



SB396: Court issues relating to foster care

VPLC supports initiatives to improve court processes impacting a child's life and future.

→ *SB 396 would resolve court issues impacting children in the child welfare system.*

The problem:

Virginia foster care codes state that a local Department of Social Services has “final authority to determine the appropriate placement of a child.” However, Virginia case law affirms courts’ power to review such placements. This creates confusion in courts as to the court’s role in reviewing the cases before it: SB396 clarifies and affirm the court’s power to review placement decisions.

How SB396 resolves this problem: Court oversight of foster care placements

Affirms a court’s power to review foster care placement decisions if they appear not to be in a child's best interests (as when a relative is rejected, or a child’s placement is arbitrarily moved).

- *This provision would also require the LDSS to provide better information to the court on how a placement aligns with a child’s best interests.*

The problem:

Current Virginia law provides guidance to a court as to a child’s best interests when making custody decisions as between parents, but not when making decisions for children in foster care situations.

How SB396 resolves this problem: Best Interests of the Child factors—child welfare

This legislation provides guidance to the court that directs the court’s attention to factors to consider, while leaving the decision within the court’s discretion.

The problem:

Child dependency cases, among the most difficult and important cases on the JDR court’s docket, are complex and involve specialized knowledge of child development as well as legal issues. They are often set on a “cattle call” docket and rushed through without full presentation of the issues impacting a child’s life and future.

How SB396 resolves this problem: Study the system & make recommendations

The Judicial Council study proposed will allow the General Assembly to decide whether to make changes in a system that impacts thousands of children and families each year.

The problem:

Virginia provides court-appointed counsel to parents who are not trained in representing parents, and who are not paid to provide meaningful representation. Meanwhile, complaints continue about the state of child legal representation as well. Deficiencies in both types of legal counsel harms children, and is more costly to the state.

How SB396 resolves this problem: Study legal counsel in child dependency cases

There are existing models of parent and child counsel that have been shown to improve outcomes for children, such as multi-disciplinary parent representation centers, and family defense centers. Federal money is now available to improve parents’ counsel, due to the success of these models in improving outcomes for children. Virginia must adopt a model that provides children better outcomes.

More Information: Valerie L’Herrou | valerie@vplc.org • (804) 351-5276