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HOUSE BILL NO. 1490

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health and Human Services
on _____)

(Patron Prior to Substitute—Delegate Tran)

A BILL to amend and reenact §§ 2.2-3803, 2.2-3815, 63.2-105, 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 a section numbered 63.2-1510.1; and to repeal § 63.2-1510 of the Code of Virginia, relating to Department of Social Services; centralized hotline for reports or complaints of child abuse or neglect; response to complaints within 24 hours for children under three years of age.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3803, 2.2-3815, 63.2-105, 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 a section numbered 63.2-1510.1 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

B. Every public body, as defined in § 2.2-3701, that has an ~~Internet~~ internet website associated with that public body shall develop an ~~Internet~~ internet privacy policy and an ~~Internet~~ internet privacy policy statement that explains the policy to the public. The policy shall be consistent with the requirements of this chapter. The statement shall be made available on the public body's website in a conspicuous manner. The Secretary of

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

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

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

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

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

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

For the purposes of this chapter:

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

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

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

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

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

1. In accordance with a proper judicial order;

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

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

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

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

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

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

A. The local department may disclose the contents of records and information learned during the course of a child-protective services investigation or during the provision of child-protective services to a family, without a court order and without the consent of the family, to a person having a legitimate interest when in the judgment of the local department such disclosure is in the best interest of the child who is the subject of the records. Persons having a legitimate interest in child-protective services records of local departments include, but are not limited to, (i) any person who is responsible for investigating a report of known or suspected abuse or neglect or for providing services to a child or family that is the subject of a report, including multidisciplinary teams and family assessment and planning teams referenced in subsections ~~J~~ I and ~~K~~ J of § 63.2-1503, law-enforcement agencies and attorneys for the Commonwealth; (ii) child welfare or human services agencies of the Commonwealth or its political subdivisions when those agencies request

information to determine the compliance of any person with a child-protective services plan or an order of any court; (iii) personnel of the school or child day program as defined in § 63.2-100 attended by the child so that the local department can receive information from such personnel on an ongoing basis concerning the child's health and behavior, and the activities of the child's custodian; (iv) a parent, grandparent, or any other person when such parent, grandparent or other person would be considered by the local department as a potential caretaker of the child in the event the local department has to remove the child from his custodian; (v) the Commitment Review Committee and the Office of the Attorney General for the purposes of sexually violent predator civil commitments pursuant to Chapter 9 (§ 37.2-900 et seq.) of Title 37.2; and (vi) the staff of (a) a court services unit, (b) the Department of Juvenile Justice, (c) a local community services board, or (d) the Department of Behavioral Health and Developmental Services who are providing treatment, services, or care for a child who is the subject of such records for a purpose relevant to the provision of the treatment, services, or care, including the immediate identification of children who may be receiving or who have received treatment, services, or care from the local agencies and the Department of Juvenile Justice, when the local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide coordinated services to such children, provided that any court services unit or local community services board to which such records are disclosed in accordance with this paragraph shall not further disclose any information received unless such further disclosure is expressly required by law.

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

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

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

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

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

§ 63.2-1501. Definitions.

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

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

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

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

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

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

1. To evaluate and strengthen all local, regional, and state programs dealing with child abuse and neglect.
2. To assume primary responsibility for directing the planning and funding of child-protective services. This shall include reviewing and approving the annual proposed plans and budgets for protective services submitted by the local departments.
3. To assist in developing programs aimed at discovering and preventing the many factors causing child abuse and neglect.
4. To prepare and disseminate, including the presentation of, educational programs and materials on child abuse and neglect.
5. To provide educational programs for professionals required by law to make reports under this chapter.
6. To establish standards of training and provide educational programs to qualify workers in the field of

child-protective services. Such standards of training shall include provisions regarding the legal duties of the workers in order to protect the constitutional and statutory rights and safety of children and families from the initial time of contact during investigation through treatment.

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

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

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

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

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

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

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

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

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

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

17. *To notify the local attorney for the Commonwealth and the local law-enforcement agency of all invalid complaints of suspected child abuse or neglect received by them involving (i) any death of a child; (ii) any injury or threatened injury to the child in which a felony or Class 1 misdemeanor is also suspected; (iii) any sexual abuse, suspected sexual abuse or other sexual offense involving a child, including the use or display of the child in sexually explicit visual material, as defined in § 18.2-374.1; (iv) any abduction of a child; (v) any felony or Class 1 misdemeanor drug offense involving a child; or (vi) any case of contributing to the delinquency of a minor in violation of § 18.2-371, immediately, but in no case more than two hours after receipt of the invalid complaint.*

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

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

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

B. The local department shall ensure, ~~through its own personnel or through cooperative arrangements with~~

other local agencies, the capability of receiving reports or complaints and responding to them promptly on a 24 hours-a-day, seven-days-per-week basis that any complaints received by them shall be immediately forwarded to the Department's toll-free child abuse and neglect hotline.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 63.2-1508. Valid report or complaint.

