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1 **HOUSE BILL NO. 942**

2 Offered January 14, 2026

3 Prefiled January 13, 2026

4 *A BILL to amend and reenact §§ 16.1-228, 16.1-278.15, 20-124.2, and 63.2-100 of the Code of Virginia,*
5 *relating to child abuse and neglect; custody and visitation; possession or consumption of authorized*
6 *substances.*

7 Patron—Clark

8 Committee Referral Pending

9 **Be it enacted by the General Assembly of Virginia:**10 **1. That §§ 16.1-228, 16.1-278.15, 20-124.2, and 63.2-100 of the Code of Virginia are amended and**
11 **reenacted as follows:**12 **§ 16.1-228. Definitions.**

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

14 "Abused or neglected child" means any child:

15 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict,
16 or allows to be created or inflicted upon such child a physical or mental injury by other than accidental
17 means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions,
18 including, but not limited to, a child who is with his parent or other person responsible for his care either (i)
19 during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the
20 unlawful sale of such substance by that child's parents or other person responsible for his care, where such
21 manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248.
22 *However, possession or consumption of substances authorized under Title 4.1 or Chapter 34 (§ 54.1-3400 et*
23 *seq.) of Title 54.1 by a child's parent or other person responsible for his care alone shall not serve as a basis*
24 *to deem a child abused or neglected unless other facts establish that such possession or consumption causes*
25 *or creates a risk of physical or mental injury to the child;*26 2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for
27 his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in
28 accordance with the tenets and practices of a recognized church or religious denomination shall for that
29 reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal
30 authority for the child or, in the absence of parents with legal authority for the child, any person with legal
31 authority for the child who refuses a particular medical treatment for a child with a life-threatening condition
32 shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or
33 other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently
34 mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person
35 with legal authority and the child have considered alternative treatment options; and (iv) the parents or other
36 person with legal authority and the child believe in good faith that such decision is in the child's best interest.
37 No child whose parent or other person responsible for his care allows the child to engage in independent
38 activities without adult supervision shall for that reason alone be considered to be an abused or neglected
39 child, provided that (a) such independent activities are appropriate based on the child's age, maturity, and
40 physical and mental abilities and (b) such lack of supervision does not constitute conduct that is so grossly
41 negligent as to endanger the health or safety of the child. Such independent activities include traveling to or
42 from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a
43 reasonable period of time. Nothing in this subdivision shall be construed to limit the provisions of
44 § 16.1-278.4;

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

46 4. Whose parents or other person responsible for his care, or an intimate partner of such parent or person,
47 commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation
48 of the law;49 5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or
50 physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis;51 6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental
52 injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in
53 § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other
54 person responsible for his care knows has been convicted of an offense against a minor for which registration
55 is required as a Tier III offender pursuant to § 9.1-902; or

56 7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the

INTRODUCED

HB942

59 federal Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the federal Justice for
60 Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

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

68 "Adoptive home" means the place of residence of any natural person in which a child resides as a member
69 of the household and in which he has been placed for the purposes of adoption or in which he has been
70 legally adopted by another member of the household.

71 "Adult" means a person 18 years of age or older.

72 "Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the
73 same act or transaction as, or that constitutes a part of a common scheme or plan with, a delinquent act that
74 would be a felony if committed by an adult.

75 "Child," "juvenile," or "minor" means a person who is (i) younger than 18 years of age or (ii) for purposes
76 of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 of Title 63.2, younger
77 than 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

78 "Child in need of services" means (i) a child whose behavior, conduct, or condition presents or results in a
79 serious threat to the well-being and physical safety of the child; (ii) a child who remains away from or deserts
80 or abandons his family or lawful custodian during one occasion and is demonstratively at risk of coercion,
81 exploitation, abuse, or manipulation or has been lured from his parent or lawful custodian by means of
82 trickery or misrepresentation or under false pretenses; or (iii) a child under the age of 14 whose behavior,
83 conduct, or condition presents or results in a serious threat to the well-being and physical safety of another
84 person; however, no child who in good faith is under treatment solely by spiritual means through prayer in
85 accordance with the tenets and practices of a recognized church or religious denomination shall for that
86 reason alone be considered to be a child in need of services, nor shall any child who habitually remains away
87 from or habitually deserts or abandons his family as a result of what the court or the local child protective
88 services unit determines to be incidents of physical, emotional, or sexual abuse in the home be considered a
89 child in need of services for that reason alone.

