

## 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

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 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, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this chapter 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 personnel, 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 the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

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

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

"Child," "juvenile," or "minor" means a person who is (i) younger than 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 of Title 63.2, younger than 21 years of age and meets the eligibility criteria set forth in § 63.2-919; *or (iii) an unmarried noncitizen between the ages of 18 and 21 who has been abused, abandoned, or neglected and for whom physical custody, as defined in subsection A2 of § 16.1-241, is sought under subsection A2 of § 16.1-241.*

"Child in need of services" means (i) a child whose behavior, conduct, or condition presents or results in a serious threat to the well-being and physical safety of the child; (ii) a child who remains away from or deserts or abandons his family or lawful custodian during one occasion and is demonstratively at risk of coercion, exploitation, abuse, or manipulation or has been lured from his parent or lawful custodian by means of trickery or misrepresentation or under false pretenses; or (iii) a child under the age of 14 whose behavior, conduct, or condition presents or results in a serious threat to the well-being and physical safety of another person; 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 a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional, or sexual abuse in the home be considered a child in need of services for that reason alone.

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

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

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

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

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

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

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

"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, 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; (v) 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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

R. [Repealed.]

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

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

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

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

W. Petitions filed by a juvenile seeking judicial authorization for a physician to perform an abortion if a 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

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

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

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

For purposes of this subsection:

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

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

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

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

"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



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

**§ 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

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.*

"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

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.