

REVISION OF TITLE 63 OF THE CODE OF VIRGINIA

**REPORT OF THE
VIRGINIA CODE COMMISSION**

To

THE GOVERNOR

And

THE GENERAL ASSEMBLY OF VIRGINIA



HD 9, 1968

COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
Richmond
1967

MEMBERS OF COMMISSION

JAMES M. THOMSON, *Chairman*

E. ALMER AMES, JR., *Vice-Chairman*

FRED W. BATEMAN

JOHN WINGO KNOWLES

G. M. LAPSLEY

ROBERT D. McILWAINE, III

A. L. PHILPOTT

STAFF

G. M. LAPSLEY

WILDMAN S. KINCHELOE, JR.

ROBERT L. MASDEN

FRANK R. DUNHAM

MRS. MARY R. SPAIN

DANIEL E. BRAY, JR.

COUNSEL

HUGH R. THOMPSON, JR.

WALTER E. ROGERS

REVISION OF TITLE 63 OF THE CODE OF VIRGINIA

REPORT OF
THE VIRGINIA CODE COMMISSION
TO
THE GOVERNOR AND THE GENERAL ASSEMBLY
OF VIRGINIA

Richmond, Virginia, December 19, 1967

To:

HONORABLE MILLS E. GODWIN, JR., *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

The General Assembly at its Regular Session of 1966 directed the Virginia Code Commission, by Chapter 315 of the Acts of that Session, to revise certain titles of the Code of Virginia, including Title 63, relating to Welfare.

Extracts from Chapter 315 follow:

“§ 1. The Code of Virginia shall be gradually revised by revising one or more titles at a time. In revising each title, all other sections of the Code relating to the same subject matter shall be revised to the extent necessary. Experts shall be employed by the Virginia Code Commission to assist in the project. The Commission may also accept the services of qualified volunteers who are willing to serve without pay. Tentative drafts of proposed revisions shall be printed and circulated among interested persons and their comments solicited.

“§ 2. The Commission shall undertake the revision of Titles 59, 60, 61, 62, 63, 64 and 65 and submit to the Governor and the General Assembly on or before October one, nineteen hundred sixty-seven, a report of its recommendations, together with suggested legislation necessary to carry such recommendations into effect.”

Walter E. Rogers, Esquire, of the Richmond City Bar, was retained as Counsel to assist in the revision of this Title.

Counsel examined the provisions of this Title in detail and consulted officials of the Department of Welfare and Institutions. The Code Commission met with Counsel and officials of that Department on several occasions, and discussed in detail changes recommended by members of the Commission, by Counsel and by such officials.

As a result of its efforts, the Commission considered it desirable that there be a general renumeration of the sections, the deletion of certain obsolete sections, and the amendment of other sections. We are of the opinion that this can be better accomplished by the repeal of Title 63 and the enactment of Title 63.1 in lieu thereof.

We have not recommended substantial substantive changes since a study of the Welfare Laws has been conducted by a special interim Legislative Study Commission simultaneously with our undertaking of this Revision.

Included in this Report is the Report of Counsel to the Commission on Title 63. Also, following each section of the draft of Title 63.1 are Counsel's notes identifying the source of the provisions of the section and

commenting upon any changes therein. Furthermore, preceding the draft of Title 63.1 there is set forth a table of comparable sections, for the purpose of tracing each of the provisions of Title 63 into proposed Title 63.1. This table also indicates those sections of Title 63 which have been deleted. Those who are interested in the major features of the Revision should read the Report of Counsel and the notes following the several sections of Title 63.1, to which reference is hereby made.

RECOMMENDATIONS

The Code Commission submits this Report, and recommends that Legislature enact the attached bill in 1968.

The Commission wishes to express appreciation for the valuable assistance rendered by Counsel in the preparation of this Revision, and for the cooperation of officials of the Department of Welfare and Institutions.

Respectfully submitted,

James M. Thomson, *Chairman*

E. Almer Ames, Jr., *Vice-Chairman*

Fred W. Bateman

John Wingo Knowles

G. M. Lapsley

Robert D. McIlwaine, III

A. L. Philpott

LAW OFFICES
WILLIAMS, MULLEN & CHRISTIAN
State-Planters Bank Building
Richmond, Virginia 23219

December 19, 1967

The Honorable James M. Thomson, Chairman
The Honorable E. Almer Ames, Jr.
The Honorable Fred W. Bateman
The Honorable John Wingo Knowles
The Honorable G. M. Lapsley
The Honorable Robert D. McIlwaine, III
The Honorable A. L. Philpott

Virginia Code Commission
State Capital
Richmond, Virginia

Gentlemen:

Pursuant to your instructions, I have prepared and am sending to you a draft of the revision of Title 63 of the Code of Virginia, relating to Welfare. The draft includes a table of contents, a table of comparable sections and notes to each section showing its source and the nature of the changes, if any.

The draft contemplates the repeal of present Title 63 and Sections 32-291 through 32-296 and to provide in substitution a new Title 63.1. As factors motivating this approach the following may be cited: What is now Title 63 contains provisions dating back to the Code of 1887 which relate to the former offices of Superintendent of the Poor and Overseers of the Poor. The Virginia Public Assistance Act of 1938 was overlaid upon the 1922 statute which substituted the State Board of Public Welfare for the former Board of Charities and Corrections and which provided for local boards of public welfare and local superintendents. Many of the original provisions have become obsolete, and over the years, many others have been amended piecemeal and many new ones added.

In addition to a general renumeration of chapters, articles, and sections to provide a more orderly sequence of material, the following illustrate the changes considered desirable which appear in the new Title 63.1:

To eliminate unnecessary and repetitious language and to make uniform the procedural provisions relating to applications for the granting or denial of assistance grants, and appeals, etc., in connection therewith, these provisions, which in former Title 63 were repeated in separate chapters relating to each category of assistance, have been combined in Title 63.1 and have been made uniform except in those cases where special application is necessary or was clearly intended. See Chapter 6, Article 2, Sections 63.1-107 through 63.1-133.

Since the administration of the program for the Hospitalization and Treatment of Indigent Persons (formerly dealt with in Chapter 15 of Title 32, §§ 32-291 through 32-296) was transferred from the State Board of Health to the Department of Welfare and Institutions in 1948, the provisions relating to this program have been incorporated in the new Title 63.1 as Chapter 7, §§ 63.1-134 through 63.1-141.

The provisions formerly found as §§ 63-307.1 through 63-307.4, dealing with reports by physicians, etc. of instances of serious bodily injuries to children under sixteen years of age should be transferred from Title 63 to Title 16.1 and therefore, should not be repealed but should be renumbered by the Code Commission under its authority to provide more orderly statutory arrangement.

Eighty-five sections of former Title 63 have been deleted entirely as being unnecessary or because they have become obsolete. These consist mainly of (1) provisions relating to administrative matters which either are no longer applicable or which can be handled by rule and regulation of the State Board, the local board or the local governing body as the case may be and (2) obsolete provisions dating back to the old overseers of the poor and superintendents of the poor, etc. In some cases, the deletion has been made because the subject matter is dealt with by other statutory provisions. In the first category are such former sections as § 63-87 through 63-99. In the second category are such former sections as §§ 63-319 through 63-336. In the third category are such former sections as §§ 63-337 through 63-341 and §§ 63-373.1 through 63-378.

A number of sections have been amended for a variety of reasons, as exemplified by the following:

In § 63.1-17 and other sections dealing with the per diem allowed members of boards and committees, the per diem has been increased to twenty-five dollars per day in accord with the standard practice being followed in other revisions.

In § 63.1-26 and other sections referring to the "Social Security Board" the reference has been changed to the federal Department of Health, Education and Welfare to conform to changes in the federal statutes.

§ 63.1-28 has been substituted for §§ 63-28 through 63-33 which are largely obsolete due to the present licensing provisions relating to the types of institutions covered by the former provisions.

§ 63.1-35 has been broadened to enable the State to qualify for federal grants in all categories of assistance including grants to assist in providing rehabilitation and other services.

§§ 63.1-38 to 63.1-44 have been rewritten to clarify the language, eliminate inconsistencies, to provide for contingencies not previously dealt with and to state in as orderly a fashion as possible the manner in which local boards are actually appointed.

In § 63.1-52, the type of report desired by the local governing body is left to its discretion.

§ 63.1-69 has been amended to give statutory recognition to the office of "Director" which, by administrative action, has replaced the Executive Secretary of the Commission for the Visually Handicapped.

§ 63.1-91 has been amended to require local appropriations for foster care children that are committed to the care of local boards.

§ 63.1-92 has been rewritten to correct an error in the existing statute as to the formula for reimbursing localities and to conform to actual practice.

§ 63.1-98. The first paragraph has been added to enable the State to meet federal requirements as they may be changed from time to time.

In Article 2 of Chapter 6, several changes have been made where they were necessary to conform to federal requirements.

Throughout Title 63 provisions refer to other sections of the same Title as well as to provisions found in other Titles of the Code. In the preparation of the new Title 63.1, counsel has attempted to conform these references to the prospective enactment of the new Title and with other appropriate provisions as they have come to his attention.

For convenience, following each section of the draft of Title 63.1, there will be found both a reference to the source of the provisions of that section and an explanation of the differences, if any, between the new section and the provisions it is to replace.

The accompanying bill and all other proposed legislation introduced at the 1968 Session of the General Assembly relating to the same subject matter must be carefully compared and coordinated to avoid conflicts and thereby realize maximum benefits from the Commission's efforts. This is particularly true of legislation which may be proposed to carry out the recommendations of the special study commission appointed pursuant to Chapter 700 of the Acts of Assembly of 1966 to study the organization and functioning of the Department of Welfare and Institutions and to consider the impact of federal legislation on the welfare laws of the Commonwealth.

In preparing the draft of Title 63.1, Counsel has attempted to comply with the instructions and desires expressed by the Commission at its various meetings. Careful consideration was given to the recommendations of the Director of the Department of Welfare and Institutions and the members of his staff, to the Commission's discussions thereof and its actions with respect thereto.

In conclusion, Counsel recommends the accompanying draft of Title 63.1 as a substantial improvement over the present Title 63 and suggests its submission to the Governor and the General Assembly for introduction at the 1968 Session.

Respectfully submitted,

WALTER E. ROGERS

TABLE OF CONTENTS

Title 63.1

WELFARE.

- Chapter 1. Department of Welfare and Institutions.
Article 1. In General, §§ 63.1-1 to 63.1-13.
Article 2. Board of Welfare and Institutions and Advisory Committees, §§ 63.1-14 to 63.1-30.
- Chapter 2. Commissioner of Public Welfare, §§ 63.1-31 to 63.1-37.
- Chapter 3. Local Boards of Public Welfare.
Article 1. In General, §§ 63.1-38 to 63.1-49.
Article 2. Functions, Powers and Duties, §§ 63.1-50 to 63.1-58.
- Chapter 4. Local Superintendents and Employees, §§ 63.1-59 to 63.1-67.
- Chapter 5. The Virginia Commission for The Visually Handicapped, §§ 63.1-68 to 63.1-85.
- Chapter 6. Public Aid and Assistance.
Article 1. In General, §§ 63.1-86 to 63.1-99.
Article 2. Assistance Grants, §§ 63.1-100 to 63.1-133.
- Chapter 7. Hospitalization and Treatment of Indigent Persons, §§ 63.1-134 to 63.1-141.
- Chapter 8. Business Enterprises for and Sale of Goods Made by the Blind.
Article 1. Business Enterprises for the Blind, §§ 63.1-142 to 63.1-165.
Article 2. Sale and Distribution of Goods Made by the Blind, §§ 63.1-166 to 63.1-171.
- Chapter 9. Homes for Aged, Infirm, Incapacitated and Indigent Persons.
Article 1. Licensing of Homes for Aged, Infirm and Incapacitated Persons, §§ 63.1-172 to 63.1-182.
Article 2. District Homes for Aged, Indigent, Infirm and Incapacitated Persons, §§ 63.1-183 to 63.1-194.
- Chapter 10. Child Welfare, Homes, Agencies and Institutions, §§ 63.1-195 to 63.1-219.
- Chapter 11. Adoption, §§ 63.1-231 to 63.1-238.
- Chapter 12. Care of Delinquent Children Committed to the State Board, §§ 63.1-239 to 63.1-248.

TABLE OF COMPARABLE SECTION

<i>Title 63</i>	<i>This Report</i>	<i>Title 63</i>	<i>This Report</i>
63-1	63.1-1	New	63.1-39
63-2	63.1-2	63-52	63.1-40
63-3	63.1-3	63-52.1	Repealed
63-4	Deleted	63-53	63.1-42, 44
63-5	63.1-4	63-53.1	63.1-43
63-5.1	Deleted	63-54	63.1-40
63-5.2	63.1-5	63-55	63.1-42
63-6	63.1-6	63-56	63.1-40, 42, 44
63-7	63.1-7	63-57	63.1-45
63-8	63.1-8	63-58	63.1-46
63-9	63.1-9	63-59	63.1-47
63-10	63.1-10	63-60	63.1-41
63-11	63.1-11	63-61	63.1-48
63-12	63.1-12	63-62	63.1-48
63-13	63.1-13	63-63	Repealed
63-14	63.1-14	63-64	63.1-48
63-15	63.1-15	63-65	63.1-49
63-16	63.1-16	63-66	63.1-50
63-17	63.1-17	63-66.1	63.1-51
63-18	63.1-18	63-67	63.1-52
63-19	63.1-19	63-67.1	63.1-52
63-20	63.1-20	63-67.2	63.1-52
63-21	63.1-21	63-67.3	Repealed
63-22	63.1-22	63-68	63.1-53
63-23	63.1-23	63-69	63.1-54
63-24	63.1-24	63-69.1 to	
63-25	63.1-25	63-69.3	Repealed
63-26	63.1-26	63-70	Deleted
63-27	63.1-27	63-71	Deleted
63-28	63.1-28	63-72	Deleted
63-29	Deleted	63-72.1	63.1-55
63-30	Deleted	63-73	63.1-56
63-31	Deleted	63-73.1	63.1-57
63-32	Deleted	63-74	63.1-58
63-33	Deleted	63-75	63.1-59
63-34	Deleted	63-75.1	63.1-59
63-35	63.1-29	63-76	63.1-60
63-36	63.1-30	63-77	63.1-60
63-37	Deleted	63-78	63.1-61
63-38	63.1-31	63-79	63.1-62
63-39	63.1-32	63-80	63.1-63
63-40	63.1-33	63-81	63.1-64
63-41	63.1-34	63-81.1	63.1-65
63-42	63.1-33	63-82	63.1-66
63-43	63.1-35	63-83	Deleted
63-44	63.1-36	63-84	Deleted
63-45	Deleted	63-85	63.1-67
63-46	63.1-37	63-86	Deleted
63-47	Deleted	63-87 through	
63-48	Repealed	63-99	Deleted
63-49	Repealed	63-100	63.1-86
63-50	Deleted	63-101	63.1-87
63-51	63.1-38, 44	63-102	63.1-88

<i>Title 63</i>	<i>This Report</i>	<i>Title 63</i>	<i>This Report</i>
63-103	63.1-89	63-140.15	63.1-53, 126
63-104	63.1-90	63-140.16	Deleted
63-105	63.1-91	63-141	63.1-105
63-106	63.1-92	63-142	63.1-107
63-106.1	63.1-97	63-143	63.1-108
63-107	63.1-92	63-144	63.1-109
63-108	63.1-94	63-145	63.1-110
63-109	63.1-93	63-146	Deleted
63-110	63.1-96	63-147	63.1-114
63-111	63.1-93	63-148	63.1-115
63-112	63.1-95	63-149	63.1-113, 114
63-113	Deleted	63-149.1	63.1-112
63-114	63.1-99	63-150	63.1-120
63-115	63.1-100	63-151	63.1-127
63-116	63.1-107	63-152	63.1-121
63-117	63.1-108	63-153	63.1-116
63-118	63.1-109	63-154	63.1-117
63-119	63.1-110	63-155	63.1-118
63-120	Deleted	63-156	63.1-119
63-121	63.1-114	63-157	63.1-122
63-122	63.1-115	63-158	63.1-123
63-123	63.1-113	63-159	63.1-124
63-124	63.1-112	63-160	63.1-125
63-125	63.1-127	63-161	63.1-126
63-126	63.1-120	63-162	63.1-68
63-127	63.1-128, 130	63-163	63.1-69
63-127.1	63.1-129	63-164	63.1-70
63-128	63.1-130	63-165	63.1-71
63-129	63.1-133	63-166	63.1-72
63-130	63.1-121	63-167	63.1-73
63-131	63.1-116	63-167.1	63.1-74
63-132	63.1-117	63-168	63.1-75
63-133	63.1-118	63-169	63.1-76
63-134	63.1-119	63-170	63.1-77
63-135	63.1-122	63-171	63.1-78
63-136	63.1-123	63-172	63.1-79
63-137	63.1-124	63-173	63.1-80
63-138	63.1-131	63-174	63.1-81
63-138.1	63.1-132	63-175	63.1-82
63-139	63.1-125	63-176	63.1-83
63-140	63.1-126	63-177	63.1-84
63-140.1	Deleted	63-178	63.1-85
63-140.2	63.1-101	63-179	63.1-103
63-140.2:1	63.1-102	New	63.1-104
63-140.3	63.1-107	63-180	63.1-107
63-140.4	63.1-108	63-181	63.1-108
63-140.5	63.1-111, 114	63-182	63.1-109
63-140.6	63.1-115	63-183	63.1-110
63-140.7	63.1-120	63-184	Deleted
63-140.8	63.1-116	63-185	63.1-114
63-140.9	63.1-117	63-186	63.1-115
63-140.10	63.1-118	63-187	63.1-113, 114
63-140.11	63.1-119	63-188	63.1-112
63-140.12	63.1-122	63-189	63.1-127
63-140.13	63.1-123	63-190	63.1-120
63-140.14	63.1-124	63-191	63.1-128, 130

<i>Title 63</i>	<i>This Report</i>	<i>Title 63</i>	<i>This Report</i>
63-192	63.1-130	63-217	63.1-124
63-193	63.1-133	63-218 and	
63-194	63.1-121	63-218.1	Repealed
63-195	63.1-116	63-219	63.1-125
63-196	63.1-117	63-220	63.1-126
63-197	63.1-118	63-220.1	63.1-98
63-198	63.1-119	63-221	Deleted
63-199	63.1-122	63-222	63.1-172
63-200	63.1-123	63-222.1	63.1-173
63-201	63.1-124	63-223	63.1-174
63-202	63.1-131	63-223.1	63.1-175
63-202.1	63.1-132	63-223.2	63.1-176
63-203	63.1-125	63-224	63.1-177
63-204	63.1-126	63-224.1	63.1-178
63-204.1	63.1-142	63-224.2	63.1-179
63-204.2	63.1-143	63-224.3	63.1-180
63-204.3	63.1-144	63-224.4	63.1-181
63-204.4	63.1-145	63-225 and	
63-204.5	63.1-146	63-226	Repealed
63-204.6	63.1-147	63-227	63.1-182
63-204.7	63.1-148	63-228	63.1-183
63-204.8	63.1-149	63-229	63.1-183
63-204.9	63.1-150	63-230	Deleted
63-204.10	63.1-151	63-231	Deleted
63-204.11	63.1-152	63-232	63.1-195
63-204.12	63.1-153	63-233	63.1-196
63-204.13	63.1-154	63-234	63.1-197
63-204.14	63.1-155	63-235	63.1-198
63-204.15	63.1-156	63-236	63.1-199
63-204.16	63.1-157	63-237	63.1-200
63-204.17	63.1-158	63-238	63.1-201
63-204.18	63.1-159	63-239	63.1-202
63-204.19	63.1-160	63-240	63.1-203
63-204.20	63.1-161	63-241	63.1-204
63-204.21	63.1-162	63-242	63.1-205
63-204.22	63.1-163	63-243	63.1-206
63-204.23	63.1-164	63-244	63.1-207
63-204.24	63.1-165	63-245	63.1-208
63-204.25	63.1-166	63-246	63.1-209
63-204.26	63.1-167	63-247	63.1-210
63-204.27	63.1-168	63-248	63.1-211
63-204.28	63.1-169	63-249	63.1-212
63-204.29	63.1-170	63-250	63.1-213
63-204.30	63.1-171	63-251	63.1-214
63-205	63.1-106	63-252	63.1-215
63-206	63.1-107	63-253	63.1-216
63-207	63.1-108	63-254	63.1-217
63-208	63.1-109	63-255	63.1-218
63-209	63.1-110	63-256	63.1-219
63-210	Deleted	63-257 to	
63-211	63.1-115	63-290	Repealed
63-212	63.1-108	63-291	63.1-239
63-213	63.1-120	63-291.1	63.1-246
63-214	63.1-113, 114	63-292	63.1-243
63-215	63.1-112	63-293	63.1-240
63-216	63.1-116	63-293.1	63.1-241

<i>Title 63</i>	<i>This Report</i>	<i>Title 63</i>	<i>This Report</i>
63-293.2	63.1-242	63-350	63.1-224
63-294 to		63-351	63.1-225
63-307	Repealed	63-352	63.1-226
63-307.1	Transfer to Title 16.1	63-353	63.1-227
63-307.2	Transfer to Title 16.1	63-354	63.1-228
63-307.3	Transfer to Title 16.1	63-355	63.1-229
63-307.4	Transfer to Title 16.1	63-356	63.1-230
63-308	63.1-184	63-356.1	63.1-231
63-309	63.1-185	63-356.2	63.1-232
63-310	63.1-186	63-357	63.1-233
63-311	63.1-187	63-358	63.1-234
63-312	63.1-188	63-359	Repealed
63-313	Deleted	63-359.1	63.1-235
63-314	63.1-189	63-360	63.1-236
63-315	63.1-190	63-361	63.1-237
63-316	63.1-191	63-362	Repealed
63-317	63.1-192	63-363	63.1-238
63-318	63.1-193	63-364	Deleted
63-318.1	63.1-194	63-365	Deleted
63-319	Deleted	63-366	63.1-245
63-320	Deleted	63-367	63.1-245
63-321	Deleted	63-368	63.1-245
63-322	Deleted	63-369	63.1-245
63-323	Deleted	63-369.1	63.1-248
63-324	Deleted	63-370	Deleted
63-325	Deleted	63-371	63.1-247
63-326	Deleted	63-372	Repealed
63-327	Deleted	63-373	Repealed
63-328	Deleted	63-373.1	Deleted
63-329	Deleted	63-374	Deleted
63-330	Deleted	63-375	Deleted
63-331	Deleted	63-376	Deleted
63-332	Deleted	63-377	Deleted
63-333	Deleted	63-378	Deleted
63-334	Deleted	63-379	Deleted
63-335	Deleted	63-380	Deleted
63-336	Deleted	63-381	63.1-244
63-337	Deleted	63-382	Repealed
63-338	Deleted	63-383	Deleted
63-339	Deleted	63-384	63.1-244
63-340	Deleted	63-385	Deleted
63-341	Deleted		
63-342	Deleted	<i>Title 32</i>	<i>This Report</i>
63-343	Deleted	32-291	63.1-134
63-344	Deleted	32-292	63.1-135
63-345	Deleted	32-293	63.1-136
63-346	Deleted	32-293.1	63.1-137
63-347	63.1-220	32-293.2	63.1-138
63-348	63.1-221	32-294	63.1-139
63-348.1	63.1-222	32-295	63.1-140
63-349	63.1-223	32-296	63.1-141

A BILL to revise, rearrange, amend and recodify the general laws of Virginia relating to welfare; to that end to repeal Title 63 of the Code of Virginia, which title includes Chapters 1 to 16 and §§ 63-1 to 63-385, inclusive, of the Code of Virginia, as amended, and relates to welfare; to amend the Code of Virginia by adding thereto, in lieu of the foregoing title, chapters and sections of the Code repealed by this act, a new title numbered 63.1 which new title includes new chapters numbered 1 to 12 inclusive, and new sections numbered 63.1-1 to 63.1-248, inclusive, relating to welfare; to repeal Chapter 15 of Title 32 and §§ 32-291 to 32-296, inclusive, of the Code of Virginia; to further amend the Code of Virginia by adding in Chapter 8 of Title 16.1 thereof a new article numbered 7 and new sections numbered 16.1-217 to 16.1-217.4, relating to the abuse or neglect of children; and to prescribe when such revision and recodification shall become effective.