90 However, to find that a child falls within these provisions, (a) the conduct complained of must present a
91 clear and substantial danger to the child's life or health or to the life or health of another person; (b) the child
92 or his family is in need of treatment, rehabilitation, or services not presently being received; and (c) the
93 intervention of the court is essential to provide the treatment, rehabilitation, or services needed by the child or
94 his family.

95 "Child in need of supervision" means:

96 1. A child who, while subject to compulsory school attendance, is habitually and without justification
97 absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any
98 and all educational services and programs that are required to be provided by law and which meet the child's
99 particular educational needs, (ii) the school system from which the child is absent or other appropriate agency
100 has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school
101 system has provided documentation that it has complied with the provisions of § 22.1-258; or

102 2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or
103 placement authority, remains away from or deserts or abandons his family or lawful custodian on more than
104 one occasion or escapes or remains away without proper authority from a residential care facility in which he
105 has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or
106 health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being
107 received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services
108 needed by the child or his family.

109 "Child welfare agency" means a child-placing agency, child-caring institution or independent foster home
110 as defined in § 63.2-100.

111 "The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and
112 domestic relations district court of each county or city.

113 "Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an ordinance
114 of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a
115 violation of a court order as provided for in § 16.1-292, but does not include an act other than a violation of
116 § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child.

117 "Delinquent child" means a child who has committed a delinquent act or an adult who has committed a
118 delinquent act prior to his eighteenth birthday, except where the jurisdiction of the juvenile court has been
119 terminated under the provisions of § 16.1-269.6.

120 "Department" means the Department of Juvenile Justice and "Director" means the administrative head in

121 charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties
 122 imposed upon him under this law.

123 "Driver's license" means any document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the
 124 comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways.

125 "Family abuse" means any act involving violence, force, or threat that results in bodily injury or places
 126 one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person
 127 against such person's family or household member. Such act includes, but is not limited to, any forceful
 128 detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title
 129 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death,
 130 sexual assault, or bodily injury.

131 "Family or household member" means (i) the person's spouse, whether or not such spouse resides in the
 132 same home with the person; (ii) the person's former spouse, whether or not such person resides in the same
 133 home with the person; (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-
 134 brothers, half-sisters, grandparents, and grandchildren, regardless of whether such persons reside in the same
 135 home with the person; (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-
 136 in-law, and sisters-in-law who reside in the same home with the person; (v) any individual who has a child in
 137 common with the person, whether or not the person and that individual have been married or have resided
 138 together at any time; (vi) any individual who cohabits or who, within the previous 12 months, cohabited with
 139 the person, and any children of either of them then residing in the same home with the person; or (vii) an
 140 individual who is a legal custodian of a juvenile.

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

143 "Foster care services" means the provision of a full range of casework, treatment and community services
 144 for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of
 145 services as defined in this section and his family when the child (i) has been identified as needing services to
 146 prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between
 147 the local board of social services or a public agency designated by the community policy and management
 148 team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been
 149 committed or entrusted to a local board of social services or child welfare agency, (iv) has been placed under
 150 the supervisory responsibility of the local board pursuant to § 16.1-293, or (v) is living with a relative
 151 participating in the Federal-Funded Kinship Guardianship Assistance program set forth in § 63.2-1305 and
 152 developed consistent with 42 U.S.C. § 673 or the State-Funded Kinship Guardianship Assistance program set
 153 forth in § 63.2-1306.

154 "Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the
 155 custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency
 156 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
 157 Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a
 158 living arrangement in which such child or person does not have daily substitute parental supervision.

159 "Independent living services" means services and activities provided to a child in foster care 14 years of
 160 age or older and who has been committed or entrusted to a local board of social services, child welfare
 161 agency, or private child-placing agency. "Independent living services" may also mean services and activities
 162 provided to a person who (i) was in foster care on his eighteenth birthday and has not yet reached the age of
 163 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the
 164 Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least
 165 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile
 166 Justice immediately prior to placement in an independent living arrangement. "Independent living services"
 167 includes counseling, education, housing, employment, and money management skills development and access
 168 to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

169 "Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this
 170 chapter.

