

SCAN Policies Database State Profile 2023: Virginia

Overview of the SCAN Policies Database

The State Child Abuse and Neglect (SCAN) Policies Database compiles data on the definitions and policies that states use in their surveillance of child maltreatment, along with data on associated risk and protective factors. The SCAN Policies Database is funded by the Office of Planning, Research, and Evaluation in collaboration with the Children's Bureau in the Administration for Children and Families, U.S. Department of Health and Human Services. Mathematica leads this project in partnership with Child Trends.

The project's purpose is to review and compile information from states' definitions and policies to create a database of those definitions and policies that can be used for analysis. The SCAN Policies Database is a resource for researchers, analysts, child welfare agency staff, and others interested in examining differences between states in their definitions and policies on child maltreatment and how they change over time.

Content

The scope of the SCAN Policies Database includes information about state definitions and policies related to child abuse and neglect for all 50 states, the District of Columbia, and the Commonwealth of Puerto Rico. The SCAN Policies Database team gathered this information through a document collection, review, and coding process. The team obtained input from states on data collection through a confirmation and verification process. More information about these data collection procedures can be found in the data user's guide and data collection protocol, accessible at <https://www.scanpoliciesdatabase.com/data-use-resources>.

The SCAN Policies Database 2023 represents data collected, reviewed, and verified between June 2023 and July 2024. The data reflect the state definitions and policies for the calendar year 2023. The scope of topics in the database includes states' definitions of child abuse and neglect, as well as information about policies related to reporting, screening, and investigating child maltreatment. Key aspects of the child welfare systems' response and context are also included.

The content in the SCAN Policies Database is organized into six domains. The state profiles, codebook, data collection protocol, and data file are also organized by these domains. In the protocol, each question begins with a letter prefix identifying the domain for each variable. The six domains with the identifying protocol number prefix are listed below.

Domain	Question prefix
Definitions	D
Reporting	R
Screening	S
Investigation	I
Child welfare response	W
Child welfare system context	C

State profile

This SCAN Policies Database state profile is a summary of the information collected about the definitions and policies for the identified state. Each of the six domains contain a set of tables that depict the state's information for all variables within that domain.

The state profile presents data for each variable with “yes,” “no,” “unknown,” or other response, as appropriate. The response of “unknown” appears for topics that could not be located from the state's available resources or verified with that state. In some cases, “logical skip” appears when a question was not applicable to a particular state, given a related response on a preceding question. Some information was not included in the state profile to ensure alignment with Executive Orders or other Presidential Actions.

Data use resources

Several data use resources are available to support users of the SCAN Policies Database:

- **Data user's guide:** The guide has detailed information about the data set, including the process used to collect and review the data, the scope of information included in the data set, guidance on using the data, such as how to link the data with other data sources, and notes about specific topics. The data user's guide includes appendices, including information about changes to the data between 2021 and 2023 that reflect changes to state laws and policies during that time period. There is one data user's guide that is updated and applicable for all rounds of data collection for the SCAN Policies Database.
- **Codebook:** The codebook provides information about each variable in the data set, including variable names, labels, definitions, protocol number, variable type, and frequencies. There are separate codebooks to summarize the data from each round of data collection.
- **Errata statement:** The errata statement presents corrections applied to previous rounds of data for the SCAN Policies Database. Starting in 2023, there is one errata statement that is updated and applicable for all rounds of data collection for the SCAN Policies Database.
- **Data collection protocol:** The protocol has the questions used to collect information about states' laws and policies as part of the data review and coding process for each round of data collection. There are separate data collection protocols for each round of data collection for the SCAN Policies Database.

These data use resources can be found on the SCAN Policies Database website (<https://www.scanpoliciesdatabase.com/data-use-resources>) or from the National Data Archive for Child Abuse and Neglect (NDACAN) (<https://www.ndacan.acf.hhs.gov/>).

More information

More information about the SCAN Policies Database can be found at <https://www.scanpoliciesdatabase.com>. General inquiries can be submitted to SCANPoliciesDatabase@mathematica-mpr.com.