Be it enacted by the General Assembly of Virginia:

1. That Title 63 of the Code of Virginia, which title includes chapters 1 to 16 and §§ 63-1 to 63-385, inclusive, of the Code of Virginia, as amended, is repealed.
2. That the Code of Virginia be amended by adding thereto, in lieu of the title, chapters and sections of the Code herein repealed, a new title numbered 63.1, new chapters numbered 1 to 12, inclusive, and new sections numbered 63.1-1 to 63.1-248, inclusive, which new title, chapters and sections are as follows:

TITLE 63.1

WELFARE

CHAPTER 1.

DEPARTMENT OF WELFARE AND INSTITUTIONS.

Article 1.

In General.

§ 63.1-1. Department of Welfare and Institutions.—There is hereby continued in the executive department a Department of Welfare and Institutions to be headed by a Director.

Source: § 63-1.

Note: The word “continued” is substituted for the word “created.”

§ 63.1-2. Appointment of Director.—The Director of the Department of Welfare and Institutions, sometimes referred to in this title as Director, sometimes as Commissioner of Public Welfare and sometimes as Commissioner, shall be appointed by the Governor, subject to confirmation by the General Assembly, if in session when the appointment is made, and if not in session, then at its next succeeding session.

Source: § 63-2.

Note: No change.

§ 63.1-3. Term of Office and Vacancies.—The Director shall hold office at the pleasure of the Governor for a term coincident with that of each Governor making the appointment, or until his successor shall be

appointed and qualified. Vacancies shall be filled in the same manner as original appointments are made.

Source: § 63-3.

Note: No change.

§ 63.1-4. Powers and duties of Director; General.—The Director shall have all of the powers conferred upon him by law. Except as otherwise provided, he shall supervise the administration of the provisions of Title 53 and Title 63.1 of this Code and shall see that all laws pertaining to his Department are carried out to their true intent and spirit.

Source: § 63-5.

Note: The words “of the Department of Welfare and Institutions” and the words “including those powers formerly exercised by the Commissioner of Corrections. He shall be the Commissioner of Public Welfare” have been deleted.

Internal Title reference conformed.

§ 63.1-5. Establishment and operation of stores in certain institutions.—The Director is hereby authorized to provide for the establishment and operation of stores or commissaries in the institutions under his supervision to deal in such articles as he shall deem proper. The net profits from the operation of such stores shall be used for educational, recreational or other beneficial purposes as may be prescribed by the Director.

Any such stores or commissaries heretofore established are hereby continued and shall be operated in accordance with the preceding paragraph.

Source: § 63-5.2.

Note: The words “of the Department of Welfare and Institutions” have been deleted.

§ 63.1-6. Bond.—The Director shall give bond with corporate surety in such penalty as may be fixed by the Governor conditioned upon faithful discharge of his duties. The premium on such bond shall be paid for as other expenses of the Department are paid.

Source: § 63-6.

Note: The words “of the Department of Welfare and Institutions” deleted.

§ 63.1-7. Divisions of the Department of Welfare and Institutions.—The Director shall establish in his department separate divisions of corrections and general welfare. He may establish such other divisions as may be necessary.

Source: § 63-7.

Note: No change.

§ 63.1-8. Appointment of division heads.—The Director shall appoint heads of the divisions, subject to the provisions of chapter 10 of Title 2.1.

Source: § 63-8.

Note: Internal section reference conformed.

§ 63.1-9. Powers and duties of division heads.—The Director may delegate to the heads of the various divisions and to such other employees of the Department as he deems desirable any and all of the powers and duties conferred upon him by law.

Source: § 63-9.

Note: No change.

§ 63.1-10. Employment of agents and employees.—The Director may engage or authorize the engagement of such agents and employees as may be needed by the Director and the Department in the exercise of the functions, duties and powers conferred and imposed by law upon him and the Department, and in order to effect a proper organization and to carry out its duties.

Source: § 63-10.

Note: No change.

§ 63.1-11. Powers, duties, titles and functions of such agents and employees.—The functions, duties, powers and titles of the agents and employees provided for in the preceding section, and their salaries and remuneration, not in excess of the amount provided therefor by law, shall be fixed by the Director, subject to the provisions of chapter 10 of Title 2.1.

Source: § 63-11.

Note: Internal section references conformed.

§ 63.1-12. Bonds of such agents.—Proper bonds shall be required of all agents and employees who shall handle any funds which may come into custody of the Department. The premiums on the bonds shall be paid from funds appropriated by the State for the administration of the activities of the Department.

Source: § 63-12.

Note: The words “activities of the Department” substituted for the words “provisions of this title”.

§ 63.1-13. Report to Governor.—The Director shall submit to the Governor and publish an annual report, not later than four months after the close of each fiscal year, showing for such year the total amount of money paid or distributed by the Department, the total number of persons who received assistance and such other information as the Director may deem advisable to show the operations of the Department.

Source: § 63-13.

Note: The words “old age” and “aid to dependent children, aid to the blind and general relief” deleted.

Article 2.

Board of Welfare and Institutions and Advisory Committees.

§ 63.1-14. Board of Welfare and Institutions.—In the Department of Welfare and Institutions there shall be the Board of Welfare and Institutions, consisting of six members appointed by the Governor. In making appointments the Governor shall endeavor to select appointees of such qualifications and experience that the membership of the Board shall include persons suitably qualified to consider and act upon the various problems which the Board may be required to consider and act upon. The appointments shall be subject to confirmation by the General Assembly if in session and, if not, then at its next succeeding session. Whenever the words “State Board” or “Board” are used in this Title, they shall be construed to mean and refer to the Board of Welfare and Institutions.

Source: § 63-14.

Note: In the second sentence the words “under the laws of the Commonwealth” are deleted. The last sentence has been substituted for “The Board of Welfare and Institutions will usually be referred to in this title as the ‘State Board’ or Board.”

§ 63.1-15. Term of office of members; suspension or removal.—The members of the Board shall be appointed for terms of four years each beginning from the expiration of the respective terms of their predecessors, except an appointment to fill a vacancy shall be for the unexpired term. No person shall be eligible to serve for or during more than two successive terms; provided, however, any person heretofore or hereafter appointed to fill a vacancy may be eligible for two additional successive terms after the term of the vacancy for which he was appointed has expired. Members of the State Board may be suspended or removed by the Governor at his pleasure.

Source: § 63-15.

Note: The first sentence dealing with terms of original appointees and the words "and incumbency during the current term when this amendment takes effect constitutes the first of two successive terms with respect to eligibility for appointment" deleted.

§ 63.1-16. Chairman, vice-chairman and secretary.—The State Board shall select a chairman from its membership, and under rules adopted by itself may elect one of its members as vice-chairman. It shall elect one of its members as secretary.

Source: § 63-16.

Note: No change.

§ 63.1-17. Compensation and expenses.—The members of the State Board shall receive no salaries. They shall be paid their necessary traveling and other expenses incurred in attendance upon meetings, or while otherwise engaged in the discharge of their duties, and the sum of twenty-five dollars a day for each day or portion thereof in which they are engaged in the performance of their duties. But no member shall receive in excess of one thousand five hundred dollars and actual expenses in any one year.

Source: § 63-17.

Note: The per diem has been increased from twenty to twenty-five.

§ 63.1-18. Oath of office.—Before entering upon the discharge of his duties, each member of the State Board shall take the usual oath of office.

Source: § 63-18.

Note: The words "the usual oath of office" substituted for all after "take". See § 49-1 for usual oath of office.

§ 63.1-19. Bonds of members.—Each member of the State Board shall give bond, with corporate surety, in such penalty as is fixed by the Governor, conditioned upon the faithful discharge of his duties. The premium on the bonds shall be paid as other expenses of the State Board are paid.

Source: § 63-19.

Note: No change.

§ 63.1-20. Meetings.—The State Board shall meet at least once every month and on call of the chairman when in his opinion additional meetings are expedient or necessary.

Source: § 63-20.

Note: No change.

§ 63.1-21. Quorum.—Four members of the State Board shall constitute a quorum for all purposes.

Source: § 63-21.

Note: No change.

§ 63.1-22. Main Office.—The main office of the State Board shall be in the city of Richmond.

Source: § 63-22.

Note: No change.

§ 63.1-23. Officers and employees not eligible as members.—No director, officer or employee of an institution subject to the provisions of this title shall be appointed a member of the State Board.

Source: § 63-23.

Note: The word "provisions" substituted for the word "terms."

§ 63.1-24. Powers and duties in general.—The State Board shall act in a capacity advisory to the Director, and when requested shall confer and advise with him upon such matters as may arise in the performance of his duties. When requested by the Director, or by the Governor, the Board shall investigate such questions and consider such problems as they, or either of them, may submit and shall report their findings and conclusions. The Board may also initiate investigations and consider problems and make recommendations to the Director or to the Governor, of its own motion.

Source: § 63-24.

Note: The word "State" is inserted before "Board" and the words "of welfare and institutions" are deleted. Last sentence is deleted.

§ 63.1-25. Making rules and regulations.—The State Board shall make such rules and regulations, not in conflict with this title, as may be necessary or desirable to carry out the true purpose and intent of this title.

The Board also may make such rules and regulations as may be necessary in authorizing local boards of public welfare to destroy or otherwise dispose of such records as the local boards in their discretion deem are no longer necessary in such offices and which serve no further administrative, historical or financial purpose.

Source: § 63-25.

Note: The word "State" is inserted before "Board."

§ 63.1-26. Establishment of standards for personnel.—The State Board shall establish minimum standards of training, experience, general ability and performance for the personnel employed by the Commissioner, local boards and local superintendents in the administration of the succeeding chapters of this title and make necessary rules and regulations to maintain such standards, including such rules and regulations as may be embraced in the development of a system of personnel administration meeting requirements of the federal Department of Health, Education and Welfare

Source: § 63-26.

Note: The word "State" is inserted before "Board" and the words "Department of Health, Education and Welfare" are substituted for "Social Security Board." After "standards" the words "of service and personnel based upon training experience and general ability" changed to read "of training, experience, general ability and performance".

§ 63.1-27. May administer oaths, conduct hearings and issue subpoenas.—The State Board in the exercise and performance of its functions, duties and powers under the provisions of this title is authorized to hold and conduct hearings, issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents, to administer oaths and to take testimony thereunder.

Source: § 63-27.

Note: No change.

§ 63.1-28. Board to visit certain institutions.—The State Board shall cause the penitentiary, the training schools and such other penal institutions under its control as it may select to be visited and inspected at least once a year by at least two members of the State Board.

Source: § 63-28.

Note: This section has been substituted for §§ 63-28 through 63-33 which are largely obsolete due to the licensing provisions relating to the types of institutions covered by the former sections.

§ 63.1-29. Advisory committees.—The Governor may appoint an Advisory Committee on Corrections, an Advisory Committee on Public Welfare, and an Advisory Committee on Youth Services, to consist of three members each, who shall serve at the pleasure of the Governor for terms coincident with that of the Governor. Such committees shall act in an advisory capacity to the Director and to the State Board on questions and problems relating to institutions of correction, public welfare, and youth services, respectively. When requested by the Director or the Board so to do the committees shall investigate such questions and consider such problems as may be submitted to them and shall report their findings and conclusions. The committees may also make recommendations to the Director and to the Board on their own initiative.

Source: § 63-35.

Note: The words “of Welfare and Institutions” are deleted in two places and the word “State” is inserted before “Board.”

§ 63.1-30. Compensation and expenses of committee members.—The members of the committees shall receive no salaries, but shall be paid their necessary traveling and other expenses incurred in attendance upon meetings, or while otherwise engaged in the performance of their duties, and shall be paid the sum of twenty-five dollars per day for each day, or portion thereof, upon which they are engaged in the performance of their duties.

Source: § 63-36.

Note: The per diem has been raised from ten to twenty-five dollars.

CHAPTER 2.

COMMISSIONER OF PUBLIC WELFARE.

§ 63.1-31. Powers and duties under this title.—The Director shall, in his capacity as Commissioner of Public Welfare and subject to the rules and regulations of the State Board, have the powers and perform the duties conferred or imposed upon him in this title. He shall, unless otherwise specified, see that the provisions of this title are properly administered.

Source: § 63-38.

Note: The words “In addition to the functions, duties and powers conferred and imposed upon” and “by other provisions of law, he” are deleted.

§ 63.1-32. Cooperation with local authorities.—The Commissioner shall assist and cooperate with local authorities in the administration of this title. He shall encourage and assist in the training of personnel of local agencies engaged in the programs provided for by this title, Title 53 and Chapter 8 of Title 16.1.

Source: § 63-39.

Note: This section has been rewritten.

§ 63.1-33. Requiring reports from local boards.—The Commissioner shall require of local boards such reports relating to the administration of this title as the Commissioner may deem necessary to enable the State Board and the Commissioner to exercise and perform the functions, duties and powers conferred and imposed by this title. He shall prescribe the form of applications, reports, affidavits and such other forms as may be required in the administration of this title.

Source: §§ 63-40 and 63-42.

Note: The two sections are combined without change of substance.

§ 63.1-34. Access to records of local boards.—The Commissioner or his designated agents shall have access at all times to the records of the local boards relating to the appropriation, expenditure and distribution of funds for, and other matters concerning, assistance and services under this title.

Source: § 63-41.

Note: The words “or his designated agents” inserted after “Commissioner.”
The word “services” inserted after “assistance.”

§ 63.1-35. Cooperation with federal agencies.—The Commissioner shall cooperate with the federal Department of Health, Education and Welfare and other agencies of the United States and with the local boards of public welfare, in relations to matters set forth in this title, and in any reasonable manner that may be necessary for this State to qualify for and to receive grants or aid from such federal agencies for public assistance and services in conformity with the provisions of this title, including grants or aid to assist in providing rehabilitation and other services to help individuals to attain or retain capability for self-care or self-support and such services as are likely to prevent or reduce dependency and, in the case of dependent children, to maintain and strengthen family life. The Commissioner shall make such reports in such form and containing information as such agencies of the United States may from time to time require and shall comply with such provisions as such agencies may from time to time find necessary to assure the correctness and verification of such reports.

Source: § 63-43.

Note: The reference to “Federal Social Security Board and other agencies” has been changed to “Department of Health, etc., and other agencies” and thereafter mentioned as “such agencies” to avoid repetition. The section has been broadened to enable the State to qualify for grants for all categories of public assistance including those to assist in providing rehabilitation and other services.

§ 63.1-36. Authority to receive grants-in-aid, funds and gifts.—The Commissioner is authorized to receive, for and on behalf of the State and its subdivisions, from the United States and agencies thereof, and from any and all other sources, grants-in-aid, funds and gifts, made for the

purpose of providing, or to assist in providing, for old age assistance, medical assistance for the aged, aid for the permanently and totally disabled, funds for child welfare services including day care for children and civil defense, aid to dependent children, and general relief, or any of them, including expenses of administration. Subject to the written approval of the Governor, the Commissioner is also authorized to receive from all such sources grants-in-aid, funds and gifts made for the purpose of alleviating, treating or preventing poverty, delinquency or other social problems encountered in programs under the supervision or administration of the Commissioner. All such funds shall be paid into the State treasury.

Source: § 63-44.

Note: No change.

§ 63.1-37. **Standards for personnel.**—The Commissioner shall enforce the standards established by the State Board for personnel employed in the administration of this title and remove or cause to be removed each employee who does not meet such standards.

Source: § 63-46.

Note: No change.

CHAPTER 3.

LOCAL BOARDS OF PUBLIC WELFARE.

Article 1.

In General.

§ 63.1-38. **Local Board for each county and city.**—For each county and city of the State there shall be a local board of public welfare, which, in case the governing bodies of two or more counties or cities or any combination thereof so elect, may be a single board for all of such participating counties and cities. The term "local board" as used in this title shall mean a local board representing one or more counties or cities.

Source: § 63-51.

Note: Former sections 63-50, 63-51, 63-52, 63-53, 63-51.2, 63-54, 63-55, 63-56, and 63-60 all have been rewritten to clarify the language, eliminate inconsistencies and to provide for contingencies not previously dealt with. These sections now appear as §§ 63.1-38 to 63.1-44. These statutes have been redrafted to state in clear and orderly fashion as nearly as possible the manner in which local boards are actually appointed, taking into account the provisions of Title 15.1 dealing with localities having special forms of government.

§ 63.1-39. **Continuance of existing local boards.**—The local boards in existence upon the effective date of this Title 63.1 shall continue as heretofore constituted and the members of such boards in office on that date shall continue in office for the remainder of their terms. After the effective date of this title no person shall serve more than three consecutive three year terms and the term of office being served on the effective date of this title, if for a full three year term, shall count as the first of such terms. The provisions of the preceding sentence shall not be applicable where the officer in charge of a department or division of public welfare of a county or city is constituted the local board.

Source: New section.

Note: This section takes the place of § 63-50. It contains a limitation on the number of terms a member of a local board may serve which is new.

§ 63.1-40. How local board for a single county constituted.—The members of the local board serving a single county shall be residents of the county and, except as provided in §63.1-41, shall be appointed by the judge of the Circuit Court of the county. The local board shall consist of five members unless the governing body of the county, by resolution adopted either before or after the effective date of this title, provides that the board shall be limited to three members or that the board shall consist of one member residing in each magisterial district. The governing body of the county may, at any time, by resolution, restore the number of members of the local board to five. In case any such resolution results in a reduction of the number of members of the local board, the members then serving shall continue in office until, by expiration of their terms of office or vacation of their office for any reason, the number of members has been reduced to the number specified in such resolution. The members of such local boards shall be appointed for terms of three years, except that appointments to fill vacancies created by an increase in the number of members of a local board shall be for terms of one, two or three years, as determined by the judge, to maintain as nearly as possible an equally staggered system in the terms of members of the local board, and except that appointments to fill other vacancies shall be for the unexpired terms. The judge in making appointments shall so arrange the membership that at all times one member of the local board of each county shall also be a member of the board of supervisors, except in those cases where the board of supervisors has determined otherwise, in which case one member of the local board shall be selected from a list of three persons submitted by the board of supervisors. When a member of the board of supervisors appointed as a member of the local board in compliance with the foregoing requirement ceases to be a member of the board of supervisors, his office as a member of the local board shall also be vacated and another member of the board of supervisors appointed to fill such vacancy. In the event that a member is appointed from each magisterial district and there are an even number of such districts, the judge shall appoint a tie-breaker to resolve any question in conflict in case of a tie vote.

Source: §§ 63-52, 63-54 and 63-56.

Note: See note to § 63.1-38. This section combines provisions from §§ 63-52, 63-54 and 63-56 and contains language dealing with contingencies not heretofore covered.

§ 63.1-41. Local boards in counties having special forms of county government.—Where the statutes dealing with special forms of county government provide for the appointment of local boards, the provisions of such statutes shall control. In any county which has adopted, or shall hereafter adopt the county executive form of organization and government provided for in §§ 15.1-588 to 15.1-621 or the county manager form of organization provided for in §§ 15.1-674 to 15.1-695, the local board shall, while such form of organization and government remains in effect in such county, be appointed by the governing body of such county.

Source: § 63-60.

Note: See note to § 63.1-47.

§ 63.1-42. How local board of a city of the second class constituted.—The members of the local board in each city of the second class shall be residents of the city and shall be appointed by the judge of the corporation court of such city, or, if there be no such court, by the judge of the circuit court having jurisdiction in such city. The local board shall consist of five members, unless the governing body of the city, by resolution adopted either before or after the effective date of this title, provides that the local

board of such city shall be limited to three members. The governing body of the city may at any time by resolution restore the number of members of the local board to five. In case any such resolution results in a reduction of the number of members of the local board, the members then serving shall continue in office until, by expiration of their terms of office or vacation of their office for any reason, the number of members has been reduced to three. The members of such local boards shall be appointed for terms of three years, except that appointments to fill vacancies created by an increase in the number of members of a local board shall be for terms of one, two or three years, as determined by the judge, to maintain as nearly as possible an equally staggered system in the terms of members of the local board and except that appointments to fill other vacancies shall be for the unexpired terms. One member of the local board of city of the second class may be a member of the council or other governing body of such city.

Source: §§ 63-53, 63-55 and 63-56.

Note: See note to § 63.1-38.

§ 63.1-43. How local board of a city of the first class constituted.—

The local board in each city of the first class shall be, at the discretion of the city council, either the officer in charge of the department or division of public welfare or a board consisting of five members appointed by the city council of such city. If the officer in charge of the department or division of public welfare constitutes the local board, the city council may in its discretion appoint a board, committee or commission to serve in an advisory capacity to such officer with respect to the duties and functions imposed upon him by this title and such officer may designate either his principal assistant, or the superintendent of public welfare or chief public assistance supervisor to act in his behalf, in his absence, with respect to approving, cancelling or changing grants made under the provisions of this title.

Source: § 63-53.1.

Note: The word "shall" is substituted for "may" in the first sentence. The word "if" is substituted for "in the event" at start of the second sentence. The words "in such event" are deleted in the middle of this sentence and the word "may" is substituted for "is empowered to" in this sentence.

§ 63.1-44. Consolidated board for two or more political subdivisions.

Any county or city may by resolution adopted by its governing body agree to have a consolidated board with one or more other political subdivisions, either county or city, which consolidated board shall be the local board for each of the participating localities. The participating localities may agree that such local board shall be the local board which would be appointed as provided by law for any one of the participating localities in the absence of such consolidation. Otherwise the local board shall be composed of three members from each county and city, unless a participating county or city has a population of thirty thousand or more in which case such county or city shall be represented by four members on the board. The members from each locality shall be appointed by the appointing authority which would appoint the members of a local board to serve that locality alone. Initial appointments of members from each locality shall be for staggered terms of one, two and three years (two members for three years in case the locality is represented by four members). Subsequent appointments shall be for three years each, except that appointments to fill vacancies shall be for the unexpired terms. Administrative costs of a local board serving more than one county or city shall be borne by the participating counties or cities as they may agree.

Source: §§ 63-51, 63-53 and 63-56.

Note: See note to § 63.1-47.

