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**HOUSE BILL NO. 532**

Offered January 14, 2026

Prefiled January 13, 2026

*A BILL to amend and reenact § 63.2-100 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-273.5, relating to minor students experiencing gender incongruence; parental notification of certain requests and parental permission for certain plans required; parental care.*

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 Patron—Hamilton
 

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 Committee Referral Pending
 

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

**1. That § 63.2-100 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-273.5 as follows:**

**§ 22.1-273.5. Minor students experiencing gender incongruence; parental notification of certain requests and parental permission for certain plans required.**

*A. As used in this section:*

*"Gender incongruence" means a difference between an individual's biological sex and such individual's felt or stated gender.*

*"Social affirmation of the minor student's gender incongruence" means referring to or treating the minor student in a manner inconsistent with the student's biological sex. "Social affirmation of the minor student's gender incongruence" includes (i) the use of alternative pronouns or names for the minor student and (ii) the minor student's use of sex-segregated privacy facilities or participation in sex-differentiated school-sponsored activities.*

*"Transition" includes any (i) medical measures intended to modify or interrupt the natural, healthy development of bodily secondary sex characteristics and (ii) counseling or other mental health services intended to affirm a minor student's gender incongruence.*

*B. Each public elementary or secondary school principal or his designee shall, as soon as practicable, inform at least one parent of a minor student enrolled in such school if such minor requests that any school employee participate while at school in (i) social affirmation of the minor student's gender incongruence or (ii) the transition of such minor to a felt or stated gender different from the minor student's biological sex.*

*C. Each public elementary or secondary school principal or his designee shall request and receive permission from at least one parent of a minor student enrolled at such school prior to the implementation at such school of any plan concerning any gender incongruence experienced by such minor, including any counseling of such minor at school. Any such plan shall include provision for parental participation to the extent requested by the parent.*

**§ 63.2-100. Definitions.**

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

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

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Further, in no event shall referring to and raising the child in a manner consistent with the child's biological

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*sex, including related mental health or medical decisions, be considered abuse or neglect.* No child whose parent or other person responsible for his care allows the child to engage in independent activities without adult supervision shall for that reason alone be considered to be an abused or neglected child, provided that (a) such independent activities are appropriate based on the child's age, maturity, and physical and mental abilities and (b) such lack of supervision does not constitute conduct that is so grossly negligent as to endanger the health or safety of the child. Such independent activities include traveling to or from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a reasonable period of time. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care, or an intimate partner of such parent or person, commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a Tier III offender pursuant to § 9.1-902; or

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

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

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

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

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

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

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

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult foster care" does not include services or support provided to individuals through the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9.

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

such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

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

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

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged or infirm or who have disabilities and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving individuals who are infirm or who have disabilities between the ages of 18 and 21, or 22 if enrolled in an educational program for individuals with disabilities pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for individuals who are 62 years of age or older or individuals with disabilities that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more adults who are aged or infirm or who have disabilities. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an individual who is aged or infirm or who has a disability.

"Auxiliary grants" means cash payments made to certain aged, blind, or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person who is (i) under 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9, under 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

"Child-placing agency" means (i) any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819, (ii) a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221, or (iii) an entity that assists parents with the process of delegating parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Children's advocacy center" means a child-friendly facility that (i) enables law enforcement, child protection, prosecution, mental health, medical, and victim advocacy professionals to work together to investigate child abuse, help children heal from abuse, and hold offenders accountable; (ii) has completed, or is in the process of completing, certain accreditation obligations and requires any forensic interview conducted at such facility to only be conducted by a trained child forensic interviewer in a multidisciplinary team collaborative effort; and (iii) is a member in good standing of the Children's Advocacy Centers of Virginia.

"Children's Advocacy Centers of Virginia" means the organizing entity for children's advocacy centers in Virginia.

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

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

"Children's residential facility" means any facility, child-caring institution, or group home that is

183 maintained for the purpose of receiving children separated from their parents or guardians for full-time care,  
184 maintenance, protection and guidance, or for the purpose of providing independent living services to persons  
185 between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's  
186 residential facility shall not include:

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

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

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

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

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

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

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

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

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

210 "Federal-Funded Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C.  
211 § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with  
212 § 63.2-1305, payments to eligible individuals who have received custody of a child of whom they had been  
213 the foster parents.

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

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

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

227 "General relief" means money payments and other forms of relief made to those persons mentioned in  
228 § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

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

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

240 "Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the  
241 custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency  
242 or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the  
243 Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a  
244 living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 or 63.2-1306 who has been awarded custody of the child by the court after acting as the child's foster parent.

"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 or 63.2-1306 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in the Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind, and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

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

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 *seven* days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child,

307 facilitates participation by family members in the child's treatment program before and after discharge and  
308 documents the manner in which such participation is facilitated; (vi) provides discharge planning and  
309 family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42  
310 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and  
311 Human Services; and (viii) requires that any child placed in the program receive an assessment within 30  
312 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an  
313 age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of  
314 Social Services; (b) identifies whether the needs of the child can be met through placement with a family  
315 member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a  
316 qualified residential treatment program, that would provide the most effective and appropriate level of care  
317 for the child in the least restrictive environment and be consistent with the short-term and long-term goals  
318 established for the child in his foster care or permanency plan; (c) establishes a list of short-term and  
319 long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be  
320 filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282,  
321 16.1-282.1, or 16.1-282.2.

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

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

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

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

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

339 "Supervised independent living setting" means the residence of a person 18 years of age or older who is  
340 participating in the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 where  
341 supervision includes a monthly visit with a service worker or, when appropriate, contracted supervision.

342 "Supervised independent living setting" does not include residential facilities or group homes.

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

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

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