

Code of Virginia
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Title 63.2 - WELFARE (SOCIAL SERVICES)

Chapter 9 – Foster Care

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§ 63.2-900. Accepting children for placement in homes, facilities, etc., by local boards.

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

The Board shall adopt regulations for the provision of foster care services by local boards, which shall be directed toward the prevention of unnecessary foster care placements and towards the immediate care of and permanent planning for children in the custody of or placed by local boards and that shall achieve, as quickly as practicable, permanent placements for such children. The local board shall first seek out kinship care options to keep children out of foster care and as a placement option for those children in foster care, if it is in the child's best interests, pursuant to § [63.2-900.1](#). In cases in which a child cannot be returned to his prior family or placed for adoption and kinship care is not currently in the best interests of the child, the local board shall consider the placement and services that afford the best alternative for protecting the child's welfare. Placements may include but are not limited to family foster care, treatment foster care and residential care. Services may include but are not limited to assessment and stabilization, diligent family search, intensive in-home, intensive wraparound, respite, mentoring, family mentoring, adoption support, supported adoption, crisis stabilization or other community-based services. The Board shall also approve in foster care policy the language of the agreement required in § [63.2-902](#). The agreement shall include at a minimum a Code of Ethics and mutual responsibilities for all parties to the agreement.

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

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

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

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

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

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B. Prior to the approval of any family for placement of a child, a home study shall be completed and the prospective foster or adoptive parents shall be informed that information about shaken baby syndrome, its effects, and resources for help and support for caretakers is available on a website maintained by the Department as prescribed in regulations adopted by the Board. Home studies by local boards shall be conducted in accordance with the Mutual Family Assessment home study template and any addenda thereto developed by the Department.

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

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

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

Code 1950, § 63-73; 1952, c. 409; 1960, c. 331; 1968, cc. 466, 578, § 63.1-56; 1975, cc. 248, 406; 1977, cc. 559, 562, 634, 645; 1978, c. 734; 1984, c. 734; 1986, c. 281; 1991, c. 34; 1994, c. [865](#); 1999, c. [889](#); 2002, c. [747](#); 2004, c. [70](#); 2005, cc. [343](#), [653](#); 2006, c. [360](#); 2008, cc. [241](#), [308](#); 2010, c. [551](#); 2011, cc. [9](#), [170](#); 2015, c. [531](#); 2017, cc. [193](#), [200](#).

§ 63.2-900.1. Kinship foster care.

A. The local board shall, in accordance with regulations adopted by the Board, determine whether the child has a relative who is eligible to become a kinship foster parent.

B. Kinship foster care placements pursuant to this section shall be subject to all requirements of, and shall be eligible for all services related to, foster care placement contained in this chapter. Subject to approval by the Commissioner, a local board may grant a waiver of the Board's standards for foster home approval, set forth in regulations, that are not related to safety. Waivers granted pursuant to this subsection shall be considered and, if appropriate, granted on a case-by-case basis and shall include consideration of the unique needs of each child to be placed. Upon request by a local board, the Commissioner shall review the local board's decision and reasoning to grant a waiver and shall verify that the foster home approval standard being waived is not related to safety. The approval or disapproval by the Commissioner of the local board's waiver shall not be considered a case decision as defined in § [2.2-4001](#).

C. The kinship foster parent shall be eligible to receive payment at the full foster care rate for the care of the child.

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D. A child placed in kinship foster care pursuant to this section shall not be removed from the physical custody of the kinship foster parent, provided the child has been living with the kinship foster parent for six consecutive months and the placement continues to meet approval standards for foster care, unless (i) the kinship foster parent consents to the removal; (ii) removal is agreed upon at a family partnership meeting as defined by the Department; (iii) removal is ordered by a court of competent jurisdiction; or (iv) removal is warranted pursuant to § [63.2-1517](#).

2006, c. [360](#); 2012, c. [568](#); 2014, c. [257](#); 2016, c. [25](#).

§ 63.2-900.2. Placement of sibling groups; visitation.

