CHILD VICTIM PROTECTION AND PREVENTION ACT 2027

An Act to strengthen the protection of children from abuse, neglect, sexual exploitation, grooming, trafficking, institutional misconduct, and other forms of victimization in public institutions, state-operated facilities, state-funded programs, and privately operated facilities receiving public funds; to establish uniform child-protection standards; to provide for independent investigations; to establish individual and institutional accountability; and to provide remedies and protections for child victims.

PURPOSE AND INTENT

The purpose of this Act is to establish comprehensive, uniform, and enforceable safeguards to protect children who receive care, education, treatment, supervision, custody, or other services through institutions and programs operated, licensed, regulated, contracted, or financially supported by the Commonwealth.

The General Assembly recognizes that children placed in institutional care or under governmental supervision are entitled to heightened protection against abuse, neglect, exploitation, intimidation, and institutional misconduct.

It is the intent of the General Assembly to:

Prevent abuse and victimization before they occur.
Establish mandatory child-protection policies and institutional safeguards.
Ensure immediate reporting and independent investigation of suspected abuse.
Hold individuals accountable for unlawful conduct and legally culpable failures.
Hold institutions accountable for negligence, concealment, retaliation, and violations of applicable child-protection requirements.
Protect victims and witnesses from intimidation, retaliation, and further victimization.
Provide access to appropriate medical, psychological, legal, and supportive services.
Establish independent oversight, inspections, audits, and compliance monitoring.
Ensure that no institution avoids its obligations because it operates through a private contractor, nonprofit organization, or other third-party arrangement.
Establish effective enforcement mechanisms to ensure that the safety and welfare of children remain the highest priority.

COMMONWEALTH OF VIRGINIA

Virginia Child Victim Protection and Institutional Accountability Act of 2027.

2027 SESSION

HOUSE BILL / SENATE BILL

DRAFT FOR LEGISLATIVE REVIEW

CONSOLIDATED WORKING DRAFT — FOR LEGISLATIVE COUNSEL AND REVISOR REVIEW; NOT INTRODUCTION-READY

Consolidation note (not part of the bill): PDF(2).docx is the principal source; PDF.docx was used as a comparison source. The abbreviated duplicate § 22.1-296.1 amendment and its second enacting clause have been removed; the complete A–L version is retained. Part VI sections formerly numbered §§ 2.2-500 through 2.2-503 are provisionally renumbered §§ 2.2-499.1 through 2.2-499.4. The former §§ 2.2-504 through 2.2-507 have been removed from Part VI because civil-remedy, immunity, and preservation subjects are addressed in Parts VII and VIII or the general construction clauses. New section numbers and several existing-section amendments remain subject to Revisor completion, as identified in the final schedule and drafting notes.

A BILL to amend and reenact §§ 2.2-438, 2.2-440 through 2.2-444, 2.2-446 through 2.2-448, 8.01-195.3, 8.01-195.4, 8.01-195.6 through 8.01-195.9, 18.2-67.4, 18.2-67.4:2, 18.2-67.5, 18.2-370.6, 18.2-387, 18.2-387.1, and 22.1-296.1 of the Code of Virginia; to add sections to Titles 2.2, 8.01, 18.2, and other appropriate titles of the Code of Virginia; and to provide uncodified provisions relating to child protection, mandatory reporting, institutional accountability, criminal penalties, civil remedies, implementation, and survivor protections.

Be it enacted by the General Assembly of Virginia:

PREAMBLE AND LEGISLATIVE FINDINGS

The General Assembly finds that:

Children are entitled to protection from sexual abuse, exploitation, grooming, trafficking, and other forms of sexual misconduct.
Sexual misconduct involving children may be committed by individuals in positions of authority, trust, supervision, employment, custody, or institutional leadership.
Institutions entrusted with the care, education, treatment, supervision, or protection of children have a responsibility to maintain reasonable safeguards against sexual abuse.
Institutional concealment, suppression of complaints, retaliation against victims, destruction of records, and improper transfers of accused individuals can expose additional children to harm.
Reporting suspected child sexual abuse to the appropriate authorities must not be dependent upon internal institutional approval.
Children and survivors must be protected from intimidation, retaliation, coercion, and institutional interference.
Meaningful accountability requires consequences for direct perpetrators and for individuals who knowingly facilitate, conceal, or obstruct the investigation of sexual misconduct.

Prevention requires standardized training, screening, record preservation, independent oversight, and transparent reporting procedures.

Therefore, the General Assembly intends to establish comprehensive statewide protections for children and accountability for individuals and institutions responsible for their safety.

PART I

EXPANSION OF THE OFFICE OF THE CHILDREN'S OMBUDSMAN AND STATEWIDE INSTITUTIONAL OVERSIGHT

§ 1. Legislative purpose and construction.

A. The purpose of this Act is to strengthen the protection of children who receive care, education, supervision, treatment, custody, or other services through institutions and programs operated, licensed, funded, regulated, or contracted by the Commonwealth or its political subdivisions.

B. The General Assembly finds that children placed in institutional settings may be particularly vulnerable to abuse, neglect, exploitation, sexual misconduct, institutional concealment, retaliation, and failures of supervision or accountability. Effective protection requires independent oversight, accessible complaint procedures, prompt reporting, appropriate investigations, institutional accountability, and coordinated action among agencies with jurisdiction over children and child-serving institutions.

C. The Office of the Children's Ombudsman is hereby designated as the independent statewide oversight office for purposes of the institutional oversight responsibilities established by this Act. These additional responsibilities shall be incorporated into the existing Office and shall not create a separate or competing oversight office.

D. This Act shall be construed to:

Expand the jurisdiction of the Office of the Children's Ombudsman to include institutional practices and failures affecting the safety and welfare of children;
Preserve the Office's existing responsibilities concerning child protective services, foster care, adoption, child-placing agencies, and child fatalities;
Promote prevention, early detection, independent review, transparency, and corrective action;
Protect children and persons who report suspected abuse or institutional misconduct from retaliation;

Preserve the statutory authority of law-enforcement agencies, courts, licensing authorities, child protective services agencies, school boards, and other governmental entities;
Ensure that the Office's oversight responsibilities do not displace criminal investigations, prosecutions, licensing proceedings, judicial proceedings, or other legally authorized processes; and
Require institutions covered by this Act to maintain effective safeguards for children, regardless of whether the institution is publicly operated or privately operated under a Commonwealth contract, license, grant, or funding arrangement.

§ 2. That § 2.2-438 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-438. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Child" means any person under 18 years of age.

"Covered institution" means any public or private institution, facility, program, agency, organization, or service provider that provides, arranges, supervises, or is responsible for the care, custody, education, treatment, housing, transportation, supervision, or protection of a child and that is operated, licensed, regulated, funded, or contracted by the Commonwealth or a political subdivision thereof.

"Covered institution" includes, but is not limited to:

Public elementary and secondary schools, school divisions, regional educational programs, and state educational institutions serving children;
Foster care facilities, foster homes, group homes, residential child-caring facilities, and child-placing agencies;
Juvenile detention centers, juvenile correctional facilities, and other facilities operated for the custody or rehabilitation of juveniles;
State hospitals, psychiatric treatment facilities, and other behavioral or mental-health facilities serving children;
Residential treatment centers and other residential programs providing treatment, supervision, or care to children;
Child welfare agencies, child protective services programs, and other state or local programs responsible for the safety, placement, supervision, or protection of children;
State-operated childcare facilities and childcare programs operated under a state contract, license, grant, or funding arrangement; and
Private contractors, subcontractors, facilities, organizations, and service providers receiving Commonwealth funding or entering into a Commonwealth contract to provide care, custody, education, treatment, housing, transportation, supervision, or other services to children.

"Covered individual" means any person who, through employment, appointment, contract, subcontract, volunteer service, internship, professional placement, or other relationship with a covered institution, has responsibility for or access to children in the course of providing, arranging, supervising, or supporting services to children.

"Covered individual" includes employees, administrators, supervisors, teachers, substitute teachers, aides, counselors, medical and mental-health professionals, social workers, coaches, transportation personnel, contractors, subcontractors, volunteers, interns, student teachers, and other persons whose duties or access create a responsibility for child safety.

"Institutional misconduct" means conduct, an omission, policy, practice, decision, or institutional failure that threatens or adversely affects the safety, welfare, rights, or protection of a child in a covered institution.

"Institutional misconduct" includes:

Abuse, neglect, exploitation, sexual abuse, sexual exploitation, grooming, sexual harassment, or sexual misconduct involving a child;
Failure to provide reasonable supervision or safeguards against foreseeable harm;
Failure to report suspected abuse, neglect, exploitation, or sexual misconduct as required by law;
Concealment, suppression, falsification, destruction, or improper withholding of information concerning suspected or substantiated abuse or misconduct;
Retaliation against a child, parent, guardian, employee, volunteer, or other person for making or assisting with a good-faith report;
Failure to take reasonable protective action after receiving information indicating that a child may be at risk;
Improper interference with an investigation, complaint, inspection, or other lawful review;
Repeated or systemic violations of child-protection policies or standards; and
Other institutional conduct or failures that materially threaten a child's safety or welfare.

"Institutional oversight investigation" means an investigation or review conducted by the Office of the Children’s Ombudsman under this chapter to examine institutional misconduct, systemic failures, compliance with child-protection requirements, or the adequacy of an institution’s response to suspected or reported harm to a child.

"Child-protection standards" means the minimum policies, procedures, safeguards, training requirements, reporting obligations, screening requirements, supervision practices, and institutional responsibilities established by this Act or by regulations adopted pursuant to this Act.

Nothing in this section shall be construed to expand the definition of abuse or neglect for purposes of a separate criminal statute or the child protective services reporting and investigation statutes unless expressly provided by law.

§ 3. That § 2.2-440 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-440. Office procedures, personnel, training, and administration.

A. The Office shall establish procedures reasonably necessary to carry out its duties under this chapter, including procedures for receiving complaints and referrals, reviewing institutional practices, conducting investigations, protecting confidential information, and issuing findings and recommendations.

B. The Office shall maintain personnel and professional resources reasonably necessary to perform its existing child-welfare responsibilities and the institutional oversight responsibilities established by this Act, subject to appropriations by the General Assembly.

C. The Ombudsman shall ensure that employees and investigators assigned to institutional oversight duties receive appropriate training in:

Child abuse, neglect, sexual abuse, exploitation, and institutional misconduct;
Trauma-informed and developmentally appropriate interviewing;
Investigations involving children with disabilities or communication barriers;
Institutional systems, policies, and patterns of misconduct;
Confidentiality and the lawful handling of protected records;
Mandatory reporting obligations;
Coordination with law-enforcement agencies, prosecutors, licensing authorities, and child protective services agencies; and
Recognition and prevention of retaliation against children and persons reporting suspected misconduct.

D. The Office may employ or retain qualified investigators, attorneys, auditors, child-welfare specialists, medical or mental-health consultants, and other professionals as permitted by law and subject to available appropriations.

E. The Office may enter into lawful agreements with state agencies, local governmental entities, institutions of higher education, and qualified professional organizations for training, technical assistance, or specialized expertise. No agreement shall compromise the independence of the Ombudsman or restrict the Office's authority under this chapter.

F. The Office shall establish procedures for promptly notifying appropriate emergency services or law-enforcement authorities when information received indicates an immediate threat to a child's safety or evidence of possible criminal conduct.

G. Nothing in this section shall be construed to authorize the Office to exercise the powers of a law-enforcement agency, prosecutor, licensing authority, or court.

§ 4. That § 2.2-441 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-441. Complaints and referrals.

A. Any child, parent, guardian, relative, employee, former employee, volunteer, contractor, professional, advocate, or other person may submit information or a complaint to the Office concerning conduct or conditions that may constitute institutional misconduct or a violation of this chapter.

B. The Office may receive complaints and referrals from:

Children and their parents or guardians;
Employees, former employees, contractors, subcontractors, and volunteers;
State and local agencies;
Law-enforcement agencies and Commonwealth's Attorneys;
Licensing and regulatory authorities;
School boards and school divisions;
Child protective services agencies;
Medical, mental-health, educational, and child-welfare professionals; and
Any other person or entity possessing information relevant to the safety or welfare of a child.

C. The Office may initiate an institutional oversight investigation upon receipt of a complaint, referral, credible information, or other information indicating a potential threat to the safety or welfare of a child. The Office may also initiate an investigation on its own initiative when circumstances warrant.

D. A complaint shall not be rejected solely because:

The covered institution is privately operated;
The institution receives Commonwealth funding through a contract, grant, reimbursement, or other funding arrangement;
The institution is operated by a local governmental entity;
The child is not currently in the custody of a child protective services agency;
The alleged misconduct does not fall within the definition of abuse or neglect used for child protective services intake; or
The complainant has not first completed an internal institutional grievance or complaint procedure.

E. The Office may determine that a complaint is outside its jurisdiction, duplicative, unsupported, or more appropriately addressed by another authority. When appropriate, the Office shall refer the complaint to an agency or authority with jurisdiction and shall provide the complainant with information concerning the referral, subject to applicable confidentiality requirements.

F. The Office may decline to investigate an individual complaint while retaining authority to review broader institutional practices, systemic failures, or recurring patterns of misconduct.

G. No provision of this section shall limit or delay a person's independent duty to report suspected abuse or neglect under § 63.2-1509 or any other applicable law.

§ 5. That § 2.2-442 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-442. Powers and duties of the Ombudsman.

A. In addition to the duties otherwise provided by law, the Ombudsman shall:

Receive, review, and investigate complaints and information concerning institutional misconduct involving children in covered institutions;
Review policies, procedures, practices, and institutional responses that affect child safety and welfare;
Identify systemic failures, recurring patterns of misconduct, inadequate supervision, and deficiencies in institutional child-protection practices;
Examine whether a covered institution has complied with applicable child-protection standards;
Review whether an institution took reasonable and timely protective action after receiving information concerning suspected abuse, neglect, exploitation, or sexual misconduct;
Review whether an institution complied with applicable reporting, record-preservation, cooperation, and anti-retaliation requirements;
Make findings and recommendations concerning institutional practices and failures;
Recommend corrective action and monitor an institution's response to such recommendations within the authority granted by this chapter;
Refer suspected criminal conduct to appropriate law-enforcement authorities and suspected licensing violations to the appropriate licensing or regulatory authority;
Coordinate with governmental agencies and authorities when necessary to protect children and avoid unnecessary duplication of investigations;
Provide information to children, parents, guardians, and complainants concerning available complaint and referral procedures; and
Prepare reports and recommendations to the Governor and General Assembly as provided by this chapter.

B. The Ombudsman may conduct an investigation concerning an institution even when the alleged conduct does not involve a child who is currently in foster care, adoption proceedings, or the custody of a child protective services agency.

C. The Ombudsman may examine institutional practices that affect multiple children or that indicate a systemic failure, even when an individual complaint has been resolved or an individual child is no longer served by the institution.

D. The Ombudsman shall remain independent in determining whether to initiate, continue, expand, or conclude an investigation, subject to the provisions of this chapter.

E. The Ombudsman shall not:

Exercise criminal investigative or prosecutorial authority;
Determine criminal guilt or impose criminal penalties;
Suspend, revoke, or issue a professional license;
Assume the statutory duties of a licensing or regulatory authority;
Supersede the authority of a court or law-enforcement agency; or
Direct the outcome of a child protective services investigation or a judicial proceeding.

F. Nothing in this section shall limit the Ombudsman's existing duties or powers concerning child protective services, foster care, adoption, child fatalities, or other matters already within the Office's jurisdiction.

§ 6. That § 2.2-443 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-443. Investigative authority; access to records; subpoenas.

A. In conducting an investigation authorized by this chapter, the Ombudsman may request and review records, reports, policies, procedures, correspondence, and other information reasonably necessary to determine whether institutional misconduct or a systemic failure has occurred.

B. Subject to applicable state and federal law, the Ombudsman may request access to:

Institutional policies and procedures;
Incident and complaint records;
Personnel and training records relevant to the allegations under review;
Supervision schedules and assignment records;
Records concerning institutional reporting and protective actions;
Contracts, grants, and funding documents relevant to the institution's child-serving responsibilities;
Inspection, audit, and compliance records; and
Other records reasonably related to the investigation.

C. The Ombudsman may request interviews with employees, administrators, contractors, volunteers, and other persons who may possess information relevant to an investigation. Interviews with children shall be conducted in a manner appropriate to the child's age, developmental level, disability, communication needs, and emotional safety.

D. The Ombudsman may use the subpoena authority and procedures otherwise provided in this chapter. Any subpoena shall be limited to information relevant to an authorized investigation and shall remain subject to applicable judicial review and statutory protections.

E. Nothing in this section shall be construed to:

Authorize access to records that are protected from disclosure under federal or state law without the consent, authorization, or court order required by such law;
Override the requirements of 42 C.F.R. Part 2 concerning substance-use-disorder records;
Override applicable medical, mental-health, educational, juvenile, child protective services, or other confidentiality requirements;
Authorize entry into a private residence or constitutionally protected area without lawful authority; or
Eliminate any applicable privilege or protection recognized by law.

F. When records cannot lawfully be disclosed to the Office, the Ombudsman may seek an appropriate court order or other lawful authorization. Nothing in this section shall be construed to authorize disclosure in violation of federal law.

§ 7. That § 2.2-444 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-444. Investigation determinations; coordination and referrals.

A. Upon completing an investigation, the Ombudsman may issue findings concerning the conduct, policies, practices, or institutional failures examined.

B. Findings may include determinations that:

The institution complied with applicable child-protection requirements;
The institution failed to comply with applicable child-protection requirements;
The institution failed to take reasonable protective action;
The institution failed to report suspected abuse, neglect, exploitation, or misconduct as required by law;
The institution failed to preserve or appropriately maintain relevant records;
The institution engaged in or permitted retaliation or interference;
The institution demonstrated a systemic or recurring failure; or
Additional review by another governmental authority is warranted.

C. The Ombudsman may recommend corrective action, policy changes, additional training, improved supervision, independent review, or other measures reasonably related to the findings.

D. The Ombudsman may refer suspected criminal conduct to law enforcement, suspected licensing violations to the appropriate licensing authority, and suspected violations of funding or contract requirements to the responsible agency.

E. The Office shall coordinate with other authorities when necessary to avoid unnecessary duplication, protect evidence, and prevent interference with an active criminal, civil, administrative, or child protective services investigation.

F. An institution's internal investigation or grievance process shall not be a prerequisite to an investigation by the Office and shall not delay any reporting, protective action, or referral required by law.

G. The Ombudsman shall provide notice of findings and recommendations to the institution and other appropriate parties as permitted by law. The institution shall be afforded a reasonable opportunity to respond, subject to any requirements necessary to protect children, preserve evidence, or avoid interference with another investigation.

H. Nothing in this section shall authorize the Ombudsman to determine criminal liability, impose professional discipline, or substitute the Office's findings for a determination reserved by law to another authority.

§ 8. That § 2.2-446 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-446. Confidentiality of information.

A. The confidentiality requirements, disclosure restrictions, exceptions, and protections otherwise established by this section shall apply to complaints, records, communications, investigative materials, findings, and other information received or created by the Office in carrying out its institutional oversight responsibilities under this chapter.

B. The Office shall protect the identity of a child who is the subject of a complaint or investigation and shall not publicly disclose information that would reasonably identify the child, except as authorized or required by law.

C. The Office shall protect the identity of a complainant, reporter, witness, or other person when disclosure is prohibited by law or when disclosure would create an unreasonable risk of retaliation, intimidation, or harm, subject to applicable legal requirements.

D. Information may be disclosed only as authorized by this section or other applicable law, including disclosures necessary for lawful referrals to law-enforcement agencies, licensing authorities, prosecutors, courts, and governmental agencies with jurisdiction.

E. Nothing in this Act shall be construed to repeal, narrow, or supersede existing confidentiality protections applicable to:

Medical or mental-health records;
Substance-use-disorder records protected by federal law;
Child protective services records;
Juvenile records;

Educational records protected by federal or state law;
Domestic violence or sexual assault records;
Attorney-client communications or other legally recognized privileges; or
Any other record or information protected from disclosure by applicable law.

F. Public reports issued under this chapter shall use de-identified or aggregate information when necessary to protect children, complainants, witnesses, and other persons whose identities are confidential.

G. The provisions of this section shall be construed consistently with the existing confidentiality provisions governing the Office. No provision of this Act shall be interpreted as creating a general public right of access to confidential investigative or child-protection records.

§ 9. That § 2.2-447 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-447. Findings, recommendations, and annual reports.

A. The Ombudsman may issue findings and recommendations concerning individual investigations and systemic institutional concerns as authorized by this chapter.

B. The annual report of the Office shall include, to the extent permitted by law and consistent with confidentiality requirements:

The number of institutional complaints and referrals received;
The general categories of institutions involved;
The general categories of alleged misconduct;
The number of institutional investigations opened, completed, and pending;
The number and general nature of findings issued;
The number and general nature of recommendations made;
The status of corrective-action plans and institutional responses;
The number and general nature of referrals to law-enforcement, licensing, regulatory, and other governmental authorities;
Information concerning allegations of retaliation or interference;
Recurring or systemic institutional deficiencies identified by the Office;
Significant barriers affecting the Office's ability to perform its duties;
Staffing, training, technology, and resource needs; and
Legislative or administrative recommendations necessary to improve child protection.

C. The report may include de-identified summaries of significant investigations when publication is consistent with applicable confidentiality requirements and would not compromise an active investigation or proceeding.

D. The annual report shall not disclose the identity of a child, complainant, witness, or other protected person except as expressly authorized by law.

E. The Ombudsman may issue special reports or recommendations when a significant systemic concern or urgent child-safety issue warrants reporting before the annual report.

§ 10. That § 2.2-448 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-448. Prohibition against retaliation, interference, and obstruction.

