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SENATE BILL NO. 206

Offered January 14, 2026

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A BILL to amend and reenact §§ 16.1-241, 16.1-277.02, and 16.1-278.3 of the Code of Virginia, relating to juvenile and domestic relations district courts; petitions for relief of care and custody; custodians.

Patrons—Suetterlein and Favola; Delegates: Cole, J.G., Shin and Tata

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-241, 16.1-277.02, and 16.1-278.3 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-241. Jurisdiction; consent for abortion.

The judges of the juvenile and domestic relations district court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the limits of such cities and counties. Except as hereinafter provided, each juvenile and domestic relations district court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile court or courts of the adjoining city or county, over all cases, matters and proceedings involving:

A. The custody, visitation, support, control, or disposition of a child:

1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or delinquent except where the jurisdiction of the juvenile court has been terminated or divested;

2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or mental incapacity of his parents is without parental care and guardianship;

2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian:

3. Whose custody, visitation or support is a subject of controversy or requires determination. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, except as provided in § 16.1-244;

4. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or whose parent or parents other custodian for good cause desire to be relieved of his care and custody;

5. Where the termination of residual parental rights and responsibilities is sought. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in § 16.1-244;

6. Who is charged with a traffic infraction as defined in § 46.2-100; or

7. Who is alleged to have refused to take a blood test in violation of § 18.2-268.2.

In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was 16 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection C of § 16.1-269.1, and for all charges ancillary thereto, if the attorney for the Commonwealth has given notice as provided in subsection C of § 16.1-269.1, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was 16 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. A determination by the juvenile court following a preliminary hearing pursuant to subsection B or C of § 16.1-269.1 to certify a charge to the grand jury shall divest the juvenile court of jurisdiction over the charge and any ancillary charge. In any case in which a transfer hearing is held pursuant to subsection A of § 16.1-269.1, if the juvenile court determines to transfer the case, jurisdiction of the juvenile court over the case shall be divested as provided in § 16.1-269.6.

In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after a violent juvenile felony charge has been dismissed or a violent juvenile felony has been reduced to a lesser offense not constituting a violent juvenile felony, the jurisdiction of the juvenile court shall not be divested unless there is a transfer pursuant to subsection A of § 16.1-269.1.

The authority of the juvenile court to adjudicate matters involving the custody, visitation, support, control, or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father, or legal

59 guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party
60 with a legitimate interest shall be broadly construed and shall include, ~~but not be limited to~~, grandparents,
61 step-grandparents, stepparents, former stepparents, blood relatives, and family members. A party with a
62 legitimate interest shall not include any person (i) whose parental rights have been terminated by court order,
63 either voluntarily or involuntarily, except for purposes of this title, as otherwise provided by this paragraph;
64 (ii) whose interest in the child derives from or through a person whose parental rights have been terminated
65 by court order, either voluntarily or involuntarily, or whose interest in the child derives from or through a
66 person pursuant to clause (iii), including, ~~but not limited to~~, grandparents, stepparents, former stepparents,
67 blood relatives, and family members, if the child subsequently has been legally adopted, except where a final
68 order of adoption is entered pursuant to § 63.2-1241; or (iii) who has been convicted of a violation of
69 subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state,
70 the United States, or any foreign jurisdiction, or who has been found by clear and convincing evidence to
71 have engaged in the conduct prohibited by subsection A of § 18.2-61, § 18.2-63, or subsection B of
72 § 18.2-366, whether or not the person has been charged with or convicted of the alleged violation, when the
73 child who is the subject of the petition was conceived as a result of such violation or conduct. The authority
74 of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited
75 where the child has previously been awarded to the custody of a local board of social services. For purposes
76 of this title, a party with a legitimate interest shall also include a parent whose rights previously had been
77 terminated, provided that the child whose custody or visitation is at issue (a) is at least 14 years of age; (b)
78 has had a permanency goal previously achieved by adoption; (c) has had his adoptive parents die or, pursuant
79 to § 16.1-277.02, each of such child's adoptive parents has permanently been relieved of custody of such
80 child and each adoptive parent has had his parental rights terminated; and (d) is in the custody of a local
81 board of social services, and provided that the parent whose rights had previously been terminated has (1)
82 complied with the terms of any written post-adoption contact and communication agreement entered into
83 pursuant to Article 1.1 (§ 63.2-1220.2 et seq.) of Chapter 12 of Title 63.2 and (2) maintained a positive,
84 continuous relationship with the child since termination.

