

SENATE BILL NO. 683

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health and Human Services

on _____)

(Patron Prior to Substitute--Senator McDougle)

A BILL to amend and reenact §§ 63.2-2101, 63.2-2102, and 63.2-2103 of the Code of Virginia, relating to Family and Children's Trust Fund; membership; powers and duties; counsel.

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-2101, 63.2-2102, and 63.2-2103 of the Code of Virginia are amended and reenacted as follows:

§ 63.2-2101. Members of Board of Trustees; terms; vacancies; meetings.

A. The Family and Children's Trust Fund shall be administered by a Board of Trustees. The Board of Trustees shall consist of ~~fifteen~~ 15 appointed members and one ex officio member. The 15 appointed members shall consist of six nonlegislative citizen members appointed by the Governor and subject to confirmation by the General Assembly, five nonlegislative citizen members appointed by the Speaker of the House of Delegates, and four nonlegislative citizen members appointed by the Senate Committee on Rules. The Board members shall represent the Commonwealth at large and shall have knowledge and experience in child abuse and neglect, adult abuse and neglect, and domestic violence programs, finance and fiscal management, appointment as a guardian ad litem, social work with affected youth and families, youth policy, and other related areas. The Commissioner or his designee shall serve ~~as a permanent member of the Board of Trustees ex officio with nonvoting privileges~~. The Board shall elect a chairman. Board members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided by §§ 2.2-2813 and 2.2-2825. Such expenses shall be paid from funds appropriated to the Department.

B. ~~Initially, five appointments to the Board shall be for a term of four years, five appointments shall be for a term of three years, and five appointments shall be for a term of two years; thereafter, all~~ All

27 appointments shall be for terms of four years. Appointments to fill vacancies other than by expiration of
28 term shall be for the unexpired term. No member shall be eligible to serve more than two successive four-
29 year terms. The remainder of any term to which a member is appointed to fill a vacancy other than by
30 expiration of term shall not constitute a term in determining the member's eligibility for reappointment.

31 C. The Board shall meet as frequently as necessary to fulfill its duties but not less than once a year.

32 **§ 63.2-2102. Powers and duties of the Board of Trustees.**

33 The Board of Trustees shall have the authority to:

34 1. Encourage, approve, and accept gifts, contributions, bequests, or grants in cash or otherwise
35 from any source, public or private, to carry out the purposes of the Family and Children's Trust Fund;

36 2. Administer and disburse any funds available to the Family and Children's Trust Fund;

37 3. Engage in ~~fund-raising~~ fundraising activities to expand and perpetuate the Family and Children's
38 Trust Fund;

39 4. Establish a nonprofit organization to assist in the details of administering its affairs and in raising
40 funds;

41 5. Monitor the use of funds to ensure the accountability of the recipients of funds;

42 ~~5-6.~~ Advise the Department, the Board of Social Services, and the Governor on matters concerning
43 programs for the prevention of child abuse and neglect and family violence, the treatment of abused and
44 neglected children and their families, and such other issues related to child abuse and neglect and family
45 violence as identified by the Commissioner;

46 ~~6-7.~~ Communicate to the Departments of Behavioral Health and Developmental Services,
47 Corrections, Criminal Justice Services, Education, Health, and Juvenile Justice, other state agencies as
48 appropriate, and the Attorney General activities of the Board of Trustees related to efforts to prevent and
49 treat child abuse and neglect and violence within families;

50 ~~7-8.~~ Encourage public awareness activities concerning child abuse and neglect and violence within
51 families;

52 ~~8-9.~~ Adopt bylaws and other internal rules for the efficient management of the Family and
53 Children's Trust Fund; and

54 9-10. Administer all matters necessary and convenient to carry out the powers and duties expressly
55 given in this chapter.

56 **§ 63.2-2103. Management of the Family and Children's Trust Fund; counsel.**

57 A. All funds received by the Family and Children's Trust Fund shall be paid to the treasury of
58 Virginia, which shall be custodian of the Family and Children's Trust Fund. Such funds shall be set aside
59 as a separate fund and shall be managed by the Treasurer of Virginia at the discretion of the Board of
60 Trustees. The net earnings of the Trust Fund shall not inure to the benefit of any private person or entity,
61 except that the Board of Trustees may authorize payment of reasonable compensation for goods provided
62 and services rendered and may authorize disbursements in furtherance of the purpose set forth in § 63.2-
63 2100. The Trust Fund or Board of Trustees shall not carry on propaganda, or otherwise attempt, to
64 influence legislation as a substantial part of its activities; and it shall not participate or intervene, by
65 publishing or distributing statements or by other means, in any political campaign on behalf of any
66 candidate for public office. If the Trust Fund is dissolved, any assets remaining after payment, or provision
67 for payment, of all claims against it shall be distributed to the Commonwealth for public purposes.

68 B. Legal services for the Board of Trustees shall be provided by the Attorney General in
69 accordance with Chapter 5 (§ 2.2-500 et seq.) of Title 2.2.

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