

SENATE BILL NO. 1214

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rehabilitation and Social Services

on February 3, 2023)

(Patron Prior to Substitute--Senator Lucas)

A BILL to amend and reenact §§ 16.1-228, 16.1-278.15, 20-124.2, and 63.2-100 of the Code of Virginia, relating to child abuse and neglect; custody and visitation; possession or use of marijuana.

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

**1. That §§ 16.1-228, 16.1-278.15, 20-124.2, and 63.2-100 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-228. Definitions.**

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

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248. However, possession or consumption of substances authorized under Title 4.1 or Chapter 34 (§ 54.1-3408.3 et seq.) of Title 54.1 by a child's parent or other person responsible for his care alone shall not serve as a basis to deem a child abused or neglected unless other facts establish that such possession or consumption causes or creates a risk of physical or mental injury to the child;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means

27 through prayer in accordance with the tenets and practices of a recognized church or religious  
28 denomination shall for that reason alone be considered to be an abused or neglected child. Further, a  
29 decision by parents who have legal authority for the child or, in the absence of parents with legal authority  
30 for the child, any person with legal authority for the child who refuses a particular medical treatment for  
31 a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such  
32 decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has  
33 reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical  
34 treatment; (iii) the parents or other person with legal authority and the child have considered alternative  
35 treatment options; and (iv) the parents or other person with legal authority and the child believe in good  
36 faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit  
37 the provisions of § 16.1-278.4;

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

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

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

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

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

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

60           "Adoptive home" means the place of residence of any natural person in which a child resides as a  
61 member of the household and in which he has been placed for the purposes of adoption or in which he has  
62 been legally adopted by another member of the household.

63           "Adult" means a person 18 years of age or older.

64           "Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part  
65 of the same act or transaction as, or that constitutes a part of a common scheme or plan with, a delinquent  
66 act that would be a felony if committed by an adult.

67           "Child," "juvenile," or "minor" means a person who is (i) younger than 18 years of age or (ii) for  
68 purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 of Title  
69 63.2, younger than 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

70           "Child in need of services" means (i) a child whose behavior, conduct or condition presents or  
71 results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of  
72 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and  
73 physical safety of another person; however, no child who in good faith is under treatment solely by  
74 spiritual means through prayer in accordance with the tenets and practices of a recognized church or  
75 religious denomination shall for that reason alone be considered to be a child in need of services, nor shall  
76 any child who habitually remains away from or habitually deserts or abandons his family as a result of  
77 what the court or the local child protective services unit determines to be incidents of physical, emotional  
78 or sexual abuse in the home be considered a child in need of services for that reason alone.

79            However, to find that a child falls within these provisions, (i) the conduct complained of must  
80 present a clear and substantial danger to the child's life or health or to the life or health of another person,  
81 (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received,  
82 and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed  
83 by the child or his family.

84            "Child in need of supervision" means:

85            1. A child who, while subject to compulsory school attendance, is habitually and without  
86 justification absent from school, and (i) the child has been offered an adequate opportunity to receive the  
87 benefit of any and all educational services and programs that are required to be provided by law and which  
88 meet the child's particular educational needs, (ii) the school system from which the child is absent or other  
89 appropriate agency has made a reasonable effort to effect the child's regular attendance without success,  
90 and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-  
91 258; or

92            2. A child who, without reasonable cause and without the consent of his parent, lawful custodian  
93 or placement authority, remains away from or deserts or abandons his family or lawful custodian on more  
94 than one occasion or escapes or remains away without proper authority from a residential care facility in  
95 which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the  
96 child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not  
97 presently being received, and (iii) the intervention of the court is essential to provide the treatment,  
98 rehabilitation or services needed by the child or his family.

99            "Child welfare agency" means a child-placing agency, child-caring institution or independent  
100 foster home as defined in § 63.2-100.

101            "The court" or the "juvenile court" or the "juvenile and domestic relations court" means the  
102 juvenile and domestic relations district court of each county or city.

103            "Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an  
104 ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-  
105 308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but does not include an act other

106 than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed  
107 by a child.

108 "Delinquent child" means a child who has committed a delinquent act or an adult who has  
109 committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court  
110 has been terminated under the provisions of § 16.1-269.6.