85 A1. Making specific findings of fact required by state or federal law to enable a child to apply for or
86 receive a state or federal benefit. For the purposes of this subsection only, when the court has obtained
87 jurisdiction over the case of any child, the court may continue to exercise its jurisdiction until such person
88 reaches 21 years of age, for the purpose of entering findings of fact or amending past orders, to include
89 findings of fact necessary for the person to petition the federal government for status as a special immigrant
90 juvenile, as defined by 8 U.S.C. § 1101(a)(27)(J).

91 B. The admission of minors for inpatient treatment in a mental health facility in accordance with the
92 provisions of Article 16 (§ 16.1-335 et seq.) and the involuntary admission of a person with mental illness or
93 judicial certification of eligibility for admission to a training center for persons with intellectual disability in
94 accordance with the provisions of Chapter 8 (§ 37.2-800 et seq.) of Title 37.2. Jurisdiction of the involuntary
95 admission and certification of adults shall be concurrent with the general district court.

96 C. Except as provided in subsections D and H, judicial consent to such activities as may require parental
97 consent may be given for a child who has been separated from his parents, guardian, legal custodian, or other
98 person standing in loco parentis and is in the custody of the court when such consent is required by law.

99 D. Judicial consent for emergency surgical or medical treatment for a child who is neither married nor has
100 ever been married, when the consent of his parent, guardian, legal custodian, or other person standing in loco
101 parentis is unobtainable because such parent, guardian, legal custodian, or other person standing in loco
102 parentis (i) is not a resident of the Commonwealth, (ii) has his whereabouts unknown, (iii) cannot be
103 consulted with promptness, reasonable under the circumstances, or (iv) fails to give such consent or provide
104 such treatment when requested by the judge to do so.

105 E. Any person charged with deserting, abandoning, or failing to provide support for any person in
106 violation of law.

107 F. Any parent, guardian, legal custodian, or other person standing in loco parentis of a child:

108 1. Who has been abused or neglected;

109 2. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or is
110 otherwise before the court pursuant to subdivision A 4; or

111 3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court finds
112 that such person has by overt act or omission induced, caused, encouraged, or contributed to the conduct of
113 the child complained of in the petition.

114 G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian, or other
115 person standing in loco parentis for the purpose of obtaining treatment, rehabilitation, or other services that
116 are required by law to be provided for that child or such child's parent, guardian, legal custodian, or other
117 person standing in loco parentis. Jurisdiction in such cases shall be concurrent with and not exclusive of that
118 of courts having equity jurisdiction as provided in § 16.1-244.

119 H. Judicial consent to apply for a work permit for a child when such child is separated from his parents,
120 legal guardian, or other person standing in loco parentis.

121 I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment, or neglect
 122 of children or with any violation of law that causes or tends to cause a child to come within the purview of
 123 this law, or with any other offense against the person of a child. In prosecution for felonies over which the
 124 court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause.

125 J. All offenses in which one family or household member is charged with an offense in which another
 126 family or household member is the victim and all offenses under § 18.2-49.1.

127 In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to
 128 determining whether or not there is probable cause. Any objection based on jurisdiction under this subsection
 129 shall be made before a jury is impaneled and sworn in a jury trial or, in a nonjury trial, before the earlier of
 130 when the court begins to hear or receive evidence or the first witness is sworn, or it shall be conclusively
 131 waived for all purposes. Any such objection shall not affect or be grounds for challenging directly or
 132 collaterally the jurisdiction of the court in which the case is tried.

133 K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily relinquished
 134 pursuant to a court proceeding, to seek a reversal of the court order terminating such parental rights. No such
 135 petition shall be accepted, however, after the child has been placed in the home of adoptive parents.

136 L. Any person who seeks spousal support after having separated from his spouse. A decision under this
 137 subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court. A circuit
 138 court shall have concurrent original jurisdiction in all causes of action under this subdivision.

139 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1, 16.1-253.4,
 140 or 16.1-279.1, and all petitions filed for the purpose of obtaining an order of protection pursuant to
 141 § 19.2-152.8, 19.2-152.9, or 19.2-152.10 if either the alleged victim or the respondent is a juvenile.

