



Human Trafficking in Virginia Beach

Busting the Myths – What Human Trafficking is NOT

- Sex with a minor – standing alone
- Crossing state lines to have consensual sex
- Being followed around a department store by a creepy person
- Always forced and against the will of all parties involved
- Always holding someone hostage against their will, trapped in a room, sending men in one after another
- Required Movement
- Victims know they are being trafficked
- Victims always hate their traffickers – There are strong trauma bonds
- Smuggling people from one place to another – Smuggling is a crime against the state, Trafficking is a crime against a person
- Women and Children only – ANYONE can be a victim
- Every Prostitution case – NOT every prostitute is being trafficked
- Victims are always kidnapped - most are recruited or groomed into the lifestyle

What IS Human Trafficking???

➡ Sex Trafficking – Commercial Sex

➡ Without Force

➡ Any person who, with the **intent to receive money or other valuable thing** or to assist another in receiving money or other valuable thing **from the earnings of a person from prostitution** or unlawful sexual intercourse in violation of § 18.2-346 BY: **Solicit, Invite, Recruit, Encourage, or otherwise causes** or attempts to cause a person to violate § 18.2-346

➡ With Force

➡ Any person who violates subsection (A) through the use of Force, Intimidation or Deception

➡ Labor Trafficking

➡ Any person who, by Force, Intimidation, Deception and without legal justification or excuse, Obtains the Labor or Services of Another Person, OR Seizes, Takes, Transports, Detains, or Secretes another person or Threatens to Do So, with the intent to subject him to forced labor or services shall be deemed guilty of "abduction." For purposes of this subsection, the term "intimidation" shall include destroying, concealing, confiscating, withholding, or threatening to withhold a passport, immigration document, or other governmental identification, threatening to report another as being illegally present in the United States, or Threatening to Separate from or Harm a Family Member.

➡ Illicit Massage Parlors (can be both)

Human Trafficking is the SELLING of another human being!!!

Relevant Statutes

► §18.2-357 Receiving Money from Earnings of Prostitution – Pandering

1. Receiving money/valuable thing; and
2. From someone engaged in prostitution; and
3. Knowing those earnings came from the act of prostitution.

► Punished as class 4 felony. This is a guidelines offense. (class 3 if prostitute is under 18)

► §18.2-357.1 Commercial Sex Trafficking

1. Pandering AND;
2. (A) By soliciting, inviting, recruiting, encouraging, or causes/attempts to cause person to engage in prostitution – Class 5
3. (B) Through the use of force, intimidation, or deception – class 4
4. (C) Prostitute is under 18 years old – class 3

Relevant Statutes

► §18.2-355: Taking, detaining person for prostitution: Human Trafficking

1. Taking against will to bawdy place for the purpose of engaging in prostitution;
2. Taking against will to detain for marriage or to be defiled (raped)
3. Parent allows child to be taken for prostitution or illegal intercourse
4. Minor taken to bawdy place and forced to prostitute

► Punishment for 1-3 is treated as Pandering Class 4. 4 is treated as pandering class 3.

► §18.2-356 Receiving Money for procuring persons

1. Procuring or placing in a house of prostitution for the purpose of causing such to engage in unlawful sexual acts
 2. Causing person to engaged in forced labor/services/prostitution/ or manufacture obscene material or child pornography
- Punished as a class 4 felony for an adult. Class 3 if a minor

Relevant Statutes

► §18.2-346.01 Prostitution; solicitation; commercial exploitation of a minor

1. Solicitation of an adult is class 1 misdemeanor
2. Solicitation of a minor 16-17 years old is a class 6 felony
3. Solicitation of minor under 16 is a class 5 felony

► §18.2-361.1 Victims of Sex Trafficking; Affirmative Defense

1. “Victim of sex trafficking” - Any person charged with a qualifying offense (18.2-346 or 18.2-347) who committed act at as a result of being solicited, invited, recruited, encouraged, forced, intimidated, or deceived to do acts of prostitution or unlawful sex acts for money
2. Affirmative defense to prosecution for qualifying offense (18.2-346 or 18.2-347) if victim of sex trafficking

Related Statutes

§18.2-347 Keeping, residing in, or frequenting a bawdy place

§18.2-346 Prostitution

§18.2-349 Using Vehicles to promote prostitution or unlawful sexual intercourse

§18.2-348 Aiding prostitution or illicit sexual intercourse, etc.

§18.2-361 Crimes against Nature

§18.2-248 Possession with the intent to sell schedule I/II drugs

§18.2-250 Possession schedule I/II drugs

§18.2-374.1/§18.2-374.1:1 Production of Child Pornography

§18.2-61 Rape (and other sex based offenses)

§18.2-47 Abduction

§18.2-188 Defrauding an Inn keeper

§18.2-195 Credit card Fraud/theft

§18.2-186.3 Identity Fraud/Theft



Labor Trafficking

Common places to find labor trafficking include:

- Domestic Work
- Agriculture
- Restaurant/Food Service
- Construction
- Hospitality

Common pre-existing vulnerabilities

- No Legal Status
- Limited English
- Poverty or Financial Insecurity
- LGBTQ

Labor Trafficking

Common Physical Indicators

- Agricultural Injuries
- Injuries from Smuggling
- Failure to Seek Medical Attention
- Lack of Sleep/Exhaustion

Common Behavioral Indicators

- Fear of or Controlled by Someone Else
- Lack of Friends Outside Employment
- Inability to Freely Contact Family or Friends
- Inability to Speak for Themselves or Move Freely

Sex Trafficking

- Common places to find Victims of Sex Trafficking
 - Schools
 - MegaPersonals
 - SkiptheGames
 - Instagram
 - Facebook
 - Gaming Systems (Fortnight, Roblox, PubG)
- Next Door

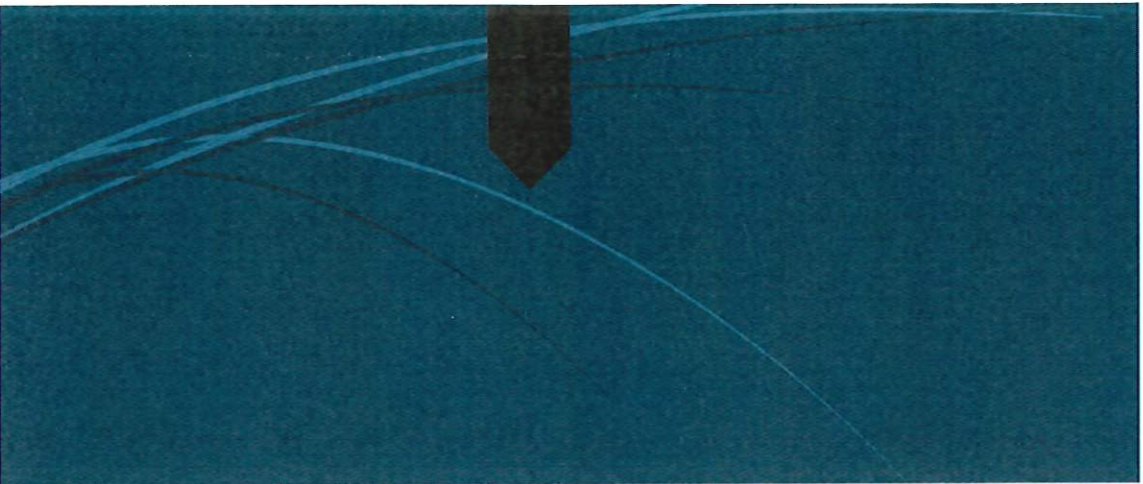
What to look for...

