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## SENATE BILL NO. 243

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rehabilitation and Social Services  
on February 6, 2026)

(Patron Prior to Substitute—Senator Head)

*A BILL to amend and reenact §§ 2.2-3802, 51.5-148, 63.2-100, 63.2-1605, and 63.2-1606 of the Code of Virginia and to amend the Code of Virginia by adding in Article 5 of Chapter 14 of Title 51.5 sections numbered 51.5-148.1 and 51.5-148.2 and by adding sections numbered 63.2-1605.1, 63.2-1605.2, and 63.2-1605.3, relating to adult protective services; Adult Protective Services central registry.*

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

**1. That §§ 2.2-3802, 51.5-148, 63.2-100, 63.2-1605, and 63.2-1606 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 5 of Chapter 14 of Title 51.5 sections numbered 51.5-148.1 and 51.5-148.2 and by adding sections numbered 63.2-1605.1, 63.2-1605.2, and 63.2-1605.3 as follows:**

**§ 2.2-3802. Systems to which chapter inapplicable.**

The provisions of this chapter shall not apply to personal information systems:

1. Maintained by any court of the Commonwealth;
2. Which may exist in publications of general circulation;

3. Contained in the Criminal Justice Information System as defined in §§ 9.1-126 through 9.1-137 or in the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, except to the extent that information is required to be posted on the Internet pursuant to § 9.1-913;

4. Contained in the Virginia Juvenile Justice Information System as defined in §§ 16.1-222 through 16.1-225;

5. Maintained by agencies concerning persons required by law to be licensed in the Commonwealth to engage in the practice of any profession, in which case the names and addresses of persons applying for or possessing the license may be disseminated upon written request to a person engaged in the profession or business of offering professional educational materials or courses for the sole purpose of providing the licensees or applicants for licenses with informational materials relating solely to available professional educational materials or courses, provided the disseminating agency is reasonably assured that the use of the information will be so limited;

6. Maintained by the Parole Board, the Crime Commission, the Judicial Inquiry and Review Commission, the Virginia Racing Commission, the Virginia Criminal Sentencing Commission, and the Virginia Alcoholic Beverage Control Authority;

7. Maintained by any of the following and that deal with investigations and intelligence gathering related to criminal activity:

- a. The Department of State Police;
- b. The police department of the Chesapeake Bay Bridge and Tunnel Commission;
- c. Police departments of cities, counties, and towns;
- d. Sheriff's departments of counties and cities;
- e. Campus police departments of public institutions of higher education as established by Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; and
- f. The Division of Capitol Police.

8. Maintained by local departments of social services regarding alleged cases of child abuse or neglect while such cases are also subject to an ongoing criminal prosecution;

9. Maintained by the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1;

10. Maintained by the Virginia Tourism Authority in connection with or as a result of the promotion of travel or tourism in the Commonwealth, in which case names and addresses of persons requesting information on those subjects may be disseminated upon written request to a person engaged in the business of providing travel services or distributing travel information, provided the Virginia Tourism Authority is reasonably assured that the use of the information will be so limited;

11. Maintained by the Division of Consolidated Laboratory Services of the Department of General Services and the Department of Forensic Science, which deal with scientific investigations relating to criminal activity or suspected criminal activity, except to the extent that § 9.1-1104 may apply;

12. Maintained by the Department of Corrections or the Office of the State Inspector General that deal with investigations and intelligence gathering by persons acting under the provisions of Chapter 3.2 (§ 2.2-307 et seq.);

13. Maintained by (i) the Office of the State Inspector General or internal audit departments of state agencies or institutions that deal with communications and investigations relating to the Fraud, Waste and

60 Abuse Hotline or (ii) an auditor appointed by the local governing body of any county, city, or town or a  
61 school board that deals with local investigations required by § 15.2-2511.2;

62 14. Maintained by the Department of Social Services or any local department of social services relating to  
63 public assistance fraud investigations;

64 15. Maintained by the Department of Social Services related to child welfare or public assistance  
65 programs when requests for personal information are made to the Department of Social Services. Requests  
66 for information from these systems shall be made to the appropriate local department of social services that is  
67 the custodian of that record. Notwithstanding the language in this section, an individual shall not be  
68 prohibited from obtaining information from the central registry in accordance with the provisions of  
69 § 63.2-1515; and

70 16. Maintained by the Department for Aging and Rehabilitative Services related to adult services, adult  
71 protective services, or auxiliary grants when requests for personal information are made to the Department for  
72 Aging and Rehabilitative Services. Requests for information from ~~these~~ such systems shall be made to the  
73 appropriate local department of social services that is the custodian of that record. *However, notwithstanding  
74 the provisions of this subdivision, persons shall be permitted to obtain information from the Adult Protective  
75 Services central registry in accordance with § 51.5-148.2.*

76 **§ 51.5-148. Establishment of Adult Protective Services Unit; powers and duties.**

77 A. The Department shall have responsibility for the planning and oversight of adult protective services in  
78 the Commonwealth. The Commissioner shall establish within the Department for Aging and Rehabilitative  
79 Services an Adult Protective Services Unit ~~which~~ that shall oversee the planning, administration, and  
80 implementation of adult protective services in the Commonwealth. Adult protective services shall be  
81 provided to the public by local departments of social services pursuant to Chapter 16 (§ 63.2-1600 et seq.) of  
82 Title 63.2 in cooperation with the Department and subject to the regulations and oversight of the  
83 Commissioner.

