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SENATE BILL NO. 640  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the Senate Committee on Rehabilitation and Social Services  
on \_\_\_\_\_)  
(Patron Prior to Substitute—Senator Pillion)

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

**Be it enacted by the General Assembly of Virginia:**

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

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

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

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

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

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

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

5. Make no dissemination to another system without (i) specifying requirements for security and usage including limitations on access thereto, and (ii) receiving reasonable assurances that those requirements and limitations will be observed. This subdivision shall not apply, however, to a dissemination made by an

32 agency to an agency in another state, district or territory of the United States where the personal information  
33 is requested by the agency of such other state, district or territory in connection with the application of the  
34 data subject therein for a service, privilege or right under the laws thereof, nor shall this apply to information  
35 transmitted to family advocacy representatives of the United States Armed Forces in accordance with  
36 subsection ~~N~~ M of § 63.2-1503;

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

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

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

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

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

57 B. Every public body, as defined in § 2.2-3701, that has an ~~Internet~~ internet website associated with that  
58 public body shall develop an ~~Internet~~ internet privacy policy and an ~~Internet~~ internet privacy policy statement  
59 that explains the policy to the public. The policy shall be consistent with the requirements of this chapter. The  
60 statement shall be made available on the public body's website in a conspicuous manner. The Secretary of  
61 Administration or his designee shall provide guidelines for developing the policy and the statement, and each

62 public body shall tailor the policy and the statement to reflect the information practices of the individual  
63 public body. At minimum, the policy and the statement shall address (i) what information, including  
64 personally identifiable information, will be collected, if any; (ii) whether any information will be  
65 automatically collected simply by accessing the website and, if so, what information; (iii) whether the website  
66 automatically places a computer file, commonly referred to as a "cookie," on the ~~Internet~~ internet user's  
67 computer and, if so, for what purpose; and (iv) how the collected information is being used or will be used.

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

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

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

80 **§ 2.2-3815. Access to social security numbers prohibited; exceptions.**

81 A. Except as otherwise provided in this chapter, the first five digits of a social security number contained  
82 in a public record shall be confidential and exempt from disclosure under the Freedom of Information Act  
83 (§ 2.2-3700 et seq.).

84 For the purposes of this chapter:

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

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

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

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

92 towns.

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

94 1. In accordance with a proper judicial order;

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

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

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

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

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

111 **§ 63.2-100. Definitions.**

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

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

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

121 2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for

122 his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in  
123 accordance with the tenets and practices of a recognized church or religious denomination shall for that  
124 reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal  
125 authority for the child or, in the absence of parents with legal authority for the child, any person with legal  
126 authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition  
127 shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or  
128 other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently  
129 mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person  
130 with legal authority and the child have considered alternative treatment options; and (iv) the parents or other  
131 person with legal authority and the child believe in good faith that such decision is in the child's best interest.  
132 No child whose parent or other person responsible for his care allows the child to engage in independent  
133 activities without adult supervision shall for that reason alone be considered to be an abused or neglected  
134 child, provided that (a) such independent activities are appropriate based on the child's age, maturity, and  
135 physical and mental abilities and (b) such lack of supervision does not constitute conduct that is so grossly  
136 negligent as to endanger the health or safety of the child. Such independent activities include traveling to or  
137 from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a  
138 reasonable period of time. Nothing in this subdivision shall be construed to limit the provisions of  
139 § 16.1-278.4;

- 140 3. Whose parents or other person responsible for his care abandons such child;
- 141 4. Whose parents or other person responsible for his care, or an intimate partner of such parent or person,  
142 commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation  
143 of the law;
- 144 5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or  
145 physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;
- 146 6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental  
147 injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in  
148 § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other  
149 person responsible for his care knows has been convicted of an offense against a minor for which registration  
150 is required as a Tier III offender pursuant to § 9.1-902; or
- 151 7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the

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

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

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

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

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

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

175 "Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in  
176 § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or  
177 advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his  
178 rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation"  
179 includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure  
180 to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition,  
181 possession, or control of an adult's financial resources or property through the use of undue influence,

182 coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services  
183 against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or  
184 defrauded into agreeing, to pay for such goods or services or to perform such services.