From the TRAFFICKER

- "Security"/brother/friend/boyfriend
 - They typically admit to knowing the victim but not what she does
 - Or if they know what she does they are there to protect her
- They are present directly before and immediately after appointment
- They have the phones, messages to set up appointments, photos for ads, etc...
- Provide the food, hotel, car, clothes
- Multiple phones for different sides
 - 1. Personal between them and victim
 - 2. Business acting as victim to set up

From the Victim

- Insecure, vulnerable, quiet
- Only one phone, no money, no transportation, no identifying documents
- In love and will give him money to help him out.
- Branding – symbols/tattoos/specific hair cut/clothing
- Drug use
- No family
- Not local/run away
- Odd bruising
- Know very little about advertisements
- Doesn't know her passwords



Victim Mindset – TRAUMA BONDS

- Victims are typically groomed. Some for a long period of time. They don't know how far they are in until they are in too deep.
 - Start as girlfriend. Lavished with gifts, trips, clothes, new phones, etc... Pulled away from family. Over time isolated from friends, school, family. Only one that truly loves them.
 - Then one day they need a favor – "sleep with this guy. He'll pay us \$500. That's enough to get us through. Didn't I tell you you are too pretty for just me." Drugs are introduced along the way. Other girls are now in the picture. "We're all in this together." "If you really loved me you would...". "You can't go back to your parents. Look at what you've done/become. Only I will love you now. You can't leave me"
- They become almost brain washed. They feel hopeless and unloved or unworthy. Easier to take the punishment for the offender because it will build trust and they will be promoted.
- The offender has complete Mind Control. Offender has information control, thought control, emotional control, and resource control.
- Victims often suffer physical and psychological problems (depression, PTSD, anxiety, fall victim to domestically abusive relationships)
- Victims can feel empowered. At home/with foster family, they have rules. With the Offender, they feel they have more freedom. They get to drink/do drugs/party.



Common barriers:

- No family support or backing for victims. Putting them back on streets, foster care, hostile environments they ran from to begin with
- Walking a victim through a case/prosecution preparation can trigger reactions that send the victim running back.
- Doctors get involved and we are limited on what we can know if they don't sign releases.
- Victims don't see themselves as victims. They will say they choose this. It was their decision, etc... Many examples in cases where victims lied at bond hearing, or interviews but then break down and tell all.
- Stockholm Syndrome is real.
- Victims are too high to remember details. Victims are too young to know where they are/were/going.

Common barriers:

- Lack of trust for Law Enforcement and the Judicial System.
- The Victim may agree to testify and then change their mind. This can happen several times for one case.
- Lack of options to place the victim. Often a detention facility is the only option to place the victim for their own safety. Or they run when placed in a home like Samaritan House or Transitions
- Language barrier and/or in the country illegally. Does not trust Government Authorities.
- Offender may have a friend/child they keep separate from Victim to help in controlling them.
- The Victim can have STD's or other health related issues derived from their way of life. They are embarrassed to discuss.
- Often there is not just one barrier to overcome. All of the above can manifest themselves in one Victim/case.

Court Options for Victims

Advocate/GAL/caseworker

2 way Closed Circuit Television testimony

- § 18.2-67.9. Testimony by child victims and witnesses using two-way closed-circuit television or other securely encrypted two-way audio and video technology
- "alleged victim who was **14 years of age or younger** at the time of the alleged offense and is 16 years of age or younger at the time of the trial and to a **witness who is 14 years of age or younger** at the time of the trial"
- relating to a violation of the laws pertaining to kidnapping, criminal sexual assault, commercial sex trafficking or prostitution offenses

Tender Years statute

- § 19.2-268.3. Admissibility of statements by children in certain cases
- An out-of-court statement made by a child who is under 13 years of age at the time of trial or hearing who is the alleged victim of an offense against children describing any act directed against the child relating to such alleged offense shall not be excluded as hearsay under Rule 2:802
- WITH Conditions of a two prong test
 - 1. Statement must provide sufficient indicia of reliability AND
 - 2. the child testifies or is declared unavailable

Terms of Art of Commercial Sex Trafficking

- Stable – the group of girls a trafficker controls
- 403 – HOE
- Bottom/ BB– the highest ranking girl that helps to recruit, post, teach, punish the rest of the stable – “2nd in Command”
- DATY – Dinner at the Y (oral sex on a female)
- BBBJ – Bareback Blow job (oral on a male without a condom) v. CBJ – Covered Blow Job
- Russian – Penis between breasts
- P4P – Pay for Play
- QV – quick visit – usually 15 minutes
- Hhr – half an hour
- GFE - Girlfriend experience
- PSE – Porn Star experience
- Party Favors – Drugs
- DDF – Drug and Disease Free
- 16 – Pimp (16th letter is “P”)

Relevant Case Law:

Seat v. Commonwealth
81 Va.App. 752 (2024)

► Facts:

- Undercover detectives pose as a girl looking for a pimp.
- Seat responds to the ad and offers his services and exchanges more than 175 text messages with "girl"
- Seat stated he would "create content and an alter ego for her that would interest those with deep pockets so they could empty the pockets and help her grow a safe and prosperous business." Seat would "get her a room" in a "nice hotel" and "market her on some select sites better than" MegaPersonals.
- Seat outlined that he would be close by to "handle" difficult clients.¹
- Seat described in graphic detail the sex acts he expected the girl to perform for clients, including sexual intercourse and fellatio. He described how the two of them, working together, could charge "premium prices" for sexual acts depending on the degree of intimacy the girl was willing to engage in with clients.
- When asked what he expected from any arrangement, he replied, "money, plain and simple, a percentage of the profit."

► Court's Ruling:

- This was Sex Trafficking (without force)
- Seat clearly expressed his intent to receive money by soliciting, encouraging, or attempting to cause another to engage in a prostitution business. His texts furnished proof that he intended to fund the operation, manage it, and profit from it.

