

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 16.1-241, 16.1-277.02, and 16.1-278.3 of the Code of Virginia, relating to*
 3 *juvenile and domestic relations district courts; petitions for relief of care and custody; custodians.*

4 [H 73]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 16.1-241, 16.1-277.02, and 16.1-278.3 of the Code of Virginia are amended and reenacted as**
8 **follows:**9 **§ 16.1-241. Jurisdiction; consent for abortion.**

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

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

18 1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or
19 delinquent except where the jurisdiction of the juvenile court has been terminated or divested;20 2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or
21 mental incapacity of his parents is without parental care and guardianship;22 2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as
23 having abused or neglected another child in the care of the parent or custodian;24 3. Whose custody, visitation or support is a subject of controversy or requires determination. In such cases
25 jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, except as provided
26 in § 16.1-244;27 4. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or
28 whose parent or ~~parents~~ *other custodian* for good cause desire to be relieved of his care and custody;29 5. Where the termination of residual parental rights and responsibilities is sought. In such cases
30 jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in
31 § 16.1-244;

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

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

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

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

53 The authority of the juvenile court to adjudicate matters involving the custody, visitation, support, control,
 54 or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father, or legal
 55 guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party
 56 with a legitimate interest shall be broadly construed and shall include, ~~but not be limited to,~~ grandparents,

57 step-grandparents, stepparents, former stepparents, blood relatives, and family members. A party with a
 58 legitimate interest shall not include any person (i) whose parental rights have been terminated by court order,
 59 either voluntarily or involuntarily, except for purposes of this title, as otherwise provided by this paragraph;
 60 (ii) whose interest in the child derives from or through a person whose parental rights have been terminated
 61 by court order, either voluntarily or involuntarily, or whose interest in the child derives from or through a
 62 person pursuant to clause (iii), including, ~~but not limited to,~~ grandparents, stepparents, former stepparents,
 63 blood relatives, and family members, if the child subsequently has been legally adopted, except where a final
 64 order of adoption is entered pursuant to § 63.2-1241; or (iii) who has been convicted of a violation of
 65 subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state,
 66 the United States, or any foreign jurisdiction, or who has been found by clear and convincing evidence to
 67 have engaged in the conduct prohibited by subsection A of § 18.2-61, § 18.2-63, or subsection B of
 68 § 18.2-366, whether or not the person has been charged with or convicted of the alleged violation, when the
 69 child who is the subject of the petition was conceived as a result of such violation or conduct. The authority
 70 of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited
 71 where the child has previously been awarded to the custody of a local board of social services. For purposes
 72 of this title, a party with a legitimate interest shall also include a parent whose rights previously had been
 73 terminated, provided that the child whose custody or visitation is at issue (a) is at least 14 years of age; (b)
 74 has had a permanency goal previously achieved by adoption; (c) has had his adoptive parents die or, pursuant
 75 to § 16.1-277.02, each of such child's adoptive parents has permanently been relieved of custody of such
 76 child and each adoptive parent has had his parental rights terminated; and (d) is in the custody of a local
 77 board of social services, and provided that the parent whose rights had previously been terminated has (1)
 78 complied with the terms of any written post-adoption contact and communication agreement entered into
 79 pursuant to Article 1.1 (§ 63.2-1220.2 et seq.) of Chapter 12 of Title 63.2 and (2) maintained a positive,
 80 continuous relationship with the child since termination.

81 A1. Making specific findings of fact required by state or federal law to enable a child to apply for or
 82 receive a state or federal benefit. For the purposes of this subsection only, when the court has obtained
 83 jurisdiction over the case of any child, the court may continue to exercise its jurisdiction until such person
 84 reaches 21 years of age, for the purpose of entering findings of fact or amending past orders, to include
 85 findings of fact necessary for the person to petition the federal government for status as a special immigrant
 86 juvenile, as defined by 8 U.S.C. § 1101(a)(27)(J).

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

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

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

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

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

104 1. Who has been abused or neglected;

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

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

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

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

117 I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment, or neglect
 118 of children or with any violation of law that causes or tends to cause a child to come within the purview of

119 this law, or with any other offense against the person of a child. In prosecution for felonies over which the
120 court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause.

