NON-MANDATED FUNDING COMPREHENSIVE SERVICES ACT

HISTORY

The formation of the CSA State Pool included funds from the Departments of Juvenile Justice (DJJ) and Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS). These two agencies were serving what has become known as the non-mandated population with the three funds that were included Pool. The Department of Juvenile Justice Services contributed two funding sources (Section 238 and 239 funds) and the Department of Mental Health, Mental Retardation and Substance Abuse Services contributed one funding source (Adolescent Bed Purchase funds). The bed purchase funds amounted to \$125,000, an appropriated amount that had not varied from year to year. The FY 1994 DJJ appropriation for the two sources transferred to the Pool amounted to \$11.1 million. For the three preceding years DJJ expenditures from their two sources were \$11.8M in 1991 (48% of localities used the funds to serve on average 400 youth a month), \$7.0M in 1992 (53% of localities used the funds to serve on average 263 youth a month). Neither of these funding sources required a local match.

Even as CSA was being developed, concerns were being expressed by judges, court services units and others that less funds might be available for DJJ and DMHMRSAS youth because localities would be forced to direct more and more of their pool allocation to the their mandated population as their mandated cost increased. The State Executive Council in response to these concerns adopted provisions for the first year of CSA, FY 1994, to permit localities, at their option, to reserve or "protect" as it is now referred to, the same amount of their CSA pool allocation as they actually spent for these youth in 1993. The protected amount would be available even if the remaining portion of the pool allocation was insufficient to cover their actual mandated cost. Essentially this allowed localities to spend up to their 1993 actual non-mandated population expenditure level and still have un-restricted access to supplemental funds for their mandated population.

During the first year of CSA, 1994, concerns persisted about the availability of CSA funds for the non-mandated population. The concerns centered on three issues. **First** any locality that did not have any expenditure for these youth in 1993 essentially could not protect funds for the non-mandated population under the adopted first year provision. **Second**, as CSA cost climbed and they did dramatically, the relative percentage of funds available for the non-mandated population essentially would decrease as a result of fixing the protection level at the 1993 expenditure amount. And **third**, some localities were not making available the local share match necessary to draw down the *protected* state funds for this population.

In response to the first two concerns, in 1995 the SEC revised their 1994 protection level provision. First, they established a floor protection level of \$10,000 so that every locality would have at least some non-mandated funding. Next, they agreed the overall nonmandated protection level would be set at 12% of the total state pool allocation. The basis for this provision was simply in 1993 expenditures for what became known as CSA's non-mandated population amounted to 12% of the 1993 total expenditures for all sources included in the state pool. Each locality's percentage of the total 1993 expenditures would be applied to this 12% total amount to determine that locality's nonmandated protection level. Those that would receive less than the floor amount under this calculation received the floor amount, \$10,000. If under the formula a locality would receive as a CSA allocation less than their 1994 state pool allocation amount, they would received the 1994 state pool amount. The 1995 overall allocation level was modified in 1996 when an additional \$2 million was added to CSA budget to increase the protection level of funding for CSA's non-mandated population. These additional funds were distributed across localities based on their 1995 percentage of the total CSA nonmandated funding. Due to the continued dramatic increase in CSA expenditures, in 1997 the State Executive Council rescinded the provision whereby the non-mandated funding level would be 12% of the total pool funding. As a result of this 1997 SEC action, the non-mandated protection level has remained the same at the locality level as well as in aggregate level since that time.