Statutory MDT - §15.2-1627.6

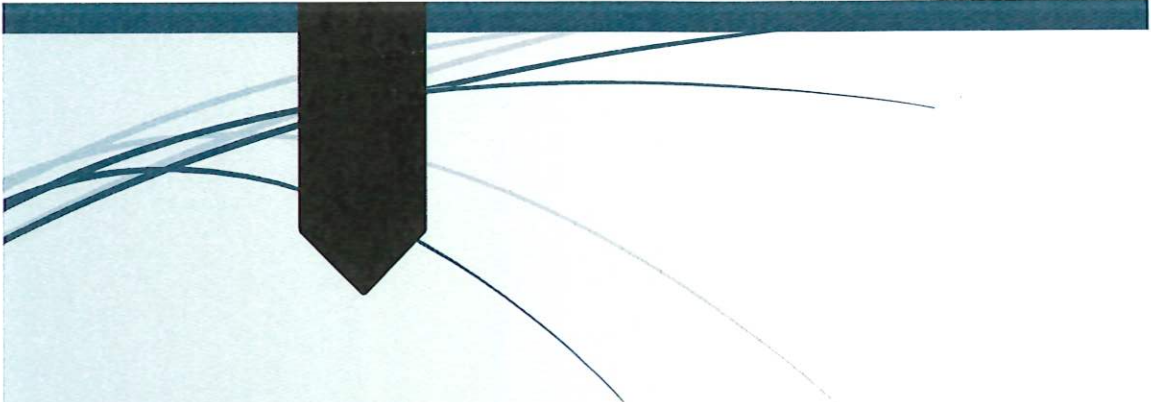
The attorney for the Commonwealth in each political subdivision in the Commonwealth shall coordinate the establishment of a multidisciplinary response to human trafficking as set forth in Article 3 (§ 18.2-346 et seq.) of Chapter 8 of Title 18.2 and hold a meeting, at least annually, to (i) discuss implementation of protocols and policies for human trafficking response teams consistent with those established by the Department of Criminal Justice Services pursuant to subdivision 37 d of § 9.1-102; (ii) establish and review guidelines for the community's response to the various forms of human trafficking, including sex trafficking and labor trafficking; and (iii) review protocols for the trauma-informed, victim-centered collection, preservation, and secure storage of evidence from physical evidence recovery kit examinations consistent with § 19.2-165.1.



Required Invitees: Commonwealth's Attorney, IDC, the sheriff, the director of the local sexual assault crisis center the chief of police, the chief of each campus police department of any institution of higher education, a forensic nurse examiner, a health professional knowledgeable in the treatment of trauma-informed, victim-centered services; a social worker knowledgeable in the needs of immigrant communities; the state Human Trafficking Response Coordinator, a representative from at least one national or local organization that supports victims of human trafficking; at least one survivor of human trafficking; the director of the victim/witness program in the jurisdiction, superintendent of schools; and a labor union representative knowledgeable about labor trafficking.

Other Organizations/ Resources

- ▶ Hampton Roads Human Trafficking Task Force
 - ▶ Includes HSI, VSP, multiple jurisdictions
- ▶ Samaritan House and Transitions
- ▶ Survivor Ventures
- ▶ Her Song



QUESTIONS???

Nickie L Herron

Senior Commonwealth Attorney

City of Virginia Beach

757-385-1284

nherron@vbgov.com

CHILD WELFARE 2026 UPDATES IN LEGISLATION AND POLICY

Christianna Cunningham, Esq.

Associate City Attorney

City Of Virginia Beach



2026 THEMES



1. More oversight by VDSS
2. More accountability on LDSS, Parents, and Mandated Reporters
3. The Age of Delinquency in Virginia
4. Barrier crime waivers for kinship/foster/adoptive placement
5. New ways to establish paternity
6. ICE and LDSS

VDSS TAKE OVER OF INTAKE AND CORRECTIVE OVERSITE OF LDSS

SB 640 / HB 1366/ HB 1490

Establishes a centralized hotline for reports and complaints of child abuse or neglect and grants the Commissioner of Social Services the authority to create and enforce a corrective action plan for any local board of social services or local department of social services that (i) fails to administer public assistance and social services programs in accordance with applicable laws and regulations or (ii) takes any action or fails to act in a manner that poses a substantial risk to the health, safety, or well-being of a child or adult. The bill permits similar authority for any local board of social services that (a) fails to provide child welfare services in accordance with applicable law or regulations or (b) takes any action or fails to act in a manner that poses a substantial risk to the health, safety, or well-being of a child. Under the bill, if a local board or department fails to comply with a corrective action plan, the Commissioner has the authority to temporarily assume control of all or part of the local board's operations. The bill also provides that, when a local board of social services or local department of social services requests assistance, the Commissioner has the authority to utilize staff of the Department of Social Services or contract with private entities to provide public assistance and social services programs in the locality served by the local board or department.

The bill requires the Department of Social Services to establish and maintain a hotline for reports and complaints of child abuse or neglect and specifies that the Department shall determine the validity of such reports and complaints. The bill eliminates the requirement that local departments must be capable of receiving and responding to reports and complaints of abuse or neglect and instead requires that any complaint of child abuse or neglect received by a local department shall be immediately forwarded to the Department's child abuse and neglect hotline. The bill also adds adult services to the definition of "social services" for purposes of Title 63.2 (Welfare (Social Services)).

The bill directs the Department of Social Services to (1) promulgate regulations necessary to implement the provisions of the bill and (2) contract with a third party by August 1, 2026, to conduct a comprehensive study and review of the screening process used for child protective services complaints across Virginia. The bill also directs the Secretary of Health and Human Resources to convene a Social Services Task Force to develop a comprehensive improvement plan to address changes needed within the State Department of Social Services and the local departments of social services.

The provisions of the bill related to centralized intake have a delayed effective date of July 1, 2027. Intake *phase-in* starts 7/1/28 and must be completed by 7/1/2023.

ON-GOING CHANGES TO RELIEF OF CUSTODY STATUTE

SB2006/HB73

Allows ANY custodian of a child to file a petition for relief of the care and custody of such child in a juvenile and domestic relations district court. [Current law only authorized the parent or parents of a child to file such petition for relief of care and custody.]

The bill also requires the petitioning parent or custodian to cooperate with any services provided by a local department of social services during the initial investigation by such local department of social services after such petition for relief of care and custody has been filed.

MANDATORY REPORTERS

HB1414

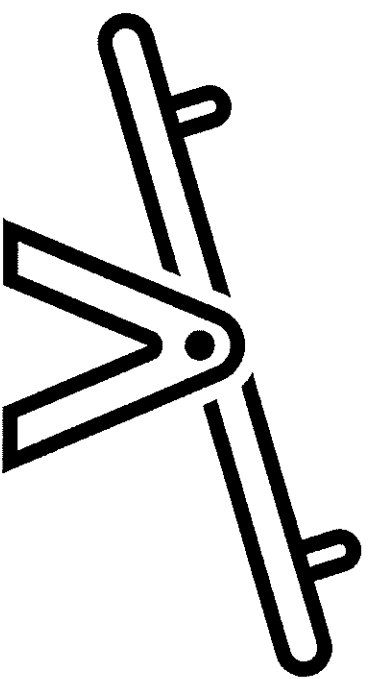
Creates a Class 1 misdemeanor for any person required to file a report pursuant to relevant law, who fails to do so as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect where such reportable offense is alleged to have occurred at a private or state-operated hospital, institution, or facility to which children have been committed or where children have been placed for care and treatment. The bill also provides that a second or subsequent conviction is a Class 6 felony.