142 N. Any person who escapes or remains away without proper authority from a residential care facility in
 143 which he had been placed by the court or as a result of his commitment to the Virginia Department of
 144 Juvenile Justice.

145 O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.).

146 P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 19 (§ 63.2-1900
 147 et seq.) of Title 63.2, or by another state in the same manner as if the orders were entered by a juvenile and
 148 domestic relations district court upon the filing of a certified copy of such order in the juvenile and domestic
 149 relations district court.

150 Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20. A
 151 circuit court shall have concurrent original jurisdiction to the extent provided for in § 20-49.2.

152 R. [Repealed.]

153 S. Petitions filed by school boards against parents pursuant to §§ 16.1-241.2 and 22.1-279.3.

154 T. Petitions to enforce any request for information or subpoena that is not complied with or to review any
 155 refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect pursuant to
 156 § 63.2-1526.

157 U. Petitions filed in connection with parental placement adoption consent hearings pursuant to
 158 § 63.2-1233. Such proceedings shall be advanced on the docket so as to be heard by the court within 10 days
 159 of filing of the petition, or as soon thereafter as practicable so as to provide the earliest possible disposition.

160 V. Petitions filed for the purpose of obtaining the court's assistance with the execution of consent to an
 161 adoption when the consent to an adoption is executed pursuant to the laws of another state and the laws of
 162 that state provide for the execution of consent to an adoption in the court of the Commonwealth.

163 W. Petitions filed by a juvenile seeking judicial authorization for a physician to perform an abortion if a
 164 minor elects not to seek consent of an authorized person.

165 After a hearing, a judge shall issue an order authorizing a physician to perform an abortion, without the
 166 consent of any authorized person, if he finds that (i) the minor is mature enough and well enough informed to
 167 make her abortion decision, in consultation with her physician, independent of the wishes of any authorized
 168 person, or (ii) the minor is not mature enough or well enough informed to make such decision, but the desired
 169 abortion would be in her best interest.

170 If the judge authorizes an abortion based on the best interests of the minor, such order shall expressly state
 171 that such authorization is subject to the physician or his agent giving notice of intent to perform the abortion;
 172 however, no such notice shall be required if the judge finds that such notice would not be in the best interest
 173 of the minor. In determining whether notice is in the best interest of the minor, the judge shall consider the
 174 totality of the circumstances; however, he shall find that notice is not in the best interest of the minor if he
 175 finds that (a) one or more authorized persons with whom the minor regularly and customarily resides is
 176 abusive or neglectful and (b) every other authorized person, if any, is either abusive or neglectful or has
 177 refused to accept responsibility as parent, legal guardian, custodian or person standing in loco parentis.

178 The minor may participate in the court proceedings on her own behalf, and the court may appoint a
 179 guardian ad litem for the minor. The court shall advise the minor that she has a right to counsel and shall,
 180 upon her request, appoint counsel for her.

181 Notwithstanding any other provision of law, the provisions of this subsection shall govern proceedings
 182 relating to consent for a minor's abortion. Court proceedings under this subsection and records of such

183 proceedings shall be confidential. Such proceedings shall be given precedence over other pending matters so
184 that the court may reach a decision promptly and without delay in order to serve the best interests of the
185 minor. Court proceedings under this subsection shall be heard and decided as soon as practicable but in no
186 event later than four days after the petition is filed.

187 An expedited confidential appeal to the circuit court shall be available to any minor for whom the court
188 denies an order authorizing an abortion without consent or without notice. Any such appeal shall be heard
189 and decided no later than five days after the appeal is filed. The time periods required by this subsection shall
190 be subject to subsection B of § 1-210. An order authorizing an abortion without consent or without notice
191 shall not be subject to appeal.

192 No filing fees shall be required of the minor at trial or upon appeal.

193 If either the original court or the circuit court fails to act within the time periods required by this
194 subsection, the court before which the proceeding is pending shall immediately authorize a physician to
195 perform the abortion without consent of or notice to an authorized person.

196 Nothing contained in this subsection shall be construed to authorize a physician to perform an abortion on
197 a minor in circumstances or in a manner that would be unlawful if performed on an adult woman.

198 A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent has
199 been obtained or the minor delivers to the physician a court order entered pursuant to this section and the
200 physician or his agent provides such notice as such order may require. However, neither consent nor judicial
201 authorization nor notice shall be required if the minor declares that she is abused or neglected and the
202 attending physician has reason to suspect that the minor may be an abused or neglected child as defined in
203 § 63.2-100 and reports the suspected abuse or neglect in accordance with § 63.2-1509; or if there is a medical
204 emergency, in which case the attending physician shall certify the facts justifying the exception in the minor's
205 medical record.

