

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 2.2-3803, 2.2-3815, 63.2-100, 63.2-105, 63.2-203, 63.2-1501, 63.2-1502,*
 3 *63.2-1503, 63.2-1508, 63.2-1509, 63.2-1512, and 63.2-1530 of the Code of Virginia and Chapter 604 of*
 4 *the Acts of Assembly of 2017; to amend the Code of Virginia by adding sections numbered 63.2-203.1,*
 5 *63.2-319.1, and 63.2-1510.1; and to repeal § 63.2-1510 of the Code of Virginia, relating to Department of*
 6 *Social Services; corrective action plans and assumption of temporary control of local boards and local*
 7 *departments; centralized hotline for reports or complaints of child abuse or neglect.*

8 [S 640]
 9 Approved

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

11 **1. That §§ 2.2-3803, 2.2-3815, 63.2-100, 63.2-105, 63.2-203, 63.2-1501, 63.2-1502, 63.2-1503, 63.2-1508,**
 12 **63.2-1509, 63.2-1512, and 63.2-1530 of the Code of Virginia are amended and reenacted and that the**
 13 **Code of Virginia is amended by adding sections numbered 63.2-203.1, 63.2-319.1, and 63.2-1510.1 as**
 14 **follows:**

15 **§ 2.2-3803. Administration of systems including personal information; internet privacy policy;**
 16 **exceptions.**

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

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

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

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

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

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

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

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

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

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

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

55 B. Every public body, as defined in § 2.2-3701, that has an ~~Internet~~ internet website associated with that
 56 public body shall develop an ~~Internet~~ internet privacy policy and an ~~Internet~~ internet privacy policy statement

57 that explains the policy to the public. The policy shall be consistent with the requirements of this chapter. The
 58 statement shall be made available on the public body's website in a conspicuous manner. The Secretary of
 59 Administration or his designee shall provide guidelines for developing the policy and the statement, and each
 60 public body shall tailor the policy and the statement to reflect the information practices of the individual
 61 public body. At minimum, the policy and the statement shall address (i) what information, including
 62 personally identifiable information, will be collected, if any; (ii) whether any information will be
 63 automatically collected simply by accessing the website and, if so, what information; (iii) whether the website
 64 automatically places a computer file, commonly referred to as a "cookie," on the ~~Internet~~ *internet* user's
 65 computer and, if so, for what purpose; and (iv) how the collected information is being used or will be used.

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

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

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

78 **§ 2.2-3815. Access to social security numbers prohibited; exceptions.**

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

82 For the purposes of this chapter:

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

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

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

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

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

92 1. In accordance with a proper judicial order;

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

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

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

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

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

109 **§ 63.2-100. Definitions.**

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

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

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

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

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

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

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

144 6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental
 145 injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in
 146 § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other
 147 person responsible for his care knows has been convicted of an offense against a minor for which registration
 148 is required as a Tier III offender pursuant to § 9.1-902; or

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

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

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

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

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

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

173 "Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in
 174 § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or
 175 advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his
 176 rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation"
 177 includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure
 178 to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition,
 179 possession, or control of an adult's financial resources or property through the use of undue influence,
 180 coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services

181 against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or
182 defrauded into agreeing, to pay for such goods or services or to perform such services.

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

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

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

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

199 "Assisted living facility" means any congregate residential setting that provides or coordinates personal
200 and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the
201 maintenance or care of four or more adults who are aged or infirm or who have disabilities and who are cared
202 for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of
203 Health or the Department of Behavioral Health and Developmental Services, but including any portion of
204 such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only
205 persons related to him by blood or marriage; (iii) a facility or portion of a facility serving individuals who are
206 infirm or who have disabilities between the ages of 18 and 21, or 22 if enrolled in an educational program for
207 individuals with disabilities pursuant to § 22.1-214, when such facility is licensed by the Department as a
208 children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility
209 not so licensed; and (iv) any housing project for individuals who are 62 years of age or older or individuals
210 with disabilities that provides no more than basic coordination of care services and is funded by the U.S.
211 Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia
212 Housing Development Authority. Included in this definition are any two or more places, establishments or
213 institutions owned or operated by a single entity and providing maintenance or care to a combined total of
214 four or more adults who are aged or infirm or who have disabilities. Maintenance or care means the
215 protection, general supervision and oversight of the physical and mental well-being of an individual who is
216 aged or infirm or who has a disability.

