



Foster Care in Virginia: How the System Works

A plain-language guide for biological, foster, and kinship families · The Healing Home Approach™

When a child cannot safely stay at home, several people share one goal: the child's safety and, whenever possible, a path back home. This guide explains how Virginia's child welfare system works and what each person's rights and role are, so **biological parents, kinship caregivers, and foster (resource) parents** can all understand the whole picture. Read the parts that apply to you, and read the rest to understand the people you are working alongside.

What an "abuse or neglect" case means

"Abuse or neglect" is the legal name for a case where the court looks at whether a child has been hurt, not adequately cared for, or left without a safe caregiver. It is **not** a finding that a parent is a bad person. It is about whether the child is safe and what help the family may need.

How a case usually begins

Most cases start with a call to the statewide **Child Abuse and Neglect Hotline (1-800-552-7096)**, answered through local Child Protective Services (CPS). Virginia uses a two-track system: a report may be handled as a **family assessment** (focused on safety and services, with no "founded" or "unfounded" label) or an **investigation** (which ends in a "founded" or "unfounded" finding). **Most reports do not lead to a child being removed**; many families are offered services and support instead.

The people in a case

Who	Their role
Biological parent	The child's parent or legal custodian; usually the person the case is about, with the goal of safe reunification.
Kinship caregiver	A relative or close family friend who may care for the child during the case.
Foster (resource) parent	A trained, approved caregiver who provides temporary care when the child cannot be with family.
The child	At the center of the case; their safety and best interest guide every decision.
Guardian ad Litem (GAL)	The child's court-appointed attorney, who represents the child's best interest and reports to the judge.
CASA volunteer	If appointed, a trained community volunteer who gets to know the child and shares what they believe is best.
CPS / foster care worker	From the local Department of Social Services (DSS); assesses safety, builds the service plan, and reports to the court.
County / DSS attorney	Brings the case to court on behalf of the agency.
Parent's attorney	Represents a parent, protects their rights, and speaks for them in court.
Judge	Hears the evidence in the Juvenile and Domestic Relations District Court and makes the legal decisions.

Two systems, and how Virginia courts are set up

Two systems run side by side. The **local Department of Social Services** (DSS, part of the state agency VDSS) looks into concerns, places children when needed, and offers services. The **court** is where a judge makes the legal decisions. Virginia hears these cases in the **Juvenile and Domestic Relations District Court (J&DR)**. A distinctive Virginia feature: if a parent disagrees with the J&DR judge's final decision, they can appeal to the **Circuit Court for a brand-new trial** (called a trial "de novo"), where the case is heard again from the start.

How a child may be removed, and whether a court order is needed

In Virginia, a child is generally removed from home through a court order called an **emergency removal order**, which a judge issues when a child faces an imminent threat to life or health. In some urgent situations, a CPS worker or law enforcement can take a child into custody for **up to 72 hours** without a prior order. To keep a child in care, the court must find that **reasonable efforts** were made to avoid removal and that no less drastic option could keep the child safe. Safety is looked at **child by child**, so in some families one child may go home while another stays in care for a time.

What biological parents have the right to

Foster and kinship caregivers: knowing these rights helps you support the child and the case.

- **A lawyer.** The court must tell a parent about the right to counsel before the hearing that decides whether the child was abused or neglected, and before any hearing that could end parental rights. If a parent cannot afford an attorney, the court appoints one. Being told “you don’t need a lawyer” is not the same as having no right to one.
- **Notice and a voice.** The right to be told about hearings and to attend them.
- **A service plan and a path home.** For most families the goal is to safely return the child home. Parents have the right to a written foster care service plan listing the steps and the permanency goal.
- **Visitation (family time).** The right to visits with their child, as set by the court.
- **To challenge a finding.** A “founded” CPS finding can be appealed (see the registry section).

Reasonable efforts: In most cases DSS must make reasonable efforts to prevent removal and to help reunify the family. In limited situations a court may find those efforts are not required.

Fathers: A father who is not married to the mother may need to **establish paternity** to be fully recognized in the case. The agency also searches the Virginia Birth Father Registry. Establishing paternity helps a father receive notice, counsel, and placement consideration. Ask the caseworker or an attorney how to start.