206 For purposes of this subsection:

207 "Authorization" means the minor has delivered to the physician a notarized, written statement signed by
208 an authorized person that the authorized person knows of the minor's intent to have an abortion and consents
209 to such abortion being performed on the minor.

210 "Authorized person" means (i) a parent or duly appointed legal guardian or custodian of the minor or (ii) a
211 person standing in loco parentis, including, ~~but not limited to~~, a grandparent or adult sibling with whom the
212 minor regularly and customarily resides and who has care and control of the minor. Any person who knows
213 he is not an authorized person and who knowingly and willfully signs an authorization statement consenting
214 to an abortion for a minor is guilty of a Class 3 misdemeanor.

215 "Consent" means that (i) the physician has given notice of intent to perform the abortion and has received
216 authorization from an authorized person, or (ii) at least one authorized person is present with the minor
217 seeking the abortion and provides written authorization to the physician, which shall be witnessed by the
218 physician or an agent thereof. In either case, the written authorization shall be incorporated into the minor's
219 medical record and maintained as a part thereof.

220 "Medical emergency" means any condition which, on the basis of the physician's good faith clinical
221 judgment, so complicates the medical condition of the pregnant minor as to necessitate the immediate
222 abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and
223 irreversible impairment of a major bodily function.

224 "Notice of intent to perform the abortion" means that (i) the physician or his agent has given actual notice
225 of his intention to perform such abortion to an authorized person, either in person or by telephone, at least 24
226 hours previous to the performance of the abortion or (ii) the physician or his agent, after a reasonable effort to
227 notify an authorized person, has mailed notice to an authorized person by certified mail, addressed to such
228 person at his usual place of abode, with return receipt requested, at least 72 hours prior to the performance of
229 the abortion.

230 "Perform an abortion" means to interrupt or terminate a pregnancy by any surgical or nonsurgical
231 procedure or to induce a miscarriage as provided in § 18.2-72, 18.2-73, or 18.2-74.

232 "Unemancipated minor" means a minor who has not been emancipated by (i) entry into a valid marriage
233 entered into prior to July 1, 2024, or lawfully entered into in another state or country prior to being domiciled
234 in the Commonwealth, even though the marriage may have been terminated by dissolution; (ii) active duty
235 with any of the Armed Forces of the United States; (iii) willingly living separate and apart from his or her
236 parents or guardian, with the consent or acquiescence of the parents or guardian; or (iv) entry of an order of
237 emancipation pursuant to Article 15 (§ 16.1-331 et seq.).

238 X. Petitions filed pursuant to Article 17 (§ 16.1-349 et seq.) relating to standby guardians for minor
239 children.

240 Y. Petitions involving minors filed pursuant to § 32.1-45.1 relating to obtaining a blood specimen or test
241 results.

242 Z. Petitions filed pursuant to § 16.1-283.3 for review of voluntary agreements for continuation of services
243 and support for persons who meet the eligibility criteria for the Fostering Futures program set forth in
244 § 63.2-919.

245 The ages specified in this law refer to the age of the child at the time of the acts complained of in the
 246 petition.

247 Notwithstanding any other provision of law, no fees shall be charged by a sheriff for the service of any
 248 process in a proceeding pursuant to subdivision A 3, except as provided in subdivision A 6 of § 17.1-272, or
 249 subsection B, D, M, or R.

250 Notwithstanding the provisions of § 18.2-71, any physician who performs an abortion in violation of
 251 subsection W shall be guilty of a Class 3 misdemeanor.

252 Upon certification by the juvenile and domestic relations district court of any felony charge and ancillary
 253 misdemeanor charge committed by an adult or when an appeal of a conviction or adjudication of delinquency
 254 of an offense in the juvenile and domestic relations district court is noted, jurisdiction as to such charges shall
 255 vest in the circuit court, unless such case is reopened pursuant to § 16.1-133.1; a final judgment, order, or
 256 decree is modified, vacated, or suspended pursuant to Supreme Court of Virginia Rule 1:1; or the appeal has
 257 been withdrawn in the juvenile and domestic relations district court within 10 days pursuant to § 16.1-133.

