

HOUSE BILL NO. 1744

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions

on January 24, 2023)

(Patron Prior to Substitute--Delegate Carr)

A BILL to amend and reenact §§ 63.2-900, as it is currently effective and as it shall become effective, 63.2-904, 63.2-1231, and 63.2-1734 of the Code of Virginia, relating to adoption and foster care; home study reciprocity.

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

**1. That §§ 63.2-900, as it is currently effective and as it shall become effective, 63.2-904, 63.2-1231, and 63.2-1734 of the Code of Virginia are amended and reenacted as follows:**

**§ 63.2-900. (Effective until date pursuant to Va. Const., Art. IV, § 13) Accepting children for placement in homes, facilities, etc., by local boards.**

A. Pursuant to § 63.2-319, a local board shall have the right to accept for placement in suitable family homes, children's residential facilities or independent living arrangements, subject to the supervision of the Commissioner and in accordance with regulations adopted by the Board, such persons under 18 years of age as may be entrusted to it by the parent, parents or guardian, committed by any court of competent jurisdiction, or placed through an agreement between it and the parent, parents or guardians where legal custody remains with the parent, parents, or guardians.

The Board shall adopt regulations for the provision of foster care services by local boards, which shall be directed toward the prevention of unnecessary foster care placements and towards the immediate care of and permanent planning for children in the custody of or placed by local boards and that shall achieve, as quickly as practicable, permanent placements for such children. The local board shall first seek out kinship care options to keep children out of foster care and as a placement option for those children in foster care, if it is in the child's best interests, pursuant to § 63.2-900.1. In cases in which a child cannot be returned to his prior family or placed for adoption and kinship care is not currently in the best interests

27 of the child, the local board shall consider the placement and services that afford the best alternative for  
28 protecting the child's welfare. Placements may include but are not limited to family foster care, treatment  
29 foster care and residential care. Services may include but are not limited to assessment and stabilization,  
30 diligent family search, intensive in-home, intensive wraparound, respite, mentoring, family mentoring,  
31 adoption support, supported adoption, crisis stabilization or other community-based services. The Board  
32 shall also approve in foster care policy the language of the agreement required in § 63.2-902. The  
33 agreement shall include at a minimum a Code of Ethics and mutual responsibilities for all parties to the  
34 agreement.

35         Within 30 days of accepting for foster care placement a person under 18 years of age whose father  
36 is unknown, the local board shall request a search of the Virginia Birth Father Registry established  
37 pursuant to Article 7 (§ 63.2-1249 et seq.) of Chapter 12 to determine whether any man has registered as  
38 the putative father of the child. If the search results indicate that a man has registered as the putative father  
39 of the child, the local board shall contact the man to begin the process to determine paternity.

40         The local board shall, in accordance with the regulations adopted by the Board and in accordance  
41 with the entrustment agreement or other order by which such person is entrusted or committed to its care,  
42 have custody and control of the person so entrusted or committed to it until he is lawfully discharged, has  
43 been adopted or has attained his majority.

44         Whenever a local board places a child where legal custody remains with the parent, parents or  
45 guardians, the board shall enter into an agreement with the parent, parents or guardians. The agreement  
46 shall specify the responsibilities of each for the care and control of the child.

47         The local board shall have authority to place for adoption, and to consent to the adoption of, any  
48 child properly committed or entrusted to its care when the order of commitment or entrustment agreement  
49 between the parent or parents and the agency provides for the termination of all parental rights and  
50 responsibilities with respect to the child for the purpose of placing and consenting to the adoption of the  
51 child.

52         The local board shall also have the right to accept temporary custody of any person under 18 years  
53 of age taken into custody pursuant to subdivision B of § 16.1-246 or § 63.2-1517. The placement of a

54 child in a foster home, whether within or without the Commonwealth, shall not be for the purpose of  
55 adoption unless the placement agreement between the foster parents and the local board specifically so  
56 stipulates.

