

SENATE BILL NO. 619

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health

on February 8, 2024)

(Patron Prior to Substitute--Senator Pillion)

A BILL to amend and reenact §§ 16.1-228, 22.1-258, 22.1-262, 22.1-267, and 63.2-100 of the Code of Virginia, relating to public elementary and secondary schools; compulsory attendance policies and procedures; educational neglect defined.

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-228, 22.1-258, 22.1-262, 22.1-267, 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;

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 through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a

27 decision by parents who have legal authority for the child or, in the absence of parents with legal authority
28 for the child, any person with legal authority for the child who refuses a particular medical treatment for
29 a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such
30 decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has
31 reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical
32 treatment; (iii) the parents or other person with legal authority and the child have considered alternative
33 treatment options; and (iv) the parents or other person with legal authority and the child believe in good
34 faith that such decision is in the child's best interest. No child whose parent or other person responsible
35 for his care allows the child to engage in independent activities without adult supervision shall for that
36 reason alone be considered to be an abused or neglected child, provided that (a) such independent activities
37 are appropriate based on the child's age, maturity, and physical and mental abilities and (b) such lack of
38 supervision does not constitute conduct that is so grossly negligent as to endanger the health or safety of
39 the child. Such independent activities include traveling to or from school or nearby locations by bicycle
40 or on foot, playing outdoors, or remaining at home for a reasonable period of time. Nothing in this
41 subdivision shall be construed to limit the provisions of § 16.1-278.4;

- 42 3. Whose parents or other person responsible for his care abandons such child;
- 43 4. Whose parents or other person responsible for his care, or an intimate partner of such parent or
44 person, commits or allows to be committed any act of sexual exploitation or any sexual act upon a child
45 in violation of the law;
- 46 5. Who is without parental care or guardianship caused by the unreasonable absence or the mental
47 or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco
48 parentis;
- 49 6. Whose parents or other person responsible for his care creates a substantial risk of physical or
50 mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as
51 defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the
52 parent or other person responsible for his care knows has been convicted of an offense against a minor for
53 which registration is required as a Tier III offender pursuant to § 9.1-902; ~~or~~

54 7. Whose parents or other person responsible for his care commits educational neglect as defined
55 in § 22.1-258; or

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

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

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

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

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

73 "Child," "juvenile," or "minor" means a person who is (i) younger than 18 years of age or (ii) for
74 purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 of Title
75 63.2, younger than 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

76 "Child in need of services" means (i) a child whose behavior, conduct or condition presents or
77 results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of
78 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and
79 physical safety of another person; however, no child who in good faith is under treatment solely by
80 spiritual means through prayer in accordance with the tenets and practices of a recognized church or

81 religious denomination shall for that reason alone be considered to be a child in need of services, nor shall
82 any child who habitually remains away from or habitually deserts or abandons his family as a result of
83 what the court or the local child protective services unit determines to be incidents of physical, emotional
84 or sexual abuse in the home be considered a child in need of services for that reason alone.

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

90 "Child in need of supervision" means:

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

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

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

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

109 "Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an
110 ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-
111 308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but does not include an act other
112 than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed
113 by a child.

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

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

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

123 "Family abuse" means any act involving violence, force, or threat that results in bodily injury or
124 places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by
125 a person against such person's family or household member. Such act includes, but is not limited to, any
126 forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter
127 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable
128 apprehension of death, sexual assault, or bodily injury.

129 "Family or household member" means (i) the person's spouse, whether or not he or she resides in
130 the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the
131 same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters,
132 half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in
133 the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-

134 law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual
135 who has a child in common with the person, whether or not the person and that individual have been
136 married or have resided together at any time, or (vi) any individual who cohabits or who, within the
137 previous 12 months, cohabited with the person, and any children of either of them then residing in the
138 same home with the person.