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

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

129 K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily relinquished
130 pursuant to a court proceeding, to seek a reversal of the court order terminating such parental rights. No such
131 petition shall be accepted, however, after the child has been placed in the home of adoptive parents.

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

135 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1, 16.1-253.4,
136 or 16.1-279.1, and all petitions filed for the purpose of obtaining an order of protection pursuant to
137 § 19.2-152.8, 19.2-152.9, or 19.2-152.10 if either the alleged victim or the respondent is a juvenile.

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

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

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

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

148 R. [Repealed.]

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

150 T. Petitions to enforce any request for information or subpoena that is not complied with or to review any
151 refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect pursuant to
152 § 63.2-1526.

153 U. Petitions filed in connection with parental placement adoption consent hearings pursuant to
154 § 63.2-1233. Such proceedings shall be advanced on the docket so as to be heard by the court within 10 days
155 of filing of the petition, or as soon thereafter as practicable so as to provide the earliest possible disposition.

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

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

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

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

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

177 Notwithstanding any other provision of law, the provisions of this subsection shall govern proceedings
178 relating to consent for a minor's abortion. Court proceedings under this subsection and records of such
179 proceedings shall be confidential. Such proceedings shall be given precedence over other pending matters so
180 that the court may reach a decision promptly and without delay in order to serve the best interests of the

181 minor. Court proceedings under this subsection shall be heard and decided as soon as practicable but in no
182 event later than four days after the petition is filed.

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

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

189 If either the original court or the circuit court fails to act within the time periods required by this
190 subsection, the court before which the proceeding is pending shall immediately authorize a physician to
191 perform the abortion without consent of or notice to an authorized person.

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

194 A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent has
195 been obtained or the minor delivers to the physician a court order entered pursuant to this section and the
196 physician or his agent provides such notice as such order may require. However, neither consent nor judicial
197 authorization nor notice shall be required if the minor declares that she is abused or neglected and the
198 attending physician has reason to suspect that the minor may be an abused or neglected child as defined in
199 § 63.2-100 and reports the suspected abuse or neglect in accordance with § 63.2-1509; or if there is a medical
200 emergency, in which case the attending physician shall certify the facts justifying the exception in the minor's
201 medical record.

202 For purposes of this subsection:

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

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

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

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

220 "Notice of intent to perform the abortion" means that (i) the physician or his agent has given actual notice
221 of his intention to perform such abortion to an authorized person, either in person or by telephone, at least 24
222 hours previous to the performance of the abortion or (ii) the physician or his agent, after a reasonable effort to
223 notify an authorized person, has mailed notice to an authorized person by certified mail, addressed to such
224 person at his usual place of abode, with return receipt requested, at least 72 hours prior to the performance of
225 the abortion.

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

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

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

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

238 Z. Petitions filed pursuant to § 16.1-283.3 for review of voluntary agreements for continuation of services
239 and support for persons who meet the eligibility criteria for the Fostering Futures program set forth in
240 § 63.2-919.

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

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

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

248 Upon certification by the juvenile and domestic relations district court of any felony charge and ancillary
 249 misdemeanor charge committed by an adult or when an appeal of a conviction or adjudication of delinquency
 250 of an offense in the juvenile and domestic relations district court is noted, jurisdiction as to such charges shall
 251 vest in the circuit court, unless such case is reopened pursuant to § 16.1-133.1; a final judgment, order, or
 252 decree is modified, vacated, or suspended pursuant to Supreme Court of Virginia Rule 1:1; or the appeal has
 253 been withdrawn in the juvenile and domestic relations district court within 10 days pursuant to § 16.1-133.