258 **§ 16.1-277.02. Petition for relief of care and custody.**

259 A. Requests for petitions for relief of the care and custody of a child shall be referred initially to the local
 260 department of social services for investigation and the provision of services, if appropriate, in accordance
 261 with the provisions of § 63.2-319 or Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. *The petitioning parent or
 262 custodian shall cooperate with the provision of such appropriate services offered by the local department of
 263 social services.* The local department of social services shall, as part of its investigation, (i) refer the parent to
 264 the local family assessment and planning team and (ii) create a written report regarding the history of the
 265 child and family. A referral to the local family assessment and planning team in accordance with clause (i)
 266 shall not interfere with or delay any proceeding or hearing related to the petition unless the court determines
 267 that any recommendations made by or information gathered from the family assessment and planning team is
 268 necessary for the court to make a final disposition in the matter. Upon the filing of a petition for relief of a
 269 child's care and custody pursuant to subdivision A 4 of § 16.1-241, the court shall appoint a guardian ad litem
 270 to represent the child in accordance with the provisions of § 16.1-266, and shall schedule the matter for a
 271 hearing on the petition. Such hearing on the petition may include partial or final disposition of the matter. The
 272 court shall provide notice of the hearing and a copy of the petition to the following, each of whom shall be a
 273 party entitled to participate in the proceeding:

- 274 1. The child, if he is 12 years of age or older;
- 275 2. The guardian ad litem for the child;

276 3. The child's parents, custodian or other person standing in loco parentis to the child. No such notification
 277 shall be required, however, if the judge certifies on the record that the identity of the parent is not reasonably
 278 ascertainable. An affidavit of the mother that the identity of the father is not reasonably ascertainable shall be
 279 sufficient evidence of this fact, provided there is no other evidence before the court which would refute such
 280 an affidavit. The hearing on the petition shall be held pursuant to this section although a parent fails to appear
 281 and is not represented by counsel, provided personal or substituted service was made on the parent, or the
 282 court determines that such person cannot be found, after reasonable effort, or in the case of a person who is
 283 without the Commonwealth, the person cannot be found or his post office address cannot be ascertained after
 284 reasonable effort. However, in the case of a hearing to grant a petition for permanent relief of custody and
 285 terminate a parent's residual parental rights, notice to the parent whose rights may be affected shall be
 286 provided in accordance with the provisions of §§ 16.1-263 and 16.1-264; and

287 4. The local board of social services. Upon receiving notice of the hearing pursuant to this section, the
 288 local board of social services shall investigate the matter and provide services, as appropriate, in accordance
 289 with the provisions of § 63.2-319 or Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2.

290 B. At the hearing, the local board of social services, the child, the child's parents, guardian, legal custodian
 291 or other person standing in loco parentis and any other family or household member of the child to whom
 292 notice was given shall have the right to confront and cross-examine all adverse witnesses and evidence and to
 293 present evidence on their own behalf.

294 C. At the conclusion of the hearing on the petition, the court shall make a finding, based upon a
 295 preponderance of the evidence, whether there is good cause shown for the petitioner's desire to be relieved of
 296 the child's care and custody, unless the petition seeks permanent relief of custody and termination of parental
 297 rights. If the petition seeks permanent relief of custody and termination of parental rights, the court shall
 298 make a finding, based upon clear and convincing evidence, whether termination of parental rights is in the
 299 best interest of the child. If the court makes either of these findings, the court may enter:

- 300 1. A preliminary protective order pursuant to § 16.1-253;
- 301 2. An order that requires the local board of social services to provide services to the family as required by
 302 law;
- 303 3. An order that is consistent with any of the dispositional alternatives pursuant to § 16.1-278.3; or
- 304 4. Any combination of these orders.