§ 63.1-45. **Suspension or removal of members.**—Members of any local board may be suspended or removed for cause by the State Board or by the judge or other officer, board or body authorized to appoint the members of the local board.

Source: § 63-57.

Note: The word “such” is deleted.

§ 63.1-46. **Quorum.**—A majority of the members of any local board shall constitute a quorum.

Source: § 63-58.

Note: No change.

§ 63.1-47. **Compensation and expenses.**—Each member of the local board of a county or of a city shall be paid his necessary traveling and other expenses incurred in attendance upon meetings and while otherwise engaged in the discharge of his duties as such member. In addition to such expenses, the board of supervisors or other governing body of each county and the council or other governing body of each city may, out of the general fund of such county or city, pay to each member of the local board of such county or city, as compensation for his services as such member, not in excess of six hundred dollars per year. No such county or city shall be reimbursed out of either State or federal funds for any part of such compensation paid.

Source: § 63-59.

Note: The word “But” at start of last sentence is deleted.

§ 63.1-48. **Meetings.** The local board shall meet at least once a month and on other occasions on call of the chairman or in pursuance of action by the local board. The local superintendent of public welfare shall act as secretary of his board and shall keep on file minutes of the attendance and transactions at all meetings of the local board.

Source: §§ 63-61 through 63-64.

Note: Sections 63-61 to 63-64 are rewritten as one, with elimination of obsolete language.

§ 63.1-49. **Oath of office.**—No member shall enter upon the discharge of his duties unless and until he shall have taken the usual oath of office.

Source: § 63-65.

Note: The letter “s” is deleted from the word “oaths.” See § 49-1 for usual oath of office.

Article 2.

Functions, Powers and Duties.

§ 63.1-50. **Administration of law.**—The local boards shall, subject to the rules and regulations of the State board, administer the provisions of chapter 6 of this title in their respective counties and cities.

Source: § 63-66.

Note: The words “in addition to the functions, duties and powers conferred and imposed upon them by other provisions of law and” are deleted. Internal chapter reference is conformed.

§ 63.1-51. **Funds received from private sources.**—The local boards are authorized to receive and disburse funds derived from private sources in the form of gifts, contributions, bequests or legacies for the purpose of aiding needy persons within their respective counties or cities. Eligibility for aid from these sources need not be limited to requirements established for the public assistance programs in this State. All such funds as may be received from such sources shall be deposited in the treasuries of the respective counties and cities to the credit of the local boards and disbursed as authorized by such local boards.

Source: § 63-66.1.

Note: No change.

§ 63.1-52. **Furnishing reports.**—The local boards shall furnish to the Commissioner, the Director of the Virginia Commission for the Visually Handicapped and the governing body of its county or city such reports relating to the administration of this title as the Commissioner, the Director and such governing body, respectively, may require.

Source: §§ 63-67, 63-67.1 and 63-67.2.

Note: These sections are now combined and the type of report required by the governing body is left to its discretion.

§ 63.1-53. **Allowing access to records.**—The local boards shall allow the Commissioner, the Director of the Virginia Commission for the Visually Handicapped, and duly authorized agents and employees of each, at all times, to have access to the records of the local boards relating to the appropriation, expenditure and distribution of funds for, and other matters concerning assistance and services under this title.

Notwithstanding any other provision of law or rule or regulation in conflict herewith any citizen shall be afforded access, at the offices of the local departments of welfare, during office hours, to records of the disbursement of any funds or payments, other than payments of medical assistance to the aged, made or approved by the local board or department or division of public welfare in any county or city upon signing a request therefor with applicants' address. It shall be unlawful for any person, firm, corporation, or association to use any name or list of names obtained directly or indirectly through access to such records for commercial or political purposes, or to publish the name of any child receiving assistance under the provisions of § 63.1-56 of the Code of Virginia, and any person violating these provision shall be guilty of a misdemeanor and punished accordingly.

Source: §§ 63-68 and 63-140.15.

Note: The word "Director" is substituted for "executive secretary" and the words "Visually Handicapped" are substituted for "blind." The words "other than payments of medical assistance to the aged" are new—see § 63-140.15. The words "name or list of names" substituted for "list or names" in last sentence.

§ 63.1-54. **Submission of budget to governing bodies.**—The local boards shall submit annually to the boards of supervisors, councils and other governing bodies of their respective counties and cities a budget, containing an estimate and supporting data setting forth the amount of money needed to carry out the provisions of this title, and a copy thereof shall be forwarded to the Commissioner.

Source: § 63-69.

Note: The words "quarterly and" formerly appearing after "submit" are deleted. The words "and a copy thereof" are substituted for "following which such budgets."

§ 63.1-55. Child welfare and other services.—Each local board is authorized to provide, in its discretion, subject to the supervision of the Commissioner and in accordance with rules prescribed by the State Board, any or all child welfare services herein described. For purposes of this section, the term “child welfare services” means public social services which supplement, or substitute for, parental care and supervision for the purpose of (1) preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children; (2) protecting and caring for homeless, dependent, or neglected children; (3) protecting and promoting the welfare of children of working mothers; and (4) otherwise protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed, the provision of adequate care of children away from their own homes in foster family homes or day care or other facilities.

Provided, however, that day care centers shall not be operated by a local board without first obtaining the consent of the local governing body; provided further that child welfare services shall not be administered to any child or children without the consent of the parent or guardian or authority of a court of competent jurisdiction.

Each local board is also authorized, and, as may be provided by rules and regulations of the State Board and the Virginia Commission for the Visually Handicapped shall, provide rehabilitation and other services to help individuals to attain or retain self-care or self-support and such services as are likely to prevent or reduce dependency and, in the case of dependent children, to maintain and strengthen family life.

Source: § 63-72.1.

Note: The words “and other” are added in the caption. The words “of public welfare” are deleted in two places after “Board.” The last paragraph is new.

§ 63.1-56. Accepting children for placing in homes or institutions; care and control.—A local board shall have the right to accept for placement in suitable family homes or institutions, subject to the supervision of the Commissioner and in accordance with rules prescribed by the State Board, such persons under eighteen years of age as may be entrusted to it by the parent, parents or guardian, or committed by any court of competent jurisdiction. Such local board shall, in accordance with the rules prescribed by the State Board and in accordance with the parental agreement or other order by which such person is entrusted or committed to its care, have custody and control of the person so entrusted or committed to it until he is lawfully discharged, has been adopted or has attained his majority; and such local board shall have authority to place for adoption, and to consent to the adoption of, any child properly committed or entrusted to its care when the order of commitment or entrustment agreement between the parent or parents and the agency provides for the permanent separation of such child from his parent or parents.

Source: § 63-73.

Note: The words “of public welfare” are deleted in two places following “Board.”

§ 63.1-57. Accepting and expending certain funds on behalf of children entrusted to board when no guardian appointed; disposition of funds when children discharged.—A local board is authorized and empowered to accept and expend on behalf of and for the benefit of any child or children

committed or entrusted to its care under § 63.1-56, when no guardian has been appointed, funds or money paid or tendered as pension, compensation, insurance or other benefit from the Veteran's Administration or under the Railroad Retirement Act or the old-age and survivors' insurance provisions of the Federal Social Security Act, as amended, or funds contributed or paid by parents or other persons for the support of such child, and the local board may, from any such funds received, provide for the current or future maintenance of such child.

Whenever any child shall be discharged by the local board all such funds held by the local board shall be paid to the child's guardian if such funds exceed one thousand dollars upon such guardian posting bond as may be required by law, or disbursed in accordance with § 8-750, if the sum does not exceed one thousand dollars.

Source: § 63-73.1.

Note: The words "of public welfare" are deleted following "Board." Internal section reference are conformed.

§ 63.1-58. Conducting hearings, issuing subpoenas, etc.—Local boards in the exercise and performance of their functions, duties and powers under the provisions of this title are authorized to hold and conduct hearings, issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents, to administer oaths and to take testimony thereunder.

Source: § 63-74.

Note: No change.

CHAPTER 4.

LOCAL SUPERINTENDENTS AND EMPLOYEES.

§ 63.1-59. Local superintendents of public welfare.—There shall be a superintendent of public welfare, referred to in this title as a "local superintendent," for each county or city. Two or more counties, or a county and a city, or any combination thereof, whether having separate boards or a joint board, may unite in providing a local superintendent and other employees to administer this title in such counties and cities, in which case such local superintendent shall be the local superintendent for each such county and city and the expenses incident to such employment shall be divided in such manner as the respective governing bodies provide by agreement.

Source: §§ 63-75 and 63-75.1.

Note: This section is redrafted to incorporate appropriate provisions of §§ 63-75 and 63-75.1.

§ 63.1-60. Appointment of local superintendents and local employees.—Subject to the personnel standards and rules and regulations of the State Board, the local superintendent shall be appointed by the local board, or, where the city charter or statutes relating to special forms of city or county government designate some other appointing authority, then by such other appointing authority, from a list of eligibles furnished by the Commissioner. Subject to the personnel standards, and rules and regulations of the State Board, the local board or such other appointing authority shall employ, or authorize the local superintendent to employ, such

other employees as may be required by the Commissioner to administer this title in the county or city.

Source: §§ 63-76 and 63-77.

Note: This section is redrafted to incorporate appropriate provisions of §§ 63-76 and 63-77.

§ 63.1-61. Service at pleasure of board or superintendent.—The local superintendent and other employees shall serve at the pleasure of the local board, or other appointing authority, subject to the provisions of the Merit System Plan as defined in § 63.1-87, and if such other employees be employed by the local superintendent they shall serve at the pleasure of the local superintendent, within the provisions of the Merit System Plan; provided, however, that in no event shall an employee serve after attaining the age seventy.

Source: § 63-78.

Note: The words “or other appointing authority” are inserted after “Board.” The words “on and after July 1, 1961” are deleted. Internal section reference is conformed.

§ 63.1-62. Removal by Commissioner.—Any local superintendent and any such employee who does not meet the personnel standards established by the State Board may be removed by the Commissioner.

Source: § 63-79.

Note: No change.

§ 63.1-63. Executive officer.—Each local superintendent of public welfare shall be the executive officer of the local board of his county or city.

Source: § 63-80.

Note: The words “of his county or city” is substituted for “appointing him.”

§ 63.1-64. Oath and bond.—Before entering upon the discharge of his duties, every such superintendent shall take the usual oath of office before the circuit court of the county or the corporation, hustings or other court having criminal jurisdiction of the city, for which he was appointed, or the judge thereof in vacation, and shall also enter bond with surety to be approved by the court or judge, in such sum as the court or judge may fix, conditioned upon the faithful discharge of his duties.

Source: § 63-81.

Note: No change See § 49-1 for usual oath of office.

§ 63.1-65. Bond of certain employees of local boards.—Every employee duly authorized to draw warrants on the treasurer or other fiscal officer shall before entering upon the discharge of his duties enter into a bond with surety to be approved by the judge of the circuit court of the county or the corporation, hustings or other court having criminal jurisdiction of the city in such sum as the judge may fix, conditioned upon the faithful discharge of his duties. The provisions of this section shall not apply in localities when provision for bonding such employees has been made by their governing bodies.

Source: § 63-81.1.

Note: This section is conformed to the language of § 63.1-74.

§ 63.1-66. Compensation.—The local superintendent and other persons employed to administer the provisions of this title in each county or

city shall be paid such compensation by such county or city as shall be fixed by the local board or other appointing authority within the compensation plan provided in the Merit System Plan. With the approval of the State Board and the local governing body the local board may provide that the local superintendent and such other employees shall be paid compensation in excess of the maximums permitted in the compensation plan. Such excess compensation shall be paid wholly from the funds of such county or city.

Source: § 63-82.

Note: This section has been completely rewritten.

§ 63.1-67. Counties with special forms of government.—In any county having a special form of government under which the governing body of the county would be the appointing authority of the local board, local superintendent, and local employees, the governing body may, subject to the personnel standards and rules and regulations of the State Board, authorize the local board to exercise the powers relating to the employment of the local superintendent and other employees required to administer this title in such county and the fixing of their compensation or authorize the local board to exercise such powers in so far as they relate to the local superintendent and the local superintendent to exercise such powers in so far as they relate to other employees required to administer this title in such county.

Source: § 63-85.

Note: This section has been completely rewritten.

CHAPTER 5.

THE VIRGINIA COMMISSION FOR THE VISUALLY HANDICAPPED.

§ 63.1-68. Appointment, terms and qualifications of members; eligibility for reappointment; quorum.—The Virginia Commission for the Visually Handicapped, hereinafter sometimes called the Commission, shall consist of seven members who shall be appointed by the Governor for terms of seven years each, one term beginning each year. No person shall be eligible to serve more than two successive terms; provided that a person heretofore or hereafter appointed to fill a vacancy may serve two additional successive terms. Incumbency during a current term when this section becomes effective shall constitute the first of two successive terms with respect to eligibility for reappointment. Vacancies occurring on the commission shall be filled by the Governor for the unexpired term. All appointments hereunder shall be made without reference to party affiliations, but solely on account of the fitness of the appointees to discharge their duties as members of the Commission. The membership of the Commission, however, shall at all times include two persons who are blind. Four members of the Commission shall constitute a quorum for the transaction of any lawful business.

Wherever in the laws of this State reference is made to the Virginia Commission for the Blind, such reference shall be deemed to be to the Virginia Commission for the Visually Handicapped.

Source: § 63-162.

Note: The words "Virginia Commission for the Blind shall after July 1, 1954, be known as" are deleted. The words "hereinafter sometimes called the Commission" are substituted for "and" after "Handicapped."

§ 63.1-69. Chairman, Director, agents and employees; by-laws.—The Commission shall elect one of its members as chairman, who shall preside at its meetings and shall have power to call meetings when he deems it advisable. The Commission shall appoint a Director who shall be the chief executive officer of the Commission and may appoint such other agents and employees as it deems necessary and fix their compensation within the limits of the annual appropriation, but no person so appointed shall be a member of the Commission. The Commission may make its own by-laws.

Source: § 63-163.

Note: The words "shall appoint a Director who shall be the chief executive officer of the Commission and" are inserted after "Commission" in second sentence and the words "such other" are inserted after "appoint" in this sentence.

§ 63.1-70. Acting as bureau of information and industrial aid.—The Commission shall act as a bureau of information and industrial aid, the object of which shall be to assist the blind in finding employment, and to teach them industries which may be followed in their homes.

Source: § 63-164.

Note: No change.

§ 63.1-71. Register of the blind; reports required of physicians and others.—The Commission shall prepare and maintain a complete register of the blind in the State, which shall describe the condition, cause of blindness, capacity for educational and industrial training of each, and such other facts as the Commission deems of value. Each physician, optometrist or other person who upon examination of the eyes of any person determines that such person is a blind person as defined in § 63.1-142, shall immediately report the name and address of such person to the Commission.

Source: § 63-165.

Note: Internal section reference is conformed.

§ 63.1-72. Inquiries concerning cause of blindness.—The Commission shall make inquiries concerning the cause of blindness, ascertain what portion of such cases are preventable, and cooperate with the State Board of Health in the adoption and enforcement of proper preventive measures.

Source: § 63-166.

Note: No change.

§ 63.1-73. Establishment of schools and workshops; expenditures.—The Commission may establish, equip and maintain schools for industrial training and workshops for the employment of suitable blind persons, pay the employees suitable wages, and devise means for the sale and distribution of the products thereof; provided, that any expenditures made under §§ 63.1-70 to 63.1-75 shall not exceed the annual appropriation or the amount received by way of bequest or donation during any one year; and provided further, that no part of the funds appropriated by the State for the purposes of §§ 63.1-70 to 63.1-75 shall be used for solely charitable purposes, the object and purpose of such sections being to encourage capable blind persons in the pursuit of useful labor, and to provide for the prevention and cure of blindness.

Source: § 63-167.

Note: Internal section references are conformed.

§ 63.1-74. Acceptance of gifts, grants, etc.—The Commission is authorized to receive and accept from the United States government, or any agency thereof, and from any other source, private or public, any and all gifts, grants, allotments, bequests or devises of any nature which in the Commission's opinion are suitable for the maintenance, improvement or expansion of its services to the visually handicapped of this State.

Source: § 63-167.1.

Note: No change.

§ 63.1-75. Use of earnings of schools and workshops; record of receipts and expenditures; report to Governor.—In furtherance of the purposes of §§ 63.1-70 to 63.1-75, the Commission shall have authority to use any receipts or earnings that accrue from the operation of industrial schools and workshops as provided in such sections, but a detailed statement of receipts or earnings and expenditures shall be carefully kept, and the Commission shall make an annual report to the Governor of its proceedings and operations of each fiscal year. Such report shall also present a concise review of the work of the Commission for the preceding year with such suggestions and recommendations for improving the condition of the blind as may be expedient.

Source: § 63-168.

Note: No change.

§ 63.1-76. Expenses of Commission; disbursement of appropriations.—The members of the Commission shall receive no compensation for their services, but shall receive their traveling and other necessary expenses incurred in the performance of their official duties.

Moneys appropriated to the Commission shall be paid by the State Treasurer on the warrants of the Comptroller, issued upon the vouchers of the chairman of the Commission, countersigned by its Director.

Source: § 63-169.

Note: Word "Director" is substituted for "secretary."

§ 63.1-77. Supervision of administration.—In addition to the functions, duties and powers conferred and imposed upon the Commission by §§ 63.1-70 to 63.1-75, the Commission shall, as to matters relating to aid to the blind, supervise the administration of this title, and do all such things, not in conflict with its provisions, as may be deemed necessary or advisable by the Commission for the purpose of carrying into effect such provisions.

Source: § 63-170.

Note: Internal section references are conformed. The word "title" is substituted for "law."

§ 63.1-78. Making rules and regulations.—The Commission shall, as to matters relating to aid to the blind, make such rules and regulations, not in conflict with this title, as may be necessary or desirable to carry out the true purpose and intent of this title and to provide for the proper supervision and administration of this title. Such rules and regulations shall be binding on all officers, agents and employees, State and local, engaged in the administration of the provisions of this title.

Source: § 63-171.

Note: Word "title" is substituted for "law" in four instances.

§ 63.1-79. Establishment of standards of personnel and service.—The Commission shall, as to matters relating to aid to the blind, establish minimum standards of service and personnel based upon training, experience and general ability for the personnel employed by the Commission and the Director in the administration of this title and make necessary rules and regulations to maintain such standards, including such rules and regulations as may be embraced in the development of a system of personnel administration meeting requirements of Federal Department of Health, Education and Welfare.

Source: § 63-172.

Note: The word "Director" is substituted for "secretary," the word "title" for "law" and the words "Department of Health, etc." for "Social Security Board."

§ 63.1-80. Co-operation with local boards.—The Commission shall, as to matters relating to aid to the blind, co-operate with local boards in administering the provisions of this title.

Source: § 63-173.

Note: The word "title" is substituted for "law."

§ 63.1-81. Co-operation with federal agencies.—The Commission shall cooperate with the federal Department of Health, Education and Welfare, and any other agencies of the United States, in any reasonable manner that may be necessary for this State to qualify for and to receive grants or aid from such agencies for aid to the blind in conformity with the provisions of this title, including the making of such reports in such form and containing such information as such agencies of the United States, may from time to time require, and to comply with such provisions as such agencies of the United States, may from time to time find necessary to assure the correctness and verification of such reports.

Source: § 63-174.

Note: Words "Department of Health, etc." are substituted for "Social Security Board" and thereafter referred to as "such" to avoid repetition. The word "title" is substituted for "law."

§ 63.1-82. Submission to Governor and publication of annual report.—The Commission shall submit to the Governor and publish an annual report, not later than four months after the close of each fiscal year, showing for such year the total amount of money paid or distributed hereunder, the total number of blind persons who received aid to the blind, and such other information as the Commission may deem advisable to show the operations of the Commission, the Director and the local boards under the provisions of this title.

Source: § 63-175.

Note: The word "Director" is substituted for "secretary" and the word "title" is substituted for "chapter."

§ 63.1-83. Authority to receive grants-in-aid and gifts.—The Commission is authorized to receive, for and on behalf of the State and its subdivisions, from the United States and agencies thereof, and from any and all other sources, gifts and grants-in-aid, made for the purpose of providing, or to assist in providing, for aid to the blind, including expenses of administration. All such funds shall be paid into the State treasury.

Source: § 63-176.

Note: No change.

§ 63.1-84. May administer oaths, conduct hearings and issue subpoenas.—The Commission in the exercise and performance of its functions, duties and powers under the provisions of this title is authorized to hold and conduct hearings, issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents, to administer oaths and to take testimony thereunder.

Source: § 63-177.

Note: The word "title" is substituted for "chapter."

§ 63.1-85. Functions, duties and powers of Director.—In addition to the functions, duties and powers conferred and imposed upon the Director by other provisions of law, he shall, subject to the rules and regulations of the Commission, and as to matters relating to aid to the blind:

(a) See that the provisions of this title are properly administered;

(b) Assist and co-operate with local authorities in the administration of this title;

(c) Prescribe the form of applications, reports, affidavits and such other forms as shall be required in the administration of this title;

(d) Require of local boards such reports relating to the administration of this title as the Director may deem necessary to enable the Commission and the Director to exercise and perform the functions, duties and powers conferred and imposed by this title;

(e) Have access at all times to the records of the local board relating to the appropriation, expenditure and distribution of funds for, and other matters concerning, aid to the blind under this title;

(f) Enforce the standards established by the State Board for personnel employed in the administration of this title; and remove or cause to be removed each employee who does not meet such standards;

(g) Co-operate with the Federal Department of Health, Education and Welfare and other agencies of the United States in relation to matters set forth in this title;

(h) Perform such duties and exercise such powers as shall be required by the Commission.

Source: § 63-178.

Note: Clause (a) deleted. The word "title" is substituted for "law" in each instance; "Director" is substituted for "secretary" and "Department, etc." is substituted for "Social Security Board."

CHAPTER 6.

PUBLIC AID AND ASSISTANCE.

Article 1.

In General.

§ 63.1-86. Designation of Law.—Chapter 6 of this title shall be known as the "Virginia Public Welfare and Assistance Law," sometimes referred to in such chapter as "this law."

Source: § 63-100.

Note: Internal chapter reference is conformed.

§ 63.1-87. **Definitions.**—The following terms, whenever used or referred to in this law shall have the following meaning, unless a different meaning clearly appears from the context:

(a) “Applicant” means a person who applies for public assistance or services, or for whom assistance or service is applied for, under this law.

(b) “Aid to the blind” means money payments to blind individuals or for medical care (including hospitalization) or other vendor payments on behalf of such persons or others included in the assistance payment; or money payments to such appropriate person as may be determined by the local board if the recipient by reason of his physical or mental condition has such inability to manage his funds that making an assistance payment to him would be contrary to his welfare.

(c) “Aid to dependent children” means money payments on behalf of a dependent child to the relative with whom he is living, or for medical care (including hospitalization) or other vendor payments on behalf of such child or others included in the assistance payment; or money payments to such appropriate person as may be determined by the local board if the relative with whom the child is living by reason of his physical or mental condition has such inability to manage his funds that making an assistance payment to him would be contrary to the welfare of the child.