A. No covered institution or covered individual shall discharge, demote, suspend, discipline, threaten, harass, intimidate, discriminate against, deny services to, or otherwise retaliate against a child or any person because such person:

Made or attempted to make a good-faith complaint or report concerning suspected abuse, neglect, exploitation, sexual misconduct, institutional misconduct, or a violation of this chapter;
Provided information to the Office of the Children's Ombudsman;
Cooperated with an investigation, inspection, audit, or other lawful review;
Reported suspected misconduct to law enforcement, a Commonwealth's Attorney, a licensing authority, a child protective services agency, a state or local agency, or another authority authorized to receive such information;
Assisted a child in making a complaint or obtaining protection or services; or
Exercised a right or participated in a process protected by this chapter or other applicable law.

B. A covered institution and covered individual shall not:

Prevent or attempt to prevent a person from making a report required or authorized by law;
Require a person to obtain supervisory approval before making an external report;
Threaten adverse employment or service consequences to discourage a report;
Direct a person to alter, withdraw, or withhold a good-faith report;
Interfere with the submission of information to the Office or another lawful authority;
Destroy, conceal, falsify, or improperly alter records relevant to a report or investigation; or
Knowingly provide false or misleading information to obstruct an authorized investigation.

C. A covered institution shall maintain procedures through which a person may report suspected retaliation or interference to an appropriate authority outside the person's immediate supervisory chain.

D. Nothing in this section shall prohibit a lawful and independently supported employment or administrative action taken for a legitimate reason unrelated to a protected report or participation in an investigation. The timing of an adverse action following a protected report may be considered with other relevant evidence in determining whether retaliation occurred.

E. The protections of this section shall be applied in addition to, and not in place of, any other protection against retaliation provided by law.

§ 11. New section § 2.2-450 of the Code of Virginia is added as follows:

§ 2.2-450. Statewide institutional oversight authority.

A. The Office of the Children's Ombudsman shall exercise independent statewide oversight of covered institutions as provided in this chapter.

B. The Office may initiate an institutional oversight investigation upon receipt of a complaint, referral, credible information, or information obtained through its own lawful activities.

C. An institutional oversight investigation may examine:

An alleged incident involving one or more children;
An institution's response to suspected or reported misconduct;
Whether institutional policies and procedures provide reasonable safeguards for children;
Whether an institution has complied with applicable reporting and record-preservation requirements;
Whether institutional supervision, staffing, screening, or training practices create an unreasonable risk to children;
Whether retaliation, concealment, obstruction, or interference has occurred; and
Whether recurring or systemic practices have placed children at risk.

D. The Office may issue findings and recommendations and may monitor corrective actions as provided by this chapter.

E. When an investigation indicates possible criminal conduct, the Office shall refer the information to an appropriate law-enforcement authority. When an investigation indicates a potential licensing or regulatory violation, the Office may refer the matter to the appropriate licensing or regulatory authority.

F. The Office shall not exercise the powers of a prosecutor, law-enforcement agency, licensing authority, school board, court, or child protective services agency.

§ 12. New section § 2.2-451 of the Code of Virginia is added as follows:

§ 2.2-451. Institutional access and inspections.

A. The Office may request or conduct an inspection of a covered institution when such access is authorized by applicable law, regulation, license, contract, consent, or court order.

B. An inspection may include review of:

Child-protection policies and procedures;
Staffing and supervision practices;
Training records;
Complaint and incident documentation;
Records concerning protective actions and external reporting;
Facility conditions relevant to child safety;

Institutional compliance with applicable child-protection standards; and
Other matters reasonably related to an authorized oversight investigation.

C. An inspection may be announced or unannounced when permitted by the legal authority governing the institution and the inspection.

D. Nothing in this section authorizes the Office to enter a private residence, a constitutionally protected area, or a facility or area for which a warrant, consent, court order, or other legal authority is required without obtaining the necessary legal authority.

E. The Office shall coordinate inspections with the appropriate licensing or regulatory authority when necessary to avoid unnecessary duplication or interference with that authority's responsibilities.

F. Nothing in this section transfers the licensing, inspection, or enforcement authority of another state or local agency to the Office.

§ 13. New section § 2.2-465 of the Code of Virginia is added as follows:

§ 2.2-465. Staffing, resources, and annual budget assessment.

A. The Office of the Children’s Ombudsman shall annually assess the personnel, financial, technological, and professional resources necessary to carry out its duties under this chapter.

B. The Office shall include in its annual budget request an assessment of resources necessary for:

Institutional oversight investigations;
Complaint intake and referral services;
Facility inspections and compliance reviews;
Trauma-informed and developmentally appropriate investigative services;
Legal consultation and records review;
Specialized professional and technical assistance;
Training and continuing education;
Data collection, analysis, and annual reporting;
Secure records management and information technology;
Travel and other operational expenses; and
Coordination with law-enforcement, licensing, educational, child-welfare, and other governmental authorities.

C. The Office may identify the number and types of additional personnel necessary to perform its expanded duties, including investigators, attorneys, child-welfare specialists, auditors, data analysts, and administrative personnel.

D. The Office may enter into agreements with qualified professionals or organizations to obtain specialized expertise when authorized by law and supported by available appropriations.

E. The Office shall remain subject to the appropriations and budgetary requirements of the Commonwealth. Nothing in this section shall be construed to authorize expenditures in excess of appropriations.

F. The absence of additional appropriations shall not relieve a covered institution or covered individual of any reporting, protective-action, record-preservation, anti-retaliation, or other duty imposed directly by this Act.

G. Nothing in this section authorizes the Office to impose fees or assessments on children, parents, guardians, complainants, or covered institutions except as expressly authorized by law.

Part I drafting note: This reconstruction preserves the existing Ombudsman appointment and removal structure in § 2.2-439 and the existing agency duties in § 2.2-445. It also preserves the existing confidentiality framework rather than replacing it with a new, abbreviated rule. Legislative counsel should reconcile the proposed amendments against the complete current text of Chapter 4.4 before introduction.

PART II

MANDATORY INSTITUTIONAL CHILD-PROTECTION STANDARDS

§ 2.2-452. Applicability and minimum child-protection standards.

A. The provisions of this part shall apply to every covered institution and covered individual as defined in § 2.2-438.

B. Each covered institution shall establish, maintain, and enforce written child-protection policies and procedures designed to prevent, identify, report, and respond to abuse, neglect, exploitation, sexual misconduct, institutional misconduct, and other threats to the safety or welfare of a child.

C. The policies and procedures required by this part shall establish minimum protections and shall not be construed to reduce or replace any greater protection required by federal or state law, regulation, licensing requirements, professional standards, court order, or contractual obligation.

D. Each covered institution shall ensure that its child-protection policies are appropriate to the institution's purpose, the ages and developmental needs of the children served, the nature of the services provided, the physical environment, and the level of supervision or custody exercised over children.

E. The institution shall consider the particular safety and communication needs of children who have disabilities, medical conditions, behavioral or mental-health needs, limited communication abilities, or other circumstances that may increase their vulnerability or impede their ability to report misconduct.

F. No institution shall avoid or diminish its obligations under this part by classifying a person as a contractor, subcontractor, temporary worker, volunteer, intern, consultant, or employee of another entity.

G. Compliance with this part shall not excuse any person from an independent duty to report suspected child abuse or neglect under § 63.2-1509 or any other applicable law.

§ 2.2-453. Mandatory written child-protection policies.

A. Each covered institution shall adopt, implement, and maintain written child-protection policies that address, at a minimum:

The prevention, recognition, and reporting of child abuse, neglect, exploitation, sexual abuse, sexual exploitation, grooming, harassment, and other institutional misconduct;
Standards of professional conduct and appropriate boundaries between covered individuals and children;
Supervision of children and prevention of unauthorized or inappropriate access;
Screening, hiring, assignment, and continuing oversight of employees, contractors, subcontractors, volunteers, and other covered individuals;
Requirements for reporting suspected misconduct to appropriate internal and external authorities;
Immediate protective actions when a child may be at risk;
Procedures for preserving records, physical evidence, electronic communications, and other relevant information;
Procedures for receiving and documenting complaints from children, parents, guardians, employees, and other persons;
Prohibitions against retaliation, intimidation, interference, concealment, and obstruction;
Training requirements for covered individuals;
Procedures for notifying parents or guardians when legally appropriate and consistent with the child's safety;
Procedures for providing children with accessible information about their rights and available reporting channels;
Procedures for cooperating with the Office of the Children’s Ombudsman and other authorities with lawful jurisdiction;
Periodic review and revision of child-protection policies; and
Documentation of institutional compliance with this part.

B. Each covered institution shall designate one or more persons responsible for coordinating implementation of its child-protection policies. The designated person shall not have authority to suppress, delay, or prevent an external report required or authorized by law.

C. The institution shall provide its written policies to covered individuals and shall make the policies accessible to parents, guardians, and children in an age-appropriate manner.

D. Each institution shall review its policies at least annually and whenever a significant incident, investigation, legal change, or identified deficiency indicates that revision is necessary.

E. A covered institution shall not adopt a policy, agreement, or practice that conflicts with this Act or that prevents a person from making a report to an appropriate governmental authority.

§ 2.2-454. Supervision and prevention of unauthorized access.

A. Each covered institution shall maintain supervision practices reasonably designed to protect children from abuse, neglect, exploitation, sexual misconduct, and other foreseeable harm.

B. Supervision practices shall address, as appropriate to the institution:

Staff-to-child supervision and staffing assignments;
Access to classrooms, dormitories, bedrooms, bathrooms, treatment rooms, examination areas, transportation vehicles, and other locations where children may be particularly vulnerable;
Procedures for one-on-one interactions between a covered individual and a child;
Visibility and accountability in locations where children receive care, treatment, education, or supervision;
Procedures for monitoring visitors, contractors, volunteers, and other persons who may have contact with children;
Prevention of unauthorized access to children or restricted areas;
Appropriate supervision during transportation, off-site activities, field trips, extracurricular activities, and overnight programs; and
Procedures for responding to unexplained absences, unauthorized departures, missing children, or failures to account for a child's whereabouts.

C. An institution shall establish reasonable safeguards for one-on-one interactions between a covered individual and a child. Such safeguards may include visibility requirements, documented authorization, supervisory notification, or other protections appropriate to the setting.

D. Nothing in this section shall prohibit a lawful and professionally appropriate private interaction when necessary for medical treatment, counseling, education, disability accommodation, personal care, or another legitimate service. The institution shall establish safeguards appropriate to the circumstances and the child's needs.

E. Supervision requirements shall be applied in a manner that respects a child's dignity, privacy, disability-related needs, medical needs, and lawful rights.

F. An institution shall not use cameras, recording devices, or electronic monitoring in a manner that violates applicable law or a child's legally protected privacy. Any monitoring used for child-

safety purposes shall be appropriately disclosed, limited, secured, and governed by written policy.

G. A covered institution shall document and investigate material departures from its supervision requirements when those departures may have exposed a child to harm.

§ 2.2-455. Standards governing employee and child interactions.

A. Each covered institution shall establish and enforce professional-boundary standards governing interactions between covered individuals and children.

B. The standards shall prohibit conduct that exploits a position of trust, authority, custody, supervision, treatment, education, or professional responsibility.

C. Prohibited conduct shall include:

Sexual contact or sexual activity with a child in violation of law;
Grooming, sexual exploitation, or conduct intended to establish an inappropriate sexual or romantic relationship with a child;
Sexual comments, propositions, or communications directed to a child for an improper purpose;
Unnecessary or inappropriate physical contact;
Unnecessary exposure of a child to nudity or sexually explicit material;
Requests that a child keep inappropriate communications, meetings, gifts, or interactions secret;
Use of a position of authority to obtain personal, financial, sexual, or other improper benefits from a child;
Threats, coercion, intimidation, manipulation, or retaliation intended to prevent a child from reporting misconduct; and
Other conduct prohibited by applicable law, professional standards, or institutional policy.

D. Policies adopted under this section shall distinguish prohibited conduct from lawful and professionally appropriate medical care, mental-health treatment, counseling, personal care, education, disability support, and other legitimate services.

E. Each covered institution shall establish procedures for reporting and reviewing alleged violations of professional-boundary standards.

F. No institutional policy shall authorize conduct prohibited by criminal law or professional licensing requirements.

§ 2.2-456. Electronic communications and digital safeguards.

A. Each covered institution shall establish written policies governing electronic communications and digital interactions between covered individuals and children.

B. The policies shall address:

Use of institutional email, messaging systems, educational platforms, telehealth systems, and other approved communication channels;
Prohibitions on inappropriate private communications between covered individuals and children;
Restrictions on disappearing messages or other communication practices that impair accountability or lawful record preservation;
Appropriate use of personal devices and personal accounts;
Protection of children's photographs, videos, personal information, and educational or treatment records;
Prevention of unauthorized recording, distribution, possession, or transmission of images or information concerning children;
Reporting and preservation of suspected electronic misconduct;
Appropriate parental or guardian access and notification when legally required or appropriate; and
Secure storage, retention, and authorized disclosure of electronic records.

C. A covered individual shall not use electronic communications to groom, threaten, harass, exploit, sexually solicit, or otherwise engage in prohibited conduct with a child.

D. An institution shall not establish a policy that prevents a child or other person from reporting suspected electronic misconduct to law enforcement, the Office of the Children's Ombudsman, or another appropriate authority.

E. Electronic monitoring and access to communications shall be conducted consistently with applicable privacy, educational, medical, disability-rights, and other legal requirements.

F. Nothing in this section shall prohibit lawful confidential communication between a child and an attorney, advocate, medical provider, mental-health professional, parent, guardian, or other person when such communication is protected by law.

§ 2.2-457. Residential and institutional care safeguards.

A. A covered institution providing residential care, custody, treatment, detention, or overnight supervision to children shall adopt additional safeguards appropriate to the risks associated with residential or custodial settings.

B. Such safeguards shall address:

Admission, intake, and individualized safety assessments;
Appropriate room, bedroom, and living-area assignments;
Supervision during sleeping hours and other periods of reduced staffing;
Access to bathrooms, showers, changing areas, and other private spaces;
Separation and supervision arrangements when a child presents a safety risk to another child;
Prevention of abuse, exploitation, intimidation, bullying, and sexual misconduct among children;
Monitoring of staff access to residential areas;

Procedures for reporting and responding to injuries, unexplained physical conditions, missing children, and other safety concerns;
Access to medical care, mental-health services, disability accommodations, and other necessary support;
Safe transportation and off-site supervision;
Appropriate parent or guardian communication, subject to applicable law and safety considerations; and
Continuity of care when a child must be moved or separated for protective reasons.

C. A residential institution shall not use isolation, restraint, seclusion, medication, or denial of services as punishment or retaliation or for a purpose prohibited by applicable law.

D. Any restraint, seclusion, or emergency intervention shall be governed by applicable law and regulations, limited to circumstances legally permitting its use, documented, and subject to required review and notification.

E. An institution shall not transfer a child to another facility, placement, or program for the purpose of avoiding an investigation, concealing misconduct, discouraging a report, or shifting institutional responsibility.

F. A protective transfer or placement change shall be based on the child's safety and best interests, shall comply with applicable law, and shall include reasonable measures to preserve continuity of education, treatment, medical care, disability services, and family contact.

G. The institution shall maintain procedures for promptly identifying and responding to risks arising from staff shortages, inadequate supervision, overcrowding, facility conditions, or other operational deficiencies.

§ 2.2-458. Mandatory institutional response procedures.

A. Each covered institution shall maintain written procedures for responding promptly when it receives information indicating that a child may have been abused, neglected, exploited, sexually abused, sexually exploited, groomed, subjected to sexual misconduct, or otherwise placed at risk.

B. The procedures shall require the institution to:

Take immediate reasonable steps to protect the child and any other child who may be at risk;
Ensure that emergency medical services, law enforcement, or other emergency assistance is contacted when warranted;
Make reports required by law to the appropriate external authorities;
Preserve relevant physical, documentary, and electronic evidence;
Prevent retaliation, intimidation, coercion, or interference;
Identify and document the persons responsible for receiving and acting upon the report;
Cooperate with lawful investigations and proceedings;

Provide appropriate notice to parents or guardians when required by law and when such notice is consistent with the child's safety; and
Document the institution's actions and the reasons for any decision not to take a particular protective measure.

C. An institution shall not delay a report required by law while conducting an internal investigation, consulting legal counsel, obtaining supervisory approval, or attempting to resolve the matter internally.

D. An internal investigation shall not substitute for a report to law enforcement, child protective services, a licensing authority, the Office of the Children’s Ombudsman, or another authority when such reporting is required or authorized by law.

E. An institution shall not condition protective action on a child's willingness to make a formal statement, participate in an investigation, or provide corroborating evidence.

F. An institution shall not require a child to confront an alleged perpetrator or participate in mediation, reconciliation, or another process that may expose the child to intimidation or additional harm.

G. The institution shall ensure that a person accused of misconduct does not control the intake, investigation, disposition, or documentation of the complaint.

H. Nothing in this section shall be construed to interfere with the lawful authority of a court, law-enforcement agency, prosecutor, child protective services agency, or licensing authority.

§ 2.2-459. Institutional reporting and documentation requirements.

A. Each covered institution shall maintain a secure system for receiving, documenting, tracking, and reviewing complaints, reports, incidents, and safety concerns involving children.

B. The system shall document, as applicable:

The date and time the information was received;
The nature of the allegation or safety concern;
The identity and role of the person receiving the report;
The identity of persons notified;
The date and time external reports were made;
Immediate protective actions taken;
Evidence and records preserved;
Follow-up actions and referrals;
Corrective measures implemented; and
The disposition of the institutional response, subject to confidentiality and applicable legal restrictions.

C. Records shall be maintained in accordance with applicable retention requirements and shall be protected against unauthorized access, alteration, destruction, or disclosure.

D. An institution shall not knowingly falsify, conceal, destroy, or improperly alter a complaint, incident report, personnel record, investigation record, or other document relevant to suspected abuse or institutional misconduct.

E. When an institution receives notice of a complaint, investigation, litigation, subpoena, or other circumstance requiring preservation of records, it shall suspend routine destruction of relevant records to the extent required by law.

F. Records required by this section shall be made available to an authorized governmental authority when disclosure is required or permitted by law.

G. Nothing in this section shall be construed to override confidentiality protections, evidentiary privileges, or record-access restrictions established by federal or state law.

§ 2.2-460. Child-protection training requirements.

A. Each covered institution shall provide mandatory child-protection training to covered individuals before they begin duties involving responsibility for, supervision of, or access to children, except as otherwise permitted by law under a documented and appropriately supervised transition arrangement.

B. Training shall be provided at least annually and whenever required by applicable law, regulation, or institutional policy.

C. Training shall be appropriate to the covered individual's duties and shall include, as applicable:

Recognition and prevention of child abuse, neglect, exploitation, and sexual abuse;
Recognition of grooming, sexual misconduct, inappropriate boundaries, and predatory behavior;
Legal duties to report suspected abuse and neglect;
Institutional reporting procedures and external reporting rights;
Immediate protective actions and emergency procedures;
Trauma-informed responses to disclosures by children;
Protection against retaliation, intimidation, concealment, and interference;
Appropriate professional boundaries and electronic communications;
Evidence and record preservation;
Rights and protections of children;
Special considerations for children with disabilities or communication barriers; and
Applicable federal and state requirements, including Title IX where applicable.

D. Training shall explain that internal institutional reporting does not replace an individual's independent reporting obligation under § 63.2-1509 or another applicable law.

E. The institution shall document completion of required training and shall maintain records sufficient to demonstrate compliance.

F. A covered individual who has not completed required training shall not be assigned unsupervised responsibilities involving children unless an exception is expressly permitted by law and the institution has documented appropriate safeguards.

G. Training shall be delivered by qualified persons or through a program approved or recognized by the agency with jurisdiction over the institution.

§ 2.2-461. Child participation and accessible complaint procedures.

A. Each covered institution shall provide children with an accessible and age-appropriate means of raising concerns, reporting misconduct, and requesting assistance.

B. Complaint procedures shall be designed to accommodate the child's age, developmental level, disability, communication needs, language, and circumstances.

C. Children shall be informed, in a manner they can reasonably understand, that they may report suspected abuse, neglect, exploitation, sexual misconduct, retaliation, or unsafe conditions to a trusted adult or an appropriate external authority.

D. A child shall not be required to make a complaint through the person accused of misconduct or through a person who may have a conflict of interest.

E. An institution shall not punish, threaten, intimidate, isolate, discriminate against, or deny services to a child because the child makes a good-faith complaint, assists another child, or participates in an investigation.

F. The institution shall provide reasonable assistance to children who need help communicating a complaint, including access to an appropriate advocate, interpreter, communication aid, or other accommodation.

G. A child's decision not to participate in an internal complaint process shall not excuse the institution from taking protective action or making a report required by law.

H. The institution shall maintain procedures for informing parents or guardians about complaint mechanisms and relevant child-safety policies, subject to applicable law and circumstances in which notification may create a risk to the child.

§ 2.2-462. Institutional compliance reviews.

A. Each covered institution shall periodically review its compliance with this part and shall document the results of the review.

B. A compliance review shall examine, as appropriate:

Whether required child-protection policies have been adopted and implemented;
Whether employees and other covered individuals have completed required screening and training;
Whether supervision and access safeguards are adequate;
Whether reports and complaints are handled promptly;
Whether external reporting duties are being fulfilled;
Whether records are properly maintained and preserved;
Whether children have accessible complaint procedures;
Whether prior deficiencies have been corrected; and
Whether institutional practices create recurring or systemic risks.

C. The institution shall provide compliance records to the state or local agency with regulatory, licensing, contractual, or funding authority when requested pursuant to law.

D. The Office of the Children's Ombudsman may review institutional compliance information as part of an authorized oversight investigation or systemic review under Chapter 4.4.

E. Nothing in this section transfers the licensing, regulatory, or enforcement authority of another agency to the Office of the Children's Ombudsman.

F. A compliance review conducted by an institution shall not prevent or limit an independent investigation by the Office, a law-enforcement agency, a child protective services agency, or another authority with jurisdiction.

§ 2.2-463. Contractual and funding requirements.

A. Every state agency that enters into or administers a contract, grant, reimbursement arrangement, or other funding agreement with a covered institution for services to children shall include appropriate child-protection requirements in the agreement.