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

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

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

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

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

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

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

239 "Children's advocacy center" means a child-friendly facility that (i) enables law enforcement, child
240 protection, prosecution, mental health, medical, and victim advocacy professionals to work together to
241 investigate child abuse, help children heal from abuse, and hold offenders accountable; (ii) has completed, or
242 is in the process of completing, certain accreditation obligations and requires any forensic interview

243 conducted at such facility to only be conducted by a trained child forensic interviewer in a multidisciplinary
244 team collaborative effort; and (iii) is a member in good standing of the Children's Advocacy Centers of
245 Virginia.

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

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

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

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

258 1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return
259 annually to the homes of their parents or guardians for not less than two months of summer vacation;

260 2. An establishment required to be licensed as a summer camp by § 35.1-18; and

261 3. A licensed or accredited hospital legally maintained as such.

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

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

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

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

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

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

281 "Federal-Funded Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C.
282 § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with
283 § 63.2-1305, payments to eligible individuals who have received custody of a child of whom they had been
284 the foster parents.

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

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

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

298 "General relief" means money payments and other forms of relief made to those persons mentioned in
299 § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

300 "Independent foster home" means a private family home in which any child, other than a child by birth or
301 adoption of such person, resides as a member of the household and has been placed therein independently of
302 a child-placing agency except (i) a home in which are received only children related by birth or adoption of
303 the person who maintains such home and children of personal friends of such person; (ii) a home in which is
304 received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6

305 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and (iii) a home in which are received only children
 306 who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of
 307 Title 20.

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

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

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

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

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

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

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

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

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

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

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

350 "Local director" means the director or his designated representative of the local department of the city or
 351 county.

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

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

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

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

365 "Qualified individual" means a trained professional or licensed clinician who is not an employee of the
 366 local board of social services or licensed child-placing agency that placed the child in a qualified residential

367 treatment program and is not affiliated with any placement setting in which children are placed by such local
368 board of social services or licensed child-placing agency.

369 "Qualified residential treatment program" means a program that (i) provides 24-hour residential placement
370 services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical
371 and other needs of children with serious emotional or behavioral disorders, including any clinical or other
372 needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs
373 registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their
374 practice, and are available 24 hours a day, 7 *seven* days a week; (iv) conducts outreach with the child's family
375 members, including efforts to maintain connections between the child and his siblings and other family;
376 documents and maintains records of such outreach efforts; and maintains contact information for any known
377 biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child,
378 facilitates participation by family members in the child's treatment program before and after discharge and
379 documents the manner in which such participation is facilitated; (vi) provides discharge planning and
380 family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42
381 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and
382 Human Services; and (viii) requires that any child placed in the program receive an assessment within 30
383 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an
384 age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of
385 Social Services; (b) identifies whether the needs of the child can be met through placement with a family
386 member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a
387 qualified residential treatment program, that would provide the most effective and appropriate level of care
388 for the child in the least restrictive environment and be consistent with the short-term and long-term goals
389 established for the child in his foster care or permanency plan; (c) establishes a list of short-term and
390 long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be
391 filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282,
392 16.1-282.1, or 16.1-282.2.

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

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

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

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

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

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

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

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

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

424 **§ 63.2-105. Confidential records and information concerning social services; child-protective**
425 **services and child-placing agencies.**

426 A. The local department may disclose the contents of records and information learned during the course of
427 a child-protective services investigation or during the provision of child-protective services to a family,
428 without a court order and without the consent of the family, to a person having a legitimate interest when in

