

HOUSE BILL NO. 667

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on _____)

(Patron Prior to Substitute—Delegate Maldonado)

A BILL to amend and reenact §§ 16.1-228, 16.1-241, and 63.2-100 of the Code of Virginia, relating to juvenile and domestic relations district courts; jurisdiction; definitions; petition by noncitizen aged 18 to 21 years for legal custody.

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-228, 16.1-241, and 63.2-100 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-228. Definitions.

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

"Abused or neglected child" means any child:

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

32 person with legal authority and the child believe in good faith that such decision is in the child's best interest.
33 No child whose parent or other person responsible for his care allows the child to engage in independent
34 activities without adult supervision shall for that reason alone be considered to be an abused or neglected
35 child, provided that (a) such independent activities are appropriate based on the child's age, maturity, and
36 physical and mental abilities and (b) such lack of supervision does not constitute conduct that is so grossly
37 negligent as to endanger the health or safety of the child. Such independent activities include traveling to or
38 from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a
39 reasonable period of time. Nothing in this subdivision shall be construed to limit the provisions of
40 § 16.1-278.4;

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

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

47 6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental
48 injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in
49 § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other
50 person responsible for his care knows has been convicted of an offense against a minor for which registration
51 is required as a Tier III offender pursuant to § 9.1-902; or

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

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

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

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

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

69 "Child," "juvenile," or "minor" means a person who is (i) younger than 18 years of age ~~or~~; (ii) for
70 purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 of Title
71 63.2, younger than 21 years of age and meets the eligibility criteria set forth in § 63.2-919; or (iii) an
72 *unmarried noncitizen between the ages of 18 and 21 who has been abused, abandoned, or neglected and for*
73 *whom physical custody, as defined in subsection A2 of § 16.1-241, is sought under subsection A2 of*
74 *§ 16.1-241.*

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

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

91 his family.

92 "Child in need of supervision" means:

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

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

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

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

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

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

117 "Department" means the Department of Juvenile Justice and "Director" means the administrative head in
118 charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties
119 imposed upon him under this law.

120 "Driver's license" means any document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the

121 comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways.

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

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

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

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

151 "Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the
152 custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency
153 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
154 Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a
155 living arrangement in which such child or person does not have daily substitute parental supervision.

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

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

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

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

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

176 "Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have
177 physical custody of the child, to determine and redetermine where and with whom he shall live, the right and
178 duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary
179 medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by
180 court order of joint custody as defined in § 20-107.2.

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

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

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

212 long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be
213 filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282,
214 16.1-282.1, or 16.1-282.2.

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

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

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

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

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

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

226 "Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of
227 § 16.1-269.1 when committed by a juvenile 14 years of age or older.

228 **§ 16.1-241. Jurisdiction; consent for abortion.**

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

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

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

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

241 2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as

242 having abused or neglected another child in the care of the parent or custodian;

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

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

248 5. Where the termination of residual parental rights and responsibilities is sought. In such cases
249 jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in
250 § 16.1-244;