B. The requirements shall include, as applicable:

Compliance with this Act and other applicable child-protection laws;
Adoption and implementation of written child-protection policies;
Required screening and training of covered individuals;
Compliance with reporting and evidence-preservation requirements;
Cooperation with lawful investigations, inspections, and compliance reviews;
Protection against retaliation and interference;
Maintenance of required records;
Prompt notification of serious incidents and material compliance deficiencies; and
Implementation of corrective actions required by the responsible agency.

C. A contractor shall ensure that applicable child-protection obligations are included in agreements with subcontractors and other persons or entities performing child-serving services on its behalf.

D. A contract or funding agreement shall not authorize conduct prohibited by this Act or relieve a covered institution or covered individual of a duty imposed by law.

E. The responsible state agency may take action authorized by law or contract when a covered institution materially violates child-protection requirements, including requiring corrective action, restricting access to children, withholding or suspending payments when legally authorized, declining renewal, or terminating the agreement.

F. Any action under this section shall be consistent with applicable contract law, administrative procedures, due process requirements, and other governing law.

G. No contract, subcontract, grant, or funding arrangement shall be used to evade the duties or accountability requirements established by this Act.

§ 2.2-464. Regulations and implementation.

A. Each state agency with licensing, regulatory, contractual, funding, or operational authority over a covered institution shall, within its existing jurisdiction, adopt or amend regulations, standards, guidance, or procedures necessary to implement this part.

B. Such regulations, standards, guidance, or procedures may address:

Minimum child-protection policies;
Supervision and professional-boundary requirements;
Screening and training;
Reporting and immediate protective action;
Recordkeeping and evidence preservation;
Accessible complaint procedures;
Institutional compliance reviews;
Corrective-action requirements; and
Contractual and funding conditions.

C. The Department of Education shall address the application of this part to public elementary and secondary schools and other educational programs within its jurisdiction.

D. The Department of Social Services shall address the application of this part to child welfare, foster care, child-placing, and other covered programs within its jurisdiction.

E. The Department of Behavioral Health and Developmental Services shall address the application of this part to covered behavioral-health and residential treatment facilities within its jurisdiction.

F. The Department of Juvenile Justice shall address the application of this part to juvenile detention, correctional, and other covered programs within its jurisdiction.

G. The Department of Health and other agencies with relevant jurisdiction shall address the application of this part to covered health-care and childcare facilities and programs within their respective jurisdictions.

H. Agencies shall coordinate implementation to promote consistent minimum child-protection standards while recognizing the distinct legal, operational, and professional requirements of different institutions.

I. Nothing in this section shall transfer regulatory, licensing, inspection, disciplinary, or enforcement authority from an agency to the Office of the Children's Ombudsman.

J. Nothing in this part shall delay an immediate reporting, protective-action, evidence-preservation, or anti-retaliation duty imposed elsewhere in this Act or by existing law.

Part II drafting note: This part establishes minimum standards while leaving licensing and regulatory enforcement with the agencies that already have jurisdiction. The Office of the Children's Ombudsman provides independent oversight but does not become the licensing authority.

PART III — BACKGROUND SCREENING, ELIGIBILITY, AND DISQUALIFICATION STANDARDS

§ 2.2-466. Applicability of background screening requirements.

A. The requirements of this part shall apply to every covered institution and to every individual whose duties may involve the care, custody, supervision, education, treatment, transportation, protection, or direct or indirect access to a child in a covered institution.

B. Covered individuals include, without limitation:

Full-time, part-time, permanent, temporary, substitute, provisional, emergency, and seasonal employees;
Teachers, administrators, principals, aides, paraprofessionals, counselors, psychologists, social workers, nurses, medical professionals, therapists, and other licensed or credentialed professionals;
Coaches, extracurricular personnel, transportation personnel, food-service personnel, custodial and maintenance personnel, security personnel, and other operational staff;
Contractors, subcontractors, staffing-agency personnel, consultants, vendors, and other individuals providing services at or for a covered institution;
Volunteers, interns, student teachers, trainees, and individuals performing unpaid or educational assignments; and
Any other individual whose duties or access create an opportunity for contact with a child in the care, custody, supervision, education, treatment, or protection of a covered institution.

C. A covered institution shall not avoid or reduce its screening obligations by classifying an individual as an independent contractor, volunteer, temporary worker, consultant, vendor, intern, student teacher, or employee of another entity.

D. Each covered institution shall remain responsible for ensuring that screening required by this part is completed, documented, and reviewed before an individual is permitted access to children, subject to the limited preliminary-access provisions of § 2.2-469.

E. This part establishes minimum statewide requirements and shall not supersede or diminish any more protective screening requirement imposed by federal law, state law, regulation, licensing standard, professional requirement, or lawful contract.

F. Nothing in this part shall authorize access to criminal history, child abuse registry, medical, educational, juvenile, sealed, expunged, or otherwise protected records except as authorized by applicable law.

G. For public schools and public-school employment, this part shall be applied in conjunction with § 22.1-296.1, as amended by this Act. Where that section establishes a categorical employment prohibition or a required Board of Education review, the requirements of § 22.1-296.1 shall control the public-school employment determination.

§ 2.2-467. Required background screening components.

A. Before permitting a covered individual to perform duties involving access to children, a covered institution shall complete all background screening required by applicable law and the regulations adopted pursuant to this part.

B. To the extent authorized by law, screening shall include:

Verification of the individual's identity and employment or service history;
A search of state and federal criminal history records, including fingerprint-based checks where required or authorized;
A search of applicable sex offender and crimes-against-minors registries;
A search of the child abuse and neglect registry or other authorized child-protection records;
Verification of professional licenses, certifications, credentials, and disciplinary history where applicable;
Inquiries concerning prior employment and references, including information lawfully available concerning substantiated misconduct, restrictions, or separation from employment;
Review of any other criminal, professional, or administrative records that may lawfully be considered for the position; and
Any additional screening required by the institution's licensing authority, governing agency, or applicable law.

C. A covered institution shall use legally authorized channels to obtain criminal history and registry information and shall obtain written consent or other authorization when required by law.

D. An applicant shall be informed of screening requirements and afforded an opportunity to identify and challenge an apparent error in records used to make an eligibility determination.

E. A covered institution shall maintain secure documentation showing that required screening was completed, the date of completion, the records or sources reviewed, and the resulting eligibility determination. Such documentation shall be retained and disclosed only as permitted or required by law.

F. No individual shall be permitted unsupervised access to a child before completion of required screening, except as expressly permitted under § 2.2-469.

§ 2.2-468. Written consent, former-employer inquiries, and protection for good-faith disclosures.

A. A covered institution shall obtain the written authorization of an applicant or covered individual before conducting an inquiry or obtaining information for which written authorization is required by applicable law.

B. To the extent permitted by law and authorized by the applicant, a covered institution may contact a former employer, former school, licensing authority, professional organization, or other relevant source to verify information concerning the individual's prior work or service involving children.

C. An inquiry to a former employer may include, to the extent lawfully maintained and disclosed:

The individual's dates of employment, position, and responsibilities;
Whether the individual's duties involved contact with, supervision of, or responsibility for children;
Whether complaints, reports, or allegations of child abuse, neglect, exploitation, sexual misconduct, boundary violations, or other child-safety concerns were received;
Whether any allegation was investigated and whether a finding was substantiated, founded, or otherwise formally determined under applicable procedures;
Whether the individual was disciplined, restricted from child-contact duties, placed on leave, terminated, or otherwise subject to employment action related to child safety;
Whether the individual resigned or separated from employment while an investigation concerning child safety or misconduct was pending; and
Whether the former employer has information concerning a continuing safety concern that it is legally permitted to disclose.

D. A former employer or other source that provides information in good faith, in response to an authorized inquiry and within the limits of applicable law, shall not be subject to civil liability solely for providing that information.

E. The protection in subsection D shall not apply to a person who knowingly provides false information, acts with malice, makes an unlawful disclosure, or knowingly conceals or misrepresents material information in violation of a legal duty.

F. Nothing in this section shall:

Require a former employer to disclose information that is confidential or protected from disclosure by law;
Authorize disclosure of sealed, expunged, juvenile, medical, educational, or other protected records except as permitted by law;
Require a former employer to make a finding concerning an allegation that it did not investigate or was not authorized to determine; or
Permit a covered institution to treat an applicant's refusal to authorize a legally optional inquiry as conclusive evidence of misconduct.

G. No covered institution shall enter into or enforce an agreement that knowingly prevents a former employer from making a disclosure required or authorized by law concerning substantiated child abuse, sexual misconduct, or a material child-safety concern.

§ 2.2-469. Preliminary access and supervised assignments pending completion of screening.

A. Except as provided in this section, a covered institution shall not permit a covered individual to have unsupervised access to a child until all screening required by applicable law and this part has been completed and reviewed.

B. A covered institution may permit a temporary preliminary assignment before completion of all screening only when:

The assignment is permitted by applicable law and the institution's licensing or regulatory requirements;
All screening reasonably available and legally required before the assignment has been completed;
The institution has no actual knowledge of a disqualifying conviction, finding, restriction, or other substantial child-safety concern;
The individual remains under the direct and continuous supervision of an appropriately screened individual;
The individual is not given independent responsibility for a child, authority to provide private or unsupervised care, or access to children outside the supervised assignment;
The institution documents the reason for the preliminary assignment, the screening steps completed, the supervision arrangements, and the expected date of completion; and
All remaining screening is completed as promptly as practicable.

C. A preliminary assignment shall not be permitted when the institution knows of a disqualifying conviction, a statutory employment prohibition, a substantiated child-abuse finding that legally

bars the assignment, or other information establishing a substantial and immediate risk to a child.

D. A covered institution shall immediately restrict or remove an individual's access to children when newly received information establishes a potential statutory disqualification or a substantial child-safety concern, subject to applicable law and required procedural protections.

E. No institution shall use a preliminary assignment, supervision arrangement, staffing-agency placement, or temporary classification to evade a screening requirement or a statutory employment prohibition.

F. Nothing in this section shall delay mandatory reporting, protective action, or referral to law enforcement or another authorized agency.

§ 2.2-470. Disqualifying convictions and findings; coordination with public-school employment prohibitions.

A. A covered institution shall not employ, appoint, retain, contract with, or permit an individual to serve in a capacity involving access to children when the individual is prohibited from such employment or service by applicable federal or state law, regulation, licensing requirement, or court order.

B. Subject to applicable law, disqualifying convictions and findings shall include:

A conviction for child sexual abuse, sexual molestation, rape, sexual assault, sexual exploitation, trafficking of a child, or another offense involving the sexual victimization of a child;
A conviction for an attempt, solicitation, or conspiracy to commit an offense described in subdivision 1, where the applicable statute establishes a disqualification;
A conviction requiring registration as a sex offender when that registration or the underlying conviction legally disqualifies the individual from the position or service;
A conviction for kidnapping, abduction, serious physical abuse, or another violent offense when applicable law establishes a bar to the position or service;
A conviction constituting a barrier crime under § 19.2-392.02, but only to the extent that the barrier-crime restriction applies to the institution or position;
A founded or substantiated finding of child abuse or neglect when applicable law authorizes that finding to disqualify the individual from the position or service;
A professional license revocation, suspension, restriction, or disciplinary order that prohibits or materially limits the individual from performing the proposed duties; and
Any other conviction, finding, or legal restriction that expressly prohibits the individual from working or serving in the proposed capacity.

C. **Public-school child-sexual-abuse employment prohibition.**

The categorical prohibition established by § 22.1-296.1, as amended by this Act, shall govern the employment, appointment, retention, contracting, or service of any person convicted of a

qualifying child-sexual-abuse offense in a public-school position or arrangement covered by that section.
The qualifying offenses shall include the offenses identified in § 22.1-296.1 and every additional offense involving the sexual abuse, molestation, rape, assault, exploitation, or trafficking of a child that is expressly made a disqualifying offense by this Act, including any newly created or reclassified offense and any attempt, solicitation, or conspiracy where provided by law.
A school board, the Board of Education, a covered institution, or any administrator shall not use an individualized assessment, rehabilitation determination, employment reference, hearing, licensing decision, contractual arrangement, or other discretionary process to authorize employment or service prohibited by the categorical prohibition, except to the extent another applicable law expressly requires otherwise.
The categorical prohibition shall not be waived by a school board or the Board of Education through the felony-review process established by § 22.1-296.1.
This subsection shall be construed together with § 22.1-296.1, as amended by this Act, and shall not be interpreted to create a separate or less restrictive public-school employment standard.

D. **Other felony convictions in public education.**

A felony conviction that does not fall within the categorical child-sexual-abuse prohibition shall be subject to the hearing and individualized written eligibility determination required by § 22.1-296.1, as amended by this Act.
No public-school employer shall employ, appoint, retain, contract with, or permit an applicant with such a felony conviction to serve in a position covered by § 22.1-296.1 until the required Board of Education review and written determination have been completed.
The review shall apply to the positions and service arrangements specified in § 22.1-296.1 and shall consider the nature and seriousness of the offense, the individual's responsibilities and access to children, the time elapsed, rehabilitation, compliance with court requirements, employment history, and any legally permissible safeguards.
Nothing in this subsection shall authorize the Board of Education or a school board to override a categorical disqualification under subsection C or any other statutory prohibition.

E. **Other covered institutions.** For covered institutions other than public schools, a conviction that is not categorically disqualifying under applicable law shall be evaluated under the governing licensing, employment, and regulatory standards. An institution may adopt additional lawful disqualification criteria consistent with this Act and applicable law. Nothing in this section requires another covered institution to use the Board of Education review process established for public schools.

F. A pending criminal charge, standing alone, shall not be treated as a conviction or as an automatic permanent disqualification under this part. A covered institution may take a temporary, proportionate protective measure when authorized by law and reasonably necessary to protect children, without treating the charge as proof of guilt.

G. Except where a categorical statutory prohibition applies, a covered institution shall consider relevant and reliable information individually and shall not make an adverse determination solely on the basis of an unverified allegation, an inaccurate record, or information that applicable law prohibits it from considering.

H. Nothing in this section shall restrict a covered institution from imposing a more protective employment or access restriction when authorized by law and supported by applicable licensing, contractual, or child-safety requirements.

§ 2.2-471. Notice, review, and correction of screening information.

A. Before making an adverse eligibility determination based on criminal history, registry information, or another screening record, a covered institution shall provide the applicant or covered individual, to the extent required by law, with notice of the information relied upon and a reasonable opportunity to review and challenge its accuracy.

B. The individual shall be afforded a reasonable opportunity to:

Inspect or obtain a copy of the record to the extent permitted by law;
Correct an error in identity, record matching, or other factual information;
Submit information concerning the circumstances of the record;
Provide documentation of a pardon, expungement, restoration of rights, completion of sentence, or other legally relevant disposition; and
Request reconsideration by an authorized decision-maker who was not responsible for the original determination, when required by applicable law or regulation.

C. For a public-school applicant or employee whose felony conviction is subject to the Board of Education review process under § 22.1-296.1, the hearing and written determination required by that section shall govern. The procedures in this section shall not substitute for or diminish that hearing.

D. Nothing in this section shall delay an immediate protective measure, mandatory report, law-enforcement referral, or enforcement of a categorical statutory disqualification.

E. This section shall not authorize a hearing, appeal, or review to override the categorical child-sexual-abuse employment prohibition established by § 22.1-296.1, as amended by this Act.

§ 2.2-472. Continuing disclosure and periodic rescreening.

A. A covered institution shall establish procedures requiring covered individuals to disclose new information when disclosure is required by law or by a lawful institutional policy, including:

A new criminal conviction or guilty plea;
A new sex-offender registration obligation;
A founded or substantiated child-abuse or neglect finding when disclosure is legally required;

A professional license suspension, revocation, restriction, or disciplinary action; or
Another event that may legally affect the individual's eligibility to work or serve in the covered institution.

B. A covered institution shall conduct periodic rescreening at intervals established by applicable law, regulation, licensing requirements, or lawful institutional policy.

C. A covered institution shall promptly review credible information indicating that a covered individual may have become legally disqualified or may present a substantial child-safety risk.

D. When new information indicates a possible categorical disqualification under § 2.2-470, the institution shall promptly determine the individual's legal eligibility and take any protective action required or authorized by law.

E. Public-school employers shall comply with the continuing disclosure, screening, and eligibility requirements of § 22.1-296.1, as amended by this Act. No continuing review or individualized determination shall authorize a person to remain in a public-school position when the categorical child-sexual-abuse prohibition applies.

F. All rescreening and continuing-disclosure procedures shall protect confidential information and comply with applicable restrictions on the collection, use, retention, and disclosure of records.

§ 2.2-473. Institutional responsibility, records, and nondisclosure agreements.

A. Each covered institution shall designate an administrator or responsible official to oversee compliance with this part and to ensure that screening determinations are documented and consistently applied.

B. Each covered institution shall maintain records sufficient to demonstrate compliance with screening, eligibility, review, and rescreening requirements. Such records shall be retained in accordance with applicable law and made available to authorized oversight, licensing, or investigative authorities as permitted by law.

C. No covered institution shall enter into, enforce, or rely upon a nondisclosure, separation, settlement, resignation, reference, or other agreement for the purpose of concealing substantiated child abuse, sexual misconduct, exploitation, or a material child-safety violation, or preventing a disclosure required or authorized by law.

D. No covered institution shall knowingly provide a false or materially misleading employment reference concerning substantiated child abuse, sexual misconduct, or a material child-safety violation.

E. Nothing in this section shall require disclosure of information protected by attorney-client privilege, applicable medical or mental-health confidentiality laws, federal substance-use-

disorder confidentiality requirements, educational privacy laws, or other legally protected records, except as authorized by law.

F. No covered institution shall transfer, reclassify, permit the resignation of, or arrange the placement of an individual for the purpose of evading a statutory disqualification, concealing substantiated misconduct, or avoiding a required report or investigation.

G. A covered institution shall refer information concerning suspected criminal conduct to the appropriate law-enforcement authority and information concerning professional or licensing violations to the appropriate licensing authority, as required or authorized by law.

H. Public-school employers shall maintain records demonstrating compliance with § 22.1-296.1, as amended by this Act, including documentation of the categorical disqualification determination or, where applicable, the Board of Education hearing and individualized written eligibility determination for other felony convictions.

I. The Office of the Children's Ombudsman may review compliance with this part as part of an authorized institutional oversight investigation, subject to the confidentiality, records-access, and jurisdictional limitations established by law.

J. Nothing in this part shall be construed to create a criminal offense, civil cause of action, or private right of action unless expressly provided elsewhere in the Code of Virginia.

PART IV

MANDATORY REPORTING, IMMEDIATE PROTECTIVE ACTION, AND INDEPENDENT INVESTIGATION

§ 2.2-474. Immediate reporting of suspected child abuse, neglect, exploitation, or institutional misconduct.

A. Every covered institution and covered individual shall comply with all applicable mandatory reporting requirements under the Code of Virginia, including § 63.2-1509.

B. In addition to any reporting required under existing law, a covered individual who obtains information giving reasonable cause to suspect any of the following shall promptly report the information to the appropriate child protective services agency, law-enforcement agency, or other authority designated by law:

Physical, sexual, or emotional abuse of a child;
Neglect, exploitation, trafficking, grooming, or other conduct that places a child at risk of serious harm;

Serious injury, unexplained disappearance, or death of a child in the care or custody of a covered institution;
Sexual misconduct, inappropriate physical contact, or prohibited communications involving a child and a covered individual;
Retaliation, intimidation, threats, or coercion against a child or person reporting suspected misconduct; or
Concealment, destruction, alteration, or falsification of evidence relating to suspected child abuse, neglect, exploitation, or institutional misconduct.

C. A report made under this section shall not be delayed because an institution has begun an internal review, because a supervisor has not approved the report, or because the suspected conduct involves an employee, contractor, volunteer, administrator, or other person affiliated with the institution.

D. An internal report to a supervisor or administrator shall not replace a report to an external authority when external reporting is required by law.

E. Nothing in this section shall narrow the definition of abuse or neglect under existing Virginia law or convert every violation of an institutional policy into a reportable instance of child abuse or neglect. Institutional misconduct may be subject to separate reporting and oversight even when it does not independently satisfy the statutory definition of abuse or neglect.

F. Nothing in this section shall diminish, delay, or otherwise modify an individual's independent reporting obligation under § 63.2-1509 or any other applicable law.

§ 2.2-475. Direct reporting rights and prohibition against institutional suppression.

A. A child, parent, guardian, employee, contractor, volunteer, witness, or other person may report suspected child abuse, neglect, exploitation, or institutional misconduct directly to an appropriate external authority.

B. No covered institution or covered individual shall prohibit, obstruct, discourage, or interfere with a person's lawful right or duty to report suspected misconduct.

C. No covered institution shall require a person to obtain supervisory permission, complete an internal complaint procedure, or participate in an internal investigation before making an external report.

D. When an institution receives a report of suspected misconduct, it shall promptly ensure that the report is transmitted to every external authority required by law or applicable regulation.

E. An institution shall not represent that an internal investigation has replaced, satisfied, or eliminated an independent reporting obligation unless applicable law expressly permits that procedure.

F. To the extent permitted by law and consistent with the safety and privacy of the child, the institution shall provide the original reporting person with confirmation that the report was transmitted to the appropriate authority.

§ 2.2-476. Immediate protective action and emergency response.

A. Upon receiving credible information that a child may be at risk of abuse, neglect, exploitation, or serious institutional misconduct, a covered institution shall take prompt and reasonable measures to protect the child while appropriate authorities assess the circumstances.

B. Protective measures may include:

Separating the child from the person reasonably suspected of causing harm;
Temporarily removing the suspected individual from duties involving child contact when reasonably necessary for safety;
Increasing supervision or restricting access to a child or facility area;
Arranging prompt medical evaluation or treatment;
Contacting emergency services or law enforcement when circumstances require;
Arranging a safe alternative placement or care arrangement when legally authorized and necessary; and
Taking reasonable steps to prevent intimidation, retaliation, or further contact that may place the child at risk.

