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SENATE BILL NO. 640

Offered January 14, 2026

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A BILL to amend and reenact §§ 2.2-3803, 2.2-3815, 22.1-272.1, 22.1-291.3, 63.2-100, 63.2-105, 63.2-203, 63.2-1501, 63.2-1502, 63.2-1503, 63.2-1508, 63.2-1509, 63.2-1512, and 63.2-1530 of the Code of Virginia and Chapter 604 of the Acts of Assembly of 2017; to amend the Code of Virginia by adding sections numbered 63.2-203.1, 63.2-319.1, and 63.2-1510.1; and to repeal § 63.2-1510 of the Code of Virginia, relating to Department of Social Services; corrective action plans and assumption of temporary control of local boards and local departments; centralized intake system for reports or complaints of child abuse or neglect.

Patrons—Pillion, Boysko, Carroll Foy, Ebbin, Suetterlein and VanValkenburg

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3803, 2.2-3815, 22.1-272.1, 22.1-291.3, 63.2-100, 63.2-105, 63.2-203, 63.2-1501, 63.2-1502, 63.2-1503, 63.2-1508, 63.2-1509, 63.2-1512, and 63.2-1530 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 63.2-203.1, 63.2-319.1, and 63.2-1510.1 as follows:

§ 2.2-3803. Administration of systems including personal information; internet privacy policy; exceptions.

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

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

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

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

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

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

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

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

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

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

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

59 or federal law.

60 B. Every public body, as defined in § 2.2-3701, that has an ~~Internet~~ internet website associated with that
61 public body shall develop an ~~Internet~~ internet privacy policy and an ~~Internet~~ internet privacy policy statement
62 that explains the policy to the public. The policy shall be consistent with the requirements of this chapter. The
63 statement shall be made available on the public body's website in a conspicuous manner. The Secretary of
64 Administration or his designee shall provide guidelines for developing the policy and the statement, and each
65 public body shall tailor the policy and the statement to reflect the information practices of the individual
66 public body. At minimum, the policy and the statement shall address (i) what information, including
67 personally identifiable information, will be collected, if any; (ii) whether any information will be
68 automatically collected simply by accessing the website and, if so, what information; (iii) whether the website
69 automatically places a computer file, commonly referred to as a "cookie," on the ~~Internet~~ internet user's
70 computer and, if so, for what purpose; and (iv) how the collected information is being used or will be used.

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

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

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

83 **§ 2.2-3815. Access to social security numbers prohibited; exceptions.**

84 A. Except as otherwise provided in this chapter, the first five digits of a social security number contained
85 in a public record shall be confidential and exempt from disclosure under the Freedom of Information Act
86 (§ 2.2-3700 et seq.).

87 For the purposes of this chapter:

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

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

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

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

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

97 1. In accordance with a proper judicial order;

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

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

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

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

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

114 **§ 22.1-272.1. Responsibility to contact parent of student at imminent risk of suicide; notice to be**
115 **given to social services if parental abuse or neglect; Board of Education to develop guidelines for**
116 **parental contact.**

117 A. Any person licensed as administrative or instructional personnel by the Board of Education and
118 employed by a local school board who in the scope of his employment has reason to believe, as a result of
119 direct communication from a student, that such student is at imminent risk of suicide shall, as soon as
120 practicable, (i) contact at least one of such student's parents to ask whether such parent is aware of the

student's mental state and whether the parent wishes to obtain or has already obtained counseling for such student and (ii) provide to the parent materials on suicide prevention that shall include information on the legal requirements set forth in § 18.2-56.2 relating to the safe storage of firearms in the presence of minors and that may include guidance on best practices and strategies for limiting a student's access to lethal means, including firearms and medications. Such contact shall be made and any materials on suicide prevention provided shall be selected in accordance with the provisions of the guidelines required by subsection C.

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

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

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

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

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

307 1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return
308 annually to the homes of their parents or guardians for not less than two months of summer vacation;
309 2. An establishment required to be licensed as a summer camp by § 35.1-18; and
310 3. A licensed or accredited hospital legally maintained as such.

311 "Commissioner" means the Commissioner of the Department, his designee or authorized representative.
312 "Department" means the State Department of Social Services.
313 "Department of Health and Human Services" means the Department of Health and Human Services of the
314 United States government or any department or agency thereof that may hereafter be designated as the agency
315 to administer the Social Security Act, as amended.