All reasonable steps shall be taken to place siblings entrusted to the care of a local board or licensed child-placing agency, committed to the care of a local board or agency by any court of competent jurisdiction, or placed with a local board or public agency through an agreement between a local board or a public agency and the parent, parents, or guardians, where legal custody remains with the parent, parents, or guardian, together in the same foster home.

Where siblings are placed in separate foster homes, the local department, child-placing agency, or public agency shall develop a plan to encourage frequent and regular visitation or communication between the siblings. The visitation or communication plan shall take into account the wishes of the child, and shall specify the frequency of visitation or communication, identify the party responsible for encouraging that visits or communication occur, and state any other requirements or restrictions related to such visitation or communication as may be determined necessary by the local department, child-placing agency, or public agency.

2008, c. [397](#).

§ 63.2-900.3. School placement of children in foster care.

When placing a child of school age in a foster care placement, as defined in § [63.2-100](#), the local social services agency making such placement shall, in writing, determine jointly with the local school division whether it is in the child's best interests to remain enrolled at the school in which he was enrolled prior to the most recent foster care placement, pursuant to § [22.1-3.4](#).

2011, c. [154](#); 2012, c. [711](#).

§ 63.2-901. Supervision of placement of children in homes.

The local director shall supervise the placement in suitable homes of children placed through an agreement with the parents or guardians or entrusted or committed to the local board pursuant to §§ [63.2-900](#), [63.2-902](#) and [63.2-903](#).

Code 1950, § 63-89; 1968, c. 578, § 63.1-67.2; 1994, c. [865](#); 2002, c. [747](#).

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§ 63.2-901.1. Criminal history and central registry check for placements of children.

A. Each local board and licensed child-placing agency shall obtain, in accordance with regulations adopted by the Board, criminal history record information from the Central Criminal Records Exchange and the Federal Bureau of Investigation through the Central Criminal Records Exchange and the results of a search of the child abuse and neglect central registry of any individual with whom the local board or licensed child-placing agency is considering placing a child on an emergency, temporary or permanent basis, including the birth parent of a child in foster care placement, unless the birth parent has revoked an entrustment agreement pursuant to § [63.2-1223](#) or [63.2-1817](#) or a local board or birth parent revokes a placement agreement while legal custody remains with the parent, parents, or guardians pursuant to § [63.2-900](#). The local board or licensed child-placing agency shall also obtain such background checks on all adult household members residing in the home of the individual with whom the child is to be placed pursuant to subsection B. Such state criminal records or registry search shall be at no cost to the individual. The local board or licensed child-placing agency shall pay for the national fingerprint criminal history record check or may require such individual to pay the cost of the fingerprinting or the national fingerprinting criminal history record check or both. In addition to the fees assessed by the Federal Bureau of Investigation, the designated state agency may assess a fee for responding to requests required by this section.

B. Background checks pursuant to this section require the following:

1. A sworn statement or affirmation disclosing whether or not the individual has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and whether or not the individual has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;
2. That the individual submit to fingerprinting and provide personal descriptive information to be forwarded along with the individual's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information. The local board or licensed child-placing agency shall inform the individual that he is entitled to obtain a copy of any background check report and to challenge the accuracy and completeness of any such report and obtain a prompt resolution before a final decision is made of the individual's fitness to have responsibility for the safety and well-being of children.

The Central Criminal Records Exchange, upon receipt of an individual's record or notification that no record exists, shall forward it to the designated state agency. The state agency shall, upon receipt of an individual's record lacking disposition data, conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data. The state agency shall report to the local board or licensed child-placing agency whether the individual meets the criteria for having responsibility for the safety and well-being of children based on whether or not the individual has ever been convicted of or is the subject of pending charges for any barrier crime as defined in § [19.2-392.02](#). Copies of any information received by a local board or licensed child-placing agency pursuant to this section shall be available to the state agency that regulates or operates such a child-placing agency but shall not be disseminated further; and

3. A search of the central registry maintained pursuant to § [63.2-1515](#) for any founded complaint of child abuse or neglect. In addition, a search of the child abuse and neglect registry maintained by any other state pursuant to the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248, in which a prospective parent or other adult in the home has resided in the preceding five years.