111 "Department" means the Department of Juvenile Justice and "Director" means the administrative  
112 head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the  
113 duties imposed upon him under this law.

114 "Driver's license" means any document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2,  
115 or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the  
116 highways.

117 "Family abuse" means any act involving violence, force, or threat that results in bodily injury or  
118 places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by  
119 a person against such person's family or household member. Such act includes, but is not limited to, any  
120 forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter  
121 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable  
122 apprehension of death, sexual assault, or bodily injury.

123 "Family or household member" means (i) the person's spouse, whether or not he or she resides in  
124 the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the  
125 same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters,  
126 half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in  
127 the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-  
128 law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual  
129 who has a child in common with the person, whether or not the person and that individual have been  
130 married or have resided together at any time, or (vi) any individual who cohabits or who, within the  
131 previous 12 months, cohabited with the person, and any children of either of them then residing in the  
132 same home with the person.

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

135 "Foster care services" means the provision of a full range of casework, treatment and community  
136 services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in  
137 need of services as defined in this section and his family when the child (i) has been identified as needing  
138 services to prevent or eliminate the need for foster care placement, (ii) has been placed through an  
139 agreement between the local board of social services or a public agency designated by the community  
140 policy and management team and the parents or guardians where legal custody remains with the parents  
141 or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare  
142 agency, (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-  
143 293, or (v) is living with a relative participating in the Federal-Funded Kinship Guardianship Assistance  
144 program set forth in § 63.2-1305 and developed consistent with 42 U.S.C. § 673 or the State-Funded  
145 Kinship Guardianship Assistance program set forth in § 63.2-1306.

146 "Independent living arrangement" means placement of (i) a child at least 16 years of age who is in  
147 the custody of a local board or licensed child-placing agency by the local board or licensed child-placing  
148 agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed  
149 to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile  
150 Justice, in a living arrangement in which such child or person does not have daily substitute parental  
151 supervision.

152 "Independent living services" means services and activities provided to a child in foster care 14  
153 years of age or older and who has been committed or entrusted to a local board of social services, child  
154 welfare agency, or private child-placing agency. "Independent living services" may also mean services  
155 and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached  
156 the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment  
157 to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a  
158 child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the  
159 Department of Juvenile Justice immediately prior to placement in an independent living arrangement.

160 "Independent living services" includes counseling, education, housing, employment, and money  
161 management skills development and access to essential documents and other appropriate services to help  
162 children or persons prepare for self-sufficiency.

163 "Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of  
164 this chapter.

165 "Jail" or "other facility designed for the detention of adults" means a local or regional correctional  
166 facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell  
167 for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a  
168 child to a juvenile facility.

169 "The judge" means the judge or the substitute judge of the juvenile and domestic relations district  
170 court of each county or city.

171 "This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced  
172 in this chapter.

173 "Legal custody" means (i) a legal status created by court order which vests in a custodian the right  
174 to have physical custody of the child, to determine and redetermine where and with whom he shall live,  
175 the right and duty to protect, train and discipline him and to provide him with food, shelter, education and  
176 ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status  
177 created by court order of joint custody as defined in § 20-107.2.

178 "Permanent foster care placement" means the place of residence in which a child resides and in  
179 which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and  
180 agreement between the placing agency and the place of permanent foster care that the child shall remain  
181 in the placement until he reaches the age of majority unless modified by court order or unless removed  
182 pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of  
183 any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

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

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

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



212 "Residual parental rights and responsibilities" means all rights and responsibilities remaining with  
213 the parent after the transfer of legal custody or guardianship of the person, including but not limited to the  
214 right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility  
215 for support.

216 "Secure facility" or "detention home" means a local, regional or state public or private locked  
217 residential facility that has construction fixtures designed to prevent escape and to restrict the movement  
218 and activities of children held in lawful custody.

219 "Shelter care" means the temporary care of children in physically unrestricting facilities.

220 "State Board" means the State Board of Juvenile Justice.

221 "Status offender" means a child who commits an act prohibited by law which would not be criminal  
222 if committed by an adult.

223 "Status offense" means an act prohibited by law which would not be an offense if committed by  
224 an adult.