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

141 "Foster care services" means the provision of a full range of casework, treatment and community
142 services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in
143 need of services as defined in this section and his family when the child (i) has been identified as needing
144 services to prevent or eliminate the need for foster care placement, (ii) has been placed through an
145 agreement between the local board of social services or a public agency designated by the community
146 policy and management team and the parents or guardians where legal custody remains with the parents
147 or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare
148 agency, (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-
149 293, or (v) is living with a relative participating in the Federal-Funded Kinship Guardianship Assistance
150 program set forth in § 63.2-1305 and developed consistent with 42 U.S.C. § 673 or the State-Funded
151 Kinship Guardianship Assistance program set forth in § 63.2-1306.

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

158 "Independent living services" means services and activities provided to a child in foster care 14
159 years of age or older and who has been committed or entrusted to a local board of social services, child
160 welfare agency, or private child-placing agency. "Independent living services" may also mean services

161 and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached
162 the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment
163 to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a
164 child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the
165 Department of Juvenile Justice immediately prior to placement in an independent living arrangement.
166 "Independent living services" includes counseling, education, housing, employment, and money
167 management skills development and access to essential documents and other appropriate services to help
168 children or persons prepare for self-sufficiency.

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

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

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

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

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

184 "Permanent foster care placement" means the place of residence in which a child resides and in
185 which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and
186 agreement between the placing agency and the place of permanent foster care that the child shall remain
187 in the placement until he reaches the age of majority unless modified by court order or unless removed

188 pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of
189 any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

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

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

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

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

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

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

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

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

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

231 "Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of §
232 16.1-269.1 when committed by a juvenile 14 years of age or older.

233 **§ 22.1-258. Appointment of attendance officers; notification when pupil fails to report to**
234 **school; plan; conference; court proceedings; educational neglect.**

235 A. As used in this section, unless the context requires a different meaning:

236 "Educational neglect" means the failure or refusal of a parent, in violation of the compulsory
237 attendance requirements set forth in §§ 22.1-254 and 22.1-254.1, to provide necessary education for a
238 child who is subject to compulsory attendance pursuant to § 22.1-254 and enrolled in a public school if,
239 after the school performs the interventions set forth in the provisions of subsections C, D, E, and F, the
240 parent's failure or refusal to comply continues until the time elapsed between (i) the date on which the
241 attendance officer last initiated one of the interventions required pursuant to subsection F and (ii) the

242 pupil's nonattendance resulting from the parent's continued failure or refusal to comply to date exceeds 10
243 percent of the school year.

244 "Educational neglect" does not include any situation in which a child who misses 10 percent or
245 more of the school year is also a student with disabilities or has a Section 504 Plan in place in relation to
246 documented medical needs that would prohibit or preclude regular attendance.

247 "Failure to comply" includes circumstances in which (i) school personnel receive no indication
248 that the pupil's parent is aware of his nonattendance, (ii) reasonable efforts to contact the parent through
249 multiple channels of communication in accordance with the provisions of this section consistently fail,
250 and (iii) school personnel receive no indication that the pupil's parent has made any effort to contact the
251 school. "Failure to comply" does not include any situation in which the noncompliance with compulsory
252 attendance requirements results from circumstances outside the parent's immediate control that render the
253 parent incapable of or unable to comply, provided that such parent makes direct contact with the school
254 (i) at any point prior to the date on which the time elapsed between the attendance officer's initiation of
255 one of the interventions set forth in subsection F and the pupil's continued nonattendance exceeds 10
256 percent of the school year and (ii) expresses willingness to work with school personnel in addressing the
257 pupil's nonattendance or does not express an intentional refusal comply.

258 "Habitually absent" means any student who is subject to compulsory education requirements
259 pursuant to § 22.1-254 and who has missed more than one additional school day after the school made
260 efforts to make direct contact with such student's parent after such student's fifth unexcused absence and
261 either (i) all reasonable efforts to make direct contact and resolve such student's nonattendance failed or
262 (ii) circumstances exist in which the parent is intentionally noncompliant with compulsory attendance
263 requirements.

264 "Refusal to comply" means intentional noncompliance with the statutory compulsory education
265 requirements and the school's attempts to resolve or address such noncompliance in accordance with the
266 interventions set forth in this section.

267 B. Every school board shall have power to appoint one or more attendance officers, who shall be
268 charged with the enforcement of the provisions of this article. Where no attendance officer is appointed
269 by the school board, the division superintendent or his designee shall act as attendance officer.