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C. In emergency circumstances, each local board may obtain, from a criminal justice agency, criminal history record information from the Central Criminal Records Exchange and the Federal Bureau of Investigation through the Virginia Criminal Information Network (VCIN) for the criminal records search authorized by this section. Within three days of placing a child, the local board shall require the individual for whom a criminal history record information check was requested to submit to fingerprinting and provide personal descriptive information to be forwarded along with the fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal record history information, pursuant to subsection B. The child shall be removed from the home immediately if any adult resident fails to provide such fingerprints and written permission to perform a criminal history record check when requested.

D. Any individual with whom the local board is considering placing a child on an emergency basis shall submit to a search of the central registry maintained pursuant to § [63.2-1515](#) and the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248 for any founded complaint of child abuse or neglect. The search of the central registry must occur prior to emergency placement. Such central registry search shall be at no cost to the individual. Prior to emergency placement, the individual shall provide a written statement of affirmation disclosing whether he has ever been the subject of a founded case of child abuse or neglect within or outside the Commonwealth. Child-placing agencies shall not approve individuals with a founded complaint of child abuse as foster or adoptive parents.

E. The child-placing agency shall not approve a foster or adoptive home if any individual has been convicted of any barrier crime as defined in § [19.2-392.02](#) or is the subject of a founded complaint of abuse or neglect as maintained in registries pursuant to § [63.2-1515](#) and 42 U.S.C.S. 16901 et seq. A child-placing agency may approve as a foster parent an applicant who has been convicted of not more than one misdemeanor as set out in § [18.2-57](#), or any substantially similar offense under the laws of another jurisdiction, not involving the abuse, neglect, or moral turpitude of a minor, provided that 10 years have elapsed following the conviction.

F. A local board or child-placing agency may approve as a kinship foster care parent an applicant who has been convicted of the following offenses, provided that 10 years have elapsed from the date of the conviction and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child: (i) any offense set forth in clause (iv) of the definition of barrier crime in § [19.2-392.02](#) or (ii) any misdemeanor offense under § [18.2-80](#), [18.2-81](#), [18.2-83](#), [18.2-87](#), [18.2-87.1](#), or [18.2-88](#) or any substantially similar offense under the laws of another jurisdiction.

G. Any individual participating in the Fostering Futures program, which allows local departments to continue to provide foster care services to individuals who are 18 years of age or older but have not reached 21 years of age, who is placed in a foster home shall be subject to the background check requirements set forth in subsection B. The results of such background check shall be used for the sole purpose of determining whether other children should be placed or remain in the same foster home as the individual subject to the background check. The results of the background check shall not be used to terminate or suspend the approval of the foster home pursuant to subsection E. For purposes of this subsection, "individual participating in the Fostering Futures program" means a person who is 18 years of age or older but has not reached 21 years of age and is receiving foster care services through the Fostering Futures program.

2002, cc. [587](#), [606](#), § 63.1-56.01; 2005, c. [722](#); 2006, c. [558](#); 2007, cc. [606](#), [617](#), [623](#), [871](#); 2011, cc. [5](#), [156](#); 2012, c. [568](#); 2017, cc. [194](#), [809](#).

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§ 63.2-902. Agreements with persons taking children.

Every local board and licensed child-placing agency shall, with respect to each child placed by it in a foster home or children's residential facility, enter into a written agreement contained in an approved foster care policy with the head of such home or facility, which agreement shall provide that the authorized representatives of the local board or agency shall have access at all times to such child and to the home or facility, and that the head of the home or facility will release custody of the child so placed to the authorized representatives of the local board or agency whenever, in the opinion of the local board or agency, or in the opinion of the Commissioner, it is in the best interests of the child.

Code 1950, § 63-243; 1968, c. 578, § 63.1-206; 2002, c. [747](#); 2008, cc. [241](#), [308](#).

§ 63.2-903. Entrustment agreements; adoption.

