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SENATE BILL NO. 115

Offered January 10, 2024

Prefiled January 4, 2024

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 consumption of authorized substances.*

Patron—Lucas

Referred to Committee for Courts of Justice

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 (§ 54.1-3400 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. 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

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59 the parent or other person responsible for his care knows has been convicted of an offense against a
60 minor for which registration is required as a Tier III offender pursuant to § 9.1-902; or

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

64 If a civil proceeding under this chapter is based solely on the parent having left the child at a
65 hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely
66 delivered the child within 30 days of the child's birth to (i) a hospital that provides 24-hour emergency
67 services, (ii) an attended emergency medical services agency that employs emergency medical services
68 personnel, or (iii) a newborn safety device located at and operated by such hospital or emergency
69 medical services agency. For purposes of terminating parental rights pursuant to § 16.1-283 and
70 placement for adoption, the court may find such a child is a neglected child upon the ground of
71 abandonment.

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

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

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

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

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

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

96 "Child in need of supervision" means:

97 1. A child who, while subject to compulsory school attendance, is habitually and without justification
98 absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of
99 any and all educational services and programs that are required to be provided by law and which meet
100 the child's particular educational needs, (ii) the school system from which the child is absent or other
101 appropriate agency has made a reasonable effort to effect the child's regular attendance without success,
102 and (iii) the school system has provided documentation that it has complied with the provisions of
103 § 22.1-258; or

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

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

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

115 "Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an
116 ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of
117 § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but does not include an
118 act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if
119 committed by a child.

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

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

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

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

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by 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

182 court of each county or city.

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

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

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

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

201 "Qualified residential treatment program" means a program that (i) provides 24-hour residential
202 placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that
203 meets the clinical and other needs of children with serious emotional or behavioral disorders, including
204 any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this
205 definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site
206 and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts
207 outreach with the child's family members, including efforts to maintain connections between the child
208 and his siblings and other family; documents and maintains records of such outreach efforts; and
209 maintains contact information for any known biological family and fictive kin of the child; (v) whenever
210 appropriate and in the best interest of the child, facilitates participation by family members in the child's
211 treatment program before and after discharge and documents the manner in which such participation is
212 facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months
213 after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an
214 organization approved by the federal Secretary of Health and Human Services; and (viii) requires that
215 any child placed in the program receive an assessment within 30 days of such placement by a qualified
216 individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based,
217 validated, and functional assessment tool approved by the Commissioner of Social Services; (b)
218 identifies whether the needs of the child can be met through placement with a family member or in a
219 foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified
220 residential treatment program, that would provide the most effective and appropriate level of care for the
221 child in the least restrictive environment and be consistent with the short-term and long-term goals
222 established for the child in his foster care or permanency plan; (c) establishes a list of short-term and
223 long-term mental and behavioral health goals for the child; and (d) is documented in a written report to
224 be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282,
225 16.1-282.1, or 16.1-282.2.

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

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

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

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

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

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

239 "Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of
240 § 16.1-269.1 when committed by a juvenile 14 years of age or older.

241 **§ 16.1-278.15. Custody or visitation, child or spousal support generally.**

242 A. In cases involving the custody, visitation or support of a child pursuant to subdivision A 3 of
243 § 16.1-241, the court may make any order of disposition to protect the welfare of the child and family

as may be made by the circuit court. The parties to any petition where a child whose custody, visitation, or support is contested shall show proof that they have attended within the 12 months prior to their court appearance or that they shall attend within 45 days thereafter an educational seminar or other like program conducted by a qualified person or organization approved by the Office of the Executive Secretary of the Supreme Court of Virginia. The court may require the parties to attend such seminar or program in uncontested cases only if the court finds good cause. The seminar or other program shall be a minimum of four hours in length and shall address the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities. Once a party has completed one educational seminar or other like program, the required completion of additional programs shall be at the court's discretion. Parties under this section shall include natural or adoptive parents of the child, or any person with a legitimate interest as defined 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 (§ 54.1-3400 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*

305 54.1. The court may enter such orders as it deems appropriate for the payment of the costs of the testing
306 by the parties. *A person's legal possession or consumption of substances authorized under Title 4.1 or*
307 *Chapter 34 of Title 54.1 alone shall not serve as a basis to restrict custody or visitation unless other*
308 *facts establish that such possession or consumption is not in the best interest of the child.*