C. Protective action shall be based on the child's safety and shall not be used to punish, stigmatize, isolate, or otherwise disadvantage the child.

D. A covered institution shall not use restraint, seclusion, medication, denial of services, or other restrictive intervention as a substitute for appropriate protective action. Any such intervention must independently comply with applicable law and regulations.

E. A parent or guardian shall be notified when appropriate and legally permissible, unless notification may expose the child to additional danger, compromise a lawful investigation, or otherwise be restricted by law or order of a court.

F. The institution shall document the protective measures taken, the reasons for those measures, the persons responsible for implementing them, and any subsequent changes.

G. Nothing in this section authorizes an institution to exceed its legal authority concerning custody, placement, restraint, seclusion, medical treatment, or parental rights.

§ 2.2-477. Institutional response procedures and independent investigations.

A. Every covered institution shall maintain written procedures for responding to allegations of child abuse, neglect, exploitation, or institutional misconduct.

B. The procedures shall identify:

The individuals responsible for receiving and transmitting reports;
The external agencies and authorities to be contacted;
The immediate protective measures available;
The procedures for preserving records and physical evidence;
The process for cooperating with law enforcement, child protective services, licensing authorities, and the Office of the Children's Ombudsman; and
The safeguards necessary to prevent conflicts of interest, retaliation, intimidation, and interference.

C. An administrator, supervisor, employee, or other person who is the subject of an allegation, has a material personal interest in its outcome, or may otherwise have a conflict of interest shall not control the institution's response or investigation.

D. An institution may conduct an internal administrative review when appropriate, but that review shall not:

Delay or replace a report required by law;
Interfere with a criminal, child protective services, licensing, or other lawful investigation;
Restrict the authority of the Office of the Children's Ombudsman;
Require a child to confront or communicate with the person accused of misconduct; or
Be used to conceal, alter, or suppress relevant information.

E. The Office of the Children's Ombudsman may independently investigate matters within its statutory jurisdiction regardless of whether an institution has completed an internal investigation.

F. Nothing in this section transfers criminal investigative authority, child protective services authority, or licensing enforcement authority to the Office of the Children's Ombudsman.

§ 2.2-478. Preservation of evidence and institutional records.

A. Upon receiving a report or credible information concerning suspected child abuse, neglect, exploitation, or institutional misconduct, a covered institution shall take reasonable steps to preserve records and evidence that may relate to the allegation.

B. Records and evidence subject to preservation may include:

Incident reports and complaint records;
Personnel, employment, screening, and disciplinary records;
Duty schedules, staffing records, and supervision logs;
Facility access records, visitor logs, and security records;
Video recordings, photographs, and audio recordings;
Electronic communications, emails, messages, and other digital records;
Medical, treatment, educational, placement, and service records, subject to applicable privacy laws;

Transportation and location records; and
Other documents or materials reasonably related to the allegation.

C. An institution shall suspend routine destruction or deletion of potentially relevant records when preservation is required by law, regulation, subpoena, court order, or a lawful preservation request from an investigating authority.

D. No covered individual shall knowingly destroy, alter, conceal, falsify, or improperly dispose of evidence or records relating to a report or investigation.

E. Records shall be maintained and disclosed in accordance with applicable confidentiality, privilege, privacy, and records-retention requirements.

F. Nothing in this section authorizes disclosure of information protected by federal or state law without the consent, authorization, court order, or other legal basis required by that law.

§ 2.2-479. Child-sensitive interviews and protection from repeated questioning.

A. A covered institution shall take reasonable steps to ensure that a child who may have experienced abuse, neglect, exploitation, or institutional misconduct is treated with dignity, respect, and sensitivity throughout the reporting and response process.

B. To the extent practicable, an institution shall avoid unnecessary or repetitive questioning of a child about the alleged conduct.

C. When a specialized forensic or investigative interview is appropriate, the institution shall promptly refer the matter to a properly trained professional or appropriate investigating authority.

D. An institution may ask limited questions necessary to determine immediate safety, obtain emergency medical assistance, or comply with an applicable legal obligation. Such questioning shall not be conducted for the purpose of obtaining a confession, testing the credibility of the child, or replacing an investigation by an authorized agency.

E. Interviews and communications with children shall, when appropriate, account for the child's age, developmental level, disability, communication needs, language, and emotional condition.

F. No covered institution shall condition a child's access to care, education, treatment, placement, or other services on the child's agreement to participate in an institutional interview or investigation.

G. Nothing in this section shall restrict lawful interviews conducted by child protective services, law enforcement, a court, or another authority acting within its statutory jurisdiction.

§ 2.2-480. Cooperation with authorized authorities.

A. Every covered institution shall cooperate in good faith with lawful investigations and inquiries conducted by:

The Office of the Children's Ombudsman;
The Department of Social Services and local departments of social services;
Law-enforcement agencies;
Licensing and regulatory authorities;
The Department of Education and other appropriate state agencies;
Courts and other authorities acting under lawful process; and
Any other agency or authority legally responsible for protecting children.

B. Subject to applicable law, privilege, and lawful restrictions, cooperation shall include:

Providing relevant records and documents;
Making appropriate personnel available for interviews;
Preserving and providing relevant evidence;
Providing lawful access to relevant institutional facilities and areas;
Identifying persons who may possess relevant information; and
Implementing lawful safety or corrective measures within the institution's authority.

C. No covered institution or individual shall knowingly mislead an investigating authority, coach or intimidate a witness, conceal relevant evidence, or obstruct a lawful investigation.

D. Nothing in this section waives attorney-client privilege, work-product protection, or another privilege recognized by law.

E. Nothing in this section authorizes access to records or information beyond that permitted by applicable federal or state law, court order, or other lawful authority.

§ 2.2-481. Protection of reporters, witnesses, and cooperating individuals.

A. No covered institution or covered individual shall retaliate against a child or other person because that person:

Reports suspected child abuse, neglect, exploitation, or institutional misconduct;
Makes a complaint to the Office of the Children's Ombudsman or another authorized agency;
Provides information or evidence to an investigation;
Participates in an interview, hearing, or other lawful proceeding;
Refuses to participate in conduct that would violate a child-protection requirement; or
Exercises a right or performs a duty protected by this chapter or other applicable law.

B. Prohibited retaliation includes threats, harassment, intimidation, discharge, demotion, discipline, adverse scheduling, denial of services, reduction of benefits, improper placement changes, or other adverse treatment intended to punish or discourage protected conduct.

C. A covered institution shall establish procedures for receiving and addressing allegations of retaliation and shall promptly refer allegations to an appropriate independent authority when required by law or when an internal conflict of interest exists.

D. No confidentiality agreement, employment agreement, settlement agreement, or institutional policy shall be interpreted or enforced to prohibit a report or disclosure that is protected or required by law.

E. Nothing in this section prohibits a legitimate employment, licensing, educational, or service-related action based on documented reasons independent of protected reporting or cooperation.

F. This section shall be applied consistently with existing protections under § 2.2-448 and other applicable whistleblower, employment, and child-protection laws.

§ 2.2-482. Documentation, institutional review, and corrective action.

A. A covered institution shall maintain written records of reports, protective actions, referrals, evidence-preservation measures, and corrective actions taken in response to suspected child abuse, neglect, exploitation, or institutional misconduct.

B. Documentation shall include, as applicable:

The date and time the institution received the information;
The nature of the allegation or safety concern;
The persons responsible for receiving and responding to the report;
The external agencies notified and the dates of notification;
Immediate protective measures taken;
Evidence preserved and records secured;
Actions taken to prevent retaliation or further harm; and
Corrective actions implemented.

C. A covered institution shall review reported incidents for recurring risks, supervision failures, policy deficiencies, or other systemic concerns.

D. When an institution identifies a material deficiency in its child-protection practices, it shall develop and implement a corrective-action plan consistent with applicable law and any direction issued by an authorized regulatory or oversight agency.

E. The Office of the Children's Ombudsman may review relevant documentation and monitor corrective action within its statutory authority.

F. Records required under this section shall be retained for the period prescribed by applicable law, regulation, or lawful records-retention schedule.

§ 2.2-483. Public information, annual mandatory reporter training, interagency training development, and public access.

A. Every covered institution shall provide accessible information explaining how a child, parent, guardian, employee, volunteer, or other person may report suspected child abuse, neglect, exploitation, or institutional misconduct.

B. The information shall identify appropriate internal and external reporting channels, including the Office of the Children's Ombudsman and relevant child protective services or law-enforcement authorities.

C. Reporting information shall be provided in a manner appropriate to the age, developmental level, language, and accessibility needs of the children served.

D. A covered institution shall not limit the distribution of reporting information to administrators, supervisors, or employees.

E. **Annual mandatory reporter and child-protection training.**

Every covered institution shall ensure that each employee, contractor, volunteer, or other individual who is a mandated reporter under § 63.2-1509 or another applicable provision of law completes training at least once during each calendar year.
Public education personnel. Each public school division, public school, and other covered public educational institution shall ensure that annual training is completed by all personnel and individuals who perform services in or for the institution or have access to students, including, but not limited to:
a. Full-time and part-time teachers;
b. Substitute teachers, including temporary, daily, and long-term substitutes;
c. Instructional aides, teacher assistants, paraprofessionals, and classroom assistants;
d. School counselors, school psychologists, social workers, nurses, and other student-support personnel;
e. Principals, assistant principals, administrators, and supervisory personnel;
f. Coaches, athletic personnel, extracurricular activity sponsors, and activity supervisors;
g. Bus drivers, transportation personnel, cafeteria workers, custodial personnel, and other school support staff;
h. Contractors, subcontractors, vendor personnel, and third-party service providers whose duties involve school operations, student services, or access to students;
i. Student teachers, interns, volunteers, and other individuals assigned to work with or supervise students; and
j. All individuals employed, assigned, or authorized to perform educational or student-support duties under a provisional, temporary, conditional, emergency, or other nonstandard professional license, certificate, permit, or authorization, including every category of provisional teaching license issued under Virginia law.
No public educational institution shall exempt an individual from the training requirement because the individual is temporary, part-time, employed by a contractor, assigned through a

staffing agency, holds a provisional or temporary license, or is not directly employed by the school division.

Training shall be completed before an individual begins duties involving access to or responsibility for students. For an emergency or temporary assignment, the institution shall ensure that required training is completed as soon as practicable and before the individual is permitted to have unsupervised access to students, consistent with applicable law.

The annual training requirement shall also apply to individuals in other covered institutions whose duties involve the supervision, care, education, treatment, transportation, counseling, protection, or direct interaction with children, whether or not those individuals are independently classified as mandated reporters under state law.

The training shall include, at a minimum:

a. The legal definitions, indicators, and warning signs of child abuse and neglect, including child sexual abuse and sexual exploitation;

b. Sexual misconduct involving children, including grooming behaviors, inappropriate relationships, boundary violations, sexual harassment, inappropriate physical contact, and prohibited electronic or digital communications;

c. The legal duties of mandated reporters under Virginia law, including when, how, and to whom reports must be made, and the prohibition against delaying a required report for an internal investigation or supervisory approval;

d. Recognition of signs and indicators of child sexual abuse, including disclosures, behavioral indicators, and circumstances that may create a risk of abuse or exploitation;

e. Applicable Title IX requirements concerning sexual harassment, sexual assault, sex-based discrimination, reporting, response, supportive measures, and institutional responsibilities, for institutions and personnel subject to Title IX;

f. The distinction between reporting obligations under Virginia child-protection laws, Title IX procedures, institutional policies, and other applicable federal or state laws;

g. Procedures for responding to a child's disclosure in a trauma-informed manner, including avoiding leading questions, unnecessary repeated interviews, intimidation, or victim-blaming;

h. Immediate protective measures, emergency response, evidence preservation, confidentiality requirements, and cooperation with child protective services, law enforcement, licensing authorities, and the Office of the Children's Ombudsman;

i. Prohibitions against retaliation, intimidation, interference, concealment, and suppression of reports; and

j. The rights of children to make complaints and seek assistance without fear of punishment, loss of services, or other adverse treatment.

Training shall be appropriate to the institution's type of services, the ages and needs of children served, and the responsibilities of the personnel receiving the training.

Training shall be delivered by qualified individuals or through a training program that meets standards established by the appropriate state agency by regulation. Training may be provided in person or through an approved electronic learning program.

Each covered institution shall maintain documentation of training completion, including the individual's name, position, date of completion, and subject matter covered. Such documentation shall be made available to the appropriate oversight or regulatory authority upon lawful request.

Failure by an individual to complete required training shall result in removal from duties involving unsupervised access to children until the training requirement is satisfied, subject to applicable employment, licensing, and due-process requirements.
An institution shall provide additional training when material changes in applicable law, reporting procedures, or child-protection standards make additional instruction necessary.
Completion of institutional training shall not be construed to satisfy, replace, or waive any independent reporting duty imposed on an individual by Virginia or federal law.

F. **Interagency development and coordination of statewide training.**

The Department of Education, in coordination with the Department of Social Services, the Department of Behavioral Health and Developmental Services, the Department of Juvenile Justice, the Department of Health, the Office of the Children's Ombudsman, and the Office of Children's Services, shall jointly develop and periodically update standardized statewide training materials addressing mandatory reporting, child sexual abuse, sexual misconduct, exploitation, grooming, and institutional child-protection responsibilities.
The participating agencies shall consult, as appropriate, with law-enforcement agencies, Commonwealth's Attorneys, child-protection professionals, Title IX coordinators and compliance professionals, licensing authorities, medical and mental-health professionals, educators, disability advocates, child advocacy organizations, and individuals with relevant lived experience.
The interagency training materials shall establish consistent minimum standards while allowing additional instruction appropriate to the responsibilities and operating environments of different covered institutions.
The training materials shall address the distinct legal requirements applicable to public schools, state educational institutions, foster care, residential facilities, juvenile justice facilities, state hospitals, childcare programs, and private institutions or contractors receiving public funds to care for children.
The participating agencies shall review the training materials at least annually and update them as necessary to reflect changes in federal and state law, regulations, reporting procedures, investigative practices, and recognized child-protection standards.
The participating agencies may enter into memoranda of understanding or other cooperative arrangements to assign responsibilities, coordinate training delivery, share appropriate expertise, and avoid unnecessary duplication of training-development efforts.

G. **Public access to statewide training.**

The standardized statewide training materials developed pursuant to this section shall be made available to the public without charge through an accessible website maintained by the Department of Education or another agency designated by the participating agencies.
Public access shall include, to the extent practicable:
a. Online training modules;
b. Downloadable training materials and presentations;
c. Written guidance concerning mandatory reporting requirements and procedures;
d. Information identifying the appropriate agencies and authorities to contact when reporting

suspected abuse, neglect, sexual misconduct, or exploitation;
e. Guidance concerning Title IX responsibilities and procedures, where applicable; and
f. Information concerning the rights and protections of children, parents, guardians, mandated reporters, and individuals who report or cooperate with investigations.
Training materials shall be made available in accessible formats and, to the extent practicable, in languages commonly used by the populations served by covered institutions.
The statewide training shall be available for use by parents, guardians, students, volunteers, community organizations, prospective employees, and members of the public who wish to understand child-protection responsibilities and reporting procedures.
Public availability of training materials shall not require disclosure of confidential child records, personnel records, protected investigative information, security-sensitive information, or other information protected by federal or state law.
The designated agency shall maintain a publicly accessible record identifying the date of the most recent training update and the agencies responsible for developing and maintaining the materials.

H. **Institutional compliance and oversight.**

Each covered institution shall be responsible for ensuring that individuals subject to the training requirements complete the required training and that completion records are maintained.
The appropriate licensing, regulatory, contracting, or oversight agency shall monitor compliance within its existing statutory jurisdiction.
The Office of the Children's Ombudsman may review institutional compliance and identify systemic training deficiencies within its statutory authority.
Nothing in this section transfers the licensing, employment, disciplinary, or regulatory authority of another state agency to the Office of the Children's Ombudsman.
Nothing in this section shall be construed to reduce any existing mandatory reporting obligation or other child-protection duty imposed by law.

I. Nothing in this section requires public disclosure of confidential child records, personnel records, protected investigative information, or other information protected by law.

§ 2.2-484. Enforcement referrals and relationship to existing law.

A. When the Office of the Children's Ombudsman identifies information indicating possible criminal conduct, child abuse or neglect, licensing violations, or other violations of law, the Ombudsman may refer the matter to the appropriate law-enforcement agency, child protective services agency, licensing authority, or other governmental entity.

B. A referral under this section shall not prevent the Office of the Children's Ombudsman from continuing an investigation within its statutory jurisdiction, subject to applicable confidentiality and coordination requirements.

C. Nothing in this part shall:

Reduce or replace any reporting duty imposed by § 63.2-1509 or other applicable law;
Restrict the authority of law enforcement, child protective services, courts, licensing authorities, or other governmental agencies;
Authorize an institution to conduct an investigation in place of an agency legally responsible for investigating suspected abuse or criminal conduct;
Create authority to impose criminal penalties, licensing sanctions, or disciplinary measures beyond authority otherwise provided by law; or
Limit any existing protection or remedy available to a child or reporting person under federal or state law.

D. Any additional civil or criminal penalty, private right of action, or enforcement remedy arising from a violation of this part shall be established expressly by separate statutory provision and shall not be implied solely from the requirements of this part.

PART V

VICTIM RIGHTS, SUPPORT SERVICES, CONFIDENTIALITY, AND CONTINUITY OF CARE

§ 2.2-485. Rights and protections of children affected by suspected abuse or institutional misconduct.

A. Every child who is the subject of, or is affected by, a report, complaint, investigation, or finding involving suspected child abuse, neglect, exploitation, sexual misconduct, or institutional misconduct shall be treated with dignity, respect, and fairness.

B. A covered institution shall take reasonable steps to protect the child's:

Immediate physical and emotional safety;
Right to be heard and to express concerns without intimidation or retaliation;
Access to appropriate medical, mental-health, educational, and support services;
Privacy and confidentiality, consistent with applicable law;
Right to reasonable accommodations based on age, disability, communication needs, and developmental circumstances; and
Ability to continue receiving necessary services without unnecessary disruption.

C. A child shall not be punished, threatened, intimidated, isolated, disciplined, denied services, or otherwise subjected to adverse treatment because the child:

Reports or discloses suspected abuse, neglect, exploitation, or misconduct;
Participates in an investigation or proceeding;
Requests medical care, counseling, advocacy, or other support;

Declines to participate in an interview or confrontation, except as otherwise lawfully required; or
Requests protection, accommodation, or a change in placement or assignment.

D. The protections in this section shall apply regardless of whether an allegation has been substantiated, provided that the protections shall not be construed to determine the guilt or liability of any person or institution.

§ 2.2-486. Access to medical care, mental-health services, and victim support.

A. When a covered institution becomes aware of a reasonable concern that a child may have experienced abuse, neglect, exploitation, sexual misconduct, or other serious institutional misconduct, the institution shall take reasonable steps to facilitate prompt access to appropriate medical care and mental-health services.

B. When appropriate to the circumstances, services may include:

Emergency medical assessment and treatment;
Specialized medical examinations by qualified professionals, including sexual-abuse examinations when indicated;
Trauma-informed counseling and mental-health treatment;
Crisis intervention and safety planning;
Referrals to child advocacy centers, victim-support organizations, and other qualified service providers; and
Ongoing treatment and support based on the child's needs.

C. A covered institution shall not delay or deny appropriate care because:

An internal investigation has not been completed;
A criminal investigation is pending;
The child has not made a formal complaint;
The allegation has not been substantiated; or
The child or parent has declined to participate in an institutional investigation.

D. Medical and mental-health services shall be provided in accordance with applicable consent, confidentiality, parental-rights, and professional-practice laws.

E. Nothing in this section shall authorize treatment without legally required consent or override the authority of a parent, guardian, court, or other legally authorized decision-maker.

§ 2.2-487. Access to victim advocates and independent support.

A. A child affected by suspected abuse, exploitation, sexual misconduct, or institutional misconduct shall be informed, in an age-appropriate and understandable manner, of available victim advocacy and support services.

B. When reasonably available, the covered institution shall offer the child access to an advocate or support person who is independent of the individual accused of misconduct and, where practicable, independent of the institution's internal investigative process.

C. An advocate or support person may assist the child in:

Understanding available reporting and complaint procedures;
Understanding the general stages of an investigation;
Identifying available medical, mental-health, educational, and community services;
Communicating concerns and requesting reasonable accommodations;
Understanding available safety and placement options; and
Identifying appropriate agencies or authorities for additional assistance.

D. No covered institution shall require a child to use an advocate selected by the institution as a condition of receiving services or making a complaint.

E. Nothing in this section shall be construed to create an attorney-client relationship, establish a legal privilege that does not otherwise exist, or authorize an advocate to interfere with a lawful investigation.

§ 2.2-488. Safe placement, separation, and continuity of care.

A. When necessary to protect a child from a credible risk of further harm, a covered institution shall take reasonable and timely steps to establish a safe environment.

B. Protective measures may include:

Separating the child from an alleged perpetrator;
Restricting an alleged perpetrator's access to the child, subject to applicable law and employment procedures;
Adjusting schedules, assignments, transportation, supervision, or living arrangements;
Providing an alternative classroom, program, residential setting, or service location; and
Coordinating with parents, guardians, child protective services, law enforcement, licensing authorities, or other appropriate agencies.

C. A covered institution shall not automatically require the child to change schools, programs, placements, residences, or service providers when a reasonable protective measure can instead be imposed on the individual whose conduct created the safety concern.

D. A change in a child's placement or assignment shall not be used to punish, stigmatize, silence, or discourage the child from reporting misconduct.

E. A covered institution shall make reasonable efforts to preserve continuity of:

Education and academic progress;
Medical and mental-health treatment;

Disability-related services and accommodations;
Medication and other necessary care;
Counseling and therapeutic relationships;
Family contact and visitation, when legally permitted; and
Other services necessary for the child's health, development, and well-being.

F. Nothing in this section shall limit the lawful authority of a court, child protective services agency, licensing authority, or other legally authorized entity to make or direct a placement decision.

