

NEEDS OF YOUNG CHILDREN
REPORT OF THE
VIRGINIA ADVISORY LEGISLATIVE COUNCIL
to
THE GOVERNOR
and
THE GENERAL ASSEMBLY OF VIRGINIA



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NEEDS OF YOUNG CHILDREN
REPORT OF THE
VIRGINIA ADVISORY LEGISLATIVE COUNCIL

Richmond, Virginia

January 16, 1975

TO: Honorable Mills E. Godwin, Jr., Governor of Virginia
and

The General Assembly of Virginia

INTRODUCTION

This study on the Needs of Young Children was organized and conducted pursuant to House Joint Resolution No. 70 of the 1974 Session of the General Assembly. That Resolution is as follows:

HOUSE JOINT RESOLUTION NO. 70

Directing the Virginia Advisory Legislative Council to study the needs of young children.

Whereas, in recent years, much interest has been generated in providing for the needs of early childhood development; and

Whereas, there is a Virginia Commission for Children and Youth which is directed to conduct research into any matters relating to the welfare of the young of this State; and

Whereas, pursuant to federal guidelines, there is within the State government an interagency coordinating committee on early childhood development; and

Whereas, a Governor's Conference on day care needs in Virginia was held in May, nineteen hundred seventy-three; and

Whereas, each of these bodies has determined that there are needs of childhood development such as day care, health care, nutrition and the prevention of child abuse which are not being met; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Virginia Advisory Legislative Council is directed to study all aspects of the needs of young children and how these needs are

being met.

The Council shall make recommendations on the kind and extent of responsibilities that the Commonwealth should assume with respect to programs for young children. It shall also recommend the best location for an office or agency to plan for and administer any State program and to coordinate the activities of the State departments now engaged in some aspect of child welfare programs.

As a part of its study the Council shall examine the Interstate Compact on the Placement of Children, including the experience of states currently a party thereto, and report on the advisability of the enactment into law of the provisions of the Compact.

The Council shall conclude its study and make a final report to the Governor and the General Assembly no later than December one, nineteen hundred seventy-four.

HISTORY

Pursuant to House Joint Resolution No. 70, the Council selected Delegate Arthur R. Giesen, of Verona, a member of the House of Delegates and a member of the Council, to serve as Chairman of the study. Selected to serve as members of the Committee with Delegate Giesen were Delegate Dorothy S. McDiarmid of Vienna, Delegate John D. Gray of Hampton, Delegate Evelyn M. Hailey of Norfolk, Delegate Norman Sisisky of Petersburg, Senator James T. Edmunds of Kenbridge, Senator Paul W. Manns of Bowling Green, Dr. Charles G. Caldwell of Harrisonburg, Mary H. Steinhardt of Hollins, Betty H. Peters of Hampton, Dr. Martha Hamilton of Richmond, Peggy Swanson of Annandale, Louella Pangle of Strasburg, Dr. Harrison Spencer of Abingdon, and Virginia M. Babcock of Appomattox.

In November of 1974, following Delegate Giesen's resignation from the House of Delegates and, therefore, from the Virginia Advisory Legislative Council, the Council appointed Delegate Vincent F. Callahan, Jr., to serve as the new Chairman of the Committee.

The Council's study was initiated in response to the Governor's Conference of Day Care Needs in 1973. This Conference made many recommendations which could improve the delivery of services to children, but there was insufficient time to act on the proposals. To carry out its task the Committee identified certain issues for its consideration: What are the needs of young children and what responsibility does the State have to meet any or all of these needs. Information has been sought concerning what State agencies are currently delivering services to children, what needs of children are going unmet and for what reasons, and, finally, what can be done by the State to fulfill these deficiencies. The consideration of an office or agency which would plan, administer, and coordinate State programs affecting children and which would serve as an advocate

for children's services was the main objective of these inquiries.