429 the judgment of the local department such disclosure is in the best interest of the child who is the subject of
 430 the records. Persons having a legitimate interest in child-protective services records of local departments
 431 include, but are not limited to, (i) any person who is responsible for investigating a report of known or
 432 suspected abuse or neglect or for providing services to a child or family that is the subject of a report,
 433 including multidisciplinary teams and family assessment and planning teams referenced in subsections ~~F~~ I and
 434 ~~K~~ J of § 63.2-1503, law-enforcement agencies and attorneys for the Commonwealth; (ii) child welfare or
 435 human services agencies of the Commonwealth or its political subdivisions when those agencies request
 436 information to determine the compliance of any person with a child-protective services plan or an order of
 437 any court; (iii) personnel of the school or child day program as defined in § 63.2-100 attended by the child so
 438 that the local department can receive information from such personnel on an ongoing basis concerning the
 439 child's health and behavior, and the activities of the child's custodian; (iv) a parent, grandparent, or any other
 440 person when such parent, grandparent or other person would be considered by the local department as a
 441 potential caretaker of the child in the event the local department has to remove the child from his custodian;
 442 (v) the Commitment Review Committee and the Office of the Attorney General for the purposes of sexually
 443 violent predator civil commitments pursuant to Chapter 9 (§ 37.2-900 et seq.) of Title 37.2; and (vi) the staff
 444 of (a) a court services unit, (b) the Department of Juvenile Justice, (c) a local community services board, or
 445 (d) the Department of Behavioral Health and Developmental Services who are providing treatment, services,
 446 or care for a child who is the subject of such records for a purpose relevant to the provision of the treatment,
 447 services, or care, including the immediate identification of children who may be receiving or who have
 448 received treatment, services, or care from the local agencies and the Department of Juvenile Justice, when the
 449 local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide
 450 coordinated services to such children, provided that any court services unit or local community services board
 451 to which such records are disclosed in accordance with this paragraph shall not further disclose any
 452 information received unless such further disclosure is expressly required by law.

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

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

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

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

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

476 **§ 63.2-203. Powers and duties of Commissioner generally.**

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

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

483 **§ 63.2-203.1. Intervention by Commissioner; corrective action plans; assumption of temporary control**
 484 **of local boards and local departments.**

485 A. *In cases where a local department requests assistance, the Commissioner shall have the authority to*
 486 *utilize Department staff or contract with private entities to provide public assistance and social services*
 487 *programs in the locality served by the local board.*

488 B. *The Commissioner shall have the authority to create and enforce a corrective action plan for any local*
 489 *board and local department that, in the Commissioner's discretion, (i) fails to administer public assistance*
 490 *and social services programs in accordance with applicable laws and regulations or (ii) takes any action or*

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

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

510 C. If the local board fails to timely comply with the corrective action plan, the Commissioner shall have
 511 the authority to temporarily assume control over all or part of the local board's operations. Upon assuming
 512 such control, the Commissioner may utilize Department staff or contract with private entities to provide
 513 public assistance and social services in the locality served by the local board. For any period during which a
 514 local board is under the Commissioner's control, the Commissioner shall work with the local board and local
 515 director to make any adjustments necessary to facilitate the local board's resumption of control over its
 516 public assistance and social services. The Commissioner shall remit control of such public assistance and
 517 social services to the local board upon determining that the local board has made all adjustments necessary
 518 to ensure that public assistance and social services are provided in compliance with state and federal law
 519 and regulations and in a manner that adequately protects the health, safety, and well-being of all children
 520 about whom a report of abuse or neglect was made in accordance with the provisions of this chapter or who
 521 is in the local board's supervision and control.

522 D. If the local board fails to timely comply with the corrective action plan, the Commissioner, in
 523 coordination with the Director of the Department of Planning and Budget, shall have the authority to
 524 withhold any funds of the Commonwealth otherwise appropriated for use by the local board until such time
 525 that it fully complies with the corrective action plan.

526 E. For any period during which the local board is under the Commissioner's control pursuant to
 527 subsection C, the local board shall maintain the local share of the funding for the local department at an
 528 unreduced amount.

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

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

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

550 Prior to implementing a corrective action plan, the Commissioner shall provide written notice of his
 551 intent to implement the corrective action plan and the reasons that such plan was developed to the chairman
 552 of the Board, chairman of the local board, and local director. Upon request by the chairman of the Board,

553 *chairman of the local board, or local director, the Commissioner shall hold a hearing to determine whether a*
 554 *corrective action plan is appropriate.*

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

566 *D. If the local board fails to timely comply with the corrective action plan, the Commissioner, in*
 567 *coordination with the Director of the Department of Planning and Budget, shall have the authority to*
 568 *withhold any funds of the Commonwealth otherwise appropriated for use by the local board until such time*
 569 *that it fully complies with the corrective action plan.*

570 *E. For any period during which the local board is under the Commissioner's control, the local board shall*
 571 *maintain the local share of funding for the local department at an unreduced amount.*

572 **§ 63.2-1501. Definitions.**

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

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

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

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

581 **§ 63.2-1502. Establishment of Child-Protective Services Unit; duties.**

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

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

585 2. To assume primary responsibility for directing the planning and funding of child-protective services.
 586 This shall include reviewing and approving the annual proposed plans and budgets for protective services
 587 submitted by the local departments.

