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INTRODUCED

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4 **HOUSE BILL NO. 266**  
5 Offered January 14, 2026  
6 Prefiled January 9, 2026  
7 A BILL to amend and reenact §§ 2.2-3803, 2.2-3815, 22.1-272.1, 22.1-291.3, 63.2-105, 63.2-1501,  
8 63.2-1502, 63.2-1503, 63.2-1508, 63.2-1509, 63.2-1512, and 63.2-1530 of the Code of Virginia; to amend  
9 the Code of Virginia by adding a section numbered 63.2-1510.1; and to repeal § 63.2-1510 of the Code of  
Virginia, relating to Department of Social Services; centralized intake and validity determination for child  
abuse and neglect.

10 Patron—Tata

11 Committee Referral Pending

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

13 1. That §§ 2.2-3803, 2.2-3815, 22.1-272.1, 22.1-291.3, 63.2-105, 63.2-1501, 63.2-1502, 63.2-1503,  
14 63.2-1508, 63.2-1509, 63.2-1512, and 63.2-1530 of the Code of Virginia are amended and reenacted and  
15 that the Code of Virginia is amended by adding a section numbered 63.2-1510.1 as follows:

16     **§ 2.2-3803. Administration of systems including personal information; Internet privacy policy; exceptions.**

17         A. Any agency maintaining an information system that includes personal information shall:

18             1. Collect, maintain, use, and disseminate only that personal information permitted or required by law to  
19 be so collected, maintained, used, or disseminated, or necessary to accomplish a proper purpose of the  
20 agency;

21             2. Collect information to the greatest extent feasible from the data subject directly, or through the sharing  
22 of data with other agencies, in order to accomplish a proper purpose of the agency;

23             3. Establish categories for maintaining personal information to operate in conjunction with confidentiality  
24 requirements and access controls;

25             4. Maintain information in the system with accuracy, completeness, timeliness, and pertinence as  
26 necessary to ensure fairness in determinations relating to a data subject;

27             5. Make no dissemination to another system without (i) specifying requirements for security and usage  
28 including limitations on access thereto, and (ii) receiving reasonable assurances that those requirements and  
29 limitations will be observed. This subdivision shall not apply, however, to a dissemination made by an  
30 agency to an agency in another state, district or territory of the United States where the personal information  
31 is requested by the agency of such other state, district or territory in connection with the application of the  
32 data subject therein for a service, privilege or right under the laws thereof, nor shall this apply to information  
33 transmitted to family advocacy representatives of the United States Armed Forces in accordance with  
34 subsection N M of § 63.2-1503;

35             6. Maintain a list of all persons or organizations having regular access to personal information in the  
36 information system;

37             7. Maintain for a period of three years or until such time as the personal information is purged, whichever  
38 is shorter, a complete and accurate record, including identity and purpose, of every access to any personal  
39 information in a system, including the identity of any persons or organizations not having regular access  
40 authority but excluding access by the personnel of the agency wherein data is put to service for the purpose  
41 for which it is obtained;

42             8. Take affirmative action to establish rules of conduct and inform each person involved in the design,  
43 development, operation, or maintenance of the system, or the collection or use of any personal information  
44 contained therein, about all the requirements of this chapter, the rules and procedures, including penalties for  
45 noncompliance, of the agency designed to assure compliance with such requirements;

46             9. Establish appropriate safeguards to secure the system from any reasonably foreseeable threat to its  
47 security; and

48             10. Collect no personal information concerning the political or religious beliefs, affiliations, and activities  
49 of data subjects that is maintained, used, or disseminated in or by any information system operated by any  
50 agency unless authorized explicitly by statute or ordinance. Nothing in this subdivision shall be construed to  
51 allow an agency to disseminate to federal government authorities information concerning the religious beliefs  
52 and affiliations of data subjects for the purpose of compiling a list, registry, or database of individuals based  
53 on religious affiliation, national origin, or ethnicity, unless such dissemination is specifically required by state  
54 or federal law.

55             B. Every public body, as defined in § 2.2-3701, that has an Internet website associated with that public  
56 body shall develop an Internet privacy policy and an Internet privacy policy statement that explains the policy

59 to the public. The policy shall be consistent with the requirements of this chapter. The statement shall be  
60 made available on the public body's website in a conspicuous manner. The Secretary of Administration or his  
61 designee shall provide guidelines for developing the policy and the statement, and each public body shall  
62 tailor the policy and the statement to reflect the information practices of the individual public body. At  
63 minimum, the policy and the statement shall address (i) what information, including personally identifiable  
64 information, will be collected, if any; (ii) whether any information will be automatically collected simply by  
65 accessing the website and, if so, what information; (iii) whether the website automatically places a computer  
66 file, commonly referred to as a "cookie," on the Internet user's computer and, if so, for what purpose; and (iv)  
67 how the collected information is being used or will be used.

68 C. Notwithstanding the provisions of subsection A, the Virginia Retirement System may disseminate  
69 information as to the retirement status or benefit eligibility of any employee covered by the Virginia  
70 Retirement System, the Judicial Retirement System, the State Police Officers' Retirement System, or the  
71 Virginia Law Officers' Retirement System, to the chief executive officer or personnel officers of the state or  
72 local agency by which he is employed.

73 D. Notwithstanding the provisions of subsection A, the Department of Social Services may disseminate  
74 client information to the Department of Taxation for the purposes of providing specified tax information as  
75 set forth in clause (ii) of subsection C of § 58.1-3.

76 E. Notwithstanding the provisions of subsection A, the State Council of Higher Education for Virginia  
77 may disseminate student information to agencies acting on behalf or in place of the U.S. government to gain  
78 access to data on wages earned outside the Commonwealth or through federal employment, for the purposes  
79 of complying with § 23.1-204.1.

