

Date - July 1, 2022

Manual - Child and Family Services Manual, Chapter F, Adoption

Transmittal - # 301

The purpose of this transmittal is to provide new, revised, and clarified guidance for *Chapter F: Adoption* of the Child and Family Services Manual. Unless otherwise stated, the provisions included in this transmittal are effective in July 2022.

Changes to the manual incorporate new state laws as well as state regulations, clarify existing guidance; and enhance guidance. Changes were also made throughout the manual to address grammatical issues or minor clarifications that are not included in the chart below.

The draft transmittal and manual are available internally on FUSION or to the public on the Virginia Regulatory Town Hall site:

FUSION at: <https://fusion.dss.virginia.gov/dfs/DFS-Home/Adoption/Adoption-Guidance>.

Virginia Regulatory Town Hall at: <https://townhall.virginia.gov/index.cfm>

The current version of this chapter of guidance is available to the public at:

<https://www.dss.virginia.gov/family/ap/index.cgi>

Significant changes to the manual are as follows:

Section(s) Changed	Significant Changes	Reason for Change
Section 4.8.1 Submitting a request for change	This subsection was revised to add two exceptions for negotiating Adoption Assistance Agreements (AAA): those executed prior to October 2013, when the terms and conditions do not have end dates, and for provider or provider rate changes that do not exceed thirty percent.	This revision was requested by the Assistance Negotiators. It was previously included in a prior release of the guidance.
Section 5.8 Report of inquiries	This subsection was revised to add an additional disposition for the Report of Inquiries for use when the Commissioner's Review is required.	This addition was made to provide direction to child placing agencies (CPA's) on how to proceed when a birth parent is mentally incapacitated or deceased.
Section 6 Non-agency placement adoptions	This section was revised throughout to add the word "must" with respect to requirements that are mandatory and to change the term "Report of Home Study" to "Home Study."	This revision is necessary to align this chapter with all other chapters of the Child and Family Services manual.

Section 6.2 Reports required by the court	This subsection was added to outline the two types of reports required by the court (the Report of Investigation and the Report of Visitation).	This change was prompted by House Bill (HB) 869 from the 2022 Session of the Virginia General Assembly.
Section 6.2.1 Report of Investigation	This subsection was added to remove the courts' discretion to enter the Order of Reference before entering the Order of Publication. The court must now enter them both concurrently when an order of publication is required.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 6.2.1.1 Requirements for a Report of Investigation	This subsection was added to outline the requirements necessary for completing a Report of Investigation.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 6.2.1.2 Submitting the Report of Investigation	This subsection was added to provide directions for submitting the Report of Investigation.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 6.2.2 Report of Visitation	This subsection was added to provide additional requirements needed for the Report of Visitation. It also revises the timeline for submitting the final report and increases the period for sending the Report of Visitation to the court from 15 days to 30 days after the last visit. The subsequent subsections were renumbered due to the addition of the new subsection.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 6.4.1 Timeline for parental placement adoption	This subsection was revised to include the Order of Reference as an option for the circuit court.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 6.4.3 Duties of the attorney in parental placement adoption in juvenile court	This subsection was revised to add information regarding requirements for notifying fathers of adoption plans and about the availability of registration in the Virginia Birth Father Registry.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 6.4.4 Duties of the juvenile court in a parental placement before the adoption petition is filed in circuit court	This subsection was revised to add the provision granting the Commissioner authority to remove a child from the home if the child is subjected to unwholesomeness influences, neglect, or mistreatment.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 6.4.6 Duties of the circuit court in a parental placement	This subsection was revised to add the Order of Reference as an option for the circuit court.	This change was prompted by HB 869 from the 2022 Session of

adoption after the adoption petition is filed in circuit court		the Virginia General Assembly.
Section 6.4.9.2 Acknowledge the Interlocutory Order or Order of Reference	This subsection was revised to add the Order of Reference and Report of Investigation as options for the circuit court.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 6.4.9.3 Supervision of the placement	This subsection was revised to add the Order of Reference as an option for the circuit court.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 6.4.9.4 Make supervisory visits	This subsection was revised to add that the circuit court may, with good cause shown, omit the requirement that three visits be made within a six-month period.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 6.5.5.3 Review the Interlocutory Order or Order of Reference	This subsection was revised to add the Order of Reference as an option for the circuit court.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 6.5.5.6 Complete the required report	This subsection was revised to change the title of the subsection and add timeframes regarding submission of the Report of Investigation.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 6.5.6 Duties of the attorney	This subsection was revised to add information regarding requirements for notifying fathers of adoption plans and about the availability of registration in the Virginia Birth Father Registry.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 6.5.7 Duties of the circuit court when the child has resided in the home of the prospective adoptive parents continuously for at least two years	This subsection was revised to update the timeline for notifying fathers of pending adoption plans.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 6.7.2.2 Review the petition and the Order	This subsection was revised to include the Interlocutory Order as an option for the circuit court.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 6.7.2.3 Make inquiries during the investigation	This subsection was revised to add the Report of Visitation provisions to the subsection.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 6.7.2.5 Prepare the required report	This subsection was revised to change the title of the subsection so that it	This change was prompted by HB 869

	applies to both the Report of Investigation and Report of Visitation.	from the 2022 Session of the Virginia General Assembly.
Section 6.7.3 Report of Visitation	This subsection was revised to increase the period for sending the Report of Visitation to the court from 15 days to 30 days after the last visit.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 6.8.3.2 Review the petition and Order	This subsection was revised to add the Interlocutory Order as an option for the circuit court.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 6.8.3.4 Prepare the required report	This subsection was revised to change the title of the subsection so that it applies to both the Report of Investigation and Report of Visitation.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 8.5.1 Timely registration	This subsection was revised to add that registration with the Virginia Birth Father Registry is untimely if 180 days have passed from the date the circuit court entered the final Order of Adoption.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.
Section 8.8 Compliance with notice provisions	This subsection was revised to add that written notice must be provided by personal service, certified mail with proof of service, or express mailing with proof of delivery to the fathers' last known address.	This change was prompted by HB 869 from the 2022 Session of the Virginia General Assembly.

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