(d) “Aid to the permanently and totally disabled” means money payments to a person who is disabled, or for medical care (including hospitalization) or other vendor payments on behalf of such person or others included in the assistance payment; or money payment to such appropriate person as may be determined by the local board if the recipient by reason of his physical or mental condition has such inability to manage his funds that making an assistance payment to him would be contrary to his welfare.

(e) “Assistance” and “Public Assistance” mean and include old age assistance, medical assistance for the aged, aid to dependent children, aid to the permanently and totally disabled, aid to the blind, and general relief;

(f) “Commissioner” means the State Commissioner of Public Welfare, except when used in reference to aid to the blind, in which case it means the Director of the Virginia Commission for the Visually Handicapped;

(g) “Federal Department of Health, Education and Welfare” means the Department of Health, Education and Welfare of the United States government or any department or agency thereof which may hereafter be designated as the agency to administer the Federal Social Security Act, enacted by the Congress of the United States and approved August fourteenth, nineteen hundred and thirty-five as heretofore or hereafter amended;

(h) “General Relief” means money payments and other forms of relief to those persons mentioned in § 63.1-106;

(i) “Local board” means the local board of public welfare in each county and city provided for in Article 1 of Chapter 3 of this title;

(j) “Local superintendent” means the local superintendent of public welfare for each county and city provided for in Article 1 of Chapter 4 of this title;

(k) "Medical Assistance for the aged" means money payments to the supplier of medical care or treatment to persons sixty-five years of age or older who are in need of financial assistance in defraying the cost of such care or treatment;

(l) "Merit System Plan" means those rules and regulations promulgated by the State Board in the development and operation of a system of personnel administration meeting requirements of the Federal Department of Health, Education and Welfare.

(m) "Old Age Assistance" means money payments to a needy person sixty-five years of age or older, or for medical care (including hospitalization) or other vendor payments on behalf of such person or others included in the assistance payment; or money payments to such appropriate person as may be determined by the local board if the recipient by reason of his physical or mental condition has such inability to manage his funds that making an assistance payment to him would be contrary to his welfare;

(n) "Recipient" means any person who receives assistance or services or for whom money is paid under this law;

(o) "State Board" means the Board of Welfare and Institutions except when used in reference to aid to the blind in which case it means the Virginia Commission for the Visually Handicapped.

Source: § 63-101.

Note: This section has been rewritten to eliminate unnecessary definitions and to clarify those retained. Since the provisions dealing with all public assistance have been combined and are dealt with in Chapter 6, Commissioner and State Board have been defined as referring to the Director of the Virginia Commission for the Visually Handicapped and such commission, respectively, when used in reference to aid to the Blind since they perform the functions of the Commissioner and State Board in connection with aid to the Blind. Appropriate references to services and vendor payments have been included in the various categories of assistance.

§ 63.1-88. Public assistance not transferable or subject to execution, etc.—No public assistance given under this law shall be transferable or assignable, at law or in equity, and none of the money paid or payable as public assistance under this law shall be subject to execution, levy, attachment, garnishment or other legal process, or to the operation of any bankruptcy or insolvency laws.

Source: § 63-102.

Note: No change.

§ 63.1-89. Fees for representing applicant or recipient.—Except as to criminal proceedings brought for any violation of the provisions of this law, and except as to appeals to the State Board under the provisions of § 63.1-116, no person shall make any charge or receive any fees for representing an applicant or recipient in any proceedings hereunder, or with respect to any application, whether such fee or charge be paid by the applicant or recipient or any other person.

Source: § 63-103.

Note: Internal section references are conformed.

§ 63.1-90. Public assistance subject to amendment or repeal of laws—All public assistance granted under this law shall be deemed to be granted and to be held subject to the provisions of this law and any amend-

ing or repealing act that may hereafter be passed, and no recipient shall have any claim for compensation, or otherwise, by reason of his public assistance being affected in any way by any amending or repealing act.

Source: § 63-104.

Note: No change.

§ 63.1-91. Local appropriation.—The board of supervisors or other governing body of each county and the council or other governing body of each city in the State shall each year appropriate such sum or sums of money as shall be sufficient to provide for the payment of public assistance and to provide services, including cost of administration, under the provisions of this law within such county or city. The respective governing bodies of the counties and cities shall also appropriate such sum or sums of money as shall be sufficient to provide for the foster care of children in the custody or under the supervision of the local boards of public welfare.

Source: § 63-105.

Note: The words “shall also” are substituted for “are authorized to” in the second sentence. The words “and to provide services” have been added in first sentence.

§ 63.1-92. Reimbursement of localities by the State for assistance paid to or on behalf of applicants.—Such funds as are received from the United States and agencies thereof as grants-in-aid for the purpose of providing or assisting in providing assistance grants shall monthly be paid by the Commissioner to each county and city as reimbursement of the federal share of such grants as have been paid by each county and city under the provisions of this law. Within the limits of the appropriations of State funds, the Commissioner shall also reimburse monthly each county and city to the extent of sixty-two and one-half per centum of the balance of such assistance grants as have been paid by each county and city after crediting them with the reimbursement made from federal funds.

Administrative expenditures incurred by the localities in connection with the providing of assistance grants and other related services, including child welfare, shall be ascertained by the State Board, and the Commissioner shall, within the limits of available federal funds and State appropriations, monthly reimburse each county and city therefor out of such federal and state funds in an amount to be determined by the State Board not less than fifty per centum of such administrative costs. In any case where there shall be a local board representing two or more counties or cities or combination thereof, the Commissioner may monthly reimburse the localities represented by such board as they may agree.

The Commissioner also shall reimburse monthly, to the extent of funds available for such purpose, each county and city out of State and federal funds, to the extent provided in the next to last sentence of the preceding paragraph, for monthly rental charges for office space provided the department of public welfare in publicly owned buildings, for charges which are based on the cost of initial construction or purchase of a building or a reasonable amount for depreciation of such building, and/or the cost of repairs and alterations to either a privately or publicly owned building, provided, however, that no monthly rental charge shall exceed a reasonable amount as determined by the Commissioner.

Claims for reimbursement shall be presented by the local board to the Commissioner, and shall be itemized and verified in such manner as the Commissioner may require. Such claim shall, upon the approval of the Commissioner, be paid out of funds appropriated by the State and funds

received from the federal government for the purposes of this law, to the treasurer or other fiscal officer of the county or city.

Source: §§ 63-106 and 63-107.

Note: Sections 63-106 and 63-107 have been combined in this section. Its provisions have been rewritten to correct an error in the existing statute as to the formula for reimbursement and to conform with actual practice. The limitation on the maximum reimbursement for administrative expenses has been removed in view of the increased percentages available from federal funds. All reimbursements are limited to available funds.

§ 63.1-93. Expenditures by Department.—(a) Such appropriations as are made to the Department of Welfare and Institutions by the General Assembly for carrying out the provisions of this law, including funds received from the United States and other sources for such purpose, shall be used for the following purposes:

(1) Paying such reasonable portion of the per diem and expenses of the members of the State Board, the expenses of the Commissioner, the salaries and remuneration of agents and employees of the State Board and of the Commissioner, as shall be chargeable for the administration of this law;

(2) Paying all costs and expenses incurred by the State Board and the Commissioner in the administration of this law;

(3) Reimbursing the counties and cities to the extent provided in § 63.1-92, and;

(4) Paying to the United States, for so long as such payment shall be required as a condition for financial participation by the United States in any public assistance program its proportionate share of the net amounts collected by local boards from recipients and estates of recipients.

(b) Expenditures and disbursements of all amounts appropriated for the foregoing purposes shall be made by the State Treasurer on warrants of the Comptroller issued on vouchers signed by the Commissioner, or by such person or persons as shall be authorized and designated by the Commissioner for such purpose.

Source: §§ 63-109 and 111.

Note: The words “including funds received from the United States and other sources for such purpose” have been substituted for “relating to public assistance and local administrative reimbursements” in the first paragraph. In paragraph (4) the words “public assistance program” have been substituted for “type of public assistance granted pursuant to the provisions of chapters 6, 7, or 9.” Paragraph (b) was formerly § 63-111. Internal section references are conformed.

§ 63.1-94. Expenditures by Commission.—(a) Such appropriations are made to the Virginia Commission for the Visually Handicapped by the General Assembly for carrying out the provisions of this law relating to aid to the blind, including funds received from the United States and other sources for such purpose, shall be used for the following purposes:

(1) Paying such reasonable portion of the per diem and expenses of the members of the Commission, the expenses of the Director of the Commission, the salaries and remuneration of agents and employees of the Commission and of the Director of the Commission, as shall be chargeable for the administration of this law;

(2) Paying all costs and expenses incurred by the Commission and the Director in the administration of this law;

Reimbursing the counties and cities to the extent provided in § 63.1-92, and;

(4) Paying to the United States, for so long as such payment shall be required as a condition for financial participation by the United States in any public assistance program its proportionate share of the net amounts collected by local boards from recipients and estates of recipients in the program for aid to the blind.

(b) Expenditures and disbursements of all amounts appropriated for the foregoing purposes shall be made by the State Treasurer on warrants of the Comptroller issued on vouchers signed by the Director, or by such person or persons as shall be authorized and designated by the Director for such purpose.

Source: § 63-108.

Note: See note to § 63.1-104. Former paragraphs (b) and (c) are deleted. Paragraph (b) is former paragraph (d).

§ 63.1-95. Expenses of Auditor of Public Accounts, Comptroller and State Treasurer.—All expenses incurred by the Auditor of Public Accounts in auditing the books, records and accounts of the State Board and of the Commissioner and of the Virginia Commission for the Visually Handicapped and of the Director of such Commission, and in rendering other services to them and all expenses incurred by the Comptroller and the State Treasurer in performing the services required by or under this law, may be treated as administrative expenses of the State Board and the Commissioner or the Virginia Commission for the Visually Handicapped and the Director of such Commission, as the case may be, and paid as such.

Source: § 63-112.

Note: Paragraphs (a) and (b) of § 63-112 have been combined.

§ 63.1-96. Allocation of general relief funds.—The State Board shall annually allocate the general relief funds to the several counties and cities on a basis of population as shown by the last preceding United States census. If the population of any city has been, since the last preceding United States census, or shall hereafter be increased through the annexation of any territory such increase shall, for the purpose of this law, be added to the population of such city as shown by the last preceding census and a proper reduction shall be made in the county or counties from which the annexed territory was or is acquired. In case any of such general relief funds are not required by any county or city, the State Board may, during the fiscal year, make subsequent allocations to the localities on the basis of need in the respective localities.

Source: § 63-110.

Note: This section has been rewritten since it is now applicable only to funds appropriated for general relief.

§ 63.1-97. Commissioner to provide payments for medical care and services to recipients of old age assistance; contracts to facilitate such payments.—The Commissioner is authorized, subject to the approval of the State Board, to provide payments for medical care and services rendered to persons receiving old age assistance whether such care and services are provided under Title XVIII of the federal Social Security Act or under rules and regulations of the State Board. Subject to the approval of

the State Board, the Commissioner is authorized to enter into agreements with the Secretary of Health, Education and Welfare of the United States and to execute contracts with insurance carriers on behalf of local boards of public welfare to facilitate payments for such medical care and services. The cost of administration of such contracts with insurance carriers shall be paid out of the general fund of the State treasury.

Source: § 63-106.1.

Note: The words "Notwithstanding any other provision of law" formerly appearing at the beginning of this section and the words "to initiate a plan" appearing in first sentence are deleted. The word "insurance" is inserted before "carriers" in two places.

§ 63.1-98. Authority of State Board upon amendments of the federal Social Security Act or regulations of the Department of Health, Education and Welfare.—In the event the federal Social Security Act or other appropriate federal statutes or regulations adopted by the Department of Health, Education and Welfare are so amended as to change requirements that must be complied with to entitle the State to federal grants for or reimbursement on public assistance payments and expenditures for services under the provisions of this title, the State Board may by rule and regulation adopt such standards, requirements and procedures pending the adjournment of the next session of the General Assembly that would bring the public assistance program into compliance with the federal requirements so as not to interfere with, diminish or jeopardize the State's entitlement to federal grants for or reimbursement on public assistance payments or expenditures for services under the provisions of this title.

In the event such federal statutes or regulations are so amended as to permit funds appropriated by Congress to be used for assistance to or services for any persons who would be eligible for assistance under § 63.1-106, the State Board may, pursuant to the provisions of § 63.1-25, make applicable such provisions of this law as the State Board finds necessary for the purpose of enabling the State to receive reimbursement for assistance and services given to such persons. The State Board may also by rule and regulation define eligibility within the limitations of § 63.1-106 of persons to receive assistance or services under any extension of the federal Social Security Act. It is the purpose of this section to enable the State of Virginia to meet the requirements for federal reimbursement on assistance or services to persons who are eligible for assistance under this law or who may be eligible under extensions of the federal Social Security Act.

Source: § 63-220.1.

Note: The first paragraph is new and is designed to enable the State to meet federal requirements for federal grants as they may be changed from time to time. The second paragraph is taken from § 63-220.1 with internal section references conformed and enables the State to take advantage of new Federal programs as they may be provided.

§ 63.1-99. Reciprocal Agreements with other states on residence requirements.—The Commissioner, subject to the approval of the State Board and of the Attorney General, is authorized to enter into reciprocal agreements with corresponding agencies of other states regarding the transfer, acceptance and support of persons receiving public assistance in other states who move into this State without requiring such persons to meet the residence requirements for public assistance in this State providing such other states waive the residence requirements in the case of persons receiving public assistance in this State who move into such other

state. The provisions of this section shall not commit this State nor any political subdivision thereof to the support of persons who are otherwise ineligible for public assistance under the laws of this State.

Source: § 63-114.

Note: This section has been rewritten.

Article 2.

Assistance—Grants.

§ 63.1-100. Eligibility for Old Age Assistance.—An aged person shall be eligible for old age assistance if he:

- (a) Has attained the age of sixty-five years;
- (b) Has continuously resided in Virginia for one year immediately preceding the date of his application for such assistance;
- (c) Is in need of public assistance;
- (d) Is not an inmate of or being maintained by any county, municipal, state or national public institution (except as a patient in a medical institution); provided, however, that an inmate of such an institution may make application for old age assistance, but such assistance, if granted, shall not begin until after he ceases to be such an inmate; and provided that if the appropriate federal statutes are so amended as to permit funds appropriated by Congress to be used for assistance to aged persons who are inmates of public institutions, then being an inmate of any such public institution shall not disqualify such person for assistance; and
- (e) Has not made an assignment or transfer of property so as to render himself eligible for old age assistance at any time within five years immediately prior to the filing of the application for such assistance.

Source: § 63-115.

Note: The words “needy and is” and “provided that property owned and occupied by an applicant as his residence shall not disqualify such person for assistance” have been deleted from (c) as unnecessary. The parenthetical clause “(except as a patient in a medical institution)” has been added and former paragraph (f) which read “(f) is not a patient in an institution for tuberculosis or mental diseases” has been deleted to conform with federal standards. The words “in the event the Federal Social Security Act or other” formerly appearing before “appropriate” have been deleted.

§ 63.1-101. Eligibility for medical assistance for the aged.—An aged person shall be eligible for medical assistance for the aged if he:

- (a) Has attained the age of sixty-five years;
- (b) Is a resident of Virginia;
- (c) Is in need of medical care or treatment within limitations set by rules and regulations of the State Board; and
- (d) Is in need of financial assistance in defraying the cost of such medical care. Anyone receiving assistance for the needed medical care as a part of old age assistance under § 63.1-100, shall not receive assistance for the same care under the provisions of this section.

Source: § 63-140.2.

Note: Former paragraph (c) has been reworded and is added as the last sentence of paragraph (d).

§ 63.1-102. Meaning of medical care or treatment.—Medical care or treatment as used in § 63.1-101 shall mean and include inpatient hospital care and treatment, outpatient hospital and clinical care and treatment, nursing home care, services by a physician holding a license to practice medicine, services (exclusive of making or providing dentures) of a person licensed to practice dentistry, services of a professional nurse or registered practical nurse as defined in § 54-326, and pharmaceuticals furnished on a written prescription.

Source: § 63-140.2:1.

Note: Internal section references are conformed.

§ 63.1-103. Eligibility for aid to the blind.—A person shall be eligible for aid to the blind if he:

(a) Has, with correcting glasses, twenty/two hundredths vision or less in the better eye;

(b) Has continuously resided in Virginia for one year immediately preceding the date of application for aid to the blind;

(c) Is in need of public assistance;

(d) Is not a patient in an institution for tuberculosis or mental diseases;

(e) Is not an inmate of or being maintained by any county, municipal, state or national public institution (except as a patient in a medical institution for other than tuberculosis or mental diseases); provided, however, that an inmate of such an institution may make application for aid to the blind, but such aid, if granted, shall not begin until after he ceases to be such an inmate; and provided that if the appropriate federal statutes are so amended as to permit funds appropriated by Congress to be used for aid to blind persons who are inmates of public institutions, then being an inmate of any such public institution shall not disqualify such person for aid; and

(f) Has not made an assignment or transfer of property so as to render himself eligible for aid to the blind at any time within five years immediately prior to the filing of the application for such aid.

Source: § 63-179.

Note: The word "blind" is deleted in first paragraph. The words "needy and is" are deleted in paragraph (c). Paragraph (f) is made paragraph (d). The parenthetical clause "(except as a patient in a medical institution for other than tuberculosis or mental diseases)" is added to conform with federal standards. The words "in the event the Federal Social Security Act or other" appearing before "appropriate" are deleted.

§ 63.1-104. Eligibility for aid to permanently and totally disabled.—A person shall be eligible for aid to the permanently and totally disabled if he:

(a) Is at least eighteen years of age and has not attained the age of sixty-five years;

(b) Has continuously resided in Virginia for one year immediately preceding application for aid to the permanently and totally disabled;

(c) Is permanently and totally disabled;

(d) Is in need of public assistance;

(e) Is not a patient in an institution for tuberculosis or mental diseases;

(f) Is not an inmate of or being maintained by any county, municipal, state or national public institution (except as a patient in a medical institution for other than tuberculosis or mental diseases); provided, however, that an inmate of such an institution may make application for aid to the permanently and totally disabled, but such aid, if granted, shall not begin until after he ceases to be such an inmate; and provided that if the appropriate federal statutes are so amended as to permit funds appropriated by Congress to be used for aid to permanently and totally disabled persons who are inmates of public institutions, then being an inmate of any such public institution shall not disqualify such person for aid; and

(g) Has not made an assignment or transfer of property so as to render himself eligible for aid to the permanently and totally disabled at any time within five years immediately prior to the filing of the application for such aid.

The State Board shall adopt rules and regulations establishing procedures for determining when a person is permanently and totally disabled.

Source: New.

Note: The eligibility requirements for aid to the permanently and totally disabled, formerly a matter of regulations are made statutory.

§ 63.1-105. Eligibility for aid to dependent children.—A person shall be eligible for aid to dependent children if he:

(a) Has not attained the age of sixteen years, or, if regularly attending school, has not attained the age of twenty-one years;

(b) Has resided in Virginia for one year immediately preceding the application for such aid, or was born within one year immediately preceding the application if the parent or other relative with whom the child is living has resided within Virginia for one year immediately preceding such birth;

(c) Is deprived of parental support or care by reason of the death, continued absence from home, or physical or mental incapacity of a parent;

(d) Is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece in a place of residence maintained by one or more of such relatives as his or their own home, provided that in the event the appropriate federal statutes are so amended as to permit funds appropriated by Congress to be used for aid to dependent children living elsewhere than in such residence or home, then living in such residence or home shall not be necessary to qualify such child for aid; and

(e) Is in need of public assistance.

Source: § 63-141.

Note: In paragraph (d) "first cousin, nephew or niece" the words are added for same reason. The words "Federal Social Security Act or other" formerly appearing before "appropriate" are deleted. In (e) the words "needy and" are deleted.

§ 63.1-106. Eligibility for general relief.—A person shall be eligible for general relief if such person is in need of public assistance.

Source: § 63-205.

Note: The words “needy and is”, formerly appearing before the words “in need of”, are deleted. The word “assistance” is substituted for “relief.” Former paragraph (b) is deleted.

§ 63.1-107. Application for Assistance.—Application for assistance shall be made to the local board and filed with the local superintendent of the county or city in which the applicant resides. The application shall be in writing on forms prescribed by the Commissioner and shall be signed by the applicant. Such application shall contain a statement of the amount of property, real and personal, in which the applicant has an interest and of all income which he may have at the time of the filing of the application and such other information as the Commissioner may require.

In the case of aid to dependent children, the application shall be made by the relative with whom the child is living and one application may be made for several children if they reside with the same person.

In the case of old age assistance, medical assistance for the aged, and aid to the blind, aid to the totally and permanently disabled, and general relief, if the condition of the potential recipient is such as to preclude his signing an application, the application may be made in his behalf by his guardian or committee or, if no guardian or committee has been appointed, by a member of his immediate family.

Source: §§ 63-116, 63-140.3, 63-142, 63-180 and 63-206.

Note: In former Title 63, the procedural provisions relating to applications for and the granting or denial of assistance, appeals, etc. were repeated for each category of assistance. Since they were almost identical in substance, as well as language, these provisions are combined in Title 63.1 and are made uniform in application except in those cases where special application is necessary or was clearly intended. §§ 63.1-118 to 63.1-145, therefore, in most instances combine a number of sections of former Title 63. In most instances the present sections are taken from those formerly appearing in Chapter 6 of Title 63 dealing with Old Age Assistance. In § 63.1-118, the first paragraph is same as § 63-116 with words “under this chapter” formerly appearing after “assistance” deleted. The second paragraph is taken from § 63-142 and the last paragraph from § 63-104.3.

§ 63.1-108. Procedure upon receipt of application.—Upon receipt of the application for assistance, the local superintendent shall make or cause to be made promptly such investigation as he deems necessary to determine the completeness and correctness of the statements contained in the application and to ascertain the facts supporting the application and such other information as the local board or the Commissioner may require, and shall submit his recommendations in writing to the local board.

The State Board may by rule and regulation authorize the local Superintendents to provide immediate and temporary assistance to persons pending action of the local boards.

Source: §§ 63-117, 63-140.4, 63-143, 63-181, 63-207 and 63-212.

Note: The language has been changed to allow the local superintendent more discretion as to the investigation to be made, subject, however, to requirements of the local board and the Commissioner. The last paragraph, taken from § 63-212, permits emergency grants in all categories of relief pending action by the local board.

§ 63.1-109. Decision of local board that applicant entitled to assistance.—The local board shall determine whether the applicant is eligible for assistance under this law, and, if eligible, the amount of such assistance and the date upon which such assistance shall begin. If the local board approves the payment of assistance, such assistance shall thereupon, until changed, modified, or revoked be paid as hereinafter provided.

Source: §§ 63-118, 63-144, 63-182 and 63-208.

Note: The words "Upon completion of the investigation" at start of this section are deleted. The words "this law" are substituted for "the provisions of this chapter."

§ 63.1-110. Determining the amount of assistance.—The State Board shall adopt rules and regulations governing the amount of assistance persons shall receive under the provisions of this law. In making such rules and regulations, the Board shall give due consideration to significant differences in living costs in the various counties and cities and shall establish or approve such variations in monetary assistance standards, as may be appropriate in order to achieve the highest practical degree of equity in public assistance grants. A local board of public welfare may, with the approval of the State Board, decrease within a maximum of ten per centum any general monetary standard established by the State Board. The State Board shall not approve any modification that would interfere with, diminish or jeopardize the State's entitlement to federal grants for or reimbursement on public assistance payments under the provisions of this title.