In its initial deliberations, the Committee decided to concentrate on children from birth to eight years of age, with the understanding that prenatal problems and the needs of children over eight would be given attention when necessary. There is a nationwide trend toward regarding early childhood education as encompassing the ages zero to eight years of age, and in the preventive health field, many programs are administered to the primary grade child. The Committee felt it was necessary to limit the scope of its study in this way, in order that the inevitably broad range of children's needs which it would face would be more manageable.

To obtain as much information as possible concerning the types of programs and services now being offered by the State to children, the Committee invited each State agency involved in the planning and delivery of services to children to appear before it. After hearing from these State agencies, a series of six statewide public hearings was held to determine the effectiveness on the local level of the programs mentioned at previous meetings and to hear public testimony on the issues the Committee had formulated. In conjunction with several of these hearings, the Committee toured day care centers, special schools, and institutions in the regions where the hearings were conducted. Each meeting and hearing held and each facility visited provide a wealth of information about Virginia's youngest citizens. The Committee came to realize, however, that it would not be possible for it to recommend to the Council for action in the 1975 Session of the General Assembly the structure and guidelines for the establishment of a new office or agency for children. More time would be required to review the programs serving young children and to assess the need for new ones.

The Council has considered the information and material before it and makes this report.

FINDINGS AND RECOMMENDATIONS

Meeting the needs of all young children is of vital economic and social importance. The quality of life in the early years is often the determining factor in the ultimate physical and mental health of an individual and in his educational and vocational attainment. This fact is not presently recognized by State policy. The young child cannot always be the sole responsibility of his parents, since they often lack the knowledge to recognize his special needs and the resources to fulfill them. The State of Virginia should establish policies and implement programs which have as their goal that of providing the greatest possible opportunity for every child to develop his physical, emotional, social, and intellectual competencies to their fullest.

In its deliberations the Committee designated three areas of concern in meeting the needs of children zero to eight years of age: health care, education and development and quality child care

services. It is within this framework that the Council makes its findings and recommendations.

A. Health Care

A key concept in meeting the needs of the young child is that preventing problems is more economical than attempting to cure them. Every effort should be made to assure infants proper health care both before birth and during their crucial first years of development. Early diagnosis and treatment of many physical and mental malfunctions are now possible and can prevent or minimize later disabling conditions. The effectiveness of these services to children is inversely proportional to the age of the child, while the cost of providing the services is directly proportional to the age of the child.

To help meet the State's responsibility in this field, the Council encourages the development and implementation of a plan for the regionalization of care for the newborn. This plan should include appropriate levels of care at regional centers for the high risk infant and provision for the transportation of high risk infants from local hospitals to these regional units. A pilot program in this field presently being operated by the Department of Health deserves the State's full support. The Council also encourages the upgrading of primary care for infants in local hospitals and supports the enforcement of the laws and regulations applicable to the licensure of facilities which deliver services to the newborn.

Currently many hospitalization insurance plans exclude coverage for infants under fourteen days of age, except for "routine newborn care." Routine newborn care consists of one physical examination at birth, a second prior to the mother's discharge and of routine nursery care such as feeding and diapering. The majority of problems requiring prolonged hospitalization during infancy usually occur during the first month of life, and more specifically during the first fourteen days. Current programs such as those offered by the Bureau of Crippled Children and the Maternal and Child Health Services provide some hospitalization payment for infants of very poor families only and are not set up to cover the expenses of prolonged illness. Thus, what may be an overwhelming burden of payment for prolonged hospitalization, intensive care nursery settings, and expensive medications and procedures is left to the individual family.

Twenty-some states currently have laws requiring all new family health insurance policies and all existing policies at renewal to be written to include the neonate with full coverage. Florida, North Carolina and several other Southern states have recently enacted such laws. Blue Cross Blue Shield of Virginia estimates that the average cost per family for sick baby care during the first fourteen days of life would be thirty-two cents per month. If the insurance contract presently excludes coverage of congenital anomalies in the newborn and this exclusion must be omitted, the premium would be increased by an estimated sixty-four cents per month per average family. The total increase in the premium for this coverage would be approximately ninety-six cents per month.