225 "Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of §  
226 16.1-269.1 when committed by a juvenile 14 years of age or older.

227 **§ 16.1-278.15. Custody or visitation, child or spousal support generally.**

228 A. In cases involving the custody, visitation or support of a child pursuant to subdivision A 3 of §  
229 16.1-241, the court may make any order of disposition to protect the welfare of the child and family as  
230 may be made by the circuit court. The parties to any petition where a child whose custody, visitation, or  
231 support is contested shall show proof that they have attended within the 12 months prior to their court  
232 appearance or that they shall attend within 45 days thereafter an educational seminar or other like program  
233 conducted by a qualified person or organization approved by the court. The court may require the parties  
234 to attend such seminar or program in uncontested cases only if the court finds good cause. The seminar or  
235 other program shall be a minimum of four hours in length and shall address the effects of separation or  
236 divorce on children, parenting responsibilities, options for conflict resolution and financial  
237 responsibilities. Once a party has completed one educational seminar or other like program, the required  
238 completion of additional programs shall be at the court's discretion. Parties under this section shall include

239 natural or adoptive parents of the child, or any person with a legitimate interest as defined in § 20-124.1.  
240 The fee charged a party for participation in such program shall be based on the party's ability to pay;  
241 however, no fee in excess of \$50 may be charged. Whenever possible, before participating in mediation  
242 or alternative dispute resolution to address custody, visitation or support, each party shall have attended  
243 the educational seminar or other like program. The court may grant an exemption from attendance of such  
244 program for good cause shown or if there is no program reasonably available. Other than statements or  
245 admissions by a party admitting criminal activity or child abuse or neglect, no statement or admission by  
246 a party in such seminar or program shall be admissible into evidence in any subsequent proceeding. If  
247 support is ordered for a child, the order shall also provide that support will continue to be paid for a child  
248 over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the  
249 home of the parent seeking or receiving child support, until the child reaches the age of 19 or graduates  
250 from high school, whichever occurs first. The court may also order that support be paid or continue to be  
251 paid for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled,  
252 and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the  
253 requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support himself; and (c)  
254 residing in the home of the parent seeking or receiving child support. Upon request of either party, the  
255 court may also order that support payments be made to a special needs trust or an ABLE savings trust  
256 account as defined in § 23.1-700.

257           B. In any case involving the custody or visitation of a child, the court may award custody upon  
258 petition to any party with a legitimate interest therein, including, but not limited to, grandparents,  
259 stepparents, former stepparents, blood relatives and family members. The term "legitimate interest" shall  
260 be broadly construed to accommodate the best interest of the child. The authority of the juvenile court to  
261 consider a petition involving the custody of a child shall not be proscribed or limited where the custody  
262 of the child has previously been awarded to a local board of social services.

263           C. In any determination of support obligation under this section, the support obligation as it  
264 becomes due and unpaid creates a judgment by operation of law. Such judgment becomes a lien against

265 real estate only when docketed in the county or city where such real estate is located. Nothing herein shall  
266 be construed to alter or amend the process of attachment of any lien on personal property.

267 D. Orders entered prior to July 1, 2008, shall not be deemed void or voidable solely because the  
268 petition or motion that resulted in the order was completed, signed and filed by a nonattorney employee  
269 of the Department of Social Services.

270 E. In cases involving charges for desertion, abandonment or failure to provide support by any  
271 person in violation of law, disposition shall be made in accordance with Chapter 5 (§ 20-61 et seq.) of  
272 Title 20.

273 F. In cases involving a spouse who seeks spousal support after having separated from his spouse,  
274 the court may enter any appropriate order to protect the welfare of the spouse seeking support.

275 G. In any case or proceeding involving the custody or visitation of a child, the court shall consider  
276 the best interest of the child, including the considerations for determining custody and visitation set forth  
277 in Chapter 6.1 (§ 20-124.1 et seq.) of Title 20.

278 G1. In any case or proceeding involving the custody or visitation of a child, as to a parent, the  
279 court may, in its discretion, use the phrase "parenting time" to be synonymous with the term "visitation."