270 C. Whenever any pupil fails to report to school on a regularly scheduled school day and no
271 indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's
272 absence, a reasonable effort to notify by telephone the parent to obtain an explanation for the pupil's
273 absence shall be made by either the school principal or his designee, the attendance officer, other school
274 personnel, or volunteers organized by the school administration for this purpose. Any such volunteers
275 shall not be liable for any civil damages for any acts or omissions resulting from making such reasonable
276 efforts to notify parents and obtain such explanation when such acts or omissions are taken in good faith,
277 unless such acts or omissions were the result of gross negligence or willful misconduct. This subsection
278 shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory
279 or common law or to affect any claim occurring prior to the effective date of this law. School divisions
280 are encouraged to use noninstructional personnel for this notice.

281 D. Whenever any pupil fails to report to school for a total of five scheduled school days for the
282 school year and no indication has been received by school personnel that the pupil's parent is aware of and
283 supports the pupil's absence, and a reasonable effort to notify the parent has failed, the school principal or
284 his designee shall make a reasonable effort to ensure that direct contact is made with the parent in person,
285 through telephone conversation, or through the use of other communications devices to obtain an
286 explanation for the pupil's absence and to explain to the parent the consequences of continued
287 nonattendance, including the point at which the parent's continued failure or refusal to comply and the
288 pupil's continued nonattendance amounts to educational neglect. The school principal or his designee, the
289 pupil, and the pupil's parent shall jointly develop a plan to resolve the pupil's nonattendance. Such plan
290 shall include documentation of the reasons for the pupil's nonattendance.

291 E. If the pupil is absent for more than one additional day after direct contact with the pupil's parent,
292 and school personnel have received no indication that the pupil's parent is aware of and supports the pupil's
293 absence, the school principal or his designee shall schedule a conference with the pupil, his parent, and

294 school personnel. Such conference may include the attendance officer and other community service
295 providers to resolve issues related to the pupil's nonattendance. The conference shall be held no later than
296 10 school days after the tenth absence of the pupil, regardless of whether his parent approves of the
297 conference. The conference team shall monitor the pupil's attendance and may meet again as necessary to
298 address concerns and plan additional interventions if attendance does not improve. ~~In circumstances in~~
299 ~~which~~

300 F. A pupil shall be considered habitually absent and the principal or his designee shall make a
301 referral to the attendance officer if (i) the parent is intentionally noncompliant with compulsory attendance
302 requirements, (ii) the pupil misses more than one additional day after his fifth unexcused absence and all
303 reasonable efforts to make direct contact with the parent have failed, or (iii) the pupil is resisting parental
304 efforts to comply with compulsory attendance requirements, ~~the principal or his designee shall make a~~
305 ~~referral to the attendance officer.~~ The attendance officer shall schedule a conference with the pupil and
306 his parent within 10 school days and may (i) file a complaint with the juvenile and domestic relations
307 district court alleging the pupil is a child in need of supervision as defined in § 16.1-228 or (ii) institute
308 proceedings against the parent pursuant to § 18.2-371 or 22.1-262. In filing a complaint against the student,
309 the attendance officer shall provide written documentation of the efforts to comply with the provisions of
310 this section. In the event that both parents have been awarded joint physical custody pursuant to § 20-
311 124.2 and the school has received notice of such order, both parents shall be notified at the last known
312 addresses of the parents.

313 An attendance officer, or a division superintendent or his designee when acting as an attendance
314 officer pursuant to § 22.1-258, may complete, sign, and file with the intake officer of the juvenile and
315 domestic relations district court, on forms approved by the Supreme Court of Virginia, a petition for a
316 violation of a school attendance order entered by the juvenile and domestic relations district court pursuant
317 to § 16.1-278.5 in response to the filing of a petition alleging the pupil is a child in need of supervision as
318 defined in § 16.1-228.