80 **§ 2.2-3815. Access to social security numbers prohibited; exceptions.**

81 A. Except as otherwise provided in this chapter, the first five digits of a social security number contained  
82 in a public record shall be confidential and exempt from disclosure under the Freedom of Information Act  
83 (§ 2.2-3700 et seq.).

84 For the purposes of this chapter:

85 "Agency" means the same as that term is defined in § 2.2-3801, unless the context requires otherwise.

86 "Data subject" means the same as that term is defined in § 2.2-3801.

87 "Public record" means the same as that term is defined in § 2.2-3701, but shall not include any records  
88 required by law to be maintained by the clerks of the courts of record, as defined in § 1-212, or courts not of  
89 record, as defined in § 16.1-69.5.

90 "Regional agency" means a unit of government organized as provided by law whose members are  
91 appointed by the participating local governing bodies, and such unit includes two or more counties, cities, or  
92 towns.

93 B. The provisions of this section shall not be construed to prevent the release of a social security number:

94 1. In accordance with a proper judicial order;

95 2. To any federal, state or local law-enforcement or correctional personnel, including a law-enforcement  
96 officer, probation officer, parole officer or administrator, or a member of a parole board, seeking information  
97 in the course of his official duties;

98 3. By one agency to another agency in Virginia or to an agency in another state, district, or territory of the  
99 United States where such information is requested by such agencies in connection with (i) the application of  
100 the data subject therein for a service, privilege, or right under the laws thereof, (ii) the transmittal of  
101 information to family advocacy representatives of the United States Armed Forces in accordance with  
102 subsection M of § 63.2-1503, or (iii) the performance of such agency's official duties;

103 4. To any data subject exercising his rights under § 2.2-3806, or if the data subject is less than 18 years of  
104 age, to his legal guardian or parent, including a noncustodial parent, unless such parent's parental rights have  
105 been terminated or a court of competent jurisdiction has restricted or denied such access;

106 5. To any other agency in Virginia or to a federal agency in order to comply with any applicable law or  
107 regulation; or

108 6. To a person or entity when necessary to administer any program of the agency, to perform a service or  
109 function of the agency, or to conduct or complete the transaction for which the social security number was  
110 submitted to the agency.

111 **§ 22.1-272.1. Responsibility to contact parent of student at imminent risk of suicide; notice to be  
112 given to social services if parental abuse or neglect; Board of Education to develop guidelines for  
113 parental contact.**

114 A. Any person licensed as administrative or instructional personnel by the Board of Education and  
115 employed by a local school board who in the scope of his employment has reason to believe, as a result of  
116 direct communication from a student, that such student is at imminent risk of suicide shall, as soon as  
117 practicable, (i) contact at least one of such student's parents to ask whether such parent is aware of the  
118 student's mental state and whether the parent wishes to obtain or has already obtained counseling for such  
119 student and (ii) provide to the parent materials on suicide prevention that shall include information on the  
120 legal requirements set forth in § 18.2-56.2 relating to the safe storage of firearms in the presence of minors

121 and that may include guidance on best practices and strategies for limiting a student's access to lethal means,  
 122 including firearms and medications. Such contact shall be made and any materials on suicide prevention  
 123 provided shall be selected in accordance with the provisions of the guidelines required by subsection C.

124 B. If the student has indicated that the reason for being at imminent risk of suicide relates to parental  
 125 abuse or neglect, this contact shall not be made with the parent. Instead, the person shall, as soon as  
 126 practicable, notify *the state Department of Social Services' child abuse and neglect intake system, as required*  
 127 *by § 63.2-1509 or* the local department of social services of the county or city wherein the child resides or  
 128 wherein the abuse or neglect is believed to have occurred ~~or the state Department of Social Services' toll free~~  
 129 ~~child abuse and neglect hotline, as required by § 63.2-1509.~~ When giving this notice to the local or state  
 130 department, the person shall stress the need to take immediate action to protect the child from harm.

131 C. The Board of Education, in cooperation with the Department of Behavioral Health and Developmental  
 132 Services and the Department of Health, shall develop guidelines for making the contact required by  
 133 subsection A. These guidelines shall include, but need not be limited to, (i) criteria to assess the suicide risks  
 134 of students; (ii) characteristics to identify potentially suicidal students; (iii) appropriate responses to students  
 135 expressing suicidal intentions; (iv) available and appropriate community services for students expressing  
 136 suicidal intentions; (v) suicide prevention strategies that may be implemented by local schools for students  
 137 expressing suicidal intentions; (vi) criteria for notification of and discussions with parents of students  
 138 expressing suicidal intentions; (vii) criteria for as-soon-as-practicable contact with the parents; (viii) criteria  
 139 for selecting materials on suicide prevention, including those relating to safe firearm storage and best  
 140 practices and strategies for limiting a student's access to lethal means, to be provided to the parent of any  
 141 student expressing suicidal intentions, including materials that have been pre-approved for such use by the  
 142 Board; (ix) appropriate sensitivity to religious beliefs; and (x) legal requirements and criteria for notification  
 143 of public service agencies, including, but not limited to, the local or state social services and mental health  
 144 agencies. These guidelines may include case studies and problem-solving exercises and may be designed as  
 145 materials for in-service training programs for licensed administrative and instructional personnel.