280 H. In any proceeding before the court for custody or visitation of a child, the court may order a  
281 custody or a psychological evaluation of any parent, guardian, legal custodian or person standing in loco  
282 parentis to the child, if the court finds such evaluation would assist it in its determination. The court may  
283 enter such orders as it deems appropriate for the payment of the costs of the evaluation by the parties.

284 I. When deemed appropriate by the court in any custody or visitation matter, the court may order  
285 drug testing of any parent, guardian, legal custodian, or person standing in loco parentis to the child. Such  
286 drug testing shall exclude testing for any substance permitted for lawful use by an adult authorized under  
287 Title 4.1 or Chapter 34 (§ 54.1-3408.3 et seq.) of Title 54.1. Such parent, guardian, legal custodian, or  
288 person standing in loco parentis to the child shall not be construed to have failed a drug test if such drug  
289 test includes a positive result for such substance authorized under Title 4.1 or Chapter 34 of Title 54.1.  
290 The court may enter such orders as it deems appropriate for the payment of the costs of the testing by the  
291 parties. A person's legal possession or consumption of substances authorized under Title 4.1 or Chapter

292 34 of Title 54.1 alone shall not serve as a basis to restrict custody or visitation unless other facts establish  
293 that such possession or consumption is not in the best interest of the child.

294 J. In any custody or visitation case or proceeding wherein an order prohibiting a party from picking  
295 the child up from school is entered pursuant to this section, the court shall order a party to such case or  
296 proceeding to provide a copy of such custody or visitation order to the school at which the child is enrolled  
297 within three business days of such party's receipt of such custody or visitation order.

298 If a custody determination affects the school enrollment of the child subject to such custody order  
299 and prohibits a party from picking the child up from school, the court shall order a party to provide a copy  
300 of such custody order to the school at which the child will be enrolled within three business days of such  
301 party's receipt of such order. Such order directing a party to provide a copy of such custody or visitation  
302 order shall further require such party, upon any subsequent change in the child's school enrollment, to  
303 provide a copy of such custody or visitation order to the new school at which the child is subsequently  
304 enrolled within three business days of such enrollment.

305 If the court determines that a party is unable to deliver the custody or visitation order to the school,  
306 such party shall provide the court with the name of the principal and address of the school, and the court  
307 shall cause the order to be mailed by first class mail to such school principal.

308 Nothing in this section shall be construed to require any school staff to interpret or enforce the  
309 terms of such custody or visitation order.

310 **§ 20-124.2. Court-ordered custody and visitation arrangements.**

311 A. In any case in which custody or visitation of minor children is at issue, whether in a circuit or  
312 district court, the court shall provide prompt adjudication, upon due consideration of all the facts, of  
313 custody and visitation arrangements, including support and maintenance for the children, prior to other  
314 considerations arising in the matter. The court may enter an order pending the suit as provided in § 20-  
315 103. The procedures for determining custody and visitation arrangements shall insofar as practical, and  
316 consistent with the ends of justice, preserve the dignity and resources of family members. Mediation shall  
317 be used as an alternative to litigation where appropriate. When mediation is used in custody and visitation

318 matters, the goals may include development of a proposal addressing the child's residential schedule and  
319 care arrangements, and how disputes between the parents will be handled in the future.

320 B. In determining custody, the court shall give primary consideration to the best interests of the  
321 child. The court shall consider and may award joint legal, joint physical, or sole custody, and there shall  
322 be no presumption in favor of any form of custody. The court shall assure minor children of frequent and  
323 continuing contact with both parents, when appropriate, and encourage parents to share in the  
324 responsibilities of rearing their children. As between the parents, there shall be no presumption or  
325 inference of law in favor of either. The court shall give due regard to the primacy of the parent-child  
326 relationship but may upon a showing by clear and convincing evidence that the best interest of the child  
327 would be served thereby award custody or visitation to any other person with a legitimate interest. A  
328 person's legal possession or consumption of substances authorized under Title 4.1 or Chapter 34 (§ 54.1-  
329 3408.3 et seq.) of Title 54.1 alone shall not serve as a basis to restrict custody or visitation unless other  
330 facts establish that such possession or consumption is not in the best interest of the child.

331 B1. In any case or proceeding involving the custody or visitation of a child, as to a parent, the court  
332 may, in its discretion, use the phrase "parenting time" to be synonymous with the term "visitation."

