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## SENATE BILL NO. 1214

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rehabilitation and Social Services  
on February 3, 2023)

(Patron Prior to Substitute—Senator Lucas)

*A BILL to amend and reenact §§ 16.1-228, 16.1-278.15, 20-124.2, and 63.2-100 of the Code of Virginia, relating to child abuse and neglect; custody and visitation; possession or use of marijuana.*

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

**1. That §§ 16.1-228, 16.1-278.15, 20-124.2, and 63.2-100 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-228. Definitions.**

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

"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. *However, possession or consumption of substances authorized under Title 4.1 or Chapter 34 (§ 54.1-3408.3 et seq.) of Title 54.1 by a child's parent or other person responsible for his care alone shall not serve as a basis to deem a child abused or neglected unless other facts establish that such possession or consumption causes or creates a risk of physical or mental injury to the child;*

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. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

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

4. Whose parents or other person responsible for his care, or an intimate partner of such parent or person, commits or allows to be committed any act of sexual exploitation or 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 Tier III offender pursuant to § 9.1-902; or

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

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child within 30 days of the child's birth to (i) a hospital that provides 24-hour emergency services, (ii) an attended emergency medical services agency that employs emergency medical services personnel, or (iii) a newborn safety device located at and operated by such hospital or emergency medical services agency. For purposes of terminating parental rights pursuant to § 16.1-283 and

60 placement for adoption, the court may find such a child is a neglected child upon the ground of  
61 abandonment.

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

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

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

69 "Child," "juvenile," or "minor" means a person who is (i) younger than 18 years of age or (ii) for  
70 purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 of  
71 Title 63.2, younger than 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

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

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

86 "Child in need of supervision" means:

87 1. A child who, while subject to compulsory school attendance, is habitually and without justification  
88 absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of  
89 any and all educational services and programs that are required to be provided by law and which meet  
90 the child's particular educational needs, (ii) the school system from which the child is absent or other  
91 appropriate agency has made a reasonable effort to effect the child's regular attendance without success,  
92 and (iii) the school system has provided documentation that it has complied with the provisions of  
93 § 22.1-258; or

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

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

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

105 "Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an  
106 ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of  
107 § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but does not include an  
108 act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if  
109 committed by a child.

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

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

116 "Driver's license" means any document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or  
117 the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the  
118 highways.

119 "Family abuse" means any act involving violence, force, or threat that results in bodily injury or  
120 places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by  
121 a person against such person's family or household member. Such act includes, but is not limited to, any

forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

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

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

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293, or (v) is living with a relative participating in the Federal-Funded Kinship Guardianship Assistance program set forth in § 63.2-1305 and developed consistent with 42 U.S.C. § 673 or the State-Funded Kinship Guardianship Assistance program set forth in § 63.2-1306.

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

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

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

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

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

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

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

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall

183 remain in the placement until he reaches the age of majority unless modified by court order or unless  
184 removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of  
185 residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term  
186 basis.

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

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

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

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

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

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

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

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

229 "Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of  
230 § 16.1-269.1 when committed by a juvenile 14 years of age or older.

231 **§ 16.1-278.15. Custody or visitation, child or spousal support generally.**

232 A. In cases involving the custody, visitation or support of a child pursuant to subdivision A 3 of  
233 § 16.1-241, the court may make any order of disposition to protect the welfare of the child and family  
234 as may be made by the circuit court. The parties to any petition where a child whose custody, visitation,  
235 or support is contested shall show proof that they have attended within the 12 months prior to their  
236 court appearance or that they shall attend within 45 days thereafter an educational seminar or other like  
237 program conducted by a qualified person or organization approved by the court. The court may require  
238 the parties to attend such seminar or program in uncontested cases only if the court finds good cause.  
239 The seminar or other program shall be a minimum of four hours in length and shall address the effects  
240 of separation or divorce on children, parenting responsibilities, options for conflict resolution and  
241 financial responsibilities. Once a party has completed one educational seminar or other like program, the  
242 required completion of additional programs shall be at the court's discretion. Parties under this section  
243 shall include natural or adoptive parents of the child, or any person with a legitimate interest as defined  
244 in § 20-124.1. The fee charged a party for participation in such program shall be based on the party's

ability to pay; however, no fee in excess of \$50 may be charged. Whenever possible, before participating in mediation or alternative dispute resolution to address custody, visitation or support, each party shall have attended the educational seminar or other like program. The court may grant an exemption from attendance of such program for good cause shown or if there is no program reasonably available. Other than statements or admissions by a party admitting criminal activity or child abuse or neglect, no statement or admission by a party in such seminar or program shall be admissible into evidence in any subsequent proceeding. If support is ordered for a child, the order shall also provide that support will continue to be paid for a child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent seeking or receiving child support, until the child reaches the age of 19 or graduates from high school, whichever occurs first. The court may also order that support be paid or continue to be paid for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support himself; and (c) residing in the home of the parent seeking or receiving child support. Upon request of either party, the court may also order that support payments be made to a special needs trust or an ABLE savings trust account as defined in § 23.1-700.