84 B. The Adult Protective Services Unit shall have the following powers and duties:

85 1. To work together with local departments of social services to support, strengthen, and evaluate adult  
86 protective services programs provided by such local departments;

87 2. To assist local departments of social services in developing and implementing programs to respond to  
88 and prevent adult abuse, neglect, or exploitation;

89 3. To prepare, disseminate, and present educational programs and materials on adult abuse, neglect, and  
90 exploitation to mandated reporters and the public;

91 4. To establish minimum standards of training and provide educational opportunities to qualify workers in  
92 the field of adult protective services to determine whether reports of adult abuse, neglect, or exploitation are  
93 substantiated. The Department shall establish and provide a uniform training program for adult protective  
94 services workers in the Commonwealth. All adult protective services workers shall complete such training  
95 within one year from the date of implementation of the training program or within the first year of their  
96 employment;

97 5. To develop policies and procedures to guide the work of persons in the field of adult protective  
98 services;

99 6. To prepare and disseminate statistical information on adult protective services in Virginia;

100 7. To operate an adult protective services 24-hour toll-free hotline and provide training and technical  
101 assistance to the hotline staff;

102 8. To provide coordination among the adult protective services program and other state agencies; ~~and~~

103 9. To work collaboratively with other agencies in the Commonwealth to facilitate the reporting and  
104 investigation of suspected adult abuse, neglect, or exploitation; ~~and~~

105 10. *To maintain an adult abuse, neglect, and exploitation information system and an Adult Protective  
106 Services central registry pursuant to § 51.5-148.1.*

107 **§ 51.5-148.1. Adult Protective Services central registry; retention of records; notice; reports made in  
108 bad faith or with malicious intent.**

109 A. The Department shall establish and maintain an adult abuse, neglect, and exploitation information  
110 system and an Adult Protective Services central registry (the central registry). Identifying information about  
111 (i) an adult who the local department has determined is self-neglecting or (ii) a person who neglected an  
112 adult without intent shall not be entered in the central registry. Subject to the provisions of § 51.5-148.2, the  
113 operation of the central registry and the information contained in such registry shall be prescribed by  
114 regulations promulgated by the Commissioner.

115 B. The Department shall maintain in the adult abuse, neglect, and exploitation information system all  
116 reports regarding investigations in which a report was deemed unfounded and all reports received pursuant  
117 to § 63.2-1606. Records contained in the adult abuse, neglect, and exploitation information system shall be  
118 purged five years after the date of case record closure. Records associated with perpetrators entered into the  
119 central registry shall be retained for the duration of the time that the perpetrator remains in the registry.

120 The Commissioner may promulgate regulations regarding (i) the purging of information from the central  
121 registry after a certain period of time and (ii) a process through which persons may file a petition with the

122 *Department to be removed from the registry upon satisfaction of certain criteria.*

123 *C. If any person who was alleged to have committed abuse, neglect, or exploitation in a report that was*  
 124 *determined to be unfounded believes that such report was made in bad faith or with malicious intent, such*  
 125 *person may petition the circuit court in the jurisdiction in which the report was made for the release to such*  
 126 *person of the investigation records. The petition shall specifically set forth the reasons the person believes*  
 127 *that such report was made in bad faith or with malicious intent. Upon the filing of such petition, the circuit*  
 128 *court shall request and the local department shall provide to the circuit court its records of the investigation*  
 129 *for in camera review. The petitioner shall be entitled to present evidence to support his petition. If the circuit*  
 130 *court determines that there is a reasonable question of fact as to whether the report was made in bad faith or*  
 131 *with malicious intent and that disclosure of the identity of the reporter would not be likely to endanger the life*  
 132 *or safety of the reporter, it shall provide to the petitioner a copy of the report and, if an investigation was*  
 133 *conducted, the records of the investigation. The original records shall be subject to discovery in any*  
 134 *subsequent civil action regarding the making of a report in bad faith or with malicious intent.*

135 **§ 51.5-148.2. Adult Protective Services central registry; disclosure of information.**

136 *The Department shall maintain the Adult Protective Services central registry established pursuant to*  
 137 *§ 51.5-148.1 on its website. Such central registry shall be searchable by members of the public, provided that*  
 138 *the person initiating the search provides the first and last name, the last four digits of the social security*  
 139 *number, and the birth date of the person who is the subject of the search.*