A. Whenever a local board accepts custody of a child pursuant to an entrustment agreement entered into under the authority of § [63.2-900](#), or a licensed child-placing agency accepts custody of a child pursuant to an entrustment agreement entered into under the authority of § [63.2-1817](#), in the city or county juvenile and domestic relations district court a petition for approval of the entrustment agreement (i) shall be filed within a reasonable period of time, not to exceed 89 days after the execution of an entrustment agreement for less than 90 days, if the child is not returned to his home within that period; (ii) shall be filed within a reasonable period of time, not to exceed 30 days after the execution of an entrustment agreement for 90 days or longer or for an unspecified period of time, if such entrustment agreement does not provide for the termination of all parental rights and responsibilities with respect to the child; and (iii) may be filed in the case of a permanent entrustment agreement which provides for the termination of all parental rights and responsibilities with respect to the child.

B. For purposes of §§ [63.2-900](#), [63.2-1817](#) and this section, a parent who is less than 18 years of age shall be deemed fully competent and shall have legal capacity to execute a valid entrustment agreement, including an agreement that provides for the termination of all parental rights and responsibilities, and shall be as fully bound thereby as if such parent had attained the age of 18 years. An entrustment agreement for the termination of all parental rights and responsibilities shall be executed in writing and notarized. An entrustment agreement for the termination of all parental rights and responsibilities with respect to the child shall be valid notwithstanding that it is not signed by the father of a child born out of wedlock if the identity of the father is not reasonably ascertainable, or if such father is given notice of the entrustment by registered or certified mail to his last known address and fails to object to the entrustment within 15 days of mailing of such notice. An affidavit of the mother that the identity of the father is not reasonably ascertainable shall be sufficient evidence of this fact, provided there is no other evidence that would refute such an affidavit. The absence of such an affidavit shall not be deemed evidence that the identity of the father is reasonably ascertainable. For purposes of determining whether the identity of the father is reasonably ascertainable, the standard of what is reasonable under the circumstances shall control, taking into account the relative interests of the child, the mother and the father.

C. An entrustment agreement for the termination of parental rights and responsibilities with respect to the child shall be valid notwithstanding that it is not signed by the birth father of a child when such father has been convicted of a violation of subsection A of § [18.2-61](#), § [18.2-63](#), subsection B of § [18.2-366](#), or an equivalent offense of another state, the United States, or any foreign jurisdiction, and the child was conceived as a result of such violation.

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D. A child may be placed for adoption by a licensed child-placing agency or a local board, in accordance with the provisions of § [63.2-1221](#).

Code 1950, §§ 63-73, 63-241; 1952, c. 409; 1960, c. 331; 1968, cc. 466, 578, 585, §§ 63.1-56, 63.1-204; 1972, c. 50; 1974, c. 620; 1975, cc. 248, 406; 1977, cc. 559, 562, 634, 645; 1978, cc. 730, 734, 735; 1981, c. 259; 1984, c. 734; 1985, cc. 18, 285; 1986, cc. 88, 281; 1988, c. 882; 1989, c. 647; 1991, c. 34; 1994, c. [865](#); 1995, cc. [772](#), [826](#); 1999, cc. [889](#), [1028](#); 2000, c. [830](#); 2002, c. [747](#); 2004, c. [815](#); 2005, c. [890](#); 2007, cc. [606](#), [623](#).

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

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

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

C. Whenever any child placed by a local board or licensed child-placing agency and still under its control or supervision is subject, in the home in which he is placed, to unwholesome influences or to neglect or mistreatment, or whenever the Commissioner shall so order, such local board or agency shall cause the child to be removed from such home and shall make for him such arrangements as may be approved by the Commissioner.

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

Code 1950, §§ 63-242, 63-248; 1968, c. 578, §§ 63.1-205, 63.1-211; 1989, c. 307; 2002, c. [747](#); 2008, cc. [475](#), [483](#); 2016, c. [631](#); 2017, c. [193](#).

§ 63.2-905. Foster care services.

Foster care services are the provision of a full range of casework, treatment and community services, including but not limited to independent living services, for a planned period of time to a child who is abused or neglected as defined in § [63.2-100](#) or in need of services as defined in § [16.1-228](#) and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board or the public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, or (iii) has been committed or entrusted to a local board or licensed child placing agency. Foster care services also include the provision and restoration of independent living services to a

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person who is over the age of 18 years but who has not yet reached the age of 21 years, in accordance with § [63.2-905.1](#).