**§ 22.1-291.3. Notice of duty to report child abuse or neglect.**

146 Each public school board and each administrator of every private or parochial school shall post, in each of  
 147 their schools, a notice, pursuant to § 63.2-1509, that: (i) any teacher or other person employed in a public or  
 148 private school who has reason to suspect that a child is an abused or neglected child, including any child who  
 149 may be abandoned, is required to report such suspected cases of child abuse or neglect to *the Department of*  
 150 *Social Services' child abuse and neglect intake system*, local or state social services agencies or the person in  
 151 charge of the relevant school or his designee; and (ii) all persons required to report cases of suspected child  
 152 abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account  
 153 of such reports unless such person has acted in bad faith or with malicious purpose. ~~The notice shall also~~  
 154 ~~include the Virginia Department of Social Services' toll free child abuse and neglect hotline.~~

**§ 63.2-105. Confidential records and information concerning social services; child-protective services and child-placing agencies.**

155 A. The local department may disclose the contents of records and information learned during the course of  
 156 a child-protective services investigation or during the provision of child-protective services to a family,  
 157 without a court order and without the consent of the family, to a person having a legitimate interest when in  
 158 the judgment of the local department such disclosure is in the best interest of the child who is the subject of  
 159 the records. Persons having a legitimate interest in child-protective services records of local departments  
 160 include, but are not limited to, (i) any person who is responsible for investigating a report of known or  
 161 suspected abuse or neglect or for providing services to a child or family that is the subject of a report,  
 162 including multidisciplinary teams and family assessment and planning teams referenced in subsections *J* *I* and  
 163 *K* *J* of § 63.2-1503, law-enforcement agencies and attorneys for the Commonwealth; (ii) child welfare or  
 164 human services agencies of the Commonwealth or its political subdivisions when those agencies request  
 165 information to determine the compliance of any person with a child-protective services plan or an order of  
 166 any court; (iii) personnel of the school or child day program as defined in § 63.2-100 attended by the child so  
 167 that the local department can receive information from such personnel on an ongoing basis concerning the  
 168 child's health and behavior, and the activities of the child's custodian; (iv) a parent, grandparent, or any other  
 169 person when such parent, grandparent or other person would be considered by the local department as a  
 170 potential caretaker of the child in the event the local department has to remove the child from his custodian;  
 171 (v) the Commitment Review Committee and the Office of the Attorney General for the purposes of sexually  
 172 violent predator civil commitments pursuant to Chapter 9 (§ 37.2-900 et seq.) of Title 37.2; and (vi) the staff  
 173 of (a) a court services unit, (b) the Department of Juvenile Justice, (c) a local community services board, or  
 174 (d) the Department of Behavioral Health and Developmental Services who are providing treatment, services,  
 175 or care for a child who is the subject of such records for a purpose relevant to the provision of the treatment,  
 176 services, or care, including the immediate identification of children who may be receiving or who have  
 177 received treatment, services, or care from the local agencies and the Department of Juvenile Justice, when the  
 178 local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide  
 179 coordinated services to such children, provided that any court services unit or local community services board  
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183 to which such records are disclosed in accordance with this paragraph shall not further disclose any  
184 information received unless such further disclosure is expressly required by law.

185 The model memorandum of understanding developed in accordance with § 66-10.3 may serve as the  
186 formal agreement that is required pursuant to this subsection, but any formal agreement that is entered into by  
187 the local agencies and the Department of Juvenile Justice shall be reviewed by the Office of the Attorney  
188 General before such agreement may take effect.

189 Whenever a local department exercises its discretion to release otherwise confidential information to any  
190 person who meets one or more of these descriptions, the local department shall be presumed to have  
191 exercised its discretion in a reasonable and lawful manner.

192 B. Any person who has not been legally adopted in accordance with the provisions of this title and who  
193 was a child for whom all parental rights and responsibilities have been terminated, shall not have access to  
194 any information from a child-placing agency with respect to the identity of the biological family, except (i)  
195 upon application of the child who is 18 or more years of age, (ii) upon order of a circuit court entered upon  
196 good cause shown, and (iii) after notice to and opportunity for hearing by the applicant for such order and the  
197 child-placing agency or local board that had custody of the child.

198 An eligible person who is a resident of Virginia may apply for the court order provided for herein to (a)  
199 the circuit court of the county or city where the person resides or (b) the circuit court of the county or city  
200 where the principal office of the child-placing agency or local board that controls the information sought by  
201 the person is located. An eligible person who is not a resident of Virginia shall apply for such a court order to  
202 the circuit court of the county or city where the principal office of the child-placing agency or local board that  
203 controls the information sought by the person is located.

204 If the identity and whereabouts of the biological family are known to the agency or local board, the court  
205 may require the agency or local board to advise the biological parents of the pendency of the application for  
206 such order. In determining good cause for the disclosure of such information, the court shall consider the  
207 relative effects of such action upon the applicant for such order and upon the biological parents.

208 **§ 63.2-1501. Definitions.**

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

210 "Court" means the juvenile and domestic relations district court of the county or city.

211 "*Local department of jurisdiction*" means the local department in the county or city where the alleged  
212 victim child resides or in which the suspected abuse or neglect is believed to have occurred. If neither of  
213 these is known, then the local department of jurisdiction shall be the local department in the county or city  
214 where the abuse or neglect was discovered.

215 "Prevention" means efforts that (i) promote health and competence in people and (ii) create, promote, and  
216 strengthen environments that nurture people in their development.

217 **§ 63.2-1502. Establishment of Child-Protective Services Unit; duties.**

218 There is created a Child-Protective Services Unit in the Department that shall have the following powers  
219 and duties:

220 1. To evaluate and strengthen all local, regional, and state programs dealing with child abuse and neglect.

221 2. To assume primary responsibility for directing the planning and funding of child-protective services.

222 This shall include reviewing and approving the annual proposed plans and budgets for protective services  
223 submitted by the local departments.

224 3. To assist in developing programs aimed at discovering and preventing the many factors causing child  
225 abuse and neglect.

226 4. To prepare and disseminate, including the presentation of, educational programs and materials on child  
227 abuse and neglect.

228 5. To provide educational programs for professionals required by law to make reports under this chapter.

229 6. To establish standards of training and provide educational programs to qualify workers in the field of  
230 child-protective services. Such standards of training shall include provisions regarding the legal duties of the  
231 workers in order to protect the constitutional and statutory rights and safety of children and families from the  
232 initial time of contact during investigation through treatment.