B. In any case involving the custody or visitation of a child, the court may award custody upon petition to any party with a legitimate interest therein, including, but not limited to, grandparents, stepparents, former stepparents, blood relatives and family members. The term "legitimate interest" shall be broadly construed to accommodate the best interest of the child. The authority of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where the custody of the child has previously been awarded to a local board of social services.

C. In any determination of support obligation under this section, the support obligation as it becomes due and unpaid creates a judgment by operation of law. Such judgment becomes a lien against real estate only when docketed in the county or city where such real estate is located. Nothing herein shall be construed to alter or amend the process of attachment of any lien on personal property.

D. Orders entered prior to July 1, 2008, shall not be deemed void or voidable solely because the petition or motion that resulted in the order was completed, signed and filed by a nonattorney employee of the Department of Social Services.

E. In cases involving charges for desertion, abandonment or failure to provide support by any person in violation of law, disposition shall be made in accordance with Chapter 5 (§ 20-61 et seq.) of Title 20.

F. In cases involving a spouse who seeks spousal support after having separated from his spouse, the court may enter any appropriate order to protect the welfare of the spouse seeking support.

G. In any case or proceeding involving the custody or visitation of a child, the court shall consider the best interest of the child, including the considerations for determining custody and visitation set forth in Chapter 6.1 (§ 20-124.1 et seq.) of Title 20.

G1. In any case or proceeding involving the custody or visitation of a child, as to a parent, the court may, in its discretion, use the phrase "parenting time" to be synonymous with the term "visitation."

H. In any proceeding before the court for custody or visitation of a child, the court may order a custody or a psychological evaluation of any parent, guardian, legal custodian or person standing in loco parentis to the child, if the court finds such evaluation would assist it in its determination. The court may enter such orders as it deems appropriate for the payment of the costs of the evaluation by the parties.

I. When deemed appropriate by the court in any custody or visitation matter, the court may order drug testing of any parent, guardian, legal custodian, or person standing in loco parentis to the child. *Such drug testing shall exclude testing for any substance permitted for lawful use by an adult authorized under Title 4.1 or Chapter 34 (§ 54.1-3408.3 et seq.) of Title 54.1. Such parent, guardian, legal custodian, or person standing in loco parentis to the child shall not be construed to have failed a drug test if such drug test includes a positive result for such substance authorized under Title 4.1 or Chapter 34 of Title 54.1.* The court may enter such orders as it deems appropriate for the payment of the costs of the testing by the parties. *A person's legal possession or consumption of substances authorized under Title 4.1 or Chapter 34 of Title 54.1 alone shall not serve as a basis to restrict custody or visitation unless other facts establish that such possession or consumption is not in the best interest of the child.*

J. In any custody or visitation case or proceeding wherein an order prohibiting a party from picking the child up from school is entered pursuant to this section, the court shall order a party to such case or proceeding to provide a copy of such custody or visitation order to the school at which the child is enrolled within three business days of such party's receipt of such custody or visitation order.

If a custody determination affects the school enrollment of the child subject to such custody order and prohibits a party from picking the child up from school, the court shall order a party to provide a copy of such custody order to the school at which the child will be enrolled within three business days of such party's receipt of such order. Such order directing a party to provide a copy of such custody or

visitation order shall further require such party, upon any subsequent change in the child's school enrollment, to provide a copy of such custody or visitation order to the new school at which the child is subsequently enrolled within three business days of such enrollment.

If the court determines that a party is unable to deliver the custody or visitation order to the school, such party shall provide the court with the name of the principal and address of the school, and the court shall cause the order to be mailed by first class mail to such school principal.

Nothing in this section shall be construed to require any school staff to interpret or enforce the terms of such custody or visitation order.

**§ 20-124.2. Court-ordered custody and visitation arrangements.**

A. In any case in which custody or visitation of minor children is at issue, whether in a circuit or district court, the court shall provide prompt adjudication, upon due consideration of all the facts, of custody and visitation arrangements, including support and maintenance for the children, prior to other considerations arising in the matter. The court may enter an order pending the suit as provided in § 20-103. The procedures for determining custody and visitation arrangements shall insofar as practical, and consistent with the ends of justice, preserve the dignity and resources of family members. Mediation shall be used as an alternative to litigation where appropriate. When mediation is used in custody and visitation matters, the goals may include development of a proposal addressing the child's residential schedule and care arrangements, and how disputes between the parents will be handled in the future.