The Council joins the Virginia Chapter of the American Academy of Pediatrics, the Virginia Medical Society, and the Southern Perinatal Association in recommending the passage of a comprehensive Neonatal Insurance Coverage Bill. The neonate is in as much need of this protection as any other older child or adult.

Continuous health supervision is needed to promote the well-being of every child. Such supervision should include screening for physical, dental, vision and hearing defects. These services should be promoted in nursery schools, child care centers and other facilities serving the young child as well as in the public school system. The child who is normal or who has special abilities or disabilities and the child who is from a lower, middle, or upper income family should be afforded this opportunity for health care. Therapeutic measures should be provided for children who need treatment by referrals to State or private agencies.

The federal Medicaid Program and the State's own program guidelines stress comprehensiveness and periodicity of screening, as well as follow through diagnosis and treatment of children with suspected defects. The Committee learned in its public hearings, however, that local health departments have so many mandates and priorities in relation to the number of available personnel that they see limited numbers of needy children. Coordination among agencies which work to provide this service was found to be lacking in some areas of the State. The Council will consider this matter further in an attempt to assure that this vital service is rendered in the most effective way.

To promote continued good health, proper nutrition should be taught and practiced in all facilities which deliver services to children. Provisions should be made at the State, regional and local levels for health department personnel to assist in educating individuals who work with children in their nutritional and health needs. The Committee recognizes the importance of practicing proper nutrition in the home, and has heard testimony that lack of knowledge by parents of all income levels is a significant cause of inadequate nutrition.

It is recommended therefore, that the State office charged with the responsibility for children's interests work in cooperation with the medical profession and nutritionists to explore commercial and educational television as a medium for nutrition education. The Council commends that the Department of Education for including in the curriculum at the elementary and secondary school level courses which provide for the study of proper nutrition. The physical and mental growth and development of a child is inseparable from the food he eats. These food habits are learned. Effective education in nutrition is a prime factor in the overall investment of human resources.

The Council has learned that there are federal programs currently in operation not being utilized by this State which could improve the nutrition of women, infants and children. One such program makes extra food available to pregnant and nursing women and babies and children under four who cannot afford good

nutrition. These are the groups most vulnerable to malnutrition. During pregnancy or the early developmental years, malnutrition can cause pre-maturity, respiratory illnesses, and stunting of growth. It also increases the infant death rate. The Council will further explore such programs with the appropriate State agencies in order that full advantage may be taken of federal assistance in this area and that the nutritional needs of mothers and children may be fulfilled.

The Council supports the efforts of public and private groups currently considering revision of the State laws which govern child abuse and neglect. Even though it is not an issue which this Council is specifically addressing, deep concern has been expressed by citizens at public hearings and by the members themselves that present procedures are inadequate to afford the abused and neglected child and his family the protective and social services they need. This Council recommends that serious consideration be given to legislative proposals which would strengthen and clarify the present law governing child abuse and neglect.

B. Education and Development

As required by the new Constitution of Virginia, standards of quality for public schools were adopted by the State Board of Education in August, 1971, and were revised and enacted by the General Assembly for the biennium beginning July 1, 1972. Provision was made for periodic revision of these standards. The Council commends the efforts made by the State Board of Education and by the local school divisions in developing programs designed to insure every child a quality education. The Standards of Quality and Objectives for Public Schools in Virginia provide new impetus and increased opportunities for improving the quality of public education in Virginia from which all children can benefit.