254 **§ 16.1-277.02. Petition for relief of care and custody.**

255 A. Requests for petitions for relief of the care and custody of a child shall be referred initially to the local
 256 department of social services for investigation and the provision of services, if appropriate, in accordance
 257 with the provisions of § 63.2-319 or Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. *The petitioning parent or*
 258 *custodian shall cooperate with the provision of such appropriate services offered by the local department of*
 259 *social services.* The local department of social services shall, as part of its investigation, (i) refer the parent to
 260 the local family assessment and planning team and (ii) create a written report regarding the history of the
 261 child and family. A referral to the local family assessment and planning team in accordance with clause (i)
 262 shall not interfere with or delay any proceeding or hearing related to the petition unless the court determines
 263 that any recommendations made by or information gathered from the family assessment and planning team is
 264 necessary for the court to make a final disposition in the matter. Upon the filing of a petition for relief of a
 265 child's care and custody pursuant to subdivision A 4 of § 16.1-241, the court shall appoint a guardian ad litem
 266 to represent the child in accordance with the provisions of § 16.1-266, and shall schedule the matter for a
 267 hearing on the petition. Such hearing on the petition may include partial or final disposition of the matter. The
 268 court shall provide notice of the hearing and a copy of the petition to the following, each of whom shall be a
 269 party entitled to participate in the proceeding:

270 1. The child, if he is 12 years of age or older;

271 2. The guardian ad litem for the child;

272 3. The child's parents, custodian or other person standing in loco parentis to the child. No such notification
 273 shall be required, however, if the judge certifies on the record that the identity of the parent is not reasonably
 274 ascertainable. An affidavit of the mother that the identity of the father is not reasonably ascertainable shall be
 275 sufficient evidence of this fact, provided there is no other evidence before the court which would refute such
 276 an affidavit. The hearing on the petition shall be held pursuant to this section although a parent fails to appear
 277 and is not represented by counsel, provided personal or substituted service was made on the parent, or the
 278 court determines that such person cannot be found, after reasonable effort, or in the case of a person who is
 279 without the Commonwealth, the person cannot be found or his post office address cannot be ascertained after
 280 reasonable effort. However, in the case of a hearing to grant a petition for permanent relief of custody and
 281 terminate a parent's residual parental rights, notice to the parent whose rights may be affected shall be
 282 provided in accordance with the provisions of §§ 16.1-263 and 16.1-264; and

283 4. The local board of social services. Upon receiving notice of the hearing pursuant to this section, the
 284 local board of social services shall investigate the matter and provide services, as appropriate, in accordance
 285 with the provisions of § 63.2-319 or Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2.

286 B. At the hearing, the local board of social services, the child, the child's parents, guardian, legal custodian
 287 or other person standing in loco parentis and any other family or household member of the child to whom
 288 notice was given shall have the right to confront and cross-examine all adverse witnesses and evidence and to
 289 present evidence on their own behalf.

290 C. At the conclusion of the hearing on the petition, the court shall make a finding, based upon a
 291 preponderance of the evidence, whether there is good cause shown for the petitioner's desire to be relieved of
 292 the child's care and custody, unless the petition seeks permanent relief of custody and termination of parental
 293 rights. If the petition seeks permanent relief of custody and termination of parental rights, the court shall
 294 make a finding, based upon clear and convincing evidence, whether termination of parental rights is in the
 295 best interest of the child. If the court makes either of these findings, the court may enter:

296 1. A preliminary protective order pursuant to § 16.1-253;

297 2. An order that requires the local board of social services to provide services to the family as required by
 298 law;

299 3. An order that is consistent with any of the dispositional alternatives pursuant to § 16.1-278.3; or

300 4. Any combination of these orders.

301 Any such order transferring legal custody of the child shall be made in accordance with the provisions of
 302 subdivision A 5 of § 16.1-278.2 and shall be subject to the provisions of subsection C1. This order shall
 303 include, but need not be limited to, the following findings: (i) that there is no less drastic alternative to
 304 granting the requested relief; and (ii) that reasonable efforts have been made to prevent removal and that

305 continued placement in the home would be contrary to the welfare of the child, if the order transfers legal
306 custody of the child to a local board of social services. Any order terminating residual parental rights shall be
307 accompanied by an order continuing or granting custody to a local board of social services or to a licensed
308 child-placing agency or granting custody or guardianship to a person with a legitimate interest. Such an order
309 continuing or granting custody to a local board of social services or to a licensed child-placing agency shall
310 indicate whether that board or agency shall have the authority to place the child for adoption and consent
311 thereto. At any time subsequent to the transfer of legal custody of the child pursuant to this section, a birth
312 parent or parents of the child and the pre-adoptive parent or parents may enter into a written post-adoption
313 contact and communication agreement in accordance with the provisions of § 16.1-283.1 and Article 1.1
314 (§ 63.2-1220.2 et seq.) of Chapter 12 of Title 63.2. The court shall not require a written post-adoption contact
315 and communication agreement as a precondition to entry of an order in any case involving the child.

