

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 15.2-1627.5, 63.2-100, 63.2-1505, and 63.2-1506.1 of the Code of*  
3 *Virginia, relating to children's advocacy centers; definitions; investigations by local departments of*  
4 *social services.*

5 [H 1128]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That §§ 15.2-1627.5, 63.2-100, 63.2-1505, and 63.2-1506.1 of the Code of Virginia are amended**  
9 **and reenacted as follows:**10 **§ 15.2-1627.5. Coordination of multidisciplinary response to child sexual abuse and the abuse,**  
11 **neglect, and exploitation of adults.**12 A. The attorney for the Commonwealth in each jurisdiction in the Commonwealth shall establish a  
13 multidisciplinary child sexual abuse response team, which may be an existing multidisciplinary team.  
14 The multidisciplinary team shall conduct regular reviews of new and ongoing reports of felony sex  
15 offenses in the jurisdiction involving a child and the investigations thereof and, at the request of any  
16 member of the team, may conduct reviews of any other reports of child abuse and neglect or sex  
17 offenses in the jurisdiction involving a child and the investigations thereof. The multidisciplinary team  
18 shall meet frequently enough to ensure that no new or ongoing reports go more than 60 days without  
19 being reviewed by the team.20 B. The following individuals, or their designees, shall participate in review meetings of the  
21 multidisciplinary team established pursuant to subsection A: the attorney for the Commonwealth;  
22 law-enforcement officials responsible for the investigation of sex offenses involving a child in the  
23 jurisdiction; a representative of the local child protective services unit; a representative of a ~~child~~  
24 *children's* advocacy center serving the jurisdiction, if one exists; and a representative of an Internet  
25 Crimes Against Children task force affiliate agency serving the jurisdiction, if one exists. In addition, the  
26 attorney for the Commonwealth may invite other individuals, or their designees, including the school  
27 superintendent of the jurisdiction; a representative of any sexual assault crisis center serving the  
28 jurisdiction, if one exists; the director of the victim/witness program serving the jurisdiction, if one  
29 exists; and a health professional knowledgeable in the treatment and provision of services to children  
30 who have been sexually abused.31 C. The attorney for the Commonwealth in each jurisdiction may also establish a multidisciplinary  
32 adult abuse, neglect, and exploitation response team to review cases of abuse, neglect, and exploitation  
33 of adults as defined in § 63.2-1603. The multidisciplinary team may be established separately or in  
34 conjunction with any already existing multidisciplinary team.35 **§ 63.2-100. Definitions.**

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

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

38 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or  
39 inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than  
40 accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental  
41 functions, including, but not limited to, a child who is with his parent or other person responsible for his  
42 care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled  
43 substance, or (ii) during the unlawful sale of such substance by that child's parents or other person  
44 responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would  
45 constitute a felony violation of § 18.2-248;46 2. Whose parents or other person responsible for his care neglects or refuses to provide care  
47 necessary for his health. However, no child who in good faith is under treatment solely by spiritual  
48 means through prayer in accordance with the tenets and practices of a recognized church or religious  
49 denomination shall for that reason alone be considered to be an abused or neglected child. Further, a  
50 decision by parents who have legal authority for the child or, in the absence of parents with legal  
51 authority for the child, any person with legal authority for the child, who refuses a particular medical  
52 treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary  
53 care if (i) such decision is made jointly by the parents or other person with legal authority and the child;  
54 (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the  
55 subject of his medical treatment; (iii) the parents or other person with legal authority and the child have  
56 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. No child whose parent or other person responsible for his care allows the child to engage in independent activities without adult supervision shall for that reason alone be considered to be an abused or neglected child, provided that (a) such independent activities are appropriate based on the child's age, maturity, and physical and mental abilities and (b) such lack of supervision does not constitute conduct that is so grossly negligent as to endanger the health or safety of the child. Such independent activities include traveling to or from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a reasonable period of time. 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 Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title 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 providers, 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 placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

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

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

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

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more adults who are aged or infirm or who have disabilities and who reside elsewhere, 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, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more adults who are aged or infirm or who have disabilities.

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

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults. "Adult foster care" does not include services or support provided to individuals through the

Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9.

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

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

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

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged or infirm or who have disabilities and who are cared for 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 individuals who are infirm or who have disabilities between the ages of 18 and 21, or 22 if enrolled in an educational program for individuals with disabilities 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 individuals who are 62 years of age or older or individuals with disabilities 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 adults who are aged or infirm or who have disabilities. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an individual who is aged or infirm or who has a disability.

"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.

