

26105018D

1 **HOUSE BILL NO. 632**

2 Offered January 14, 2026

3 Prefiled January 13, 2026

4 *A BILL to amend the Code of Virginia by adding a section numbered 63.2-901.2, relating to kinship foster*  
5 *care; barrier crime waiver.*

6 Patron—Callsen

7 Committee Referral Pending

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That the Code of Virginia is amended by adding a section numbered 63.2-901.2 as follows:**10 **§ 63.2-901.2. Barrier crime waivers for kinship foster parents.**11 *A. No local board shall approve a kinship foster home, as permitted pursuant to 63.2-900.1, if any*  
12 *individual's background check conducted pursuant to § 63.2-901.1 returns a conviction for a barrier crime as*  
13 *defined in § 19.2-392.02 and the individual does not meet the exceptions in subsection E, F, or G of*  
14 *§ 63.2-901.1 or subsection G or H of § 63.2-1721. However, if an individual or adult household member has*  
15 *been convicted of a barrier crime as defined in § 19.2-392.02 that is not identified as a federal barrier crime*  
16 *pursuant to 42 U.S.C. § 671(a)(20), the local department may apply to the Department on behalf of such*  
17 *individual for a barrier crime waiver.*18 *B. Upon completion of a background check pursuant to § 63.2-901.1 for which a kinship foster home is*  
19 *rejected due to an individual's conviction for a barrier crime as defined in § 19.2-392.02, the Department*  
20 *shall provide information on the process for applying for a barrier crime waiver pursuant to this section with*  
21 *the notification of rejection.*22 *C. In evaluating whether to submit an application for a barrier crime waiver pursuant to subsection A, the*  
23 *local department shall consider the following factors:*24 *1. The type of crime for which the individual was convicted;*25 *2. The number of convictions;*26 *3. The nature of the offense or offenses;*27 *4. The age of the individual at the time of each conviction;*28 *5. The length of time that has elapsed since the last conviction;*29 *6. The relationship between the crime for which the individual was convicted and the capacity to care for*  
30 *children;*31 *7. Any evidence of rehabilitation; and*32 *8. Opinions of community members concerning the individual.*33 *D. Prior to submitting an application pursuant to subsection A, the local department shall conduct an*  
34 *assessment related to the factors in subsection C as well as the individual's capacity to care for children and*  
35 *whether placement with the individual would support the child's permanency goals. If the local department*  
36 *determines that (i) there are no safety concerns regarding placement with the individual, (ii) such placement*  
37 *would be safe for the child, and (iii) such placement would be in the child's best interest, the local department*  
38 *shall submit an application for a barrier crime waiver for such individual pursuant to subsection A and a*  
39 *request to the Department that such application be approved. Such request shall include all relevant*  
40 *information used in the local department's assessment.*41 *E. Upon receipt of both an application submitted pursuant to subsection A and a request for approval*  
42 *pursuant to subsection D, the Department shall conduct its evaluation and approve or deny the individual's*  
43 *barrier crime waiver. The Department shall notify the local department of its decision in writing.*44 **2. The Department of Social Services shall promulgate regulations to implement the provisions of this**  
45 **act. The initial promulgation of regulations pursuant to this act shall be exempt from the requirements**  
46 **of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).**

INTRODUCED

HB632