319 G. A parent's continued failure or refusal to comply and the pupil's resulting continued
320 nonattendance shall constitute educational neglect and the school shall report such neglect to the
321 appropriate authorities in accordance with §§ 22.1-291.3 and 63.2-1509 if:

322 1. The attendance officer, in accordance with subsection F, (i) elects not to file a complaint with
323 the juvenile and domestic relations district court or institute proceedings against the parent and the parent
324 fails to attend the conference or (ii) files a complaint with the juvenile and domestic relations district court
325 or institutes proceedings against the parent; and

326 2. The time elapsed between (i) the date on which the attendance officer scheduled the conference,
327 filed the complaint against the parent, or instituted proceedings against the parent and (ii) the pupil's
328 nonattendance resulting from the parent's continued failure or refusal to comply to date exceeds 10 percent
329 of the academic year.

330 If school personnel or the attendance officer succeed in making direct contact with or receive direct
331 contact from the pupil's parent at any point prior to the date of the occurrence of the contingency described
332 in subdivision 2, such direct contact shall be sufficient to establish an intention to comply such that any
333 failure to comply thereafter shall not constitute educational neglect until the point at which the time
334 elapsed between the date of such direct contact and the subsequent continued failure or refusal to comply
335 exceeds 10 percent of the school year. However, in the event that the parent, in the course of such direct
336 contact, expresses intentional noncompliance or unwillingness to discuss with school personnel options
337 to address or resolve such pupil's nonattendance, such direct contact shall constitute continued refusal to
338 comply for the purposes of subdivision 2.

339 H. Nothing in this section shall be construed to limit in any way the authority of any attendance
340 officer or division superintendent to seek immediate compliance with the compulsory school attendance
341 law as set forth in this article.

342 I. Attendance officers, other school personnel or volunteers organized by the school administration
343 for this purpose shall be immune from any civil or criminal liability in connection with the notice to
344 parents of a pupil's absence or failure to give such notice as required by this section.

345 **§ 22.1-262. Complaint to court when parent fails to comply with law.**

346 A list of persons notified pursuant to § 22.1-261 shall be sent by the attendance officer to the
347 appropriate school principal. If the parent (i) fails to comply with the provisions of § 22.1-261 within the
348 time specified in the notice or (ii) fails to comply with the provisions of § 22.1-254, it shall be the duty of
349 the attendance officer, with the knowledge and approval of the division superintendent, to make complaint
350 against the pupil's parent in the name of the Commonwealth before the juvenile and domestic relations
351 district court. If proceedings are instituted against the parent for failure to comply with the provisions of
352 § 22.1-258 resulting in such pupil becoming habitually absent, the attendance officer is to provide
353 documentation to the court regarding the school division's compliance with § 22.1-258. In addition thereto,
354 such child may be proceeded against as a child in need of services or a child in need of supervision as
355 provided in Chapter 11 (§ 16.1-226 et seq.) of Title 16.1. If, after proceedings have been initiated against
356 the parent for noncompliance with the provisions of § 22.1-254 or 22.1-258, the parent's continued failure
357 or refusal to comply continues until the time elapsed between the institution of the proceedings and the
358 pupil's nonattendance resulting from the parent's continued failure or refusal to comply to date exceeds 10
359 percent of the school year, the parent's continued failure or refusal to comply shall be deemed educational
360 neglect and the school shall be obligated to report such neglect to the appropriate authorities in accordance
361 with § 22.1-258, notwithstanding the pending or ongoing proceedings against the parent.

362 **§ 22.1-267. Proceedings against habitually absent child.**

363 Any child permitted by any parent, guardian, or other person having control thereof to be habitually
364 absent, as defined in § 22.1-258, from school contrary to the provisions of this article may be proceeded
365 against as a child in need of supervision as provided in Chapter 11 (§ 16.1-226 et seq.) of Title 16.1.