140 **§ 63.2-100. Definitions.**

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

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

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

150 2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for  
 151 his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in  
 152 accordance with the tenets and practices of a recognized church or religious denomination shall for that  
 153 reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal  
 154 authority for the child or, in the absence of parents with legal authority for the child, any person with legal  
 155 authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition  
 156 shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or  
 157 other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently  
 158 mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person  
 159 with legal authority and the child have considered alternative treatment options; and (iv) the parents or other  
 160 person with legal authority and the child believe in good faith that such decision is in the child's best interest.  
 161 No child whose parent or other person responsible for his care allows the child to engage in independent  
 162 activities without adult supervision shall for that reason alone be considered to be an abused or neglected  
 163 child, provided that (a) such independent activities are appropriate based on the child's age, maturity, and  
 164 physical and mental abilities and (b) such lack of supervision does not constitute conduct that is so grossly  
 165 negligent as to endanger the health or safety of the child. Such independent activities include traveling to or  
 166 from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a  
 167 reasonable period of time. Nothing in this subdivision shall be construed to limit the provisions of  
 168 § 16.1-278.4;

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

170 4. Whose parents or other person responsible for his care, or an intimate partner of such parent or person,  
 171 commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation  
 172 of the law;

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

175 6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental  
 176 injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in  
 177 § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other  
 178 person responsible for his care knows has been convicted of an offense against a minor for which registration  
 179 is required as a Tier III offender pursuant to § 9.1-902; or

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

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

184 emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the  
185 child within 30 days of the child's birth to (i) a hospital that provides 24-hour emergency services, (ii) an  
186 attended emergency medical services agency that employs emergency medical services providers, or (iii) a  
187 newborn safety device located at and operated by such hospital or emergency medical services agency. For  
188 purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find  
189 such a child is a neglected child upon the ground of abandonment.

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

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

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

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

204 "Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in  
205 § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or  
206 advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his  
207 rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation"  
208 includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure  
209 to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition,  
210 possession, or control of an adult's financial resources or property through the use of undue influence,  
211 coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services  
212 against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or  
213 defrauded into agreeing, to pay for such goods or services or to perform such services.

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

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

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

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

230 "Assisted living facility" means any congregate residential setting that provides or coordinates personal  
231 and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the  
232 maintenance or care of four or more adults who are aged or infirm or who have disabilities and who are cared  
233 for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of  
234 Health or the Department of Behavioral Health and Developmental Services, but including any portion of  
235 such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only  
236 persons related to him by blood or marriage; (iii) a facility or portion of a facility serving individuals who are  
237 infirm or who have disabilities between the ages of 18 and 21, or 22 if enrolled in an educational program for  
238 individuals with disabilities pursuant to § 22.1-214, when such facility is licensed by the Department as a  
239 children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility  
240 not so licensed; and (iv) any housing project for individuals who are 62 years of age or older or individuals  
241 with disabilities that provides no more than basic coordination of care services and is funded by the U.S.  
242 Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia  
243 Housing Development Authority. Included in this definition are any two or more places, establishments or  
244 institutions owned or operated by a single entity and providing maintenance or care to a combined total of  
245 four or more adults who are aged or infirm or who have disabilities. Maintenance or care means the

246 protection, general supervision and oversight of the physical and mental well-being of an individual who is  
 247 aged or infirm or who has a disability.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

306 "Family and permanency team" means the group of individuals assembled by the local department to  
 307 assist with determining planning and placement options for a child, which shall include, as appropriate, all

308 biological relatives and fictive kin of the child, as well as any professionals who have served as a resource to  
309 the child or his family, such as teachers, medical or mental health providers, and clergy members. In the case  
310 of a child who is 14 years of age or older, the family and permanency team shall also include any members of  
311 the child's case planning team that were selected by the child in accordance with subsection A of § 16.1-281.

312 "Federal-Funded Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C.  
313 § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with  
314 § 63.2-1305, payments to eligible individuals who have received custody of a child of whom they had been  
315 the foster parents.

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

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

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

329 "General relief" means money payments and other forms of relief made to those persons mentioned in  
330 § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

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

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

342 "Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the  
343 custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency  
344 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  
345 Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a  
346 living arrangement in which such child or person does not have daily substitute parental supervision.

347 "Independent living services" means services and activities provided to a child in foster care 14 years of  
348 age or older who was committed or entrusted to a local board of social services, child welfare agency, or  
349 private child-placing agency. "Independent living services" may also mean services and activities provided to  
350 a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is  
351 between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile  
352 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  
353 person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately  
354 prior to placement in an independent living arrangement. Such services shall include counseling, education,  
355 housing, employment, and money management skills development, access to essential documents, and other  
356 appropriate services to help children or persons prepare for self-sufficiency.

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

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

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

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

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

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

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

**379** "Local department" means the local department of social services of any county or city in the  
**380** Commonwealth.

**381** "Local director" means the director or his designated representative of the local department of the city or  
**382** county.

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

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

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

**390** "Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to  
**391** perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a  
**392** home and community-based waiver program, including an independent physician contracting with the  
**393** Department of Medical Assistance Services to complete the uniform assessment instrument for residents of  
**394** assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance  
**395** Services to perform nursing facility pre-admission screenings.