The home and family are the first and most important influences in a child's life, and therefore, the improved formal education previously discussed must be reinforced in the child's development at home. Parents, expectant parents, and substitute parents should be sensitive to and respectful of their significance as teachers and should be equipped with the understanding and skills which will lead to more productive interaction with their children. Current life styles and increasing mobility, especially among younger parents have in many instances isolated parents from the models and counseling earlier afforded by close involvement with an extended family group. It has been suggested that only a very small percentage of expectant mothers and fathers of young children have had any formal preparation for these roles. Competence in the parenting role has been seen in the past as "coming naturally" or as simply the exercise of good judgment. The number of children with serious problems clearly demonstrates the fallacy of these assumptions and points to the need for an aggressive program to prevent problems or to provide treatment at the earliest signs that a child is in difficulty.

The Council recommends that the excellent system of community colleges in this State be used along with our secondary

educational institutions to implement courses to include practical experience in child day care centers which teach and improve parenting skills. Such courses which are presently in existence at I. C. Norcom High School in Portsmouth and Northern Virginia Community College at Annandale have been enthusiastically received by students and faculty alike. This instruction and practical experience can enable all parents to fulfill their roles more confidently, more effectively, and with even greater personal fulfillment.

The identification and fulfillment of the special needs of young children is of crucial importance in promoting their growth and development. The term "special needs" is meant to encompass abnormal physical, mental and social conditions and the extraordinary learning abilities of the gifted child. Each of these circumstances requires treatment and programs tailored to meet the abilities and disabilities of the individual child. Although much is known in the field of early detection and the provisions of appropriate therapeutic or remedial services, we are only on the threshold of much more extensive and precise knowledge and practices. Clearly, however, the emphasis is moving from former practices of diagnosis and treatment in later years to programs that focus on the prenatal and neonatal periods and the first years of life. The trend is now toward prevention or rectification of handicapping conditions at the earliest possible point in the child's life.

The Council urges that adequate funding and support be given to health, mental health and special education programs, particularly in the fields of diagnosis and remediation of the special needs of children. If we are sincere in our concern with maximizing the potential of every child, an intensive program of early detection and remediation is imperative. In many cases, early attention to problems may completely eliminate the costs of lifelong care. The reduction of human anguish and embarrassment and the benefits of increased productivity from a variety of individuals who might otherwise have been totally or partially dependent on society are immeasurable. Tangible social and economic benefits would accrue to the State over the long run by developing the abilities and remedying or minimizing the disabilities of its youngest citizens.

C. Quality Child Care Services

Throughout its statewide public hearings the Committee heard a recurring theme of concern for quality child care services in Virginia. Child care center operators, public agency personnel and parents alike spoke of the need to extend day care opportunities and to improve the comprehensiveness and quality of existing care. The tremendous increase in the employment of mothers has highlighted the need for quality care for those mothers who have young children. Centers are also needed, however, to serve children who need emergency or respite care and to benefit the children of a growing group of parents who recognize the importance of early group experiences for the young child.

Inherent in the concern expressed by those appearing before the Committee was the licensing procedure and requirements set out by

the State Department of Welfare for child care centers. While licensing is essential to protect the safety and health of children in centers and to regulate the quality of care received there, any increase in the requirements tends to increase the cost of center care to parents. Citizens and Council members are mindful of the need for quality child care. Consideration must be given, however, to the objectives licensing and the corresponding regulations are to accomplish and to the type of care that will probably be substituted if parents are priced out of the day care center market.

The Council commends the Department of Welfare and other State agencies involved in the delivery of services to children for their efforts toward revising licensing requirements and introducing new standards with the aim of improving children's programs. These are significant administrative steps in upgrading the benefits which are offered our youngest citizens. Yet, there are other avenues to be explored in improving the quality of child care. Some which have been suggested are better opportunities for the training of child care personnel, certification of eligible programs as "developmental" rather than "custodial," provision for technical assistance by State and local governments in starting and administering a center, making information available to parents on how to judge child care, and encouraging the establishment of day care centers in order to afford parents a greater choice in selecting care for their children. These are areas the Council will consider in its extended study.

