

State Executive Council (SEC) for Children's Services

Notice of Intent to Develop/Revise Policy

Approved for Public Comment by the SEC: June 16, 2025

Public Comment Period Ends: August 1, 2025

Number and Name of Proposed/Revised Policy:

Policy 4.1.1 – Children in Need of Services (CHINS)

Basis and Purpose of the Proposed/Revised Policy:

Section [2.2-2648.D.3](#) of the *Code of Virginia* requires the SEC to: "Provide for the establishment of interagency programmatic and fiscal policies developed by the Office of Children's Services, which support the purposes of the Children's Services Act (§ 2.2-5200 et seq.), through the promulgation of regulations by the participating state boards or by administrative action, as appropriate."

Section [2.2-2648.D.13](#) of the Code of Virginia requires the State Executive Council for Children's Services (SEC) to "Oversee the development and implementation of uniform guidelines for documentation for CSA-funded services."

Section [2.2-5211.B.4](#) of the Code of Virginia requires the CSAS state pool of funds to serve the following target population: "Children and youth who are determined, by either a juvenile and domestic relations district court or a family assessment and planning team, to be a Child In Need of Services as defined in [§16.1-228](#) and requiring (i) community-based services to prevent or eliminate the need for an out of home placement, or (ii) placement outside of the home through an agreement between the public agency designated by the community policy and management team and the parents or legal guardians who retain legal custody of the child."

Section [2.2-5212.A.4](#) of the Code of Virginia identifies a child who "Has been determined by either a juvenile and domestic relations district court or a family assessment and planning team, to be a Child In Need of Services as defined [§16.1-228](#)" as an eligible population for funding through the CSA state pool of funds.

Section [16.1-228](#) of the Code of Virginia identifies a child in need of services as "(i) a child whose behavior, conduct, or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child who remains away from or deserts or abandons his family or lawful custodian during one occasion and is demonstratively at risk of coercion, exploitation, abuse, or manipulation or has been lured from his parent or lawful custodian by means of trickery or misrepresentation or under false pretenses or (iii) a child under the age of 14 whose behavior, conduct, or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional, or sexual abuse in the home be considered a child in need of services for that reason alone. However, to find that a child falls within these provisions, (a) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person; (b) the child or his family is in need of treatment, rehabilitation, or services not presently being received; and (c) the intervention of the court is essential to provide the treatment, rehabilitation, or services needed by the child or his family."

The proposed changes in this policy address the legislative changes made to [§2.2-5211](#) and [§2.2-5212](#) during the 2025 legislative session to include youth found to be a CHINS as described in [§16.228](#) by a juvenile or domestic court or Family Assessment and Planning Team (FAPT) to be an eligible, sum-sufficient population for the CSA. The revised policy also includes a form that FAPT teams can use to document their decision in their CHINS assessment process.

Furthermore the proposed changes to the existing policy 4.1.1 also align the policy with the standard policy format adopted by the State Executive Council in September 2022 by adding sections 4.1.1.2 (Purpose), 4.1.1.3 (Authority), 4.1.1.4 (Definitions), 4.1.1.5 (Eligibility as a Child in Need of Services), and 4.1.1.6 (Policy Review), as well as footers to denote dates of Adoption, Effect, Revision, and page numbers.

Summary of the Proposed Policy:

Policy 4.1.1 provides guidance to local Children's Services Act (CSA) programs regarding eligibility as a Child in Need of Services (CHINS).

Preliminary Fiscal Impact Analysis:

Since this population is currently being served through the CSA, there is no anticipated fiscal impact of the revisions to this policy on either the Commonwealth or local governments.