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

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

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

330 "Federal-Funded Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C.
331 § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with
332 § 63.2-1305, payments to eligible individuals who have received custody of a child of whom they had been
333 the foster parents.

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

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

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

347 "General relief" means money payments and other forms of relief made to those persons mentioned in
348 § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

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

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

360 "Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the
361 custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency
362 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
363 Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a
364 living arrangement in which such child or person does not have daily substitute parental supervision.

365 "Independent living services" means services and activities provided to a child in foster care 14 years of
366 age or older who was committed or entrusted to a local board of social services, child welfare agency, or
367 private child-placing agency. "Independent living services" may also mean services and activities provided to
368 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, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and

Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

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

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

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. "Social services" also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and Chapter 16 (§ 63.2-1600 et seq.) and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

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

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

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

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

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

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

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

A. The local department may disclose the contents of records and information learned during the course of a child-protective services investigation or during the provision of child-protective services to a family, without a court order and without the consent of the family, to a person having a legitimate interest when in the judgment of the local department such disclosure is in the best interest of the child who is the subject of the records. Persons having a legitimate interest in child-protective services records of local departments include, but are not limited to, (i) any person who is responsible for investigating a report of known or suspected abuse or neglect or for providing services to a child or family that is the subject of a report, including multidisciplinary teams and family assessment and planning teams referenced in subsections ~~7~~ *I* and ~~8~~ *J* of § 63.2-1503, law-enforcement agencies and attorneys for the Commonwealth; (ii) child welfare or human services agencies of the Commonwealth or its political subdivisions when those agencies request information to determine the compliance of any person with a child-protective services plan or an order of any court; (iii) personnel of the school or child day program as defined in § 63.2-100 attended by the child so that the local department can receive information from such personnel on an ongoing basis concerning the child's health and behavior, and the activities of the child's custodian; (iv) a parent, grandparent, or any other person when such parent, grandparent or other person would be considered by the local department as a potential caretaker of the child in the event the local department has to remove the child from his custodian; (v) the Commitment Review Committee and the Office of the Attorney General for the purposes of sexually violent predator civil commitments pursuant to Chapter 9 (§ 37.2-900 et seq.) of Title 37.2; and (vi) the staff

of (a) a court services unit, (b) the Department of Juvenile Justice, (c) a local community services board, or (d) the Department of Behavioral Health and Developmental Services who are providing treatment, services, or care for a child who is the subject of such records for a purpose relevant to the provision of the treatment, services, or care, including the immediate identification of children who may be receiving or who have received treatment, services, or care from the local agencies and the Department of Juvenile Justice, when the local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide coordinated services to such children, provided that any court services unit or local community services board to which such records are disclosed in accordance with this paragraph shall not further disclose any information received unless such further disclosure is expressly required by law.

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

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

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

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

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

§ 63.2-203. Powers and duties of Commissioner generally.

A. The Commissioner, subject to the regulations of the Board, shall have all of the powers and perform all the duties conferred upon him by law, *including the authority to create and enforce corrective action plans pursuant to § 63.2-203.1*. Except as otherwise provided, he shall supervise the administration of the provisions of this title and shall see that all laws pertaining to the Department are carried out to their true intent and spirit.

B. The Commissioner shall enforce the regulations adopted by the Board.

§ 63.2-203.1. Intervention by Commissioner; corrective action plans; assumption of temporary control of local boards and local departments.

A. *The Commissioner shall have the authority to create and enforce a corrective action plan for any local board and local department that, in the Commissioner's discretion, (i) fails to administer public assistance and social services programs in accordance with applicable laws and regulations or (ii) takes any action or fails to act in a manner that poses a substantial risk to the health, safety, or well-being of a child or adult. The corrective action plan shall (a) include specific objectives that the local board shall meet in order to comply with applicable laws and regulations and ensure the health, safety, and well-being of all children and adults about whom a report of abuse or neglect was made or who is in the local board's supervision and control and (b) set the date by which such objectives shall be completed, which shall not extend beyond 90 days after implementation of the corrective action plan unless the Commissioner determines that the objectives of the corrective action plan cannot be reasonably accomplished within such time frame. During the time the corrective action plan is in effect, the Commissioner may direct Department staff to provide assistance to the local board, monitor its progress in meeting the objectives stated in the plan, and take any measures necessary to protect the health, safety, and well-being of children about whom a report of abuse or neglect was made in accordance with the provisions of this chapter or who is in the local board's supervision and control. The Commissioner shall provide regular updates to the chairman of the Board, chairman of the local board, and local director regarding the local board's progress in meeting the objectives of the corrective action plan.*

Prior to implementing a corrective action plan, the Commissioner shall provide written notice of his intent to implement the corrective action plan and the reasons that such plan was developed to the chairman of the Board, chairman of the local board, and local director. Upon request by the chairman of the Board, chairman of the local board, or local director, the Commissioner shall hold a hearing to determine whether a

555 corrective action plan is appropriate.

