreed upon by the local department and the program participant. For program  
 903 participants residing in a foster family home, foster care maintenance payments shall be paid to the  
 904 foster parents; and

905 3. Case management services, including a case plan that describes (i) the program participant's  
 906 housing or living arrangement; (ii) the resources available to the program participant in the transition  
 907 from the Fostering Futures program to independent adulthood; and (iii) the services and support to be  
 908 provided to meet the program participant's individual goals, provided such services and support are  
 909 appropriate for and consented to by the program participant. All case plans shall be developed in  
 910 consultation with the program participant and, at the participant's option, with up to two members of  
 911 the case planning team who are chosen by the program participant and are not a foster parent or  
 912 caseworker for such program participant. An individual selected by a program participant to be a  
 913 member of the case planning team may be removed from the team at any time if there is good cause to  
 914 believe that the individual would not act in the best interests of the program participant.

915 **§ 63.2-921. Voluntary continuing services and support agreement; services provided; service  
 916 worker; duties.**

917 A. In order to participate in the Fostering Futures program, the eligible program participant shall  
 918 enter into a written voluntary continuing services and support agreement with the local department.  
 919 Such agreement shall include, at a minimum, the following:

920 1. A requirement that the program participant maintain eligibility to participate in the Fostering  
 921 Futures program in accordance with the provisions of § 63.2-919 for the duration of the voluntary  
 922 continuing services and support agreement;

923 2. A disclosure to the program participant that participation in the Fostering Futures program is  
 924 voluntary and that the program participant may terminate the voluntary continuing services and support  
 925 agreement at any time;

926 3. The specific conditions that may result in the termination of the voluntary continuing services and  
 927 support agreement and the program participant's early discharge from the Fostering Futures program;  
 928 and

929 4. The program participant's right to appeal the denial or delay of a service required in the case  
 930 plan.

931 B. The services and support to be provided to the program participant pursuant to the voluntary  
 932 continuing services and support agreement shall begin no later than 30 days after both the program  
 933 participant and the local department sign the voluntary continuing services and support agreement in  
 934 accordance with § 63.2-921.

935 C. The local department shall assign a service worker for each participant in the Fostering Futures  
 936 program to provide case management services. Every service worker shall have specialized training in  
 937 providing transition services and support for program participants and knowledge of resources available  
 938 in the community.

939 D. The local department shall make continuing efforts to achieve permanency and create permanent  
 940 connections for all program participants.

941 E. The local department shall fulfill all case plan obligations consistent with the applicable  
 942 provisions of 42 U.S.C. § 675(1) for all program participants.

943 F. Upon the signing of the voluntary continuing services and support agreement by the program  
 944 participant and the local department, the local department shall conduct a redetermination of income  
 945 eligibility for purposes of Title IV-E of the federal Social Security Act, 42 U.S.C. § 672.

946 **§ 63.2-922. Termination of voluntary continuing services and support agreement; notice; appeal.**

947 A. A program participant may terminate the voluntary continuing services and support agreement at  
 948 any time. Upon such termination, the local department shall provide the program participant with a  
 949 written notice informing the program participant of the potential negative effects resulting from  
 950 termination, the option to reenter the Fostering Futures program at any time before reaching 21 years  
 951 of age, and the procedures for reentering if the participant meets the eligibility criteria of § 63.2-919.

952 B. If the local department determines that the program participant is no longer eligible to participate  
 953 in the Fostering Futures program under § 63.2-919, the local department shall terminate the voluntary  
 954 continuing services and support agreement and cease the provision of all services and support to the  
 955 program participant. The local department shall give written notice to the program participant 30 days  
 956 prior to termination that the voluntary continuing services and support agreement will be terminated  
 957 and provide (i) an explanation of the basis for termination, (ii) information about the process for  
 958 appealing the termination, (iii) information about the option to enter into another voluntary continuing  
 959 services and support agreement once the program participant reestablishes eligibility under § 63.2-919,  
 960 and (iv) information about and contact information for community resources that may benefit the  
 961 program participant, including state programs established pursuant to 42 U.S.C. § 677. Academic breaks  
 962 in postsecondary education attendance, such as semester and seasonal breaks, and other transitions  
 963 between eligibility requirements under § 63.2-919, including education and employment transitions not  
 964 longer than 30 days, shall not be a basis for termination.

965 C. Appeals of terminations of voluntary continuing services and support agreements or denials or  
 966 delays of the provision of services specified in the agreement shall be conducted in accordance with the  
 967 provisions of § 63.2-915 and Board regulations.

968 **§ 63.2-923. Court proceedings; administrative reviews.**

969 A local department that enters into a voluntary continuing services and support agreement with a  
 970 program participant shall file a petition for review of the agreement and the program participant's case  
 971 plan in accordance with § 16.1-283.3. If no subsequent hearings are held by the court to review the  
 972 agreement and case plan after the initial review hearing held pursuant to § 16.1-283.3, the local  
 973 department shall conduct administrative reviews of the case for the remaining term of the voluntary  
 974 continuing services and support agreement no less than every six months.

975 2. That the Department of Social Services shall, regarding the Fostering Futures program, (i)  
 976 establish criteria for identifying appropriate services for program participants; (ii) establish  
 977 requirements for program participants to be included in the voluntary continuing services and  
 978 support agreement, including regular contact with the program participant's service worker,  
 979 timely payment of rental fees, and other requirements deemed necessary based on the unique  
 980 circumstances and needs of the program participant; (iii) allow local departments of social services  
 981 to disenroll participants from the Fostering Futures program for substantial violations of the

982 voluntary continuing services and support agreement; and (iv) develop budget or payment forms  
983 to monitor the manner in which program participants are using maintenance payment funds and  
984 allow increased oversight of such use when necessary.

**ENGROSSED**

SB156E