57 B. Prior to the approval of any family for placement of a child, a home study shall be completed  
58 and the prospective foster or adoptive parents shall be informed that information about shaken baby  
59 syndrome, its effects, and resources for help and support for caretakers is available on a website  
60 maintained by the Department as prescribed in regulations adopted by the Board. Home studies by local  
61 boards and licensed child-placing agencies shall be conducted in accordance with the Mutual Family  
62 Assessment home study template and any addenda thereto developed by the Department. All home  
63 studies, including all related approval documentation other than background checks, conducted pursuant  
64 to this section, whether by a local board or a licensed child-placing agency, shall be transferable between  
65 all localities, local boards, and licensed child-placing agencies within the Commonwealth at the request  
66 of the prospective foster parent, subject to any time limitations or other requirements imposed by law or  
67 regulation.

68 C. Prior to placing any such child in any foster home or children's residential facility, the local  
69 board shall enter into a written agreement with the foster parents, pursuant to § 63.2-902, or other  
70 appropriate custodian setting forth therein the conditions under which the child is so placed pursuant to §  
71 63.2-902. However, if a child is placed in a children's residential facility licensed as a temporary  
72 emergency shelter, and a verbal agreement for placement is secured within eight hours of the child's arrival  
73 at the facility, the written agreement does not need to be entered into prior to placement, but shall be  
74 completed and signed by the local board and the facility representative within 24 hours of the child's  
75 arrival or by the end of the next business day after the child's arrival.

76 Agreements entered into pursuant to this subsection shall include a statement by the local board  
77 that all reasonably ascertainable background, medical, and psychological records of the child, including  
78 whether the child has been the subject of an investigation as the perpetrator of sexual abuse, have been  
79 provided to the foster home or children's residential facility.

80 D. Within 72 hours of placing a child of school age in a foster care placement, as defined in § 63.2-  
81 100, the local social services agency making such placement shall, in writing, (i) notify the principal of  
82 the school in which the student is to be enrolled and the superintendent of the relevant school division or  
83 his designee of such placement, and (ii) inform the principal of the status of the parental rights.

84 If the documents required for enrollment of the foster child pursuant to § 22.1-3.1, 22.1-270 or  
85 22.1-271.2, are not immediately available upon taking the child into custody, the placing social services  
86 agency shall obtain and produce or otherwise ensure compliance with such requirements for the foster  
87 child within 30 days after the child's enrollment.

88 E. Every local board shall submit to the Department through its statewide automated system the  
89 names of all foster parents licensed to provide foster care services in the locality served by the local board  
90 and update such list quarterly.

91 **§ 63.2-900. (Effective pursuant to Va. Const., Art. IV, § 13) Accepting children for placement**  
92 **in homes, facilities, etc., by local boards.**

93 A. Pursuant to § 63.2-319, a local board shall have the right to accept for placement in suitable  
94 family homes, children's residential facilities or independent living arrangements, subject to the  
95 supervision of the Commissioner and in accordance with regulations adopted by the Board, such persons  
96 under 18 years of age as may be entrusted to it by the parent, parents or guardian, committed by any court  
97 of competent jurisdiction, or placed through an agreement between it and the parent, parents or guardians  
98 where legal custody remains with the parent, parents, or guardians.

99 The Board shall adopt regulations for the provision of foster care services by local boards, which  
100 shall be directed toward the prevention of unnecessary foster care placements and towards the immediate  
101 care of and permanent planning for children in the custody of or placed by local boards and that shall  
102 achieve, as quickly as practicable, permanent placements for such children. The local board shall first seek  
103 out kinship care options to keep children out of foster care and as a placement option for those children in  
104 foster care, if it is in the child's best interests, pursuant to § 63.2-900.1. In cases in which a child cannot  
105 be returned to his prior family or placed for adoption and kinship care is not currently in the best interests  
106 of the child, the local board shall consider the placement and services that afford the best alternative for

107 protecting the child's welfare. Placements may include but are not limited to family foster care, treatment  
108 foster care, and residential care; however, the local board shall seek to place the child with a foster family  
109 within the locality of the local board or a nearby locality through the collaborative local board placement  
110 program set forth in subsection F, provided that such placement is in the best interests of the child. Services  
111 may include but are not limited to assessment and stabilization, diligent family search, intensive in-home,  
112 intensive wraparound, respite, mentoring, family mentoring, adoption support, supported adoption, crisis  
113 stabilization or other community-based services. The Board shall also approve in foster care policy the  
114 language of the agreement required in § 63.2-902. The agreement shall include at a minimum a Code of  
115 Ethics and mutual responsibilities for all parties to the agreement.