333 B2. In any case or proceeding in which a grandparent has petitioned the court for visitation with a  
334 minor grandchild, and a natural or adoptive parent of the minor grandchild is deceased or incapacitated,  
335 the grandparent who is related to such deceased or incapacitated parent shall be permitted to introduce  
336 evidence of such parent's consent to visitation with the grandparent, in accordance with the rules of  
337 evidence. If the parent's consent is proven by a preponderance of the evidence, the court may then  
338 determine if grandparent visitation is in the best interest of the minor grandchild. For the purposes of this  
339 subsection, "incapacitated parent" has the same meaning ascribed to the term "incapacitated person" in §  
340 64.2-2000.

341 C. The court may order that support be paid for any child of the parties. Upon request of either  
342 party, the court may order that such support payments be made to a special needs trust or an ABLE savings  
343 trust account as defined in § 23.1-700. The court shall also order that support will continue to be paid for  
344 any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii)

345 living in the home of the party seeking or receiving child support until such child reaches the age of 19 or  
346 graduates from high school, whichever first occurs. The court may also order that support be paid or  
347 continue to be paid for any child over the age of 18 who is (a) severely and permanently mentally or  
348 physically disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if  
349 the child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support  
350 himself; and (c) residing in the home of the parent seeking or receiving child support. In addition, the  
351 court may confirm a stipulation or agreement of the parties which extends a support obligation beyond  
352 when it would otherwise terminate as provided by law. The court shall have no authority to decree support  
353 of children payable by the estate of a deceased party. The court may make such further decree as it shall  
354 deem expedient concerning support of the minor children, including an order that either party or both  
355 parties provide health care coverage or cash medical support, or both.

356 D. In any case in which custody or visitation of minor children is at issue, whether in a circuit or  
357 district court, the court may order an independent mental health or psychological evaluation to assist the  
358 court in its determination of the best interests of the child. The court may enter such order as it deems  
359 appropriate for the payment of the costs of the evaluation by the parties.

360 E. The court shall have the continuing authority and jurisdiction to make any additional orders  
361 necessary to effectuate and enforce any order entered pursuant to this section or § 20-103 including the  
362 authority to punish as contempt of court any willful failure of a party to comply with the provisions of the  
363 order. A parent or other person having legal custody of a child may petition the court to enjoin and the  
364 court may enter an order to enjoin a parent of the child from filing a petition relating to custody and  
365 visitation of that child for any period of time up to 10 years if doing so is in the best interests of the child  
366 and such parent has been convicted of an offense under the laws of the Commonwealth or a substantially  
367 similar law of another state, the United States, or any foreign jurisdiction which constitutes (i) murder or  
368 voluntary manslaughter, or a felony attempt, conspiracy or solicitation to commit any such offense, if the  
369 victim of the offense was a child of the parent, a child with whom the parent resided at the time the offense  
370 occurred, or the other parent of the child, or (ii) felony assault resulting in serious bodily injury, felony  
371 bodily wounding resulting in serious bodily injury, or felony sexual assault, if the victim of the offense

372 was a child of the parent or a child with whom the parent resided at the time of the offense. When such a  
373 petition to enjoin the filing of a petition for custody and visitation is filed, the court shall appoint a guardian  
374 ad litem for the child pursuant to § 16.1-266.

375 F. In any custody or visitation case or proceeding wherein an order prohibiting a party from picking  
376 the child up from school is entered pursuant to this section or § 20-103, the court shall order a party to  
377 such case or proceeding to provide a copy of such custody or visitation order to the school at which the  
378 child is enrolled within three business days of such party's receipt of such custody or visitation order.

379 If a custody determination affects the school enrollment of the child subject to such custody order  
380 and prohibits a party from picking the child up from school, the court shall order a party to provide a copy  
381 of such custody order to the school at which the child will be enrolled within three business days of such  
382 party's receipt of such order. Such order directing a party to provide a copy of such custody or visitation  
383 order shall further require such party, upon any subsequent change in the child's school enrollment, to  
384 provide a copy of such custody or visitation order to the new school at which the child is subsequently  
385 enrolled within three business days of such enrollment.