State identifying information

Table I. State Identifying information

	Response
State abbreviation	VA
State Federal Information Processing Standard (FIPS) code	51
Census region code	South
State verified coding of information	Yes
State confirmed documents reviewed	Yes
State definitions and policies for calendar year	2023
Data version	2023v1

Domain D: Definitions of child maltreatment

Table D.I. State's definition of child maltreatment

	Response
1. Types of maltreatment included in state definition	
a. Physical abuse	Yes
b. Excessive corporal punishment	Yes
c. Sexual abuse	Yes
d. Emotional maltreatment	Yes
e. Neglect	Yes
f. Inadequate clothing	Yes
g. Inadequate shelter	Yes
h. Malnourishment, inadequate food	Yes
i. Medical neglect, inadequate medical care	Yes
j. Failure to thrive	Yes
k. Educational neglect	No
l. Abandonment	Yes
m. Injurious environment. Likelihood of harm to child's health, physical well-being	Yes
n. Drug lab. Child present within structure where methamphetamine is being created	Yes
o. Inadequate supervision. Failure to meet parent or caretaker responsibilities	Yes
p. Drug or alcohol misuse. Parental drug or alcohol misuse causing harm to child	No
q. Prenatal exposure to drugs or alcohol	Yes
r. Illicit substance. Illegally providing a controlled substance to a child	Yes
s. Human trafficking, involuntary servitude, sexual servitude	Yes
t. Female genital mutilation	No
u. Shaken baby syndrome, abusive head trauma	Yes
v. Failure to protect. Failure to protect from harm	Yes
w. Domestic violence. Exposure to domestic violence	Yes
x. Factitious disorder by proxy	Yes
y. Institutional abuse/neglect	No
z. Other definition (specify)	No
2. Subtypes of maltreatment included in state definition	
a. Subtypes of maltreatment considered abuse	Physical abuse includes Munchausen syndrome by proxy, bizarre discipline, abusive head trauma and battered child syndrome, exposure to sale or manufacturing of certain controlled substances; Sexual abuse includes sexual exploitation, intercourse and sodomy, and trafficking; Mental abuse may include bizarre discipline, and exposure to domestic violence

Table D.1 (*continued*)

	Response
b. Subtypes of maltreatment considered neglect	Physical neglect includes abandonment, inadequate supervision, inadequate clothing, inadequate shelter, inadequate personal hygiene, inadequate food, leaving the child with a person registered as a violent sex offender, nonorganic failure to thrive, labor trafficking; Mental neglect may include bizarre discipline, domestic violence, or nonorganic failure to thrive
c. Subtypes of maltreatment considered other than abuse or neglect	Not applicable
3. Level of harm included in state's definition of child maltreatment	
a. Inflicts harm	Yes
b. Imminent danger or substantial risk of harm	Yes
4. Differences in level of harm included in state's definition of child maltreatment by type of maltreatment	No
5. Type of harm or injury specified in state's definition of child maltreatment	
a. Death, bodily injury, impairment of physical condition	Yes
b. Impairment of mental or emotional condition	Yes
c. Harmful environment, conditions	Yes
d. Type of harm or injury not specified	No
e. Other (specify)	No
6. Variation in extent of injury or harm by maltreatment type in the state's definition of child maltreatment	No
7. Perpetrator identified as part of state's definition of child maltreatment	Yes
8. Types of perpetrators specified as part of state's definition of child maltreatment	
a. Any person	Yes
b. Parent	Yes
c. Guardian	Yes
d. Caregiver/caretaker	Yes
e. Family member or parent's paramour	Yes
f. Household member	No
g. Person responsible for child	Yes
h. Other (specify)	No

Table D.I (*continued*)

	Response
9. Types of perpetrators vary by type of maltreatment	Yes
10. Explanation of variation in types of perpetrator by maltreatment type	For sex trafficking or severe forms of trafficking, the alleged abuser may be any person regardless of whether they have been identified; For sexual abuse or sexual exploitation, the alleged abuser may be the alleged victim child's parent, other caretaker, or an intimate partner of such parent or caretaker
11. Child age included in definition of child maltreatment	Yes
12. Specific child age in definition of child maltreatment	Under age 18
13. Variability of child age by type of maltreatment	No