Two other topics on which the Council makes its findings and recommendations concern The Interstate Compact on the Placement of Children and the proposed office or agency for children.

D. The Interstate Compact on the Placement of Children

The Interstate Compact on the Placement of Children is both a statute and a contract between and among party states. It is a legally and administratively sound means of permitting child placement activities to be pursued throughout the country with safeguards and services as though these activities were being conducted entirely within a state.

The Compact applies in the following situations: placement preliminary to possible adoptions, placement in foster care where no adoption is intended, and institutional placements of adjudicated delinquents where intrastate facilities are not available.

The Compact requires notice and ascertainment of the suitability of a placement before it is made; allocates in a specific manner the legal and administrative responsibilities during the continuance of an interstate placement; provides a better basis for enforcement of rights and responsibilities than now exists; and authorizes joint action of the Compact administrators in all party states to further effective operations and services when either public agencies or private persons and agencies in more than one state are involved in a placement situation.

The cost to party states of membership in the Compact is the payment of self-assessed annual dues in the amount of one hundred dollars. This money is used for the benefit of the party states to defray expenses of annual meetings and other such joint projects.

Presently, twenty-three states are members of the compact, including North Carolina, Tennessee, Kentucky and Florida. The Council recommends that Virginia become a party to the Compact to enable the State to take advantage of the benefits it offers.

E. Proposed Office or Agency for Children

House Joint Resolution No. 70 which directed this study charged that recommendations be made as to "the best location for an office or agency to plan for and administer any State program and to coordinate the activities of the State departments now engaged in some aspect of child welfare programs." In order to render an informed and operative recommendation on this matter, the Council felt it was necessary to thoroughly explore the topics previously discussed in this report. Until the areas of need are identified and the responsibility for filling these needs are defined, the structure and guidelines of an office or agency for children cannot clearly be delineated. The Council is not now prepared to make a final recommendation on an office or agency for children. It has had insufficient time to consider and assimilate the wealth of information which it has compiled.

In its study to this point, the Council has determined that the State provides numerous services to young children, but serious problems exist in the process by which children receive these services. Many of these problems are directly related to the lack of an effective mechanism by which responsibilities are delineated, priorities are established, and cooperative projects are administered. Four major departments within the executive branch have substantial programs affecting children. These are Health, Welfare, Education, and Mental Health and Mental Retardation. In addition, there are dozens of commissions, boards, and offices which have programs affecting children. To accomplish the ultimate objective of quality services to children, serious study needs to be directed to the type of agency or office and its mode of operation which will facilitate and not further duplicate services to children.

Therefore, the Council recommends that the Virginia Commission on Children and Youth be reaffirmed on an interim basis as the State child advocacy division within the Office of the Secretary of Human Affairs. The Council further recommends that the Virginia Advisory Community Coordinated Child Care (4-C) Council be transferred from the Division of State Planning and Community Affairs to the Office of the Secretary of Human Affairs.

The Virginia Commission on Children and Youth and the Virginia Advisory 4-C Council should operate in cooperation with one another for the next year. Two purposes of this collaboration would be to suggest to the Council operating alternatives for an office or agency on children and to submit a budget proposal to the General Assembly in 1976 for the kind of office on children the

Council would recommend. Combining the efforts and expertise of these two offices would provide the Council with a valuable resource to draw on in formulating its final recommendations. The cooperative financial analysis of a proposed office on children would afford the Governor and the General Assembly a basis on which to judge the proposals.

Conclusion

The Council requests that its study be continued for one year. There is much work yet to be done. In this additional time, the structure and guidelines of an office or agency for children, if deemed advisable, will be formulated. The Council will work closely with the existing State offices of the Virginia Commission on Children and Youth and the Community Coordinated Child Care Council in arriving at its conclusions and final recommendations on this matter. Extensive study remains to be done on issues of concern voiced by the public at the statewide hearings and on the information compiled thus far to give substance and purpose to any proposed office or agency for children.