556 B. If the local board fails to timely comply with the corrective action plan, the Commissioner shall have
557 the authority to temporarily assume control over all or part of the local board's operations and associated
558 funds. Upon assuming such control, the Commissioner may utilize Department staff or contract with private
559 entities to provide public assistance and social services in the locality served by the local board and manage
560 funds appropriated for such purposes. For any period during which a local board is under the
561 Commissioner's control, the Commissioner shall work with the local board and local director to make any
562 adjustments necessary to facilitate the local board's resumption of control over its public assistance and
563 social services and funds. The Commissioner shall remit control of such public assistance and social services
564 and funds to the local board upon determining that the local board has made all adjustments necessary to
565 ensure that public assistance and social services are provided in compliance with state and federal law and
566 regulations and in a manner that adequately protects the health, safety, and well-being of all children about
567 whom a report of abuse or neglect was made in accordance with the provisions of this chapter or who is in
568 the local board's supervision and control.

569 C. Whenever the Commissioner assumes temporary control over a local board's public assistance or
570 social services and funds pursuant to this section, the amount of local funding made available for such
571 services shall remain equal to or greater than the amounts available immediately prior to the Commissioner's
572 assumption of temporary control. Additionally, the locality in which the local board is located shall be
573 required to pay the local share of any costs associated with any services necessary to align the local board's
574 public assistance and social services with state and federal laws and regulations.

575 **§ 63.2-319.1. Intervention by Commissioner; corrective action plans; assumption of temporary control**
576 **of local boards.**

577 A. The Commissioner shall have the authority to create and enforce a corrective action plan for any local
578 board that, in the Commissioner's discretion, (i) fails to provide child welfare services in accordance with
579 applicable law or regulations or (ii) takes any action or fails to act in a manner that poses a substantial risk
580 to the health, safety, or well-being of a child. The corrective action plan shall (a) include specific objectives
581 that the local board shall meet in order to comply with applicable laws and regulations and ensure the
582 health, safety, and well-being of all children about whom a report of abuse or neglect was made or who is in
583 the local board's supervision and control and (b) set the date by which such objectives shall be completed,
584 which shall not extend beyond 90 days after implementation of the corrective action plan unless the
585 Commissioner determines that the objectives of the corrective action plan cannot be reasonably
586 accomplished within such time frame. During the time the corrective action plan is in effect, the
587 Commissioner may direct Department staff to provide assistance to the local board, monitor its progress in
588 meeting the objectives stated in the plan, and take any measures necessary to protect the health, safety, and
589 well-being of children about whom a report of abuse or neglect was properly made or who are in the local
590 board's supervision and control. The Commissioner shall provide regular updates to the chairman of the
591 Board, chairman of the local board, and local director regarding the local board's progress in meeting the
592 objectives of the corrective action plan.

593 Prior to implementing a corrective action plan, the Commissioner shall provide written notice of his
594 intent to implement the corrective action plan and the reasons that such plan was developed to the chairman
595 of the Board, chairman of the local board, and local director. Upon request by the chairman of the Board,
596 chairman of the local board, or local director, the Commissioner shall hold a hearing to determine whether a
597 corrective action plan is appropriate.

598 B. If the local board fails to timely comply with the corrective action plan, the Commissioner shall have
599 the authority to temporarily assume control over all or part of the local board's child welfare services and
600 associated funds. Upon assuming such control, the Commissioner may utilize Department staff or contract
601 with private entities to provide child welfare services in the locality served by the local board and manage
602 funds appropriated for such purposes. For any period during which a local board is under the
603 Commissioner's control, the Commissioner shall work with the local board and local director to make any
604 adjustments necessary to facilitate the local board's resumption of control over its child welfare services and
605 funds. The Commissioner shall remit control of such child welfare services and funds to the local board upon
606 determining that the local board has made all adjustments necessary to ensure that child welfare services are
607 provided in compliance with state and federal law and regulations and in a manner that adequately protects
608 the health, safety, and well-being of all children about whom a report of abuse or neglect was made or who
609 are in the local board's supervision and control.