171 "Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility
 172 as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child
 173 incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a
 174 juvenile facility.

175 "The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of
 176 each county or city.

177 "This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this
 178 chapter.

179 "Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have
 180 physical custody of the child, to determine and redetermine where and with whom he shall live, the right and
 181 duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary
 182 medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by

183 court order of joint custody as defined in § 20-107.2.

184 "Permanent foster care placement" means the place of residence in which a child resides and in which he
185 has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement
186 between the placing agency and the place of permanent foster care that the child shall remain in the
187 placement until he reaches the age of majority unless modified by court order or unless removed pursuant to
188 § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural
189 person or persons deemed appropriate to meet a child's needs on a long-term basis.

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

194 "Qualified residential treatment program" means a program that (i) provides 24-hour residential placement
195 services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical
196 and other needs of children with serious emotional or behavioral disorders, including any clinical or other
197 needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs
198 registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their
199 practice, and are available 24 hours a day, seven days a week; (iv) conducts outreach with the child's family
200 members, including efforts to maintain connections between the child and his siblings and other family;
201 documents and maintains records of such outreach efforts; and maintains contact information for any known
202 biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child,
203 facilitates participation by family members in the child's treatment program before and after discharge and
204 documents the manner in which such participation is facilitated; (vi) provides discharge planning and
205 family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42
206 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and
207 Human Services; and (viii) requires that any child placed in the program receive an assessment within 30
208 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an
209 age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of
210 Social Services; (b) identifies whether the needs of the child can be met through placement with a family
211 member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a
212 qualified residential treatment program, that would provide the most effective and appropriate level of care
213 for the child in the least restrictive environment and be consistent with the short-term and long-term goals
214 established for the child in his foster care or permanency plan; (c) establishes a list of short-term and
215 long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be
216 filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282,
217 16.1-282.1, or 16.1-282.2.

218 "Residual parental rights and responsibilities" means all rights and responsibilities remaining with the
219 parent after the transfer of legal custody or guardianship of the person, including but not limited to the right
220 of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

221 "Secure facility" or "detention home" means a local, regional or state public or private locked residential
222 facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of
223 children held in lawful custody.

224 "Shelter care" means the temporary care of children in physically unrestricting facilities.

225 "State Board" means the State Board of Juvenile Justice.

226 "Status offender" means a child who commits an act prohibited by law which would not be criminal if
227 committed by an adult.

228 "Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

229 "Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of
230 § 16.1-269.1 when committed by a juvenile 14 years of age or older.

231 **§ 16.1-278.15. Custody or visitation, child or spousal support generally.**

232 A. In cases involving the custody, visitation or support of a child pursuant to subdivision A 3 of
233 § 16.1-241, the court may make any order of disposition to protect the welfare of the child and family as may
234 be made by the circuit court. The parties to any petition where a child whose custody, visitation, or support is
235 contested shall show proof that they have attended within the 12 months prior to their court appearance or
236 that they shall attend within 45 days thereafter an educational seminar or other like program conducted by a
237 qualified person or organization approved by the Office of the Executive Secretary of the Supreme Court of
238 Virginia. The court may require the parties to attend such seminar or program in uncontested cases only if the
239 court finds good cause. The seminar or other program shall be a minimum of four hours in length and shall
240 address the effects of separation or divorce on children, parenting responsibilities, options for conflict
241 resolution and financial responsibilities. Once a party has completed one educational seminar or other like
242 program, the required completion of additional programs shall be at the court's discretion. Parties under this
243 section shall include natural or adoptive parents of the child, or any person with a legitimate interest as
244 defined in § 20-124.1. The fee charged a party for participation in such program shall be based on the party's

ability to pay; however, no fee in excess of \$50 may be charged. Whenever possible, before participating in mediation or alternative dispute resolution to address custody, visitation or support, each party shall have attended the educational seminar or other like program. The court may grant an exemption from attendance of such program for good cause shown or if there is no program reasonably available. Other than statements or admissions by a party admitting criminal activity or child abuse or neglect, no statement or admission by a party in such seminar or program shall be admissible into evidence in any subsequent proceeding. If support is ordered for a child, the order shall also provide that support will continue to be paid for a child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent seeking or receiving child support, until the child reaches the age of 19 or graduates from high school, whichever occurs first. The court may also order that support be paid or continue to be paid for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support himself; and (c) residing in the home of the parent seeking or receiving child support. Upon request of either party, the court may also order that support payments be made to a special needs trust or an ABLE savings trust account as defined in § 23.1-700.