233 7. To establish standards of training and educational programs to qualify workers to determine whether  
234 complaints of abuse or neglect of a child in a private or state-operated hospital, institution, or other facility, or  
235 public school, are founded.

236 8. To maintain staff qualified pursuant to Board regulations to assist local department personnel in  
237 determining whether an employee of a private or state-operated hospital, institution, or other facility or an  
238 employee of a school board, abused or neglected a child in such hospital, institution, or other facility, or  
239 public school.

240 9. To monitor the processing and determination of cases where an employee of a private or state-operated  
241 hospital, institution, or other facility, or an employee of a school board, is suspected of abusing or neglecting  
242 a child in such hospital, institution, or other facility, or public school.

243 10. To help coordinate child-protective services at the state, regional, and local levels with the efforts of  
244 other state and voluntary social, medical, and legal agencies.

245 11. To maintain a child abuse and neglect information system that includes all cases of child abuse and  
 246 neglect within the Commonwealth.

247 12. To provide for methods to preserve the confidentiality of all records in order to protect the rights of  
 248 the child, and his parents or guardians.

249 13. To establish minimum training requirements for workers and supervisors on family abuse and  
 250 domestic violence, including the relationship between domestic violence and child abuse and neglect.

251 14. To establish minimum training requirements for workers and supervisors on identifying, assessing,  
 252 and providing comprehensive services for children who are victims of sex trafficking or severe forms of  
 253 trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the  
 254 Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq., including efforts to coordinate with  
 255 law-enforcement, juvenile justice, and social service agencies such as runaway and homeless youth shelters  
 256 to serve this population.

257 15. *To establish and maintain, through its own personnel, an intake system capable of receiving reports  
 258 or complaints of child abuse and neglect on a 24-hours-a-day, seven-days-per-week basis. The Department  
 259 shall record all complaints received through such intake system into the child abuse and neglect information  
 260 system established pursuant to § 63.2-1514.*

261 16. *To assess each complaint of child abuse and neglect and determine whether the report or complaint is  
 262 valid pursuant to § 63.2-1508 immediately, but in no case more than two hours after receipt of the complaint.  
 263 For all valid complaints, the Department shall make a determination as to whether the local department of  
 264 jurisdiction shall conduct (i) an investigation pursuant to § 63.2-1505 or (ii) if designated as a child-  
 265 protective services differential response agency by the Department according to § 63.2-1504, a family  
 266 assessment pursuant to § 63.2-1506. The Department shall immediately notify the local department of  
 267 jurisdiction of a valid complaint.*

268 17. *To notify the local attorney for the Commonwealth and the local law-enforcement agency for the  
 269 county or city of the local department of jurisdiction of all valid reports or complaints of suspected child  
 270 abuse or neglect received by them involving (i) any death of a child; (ii) any injury or threatened injury to the  
 271 child in which a felony or Class 1 misdemeanor is also suspected; (iii) any sexual abuse, suspected sexual  
 272 abuse, or other sexual offense involving a child, including the use or display of the child in sexually explicit  
 273 visual material, as defined in § 18.2-374.1; (iv) any abduction of a child; (v) any felony or Class 1  
 274 misdemeanor drug offense involving a child; or (vi) any case of contributing to the delinquency of a minor in  
 275 violation of § 18.2-371, immediately, but in no case more than two hours after receipt of the valid report or  
 276 complaint.*

277 18. *To widely publicize a telephone number and website for receiving reports and complaints.*

**§ 63.2-1503. Local departments to establish child-protective services; duties.**

279 A. Each local department shall establish child-protective services under a departmental coordinator within  
 280 such department or with one or more adjacent local departments that shall be staffed with qualified personnel  
 281 pursuant to regulations adopted by the Board. The local department shall be the public agency responsible for  
 282 receiving and responding to complaints and reports, except that (i) in cases where the reports or complaints  
 283 are to be made to the court and the judge determines that no local department within a reasonable geographic  
 284 distance can impartially respond to the report, the court shall assign the report to the court services unit for  
 285 evaluation; and (ii) in cases where an employee at a private or state-operated hospital, institution or other  
 286 facility, or an employee of a school board is suspected of abusing or neglecting a child in such hospital,  
 287 institution or other facility, or public school, the local department shall request the Department and the  
 288 relevant private or state-operated hospital, institution or other facility, or school board to assist in conducting  
 289 a joint investigation in accordance with regulations adopted by the Board, in consultation with the  
 290 Departments of Education, Health, Medical Assistance Services, Behavioral Health and Developmental  
 291 Services, Juvenile Justice and Corrections.

292 B. The local department shall ensure, through its own personnel or through cooperative arrangements with  
 293 other local agencies, the capability of receiving reports or complaints and responding to them promptly on a  
 294 24-hours-a-day, seven-days-per-week basis that any complaint of child abuse or neglect received by the local  
 295 department shall be immediately forwarded to the Department's child abuse and neglect intake system.

296 C. The local department shall widely publicize a telephone number for receiving complaints and reports.

297 D. The local department shall notify the local attorney for the Commonwealth and the local  
 298 law-enforcement agency of all valid reports or complaints of suspected child abuse or neglect received by  
 299 them from the Department involving (i) any death of a child; (ii) any injury or threatened injury to the child in  
 300 which a felony or Class 1 misdemeanor is also suspected; (iii) any sexual abuse, suspected sexual abuse, or  
 301 other sexual offense involving a child, including but not limited to the use or display of the child in sexually  
 302 explicit visual material, as defined in § 18.2-374.1; (iv) any abduction of a child; (v) any felony or Class 1  
 303 misdemeanor drug offense involving a child; or (vi) contributing to the delinquency of a minor in violation of  
 304 § 18.2-371, immediately, but in no case more than two hours after receipt of the valid complaint, and shall  
 305 provide the attorney for the Commonwealth and the local law-enforcement agency with records and  
 306 information of the local department, including records related to any complaints of abuse or neglect involving