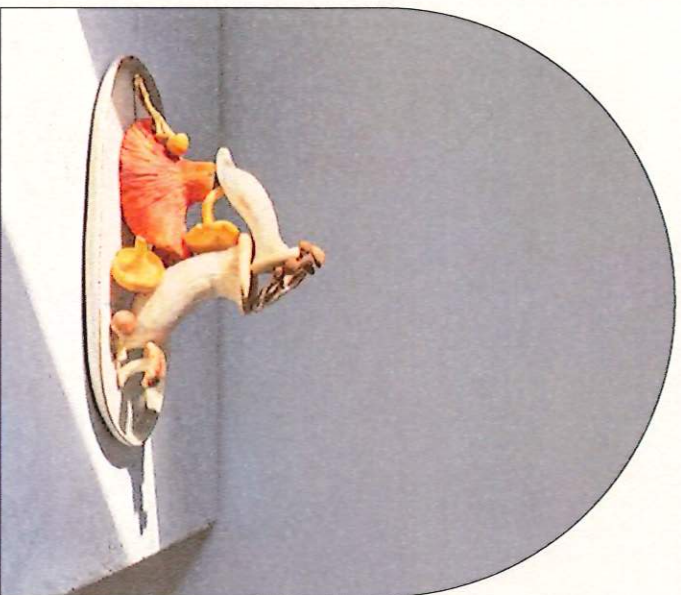
The bill further expands the mandatory reporting requirements for certain enumerated persons in their professional or official capacities to include certain offenses related to children and certain obscenity and related offenses and applies all such mandatory reporting requirements to all public and private school athletics program coaches, directors, and adult volunteers, including those associated with interscholastic teams and clubs. Under current law, the mandatory reporting requirements apply to such enumerated persons who suspect that a child is an abused or neglected child and to public or private sports organization or team athletic coaches, directors, or adult volunteers.

AGE OF DELINQUENCY IN VIRGINIA ?

A "delinquent child" NOW means a child 11 years of age or older who has committed a delinquent act. Prior law did not specify any minimum age for a child to be adjudicated delinquent. Now- if a child younger than 11 years of age is found to have committed an act that would be delinquent if committed by a child 11 years of age or older, the child shall not be proceeded upon as delinquent and the court shall (i) dismiss any petition alleging such child has committed an act that would be delinquent if committed by a child 11 years of age or older and (ii) order that the court records pertaining to such petition be expunged pursuant to relevant law. The bill allows the attorney for the Commonwealth to file a petition alleging that such child is in need of services and if such child is found to be in need of services, the court may make any orders of disposition authorized under relevant law. The bill also provides that any funding that is available to provide services to a child 11 years of age or older who is proceeded upon as delinquent shall also be made available to a child younger than 11 years of age who is found to have committed an act that would be delinquent if committed by a child 11 years of age or older in order to provide such child with the same services. The bill includes in the definition of "child in need of services" a child younger than 11 years of age who has committed an act that would be delinquent if committed by a child 11 years of age or older.

The new law allows for a child may to be taken into immediate custody when such child is alleged to be in need of services or supervision and there is a clear and substantial danger to the safety of the child's family or the safety of the public. Currently, a child may be taken into immediate custody when such child is alleged to be in need of services or supervision and there is a clear and substantial danger to the child's life or health. Finally, the bill includes in the offense of causing or encouraging acts rendering children delinquent, abused, etc., any person 18 years of age or older, including the parent of any child, who willfully contributes to, encourages, or causes any act, omission, or condition that (a) causes a child younger than 11 years of age to commit an act that would be delinquent if committed by a child 11 years of age or older or (b) causes any child to participate in or become a member of a criminal street gang in violation of existing law. Under the bill, any person who commits such offense is guilty of a Class 1 misdemeanor.





FICTIVE KIN AND PLACEMENT PRIORITY

HB 1327 redefined “fictive kin” in 16.1-288 & 63.2-100 as non-related persons with an established relationship with the child prior to the child’s initial entry into foster care

This definition excludes foster parents whose relationship with the child is solely based upon a prior foster placement.

BARRIER CRIME EXCEPTIONS

Numerous bills were put up and together passed – to create consolidated barrier-crime exceptions allowing LDSS to apply for waivers to permit certain possible placements with barrier crimes to be approved as kinship/foster/adoptive home where the placement meets certain criteria and a waiver is granted by VDSS

- * LDSS will do initial assessment of placement and investigation into the placement
- * LDSS will then forward assessment to VDSS for approval of the waiver
- * VDSS will have final say whether the waiver will be granted

This affects: 63.2-901.1, 63.2-1721, and 63.2-1722

NEW WAYS TO ESTABLISH PATERNITY

Adds methods by which a Local Department of Social Services administratively establishes paternity for the purposes of child support enforcement to the lists of ways that a parent and child relationship may be established in domestic relations proceedings under Title 20 and that a parent and child relationship may be established for determining rights related to a deed, will, trust, or other instrument.

****Specifically adds those methods under:**

63.2-1913 (Administrative establishment of paternity)

&

63.2-1914 (Hospital paternity establishment programs).



TWO ADD'L HOT TOPICS IN CHILD WELFARE LAW

2026

**See "Hot Tops" Additional Materials

ALTERATIVE LIVING ARRANGEMENTS & THE “PC-SPA”??