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

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

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

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

201 "Assisted living facility" means any congregate residential setting that provides or coordinates personal  
202 and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the  
203 maintenance or care of four or more adults who are aged or infirm or who have disabilities and who are cared  
204 for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of  
205 Health or the Department of Behavioral Health and Developmental Services, but including any portion of  
206 such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only  
207 persons related to him by blood or marriage; (iii) a facility or portion of a facility serving individuals who are  
208 infirm or who have disabilities between the ages of 18 and 21, or 22 if enrolled in an educational program for  
209 individuals with disabilities pursuant to § 22.1-214, when such facility is licensed by the Department as a  
210 children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility  
211 not so licensed; and (iv) any housing project for individuals who are 62 years of age or older or individuals  
212 with disabilities that provides no more than basic coordination of care services and is funded by the U.S.

213 Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia  
214 Housing Development Authority. Included in this definition are any two or more places, establishments or  
215 institutions owned or operated by a single entity and providing maintenance or care to a combined total of  
216 four or more adults who are aged or infirm or who have disabilities. Maintenance or care means the  
217 protection, general supervision and oversight of the physical and mental well-being of an individual who is  
218 aged or infirm or who has a disability.

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

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

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

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

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

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

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

241 "Children's advocacy center" means a child-friendly facility that (i) enables law enforcement, child  
242 protection, prosecution, mental health, medical, and victim advocacy professionals to work together to

243 investigate child abuse, help children heal from abuse, and hold offenders accountable; (ii) has completed, or  
244 is in the process of completing, certain accreditation obligations and requires any forensic interview  
245 conducted at such facility to only be conducted by a trained child forensic interviewer in a multidisciplinary  
246 team collaborative effort; and (iii) is a member in good standing of the Children's Advocacy Centers of  
247 Virginia.

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

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

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

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

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

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

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

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

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

271 "Energy assistance" means benefits to assist low-income households with their home heating and cooling

272 needs, including, but not limited to, purchase of materials or substances used for home heating, repair or  
273 replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling  
274 equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or  
275 provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home  
276 Energy Assistance Act of 1981 (Title XXVI of P.L. 97-35), as amended.

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

283 "Federal-Funded Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C.  
284 § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with  
285 § 63.2-1305, payments to eligible individuals who have received custody of a child of whom they had been  
286 the foster parents.

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

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

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

300 "General relief" means money payments and other forms of relief made to those persons mentioned in  
301 § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

302 "Independent foster home" means a private family home in which any child, other than a child by birth or

303 adoption of such person, resides as a member of the household and has been placed therein independently of  
304 a child-placing agency except (i) a home in which are received only children related by birth or adoption of  
305 the person who maintains such home and children of personal friends of such person; (ii) a home in which is  
306 received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6  
307 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and (iii) a home in which are received only children  
308 who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of  
309 Title 20.

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

313 "Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the  
314 custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency  
315 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  
316 Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a  
317 living arrangement in which such child or person does not have daily substitute parental supervision.

318 "Independent living services" means services and activities provided to a child in foster care 14 years of  
319 age or older who was committed or entrusted to a local board of social services, child welfare agency, or  
320 private child-placing agency. "Independent living services" may also mean services and activities provided to  
321 a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is  
322 between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile  
323 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  
324 person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately  
325 prior to placement in an independent living arrangement. Such services shall include counseling, education,  
326 housing, employment, and money management skills development, access to essential documents, and other  
327 appropriate services to help children or persons prepare for self-sufficiency.

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

331 "Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care

332 placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity  
333 authorized to make such placements in accordance with the laws of the foreign country under which it  
334 operates.

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

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

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

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

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

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

352 "Local director" means the director or his designated representative of the local department of the city or  
353 county.

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

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

358 "Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the  
359 aged, blind, and disabled; medical assistance; energy assistance; ~~food stamps~~ *Supplemental Nutrition*  
360 *Assistance Program (SNAP)*; employment services; child care; and general relief.