307 the victim or the alleged perpetrator, related to the investigation of the complaint. The local department shall  
308 notify the local attorney for the Commonwealth of all *valid* complaints of suspected child abuse or neglect  
309 involving the child's being left alone in the same dwelling with a person to whom the child is not related by  
310 blood or marriage and who has been convicted of an offense against a minor for which registration is required  
311 as a Tier III offender pursuant to § 9.1-902, immediately, but in no case more than two hours ~~of~~ *after* receipt  
312 of the *valid* complaint, and shall provide the attorney for the Commonwealth with records and information of  
313 the local department that would help determine whether a violation of post-release conditions, probation,  
314 parole, or court order has occurred due to the nonrelative offender's contact with the child. The local  
315 department shall not allow reports of the death of the victim from other local agencies to substitute for direct  
316 reports to the attorney for the Commonwealth and the local law-enforcement agency. The local department  
317 shall develop, when practicable, memoranda of understanding for responding to reports of child abuse and  
318 neglect with local law enforcement and the attorney for the Commonwealth.

319 In each case in which the local department notifies the local law-enforcement agency of a complaint  
320 pursuant to this subsection, the local department shall, within two business days of delivery of the  
321 notification, complete a written report, on a form provided by the Board for such purpose, which shall include  
322 (a) the name of the representative of the local department providing notice required by this subsection; (b) the  
323 name of the local law-enforcement officer who received such notice; (c) the date and time that notification  
324 was made; (d) the identity of the victim; (e) the identity of the person alleged to have abused or neglected the  
325 child, if known; (f) the clause or clauses in this subsection that describe the reasons for the notification; and  
326 (g) the signatures, which may be electronic signatures, of the representatives of the local department making  
327 the notification and the local law-enforcement officer receiving the notification. Such report shall be included  
328 in the record of the investigation and may be submitted either in writing or electronically.

329 **E. D.** When abuse or neglect is suspected in any case involving the death of a child, the local department  
330 shall report the case immediately to the regional medical examiner and the local law-enforcement agency.

331 **F. E.** The local department shall use reasonable diligence to locate (i) any child for whom a *valid report or  
332 complaint* of suspected abuse or neglect has been received and is under investigation, receiving family  
333 assessment, or for whom a founded determination of abuse and neglect has been made and a child-protective  
334 services case opened and (ii) persons who are the subject of a report that is under investigation or receiving  
335 family assessment, if the whereabouts of the child or such persons are unknown to the local department.

336 **G. F.** When an abused or neglected child and the persons who are the subject of an open child-protective  
337 services case have relocated out of the jurisdiction of the local department, the local department shall notify  
338 the child-protective services agency in the jurisdiction to which such persons have relocated, whether inside  
339 or outside of the Commonwealth, and forward to such agency relevant portions of the case record. The  
340 receiving local department shall arrange protective and rehabilitative services as required by this section.

341 **H. G.** When a child for whom a *valid report or complaint* of suspected abuse or neglect has been received  
342 and is under investigation or receiving family assessment and the child and the child's parents or other  
343 persons responsible for the child's care who are the subject of the report that is under investigation or family  
344 assessment have relocated out of the jurisdiction of the local department, the local department shall notify the  
345 child-protective services agency in the jurisdiction to which the child and such persons have relocated,  
346 whether inside or outside of the Commonwealth, and complete such investigation or family assessment by  
347 requesting such agency's assistance in completing the investigation or family assessment. The local  
348 department that completes the investigation or family assessment shall forward to the receiving agency  
349 relevant portions of the case record in order for the receiving agency to arrange protective and rehabilitative  
350 services as required by this section.

351 **I. H.** Upon receipt of a *valid report or complaint* of child abuse or neglect, the local department shall  
352 determine the validity of such report and shall make a determination to conduct an investigation pursuant to  
353 § 63.2-1505 or, if designated as a child-protective services differential response agency by the Department  
354 according to § 63.2-1504, a family assessment pursuant to § 63.2-1506.

355 **J. I.** The local department shall foster, when practicable, the creation, maintenance, and coordination of  
356 hospital and community-based multidisciplinary teams that shall include where possible, but not be limited  
357 to, members of the medical, mental health, social work, nursing, education, legal, and law-enforcement  
358 professions. Such teams shall assist the local departments in identifying abused and neglected children;  
359 coordinating medical, social, and legal services for the children and their families; developing innovative  
360 programs for detection and prevention of child abuse; promoting community concern and action in the area of  
361 child abuse and neglect; and disseminating information to the general public with respect to the problem of  
362 child abuse and neglect and the facilities and prevention and treatment methods available to combat child  
363 abuse and neglect. These teams may be the family assessment and planning teams established pursuant to  
364 § 2.2-5207. Multidisciplinary teams may develop agreements regarding the exchange of information among  
365 the parties for the purposes of the investigation and disposition of complaints of child abuse and neglect,  
366 delivery of services, and child protection. Any information exchanged in accordance with the agreement shall  
367 not be considered to be a violation of the provisions of § 63.2-102, 63.2-104, or 63.2-105.

368 The local department shall also coordinate its efforts in the provision of these services for abused and

369 neglected children with the judge and staff of the court.

370 **K.** *J.* The local department may develop multidisciplinary teams to provide consultation to the local  
371 department during the investigation of selected cases involving child abuse or neglect, and to make  
372 recommendations regarding the prosecution of such cases. These teams may include, but are not limited to,  
373 members of the medical, mental health, legal, and law-enforcement professions, including the attorney for the  
374 Commonwealth or his designee; a local child-protective services representative; and the guardian ad litem or  
375 other court-appointed advocate for the child. Any information exchanged for the purpose of such consultation  
376 shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

377 **L.** *K.* The local department shall report annually on its activities concerning abused and neglected children  
378 to the court and to the Child-Protective Services Unit in the Department on forms provided by the  
379 Department.