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

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

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

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

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

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

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

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

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

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

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

615 child abuse and neglect.

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

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

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

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

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

641 **§ 63.2-1503. Local departments to establish child-protective services; duties.**

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

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

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

660 ~~D.~~ The local department shall notify the local attorney for the Commonwealth and the local
 661 law-enforcement agency of all *valid* complaints of suspected child abuse or neglect *received by the local*
 662 *department from the Department* involving (i) any death of a child; (ii) any injury or threatened injury to the
 663 child in which a felony or Class 1 misdemeanor is also suspected; (iii) any sexual abuse, suspected sexual
 664 abuse or other sexual offense involving a child, including but not limited to the use or display of the child in
 665 sexually explicit visual material, as defined in § 18.2-374.1; (iv) any abduction of a child; (v) any felony or
 666 Class 1 misdemeanor drug offense involving a child; or (vi) contributing to the delinquency of a minor in
 667 violation of § 18.2-371, immediately, but in no case more than two hours ~~of~~ *after* receipt of the *valid*
 668 complaint, and shall provide the attorney for the Commonwealth and the local law-enforcement agency with
 669 records and information of the local department, including records related to any complaints of abuse or
 670 neglect involving the victim or the alleged perpetrator, related to the investigation of the complaint. The local
 671 department shall notify the local attorney for the Commonwealth of all *valid* complaints of suspected child
 672 abuse or neglect involving the child's being left alone in the same dwelling with a person to whom the child is
 673 not related by blood or marriage and who has been convicted of an offense against a minor for which
 674 registration is required as a Tier III offender pursuant to § 9.1-902, immediately, but in no case more than two
 675 hours ~~of~~ *after* receipt of the *valid* complaint, and shall provide the attorney for the Commonwealth with
 676 records and information of the local department that would help determine whether a violation of post-release

677 conditions, probation, parole, or court order has occurred due to the nonrelative offender's contact with the
 678 child. The local department shall not allow reports of the death of the victim from other local agencies to
 679 substitute for direct reports to the attorney for the Commonwealth and the local law-enforcement agency. The
 680 local department shall develop, when practicable, memoranda of understanding for responding to reports of
 681 child abuse and neglect with local law enforcement and the attorney for the Commonwealth.

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

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

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

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

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

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

718 ~~J. I.~~ The local department shall foster, when practicable, the creation, maintenance, and coordination of
 719 hospital and community-based multidisciplinary teams that shall include where possible, but not be limited
 720 to, members of the medical, mental health, social work, nursing, education, legal, and law-enforcement
 721 professions. Such teams shall assist the local departments in identifying abused and neglected children;
 722 coordinating medical, social, and legal services for the children and their families; developing innovative
 723 programs for detection and prevention of child abuse; promoting community concern and action in the area of
 724 child abuse and neglect; and disseminating information to the general public with respect to the problem of
 725 child abuse and neglect and the facilities and prevention and treatment methods available to combat child
 726 abuse and neglect. These teams may be the family assessment and planning teams established pursuant to
 727 § 2.2-5207. Multidisciplinary teams may develop agreements regarding the exchange of information among
 728 the parties for the purposes of the investigation and disposition of complaints of child abuse and neglect,
 729 delivery of services, and child protection. Any information exchanged in accordance with the agreement shall
 730 not be considered to be a violation of the provisions of § 63.2-102, 63.2-104, or 63.2-105.