1977, cc. 562, 634, § 63.1-55.8; 1986, c. 281; 1994, c. [865](#); 2002, c. [747](#); 2008, cc. [475](#), [483](#); 2013, c. [5](#).

§ 63.2-905.1. Independent living services.

Local departments and licensed child-placing agencies shall provide independent living services to any person between 18 and 21 years of age who is in the process of transitioning from foster care to self-sufficiency. Any person who was committed or entrusted to a local board or licensed child-placing agency may choose to discontinue receiving independent living services any time before his twenty-first birthday in accordance with regulations adopted by the Board. The local board or licensed child-placing agency shall restore independent living services at the request of that person provided that (i) the person has not yet reached 21 years of age and (ii) the person has entered into a written agreement, less than 60 days after independent living services have been discontinued, with the local board or licensed child-placing agency regarding the terms and conditions of his receipt of independent living services.

Local departments and licensed child-placing agencies shall provide independent living services to any person between 18 and 21 years of age who (a) was in the custody of the local department of social services immediately prior to his commitment to the Department of Juvenile Justice, (b) is in the process of transitioning from a commitment to the Department of Juvenile Justice to self-sufficiency, and (c) provides written notice of his intent to receive independent living services and enters into a written agreement for the provision of independent living services, which sets forth the terms and conditions of the provision of independent living services, with the local board or licensed child-placing agency within 60 days of his release from commitment to the Department of Juvenile Justice.

Local departments shall provide any person who chooses to leave foster care or terminate independent living services before his twenty-first birthday written notice of his right to request restoration of independent living services in accordance with this section by including such written notice in the person's transition plan. Such transition plan shall be created within 90 days prior to the person's discharge from foster care. Local departments and licensed child-placing agencies may provide independent living services as part of the foster care services provided to any child 14 years of age or older. All independent living services shall be provided in accordance with regulations adopted by the Board.

2004, c. [196](#); 2008, cc. [187](#), [475](#), [483](#); 2010, c. [257](#); 2013, cc. [5](#), [362](#), [564](#); 2014, cc. [94](#), [134](#).

§ 63.2-905.2. Annual credit checks for children in foster care.

Local departments shall conduct annual credit checks on children 14 years of age and older who are in foster care to identify cases of identity theft or misuse of personal identifying information of such children. Local departments shall resolve, to the greatest extent possible, cases of identity theft or misuse of personal identifying information of foster care children identified pursuant to this section.

2012, c. [432](#); 2016, c. [631](#).

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§ 63.2-905.3. Documents provided to foster care youth.

When a child is leaving foster care upon reaching 18 years of age, unless the child has been in foster care for less than six months, the local department shall ensure that the child has, if eligible to receive, (i) a certified birth certificate, (ii) a social security card, (iii) health insurance information, (iv) a copy of the child's health care records, and (v) a driver's license or identification card issued by the Commonwealth.

2016, c. [631](#).

§ 63.2-905.4. Individuals in foster care on eighteenth birthday; enrollment in Commonwealth's program of medical assistance.

Local departments shall ensure that any individual who was in foster care on his eighteenth birthday is enrolled, unless the individual objects, in the Commonwealth's program of medical assistance established pursuant to § [32.1-325](#), provided that such individual is eligible to receive health care services under the Commonwealth's program of medical assistance and was enrolled in such program on his eighteenth birthday. Prior to enrollment, local departments shall provide such individuals with basic information about health care services provided under the state plan for medical assistance services and inform such individuals that, if eligible, they will be enrolled in the Commonwealth's program of medical assistance unless they object.

2017, c. [203](#).

§ 63.2-905.5. Survey of children aging out of foster care.

The Department shall, in coordination with the Commission on Youth, develop a process and standardized survey to gather feedback from children aging out of foster care. The survey shall include requests for information regarding the child's experience with and opinion of the Commonwealth's foster care services, recommendations for improvement of such services, the amount of time the child spent in the foster care system, and any other information deemed relevant by the Department of Social Services or the Commission on Youth.

2017, c. [187](#).

§ 63.2-906. Foster care plans; permissible plan goals; court review of foster children.