B. In determining custody, the court shall give primary consideration to the best interests of the child. The court shall consider and may award joint legal, joint physical, or sole custody, and there shall be no presumption in favor of any form of custody. The court shall assure minor children of frequent and continuing contact with both parents, when appropriate, and encourage parents to share in the responsibilities of rearing their children. As between the parents, there shall be no presumption or inference of law in favor of either. The court shall give due regard to the primacy of the parent-child relationship but may upon a showing by clear and convincing evidence that the best interest of the child would be served thereby award custody or visitation to any other person with a legitimate interest. *A person's legal possession or consumption of substances authorized under Title 4.1 or Chapter 34 (§ 54.1-3408.3 et seq.) of Title 54.1 alone shall not serve as a basis to restrict custody or visitation unless other facts establish that such possession or consumption is not in the best interest of the child.*

B1. In any case or proceeding involving the custody or visitation of a child, as to a parent, the court may, in its discretion, use the phrase "parenting time" to be synonymous with the term "visitation."

B2. In any case or proceeding in which a grandparent has petitioned the court for visitation with a minor grandchild, and a natural or adoptive parent of the minor grandchild is deceased or incapacitated, the grandparent who is related to such deceased or incapacitated parent shall be permitted to introduce evidence of such parent's consent to visitation with the grandparent, in accordance with the rules of evidence. If the parent's consent is proven by a preponderance of the evidence, the court may then determine if grandparent visitation is in the best interest of the minor grandchild. For the purposes of this subsection, "incapacitated parent" has the same meaning ascribed to the term "incapacitated person" in § 64.2-2000.

C. The court may order that support be paid for any child of the parties. Upon request of either party, the court may order that such support payments be made to a special needs trust or an ABLE savings trust account as defined in § 23.1-700. The court shall also order that support will continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support until such child reaches the age of 19 or graduates from high school, whichever first occurs. The court may also order that support be paid or continue to be paid for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support himself; and (c) residing in the home of the parent seeking or receiving child support. In addition, the court may confirm a stipulation or agreement of the parties which extends a support obligation beyond when it would otherwise terminate as provided by law. The court shall have no authority to decree support of children payable by the estate of a deceased party. The court may make such further decree as it shall deem expedient concerning support of the minor children, including an order that either party or both parties provide health care coverage or cash medical support, or both.

D. In any case in which custody or visitation of minor children is at issue, whether in a circuit or district court, the court may order an independent mental health or psychological evaluation to assist the court in its determination of the best interests of the child. The court may enter such order as it deems appropriate for the payment of the costs of the evaluation by the parties.

E. The court shall have the continuing authority and jurisdiction to make any additional orders necessary to effectuate and enforce any order entered pursuant to this section or § 20-103 including the authority to punish as contempt of court any willful failure of a party to comply with the provisions of the order. A parent or other person having legal custody of a child may petition the court to enjoin and

the court may enter an order to enjoin a parent of the child from filing a petition relating to custody and visitation of that child for any period of time up to 10 years if doing so is in the best interests of the child and such parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of another state, the United States, or any foreign jurisdiction which constitutes (i) murder or voluntary manslaughter, or a felony attempt, conspiracy or solicitation to commit any such offense, if the victim of the offense was a child of the parent, a child with whom the parent resided at the time the offense occurred, or the other parent of the child, or (ii) felony assault resulting in serious bodily injury, felony bodily wounding resulting in serious bodily injury, or felony sexual assault, if the victim of the offense was a child of the parent or a child with whom the parent resided at the time of the offense. When such a petition to enjoin the filing of a petition for custody and visitation is filed, the court shall appoint a guardian ad litem for the child pursuant to § 16.1-266.

F. In any custody or visitation case or proceeding wherein an order prohibiting a party from picking the child up from school is entered pursuant to this section or § 20-103, the court shall order a party to such case or proceeding to provide a copy of such custody or visitation order to the school at which the child is enrolled within three business days of such party's receipt of such custody or visitation order.

If a custody determination affects the school enrollment of the child subject to such custody order and prohibits a party from picking the child up from school, the court shall order a party to provide a copy of such custody order to the school at which the child will be enrolled within three business days of such party's receipt of such order. Such order directing a party to provide a copy of such custody or visitation order shall further require such party, upon any subsequent change in the child's school enrollment, to provide a copy of such custody or visitation order to the new school at which the child is subsequently enrolled within three business days of such enrollment.