316 The court shall schedule a subsequent hearing within 60 days of the hearing held pursuant to this section:
317 (a) to enter a final order of disposition pursuant to § 16.1-278.3 or (b) if the child is placed in foster care, for
318 review of the foster care plan filed pursuant to § 16.1-281. If a party is required to be present at the
319 subsequent hearing, and (1) is present at the hearing on the petition, the party shall be given notice of the date
320 set for the subsequent hearing; (2) if not present, shall be summoned as provided in § 16.1-263.

321 C1. Any order transferring temporary custody of the child to a person with a legitimate interest pursuant
322 to subsection C shall be entered only upon a finding, based upon a preponderance of the evidence, that such
323 person is one who (i) is found by the court to be willing and qualified to receive and care for the child; (ii) is
324 willing to have a positive, continuous relationship with the child; and (iii) is willing and has the ability to
325 protect the child from abuse and neglect. The court's order transferring temporary custody to a person with a
326 legitimate interest should further provide for compliance with any preliminary protective order entered on
327 behalf of the child in accordance with the provisions of § 16.1-253; and, as appropriate, ongoing provision of
328 social services to the child and the child's custodian; and court review of the child's placement with such
329 person with a legitimate interest. Any final order transferring custody of the child to a person with a
330 legitimate interest pursuant to this section shall, in addition, be entered only after an investigation as directed
331 by the court and upon a finding, stated in the court's order, that such person is one who satisfies clauses (i),
332 (ii), and (iii) and is committed to providing a permanent, suitable home for the child.

333 D. The local board or licensed child-placing agency to which authority is given to place the child for
334 adoption and consent thereto after an order terminating parental rights is entered pursuant to this section shall
335 file a written Adoption Progress Report with the juvenile court on the progress being made to place the child
336 in an adoptive home. The report shall be filed with the court every six months from the date of the final order
337 terminating parental rights until a final order of adoption is entered on behalf of the child in the circuit court.
338 At the conclusion of the hearing at which termination of parental rights is ordered and authority is given to
339 the local board or licensed child-placing agency to place the child for adoption, the juvenile court shall
340 schedule a date by which the board or agency shall file the first Adoption Progress Report required by this
341 section. A copy of the Adoption Progress Report shall be sent by the court to the guardian ad litem for the
342 child. The court may schedule a hearing on the report with or without the request of a party.

343 § 16.1-278.3. Relief of care and custody.

344 A. Within 60 days of a hearing on a petition for relief of the care and custody of any child pursuant to
345 § 16.1-277.02 at which the court found (i) good cause for the petitioner's desire to be relieved of a child's care
346 and custody or (ii) that permanent relief of custody and termination of residual parental rights is in the best
347 interest of the child, *and that, unless the court found pursuant to subdivision A 5 of § 16.1-278.2 that*
348 *continued placement in the home would be contrary to the welfare of a child, the petitioner has cooperated*
349 *with such appropriate services offered by the local department of social services to prevent the child from*
350 *being removed from the home, a dispositional hearing shall be held, if a final order disposing of the matter*
351 *was not entered at the conclusion of the hearing on the petition held pursuant to § 16.1-277.02.*

352 B. Notice of the dispositional hearing shall be provided to the local department of social services, the
353 guardian ad litem for the child, the child if he is at least 12 years of age, and the child's parents, custodian, or
354 other person standing in loco parentis. However, if a parent's residual parental rights were terminated at the
355 hearing on the petition held pursuant to § 16.1-277.02, no such notice of the hearing pursuant to this section
356 shall be provided to the parent. The hearing shall be held and a dispositional order may be entered, although a
357 parent, guardian, legal custodian, or person standing in loco parentis fails to appear and is not represented by
358 counsel, provided personal or substituted service was made on the person, or the court determines that the
359 person cannot be found, after reasonable effort, or in the case of a person who is without the Commonwealth,
360 the person cannot be found or his post office address cannot be ascertained after reasonable effort. However,
361 in the case of a hearing to grant a petition for permanent relief of custody and terminate a parent's residual
362 parental rights, notice to the parent whose rights may be affected shall be provided in accordance with the
363 provisions of §§ 16.1-263 and 16.1-264.

