

OP. NO. 05-006

**WELFARE (SOCIAL SERVICES): GENERAL PROVISIONS — LICENSURE
AND REGISTRATION PROCEDURES.**

**For purposes of social services, 'foster care placement' does not apply to
Kidsave International Summer Miracles program. No opinion whether
Kidsave may need to be licensed on other basis.**

The Honorable William J. Howell
Speaker, House of Delegates
May 10, 2005

Issue Presented

You ask whether the definition of "foster care placement" in § 63.2-100, which contains the definitions relating to social services, applies to the Kidsave International Summer Miracles program.

Response

It is my opinion that the definition of "foster care placement" in § 63.2-100 does not apply to the Kidsave International Summer Miracles program. I offer no opinion on whether Kidsave may need to be licensed on some other basis.

Background

You advise that Kidsave International ("Kidsave") operates a program called "Summer Miracles." In this program, orphans from other countries travel to the United States in the company of their legal guardians. These orphans stay with host families in the United States for approximately six weeks and return to their home countries at the end of the visit. You indicate that the Virginia Department of Social Services¹ imposes a number of requirements on the Summer Miracles program, including one that Kidsave must manage the children as if they were part of the Virginia Foster Care program. You relate that Kidsave believes that the Department does not have the authority to impose such statutory requirements. It is my understanding that Kidsave does not have agreements or entrustments with any local boards of social services or child-placing agencies.

Finally, you note that some host families subsequently adopt the child that they have hosted; however, the adoption process is separate from the Summer Miracles program.

Applicable Law

Section 63.2-100 defines the term "foster care placement" as the

placement of a child through (i) an agreement between the parents or guardians and the local board or the public agency designated by the community policy and management team

where legal custody remains with the parents or guardians or
(ii) an entrustment or commitment of the child to the local board
or licensed child-placing agency.

These children are already in a foster care placement in their native countries. Thus, it appears they are not entering foster care placement when they come to Virginia since they already have legal guardians. Based on the information you have provided, it does not appear that the children coming into Virginia as part of the Kidsave Summer Miracles program are placed in foster care.

While I conclude that children coming into Virginia as part of the Kidsave Summer Miracles program are not being placed in foster care, there may be other factors present, which would necessitate that the Department require Kidsave to be licensed as a child-placing agency. My opinion is limited solely to the issue of whether the children coming into Virginia as part of the Kidsave program are being placed in foster care. I offer no opinion on whether Kidsave may need to be licensed on some other basis.

Conclusion

Accordingly, it is my opinion that the definition of "foster care placement" in § 63.2-100 does not apply to the Kidsave International Summer Miracles program. I offer no opinion on whether Kidsave may need to be licensed on some other basis.

¹ See Va. Code Ann. § 63.2-200 (LexisNexis Repl. Vol. 2002 (creating Department of Social Services)).

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