"Children's advocacy center" means a child-friendly facility that (i) enables law enforcement, child protection, prosecution, mental health, medical, and victim advocacy professionals to work together to investigate child abuse, help children heal from abuse, and hold offenders accountable; (ii) is accredited by or is an associate or developing member pursuing accreditation by the National Children's Alliance; and (iii) is a member in good standing of the Children's Advocacy Centers of Virginia.

"Children's Advocacy Centers of Virginia" means the Virginia chapter of the National Children's

179 *Alliance and the organizing entity for children's advocacy centers in Virginia.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

233 "General relief" means money payments and other forms of relief made to those persons mentioned  
234 in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with  
235 § 63.2-401.

236 "Independent foster home" means a private family home in which any child, other than a child by  
237 birth or adoption of such person, resides as a member of the household and has been placed therein  
238 independently of a child-placing agency except (i) a home in which are received only children related by  
239 birth or adoption of the person who maintains such home and children of personal friends of such

person; (ii) a home in which is received a child or children committed under the provisions of 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 (iii) a home in which are received only children who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

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

"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 who was 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. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living 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 the 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.

"National Children's Alliance" means the national professional membership organization that provides standards for children's advocacy center accreditation.

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

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

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

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

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

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

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

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

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive

parents of a child reside in the home and neither parent is exempt from Virginia Initiative for Education and Work (VIEW) participation under § 63.2-609.

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

**§ 63.2-1505. Investigations by local departments.**

A. An investigation requires the collection of information necessary to determine:

1. The immediate safety needs of the child;

2. The protective and rehabilitative services needs of the child and family that will deter abuse or neglect;

3. Risk of future harm to the child;

4. Alternative plans for the child's safety if protective and rehabilitative services are indicated and the family is unable or unwilling to participate in services;

5. Whether abuse or neglect has occurred;

6. If abuse or neglect has occurred, who abused or neglected the child; and

7. A finding of either founded or unfounded based on the facts collected during the investigation.

B. If the local department responds to the report or complaint by conducting an investigation, the local department shall:

1. Make immediate investigation and, if the report or complaint was based upon one of the factors specified in subsection B of § 63.2-1509, the local department may file a petition pursuant to § 16.1-241.3;

2. Complete a report and enter it into the statewide automation system maintained by the Department;

3. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and his family;

4. Petition the court for services deemed necessary including, but not limited to, removal of the child or his siblings from their home;

5. Determine within 45 days if a report of abuse or neglect is founded or unfounded and transmit a report to such effect to the Department and to the person who is the subject of the investigation. However, upon written justification by the local department, the time for such determination may be extended not to exceed a total of 60 days or, in the event that the investigation is being conducted in cooperation with a law-enforcement agency and both parties agree that circumstances so warrant, as stated in the written justification, the time for such determination may be extended not to exceed 90 days. If through the exercise of reasonable diligence the local department is unable to find the child who is the subject of the report, the time the child cannot be found shall not be computed as part of the total time period allowed for the investigation and determination and documentation of such reasonable diligence shall be placed in the record. In cases involving the death of a child or alleged sexual abuse of a child who is the subject of the report, the time during which records necessary for the investigation of the complaint but not created by the local department, including autopsy or medical or forensic records or reports, are not available to the local department due to circumstances beyond the local department's control shall not be computed as part of the total time period allowed for the investigation and determination, and documentation of the circumstances that resulted in the delay shall be placed in the record. In cases in which the subject of the investigation is a full-time, part-time, permanent, or temporary employee of a school division who is suspected of abusing or neglecting a child in the course of his educational employment, the time period for determining whether a report is founded or unfounded and transmitting a report to that effect to the Department and the person who is the subject of the investigation shall be mandatory, and every local department shall make the required determination and report within the specified time period without delay;

6. If a report of abuse or neglect is unfounded, transmit a report to such effect to the complainant and parent or guardian and the person responsible for the care of the child in those cases where such person was suspected of abuse or neglect;

7. If a report of child abuse and neglect is founded, and the subject of the report is or was at the time of the investigation or the conduct that led to the report a full-time, part-time, permanent, or temporary employee of a school division located within the Commonwealth, notify the relevant school board of the founded complaint without delay; and

8. Upon request, disclose to the child's parent or guardian the location of the child, provided that (i) the investigation has not been completed and a report has not been transmitted pursuant to subdivision 5; (ii) the parent or guardian requesting disclosure of the child's location has not been the subject of a founded report of child abuse or neglect; (iii) the parent or guardian requesting disclosure of the child's location has legal custody of the child and provides to the local department any records or other information necessary to verify such custody; (iv) the local department is not aware of any court order,

and has confirmed with the child's other parent or guardian or other person responsible for the care of the child that no court order has been issued, that prohibits or limits contact by the parent or guardian requesting disclosure of the child's location with the child, the child's other parent or guardian or other person responsible for the care of the child, or any member of the household in which the child is located; and (v) disclosure of the child's location to the parent or guardian will not compromise the safety of the child, the child's other parent or guardian, or any other person responsible for the care of the child.