B. In any case involving the custody or visitation of a child, the court may award custody upon petition to any party with a legitimate interest therein, including, but not limited to, grandparents, stepparents, former stepparents, blood relatives and family members. For purposes of this section, a party with a legitimate interest shall also include a parent whose rights previously had been terminated, provided that the child whose custody or visitation is at issue (i) is at least 14 years of age; (ii) has had a permanency goal previously achieved by adoption; (iii) has had his adoptive parents die or, pursuant to § 16.1-277.02, each of such child's adoptive parents has permanently been relieved of custody of such child and each adoptive parent has had his parental rights terminated; and (iv) is in the custody of a local board of social services, and provided that the parent whose rights had previously been terminated has (a) complied with the terms of any written post-adoption contact and communication agreement entered into pursuant to Article 1.1 (§ 63.2-1220.2 et seq.) of Chapter 12 of Title 63.2 and (b) maintained a positive, continuous relationship with the child since termination. The term "legitimate interest" shall be broadly construed to accommodate the best interest of the child. The authority of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where the custody of the child has previously been awarded to a local board of social services.

C. In any determination of support obligation under this section, the support obligation as it becomes due and unpaid creates a judgment by operation of law. Such judgment becomes a lien against real estate only when docketed in the county or city where such real estate is located. Nothing herein shall be construed to alter or amend the process of attachment of any lien on personal property.

D. Orders entered prior to July 1, 2008, shall not be deemed void or voidable solely because the petition or motion that resulted in the order was completed, signed and filed by a nonattorney employee of the Department of Social Services.

E. In cases involving charges for desertion, abandonment or failure to provide support by any person in violation of law, disposition shall be made in accordance with Chapter 5 (§ 20-61 et seq.) of Title 20.

F. In cases involving a spouse who seeks spousal support after having separated from his spouse, the court may enter any appropriate order to protect the welfare of the spouse seeking support.

G. In any case or proceeding involving the custody or visitation of a child, the court shall consider the best interest of the child, including the considerations for determining custody and visitation set forth in Chapter 6.1 (§ 20-124.1 et seq.) of Title 20.

G1. In any case or proceeding involving the custody or visitation of a child, as to a parent, the court may, in its discretion, use the phrase "parenting time" to be synonymous with the term "visitation."

H. In any proceeding before the court for custody or visitation of a child, the court may order a custody or a psychological evaluation of any parent, guardian, legal custodian or person standing in loco parentis to the child, if the court finds such evaluation would assist it in its determination. The court may enter such orders as it deems appropriate for the payment of the costs of the evaluation by the parties.

I. When deemed appropriate by the court in any custody or visitation matter, the court may order drug testing of any parent, guardian, legal custodian or person standing in loco parentis to the child. *Such drug testing shall exclude testing for any substance permitted for lawful use by an adult authorized under Title 4.1 or Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1. Such parent, guardian, legal custodian, or person standing in loco parentis to the child shall not be construed to have failed a drug test if such drug test includes a positive result for such substance authorized under Title 4.1 or Chapter 34 of Title 54.1.* The court may enter such orders as it deems appropriate for the payment of the costs of the testing by the parties. *A person's legal possession or consumption of substances authorized under Title 4.1 or Chapter 34 of Title 54.1 alone shall not serve as a basis to restrict custody or visitation unless other facts establish that such possession or consumption is not in the best interest of the child.*

J. In any custody or visitation case or proceeding wherein an order prohibiting a party from picking the child up from school is entered pursuant to this section, the court shall order a party to such case or

307 proceeding to provide a copy of such custody or visitation order to the school at which the child is enrolled
308 within three business days of such party's receipt of such custody or visitation order.