What kinship caregivers should know

Within **30 days** of a child entering foster care, the local DSS must make a diligent search and **notify adult relatives in writing**, and it must keep searching over time. A relative can be approved as a **kinship foster parent**. Virginia’s **Kinship Guardianship Assistance Program (KinGAP)** can provide financial support when a relative becomes the child’s legal guardian, which lets the child leave foster care into a permanent home with family.

What foster (resource) parents should know

Foster parents provide **temporary** care and, in most cases, support the goal of reunification. They may be given **notice of and a chance to be heard** at hearings about the child. Virginia’s **reasonable and prudent parent standard** (normalcy) lets foster parents approve everyday, age-appropriate activities, such as sleepovers, sports, field trips, and camps, without first getting agency sign-off. Understanding biological parents’ rights helps foster parents partner with the family rather than work against them.

Siblings and older youth

When children cannot stay home, Virginia works to keep **siblings together** when it is possible and safe. **Older youth have a say** in their own case and plan. And youth do not simply age out at 18: through **Fostering Futures**, Virginia offers voluntary support and services to young people in foster care up to age 21, including help with housing, education, and building independence.

While a child is in care: school and health

Children in foster care keep important supports. Under federal law, a child can usually **stay in their same school** when it is in their best interest, with transportation arranged. Children in care are also covered by **Medicaid** for medical, dental, and behavioral health needs, and many young people who age out can keep Medicaid up to age 26. It helps to ask the caseworker about school stability and health appointments early.

The hearings, in order

- **Preliminary removal hearing.** The first court date after an emergency removal, held within 5 business days. The judge decides whether the child stays in care, checks that reasonable efforts were made, and sets next steps.
- **Adjudicatory hearing.** The judge decides whether the child was abused or neglected.
- **Dispositional hearing.** Within 60 days of the child entering foster care, the judge approves the foster care plan and the permanency goal.
- **Foster care review hearing.** About 4 months after the dispositional hearing, the court reviews progress on the plan.
- **Permanency planning hearing.** Within 10 months of the dispositional hearing, the judge sets the permanent goal: return home, custody or guardianship with a relative, or adoption.
- **Termination of parental rights (TPR).** Only if the child cannot safely return home. It ends the legal parent-child relationship so the child can have permanency another way.

Who comes to the hearings

Parents should attend every hearing: dress neatly, arrive early, and bring any important information written down. The child is represented by the **Guardian ad Litem**, and children are usually **not required to attend**, especially younger ones, though a judge can ask for a child to be present in a particular case. Foster and kinship caregivers may receive notice and be heard. **J&DR hearings are generally closed to the public** to protect the child's privacy. If anyone is told to bring the children, it is fair to ask which children and why.

What a CASA volunteer does

A **CASA (Court Appointed Special Advocate)** is a trained community volunteer the judge may appoint to focus on one child or sibling group. The CASA gets to know the child by talking with the people in the child's life, such as family, foster parents, teachers, doctors, and caseworkers, then gives the court independent information and recommendations about what the child needs and where they should live. In Virginia, the CASA works alongside the child's **Guardian ad Litem**. Not every case has a CASA, because there are not enough volunteers for every child.

Agency meetings

Along with court, the local DSS holds meetings, often called **family partnership meetings**, to plan with the family and decide on services and next steps. If you are invited, it is fair to ask what kind of meeting it is, what will be decided, and whether you may bring a support person.

The Child Abuse and Neglect Central Registry

Separate from the court case, an **investigation** can end in a "**founded**" finding of abuse or neglect. A founded finding can place a person's name on the state's **Central Registry**, which can affect jobs that involve children. Virginia gives each founded finding a **level (1, 2, or 3)** that sets how long the name stays on the registry. You can appeal through **three steps, each with a 30-day deadline**: a local conference, then an administrative hearing with the state, then circuit court. A **family assessment** makes no founded or unfounded finding, so it does not place anyone on the registry.

