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SENATE BILL NO. 56

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations
on February 2, 2022)

(Patron Prior to Substitute—Senator Favola)

A BILL to amend the Code of Virginia by adding in Chapter 13 of Title 63.2 a section numbered 63.2-1307, relating to Foster Care Prevention program.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 13 of Title 63.2 a section numbered 63.2-1307 as follows:

§ 63.2-1307. Foster Care Prevention program.

A. The Foster Care Prevention program is established to facilitate placements with relatives and ensure that such relatives are provided with the resources necessary to provide care for the child.

B. A child is eligible for the Foster Care Prevention program if the local department determines that:

1. The child is being cared for by a relative;

2. The child's parent or guardian voluntarily placed the child with such relative after November 1, 2020;

3. The child demonstrates a strong attachment to the relative, and the relative has a strong commitment to caring for the child; and

4. The placement of the child with the relative was necessary to prevent or eliminate the need to place the child in foster care.

C. In order to receive payments under the Foster Care Prevention program, the local department and the relative who is caring for an eligible child pursuant to subsection B shall enter into a written agreement with the Department. Such agreement shall include, in addition to any requirements deemed necessary by the Department, provisions regarding the amount of each Foster Care Prevention program payment and the manner in which such payments will be provided. Foster Care Prevention program payments shall be no more than the foster care maintenance payments that the relative would receive if the relative was the child's foster parent, reduced by any monthly payments received through the Temporary Assistance for Needy Families program.

D. If a child receiving payments through the Foster Care Prevention program is expected to remain in the care of the relative on a long-term basis, the local department shall provide information to such relative regarding the opportunity and process to petition the court for custody of the child.

E. For purposes of this section, "relative" means an adult who is (i) related to the child by blood, marriage, or adoption or (ii) fictive kin of the child.

2. That the Board of Social Services (the Board) shall promulgate regulations to implement the provisions of this act, which may include provisions governing the manner in which Foster Care Prevention program payments are calculated and prioritized based on available funding. The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on such regulations prior to adoption.