Over time there have been a number of attempts at addressing the third area of concern, localities not making available the local share necessary to draw their non-mandated allocation. Some of the most notable examples are:

- Funding for the population has been made available through the DMHMRSAS (mental health nonmandated funds) and DJJ's community crime control program to fund services to the non-mandated population and at no cost to localities, i.e. no local share.
- The Joint Legislative Audit and Review Commission recommended in their 1998 study of CSA that any funding saved by converting CSA's cases to Medicaid should be redeployed for use by the non-mandated population. CSA's costs have not declined with the incorporation of Medicaid, but have continued to increase.
- In 1998 the Supreme Court in response to 1998 Appropriations Act language, conducted a study to determine how much additional funding would be needed to fund the service needs of the Commonwealth's non-mandated population. The study found that hundred's of millions of dollars would be needed to fund the needs of the non-mandated population, an amount far beyond anyone's expectation or willingness to provide.
- Though not specifically referencing the non-mandated services funding concern, the relinquishment/non-custodial foster care study was directly related to the lack of availability of funding for the non-mandated population.
- And most recently, the current policy discussions regarding "prevention foster care" are also rooted in the availability of funding, or lack there of, for services for the other than the mandated populations.

While certainly these efforts have drawn attention to the needs of this population, none has resulted in a substantive increase in the number of localities spending their non-mandated (protected) allocations.

NON-MANDATED SPENDING

Based on the above 1997 State Executive Council action, the overall non-mandated protected fund amount remains at the \$14.5 million level today. On the spending side, the highest overall spending level was 1999 when \$10.7 million in non-mandated spending was reported since the formation of CSA. The lowest year was 2003 when \$8.0 million was reported. Locality spending over the past five years has consistently resulted in about 60% of the total protected level actually being spent. In 2008, the most recent full year expenditures are available, 81 localities, 62% of all the localities, were reporting at least some non-mandated expenditures. Only 8 localities spent their entire protected amount. Fifty four localities or 41%% all localities spent less than fifty percent of their protection level. The average expenditure per child in 2008 was \$7,253, up 4 from the year before when it was \$6,972. Just four years before, in 2004, the average expenditure level per child was \$8,660.

The protected fund balance however has <u>not</u> gone unspent. The protected balance for the non-mandated population has been used by localities to support their mandated population costs, essentially delaying their need for supplemental CSA funding. In 2008, 8 % of all localities did not require supplemental funding for their mandated population. And every year, a portion of the following year's state supplemental funding allocation amount is required to fund current year mandated population local supplemental funding request.

NON-MANDATED POPULATION PROFILE

Since 2003 localities have reported on average serving about 1266 children a year in the non-mandated category. The range has been 1017 in 1994 to 1843 in 1977. In 2008 1265 children were served in the category. Since 2003 consistently 70% of those served are males with an average age being 14-15 years old range. The juvenile justice system consistently refers 50% of those served as non mandated with 50% of the balance being referred by the local education component. Localities report behavioral issues are the most reported reason for service for those classified as non-mandated. Over 65% receive community based intervention services followed by 13-15% who receive residential treatment services.