OLD VIRGINIA LDSS PRACTICE:

OLD WAY 1 – make a safety plan and close the case

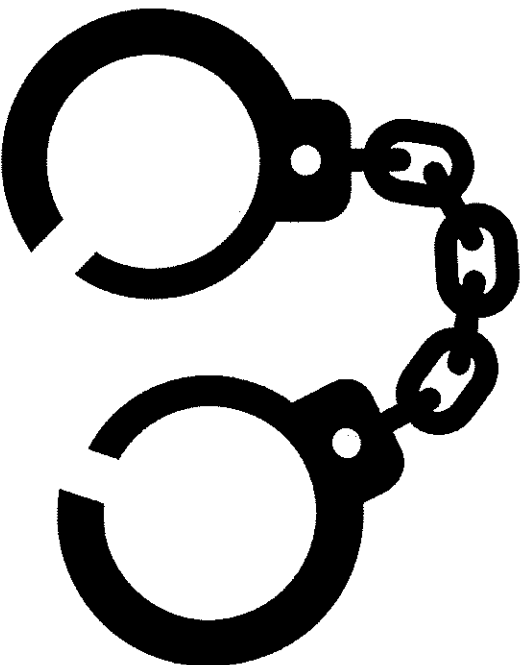
OLD WAY 2 – encourage relative to file for custody and close case

NEITHER IS FAVORED; When no one is looking the status quo returns and/or the safety plan/relative is left without supports and gives up and thus the status quo returns/ no services or support to ensure no further referrals

BEST PRACTICE: LDSS take ownership of the decision that a safety plan needs to be implemented

- If a safety plan needs to exceed 10 days- file something or take other action that recognizes due process rights of parents
 - ERO to relative/fictive kin placement w/ PPO on parents
 - ERO to Agency but place with KINSHIP placement
- Use of 63.2-1532/63.2-1533- “Parent-Child Safety Placement Program” [a 90-day band aid?] ** Lots of controversy over PCSPA use

ICE & LDSS IN VIRGINIA



Virginia's child welfare apply to ALL children located within the Commonwealth regardless of citizenship.

LDSS serve all children that meet criteria for services.

The rules for family engagement apply to LDSS even where the parents are undocumented.

However- many benefits may be unavailable to the family due to undocumented status.

LDSS often must work within tight bounds to serve these families.

LDSS should utilize ICE locator systems to track adults who may be detained.

LDSS should work with law enforcement where applicable to establish "SIJ" or lawful "continued presence" for minor victims who find themselves here and undocumented due to trafficking and other crimes

QUESTIONS?

1. Alternative Living Arrangements-

Prior to 2024- the method and means for implementing "safety plans" across the Commonwealth was all over the map so to speak in terms of respective LDSS' practices. In fact, in its inaugural year, complaints regarding safety plans were at the forefront of those investigations by the Office of the Children's Ombudsman ("OCO"). Many jurisdictions were relying on the old and outdated practice of making safety plans and either merely walking away with no formal action, caretaker support (financial or otherwise) – or "coaxing" the safety plan to file for custody" and then walking away. Some jurisdictions did file formal proceedings but did not file in a manner which reflected the true nature of the proceedings, namely filing a protective order and again- inappropriately "coaxing" the safety plan to file for custody. The elephant in the room was and is OBVIOUS- safety plans are not truly voluntary. They are not voluntary because if the parents do not agree, the child likely will be removed – or as we say now- "separated."

Once the OCO started issuing opinions on safety plan practice, most of jurisdictions were able to quickly fall in line with the guidance that any "safety plan," that was going exceed 10 days – needed to be a petition for an ERO to relative placement filed in court with a request in the prayer for relief that upon entry of the ERO granting the safety plan custody, a protective order was entered mimicking the terms of the safety plan. This ensured that a parent's constitutional right to due process was protected as any restriction of their parental rights by the executive was then subject to review by the judiciary.

In the meantime- OCO and VDSS recognized that most "change" is going to take many weeks – if not months- to occur before a LDSS would feel safe removing restrictions. Hence, in 2024, the "PC-SPA" was enacted:

§ 63.2-1532. Parental Child Safety Placement Program; established. The Parental Child Safety Placement Program is established to prevent unnecessary entry into foster care by promoting and supporting placements with relatives and fictive kin and requiring accountability for pre-court placements of children. A local department may facilitate a parental child safety placement arrangement in accordance with the provisions of this article if (i) a family assessment or investigation has been initiated in response to a valid complaint alleging that the child has been abused or neglected; (ii) the safety assessment conducted by the local department indicates that a child cannot remain safely in the home; and (iii) the child's parent, guardian, or legal custodian is in agreement with the parental child safety placement arrangement. 2024, c. 629, § 662.

§63.2-1533 ~ Provisions of a "PC-SPA"

A. A parental child safety placement agreement shall include provisions describing the following:

1. The facts and circumstances that provide the basis for the safety assessment indicating that the child cannot remain safely in the home;
2. The responsibilities of the child's parent, guardian, or legal custodian and the caregiver, including a plan for how the caregiver will access necessary medical treatment, mental health services, and appropriate educational services for the child;
3. Visitation arrangements for the child's parent, guardian, or legal custodian, including supervised visitation as necessary, and other methods by which the child's parent, guardian, or legal custodian may contact the child;
4. The responsibilities of the local department, including (i) any services to be provided to the child, the child's parent, guardian, or legal custodian, and the caregiver and (ii) a requirement that the local department visits the caregiver's home (a) within two weeks of the placement and (b) thereafter in accordance with Board regulations;
5. The date on which the agreement will terminate unless terminated sooner or extended to a subsequent date as provided in this article; and
6. Any other terms the local department determines necessary for the safety and welfare of the child.

B. A parental child safety placement agreement shall contain the following:

1. A statement that the child's parent, guardian, or legal custodian voluntarily consents to the parental child safety placement arrangement and that such consent is not an admission of child abuse or neglect on such person's part;
2. A statement that the agreement may be terminated by any party, at any time, and for any reason and a statement that, upon such termination, the local department may take actions to protect the child, including the removal of the child pursuant to the provisions of this title;
3. A statement that the child's parent, guardian, or legal custodian and the caregiver may seek legal counsel prior to entering into the agreement;
4. A statement that the child's parent, guardian, or legal custodian and the caregiver have the right to refuse to enter into the agreement; and

5. A statement that the local department has notified the child's parent, guardian, or legal custodian and the caregiver of the alternative option for the child to enter foster care and the potential for the caregiver to become an approved kinship foster parent.
- C. Prior to signing the parental child safety placement agreement, the local department shall notify the caregiver of any financial assistance available to the caregiver through the Program for the period of time that the agreement is in place.

D. A parental child safety placement agreement shall be in writing and signed by the child's parent, guardian, or legal custodian, the caregiver, and the local department.

E. The local department shall provide a written copy of the parental child safety placement agreement to the child's parent, guardian, or legal custodian and the caregiver.

F. The local department shall include a scanned copy of the parental child safety placement agreement in the case record.

G. The term of the parental child safety placement agreement shall be no more than 90 days from the date the agreement is signed, which shall, as applicable, run concurrently with the time necessary to complete the child protective services investigation or family assessment. A parental child safety placement agreement may be extended, but such extension shall not exceed one additional 90-day period and the reason for such extension shall be documented in the case record. Prior to any extension, the local department shall conduct a facilitated meeting and perform a safety assessment to determine whether (i) the child should be returned home, (ii) the agreement should be extended, or (iii) the local department should seek a child protective order or other court action.

H. The In-Home Services case shall remain open for the duration of the parental child safety placement agreement.2024, cc. [629](#), [662](#).