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

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

B. A valid report or complaint regarding a child who has been identified as a victim of sex trafficking or

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

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

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

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

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

1. Any person licensed to practice medicine or any of the healing arts;
 2. Any hospital resident or intern, and any person employed in the nursing profession;
 3. Any person employed as a social worker or family-services specialist;
 4. Any probation officer;
 5. Any teacher or other person employed in a public or private school, kindergarten, or child day program, as that term is defined in § 22.1-289.02;
 6. Any person providing full-time or part-time child care for pay on a regularly planned basis;
 7. Any mental health professional;
 8. Any law-enforcement officer or animal control officer;
 9. Any mediator eligible to receive court referrals pursuant to § 8.01-576.8;
 10. Any professional staff person, not previously enumerated, employed by a private or state-operated hospital, institution, or facility to which children have been committed or where children have been placed for care and treatment;
 11. Any person 18 years of age or older associated with or employed by any public or private organization responsible for the care, custody, or control of children;
 12. Any person who is designated a court-appointed special advocate pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;
 13. Any person 18 years of age or older who has received training approved by the Department of Social Services for the purposes of recognizing and reporting child abuse and neglect;
 14. Any person employed by a local department as defined in § 63.2-100 who determines eligibility for public assistance;
 15. Any emergency medical services provider certified by the Board of Health pursuant to § 32.1-111.5, unless such provider immediately reports the matter directly to the attending physician at the hospital to which the child is transported, who shall make such report forthwith;
 16. Any athletic coach, director, or other person 18 years of age or older employed by or volunteering with a public or private sports organization or team;
 17. Administrators or employees 18 years of age or older of public or private day camps, youth centers, and youth recreation programs;
 18. Any person employed by a public or private institution of higher education other than an attorney who is employed by a public or private institution of higher education as it relates to information gained in the course of providing legal representation to a client;
 19. Any minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or denomination usually referred to as a church, unless the information supporting the suspicion of child abuse or neglect (i) is required by the doctrine of the religious organization or denomination to be kept in a confidential manner or (ii) would be subject to § 8.01-400 or 19.2-271.3 if offered as evidence in court; and
 20. Any person who engages in the practice of behavior analysis, as defined in § 54.1-2900.
- ~~If neither the locality in which the child resides nor where the abuse or neglect is believed to have occurred is known, then such report shall be made to the local department of the county or city where the abuse or neglect was discovered or to the Department's toll-free child abuse and neglect hotline.~~
- ~~If an employee of the local department is suspected of abusing or neglecting a child, the report shall be made to the court of the county or city where the abuse or neglect was discovered. Upon receipt of such a report by the court, the judge shall assign the report to a local department that is not the employer of the suspected employee for investigation or family assessment. The judge may consult with the Department in selecting a local department to respond to the report or the complaint.~~
- If the information is received by a teacher, staff member, resident, intern, or nurse in the course of professional services in a hospital, school, or similar institution, such person may, in place of said report, immediately notify the person in charge of the institution or department, or his designee, who shall make such

report forthwith. If the initial report of suspected abuse or neglect is made to the person in charge of the institution or department, or his designee, pursuant to this subsection, such person shall notify the teacher, staff member, resident, intern, or nurse who made the initial report when the report of suspected child abuse or neglect is made to the ~~local department~~ or to the Department's toll-free child abuse and neglect hotline, and of the name of the individual receiving the report, and shall forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report.

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

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

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

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

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

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

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

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

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

§ 63.2-1530. Virginia Child Protection Accountability System.

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

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

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

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

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

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

5. From the Office of the Executive Secretary of the Supreme Court of Virginia;: information by locality on cases from the Juvenile and Domestic Relations District Courts' Case Management System involving (i) children alleged to be abused or neglected, including (a) the number of petitions filed, (b) the number of cases in which an emergency removal order was issued, (c) the number of cases in which a preliminary removal order was issued prior to an adjudicatory hearing, (d) the number of cases in which a preliminary removal order or a preliminary child protective order or both were issued at a preliminary hearing, and (e) the number of cases in which a preliminary child protective order or a child protective order was issued other than at a preliminary hearing; and (ii) family abuse cases, including (a) the number of family abuse emergency protective orders issued by magistrates and juvenile and domestic relations district courts pursuant to § 16.1-253.4, (b) the number of family abuse protective petitions filed, and (c) the number of family abuse protective orders issued pursuant to § 16.1-279.1.

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

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

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

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

§ 1. That the State Board of Social Services (*the Board*) shall promulgate regulations that require local departments of social services to respond to valid reports and complaints alleging suspected abuse or neglect of a child under the age of ~~two~~ *three* within 24 hours of receiving such reports or complaints. *The Board shall promulgate regulations that require the Department of Social Services to determine the validity of complaints*

556 *alleging suspected abuse or neglect of children under the age of three and children under the age of 18 with*
557 *disabilities as defined in § 22.1-213 of the Code of Virginia. The Board's initial adoption of regulations*
558 *necessary to implement the provisions of this act shall be exempt from the Administrative Process Act*
559 *(§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public*
560 *comment on such regulations prior to adoption.*

561 **4. That the State Board of Social Services (the Board) shall promulgate regulations necessary to**
562 **implement the provisions of this act related to a centralized hotline. The Board's initial adoption of**
563 **such regulations shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et**
564 **seq. of the Code of Virginia).**

565 **5. That the Department of Social Services (the Department) shall convene a work group consisting of**
566 **representatives from the Department, local departments of social services, the Office of the Children's**
567 **Ombudsman, and state and national professional and advocacy organizations to optimize the**
568 **Department's authority to provide intake services pursuant to the provisions of this act. Such work**
569 **group shall make recommendations to the Department on implementation steps and items for**
570 **consideration related to statewide implementation. Beginning July 1, 2026, the Department shall**
571 **implement centralized intake pursuant to the provisions of this act through a phased-in approach that**
572 **gradually transitions intake from local departments of social services to the Department. The**
573 **Commissioner of Social Services shall have the authority to designate local boards of social services to**
574 **participate in the execution of such phased-in approach.**

575 **6. That the Department of Social Services (the Department) shall contract with a third party to**
576 **complete a comprehensive study of the screening process of child protective services complaints across**
577 **Virginia, identify best practices, and make recommendations for the most effective and efficient system**
578 **for intake. The Department shall ensure such study accounts for the centralized intake authority**
579 **granted to the Department pursuant to this act.**