309 If a custody determination affects the school enrollment of the child subject to such custody order and
310 prohibits a party from picking the child up from school, the court shall order a party to provide a copy of such
311 custody order to the school at which the child will be enrolled within three business days of such party's
312 receipt of such order. Such order directing a party to provide a copy of such custody or visitation order shall
313 further require such party, upon any subsequent change in the child's school enrollment, to provide a copy of
314 such custody or visitation order to the new school at which the child is subsequently enrolled within three
315 business days of such enrollment.

316 If the court determines that a party is unable to deliver the custody or visitation order to the school, such
317 party shall provide the court with the name of the principal and address of the school, and the court shall
318 cause the order to be mailed by first class mail to such school principal.

319 Nothing in this section shall be construed to require any school staff to interpret or enforce the terms of
320 such custody or visitation order.

321 § 20-124.2. Court-ordered custody and visitation arrangements.

322 A. In any case in which custody or visitation of minor children is at issue, whether in a circuit or district
323 court, the court shall provide prompt adjudication, upon due consideration of all the facts, of custody and
324 visitation arrangements, including support and maintenance for the children, prior to other considerations
325 arising in the matter. The court may enter an order pending the suit as provided in § 20-103. The procedures
326 for determining custody and visitation arrangements shall insofar as practical, and consistent with the ends of
327 justice, preserve the dignity and resources of family members. Mediation shall be used as an alternative to
328 litigation where appropriate. When mediation is used in custody and visitation matters, the goals may include
329 development of a proposal addressing the child's residential schedule and care arrangements, and how
330 disputes between the parents will be handled in the future.

331 B. In determining custody, the court shall give primary consideration to the best interests of the child. The
332 court shall consider and may award joint legal, joint physical, or sole custody, and there shall be no
333 presumption in favor of any form of custody. The court shall assure minor children of frequent and
334 continuing contact with both parents, when appropriate, and encourage parents to share in the responsibilities
335 of rearing their children. As between the parents, there shall be no presumption or inference of law in favor of
336 either. The court shall give due regard to the primacy of the parent-child relationship but may upon a showing
337 by clear and convincing evidence that the best interest of the child would be served thereby award custody or
338 visitation to any other person with a legitimate interest. *A person's legal possession or consumption of*
339 *substances authorized under Title 4.1 or Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1 alone shall not serve*
340 *as a basis to restrict custody or visitation unless other facts establish that such possession or consumption is*
341 *not in the best interest of the child.*

342 B1. In any case or proceeding involving the custody or visitation of a child, as to a parent, the court may,
343 in its discretion, use the phrase "parenting time" to be synonymous with the term "visitation."

344 B2. In any case or proceeding in which a grandparent has petitioned the court for visitation with a minor
345 grandchild, and a natural or adoptive parent of the minor grandchild is deceased or incapacitated, the
346 grandparent who is related to such deceased or incapacitated parent shall be permitted to introduce evidence
347 of such parent's consent to visitation with the grandparent, in accordance with the rules of evidence. If the
348 parent's consent is proven by a preponderance of the evidence, the court may then determine if grandparent
349 visitation is in the best interest of the minor grandchild. For the purposes of this subsection, "incapacitated
350 parent" has the same meaning ascribed to the term "incapacitated person" in § 64.2-2000.

351 C. The court may order that support be paid for any child of the parties. Upon request of either party, the
352 court may order that such support payments be made to a special needs trust or an ABLE savings trust
353 account as defined in § 23.1-700. The court shall also order that support will continue to be paid for any child
354 over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the
355 home of the party seeking or receiving child support until such child reaches the age of 19 or graduates from
356 high school, whichever first occurs. The court may also order that support be paid or continue to be paid for
357 any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, and such
358 disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of
359 clauses (i), (ii), and (iii); (b) unable to live independently and support himself; and (c) residing in the home of
360 the parent seeking or receiving child support. In addition, the court may confirm a stipulation or agreement of
361 the parties which extends a support obligation beyond when it would otherwise terminate as provided by law.
362 The court shall have no authority to decree support of children payable by the estate of a deceased party. The
363 court may make such further decree as it shall deem expedient concerning support of the minor children,
364 including an order that either party or both parties provide health care coverage or cash medical support, or
365 both.

366 D. In any case in which custody or visitation of minor children is at issue, whether in a circuit or district
367 court, the court may order an independent mental health or psychological evaluation to assist the court in its
368 determination of the best interests of the child. The court may enter such order as it deems appropriate for the

369 payment of the costs of the evaluation by the parties.