The use of PC-SPAs across the Commonwealth varies and has not been without its critics. In fact, a survey has recently gone out asking LDSS to give their view on the barriers to their use. The biggest issue remains that elephant standing in the corner- is it really voluntary? And of course- it is rare that any parent would agree to a 90+ day term and actually adhere to it with no bumps along the road. Moreover, with the availability of IV-E funds for foster care prevention, many LDSS like the use of the safety plan as a kinship or fictive kinship foster care placement as it provides a little more perceived "control" with the child actually in care.

**** See attached resources in appendix**

2. ICE and Child Welfare in Virginia

All politics aside- many LDSS across the Commonwealth are facing real challenges when it comes to undocumented families in their jurisdictions. From children arriving at school and disclosing that mom and dad never came home last night to children being exposed to raids to children trafficked across the border and ending up in Virginia – the issues are real and complex.

Virginia's child welfare statutes apply to all children located within the Commonwealth regardless of citizenship status. Thus, all LDSS have an

obligation to serve an undocumented child and their family who meets criteria for child welfare service provision. Of course, many benefits (i.e. Medicaid and TANF/SNAP) for such children and their families will NOT be available to those that are in fact undocumented and have no other special authorization or "presence" within the United States.

LDSS should:

- Know and keep in contact with Regional ICE Liaisons/ Field Offices
- Make every effort to locate family/parents who may be detained, deported, or in process of deportation- they can be allowed to attend hearings and visitation via remote means
- Utilize ICE's Online Detainee Locator System (ODLS) to find missing caretakers/parents
- Ensure access to translation services- be sure you have access to even more remote dialects and languages- i.e.) Mayan languages or Q'uechya
- Work closely with state, local, and federal law enforcement to identify victims of sex and labor trafficking and procure SIJ and/or "continued presence" status for all minors who qualify
- Have access to immigration counsel if needed

See attachments in appendix

HOT TOPICS APPENDIX

VOLUNTARY PARENTAL CHILD SAFETY AGREEMENT

The Voluntary Parental Child Safety Placement Agreement is a temporary placement of a child with a caregiver that is selected by the child's parent, guardian, or legal custodian and approved by the local department to ensure the safety of the child. It outlines the expectations of the parent, guardian, legal custodian, caregiver, and the local department of social services. Additional expectations for the care of the child may be included in court orders, the In-Home Services Plan, Family Partnership Meeting (FPM) and Child and Family Team Meeting (CFTM) action plans, financial agreements, and/or other consent documents.

This voluntary agreement is entered into on behalf:

Child's Name: _____

And is an agreement between:

Parent/Guardian/Legal Custodian's Name: _____

Parent/Guardian/Legal Custodian's Name: _____

Temporary Caregiver's Name: _____

Local Department of Social Services (LDSS): _____

Parent/Guardian/Legal Custodian

Initials	1. I (the Parent/Guardian/Legal Custodian) have met with my LDSS worker and discussed the safety concerns identified on the safety assessment. I understand the concerns indicate my child cannot safely remain in my care.
	2. I (the Parent/Guardian/Legal Custodian) voluntarily consent to the Voluntary Parental Child Safety Placement Agreement and understand that this consent is not an admission of child abuse or neglect.
	3. I (the Parent/Guardian/Legal Custodian) have the right to refuse to enter into the agreement.
	4. I (the Parent/Guardian/Legal Custodian) understand that the Voluntary Parental Child Safety Placement Agreement is not a legal document and may be terminated at any time, by any party, for any reason.
	5. I (the Parent/Guardian/Legal Custodian) understand that if the Voluntary Parental Child Safety Placement Agreement is terminated before the identified safety concerns have been resolved, the LDSS may take court action to protect the child, including the removal of the child.
	6. I (the Parent/Guardian/Legal Custodian) understand that I may seek legal counsel before entering into the agreement.
	7. I (the Parent/Guardian/Legal Custodian) agree to actively participate in an In-Home Services case during the time the Voluntary Parental Child Safety Placement Agreement is in place. I will work on goals and complete services that reduce risk of child maltreatment, build on family strengths, and promote stability.

8. I (the Parent/Guardian/Legal Custodian) agree to provide the temporary caregiver with information about the child's health insurance, physical and dental health, mental health, medications, and education. I agree to cooperate with the temporary caregiver in accessing health services and completing educational processes as necessary.

Health Insurance Plan Type:		Member ID:
Primary Doctor/Pediatrician:		
Important Physical Health Information:		
Dentist:		
Important Dental Health Information:		
Mental Health Provider (Counselor/Therapist or Psychiatrist):		
Important Mental Health Information:		
Medications:		
Name of School:		
Telephone:		
Name of Homeroom Teacher:		
Grade:		

1.	The LDSS has informed the child's parent, guardian, or legal custodian and the caregiver of the alternative option for the child to enter foster care and the potential for the caregiver to become an approved kinship foster parent.	
2.	The LDSS has notified the caregiver of any financial assistance available to the caregiver for the period that the agreement is in place, prior to the signing of the Voluntary Parental Child Safety Placement Agreement.	
3.	The LDSS has explained that the term of the Voluntary Parental Child Safety Placement Agreement must be no more than 90 days from the date the agreement is signed.	
4.	The LDSS must visit the caregiver's home within two weeks of the placement, as well as any time thereafter in accordance with program guidance. The LDSS has explained this requirement to all parties.	
5.	The LDSS must outline the visitation agreement and provide it to all parties.	
6.	If an extension to the agreement is needed, the LDSS must hold a FPM and assess safety to determine whether the child should be reunified, the agreement should be extended,	

The Local Department of Social Services (LDSS)

1.	I (proposed caregiver) am willing to provide care and supervision for the child.	
2.	I (proposed caregiver) agree to the visitation arrangements that I discussed with the child's parent, guardian, or legal custodian and the LDSS, to promote strong family relationships, ensure child safety, and follow standing visitation orders.	
3.	I (proposed caregiver) will complete a caregiver assessment with the LDSS which includes a background check of all adults in the household and an observation of my home environment.	
4.	I (proposed caregiver) or other persons with legitimate interest can petition the court for custody of the child. If I receive custody, the LDSS shall make reasonable efforts to conduct a FPM to discuss ongoing services for the child and family.	
5.	I (proposed caregiver) understand that if the LDSS determines that it is not in the child's best interests to be placed with me, the LDSS shall notify all parties of the reasons for the decision. The results of any criminal or child protective services history will not be shared unless I give consent.	
6.	I (proposed caregiver) agree to use age appropriate behavior management techniques and to never use corporal punishment.	

Temporary Caregiver

9.	I (the Parent/Guardian/Legal Custodian) agree to the visitation arrangements below that I discussed with the Local Department of Social Services and the temporary caregiver, to promote strong family relationships, ensure child safety, and follow standing visitation orders.	

	or the local department should seek a child protective order or other court action, if the agreement is extended, LDSS shall make all parties aware that the extension must not exceed one additional 90-day period. The reason for the extension will be documented in the case record.
	7. The LDSS has explained an In-Home Services case will remain open during the duration of the Voluntary Parental Child Safety Placement Agreement. The LDSS will partner with the parent, guardian, legal custodian, caregiver, and child to develop goals and access services to reduce risk, eliminate safety concerns, and strengthen the family.
	8. The LDSS will reassess safety and risk throughout the duration of the In-Home case.
	9. The LDSS will seek appropriate action at any time to protect the health and welfare of the child.