Specific issues the Council wishes to further address include substitute living arrangements for children such as foster care. All over the State complaints were heard as to the lack of availability of and support for foster homes. Citizens and public agency personnel were concerned about what happens to the child who is forced to stay in a deplorable home situation because of the lack of alternative placement as well as what the ultimate disposition is of a child who is placed in a foster home.

Further study will be given to the responsibility child care centers have to provide an appropriately planned experience outside the home which will enhance the total development of the child. Consideration needs to be given to whether State laws and regulations which are applicable to child care centers are meeting the needs of these services and their clientele.

The Council feels there is a need to identify means by which localities and/or planning districts can more efficiently carry out the mandate to identify individuals between the ages of two and twenty-one with special needs and provide programs to meet these needs with limited funding. Several options such as cooperation and contractual arrangements with State-supported institutions which have the facilities and equipment as well as personnel sophisticated in early diagnosis and remediation need to be explored to provide for their participation in State-planned activities for interdisciplinary diagnosis and remediation.

When it is determined that certain needs of young children are not being met, means to fulfill these needs must be examined. The Council will consider as solutions the establishment of an office or agency for children, the determination of State priorities in early childhood development, a fiscal evaluation of State and federal programs, provision for public involvement in assessing needs and

implementing programs determined to be needed, and the education of parents to recognize needs only they can fulfill.

The primary role and responsibility of the family for development of children is acknowledged by this Committee. The family members' ability to foster positive development and to provide a richer growing environment for children must be strengthened. State programs and services can and do serve a vital part in promoting the well-being of children and in enabling parents to fulfill their roles more effectively. Only good can be derived from improving the means with which the State fulfills its responsibilities to its youngest citizens, since children are our most precious resource.

We wish to thank the members of the Cpmmittee and those who contributed their time, efforts and talent to the conduct of this study.

Attached is the necessary legislation to carry out the recommendations contained in this report, and we respectfully urge the passage thereof by the General Assembly.

Respectfully submitted,

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Willard J. Moody, Chairman

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Robert R. Gwathmey, III

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Edward E. Lane, Vice Chairman

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C. Hardaway Marks

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George E. Allen, Jr.

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APPENDIX A

A BILL to amend the Code of Virginia by adding a section numbered 38.1-348.6, requiring coverage of newly born children in accident and sickness insurance policies.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 38.1-348.6 as follows:

§ 38.1-348.6. All individual and group accident and sickness insurance policies providing coverage on an expense incurred basis and individual and group service or indemnity type contracts issued by a nonprofit corporation which provide coverage for a family member of the insured or subscriber shall, as to such family members' coverage, also provide that the accident and sickness insurance benefits applicable for children shall be payable with respect to a newly born child of the insured or subscriber from the moment of birth. The coverage for newly born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities. If payment of a specific premium or subscription fee is required to provide coverage for a child, the policy or contract may require that notification of birth of a newly born child and payment of the required premium or fees must be furnished to the insurer or nonprofit service or indemnity corporation within thirty-one days after the date of birth in order to have the coverage continue beyond such thirty-one day period. The requirements of this section shall apply to all insurance policies and subscriber contracts delivered, issued for delivery, reissued or renewed in this State on and after November one, nineteen hundred seventy-five.

A BILL to amend and reenact §§ 63.1-56 and 63.1-207 of the Code of Virginia; and to amend the Code of Virginia by adding a chapter numbered 10.1 in Title 63.1, containing sections numbered 63.1-219.1 through 63.1-219.6; and to repeal § 63.1-208 of the Code of Virginia, the amended, added and repealed sections relating to the placement of children and to adoption of the Interstate Compact on the Placement of Children.

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.1-56 and 63.1-207 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a chapter numbered 10.1 in Title 63.1, containing sections numbered 63.1-219.1 through 63.1-219.6, as follows:

§ 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.