Table D.II. Child maltreatment definition exemptions

	Response
1. Exemption included in state's definition of child maltreatment	
a. Financial issues, financial inability to provide for a child	Yes
b. Discipline; physical discipline, if it is reasonable and causes no bodily injury to the child	Yes
c. Safe haven exemption; newborn relinquished or abandoned in accordance with infant safe haven and safe surrender laws	Yes
d. Infant testing positive for drugs – medical; newborn with positive test for controlled substance due to parent's medical treatment	No
e. Religious observance; parent relies on spiritual or religious forms of medical treatment	Yes
f. Other exemption (specify)	Yes - Organic failure to thrive (as opposed to non-organic failure to thrive which is considered maltreatment)
2. Safe haven exemption included in state's definition of child maltreatment	
a. Must leave a child at specific safe haven locations or designated providers	Yes
b. Child must be left by parent or parent's agent	Yes
c. Child must be left by a certain age (specify)	Yes - 30 days old or younger
d. No intent to return	No
e. Child must be left unharmed	Yes
f. Other (specify)	No

Table D.III. Definitions and response for child fatalities and near-fatalities cases

	Response
1. State's definition of fatalities or deaths caused by child maltreatment	
a. Not specified or defined	No
b. Injury from abuse or neglect caused death	Yes
c. Abuse or neglect was contributing factor in death	Yes
d. Death of child who was in child welfare custody or foster care	No
e. Other (specify)	No
2. State conducts case reviews with a child fatality review team or a similar review process for fatalities caused by child abuse or neglect	Yes, reviews are required for all or some cases
3. State's definition of near-fatalities or near-deaths caused by child maltreatment	
a. Not specified or defined	No
b. General reference to a serious or critical condition or injury that is life threatening with a substantial risk of death	Yes
c. Specific injury or specific medical treatment or intervention (specify)	No
d. Other (specify)	No
4. State conducts case reviews with a review team or similar review process for near-fatalities caused by child abuse or neglect	No

Domain R: Reporting child abuse and neglect

Table R.I. Reporting policies

	Response
1. Statewide centralized reporting	Other - Local Departments of Social Services (LDSS) are responsible for receiving reports via telephone 24 hours/7 days a week. However, the Virginia Department of Social Services also has a 24 hour/7days a week state-wide toll-free child protective services hotline. Reports made to the state-wide hotline are immediately referred to the LDSS.
2. Decentralized reporting	Logical Skip
3. Standard for reporting child maltreatment	
a. Known abuse and neglect	No
b. Reasonable cause to believe a child was abused or neglected	Yes
4. Universal mandated reporting	No
5. Required training for mandated reporters	Yes, some mandated reporters
6. Penalties for failure to report	Yes, all mandated reporters
7. Specific penalties for failure to report	
a. Criminal charges	Yes
b. Civil charges	Yes
c. Professional licensure suspended or revoked	No
d. Other (specify)	No
8. Penalties for false reporting	Yes
9. Specific penalties for false reporting	
a. Criminal charges	Yes
b. Civil charges	No
c. Professional license suspended or revoked	No
d. Other (specify)	No
10. Immunity for reporters of child abuse and neglect	Yes
11. Information requested at the time of report	
a. Identifying information of child	Yes
b. Location and contact information of child and family	Yes
c. Type and severity of suspected maltreatment	Yes
d. Date of suspected maltreatment	No
e. Identifying and other information of alleged perpetrator(s)	Yes
f. Identifying and other information of reporter	Yes
g. Identifying information of child's parents, guardian, or caregiver/caretaker	Yes
h. Identifying and other information of family or household members	Yes
i. Information on prior maltreatment	Yes

Table R.1 (*continued*)

	Response
j. Other (specify)	Yes - Availability of a family member who can protect the child; Special language needs of the family; Information about child or adult developmental issues; Information about any disabilities or diagnoses of the child; Information about ongoing or prior substance abuse
12. Anonymity of reporter	All reporters can remain anonymous
13. Tribal involvement in state or local public child welfare agency's process to accept reports of Tribal cases	No, Tribes are not involved
14. State requires all notifications of substance-exposed newborns (SENs) to be submitted as reports of child maltreatment	
a. State does not require all cases of SENs to be reported for child maltreatment, but they could be reported if they meet certain criteria	Yes
b. State requires all SENs to be reported as child maltreatment	No
c. Other (specify)	No
15. Accepts reports of risk without an allegation of child maltreatment (risk-only reports)	No