§ 2.2-489. Educational continuity and protection from academic retaliation.

A. A public school, state educational institution, or other covered educational institution shall take reasonable steps to ensure that a child affected by suspected abuse, sexual misconduct, or institutional misconduct does not suffer unnecessary academic harm as a result of reporting, participating in an investigation, receiving treatment, or obtaining protective accommodations.

B. Reasonable measures may include:

Adjustments to class schedules or classroom assignments;
Alternative instruction or learning arrangements;
Reasonable extensions for assignments and examinations;
Attendance accommodations for medical care, counseling, or investigative proceedings;
Access to counseling and student-support services; and
Other measures necessary to preserve educational access and progress.

C. An institution shall not impose an academic penalty, lower a grade, deny educational opportunity, or otherwise retaliate against a child because the child reported misconduct or participated in a lawful investigation.

D. To the extent reasonably practicable, protective arrangements shall avoid placing the educational or academic burden on the affected child rather than on the individual whose conduct created the safety concern.

E. Nothing in this section shall be construed to diminish or replace obligations under Title IX, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, or other applicable federal or state law.

§ 2.2-490. Parent and guardian notification and participation.

A. Subject to applicable law and the child's safety, a covered institution shall make reasonable efforts to notify a child's parent or legal guardian promptly when the institution becomes aware of a report or credible concern involving suspected abuse, exploitation, sexual misconduct, or serious institutional misconduct affecting the child.

B. Notification shall include, to the extent legally permissible and appropriate:

The general nature of the concern;
Immediate protective measures taken;
Available medical, mental-health, and victim-support services;
Appropriate reporting or investigative authorities involved; and
A contact person for questions and requests for assistance.

C. Notification may be delayed or limited when an appropriate authority determines that disclosure could:

Place the child at additional risk;
Compromise a criminal, child-protective, or other lawful investigation;
Violate a court order or applicable confidentiality law; or
Otherwise be contrary to the child's safety or legally protected interests.

D. A covered institution shall not require a child to participate in a meeting, confrontation, or discussion with a parent or guardian as a condition of receiving protection or services.

E. Nothing in this section shall override applicable laws governing parental rights, child-protection investigations, medical consent, educational records, or court-ordered restrictions.

§ 2.2-491. Privacy and confidentiality of affected children.

A. Covered institutions shall take reasonable measures to protect the identity and personally identifiable information of children affected by suspected abuse, exploitation, sexual misconduct, or institutional misconduct.

B. Information concerning a child shall be disclosed only to individuals who have a legitimate need for the information or as otherwise permitted or required by law.

C. A covered institution shall not publicly identify an affected child or release information reasonably likely to identify the child, except as authorized by law or with legally sufficient consent.

D. Nothing in this section shall prohibit a child from discussing the child's own experiences or seeking assistance from a parent, guardian, attorney, advocate, medical provider, mental-health professional, law enforcement officer, or other person when legally permitted.

E. The confidentiality provisions of § 2.2-446 and all applicable federal and state privacy laws shall remain in effect, including laws governing:

Educational records;
Medical and mental-health records;
Child protective services records;
Substance use disorder treatment records;

Domestic violence and sexual assault records; and
Other legally protected information.

F. Nothing in this section shall be construed to authorize disclosure prohibited by federal law, including the Family Educational Rights and Privacy Act or 42 C.F.R. Part 2.

§ 2.2-492. Prohibition against forced confrontation, mediation, or retaliatory resolution.

A. No covered institution shall require a child who reports or is affected by suspected abuse, exploitation, sexual misconduct, or institutional misconduct to:

Confront the alleged perpetrator;
Participate in mediation or reconciliation with the alleged perpetrator;
Apologize for making a report or complaint;
Withdraw, modify, or recant a report or statement;
Participate in a restorative or alternative resolution process as a condition of receiving services; or
Agree to confidentiality terms that unlawfully restrict reporting, cooperation, or access to support.

B. A voluntary restorative or alternative resolution process may occur only when:

Participation is genuinely voluntary;
The child's safety and well-being are protected;
The child receives an age-appropriate explanation of the process;
The child has access to independent support or advocacy;
The process does not interfere with mandatory reporting or an external investigation; and
Participation does not waive any legal right or protection.

C. No covered institution shall characterize a child's refusal to participate in confrontation, mediation, or restorative resolution as misconduct, noncooperation, or a basis for adverse treatment.

§ 2.2-493. Assistance navigating investigations and support services.

A. A covered institution shall provide affected children and, when appropriate and legally permitted, their parents or guardians with understandable information concerning available reporting procedures, investigative authorities, and support services.

B. Information may include:

How to contact child protective services or law enforcement;
How to contact the Office of the Children's Ombudsman;
How to access medical, mental-health, and victim-support services;

How to submit an institutional complaint;
How to request reasonable accommodations or protective measures; and
How to obtain information about the status of a complaint or investigation, to the extent disclosure is permitted by law.

C. The Office of the Children's Ombudsman may provide information, referrals, and assistance within its statutory authority but shall not be required to provide legal representation, medical treatment, or clinical services.

D. No covered institution shall obstruct a child's access to an external agency, advocate, attorney, or other lawful source of assistance.

§ 2.2-494. Enforcement, coordination, and preservation of existing rights.

A. Each covered institution shall implement the protections required by this part in accordance with applicable state and federal law.

B. The appropriate licensing, regulatory, educational, child-protection, or contracting authority shall retain its existing enforcement responsibilities unless otherwise expressly provided by law.

C. The Office of the Children's Ombudsman may review compliance with this part within the scope of its statutory authority and may make findings and recommendations concerning institutional practices, systemic failures, and corrective action.

D. Nothing in this part shall be construed to:

Transfer licensing, employment, disciplinary, placement, or criminal-investigation authority to the Office of the Children's Ombudsman;
Diminish any right or remedy available under Title IX or other applicable federal or state law;
Limit the lawful authority of a court, parent, guardian, child protective services agency, or other authorized entity;
Override applicable confidentiality, consent, or due-process requirements; or
Create a private right of action or impose a civil or criminal penalty unless expressly provided in another section of this act.

E. The provisions of this part shall be interpreted consistently with existing child-protection laws and shall supplement, not replace, protections otherwise available to children under Virginia or federal law.

PART VI — INSTITUTIONAL ACCOUNTABILITY, CIVIL AND ADMINISTRATIVE ENFORCEMENT,

PENALTIES, AND STATE CONTRACT CONSEQUENCES

§ 2.2-495. Designation of responsible enforcement authorities.

A. The state agency having primary statutory or regulatory authority over a covered institution shall be responsible for monitoring and enforcing the child-protection requirements applicable to that institution under this chapter, unless another agency is expressly designated by law.

B. Enforcement responsibilities shall be allocated according to the type of institution and the agency's existing statutory jurisdiction, including:

The Department of Education and applicable local school divisions for public educational institutions and programs;
The Department of Social Services for foster care facilities, child-placing agencies, group homes, and other child welfare programs within its jurisdiction;
The Department of Juvenile Justice for juvenile detention centers, correctional facilities, and programs within its jurisdiction;
The Department of Behavioral Health and Developmental Services for state hospitals, psychiatric treatment facilities, and residential treatment programs within its jurisdiction;
The Department of Health and other designated agencies for state-operated childcare facilities and other covered programs within their jurisdiction; and
The state agency administering a contract, grant, or funding agreement for a private contractor or facility receiving Commonwealth funds to provide care, supervision, education, treatment, or services to children.

C. Nothing in this section shall transfer licensing, certification, employment, disciplinary, contracting, or enforcement authority from an agency legally authorized to exercise such authority.

D. The Office of the Children's Ombudsman shall retain its independent oversight, investigative, inspection, reporting, and recommendation authority under this chapter. The Office shall not be responsible for imposing licensing sanctions, employment discipline, civil penalties, or criminal punishment unless separately authorized by law.

§ 2.2-496. Notice of deficiency and corrective action plans.

A. When the responsible enforcement authority determines that a covered institution has violated a requirement of this chapter or an applicable child-protection standard, the authority may issue a written notice of deficiency identifying:

The specific requirement that has been violated;
The conduct, omission, policy, or institutional condition constituting the deficiency;

The corrective action required;
The deadline for submitting and implementing a corrective action plan; and
Any immediate protective measures necessary to protect children from an ongoing or reasonably foreseeable risk.

B. A covered institution receiving a notice of deficiency shall submit a written corrective action plan within the time established by the responsible enforcement authority.

C. A corrective action plan may require:

Revision or adoption of institutional policies and procedures;
Additional employee supervision or changes to supervision practices;
Removal of an individual from duties involving contact with children when authorized by law and necessary for child safety;
Additional training or competency verification;
Improved complaint intake, reporting, and documentation procedures;
Changes to staffing, facility access, communication, or monitoring practices;
Independent review of institutional practices or prior incidents;
Notification of affected children, parents, guardians, or other legally entitled persons, when appropriate and permitted by law; and
Other reasonable measures necessary to prevent recurrence and protect children.

D. The responsible enforcement authority shall review the proposed corrective action plan and may require reasonable revisions.

E. The institution shall provide evidence of implementation upon request. The responsible enforcement authority may conduct a follow-up review or inspection to verify compliance.

F. A corrective action plan shall not delay a mandatory report, criminal investigation, child protective services investigation, emergency protective action, or other proceeding required by law.

§ 2.2-497. Escalated enforcement for serious or repeated violations.

A. If a covered institution fails to implement an approved corrective action plan, commits repeated violations, or engages in conduct creating a substantial risk to the safety or welfare of children, the responsible enforcement authority may pursue additional administrative or regulatory action within its existing legal authority.

B. Such action may include:

Increased monitoring or compliance reviews;
Additional inspections or audits;
Restrictions on new admissions, placements, referrals, or assignments, where authorized by law;
Required changes to policies, management practices, or supervision;

Referral to an appropriate licensing, certification, or professional regulatory board;
Suspension, modification, or revocation of a license, certification, approval, or authorization, when authorized by applicable law;
Contractual corrective action, suspension, or termination under the applicable agreement and law; and
Referral to the Attorney General, a Commonwealth's Attorney, law enforcement, or another appropriate authority when the facts warrant referral.

C. The severity of any enforcement action shall be proportionate to the nature of the violation, the degree of risk to children, the institution's prior compliance history, the adequacy of corrective measures, and other relevant circumstances.

D. Nothing in this section shall authorize an agency to impose a sanction beyond the authority granted to it by law.

§ 2.2-498. Accountability of individuals responsible for institutional violations.

A. An employee, administrator, contractor, volunteer, or other covered individual who violates a requirement of this chapter may be subject to employment, contractual, licensing, professional, or other administrative consequences imposed by the entity or authority legally responsible for that individual.

B. Depending on the nature and seriousness of the conduct, consequences may include:

Required additional training;
Increased supervision or restrictions on duties;
Reassignment or removal from duties involving contact with children, when legally authorized;
Employment or contractual discipline, up to and including termination;
Referral to a professional licensing or certification authority;
Referral to law enforcement or a prosecuting authority; and
Other action authorized by applicable law, contract, or employment policy.

C. An institution shall not knowingly retain an individual in duties involving access to children when the institution has actual knowledge of a legally disqualifying conviction, final finding, or other disqualifying condition established by applicable law.

D. An individual shall not be disciplined solely for making a good-faith report, cooperating with an investigation, or exercising a right protected under this chapter.

E. Any employment or disciplinary action shall comply with applicable due-process requirements, collective bargaining agreements where applicable, employment protections, professional licensing laws, and other governing law.

F. Nothing in this section creates authority for the Office of the Children's Ombudsman to hire, fire, suspend, discipline, or otherwise manage personnel employed by a covered institution.

§ 2.2-499. State contract and funding consequences.

A. Every state agency entering into a contract, grant, funding agreement, placement agreement, or other arrangement with a private entity to provide services involving the care, custody, supervision, education, treatment, transportation, or protection of children shall include appropriate child-protection compliance requirements consistent with this chapter.

B. Such agreements shall, to the extent authorized by law, require the private entity to:

Comply with applicable child-protection standards and reporting requirements;
Conduct required background screening and employment-history verification;
Maintain required policies, training records, incident reports, and other compliance documentation;
Cooperate with lawful investigations, inspections, audits, and compliance reviews;
Report suspected abuse, neglect, exploitation, and serious institutional misconduct as required by law;
Implement corrective action plans issued by the responsible agency; and
Prohibit retaliation against children, reporters, witnesses, and individuals cooperating with an investigation.

C. When a contractor materially violates these requirements, the administering agency may pursue remedies authorized by the contract and applicable law, including:

Requiring a corrective action plan;
Increasing monitoring, audits, or reporting requirements;
Withholding payment for noncompliant services when authorized by the agreement and law;
Suspending new referrals, placements, or assignments when authorized;
Suspending or terminating the contract in accordance with its terms and applicable law;
Declining contract renewal; and
Referring the contractor for suspension or debarment proceedings when authorized by law.

D. Contractual consequences shall be proportionate to the violation and shall comply with applicable notice, hearing, procurement, and due-process requirements.

E. No state agency shall use this section to impose a contractual penalty or funding restriction that it is not otherwise authorized by law or by the applicable agreement.

F. A private entity shall not avoid its obligations under this chapter by subcontracting, outsourcing, using staffing agencies, changing the classification of personnel, or transferring responsibility to another entity.

§ 2.2-499.1. Referral to law enforcement, licensing authorities, and other agencies.

A. When information obtained through an investigation, inspection, compliance review, or other lawful process provides a reasonable basis to believe that a criminal offense, licensing violation, professional misconduct, or other violation of law may have occurred, the responsible authority shall refer the information to the agency having jurisdiction, as appropriate.

B. Referrals may be made to:

Law enforcement agencies and prosecuting authorities;
Child protective services;
Professional licensing and certification boards;
State agencies responsible for institutional licensing and oversight;
The Attorney General;
Federal authorities when federal law or jurisdiction is implicated; and
Other agencies authorized to investigate or address the conduct.

C. A referral under this section shall not be construed as a finding of criminal liability, professional misconduct, or civil liability.

D. Nothing in this chapter shall authorize an institution or enforcement authority to interfere with an independent criminal investigation, child protective services investigation, or other proceeding conducted by an agency having lawful jurisdiction.

E. Information shall be shared only as permitted by applicable confidentiality, privacy, privilege, and records laws.

§ 2.2-499.2. Compliance monitoring and verification.

A. Each responsible enforcement authority shall establish procedures for monitoring compliance with the requirements of this chapter by covered institutions within its jurisdiction.

B. Monitoring procedures may include:

Periodic review of written policies and training records;
Review of incident reports, complaint records, and corrective action documentation;
Risk-based inspections and compliance reviews;
Verification of background screening and employment-history procedures;
Review of staffing, supervision, and child-access safeguards;
Evaluation of the institution's response to prior findings; and
Follow-up reviews to determine whether corrective measures have been effective.

C. Monitoring shall be risk-based and may consider the nature of services provided, the vulnerability and needs of children served, prior violations, complaint patterns, and other relevant factors.

D. The responsible enforcement authority shall maintain records of material findings, corrective action requirements, and enforcement actions in accordance with applicable records-retention and confidentiality laws.

E. The Office of the Children's Ombudsman may review institutional compliance information within its statutory authority and may make recommendations concerning systemic deficiencies, recurring violations, or inadequate corrective action.

F. Nothing in this section requires disclosure of confidential child records or information protected by federal or state law.

§ 2.2-499.3. Notice, opportunity to respond, and administrative review.

A. Before imposing a final administrative sanction under this part, the responsible enforcement authority shall provide the affected institution or individual with written notice of the proposed action and a reasonable opportunity to respond, except when immediate temporary action is authorized by law and necessary to protect children or preserve the integrity of an investigation.

B. The notice shall identify the factual and legal basis for the proposed action and describe any applicable procedure for contesting the determination.

C. Any hearing, review, appeal, or reconsideration shall be conducted in accordance with the Virginia Administrative Process Act, applicable licensing statutes, procurement laws, contractual provisions, and other governing law.

D. Nothing in this section shall require an agency to disclose confidential information, protected witness identities, privileged communications, or information whose disclosure is prohibited by law.

E. Emergency protective restrictions may remain in effect during administrative review when authorized by law and necessary to protect children, provided that applicable procedural protections are afforded.

F. This section shall not create a new administrative appeal process where no such process is otherwise authorized by law.

§ 2.2-499.4. Public reporting of institutional compliance and enforcement.

A. Each responsible enforcement authority shall maintain information concerning material institutional compliance findings and enforcement actions within its jurisdiction.

B. Subject to applicable confidentiality and privacy laws, the authority shall provide information necessary for the Office of the Children's Ombudsman to prepare the annual report required under § 2.2-447.

C. The annual report may include aggregate and de-identified information concerning:

The number and categories of covered institutions reviewed;
The number and general nature of identified deficiencies;
Corrective action plans issued and completed;
Repeated or unresolved compliance deficiencies;
Licensing, contractual, or administrative referrals;
Significant systemic risks and recurring institutional failures; and
Recommendations for statutory, regulatory, policy, or budgetary improvements.

D. No public report shall identify a child, disclose protected personal information, compromise an active investigation, or disclose information otherwise protected by law.

E. Nothing in this section requires publication of confidential personnel records, protected investigative material, or information whose disclosure would violate applicable law.

PART VII

CIVIL REMEDIES, LEGAL ACCOUNTABILITY, AND PROTECTION OF CHILDREN’S RIGHTS

New section of Title 8.01 (number and placement to be assigned by the Revisor). Preservation of existing civil rights and remedies.

A. Nothing in this act shall be construed to limit, impair, or extinguish any civil action, cause of action, remedy, or other right otherwise available to a child or other person under the laws of the Commonwealth, except as expressly provided by law.

B. The remedies established or preserved by this part are intended to supplement, and not displace, otherwise available remedies arising under the common law, other provisions of the Code of Virginia, or applicable federal law.

C. A child’s ability to pursue a civil remedy under this part shall not depend upon whether a criminal prosecution has been initiated, whether a criminal conviction has been obtained, or whether an administrative or institutional investigation has reached a final determination.

D. The waivers of sovereign immunity and governmental immunity established in this act shall be limited to the express terms of the applicable statutory provisions. No waiver shall be implied beyond those terms.

New section of Title 8.01 (number and placement to be assigned by the Revisor). Civil accountability for violations of child-protection requirements.

A. A covered institution or person may be subject to civil liability as otherwise authorized by law when the institution or person knowingly or recklessly violates a duty imposed by this act and that violation causes injury to a child.

B. Conduct relevant to a claim under this section may include:

Knowingly failing to implement or enforce a child-protection policy required by this act;
Negligent or reckless hiring, screening, retention, assignment, or supervision of an individual who has access to children;
Knowingly permitting an individual to have access to a child in violation of an applicable statutory disqualification;
Failing to take reasonable protective action after receiving credible information of suspected abuse, sexual misconduct, exploitation, or other serious institutional misconduct;
Knowingly failing to make a report required by law;
Concealing, destroying, falsifying, or improperly withholding material records or evidence concerning suspected child abuse or institutional misconduct;
Retaliating against a child, parent, guardian, employee, contractor, volunteer, or other person for making or assisting with a good-faith report or participating in an authorized investigation; or
Otherwise knowingly or recklessly violating a duty imposed by this act in a manner that causes injury to a child.

C. Nothing in this section shall create automatic liability solely because an institution is subject to this act or because an allegation of misconduct has been made. Liability shall be determined under the applicable standards of law and the facts of the particular case.

D. Nothing in this section shall be construed to eliminate any otherwise applicable defense, privilege, or immunity except to the extent expressly waived by this act.

New section of Title 8.01 (number and placement to be assigned by the Revisor). Civil action by an affected child.

A. A child who suffers injury as a result of conduct for which a civil remedy is authorized under this act may bring a civil action through a parent, guardian, guardian ad litem, next friend, or other person authorized by law, subject to applicable procedural requirements.

B. A person bringing an action under this section may seek, as authorized by law:

Compensatory damages for physical, psychological, emotional, educational, and other legally compensable injuries;
Reasonable expenses for medical care, mental-health treatment, counseling, rehabilitation, and other necessary services resulting from the injury;
Injunctive or declaratory relief where appropriate;

Reasonable costs of the action; and
Attorney fees where expressly authorized by statute or another applicable rule of law.

C. Punitive damages shall not be available against the Commonwealth, a locality, a school board, or another governmental entity unless expressly authorized by law. The availability of punitive damages against an individual or nongovernmental defendant shall be governed by otherwise applicable Virginia law.

D. The remedies available under this section shall not be construed to authorize double recovery for the same injury.

E. The fact that a child has reached the age of majority shall not, by itself, extinguish a claim that was preserved under an applicable statute of limitations or other tolling provision.

New section of Title 8.01 (number and placement to be assigned by the Revisor). Protection against retaliation and interference with civil remedies.

A. No covered institution or person shall retaliate against a child or other person for:

Reporting suspected abuse, neglect, exploitation, sexual misconduct, or institutional misconduct;
Requesting assistance or protective measures;
Participating in a criminal, civil, administrative, licensing, or institutional investigation;
Providing information or evidence to an authorized governmental entity;
Seeking medical care, counseling, advocacy, or legal assistance; or
Exercising a right or pursuing a remedy protected by this act or other applicable law.

B. Prohibited retaliation includes intimidation, threats, harassment, adverse educational treatment, denial of services, improper transfer, discharge, demotion, discipline, interference with employment, interference with placement or treatment, or other adverse action taken because of protected conduct.

C. Nothing in this section shall prohibit a legitimate employment, educational, placement, or service decision supported by lawful reasons independent of the protected conduct.

D. A person alleging retaliation may pursue remedies otherwise available under this act or other applicable law.

New section of Title 8.01 (number and placement to be assigned by the Revisor). Equitable relief and continuing violations.

A. A court of competent jurisdiction may grant declaratory or injunctive relief, where authorized by law, to prevent or remedy an ongoing violation of a child-protection duty imposed by this act.