370 E. The court shall have the continuing authority and jurisdiction to make any additional orders necessary
 371 to effectuate and enforce any order entered pursuant to this section or § 20-103 including the authority to
 372 punish as contempt of court any willful failure of a party to comply with the provisions of the order. A parent
 373 or other person having legal custody of a child may petition the court to enjoin and the court may enter an
 374 order to enjoin a parent of the child from filing a petition relating to custody and visitation of that child for
 375 any period of time up to 10 years if doing so is in the best interests of the child and such parent has been
 376 convicted of an offense under the laws of the Commonwealth or a substantially similar law of another state,
 377 the United States, or any foreign jurisdiction which constitutes (i) murder or voluntary manslaughter, or a
 378 felony attempt, conspiracy or solicitation to commit any such offense, if the victim of the offense was a child
 379 of the parent, a child with whom the parent resided at the time the offense occurred, or the other parent of the
 380 child, or (ii) felony assault resulting in serious bodily injury, felony bodily wounding resulting in serious
 381 bodily injury, or felony sexual assault, if the victim of the offense was a child of the parent or a child with
 382 whom the parent resided at the time of the offense. When such a petition to enjoin the filing of a petition for
 383 custody and visitation is filed, the court shall appoint a guardian ad litem for the child pursuant to § 16.1-266.

384 F. In any custody or visitation case or proceeding wherein an order prohibiting a party from picking the
 385 child up from school is entered pursuant to this section or § 20-103, the court shall order a party to such case
 386 or proceeding to provide a copy of such custody or visitation order to the school at which the child is enrolled
 387 within three business days of such party's receipt of such custody or visitation order.

388 If a custody determination affects the school enrollment of the child subject to such custody order and
 389 prohibits a party from picking the child up from school, the court shall order a party to provide a copy of such
 390 custody order to the school at which the child will be enrolled within three business days of such party's
 391 receipt of such order. Such order directing a party to provide a copy of such custody or visitation order shall
 392 further require such party, upon any subsequent change in the child's school enrollment, to provide a copy of
 393 such custody or visitation order to the new school at which the child is subsequently enrolled within three
 394 business days of such enrollment.

395 If the court determines that a party is unable to deliver the custody or visitation order to the school, such
 396 party shall provide the court with the name of the principal and address of the school, and the court shall
 397 cause the order to be mailed by first class mail to such school principal.

398 Nothing in this section shall be construed to require any school staff to interpret or enforce the terms of
 399 such custody or visitation order.

400 § 63.2-100. Definitions.

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

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

403 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict,
 404 or allows to be created or inflicted upon such child a physical or mental injury by other than accidental
 405 means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions,
 406 including, but not limited to, a child who is with his parent or other person responsible for his care either (i)
 407 during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the
 408 unlawful sale of such substance by that child's parents or other person responsible for his care, where such
 409 manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248.
 410 *However, possession or consumption of substances authorized under Title 4.1 or Chapter 34 (§ 54.1-3400 et*
 411 *seq.) of Title 54.1 by a child's parent or other person responsible for his care alone shall not serve as a basis*
 412 *to deem a child abused or neglected unless other facts establish that such possession or consumption causes*
 413 *or creates a risk of physical or mental injury to the child;*

414 2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for
 415 his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in
 416 accordance with the tenets and practices of a recognized church or religious denomination shall for that
 417 reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal
 418 authority for the child or, in the absence of parents with legal authority for the child, any person with legal
 419 authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition
 420 shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or
 421 other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently
 422 mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person
 423 with legal authority and the child have considered alternative treatment options; and (iv) the parents or other
 424 person with legal authority and the child believe in good faith that such decision is in the child's best interest.
 425 No child whose parent or other person responsible for his care allows the child to engage in independent
 426 activities without adult supervision shall for that reason alone be considered to be an abused or neglected
 427 child, provided that (a) such independent activities are appropriate based on the child's age, maturity, and
 428 physical and mental abilities and (b) such lack of supervision does not constitute conduct that is so grossly
 429 negligent as to endanger the health or safety of the child. Such independent activities include traveling to or
 430 from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a

431 reasonable period of time. Nothing in this subdivision shall be construed to limit the provisions of
432 § 16.1-278.4;

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

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

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

439 6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental
440 injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in
441 § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other
442 person responsible for his care knows has been convicted of an offense against a minor for which registration
443 is required as a Tier III offender pursuant to § 9.1-902; or

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

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

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

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

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

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

468 "Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in
469 § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or
470 advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his
471 rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation"
472 includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure
473 to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition,
474 possession, or control of an adult's financial resources or property through the use of undue influence,
475 coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services
476 against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or
477 defrauded into agreeing, to pay for such goods or services or to perform such services.