610 C. Whenever the Commissioner assumes temporary control over a local board's child welfare services
611 and funds pursuant to this section, the amount of local funding made available for such services shall remain
612 equal to or greater than the amounts available immediately prior to the Commissioner's assumption of
613 temporary control. Additionally, the locality in which the local board is located shall be required to pay the
614 local share of any costs associated with any services necessary to align the local board's child welfare
615 services with state and federal laws and regulations.

616 **§ 63.2-1501. Definitions.**

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

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

"Local department" means the local department of social services in the county or city in the Commonwealth where the alleged victim child resides or in which the alleged abuse or neglect is believed to have occurred. If neither of these is known, then the local department shall be the local department of social services in the county or city where the abuse or neglect was discovered.

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

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

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

1. To evaluate and strengthen all local, regional, and state programs dealing with child abuse and neglect.
2. To assume primary responsibility for directing the planning and funding of child-protective services. This shall include reviewing and approving the annual proposed plans and budgets for protective services submitted by the local departments.
3. To assist in developing programs aimed at discovering and preventing the many factors causing child abuse and neglect.
4. To prepare and disseminate, including the presentation of, educational programs and materials on child abuse and neglect.
5. To provide educational programs for professionals required by law to make reports under this chapter.
6. To establish standards of training and provide educational programs to qualify workers in the field of child-protective services. Such standards of training shall include provisions regarding the legal duties of the workers in order to protect the constitutional and statutory rights and safety of children and families from the initial time of contact during investigation through treatment.
7. To establish standards of training and educational programs to qualify workers to determine whether complaints of abuse or neglect of a child in a private or state-operated hospital, institution, or other facility; or public school; are founded.
8. To maintain staff qualified pursuant to Board regulations to assist local department personnel in determining whether an employee of a private or state-operated hospital, institution, or other facility or an employee of a school board; abused or neglected a child in such hospital, institution, or other facility; or public school.
9. To monitor the processing and determination of cases where an employee of a private or state-operated hospital, institution or other facility; or an employee of a school board; is suspected of abusing or neglecting a child in such hospital, institution, or other facility; or public school.
10. To help coordinate child-protective services at the state, regional, and local levels with the efforts of other state and voluntary social, medical, and legal agencies.
11. To maintain a child abuse and neglect information system that includes all cases of child abuse and neglect within the Commonwealth.
12. To provide for methods to preserve the confidentiality of all records in order to protect the rights of the child; and his parents or guardians.
13. To establish and ensure the implementation of minimum training requirements for workers and supervisors on family abuse and domestic violence, including the relationship between domestic violence and child abuse and neglect.
14. To establish and ensure the implementation of minimum training requirements for workers and supervisors on identifying, assessing, and providing comprehensive services for children who are victims 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., including efforts to coordinate with law-enforcement, juvenile justice, and social service agencies such as runaway and homeless youth shelters to serve this population.
15. To establish and maintain within the Department an intake system capable of receiving reports or complaints of child abuse and neglect on a 24-hours-a-day, seven-days-per-week basis, and effectively and efficiently responding to such reports or complaints. The Department shall record all complaints into the child welfare information system.
16. To assess each complaint of child abuse and neglect and determine whether the report or complaint is valid pursuant to § 63.2-1508. For all valid complaints, the Department shall make a determination as to whether the local department of jurisdiction shall conduct an investigation pursuant to § 63.2-1505 or, if designated as a child-protective services differential response agency by the Department according to § 63.2-1504, a family assessment pursuant to § 63.2-1506. The Department shall immediately notify the local department of jurisdiction of the valid complaint.
17. To notify the local attorney for the Commonwealth and the local law-enforcement agency of all invalid complaints of suspected child abuse or neglect received by them involving (i) any death of a child; (ii) any injury or threatened injury to the child in which a felony or Class 1 misdemeanor is also suspected; (iii)

any sexual abuse, suspected sexual abuse or other sexual offense involving a child, including the use or display of the child in sexually explicit visual material, as defined in § 18.2-374.1; (iv) any abduction of a child; (v) any felony or Class 1 misdemeanor drug offense involving a child; or (vi) any case of contributing to the delinquency of a minor in violation of § 18.2-371, immediately, but in no case more than two hours after receipt of the invalid complaint.