In the event there is any county or city in which reasonably adequate housing cannot be secured by all local recipients of assistance within such limits as may be established on a state-wide basis by rule and regulation of the State Board, the said Board may establish a higher amount or limit for rent and other housing cost for use in determining assistance payments in such county or city, and that part of the assistance grant which is the equivalent of the allowance for rent and other housing cost in excess of the State-wide maximum allowance may be paid from local funds without State reimbursement.

The amount of assistance which any person shall receive under the provisions of this law shall be determined in accordance with rules and regulations made by the State Board with due regard to the property and income of the person and any support he may receive from other sources, including that from persons legally responsible for his support, the necessary expenditures of the individual and the conditions existing in each case. It shall be sufficient, when added to all other income and support of the recipient (exclusive of that not to be taken into account as hereinafter provided), to provide such person with a reasonable subsistence.

In determining the income of and support available to a person, the amount of income required to be exempted by federal statute, or if the federal statute makes such exemption permissive, then such portion thereof as may be determined by the State Board shall not be considered in determining the amount of assistance any person may receive under this law.

Source: §§ 63-119, 63-145, 63-183 and 63-209.

Note: This section is rewritten for purposes of clarity and to incorporate by reference the income exemptions allowed by federal statute. Also, to comply with federal requirements, income which a person would, but does not receive from persons legally responsible for his support is no longer required to be considered.

§ 63.1-111. Determination of amount of medical assistance for the aged.—The determination of the amount of medical assistance for the aged to which any person is entitled shall be on the basis of income levels and other pertinent considerations as may be stipulated by rules and regulations made by the State Board. If an applicant is found eligible for such assistance the local board shall authorize the payment of assistance within such limitations as may be prescribed by the State Board.

Source: § 63-140.5.

Note: This section is rewritten for purposes of clarity.

§ 63.1-112. Notification of change in circumstances.—If at any time during the continuance of assistance a recipient shall become possessed of any property or regular income which materially affects the eligibility of such recipient, it shall be the duty of such recipient to notify immediately the local board of the receipt or possession of such property or income, or of such change in circumstances, and thereupon the local board may either cancel the assistance, or alter the amount thereof. Any assistance or part thereof previously paid may be recovered as a debt. Any recipient who willfully fails to comply with the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished accordingly.

Source: §§ 63-124, 63-149.1, 63-188 and 63-215.

Note: No change.

§ 63.1-113. Reconsideration, cancellation or changes in amount of assistance.—All assistance grants shall be reconsidered by the local board as frequently as may be required by the rules and regulations of the State Board and at such other times as the local board may deem necessary. After such investigation as the local board may deem necessary, or the State Board may require, the amount of assistance may be changed, or assistance may be entirely withdrawn if the local board finds that the recipient's circumstances have altered sufficiently to warrant such action.

Source: §§ 63-123, 63-149, 63-187 and 63-214.

Note: The words "made under this chapter" formerly appearing in first sentence after "grants" are deleted. "State Board" is substituted for "Commissioner" in three instances. The second paragraphs of these sections are deleted as unnecessary. The third and fourth paragraphs are incorporated in other sections.

§ 63.1-114. Notice to applicant or recipient of decision.—As soon as the local board makes any decision granting, denying, changing or discontinuing any grant of assistance, it shall give written notice thereof to the applicant or recipient.

Source: §§ 63-121, 63-140.5, 63-147, 63-149, 63-185, 63-187 and 63-214.

Note: The requirements for written notice to the applicant or recipient, included in the former sections, are combined in this section.

§ 63.1-115. Record of decision.—The local board shall preserve for such length of time as the Commissioner may prescribe, a record of the decision of the local board and all supporting documents and records including the findings and recommendations of the local superintendent.

Source: §§ 63-122, 63-140.6, 63-148, 63-186 and 63-211.

Note: The second sentence of the former sections are deleted.

§ 63.1-116. Right of Appeal to State Board.—Any applicant or recipient aggrieved by any decision of a local board in granting, denying,

changing or discontinuing assistance, may, within thirty days after receiving notice in writing of such decision appeal therefrom to, or ask for a review of the same by the State Board.

Any applicant or recipient aggrieved by the failure of the local board to make a decision within a reasonable time may ask for a review of the same by the State Board.

Source: §§ 63-131, 63-140.8, 63-153, 63-195 and 63-216.

Note: Taken from § 63-140.8.

§ 63.1-117. Action by State Board on appeal.—The State Board shall provide an opportunity for a hearing, reasonable notice of which shall be given in writing to the applicant or recipient and to the proper local board in such manner and form as the State Board may prescribe. The State Board shall if it deems proper make or cause to be made an investigation of the facts. The State Board shall give fair and impartial consideration to the testimony of witnesses, or other evidence produced at the hearing, reports of investigations of the local board and local superintendent or of investigations made or caused to be made by the State Board, or any facts which the State Board may deem proper to enable it to decide fairly the appeal or review.

Source: §§ 63-132, 63-140.9, 63-154 and 63-196.

Note: No change of substance.

§ 63.1-118. Review by State Board on own motion; application not acted on by local board.—The State Board may, upon its own motion, review any decision of a local board, and may consider any application for assistance upon which a decision is not made by the local board within a reasonable time.

Source: §§ 63-133, 63-140.10, 63-155 and 63-197.

Note: No change.

§ 63.1-119. Finality of decision of State Board.—The decision of the State Board shall be final and binding and in addition shall be treated as the decision of the local board concerned, and shall not be subject to further review or appeal, except that the State Board may at any time thereafter reopen and review the matter involved.

Source: §§ 63-134, 63-140.11, 63-156 and 63-198.

Note: The words "Subject to §§ 63-131 to 63-133" are deleted.

§ 63.1-120. How assistance paid.—Assistance shall be paid to or on behalf of the applicant monthly, or at such other time or times as the rules and regulations of the State Board may provide, by the treasurer or other disbursing officer of the county or city, upon order of the local board of such county or city, from funds appropriated or made available for such purpose by the board of supervisors, council or other governing body of such county or city. Medical assistance to the aged shall be paid on behalf of the applicant to the supplier of the medical services or supplies.

Source: §§ 63-126, 63-140.7, 63-150, 63-190 and 63-213.

Note: No change in first sentence. Second sentence is taken from § 63-140.7.

§ 63.1-121. Change of residence.—Any recipient of assistance who moves from one county or city in this State to another county or city therein, shall thereafter be treated as if the grant of assistance had been made by the county or city into which he moves, and the local board of the

county or city from which he moves shall transfer all necessary records relating to the recipient to the local board of the county or city into which such recipient moves.

Source: §§ 63-130, 63-152, 63-194.

Note: No change.

§ 63.1-122. State Board may compel action by local authorities.—If any county or city, through its appropriate authorities or officers shall fail or refuse to provide for the payment of old age assistance, medical assistance to the aged, aid to the blind, aid to the permanently and totally disabled or aid to dependent children in such county or city or to provide services as required to meet federal standards in accordance with the provisions of this law, the State Board through appropriate proceedings shall require such authorities and officers to exercise the powers conferred and perform the duties imposed by this law.

Source: §§ 63-135, 63-140.12, 63-157 and 63-199.

Note: Since localities are not required to provide funds for general relief this section does not include such assistance.

§ 63.1-123. Payments by Commissioner in such cases; deductions by Comptroller.—For so long as the failure or refusal to provide for the payments referred to in § 63.1-122 shall continue, the State Board shall authorize and direct the Commissioner under rules and regulations of the State Board, to provide for the payment of assistance or the furnishing of services in such county or city out of funds appropriated for the purpose of carrying out the provisions of this chapter. In such event the Commissioner shall at the end of each month file with the State Comptroller and with the board of supervisors, council or other governing body of such county or city a statement showing all disbursements and expenditures made for and on behalf of such county or city, and the Comptroller shall from time to time as such funds become available deduct from funds appropriated by the State, in excess of requirements of the Constitution of Virginia, for distribution to such county or city such amount or amounts as shall be required to reimburse the State for expenditures incurred under the provisions of this section. All such funds so deducted and transferred are hereby appropriated for the purposes set forth, and shall be expended and disbursed as provided, in §§ 63.1-93 and 63.1-94.

Source: §§ 63-136, 63-140.13, 63-158 and 63-200.

Note: Internal section references have been conformed and the words “or the furnishing of services” added in first sentence after “assistance”.

§ 63.1-124. False statements, representations, impersonations and fraudulent devices.—Whoever obtains, or attempts to obtain, or aids or abets any person in obtaining, by means of a wilfully false statement or representation, or by impersonation, or other fraudulent device, assistance to which he is not entitled shall be guilty of a misdemeanor, and upon conviction, shall be punished accordingly.

Source: §§ 63-137, 63-140.14, 63-159, 63-201, and 63-217.

Note: No change of substance. Unnecessary language has been deleted.

§ 63.1-125. Failure to obey subpoena or charging illegal fees.—If any person shall fail or refuse to obey any subpoena issued under the provisions of §§ 63.1-27, 63.1-58 or 63.1-84, or shall charge or receive any fee contrary to the provisions of § 63.1-89, he shall be guilty of a misdemeanor and upon conviction shall be punished accordingly.

Source: §§ 63-139, 63-160, 63-203 and 63-219.

Note: Internal section references conformed.

§ 63.1-126. Disclosing information for purpose not connected with assistance.—If any person wilfully discloses information concerning applicants and recipients of assistance for purposes other than those directly connected with the administration of assistance otherwise than is authorized by § 63.1-53, he shall be guilty of a misdemeanor, and upon conviction, shall be punished accordingly.

Source: §§ 63-140, 63-140.15, 63-161, 63-204 and 63-220.

Note: The words “old age” before “assistance” are deleted and the words “otherwise than is authorized by § 63.1-63” are inserted.

§ 63.1-127. Proceedings against persons liable for support.—The local board may proceed in the manner provided by law against any person who is legally liable for the support of an applicant or recipient of assistance to require such person, if of sufficient financial ability, to support the applicant or recipient.

Source: §§ 63-125, 63-151 and 63-189.

Note: No change.

§ 63.1-128. Lien on property of recipient; recovery from estate of recipient.—For each recipient of old age assistance and aid to the blind who owns real estate, the local board shall, unless it requires the recipient to execute a deed of trust under the provisions of § 63.1-129, prepare and acknowledge as deeds are acknowledged a notice showing the name of such recipient, the type of assistance and the date of the first payment, and shall file the same in the office of the Clerk of the Court in which deeds are admitted to record in the county or city in which the real estate is located. The Clerk of the Court shall docket this notice as a judgment is docketed in the current judgment lien docket, indexing it in the name of the recipient, and in the name of the local board. In the event a portion or all of the assistance received by a recipient shall be repaid, the local board shall prepare, acknowledge and file a new notice showing the name of the recipient, the total of assistance theretofore received by the recipient and not repaid and the date of the first payment thereafter. The new notice shall be similarly docketed by the clerk, who shall mark the docket where the previous notice was docketed to indicate that it has been superseded. The clerk shall receive for his services the regular fee allowed for docketing judgments in his office and the welfare department is hereby authorized to pay such fee from its administrative fund. The filing of a notice under the provisions of this section shall create a lien against all real property of the recipient lying within the county or city wherein the notice is filed in favor of the local board. Upon the death of any such recipient, the local board having reason to believe that the recipient died possessed of property, either real or personal, from which reimbursement may be had, shall file notice with the Clerk of the Court as hereinabove provided. The filing of such notice shall create a lien against the estate, both real and personal, of such recipient, prior to all other claims except prior liens and except funeral expenses not in excess of two hundred dollars, and except doctors' bills and medical expenses not in excess of one hundred and fifty dollars. Liens in favor of local boards which attached under statutes existing prior to the effective date of this title shall remain in full force and effect with the same priorities as provided under such statutes.

Source: §§ 63-127 and 63-191.

Note: This section is rewritten for purposes of clarity.

§ 63.1-129. Execution of deeds of trust by recipients; redemption and foreclosure.—Each local board may require any such recipient of assistance as is mentioned in § 63.1-128 to execute a deed of trust on his

real estate to secure the local board for all payments of assistance thereafter made to such recipient. The local board shall cause such deed of trust to be recorded in the office of the clerk of the court in which deeds are admitted to record in the county or city in which such real estate is located. No recordation tax shall be charged upon such instrument, but the clerk shall be entitled to the recordation fee and the welfare department is hereby authorized to pay such fee from its administrative fund.

Whenever the amount secured by the deed of trust herein provided for has been paid, the owner of the property shall be entitled to a deed of release at his own expense, provided no fee in excess of five dollars shall be collected from the owner on account of the preparation and execution of such deed of release.

Upon the death of any recipient, unless the amount secured thereby shall be paid within 12 months from such date, the local board shall direct the trustee to sell the property, or so much thereof as may be necessary to satisfy the debt, which sale shall be pursuant to the provisions of § 55-29 of the Code of Virginia, or in accordance with the provisions of the deed of trust relating to the procedure in case of sale. The lien created by such deed of trust shall be prior to all other claims except prior liens, and except funeral expenses not in excess of two hundred dollars, and except hospital bills, doctors' bills and medical expenses not in excess of one hundred and fifty dollars.

Source: § 63-127.1.

Note: This section is rewritten for purposes of clarity. First sentence of first paragraph is changed. First sentence of third paragraph is deleted. Fourth paragraph is deleted.

§ 63.1-130. Non-enforcement of lien in certain cases.—No lien perfected under § 63.1-128 shall be enforced and no deed of trust taken under § 63.1-129 shall be foreclosed while the recipient is eligible for assistance or while the real estate of a deceased recipient is occupied by any dependent child or children of the recipient or by the surviving spouse of the recipient so long as such spouse remains unmarried.

Source: §§ 63-127, 63-128, 63-191 and 63-192.

Note: This section is rewritten for purposes of clarity.

§ 63.1-131. Unauthorized disposition of real property by recipient. Any recipient of old age assistance or aid to the blind, or any spouse or dependent child of a deceased recipient of such assistance who sells or in any way disposes of his real estate without the consent of the local board or the board or the commissioner shall be guilty of a misdemeanor and shall be punished accordingly.

Source: §§ 63-138 and 63-202.

Note: This section is rewritten for purposes of clarity, and the spouse or dependent child of a deceased recipient included within its provisions.

§ 63.1-132. Disposition of proceeds of real property of recipient; release of lien.—Any such recipient, spouse or dependent child as is mentioned in § 63.1-131 may (1) sell real property owned by him for the purpose of purchasing other real property with the proceeds of such sale, (2) use for such purpose the proceeds derived from a taking of his real property by the exercise of the power of eminent domain, or (3) use the proceeds from a partial taking of such property by the exercise of the power of eminent domain for the repair of the residue of his real property, when such sale and other purchase or use is in the recipient's best interest

or convenience and the local board or the Commissioner signifies, in writing, assent to such sale and other purpose or use as being in the recipients best interest or convenience. During the interval between such sale or taking and use of the proceeds for the purchase of other real property or repair of the remaining property, the proceeds of such sale or taking shall be paid to the local board and held by it until such other purchase or use of the proceeds is made. When any such sale or use and other purchase is made pursuant to this section, the local board shall take appropriate steps to effect a release of the lien provided for in § 63.1-128 or 63.1-129 from the property so sold or taken, and to establish the lien provided for in § 63.1-128 or 63.1-129 upon the other property purchased with the proceeds of such sale. Any part of the proceeds of such sale not expended in making such other sale or repairs, or all of the proceeds of a sale or taking by the exercise of the power of eminent domain of real property of any such recipient, when the proceeds are not so expended shall, after satisfying all prior liens and the rights of others in said property, shall be used to satisfy the lien provided by § 63.1-128 or 63.1-129, and the balance, if any, shall be paid to the person entitled thereto. The local board shall upon satisfying such lien reimburse the source or sources of the public assistance granted to the recipient in the manner provided by § 63.1-133.

Source: §§ 63-138.1 and 63-202.1.

Note: This section is rewritten for purposes of clarity.

§ 63.1-133. Distribution of amounts received from recipients of assistance or their estates.—The local board shall pay into the treasury of its county or city all amounts received from any recipient of assistance or from his estate. The net amount so received shall be prorated between the county or city, the State and the United States in the same proportion that the respective governments shall have contributed towards the payment of assistance in such county or city during the period represented by such recovery. When such net amount is prorated, the portions so set aside for the State and the United States shall be paid into the State treasury. From the amount so paid into the State treasury there shall be promptly paid to the United States, so long as such payment shall be required as a condition for financial participation by the United States in the plan for assistance provided for by this chapter, its share of the net amount so collected by the local board.

Source: §§ 63-129 and 63-193.

Note: The words “old age” which appeared before “assistance” in last sentence are deleted.

CHAPTER 7.

HOSPITALIZATION AND TREATMENT OF INDIGENT PERSONS.

§ 63.1-134. Program of hospital and outpatient treatment.—The program of hospital and outpatient treatment and care for indigent and medically indigent persons residing in the several counties and cities of the Commonwealth initiated under Chapter 197 of the Acts of the Assembly of 1946 shall be administered by the Department of Welfare and Institutions. Whenever the word “Board” is used in this chapter, it shall mean the State Board of Welfare and Institutions.

Source: § 32-291.

Note: The words “by the State Board of Health” appearing after “initiated” and “hereafter” appearing after “shall” are deleted.

§ 63.1-135. Allocation and payment of funds to counties and cities.

(a) The State Board of Welfare and Institutions shall allocate semi-annually to the counties and cities of the Commonwealth on the basis of population as shown by the last preceding United States census, such funds as may be appropriated by the General Assembly for this purpose, such funds for services so allocated to be used by such counties and cities for meeting one half of the cost to such localities of hospitalization and treatment including outpatient and emergency room service, at hospitals approved by the Board, of indigent persons residing therein, provided that localities may expend out of their local funds at a per diem hospital rate in excess of the maximum rate fixed by the State Board, but no reimbursement of such excess shall be made from State funds. Any funds for services allocated to a county or city which remain unused at the end of any six-month period shall be added to and made a part of the reserve fund as provided for in paragraph (c) of this section.

(b) All payments to counties and cities out of funds appropriated to the Department of Welfare and Institutions and duly allocated for use by such localities or for matching their costs in excess of such allocations under the terms of this chapter shall be made by the State Treasurer on warrants of the Comptroller issued on vouchers duly executed by the Director of the Department of Welfare and Institutions on satisfactory proof of the amounts expended by the respective localities for hospitalization and treatment of indigent persons, including outpatient and emergency room service.

(c) In addition to the funds appropriated by the General Assembly for allocation to the counties and cities of the Commonwealth as above provided, the State Board of Welfare and Institutions shall establish from funds appropriated by the General Assembly for the purpose, a reserve fund to be expended as hereinafter provided. Such reserve fund shall be expended in meeting one half the cost incurred by counties and cities for hospitalization and treatment, including outpatient and emergency room service at hospitals approved by the Board, of indigent persons residing therein provided that such county or city seeking reimbursement from the reserve fund has exhausted the allocation to it under paragraph (a) of this section.

Source: § 32-292.

Note: No change.

§ 63.1-136. Counties and cities authorized to contract with hospitals.—In the care and treatment of indigent persons as authorized herein the counties and cities may select and use such hospitals approved by the Board as are most suitable for the purpose, and, with the approval of the Board, may contract with such hospitals as to the minimum service to be rendered, the length of stay of patients, the cost of services rendered, and other relevant matters.

Source: § 32-293.

Note: No change.

§ 63.1-137. Contracts with hospitals; required provisions.—All contracts made for hospitalization, care and treatment hereunder shall provide that in the event the patient requires hospitalization beyond the length of stay as initially authorized by the county or city, and in the further event that before the expiration of the length of stay as initially authorized, the county or city from which such patient is sent is notified by the hospital attending physician that additional hospitalization is re-

quired, such stay shall be at the expense of the county or city sending such patient; provided that one-half of such costs, but not exceeding one-half of the per diem fixed by the Department of Welfare and Institutions for the hospitalization of indigent persons shall be defrayed by the State as above provided. In no case shall any county or city be liable for the care or treatment of any patient retained for teaching purposes, and in such event the cost of such care and treatment shall be borne by the retaining hospital.

Source: § 32-293.1.

Note: No change.

§ 63.1-138. Liability of counties and cities for portion of cost of hospitalization, care and treatment of persons certified as eligible therefor.—If a county or city certifies that an indigent person is eligible for hospitalization, care and treatment under § 63.1-139 and such person receives hospital care and treatment at the Medical College of Virginia or the University of Virginia then the county or city from which such patient is sent shall be liable for the cost of the hospitalization, care and treatment of such person in the same manner as if such locality had a contract with the Medical College of Virginia or the University of Virginia, as the case may be, provided all requirements of § 63.1-137 of the Code have been complied with except the requirement of a formal contract. Upon the admission of any such patient such institution shall notify the county or city which certified the patient giving such details as will serve to identify him. Upon the discharge of any such patient from the hospital, the institution shall bill the county or city which made the certification for the cost of his hospitalization, care and treatment, provided, that the county or city shall be reimbursed for one-half of such costs as elsewhere provided for in this chapter. If such county or city fails or refuses for the sixty days following the receipt of such notice to pay such charge, the institution shall inform the Comptroller and the Department of Welfare and Institutions of the delinquent amount and of the name of the county or city involved. The Comptroller shall transfer one half of the amount of such costs, but in no instance more than three hundred dollars, to the credit of the institution from any non earmarked moneys otherwise distributable to such county or city by any department or agency of the State and shall notify the county or city involved.

The Comptroller shall likewise notify the Department of the transfer, and the Department shall authorize payment of an equal amount to the hospital from funds allocated or available for allocation to the county or city under the provisions of this chapter.

Source: § 32-293.2.

Note: Internal section references are conformed.

§ 63.1-139. Eligibility for hospitalization.—The eligibility of persons for hospitalization to be furnished wholly or in part at public expense, shall be determined by an authorizing agent, duly designated and appointed by the governing body of each county or city, who shall be empowered by the appointing governing body to carry out the provisions of this chapter as they appear. Due notice of such appointment shall be made by the governing body to the board. No person shall be denied hospitalization solely on the ground that he is not otherwise eligible for public relief.

The Board shall promulgate uniform eligibility standards for hospitalization under the provisions of this chapter, and shall distribute copies of such standards to the authorizing agent of each county and city as a

guide in aid of such agents in determining eligibility of persons for such hospitalization, but it shall not be mandatory upon such authorizing agents to apply such uniform eligibility standards when making such determination.

A medically indigent resident of a county or city is defined for the purposes of this chapter as a person who is a bona fide resident of such county or city, who did not establish such residence for the purpose of obtaining the benefits of this chapter, whether gainfully employed or not and who, either by himself or by those upon whom he is dependent, is unable to pay for the hospitalization required.

Source: § 32-294.

Note: First two paragraphs, no change. Last paragraph is rewritten to render eligible a person who is a bona fide resident, without a time limitation.