Table R.II. Types of mandated reporters

	Response	Response	Response
1. Types of mandated reporters	Included in state's definition of mandated reporters	Training required ¹	Subject to penalties for failure to report ²
a. Foster parents	Yes	No	Yes
b. School staff - teachers	Yes	Yes	Yes
c. School bus drivers or other transportation staff	Yes	No	Yes
d. Before- /after-school program staff	Yes	No	Yes
e. Child care staff	Yes	No	Yes
f. Camp counselors, directors, or administrators	Yes	No	Yes
g. Athletic coaches or staff	Yes	No	Yes
h. Medical or dental professionals	Yes	No	Yes
i. Substance abuse disorder treatment providers	Yes	No	Yes
j. Mental health, counselors, or other social service professionals	Yes	No	Yes
k. Police or other law enforcement	Yes	No	Yes
l. Emergency medical technicians, firefighters, or other emergency personnel	Yes	No	Yes
m. Judges	No	Logical Skip	Logical Skip
n. District attorneys or other attorneys	No	Logical Skip	Logical Skip
o. Guardians ad litem or court-appointed special advocates	Yes	No	Yes
p. Other court personnel	Yes	No	Yes
q. Shelter staff	No	Logical Skip	Logical Skip
r. Those who work in fields processing or monitoring print, film, or computer images	No	Logical Skip	Logical Skip
s. Religious clergy	Yes	No	Yes
t. Volunteers	No	Logical Skip	Logical Skip
u. Coroners or medical examiners	No	Logical Skip	Logical Skip
v. Staff or contractors of state and county agencies	Yes	No	Yes

Table R.II (*continued*)

	Response	Response	Response
w. Other type of mandated reporter (specify)	Yes - Animal control officers; Mediators certified to receive court referrals; People employed by institutions of higher education; Persons 18 years or older associated with or employed by any public or private organization responsible for the care, custody, and control of children; Any person 18 years of age or older, who has received training approved by the Department of Social Services for the purposes of recognizing and reporting child abuse and neglect; Any person employed by a local department of social services (LDSS) who determines eligibility for public assistance; Any person who engages in the practice of behavioral analysis	No	Yes - Animal control officers; Mediators certified to receive court referrals; People employed by institutions of higher education; Persons 18 years or older associated with or employed by any public or private organization responsible for the care, custody, and control of children; Any person 18 years of age or older, who has received training approved by the Department of Social Services for the purposes of recognizing and reporting child abuse and neglect; Any person employed by a local department of social services (LDSS) who determines eligibility for public assistance; Any person who engages in the practice of behavioral analysis

¹ Responses in this column can equal logical skip when the given type of mandated reporter is not included in the state's definition of mandated reporters or when no training is required for mandated reporters (Table R.II). Responses in this column can be yes when a state has universal mandated reporting (Table R.I) and all mandated reporters require training (Table R.II).

² Responses in this column can equal logical skip when the given type of mandated reporter is not included in the state's definition of mandated reporters or when no mandated reporters are subject to penalties (Table R.I). Responses in this column can be yes when a state has universal mandated reporting (Table R.I) and when all adults or all mandated reporters are subject to penalties (Table R.I).

Domain S: Screening reports of child abuse and neglect

Table S.I. Screening policies

	Response
1. Statewide centralized screening	No
2. How screening is decentralized	Each county/region has own screening unit
3. Information required to screen in report	
a. Identifying information of child	Yes
b. Location and contact information of child and family	No
c. Type and severity of suspected maltreatment	Yes
d. Date of suspected maltreatment	No
e. Identifying and other information of alleged perpetrator(s)	Yes
f. Other (specify)	Yes - Jurisdiction in which the child resides or where maltreatment occurred

Table S.II. Screening decision process and activities

	Response	Required cases	Conditions or types of cases
1. Decision processes used during screening			
a. Supervisory review	Yes	Required for some	—
b. Team-based decision	No	Logical Skip	—
c. Individual screener	Yes	Required for all	—
d. Other (specify)	Yes - The local department of social services (LDSS) with jurisdiction must use the Child Protective Services Intake Tool	Required for all	—
e. Unknown	No	—	—
2. Variability of decision process used for screening			
a. Consistent statewide	Yes	—	—
b. Varies locally	No	—	—
3. Certain activities or information are required as part of screening	Yes		
4. Activities or information required as part of screening			
a. Safety or risk assessment	Yes	Required for all	Not applicable
b. Review agency records for prior involvement with child protective services	Yes	Required for all	Not applicable
c. Other (specify)	Yes - Screening for domestic violence; Human trafficking assessments	Required for some	Domestic violence screenings are required for all cases; Human trafficking assessments are required for all cases alleging a child is a victim of human trafficking unless during the course of the human trafficking assessment it is determined an investigation or family assessment is required by law or is necessary to protect the safety of the child
5. Types of safety or risk assessment used during screening			
a. Structured decision making	Yes	—	—