361 "Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to

362 perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a  
363 home and community-based waiver program, including an independent physician contracting with the  
364 Department of Medical Assistance Services to complete the uniform assessment instrument for residents of  
365 assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance  
366 Services to perform nursing facility pre-admission screenings.

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

371 "Qualified residential treatment program" means a program that (i) provides 24-hour residential placement  
372 services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical  
373 and other needs of children with serious emotional or behavioral disorders, including any clinical or other  
374 needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs  
375 registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their  
376 practice, and are available 24 hours a day, ~~7~~ seven days a week; (iv) conducts outreach with the child's family  
377 members, including efforts to maintain connections between the child and his siblings and other family;  
378 documents and maintains records of such outreach efforts; and maintains contact information for any known  
379 biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child,  
380 facilitates participation by family members in the child's treatment program before and after discharge and  
381 documents the manner in which such participation is facilitated; (vi) provides discharge planning and  
382 family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42  
383 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and  
384 Human Services; and (viii) requires that any child placed in the program receive an assessment within 30  
385 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an  
386 age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of  
387 Social Services; (b) identifies whether the needs of the child can be met through placement with a family  
388 member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a  
389 qualified residential treatment program, that would provide the most effective and appropriate level of care  
390 for the child in the least restrictive environment and be consistent with the short-term and long-term goals  
391 established for the child in his foster care or permanency plan; (c) establishes a list of short-term and  
392 long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be

393 filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282,  
394 16.1-282.1, or 16.1-282.2.

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

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

400 "Social services" means foster care, adoption, adoption assistance, child-protective services, domestic  
401 violence services, or any other services program implemented in accordance with regulations adopted by the  
402 Board. "Social services" also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14  
403 of Title 51.5 and Chapter 16 (§ 63.2-1600 et seq.) and adult protective services pursuant to Article 5  
404 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with  
405 regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

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

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

412 "Supervised independent living setting" means the residence of a person 18 years of age or older who is  
413 participating in the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 where  
414 supervision includes a monthly visit with a service worker or, when appropriate, contracted supervision.

415 "Supervised independent living setting" does not include residential facilities or group homes.

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

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

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

426 **§ 63.2-105. Confidential records and information concerning social services; child-protective**  
427 **services and child-placing agencies.**

428 A. The local department may disclose the contents of records and information learned during the course of  
429 a child-protective services investigation or during the provision of child-protective services to a family,  
430 without a court order and without the consent of the family, to a person having a legitimate interest when in  
431 the judgment of the local department such disclosure is in the best interest of the child who is the subject of  
432 the records. Persons having a legitimate interest in child-protective services records of local departments  
433 include, but are not limited to, (i) any person who is responsible for investigating a report of known or  
434 suspected abuse or neglect or for providing services to a child or family that is the subject of a report,  
435 including multidisciplinary teams and family assessment and planning teams referenced in subsections ~~I~~ I and  
436 ~~K~~ J of § 63.2-1503, law-enforcement agencies and attorneys for the Commonwealth; (ii) child welfare or  
437 human services agencies of the Commonwealth or its political subdivisions when those agencies request  
438 information to determine the compliance of any person with a child-protective services plan or an order of  
439 any court; (iii) personnel of the school or child day program as defined in § 63.2-100 attended by the child so  
440 that the local department can receive information from such personnel on an ongoing basis concerning the  
441 child's health and behavior, and the activities of the child's custodian; (iv) a parent, grandparent, or any other  
442 person when such parent, grandparent or other person would be considered by the local department as a  
443 potential caretaker of the child in the event the local department has to remove the child from his custodian;  
444 (v) the Commitment Review Committee and the Office of the Attorney General for the purposes of sexually  
445 violent predator civil commitments pursuant to Chapter 9 (§ 37.2-900 et seq.) of Title 37.2; and (vi) the staff  
446 of (a) a court services unit, (b) the Department of Juvenile Justice, (c) a local community services board, or  
447 (d) the Department of Behavioral Health and Developmental Services who are providing treatment, services,  
448 or care for a child who is the subject of such records for a purpose relevant to the provision of the treatment,  
449 services, or care, including the immediate identification of children who may be receiving or who have  
450 received treatment, services, or care from the local agencies and the Department of Juvenile Justice, when the  
451 local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide  
452 coordinated services to such children, provided that any court services unit or local community services board  
453 to which such records are disclosed in accordance with this paragraph shall not further disclose any

454 information received unless such further disclosure is expressly required by law.