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

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

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

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

272 The authority of the juvenile court to adjudicate matters involving the custody, visitation, support, control,

273 or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father, or legal
274 guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party
275 with a legitimate interest shall be broadly construed and shall include; ~~but not be limited to~~; grandparents,
276 step-grandparents, stepparents, former stepparents, blood relatives, and family members. A party with a
277 legitimate interest shall not include any person (i) whose parental rights have been terminated by court order,
278 either voluntarily or involuntarily, except for purposes of this title, as otherwise provided by this paragraph;
279 (ii) whose interest in the child derives from or through a person whose parental rights have been terminated
280 by court order, either voluntarily or involuntarily, or whose interest in the child derives from or through a
281 person pursuant to clause (iii), including, ~~but not limited to~~, grandparents, stepparents, former stepparents,
282 blood relatives, and family members, if the child subsequently has been legally adopted, except where a final
283 order of adoption is entered pursuant to § 63.2-1241; or (iii) who has been convicted of a violation of
284 subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state,
285 the United States, or any foreign jurisdiction, or who has been found by clear and convincing evidence to
286 have engaged in the conduct prohibited by subsection A of § 18.2-61, § 18.2-63, or subsection B of
287 § 18.2-366, whether or not the person has been charged with or convicted of the alleged violation, when the
288 child who is the subject of the petition was conceived as a result of such violation or conduct. The authority
289 of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited
290 where the child has previously been awarded to the custody of a local board of social services. For purposes
291 of this title, a party with a legitimate interest shall also include a parent whose rights previously had been
292 terminated, provided that the child whose custody or visitation is at issue (a) is at least 14 years of age; (b)
293 has had a permanency goal previously achieved by adoption; (c) has had his adoptive parents die or, pursuant
294 to § 16.1-277.02, each of such child's adoptive parents has permanently been relieved of custody of such
295 child and each adoptive parent has had his parental rights terminated; and (d) is in the custody of a local
296 board of social services, and provided that the parent whose rights had previously been terminated has (1)
297 complied with the terms of any written post-adoption contact and communication agreement entered into
298 pursuant to Article 1.1 (§ 63.2-1220.2 et seq.) of Chapter 12 of Title 63.2 and (2) maintained a positive,
299 continuous relationship with the child since termination.

300 A1. Making specific findings of fact required by state or federal law to enable a child to apply for or
301 receive a state or federal benefit. For the purposes of this subsection only, when the court has obtained
302 jurisdiction over the case of any child, the court may continue to exercise its jurisdiction until such person
303 reaches 21 years of age, for the purpose of entering findings of fact or amending past orders, to include

304 findings of fact necessary for the person to petition the federal government for status as a special immigrant
305 juvenile, as defined by 8 U.S.C. § 1101(a)(27)(J).

306 *A2. For the purposes of this subsection only, a child who is an unmarried noncitizen between the ages of
307 18 to 21 who has been abused, abandoned, or neglected may petition a court in either the jurisdiction in
308 which the petitioning child resides or the jurisdiction in which the proposed custodian resides to be placed in
309 the physical custody of a proposed custodian named in the petition. Notice of the petition and any hearing on
310 such petition shall be served on such proposed custodian and an opportunity to be heard shall be afforded to
311 such proposed custodian.*

312 *If the proposed custodian named in the petition is any person other than the person who had legal custody
313 of such child prior to such child's eighteenth birthday, notice of the petition and any hearing on such petition
314 shall be served on such child's parent or legal custodian and an opportunity to be heard shall be afforded to
315 such parent or legal custodian. Such child may, concurrently with a petition pursuant to this subsection or at
316 a later time, petition the court for findings consistent with the provisions of subsection A1. Any child who files
317 a petition in accordance with this subsection may subsequently petition the court to terminate the physical
318 custody arrangement at any time. No order issued pursuant to this subsection shall be construed to abrogate
319 any other rights that a person 18 years of age or older may have under state law.*

320 *For purposes of this subsection, "physical custody" has the same meaning as defined in § 20-146.1.*

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

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

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

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

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

338 1. Who has been abused or neglected;

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

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

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

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

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

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

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

363 K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily relinquished
364 pursuant to a court proceeding, to seek a reversal of the court order terminating such parental rights. No such

365 petition shall be accepted, however, after the child has been placed in the home of adoptive parents.

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

369 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1, 16.1-253.4,
370 or 16.1-279.1, and all petitions filed for the purpose of obtaining an order of protection pursuant to
371 § 19.2-152.8, 19.2-152.9, or 19.2-152.10 if either the alleged victim or the respondent is a juvenile.

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

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

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

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

382 R. [Repealed.]

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

384 T. Petitions to enforce any request for information or subpoena that is not complied with or to review any
385 refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect pursuant to
386 § 63.2-1526.

387 U. Petitions filed in connection with parental placement adoption consent hearings pursuant to
388 § 63.2-1233. Such proceedings shall be advanced on the docket so as to be heard by the court within 10 days
389 of filing of the petition, or as soon thereafter as practicable so as to provide the earliest possible disposition.

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

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

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

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

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

411 Notwithstanding any other provision of law, the provisions of this subsection shall govern proceedings
412 relating to consent for a minor's abortion. Court proceedings under this subsection and records of such
413 proceedings shall be confidential. Such proceedings shall be given precedence over other pending matters so
414 that the court may reach a decision promptly and without delay in order to serve the best interests of the
415 minor. Court proceedings under this subsection shall be heard and decided as soon as practicable but in no
416 event later than four days after the petition is filed.