Prior to placing any such child in any foster home, the local board shall enter into a written agreement with the foster parents setting forth therein the conditions under which the child is so placed. No child shall be placed in a foster home outside this State by a local board without first ~~obtaining the written consent of the Commissioner so to do~~ complying with the appropriate provisions of § 63.1-207 or Chapter 10.1 of this title. The placement of a child in a foster home, whether within or without the State, shall not be for the purpose of adoption unless the placement agreement between the foster parents and the local board specifically so stipulates.

A parent who has not reached the age of twenty-one shall have legal capacity to execute an entrustment agreement including an agreement which provides for the permanent separation of the child from the parent and shall be as fully bound thereby as if the parent had attained the age of twenty-one years.

§ 63.1-207. Children from other states; sending children out of State.—(a) Any child placing agency which brings or sends, or causes to be brought or sent, a nonresident 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.

(d) *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.*

(e) *The State Board is authorized to prescribe such regulations for the taking or sending of such resident children out of State by child placing agencies for the purpose of placement in foster homes as are reasonably conducive to the welfare of such children.*

(f) *The provisions of this section shall apply to children sent or brought into or out of the State whenever the other state involved is not a party to the Interstate Compact on the Placement of Children enacted by Chapter 10.1 of this title. This section and any regulations of the State shall apply in transactions involving the State and other states party to said Compact and persons or agencies therein only to the extent that the provisions of this section and any such regulations are consistent with provisions of the Compact and regulations in force pursuant to Article VII thereof. Neither the State Board nor the Commissioner shall require bonds or agreements with respect to the placement of children, as provided in subsection (c) hereof, in any cases to which the Compact applies. In place of the consent of the Commissioner required pursuant to subsections (a) and (d), the procedures of Article III of the Compact shall apply.*

Chapter 10.1

Interstate Compact on the Placement of Children

§ 63.1-219.1. *Definitions.—As used in this chapter:*

A. *“Appropriate public authorities” means the State Department of Welfare.*

B. "Appropriate authority in the receiving state" means the Commissioner of Public Welfare.

§ 63.1-219.2. Governor to execute; form of compact.—The Governor of Virginia is hereby authorized and requested to execute, on behalf of the Commonwealth of Virginia, with any other state or states legally joining therein, a compact which shall be in form substantially as follows:

The contracting states solemnly agree that:

ARTICLE I. Purpose and Policy

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

(a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

(c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made.

(d) Appropriate jurisdictional arrangements for the care of children will be promoted.

ARTICLE II. Definitions

As used in this compact:

(a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(b) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(d) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

ARTICLE III. Conditions for Placement

(a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

(1) The name, date and place of birth of the child.

(2) The identity and address or addresses of the parents or legal guardian.

(3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.

(4) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer of agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

ARTICLE IV. Penalty for Illegal Placement

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

ARTICLE V. Retention of Jurisdiction

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the

child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such cases by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a) hereof.

ARTICLE VI. Institutional Care of Delinquent Children

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

1. Equivalent facilities for the child are not available in the sending agency's jurisdiction; and

2. Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

ARTICLE VII. Compact Administrator

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have the power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE VIII. Limitations

This compact shall not apply to:

(a) The sending or bringing of a child into a receiving state by his parent, step-parent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or non-agency guardian in the receiving state.

(b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

ARTICLE IX. Enactment and Withdrawal

This compact shall be open to joinder by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and, with the consent of Congress, the Government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

ARTICLE X. Construction and Severability

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the invalidity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

§ 63.1-219.3. *Discharging financial responsibilities imposed by compact or agreement.*—Financial responsibility for any child placed pursuant to the provisions of this chapter shall be determined in accordance with the provision of Article V of the compact. In the event of partial or complete default of performance thereunder, the provisions of Chapters 13 and 14 of this title may also be invoked.