380 **M.** *L.* Statements, or any evidence derived therefrom, made to local department child-protective services  
381 personnel, or to any person performing the duties of such personnel, by any person accused of the abuse,  
382 injury, neglect, or death of a child after the arrest of such person, shall not be used in evidence in the  
383 case-in-chief against such person in the criminal proceeding on the question of guilt or innocence over the  
384 objection of the accused, unless the statement was made after such person was fully advised (i) of his right to  
385 remain silent, (ii) that anything he says may be used against him in a court of law, (iii) that he has a right to  
386 the presence of an attorney during any interviews, and (iv) that if he cannot afford an attorney, one will be  
387 appointed for him prior to any questioning.

388 **N.** *M.* Notwithstanding any other provision of law, the local department, in accordance with Board  
389 regulations, shall transmit information regarding reports, complaints, family assessments, and investigations  
390 involving children of active duty members of the United States Armed Forces or members of their household  
391 to family advocacy representatives of the United States Armed Forces.

392 **O.** *N.* The local department shall notify the custodial parent and make reasonable efforts to notify the  
393 noncustodial parent as those terms are defined in § 63.2-1900 of a report of suspected abuse or neglect of a  
394 child who is the subject of an investigation or is receiving family assessment, in those cases in which such  
395 custodial or noncustodial parent is not the subject of the investigation.

396 **P.** *O.* The local department shall (i) notify the Superintendent of Public Instruction without delay when an  
397 individual holding a license issued by the Board of Education is the subject of a founded complaint of child  
398 abuse or neglect and shall transmit identifying information regarding such individual if the local department  
399 knows the person holds a license issued by the Board of Education and (ii) notify the Superintendent of  
400 Public Instruction without delay if the founded complaint of child abuse or neglect is dismissed following an  
401 appeal pursuant to § 63.2-1526. Nothing in this subsection shall be construed to affect the rights of any  
402 individual holding a license issued by the Board of Education to any hearings or appeals otherwise provided  
403 by law. Any information exchanged for the purpose of this subsection shall not be considered a violation of  
404 § 63.2-102, 63.2-104, or 63.2-105.

#### 405 **§ 63.2-1508. Valid report or complaint.**

406 A. A valid report or complaint means the *local department* *Department* has evaluated the information and  
407 allegations of the report or complaint and determined that the local department *of jurisdiction* shall conduct  
408 an investigation, family assessment, or human trafficking assessment because the following elements are  
409 present:

- 410 1. The alleged victim child or children are under 18 years of age at the time of the complaint or report;
- 411 2. The alleged abuser is the alleged victim child's parent or other caretaker or, for purposes of abuse or  
412 neglect described in subdivision 4 of the definition of "abused or neglected child" in § 63.2-100, an intimate  
413 partner of such parent or caretaker;
- 414 3. The *local department receiving the complaint or report has jurisdiction suspected child abuse or neglect*  
415 *occurred in the Commonwealth or the alleged victim child resides in the Commonwealth;* and
- 416 4. The circumstances *described* *allege suspected* child abuse or neglect.

417 B. A valid report or complaint regarding a child who has been identified as a victim of sex trafficking or  
418 severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000 (22 U.S.C. §  
419 7102 et seq.) and in the federal Justice for Victims of Trafficking Act of 2015 (P.L. 114-22) may be  
420 established regardless of who the alleged abuser is or whether the alleged abuser has been identified.

421 C. Nothing in this section shall relieve any person specified in § 63.2-1509 from making a report required  
422 by that section, regardless of the identity of the person suspected to have caused such abuse or neglect.

423 **D.** *If the local department receiving the complaint or report does not have jurisdiction, and the local*  
424 *department that has jurisdiction to investigate such complaint or report is located in the Commonwealth, the*  
425 *local department that received the report or complaint shall forward the complaint or report to the appropriate*  
426 *local department.*

#### 427 **§ 63.2-1509. Requirement that certain injuries to children be reported by physicians, nurses, 428 teachers, etc.; penalty for failure to report.**

429 A. The following persons who, in their professional or official capacity, have reason to suspect that a child  
430 is an abused or neglected child, shall report the matter immediately to the *local department of the county or*

431 city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the  
432 Department's toll-free child abuse and neglect hotline intake system:

- 433 1. Any person licensed to practice medicine or any of the healing arts;
- 434 2. Any hospital resident or intern; and any person employed in the nursing profession;
- 435 3. Any person employed as a social worker or family-services specialist;
- 436 4. Any probation officer;
- 437 5. Any teacher or other person employed in a public or private school, kindergarten, or child day program,  
438 as that term is defined in § 22.1-289.02;
- 439 6. Any person providing full-time or part-time child care for pay on a regularly planned basis;
- 440 7. Any mental health professional;
- 441 8. Any law-enforcement officer or animal control officer;
- 442 9. Any mediator eligible to receive court referrals pursuant to § 8.01-576.8;
- 443 10. Any professional staff person, not previously enumerated, employed by a private or state-operated  
444 hospital, institution, or facility to which children have been committed or where children have been placed  
445 for care and treatment;
- 446 11. Any person 18 years of age or older associated with or employed by any public or private organization  
447 responsible for the care, custody, or control of children;
- 448 12. Any person who is designated a court-appointed special advocate pursuant to Article 5 (§ 9.1-151 et  
449 seq.) of Chapter 1 of Title 9.1;
- 450 13. Any person 18 years of age or older who has received training approved by the Department of Social  
451 Services for the purposes of recognizing and reporting child abuse and neglect;
- 452 14. Any person employed by a local department as defined in § 63.2-100 who determines eligibility for  
453 public assistance;
- 454 15. Any emergency medical services provider certified by the Board of Health pursuant to § 32.1-111.5,  
455 unless such provider immediately reports the matter directly to the attending physician at the hospital to  
456 which the child is transported, who shall make such report forthwith;
- 457 16. Any athletic coach, director, or other person 18 years of age or older employed by or volunteering  
458 with a public or private sports organization or team;
- 459 17. Administrators or employees 18 years of age or older of public or private day camps, youth centers,  
460 and youth recreation programs;
- 461 18. Any person employed by a public or private institution of higher education other than an attorney who  
462 is employed by a public or private institution of higher education as it relates to information gained in the  
463 course of providing legal representation to a client;
- 464 19. Any minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or  
465 denomination usually referred to as a church, unless the information supporting the suspicion of child abuse  
466 or neglect (i) is required by the doctrine of the religious organization or denomination to be kept in a  
467 confidential manner or (ii) would be subject to § 8.01-400 or 19.2-271.3 if offered as evidence in court; and
- 468 20. Any person who engages in the practice of behavior analysis, as defined in § 54.1-2900.

