

HOUSE BILL NO. 1144

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on _____)

(Patron Prior to Substitute--Delegate Cordoza)

A BILL to amend and reenact § 63.2-1503 of the Code of Virginia, relating to children alleged to be abused or neglected; duties of local departments of social services.

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1503 of the Code of Virginia is amended and reenacted as follows:

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

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

B. The local department shall ensure, through its own personnel or through cooperative arrangements with other local agencies, the capability of receiving reports or complaints and responding to them promptly on a 24-hours-a-day, seven-days-per-week basis.

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

29 D. The local department shall notify the local attorney for the Commonwealth and the local law-
30 enforcement agency of all complaints of suspected child abuse or neglect involving (i) any death of a
31 child; (ii) any injury or threatened injury to the child in which a felony or Class 1 misdemeanor is also
32 suspected; (iii) any sexual abuse, suspected sexual abuse or other sexual offense involving a child,
33 including but not limited to the use or display of the child in sexually explicit visual material, as defined
34 in § 18.2-374.1; (iv) any abduction of a child; (v) any felony or Class 1 misdemeanor drug offense
35 involving a child; or (vi) contributing to the delinquency of a minor in violation of § 18.2-371,
36 immediately, but in no case more than two hours of receipt of the complaint, and shall provide the attorney
37 for the Commonwealth and the local law-enforcement agency with records and information of the local
38 department, including records related to any complaints of abuse or neglect involving the victim or the
39 alleged perpetrator, related to the investigation of the complaint. The local department shall notify the
40 local attorney for the Commonwealth of all complaints of suspected child abuse or neglect involving the
41 child's being left alone in the same dwelling with a person to whom the child is not related by blood or
42 marriage and who has been convicted of an offense against a minor for which registration is required as a
43 Tier III offender pursuant to § 9.1-902, immediately, but in no case more than two hours of receipt of the
44 complaint, and shall provide the attorney for the Commonwealth with records and information of the local
45 department that would help determine whether a violation of post-release conditions, probation, parole, or
46 court order has occurred due to the nonrelative offender's contact with the child. The local department
47 shall not allow reports of the death of the victim from other local agencies to substitute for direct reports
48 to the attorney for the Commonwealth and the local law-enforcement agency. The local department shall
49 develop, when practicable, memoranda of understanding for responding to reports of child abuse and
50 neglect with local law enforcement and the attorney for the Commonwealth.

51 In each case in which the local department notifies the local law-enforcement agency of a
52 complaint pursuant to this subsection, the local department shall, within two business days of delivery of
53 the notification, complete a written report, on a form provided by the Board for such purpose, which shall

54 include (a) the name of the representative of the local department providing notice required by this
55 subsection; (b) the name of the local law-enforcement officer who received such notice; (c) the date and
56 time that notification was made; (d) the identity of the victim; (e) the identity of the person alleged to have
57 abused or neglected the child, if known; (f) the clause or clauses in this subsection that describe the reasons
58 for the notification; and (g) the signatures, which may be electronic signatures, of the representatives of
59 the local department making the notification and the local law-enforcement officer receiving the
60 notification. Such report shall be included in the record of the investigation and may be submitted either
61 in writing or electronically.

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

65 F. The local department shall use reasonable diligence to locate (i) any child for whom a report of
66 suspected abuse or neglect has been received and is under investigation, receiving family assessment, or
67 for whom a founded determination of abuse and neglect has been made and a child-protective services
68 case opened and (ii) persons who are the subject of a report that is under investigation or receiving family
69 assessment, if the whereabouts of the child or such persons are unknown to the local department.

70 G. When an abused or neglected child and the persons who are the subject of an open child-
71 protective services case have relocated out of the jurisdiction of the local department, the local department
72 shall notify the child-protective services agency in the jurisdiction to which such persons have relocated,
73 whether inside or outside of the Commonwealth, and forward to such agency relevant portions of the case
74 record. The receiving local department shall arrange protective and rehabilitative services as required by
75 this section.