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

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

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

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

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

~~D.~~ The local department shall notify the local attorney for the Commonwealth and the local law-enforcement agency of all *valid* complaints of suspected child abuse or neglect ~~received by the local department from the Department~~ involving (i) any death of a child; (ii) any injury or threatened injury to the child in which a felony or Class 1 misdemeanor is also suspected; (iii) any sexual abuse, suspected sexual abuse or other sexual offense involving a child, including but not limited to the use or display of the child in sexually explicit visual material, as defined in § 18.2-374.1; (iv) any abduction of a child; (v) any felony or Class 1 misdemeanor drug offense involving a child; or (vi) contributing to the delinquency of a minor in violation of § 18.2-371, immediately, but in no case more than two hours ~~of~~ after receipt of the *valid* complaint, and shall provide the attorney for the Commonwealth and the local law-enforcement agency with records and information of the local department, including records related to any complaints of abuse or neglect involving the victim or the alleged perpetrator, related to the investigation of the complaint. The local department shall notify the local attorney for the Commonwealth of all *valid* complaints of suspected child abuse or neglect involving the child's being left alone in the same dwelling with a person to whom the child is not related by blood or marriage and who has been convicted of an offense against a minor for which registration is required as a Tier III offender pursuant to § 9.1-902, immediately, but in no case more than two hours ~~of~~ after receipt of the *valid* complaint, and shall provide the attorney for the Commonwealth with records and information of the local department that would help determine whether a violation of post-release conditions, probation, parole, or court order has occurred due to the nonrelative offender's contact with the child. The local department shall not allow reports of the death of the victim from other local agencies to substitute for direct reports to the attorney for the Commonwealth and the local law-enforcement agency. The local department shall develop, when practicable, memoranda of understanding for responding to reports of child abuse and neglect with local law enforcement and the attorney for the Commonwealth.

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

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

~~F.~~ E. The local department shall use reasonable diligence to locate (i) any child for whom a ~~report~~ *valid complaint* of suspected abuse or neglect has been received and is under investigation, receiving family assessment, or for whom a founded determination of abuse and neglect has been made and a child-protective

services case opened and (ii) persons who are the subject of a report that is under investigation or receiving family assessment, if the whereabouts of the child or such persons are unknown to the local department.

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

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

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

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

The local department shall also coordinate its efforts in the provision of these services for abused and neglected children with the judge and staff of the court.

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

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

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

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

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

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

§ 63.2-1508. Valid report or complaint.

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

1. The alleged victim child or children are under 18 years of age at the time of the complaint or report;
2. The alleged abuser is the alleged victim child's parent or other caretaker or, for purposes of abuse or neglect described in subdivision 4 of the definition of "abused or neglected child" in § 63.2-100, an intimate partner of such parent or caretaker;

3. ~~The local department receiving the complaint or report has jurisdiction~~ alleged abuse or neglect occurred in the Commonwealth or the alleged victim child resides in the Commonwealth; and

4. The circumstances described allege suspected child abuse or neglect.

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

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

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

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

A. The following persons who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, shall report the matter immediately to the ~~local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the~~ Department's toll-free child abuse and neglect hotline intake system:

1. Any person licensed to practice medicine or any of the healing arts;
2. Any hospital resident or intern; and any person employed in the nursing profession;
3. Any person employed as a social worker or family-services specialist;
4. Any probation officer;
5. Any teacher or other person employed in a public or private school, kindergarten, or child day program, as that term is defined in § 22.1-289.02;
6. Any person providing full-time or part-time child care for pay on a regularly planned basis;
7. Any mental health professional;
8. Any law-enforcement officer or animal control officer;
9. Any mediator eligible to receive court referrals pursuant to § 8.01-576.8;
10. Any professional staff person, not previously enumerated, employed by a private or state-operated hospital, institution, or facility to which children have been committed or where children have been placed for care and treatment;
11. Any person 18 years of age or older associated with or employed by any public or private organization responsible for the care, custody, or control of children;
12. Any person who is designated a court-appointed special advocate pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;
13. Any person 18 years of age or older who has received training approved by the Department of Social Services for the purposes of recognizing and reporting child abuse and neglect;
14. Any person employed by a local department as defined in § 63.2-100 who determines eligibility for public assistance;
15. Any emergency medical services provider certified by the Board of Health pursuant to § 32.1-111.5, unless such provider immediately reports the matter directly to the attending physician at the hospital to which the child is transported, who shall make such report forthwith;
16. Any athletic coach, director, or other person 18 years of age or older employed by or volunteering with a public or private sports organization or team;