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

**400** "Qualified residential treatment program" means a program that (i) provides 24-hour residential placement  
**401** services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical  
**402** and other needs of children with serious emotional or behavioral disorders, including any clinical or other  
**403** needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs  
**404** registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their  
**405** practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family  
**406** members, including efforts to maintain connections between the child and his siblings and other family;  
**407** documents and maintains records of such outreach efforts; and maintains contact information for any known  
**408** biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child,  
**409** facilitates participation by family members in the child's treatment program before and after discharge and  
**410** documents the manner in which such participation is facilitated; (vi) provides discharge planning and  
**411** family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42  
**412** U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and  
**413** Human Services; and (viii) requires that any child placed in the program receive an assessment within 30  
**414** days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an  
**415** age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of  
**416** Social Services; (b) identifies whether the needs of the child can be met through placement with a family  
**417** member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a  
**418** qualified residential treatment program, that would provide the most effective and appropriate level of care  
**419** for the child in the least restrictive environment and be consistent with the short-term and long-term goals  
**420** established for the child in his foster care or permanency plan; (c) establishes a list of short-term and  
**421** long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be  
**422** filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282,  
**423** 16.1-282.1, or 16.1-282.2.

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

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

**429** "Social services" means foster care, adoption, adoption assistance, child-protective services, domestic  
**430** violence services, or any other services program implemented in accordance with regulations adopted by the  
**431** Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of

432 Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5  
433 provided by local departments of social services in accordance with regulations and under the supervision of  
434 the Commissioner for Aging and Rehabilitative Services.

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

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

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

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

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

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

455 **§ 63.2-1605. Protective services for adults by local departments.**

456 A. Each local board, to the extent that federal or state matching funds are made available to each locality,  
457 shall provide, pursuant to regulations and subject to supervision of the Commissioner for Aging and  
458 Rehabilitative Services, adult protective services for adults who are found to be abused, neglected, or  
459 exploited and who meet one of the following criteria: (i) the adult is 60 years of age or older or (ii) the adult  
460 is 18 years of age or older and is incapacitated. The requirement to provide such services shall not limit the  
461 right of any individual to refuse to accept any of the services so offered, except as provided in § 63.2-1608.

462 B. Upon receipt of the report pursuant to § 63.2-1606, the local department shall determine the validity of  
463 such report and, *if the local department deems the report valid*, shall initiate an investigation *pursuant to*  
464 § 63.2-1605.1 within 24 hours of the time the report is received in the local department. Local departments  
465 shall consider valid any report meeting all of the following criteria: (i) the subject of the report is an adult as  
466 defined in this article, (ii) the report concerns a specific adult and there is enough information to locate the  
467 adult, and (iii) the report describes the circumstances of the alleged abuse, neglect, or exploitation.

468 C. The local department shall immediately refer the matter and all relevant documentation to the local  
469 law-enforcement agency where the adult resides or where the alleged abuse, neglect, or exploitation took  
470 place or, if these places are unknown, where the alleged abuse, neglect, or exploitation was discovered for  
471 investigation, upon receipt of an initial report pursuant to § 63.2-1606 involving any of the following or upon  
472 determining, during the course of an investigation pursuant to this article, the occurrence of any of the  
473 following:

- 474 1. Sexual abuse as defined in § 18.2-67.10;
- 475 2. Death that is believed to be the result of abuse or neglect;
- 476 3. Serious bodily injury or disease as defined in § 18.2-369 that is believed to be the result of abuse or  
477 neglect;
- 478 4. Suspected financial exploitation of an adult; or
- 479 5. Any other criminal activity involving abuse or neglect that places the adult in imminent danger of death  
480 or serious bodily harm.

481 Local law-enforcement agencies shall provide local departments with a preferred point of contact for  
482 referrals.

483 D. The local department shall refer any appropriate matter and all relevant documentation, to the  
484 appropriate licensing, regulatory, or legal authority for administrative action or criminal investigation.

485 E. If a local department is denied access to an adult for whom there is reason to suspect the need for adult  
486 protective services, then the local department may petition the circuit court for an order allowing access or  
487 entry or both. Upon a showing of good cause supported by an affidavit or testimony in person, the court may  
488 enter an order permitting such access or entry.

489 F. In any case of suspected adult abuse, neglect, or exploitation, local departments, with the informed  
490 consent of the adult or his legal representative, shall take or cause to be taken photographs, video recordings,  
491 or appropriate medical imaging of the adult and his environment as long as such measures are relevant to the  
492 investigation and do not conflict with § 18.2-386.1. However, if the adult is determined to be incapable of  
493 making an informed decision and of giving informed consent and either has no legal representative or the

494 legal representative is the suspected perpetrator of the adult abuse, neglect, or exploitation, consent may be  
 495 given by an agent appointed under an advance medical directive or medical power of attorney, or by a person  
 496 authorized, pursuant to § 54.1-2986. In the event no agent or authorized representative is immediately  
 497 available, then consent shall be deemed to be given.