386 If the court determines that a party is unable to deliver the custody or visitation order to the school,  
387 such party shall provide the court with the name of the principal and address of the school, and the court  
388 shall cause the order to be mailed by first class mail to such school principal.

389 Nothing in this section shall be construed to require any school staff to interpret or enforce the  
390 terms of such custody or visitation order.

391 **§ 63.2-100. Definitions.**

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

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

394 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or  
395 inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than  
396 accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental  
397 functions, including, but not limited to, a child who is with his parent or other person responsible for his  
398 care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance,

399 or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his  
400 care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony  
401 violation of § 18.2-248. However, possession or consumption of substances authorized under Title 4.1 or  
402 Chapter 34 (§ 54.1-3408.3 et seq.) of Title 54.1 by a child's parent or other person responsible for his care  
403 alone shall not serve as a basis to deem a child abused or neglected unless other facts establish that such  
404 possession or consumption causes or creates a risk of physical or mental injury to the child;

405         2. Whose parents or other person responsible for his care neglects or refuses to provide care  
406 necessary for his health. However, no child who in good faith is under treatment solely by spiritual means  
407 through prayer in accordance with the tenets and practices of a recognized church or religious  
408 denomination shall for that reason alone be considered to be an abused or neglected child. Further, a  
409 decision by parents who have legal authority for the child or, in the absence of parents with legal authority  
410 for the child, any person with legal authority for the child, who refuses a particular medical treatment for  
411 a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such  
412 decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has  
413 reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical  
414 treatment; (iii) the parents or other person with legal authority and the child have considered alternative  
415 treatment options; and (iv) the parents or other person with legal authority and the child believe in good  
416 faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit  
417 the provisions of § 16.1-278.4;

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

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

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



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

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

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

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

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

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

446           "Adult day care center" means any facility that is either operated for profit or that desires licensure  
447 and that provides supplementary care and protection during only a part of the day to four or more aged,  
448 infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the  
449 State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the  
450 home or residence of an individual who cares for only persons related to him by blood or marriage.  
451 Included in this definition are any two or more places, establishments or institutions owned, operated or

452 controlled by a single entity and providing such supplementary care and protection to a combined total of  
453 four or more aged, infirm or disabled adults.

454 "Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as  
455 defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit,  
456 benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the  
457 adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult  
458 exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an  
459 intentional failure to use the financial resources of an adult in a manner that results in neglect of such  
460 adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the  
461 use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or  
462 services or perform services against his will for another's profit, benefit, or advantage if the adult did not  
463 agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform  
464 such services.

465 "Adult foster care" means room and board, supervision, and special services to an adult who has a  
466 physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

467 "Adult foster care" does not include services or support provided to individuals through the Fostering  
468 Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9.

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

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

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

481 "Assisted living facility" means any congregate residential setting that provides or coordinates  
482 personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for  
483 the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in  
484 a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of  
485 Health or the Department of Behavioral Health and Developmental Services, but including any portion of  
486 such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only  
487 persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled  
488 persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped  
489 pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility  
490 under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv)  
491 any housing project for persons 62 years of age or older or the disabled that provides no more than basic  
492 coordination of care services and is funded by the U.S. Department of Housing and Urban Development,  
493 by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in  
494 this definition are any two or more places, establishments or institutions owned or operated by a single  
495 entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled  
496 adults. Maintenance or care means the protection, general supervision and oversight of the physical and  
497 mental well-being of an aged, infirm or disabled individual.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

572 "General relief" means money payments and other forms of relief made to those persons mentioned  
573 in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-  
574 401.

575 "Independent foster home" means a private family home in which any child, other than a child by  
576 birth or adoption of such person, resides as a member of the household and has been placed therein  
577 independently of a child-placing agency except (i) a home in which are received only children related by  
578 birth or adoption of the person who maintains such home and children of personal friends of such person;  
579 (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of  
580 § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and (iii) a home in which  
581 are received only children who are the subject of a properly executed power of attorney pursuant to  
582 Chapter 10 (§ 20-166 et seq.) of Title 20.