364 C. The court may make any of the orders of disposition permitted in a case involving an abused or
365 neglected child pursuant to § 16.1-278.2. Any such order transferring legal custody of the child shall be made
366 in accordance with the provisions of subdivision A 5 of § 16.1-278.2 and shall be subject to the provisions of

367 subsection D1. This order shall include, but need not be limited to, the following findings: (i) that there is no
368 less drastic alternative to granting the requested relief; and (ii) that reasonable efforts have been made to
369 prevent removal and that continued placement in the home would be contrary to the welfare of the child, if
370 the order transfers legal custody of the child to a local board of social services. Any preliminary protective
371 orders entered on behalf of the child shall be reviewed at the dispositional hearing and may be incorporated,
372 as appropriate, in the dispositional order. If the child has been placed in foster care, at the dispositional
373 hearing the court shall review the foster care plan for the child filed by the local board of social services or
374 child welfare agency in accordance with § 16.1-281.

375 D. If the parent or other custodian seeks to be relieved permanently of the care and custody of any child
376 and the court finds by clear and convincing evidence that termination of the parent's parental rights is in the
377 best interest of the child, the court may terminate the parental rights of that parent. If the remaining parent has
378 not petitioned for permanent relief of the care and custody of the child, the remaining parent's parental rights
379 may be terminated in accordance with the provisions of § 16.1-283. Any order terminating parental rights
380 shall be accompanied by an order (i) continuing or granting custody to a local board of social services or to a
381 licensed child-placing agency or (ii) granting custody or guardianship to a person with a legitimate interest.
382 Such an order continuing or granting custody to a local board of social services or to a licensed child-placing
383 agency shall indicate whether that board or agency shall have the authority to place the child for adoption and
384 consent thereto. Proceedings under this section shall be advanced on the docket so as to provide for their
385 earliest practicable disposition. At any time subsequent to the transfer of legal custody of the child pursuant
386 to this section, a birth parent or parents of the child and the pre-adoptive parent or parents may enter into a
387 written post-adoption contact and communication agreement in accordance with the provisions of
388 § 16.1-283.1 and Article 1.1 (§ 63.2-1220.2 et seq.) of Chapter 12 of Title 63.2. The court shall not require a
389 written post-adoption contact and communication agreement as a precondition to entry of an order in any
390 case involving the child.

391 D1. Any order transferring custody of the child to a person with a legitimate interest pursuant to
392 subsection C or D shall be entered only upon a finding, based upon a preponderance of the evidence, that
393 such person is one who, after an investigation as directed by the court, (i) is found by the court to be willing
394 and qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with
395 the child; (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has
396 the ability to protect the child from abuse and neglect; and the order shall so state. The court's order
397 transferring custody to a person with a legitimate interest should further provide for, as appropriate, any terms
398 or conditions which would promote the child's interest and welfare; ongoing provision of social services to
399 the child and the child's custodian; and court review of the child's placement.

400 E. The local board or licensed child-placing agency to which authority is given to place the child for
401 adoption and consent thereto after an order terminating parental rights is entered pursuant to this section shall
402 file a written Adoption Progress Report with the juvenile court on the progress being made to place the child
403 in an adoptive home. The report shall be filed with the court every six months from the date of the final order
404 terminating parental rights until a final order of adoption is entered on behalf of the child in the circuit court.
405 At the conclusion of the hearing at which termination of parental rights is ordered and authority is given to
406 the local board or licensed child-placing agency to place the child for adoption, the juvenile court shall
407 schedule a date by which the board or agency shall file the first Adoption Progress Report required by this
408 section. A copy of the Adoption Progress Report shall be sent by the court to the guardian ad litem for the
409 child. The court may schedule a hearing on the report with or without the request of a party.

410 F. A dispositional order entered pursuant to this section is a final order from which an appeal may be
411 taken in accordance with § 16.1-296.