478 "Adult foster care" means room and board, supervision, and special services to an adult who has a
479 physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.
480 "Adult foster care" does not include services or support provided to individuals through the Fostering Futures
481 program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9.

482 "Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is
483 not able to provide for himself or is not being provided services necessary to maintain his physical and
484 mental health and that the failure to receive such necessary services impairs or threatens to impair his
485 well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving
486 religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that
487 such treatment or care is performed in good faith and in accordance with the religious practices of the adult
488 and there is a written or oral expression of consent by that adult.

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

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

493 living.

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

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

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

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

518 "Board" means the State Board of Social Services.

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

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

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

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

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

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

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

548 "Children's residential facility" means any facility, child-caring institution, or group home that is
 549 maintained for the purpose of receiving children separated from their parents or guardians for full-time care,
 550 maintenance, protection and guidance, or for the purpose of providing independent living services to persons
 551 between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's
 552 residential facility shall not include:

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

555 2. An establishment required to be licensed as a summer camp by § 35.1-18; and
556 3. A licensed or accredited hospital legally maintained as such.

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

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

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

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

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

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

576 "Federal-Funded Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C.
577 § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with
578 § 63.2-1305, payments to eligible individuals who have received custody of a child of whom they had been
579 the foster parents.

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

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

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

593 "General relief" means money payments and other forms of relief made to those persons mentioned in
594 § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

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

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

606 "Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the
607 custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency
608 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
609 Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a
610 living arrangement in which such child or person does not have daily substitute parental supervision.

611 "Independent living services" means services and activities provided to a child in foster care 14 years of
612 age or older who was committed or entrusted to a local board of social services, child welfare agency, or
613 private child-placing agency. "Independent living services" may also mean services and activities provided to
614 a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is
615 between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile
616 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

617 person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately
 618 prior to placement in an independent living arrangement. Such services shall include counseling, education,
 619 housing, employment, and money management skills development, access to essential documents, and other
 620 appropriate services to help children or persons prepare for self-sufficiency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

664 "Qualified residential treatment program" means a program that (i) provides 24-hour residential placement
 665 services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical
 666 and other needs of children with serious emotional or behavioral disorders, including any clinical or other
 667 needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs
 668 registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their
 669 practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family
 670 members, including efforts to maintain connections between the child and his siblings and other family;
 671 documents and maintains records of such outreach efforts; and maintains contact information for any known
 672 biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child,
 673 facilitates participation by family members in the child's treatment program before and after discharge and
 674 documents the manner in which such participation is facilitated; (vi) provides discharge planning and
 675 family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42
 676 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and
 677 Human Services; and (viii) requires that any child placed in the program receive an assessment within 30
 678 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an

679 age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of
680 Social Services; (b) identifies whether the needs of the child can be met through placement with a family
681 member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a
682 qualified residential treatment program, that would provide the most effective and appropriate level of care
683 for the child in the least restrictive environment and be consistent with the short-term and long-term goals
684 established for the child in his foster care or permanency plan; (c) establishes a list of short-term and
685 long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be
686 filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282,
687 16.1-282.1, or 16.1-282.2.

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

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

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

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

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

705 "Supervised independent living setting" means the residence of a person 18 years of age or older who is
706 participating in the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 where
707 supervision includes a monthly visit with a service worker or, when appropriate, contracted supervision.
708 "Supervised independent living setting" does not include residential facilities or group homes.

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

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

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

719 **2. That the Board of Social Services shall amend its regulations, guidance documents, and other
720 instructional materials to ensure that such regulations, documents, and materials comply with, and
721 that investigations and family assessments are conducted by local departments of social services in
722 accordance with, the provisions of this act.**