366 **§ 63.2-100. Definitions.**

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

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

369 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or
370 inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than
371 accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental
372 functions, including, but not limited to, a child who is with his parent or other person responsible for his

373 care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance,
374 or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his
375 care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony
376 violation of § 18.2-248;

377 2. Whose parents or other person responsible for his care neglects or refuses to provide care
378 necessary for his health. However, no child who in good faith is under treatment solely by spiritual means
379 through prayer in accordance with the tenets and practices of a recognized church or religious
380 denomination shall for that reason alone be considered to be an abused or neglected child. Further, a
381 decision by parents who have legal authority for the child or, in the absence of parents with legal authority
382 for the child, any person with legal authority for the child, who refuses a particular medical treatment for
383 a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such
384 decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has
385 reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical
386 treatment; (iii) the parents or other person with legal authority and the child have considered alternative
387 treatment options; and (iv) the parents or other person with legal authority and the child believe in good
388 faith that such decision is in the child's best interest. No child whose parent or other person responsible
389 for his care allows the child to engage in independent activities without adult supervision shall for that
390 reason alone be considered to be an abused or neglected child, provided that (a) such independent activities
391 are appropriate based on the child's age, maturity, and physical and mental abilities and (b) such lack of
392 supervision does not constitute conduct that is so grossly negligent as to endanger the health or safety of
393 the child. Such independent activities include traveling to or from school or nearby locations by bicycle
394 or on foot, playing outdoors, or remaining at home for a reasonable period of time. Nothing in this
395 subdivision shall be construed to limit the provisions of § 16.1-278.4;

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

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

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

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

408 7. Whose parents or other person responsible for his care commits educational neglect as defined
409 in § 22.1-258; or

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

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

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

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

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

426 "Adult day care center" means any facility that is either operated for profit or that desires licensure
427 and that provides supplementary care and protection during only a part of the day to four or more adults
428 who are aged or infirm or who have disabilities and who reside elsewhere, except (i) a facility or portion
429 of a facility licensed by the State Board of Health or the Department of Behavioral Health and
430 Developmental Services, and (ii) the home or residence of an individual who cares for only persons related
431 to him by blood or marriage. Included in this definition are any two or more places, establishments or
432 institutions owned, operated or controlled by a single entity and providing such supplementary care and
433 protection to a combined total of four or more adults who are aged or infirm or who have disabilities.

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

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

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

449 "Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances
450 that he is not able to provide for himself or is not being provided services necessary to maintain his
451 physical and mental health and that the failure to receive such necessary services impairs or threatens to
452 impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult

453 is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care,
454 provided that such treatment or care is performed in good faith and in accordance with the religious
455 practices of the adult and there is a written or oral expression of consent by that adult.

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

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

461 "Assisted living facility" means any congregate residential setting that provides or coordinates
462 personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for
463 the maintenance or care of four or more adults who are aged or infirm or who have disabilities and who
464 are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the
465 State Board of Health or the Department of Behavioral Health and Developmental Services, but including
466 any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or
467 maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving
468 individuals who are infirm or who have disabilities between the ages of 18 and 21, or 22 if enrolled in an
469 educational program for individuals with disabilities pursuant to § 22.1-214, when such facility is licensed
470 by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including
471 any portion of the facility not so licensed; and (iv) any housing project for individuals who are 62 years
472 of age or older or individuals with disabilities that provides no more than basic coordination of care
473 services and is funded by the U.S. Department of Housing and Urban Development, by the U.S.
474 Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition
475 are any two or more places, establishments or institutions owned or operated by a single entity and
476 providing maintenance or care to a combined total of four or more adults who are aged or infirm or who
477 have disabilities. Maintenance or care means the protection, general supervision and oversight of the
478 physical and mental well-being of an individual who is aged or infirm or who has a disability.

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

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

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

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

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

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

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

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

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

506 "Children's residential facility" means any facility, child-caring institution, or group home that is
507 maintained for the purpose of receiving children separated from their parents or guardians for full-time
508 care, maintenance, protection and guidance, or for the purpose of providing independent living services
509 to persons between 18 and 21 years of age who are in the process of transitioning out of foster care.

510 Children's residential facility shall not include:

- 511 1. A licensed or accredited educational institution whose pupils, in the ordinary course of events,
512 return annually to the homes of their parents or guardians for not less than two months of summer vacation;
- 513 2. An establishment required to be licensed as a summer camp by § 35.1-18; and
- 514 3. A licensed or accredited hospital legally maintained as such.

515 "Commissioner" means the Commissioner of the Department, his designee or authorized
516 representative.