B. Available equitable relief may include an order requiring a covered institution or responsible person to:

Cease conduct that presents an ongoing risk to children;
Implement or correct required child-protection policies;
Preserve records and evidence;
Correct an unlawful screening, assignment, or supervision practice;
Provide required notice, training, or protective procedures; or
Take other lawful action necessary to prevent continuing injury.

C. Nothing in this section authorizes a court to assume the general administration of a state agency, licensing authority, school system, or institution beyond the relief necessary to resolve a claim properly before it.

D. Nothing in this section shall displace the authority of a court, licensing agency, child-protection agency, law-enforcement agency, or other governmental entity under existing law.

New section of Title 8.01 (number and placement to be assigned by the Revisor). Limitation periods and protection of child claimants.

A. A civil action authorized by this part shall be subject to the limitation period and tolling rules expressly established for such action and to any other applicable provisions of Virginia law.

B. The limitation provisions applicable to claims involving childhood sexual abuse, childhood physical abuse, exploitation, or other injuries to children shall be construed consistently with the protective purposes of this act.

C. The commencement of an administrative, licensing, institutional, or criminal investigation shall not, by itself, suspend or extend a limitation period unless expressly provided by law.

D. Nothing in this section shall revive a claim that has been finally adjudicated or otherwise barred by a final judgment, except to the extent expressly provided by legislation.

New section of Title 8.01 (number and placement to be assigned by the Revisor). Construction and coordination of civil remedies.

A. The provisions of this part shall be construed to preserve the distinction between:

The Commonwealth and its agencies and employees;
Counties, cities, towns, school boards, and other local governmental entities;
Private contractors and subcontractors; and
Individual employees, volunteers, and other persons.

B. The express waiver of Commonwealth sovereign immunity shall not be construed as a waiver of local-government or school-board immunity.

C. The separate waiver of local-government and school-board immunity established by Part VIII shall be governed by its own express terms.

D. Nothing in this part shall be construed to create an employment relationship between the Commonwealth and an employee of a local government, school board, private contractor, or other nongovernmental entity.

E. The provisions of this part shall be construed in coordination with the Virginia Tort Claims Act, applicable local-government immunity provisions, and other laws governing civil actions against governmental entities.

PART VIII

AMENDMENTS TO THE VIRGINIA TORT CLAIMS ACT AND SEPARATE WAIVER OF LOCAL GOVERNMENT AND SCHOOL BOARD IMMUNITY

Proposed amendment to § 8.01-195.3 (complete reenactment text and existing statutory exceptions must be conformed by the Revisor). Waiver of sovereign immunity; claims arising under the Child Victim Protection and Prevention Act.

A. In addition to the claims otherwise permitted under the Virginia Tort Claims Act, the Commonwealth shall be subject to civil actions for compensatory damages for claims expressly authorized under the Child Victim Protection and Prevention Act, subject to the limitations and conditions stated in this article and the specific provisions of that act.

B. The waiver shall apply to injury caused by the negligent or wrongful act or omission of a state agency or state employee acting within the scope of employment, where the claim arises from a duty imposed by the Child Victim Protection and Prevention Act.

C. Claims within the scope of the waiver may include claims based on:

Negligent hiring, screening, assignment, retention, or supervision of an individual with access to children;
Failure to establish, implement, or enforce required child-protection policies;
Failure to respond reasonably to information concerning suspected child abuse, sexual misconduct, exploitation, or institutional misconduct;
Failure to take reasonable steps to protect a child from a known or reasonably foreseeable risk;
Failure to make a report required by law;
Concealment, destruction, falsification, or improper handling of material records or evidence;
Retaliation prohibited by the Child Victim Protection and Prevention Act; or

Other negligent or wrongful conduct for which that act expressly authorizes a civil remedy.

D. Compensatory damages recoverable under this section shall not be subject to a monetary cap solely by reason of the waiver established for claims under the Child Victim Protection and Prevention Act, except as expressly provided by subsequent legislation.

E. Nothing in this section authorizes punitive damages against the Commonwealth.

F. Nothing in this section shall be construed to:

Waive the immunity of a county, city, town, school board, or other local governmental entity;
Treat a private contractor, subcontractor, or nongovernmental institution as an agency or employee of the Commonwealth;
Waive an individual employee's immunity except as expressly provided by law; or
Expand the Commonwealth's liability beyond the express terms of this section and the Child Victim Protection and Prevention Act.

Proposed amendment to § 8.01-195.4 (complete reenactment text must preserve existing jurisdictional thresholds and jury-trial provisions). Jurisdiction and procedure.

A. Claims authorized under the Child Victim Protection and Prevention Act shall be brought and administered in accordance with the jurisdictional, service, pleading, and procedural provisions of the Virginia Tort Claims Act, except to the extent a more specific provision of law expressly provides otherwise.

B. Nothing in this section shall be construed to create a new right to a jury trial or to eliminate a right to a jury trial otherwise provided by law.

C. Nothing in this section shall alter the jurisdiction of a court over claims against persons or entities that are not subject to the Virginia Tort Claims Act.

Proposed amendment to § 8.01-195.6 (complete reenactment text must preserve existing notice procedures except where expressly modified). Notice of claim.

A. The notice requirements otherwise applicable under this article shall apply to claims authorized under the Child Victim Protection and Prevention Act, except as expressly modified by this act.

B. A notice requirement shall not be construed to extinguish or bar a claim brought on behalf of a child where the specific limitation and notice provisions enacted for claims under the Child Victim Protection and Prevention Act provide otherwise.

C. The limitation period applicable to a claim under the Child Victim Protection and Prevention Act shall be determined under the specific limitation provision enacted for such claims.

D. Nothing in this section shall be construed to authorize a claimant to disregard a notice requirement that remains applicable under the express terms of the governing statute.

Proposed amendment to § 8.01-195.7 (complete reenactment text must preserve existing limitation and tolling rules except where expressly modified). Limitation period for claims arising under the Child Victim Protection and Prevention Act.

A. Notwithstanding any inconsistent notice or commencement deadline otherwise applicable under this article, a claim expressly authorized under the Child Victim Protection and Prevention Act shall be subject to the limitation period established by that act.

B. The limitation period and any applicable tolling provision shall be applied in accordance with the terms of the Child Victim Protection and Prevention Act and other applicable Virginia law.

C. Nothing in this section shall revive a claim that has been finally adjudicated or that is otherwise barred by a final judgment, except to the extent expressly provided by legislation.

Proposed amendment to § 8.01-195.8 (complete reenactment text must preserve the existing release rule except for the express child-claim carve-out). Release and settlement.

A. A release or settlement entered into by the Commonwealth in a claim arising under the Child Victim Protection and Prevention Act shall not automatically release a separate claim against a local government, school board, private contractor, subcontractor, or individual defendant unless the release expressly identifies that party and the claim being released.

B. A release of a child's claim shall comply with applicable law governing the legal capacity of the child, the authority of a parent or guardian, and any required court approval.

C. A settlement agreement shall not be construed to authorize concealment of suspected child abuse, obstruction of a legally required report, destruction of evidence, or interference with a lawful investigation.

D. Nothing in this section prohibits a lawful settlement of a civil claim or the protection of confidential information unrelated to suspected abuse or other legally reportable misconduct.

Proposed amendment to § 8.01-195.9 (complete reenactment text must preserve the existing claims-evaluation program). Risk-management reporting.

A. The responsible risk-management authority of the Commonwealth shall maintain records of claims and settlements arising under the Child Victim Protection and Prevention Act.

B. The responsible authority shall periodically review such claims for recurring patterns involving hiring, screening, supervision, reporting, protective action, record preservation, retaliation, or institutional concealment.

C. The responsible authority shall provide aggregate information and recommendations to the appropriate state agencies and, as required by law, to the General Assembly.

D. Reports under this section shall protect the identity of children and other persons where required by law and shall not disclose confidential or privileged information.

New section (Title and number to be assigned by the Revisor). Separate waiver of local-government and school-board immunity.

A. Notwithstanding any contrary provision of law, a county, city, town, school board, or other local governmental agency or instrumentality that operates, administers, funds, supervises, or contracts for a covered institution shall be subject to a civil action for compensatory damages for a claim expressly authorized under the Child Victim Protection and Prevention Act, subject to the terms of this section.

B. This section constitutes a separate and express waiver of local-government and school-board immunity. It is independent of, and shall not be construed as an extension of, the waiver of sovereign immunity applicable to the Commonwealth under the Virginia Tort Claims Act.

C. Claims within the scope of this waiver may include injury caused by:

Negligent hiring, screening, assignment, retention, or supervision of an individual with access to children;
Failure to establish, implement, or enforce required child-protection policies;
Failure to take reasonable protective action after receiving information concerning suspected abuse or institutional misconduct;
Failure to make a report required by law;
Concealment, destruction, falsification, or improper handling of material records or evidence;
Retaliation prohibited by the Child Victim Protection and Prevention Act; or
Other negligent or wrongful conduct for which that act expressly authorizes a civil remedy.

D. Compensatory damages recoverable under this section shall not be subject to a monetary cap or insurance-policy limit solely by reason of the waiver established by this section, except as expressly provided by subsequent legislation.

E. This section does not authorize punitive damages against a county, city, town, school board, or other local governmental entity unless punitive damages are expressly authorized by law.

F. Nothing in this section shall be construed to:

Waive the immunity of the Commonwealth or any state agency;
Treat a local government or school board as an agency or employee of the Commonwealth;
Waive the personal immunity of an individual employee, officer, or volunteer except as expressly provided by law;
Create liability solely because an entity is subject to the Child Victim Protection and Prevention Act; or
Eliminate a defense otherwise available under law except to the extent expressly waived by this section.

G. A local government or school board may use insurance, self-insurance, or other lawful risk-management arrangements to address liability under this section. The existence, absence, or amount of insurance shall not, by itself, determine whether immunity has been waived or whether a claimant has a cause of action.

H. The notice requirements otherwise applicable to claims against local governments shall not bar a claim expressly authorized under the Child Victim Protection and Prevention Act to the extent the specific notice and limitation provisions enacted for such claims provide otherwise.

Drafting instruction only—not operative amend-and-reenact text. § 15.2-209. Notice to be given to counties, cities, and towns of tort claims for damages.

The provisions governing notice of claims against counties, cities, and towns shall be amended to provide that a notice requirement under this section shall not operate as a bar to a claim expressly authorized under the Child Victim Protection and Prevention Act where the specific notice and limitation provisions enacted for such claim provide otherwise.

Drafting instruction only—not operative amend-and-reenact text. § 22.1-71. School board constitutes body corporate; corporate powers.

The provisions governing the corporate powers and duties of school boards shall be amended to clarify that a school board is subject to the express and limited waiver of immunity established by this act for claims arising from duties imposed by the Child Victim Protection and Prevention Act.

Nothing in such amendment shall make a school board an agency or employee of the Commonwealth or subject it to the Virginia Tort Claims Act solely by reason of the waiver.

New section (Title and number to be assigned by the Revisor). Coordination with other remedies and defendants.

A. The waiver established by this part shall be construed separately from the waiver of sovereign immunity applicable to the Commonwealth.

B. A private contractor, subcontractor, vendor, or other nongovernmental entity shall not become a state agency or employee, or a local governmental entity, solely because it receives public funding or performs services under a public contract.

C. Nothing in this part shall preclude a civil action against a private contractor, subcontractor, individual, or other defendant where such action is otherwise authorized by law.

D. Nothing in this part shall be construed to authorize duplicate recovery for the same injury or to eliminate applicable rules governing contribution, indemnification, settlement, or allocation of fault.

E. The provisions of this part shall be applied consistently with the express terms of the Child Victim Protection and Prevention Act and the Virginia Tort Claims Act.

Transition and application.

A. The waivers of immunity established by this part shall apply to claims arising from conduct occurring on or after the effective date of the applicable waiver, unless the General Assembly expressly provides otherwise.

B. Nothing in this part shall revive a claim that was finally adjudicated before the effective date.

C. The amendments made by this part shall not be construed to impair a final judgment or settlement entered before the effective date.

D. The provisions of this part shall be construed narrowly as express statutory waivers of immunity and shall not create an implied waiver beyond the claims and circumstances specifically identified.

PART IX

IMPLEMENTATION, RULEMAKING, TRANSITION, AND EFFECTIVE DATES

Uncodified clause [number to be assigned by the Revisor]. Statewide implementation and interagency coordination.

A. The Department of Social Services, Department of Education, Department of Behavioral Health and Developmental Services, Department of Juvenile Justice, Department of Health, Office of Children's Services, and Office of the Children's Ombudsman shall coordinate

implementation of the Child Victim Protection and Prevention Act within their respective statutory responsibilities.

B. Each participating agency shall designate an implementation coordinator responsible for:

Coordinating the agency's implementation activities;
Identifying existing policies, regulations, contracts, and procedures requiring amendment;
Coordinating with covered institutions subject to the agency's authority;
Identifying training, staffing, screening, reporting, and oversight requirements;
Monitoring implementation progress; and
Reporting implementation barriers and recommendations to the appropriate state officials.

C. The Office of the Children's Ombudsman shall retain its independence in carrying out its statutory duties. Interagency coordination under this section shall not authorize another agency to direct, restrict, or interfere with an Ombudsman investigation or determination.

D. Nothing in this section shall transfer the licensing, regulatory, investigative, prosecutorial, or disciplinary authority of one agency to another.

Uncodified clause [number to be assigned by the Revisor]. Regulations and minimum standards.

A. Each agency with regulatory or supervisory authority over a covered institution shall, within its existing statutory jurisdiction, adopt or amend regulations necessary to implement the provisions of the Child Victim Protection and Prevention Act.

B. Regulations shall address, as applicable to the institution and the agency's jurisdiction:

Written child-protection policies;
Supervision and prevention of unauthorized access;
Standards governing interactions between employees, contractors, volunteers, and children;
Electronic communications and digital safeguards;
Residential and institutional care safeguards;
Screening and eligibility requirements;
Mandatory reporting and immediate protective action;
Evidence and records preservation;
Child-sensitive complaint procedures;
Mandatory training;
Institutional compliance reviews;
Corrective-action requirements;
Contractual and funding conditions; and
Documentation and reporting requirements.

C. Each agency shall identify the existing statutory authority under which its regulations are adopted and administered.

D. No regulation adopted under this section shall:

Diminish a reporting duty imposed by existing law;
Restrict a person's right to report suspected abuse directly to an authorized governmental entity;
Expand access to confidential criminal-history or child-abuse registry information beyond that authorized by law;
Transfer licensing or enforcement authority to the Office of the Children's Ombudsman; or
Conflict with applicable constitutional, statutory, or federal requirements.

E. Agencies may coordinate or jointly develop regulations where their respective jurisdictions overlap, but each agency shall retain responsibility for administering and enforcing requirements within its own jurisdiction.

Uncodified clause [number to be assigned by the Revisor]. Institutional implementation plans.

A. Each covered institution shall review its policies and procedures and develop an implementation plan addressing the requirements applicable to that institution under the Child Victim Protection and Prevention Act.

B. The plan shall address, as applicable:

Child-protection policies and designated responsible personnel;
Employee, contractor, and volunteer screening;
Supervision and access controls;
Reporting procedures and immediate protective action;
Child-accessible complaint procedures;
Evidence and records preservation;
Required training;
Corrective-action procedures;
Contractual and funding requirements; and
Documentation of compliance.

C. An institution shall submit its implementation plan to the agency designated by law or regulation to oversee that institution.

D. An agency may require revisions or additional documentation where reasonably necessary to demonstrate compliance.

E. Failure to complete an implementation plan shall not excuse an institution or individual from complying with a reporting duty, taking immediate protective action, preserving evidence, preventing retaliation, or complying with another obligation that takes effect before the plan is due.

Uncodified clause [number to be assigned by the Revisor]. Transition for existing employees, contractors, and volunteers.

A. Each covered institution shall review the screening and eligibility status of existing employees, contractors, subcontractors, volunteers, and other persons with access to children in accordance with the requirements and deadlines established by applicable law and regulation.

B. Screening shall be completed through legally authorized channels and shall be limited to information that the institution or responsible agency is authorized to obtain for the particular facility, position, duties, and entity.

C. No person who is legally disqualified from a position or assignment involving access to children shall be retained in that position in violation of the applicable disqualification.

D. A person whose required screening has not been completed shall not have unsupervised access to children except where a specific statutory or regulatory provision authorizes a temporary assignment and all conditions of that provision are satisfied.

E. Nothing in this section shall delay an institution's obligation to take immediate protective action where credible information indicates that a child may be at risk.

F. Existing employees and contractors shall be afforded applicable notice, correction, and review procedures, including the specific Board of Education hearing process required for other felony convictions under § 22.1-296.1.

G. Nothing in this section authorizes a hearing or individualized review to override a categorical statutory prohibition applicable to a conviction for child sexual abuse.

Uncodified clause [number to be assigned by the Revisor]. State and local contracts and funding agreements.

A. Each state agency and local governmental entity that enters into a contract, grant, or funding agreement with a covered institution shall review the agreement for consistency with the Child Victim Protection and Prevention Act.

B. Contracts, grants, and funding agreements entered into or renewed after the effective date shall include provisions requiring compliance with applicable child-protection, screening, training, reporting, cooperation, and records-preservation requirements.

C. Existing contracts and funding agreements shall be amended at the earliest practicable opportunity, consistent with applicable procurement law and contractual obligations.

D. No contract, grant, funding agreement, memorandum of understanding, separation agreement, or other arrangement shall authorize conduct prohibited by this act or prevent a report or disclosure required by law.

E. Contractual remedies shall be administered by the agency or governmental entity with lawful authority over the agreement.

F. Nothing in this section shall be construed to make a private contractor or subcontractor an employee or agent of the Commonwealth or a local government for purposes of governmental immunity.

Uncodified clause [number to be assigned by the Revisor]. Initial statewide compliance assessment.

A. Within 18 months after the effective date of this act, each agency responsible for oversight of a covered institution shall complete an initial assessment of implementation and compliance within its jurisdiction.

B. The assessment shall address, as applicable:

Adoption and implementation of required policies;
Screening and eligibility procedures;
Training completion;
Reporting and protective-action procedures;
Child-accessible complaint systems;
Records-preservation practices;
Institutional compliance reviews;
Corrective actions taken or pending;
Identified staffing and resource needs; and
Barriers to implementation.

C. Agencies shall provide the results of their assessments to the appropriate statewide coordinating agencies and the Office of the Children's Ombudsman, subject to applicable confidentiality restrictions.

D. The assessment shall not interfere with an investigation, licensing proceeding, criminal investigation, or other matter that must remain confidential under law.

Uncodified clause [number to be assigned by the Revisor]. Statewide implementation report.

A. Within 24 months after the effective date of this act, the participating state agencies shall submit a coordinated implementation report to the Governor and the General Assembly.

B. The report shall include:

The status of agency regulations and guidance;
The status of institutional implementation plans;
Training and screening implementation;
Compliance-review activities;
Corrective actions and unresolved compliance issues;
Staffing and resource requirements;
Interagency coordination efforts;
Identified gaps in existing law or regulation; and
Recommendations for further legislative or administrative action.

C. The report shall include aggregate and de-identified information to the extent permitted by law.

D. The report shall not disclose the identity of a child, reporter, witness, or other protected person, or disclose information made confidential by law.

E. The report shall be made available to the public in a manner consistent with applicable confidentiality and public-records requirements.

Uncodified clause [number to be assigned by the Revisor]. Appropriations and fiscal implementation.

A. Each participating agency shall identify the staffing, training, technology, administrative, and other resources necessary to implement the requirements of this act within its jurisdiction.

B. The Office of the Children's Ombudsman shall separately identify the resources necessary to carry out its expanded oversight, investigation, inspection, reporting, and coordination responsibilities.

C. Agency budget requests shall identify, as appropriate, the anticipated costs of:

Personnel and investigative capacity;
Training development and delivery;
Institutional compliance reviews;
Records management and secure information systems;
Interagency coordination;
Travel and facility inspections;
Trauma-informed complaint procedures; and
Legal and technical support.

D. Nothing in this act shall be construed to authorize the imposition of a fee, assessment, or penalty not otherwise authorized by law.

E. The implementation of duties under this act shall be subject to appropriations and other applicable fiscal requirements, except that the absence of a specific appropriation shall not

excuse a person or institution from an otherwise applicable statutory duty to report suspected abuse, take immediate protective action, preserve evidence, or refrain from retaliation.

Uncodified clause [number to be assigned by the Revisor]. Severability.

If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application.

The provisions of this act are severable unless the invalid provision is so essential to the operation of the act that the General Assembly would not have enacted the remaining provisions independently.

Uncodified clause [number to be assigned by the Revisor]. Construction and preservation of existing law.

A. This act shall be construed to supplement existing child-protection, mandatory-reporting, education, licensing, health, juvenile-justice, and child-welfare laws.

B. Nothing in this act shall be construed to:

Reduce or eliminate a mandatory reporting duty imposed by § 63.2-1509 or another provision of law;
Restrict the authority of a local department of social services, the Department of Social Services, law-enforcement agency, Commonwealth's Attorney, court, licensing authority, or other governmental entity;
Displace existing procedures for child-protective investigations or multidisciplinary coordination;
Restrict the rights of a child, parent, or guardian under applicable law;
Diminish rights or protections available under Title IX, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, the Family Educational Rights and Privacy Act, or other applicable federal law;
Authorize disclosure of confidential educational, medical, mental-health, child-protection, substance-use-disorder, or other protected records except as permitted by law;
Expand access to the central registry of founded complaints of child abuse or neglect beyond access authorized by law;
Transfer licensing, regulatory, criminal-investigation, or prosecutorial authority to the Office of the Children's Ombudsman; or
Eliminate constitutional protections or applicable due-process requirements.

C. Where more than one provision of law applies to a covered institution or individual, the provisions shall be read together to the extent possible. Nothing in this act shall be construed to authorize a violation of another applicable law.

D. The provisions of this act shall be construed to provide meaningful protection to children while preserving lawful confidentiality, procedural fairness, and the statutory authority of existing agencies.