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

586 "Independent living arrangement" means placement of (i) a child at least 16 years of age who is in  
587 the custody of a local board or licensed child-placing agency by the local board or licensed child-placing  
588 agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed  
589 to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile  
590 Justice, in a living arrangement in which such child or person does not have daily substitute parental  
591 supervision.

592 "Independent living services" means services and activities provided to a child in foster care 14  
593 years of age or older who was committed or entrusted to a local board of social services, child welfare  
594 agency, or private child-placing agency. "Independent living services" may also mean services and  
595 activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the  
596 age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to  
597 the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child  
598 at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department  
599 of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services  
600 shall include counseling, education, housing, employment, and money management skills development,  
601 access to essential documents, and other appropriate services to help children or persons prepare for self-  
602 sufficiency.

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

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

610 "Interstate placement" means the arrangement for the care of a child in an adoptive home, foster  
611 care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out  
612 of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or

613 nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the  
614 action of any court.

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

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

619 "Kinship guardianship" means a relationship established in accordance with § 63.2-1305 or 63.2-  
620 1306 between a child and an adult relative of the child who has formerly acted as the child's foster parent  
621 that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult  
622 relative of the child of the authority necessary to ensure the protection, education, care and control, and  
623 custody of the child and the authority for decision making for the child.

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

625 "Local department" means the local department of social services of any county or city in this  
626 Commonwealth.

627 "Local director" means the director or his designated representative of the local department of the  
628 city or county.

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

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

634 "Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to  
635 the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services;  
636 child care; and general relief.

637 "Qualified assessor" means an entity contracting with the Department of Medical Assistance  
638 Services to perform nursing facility pre-admission screening or to complete the uniform assessment  
639 instrument for a home and community-based waiver program, including an independent physician



640 contracting with the Department of Medical Assistance Services to complete the uniform assessment  
641 instrument for residents of assisted living facilities, or any hospital that has contracted with the Department  
642 of Medical Assistance Services to perform nursing facility pre-admission screenings.

643 "Qualified individual" means a trained professional or licensed clinician who is not an employee  
644 of the local board of social services or licensed child-placing agency that placed the child in a qualified  
645 residential treatment program and is not affiliated with any placement setting in which children are placed  
646 by such local board of social services or licensed child-placing agency.

647 "Qualified residential treatment program" means a program that (i) provides 24-hour residential  
648 placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that  
649 meets the clinical and other needs of children with serious emotional or behavioral disorders, including  
650 any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this  
651 definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site  
652 and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts  
653 outreach with the child's family members, including efforts to maintain connections between the child and  
654 his siblings and other family; documents and maintains records of such outreach efforts; and maintains  
655 contact information for any known biological family and fictive kin of the child; (v) whenever appropriate  
656 and in the best interest of the child, facilitates participation by family members in the child's treatment  
657 program before and after discharge and documents the manner in which such participation is facilitated;  
658 (vi) provides discharge planning and family-based aftercare support for at least six months after discharge;  
659 (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by  
660 the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the  
661 program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses  
662 the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional  
663 assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the  
664 child can be met through placement with a family member or in a foster home or, if not, in a placement  
665 setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that  
666 would provide the most effective and appropriate level of care for the child in the least restrictive

667 environment and be consistent with the short-term and long-term goals established for the child in his  
668 foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral  
669 health goals for the child; and (d) is documented in a written report to be filed with the court prior to any  
670 hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

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

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

676 "Social services" means foster care, adoption, adoption assistance, child-protective services,  
677 domestic violence services, or any other services program implemented in accordance with regulations  
678 adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et  
679 seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter  
680 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under  
681 the supervision of the Commissioner for Aging and Rehabilitative Services.

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

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

688 "Supervised independent living setting" means the residence of a person 18 years of age or older  
689 who is participating in the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter  
690 9 where supervision includes a monthly visit with a service worker or, when appropriate, contracted  
691 supervision. "Supervised independent living setting" does not include residential facilities or group homes.

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

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

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

702 **2. That the Board of Social Services shall amend its regulations, guidance documents, and other**  
703 **instructional materials to ensure that such regulations, documents, and materials comply with, and**  
704 **that investigations and family assessments are conducted by local departments of social services in**  
705 **accordance with, the provisions of this act.**

706 #