

SECTION I PURPOSE AND AUTHORITY

The provision of adoption services is guided by federal and state law and regulations. Laws and regulations define how services are to be provided and who is responsible for providing them. The local departments of social services and licensed child-placing agencies are responsible for providing adoption services. The responsibility for providing adoption services to children in foster care is placed with the Local Boards of Social Services by Chapters 9, 12, 13, and 14 of Title 63.2 of the *Code of Virginia* and regulations promulgated by the State Board of Social Services.

[Section 63.2-319](#), *Code of Virginia*, requires each local board to provide child welfare services. The definition of “child welfare services” includes:

Placing children in suitable adoptive homes in cases where restoration to the biological family is not possible or appropriate.

[Section 63.2-1200](#), *Code of Virginia*, A child may be placed for adoption by: a licensed child-placing agency; local board; the child’s parent or legal guardian if the placement is a parental placement; and any agency outside of the Commonwealth that is licensed or otherwise duly authorized to place children for adoption by virtue of the laws under which it operates.

[Section 63.2-1221](#), *Code of Virginia*, provides that a licensed child-placing agency or local board may place for adoption, and is empowered to consent to the adoption of any child who is properly committed or entrusted to its care...when the order of commitment or the entrustment agreement...provides for the termination of all parental rights and responsibilities....

[Section 63.2-100](#), *Code of Virginia*, defines adoptive home and adoptive placement:

“Adoptive home” means any family home selected and approved by a parent, local board of public welfare or social services or a licensed child-placing agency for the placement of a child with the intent of adoption.”

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

The [Virginia Administrative Code \(22 VAC 40-260\)](#) provides a definition of adoption. “Adoption” means a legal process in which a person’s rights and duties toward birth parents are terminated and similar rights and duties are established with a new family”.

In addition to State codes, adoption services are also governed by federal laws and regulations.

Title IV-B of the Social Security Act governs Child Welfare Services and Promoting Safe and Stable Families (formerly known as Family Preservation and Support Services).

Title IV-B, Subpart 1, Child welfare services, section 422. (a) of the Social Security Act. In order to be eligible for payment under this subpart, a state must have a plan for child welfare services which has been developed jointly by the secretary and the state agency....Each plan for child welfare services under this subpart shall.....

(9) provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the state for whom foster and adoptive homes are needed....and

(12) contain assurances that the state shall develop plans for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children.

Title IV-B, Subpart 2–Promoting Safe and Stable Families, section 432

(a) Plan Requirements.–A state plan meets the requirements of this subsection if the plan---contains assurancesthat ...expenditures shall be for programs of family preservation services, community-based family support services, time-limited family reunification services, and adoption promotion and support services....

Title IV-E of the Social Security Act governs the provision of foster care and adoption services for states receiving federal money to fund these programs.

Title IV-E, Section 473(a)(1)(A) of the Social Security Act. Each state having a plan approved under this part shall enter into adoption assistance agreements with the adoptive parents of children with special needs----