Uncodified clause [number to be assigned by the Revisor]. Effective dates and phased implementation.

A. Except as otherwise expressly provided, this act shall become effective on July 1 following its enactment.

B. The following duties shall apply on the general effective date of this act and shall not be delayed by the phased implementation schedule:

Mandatory reporting of suspected abuse, neglect, exploitation, and other conduct reportable under existing law;
Immediate protective action where a child may be at risk;
Preservation of records and evidence;
Prohibition against retaliation and interference with reporting or investigations;
Compliance with existing statutory disqualifications; and
Compliance with any other requirement that is expressly made effective on the general effective date.

C. Within six months after the effective date, each participating agency shall designate its implementation coordinator and begin the interagency coordination required by this act.

D. Within 12 months after the effective date, agencies shall adopt or publish the regulations, guidance, and implementation requirements necessary to the extent permitted by their respective statutory authority.

E. Within 18 months after the effective date, covered institutions shall submit their implementation plans and agencies shall complete the initial statewide compliance assessments required by this act.

F. Within 24 months after the effective date, covered institutions shall complete the screening, training, policy, and contractual transition requirements applicable to existing personnel and operations, subject to any different deadline established by law or regulation.

G. The phased implementation schedule shall not authorize an institution to delay an immediate protective action, mandatory report, required evidence-preservation measure, or other duty that is effective before the applicable phase deadline.

H. Nothing in this section shall authorize the continued employment, assignment, or unsupervised access of a person who is subject to an existing statutory disqualification.

I. The General Assembly may appropriate funds and enact additional legislation necessary to support implementation of this act.

PART X

CRIMINAL-LAW AMENDMENTS, EXPANDED PROTECTION, FELONY RECLASSIFICATION, AND PROSECUTORIAL ACCOUNTABILITY

CRIMINAL-LAW AMENDMENTS, EXPANDED PROTECTION, FELONY RECLASSIFICATION, AND PROSECUTORIAL ACCOUNTABILITY

SECTION 1. PURPOSE AND CONSTRUCTION.

A. The purpose of this Part is to strengthen criminal-law protections against sexual abuse, sexual exploitation, and sexual misconduct involving minors, adults under guardianship or custodial authority, and vulnerable adult students; to establish criminal accountability for individuals who conceal institutional child sexual abuse or obstruct investigations; and to ensure appropriate felony classifications for specified offenses involving children.

B. The provisions of this Part shall be construed to supplement existing criminal offenses and protections. Nothing in this Part shall be construed to limit prosecution under another applicable criminal statute when the conduct satisfies the elements of that offense.

C. The provisions of this Part shall not be construed to eliminate any element of an offense, reduce the Commonwealth's burden of proof, or authorize a conviction based solely on a person's employment, professional status, disability, guardianship relationship, or association with a covered institution.

SECTION 2. NEW OFFENSE: SEXUAL MISCONDUCT BY A PERSON IN A POSITION OF TRUST, CUSTODY, OR GUARDIANSHIP.

The following new section shall be added to Title 18.2 of the Code of Virginia, with the section number assigned by the Virginia Code Reviser:

§ [NEW SECTION NUMBER]. Sexual misconduct by a person in a position of trust, custody, or guardianship; penalty.

A. Definitions.

For purposes of this section:

"Covered institution" means any public or private institution, facility, agency, program, or entity covered by the Child Victim Protection and Prevention Act, including any entity providing education, care, custody, treatment, supervision, transportation, or support services to a minor or protected student.

"Covered individual" means any employee, officer, administrator, teacher, school personnel, contractor, subcontractor, volunteer, intern, service provider, or other individual who, through employment, appointment, contract, volunteer service, or another relationship with a covered institution, has responsibility for or is entrusted with the education, care, custody, treatment, supervision, transportation, protection, or support of a minor or protected student.

"Position of trust" means a relationship in which a person has actual or reasonably apparent authority, custody, supervision, professional responsibility, or influence over another person by virtue of employment, appointment, guardianship, custodial responsibility, or another relationship covered by this section.

"Guardian or custodian" means a person who has been appointed by a court as guardian of another person's person, granted legal custody of another person, or otherwise legally or formally entrusted with responsibility for another person's care, custody, supervision, or personal welfare.

"Protected student" means a person who:

a. Is at least 19 years of age but has not attained 23 years of age;

b. Is enrolled in, attending, or receiving educational, residential, therapeutic, vocational, habilitative, or other services from a covered institution;

c. Has a mental incapacity that substantially impairs the person's ability to understand the nature or consequences of sexual conduct, make an informed decision concerning such conduct, or communicate that decision; and

d. Is dependent on the covered institution or a covered individual for education, care, supervision, treatment, habilitation, daily support, or other essential services.

"Mental incapacity" means a mental, intellectual, developmental, or cognitive condition that, at the time of the conduct, substantially impairs a person's

ability to understand the nature or consequences of the sexual conduct, make an informed decision concerning that conduct, or communicate a decision concerning that conduct. The accused must have known or reasonably should have known of the person's mental incapacity.

A diagnosis, disability, enrollment in a specialized educational program, or receipt of support services, standing alone, shall not establish mental incapacity. The person's actual functional abilities and circumstances at the time of the conduct shall be considered.

B. Persons protected by this section.

This section protects:

Any person under 18 years of age;
Any adult, regardless of age, who remains under the accused's legal guardianship, legal custody, or other legally recognized custodial authority or responsibility for personal care or supervision; and
Any protected student between 19 and 22 years of age, inclusive, who is mentally incapacitated and dependent on a covered institution or covered individual for education, care, supervision, treatment, support, or other essential services.

Protection under subdivision 2 continues for as long as the guardianship, custody, or legally recognized custodial responsibility remains in effect. Reaching the age of 18 or the age of majority shall not terminate the protection while that relationship continues.

C. Prohibited conduct.

Any person who is 18 years of age or older and who, while occupying a position of trust, authority, custody, supervision, or guardianship with respect to a person protected under subsection B, knowingly and intentionally:

Engages in sexual intercourse or anal intercourse with that person;
Performs or causes to be performed oral sexual conduct with that person;
Engages in sexual penetration of that person's body, however slight, by any object or body part, other than conduct lawfully performed for a bona fide medical or therapeutic purpose; or

Intentionally touches the intimate parts of that person's body, or causes that person to touch the accused's intimate parts, for the purpose of sexual gratification or arousal;

is guilty of sexual misconduct by a person in a position of trust, custody, or guardianship.

The Commonwealth shall establish that the accused occupied the position of trust, authority, custody, supervision, or guardianship required by this section at the time of the alleged conduct.

D. Consent is not a defense.

The consent, alleged consent, apparent consent, acquiescence, or cooperation of a person protected under subsection B shall not constitute a defense to a violation of this section.

The failure of the person to resist, object to, report, or physically oppose the conduct shall not constitute a defense.

The existence or alleged existence of a prior, current, romantic, dating, or sexual relationship between the accused and the protected person shall not constitute a defense.

The accused's belief that the protected person consented to the conduct shall not constitute a defense.

The protected person's age, maturity, disability, mental condition, prior sexual experience, or prior conduct shall not be used to establish consent as a defense to a violation of this section.

Nothing in this subsection relieves the Commonwealth of its burden to prove each element of the offense beyond a reasonable doubt.

E. Covered relationships and institutional responsibility.

This section applies whether the covered individual is employed directly by the covered institution or provides services through a contractor, subcontractor, staffing agency, volunteer organization, or other intermediary.

Applicability shall not depend on whether the accused is paid, holds a particular job title, possesses a professional license, or is classified as a full-time, part-time, temporary, substitute, provisional, emergency, volunteer, or contract worker.

A covered individual may occupy a position of trust even if the individual is not the protected person's sole or primary supervisor, educator, caregiver, or service provider.

A person shall not avoid the application of this section by delegating daily duties, assigning another person to provide direct care, or arranging for another person to supervise the protected individual.

F. Lawful professional and caregiving conduct.

Nothing in this section shall criminalize conduct reasonably and lawfully undertaken within the scope of legitimate medical care, mental-health treatment, counseling, therapy, personal care, education, or other professional or caregiving services, when the conduct is performed for a bona fide professional purpose and in accordance with applicable law, professional standards, and institutional safeguards.

This exception shall not apply to conduct undertaken under the guise of professional care, treatment, education, or caregiving for the purpose of sexual gratification, exploitation, or abuse.

G. Penalty.

A violation of this section is a Class 4 felony.

H. Relationship to other offenses.

A prosecution under this section shall not preclude prosecution under any other applicable provision of law. If the same conduct violates another provision carrying a greater penalty, the Commonwealth may charge and prosecute the offense authorized by that provision, subject to applicable rules governing multiple convictions and punishments.

SECTION 3. NEW OFFENSE: INSTITUTIONAL CONCEALMENT OF CHILD SEXUAL ABUSE.

The following new section shall be added to Title 18.2 of the Code of Virginia, with the section number assigned by the Reviser:

§ [NEW SECTION NUMBER]. Institutional concealment of child sexual abuse; penalty.

A. Any responsible officer, administrator, supervisor, employee, or agent of a covered institution who knowingly and intentionally conceals, suppresses, or materially misrepresents a substantiated incident of sexual abuse or sexual exploitation involving a minor, with the purpose of:

Preventing or delaying a report required by law;
Preventing law enforcement, a child-protective services agency, a licensing authority, or the Office of the Children's Ombudsman from learning of the incident;
Permitting an individual reasonably suspected of sexual abuse to retain access to children;
Preventing a child or parent from obtaining information necessary to protect the child; or
Avoiding an investigation or accountability required by law;

is guilty of a Class 6 felony.

B. A person who commits a violation of subsection A with the intent to facilitate continued sexual abuse, expose another child to a known risk of sexual abuse, or destroy or materially compromise evidence in a criminal investigation is guilty of a Class 4 felony.

C. Concealment includes knowingly falsifying or materially altering institutional records, directing another person to make a false or misleading report, knowingly providing materially false information to an investigating authority, or entering into an arrangement intended to prevent a legally required report or authorized investigation.

D. Nothing in this section shall criminalize a good-faith effort to protect confidential information when the effort does not conceal abuse, obstruct a lawful investigation, or prevent a report required or authorized by law.

E. Nothing in this section shall impose criminal liability solely because an allegation was not substantiated, a person exercised a lawful right, or an institution made a reasonable good-faith reporting or investigative decision.

SECTION 4. NEW OFFENSE: OBSTRUCTION OF AN INVESTIGATION INVOLVING CHILD SEXUAL ABUSE OR INSTITUTIONAL MISCONDUCT.

The following new section shall be added to Title 18.2 of the Code of Virginia, with the section number assigned by the Reviser:

§ [NEW SECTION NUMBER]. Obstruction of investigation involving child sexual abuse or institutional misconduct; penalty.

A. Any person who knowingly and intentionally obstructs, impedes, or interferes with a lawful investigation involving suspected child sexual abuse, sexual exploitation, or institutional misconduct by:

Destroying, concealing, altering, or falsifying material evidence or records;
Threatening, intimidating, coercing, or improperly influencing a child, witness, reporter, employee, or other person to prevent or alter a report, statement, or testimony;
Directing or inducing another person to withhold material evidence or provide materially false information;
Knowingly making a materially false statement to a law-enforcement officer, child-protective services investigator, licensing authority, or other authorized investigator; or
Knowingly refusing to provide records or evidence when disclosure is required by lawful process or an applicable statutory duty;

is guilty of a Class 6 felony.

B. A person who commits a violation of subsection A by using threats or coercion, destroying material evidence with the intent to prevent prosecution, or facilitating continued sexual abuse or exploitation of a child is guilty of a Class 4 felony.

C. Nothing in this section shall require disclosure of information protected by a lawful privilege or confidentiality provision unless disclosure is otherwise authorized or required by law or lawful court process.

D. This section shall not criminalize a person's good-faith exercise of constitutional rights, lawful refusal to provide privileged information, or good-faith request for legal counsel.

SECTION 5. FELONY RECLASSIFICATION OF SPECIFIED CHILD SEXUAL ABUSE OFFENSES.

A. The General Assembly finds that certain existing misdemeanor classifications may not adequately reflect the seriousness of sexual offenses committed against children, particularly when the accused occupies a position of trust, authority, custody, supervision, or professional responsibility.

B. The following existing statutes shall be reviewed and amended through offense-specific amendments to establish appropriate felony classifications:

§18.2-67.4 — Sexual battery. Amend the statute to provide an appropriate felony classification when the victim is a minor and a higher felony classification when the accused is a covered individual who commits the offense while occupying a position of trust, authority, custody, supervision, or professional responsibility.

§18.2-67.4:2 — Sexual abuse of a child under 15 years of age. Amend the statute to provide an appropriate felony classification for qualifying adult conduct and an enhanced felony classification when the accused occupies a covered position of trust or authority.

§18.2-67.5 — Attempted sexual battery. Amend the statute to provide an appropriate felony classification when the attempted offense is directed against a minor or a person protected by a position-of-trust provision.

§18.2-370.6 — Penetration of mouth of child with lascivious intent. Review and amend the penalty classification to reflect the seriousness of the conduct and the vulnerability of the child victim.

§18.2-387 — Indecent exposure. Add an offense-specific enhancement when the conduct is committed against a minor for a sexual purpose or by a person occupying a position of trust, authority, custody, supervision, or professional responsibility.

§18.2-387.1 — Obscene sexual display. Add an offense-specific enhancement when the conduct is directed toward a minor or committed by a person occupying a position of trust, authority, custody, supervision, or professional responsibility.

C. The Reviser shall prepare offense-specific amendments identifying the elements, victim age, required intent, position-of-trust circumstances, and applicable felony classification for each amended offense.

D. No general or blanket reclassification shall apply to every violation of a listed statute without regard to the specific conduct, victim, and circumstances established by the elements of the offense.

E. The amendments shall not be construed to eliminate an element of an existing offense, reduce the Commonwealth's burden of proof, or permit conviction based solely on a person's professional or employment status.

F. The amendments shall apply prospectively to conduct occurring on or after the effective date, except as otherwise constitutionally permitted.

SECTION 6. STATEWIDE REVIEW OF MISDEMEANOR CHILD SEXUAL ABUSE OFFENSES.

A. The Office of the Attorney General, in consultation with the Department of Criminal Justice Services, the Department of Social Services, the Department of Education, the Office of the Children's Ombudsman, Commonwealth's Attorneys, victim advocates, and other appropriate stakeholders, shall conduct a comprehensive review of Virginia criminal statutes that classify sexual abuse, sexual exploitation, sexual contact, or other sexual misconduct involving minors as misdemeanors.

B. The review shall:

Identify all misdemeanor offenses involving sexual conduct directed toward, involving, or committed against a minor;
Identify offenses involving grooming, exploitation, inappropriate sexual communications, sexual solicitation, sexual display, and attempted sexual conduct;
Compare Virginia's classifications and penalties with those of other states;
Evaluate whether existing classifications adequately account for victim age, coercion, exploitation, abuse of authority, and positions of trust;
Review repeat-offense provisions, including §18.2-67.5:1, and determine whether additional felony classifications or enhancements are warranted;
Identify statutory gaps and inconsistencies among existing offenses; and
Recommend offense-specific amendments that protect children while preserving constitutional requirements and fair notice.

C. The Attorney General shall submit a written report and proposed legislative recommendations to the Governor and the General Assembly no later than six months after the effective date of this Act.

D. Nothing in this section shall delay the effective date or enforcement of any criminal offense created or amended by this Act.

SECTION 7. PROSECUTORIAL ACCOUNTABILITY AND OVERSIGHT OF PLEA REDUCTIONS IN CHILD SEXUAL ABUSE CASES.

A. The General Assembly recognizes the lawful discretion of Commonwealth's Attorneys to evaluate evidence, determine appropriate charges, negotiate pleas, and prosecute criminal cases. This section is intended to promote transparency, meaningful victim participation, and judicial oversight when a felony child sexual abuse charge is proposed to be reduced to a misdemeanor.

B. Before a felony charge involving sexual abuse, sexual exploitation, or sexual misconduct against a minor is reduced to a misdemeanor by plea agreement or other negotiated disposition:

The Commonwealth's Attorney shall provide notice to the victim or the victim's lawful representative, as required by applicable law;
The victim shall be afforded an opportunity to provide input concerning the proposed disposition, consistent with applicable victim-rights laws;
The Commonwealth's Attorney shall provide the court with the reasons for the proposed reduction, subject to lawful confidentiality protections; and
The court shall consider the nature of the conduct, the victim's age and vulnerability, the accused's position of trust or authority, the victim's views, the evidentiary circumstances, and the interests of justice.

C. The court shall not approve a negotiated reduction of a felony child sexual abuse charge to a misdemeanor without making a finding on the record that the proposed disposition is supported by the circumstances of the case and is consistent with the interests of justice.

D. Nothing in this section shall require a prosecutor to pursue a charge unsupported by admissible evidence or prohibit a lawful disposition based on evidentiary insufficiency, constitutional requirements, or other legitimate prosecutorial considerations.

E. No plea agreement or negotiated disposition shall be used to conceal substantiated institutional misconduct, prevent a report required by law, restrict

an authorized investigation, or prohibit lawful disclosure to licensing or child-protection authorities.

F. The Attorney General, in consultation with the Office of the Children's Ombudsman and the Virginia Criminal Sentencing Commission, shall develop a standardized reporting format for felony child sexual abuse cases resolved by misdemeanor plea or other reduced disposition.

SECTION 8. ANNUAL REPORTING OF CHILD SEXUAL ABUSE PLEA DISPOSITIONS.

A. The Office of the Executive Secretary of the Supreme Court of Virginia, in consultation with the Office of the Attorney General and the Commonwealth's Attorneys, shall compile an annual statewide report concerning felony child sexual abuse charges resolved through misdemeanor pleas or other reduced dispositions.

B. The report shall include, to the extent the information is available and may lawfully be disclosed:

The number of felony child sexual abuse charges filed;
The number resolved by trial, guilty plea, dismissal, or other disposition;
The number reduced to misdemeanor offenses;
The original felony charges and final misdemeanor offenses;
The general reasons stated for negotiated reductions;
The number of cases involving an accused who occupied a position of trust, authority, custody, supervision, or professional responsibility;
Whether victim consultation was documented as required by law; and
Aggregate information concerning judicial approval or rejection of proposed reductions.

C. The report shall not disclose the identity of a victim, protected student, or other person whose identity is confidential under law.

D. The annual report shall be submitted to the Governor and the General Assembly and made publicly available in a de-identified format.

SECTION 9. GENERAL CONSTRUCTION RULE — CONSENT AND POSITION OF TRUST, CUSTODY, OR GUARDIANSHIP.

A. Notwithstanding any other provision of law, in any prosecution under an offense created or amended by the Child Victim Protection and Prevention Act involving sexual misconduct, sexual abuse, sexual exploitation, or sexual contact by a person occupying a position of trust, authority, custody, supervision, or guardianship with respect to a person protected by the applicable offense, the consent, alleged consent, apparent consent, acquiescence, or cooperation of the protected person shall not constitute a defense.

B. For purposes of this rule, protected persons include:

A person under 18 years of age;
An adult who remains under the accused's legal guardianship, legal custody, or other legally recognized custodial authority or responsibility for personal care or supervision; and
A protected student between 19 and 22 years of age, inclusive, who meets the mental-incapacity and dependency requirements established by this Act.

C. The failure of a protected person to resist, object to, report, or physically oppose the conduct shall not constitute a defense.

D. The existence or alleged existence of a prior, current, romantic, dating, or sexual relationship between the accused and the protected person shall not constitute a defense where the offense involves the accused's position of trust, authority, custody, supervision, or guardianship.

E. Nothing in this section relieves the Commonwealth of its burden to prove every element of the charged offense beyond a reasonable doubt.

SECTION 10. PRESERVATION OF EXISTING CRIMINAL LAW AND PROSECUTORIAL AUTHORITY.

A. Nothing in this Part shall be construed to repeal or limit any existing criminal offense involving sexual abuse, sexual assault, sexual exploitation, child pornography, trafficking, grooming, solicitation, or other unlawful sexual conduct involving a minor.

B. Nothing in this Part shall prevent the Commonwealth from charging an accused under any other applicable criminal statute when the elements of that offense are established.

C. Nothing in this Part shall eliminate lawful prosecutorial discretion, provided that any plea reduction subject to Section 7 complies with the notice, victim-participation, judicial-review, and reporting requirements established herein.

D. Nothing in this Part shall be construed to create a presumption of guilt, eliminate the presumption of innocence, reduce the Commonwealth's burden of proof, or alter the constitutional rights of an accused.

E. The provisions of this Part shall be applied consistently with the Constitution of Virginia, the Constitution of the United States, and applicable rules of criminal procedure.

SECTION 11. EFFECTIVE DATE AND APPLICATION.

A. The new offenses established by Sections 2, 3, and 4 shall apply only to conduct occurring on or after the effective date of this Act.

B. The amendments to existing criminal statutes under Section 12 shall apply prospectively to conduct occurring on or after the effective date of the applicable amendment.

C. The review and reporting requirements established by Sections 6, 7, and 8 shall take effect on July 1 following enactment, or on the effective date otherwise specified by the General Assembly.

D. Nothing in this section shall prevent investigation or prosecution of conduct occurring before the effective date under the criminal laws in effect when the conduct occurred.

SECTION 12. AMENDMENTS TO EXISTING CRIMINAL STATUTES.

§ 18.2-67.4. Sexual battery; penalty.

Amend § 18.2-67.4 as follows:

B. Except as provided in subsection C, sexual battery is a Class 1 misdemeanor.

C. Notwithstanding subsection B:

Sexual battery committed against a child under 18 years of age shall be a Class 6 felony. Sexual battery committed against a child under 18 years of age by a parent, guardian, teacher, educator, school employee, health care provider, treatment provider, foster care provider,

institutional employee, contractor, volunteer, or other person occupying a position of trust, authority, custody, or supervision over the child shall be a Class 4 felony.
If the conduct is punishable as a more serious offense under this title, the more serious offense shall apply.