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

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

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

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

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

478 **§ 63.2-203. Powers and duties of Commissioner generally.**

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

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

485 § 63.2-203.1. *Intervention by Commissioner; corrective action plans; assumption of temporary control*  
486 *of local boards and local departments.*

487 A. *In cases where a local department requests assistance, the Commissioner shall have the authority to*  
488 *utilize Department staff or contract with private entities to provide public assistance and social services*  
489 *programs in the locality served by the local board and manage funds appropriated for such purposes.*

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

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

512 C. *If the local board fails to timely comply with the corrective action plan, the Commissioner shall have*  
513 *the authority to temporarily assume control over all or part of the local board's operations and associated*  
514 *funds. Upon assuming such control, the Commissioner may utilize Department staff or contract with private*

515 entities to provide public assistance and social services in the locality served by the local board and manage  
516 funds appropriated for such purposes. For any period during which a local board is under the  
517 Commissioner's control, the Commissioner shall work with the local board and local director to make any  
518 adjustments necessary to facilitate the local board's resumption of control over its public assistance and  
519 social services and funds. The Commissioner shall remit control of such public assistance and social services  
520 and funds to the local board upon determining that the local board has made all adjustments necessary to  
521 ensure that public assistance and social services are provided in compliance with state and federal law and  
522 regulations and in a manner that adequately protects the health, safety, and well-being of all children about  
523 whom a report of abuse or neglect was made in accordance with the provisions of this chapter or who is in  
524 the local board's supervision and control.

525 D. Whenever the Commissioner assumes temporary control over a local board's public assistance or  
526 social services and funds pursuant to this section, the amount of local funding made available for such  
527 services shall remain equal to or greater than the amounts available immediately prior to the Commissioner's  
528 assumption of temporary control.

529 **§ 63.2-319.1. Intervention by Commissioner; corrective action plans; assumption of temporary control**  
530 **of local boards.**

531 A. In cases where a local department of social services requests assistance, the Commissioner shall have  
532 the authority to utilize Department staff or contract with private entities to provide child welfare services in  
533 the locality served by the local board and manage funds appropriated for such purposes.

534 B. The Commissioner shall have the authority to create and enforce a corrective action plan for any local  
535 board that, in the Commissioner's discretion, (i) fails to provide child welfare services in accordance with  
536 applicable law or regulations or (ii) takes any action or fails to act in a manner that poses a substantial risk  
537 to the health, safety, or well-being of a child. The corrective action plan shall (a) include specific objectives  
538 that the local board shall meet in order to comply with applicable laws and regulations and ensure the  
539 health, safety, and well-being of all children about whom a report of abuse or neglect was made or who is in  
540 the local board's supervision and control and (b) set the date by which such objectives shall be completed,  
541 which shall not extend beyond 90 days after implementation of the corrective action plan unless the  
542 Commissioner determines that the objectives of the corrective action plan cannot be reasonably  
543 accomplished within such time frame. During the time the corrective action plan is in effect, the  
544 Commissioner may direct Department staff to provide assistance to the local board, monitor its progress in  
545 meeting the objectives stated in the plan, and take any measures necessary to protect the health, safety, and

546 *well-being of children about whom a report of abuse or neglect was properly made or who are in the local*  
547 *board's supervision and control. The Commissioner shall provide regular updates to the chairman of the*  
548 *Board, chairman of the local board, and local director regarding the local board's progress in meeting the*  
549 *objectives of the corrective action plan.*

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

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

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

573 **§ 63.2-1501. Definitions.**

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

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

576 "Local department" means the local department of social services in the county or city in the

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

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

582 **§ 63.2-1502. Establishment of Child-Protective Services Unit; duties.**

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

585 1. To evaluate and strengthen all local, regional, and state programs dealing with child abuse and neglect.

586 2. To assume primary responsibility for directing the planning and funding of child-protective services.