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

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

423 If either the original court or the circuit court fails to act within the time periods required by this
424 subsection, the court before which the proceeding is pending shall immediately authorize a physician to

425 perform the abortion without consent of or notice to an authorized person.

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

428 A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent has
429 been obtained or the minor delivers to the physician a court order entered pursuant to this section and the
430 physician or his agent provides such notice as such order may require. However, neither consent nor judicial
431 authorization nor notice shall be required if the minor declares that she is abused or neglected and the
432 attending physician has reason to suspect that the minor may be an abused or neglected child as defined in
433 § 63.2-100 and reports the suspected abuse or neglect in accordance with § 63.2-1509; or if there is a medical
434 emergency, in which case the attending physician shall certify the facts justifying the exception in the minor's
435 medical record.

436 For purposes of this subsection:

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

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

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

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

454 "Notice of intent to perform the abortion" means that (i) the physician or his agent has given actual notice

455 of his intention to perform such abortion to an authorized person, either in person or by telephone, at least 24
456 hours previous to the performance of the abortion or (ii) the physician or his agent, after a reasonable effort to
457 notify an authorized person, has mailed notice to an authorized person by certified mail, addressed to such
458 person at his usual place of abode, with return receipt requested, at least 72 hours prior to the performance of
459 the abortion.

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

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

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

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

472 Z. Petitions filed pursuant to § 16.1-283.3 for review of voluntary agreements for continuation of services
473 and support for persons who meet the eligibility criteria for the Fostering Futures program set forth in
474 § 63.2-919.

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

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

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

482 Upon certification by the juvenile and domestic relations district court of any felony charge and ancillary
483 misdemeanor charge committed by an adult or when an appeal of a conviction or adjudication of delinquency
484 of an offense in the juvenile and domestic relations district court is noted, jurisdiction as to such charges shall
485 vest in the circuit court, unless such case is reopened pursuant to § 16.1-133.1; a final judgment, order, or

486 decree is modified, vacated, or suspended pursuant to Supreme Court of Virginia Rule 1:1; or the appeal has
487 been withdrawn in the juvenile and domestic relations district court within 10 days pursuant to § 16.1-133.

488 **§ 63.2-100. Definitions.**

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

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

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

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

509 No child whose parent or other person responsible for his care allows the child to engage in independent
510 activities without adult supervision shall for that reason alone be considered to be an abused or neglected
511 child, provided that (a) such independent activities are appropriate based on the child's age, maturity, and
512 physical and mental abilities and (b) such lack of supervision does not constitute conduct that is so grossly
513 negligent as to endanger the health or safety of the child. Such independent activities include traveling to or
514 from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a
515 reasonable period of time. Nothing in this subdivision shall be construed to limit the provisions of
516 § 16.1-278.4;

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

518 4. Whose parents or other person responsible for his care, or an intimate partner of such parent or person,

519 commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation

520 of the law;

521 5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or

522 physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;

523 6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental

524 injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in

525 § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other

526 person responsible for his care knows has been convicted of an offense against a minor for which registration

527 is required as a Tier III offender pursuant to § 9.1-902; or

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

529 Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of

530 Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

531 If a civil proceeding under this title is based solely on the parent having left the child at a hospital or

532 emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the

533 child within 30 days of the child's birth to (i) a hospital that provides 24-hour emergency services, (ii) an

534 attended emergency medical services agency that employs emergency medical services providers, or (iii) a

535 newborn safety device located at and operated by such hospital or emergency medical services agency. For

536 purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find

537 such a child is a neglected child upon the ground of abandonment.

538 "Adoptive home" means any family home selected and approved by a parent, local board or a licensed

539 child-placing agency for the placement of a child with the intent of adoption.

540 "Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing

541 agency in an approved home for the purpose of adoption.

542 "Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable

543 confinement of an adult as defined in § 63.2-1603.