If a local multidisciplinary team has determined that an interview of the child by a ~~child~~ *children's* advocacy center ~~recognized by the National Children's Alliance~~ is needed and an interview with a ~~recognized child~~ *children's* advocacy center within the jurisdiction cannot be completed within 14 days, the local department may facilitate the interview with a ~~recognized child~~ *children's* advocacy center located in another jurisdiction.

Any information exchanged for the purposes of this subsection shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

C. Each local board may obtain and consider, in accordance with regulations adopted by the Board, statewide criminal history record information from the Central Criminal Records Exchange and shall obtain and consider results of a search of the child abuse and neglect central registry of any individual who is the subject of a child abuse or neglect investigation conducted under this section when there is evidence of child abuse or neglect and the local board is evaluating the safety of the home and whether removal will protect a child from harm. The local board shall determine whether the individual has resided in another state within at least the preceding five years and, if he has resided in another state, the local board shall request a search of the child abuse and neglect registry or equivalent registry maintained by such state. The local board also may obtain such a criminal records or registry search on all adult household members residing in the home where the individual who is the subject of the investigation resides and the child resides or visits. If a child abuse or neglect petition is filed in connection with such removal, a court may admit such information as evidence. Where the individual who is the subject of such information contests its accuracy through testimony under oath in hearing before the court, no court shall receive or consider the contested criminal history record information without certified copies of conviction. Further dissemination of the information provided to the local board is prohibited, except as authorized by law.

D. A person who has not previously participated in the investigation of complaints of child abuse or neglect in accordance with this chapter shall not participate in the investigation of any case involving a complaint of alleged sexual abuse of a child unless he (i) has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child or (ii) is under the direct supervision of a person who has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child. No individual may make a determination of whether a case involving a complaint of alleged sexual abuse of a child is founded or unfounded unless he has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child.

E. Any individual who is the subject of a child abuse or neglect investigation conducted under this section shall notify the local department prior to changing his place of residence and provide the local department with the address of his new residence.

#### **§ 63.2-1506.1. Human trafficking assessments by local departments.**

A. If a report or complaint is based upon information and allegations that a child is 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 (P.L. 114-22), the local department shall conduct a human trafficking assessment, unless at any time during the human trafficking assessment the local department determines that an investigation or family assessment is required pursuant to § 63.2-1505 or 63.2-1506. *If at any time during the human trafficking assessment it is determined that a forensic interview of the child is needed, such interview may be performed by a children's advocacy center within the jurisdiction; however, if an interview with a children's advocacy center within the jurisdiction cannot be completed within 14 days, the forensic interview may be conducted by a children's advocacy center located in another jurisdiction.*

B. A human trafficking assessment requires the collection of information necessary to determine:

1. The immediate safety needs of the child;
2. The protective and rehabilitative services needs of the child and the child's family that will deter abuse and neglect; and
3. Risk of future harm to the child.

C. When a local department responds to the report or complaint by conducting a human trafficking assessment, the local department may:

1. Consult with the family to arrange for necessary protective and rehabilitative services to be



484 provided to the child and the child's family;

485 2. Petition the court for services deemed necessary; or

486 3. Commence an immediate investigation or family assessment, if at any time during the human  
487 trafficking assessment the local department determines that an investigation or family assessment is  
488 required pursuant to § 63.2-1505 or 63.2-1506.

489 D. In the event that the parents or guardians of the child reside in a jurisdiction other than that in  
490 which the report or complaint was received, the local department that received the report or complaint  
491 and the local department where the child resides with his parents or guardians shall work jointly to  
492 complete the human trafficking assessment.

493 E. Reports or complaints for which a human trafficking assessment is completed shall not be entered  
494 into the central registry contained in § 63.2-1515.

495 F. The local department or departments shall notify the Child Protective Services Unit within the  
496 Department in writing whenever such a human trafficking assessment is conducted.

497 G. When conducting a human trafficking assessment pursuant to this section, the local department  
498 may interview the alleged child victim or his siblings without the consent and outside the presence of  
499 such child's or siblings' parent, guardian, legal custodian, or other person standing in loco parentis, or  
500 school personnel.