587 This shall include reviewing and approving the annual proposed plans and budgets for protective services  
588 submitted by the local departments.

589 3. To assist in developing programs aimed at discovering and preventing the many factors causing child  
590 abuse and neglect.

591 4. To prepare and disseminate, including the presentation of, educational programs and materials on child  
592 abuse and neglect.

593 5. To provide educational programs for professionals required by law to make reports under this chapter.

594 6. To establish standards of training and provide educational programs to qualify workers in the field of  
595 child-protective services. Such standards of training shall include provisions regarding the legal duties of the  
596 workers in order to protect the constitutional and statutory rights and safety of children and families from the  
597 initial time of contact during investigation through treatment.

598 7. To establish standards of training and educational programs to qualify workers to determine whether  
599 complaints of abuse or neglect of a child in a private or state-operated hospital, institution, or other facility; or  
600 public school; are founded.

601 8. To maintain staff qualified pursuant to Board regulations to assist local department personnel in  
602 determining whether an employee of a private or state-operated hospital, institution, or other facility or an  
603 employee of a school board; abused or neglected a child in such hospital, institution, or other facility; or  
604 public school.

605 9. To monitor the processing and determination of cases where an employee of a private or state-operated  
606 hospital, institution or other facility; or an employee of a school board; is suspected of abusing or neglecting a

607 child in such hospital, institution, or other facility; or public school.

608 10. To help coordinate child-protective services at the state, regional, and local levels with the efforts of  
609 other state and voluntary social, medical, and legal agencies.

610 11. To maintain a child abuse and neglect information system that includes all cases of child abuse and  
611 neglect within the Commonwealth.

612 12. To provide for methods to preserve the confidentiality of all records in order to protect the rights of  
613 the child; and his parents or guardians.

614 13. To establish *and ensure the implementation of* minimum training requirements for workers and  
615 supervisors on family abuse and domestic violence, including the relationship between domestic violence and  
616 child abuse and neglect.

617 14. To establish *and ensure the implementation of* minimum training requirements for workers and  
618 supervisors on identifying, assessing, and providing comprehensive services for children who are victims of  
619 sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22  
620 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.,  
621 including efforts to coordinate with law-enforcement, juvenile justice, and social service agencies such as  
622 runaway and homeless youth shelters to serve this population.

623 15. *To establish and maintain within the Department a hotline capable of receiving reports or complaints*  
624 *of child abuse and neglect on a 24-hours-a-day, seven-days-per-week basis, and effectively and efficiently*  
625 *responding to such reports or complaints. The Department shall record all complaints into the child welfare*  
626 *information system.*

627 16. *To assess each complaint of child abuse and neglect and determine whether the report or complaint is*  
628 *valid pursuant to § 63.2-1508. For all valid complaints, the Department shall make a determination as to*  
629 *whether the local department of jurisdiction shall conduct an investigation pursuant to § 63.2-1505 or, if*  
630 *designated as a child-protective services differential response agency by the Department according to*  
631 *§ 63.2-1504, a family assessment pursuant to § 63.2-1506. The Department shall immediately notify the local*  
632 *department of jurisdiction of the valid complaint.*

633 17. *To notify the local attorney for the Commonwealth and the local law-enforcement agency of all*  
634 *invalid complaints of suspected child abuse or neglect received by them involving (i) any death of a child; (ii)*  
635 *any injury or threatened injury to the child in which a felony or Class 1 misdemeanor is also suspected; (iii)*  
636 *any sexual abuse, suspected sexual abuse or other sexual offense involving a child, including the use or*  
637 *display of the child in sexually explicit visual material, as defined in § 18.2-374.1; (iv) any abduction of a*

638 *child; (v) any felony or Class 1 misdemeanor drug offense involving a child; or (vi) any case of contributing*  
639 *to the delinquency of a minor in violation of § 18.2-371, immediately, but in no case more than two hours*  
640 *after receipt of the invalid complaint.*

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

642 **§ 63.2-1503. Local departments to establish child-protective services; duties.**