469 If neither the locality in which the child resides nor where the abuse or neglect is believed to have  
470 occurred is known, then such report shall be made to the local department of the county or city where the  
471 abuse or neglect was discovered or to the Department's toll-free child abuse and neglect hotline.

472 If an employee of the local department is suspected of abusing or neglecting a child, the report shall be  
473 made to the court of the county or city where the abuse or neglect was discovered. Upon receipt of such a  
474 report by the court, the judge shall assign the report to a local department that is not the employer of the  
475 suspected employee for investigation or family assessment. The judge may consult with the Department in  
476 selecting a local department to respond to the report or the complaint.

477 If the information is received by a teacher, staff member, resident, intern, or nurse in the course of  
478 professional services in a hospital, school, or similar institution, such person may, in place of said report,  
479 immediately notify the person in charge of the institution or department, or his designee, who shall make such  
480 report forthwith. If the initial report of suspected abuse or neglect is made to the person in charge of the  
481 institution or department, or his designee, pursuant to this subsection, such person shall notify the teacher,  
482 staff member, resident, intern, or nurse who made the initial report when the report of suspected child abuse  
483 or neglect is made to the local department or to the Department's toll-free child abuse and neglect hotline  
484 intake system, and of the name of the individual receiving the report, and shall forward any communication  
485 resulting from the report, including any information about any actions taken regarding the report, to the  
486 person who made the initial report.

487 The initial report may be an oral report but such report shall be reduced to writing by the child abuse  
488 coordinator of the local department on a form prescribed by the Board. Any person required to make the  
489 report pursuant to this subsection shall disclose all information that is the basis for his suspicion of abuse or  
490 neglect of the child and, upon request, shall make available to the child-protective services coordinator and  
491 the local department, which is the agency of jurisdiction, any information, records, or reports that document  
492 the basis for the report. All persons required by this subsection to report suspected abuse or neglect who

493 maintain a record of a child who is the subject of such a report shall cooperate with the investigating agency  
 494 and shall make related information, records, and reports available to the investigating agency unless such  
 495 disclosure violates the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g). Provision of  
 496 such information, records, and reports by a health care provider shall not be prohibited by § 8.01-399.  
 497 Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by  
 498 the investigating agency nor shall they be subject to public disclosure.

499 B. For purposes of subsection A, "reason to suspect that a child is abused or neglected" shall, due to the  
 500 special medical needs of infants affected by substance exposure, include (i) a finding made by a health care  
 501 provider within six weeks of the birth of a child that the child was born affected by substance abuse or  
 502 experiencing withdrawal symptoms resulting from in utero drug exposure; (ii) a diagnosis made by a health  
 503 care provider within four years following a child's birth that the child has an illness, disease, or condition that,  
 504 to a reasonable degree of medical certainty, is attributable to maternal abuse of a controlled substance during  
 505 pregnancy; or (iii) a diagnosis made by a health care provider within four years following a child's birth that  
 506 the child has a fetal alcohol spectrum disorder attributable to in utero exposure to alcohol. When "reason to  
 507 suspect" is based upon this subsection, such fact shall be included in the report along with the facts relied  
 508 upon by the person making the report. Such reports shall not constitute a *per se* finding of child abuse or  
 509 neglect. If a health care provider in a licensed hospital makes any finding or diagnosis set forth in clause (i),  
 510 (ii), or (iii), the hospital shall require the development of a written discharge plan under protocols established  
 511 by the hospital pursuant to subdivision B 6 of § 32.1-127.

512 C. Any person who makes a report or provides records or information pursuant to subsection A or who  
 513 testifies in any judicial proceeding arising from such report, records, or information shall be immune from  
 514 any civil or criminal liability or administrative penalty or sanction on account of such report, records,  
 515 information, or testimony, unless such person acted in bad faith or with malicious purpose.

516 D. Any person required to file a report pursuant to this section who fails to do so as soon as possible, but  
 517 not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect, shall be  
 518 fined not more than \$500 for the first failure and for any subsequent failures not less than \$1,000. In cases  
 519 evidencing acts or attempted acts of rape, sodomy, aggravated sexual battery, or object sexual penetration as  
 520 defined in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, a person who knowingly and intentionally  
 521 fails to make the report required pursuant to this section is guilty of a Class 1 misdemeanor.

522 E. No person shall be required to make a report pursuant to this section if the person has actual knowledge  
 523 that the same matter has already been reported to the local department or the Department's toll-free child  
 524 abuse and neglect hotline intake system or the local department.