Table S.II (*continued*)

	Response	Required cases	Conditions or types of cases
b. Other (specify)	Yes - Domestic violence screening tools such as the Hurt, Insult, Threaten, Scream (HITS) tool and Women's Experience with Battering (WEB) tool	—	—
6. Consistency of screening activities/information			
a. Consistent statewide	Yes	—	—
b. Varies locally (specify)	No	—	—

Table S.III. Screeners

	Response
1. Screener of abuse and neglect reports	
a. Caseworkers (frontline staff)	Yes
b. Case managers (supervisors)	Yes
c. Staff in specialized screening unit	No
d. Other (specify)	No
2. Qualifications of screener	
a. Associate's degree	No
b. Bachelor's degree	Yes
c. Master's degree	No
d. Training for screening (specify)	Yes - Uniform trainings on core competencies and critical training in guidance and law specific to current practice issues and 24 contact hours annually of continuing education/training required for screeners and supervisors; Supervisors must also complete the Family Services CORE Supervisor Training Series within first two years of employment
e. Years of experience (specify)	Yes - 2 years of appropriate experience in a human services related area for individuals who do not possess a bachelor's degree in the human services field
f. Other (specify)	No
3. Degree in social work or related field for screeners	Yes, recommended or preferred, but not required
4. Tribal involvement in state or local public child welfare agency's process to screen Tribal cases	No, Tribes are not involved

Domain I: Investigations of child abuse and neglect

Table I.I. Investigations policies

	Response
1. Findings from child maltreatment investigations can lead to criminal penalties	Yes
2. Investigator for reports	
a. Caseworkers (frontline staff)	Yes
b. Case managers (supervisors)	Yes
c. Staff in specialized investigations unit	No
d. Law enforcement	Yes
e. Other (specify)	Yes - Investigations of out of family complaints (including facilities and foster homes) are conducted jointly between the assigned Family Services Specialist and the appointed regulatory staff person of the public agency with authority (or designee if the facility is not a state regulatory authority, such as in schools)
3. Qualifications of investigator	
a. Associate's degree	No
b. Bachelor's degree	Yes
c. Master's degree	No
d. Training for conducting investigations (specify)	Yes - Uniform trainings on core competencies and critical training in guidance and law specific to current practice issues and 24 contact hours annually of continuing education/training required for investigators and supervisors; Supervisors must complete the Family Services CORE Supervisor Training Series within first two years of employment; Additional specialized training is required for investigators and supervisors who conduct out of family and sexual abuse investigations
e. Years of experience (specify)	Yes - 2 years of appropriate experience in a human services related area for individuals who do not possess a bachelor's degree in the human services field
f. Other (specify)	No
4. Degree in social work or related field for investigators	Yes, recommended or preferred, but not required
5. Level of evidence required for substantiation (founded/indicated/confirmed)	Preponderance of evidence
6. Investigation determination can result in an "inconclusive" finding	No

Table I.II. Required activities/information for investigation

	Response	Required cases	Conditions or types of cases
1. Certain activities or information required for the investigation process	Yes		
2. Specific activities or information required for investigation			
a. Review agency records for prior involvement with child protective services	Yes	Required for all	Not applicable
b. Visit to child's home	Yes	Required for all	Not applicable
c. Interview or observation of child victim	Yes	Required for all	Not applicable
d. Interview or observation of other children living in child's home	Yes	Required for all	Not applicable
e. Risk or safety assessment	Yes	Required for all	Not applicable
f. Evaluation of home environment or home study	Yes	Required for all	Not applicable
g. Interviews with child's parents, caregivers, or other adults residing in child's home	Yes	Required for all	Not applicable
h. Check of criminal records for adults in home	No	Logical Skip	Not applicable
i. Check of child welfare or central registry for prior child maltreatment allegations against adults in home	Yes	Required for all	Not applicable
j. Medical evaluation	Yes	Required for some	Investigation of medical neglect of disabled infants with life-threatening conditions; If the local department of social services (LDSS) requests an examination
k. Mental health evaluation	Yes	Required for some	Mental abuse or neglect or at the discretion of the investigative worker
l. Interview alleged perpetrator	Yes	Required for all	Not applicable
m. Interview reporter or collateral source	Yes	Required for all	Not applicable
n. Other (specify)	Yes - Assessment summary of strengths and needs; Inquire if subject of the report has resided outside of Virginia within the last 5 years; Identifying individuals in the kinship network providing support and resources to family and child	Required for all	Not applicable