498 G. Local departments shall foster the development, implementation, and coordination of adult protective  
 499 services to prevent adult abuse, neglect, and exploitation.

500 H. Local departments shall not investigate allegations of abuse, neglect, or exploitation of adults  
 501 incarcerated in state correctional facilities.

502 I. The report and evidence received by the local department and any written findings, evaluations, records,  
 503 and recommended actions shall be confidential and shall be exempt from disclosure requirements of the  
 504 Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except that such information may be disclosed to  
 505 persons having a legitimate interest in the matter in accordance with §§ 63.2-102 and 63.2-104 ~~and~~, pursuant  
 506 to official interagency agreements or memoranda of understanding between state agencies, *or as otherwise*  
 507 *authorized under the provisions of § 63.2-1605.2.*

508 J. ~~All~~ *Except as provided in § 63.2-1605.3*, written findings and actions of the local department or its  
 509 director regarding adult protective services investigations are final and shall not be (i) appealable to the  
 510 Commissioner for Aging and Rehabilitative Services or (ii) considered a final agency action for purposes of  
 511 judicial review pursuant to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

512 K. Each local department may foster, when practicable, the creation, maintenance, and coordination of  
 513 community-based multidisciplinary teams that shall include, where possible, members of the medical, mental  
 514 health, social work, nursing, education, legal, and law-enforcement professions. Such teams shall:

515 1. Assist the local department in identifying abused, neglected, and exploited adults as defined in  
 516 § 63.2-1603.

517 2. Coordinate medical, social, and legal services for abused, neglected, and exploited adults and their  
 518 families.

519 3. Develop innovative programs for detection and prevention of the abuse, neglect, and exploitation of  
 520 adults.

521 4. Promote community awareness and action to address the abuse, neglect, and exploitation of adults.

522 5. Disseminate information to the general public regarding the problem of abuse, neglect, and exploitation  
 523 of adults, strategies and methods for preventing such abuse, neglect, and exploitation, and treatment options  
 524 for abused, neglected, and exploited adults.

525 Such multidisciplinary teams may share information among the parties in the performance of their duties  
 526 but shall be bound by confidentiality and shall execute a sworn statement to honor the confidentiality of the  
 527 information they share. A violation of this subsection is punishable as a Class 3 misdemeanor. All such  
 528 information and records shall be used by the team only in the exercise of its proper function and shall not be  
 529 disclosed. No person who participated in the team and no member of the team shall be required to make any  
 530 statement as to what transpired during a meeting or what information was collected during the meeting. Upon  
 531 the conclusion of a meeting, all information and records concerning the adult shall be returned to the  
 532 originating agency or destroyed. Any information exchanged in accordance with the multidisciplinary review  
 533 team shall not be considered to be a violation of any of the provisions of § 63.2-102, 63.2-104, or 63.2-105.

534 **§ 63.2-1605.1. Investigations by local departments.**

535 A. *An adult protective services assessment shall be required for all adult protective services investigations  
 536 and entered in the information system to include:*

537 1. *The immediate safety needs of the adult alleged to be the victim of abuse, neglect, or exploitation;*

538 2. *The protective, rehabilitative, or other service needs of the adult alleged to be the victim of abuse,  
 539 neglect, or exploitation;*

540 3. *Risk of future harm to the adult alleged to be the victim of abuse, neglect, or exploitation;*

541 4. *Alternative plans for the safety of the adult alleged to be the victim of abuse, neglect, or exploitation if  
 542 protective, rehabilitative, or other services are needed and the adult is unable or unwilling to participate in  
 543 such services;*

544 5. *Whether abuse, neglect, or exploitation has occurred or is occurring;*

545 6. *The identity of the perpetrator if that determination can be made; and*

546 7. *The investigation disposition.*

547 B. *If the local department responds to a report of adult abuse, neglect, or exploitation by conducting an  
 548 investigation, the local department shall:*

549 1. *Document the findings and results of the investigation and enter such information into the adult abuse,  
 550 neglect, and exploitation information system maintained by the Department for Aging and Rehabilitative  
 551 Services;*

552 2. *Consult with the adult alleged to be the victim of abuse, neglect, or exploitation to arrange for  
 553 necessary protective, rehabilitative, and other services to be provided to such adult, if the adult accepts these  
 554 services;*

555 3. *If the adult alleged to be the victim of abuse, neglect, or exploitation lacks the capacity to consent to*

556 receive adult protective services, petition the court for services deemed necessary pursuant to § 63.2-1608;

557 4. Determine the investigation disposition within 45 days of the receipt of the report, and enter such  
558 disposition in the adult abuse, neglect, and exploitation information system maintained by the Department for  
559 Aging and Rehabilitative Services. Upon written justification by the local department, the time for such  
560 determination may be extended not to exceed a total of 60 days or, in the event that the investigation is being  
561 conducted in cooperation with a law-enforcement agency and both parties agree that circumstances so  
562 warrant, as stated in the written justification, the time for such determination may be extended not to exceed  
563 a total of 90 days. Documentation of the circumstances that resulted in the delay shall be placed in the record  
564 and the local department shall provide notice of the investigation in accordance with Department  
565 regulations.