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

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

739 shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

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

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

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

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

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

768 **§ 63.2-1508. Valid report or complaint.**

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

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

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

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

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

789 **§ 63.2-1509. Requirement that certain injuries to children be reported by physicians, nurses,**
790 **teachers, etc.; penalty for failure to report.**

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

- 795 1. Any person licensed to practice medicine or any of the healing arts;
- 796 2. Any hospital resident or intern; and any person employed in the nursing profession;
- 797 3. Any person employed as a social worker or family-services specialist;
- 798 4. Any probation officer;
- 799 5. Any teacher or other person employed in a public or private school, kindergarten, or child day program,
800 as that term is defined in § 22.1-289.02;

- 801 6. Any person providing full-time or part-time child care for pay on a regularly planned basis;
802 7. Any mental health professional;
803 8. Any law-enforcement officer or animal control officer;
804 9. Any mediator eligible to receive court referrals pursuant to § 8.01-576.8;
805 10. Any professional staff person, not previously enumerated, employed by a private or state-operated
806 hospital, institution, or facility to which children have been committed or where children have been placed
807 for care and treatment;
808 11. Any person 18 years of age or older associated with or employed by any public or private organization
809 responsible for the care, custody, or control of children;
810 12. Any person who is designated a court-appointed special advocate pursuant to Article 5 (§ 9.1-151 et
811 seq.) of Chapter 1 of Title 9.1;
812 13. Any person 18 years of age or older who has received training approved by the Department of Social
813 Services for the purposes of recognizing and reporting child abuse and neglect;
814 14. Any person employed by a local department as defined in § 63.2-100 who determines eligibility for
815 public assistance;
816 15. Any emergency medical services provider certified by the Board of Health pursuant to § 32.1-111.5,
817 unless such provider immediately reports the matter directly to the attending physician at the hospital to
818 which the child is transported, who shall make such report forthwith;
819 16. Any athletic coach, director, or other person 18 years of age or older employed by or volunteering
820 with a public or private sports organization or team;
821 17. Administrators or employees 18 years of age or older of public or private day camps, youth centers,
822 and youth recreation programs;
823 18. Any person employed by a public or private institution of higher education other than an attorney who
824 is employed by a public or private institution of higher education as it relates to information gained in the
825 course of providing legal representation to a client;
826 19. Any minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or
827 denomination usually referred to as a church, unless the information supporting the suspicion of child abuse
828 or neglect (i) is required by the doctrine of the religious organization or denomination to be kept in a
829 confidential manner or (ii) would be subject to § 8.01-400 or 19.2-271.3 if offered as evidence in court; and
830 20. Any person who engages in the practice of behavior analysis, as defined in § 54.1-2900.
- 831 ~~If neither the locality in which the child resides nor where the abuse or neglect is believed to have~~
832 ~~occurred is known, then such report shall be made to the local department of the county or city where the~~
833 ~~abuse or neglect was discovered or to the Department's toll-free child abuse and neglect hotline.~~
- 834 ~~If an employee of the local department is suspected of abusing or neglecting a child, the report shall be~~
835 ~~made to the court of the county or city where the abuse or neglect was discovered. Upon receipt of such a~~
836 ~~report by the court, the judge shall assign the report to a local department that is not the employer of the~~
837 ~~suspected employee for investigation or family assessment. The judge may consult with the Department in~~
838 ~~selecting a local department to respond to the report or the complaint.~~
- 839 ~~If the information is received by a teacher, staff member, resident, intern, or nurse in the course of~~
840 ~~professional services in a hospital, school, or similar institution, such person may, in place of said report,~~
841 ~~immediately notify the person in charge of the institution or department, or his designee, who shall make such~~
842 ~~report forthwith. If the initial report of suspected abuse or neglect is made to the person in charge of the~~
843 ~~institution or department, or his designee, pursuant to this subsection, such person shall notify the teacher,~~
844 ~~staff member, resident, intern, or nurse who made the initial report when the report of suspected child abuse~~
845 ~~or neglect is made to the local department or to the Department's toll-free child abuse and neglect hotline, and~~
846 ~~of the name of the individual receiving the report, and shall forward any communication resulting from the~~
847 ~~report, including any information about any actions taken regarding the report, to the person who made the~~
848 ~~initial report.~~
- 849 ~~The initial report may be an oral report but such report shall be reduced to writing by the child abuse~~
850 ~~coordinator of the local department on a form prescribed by the Board. Any person required to make the~~
851 ~~report pursuant to this subsection shall disclose all information that is the basis for his suspicion of abuse or~~
852 ~~neglect of the child and, upon request, shall make available to the child-protective services coordinator and~~
853 ~~the local department, which is the agency of jurisdiction, any information, records, or reports that document~~
854 ~~the basis for the report. All persons required by this subsection to report suspected abuse or neglect who~~
855 ~~maintain a record of a child who is the subject of such a report shall cooperate with the investigating agency~~
856 ~~and shall make related information, records, and reports available to the investigating agency unless such~~
857 ~~disclosure violates the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g). Provision of~~
858 ~~such information, records, and reports by a health care provider shall not be prohibited by § 8.01-399.~~
859 ~~Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by~~
860 ~~the investigating agency nor shall they be subject to public disclosure.~~
- 861 B. For purposes of subsection A, "reason to suspect that a child is abused or neglected" shall, due to the
862 special medical needs of infants affected by substance exposure, include (i) a finding made by a health care