116         Within 30 days of accepting for foster care placement a person under 18 years of age whose father  
117 is unknown, the local board shall request a search of the Virginia Birth Father Registry established  
118 pursuant to Article 7 (§ 63.2-1249 et seq.) of Chapter 12 to determine whether any man has registered as  
119 the putative father of the child. If the search results indicate that a man has registered as the putative father  
120 of the child, the local board shall contact the man to begin the process to determine paternity.

121         The local board shall, in accordance with the regulations adopted by the Board and in accordance  
122 with the entrustment agreement or other order by which such person is entrusted or committed to its care,  
123 have custody and control of the person so entrusted or committed to it until he is lawfully discharged, has  
124 been adopted or has attained his majority.

125         Whenever a local board places a child where legal custody remains with the parent, parents or  
126 guardians, the board shall enter into an agreement with the parent, parents or guardians. The agreement  
127 shall specify the responsibilities of each for the care and control of the child.

128         The local board shall have authority to place for adoption, and to consent to the adoption of, any  
129 child properly committed or entrusted to its care when the order of commitment or entrustment agreement  
130 between the parent or parents and the agency provides for the termination of all parental rights and  
131 responsibilities with respect to the child for the purpose of placing and consenting to the adoption of the  
132 child.

133           The local board shall also have the right to accept temporary custody of any person under 18 years  
134 of age taken into custody pursuant to subdivision B of § 16.1-246 or § 63.2-1517. The placement of a  
135 child in a foster home, whether within or without the Commonwealth, shall not be for the purpose of  
136 adoption unless the placement agreement between the foster parents and the local board specifically so  
137 stipulates.

138           B. Prior to the approval of any family for placement of a child, a home study shall be completed  
139 and the prospective foster or adoptive parents shall be informed that information about shaken baby  
140 syndrome, its effects, and resources for help and support for caretakers is available on a website  
141 maintained by the Department as prescribed in regulations adopted by the Board. Home studies by local  
142 boards or licensed child-placing agencies shall be conducted in accordance with the Mutual Family  
143 Assessment home study template and any addenda thereto developed by the Department. All home  
144 studies, including all related approval documentation other than background checks, conducted pursuant  
145 to this section, whether by a local board or a licensed child-placing agency, shall be transferable between  
146 all localities, local boards, and licensed child-placing agencies within the Commonwealth at the request  
147 of the prospective foster parent, subject to any time limitations or other requirements imposed by law or  
148 regulation.

149           C. Prior to placing any such child in any foster home or children's residential facility, the local  
150 board shall enter into a written agreement with the foster parents, pursuant to § 63.2-902, or other  
151 appropriate custodian setting forth therein the conditions under which the child is so placed pursuant to §  
152 63.2-902. However, if a child is placed in a children's residential facility licensed as a temporary  
153 emergency shelter, and a verbal agreement for placement is secured within eight hours of the child's arrival  
154 at the facility, the written agreement does not need to be entered into prior to placement, but shall be  
155 completed and signed by the local board and the facility representative within 24 hours of the child's  
156 arrival or by the end of the next business day after the child's arrival.

157           Agreements entered into pursuant to this subsection shall include a statement by the local board  
158 that all reasonably ascertainable background, medical, and psychological records of the child, including

159 whether the child has been the subject of an investigation as the perpetrator of sexual abuse, have been  
160 provided to the foster home or children's residential facility.