Signatures

Child's Parent/Guardian/Legal Custodian Signature:	Date:
Child's Parent/Guardian/Legal Custodian Signature:	Date:
Temporary Caregiver Signature:	Date:
Temporary Caregiver Signature:	Date:
Other Signature:	Date:
Child Protective Services Family Services Specialist Signature:	Date:
In-Home Services Family Services Specialist Signature:	Date:
LDSS Supervisor Signature:	Date:

End Date of Parental Child Safety Placement (90 days): _____

REFUSAL: I refuse to consent to a Parental Child Safety Placement Agreement

Signature: _____
Date: _____

REVOCATION: I revoke my consent to a Parental Child Safety Placement Agreement

Signature: _____
Date: _____

Facilitating Visitation:

Parents in ICE Custody & Minor Children

You can locate a parent in ICE custody by looking up their information in ICE's [Online Detainee Locator System \(ODLS\)](#). You can either do a search with the A# and Country of Birth OR the name and country of birth. The results will let you know if a parent is in CBP custody or in ICE custody, along with the location. If you do not find a positive result, then the parent may be in the custody of another federal or local/state agency.

Once you locate the parent, you can reach out directly to the ICE facility or ICE Field Office to arrange visitation whether in person or remotely. The following options are available:

- 1) Contact visits may be facilitated at all ICE detention facilities. You can reach out directly to the facility or the ERO Field Office to learn more. *If you plan on bringing toys, books, or other items for the visit, please obtain approval first.*



- 2) Video-communication can be arranged via the [GettingOut.com](#) application at facilities that have the ICE contracted Talton tablet program. View a list of facilities [here](#). There is a fee associated with the video-visits, which can be paid for by the program or agency arranging the visit or the parent(s) in custody.



- 3) Video-communication can also be arranged for *special* visitation between children and parents (border family separation cases or child welfare cases) via the ICE-funded Virtual Attorney Visitation (VAV) program. Visitation is subject to availability and priority is given to legal representatives. View a list of VAV program locations [here](#).



- 4) Video-communication may also be available at facilities who have their own tablet or kiosk program that facilitates virtual visits. There may be a fee associated with facilitating the visit. Learn more about the facilities and their specific video-visitation programs on each facility's page on [ICE.gov here](#).



- 5) Phone calls may be facilitated also by contacting the ICE Enforcement and Removal Office (ERO) Field Office directly.



Contacting ICE Enforcement & Removal Operations (ERO)

You can reach out directly to the ERO Field Office to set up communication, by emailing the [Field Office Outreach mailbox](#).

If you need to elevate an inquiry to ICE HQ or direct an inquiry to the ICE Field Office Parental Interests POC, use the confidential form on [ICE.gov: ERO Contact Form](#) and select "Parental Interests" as your inquiry type.

Fact Sheet for Child Welfare & Guardianship Stakeholders: ICE Policies and Standards Related to Detained Parents & Legal Guardians

Parental Interests Directive

The ICE Directive entitled *The Interests of Noncitizens Parents and Legal Guardians of Minor Children or -*

Incapacitated Adults: This Directive (hereinafter "Parental Interests Directive" or "PID") ensures that when a parent or legal guardian is arrested or detained for a civil immigration proceeding that the alien can maintain visitation with their child or incapacitated adult for whom they serve as guardian, coordinate their care, and participate in any related court or child welfare proceedings, without regard to the dependent's citizenship or immigration status. The PID and this flyer may be found here: <https://www.ice.gov/parental-interest>

Covered Individuals: The specific individuals to whom the policies and procedures contained in this Directive apply are alien parents or legal guardians who are: 1) primary caretakers or have custody of minor child(ren) or incapacitated adults in the United States; and/or 2) those who have a direct interest in family or probate court, guardianship, or child welfare proceedings involving a minor or incapacitated adult (herein, referred to as "Covered Individuals").

Child Welfare, Family, or Guardianship Court Proceedings & Services

Participation: The Parental Interests Directive (PID) allows Covered Individuals to make in-person appearances in family court or child welfare proceedings when required to maintain or regain custody of minor child(ren) or incapacitated adult(s) (dependents). If transport presents security and/or public safety concerns, or negatively impacts mission needs, facility staff will identify alternative means of participation, such as telephonic or video or standard teleconferencing, when technologically feasible. In addition to court participation, ICE will facilitate remote participation in court or child welfare mandated services, programs, or trainings.

Documentation: Child welfare and guardianship stakeholders should provide documentation for court proceedings or mandated services (to the extent feasible and legally permissible) to ERO Field Offices, such as:

- Evidence of the proceeding, including a notice of hearing, scheduling letter, or court order;
- Evidence of legal representation, such as a court-order of appointment, etc.
- Any documentation recommending that the custody and care of the minor child(ren) be returned to or maintained by the detained parent/legal guardian, or, in the case of an incapacitated adult, any documentation from a relevant court or stakeholder (e.g., a guardian ad litem) recommending that guardianship of the incapacitated adult be returned to or maintained by the detained legal guardian;
- Any court orders to produce a Covered Individual for in-person court participation;
- Orders or written requests for special visitation, including contact visits;
- Mandated services, programs, or trainings (for remote participation);
- Notice of proceedings and/or orders of a Termination of parental or guardianship rights);
- Court-ordered paternity or other DNA testing (in cases where stakeholders are requesting detention facility access for testing technicians).

Custodial Placement of Detained Covered Individuals

If a Covered Individual is involved in family court or child welfare proceedings or has dependents located in a specific ERO Field Office, it is recommended that you notify the ICE detention facility or ERO Field Office as soon as possible to ensure they are aware of the situation. This informs ICE so they can take appropriate steps.

Phone/Video-Conference Access

Calls with Legal Representatives: Each facility permits legal calls with legal representatives and ensures privacy by providing a reasonable number of telephones in a setting where such calls cannot be overheard by staff or other detainees. Staff permit Covered Individuals to make such phone calls as soon as possible after the request but no longer than 24 hours after the request has been made (this includes calls to family or child welfare legal representatives upon proof of representation.) At facilities where Talton is the phone provider, legal representatives can register their phone numbers for unmonitored calls. Instructions are available under "Legal Calls" at: <https://www.ice.gov/detain/attorney-information-resources#communicating-with-your-client-or-prospective-client>.

Calls with Child Welfare Stakeholders: Additional phone calls are permitted to allow a detained parent or legal guardian to make arrangements for their minor child(ren). This may include calls with immediate family members or others necessary to make alternate plans for care of minor children.