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

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

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

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

887 **§ 63.2-1510.1. Conflict of interest when local department employee is alleged abuser; duties of court**
 888 **when assigning valid complaint.**

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

898 **§ 63.2-1512. Immunity of person making report, etc., from liability.**

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

903 **§ 63.2-1530. Virginia Child Protection Accountability System.**

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

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

911 1. From the Department: (i) the total number of complaints alleging child abuse, neglect, or a combination
 912 thereof received; (ii) the total number of complaints deemed valid pursuant to § 63.2-1508; (iii) the total
 913 number of complaints investigated by the Department pursuant to subsection ~~H~~ of §§ § 63.2-1503 and §
 914 63.2-1505; (iv) the total number of cases determined to be founded cases of abuse or neglect; and (v) the total
 915 number of cases resulting in a finding that the complaint was founded resulting in administrative appeal.
 916 Information reported pursuant to clause (v) shall be reported by total number of appeals to the local
 917 department, total number of appeals to the Department, and total number of appeals by outcome of the
 918 appeal. For each category of information required by this subdivision, the Department shall also report the
 919 total number of cases by type of abuse; by gender, age, and race of the alleged victim; and by the nature of
 920 the relationship between the alleged victim and alleged abuser.

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

925 Protection Accountability System.

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

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

943 5. From the Office of the Executive Secretary of the Supreme Court of Virginia: information by locality
 944 on cases from the Juvenile and Domestic Relations District Courts' Case Management System involving (i)
 945 children alleged to be abused or neglected, including (a) the number of petitions filed, (b) the number of cases
 946 in which an emergency removal order was issued, (c) the number of cases in which a preliminary removal
 947 order was issued prior to an adjudicatory hearing, (d) the number of cases in which a preliminary removal
 948 order or a preliminary child protective order or both were issued at a preliminary hearing, and (e) the number
 949 of cases in which a preliminary child protective order or a child protective order was issued other than at a
 950 preliminary hearing; and (ii) family abuse cases, including (a) the number of family abuse emergency
 951 protective orders issued by magistrates and juvenile and domestic relations district courts pursuant to
 952 § 16.1-253.4, (b) the number of family abuse protective petitions filed, and (c) the number of family abuse
 953 protective orders issued pursuant to § 16.1-279.1.

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

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

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

961 **3. That §§ 2.2-3803, 2.2-3815, 63.2-105, 63.2-1502, 63.2-1503, 63.2-1508, 63.2-1509, 63.2-1510.1,**
 962 **63.2-1512, and 63.2-1530 of the Code of Virginia, as created or amended by this act, shall become**
 963 **effective on July 1, 2027.**

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

965 § 1. That the State Board of Social Services (*the Board*) shall promulgate regulations that require local
 966 departments of social services to respond to valid reports and complaints alleging suspected abuse or neglect
 967 of a child under the age of ~~two~~ *three* within 24 hours of receiving such reports or complaints. *The Board shall*
 968 *promulgate regulations that require the Department of Social Services to determine the validity of complaints*
 969 *alleging suspected abuse or neglect of children under the age of three and children under the age of 18 with*
 970 *disabilities as defined in § 22.1-213 of the Code of Virginia. The Board's initial adoption of regulations*
 971 *necessary to implement the provisions of this act shall be exempt from the Administrative Process Act*
 972 *(§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public*
 973 *comment on such regulations prior to adoption.*