§ 63.1-140. Collection of expense of treatment from patient or his estate, etc.—In any case where hospital care and treatment is provided under this chapter, except under § 63.1-141, the expense thereof shall be collected whenever possible from such person or his estate or the person legally responsible for his care. If the whole amount cannot be collected, as much as possible shall be collected. The county or city from which such patient is sent shall provide for such collections and the proceeds therefrom shall be distributed one-half to the State and the remainder to the locality collecting the same.

Source: § 32-295.

Note: Internal section reference is conformed.

§ 63.1-141. Public aid to indigent consumptives.—The governing body of any county, city or town may, at its discretion, on the advice of the State Board of Welfare and Institutions or the local board of health, appropriate money to convey to and help to maintain at any of the State sanatoriums any indigent person known to be suffering from tuberculosis, who shall have been a resident and citizen of such county, city or town for at least twelve months.

Source: § 32-296.

Note: No change.

CHAPTER 8.

BUSINESS ENTERPRISES FOR AND SALE OF GOODS MADE BY THE BLIND.

Article 1.

Business Enterprises for the Blind.

§ 63.1-142. Definitions.—The following terms, whenever used in this article, shall have the meanings respectively set forth unless a different meaning is clearly required by the context:

(a) “Commission” means the Virginia Commission for the Visually Handicapped.

(b) “Blind person” means a person having not more than 20/200 visual acuity in the better eye with correcting lenses; or visual acuity greater than 20/200 but with a limitation in the field of vision such that

the widest diameter of visual field subtends an angle no greater than 20 degrees. Such blindness shall be certified by a duly licensed ophthalmologist.

(c) "Custodian" means any person or group of persons having the authority to grant permission for the installation and operation of vending stands and other business enterprises.

(d) "Vending stand" means an installation in any public or private building for the sale of newspapers, periodicals, confections, tobacco products, soft drinks, ice cream, wrapped foods and such other articles as may be approved by the custodian thereof and the Commission.

(e) "Business enterprise" means any business, other than a vending stand, wherein the initial installation cost does not exceed three thousand dollars.

(f) "Nominee" means any non-profit corporation familiar with work for the blind and in the placement of the blind.

(g) "Public and private buildings and other properties throughout the Commonwealth" means buildings, land, or other property owned by or leased to the State or a political subdivision, including a municipality, or a corporation or individual.

Source: § 63-204.1.

Note: In (a) the words "visually handicapped" are substituted for "Blind."

§ 63.1-143. Operation by Commission.—The Commission is hereby authorized to operate vending stands and other business enterprises in public and private buildings for the purpose of providing blind persons with employment, enlarging the economic opportunities of the blind, and stimulating the blind to make themselves self-supporting.

Source: § 63-204.2.

Note: No change.

§ 63.1-144. Operation by blind persons.—Blind persons under the provisions of this article shall be authorized to operate vending stands and other business enterprises on any property where, in the discretion of the owner or custodian of the property, vending stands and other business enterprises may be properly and satisfactorily operated.

Source: § 63-204.3.

Note: No change.

§ 63.1-145. Contract with nominee to provide equipment and merchandise.—The Commission may contract with any nominee to provide all necessary equipment and merchandise for the operation of this program in the rehabilitation of the blind.

Source: § 63-204.4.

Note: No change.

§ 63.1-146. Contract with nominee to furnish services.—The Commission may contract with the nominee, as agent of the Commission, to furnish services, including the purchase of vending stand and other business enterprise equipment and stock, the collection of the funds required to be set aside for the purposes specified in § 63.1-163 and the keeping of accounts.

Source: § 63-204.5.

Note: No change except to conform internal section reference.

§ 63.1-147. Contracts with federal agencies for installation and supervision.—The Commission may contract with agencies of the federal government for the installation and supervision of vending stands and business enterprises on federal property in this State.

Source: § 63-204.6.

Note: No change.

§ 63.1-148. Surveys of business enterprise opportunities.—The Commission shall make surveys of vending stand and other business enterprise opportunities for blind persons in public and private buildings and other properties throughout the Commonwealth.

Source: § 63-204.7.

Note: No change.

§ 63.1-149. Employment of blind adult residents as operators.—The Commission shall be the agency to employ blind persons who are residents of the State and who are at least twenty-one years of age for the operation of vending stands and other business enterprises.

Source: § 63-204.8.

Note: No change.

§ 63.1-150. Selection of location and operator of enterprise; supervision.—The Commission shall be the agency to select the location of the vending stand and other business enterprise, to select the operator, and to provide all necessary supervision of the operator and the vending stand and other business enterprise.

Source: § 63-204.9.

Note: No change.

§ 63.1-151. Other general duties of the Commission.—The Commission shall perform such other duties as may be necessary and proper to carry out the provisions of this article.

Source: 63-204.10.

Note: No change.

§ 63.1-152. Preference in employing operators; operators to be qualified.—In employing operators, the Commission shall give preference to those blind persons who are in need of employment. Persons employed shall be qualified to operate such vending stands and other business enterprises.

Source: § 63-204.11.

Note: No change.

§ 63.1-153. Revocation of privilege to operate enterprise.—All such privileges to operate vending stands and other business enterprises shall be revocable by the Commission in accordance with regulations made by it.

Source: § 63-204.12.

Note: No change.

§ 63.1-154. Selection of location and type of enterprise with approval of custodian.—The Commission, with the approval of the custodian having charge of the property on which the vending stand and other business enterprise is to be located, shall select the location for such vending

stand and other business enterprise and the type of vending stand and other business enterprise to be provided.

Source: § 63-204.13.

Note: No change.

§ 63.1-155. Filling vacancies with blind persons; lunch counter in Capitol.—When any vending stand and other business enterprise operated in a public building becomes vacant for any reason whatsoever such vacancy shall be filled by employment of the blind, provided this shall not apply to the lunch counter in the State Capitol which counter shall be subject to the control of the Clerk of the House of Delegates.

Source: § 63-204.14.

Note: No change.

§ 63.1-156. Providing blind persons with equipment and merchandise.—The Commission shall provide blind persons employed under this article with such vending stand and other business enterprise equipment and a stock of suitable articles to be vended therefrom as may be necessary.

Source: § 63-204.15.

Note: No change.

§ 63.1-157. Ownership of vending stands and other equipment.—The ownership of all vending stands and other business enterprise equipment provided under this article shall, however, remain in the Commission, or in the nominee of the Commission.

Source: § 63-204.16.

Note: No change.

§ 63.1-158. Reports by nominee.—The Commission shall require the nominee to make such reports in such form and containing such information as the Commission may from time to time require.

Source: § 63-204.17.

Note: No change.

§ 63.1-159. Requiring nominee to comply with provisions.—The Commission shall require the nominee to comply with such provisions as the Commission may from time to time find necessary.

Source: § 63-204.18.

Note: No change.

§ 63.1-160. Suspension of nominee; continued operation of program.—If the Commission, after reasonable notice and opportunity for hearing to the nominee, finds that the nominee has failed to comply substantially with the provisions of this article or the regulations issued thereunder, it shall notify the nominee that its designation as nominee is suspended until the Commission is satisfied that there will no longer be any such failure. Until the Commission is so satisfied, or in the event the nominee shall cease to exist, the Commission may make such provision as it deems proper for the continued operation of the program established under the provisions of this article.

Source: § 63-204.19.

Note: No change.

§ 63.1-161. Regulations for administration of article.—The Commission is authorized to make regulations for the administration of this article which shall, among other things, provide for the acquisition and disposition of the vending stand and other business enterprise equipment and other assets used in the operations pursuant to this article.

Source: § 63-204.20.

Note: No change.

§ 63.1-162. Requiring performance of duties by officers and employees.—The Commission may require of its officers and employees the performance of such duties to effectuate this article as it deems proper.

Source: § 63-204.21.

Note: No change.

§ 63.1-163. Funds set aside from proceeds of business enterprises.—The Commission shall set aside or cause to be set aside from the proceeds of the operations authorized by this article such funds as may be necessary for the purpose of (a) insuring a fair minimum return to all operators in the State, (b) providing stock and the use and maintenance of vending stand and other business enterprise equipment, and (c) providing of such operators such insurance protection as may be necessary to carry out the purposes of this article; and the Commission shall use such funds exclusively for these purposes.

Source: § 63-204.22.

Note: No change.

§ 63.1-164. Exemption from taxation.—The Commission and its nominee shall be exempt from all State and local taxes.

Source: § 63-204.23.

Note: No change.

§ 63.1-165. Appeal.—Any person aggrieved by any act of the Commission or of its agents or employees or of its nominee in the administration of this article may appeal to the Commission for a hearing and the decision of the Commission on such appeal shall be final.

Source: § 63-204.24.

Note: No change.

Article 2.

Sale and Distribution of Goods Made by the Blind.

§ 63.1-166. Definitions.—As used in this article:

(a) “Blind person” means a person whose vision in his better eye with proper correction does not exceed 20/200 or who has a field defect in his better eye with proper correction which contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than twenty degrees.

(b) “Goods or articles made by blind persons” shall be construed to mean goods or articles in the manufacture of which not less than seventy-five per centum of the total hours of direct labor is performed by a blind person or persons.

(c) “Direct labor” means all work required for the preparation, processing and assembling goods or articles including the packaging and

packing thereof, but not including time spent in the supervision, administration, inspection and shipping of such operations, or in the production of component materials by other than blind persons.

Source: § 63-204.25.

Note: No change.

§ 63.1-167. Registration of manufacturers and distributors of goods made by blind persons; authorization to use official stamp, label, etc.—To facilitate ready and authoritative identification of goods or articles made by blind persons, any person and any public or private institution or agency, firm, association or corporation engaged in the manufacture or distribution of goods or articles made by a blind person or persons shall apply to the Commission for the Visually Handicapped for a registration and authorization to use an official imprint, stamp, symbol or label, designed or approved by the Commission, to identify goods and articles as made by blind persons. Nothing in this article shall authorize the identification of goods or articles as made by blind persons when the labor performed by blind persons in connection therewith shall consist solely of the packaging or packing thereof as distinguished from the preparation processing or assembling of such goods or articles; nor shall any package the contents of which are not blind-made carry the label “packaged by the blind” or words of similar import. The Commission shall investigate each application, under rules and regulations it shall adopt for the administration of this article, to assure that such person or organization is actually engaged in the manufacture or distribution of blind-made goods or articles. The Commission may register, without investigation, nonresident individuals and out-of-state agencies, firms, associations or corporations upon proof that they are recognized and approved by the state of their residence or organization pursuant to a law of such state imposing requirements substantially similar to those prescribed pursuant to this article. All registrations shall be valid for one year from date of issue. Nothing in this article shall be deemed to prohibit the offering for sale or sale by a blind person of an article or articles made by such blind person without application for registration or to require the labeling of such article or articles.

Source: § 63-204.26.

Note: In the second sentence the word “direct” which appeared before “labor” is deleted and the words “nor shall any package the contents of which are not blind-made” are substituted for the words “provided that the contents of such package shall not contain goods which are blind-made and provided further, that such package shall not”.

§ 63.1-168. Goods not to be represented as made by blind persons unless identified as such by label, stamp, etc.; what goods may be so identified.—No goods or articles made in this or any other state may be displayed, advertised, offered for sale or sold in this State upon a representation that the same are made by blind persons unless the same are identified as such by label, imprint, stamp or symbol, and no such goods or articles may be so identified unless at least seventy-five per centum of the total hours of direct labor of producing such goods or articles shall have been performed by a blind person or persons.

Source: § 63-204.27.

Note: No change.

§ 63.1-169. How goods made by blind persons to be stamped or labeled.—Any blind workman, or any public or private institution or agency, corporation, firm or association, registered with the Commission pursuant

to this article, engaged in the manufacture or distribution of articles of merchandise, made or manufactured by a blind person or persons, shall imprint or stamp upon such articles of merchandise or affix thereto labels containing the words, "made by a blind workman or made by the blind, or blind-made," to which shall be added the name of the manufacturer, the place of manufacture and such other information as the Commission may prescribe.

Source: § 63-204.28.

Note: No change.

§ 63.1-170. Use of words "State," "Commonwealth," or "Virginia."—No person, association, or corporation engaged in the sale of blind-made products may use the words "State," "Commonwealth," or "Virginia" in its company or corporate title unless such person, association, or corporation is actually an instrumentality of the Commonwealth of Virginia.

Source: § 63-204.29.

Note: § No change.

§ 63.1-171. Certain acts declared misdemeanors.—Any person, firm, corporation, institution or association, who (a) shall use or employ an imprint, stamp, symbol or label issued or approved by the Commission for the Visually Handicapped or an imitation thereof without having registered with the Commission, or (b) who shall directly or indirectly by any means indicate or tend to indicate or represent that the goods or articles were made by a blind person or persons when in fact such goods or articles were not so made, or (c) who violates any provision of § 63.1-170 shall be guilty of a misdemeanor.

Source: § 63-204.30.

Note: Internal section reference is conformed.

CHAPTER 9.

HOMES FOR AGED, INFIRM, INCAPACITATED AND INDIGENT PERSONS.

Article 1.

Licensing of Homes for the Aged, Infirm, and Incapacitated Persons.

§ 63.1-172. Definition.—The following term, whenever used or referred to in this article, shall have the following meaning, unless a different meaning clearly appears from the context:

"Home for the aged" means any place, establishment, or institution, public or private, operated or maintained for the maintenance or care of four or more aged, infirm or incapacitated persons, except (1) a facility or portion of a facility licensed by the State Board of Health or the State Hospital Board and (2) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage.

Source: § 63-222.

Note: In second paragraph after word "infirm" the words "chronically ill" are deleted.

§ 63.1-173. Requirements for buildings and personnel; financial ability of applicant; good character of officers and agents.—(1) All struc-

tures proposed to be used by homes for the aged to house occupants of such homes shall:

- (a) Be substantially constructed and in good repair;
- (b) Have adequate and safe ventilation;
- (c) Have adequate and safe heat or heating system;
- (d) Have adequate natural and safe artificial illumination;
- (e) Have a kitchen of sufficient capacity and properly equipped to provide suitable foods to meet the dietary needs of the occupants; and
- (f) Have adequate bathing and toilet facilities for the comfort and health of the occupants.

(2) Qualified personnel in sufficient numbers shall be employed in all homes for the aged.

(3) The applicant shall be financially capable of maintaining the proposed operation of the home for the aged in compliance with this article, and the applicant, or the officers and agents of the applicant if it be an association, partnership or corporation, shall be of good character and reputation.

Source: § 63-222.1.

Note: No change.

§ 63.1-174. Regulations for construction, maintenance and operation.—The State Board is directed to adopt reasonable regulations governing the construction, maintenance and operation of homes for the aged in conformity with this article, in order to reasonably protect the health, safety and welfare of the persons cared for therein. Such regulations shall contain minimum standards and requirements by which the Director is to be guided in his determination as to what structures and facilities comply with the provisions set forth in § 63.1-173.

Source: § 63-223.

Note: Internal section reference is conformed.

§ 63.1-175. Licenses required; expiration and renewal; maximum number of inmates.—(a) Every person who constitutes, or who operates or maintains, a home for the aged shall obtain an appropriate license from the Director, which he shall have renewed annually.

(b) The licenses shall be issued on forms prescribed by the Director. Any two or more licenses may be issued for concurrent operation of more than one home for the aged. Each license and renewals thereof shall expire at the end of one year from the date of its issuance or renewal, unless sooner revoked or surrendered.

(c) No charge shall be made for the issuance or renewal of a license.

(d) Each license shall stipulate the maximum number of persons who may be cared for in the home for the aged for which it is issued. Application may be made at any time to increase this maximum and such applications shall be treated as though they were original applications for licenses. The Director may issue a license stipulating a lower maximum than that requested in the application if the applicant agrees to such lower maximum in writing.

Source: § 63-223.1.

Note: No change.

§ 63.1-176. Investigation on receipt of application—Upon receipt of the application the Director shall cause an investigation to be made of the activities, services and facilities of the applicant, of the applicant's financial responsibility, and of his character and reputation or, if the applicant be an association, partnership or corporation, the character and reputation of its officers and agents.

Source: § 63-223.2.

Note: No change.

§ 63.1-177. Inspections and interviews; reports.—(a) Applicants and licensees shall at all times afford the representatives of the Director reasonable opportunity to inspect all of their facilities, books and records, and to interview their agents and employees and any person living in such facilities.

(b) The Director and his authorized agents shall have the right to inspect and investigate all homes for the aged, interview their inmates, and have access to their records.

(c) A written report of each investigation made of a licensed home for the aged shall be filed with the Director, and shall be available for inspection at any reasonable time by any person having a bona fide interest in the operation of such home.

Source: § 63-224.

Note: At the end of paragraph (a) the words "living in such facilities" are substituted for "within their custody or control." The words "of admissions and discharges" are deleted from the end of paragraph (b).

§ 63.1-178. Issuance or refusal of license; provisional license.—Upon completion of his investigation, the Director shall issue an appropriate license to the applicant if he determines that the applicant and his agents and employees comply, and structures proposed to be used by the applicant and his proposed manner of operation conform, with the provisions of this article. The Director may issue a provisional license to any applicant for any period not to exceed six months, if the applicant is temporarily unable to comply with all of the requirements of this article. Such provisional license may be renewed, but no person or agency shall engage in any operation or activity for which a license is required under any such provisional license and renewals thereof for a longer period than two successive years.

Source: § 63-224.1.

Note: No change.

§ 63.1-179. Revocation or denial of renewal of license.—The Director may revoke or deny the renewal of the license of any home for the aged which violates any provision of this article or any rule or regulation issued under any provision of this article.

Source: § 63-224.2.

Note: No change.

§ 63.1-180. Appeal from refusal, denial of renewal or revocation of license.—(a) Any home for the aged to which the Director refuses to issue or renew a license, or whose license has been revoked, as herein provided, or which is aggrieved by any action of the Director or his agents, shall have the right of appeal to any court of record having chancery jurisdiction of the county or city in which the residence or principal office of such home for the aged is located, provided that notice to in-

stitute such an appeal be served upon the Director within thirty days after the date upon which such home for the aged receives notice of such refusal, denial of renewal or revocation or the date on which the action of the Director or his agents which is complained of occurred.

(b) The court, or judge thereof in vacation, may hear such an appeal after ten days' notice to the Director, which notice shall be given in writing and served and returned in the manner prescribed by §§ 8-51 and 8-52. After hearing the evidence the court shall render a decision upholding the refusal, denial of renewal or revocation, or ordering the issuance or reinstatement of the license or renewal thereof, according to the requirements of justice. In every such proceeding the Director shall be named defendant. From the decision of the trial court a petition for a writ of error shall lie in the Supreme Court of Appeals at the suit of either party.

(c) An appeal, taken as provided in this section, shall operate to stay any criminal prosecution for operation without a license and to suspend the operation of any injunction against operation without a license, pending a final disposition of such appeal.

(d) When issuance or renewal of a license has been refused by the Director, the applicant shall not thereafter for a period of six months apply again for such license unless the Director in his sole discretion believes that there has been such a change in the conditions on account of which he refused the prior application as to justify considering the new application.

Source: § 63-224.3.

Note: Clarifies jurisdiction.

§ 63.1-181. Enjoining operation of home without license.—Any court of record, having chancery jurisdiction in the county or city where the home for the aged is located, shall, on motion of the Director have jurisdiction to enjoin the operation of any home for the aged operated without a license required by this article.

Source: § 63-224.4.

Note: No change.

§ 63.1-182. Offenses.—Any person who interferes with any authorized agent of the Director in the discharge of his duties under this article, or who makes to the Director or any authorized agent of the Director any report or statement with respect to the operation of any home for the aged which is known by such person to be false or untrue, or any person who operates or engages in the conduct of a home for the aged without first obtaining a license as required by this article, or after such license has been revoked or has expired and not been renewed, or who operates or engages in the conduct of a home for the aged serving more persons than the maximum stipulated in the license, and each officer and each member of the governing board of any association or corporation which operates a home for the aged without obtaining such license or after such revocation or expiration, or which operates or engages in the conduct of a home for the aged serving more persons than the maximum stipulated in the license, shall be guilty of a misdemeanor.

It shall be the duty of the attorney for the Commonwealth of every county and city to prosecute all violations of this article.

Source: § 63-227.

Note: Language prescribing punishment deleted from end of first paragraph.

Article 2.

*District Homes for Aged, Indigent, Infirm,
and Incapacitated Persons.*

§ 63.1-183. Establishment of a state-wide system.—The State Board is authorized to organize and establish a state-wide system of public homes for the care and maintenance of indigent aged, infirm or incapacitated persons. In establishing such system the State Board shall include therein existing city, county and district homes which meet the standards required by the State Board. The State Board shall encourage the establishment of district homes as hereinafter provided.

Source: §§ 63-228 and 63-229.

Note: The words “chronically ill” formerly appearing after “infirm” are deleted. The last sentence, taken from § 63-229, has been substituted for the words “and whose boards or local governing bodies request admission to the system.” The clause beginning “who are not eligible, etc.,” which appeared at end of first sentence, is deleted. The words “or area”, appearing before the word “homes” in § 63-229, have been deleted.

§ 63.1-184. Authority to establish.—The governing bodies of any two or more counties in this State, or the governing bodies of any one or more counties and one or more cities in this State, may establish a home for the care and maintenance of indigent aged, infirm or incapacitated persons, to be known as district home for the counties of, or district home for the county or counties of, and city or cities, as the case may be.

Source: § 63-308.

Note: The words “indigent aged, infirmed or incapacitated persons” are substituted for “persons unable to care for themselves.”

§ 63.1-185. Location; members of home board; compensation and expenses.—Each such district home shall be controlled by a board to consist of at least one representative from each county and city composing the district, but where a county or city shall have more than twenty thousand inhabitants its representative shall have one vote and an additional vote for every twenty thousand inhabitants or fractional part thereof over ten thousand; provided, that no city shall have more votes in any district than the combined votes of the counties composing the districts.

The representatives from the counties and cities shall be elected by the respective governing bodies thereof. Such representatives shall be entitled to necessary expenses incurred, including mileage as provided by general law, in attending meetings of the board, and in addition each may receive an allowance of fifteen dollars per day for each day that he shall be in attendance on the board, such allowance, however, not to exceed in any one year the sum of one hundred eighty dollars to be paid by the counties and cities, respectively. The accounts for such expenses and allowances shall be made out and verified by affidavits of the representatives and attested by the secretary of the board.

Source: § 63-309.

Note: The words “such district home” in first sentence are substituted for “of these homes shall be erected upon a farm of suitable size and of soil susceptible of high improvement, and”.

§ 63.1-186. Funds for purchase and erection of home.—The governing bodies of the respective counties and cities in the State for which such district homes are established are authorized to sell and convey by

proper deed all the real estate held by them for the use, benefit and maintenance of their poor, and to sell all personal property used for that purpose, and out of the proceeds to appropriate so much as may be required to purchase and erect district homes as hereinafter provided.

The necessary funds, however, to purchase and to erect the district homes, may be appropriated by the governing bodies of the respective counties and cities for which such district homes are established from the general funds of such counties and cities.

Source: § 63-310.

Note: The words "of farm and equipment" are deleted from caption. The words "by this article for each county or city" which appeared after "required" and the words "farms, stock, tools and all other necessary equipment" which appeared after "purchase" are deleted from first paragraph. Similar wording is deleted from second paragraph. Last clause of second paragraph which read "the general funds, etc." is deleted.