Domain W: Child welfare response

Table W.I. Differential or alternative response

	Response
1. Differential/alternative response	Yes--implemented statewide
2. Types of maltreatment eligible for differential/alternative response	Only certain types of maltreatment are eligible
3. Types of maltreatment <u>not</u> eligible for differential/alternative response	
a. Cases involving child fatalities and near-fatalities	Yes
b. Substance-exposed infants	No
c. Physical abuse	No
d. Sexual abuse	Yes
e. Neglect	No
f. Abandoned infants	Yes
g. Other (specify)	No
4. Eligibility for differential/alternative response determined by a risk determination	Yes
5. Tools used to determine risk for differential/alternative response	Yes - Child Protective Services intake tool with decision tree to determine response priority; Safety assessment tool
6. Risk level eligible for differential/alternative response	
a. No risk	No
b. Low risk	No
c. Moderate risk	Yes
d. Other (specify)	Yes - High risk; Very high risk
e. Unknown	No
7. Other types of cases or conditions eligible for differential/alternative response	
a. No other cases or conditions	No
b. No immediate safety concerns	Yes
c. No or few prior reports of child abuse or neglect	Yes
d. Other (specify)	No
8. When is determination made for differential/alternative response	
a. At the time of screening to assign to differential response	Yes
b. After a report is screened in	No
c. Other (specify)	No
9. Referrals to community services for cases engaged in differential response	
a. No	No
b. Yes - for all cases	Yes
c. Yes - when families express interest	No
d. Yes - when there is a determination of risk	No
e. Yes - other (specify)	No

Table W.II. In-home services, foster care, and permanency

	Response
1. In-home services provided for unsubstantiated cases to maintain intact families	Yes--implemented statewide
2. In-home services provided post reunification	Yes--implemented in specific counties or regions
3. Permanency	
a. Kinship guardianship as a permanency option	Yes
b. Subsidized guardianship	No
c. Subsidized kinship guardianship	Yes
d. Subsidized adoption	Yes
4. Foster care case management staff	
a. State/county public agency staff	Yes
b. Contracted provider staff	No
c. Tribal agency staff	No
5. Qualifications of foster care case managers	
a. Associate degree	No
b. Bachelor's degree	Yes
c. Master's degree	No
d. Training for case management (specify)	Yes - Uniform trainings on core competencies and critical training in guidance and law specific to current practice issues and 24 contact hours annually of continuing education/training are required for case managers and supervisors; Supervisors must complete the Family Services CORE Supervisor Training Series within first two years of employment
e. Years of experience (specify)	Yes - 2 years of appropriate experience in a human services related area for individuals who do not possess a bachelor's degree in the human services field
f. Other (specify)	No
6. Degree in social work or related field for foster care case managers	Yes, recommended or preferred, but not required

Table W.III. Tribal foster care and Tribes that directly operate Title IV-E programs through an agreement with HHS

	Response
1. Tribal involvement in foster care for Tribal cases	No, Tribes within state do not provide foster care
2. Tribes directly operate a Title IV-E program through an agreement with US HHS	No
3. Number of Tribes that directly operate a Title IV-E program through an agreement with US HHS	Logical Skip
4. Specify Tribes that directly operate a Title IV-E program through an agreement with US HHS	Not applicable

Table W.IV. Indian Child Welfare Act (ICWA)

	Response
1. Federal ICWA requirements codified in state law	No
2. Federal ICWA requirements that are codified in state law	Logical Skip
3. State law codifying ICWA includes state-recognized Tribes	Logical Skip

