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SENATE BILL NO. 923

Offered January 11, 2023

Prefiled January 6, 2023

A *BILL to amend the Code of Virginia by adding in Chapter 15 of Title 63.2 an article numbered 7, consisting of a section numbered 63.2-1531, relating to Kinship as Foster Care Prevention Program.*

Patrons—Favola and Mason; Delegate: Shin

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 15 of Title 63.2 an article numbered 7, consisting of a section numbered 63.2-1531, as follows:

Article 7.

Provision of Services.

§ 63.2-1531. Kinship as Foster Care Prevention Program.

A. The Kinship as Foster Care Prevention Program (the Program) is established to promote and support kinship care placements made by a local board in accordance with § 63.2-900 to keep children out of foster care.

B. A child is eligible for the Program if the local board determines that:

1. The child is at imminent risk of being removed from his home and a preliminary protective order pursuant to § 16.1-253 is, in the local board's discretion, insufficient to address the child's immediate safety concerns; and

2. The child's parent or guardian consents to the placement of the child with a relative pursuant to an agreement with the local board developed in accordance with subsection C.

C. In order to receive payments under the Program, the child's parent or guardian and the relative with whom the child will be placed shall enter into a written agreement with the local board. Such agreement shall:

1. Document the need for the child's placement with the relative, including a description of the reasons the local board determined that the child was at imminent risk of removal;

2. Identify the services and support that will be provided to the child, the relative with whom the child will be placed, and the child's parent or guardian by the local board;

3. Describe the requirements that the child's parent or guardian shall meet in order for the child to return home;

4. Describe the visitation arrangements for the child's parent or guardian;

5. Establish an expiration date for the agreement and provisions for extending the agreement;

6. Include a statement that the agreement may be terminated by any party, at any time, and for any reason, and a statement that, upon such termination, the local board may take actions to protect the child, including removal of the child pursuant to the provisions of this title;

7. Describe (i) the amount of each Program payment that will be provided to the relative with whom the child will be placed, which shall be no more than the foster care maintenance payment that the relative would receive if the relative was the child's foster parent, reduced by any monthly payments received through the Temporary Assistance for Needy Families program and the Relative Maintenance Support Payment program and (ii) the manner in which such payments will be provided;

8. Include a statement that the child's parent or guardian may seek legal counsel prior to entering into the agreement; and

9. Establish any other requirements deemed necessary by the local board.

D. The Department shall determine whether each child receiving payments through the Program is eligible to participate in the Relative Maintenance Support Payment program. If a child receiving payments through the Program is expected to remain in the care of the relative on a long-term basis, the local board shall provide information to the relative regarding the opportunity and process to petition the appropriate court for custody of the child, including the options for joint legal or joint physical custody.

E. The Department may require local boards to report to the Department all agreements entered into pursuant to subsection C and the final case outcome. The Department may include non-identifying information from such records in its child-protective services and foster care statistical reports.

F. For purposes of this section, "relative" means an adult who is (i) related to the child by blood, marriage, or adoption or (ii) fictive kin of the child.

2. That the Board of Social Services (the Board) shall promulgate regulations to implement the

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59 provisions of this act, which may include provisions governing the manner in which Kinship as
60 Foster Care Prevention Program payments are calculated and prioritized based on available
61 funding. The Board's initial adoption of regulations necessary to implement the provisions of this
62 act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of
63 Virginia), except that the Board shall provide an opportunity for public comment on such
64 regulations prior to adoption.