§ 63.1-187. Duty to appoint members of board.—It shall be the duty of the several governing bodies of the counties and cities that elect to adopt the provisions of this article to appoint, as soon thereafter as practicable, the members of the boards provided for by this article, and which shall be known as the district home board for the counties of or counties and cities of

Source: § 63-311.

Note: No change.

§ 63.1-188. Organization and duties of board; proportionate payment and ownership.—The district home board shall, as soon as possible after appointment, upon call of representatives of any participating city or county, assemble at the time and place named in the call, organize by the election of a chairman and secretary and proceed as soon as possible to establish such district home. The several counties and cities establishing the district home shall pay for the same in proportion to their respective populations and shall hold and own the same in the same proportion.

Source: § 63-312.

Note: This section is completely rewritten.

§ 63.1-189. Election of superintendent, physician and assistants; meetings and powers of board.—Each district home board shall elect a suitable superintendent, a competent physician and necessary assistants for the conduct and management of the home, and shall fix their salaries, having due regard to the number of inmates occupying the home. The district board shall meet at least twice a year for the conduct of such business as may be required by the district home, and shall have the general conduct and management of its affairs, and shall meet at the call of the chairman whenever he shall deem it necessary, or upon call issued by a majority of the board. In the calls for special meetings the matters to be considered shall be set out, but any business may be transacted which shall at such special meeting receive a two-thirds vote of the entire board, although not mentioned in the call.

Source: § 63-314.

Note: No change.

§ 63.1-190. Persons to be sent to home; payment of expenses.—The several counties or the several counties and cities of the State, estab-

lishing the district homes hereinbefore provided for, shall, admit indigent aged, infirm and incapacitated persons to the district homes, and pay the expenses of the maintenance of such home in proportion to the number of inmates from the several counties and cities.

Source: § 63-315.

Note: The words "admit indigent aged, infirm and incapacitated" are substituted for "as required by law in force for the care and maintenance of those unable to care for themselves, send such".

§ 63.1-191. Board to control home and make rules and regulations.—The board having charge of each home shall have the control and management of its home, and may make such rules and regulations in respect thereto, as shall not be inconsistent with the laws of the State.

Source: § 63-316.

Note: No change.

§ 63.1-192. Report of board.—As soon after the first day of January of each year as may be practical the district board shall cause a report to be made of the home, which shall show the number and age of the inmates, the condition of health of each one of them, the county or city of his or her residence, the average number during the year, the amount received from each county and city composing the district, and the amount expended, and an itemized statement of all expenditures. It shall also show an inventory and appraisal of the property on hand at the commencement of the year, and shall give an account of receipts from the farm and disbursements on account of it, and such other matters as may be required by the governing body of any county or any city included in the district, or by the State Board. A copy of the report of the board shall be furnished to the governing bodies of the counties and of the city or cities within the district, and to the State Board.

Source: § 63-317.

Note: No change.

§ 63.1-193. Withdrawal from consolidation.—The governing body of any county or city in this State, which has combined or consolidated with any other county or city, either or both, to establish a home for the care and maintenance of the poor, under the provisions of any existing laws may withdraw from such consolidation or combination and may dispose of all property, or property rights, acquired by reason of such combination or consolidation, to some other county or city to be jointly used with the remaining owners for the purpose for which the home was established, and such ownership to be subject to the rules and regulations of the home board, subject, however, to approval of the circuit court of such county or any court of any city having the same jurisdiction as a circuit court, entered of record, upon a petition of such governing body, herein mentioned, duly filed, setting forth the facts upon which it is desired to make the change herein provided for.

The board of directors of such home shall be made parties defendant to such petition and each of the members of the board shall be served with a copy of the petition.

Source: § 63-318.

Note: No change.

§ 63.1-194. Transfer of portion of interest of county to city created therefrom.—Whenever any city shall have been created from within the boundaries of any county which has combined or consolidated with any

other county or city to establish a district home pursuant to this chapter, the governing body of the county from which such city was formed may transfer to such city a portion of its interest in such home which portion shall be determined proportionately according to the population of such city and county. The governing body of such city may elect a properly qualified representative to the district home board as soon as practicable, after any such transfer. Such city may thereafter use the home jointly with the other owners thereof for the purpose for which the home was established, in accordance with the provisions of this article and subject to the rules and regulations of the home board.

Source: § 63-318.1.

Note: No change.

CHAPTER 10.

CHILD WELFARE, HOMES, AGENCIES AND INSTITUTIONS

§ 63.1-195. **Definitions.**—As used in this Chapter: “Person” means any natural person, or any association, partnership or corporation.

“Child” means any natural person under eighteen years of age.

“Foster Home” means the place of residence of any natural person in which any child other than a child by birth or adoption of such person, resides as a member of the household.

“Child Placing Agency” means any person, other than the parent or guardian of the child, who places, or obtains the placement of, or who negotiates or acts as intermediary for the placement of, any child in a foster home.

“Child Caring Institution” means any facility, other than a facility operated by the State or a county or city, maintained for the purpose of receiving children for full-time care, maintenance, protection and guidance separated from their parents or guardians, except (1) a bona fide hospital legally maintained as such, (2) a facility required to be licensed as a summer camp and (3) a bona fide educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation.

“Independent Foster Home” means the place of residence of any natural person in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child placing agency except (1) a home in which are received only children related by consanguinity or affinity of the person who maintains such home and legitimate children of personal friends of such person and (2) a home in which are received a child or children committed under the provisions of § 16.1-178, subparagraph (2) or (4½).

“Child Care Center” means any facility (including family day care homes, as defined in this section but excluding private homes not within the definition of a family day care home) operated for the purpose of providing group care, protection and guidance to children during only a part of the twenty-four hour day; except (1) a facility required to be licensed as a summer camp under §§ 35-43 to 35-53, (2) a school meeting the academic standards prescribed by the rules and regulations promulgated by the State Board of Education under § 22-115.33, (3) a school operated

primarily for the educational instruction of children from three to five years of age at which children three or four years of age do not attend in excess of four hours per day and children five years of age do not attend in excess of six and one-half hours per day.

“Family Day Care Home” means any private family home in which a child or children are received for care, protection and guidance during only a part of the twenty-four hour day, except children who are related by consanguinity or affinity to the person who maintains such home or who are children of personal friends of such persons.

“Child Welfare Agency” means a child placing agency, child caring institution, independent foster home, or a child care center or a family day care home.

Source: § 63-232.

Note: In the definition of “child,” the age has been changed from fourteen to eighteen to conform to other provisions of this chapter. In the definition of “child placing agency” what was subparagraph (1) has been placed in the body of the definition after the word “person” and subparagraphs (2) and (3) deleted as unnecessary. The definitions “child caring institution” and “independent foster home” and “family day care home” have been substituted for subdivisions (a) and (b) respectively of the former definition of the “children’s home” and have been rewritten for purposes of clarity. The definition “Child Care Center” has been substituted for the former definition “Day nursery” and has been rewritten for purposes of clarity. This now includes such facilities operated for a portion of a twenty-four hour day at any time and not just between the hours of Six A.M. and Seven P.M. as was formerly the case. The definition “family day care home” has been substituted for subdivision (b) of the former definition of “day nursery.”

§ 63.1-196. Licenses required.—(a) Every person not an officer, employee or agent of the State, county or city or duly licensed child placing agency acting within the scope of his authority as such who serves as or maintains a child placing agency, a child caring institution, an independent foster home, child care center or a family day care home shall obtain an appropriate license from the Commissioner which he shall have renewed annually.

(b) The Commissioner shall provide for the issuance and annual renewal of five categories of licenses; namely, (1) Child Placing Agency licenses, (2) Child Caring Institution licenses, (3) Independent Foster Home licenses, (4) Child Care Center licenses and (5) Family Day Care Home licenses. Any two or more such licenses may be issued for concurrent operation to the same person but each license shall be issued upon a separate form. Each license and renewal thereof shall expire at the end of one year from the date of its issuance or renewal unless sooner revoked or surrendered.

Source: § 63-233.

Note: This section has been rewritten to conform to definitions contained in § 63.1-195.

§ 63.1-197. Form and requisites of application for license.—Each application for a license, or for a renewal thereof, shall be made to the Commissioner, in such form as he may prescribe. It shall contain a statement of the name and address of the applicant, and, if the applicant be an association, partnership or corporation, the names and addresses of its officers and agents. The application shall also contain a description of the

activities proposed to be engaged in and the facilities and services to be employed, together with such other pertinent information as the Commissioner may require.

Source: § 63-234.

Note: No change.

§ 63.1-198. Investigation on receipt of application.—Upon receipt of the application the Commissioner shall cause an investigation to be made of the activities, services and facilities of the applicant, of the applicant's financial responsibility, and of his character and reputation or, if the applicant be an association, partnership or corporation, the character and reputation of its officers and agents. The applicant shall afford the representatives of the Commissioner required to make the investigation reasonable opportunity to inspect all of the applicant's facilities, books and records, and to interview his or its agents and employees and any child or other person within his or its custody or control.

Source: § 63-235.

Note: No change.

§ 63.1-199. Issuance or refusal of license; notification.—Upon completion of such investigation, the Commissioner shall issue an appropriate license to the applicant if such applicant has made adequate provision for such activities, services and facilities as are reasonably conducive to the welfare of the children over whom he may have custody or control, if his financial responsibility is such as to give reasonable assurance of the continued maintenance of such activities, services and facilities, and if he, or the officers and agents of the applicant if it be an association, partnership or corporation, is or are of good character and reputation; otherwise, the license shall be refused. Immediately upon his taking final action, the Commissioner shall notify the applicant of such action.

Source: § 63-236.

Note: No change.

§ 63.1-200. Delay in acting on application, or in notification.—In case the Commissioner fails to take final action upon an application for a license within sixty days after the application is made, either by way of issuance or refusal, or fails within such time to notify the applicant thereof, it shall be lawful for the applicant to engage in the operations or activities for which the license is desired, until the Commissioner has taken final action and notified the applicant thereof.

Source: § 63-237.

Note: No change.

§ 63.1-201. Provisional license.—The Commissioner may issue a provisional license to any applicant for any period not to exceed six months, if the applicant is temporarily unable to comply with all of the requirements of this chapter. Such provisional license may be renewed, but no person or agency shall engage in any operation or activity for which a license is required under any such provisional license and renewals thereof for a longer period than two successive years.

Source: § 63-238.

Note: No change.

§ 63.1-202. Commissioner and State Board to prescribe limitations and standards.—The State Board shall prescribe general standards and

policies for the activities, services and facilities to be employed by persons and agencies required to be licensed under this chapter, which standards shall be designed to ensure that such activities, services and facilities are conducive to the welfare of the children under the custody or control of such persons or agencies.

Source: § 63-239.

Note: The former first paragraph and the former last sentence have been deleted.

§ 63.1-203. Records and reports.—Every licensed child welfare agency shall keep such records and make such reports to the Commissioner as he may require. The forms to be used in the making of such reports shall be prescribed and furnished by the Commissioner.

Source: § 63-240.

Note: No change.

§ 63.1-204. Acceptance and control over children.—A licensed child welfare agency shall have the right to accept, for any purpose not contrary to the limitations contained in its license, such children as may be entrusted or committed to it by the parents, guardians, relatives or other persons having legal custody thereof, or committed by any court of competent jurisdiction. The agency shall, within the terms of its license and the agreement or order by which such child is entrusted or committed to its care, have custody and control of every such child so entrusted or committed and accepted, until he is lawfully discharged, has been adopted, or has attained his majority.

A licensed child placing agency may place for adoption, and is empowered to consent to the adoption of, any child who is properly committed or entrusted to its care when the order of commitment or the entrustment agreement between the parent or parents and the agency provides for the permanent separation of such child from his parent or parents.

Source: § 63-241.

Note: The word "children" substituted for "persons under eighteen years of age" in first sentence and "child" for "person" in second sentence.

§ 63.1-205. Where child placing agencies may place children; investigation and visitation; supervision.—(a) Any licensed child placing agency may place or negotiate and arrange for the placement of children in any licensed child caring institution, and, unless its license contains a limitation to the contrary, a licensed child placing agency may also place or arrange for the placement of such persons in any suitable foster home.

(b) Before placing or arranging for the placement of any such child in a foster home the agency shall cause a careful study to be made to determine the suitability of such home, and after placement shall cause such home and child to be visited as often as necessary to protect the interests of such child.

(c) Every child placing agency which places a child in a foster home shall maintain such supervision over such home as shall be required by the standards and policies established by the Board.

Note: "children in any licensed child caring institution" substituted for "persons under eighteen years of age in any licensed children's home" and word "foster" inserted after "suitable" in paragraph (a). The words "child in a

foster home" substituted for "person in a home which is not licensed as a children's home" and word "child" for "persons" in two other places in paragraph (b). Similar language substituted in paragraph (c).

§ 63.1-206. Agreements with persons taking children.—Every child placing agency shall, with respect to each child placed by it in a foster home, enter into a written agreement with the head of such home, which agreement shall provide that the authorized representatives of the agency shall have access at all times to such child and to the home, and that the head of the home will release custody of the child so placed to the authorized representatives of the agency whenever, in the opinion of the agency, or in the opinion of the Commissioner, the best interests of the child so placed shall require it.

Source: § 63-243.

Note: The word "child" substituted for the word "person."

§ 63.1-207. Children from other states.—(a) Any child placing agency which brings or sends, or causes to be brought or sent, a non-resident child into Virginia for the purpose of placement in a foster home shall first obtain the consent of the Commissioner, which shall be given in accordance with the regulations prescribed by the State Board. The agency shall also comply with all the regulations of the State Board relating to nonresident children so brought or sent into the State.

(b) The State Board is authorized to prescribe such regulations for the bringing or sending of such children into the State by child placing agencies for the purpose of placement in foster homes, and for the care, maintenance, supervision and control of all children so brought or sent into the State until they have been adopted, attained their majority, or have been otherwise lawfully discharged or released, as are reasonably conducive to the welfare of such children.

(c) The State Board may require any agency so bringing or sending a nonresident child into Virginia, to enter into a written agreement with the Commissioner providing, among other reasonable things, that the agency will remove the child from the State, or cause him to be so removed, at the request of the Commissioner made at any time prior to the adoption of such child, or his marriage or his attaining his majority. The Commissioner may require of any agency entering any such agreement a bond with satisfactory surety in an amount not in excess of twenty-five hundred dollars, conditioned upon the fulfillment of the agreement.

Source: § 63-244.

Note: "or person under eighteen years of age" and "or person" appearing after "child" deleted in each instance they appeared.

§ 63.1-208. Sending children out of State.—(a) Any child placing agency which takes or sends, or causes to be taken or sent, any resident child out of the State for the purpose of placement in a foster home, shall first obtain the consent of the Commissioner, given in accordance with the regulations prescribed by the State Board. The agency shall also comply with all of the regulations of the State Board relating to resident children so taken or sent out of the State.

(b) The State Board is authorized to prescribe such regulations for the taking or sending of such resident children out of the State by child

placing agencies for the purpose of placement in foster homes as are reasonably conducive to the welfare of such children.

Source: § 63-245.

Note: "or person under eighteen years of age" and "or person" appearing after "child" deleted in each instance they appeared.

§ 63.1-209. **Confidential records.**—(a) The records of all child welfare agencies regarding persons received or placed out by them and the facts learned by them concerning such persons and their parents or relatives, shall be confidential information, provided that the Commissioner, the State Board and their agents shall have access to such information, that it shall be disclosed upon the proper order of any court, and that it may be disclosed to any person having a legitimate interest in the placement of any such person. It shall be unlawful for any officer, agent or employee of any child welfare agency, for the Commissioner, the State Board or their agents or employees, and for any person who has held any such position, and for any other person to whom any such information is disclosed as hereinabove provided, to disclose, directly or indirectly, any such confidential information, except as herein provided. Every violation of this section shall constitute a misdemeanor and be punishable as such.

(b) Any person who has attained his majority, and who has not been legally adopted in accordance with the provisions of chapter 11 of this title, and who believes that he has been placed out by a child placing agency, shall have the right to demand and receive from the Commissioner, the State Board, or any such agency, such information as any of them may have concerning his own parents or relatives.

Source: § 63-246.

Note: Internal section reference conformed.

§ 63.1-210. **Inspections and interviews.**—The Commissioner, the State Board, and their agents, shall have the right, at all reasonable times, to inspect all of the facilities, books and records of every child welfare agency, and to interview any agent or employee thereof or any person under its custody, control, direction or supervision. Such agents shall afford the Commissioner, the State Board and their agents every reasonable opportunity and facility for such inspections and interviews.

Source: § 63-247.

Note: No change.

§ 63.1-211. **Removal of person under control of agency.**—Whenever any child placed out by a child placing agency and still under its control or supervision is subject, in the home in which he is placed, to unwholesome influences or to neglect or mistreatment, or whenever the Commissioner shall so order, such agency shall cause the child to be removed from such home and shall make for him such other arrangements as may be approved by the Commissioner.

Source: § 63-248.

Note: The word "person" is changed to "child."

§ 63.1-212. **Revocation, etc., of license.**—The Commissioner may revoke or deny the renewal of the license of any child welfare agency which violates any provision of this chapter or fails to comply with the limitations and standards set forth in its license.

Source: § 63-249.

Note: No change.

§ 63.1-213. Appeal from revocation or denial of license.—(a) Any child welfare agency to which the Commissioner refuses to issue or renew a license, or whose license has been revoked, as hereinabove provided, shall have the right of appeal to any court of record having chancery jurisdiction of the county or city in which the residence or principal office of such agency is located, provided that notice to institute such an appeal be served upon the Commissioner within thirty days after the date upon which such agency receives notice of such refusal or revocation.

(b) The court, or judge thereof in vacation, may hear such an appeal after ten days' notice to the Commissioner, which notice shall be given in writing and served and returned in the manner prescribed by §§ 8-51 and 8-52. After hearing the evidence the court shall render a decision upholding the refusal or revocation, or ordering the issuance or reinstatement of the license or renewal thereof, according to the requirements of justice. In every such proceeding the Commissioner shall be named defendant. From the decision of the trial court a petition for an appeal shall lie in the Supreme Court of Appeals at the suit of either party.

(c) An appeal, taken as provided in this section, shall operate to stay any criminal prosecution for operation without a license and to suspend the operation of any injunction against operation without a license, pending a final disposition of such appeal.

Source: § 63-250.

Note: The words "having chancery jurisdiction" have been inserted after the words "court of record" in subparagraph (a). The words "an appeal" have been substituted for the words "a writ of error" in the last sentence of subparagraph (b).

§ 63.1-214. Injunction against operation without license.—Any court of record, having chancery jurisdiction in the county or city where the principal office of any child welfare agency is located shall, at the suit of the Commissioner, have jurisdiction to enjoin the operation of any child welfare agency operated without a license required by this chapter.

Source: § 63-251.

Note: No change.

§ 63.1-215. Penalty for operation without license.—Any person who operates or engages in the activities of a child welfare agency without first obtaining a license as required by this chapter, or after such license has been revoked or has expired and not been renewed, and each officer and each member of the governing board of any association or corporation which operates a child welfare agency without obtaining such license or after such revocation or expiration shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than twelve months, or by both such fine and imprisonment. Every day's violation of this section shall constitute a separate offense.

Source: § 63-252.

Note: No change.

§ 63.1-216. Duty of attorneys for the Commonwealth.—It shall be the duty of the attorney for the Commonwealth of every county and city to prosecute all violations of this chapter.

Source: § 63-253.

Note: No change.

§ 63.1-217. Duties of Commissioner and State Board.—It shall be the duty of the Commissioner to administer this chapter under administrative rules and regulations which shall be prescribed by the State Board.

Source: § 63-254.

Note: No change.

§ 63.1-218. Chapter not to apply to certain schools and institutions. None of the provisions of this chapter shall apply to any private school or charitable institution incorporated under the laws of this State, which is located west of Sandy Ridge and on the watersheds of Bid Sandy River, and to which no contributions are made by the State or any agency thereof.

Source: § 63-255.

Note: No change.

§ 63.1-219. Municipal and county appropriations; contracts.—The governing bodies of the several cities and counties of this Commonwealth may, in their discretion, appropriate to incorporated charitable organizations licensed by the Department for the purpose of receiving and caring for children, or placing or boarding them in private homes, such sums as to them may seem proper, for the maintenance and care of such dependent children as the charitable organizations may receive from the respective cities and counties. And the governing body of any county may make contracts with such organizations.

Source: § 63-256.

Note: No change.

CHAPTER 11.

ADOPTION.

§ 63.1-220. Child placing agency defined.—As used in this chapter “child placing agency” means any person, firm, or corporation licensed as such agency under the provisions of Chapter 10 or the local board of public welfare having custody of a child with right to place him for adoption by virtue of court commitment or parental agreement as provided in §§ 63.1-56 and 63.1-204.

Source: §§ 63-347 and 63-351(3).

Note: This section has been rewritten for purposes of clarity.

§ 63.1-221. Jurisdiction and proceedings.—Proceedings for the adoption of a minor child and for a change of name of such child shall be instituted only by petition to a court of record having chancery jurisdiction in the county or city in which the petitioner resides or in the city or county in which is located the child placing agency which placed the child, provided that the Chancery Court of the City of Richmond shall have exclusive jurisdiction in every such case arising in the said city if the petitioner resides on the north side of the James river, and that the Hustings Court of the City of Richmond, Part II, shall have exclusive jurisdiction if the petitioner resides in the said city on the south side of the James river. Such petition may be filed by any natural person who resides in the Commonwealth or who has custody of a child placed by a child placing agency of the Commonwealth, for leave to adopt a minor child not legally his by birth, and, if it be so desired by the petitioner, also to change the name of such child. In the case of married persons the petition shall be the joint petition of the husband and wife, but in the event the child to be adopted is legally the child by birth or adoption of one of the petitioners,

such petitioner shall unite in the petition for the purpose of indicating his or her consent to the prayer thereof only. The petition shall contain a full disclosure of the circumstances under which the child came to live, and is living, in the home of the petitioner.

A single petition for adoption under the provisions of this section shall be sufficient for the concurrent adoption by the same petitioners of two or more children who have the same natural parent or parents; and nothing in this section shall be construed as having heretofore required a separate petition for each of such children.

Source: § 63-348.

Note: No change.

§ 63.1-222. Adoption of certain persons twenty-one years of age or over.—A petition may be filed by any natural person, resident of this State, for the adoption of a stepchild twenty-one years of age or over to whom he has stood in loco parentis for a period of at least one year, or for the adoption of a niece or nephew over twenty-one years of age who has no living parents and who has lived in the home of the petitioner for at least one year, or for the adoption of any person twenty-one years of age or over who resided in the home of the petitioner for a period of at least five years prior to becoming twenty-one years of age. Proceedings in any such case shall conform as near as may be to proceedings for the adoption of a minor child under this chapter except that:

- (1) No consent of either parent shall be required;
- (2) The consent of the person to be adopted shall be required in all cases;
- (3) The investigations and visitations provided for in §§ 63.1-223 and 63.1-228 shall not be made unless the court in its discretion so requires.

