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Subject: 2019 Legislative Implementation
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COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

DATE: June 12, 2019

TO: Licensed Child Placing Agencies
Independent Foster Homes
Licensed Children's Residential Facilities
Child Caring Institutions

FROM: Tara Ragland, Director
Division of Licensing Programs

SUBJECT: 2019 Legislative Implementation

This memo will inform you of legislation that passed in the 2019 Virginia General Assembly session that affects licensed child placing agencies, independent foster homes, licensed children's residential facilities, and child caring institutions. The legislation will become effective July 1, 2019 unless otherwise indicated.

Senate Bill 1435

[SB 1435](#) adds the authority for an order of summary suspension issued by the Commissioner of Social Services for all licensed child welfare agencies. The order of summary suspension is another sanction option that the Commissioner can use when revoking or denying renewal of a license, or in conjunction with other disciplinary action. Section 63.2-1709.1 describes summary suspension hearing procedures and what actions need to be taken if an order of summary suspension is issued.

House Bill 1728/Senate Bill 1139

[HB 1728](#) is identical to [SB 1139](#). The bills provide that a local board of social services or child welfare agency required to file a petition for a permanency planning hearing may inform the birth parents and shall inform the adoptive parents that they may enter into a post-adoption contact and communication agreement. The bill further provides that such local board of social services or child welfare agency shall inform the child if he is 14 years of age or older that he may consent to such an agreement.

House Bill 1883

[HB 1883](#) prohibits an insurer from refusing to issue or failing to renew a motor vehicle insurance policy solely because of the status of the applicant or policyholder as a foster care provider or a person in foster care.

House Bill 2014/Senate Bill 1678/Senate Bill 1679

[HB 2014](#), [SB 1678](#), and [SB 1979](#) align the Code of Virginia with the federal Family First Prevention Services Act. The legislation adds definitions to several sections of Code for qualified residential treatment programs and lists requirements for hearings and foster care plans if a child in foster care is placed in a qualified residential treatment program. The legislation contained an emergency clause relating to background checks for employees of, volunteers at, and contractors providing services to juveniles at children's residential facilities. This legislation specifies that individuals cannot begin work until results of these background checks are received. The background check requirements became effective March 8, 2019 when the Governor signed the legislation.

House Bill 2108

[HB 2018](#) directs the Department of Social Services to promulgate emergency regulations to ensure collaboration, communication, access, and transparency between the local boards and licensed child-placing agencies and foster parents. The bill also directs local boards of social services and licensed child-placing agencies to implement and publicize a dispute resolution process through which a foster parent may contest an alleged violation of such regulations by the local board or licensed child-placing agency.

This will become effective after the licensed child placing agency regulation has been updated to include dispute resolution.

House Bill 2542

[HB 2542](#) allows a parent or legal custodian of a minor to delegate to another person by a properly executed power of attorney any powers regarding care, custody, or property of the minor for a period not exceeding 180 days. The bill provides that a parent or legal custodian who is a service member, as defined in the bill, may delegate such powers for a period of longer than 180 days while on active duty service, but specifies that such a period is not to exceed such active duty service plus 30 days. The bill provides that any such power of attorney shall be signed by all persons with authority to make decisions concerning the child, the person to whom powers are delegated under the power of attorney, and a representative of a licensed child-placing agency that assists parents and legal guardians with the process of delegating parental and legal custodial powers of their children. The bill specifies that such licensed child-placing agency will be subject to background checks and must develop and implement written policies for certain services and provide staff and provider training. The bill further requires that any person to whom any such powers are delegated shall comply with background check requirements established by regulations of the Board of Social Services or otherwise provided by law.

Senate Bill 1339

[SB 1339](#) is the foster care omnibus bill and makes numerous changes to the laws governing the provision of foster care services. The bill (i) allows the Commissioner of

Social Services to develop and implement a corrective action plan for or assume temporary control over the foster care services of a local board of social services upon determining that the local board (a) has failed to provide foster care services or make placement and removal decisions in accordance with applicable laws or regulations or (b) has taken any action that poses a substantial risk to the health, safety, or well-being of any child under its supervision and control; (ii) requires the Commissioner to create within the State Department of Social Services a foster care health and safety director position; (iii) directs the Commissioner to establish and maintain a confidential hotline to receive reports and complaints from foster parents and other persons regarding violations of laws or regulations applicable to foster care and any other matters related to the health, safety, or well-being of children in foster care; (iv) directs the Department to develop and implement a more reliable, structured, and comprehensive case review and quality improvement process to monitor and improve foster care services provided by local boards and departments of social services; and (v) requires the Department to establish and update annually a caseload standard that limits the number of foster care cases that may be assigned to each foster care caseworker.

Please contact your licensing specialist if you have any questions.