§ 63.1-219.4. *Supplementary agreements.*—The officers and agencies of this State and its subdivisions having authority to place children are hereby empowered to enter into supplementary agreements with appropriate officers or agencies in other party states pursuant to subsection (b), Article V of the compact. Any such agreement which contains a financial commitment or imposes a financial obligation on this State or on a subdivision or agency thereof is subject to the written approval of the State Comptroller and of the chief fiscal officer of the subdivision involved.

§ 63.1-219.5. *Fulfilling requirements for visitation, inspection or supervision.*—Requirements for visitation, inspection or supervision of children, homes, institutions or other agencies in another party state set forth in Chapter 10 of Title 63.1 shall be deemed to be fulfilled if performed pursuant to an agreement entered into by appropriate officers or agencies of this State or subdivision thereof as provided in subsection (b), Article V of the compact.

§ 63.1-219.6. *Inapplicability of § 63.1-207.*—The provisions of § 63.1-207 shall not

apply to placements made pursuant to this chapter.

2. That § 63.1-208 of the Code of Virginia is repealed.

HOUSE JOINT RESOLUTION NO.....

To continue the Virginia Advisory Legislative Council study on the needs of young children.

Whereas, a study of the needs of young children by the Virginia Advisory Legislative Council was directed in 1974 by the General Assembly concerning the areas of need affecting young children; and

Whereas, the Council has conducted a study of these needs including holding six public hearings around the State which assisted it in identifying the numerous needs of young children; and

Whereas, the Council has submitted an interim report to the General Assembly setting out these needs and suggesting ways to meet certain of them; and

Whereas, the Council has identified more areas of need than it could reasonably find means to deal with, among which are foster care and quality child care services; and

Whereas, the Council has had insufficient time to formulate the structure and guidelines for an office or agency to plan, administer and advocate services for children; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Virginia Advisory Legislative Council continue its study on the needs of young children.

The Council shall make its recommendations on an office or agency for children and on any desirable improvements and innovations in State services for children.

The Council shall conclude its study and make a final report to the General Assembly no later than October one, nineteen hundred seventy-five.

APPENDIX B
STUDY OUTLINE

for

**THE COMMITTEE TO STUDY THE NEEDS OF YOUNG
CHILDREN**

August 1, 1974

I. What are the needs of young children?

A. Health care

1. Proper nutrition
2. Prevention or treatment of medical problems
3. Protection from physical abuse (Being studied by House Committee on Health, Welfare and Institutions)
4. Protection from hazardous clothing, toys, and substances
5. Prenatal care

B. Education and development

1. Development of physical, emotional, social, and intellectual competencies
2. Provision for smooth transition between preschool programs and public schools
3. Parental education re: their children
4. Diagnosis of individual competencies and provision for their development

C. Quality child care services

1. Early screening and diagnosis of disabilities and abilities
2. Day care programs - educational not custodial care
3. Licensing of all child care facilities
4. Standards for all private child care facilities (Nursery schools, kindergartens, babysitting services)
5. Substitute living arrangements—foster care

II. Does the State of Virginia have a responsibility to provide any or

all of these needs?

III. What State agencies are currently delivering services to children?

IV. What needs are going unmet and for what reasons?

A. Lack of coordination among State agencies

B. Lack of coordination between federal and State agencies

C. Duplication of services by and within State and federal agencies

D. Failure to recognize the need

E. Lack of money

F. Lack of public support

G. Inability of the State to meet the needs

V. What can be done to provide for needs not being supplied?

A. Establish a State Coordinating Council on Early Childhood Development or better utilize the existing Virginia Commission for Children and Youth for the same purposes

B. Determine State priorities in early childhood development

C. Conduct a fiscal evaluation of State and federal programs

D. Provide for public involvement in assessing needs and implementing programs determined to be needed

E. Education of parents to recognize needs only they can fulfill

VI. Should Virginia join the Interstate Compact on the Placement of Children?