Any interlocutory or final order issued in any case under this section shall have the same effect as other orders issued under this chapter; and in any such case the word “child” in any other section of this chapter shall be construed to refer to the person whose adoption is petitioned for under this section.

Source: § 63-348.1.

Note: Internal section references conformed.

§ 63.1-223. Preliminary investigations; report to court.—Upon the filing of the petition, the court wherein the petition is filed, or the clerk thereof upon order of the court, shall forthwith forward a copy of the petition to the Commissioner or, when the child was placed with the petitioners by a child placing agency the court may in its discretion forward a copy of the petition to the agency which placed the child, who or which shall cause to be made a thorough investigation of the matter and report thereon in writing to the court within ninety days after the copy of the petition is forwarded. Whenever the Commissioner requests that such an investigation be conducted by a local superintendent or other welfare agency of a county or city or the child placing agency which placed the child, it shall be the duty of such person or agency to make the necessary investigation, and to report thereon promptly to the Commissioner. The investigation requested by the court shall include, in addition to any other inquiries which the court may require the Commissioner or child placing agency to make, inquiries as to (1) whether the petitioner is financially able, morally suitable, and a proper person to care for and to train the child, (2) what

the physical and mental condition of the child is, (3) why the parents, if living, desire to be relieved of the responsibility for the custody, care and maintenance of the child, and what their attitude is toward the proposed adoption, (4) whether the parents have abandoned the child or are morally unfit to have custody over him, (5) the circumstances under which the child came to live, and is living, in the home of the petitioner, and (6) whether the child is a suitable child for adoption by the petitioner. Any report made to the court shall include a recommendation as to the action to be taken by the court on the petition.

Source: § 63-349.

Note: No change.

§ 63.1-224. **Copy of report to be furnished counsel.**—A copy of the report shall be furnished counsel of record for the parties if requested in any pleading filed in the proceedings, setting out the name and address of such counsel, and which copy shall be returned by such counsel as is required by § 63.1-236 for the return of the original report.

Source: § 63-350.

Note: Internal section reference conformed.

§ 63.1-225. **Parental, etc., consent.**—No petition for adoption shall be granted, except as hereinafter provided in this section, unless there be written consent to the proposed adoption filed with the petition. Such consent shall be signed and acknowledged before an officer authorized by law to take acknowledgments.

The consent of a parent for the adoption of his or her child shall not be valid unless the child be at least ten days old at the time the consent is signed.

A parent who has not reached the age of twenty-one shall have legal capacity to give consent to adoption and shall be as fully bound thereby as if said parent had attained the age of twenty-one years.

Consent by the child shall be necessary if the child is fourteen years of age or older, unless the Court finds that the best interests of the child will be served by not requiring such consent.

Consent shall be executed:

(1) By the parents or surviving parent of a child born in wedlock; provided, however, if the parents are divorced and one has been divested of custody by terms of the divorce and does not consent to the adoption the petition may be granted without the consent of such parent; or

(2) By the mother of a child born out of wedlock. The consent of the father of a child born to an unmarried woman shall not be required unless such child becomes legitimate prior to the filing of the petition for adoption; or

(3) By the child placing agency or the local board of public welfare having custody of the child, with right to place him for adoption, through court commitment or parental agreement as provided in § 63.1-56 or § 63.1-204 of the Code; or

(4) If after hearing evidence the court finds that the consent of any person or agency whose consent is hereinabove required is withheld contrary to the best interests of the child, or if a valid consent is unobtainable, the court may grant the petition without such consent.

If the child is not in the custody of a child placing agency and both parents are deceased, the court, after hearing evidence to that effect, may grant the petition without the filing of any consent.

Source: § 63-351.

Note: Internal section references conformed. The last clause of the fourth paragraph is added.

§ 63.1-226. Entry of interlocutory order.—If, after considering the report provided for by § 63.1-235 the court is satisfied that all of the requirements of this chapter have been complied with, that the petitioner is financially able to maintain adequately and is morally suitable and a proper person to care for and train the child, that the child is suitable for adoption by the petitioner, and that the best interests of the child will be promoted by the adoption, it shall enter an interlocutory order of adoption declaring that henceforth, subject to the probationary period hereinafter provided for and to the provisions of the final order of adoption, the child will be, to all intents and purposes, the child of the petitioner, and, if the petition includes a prayer for a change of the child's name and the court is satisfied that such change is for the best interests of the child, that, upon entry of final order, the name of the child shall be changed. An attested copy of every interlocutory order of adoption shall be forwarded forthwith by the clerk of the court in which it was entered to the Commissioner. In the event an interlocutory order is entered in a case in which the child was placed by a child placing agency and the report required in § 63.1-223 was made to the court by the agency, the Commissioner shall notify the agency of the entry of the interlocutory order and the agency shall send to the Commissioner copies of all reports made by the agency under the provisions of § 63.1-223.

If the court denies the petition for adoption and if it appears to the court that the child is without proper care, custody or guardianship, the court may, in its discretion, appoint a guardian for the child or commit the child to a custodial agency as provided for in §§ 31-5 and 16.1-178, respectively, of the Code.

Source: § 63-352.

Note: Internal section references conformed.

§ 63.1-227. Revocation of interlocutory order.—The court may, by order entered of record, revoke its interlocutory order of adoption at any time prior to the entry of the final order, for good cause shown, on its own motion, or on the motion of the natural parents of the child, or of the petitioner, or of the child himself by his next friend, or of the child placing agency, which placed the child with the petitioners or of the Commissioner; but no such order of revocation shall be entered, except on motion of the petitioner, unless the petitioner is given ten days' notice of such motion in writing and an opportunity to be heard or has removed from the State. The clerk of the court shall forward an attested copy of every such order to the Commissioner, and to the child placing agency which placed the child.

When an interlocutory order has been entered and subsequently is revoked, the court may proceed in the same manner as set forth in § 63.1-226 to enter an order concerning the subsequent custody or guardianship of the child.

Source: § 63-353.

Note: Internal section reference conformed.

§ 63.1-228. Visitations during probationary period and report.—After the entry of an interlocutory order of adoption, the Commissioner shall cause the child to be visited in the home of the petitioner, at least three times within a period of six months, such visits whenever practicable, to be made within the six months' period immediately following the date of entry of the interlocutory order, by an agent of the Department or of a local board or department of public welfare, or by an agent of a child placing agency, or, if the petitioner has moved outside the State, by a representative of a public welfare agency, or of any agency approved by the public welfare authorities, of the state, territory or county into which the petitioner has moved, provided, however, that there be not less than ninety days between the first visit and the last visit. Whenever the Commissioner requests that such visitations be made by a local superintendent, or other welfare agency of a county or city, it shall be the duty of such person or agency to make the necessary visits and to report thereon promptly the results of each such visit to the Commissioner. The Commissioner shall make to the court a written report of his findings made pursuant to such visitations, within thirty days after receipt by the Commissioner of the report covering the last visit made in compliance with this section and shall furnish a copy of such report to counsel of record for the parties if requested in any pleading filed in the proceedings, setting out the name and address of such counsel, and which copy shall be returned by such counsel as is required by § 63.1-236 for the return of the original report.

Source: § 63-354.

Note: Internal section reference conformed.

§ 63.1-229. Omission of probationary period and interlocutory order.—If the child is legally the child by birth or adoption of one of the petitioners or if the child has been placed in the home of the petitioner by a child placing agency and such agency certifies to the court that the child has lived in the home of the petitioner continuously for a period of at least six months next preceding the filing of the petition, and has been visited by a representative of such agency at least three times within such six months' period provided there be not less than ninety days between the first visit and the last visit, or if the child has resided in the home of the petitioner continuously for as much as five years immediately prior to the filing of the petition for adoption, and is at least twelve years of age at the time thereof, and if the court is of the opinion that the entry of an interlocutory order would otherwise be proper, the court, after receipt of the report, as provided for in § 63.1-223, may omit the probationary period provided for in the preceding section (§ 63.1-228) and the interlocutory order, and enter a final order of adoption, and the court may, for good cause shown, in cases of placement by a child placing agency, omit the requirement of this section that the visitations be made in the six months immediately preceding the filing of the petition, provided, however, that such visits be made in some six-month period preceding such filing.

Source: § 63-355.

Note: Internal section references conformed.

§ 63.1-230. Final order of adoption.—After the expiration of six months from the date upon which the interlocutory order is entered, and after considering the report of the Commissioner made pursuant to § 63.1-228, if the court is satisfied that the best interests of the child will be served thereby, the court shall enter the final order of adoption. An attested copy of every final order of adoption including those in which the initial referral by the court was made to the agency placing the child shall be

forwarded, by the clerk of the court in which it was entered, to the Commissioner and to the child placing agency which placed the child.

Source: § 63-356.

Note: Internal section reference conformed.

§ 63.1-231. Adoption by new spouse of natural parent or parent by adoption.—When a natural parent or a parent by adoption of an infant whose spouse has died, marries again and the surviving natural parent or parent by adoption desires the new spouse to adopt the infant, on a petition filed by the surviving natural parent or parent by adoption and new spouse for the adoption and change of name of the infant, the court may proceed to order the proposed adoption or change of name without referring the matter to the Commissioner. If the court feels that there should be some investigation before a final order of adoption is entered, it shall thereupon refer the matter to the local superintendent of public welfare for an investigation and report within such time as the court designates.

Source: § 63-356.1.

Note: The word “Commissioner” substituted for “Director of Welfare and Institutions.”

§ 63.1-232. When reference to Commissioner may be dispensed with.—When the mother of an illegitimate infant marries, and the husband of such mother desires to adopt such child, or where a natural parent of an infant is divorced and has custody of such infant and marries again, and the new spouse desires to adopt the infant, on a petition filed by the natural parent and spouse for the adoption and change of name of the infant, the court may proceed to order the proposed adoption and change of name without referring the matter to the Commissioner, provided, however, that no such order of reference and investigation shall be dispensed with unless such infant is of the age of sixteen years and has lived in the home of the person desiring to adopt the infant for at least five years. If the court feels that there should be some investigation before a final order of adoption is entered, it shall refer the matter to the local superintendent of public welfare for an investigation and report within such time as the court designates.

Source: § 63-356.2.

Note: The word “Commissioner” substituted for “Director of Welfare and Institutions” in the first sentence. The words “local superintendent of public welfare” substituted for “Commissioner of Public Welfare” in the last sentence.

§ 63.1-233. Legal effects of adoption.—The natural parents, and the parents by previous adoption, if any, other than any such parent who is the husband or wife of one of the petitioners, shall, by such final order of adoption, be divested of all legal rights and obligations in respect to the child, and the child shall be free from all legal obligations of obedience and maintenance in respect to them. Any child adopted under the provisions of this chapter shall, from and after the entry of the interlocutory order or from and after the entry of the final order where no such interlocutory order is entered, be, to all intents and purposes, the child of the person or persons so adopting him, and, unless and until such interlocutory order or final order is subsequently revoked, shall be entitled to all the rights and privileges, and subject to all the obligations, of a child of such person or persons born in lawful wedlock.

Source: § 63-357.

Note: No change.

§ 63.1-234. Descent and distribution.—For the purpose of descent and distribution, a legally adopted child shall inherit, according to the statutes of descent and distribution, from and through the parents by adoption from the time of entry of an interlocutory order or the final order if there is no interlocutory order and shall not inherit from the natural parents, except that a child adopted by a stepparent shall inherit from the natural parent or parents as well as from his parents by adoption. If an adopted child shall die intestate, without issue surviving him, his property shall pass, according to the statutes of descent and distribution, to those persons who would have taken had the decedent been the natural child of the adopting parents.

Source: § 63-358.

Note: No change.

§ 63.1-235. Separate index of adoption cases; to whom available.—The clerk of any court having jurisdiction in adoption cases is empowered, with the approval of the judge of said court entered of record, to establish and maintain a separate index of adoption cases which shall not be exposed to public view but which shall be made available by such clerk to persons and attorneys having an interest in the subject matter and to welfare officials and court officials and to such other persons as the court shall direct in specific cases.

Source: § 63-359.1.

Note: No change.

§ 63.1-236. Disposition of reports.—Upon the entry of a final order of adoption, or other final disposition of the matter, the clerk of the court in which it was entered shall forthwith transmit to the Commissioner all reports made in connection with the case, and the Commissioner shall preserve such reports in a separate file which shall not be open to inspection, or be copied, by any one other than the adopted child, if twenty-one years of age, and the adoptive parents, except upon the order of a court of record entered upon good cause shown.

Source: § 63-360.

Note: No change.

§ 63.1-237. Final order not subject to attack after six months.—After the expiration of six months from the date of entry of any final order of adoption from which no appeal has been awarded, the validity thereof shall not be subject to attack in any proceedings, collateral or direct, and such order shall be final for all purposes.

Source: § 63-361.

Note: No change.

§ 63.1-238. Powers and duties of judges in vacation.—All powers, duties and authority conferred upon the court by the provisions of this chapter, may also be exercised by the judge of the court in vacation.

Source: § 63-363.

Note: No change.

CHAPTER 12.

CARE OF DELINQUENT CHILDREN COMMITTED TO THE STATE BOARD.

§ 63.1-239. Authority of State Board as to children committed to it.—The State Board is hereby authorized and empowered to receive children committed to it by the courts of the State pursuant to § 16.1-178 of the Code of Virginia and is authorized to establish one or more receiving homes for the care, supervision and study of children thus committed to it, or to make arrangements with satisfactory persons, institutions, or agencies, or with cities or counties maintaining places of detention for children, for the temporary care of such children as may be committed to the Board.

Source: § 63-291.

Note: No change.

§ 63.1-240. Allowance for maintenance of children placed by State.—For the maintenance of each child received by the State Board under § 63.1-239 and placed by it in a private home, there shall be paid by the State out of the appropriation for criminal expenses a per diem allowance not to exceed two dollars and twenty-five cents for each child. For the maintenance of each such child placed by the State Board in an institution other than one operated by the State of Virginia, there shall be paid out of such appropriation a monthly amount not in excess of the monthly cost of maintaining a ward in the training schools operated by the Department of Welfare and Institutions.

Source: § 63-293.

Note: Minor changes in language to clarify this section.

§ 63.1-241. Schedules of per diem cost per child of maintenance in detention homes; reimbursements of city and counties.—The State Board shall prepare and adopt, and from time to time revise, schedules setting forth the per diem cost per child, to each locality maintaining a detention home, of maintaining children in the various detention homes throughout the State. In accordance with the schedule the State Board shall, in addition to all other reimbursements on account of such detention homes, reimburse each city or county of the State for the cost of maintaining in such homes any children committed to the State Board. Such reimbursements shall be paid in monthly installments by the State Treasurer out of funds appropriated in the general appropriations act for criminal costs on warrants of the Comptroller, issued upon vouchers approved and signed by the Director, or by such person as may be designated by the Director.

Source: § 63-293.1.

Note: No change.

§ 63.1-242. Acceptance and expenditure of certain funds for children committed to Board.—The State Board is hereby authorized to accept and expend for the benefit of any child committed to it, or for reimbursement purposes, any funds made available from any source, solely for the current maintenance and support of any such child, whether such funds be provided by the child's parents, or other person, or by the Veterans Administration, the Railroad Retirement Act, the old-age and survivor's insurance provisions of the Federal Social Security Act, as amended, or from any other source, but in no event shall the sums so accepted exceed an amount in excess of the cost to the State Board of supporting said child.

Source: § 63-293.2.

Note: No change.

§ 63.1-243. Examination and placing of such children.—The State Board is further authorized to make a careful physical and mental examination of every child mentioned in § 63.1-239, to investigate in detail the personal and family history of the child and its environment, and to place such children at such facilities as are available and deemed by the Board to be for the best interest of the child and the State. Any such children committed to the State Board and afterwards found to be eligible for commitment by proper proceedings to any State institution shall take precedence as to admission over all others and shall in all cases be received into the State institution as soon as possible.

Source: § 63-292.

Note: Internal section reference conformed.

§ 63.1-244. Psychiatric clinic.—To assist in the performance of the duties imposed by § 63.1-243, the State Board shall maintain in the Department of Welfare and Institutions a psychiatric clinic and shall employ as director thereof a psychiatrist, and shall also employ such other medical, technical and clinical personnel skilled in the diagnosis and treatment of physical and mental diseases of children as may be desirable for the operation of such clinic. The personnel of the clinic, when visiting the various institutions maintained by the Department for the care of children committed to the State Board pursuant to § 16.1-178 shall conduct a thorough examination of each child at such institutions not thentofore examined by the clinic, and other children at the institutions for whom such examination is indicated, for the purpose of determining, diagnosing and treating physical and mental ailments or impairments with a view to improving the general health of such children and hastening their rehabilitation.

Source: §§ 63-381 and 63-384.

Note: Minor changes in language have been made to combine these two sections and to relate them to § 63.1-243. No change in substance.

§ 63.1-245. Institutions for the care of children operated by the State Board.—The Bon Air School for Girls, the Janie Porter Barrett School for Girls, the Beaumont School for Boys, and the Hanover School for Boys shall be continued to be operated by the State Board for the care of delinquent children committed to it by the courts pursuant to § 16.1-178.

Source: §§ 63-366 to 63-369.

Note: These sections have been rewritten and unnecessary language deleted.

§ 63.1-246. Halfway houses for certain juveniles.—The State Board is authorized to establish and maintain such a system of halfway houses as the Board may from time to time acquire, construct or rent for the temporary care of older juveniles ready for release from the State training schools, but who have no suitable homes to which they may be returned, pending development of more permanent placement plans consisting of adequate housing and suitable employment for such juveniles. The Board is further authorized to employ necessary staff personnel for such facilities and to adopt such rules and regulations for the operation of such facilities, not inconsistent with the general laws of this State, as it may deem appropriate.

Source: § 63-291.1.

Note: The words "of Welfare and Institutions" deleted.

§ 63.1-247. Superintendents and agents of schools to have powers of sheriff.—The Superintendents of the schools mentioned in § 63.1-245 and any other institutions established by the State Board to receive chil-

dren committed to the State Board pursuant to § 16.1-178 and their authorized agents shall have the powers of a sheriff for the purpose of preserving order at their institutions and for the conveyance of inmates to and from such institutions.

Source: § 63-371.

Note: This section has been rewritten without change of substance.

§ 63.1-248. Allowance for work done by wards of State training schools and wards of State in foster homes.—The Director may allow every ward of the Bon Air School for Girls, the Janie Porter Barrett School for Girls, the Beaumont School for Boys and the Hanover School for Boys and any other institution established by the State Board to receive children committed to the State Board pursuant to § 16.1-278 five cents a day for each day of work satisfactory to the superintendent of the institution in which such ward is placed. A similar allowance may be made by the Director to other wards of the State who are placed in foster homes by the Department in lieu of their being assigned to State training schools. The allowance so made may be drawn upon by the ward for such purposes as may be authorized by the regulations of the Board.

Source: § 63-369.1.

Note: The words "and any other institution established by the State Board to receive children committed to the State Board pursuant to § 16.1-178" added and the word "institution" substituted for the word "school."

3. That Chapter 15 of Title 32 and §§ 32-291 to 32-296, inclusive, of the Code of Virginia are repealed.

4. That the Code of Virginia be amended further by adding in Chapter 8 of Title 16.1 thereof a new article numbered 7 and new sections numbered 16.1-217.1 to 16.1-217.4, inclusive, which new article and sections are as follows:

ARTICLE 7.

Abuse or Neglect of Children

§ 16.1-217.1. Any person licensed to practice medicine or any of the healing arts, any hospital resident or intern, any registered nurse, visiting nurse, public school nurse, receiving in his or her professional or official capacity, information that a child under the age of sixteen years has suffered serious bodily injury or injuries inflicted upon him or her, or who has suffered harm by reason of neglect or sexual abuse, and having reason to believe that such are, or may be, the result of abuse or neglect, shall report the matter immediately to the juvenile and domestic relations court of the county or city in which the child resides, or in which the injury is believed to have occurred or to the sheriff or chief of police of such county or city, provided that if the information is received by a staff member, resident, intern, or nurse in the course of professional services in a hospital or similar institution, such person shall immediately notify the manager, director, or other person in charge of the institution or department, who shall make such report forthwith; provided, however, that a child who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a physically neglected child for the purposes of this section. If the report is not made in writing in the first instance, it shall be reduced to writing by the maker thereof as soon as possible after it is initially made and shall contain the names and addresses of the child, his or her parents or other persons responsible for his or her care, if known, the child's age, the

nature and extent of the child's injuries or condition (including any evidence of previous injuries), and any other information the maker of the report believes to be helpful in establishing the cause of the injuries, abuse or neglect and the identity of the person or persons responsible therefor. Such report or a duplicate thereof shall be mailed to the Bureau of Vital Statistics by the juvenile and domestic relations court, which Bureau shall keep a record of each such child until he or she has attained the age of sixteen years. Such records of the Bureau shall be made available for inspection by any State or local governmental agency upon request therefor.

§ 16.1-217.2. After the report is received by the sheriff or chief of police, he shall cause an investigation to be made to determine the nature and extent of such injuries or abuse, and the person or persons responsible therefor, and shall take such action as he determines necessary for the immediate care and protection of the child. In addition, he shall file a report of his findings and action to the appropriate juvenile and domestic relations court.

§ 16.1-217.3. Any person participating in the making of a report pursuant to this chapter or participating in a judicial proceeding resulting therefrom shall be immune from any civil liability in connection therewith, unless it is proved that such person acted in bad faith or with malicious intent.

§ 16.1-217.4. In any legal proceeding resulting from the filing of any report filed pursuant to this chapter, the physician-patient and husband-wife privilege shall not apply to exclude the admission of such report into evidence.

5. All acts and parts of acts inconsistent with the provisions of this act are repealed to the extent of such inconsistency.

6. The repeal of Title 63 effective as of October one, nineteen hundred sixty-eight, shall not affect any act or offense done or committed, or any penalty or forfeiture incurred, or any right established, accrued or accruing on or before such date, or any prosecution, suit or action pending on that date. Except as in this act otherwise provided, neither the repeal of Title 63 of the Code of Virginia nor the enactment of Title 63.1 shall apply to offenses committed prior to October one, nineteen hundred sixty-eight, and prosecutions for such offenses shall be governed by the prior law, which is continued in effect for that purpose. For the purposes of this act, an offense was committed prior to October one, nineteen hundred sixty-eight, if any of the essential elements of the offense occurred prior thereto.

7. Whenever in Title 63.1 any of the conditions, requirements, provisions or contents of any section, article or chapter of Title 63, as such title existed prior to October one, nineteen hundred sixty-eight, are transferred in the same or in modified form to a new section, article or chapter of Title 63.1, and whenever any such former section, article or chapter of Title 63 is given a new number in Title 63.1, all references to any such former section, article or chapter of Title 63 appearing elsewhere in the Code of Virginia than in Title 63.1 shall be construed to apply to the new or renumbered section, article or chapter containing such conditions, requirements, provisions or contents or portions thereof.

8. It is the intention of the General Assembly that this act shall be liberally construed to effect the purposes set out herein, and if any clause, sentence, paragraph or section of this act shall ever be declared unconstitutional, it shall be deemed severable, and the remainder of this act shall continue in full force and effect.

9. This act shall become effective on October one, nineteen hundred sixty-eight.