161 D. Within 72 hours of placing a child of school age in a foster care placement, as defined in § 63.2-  
162 100, the local social services agency making such placement shall, in writing, (i) notify the principal of  
163 the school in which the student is to be enrolled and the superintendent of the relevant school division or  
164 his designee of such placement, and (ii) inform the principal of the status of the parental rights.

165 If the documents required for enrollment of the foster child pursuant to § 22.1-3.1, 22.1-270 or  
166 22.1-271.2, are not immediately available upon taking the child into custody, the placing social services  
167 agency shall obtain and produce or otherwise ensure compliance with such requirements for the foster  
168 child within 30 days after the child's enrollment.

169 E. Every local board shall submit to the Department through its statewide automated system the  
170 names of all foster parents licensed to provide foster care services in the locality served by the local board  
171 and update such list quarterly.

172 F. The Department shall establish and implement a collaborative local board placement program  
173 to increase kinship placements and the number of locally approved foster homes. Such program shall  
174 require local boards within each Department of Social Services region to work collaboratively to (i)  
175 facilitate approval of kinship foster parents through engagement, assessment, and training and (ii) expand  
176 the pool of available foster homes within and across the localities of such local boards.

177 **§ 63.2-904. Investigation, visitation, and supervision of foster homes or independent living**  
178 **arrangement; removal of child.**

179 A. Before placing or arranging for the placement of any such child in a foster home or independent  
180 living arrangement, a local board or licensed child-placing agency shall cause a careful study to be made  
181 to determine the suitability of such home or independent living arrangement, and after placement shall  
182 cause such home or independent living arrangement and child to be visited as often as necessary to protect  
183 the interests of such child. Home studies by local boards or licensed child-placing agencies shall be  
184 conducted in accordance with the Mutual Family Assessment home study template and any addenda  
185 thereto developed by the Department. All home studies, including all related approval documentation

186 other than background checks, conducted pursuant to this section, whether by a local board or a licensed  
187 child-placing agency, shall be transferable between all localities, local boards, and licensed child-placing  
188 agencies within the Commonwealth at the request of the prospective foster parent, subject to any time  
189 limitations or other requirements imposed by law or regulation.

190 B. Every local board or licensed child-placing agency that places a child in a foster home or  
191 independent living arrangement shall maintain such supervision over such home or independent living  
192 arrangement as shall be required by the standards and policies established by the Board.

193 C. Whenever any child placed by a local board or licensed child-placing agency and still under its  
194 control or supervision is subject, in the home in which he is placed, to unwholesome influences or to  
195 neglect or mistreatment, or whenever the Commissioner shall so order, such local board or agency shall  
196 cause the child to be removed from such home and shall make for him such arrangements as may be  
197 approved by the Commissioner. Notwithstanding any other provision of law, the Commissioner shall have  
198 the authority to place, remove, or direct the placement or removal of any child who is under the supervision  
199 and control of a local board or licensed child-placing agency. Pursuant to such authority, the  
200 Commissioner shall remove or direct the removal of any child placed by a local board or licensed child-  
201 placing agency in a foster home or children's residential facility that fails to comply with any state or  
202 federal requirements intended to protect the child's health, safety, or well-being.

203 D. Consistent with the reasonable and prudent parent standard defined in 42 U.S.C. § 675(10)(A),  
204 caregivers for children in foster care shall support normalcy for such children. The Board shall adopt  
205 regulations to assist local boards and licensed child-placing agencies in carrying out practices that support  
206 careful and sensible parental decisions that maintain the health, safety, and best interest of the child while  
207 at the same time encouraging his emotional and developmental growth.