525 **§ 63.2-1510.1. Conflict of interest when local department employee is alleged abuser; duties of court  
 526 when assigning valid complaint.**

527 *If an employee of a local department is suspected of abusing or neglecting a child, the report or complaint  
 528 shall be made to the Department's child abuse and neglect intake system. If the complaint is determined valid,  
 529 the Department shall forward the valid complaint to the court of the county or city where the abuse or neglect  
 530 occurred or where the victim child resides. Upon receipt of a valid complaint by the court, such court shall  
 531 assign the complaint to a local department that is not the employer of the suspected employee for an  
 532 investigation or family assessment; or, if the court believes that no local department in a reasonable  
 533 geographic distance can be impartial, the court shall assign the report to its court service unit for evaluation.  
 534 The court may consult with the Department in selecting a local department to respond to the complaint.*

535 **§ 63.2-1512. Immunity of person making report, etc., from liability.**

536 Any person making a report pursuant to § 63.2-1509, a complaint pursuant to § 63.2-1510, or who takes a  
 537 child into custody pursuant to § 63.2-1517, or who participates in a judicial proceeding resulting therefrom  
 538 shall be immune from any civil or criminal liability in connection therewith, unless it is proven that such  
 539 person acted in bad faith or with malicious intent.

540 **§ 63.2-1530. Virginia Child Protection Accountability System.**

541 A. The Virginia Child Protection Accountability System (the System) is created to collect and make  
 542 available to the public information on the response to reported cases of child abuse and neglect in the  
 543 Commonwealth. The Department shall establish and maintain the System. The Board shall promulgate  
 544 regulations to implement the provisions of this section.

545 B. The following information shall, notwithstanding any state law regarding privacy or confidentiality of  
 546 records, be included in the System and made available to the public via a website maintained by the  
 547 Department and in print format:

548 1. From the Department: (i) the total number of complaints alleging child abuse, neglect, or a combination  
 549 thereof received; (ii) the total number of complaints deemed valid pursuant to § 63.2-1508; (iii) the total  
 550 number of complaints investigated by the Department pursuant to subsection I H of §§ § 63.2-1503 and §  
 551 63.2-1505; (iv) the total number of cases determined to be founded cases of abuse or neglect; and (v) the total  
 552 number of cases resulting in a finding that the complaint was founded resulting in administrative appeal.  
 553 Information reported pursuant to clause (v) shall be reported by total number of appeals to the local  
 554 department, total number of appeals to the Department, and total number of appeals by outcome of the

555 appeal. For each category of information required by this subdivision, the Department shall also report the  
556 total number of cases by type of abuse; by gender, age, and race of the alleged victim; and by the nature of  
557 the relationship between the alleged victim and alleged abuser.

558 2. From the Department of State Police, annually, in a format approved by the Department of Social  
559 Services, arrest and disposition statistics for violations of §§ 18.2-48, 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1,  
560 18.2-67.2, 18.2-67.3, 18.2-67.4, 18.2-355, 18.2-361, 18.2-366, 18.2-370 through 18.2-370.2, 18.2-371,  
561 18.2-371.1, 18.2-374.1, 18.2-374.1:1, 18.2-374.3, 18.2-387, and 40.1-103 for inclusion in the Child  
562 Protection Accountability System.

563 3. From every circuit court in the Commonwealth for which data is available through the statewide Case  
564 Management System: (i) the total number of (a) misdemeanor convictions appealed from the district court to  
565 the circuit court, (b) felony charges certified from the district court to the circuit court, and (c) charges  
566 brought by direct indictment in the circuit court that involve a violation of any Code section set forth in  
567 subdivision 2; (ii) the total number of cases appealed, certified, or transferred to the court or brought by direct  
568 indictment in the circuit court involving a violation of any Code section set forth in subdivision 2 that result  
569 in a trial, including the number of bench trials and the number of jury trials; and (iii) the total number of trials  
570 involving a violation of any Code section set forth in subdivision 2 resulting in (a) a plea agreement, (b)  
571 transfer to another court, (c) a finding of not guilty, (d) conviction on a lesser included offense, or (e)  
572 conviction on all charges, by type of trial.

573 4. From the Virginia Criminal Sentencing Commission, information on sentences imposed for offenses  
574 listed in subdivision 2, including (i) the name of the sentencing judge, (ii) the offense or offenses for which a  
575 sentence was imposed, (iii) the age of the victim and offender, (iv) the relationship between the victim and  
576 the offender, (v) the locality in which the offense occurred, (vi) the sentence imposed and the actual time  
577 served, (vii) whether the sentence was an upward or downward departure from the sentencing guidelines or  
578 within the sentencing guidelines, and (viii) the reasons given for the departure, if any, from the sentencing  
579 guidelines.

580 5. From the Office of the Executive Secretary of the Supreme Court of Virginia, information by locality  
581 on cases from the Juvenile and Domestic Relations District Courts' Case Management System involving (i)  
582 children alleged to be abused or neglected, including (a) the number of petitions filed, (b) the number of cases  
583 in which an emergency removal order was issued, (c) the number of cases in which a preliminary removal  
584 order was issued prior to an adjudicatory hearing, (d) the number of cases in which a preliminary removal  
585 order or a preliminary child protective order or both were issued at a preliminary hearing, and (e) the number  
586 of cases in which a preliminary child protective order or a child protective order was issued other than at a  
587 preliminary hearing; and (ii) family abuse cases, including (a) the number of family abuse emergency  
588 protective orders issued by magistrates and juvenile and domestic relations district courts pursuant to  
589 § 16.1-253.4, (b) the number of family abuse protective petitions filed, and (c) the number of family abuse  
590 protective orders issued pursuant to § 16.1-279.1.

591 Information required to be reported pursuant to subdivisions 1 through 5 shall be reported annually in a  
592 format approved by the Department of Social Services and aggregated by locality.

593 C. Data collected pursuant to subsection B shall be made available to the public on a website established  
594 and maintained by the Department and shall also be made readily available to the public in print format.  
595 Information included in the System shall be presented in such a manner that no individual identifying  
596 information shall be included.

597 **2. That § 63.2-1510 of the Code of Virginia is repealed.**