Virtual Attorney Visitation (VAV) Program: To facilitate improved detainee access to legal representatives, ICE has implemented VAV in many ICE detention facilities nationwide. Utilizing platforms such as Microsoft Teams and Cisco WebEx, the VAV program allows legal representatives to meet with their clients or prospective clients virtually using video technology in private rooms or booths to ensure confidentiality of communications during remote legal visits. Contingent upon availability, VAV rooms/booths may also be used for special visitation purposes or court hearings, particularly in the event that physical visitation at the detention facility is either impossible or impracticable. Please note that VAV rooms/booths are not in every ICE detention facility. For a list of facilities with the VAV program, go to: <https://www.ice.gov/detain/attorney-information-resources#virtual-attorney-visitation>.

Parent-Minor Child Visitation

The Parental Interests Directive requires facilitation of parent-child visitation when mandated by the family/dependency court or child welfare authority, unless there are safety or security concerns. Child welfare stakeholders should inform ICE if special visitation, such as contact visitation, is required by a court or state child welfare agency. Information for each ICE facility's visitation rules and regulations, including whether contact visitation is permitted, may be found by looking up the specific facility online here: <https://www.ice.gov/detention-facilities>. As an alternative, video visitation may be available at some facilities.

Enforcement Actions Involving Covered Individuals

At the time of arrest by ICE, if a Covered Individual was not able to make alternative care arrangements, or if there was evidence that the minor(s) had been subject to abuse or neglect, ICE personnel may have contacted the local child welfare/social service authority or local law enforcement to take custody of minor child(ren) or incapacitated adult. ICE detention facility personnel may not be aware that the child(ren) are now in CPS custody. It is recommended that if a stakeholder is aware that the parent of a child in CPS custody is being detained by ICE, they notify ICE of the situation as soon as possible. Information about ICE Field Offices can be found at: <https://www.ice.gov/contact/field-offices?office=16>.

Coordinating Care or Travel of Dependent Pending Removal of Covered Individual from U.S.

Travel Arrangements: ICE personnel will facilitate a Covered Individual's efforts to make travel arrangements for their dependents to accompany them upon repatriation to their home country ("removal"). This may include access to counsel, consulates, and family members in the weeks preceding their removal, so that parents and legal guardians can arrange care, sign documents, or make other necessary preparations. Coordination is also permitted with the field office to allow access to detained parents and legal guardians for the purpose of executing signed documents, such as powers of attorney, passport applications, appointments of guardians, and other permissions.

Notice of Repatriation (Removal) Itinerary: Subject to security considerations, the Covered Individual's repatriation/removal itinerary may be shared with stakeholders in order to coordinate travel arrangements for Covered individual's dependents.

Repatriation of a Covered Individual without Their Dependent

Covered Individual's Repatriation without their Dependent: Covered Individuals will be afforded an opportunity prior to their removal to elect (in writing) to have their dependent remain in the U.S. and make alternative caregiving arrangements if necessary. In all law libraries, parents and legal guardians have access to forms from all 50 states that authorize the delegation their parental authority.

Child Welfare & Guardianship Proceedings: In the event a Covered Individual with an on-going child welfare or guardianship proceedings is being repatriated, ICE will consider whether in the totality of the circumstances continuing with the repatriation is appropriate and whether the Covered Individual may need to communicate with a child welfare/guardianship stakeholder in advance of their repatriation.

Facilitation of Return



In the event a lawfully repatriated (removed) Covered Individual provides verifiable evidence indicating a Termination of Parental Rights (TPR) or Guardianship Termination proceeding are pending or on-going in the U.S., ICE may facilitate the reentry of the Covered Individual. ICE will make a decision about the parole based on all relevant factors, including safety, security, and whether the family court or child welfare authority will permit the repatriated Covered Individual to participate through alternative means (video or phone) and if it is feasible from the country where the Covered Individual is living. Parole requests must be submitted through USCIS (see below).

Contact Information and Additional Resources:

The ICE Online Detainee Locator System (ODLS) can be found at <https://locator.ice.dhs.gov/odls>. Please try locating the detainee here first.

Locating a Detainee

ERO Field Office Information: To determine the appropriate ERO Field Office to address your inquiry and to find the contact information for that office, please visit: <https://www.ice.gov/contact/field-offices?office=16>

ICE Contact Information

Community Relations Officer in the ICE Field Office: If you have inquiries relating to this Directive or for stakeholder outreach, you may contact your local Field Office at: <https://www.ice.gov/leadership/ope>. In Type Parental Interests Team at ICE Headquarters: **ERO Contact Form**, select "Parental Interests" in Type of Inquiry. The inquiry will then be routed to HQ Parental Interests Team, who coordinates and provides guidance on the Parental Interests Directive, as needed to all Field Offices. For training or other information, contact Parental.Interests@ice.dhs.gov.

ICE Privacy Forms: If you are requesting ICE to release information about a Covered Individual, it is recommended that you have the Covered Individual fill out the Privacy Waiver ICE Form 60-001. <https://www.ice.gov/forms>

ICE Case Review: After contacting your local ERO field office, individuals may also initiate the ICE Case Review (ICR) process by emailing the ERO Senior Reviewing Official to request a case review. <https://www.ice.gov/ICCaseReview>

ICE VOICE: ICE established the Victims Of Immigration Crime Engagement Office to acknowledge and serve the needs of crime victims and their families who have been impacted by crimes committed by individuals with a nexus to immigration. <https://www.ice.gov/doclib/voice/factsheet/VoiceEnglish.pdf>

ICE Information for attorneys: <https://www.ice.gov/detain/attorney-information-resources>

Info for Attorneys

USCIS (SIJS, Asylum Interviews): Contact the local field office first: <http://www.uscis.gov/about-us/find-usc-office/field-offices>

Other Federal Agency Information

- If no response, call the USCIS Customer Service Center 800-375-5283
- If problems continue, contact the Ombudsman <https://www.dhs.gov/case-assistance>

USCIS (Parole): <https://www.uscis.gov/forms/explore-my-options/humanitarian-parole>

EOIR: For case information go to <https://portal.eoir.justice.gov/infoSystem/Form?Language=EN>

- For other issues, contact your local court's Assistant Chief Immigration Judge (ACIJ): <http://www.justice.gov/eoir/acji-assignments>
- EOIR engagement office: EngageWithEOIR@usdoj.gov
- EOIR Hotline: 800-898-7180 or 240-314-1500

DHS Centralized Complaint Center (Joint Intake Center): JointIntake@dhs.gov 877-246-8253

Office of Refugee Resettlement (ORR) (alien unaccompanied children): Information@ORRNCC.com or 800-203-7001

ORR National Call Center: Information@ORRNCC.com or 800-203-7001

U.S. State Department Office of Children's Issues (international parental child abduction): <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction.html>