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

656 B. The local department shall ensure, ~~through its own personnel or through cooperative arrangements with~~  
657 ~~other local agencies, the capability of receiving reports or complaints and responding to them promptly on a~~  
658 ~~24-hours-a-day, seven-days-per-week basis that any complaints received by them shall be immediately~~  
659 ~~forwarded to the Department's toll-free child abuse and neglect hotline.~~

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

661 ~~D.~~ The local department shall notify the local attorney for the Commonwealth and the local  
662 law-enforcement agency of all *valid* complaints of suspected child abuse or neglect *received by the local*  
663 *department from the Department* involving (i) any death of a child; (ii) any injury or threatened injury to the  
664 child in which a felony or Class 1 misdemeanor is also suspected; (iii) any sexual abuse, suspected sexual  
665 abuse or other sexual offense involving a child, including but not limited to the use or display of the child in  
666 sexually explicit visual material, as defined in § 18.2-374.1; (iv) any abduction of a child; (v) any felony or  
667 Class 1 misdemeanor drug offense involving a child; or (vi) contributing to the delinquency of a minor in  
668 violation of § 18.2-371, immediately, but in no case more than two hours ~~of~~ *after receipt of the valid*

669 complaint, and shall provide the attorney for the Commonwealth and the local law-enforcement agency with  
670 records and information of the local department, including records related to any complaints of abuse or  
671 neglect involving the victim or the alleged perpetrator, related to the investigation of the complaint. The local  
672 department shall notify the local attorney for the Commonwealth of all *valid* complaints of suspected child  
673 abuse or neglect involving the child's being left alone in the same dwelling with a person to whom the child is  
674 not related by blood or marriage and who has been convicted of an offense against a minor for which  
675 registration is required as a Tier III offender pursuant to § 9.1-902, immediately, but in no case more than two  
676 hours ~~of~~ *after* receipt of the *valid* complaint, and shall provide the attorney for the Commonwealth with  
677 records and information of the local department that would help determine whether a violation of post-release  
678 conditions, probation, parole, or court order has occurred due to the nonrelative offender's contact with the  
679 child. The local department shall not allow reports of the death of the victim from other local agencies to  
680 substitute for direct reports to the attorney for the Commonwealth and the local law-enforcement agency. The  
681 local department shall develop, when practicable, memoranda of understanding for responding to reports of  
682 child abuse and neglect with local law enforcement and the attorney for the Commonwealth.

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

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

695 ~~F. E.~~ The local department shall use reasonable diligence to locate (i) any child for whom a ~~report~~ *valid*  
696 *complaint* of suspected abuse or neglect has been received and is under investigation, receiving family  
697 assessment, or for whom a founded determination of abuse and neglect has been made and a child-protective  
698 services case opened and (ii) persons who are the subject of a report that is under investigation or receiving

699 family assessment, if the whereabouts of the child or such persons are unknown to the local department.

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

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

715 ~~I.~~ *H.* Upon receipt of a ~~report~~ *valid complaint* of child abuse or neglect, the local department shall  
716 ~~determine the validity of such report and shall make a determination to~~ conduct an investigation pursuant to  
717 § 63.2-1505 or, if designated as a child-protective services differential response agency by the Department  
718 according to § 63.2-1504, a family assessment pursuant to § 63.2-1506.

719 ~~J.~~ *I.* The local department shall foster, when practicable, the creation, maintenance, and coordination of  
720 hospital and community-based multidisciplinary teams that shall include where possible, but not be limited  
721 to, members of the medical, mental health, social work, nursing, education, legal, and law-enforcement  
722 professions. Such teams shall assist the local departments in identifying abused and neglected children;  
723 coordinating medical, social, and legal services for the children and their families; developing innovative  
724 programs for detection and prevention of child abuse; promoting community concern and action in the area of  
725 child abuse and neglect; and disseminating information to the general public with respect to the problem of  
726 child abuse and neglect and the facilities and prevention and treatment methods available to combat child  
727 abuse and neglect. These teams may be the family assessment and planning teams established pursuant to  
728 § 2.2-5207. Multidisciplinary teams may develop agreements regarding the exchange of information among  
729 the parties for the purposes of the investigation and disposition of complaints of child abuse and neglect,

730 delivery of services, and child protection. Any information exchanged in accordance with the agreement shall  
731 not be considered to be a violation of the provisions of § 63.2-102, 63.2-104, or 63.2-105.