If the court determines that a party is unable to deliver the custody or visitation order to the school, such party shall provide the court with the name of the principal and address of the school, and the court shall cause the order to be mailed by first class mail to such school principal.

Nothing in this section shall be construed to require any school staff to interpret or enforce the terms of such custody or visitation order.

#### § 63.2-100. Definitions.

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

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

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. *However, possession or consumption of substances authorized under Title 4.1 or Chapter 34 (§ 54.1-3408.3 et seq.) of Title 54.1 by a child's parent or other person responsible for his care alone shall not serve as a basis to deem a child abused or neglected unless other facts establish that such possession or consumption causes or creates a risk of physical or mental injury to the child;*

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. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

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

4. Whose parents or other person responsible for his care, or an intimate partner of such parent or person, commits or allows to be committed any act of sexual exploitation or 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

429 parentis;

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

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

438 If a civil proceeding under this title is based solely on the parent having left the child at a hospital  
439 or emergency medical services agency, it shall be an affirmative defense that such parent safely  
440 delivered the child within 30 days of the child's birth to (i) a hospital that provides 24-hour emergency  
441 services, (ii) an attended emergency medical services agency that employs emergency medical services  
442 providers, or (iii) a newborn safety device located at and operated by such hospital or emergency  
443 medical services agency. For purposes of terminating parental rights pursuant to § 16.1-283 and  
444 placement for adoption, the court may find such a child is a neglected child upon the ground of  
445 abandonment.

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

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

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

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

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

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

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

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

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

487 "Assisted living facility" means any congregate residential setting that provides or coordinates  
488 personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for  
489 the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for  
490 in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board



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

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

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

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

"Board" means the State Board of Social Services.

"Child" means any natural person who is (i) under 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9, under 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

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

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

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

"Child-welfare agency" means a child-placing agency, children's residential facility, or independent foster home.

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

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

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

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

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

"Department" means the State Department of Social Services.

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

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

"Energy assistance" means benefits to assist low-income households with their home heating and

552 cooling needs, including, but not limited to, purchase of materials or substances used for home heating,  
553 repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or  
554 repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance  
555 with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the  
556 Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

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

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

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

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

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

581 "General relief" means money payments and other forms of relief made to those persons mentioned  
582 in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with  
583 § 63.2-401.

584 "Independent foster home" means a private family home in which any child, other than a child by  
585 birth or adoption of such person, resides as a member of the household and has been placed therein  
586 independently of a child-placing agency except (i) a home in which are received only children related by  
587 birth or adoption of the person who maintains such home and children of personal friends of such  
588 person; (ii) a home in which is received a child or children committed under the provisions of  
589 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  
590 (iii) a home in which are received only children who are the subject of a properly executed power of  
591 attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

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

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

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

612 "Independent physician" means a physician who is chosen by the resident of the assisted living  
613 facility and who has no financial interest in the assisted living facility, directly or indirectly, as an

owner, officer, or employee or as an independent contractor with the residence.

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

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

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

"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 or 63.2-1306 who has been awarded custody of the child by the court after acting as the child's foster parent.

"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 or 63.2-1306 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.

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

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

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

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

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

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

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

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

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified

675 residential treatment program, that would provide the most effective and appropriate level of care for the  
676 child in the least restrictive environment and be consistent with the short-term and long-term goals  
677 established for the child in his foster care or permanency plan; (c) establishes a list of short-term and  
678 long-term mental and behavioral health goals for the child; and (d) is documented in a written report to  
679 be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282,  
680 16.1-282.1, or 16.1-282.2.

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

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

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

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

695 "State-Funded Kinship Guardianship Assistance program" means a program that provides payments to  
696 eligible individuals who have received custody of a relative child subject to a kinship guardianship  
697 assistance agreement developed in accordance with § 63.2-1306.

698 "Supervised independent living setting" means the residence of a person 18 years of age or older  
699 who is participating in the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of  
700 Chapter 9 where supervision includes a monthly visit with a service worker or, when appropriate,  
701 contracted supervision. "Supervised independent living setting" does not include residential facilities or  
702 group homes.

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

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

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

713 **2. That the Board of Social Services shall amend its regulations, guidance documents, and other**  
714 **instructional materials to ensure that such regulations, documents, and materials comply with, and**  
715 **that investigations and family assessments are conducted by local departments of social services in**  
716 **accordance with, the provisions of this act.**