Table W.V. Extended foster care

	Response
1. Foster care extension for youth older than age 18	Yes
2. Age youth are allowed to remain in extended foster care	Up to age 21 (until 21st birthday)
3. Youth must proactively request, provide consent, or opt-in to receive extended foster care	Yes
4. Criteria for youth to remain in extended foster care	
a. There are no criteria to remain in extended foster care	No
b. Enrolled in school	Yes
c. Employed	Yes
d. Participating in workforce development/training program	Yes
e. Comply with independent living/self-sufficiency plan	Yes
f. Receive independent living or other services	No
g. Medical condition exemption	Yes
h. Other (specify)	No
5. Reentry to extended foster care allowed for youth older than age 18 who aged out or left foster care	Yes
6. Conditions for youth to reenter extended foster care	
a. Youth consent or sign a voluntary placement agreement	Yes
b. Youth develop an independent living plan	Yes
c. It is in the best interest of the youth	No
d. Other (specify)	Yes - Youth must participate in a re-entry team meeting

Domain C: Child welfare system context

Table C.I. Child welfare system context

	Response
1. State- or county-administered child welfare system	County-administered
2. State operates under legal consent decree or other court-ordered monitoring	No

Supplemental Notes on State

Definitions

Although parental drug or alcohol misuse is not explicitly identified in the state's definition of maltreatment, there are types of abuse or neglect that can be the result of drug or alcohol misuse.

Corporal punishment is not permitted in Virginia in public schools, foster homes, group homes, or other child-caring institutions. However, it is not illegal for parents to use corporal punishment in Virginia.

Excessive corporal punishment that results in unintended injury or injuries to children is reportable under the law.

Poisoning occurs when the caretaker intends to alter the child's normal physiological functions by giving the substance to the child. It does not include acts of omission where the caretaker allows access to substances that alter the child's normal physiological functions.

"Caretaker" is defined as any individual having the responsibility of providing care and supervision of a child and includes the following:

1. Parent or other person legally responsible for the child's care (e.g., birth, adoptive, step-, and foster parent, legal guardian);
2. An individual who by law, social custom, expressed or implied acquiescence, collective consensus, agreement or any other legally recognizable basis has an obligation to look after a child left in his care (e.g., relative, babysitter, paramour of the parent, cohabitants). The LDSS must be able to document how the care and control of the child were expressly delegated or implied to the individual; and
3. Persons responsible by virtue of their conferred authority (e.g., teacher or other school personnel, institutional staff, child care personnel, scout troop leaders).

In addition to the state and regional Child Fatality Review Teams tasked with examining the circumstances of child deaths, local and regional Child Fatality Review Teams may also be established "for the purpose of conducting contemporaneous reviews of local child deaths in order to develop interventions and strategies for prevention specific to the locality or region."

The Children's Ombudsman may also investigate all child fatality cases that occurred or are alleged to occur due to child abuse or child neglect under certain circumstances.

Reporting

Mandated reporters can also use VaCPS, the state's mandated reporter portal, to quickly submit a report of suspected child abuse or neglect directly to the Virginia Department of Social Services (VDSS) State Hotline, when a child is not in immediate danger.

Recognizing & Reporting Child Abuse & Neglect (For Educators) mandated reporter training is only required for licensed teachers.

Court-appointed special advocates (CASAs) are mandated reporters, but not guardians ad litem.

Screening

Family Services Specialists and Family Services Supervisors who specialize in child protective services include staff who screen reports of abuse or neglect.

The alleged abuser or neglector must be identified as in a caretaking role (e.g. parent or other caretaker) of the alleged child victim at the time of the abuse or neglect for a report to be screened in, except in cases alleging child trafficking. However, the name and other demographic information of the alleged abuser or neglector are not required to screen in a report.

Investigations

Family Services Specialists and Family Services Supervisors who specialize in child protective services include staff who investigate reports of abuse or neglect.

Virginia classifies investigations into two categories based on where the alleged abuse or neglect occurred: family investigations or out-of-family investigations. All Child Protective Services (CPS) authorities, procedures, and requirements applicable to in-home investigations apply to the investigation of complaints in an out-of-family setting; however, additional requirements may apply when responding to CPS reports of maltreatment in out-of-family settings.