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

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

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

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

325 **§ 20-124.2. Court-ordered custody and visitation arrangements.**

326 A. In any case in which custody or visitation of minor children is at issue, whether in a circuit or
327 district court, the court shall provide prompt adjudication, upon due consideration of all the facts, of
328 custody and visitation arrangements, including support and maintenance for the children, prior to other
329 considerations arising in the matter. The court may enter an order pending the suit as provided in
330 § 20-103. The procedures for determining custody and visitation arrangements shall insofar as practical,
331 and consistent with the ends of justice, preserve the dignity and resources of family members. Mediation
332 shall be used as an alternative to litigation where appropriate. When mediation is used in custody and
333 visitation matters, the goals may include development of a proposal addressing the child's residential
334 schedule and care arrangements, and how disputes between the parents will be handled in the future.

335 B. In determining custody, the court shall give primary consideration to the best interests of the
336 child. The court shall consider and may award joint legal, joint physical, or sole custody, and there shall
337 be no presumption in favor of any form of custody. The court shall assure minor children of frequent
338 and continuing contact with both parents, when appropriate, and encourage parents to share in the
339 responsibilities of rearing their children. As between the parents, there shall be no presumption or
340 inference of law in favor of either. The court shall give due regard to the primacy of the parent-child
341 relationship but may upon a showing by clear and convincing evidence that the best interest of the child
342 would be served thereby award custody or visitation to any other person with a legitimate interest. *A*
343 *person's legal possession or consumption of substances authorized under Title 4.1 or Chapter 34*
344 *(§ 54.1-3400 et seq.) of Title 54.1 alone shall not serve as a basis to restrict custody or visitation unless*
345 *other facts establish that such possession or consumption is not in the best interest of the child.*

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

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

356 C. The court may order that support be paid for any child of the parties. Upon request of either
357 party, the court may order that such support payments be made to a special needs trust or an ABLE
358 savings trust account as defined in § 23.1-700. The court shall also order that support will continue to be
359 paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting,
360 and (iii) living in the home of the party seeking or receiving child support until such child reaches the
361 age of 19 or graduates from high school, whichever first occurs. The court may also order that support
362 be paid or continue to be paid for any child over the age of 18 who is (a) severely and permanently
363 mentally or physically disabled, and such disability existed prior to the child reaching the age of 18 or
364 the age of 19 if the child met the requirements of clauses (i), (ii), and (iii); (b) unable to live
365 independently and support himself; and (c) residing in the home of the parent seeking or receiving child
366 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 (§ 54.1-3400 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. 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.

"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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

601 "General relief" means money payments and other forms of relief made to those persons mentioned
602 in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with §
603 63.2-401.

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

612 "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.

"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

674 residential treatment program and is not affiliated with any placement setting in which children are
675 placed by such local board of social services or licensed child-placing agency.

676 "Qualified residential treatment program" means a program that (i) provides 24-hour residential
677 placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that
678 meets the clinical and other needs of children with serious emotional or behavioral disorders, including
679 any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this
680 definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site
681 and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts
682 outreach with the child's family members, including efforts to maintain connections between the child
683 and his siblings and other family; documents and maintains records of such outreach efforts; and
684 maintains contact information for any known biological family and fictive kin of the child; (v) whenever
685 appropriate and in the best interest of the child, facilitates participation by family members in the child's
686 treatment program before and after discharge and documents the manner in which such participation is
687 facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months
688 after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an
689 organization approved by the federal Secretary of Health and Human Services; and (viii) requires that
690 any child placed in the program receive an assessment within 30 days of such placement by a qualified
691 individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based,
692 validated, and functional assessment tool approved by the Commissioner of Social Services; (b)
693 identifies whether the needs of the child can be met through placement with a family member or in a
694 foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified
695 residential treatment program, that would provide the most effective and appropriate level of care for the
696 child in the least restrictive environment and be consistent with the short-term and long-term goals
697 established for the child in his foster care or permanency plan; (c) establishes a list of short-term and
698 long-term mental and behavioral health goals for the child; and (d) is documented in a written report to
699 be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282,
700 16.1-282.1, or 16.1-282.2.

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

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

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

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

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

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

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

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

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

733 **2. That the Board of Social Services shall amend its regulations, guidance documents, and other**
734 **instructional materials to ensure that such regulations, documents, and materials comply with, and**
735 **that investigations and family assessments are conducted by local departments of social services in**

736 accordance with, the provisions of this act.