

2021 SPECIAL SESSION I

HOUSE SUBSTITUTE

21103371D

HOUSE BILL NO. 2191

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on January 26, 2021)

(Patron Prior to Substitute—Delegate Leftwich)

A BILL to amend and reenact § 63.2-104 of the Code of Virginia, relating to local department of social services; location of child in local department's custody.

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-104 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-104. Confidential records and information concerning social services; penalty.

A. The records, information, and statistical registries of the Department, local departments, and of all child-welfare agencies concerning social services to or on behalf of individuals shall be confidential information, provided that the Commissioner, the Board, and their agents shall have access to such records, information, and statistical registries, and that such records, information, and statistical registries may be disclosed to any person having a legitimate interest in accordance with state and federal law and regulation.

It shall be unlawful for any officer, agent, or employee of any child-welfare agency; for the Commissioner, the State Board, or their agents or employees; for any person who has held any such position; and for any other person to whom any such record or information is disclosed to disclose, directly or indirectly, any such confidential record or information, except as herein provided or pursuant to § 63.2-105. Every violation of this section shall constitute a Class 1 misdemeanor.

B. Notwithstanding the provisions of this section or any other provision of law or regulation, the local department shall disclose to a legal guardian or custodian of a child, upon request of the legal guardian or custodian, the location of the child when the child is in the custody of another legal guardian or custodian, unless the local department finds that such disclosure would compromise the safety of the child.

~~B.~~ C. If a request for a record or information concerning applicants for and recipients of social services is made to the Department or a local department by a person who does not have a legitimate interest, the Commissioner or local director shall not provide the record or information unless permitted by state or federal law or regulation.

~~C.~~ D. This section shall not apply to the disposition of adoption records, reports, and information that is governed by the provisions of § 63.2-1246.

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