Out-of-family settings may include those regulated by other agencies such as state-licensed and religiously exempted child day care centers, regulated family day homes, private and public schools, locally approved foster homes, child-placing agencies, group residential facilities, hospitals, or institutions. Out-of-family settings may also include settings that are not externally regulated such as camps, athletic leagues, children's clubs, babysitters who are not required to be regulated, babysitting co-ops, and "sleepovers" at friends' homes.

When investigating complaints occurring in out-of-family settings where there is no state regulatory authority, such as in schools, the Family Services Specialist shall ask the facility administrator or school superintendent to designate a person to participate in the joint investigative process. When Child Protective Services (CPS) and law enforcement conduct a joint investigation, the Family Services Specialist shall attempt to facilitate a coordinated approach among CPS, law enforcement and the regulatory authority or facility designee.

Law enforcement may be involved in the investigation of complaints of suspected child abuse or neglect involving:

1. Any death of a child;
2. Any injury or threatened injury to the child in which a felony or Class 1 misdemeanor is also suspected;
3. Any sexual abuse, suspected sexual abuse or other sexual offense involving a child, including but not limited to the use or display of the child in sexually explicit visual material;
4. Any abduction of a child;
5. Any felony or Class 1 misdemeanor drug offense involving a child; or
6. Situations that contribute to the delinquency of a minor.

Child welfare response

Cases are not eligible for differential response/family assessment when the following conditions are present:

1. Child left alone in the same dwelling with a person to whom the child is not related by blood or marriage and who has been convicted of an offense against a minor for which registration as a violent sexual offender is required;
2. Child taken into the custody of the local department of social services;
3. Child taken into custody due to Safe Haven;
4. Child taken into custody by physician or law enforcement;
5. A serious injury;
6. The third valid CPS report within 12 months, and
7. Out-of-family settings (e.g., involving a caretaker at a state-licensed child day center; religiously exempt child day center; licensed, registered, or approved family day care home; or private or public school, hospital, or any institution).

While serious injuries must be investigated, other types of physical abuse may be assigned to the family assessment track.

Whether cases that are determined to be moderate risk will be opened to a family assessment or closed is dependent upon risk factors that are present.

If, during the family assessment process, the safety decision based on the Safety Assessment Tool is unsafe and a removal occurs, the track must be changed immediately from a family assessment to an investigation.

Family Services Specialists and Family Services Supervisors who specialize in foster care and adoption services include staff who provide foster care case management.

Child welfare context

Virginia operates a state-supervised, locally-administered child welfare system.

State Statutes and Policy Documentation Sources

Adoption Assistance for Children with Special Needs, Va. Code Ann. § 63.2-13 (2021).

Child Abuse and Neglect, Va. Code Ann. § 63.2-15 (2023).

Crimes Involving Morals and Decency, Va. Code Ann. § 18.2-8 (2023).

Department of Law, Va. Code Ann. § 2.2-5 (2021).

Foster Care, Va. Code Ann. § 63.2-9 (2021).

General Provisions, Va. Code Ann. § 63.2-1 (2023).

Juvenile and Domestic Relations District Courts, Va. Code Ann. § 16.1-11 (2023).

Virginia Department of Social Services. (n.d.). Child Protective Services - Trainings & Resources.

Virginia Department of Social Services. (2019). A guide for mandated reporters in recognizing and reporting child abuse and neglect.

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Virginia Department of Social Services. (2022). Child and family services manual.

Virginia Human Rights Act, Va. Code Ann. § 2.2-39 (2021).

Virginia Legislative Code. (2014). 22VAC40-670-10. Definitions.

Virginia Legislative Code. (2017). 22VAC40-670-20. Minimum employee entrance and performance standards.

Virginia Legislative Code. (2017). 22VAC40-705-50. Actions to be taken upon receipt of a complaint or report.

Virginia Legislative Code. (2017). 22VAC40-705-180. Reporting of family assessment or investigation conclusions.

Virginia Legislative Code. (2019). 22VAC40-730-40. Involvement of regulatory agencies.

Virginia Legislative Code. (2019). 22VAC40-730-140. Protocol for out of family investigations.

Virginia Legislative Code. (2020). 22VAC40-705-60. Authorities of local departments.

Virginia Legislative Code. (2021). 22VAC40-705-40. Complaints and reports of suspected child abuse or neglect.

Welfare (Social Services), Va. Code Ann. § 63.2-17 (2012).