A. Each child who is committed or entrusted to the care of a local board or to a licensed child-placing agency or who is placed through an agreement between a local board and the parent, parents or guardians, where legal custody remains with the parent, parents or guardians, shall have a foster care plan prepared by the local department, the child welfare agency, or the family assessment and planning team established pursuant to § [2.2-5207](#), as specified in § [16.1-281](#). The representatives of such department, child welfare agency, or team shall involve the child's parent(s) in the development of the plan, except when parental rights have been terminated or the local department of social services or child welfare agency has made diligent efforts to locate the parent(s) and such parent(s) cannot be located, and any other person or persons standing in loco parentis at the time the board or child welfare agency obtained custody or the board or the child welfare agency placed the child. The representatives of such department, child welfare agency, or team shall involve the child in the development of the plan, if such involvement is consistent with the best interests of the child. In cases where either the parent(s) or child is not involved in the development of the plan, the department,

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child welfare agency, or team shall include in the plan a full description of the reasons therefor in accordance with § [16.1-281](#).

A court may place a child in the care and custody of (i) a public agency in accordance with § [16.1-251](#) or [16.1-252](#), and (ii) a public or licensed private child-placing agency in accordance with § [16.1-278.2](#), [16.1-278.4](#), [16.1-278.5](#), [16.1-278.6](#), or [16.1-278.8](#). Children may be placed by voluntary relinquishment in the care and custody of a public or private agency in accordance with § [16.1-277.01](#) or §§ [16.1-277.02](#) and [16.1-278.3](#). Children may be placed through an agreement where legal custody remains with the parent, parents or guardians in accordance with §§ [63.2-900](#) and [63.2-903](#), or § [2.2-5208](#).

B. Each child in foster care shall be assigned a permanent plan goal to be reviewed and approved by the juvenile and domestic relations district court having jurisdiction of the child's case. Permissible plan goals are to:

1. Transfer custody of the child to his prior family;
2. Transfer custody of the child to a relative other than his prior family;
3. Finalize an adoption of the child;
4. Place a child who is 16 years of age or older in permanent foster care;
5. Transition to independent living if, and only if, the child is admitted to the United States as a refugee or asylee; or
6. Place a child who is 16 years of age or older in another planned permanent living arrangement in accordance with subsection A2 of § [16.1-282.1](#).

C. Each child in foster care shall be subject to the permanency planning and review procedures established in §§ [16.1-281](#), [16.1-282](#), and [16.1-282.1](#).

2002, c. [747](#); 2005, c. [653](#); 2008, cc. [475](#), [483](#); 2009, c. [124](#); 2011, c. [730](#); 2016, c. [631](#).

§ 63.2-907. Administrative review of children in foster care.

Each local board shall establish and keep current a social service plan with service objectives and shall provide the necessary social services for achievement of a permanent home for each child for whom it has care and custody or has an agreement with the parents or guardians to place in accordance with regulations adopted by the Board. Each local board shall review the cases of children placed through an agreement or in its custody in accordance with the regulations adopted by the Board. Each local board shall review the cases of children placed through an agreement or in its custody on a planned basis to evaluate the current status and effectiveness (i) of the service plan's objectives and (ii) of the services being provided for each child in custody, which are directed toward the immediate care of and planning for permanency for the child, in accordance with policies of the Board.

The Department shall establish and maintain (a) a system to review and monitor compliance by local boards with the policies adopted by the Board and (b) a tracking system of every child in the care and custody of or placed by local boards in order to monitor the effectiveness of service planning, service objectives and service delivery by the local boards that shall be directed toward the achievement of permanency for children in foster care.

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The Board shall adopt regulations necessary to implement the procedures and policies set out in this section. The Board shall establish as a goal that at any point in time the number of children who are in foster care for longer than twenty-four months shall not exceed 5,500 children.

1977, c. 634, § 63.1-56.2; 1982, c. 171; 1994, c. [865](#); 2002, c. [747](#).

§ 63.2-908. Permanent foster care placement.