566 Any information exchanged for the purposes of this subsection shall not be considered a violation of  
567 § 51.5-122, 63.2-102, or 63.2-104.

568 **§ 63.2-1605.2. Cooperation by state entities.**

569 All law-enforcement departments and other state and local departments, agencies, authorities, and  
570 institutions shall cooperate with each adult protective services worker of a local department in the detection,  
571 investigation, and prevention of abuse, neglect, or exploitation.

572 **§ 63.2-1605.3. Appeals of certain actions of local departments.**

573 A. A person identified as a perpetrator of adult abuse, neglect, or exploitation in a substantiated  
574 investigation pursuant to this article may, within 30 days of being notified of that determination, request the  
575 local department to amend its determination and related records. Upon written request, the local department  
576 shall provide the appellant all information used in making its determination. Disclosure of the reporter's  
577 name, information that may endanger the well-being of the victim or any other person, or information  
578 prohibited from disclosure by state or federal law or regulation shall not be released.

579 The local department shall hold an informal conference or review in which the appellant, who may be  
580 represented by counsel, and representatives of the local department shall be entitled to informally present  
581 testimony of witnesses, documents, factual data, arguments, or other submissions of proof to the local  
582 department. With the exception of the local director, no person whose regular duties include substantial  
583 involvement with adult abuse, neglect, or exploitation cases shall preside over the informal conference or  
584 review.

585 If the local department refuses the request for amendment or fails to act within 45 days after receiving  
586 such request, the appellant may, within 30 days thereafter, petition the Commissioner for Aging and  
587 Rehabilitative Services for an administrative review hearing. The appellant may obtain an extension of the  
588 45-day period in which the local department must act by submitting a written request for such extension to  
589 the Commissioner for Aging and Rehabilitative Services. The extension period, which shall not exceed 60  
590 days, shall begin at the end of the original 45-day period in which the local department must act. In the event  
591 an extension is granted, the 30-day period in which the appellant is permitted to request an administrative  
592 review hearing by the Commissioner for Aging and Rehabilitative Services shall begin on the termination of  
593 the extension period. Upon receiving a timely request for an administrative review hearing, the  
594 Commissioner for Aging and Rehabilitative Services shall grant a hearing to determine whether it appears,  
595 by a preponderance of the evidence, that the local department's determination or record contains information  
596 that is irrelevant or inaccurate regarding the commission of abuse, neglect, or exploitation by the appellant  
597 and therefore shall be amended.

598 B. The Commissioner for Aging and Rehabilitative Services shall designate and authorize one or more  
599 duly qualified hearing officers to preside over such administrative review hearings. The decision of such  
600 hearing officers shall have the same force and effect as if the Commissioner for Aging and Rehabilitative  
601 Services had made the decision. The hearing officer shall have the authority to issue subpoenas for the  
602 production of documents and the appearance of witnesses. The hearing officer is authorized to determine the  
603 number of depositions that will be allowed and to administer oaths or affirmations to all parties and  
604 witnesses who plan to testify at the hearing.

605 The Commissioner for Aging and Rehabilitative Services shall adopt regulations necessary for the  
606 conduct of such appeals and hearings. Such regulations shall include provisions stating that (i) the appellant  
607 and local department have the right to submit oral or written testimony or documents, (ii) the appellant may  
608 be represented by counsel at the hearing, and (iii) the appellant shall be informed of the procedures by which  
609 information will be made available to or withheld from the appellant. In the case of any information withheld,  
610 the appellant shall be advised of the general nature of such information and the reasons, for privacy or  
611 otherwise, that it is being withheld. Upon giving reasonable notice, either party at his own expense may  
612 depose a nonparty and submit such deposition at the hearing pursuant to regulation. Upon written motion  
613 and good cause shown, the hearing officer may issue subpoenas for the production of documents or to  
614 compel the attendance of witnesses at the hearing. Hearing officers shall have the authority to order the  
615 amendment of any determinations or records presented if necessary to ensure such determinations or records  
616 are accurate and in compliance with the requirements of this chapter or regulations adopted pursuant  
617 thereto. Upon petition, the court shall have the power to enforce any subpoena that is not complied with or to

618 review any refusal to issue a subpoena. Such decisions may not be further appealed except as part of a final  
 619 decision that is subject to judicial review.

620 If, after hearing the facts of the case, the hearing officer determines that the appellant has presented  
 621 information that was not available to the local department at the time of the local conference and, if made  
 622 available, may have resulted in a different determination by the local department, the hearing officer may  
 623 remand the case to the local department for reconsideration. Upon remand, the local department shall  
 624 reconsider the case within 14 days. If the local department fails to act or amend the record to the satisfaction  
 625 of the appellant within 14 days, the case shall be returned to the hearing officer for a determination.

626 If aggrieved by the decision of the hearing officer, the appellant may request further review of the  
 627 decision in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act.