17. Administrators or employees 18 years of age or older of public or private day camps, youth centers, and youth recreation programs;

18. Any person employed by a public or private institution of higher education other than an attorney who is employed by a public or private institution of higher education as it relates to information gained in the course of providing legal representation to a client;

19. Any minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or denomination usually referred to as a church, unless the information supporting the suspicion of child abuse or neglect (i) is required by the doctrine of the religious organization or denomination to be kept in a confidential manner or (ii) would be subject to § 8.01-400 or 19.2-271.3 if offered as evidence in court; and

20. Any person who engages in the practice of behavior analysis, as defined in § 54.1-2900.

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

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

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

The initial report may be an oral report but such report shall be reduced to writing by the child abuse coordinator of the local department on a form prescribed by the Board. Any person required to make the report pursuant to this subsection shall disclose all information that is the basis for his suspicion of abuse or neglect of the child and, upon request, shall make available to the child-protective services coordinator and the local department, which is the agency of jurisdiction, any information, records, or reports that document the basis for the report. All persons required by this subsection to report suspected abuse or neglect who maintain a record of a child who is the subject of such a report shall cooperate with the investigating agency and shall make related information, records, and reports available to the investigating agency unless such disclosure violates the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g). Provision of such information, records, and reports by a health care provider shall not be prohibited by § 8.01-399. Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by the investigating agency nor shall they be subject to public disclosure.

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

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

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

fails to make the report required pursuant to this section is guilty of a Class 1 misdemeanor.

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

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

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

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

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

§ 63.2-1530. Virginia Child Protection Accountability System.

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

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

1. From the Department: (i) the total number of complaints alleging child abuse, neglect, or a combination thereof received; (ii) the total number of complaints deemed valid pursuant to § 63.2-1508; (iii) the total number of complaints investigated by the Department pursuant to subsection F of § 63.2-1503 and § 63.2-1505; (iv) the total number of cases determined to be founded cases of abuse or neglect; and (v) the total number of cases resulting in a finding that the complaint was founded resulting in administrative appeal. Information reported pursuant to clause (v) shall be reported by total number of appeals to the local department, total number of appeals to the Department, and total number of appeals by outcome of the appeal. For each category of information required by this subdivision, the Department shall also report the total number of cases by type of abuse; by gender, age, and race of the alleged victim; and by the nature of the relationship between the alleged victim and alleged abuser.

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

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

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

5. From the Office of the Executive Secretary of the Supreme Court of Virginia; information by locality on cases from the Juvenile and Domestic Relations District Courts' Case Management System involving (i)

children alleged to be abused or neglected, including (a) the number of petitions filed, (b) the number of cases in which an emergency removal order was issued, (c) the number of cases in which a preliminary removal order was issued prior to an adjudicatory hearing, (d) the number of cases in which a preliminary removal order or a preliminary child protective order or both were issued at a preliminary hearing, and (e) the number of cases in which a preliminary child protective order or a child protective order was issued other than at a preliminary hearing; and (ii) family abuse cases, including (a) the number of family abuse emergency protective orders issued by magistrates and juvenile and domestic relations district courts pursuant to § 16.1-253.4, (b) the number of family abuse protective petitions filed, and (c) the number of family abuse protective orders issued pursuant to § 16.1-279.1.

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

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

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

3. That Chapter 604 of the Acts of Assembly of 2017 are amended and reenacted as follows:

§ 1. That the State Board of Social Services (*the Board*) shall promulgate regulations that require local departments of social services to respond to valid reports and complaints alleging suspected abuse or neglect of a child under the age of ~~two~~ three within 24 hours of receiving such reports or complaints. *The Board shall promulgate regulations that require local departments of social services to investigate and determine the validity of complaints alleging suspected abuse or neglect of children under the age of three and children with disabilities as defined in § 22.1-213 of the Code of Virginia. The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on such regulations prior to adoption.*

4. That the State Board of Social Services (the Board) shall promulgate regulations to implement the provisions of this act related to state oversight of social services pursuant to § 63.2-100 of the Code of Virginia, as amended by this act, and §§ 63.2-203.1 and 63.2-319.1 of the Code of Virginia, as created by this act. The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on such regulations prior to adoption.