§ 18.2-67.4:2. Sexual abuse of a child under 15 years of age; penalty.

Amend § 18.2-67.4:2 as follows:

Any adult who, with lascivious intent, commits an act of sexual abuse, as defined in § 18.2-67.10, with any child 13 years of age or older but under 15 years of age shall be guilty of a Class 6 felony.

If the accused is a covered individual, as defined in § 18.2-67.4:3, and the child is under the care, custody, supervision, education, or treatment of the accused or the covered institution, the offense shall be a Class 4 felony.

Nothing in this section shall limit prosecution for a more serious offense.

§ 18.2-67.5. Attempted sexual offenses; penalty.

Amend subsection C as follows:

C. An attempt to commit sexual battery shall be a Class 1 misdemeanor, except that:

An attempt to commit sexual battery against a child under 18 years of age shall be a Class 6 felony.
An attempt to commit sexual battery against a child under 18 years of age by a covered individual, as defined in § 18.2-67.4:3, shall be a Class 4 felony.
An attempt to commit any other sexual offense against a child shall be punished at the felony classification prescribed for the attempted offense under applicable law.

§ 18.2-370.6. Penetration of mouth of child with lascivious intent; penalty.

Amend § 18.2-370.6 as follows:

Any person 18 years of age or older who, with lascivious intent, kisses a child under the age of 13 on the mouth while knowingly and intentionally penetrating the mouth of such child with his tongue shall be guilty of a Class 4 felony.

§ 18.2-387. Indecent exposure; child-victim enhancement.

Amend § 18.2-387 as follows:

A. Except as provided in subsection B, a violation of this section shall remain a Class 1 misdemeanor.

B. Any person who intentionally and for a sexual purpose exposes his or her sexual or genital parts to a child under 18 years of age, or intentionally procures or directs a child under 18 years of age to engage in such exposure, shall be guilty of a Class 6 felony.

C. If the person committing an offense under subsection B is a covered individual, as defined in § 18.2-67.4:3, and the child is under the care, custody, supervision, education, or treatment of that individual or the covered institution, the offense shall be a Class 4 felony.

D. Nothing in this section shall criminalize breastfeeding, lawful medical care, lawful caregiving, or other conduct lacking the required criminal intent.

§ 18.2-387.1. Obscene sexual display; child-victim enhancement.

Amend § 18.2-387.1 as follows:

A person who intentionally engages in conduct prohibited by this section for the purpose of sexually arousing or gratifying himself or herself in the presence of a child under 18 years of age, or for the purpose of exposing the child to an obscene sexual display, shall be guilty of a Class 6 felony.

If the person is a covered individual and the child is under the care, custody, supervision, education, or treatment of that individual or the covered institution, the offense shall be a Class 4 felony.

SECTION 13. NO REDUCTION OR CIRCUMVENTION OF FELONY CLASSIFICATION.

[Proposed new section number—Revisor confirmation required] § 18.2-67.4:7. No reduction or circumvention of felony classification.

No person or public or private institution shall knowingly characterize conduct as a lesser institutional, employment, licensing, or administrative violation for the purpose of avoiding a criminal reporting obligation or concealing conduct that constitutes a felony under this chapter.

Nothing in this section shall restrict prosecutorial discretion exercised in accordance with law, judicial authority, or the constitutional rights of an accused.

SECTION 14. CONFORMING AND IMPLEMENTATION PROVISIONS.

A. The provisions of this Part shall be construed together with the mandatory reporting, institutional concealment, whistleblower protection, anti-retaliation, independent investigation, and prosecutorial transparency provisions of the Child Victim Protection and Prevention Act.

B. The Department of Criminal Justice Services shall develop training materials for law-enforcement officers, investigators, prosecutors, school personnel, institutional administrators, and other covered personnel concerning the offenses established or amended by this Part.

C. The Virginia Department of Education shall incorporate the requirements of this Part into the mandatory educator code of ethics and related professional-conduct standards.

D. Nothing in this Part shall transfer criminal investigative or prosecutorial authority to the Office of the Children's Ombudsman.

E. All amendments shall apply prospectively, consistent with the constitutional prohibition against ex post facto laws.

amend and reenact § 22.1-296.1 of the Code of Virginia, relating to public-school employment and service; child-sexual-abuse disqualification; criminal-history screening; felony review hearings; child-abuse registry confidentiality; and penalties for false statements.

§ 22.1-296.1. Data on convictions for certain crimes and child abuse and neglect required; categorical disqualification; felony review; penalty.

A. Applicant certification of convictions.

As a condition of employment for all public-school employees, whether full-time or part-time, permanent, temporary, substitute, provisional, or emergency, every school board shall require each applicant to certify in writing whether the applicant has been convicted of:

Any qualifying child-sexual-abuse offense described in subsection B;
Any other felony under the laws of the Commonwealth, another state, the United States, or another jurisdiction;
Any crime of moral turpitude when disclosure is required by applicable law; and
Any other offense required to be disclosed under a screening statute applicable to the position.

The certification shall be obtained in a manner consistent with applicable criminal-history screening laws and shall not require an applicant to disclose information that the applicant is legally entitled to withhold.

Any individual who knowingly makes a materially false statement concerning an offense required to be disclosed under this subsection is guilty of a Class 1 misdemeanor. In the case of a teacher, upon conviction, such conviction shall constitute grounds for the Board of Education to revoke his license to teach.

B. Categorical prohibition for qualifying child-sexual-abuse offenses.

No school board shall employ, appoint, retain, contract with, or permit to serve in a capacity involving access to students any individual who has been convicted of a qualifying child-sexual-abuse offense.

A qualifying child-sexual-abuse offense includes:

a. An offense involving the sexual molestation, sexual abuse, rape, sexual assault, sexual battery, sexual exploitation, or sexual trafficking of a child;

b. An offense involving the solicitation, enticement, coercion, or exploitation of a child for a sexual purpose;

c. An attempt, solicitation, or conspiracy to commit an offense described in subdivision a or b, when the applicable law establishes a conviction for such conduct;

d. An offense newly established, amended, or reclassified by this Act as an offense involving the sexual abuse or sexual victimization of a child; and

e. A substantially similar offense under the laws of another state, the United States, or another jurisdiction, when the underlying conduct would constitute a qualifying offense under Virginia law.

The categorical prohibition shall apply to teachers, administrators, principals, aides, paraprofessionals, counselors, psychologists, social workers, nurses, coaches, substitutes, temporary employees, contractors, subcontractors, vendors, volunteers, interns, student teachers, consultants, and all other individuals whose duties or service arrangements involve access to students.

No school board, superintendent, administrator, contractor, or the Board of Education may waive, modify, or override the prohibition through a hearing, individualized assessment, rehabilitation determination, employment reference, licensing decision, contractual arrangement, or other discretionary process, except to the extent another applicable law expressly requires a different result.

Restoration of civil rights, completion of a sentence, passage of time, rehabilitation, or a favorable employment reference shall not independently authorize employment or service prohibited by this subsection.

Nothing in this subsection shall eliminate or reduce any separate statutory prohibition against employing or contracting with an individual convicted of physical abuse of a child or another offense for which applicable law independently prohibits the proposed employment or service.

C. Mandatory Board of Education hearing for other felony convictions.

An applicant who has been convicted of a felony that is not a qualifying child-sexual-abuse offense under subsection B shall receive an individualized review and hearing before the Board of Education before being employed, appointed, or permitted to begin covered service in a public school.

The hearing requirement shall apply to felony convictions regardless of whether the offense is included in a definition of barrier crime under § 19.2-392.02, provided that the conviction is not subject to the categorical prohibition in subsection B or another applicable statutory disqualification.

No school board shall employ, appoint, or permit an applicant subject to this subsection to begin covered service until the Board of Education has issued a written determination that the applicant is eligible for the proposed position or service, subject to any restrictions imposed in that determination.

The Board shall consider, at a minimum:

a. The nature and seriousness of the offense;

b. Whether the offense involved violence, dishonesty, abuse of trust, exploitation, or harm to a child or other vulnerable person;

c. The age and vulnerability of any victim, to the extent lawfully considered;

d. The applicant's proposed position, responsibilities, and anticipated access to students;

e. The time elapsed since the offense and completion of the sentence;

f. The applicant's compliance with probation, parole, restitution, treatment, or other court-ordered requirements;

g. Evidence of rehabilitation and subsequent conduct;

h. The applicant's employment and professional history, including relevant substantiated findings of misconduct;

i. Whether reasonable restrictions or safeguards could adequately protect students; and

j. Any other relevant information that may lawfully be considered.

The Board shall make an individualized determination based on the totality of relevant and reliable information. A felony conviction subject to this subsection shall not, by itself, result in automatic permanent disqualification solely under this subsection.

Nothing in this subsection shall require the Board to find an applicant eligible when the nature of the conviction, the proposed duties, or the available evidence establishes that employment or service would create an unacceptable risk to students or would violate another applicable law.

A hearing under this subsection shall not be construed to authorize employment or service prohibited by subsection B or another applicable statutory disqualification.

D. Hearing procedures and written determination.

The Board of Education shall establish procedures providing an applicant subject to subsection C with:

a. Written notice of the proposed review and the legal basis for it;

b. Access to the criminal-history information relied upon, to the extent authorized by law;

c. A reasonable opportunity to correct inaccurate information or mistaken identity;

d. A reasonable opportunity to submit documents, evidence, and testimony;

e. An impartial review of the applicant's circumstances and the proposed position; and

f. A written determination stating the material facts considered, the applicable legal standards, and the reasons for the decision.

The Board may determine that the applicant is:

a. Eligible for the proposed position or service;

b. Eligible subject to specified restrictions or safeguards;

c. Ineligible for the proposed position or service; or

d. In need of further review because material information remains unavailable or requires verification.

Any restrictions imposed under subdivision 2 b shall be stated in writing and shall identify the responsibilities, student-contact limitations, supervision requirements, or other safeguards applicable to the applicant.
A school board shall not disregard, waive, or materially alter a determination issued by the Board of Education under this section.
A determination of eligibility shall not authorize employment or service prohibited by subsection B or another applicable law.
The Board shall maintain records of its determinations in accordance with applicable confidentiality and records-retention requirements.

E. Founded cases of child abuse and neglect.

Every school board shall continue to require the certification concerning founded cases of child abuse and neglect required by applicable law.
A school board shall obtain a search of the central registry of founded complaints of child abuse and neglect only in accordance with § 22.1-296.4, § 63.2-1515, and applicable regulations.
A founded case of child abuse or neglect that legally disqualifies an applicant under an applicable statute shall be treated in accordance with that statute. No hearing under subsection C shall authorize employment or service prohibited by an independently applicable statutory disqualification.
The requirements of this subsection shall not authorize a school board, the Board of Education, a contractor, or any other person to obtain unrestricted access to the central registry, inspect unrelated registry records, or receive information beyond that which applicable law authorizes to be disclosed for the particular screening purpose.
Any person who knowingly makes a materially false statement concerning a founded case of child abuse and neglect required to be disclosed under this section is guilty of a Class 1 misdemeanor. Upon conviction, such conviction shall constitute grounds for the Board of Education to revoke such person's license to teach.

F. Contractors, subcontractors, and other persons providing services to public schools.

As a condition of awarding or renewing a contract for services involving direct contact with students, a school board shall require the contractor to provide the certifications required by this section for every individual who will provide services under the contract.
The certification shall disclose whether each covered individual has been convicted of:
a. A qualifying child-sexual-abuse offense described in subsection B;
b. Any other felony; or
c. Another offense required to be disclosed under a screening statute applicable to the individual, facility, or position.
A school board shall not award or continue a contract permitting an individual convicted of a qualifying child-sexual-abuse offense to have access to students.
An individual employed by a contractor or subcontractor who has been convicted of a felony other than a qualifying child-sexual-abuse offense shall be subject to the hearing and written determination required by subsections C and D before being permitted to provide covered services.

The contractor shall be responsible for ensuring that its employees, subcontractors, agents, and other covered individuals comply with this section. The school board shall verify compliance through the screening and certification procedures authorized by applicable law.
A school board shall not rely solely on a contractor's certification as a substitute for a required criminal-history check, registry check, or Board of Education determination.
A person who knowingly makes a materially false statement concerning a conviction required to be disclosed under this subsection is guilty of a Class 1 misdemeanor. Upon conviction, such conviction shall constitute grounds for revocation of the contract to provide services and, when relevant, revocation of any license required to provide such services.
A school board shall not be liable solely for a materially false statement made by a contractor or an individual providing services under a contract, provided that the school board has fulfilled its independent verification and compliance obligations under this section.

G. Screening requirements and emergency assignments.

The criminal-history screening required by this section shall be conducted through the procedures and authorized channels applicable to the public-school position or service arrangement, including § 22.1-296.2 and any other applicable statute.
The child-abuse and neglect registry search required by this section shall be conducted separately and only in accordance with § 22.1-296.4, § 63.2-1515, and applicable regulations.
The emergency or exceptional-situation exception applicable to contractor services shall not authorize unsupervised access to students by an individual subject to the categorical prohibition in subsection B.
Any temporary emergency assignment shall be limited to circumstances permitted by law and shall include reasonable safeguards preventing unauthorized student contact.
Nothing in this section shall be construed to expand the categories of persons or entities authorized to obtain criminal-history or child-abuse registry information under another statute.

H. Virginia School for the Deaf and the Blind.

For purposes of this section, "school board" includes the Board of Visitors of the Virginia School for the Deaf and the Blind, which, for the purpose of receiving criminal-history record information pertaining to an application for employment from the Central Criminal Records Exchange, shall be a governmental entity.

I. Administration, regulations, and relationship to other screening statutes.

The Board of Education shall adopt regulations establishing procedures for hearings and written determinations under subsections C and D. Such regulations shall provide for notice, access to relevant records, an opportunity to be heard, impartial consideration, written findings, confidentiality, and consistent application of the statutory factors.
The Board of Education may designate hearing officers or establish an appropriate hearing process; however, the final eligibility determination shall be issued or adopted by the Board of Education in accordance with its regulations.

The hearing process shall apply to applicants who are not licensed educators, including covered contractors and other individuals, to the extent the Board of Education is authorized by this section and applicable law to determine their eligibility for covered public-school service.
Nothing in this section shall be construed to make § 19.2-392.02 the exclusive or universal screening statute for public-school employment or service.
The applicable criminal-history and registry-screening requirements shall be determined by the particular position, duties, facility, and service arrangement, and shall be governed by the applicable statutes, including:
a. § 22.1-296.2, governing fingerprinting and criminal-history checks for public-school employment;
b. § 22.1-296.4, governing child-abuse and neglect registry checks for applicants whose employment requires direct contact with students;
c. § 63.2-1515, governing the central registry and disclosure of information;
d. § 19.2-392.02, when applicable to a qualified entity and provider within the scope of that section; and
e. Any other statute governing background checks for a particular facility, position, contractor, volunteer, or service arrangement.
A screening statute applicable to a particular facility or position shall not be expanded by implication to another facility or position. Conversely, nothing in this section shall diminish a more protective screening requirement independently imposed by another applicable statute.
Where multiple screening statutes apply to the same person or position, the covered institution shall comply with each applicable requirement. The institution shall not use a less restrictive screening process to avoid a more protective requirement.
Nothing in this section shall limit mandatory reporting, child-protection duties, or referrals to law enforcement and other authorized agencies.

J. Confidentiality and permitted use of screening information.

Criminal-history information and child-abuse registry information obtained under this section shall be used solely for the screening, eligibility, and child-protection purposes authorized by law.
A school board, the Board of Education, and any authorized hearing officer shall maintain the confidentiality of such information and shall not disclose it except as authorized or required by law.
A child-abuse registry search shall be limited to the applicant or covered individual whose screening is authorized by law. No school board or other entity shall receive general access to the central registry or unrelated records concerning other individuals or children.
A registry response or finding shall not be disseminated to contractors, other employees, parents, students, or the public except as specifically authorized by law.
An applicant shall be afforded any notice, record-review, and correction rights provided by applicable law.
Nothing in this section shall authorize access to sealed, expunged, juvenile, medical, educational, or otherwise protected records except as permitted by law.

K. Preservation of existing child-protection prohibitions.

Nothing in this section shall be construed to:

Reduce or eliminate the categorical prohibition against employment or service by a person convicted of a qualifying child-sexual-abuse offense;
Permit a hearing or individualized determination to override a categorical statutory disqualification;
Diminish the screening requirements of §§ 22.1-296.2 and 22.1-296.4;
Expand access to the central registry maintained under § 63.2-1515 beyond the disclosures authorized by law;
Limit mandatory reporting or other child-protection duties imposed by law; or
Restrict a school board from adopting additional lawful child-protection safeguards consistent with this section.

L. Effective application.

The hearing and written-determination requirements of this section shall apply to applicants seeking employment, appointment, or covered service on or after the effective date of this act.

The categorical prohibition in subsection B shall apply to employment, appointment, retention, contracting, and covered service occurring on or after the effective date, subject to applicable constitutional and statutory limitations.

The Board of Education shall promulgate the regulations required by subsection I within the implementation period established by this Act. No delay in promulgating such regulations shall suspend the categorical prohibition in subsection B or authorize an individual to begin employment or service in violation of this section.

FINAL STATUTORY AMENDMENT AND ADDITION SCHEDULE

This schedule identifies the existing Code sections addressed by the working draft and the new provisions proposed. It is a drafting schedule, not a representation that the Revisor has assigned the new section numbers.

A. Existing Code sections proposed for amendment and reenactment

• Title 2.2: §§ 2.2-438, 2.2-440, 2.2-441, 2.2-442, 2.2-443, 2.2-444, 2.2-446, 2.2-447, and 2.2-448.
• Title 8.01: §§ 8.01-195.3, 8.01-195.4, 8.01-195.6, 8.01-195.7, 8.01-195.8, and 8.01-195.9 (proposed amendment language is present, but complete reenactment text remains to be completed).

• Title 15.2: § 15.2-209 (the source currently contains an amendment instruction only; full amend-and-reenact text is required).
• Title 18.2: §§ 18.2-67.4, 18.2-67.4:2, 18.2-67.5, 18.2-370.6, 18.2-387, and 18.2-387.1.
• Title 22.1: §§ 22.1-71 (the source currently contains an amendment instruction only; full amend-and-reenact text is required) and 22.1-296.1 (complete A–L amendment retained).

B. New Code sections proposed

• Title 2.2: §§ 2.2-450 through 2.2-464; §§ 2.2-465 through 2.2-499; and provisionally §§ 2.2-499.1 through 2.2-499.4. The Revisor must confirm the proposed decimal section numbers and placement.
• Title 8.01: new civil-remedy provisions in Part VII. The Revisor must assign numbers and determine placement within Title 8.01.
• Title 15.2 or another appropriate title: a separate express waiver of local-government and school-board immunity. The Revisor must determine placement and numbering.
• Title 18.2: proposed new §§ 18.2-67.4:3 through 18.2-67.4:7, subject to confirmation that the numbers are available and the provisions do not conflict with existing offenses.

C. Uncodified clauses

Part IX implementation, rulemaking, transition, reporting, severability, construction, and effective-date provisions are identified as uncodified clauses for Revisor numbering. They are not assigned to §§ 2.2-500 through 2.2-524, which are occupied by Chapter 5 of Title 2.2.

D. Provisions referenced but not amended in the source draft

The source draft refers to § 63.2-1509 and preserves its independent mandatory-reporting duties, but does not contain a complete amend-and-reenact text for that section. It also does not contain operative amendment text for §§ 8.01-243, 8.01-249, 18.2-370.1, 22.1-291.3, or 23.1-808. Those sections have therefore been removed from the bill title's amend-and-reenact list rather than represented as amended.

E. Required Revisor and legislative-counsel completion

• Complete the full reenactment text for §§ 8.01-195.3, 8.01-195.4, 8.01-195.6, 8.01-195.7, 8.01-195.8, and 8.01-195.9, preserving all existing provisions not expressly changed. Current § 8.01-195.3 contains a $100,000 statutory recovery limit or the applicable liability-policy limit, whichever is greater; the proposed uncapped-recovery language must expressly and precisely amend that rule.
• Resolve the interaction between the proposed Commonwealth waiver, the Virginia Tort Claims Act's existing notice, limitations, jurisdiction, and release provisions, and the new child-specific civil cause of action. The draft's general references to a separate limitation period do not themselves establish a definite limitations period.

• Prepare complete amend-and-reenact text for § 15.2-209 and § 22.1-71 if those sections are to be amended. The source currently provides only narrative instructions for those amendments.
• Review the proposed local-government and school-board immunity waiver for constitutional, fiscal, insurance, and public-policy implications, and ensure the waiver is express, separate from the Commonwealth waiver, and limited to the claims intended.
• Confirm the availability and placement of all new Title 8.01, Title 15.2, and Title 18.2 section numbers; confirm the provisional §§ 2.2-499.1 through 2.2-499.4.
• Review all proposed criminal offense amendments for precise actus reus, mens rea, age elements, position-of-trust elements, overlap with existing offenses, sentencing consequences, and prospective application.
• Coordinate Part IV reporting language with both versions of § 63.2-1503, including statutory changes effective July 1, 2027, and preserve independent reporting obligations under § 63.2-1509.
• Confirm that the final amend-and-reenact schedule includes only sections for which complete statutory text is included. Any instruction-only amendment must be completed or removed before introduction.

F. Verification notes

The official Code of Virginia available on November 20, 2026 shows that Chapter 5 of Title 2.2 occupies §§ 2.2-500 through 2.2-524. Accordingly, the earlier Part VI and Part IX numbering into that range was invalid and has been removed or converted to provisional decimal/uncodified numbering. The Code also contains existing sections §§ 8.01-195.3 through 8.01-195.9; proposed replacement language must be integrated into complete reenactment text.
The current version of § 63.2-1503 changes effective July 1, 2027. The final bill must preserve the applicable reporting and coordination requirements under both the pre-July 1, 2027 and post-July 1, 2027 versions. No amendment to § 63.2-1509 is included in the present source text.