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HOUSE BILL NO. 1222
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Governor
on April 13, 2026)

(Patron Prior to Substitute—Delegate Delaney)

A BILL to amend and reenact §§ 63.2-1506, 63.2-1506.1, and 63.2-1516 of the Code of Virginia, relating to local departments of social services; child abuse and neglect; recorded interviews.

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-1506, 63.2-1506.1, and 63.2-1516 of the Code of Virginia are amended and reenacted as follows:

§ 63.2-1506. Family assessments by local departments.

A. A family assessment requires the collection of information necessary to determine:

- 1. The immediate safety needs of the child;
- 2. The protective and rehabilitative services needs of the child and family that will deter abuse or neglect;
- 3. Risk of future harm to the child;
- 4. Whether the mother of a child who was exposed in utero to a controlled substance sought substance abuse counseling or treatment prior to the child's birth; and
- 5. Alternative plans for the child's safety if protective and rehabilitative services are indicated and the family is unable or unwilling to participate in services.

B. When a local department has been designated as a child-protective services differential response system participant by the Department pursuant to § 63.2-1504 and responds to the report or complaint by conducting a family assessment, the local department shall:

1. Conduct an immediate family assessment and, if the report or complaint was based upon one of the factors specified in subsection B of § 63.2-1509, the local department may file a petition pursuant to § 16.1-241.3. *Any interview of a child conducted pursuant to this subsection may be audio or audiovisually recorded pursuant to subsection B of § 63.2-1516;*

2. Obtain and consider the results of a search of the child abuse and neglect registry for any individual who is the subject of a family assessment. The local board shall determine whether the individual has resided in another state within at least the preceding five years, and, if he has resided in another state, the local board shall request a search of the child abuse and neglect registry or equivalent registry maintained by such state. The local board also may obtain and consider, in accordance with regulations of the Board, statewide criminal history record information from the Central Criminal Records Exchange for any individual who is the subject of a family assessment;

3. Immediately contact the subject of the report and the family of the child alleged to have been abused or neglected and give each a written and an oral explanation of the family assessment procedure. The family assessment shall be in writing and shall be completed in accordance with Board regulation;

4. Complete the family assessment within 60 days and transmit a report to such effect to the Department and to the person who is the subject of the family assessment;

5. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and his family. Families have the option of declining the services offered as a result of the family assessment. If the family declines the services, the case shall be closed unless the local department determines that sufficient cause exists to redetermine the case as one that needs to be investigated. In no instance shall a case be redetermined as an investigation solely because the family declines services;

6. Petition the court for services deemed necessary;

7. Make no disposition of founded or unfounded for reports in which a family assessment is completed. Reports in which a family assessment is completed shall not be entered into the central registry contained in § 63.2-1515;

8. Commence an immediate investigation, if at any time during the completion of the family assessment, the local department determines that an investigation is required; and

9. Upon request, disclose to the child's parent or guardian the location of the child, provided that (i) the family assessment has not been completed and a report has not been transmitted pursuant to subdivision 4; (ii) the parent or guardian requesting disclosure of the child's location has not been the subject of a founded report of child abuse or neglect; (iii) the parent or guardian requesting disclosure of the child's location has legal custody of the child and provides to the local department any records or other information necessary to verify such custody; (iv) the local department is not aware of any court order, and has confirmed with the child's other parent or guardian or other person responsible for the care of the child that no court order has been issued, that prohibits or limits contact by the parent or guardian requesting disclosure of the child's location with the child, the child's other parent or guardian or other person responsible for the care of the child, or any member of the household in which the child is located; and (v) disclosure of the child's location

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60 to the parent or guardian will not compromise the safety of the child, the child's other parent or guardian, or
61 any other person responsible for the care of the child.

62 C. When a local department has been designated as a child-protective services differential response
63 agency by the Department, the local department may investigate any report of child abuse or neglect, but the
64 following valid reports of child abuse or neglect shall be investigated: (i) sexual abuse, (ii) child fatality, (iii)
65 abuse or neglect resulting in serious injury as defined in § 18.2-371.1, (iv) cases involving a child's being left
66 alone in the same dwelling with a person to whom the child is not related by blood or marriage and who has
67 been convicted of an offense against a minor for which registration is required as a Tier III offender pursuant
68 to § 9.1-902, (v) child has been taken into the custody of the local department, or (vi) cases involving a
69 caretaker at a state-licensed child day center, religiously exempt child day center, licensed, registered or
70 approved family day home, private or public school, hospital or any institution. If a report or complaint is
71 based upon one of the factors specified in subsection B of § 63.2-1509, the local department shall (a) conduct
72 a family assessment, unless an investigation is required pursuant to this subsection or other provision of law
73 or is necessary to protect the safety of the child, and (b) develop a plan of safe care in accordance with federal
74 law, regardless of whether the local department makes a finding of abuse or neglect.

