

# VIRGINIA ACTS OF ASSEMBLY - 2025 SESSION

## CHAPTER 568

*An Act to direct the State Board of Social Services to amend its regulations regarding the application for and use of foster care benefits.*

[H 2457]

Approved March 24, 2025

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

**1. § 1.** *That the State Board of Social Services (the Board) shall amend its regulations by January 1, 2026, to (i) require local departments of social services to apply for federal benefits on behalf of children in foster care that they may be eligible for, (ii) prohibit the use of military survivor benefits to pay for the care and support of children in foster care that the Commonwealth is otherwise obligated to pay for, and (iii) require local departments of social services that are representative payees for children in foster care to conserve such military survivor benefits in an appropriate trust instrument or protected account that is exempt from federal asset and resource limits, such as an Achieving a Better Life Experience account pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 of the Code of Virginia. The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on such regulations prior to adoption.*