305 Any such order transferring legal custody of the child shall be made in accordance with the provisions of
 306 subdivision A 5 of § 16.1-278.2 and shall be subject to the provisions of subsection C1. This order shall

307 include, but need not be limited to, the following findings: (i) that there is no less drastic alternative to
308 granting the requested relief; and (ii) that reasonable efforts have been made to prevent removal and that
309 continued placement in the home would be contrary to the welfare of the child, if the order transfers legal
310 custody of the child to a local board of social services. Any order terminating residual parental rights shall be
311 accompanied by an order continuing or granting custody to a local board of social services or to a licensed
312 child-placing agency or granting custody or guardianship to a person with a legitimate interest. Such an order
313 continuing or granting custody to a local board of social services or to a licensed child-placing agency shall
314 indicate whether that board or agency shall have the authority to place the child for adoption and consent
315 thereto. At any time subsequent to the transfer of legal custody of the child pursuant to this section, a birth
316 parent or parents of the child and the pre-adoptive parent or parents may enter into a written post-adoption
317 contact and communication agreement in accordance with the provisions of § 16.1-283.1 and Article 1.1
318 (§ 63.2-1220.2 et seq.) of Chapter 12 of Title 63.2. The court shall not require a written post-adoption contact
319 and communication agreement as a precondition to entry of an order in any case involving the child.

320 The court shall schedule a subsequent hearing within 60 days of the hearing held pursuant to this section:
321 (a) to enter a final order of disposition pursuant to § 16.1-278.3 or (b) if the child is placed in foster care, for
322 review of the foster care plan filed pursuant to § 16.1-281. If a party is required to be present at the
323 subsequent hearing, and (1) is present at the hearing on the petition, the party shall be given notice of the date
324 set for the subsequent hearing; (2) if not present, shall be summoned as provided in § 16.1-263.

325 C1. Any order transferring temporary custody of the child to a person with a legitimate interest pursuant
326 to subsection C shall be entered only upon a finding, based upon a preponderance of the evidence, that such
327 person is one who (i) is found by the court to be willing and qualified to receive and care for the child; (ii) is
328 willing to have a positive, continuous relationship with the child; and (iii) is willing and has the ability to
329 protect the child from abuse and neglect. The court's order transferring temporary custody to a person with a
330 legitimate interest should further provide for compliance with any preliminary protective order entered on
331 behalf of the child in accordance with the provisions of § 16.1-253; and, as appropriate, ongoing provision of
332 social services to the child and the child's custodian; and court review of the child's placement with such
333 person with a legitimate interest. Any final order transferring custody of the child to a person with a
334 legitimate interest pursuant to this section shall, in addition, be entered only after an investigation as directed
335 by the court and upon a finding, stated in the court's order, that such person is one who satisfies clauses (i),
336 (ii), and (iii) and is committed to providing a permanent, suitable home for the child.

337 D. The local board or licensed child-placing agency to which authority is given to place the child for
338 adoption and consent thereto after an order terminating parental rights is entered pursuant to this section shall
339 file a written Adoption Progress Report with the juvenile court on the progress being made to place the child
340 in an adoptive home. The report shall be filed with the court every six months from the date of the final order
341 terminating parental rights until a final order of adoption is entered on behalf of the child in the circuit court.
342 At the conclusion of the hearing at which termination of parental rights is ordered and authority is given to
343 the local board or licensed child-placing agency to place the child for adoption, the juvenile court shall
344 schedule a date by which the board or agency shall file the first Adoption Progress Report required by this
345 section. A copy of the Adoption Progress Report shall be sent by the court to the guardian ad litem for the
346 child. The court may schedule a hearing on the report with or without the request of a party.

347 **§ 16.1-278.3. Relief of care and custody.**

348 A. Within 60 days of a hearing on a petition for relief of the care and custody of any child pursuant to
349 § 16.1-277.02 at which the court found (i) good cause for the petitioner's desire to be relieved of a child's care
350 and custody or (ii) that permanent relief of custody and termination of residual parental rights is in the best
351 interest of the child, *and that, unless the court found pursuant to subdivision A 5 of § 16.1-278.2 that
352 continued placement in the home would be contrary to the welfare of a child, the petitioner has cooperated
353 with such appropriate services offered by the local department of social services to prevent the child from
354 being removed from the home*, a dispositional hearing shall be held, if a final order disposing of the matter
355 was not entered at the conclusion of the hearing on the petition held pursuant to § 16.1-277.02.

356 B. Notice of the dispositional hearing shall be provided to the local department of social services, the
357 guardian ad litem for the child, the child if he is at least 12 years of age, and the child's parents, custodian, or
358 other person standing in loco parentis. However, if a parent's residual parental rights were terminated at the
359 hearing on the petition held pursuant to § 16.1-277.02, no such notice of the hearing pursuant to this section
360 shall be provided to the parent. The hearing shall be held and a dispositional order may be entered, although a
361 parent, guardian, legal custodian, or person standing in loco parentis fails to appear and is not represented by
362 counsel, provided personal or substituted service was made on the person, or the court determines that the
363 person cannot be found, after reasonable effort, or in the case of a person who is without the Commonwealth,
364 the person cannot be found or his post office address cannot be ascertained after reasonable effort. However,
365 in the case of a hearing to grant a petition for permanent relief of custody and terminate a parent's residual
366 parental rights, notice to the parent whose rights may be affected shall be provided in accordance with the
367 provisions of §§ 16.1-263 and 16.1-264.