628 C. Whenever an appeal of the local department's finding is made and a criminal charge or investigation is  
 629 also filed or commenced against the appellant for the same conduct involving the same victim as investigated  
 630 by the local department, the appeal process shall automatically be stayed until the criminal prosecution in  
 631 the trial court is completed, until the criminal investigation is closed, or, in the case of a criminal  
 632 investigation that is not completed within 180 days of the appellant's request for an appeal of the local  
 633 department's finding, for 180 days after the appellant's request for appeal. During such stay, the appellant's  
 634 right of access to the records of the local department regarding the matter being appealed shall also be  
 635 stayed. Once the criminal prosecution in the trial court has been completed, the criminal investigation is  
 636 closed, or, in the case of a criminal investigation that is not completed within 180 days of the appellant's  
 637 request for an appeal of the local department's finding, 180 days have passed, the local department shall  
 638 advise the appellant in writing of his right to resume his appeal within the time frames provided by law and  
 639 regulation.

640 D. The local department shall transmit all decisions and findings made during an informal conference or  
 641 review pursuant to this section to the Department for Aging and Rehabilitative Services.

642 **§ 63.2-1606. Protection of aged or incapacitated adults; mandated and voluntary reporting.**

643 A. Matters giving reason to suspect the abuse, neglect or exploitation of adults shall be reported  
 644 immediately upon the reporting person's determination that there is such reason to suspect. Medical facilities  
 645 inspectors of the Department of Health are exempt from reporting suspected abuse immediately while  
 646 conducting federal inspection surveys in accordance with § 1864 of Title XVIII and Title XIX of the Social  
 647 Security Act, as amended, of certified nursing facilities as defined in § 32.1-123. Reports shall be made to the  
 648 local department or the adult protective services hotline in accordance with requirements of this section by  
 649 the following persons acting in their professional capacity:

- 650 1. Any person licensed, certified, or registered by health regulatory boards listed in § 54.1-2503, with the  
 651 exception of persons licensed by the Board of Veterinary Medicine;
- 652 2. Any mental health services provider as defined in § 54.1-2400.1;
- 653 3. Any emergency medical services provider certified by the Board of Health pursuant to § 32.1-111.5,  
 654 unless such provider immediately reports the suspected abuse, neglect or exploitation directly to the attending  
 655 physician at the hospital to which the adult is transported, who shall make such report forthwith;
- 656 4. Any guardian or conservator of an adult;
- 657 5. Any person employed by or contracted with a public or private agency or facility and working with  
 658 adults in an administrative, supportive or direct care capacity;
- 659 6. Any person providing full, intermittent or occasional care to an adult for compensation, including, but  
 660 not limited to, companion, chore, homemaker, and personal care workers;
- 661 7. Any law-enforcement officer; and
- 662 8. Any person who engages in the practice of behavior analysis, as defined in § 54.1-2900.

663 B. The report shall be made in accordance with subsection A to the local department of the county or city  
 664 wherein the adult resides or wherein the adult abuse, neglect, or exploitation is believed to have occurred or  
 665 to the adult protective services hotline. Nothing in this section shall be construed to eliminate or supersede  
 666 any other obligation to report as required by law. If a person required to report under this section receives  
 667 information regarding abuse, neglect or exploitation while providing professional services in a hospital,  
 668 nursing facility or similar institution, then he may, in lieu of reporting, notify the person in charge of the  
 669 institution or his designee, who shall report such information, in accordance with the institution's policies and  
 670 procedures for reporting such matters, immediately upon his determination that there is reason to suspect  
 671 abuse, neglect or exploitation. Any person required to make the report or notification required by this  
 672 subsection shall do so either orally or in writing and shall disclose all information that is the basis for the  
 673 suspicion of adult abuse, neglect, or exploitation. Upon request, any person required to make the report shall  
 674 make available to the adult protective services worker and the local department investigating the reported  
 675 case of adult abuse, neglect, or exploitation any information, records or reports which document the basis for  
 676 the report. All persons required to report suspected adult abuse, neglect, or exploitation shall cooperate with  
 677 the investigating adult protective services worker of a local department and shall make information, records  
 678 and reports which are relevant to the investigation available to such worker to the extent permitted by state  
 679 and federal law. Criminal investigative reports received from law-enforcement agencies shall not be further

680 disseminated by the investigating agency nor shall they be subject to public disclosure; such reports may, 681 however, be disclosed to the Adult Fatality Review Team as provided in § 32.1-283.5 or to a local or regional 682 adult fatality review team as provided in § 32.1-283.6 and, if reviewed by the Team or a local or regional 683 adult fatality review team, shall be subject to applicable confidentiality requirements of the Team or a local or 684 regional adult fatality review team.

685 C. Any financial institution staff who suspects that an adult has been exploited financially may report such 686 suspected financial exploitation and provide supporting information and records to the local department of 687 the county or city wherein the adult resides or wherein the exploitation is believed to have occurred or to the 688 adult protective services hotline.

