

Westlaw Delivery Summary Report for CENTER ON CHILDR

Date/Time of Request:	Tuesday, July 14, 2009 13:57 Central
Client Identifier:	CCL
Database:	VA-ST-ANN
Citation Text:	VA ST s 63.2-900
Lines:	210
Documents:	1
Images:	0

The material accompanying this summary is subject to copyright. Usage is governed by contract with Thomson Reuters, West and their affiliates.

C

Formerly cited as VA ST § 63.1-56

West's Annotated Code of Virginia [Currentness](#)

Title 63.2. Welfare (Social Services) ([Refs & Annos](#))

▢ [Subtitle III. Social Services Programs](#)

▢ [Chapter 9. Foster Care \(Refs & Annos\)](#)

→ **§ 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 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. 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 interest, pursuant to [§ 63.2-900.1](#).

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.

B. Prior to the approval of any family for placement of a child, a home study shall be completed as prescribed in regulations adopted by the Board.

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.

CREDIT(S)

[Acts 2002, c. 747, eff. Oct. 1, 2002](#). Amended by [Acts 2004, c. 70](#); [Acts 2005, c. 343](#); [Acts 2005, c. 653](#); [Acts 2006, c. 360](#); [Acts 2008, c. 241](#); [Acts 2008, c. 308](#).

HISTORICAL AND STATUTORY NOTES

Acts 2004, c. 70, in subsec. A in the second sentence changed “which” to “that” and added the third sentence relating to kinship care options, and made nonsubstantive changes in subsecs. A and B.

Acts 2005, c. 343, added subsec. C [redesignated as subsec. D]. The second enactment of Acts 2005, c. 343 provided:

“That the Superintendent of Public Instruction and the Commissioner of the Department of Social Services shall issue a memorandum as soon as practicable after the enactment of this act to inform local school division superintendents and local social services agencies of its provisions.”

Acts 2005, c. 653, in subsec. A in the penultimate sentence deleted “§” preceding “63.2-1517”, added a new subsec. B relating to a home study, and redesignated former subsec. B as subsec. C.

Acts 2005, c. 653, provided in the second enactment:

“That the State Board of Social Services shall amend its home study regulations to allow homes to be dually approved as both foster and adoptive homes.”

In 2005, subsec. C as added by Acts 2005, c. 343, was redesignated as subsec. D pursuant to the direction of the Virginia Code Commission.

Acts 2006, c. 360, in subsec. A, in the second paragraph in the second sentence, inserted “first” and “, pursuant to § 63.2-900.1”.

Acts 2008, cc. 241 and 308 made identical changes, and in subsec. A in the second paragraph inserted the second and third sentences, and in subsec. C in the first sentence inserted the first occurrence of “, pursuant to § 63.2-902,”.

The second enactments of Acts 2008, cc. 241 and 308 were substantially similar. The second enactment of Acts 2008, c. 308 provided:

“That the Board of Social Services shall approve the agreement in foster care policy by January 1, 2009, establishing the requirements of the agreement signed by foster parents prior to placement of children in their home as referenced in subsection C of § 63.2-900 of the Code of Virginia. In approving the foster care policy, the Board shall assure that the Department has secured input from representatives from foster and adoptive families, local boards and departments, child-placing agencies, judicial staff, youth in foster and adoptive homes, and such other advocates or experts as the Board deems necessary. The Board shall ensure that the agreement includes: (i) the identification of mutual responsibilities for foster parents, foster care workers, and directors of child-placing agencies, including local departments; and (ii) a Code of Ethics for all parties to the agreement. The model agreement shall be used by all local departments and private agencies and shall require the signature of each foster parent and worker as well as the local department of social services' or child-placing agency's chief executive officer or his designee.”

Derivation:

Acts 1968, c. 466; Acts 1968, c. 578; Acts 1975, c. 248; Acts 1975, c. 406; Acts 1977, c. 559; Acts 1977, c. 562; Acts 1977, c. 634; Acts 1977, c. 645; Acts 1978, c. 734; Acts 1984, c. 734; Acts 1986, c. 281; Acts 1991, c. 34; Acts 1994, c. 865; § 63.1-56.

CROSS REFERENCES

Adoption assistance for children with special needs, purpose and intent, see § 63.2-1300.
Community policy and management teams, state pool of funds, see §§ 2.2-5211, 2.2-5212.
Funding of public assistance and social services, reimbursement of localities by the Commonwealth, see § 63.2-401.
Jurisdiction, see § 16.1-241.
Juvenile and domestic relations district courts, foster care plan, see § 16.1-281.
Local boards of social services, accepting and expending certain funds on behalf of children placed by or entrusted to local board when no guardian appointed, see § 63.2-320.
Placement of children for adoption by agency or local board, see § 63.2-1221.
Welfare (Social Services), definitions, see § 63.2-100.

LIBRARY REFERENCES

Key Numbers

Infants  17, 226.

Westlaw Key Number Search: 211k17; 211k226.

Encyclopedias

C.J.S. Adoption of Persons §§ 10 to 12.
C.J.S. Infants §§ 8 to 9, 57, 70 to 82, 84.

RESEARCH REFERENCES

Forms

Va. Prac. Family Law: Theory Practice and Forms § 14:2, Voluntary Limitation or Relinquishment of Parental Rights.

Va. Prac. Family Law: Theory Practice and Forms § 14:5, Agency Adoption.

Va. Prac. Family Law: Theory Practice and Forms § 14:6, Adoption of Children With Special Needs.

NOTES OF DECISIONS

Effect of placement 1

Review 2

1. Effect of placement

Court, by committing an abused or neglected child to an agency to make such permanent plans for child as might otherwise be within scope of agency's authority, authorized severance of parental rights, including right to place for adoption and right to consent to adoption, and effect of application of this remedy was to render parent a legal stranger to child. Code 1950, §§ 16.1-178, 63.1-56. [Shank v. Department of Social Services of City of Virginia Beach, 1976, 230 S.E.2d 454, 217 Va. 506.](#) [Infants](#)  232

2. Review

Where orders in question removed from public welfare board of city the care, custody and control of children which it had under provisions of statute and court orders, board was a “person aggrieved” within review provision and was entitled to appeal to circuit court. [Code 1950, §§ 1-13, 1-13.19, 16.1-214, 63.1-56.](#) [Board of Public Welfare of City of Radford v. Blackburn, 1974, 201 S.E.2d 777, 214 Va. 425.](#) [Infants](#)  242

Va. Code Ann. § 63.2-900, VA ST § 63.2-900
Current through End of 2009 Reg. Sess.

Copr. (c) 2009 Thomson Reuters

END OF DOCUMENT