368 C. The court may make any of the orders of disposition permitted in a case involving an abused or

369 neglected child pursuant to § 16.1-278.2. Any such order transferring legal custody of the child shall be made
370 in accordance with the provisions of subdivision A 5 of § 16.1-278.2 and shall be subject to the provisions of
371 subsection D1. This order shall include, but need not be limited to, the following findings: (i) that there is no
372 less drastic alternative to granting the requested relief; and (ii) that reasonable efforts have been made to
373 prevent removal and that continued placement in the home would be contrary to the welfare of the child, if
374 the order transfers legal custody of the child to a local board of social services. Any preliminary protective
375 orders entered on behalf of the child shall be reviewed at the dispositional hearing and may be incorporated,
376 as appropriate, in the dispositional order. If the child has been placed in foster care, at the dispositional
377 hearing the court shall review the foster care plan for the child filed by the local board of social services or
378 child welfare agency in accordance with § 16.1-281.

379 D. If the parent or other custodian seeks to be relieved permanently of the care and custody of any child
380 and the court finds by clear and convincing evidence that termination of the parent's parental rights is in the
381 best interest of the child, the court may terminate the parental rights of that parent. If the remaining parent has
382 not petitioned for permanent relief of the care and custody of the child, the remaining parent's parental rights
383 may be terminated in accordance with the provisions of § 16.1-283. Any order terminating parental rights
384 shall be accompanied by an order (i) continuing or granting custody to a local board of social services or to a
385 licensed child-placing agency or (ii) granting custody or guardianship to a person with a legitimate interest.
386 Such an order continuing or granting custody to a local board of social services or to a licensed child-placing
387 agency shall indicate whether that board or agency shall have the authority to place the child for adoption and
388 consent thereto. Proceedings under this section shall be advanced on the docket so as to provide for their
389 earliest practicable disposition. At any time subsequent to the transfer of legal custody of the child pursuant
390 to this section, a birth parent or parents of the child and the pre-adoptive parent or parents may enter into a
391 written post-adoption contact and communication agreement in accordance with the provisions of
392 § 16.1-283.1 and Article 1.1 (§ 63.2-1220.2 et seq.) of Chapter 12 of Title 63.2. The court shall not require a
393 written post-adoption contact and communication agreement as a precondition to entry of an order in any
394 case involving the child.

395 D1. Any order transferring custody of the child to a person with a legitimate interest pursuant to
396 subsection C or D shall be entered only upon a finding, based upon a preponderance of the evidence, that
397 such person is one who, after an investigation as directed by the court, (i) is found by the court to be willing
398 and qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with
399 the child; (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has
400 the ability to protect the child from abuse and neglect; and the order shall so state. The court's order
401 transferring custody to a person with a legitimate interest should further provide for, as appropriate, any terms
402 or conditions which would promote the child's interest and welfare; ongoing provision of social services to
403 the child and the child's custodian; and court review of the child's placement.

404 E. The local board or licensed child-placing agency to which authority is given to place the child for
405 adoption and consent thereto after an order terminating parental rights is entered pursuant to this section shall
406 file a written Adoption Progress Report with the juvenile court on the progress being made to place the child
407 in an adoptive home. The report shall be filed with the court every six months from the date of the final order
408 terminating parental rights until a final order of adoption is entered on behalf of the child in the circuit court.
409 At the conclusion of the hearing at which termination of parental rights is ordered and authority is given to
410 the local board or licensed child-placing agency to place the child for adoption, the juvenile court shall
411 schedule a date by which the board or agency shall file the first Adoption Progress Report required by this
412 section. A copy of the Adoption Progress Report shall be sent by the court to the guardian ad litem for the
413 child. The court may schedule a hearing on the report with or without the request of a party.

414 F. A dispositional order entered pursuant to this section is a final order from which an appeal may be
415 taken in accordance with § 16.1-296.