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

979 **6. That the State Board of Social Services (the Board) shall promulgate regulations necessary to**
 980 **implement the provisions of this act related to centralized intake and validity determination by July 1,**
 981 **2027. The Board's initial adoption of such regulations shall be exempt from the provisions of the**
 982 **Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).**

983 **7. That the Department of Social Services (the Department) shall contract with a third party to conduct**
 984 **a comprehensive study and review of the screening process used for child protective services**
 985 **complaints across Virginia. Such third party shall review the application of the current process utilized**
 986 **by localities, including any differences in how the review process is applied, to screen reports of child**

987 abuse and neglect and shall report to the work group established pursuant to this enactment on
 988 individual locality data regarding screen out rates, duplicate calls, invalid complaints, anonymous
 989 reports, and reports from law enforcement. Such third party shall also identify best practices and
 990 make recommendations for the most effective and efficient system for intake. The Department shall
 991 convene a work group consisting of representatives from the Department, local departments of social
 992 services, the Office of the Children's Ombudsman, local law enforcement, relevant staff of the Senate
 993 Committees on Finance and Appropriations and Rehabilitation and Social Services and the House
 994 Committees on Appropriations and Health and Human Services, staff from the Department of
 995 Planning and Budget, and representatives from state and advocacy organizations to evaluate the study
 996 and recommendations of the third party. In addition, such work group shall consider the costs of the
 997 recommendations and options for implementation. The Department shall report on the best practices
 998 and any recommendations from the third party and from the work group to the Governor and the
 999 Chairs of the House Committees on Appropriations and Health and Human Services and the Senate
 1000 Committees on Finance and Appropriations and Rehabilitation and Social Services by December 1,
 1001 2026.

1002 8. That the Secretary of Health and Human Resources shall convene a Social Services Task Force (the
 1003 Task Force) to develop a comprehensive improvement plan to address changes needed within the
 1004 Department of Social Services (the Department) and the local departments of social services. The Task
 1005 Force shall include the Commissioner of the Department, members of the State Board of Social
 1006 Services, key Department staff, directors of local departments of social services, members of local
 1007 boards of social services, staff from the Senate Committee on Finance and Appropriations and the
 1008 House Committee on Appropriations, representatives of the Department of Planning and Budget, and
 1009 representatives of relevant advocacy organizations. The Task Force shall (i) review the eligibility and
 1010 administration of state-administered benefits, (ii) consider a more holistic approach to benefit
 1011 application and eligibility determinations for citizens of the Commonwealth, (iii) consider placement of
 1012 all potential eligible benefit applications on the CommonHelp platform, and (iv) consider ways to
 1013 improve the user experience for benefit recipients. The Department shall hire a third party to review
 1014 the current funding sources for child welfare and child protective services, benefits, administration,
 1015 operation, and the local match, as well as the funding methodology used to allocate administrative
 1016 funds. The Task Force and such third party shall consider improvements to benefits eligibility and
 1017 administration to reduce operational and administrative costs, improve efficiency, and modernize the
 1018 current application system. The Secretary of Health and Human Resources shall submit a report on
 1019 the recommendations of the Task Force, including a plan to enact such recommendations, to the
 1020 Governor and the Chairs of the House Committees on Appropriations and Health and Human Services
 1021 and the Senate Committees on Finance and Appropriations and Rehabilitation and Social Services by
 1022 November 1, 2026.

1023 9. That the Department of Social Services (the Department) shall implement centralized intake
 1024 pursuant to the provisions of this act through a phased-in approach that gradually transitions all
 1025 intake responsibilities from local departments of social services to the Department beginning July 1,
 1026 2028, and concluding on July 1, 2030. The Commissioner of the Department shall have the authority to
 1027 designate when each local board of social services shall comply with the provisions of this act regarding
 1028 the phased-in implementation of centralized intake during such time period.

1029 10. That local departments of social services shall retain the authority to continue to administer all
 1030 components of the intake of complaints of child abuse and neglect, including taking complaints and
 1031 determining validity of such complaints, until July 1, 2028, or until such time as they are designated by
 1032 the Commissioner of the Department of Social Services to be phased-in to centralized intake,
 1033 whichever is later. Upon a local department's inclusion in centralized intake or by July 1, 2030,
 1034 whichever is earlier, such local department shall no longer retain the authority to administer intake
 1035 and validity determinations and any authority temporarily granted pursuant to this act shall expire.

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