75 D. Any individual who is the subject of a family assessment conducted under this section shall notify the
76 local department prior to changing his place of residence and provide the local department with the address of
77 his new residence.

78 **§ 63.2-1506.1. Human trafficking assessments by local departments.**

79 A. If a report or complaint is based upon information and allegations that a child is a victim of sex
80 trafficking or severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000
81 (22 U.S.C. § 7102 et seq.) and in the federal Justice for Victims of Trafficking Act of 2015 (P.L. 114-22), the
82 local department shall conduct a human trafficking assessment, unless at any time during the human
83 trafficking assessment the local department determines that an investigation or family assessment is required
84 pursuant to § 63.2-1505 or 63.2-1506. If at any time during the human trafficking assessment it is determined
85 that a forensic interview of the child is needed, such interview may be performed by a children's advocacy
86 center within the jurisdiction; however, if an interview with a children's advocacy center within the
87 jurisdiction cannot be completed within 14 days, the forensic interview may be conducted by a children's
88 advocacy center located in another jurisdiction.

89 B. A human trafficking assessment requires the collection of information necessary to determine:

- 90 1. The immediate safety needs of the child;
91 2. The protective and rehabilitative services needs of the child and the child's family that will deter abuse
92 and neglect; and
93 3. Risk of future harm to the child.

94 C. When a local department responds to the report or complaint by conducting a human trafficking
95 assessment, the local department may:

- 96 1. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to
97 the child and the child's family;
98 2. Petition the court for services deemed necessary; or
99 3. Commence an immediate investigation or family assessment, if at any time during the human
100 trafficking assessment the local department determines that an investigation or family assessment is required
101 pursuant to § 63.2-1505 or 63.2-1506.

102 D. In the event that the parents or guardians of the child reside in a jurisdiction other than that in which
103 the report or complaint was received, the local department that received the report or complaint and the local
104 department where the child resides with his parents or guardians shall work jointly to complete the human
105 trafficking assessment.

106 E. Reports or complaints for which a human trafficking assessment is completed shall not be entered into
107 the central registry contained in § 63.2-1515.

108 F. The local department or departments shall notify the Child Protective Services Unit within the
109 Department in writing whenever such a human trafficking assessment is conducted.

110 G. When conducting a human trafficking assessment pursuant to this section, the local department may
111 interview the alleged child victim or his siblings without the consent and outside the presence of such child's
112 or siblings' parent, guardian, legal custodian, or other person standing in loco parentis, or school personnel.
113 *Any interview of the alleged child victim conducted pursuant to this subsection may be audio or audiovisually*
114 *recorded pursuant to subsection B of § 63.2-1516.*

115 **§ 63.2-1516. Recording child abuse or neglect investigations.**

116 A. Any person who is suspected of abuse or neglect of a child and who is the subject of an investigation or
117 family assessment pursuant to this chapter may tape audio record any communications between him and
118 child-protective services personnel that take place during the course of such an investigation or family
119 assessment, provided all parties to the conversation are aware the conversation is to be recorded. The parties'
120 knowledge of the recording shall be demonstrated by a declaration at the beginning of the recorded portion of
121 the conversation that the recording is to be made. If a person who is suspected of abuse or neglect of a child

122 and who is the subject of an investigation or family assessment pursuant to this chapter elects to make a tape
123 an audio recording as provided in this section, the child-protective services personnel may also make such a
124 recording.

125 *B. Any interview of a child alleged to be abused or neglected conducted pursuant to this chapter by the*
126 *local department may be audio or audiovisually recorded. The failure by a local department to record such*
127 *interview shall not cause an otherwise voluntary statement to be inadmissible in a civil or criminal*
128 *proceeding. No such person who is suspected of abuse or neglect of a child and who is the subject of an*
129 *investigation or family assessment pursuant to this chapter shall have standing to bring a civil action for*
130 *failure by a local department to comply with the requirements of this subsection. Any such recording shall be*
131 *securely stored by the local department. Pursuant to procedures established by the Department, the*
132 *Department shall approve all equipment used to make such recordings.*