76 H. When a child for whom a report of suspected abuse or neglect has been received and is under
77 investigation or receiving family assessment and the child and the child's parents or other persons
78 responsible for the child's care who are the subject of the report that is under investigation or family
79 assessment have relocated out of the jurisdiction of the local department, the local department shall notify
80 the child-protective services agency in the jurisdiction to which the child and such persons have relocated,

81 whether inside or outside of the Commonwealth, and complete such investigation or family assessment
82 by requesting such agency's assistance in completing the investigation or family assessment. The local
83 department that completes the investigation or family assessment shall forward to the receiving agency
84 relevant portions of the case record in order for the receiving agency to arrange protective and
85 rehabilitative services as required by this section.

86 I. Upon receipt of a report of child abuse or neglect, the local department shall determine the
87 validity of such report and shall make a determination to conduct an investigation pursuant to § 63.2-1505
88 or, if designated as a child-protective services differential response agency by the Department according
89 to § 63.2-1504, a family assessment pursuant to § 63.2-1506.

90 J. The local department shall foster, when practicable, the creation, maintenance and coordination
91 of hospital and community-based multidisciplinary teams that shall include where possible, but not be
92 limited to, members of the medical, mental health, social work, nursing, education, legal and law-
93 enforcement professions. Such teams shall assist the local departments in identifying abused and neglected
94 children; coordinating medical, social, and legal services for the children and their families; developing
95 innovative programs for detection and prevention of child abuse; promoting community concern and
96 action in the area of child abuse and neglect; and disseminating information to the general public with
97 respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods
98 available to combat child abuse and neglect. These teams may be the family assessment and planning
99 teams established pursuant to § 2.2-5207. Multidisciplinary teams may develop agreements regarding the
100 exchange of information among the parties for the purposes of the investigation and disposition of
101 complaints of child abuse and neglect, delivery of services and child protection. Any information
102 exchanged in accordance with the agreement shall not be considered to be a violation of the provisions of
103 § 63.2-102, 63.2-104, or 63.2-105.

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

106 K. The local department may develop multidisciplinary teams to provide consultation to the local
107 department during the investigation of selected cases involving child abuse or neglect, and to make

108 recommendations regarding the prosecution of such cases. These teams may include, but are not limited
109 to, members of the medical, mental health, legal and law-enforcement professions, including the attorney
110 for the Commonwealth or his designee; a local child-protective services representative; and the guardian
111 ad litem or other court-appointed advocate for the child. Any information exchanged for the purpose of
112 such consultation shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

113 L. The local department shall report annually on its activities concerning abused and neglected
114 children to the court and to the Child-Protective Services Unit in the Department on forms provided by
115 the Department.

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

124 Statements, or any evidence derived therefrom, made to local department child-protective services
125 personnel, or to any person performing the duties of such personnel, by any person accused of the abuse,
126 injury, neglect, or death of a child shall not be used in evidence against such person in a civil proceeding
127 wherein such person's child may be removed from his custody unless the statement was made after such
128 person was fully advised (i) of his right to remain silent, (ii) that anything he says may be used against
129 him in a court of law, (iii) that he has a right to the presence of an attorney during any interviews, and (iv)
130 that if he cannot afford an attorney, one will be appointed for him prior to any questioning. Such person
131 shall also be advised that local department child-protective services personnel have the ability to remove
132 a child from the home either temporarily or permanently.

133 N. Notwithstanding any other provision of law, the local department, in accordance with Board
134 regulations, shall transmit information regarding reports, complaints, family assessments, and

135 investigations involving children of active duty members of the United States Armed Forces or members
136 of their household to family advocacy representatives of the United States Armed Forces.

137 O. The local department shall notify the custodial parent and make reasonable efforts to notify the
138 noncustodial parent as those terms are defined in § 63.2-1900 of a report of suspected abuse or neglect of
139 a child who is the subject of an investigation or is receiving family assessment, in those cases in which
140 such custodial or noncustodial parent is not the subject of the investigation.

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

150 **2. That the provisions of § 63.2-1503 of the Code of Virginia, as amended by this act, shall apply to**
151 **statements made, evidence obtained, and advisements made on or after July 1, 2024.**

152 **3. That the Board of Social Services shall amend its regulations to ensure that such regulations**
153 **comply with, and that investigations and family assessments are conducted by local departments of**
154 **social services in accordance with, the provisions of § 63.2-1503 of the Code of Virginia, as amended**
155 **by this act.**

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