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

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

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

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

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

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

760 ~~P~~. O. The local department shall (i) notify the Superintendent of Public Instruction without delay when an

761 individual holding a license issued by the Board of Education is the subject of a founded complaint of child  
762 abuse or neglect and shall transmit identifying information regarding such individual if the local department  
763 knows the person holds a license issued by the Board of Education and (ii) notify the Superintendent of  
764 Public Instruction without delay if the founded complaint of child abuse or neglect is dismissed following an  
765 appeal pursuant to § 63.2-1526. Nothing in this subsection shall be construed to affect the rights of any  
766 individual holding a license issued by the Board of Education to any hearings or appeals otherwise provided  
767 by law. Any information exchanged for the purpose of this subsection shall not be considered a violation of  
768 § 63.2-102, 63.2-104, or 63.2-105.

769 **§ 63.2-1508. Valid report or complaint.**

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

- 773 1. The alleged victim child or children are under 18 years of age at the time of the complaint or report;  
774 2. The alleged abuser is the alleged victim child's parent or other caretaker or, for purposes of abuse or  
775 neglect described in subdivision 4 of the definition of "abused or neglected child" in § 63.2-100, an intimate  
776 partner of such parent or caretaker;  
777 3. The ~~local department receiving the complaint or report~~ *has jurisdiction* ~~alleged abuse or neglect~~  
778 *occurred in the Commonwealth or the alleged victim child resides in the Commonwealth;* and  
779 4. The circumstances ~~described~~ *allege* ~~suspected~~ child abuse or neglect.

780 B. A valid report or complaint regarding a child who has been identified as a victim of sex trafficking or  
781 severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000 (22 U.S.C §  
782 7102 et seq.) and in the federal Justice for Victims of Trafficking Act of 2015 (P.L. 114-22) may be  
783 established regardless of who the alleged abuser is or whether the alleged abuser has been identified.

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

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

790 **§ 63.2-1509. Requirement that certain injuries to children be reported by physicians, nurses,**  
791 **teachers, etc.; penalty for failure to report.**

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

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

823 and youth recreation programs;

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

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

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

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

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

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

850 ~~The initial report may be an oral report but such report shall be reduced to writing by the child abuse~~  
851 ~~coordinator of the local department on a form prescribed by the Board. Any person required to make the~~  
852 ~~report pursuant to this subsection shall disclose all information that is the basis for his suspicion of abuse or~~  
853 ~~neglect of the child and, upon request, shall make available to the child-protective services coordinator and~~

854 the local department, which is the agency of jurisdiction, any information, records, or reports that document  
855 the basis for the report. All persons required by this subsection to report suspected abuse or neglect who  
856 maintain a record of a child who is the subject of such a report shall cooperate with the investigating agency  
857 and shall make related information, records, and reports available to the investigating agency unless such  
858 disclosure violates the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g). Provision of  
859 such information, records, and reports by a health care provider shall not be prohibited by § 8.01-399.  
860 Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by  
861 the investigating agency nor shall they be subject to public disclosure.

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

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

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

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

888 **§ 63.2-1510.1. Conflict of interest when local department employee is alleged abuser; duties of court**  
889 **when assigning valid complaint.**

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

899 **§ 63.2-1512. Immunity of person making report, etc., from liability.**

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

904 **§ 63.2-1530. Virginia Child Protection Accountability System.**

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

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

912 1. From the Department: (i) the total number of complaints alleging child abuse, neglect, or a combination  
913 thereof received; (ii) the total number of complaints deemed valid pursuant to § 63.2-1508; (iii) the total  
914 number of complaints investigated by the Department pursuant to subsection ~~F H~~ of §§ § 63.2-1503 and §  
915 63.2-1505; (iv) the total number of cases determined to be founded cases of abuse or neglect; and (v) the total

916 number of cases resulting in a finding that the complaint was founded resulting in administrative appeal.  
917 Information reported pursuant to clause (v) shall be reported by total number of appeals to the local  
918 department, total number of appeals to the Department, and total number of appeals by outcome of the  
919 appeal. For each category of information required by this subdivision, the Department shall also report the  
920 total number of cases by type of abuse; by gender, age, and race of the alleged victim; and by the nature of  
921 the relationship between the alleged victim and alleged abuser.