A. Permanent foster care placement means the place in which a child has been placed pursuant to the provisions of §§ [63.2-900](#), [63.2-903](#) and this section with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § [16.1-251](#) or § [63.2-1517](#). A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

B. A local department or a licensed child-placing agency shall have authority pursuant to a court order to place a child who is 16 years of age or older over whom it has legal custody in a permanent foster care placement where the child shall remain until attaining majority or thereafter, until the age of 21 years, if such placement is a requisite to providing funds for the care of such child, so long as the child is a participant in an educational, treatment or training program approved pursuant to regulations of the Board. No such child shall be removed from the physical custody of the foster parents in the permanent care placement except upon order of the court or pursuant to § [16.1-251](#) or § [63.2-1517](#). The department or agency so placing a child shall retain legal custody of the child. A court shall not order that a child be placed in permanent foster care unless it finds that (i) diligent efforts have been made by the local department to place the child with his natural parents and such efforts have been unsuccessful, and (ii) diligent efforts have been made by the local department to place the child for adoption and such efforts have been unsuccessful or adoption is not a reasonable alternative for a long-term placement for the child under the circumstances.

C. Unless modified by the court order, the foster parent in the permanent foster care placement shall have the authority to consent to surgery, entrance into the armed services, marriage, application for a motor vehicle and driver's license, application for admission into an institution of higher education, and any other such activities that require parental consent and shall have the responsibility for informing the placing department or agency of any such actions.

D. Any child placed in a permanent foster care placement by a local department shall, with the cooperation of the foster parents with whom the permanent foster care placement has been made, receive the same services and benefits as any other child in foster care pursuant to §§ [63.2-319](#), [63.2-900](#) and [63.2-903](#) and any other applicable provisions of law.

E. The Board shall establish minimum standards for the utilization, supervision and evaluation of permanent foster care placements.

F. The rate of payment for permanent foster care placements by a local department shall be in accordance with standards and rates established by the Board. The rate of payment for such placements by other licensed child-placing agencies shall be in accordance with standards and rates established by the individual agency.

G. If the child has a continuing involvement with his natural parents, the natural parents should be involved in the planning for a permanent placement. The court order placing the child in a permanent placement shall include a specification of the nature and frequency of visiting arrangements with the natural parents.

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H. Any change in the placement of a child in permanent foster care or the responsibilities of the foster parents for that child shall be made only by order of the court which ordered the placement pursuant to a petition filed by the foster parents, local department, licensed child-placing agency or other appropriate party.

1977, c. 559, § 63.1-206.1; 1978, c. 671; 1984, c. 70; 2002, c. [747](#); 2016, c. [631](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 63.2-909. Child support for child placed in foster care by court.

Pursuant to § [16.1-290](#), responsible persons shall pay child support for a child placed in foster care from the date that custody was awarded to the local department. The court order shall state the names of the responsible persons obligated to pay support, and either specify the amount of the support obligation pursuant to §§ [20-108.1](#) and [20-108.2](#) or indicate that the Division of Child Support Enforcement will establish the amount of the support obligation. In fixing the amount of support, the court or the Division of Child Support Enforcement shall consider the extent to which the payment of support by the responsible person may affect the ability of such responsible person to implement a foster care plan developed pursuant to § [16.1-281](#).

1995, c. [817](#), § 63.1-204.2; 2002, c. [747](#).

§ 63.2-910. Child support for child placed in foster care where legal custody remains with parent or guardian.

Responsible persons shall pay child support for a child placed in foster care through an agreement where legal custody remains with the parent or guardian pursuant to subdivision A 4 of § [16.1-278.2](#) or § [63.2-900](#), from the date that the child was placed in foster care. The agreement between the parents and the local board shall include provisions for the payment of child support. In fixing the amount of support, the court, the Division of Child Support Enforcement, and the local board shall consider the extent to which the payment of support by the responsible person may affect the ability of such responsible person to implement a foster care plan. If the responsible person fails or refuses to pay such sum on a timely basis, the local board may petition the juvenile court to order such payment.

1995, c. [817](#), § 63.1-204.3; 1997, c. [420](#); 2002, c. [747](#); 2009, c. [124](#).

§ 63.2-910.1. Acceptance of children by local departments of social services.