689 D. Any person other than those specified in subsection A who suspects that an adult is an abused, 690 neglected or exploited adult may report the matter to the local department of the county or city wherein the 691 adult resides or wherein the abuse, neglect or exploitation is believed to have occurred or to the adult 692 protective services hotline.

693 E. Any person who makes a report or provides records or information pursuant to subsection A, C, or D, 694 or who testifies in any judicial proceeding arising from such report, records or information, or who takes or 695 causes to be taken with the adult's or the adult's legal representative's informed consent photographs, video 696 recordings, or appropriate medical imaging of the adult who is subject of a report shall be immune from any 697 civil or criminal liability on account of such report, records, information, photographs, video recordings, 698 appropriate medical imaging or testimony, unless such person acted in bad faith or with a malicious purpose.

699 F. An employer of a mandated reporter shall not prohibit a mandated reporter from reporting directly to 700 the local department or to the adult protective services hotline. Employers whose employees are mandated 701 reporters shall notify employees upon hiring of the requirement to report.

702 G. Any person 14 years of age or older who makes or causes to be made a report of adult abuse, neglect, 703 or exploitation that he knows to be false is guilty of a Class 4 misdemeanor. Any subsequent conviction of 704 this provision is a Class 2 misdemeanor.

705 H. Any person who fails to make a required report or notification pursuant to subsection A shall be 706 subject to a civil penalty of not more than \$500 for the first failure and not less than \$100 nor more than 707 \$1,000 for any subsequent failures. Civil penalties under subdivision A 7 shall be determined by a court of 708 competent jurisdiction, in its discretion. All other civil penalties under this section shall be determined by the 709 Commissioner for Aging and Rehabilitative Services or his designee. The Commissioner for Aging and 710 Rehabilitative Services shall establish by regulation a process for imposing and collecting civil penalties, and 711 a process for appeal of the imposition of such penalty pursuant to § 2.2-4026 of the Administrative Process 712 Act.

713 I. Any mandated reporter who has reasonable cause to suspect that an adult died as a result of abuse or 714 neglect shall immediately report such suspicion to the appropriate medical examiner and to the appropriate 715 law-enforcement agency, notwithstanding the existence of a death certificate signed by a licensed physician. 716 The medical examiner and the law-enforcement agency shall receive the report and determine if an 717 investigation is warranted. The medical examiner may order an autopsy. If an autopsy is conducted, the 718 medical examiner shall report the findings to law enforcement, as appropriate, and to the local department or 719 to the adult protective services hotline.

720 J. No person or entity shall be obligated to report any matter if the person or entity has actual knowledge 721 that the same matter has already been reported to the local department or to the adult protective services 722 hotline.

723 K. All law-enforcement departments and other state and local departments, agencies, authorities, and 724 institutions shall cooperate with each adult protective services worker of a local department in the detection, 725 investigation, and prevention of adult abuse, neglect, and exploitation, *including matters related to the Adult* 726 *Protective Services central registry and perpetrators who will be listed in the registry.*

727 L. Financial institution staff may refuse to execute a transaction, may delay a transaction, or may refuse to 728 disburse funds if the financial institution staff (i) believes in good faith that the transaction or disbursement 729 may involve, facilitate, result in, or contribute to the financial exploitation of an adult or (ii) makes, or has 730 actual knowledge that another person has made, a report to the local department or adult protective services 731 hotline stating a good faith belief that the transaction or disbursement may involve, facilitate, result in, or 732 contribute to the financial exploitation of an adult. The financial institution staff may continue to refuse to 733 execute a transaction, delay a transaction, or refuse to disburse funds for a period no longer than 30 business 734 days after the date upon which such transaction or disbursement was initially requested based on a good faith 735 belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial 736 exploitation of an adult, unless otherwise ordered by a court of competent jurisdiction. Upon refusing to 737 execute a transaction, delaying a transaction, or refusing to disburse funds, the financial institution shall 738 report such refusal or delay within five business days to the local department or the adult protective services 739 hotline. Upon request, and to the extent permitted by state and federal law, financial institution staff may 740 report any information or records relevant to a report or investigation to the local department of social 741 services or to a court-appointed guardian ad litem for the adult who is the subject of the investigation. Absent

742 gross negligence or willful misconduct, the financial institution and its staff shall be immune from civil or  
743 criminal liability for (a) providing information or records to the local department of social services or to a  
744 court-appointed guardian ad litem or (b) refusing to execute a transaction, delaying a transaction, or refusing  
745 to disburse funds pursuant to this subsection. The authority of a financial institution staff to refuse to execute  
746 a transaction, to delay a transaction, or to refuse to disburse funds pursuant to this subsection shall not be  
747 contingent upon whether financial institution staff has reported suspected financial exploitation of the adult  
748 pursuant to subsection C.

749 **2. That the Commissioner for Aging and Rehabilitative Services (the Commissioner) shall adopt  
750 regulations to implement the provisions of this act. The Commissioner's initial adoption of such  
751 regulations shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of  
752 the Code of Virginia).**

753 **3. That the provisions of this act shall become effective on July 1, 2028.**