544 "Adult day center" means any facility that is either operated for profit or that desires licensure and that

545 provides supplementary care and protection during only a part of the day to four or more adults who are aged

546 or infirm or who have disabilities and who reside elsewhere, except (i) a facility or portion of a facility

547 licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services,
548 and (ii) the home or residence of an individual who cares for only persons related to him by blood or
549 marriage. Included in this definition are any two or more places, establishments or institutions owned,
550 operated or controlled by a single entity and providing such supplementary care and protection to a combined
551 total of four or more adults who are aged or infirm or who have disabilities.

552 "Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in
553 § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or
554 advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his
555 rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation"
556 includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure
557 to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition,
558 possession, or control of an adult's financial resources or property through the use of undue influence,
559 coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services
560 against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or
561 defrauded into agreeing, to pay for such goods or services or to perform such services.

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

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

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

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

577 living.

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

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

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

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

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

603 "Child" means any natural person who is (i) under 18 years of age ~~or~~; (ii) for purposes of the Fostering
604 Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9, under 21 years of age and meets the
605 eligibility criteria set forth in § 63.2-919; or (iii) *an unmarried noncitizen between the ages of 18 and 21 who*
606 *has been abused, abandoned, or neglected and for whom physical custody is sought under subsection A2 of*
607 *§ 16.1-241.*

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

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

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

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

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

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

634 "Children's residential facility" means any facility, child-caring institution, or group home that is
635 maintained for the purpose of receiving children separated from their parents or guardians for full-time care,
636 maintenance, protection and guidance, or for the purpose of providing independent living services to persons

637 between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's
638 residential facility shall not include:

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

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

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

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

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

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

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

662 "Federal-Funded Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C.
663 § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with
664 § 63.2-1305, payments to eligible individuals who have received custody of a child of whom they had been
665 the foster parents.

666 "Fictive kin" means persons who are not related to a child by blood or adoption but have an established

667 relationship with the child or his family.

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

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

679 "General relief" means money payments and other forms of relief made to those persons mentioned in
680 § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

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

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

692 "Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the
693 custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency
694 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
695 Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a
696 living arrangement in which such child or person does not have daily substitute parental supervision.

697 "Independent living services" means services and activities provided to a child in foster care 14 years of
698 age or older who was committed or entrusted to a local board of social services, child welfare agency, or
699 private child-placing agency. "Independent living services" may also mean services and activities provided to
700 a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is
701 between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile
702 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
703 person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately
704 prior to placement in an independent living arrangement. Such services shall include counseling, education,
705 housing, employment, and money management skills development, access to essential documents, and other
706 appropriate services to help children or persons prepare for self-sufficiency.

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

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

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

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

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

723 "Kinship guardianship" means a relationship established in accordance with § 63.2-1305 or 63.2-1306
724 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is
725 intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of

726 the child of the authority necessary to ensure the protection, education, care and control, and custody of the
727 child and the authority for decision making for the child.

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

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

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

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

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

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

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

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

750 "Qualified residential treatment program" means a program that (i) provides 24-hour residential placement
751 services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical
752 and other needs of children with serious emotional or behavioral disorders, including any clinical or other
753 needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs
754 registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their
755 practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family

756 members, including efforts to maintain connections between the child and his siblings and other family;
757 documents and maintains records of such outreach efforts; and maintains contact information for any known
758 biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child,
759 facilitates participation by family members in the child's treatment program before and after discharge and
760 documents the manner in which such participation is facilitated; (vi) provides discharge planning and
761 family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42
762 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and
763 Human Services; and (viii) requires that any child placed in the program receive an assessment within 30
764 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an
765 age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of
766 Social Services; (b) identifies whether the needs of the child can be met through placement with a family
767 member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a
768 qualified residential treatment program, that would provide the most effective and appropriate level of care
769 for the child in the least restrictive environment and be consistent with the short-term and long-term goals
770 established for the child in his foster care or permanency plan; (c) establishes a list of short-term and
771 long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be
772 filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282,
773 16.1-282.1, or 16.1-282.2.

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

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

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

785 "Special order" means an order imposing an administrative sanction issued to any party licensed pursuant
786 to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall

787 be considered a case decision as defined in § 2.2-4001.

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

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

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

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

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