922 2. From the Department of State Police, annually, in a format approved by the Department of Social  
923 Services;: arrest and disposition statistics for violations of §§ 18.2-48, 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1,  
924 18.2-67.2, 18.2-67.3, 18.2-67.4, 18.2-355, 18.2-361, 18.2-366, 18.2-370 through 18.2-370.2, 18.2-371,  
925 18.2-371.1, 18.2-374.1, 18.2-374.1:1, 18.2-374.3, 18.2-387, and 40.1-103 for inclusion in the Child  
926 Protection Accountability System.

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

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

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

946 children alleged to be abused or neglected, including (a) the number of petitions filed, (b) the number of cases  
947 in which an emergency removal order was issued, (c) the number of cases in which a preliminary removal  
948 order was issued prior to an adjudicatory hearing, (d) the number of cases in which a preliminary removal  
949 order or a preliminary child protective order or both were issued at a preliminary hearing, and (e) the number  
950 of cases in which a preliminary child protective order or a child protective order was issued other than at a  
951 preliminary hearing; and (ii) family abuse cases, including (a) the number of family abuse emergency  
952 protective orders issued by magistrates and juvenile and domestic relations district courts pursuant to  
953 § 16.1-253.4, (b) the number of family abuse protective petitions filed, and (c) the number of family abuse  
954 protective orders issued pursuant to § 16.1-279.1.

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

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

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

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

963 § 1. That the State Board of Social Services (*the Board*) shall promulgate regulations that require local  
964 departments of social services to respond to valid reports and complaints alleging suspected abuse or neglect  
965 of a child under the age of ~~two~~ three within 24 hours of receiving such reports or complaints. *The Board shall*  
966 *promulgate regulations that require the Department of Social Services to determine the validity of complaints*  
967 *alleging suspected abuse or neglect of children under the age of three and children under the age of 18 with*  
968 *disabilities as defined in § 22.1-213 of the Code of Virginia. The Board's initial adoption of regulations*  
969 *necessary to implement the provisions of this act shall be exempt from the Administrative Process Act*  
970 *(§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public*  
971 *comment on such regulations prior to adoption.*

972 **4. That the State Board of Social Services (the Board) shall promulgate regulations to implement the**  
973 **provisions of this act related to state oversight of social services pursuant to § 63.2-100 of the Code of**  
974 **Virginia, as amended by this act, and §§ 63.2-203.1 and 63.2-319.1 of the Code of Virginia, as created**  
975 **by this act. The Board's initial adoption of regulations necessary to implement the provisions of this act**  
976 **shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except**

977 that the Board shall provide an opportunity for public comment on such regulations prior to adoption.  
978 5. That the State Board of Social Services (the Board) shall promulgate regulations necessary to  
979 implement the provisions of this act related to a centralized hotline. The Board's initial adoption of  
980 such regulations shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et  
981 seq. of the Code of Virginia).

982 6. That the Department of Social Services (the Department) shall convene a work group consisting of  
983 representatives from the Department, local departments of social services, the Office of the Children's  
984 Ombudsman, and state and national professional and advocacy organizations to optimize the  
985 Department's authority to provide intake services pursuant to the provisions of this act. Such work  
986 group shall make recommendations to the Department on implementation steps and items for  
987 consideration related to statewide implementation. Beginning July 1, 2027, the Department shall  
988 implement centralized intake pursuant to the provisions of this act through a phased-in approach that  
989 gradually transitions intake from local departments of social services to the Department. The  
990 Commissioner of Social Services shall have the authority to designate local boards of social services to  
991 participate in the execution of such phased-in approach.

992 7. That the Department of Social Services (the Department) shall contract with a third party to  
993 complete a comprehensive study of the screening process of child protective services complaints across  
994 Virginia, identify best practices, and make recommendations for the most effective and efficient system  
995 for intake. The Department shall ensure such study accounts for the centralized intake authority  
996 granted to the Department pursuant to this act.