A few things that are unusual about Virginia

Two courts, and a possible second full trial. Cases start in the Juvenile and Domestic Relations District Court. If you disagree with the final decision, you can appeal to the Circuit Court for a brand-new trial (de novo).

Family assessment or investigation. Many reports go to a "family assessment" that focuses on safety and services and makes no founded or unfounded finding.

Founded findings have levels. A founded finding is rated 1, 2, or 3, which sets how long a name stays on the Central Registry, with a three-step appeal.

The child's lawyer is a Guardian ad Litem, an attorney, often joined by a CASA volunteer.

If your family may have Native American heritage

Tell your caseworker and the court **right away**. A federal law, the Indian Child Welfare Act (ICWA), may give your family added protections. Virginia has federally recognized tribes, and VDSS serves as a tribal liaison; ICWA works best when raised early.

Language and special needs: Anyone in a case can ask for a free interpreter, and should tell the court or caseworker early about any medical, medication, or disability needs for themselves or the child.

A few court words, in plain language

Adjudication: the hearing where the judge decides whether the child was abused or neglected.

Disposition: the judge's decision about where the child lives and what the plan requires.

Guardian ad Litem (GAL): the child's own court-appointed lawyer.

Permanency: the long-term plan for the child: home, a relative, or adoption.

De novo appeal: a brand-new trial in Circuit Court if you appeal the J&DR decision.

The typical schedule

Stage	Typical timing in Virginia
Report and response	Hotline call, then a family assessment or investigation by local CPS.
Removal or 72-hour custody	A child in imminent danger may be taken into custody; an emergency removal order is usually needed.
Preliminary removal hearing	Within 5 business days of the removal.
Adjudicatory hearing	The judge decides whether the child was abused or neglected.
Dispositional hearing	Within 60 days of the child entering foster care.
Foster care review	About 4 months after the dispositional hearing.
Permanency planning	Within 10 months of the dispositional hearing.

Questions worth asking your caseworker or attorney

- Is this a family assessment or an investigation, and what does that mean for us?
- Is my child in care under a court order, and when is the preliminary removal hearing?
- How do I request a court-appointed attorney?
- Have all adult relatives been notified, and can a relative be considered for placement?
- What is the service plan, and what specifically needs to change for the child to come home?
- If there is a founded finding, what level is it and what is my appeal deadline?

If you have a concern: the Office of the Children's Ombudsman

Virginia has an **independent** Office of the Children's Ombudsman (OCO). Anyone, including a child or youth in foster care, can file a complaint about CPS, foster care, or adoption, and **you cannot be penalized** for filing. The office can review records, investigate, and make recommendations.

Phone: (804) 225-4801 · **Email:** complaints@oco.virginia.gov · **Online:** oco.virginia.gov/complaints

Where to get help

Ask your caseworker or the court clerk how to reach your **court-appointed attorney**, your **local legal aid** office, and your **local CASA program**. The statewide Child Abuse and Neglect Hotline is **1-800-552-7096**.

Virginia official sources (retrieved June 2026)

[§ 16.1-251 Emergency removal order](#) · [§ 16.1-252 Preliminary removal hearing](#) · [§ 16.1-266 Counsel & guardian ad litem](#) · [§ 16.1-282.1 Permanency planning](#) · [§ 63.2-1517 72-hour custody](#) · [§ 63.2-1526 CPS appeals](#) · [VDSS: CPS Rights of Appeal](#) · [VDSS: ICWA & Tribal Partnerships](#) · [VDSS: Fostering Futures](#) · [Office of the Children's Ombudsman](#) · [VA Courts: Guardians ad Litem for Children](#) · [22VAC40-201-40 Foster care placements \(relative notice\)](#)

Please verify before you rely on this guide

This document is a **general educational overview only**. It is **not legal advice** and should not be treated as a statement of current law or of the facts of any case. Laws, policies, timelines, and phone numbers change, and they can be applied differently from one locality, court, caseworker, or family to the next. **Before you act on anything here, confirm it** with your local DSS caseworker, the court, or a licensed Virginia attorney. Reading this guide does not create an attorney-client or other professional relationship.