208 **§ 63.2-1231. Home study; meeting required; exception.**

209 A. Prior to the consent hearing in the juvenile and domestic relations district court, a home study  
210 of the adoptive parent(s) shall be completed by a licensed or duly authorized child-placing agency and the  
211 prospective adoptive parents shall be informed that information about shaken baby syndrome, its effects,  
212 and resources for help and support for caretakers is available on a website maintained by the Department



213 in accordance with regulations adopted by the Board. Home studies by local boards or licensed child-  
214 placing agencies shall be conducted in accordance with the Mutual Family Assessment home study  
215 template and any addenda thereto developed by the Department. All home studies, including all related  
216 approval documentation other than background checks, conducted pursuant to this section, whether by a  
217 local board or a licensed child-placing agency, shall be transferable between all localities, local boards,  
218 and licensed child-placing agencies within the Commonwealth at the request of the prospective adoptive  
219 parent, subject to any time limitations set forth in subsection B and any other requirements imposed by  
220 law or regulation.

221 All home studies conducted pursuant to this section, whether by a local board or a child-placing  
222 agency, shall make inquiry as to (i) whether the prospective adoptive parents are financially able, morally  
223 suitable, and in satisfactory physical and mental health to enable them to care for the child; (ii) the physical  
224 and mental condition of the child, if known; (iii) the circumstances under which the child came to live, or  
225 will be living, in the home of the prospective adoptive family, as applicable; (iv) what fees have been paid  
226 by the prospective adoptive family or in their behalf in the placement and adoption of the child; (v) whether  
227 the requirements of subdivisions A 1, ~~A 2~~, ~~A 3~~, and ~~A 5~~ of § 63.2-1232 have been met; and (vi) any other  
228 matters specified by the circuit court. In the course of the home study, the agency social worker, family-  
229 services specialist, or other qualified equivalent worker shall meet at least once with the birth parent(s)  
230 and at least once with the prospective adoptive parents. Upon agreement of both parties, such meetings  
231 may occur simultaneously or separately.

232 B. Any home study conducted pursuant to this section for the purpose of parental placement or  
233 agency placement shall be valid for a period of 36 months from the date of completion of the study.  
234 However, the Board may, by regulation, require an additional state criminal background check before  
235 finalizing an adoption if more than 18 months have passed from the completion of the home study.

236 **§ 63.2-1734. Regulations for child welfare agencies.**

237 A. The Board shall adopt regulations for the activities, services, and facilities to be employed by  
238 persons and agencies required to be licensed under this subtitle, which shall be designed to ensure that

239 such activities, services, and facilities are conducive to the welfare of the children under the custody or  
240 control of such persons or agencies.

241 B. Such regulations shall be developed in consultation with representatives of the affected entities  
242 and shall include, but need not be limited to, matters relating to the sex, age, and number of children and  
243 other persons to be maintained, cared for, or placed out, as the case may be, and to the buildings and  
244 premises to be used, and reasonable standards for the activities, services, and facilities to be employed.  
245 Such limitations and standards shall be specified in each license and renewal thereof. Such regulations  
246 shall not require the adoption of a specific teaching approach or doctrine or require the membership,  
247 affiliation, or accreditation services of any single private accreditation or certification agency.

248 C. All home studies of prospective adoptive parents by local boards or child-placing agencies  
249 licensed for adoption services shall be conducted in accordance with the Mutual Family Assessment home  
250 study template and any addenda thereto developed by the Department. Such home studies, including all  
251 related approval documentation other than background checks, conducted pursuant to this section, whether  
252 by a local board or a licensed child-placing agency, shall be transferable between all localities, local  
253 boards, and licensed child-placing agencies within the Commonwealth at the request of the prospective  
254 adoptive parent, subject to any time limitations or other requirements imposed by law or regulation.

255 **2. That the provisions of the first enactment of this act shall become effective on January 1, 2024.**

256 **3. That the State Board of Social Services (the Board) shall promulgate regulations to implement**  
257 **the provisions of this act, including regulations that establish market rates for home studies**  
258 **conducted by local boards of social services or licensed child-placing agencies for the purpose of**  
259 **foster care, independent living arrangements, or adoption placements. The Board's initial adoption**  
260 **of regulations to implement the provisions of this act shall be exempt from the provisions of the**  
261 **Administrative Process Act (§ 2.2-4000 et seq.).**

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