A local department of social services has the authority to take custody of abandoned children, to arrange appropriate placements for abandoned children, including foster care, and to institute proceedings for the termination of parental rights of abandoned children as provided in this title and Title 16.1.

2003, cc. [816](#), [822](#).

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§ 63.2-910.2. Petition to terminate parental rights.

A. If a child has been in foster care under the responsibility of a local board for 15 of the most recent 22 months or if the parent of a child in foster care has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States, or any foreign jurisdiction that constitutes (i) murder or voluntary manslaughter, or a felony attempt, conspiracy, or solicitation to commit any such offense, if the victim of the offense was a child of the parent, a child with whom the parent resided at the time such offense occurred, or the other parent of the child; or (ii) felony assault resulting in serious bodily injury or felony bodily wounding resulting in serious bodily injury or felony sexual assault, if the victim of the offense was a child of the parent or a child with whom the parent resided at the time of such offense, the local board shall file a petition to terminate the parental rights of the child's parents and concurrently identify, recruit, process, and approve a qualified family for adoption of the child, unless:

1. At the option of the local board, the child is being cared for by a relative;
2. The local board has determined that the filing of such a petition would not be in the best interests of the child and has documented a compelling reason for such determination in the child's foster care plan; or
3. The local board has not provided to the family of the child, within the time period established in the child's foster care plan, services deemed necessary for the child's safe return home or has not otherwise made reasonable efforts to return the child home, if required under § 473(a)(15)(B)(ii) of Title IV-E of the Social Security Act (42 U.S.C. § 673).

B. As used in this section, "serious bodily injury" means bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

2017, c. [190](#).

§ 63.2-911. Liability insurance for foster parents.

The Department may provide liability insurance for civil matters for persons providing basic foster care services in foster homes, as defined in §§ [63.2-100](#) and [63.2-905](#), that are approved by local boards for children in their custody or children who the board has entered into an agreement to place where legal custody remains with the parents or guardians.

1978, c. 291, § 63.1-56.3; 1994, c. [865](#); 2002, c. [747](#).

§ 63.2-912. Visitation of child placed in foster care.

The circuit courts and juvenile and domestic relations district courts shall have the authority to grant visitation rights to the natural parents, siblings, and grandparents of any child entrusted or committed to foster care if the court finds (i) that the parent, sibling, or grandparent had an ongoing relationship with the child prior to his being placed in foster care and (ii) it is in the best interests of the child that the relationship continue. The order of the court committing the child to foster care shall state the nature and extent of any visitation rights granted as provided in this section.

1985, c. 583, § 63.1-204.1; 2002, c. [747](#); 2008, c. [188](#).

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§ 63.2-913. Establishment of minimum training requirements.

The Department shall, pursuant to Board regulations, establish minimum training requirements and shall provide educational programs for foster and adoption workers employed by the local department and their supervisors.

2008, cc. [133](#), [700](#).

§ 63.2-914. Not in effect.

Not in effect.

§ 63.2-915. Appeals to Commissioner.

A. Pursuant to 42 U.S.C. § 671 (a)(12), any individual whose claim for benefits available pursuant to 42 U.S.C. § 670 et seq. or whose claim for benefits pursuant to § [63.2-905](#) is denied or is not acted upon by the local department with reasonable promptness shall have the right to appeal to the Commissioner.

B. The Commissioner shall provide an opportunity for a hearing, reasonable notice of which shall be given in writing to the applicant or recipient and to the proper local board in such manner and form as the Commissioner may prescribe. The Commissioner may make or cause to be made an investigation of the facts. The Commissioner shall give fair and impartial consideration to testimony of witnesses, or other evidence produced at the hearing, reports by the local board and local director or of investigations made or caused to be made by the Commissioner, or any facts that the Commissioner may deem proper to enable him to decide fairly the appeal or review. The decision of the Commissioner shall be binding and considered a final agency action for purposes of judicial review of such action pursuant to the provisions of the Administrative Process Act (§ [2.2-4000](#) et seq.).

C. The Commissioner may delegate the duty and authority to consider and make determinations on any appeal filed in accordance with this section to duly qualified officers.

D. The Board shall promulgate regulations to implement the provisions of this section.

2013, c. [437](#).