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

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

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

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

529 "Family and permanency team" means the group of individuals assembled by the local department
530 to assist with determining planning and placement options for a child, which shall include, as appropriate,
531 all biological relatives and fictive kin of the child, as well as any professionals who have served as a
532 resource to the child or his family, such as teachers, medical or mental health providers, and clergy

533 members. In the case of a child who is 14 years of age or older, the family and permanency team shall
534 also include any members of the child's case planning team that were selected by the child in accordance
535 with subsection A of § 16.1-281.

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

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

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

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

553 "General relief" means money payments and other forms of relief made to those persons mentioned
554 in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-
555 401.

556 "Independent foster home" means a private family home in which any child, other than a child by
557 birth or adoption of such person, resides as a member of the household and has been placed therein
558 independently of a child-placing agency except (i) a home in which are received only children related by
559 birth or adoption of the person who maintains such home and children of personal friends of such person;

560 (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of
561 § 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
562 are received only children who are the subject of a properly executed power of attorney pursuant to
563 Chapter 10 (§ 20-166 et seq.) of Title 20.

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

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

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

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

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

591 "Interstate placement" means the arrangement for the care of a child in an adoptive home, foster
592 care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out
593 of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or
594 nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the
595 action of any court.

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

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

600 "Kinship guardianship" means a relationship established in accordance with § 63.2-1305 or 63.2-
601 1306 between a child and an adult relative of the child who has formerly acted as the child's foster parent
602 that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult
603 relative of the child of the authority necessary to ensure the protection, education, care and control, and
604 custody of the child and the authority for decision making for the child.

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

606 "Local department" means the local department of social services of any county or city in the
607 Commonwealth.

608 "Local director" means the director or his designated representative of the local department of the
609 city or county.

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

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

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

618 "Qualified assessor" means an entity contracting with the Department of Medical Assistance
619 Services to perform nursing facility pre-admission screening or to complete the uniform assessment
620 instrument for a home and community-based waiver program, including an independent physician
621 contracting with the Department of Medical Assistance Services to complete the uniform assessment
622 instrument for residents of assisted living facilities, or any hospital that has contracted with the Department
623 of Medical Assistance Services to perform nursing facility pre-admission screenings.

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

628 "Qualified residential treatment program" means a program that (i) provides 24-hour residential
629 placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that
630 meets the clinical and other needs of children with serious emotional or behavioral disorders, including
631 any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this
632 definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site
633 and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts
634 outreach with the child's family members, including efforts to maintain connections between the child and
635 his siblings and other family; documents and maintains records of such outreach efforts; and maintains
636 contact information for any known biological family and fictive kin of the child; (v) whenever appropriate
637 and in the best interest of the child, facilitates participation by family members in the child's treatment
638 program before and after discharge and documents the manner in which such participation is facilitated;
639 (vi) provides discharge planning and family-based aftercare support for at least six months after discharge;

640 (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by
641 the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the
642 program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses
643 the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional
644 assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the
645 child can be met through placement with a family member or in a foster home or, if not, in a placement
646 setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that
647 would provide the most effective and appropriate level of care for the child in the least restrictive
648 environment and be consistent with the short-term and long-term goals established for the child in his
649 foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral
650 health goals for the child; and (d) is documented in a written report to be filed with the court prior to any
651 hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

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

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

657 "Social services" means foster care, adoption, adoption assistance, child-protective services,
658 domestic violence services, or any other services program implemented in accordance with regulations
659 adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et
660 seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter
661 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under
662 the supervision of the Commissioner for Aging and Rehabilitative Services.

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

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

669 "Supervised independent living setting" means the residence of a person 18 years of age or older
670 who is participating in the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter
671 9 where supervision includes a monthly visit with a service worker or, when appropriate, contracted
672 supervision. "Supervised independent living setting" does not include residential facilities or group homes.

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

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

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

683 **2. That the Department of Social Services shall amend its regulations in 22VAC40-705-30 of the**
684 **Virginia Administrative Code to include the definition of "educational neglect" in accordance with**
685 **the provisions of this act.**

686 **3. That the Board of Education shall amend its regulations in accordance with the provisions of this**
687 **act.**

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