	Communities	amilaaa far Ai	Diale Vaude	mal Familia									
	Comprehensive S			ina Families									
	Non-Mandated Ex		-										
	Program Years 20	08, 2007 and 2	2006										
		2009 N	ON-MANDAT	ED EVBENDI	TUDES	2007 NO	ON MANDAT	ED EXPENDI	THEE	2006 NG	ON-MANDAT	ED EVBENDI	THEE
		2006 IN	JIN-IVIAINDA I	ED EXPEND	TURES	2007 INC	JIN-IVIAINDA I	ED EXPENDI	IUNES	2000 INC	JIN-IVIAINDA I	ED EXPEND	TUKES
FIPS	Locality	PROTECTED ALLOCATIO N	NON-MTD RES	NON-MTD NON-RES	TOTAL	PROTECTED ALLOCATIO N	NON-MTD RES	NON-MTD NON-RES	TOTAL	PROTECTED ALLOCATIO N	NON-MTD RES	NON-MTD NON-RES	TOTAL
1	Accomack	38,655	0	0	0	38,655	900	0	900	38,655	4,550	0	4,55
3	Albemarle	121,311	115,020	6,291	121,311	121,311	450	4,922	5,372	121,311	850	28,371	29,22
5	Alleghany	42,892	0	0	0	42,892	0	0	0	42,892	0	0	
7	Amelia	10,000	0	0	0	10,000	0	0	0	10,000	0	0	
9	Amherst	85,122	-400	2,323	1,923	85,122	-100	23,618	23,518	85,122	51,570	6,357	57,92
11	Appomattox	10,902	0	0	0	10,902	0	0	0	10,902	0	105	
13	Arlington	137,387	140,765	88	140,852	137,387	82,822	360	83,182	137,387	91,689	9,137	100,82
15	Augusta	39,871	319	1,118	1,437	39,871	133	28,528	28,661	39,871	3,580	36,252	39,83
17	Bath	10,000	0	0	0	10,000	0	0	0	10,000	0	0	
19	Bedford County	29,182	8,235	12,781	21,016	29,182	13,860	749	14,609	29,182	2,850	4,530	7,38
21	Bland	10,000	0	0	0	10,000	0	0	0	10,000	0	0	
23	Botetourt	17,263	0	0	0	17,263	0	0	0	17,263	0	0	
25	Brunswick	16,926	0	0	0	16,926	0	0	0	16.926	4,374	0	4,37
27	Buchanan	34,381	0	0	0	34,381	0	0	0	34,381	0	0	
29	Buckingham	15,461	0	0		15,461	0	52	52	15,461	0	72	7
31	Campbell	80,361	0	80,361	80,361	80,361	0	-	80,856	80,361	0		
33	Caroline	19.958	0	3.745	3,745	19,958	0	,	11.513	19.958	0	0	
35	Carroll	22,749	1,757	20,201	21,959	22,749	3,875	,	19,698	22,749	2,175	14,866	
36	Charles City	10.000	0	0		10.000	0		0	10.000	0	0	
37	Charlotte	33,202	0	9,660	9,660	33,202	2,753	-	9,662	33,202	0		4,69
41	Chesterfield	476,901	286,683	57,847	344,531	476,901	266,933	34,266	301,199	476,901	152,417	33,857	186,27
43	Clarke	10,000	0	29,307	29,307	10,000	0		22,344	10.000	0	2,400	
45	Craig	10,000	0	0		10,000	0		0	10,000	0	,	
47	Culpeper	40,025	0	0		40.025	0	-	0	40.025	0		
49	Cumberland	84,607	25,787	9.387	35.174	84,607	0	-	0	84.607	0	-	
51	Dickenson	23,751	0	9.486	9.486	23.751	0	-	1,380	23.751	0	-	
53	Dinwiddie	63,456	1,636	318	1,954	63,456	0	,	400	63,456	0	-,	-,
57	Essex	10.000	1,030	0	,	10,000	0		0	10.000	0	,	
61	Fauquier	92,484	6.927	0		92.484	27,010	0	27,010	92.484	0		
63	Floyd	22,353	0,327	0	- , -	22,353	27,010	-	0	22,353	0	_,	
65	Fluvanna	26.170	0	12.899	12.899	26.170	0	-	70,804	26.170	0	5.634	
67	Franklin County	140,887	98,754	9,002	107,756	140,887	96,654	-,	101,892	140,887	11,990	1,428	
69	Frederick	34.011	551	1.671	2.223	34.011	90,034		0	34.011	0 0	1,420	
71	Giles	15,850	0	0	, -	15,850	0	-	0	15,850	0		
73	Gloucester	35,580	0	0	0	35.580	0	-	0	35.580	2,100	0	
75			0	0	_	,	0	-	0	,	2,100	0	=,
75 77	Goochland	10,000	-	-	13,236	10,000	0	-		10,000	0		
	Grayson	13,863	-428	13,664	,	13,863	-	,	12,745	13,863	-	13,854	
79 83	Greene Halifax	12,396 38,098	0	0	-	12,396 38,098	0	-, -	6,120 0	12,396 38,098	245 0	6,334 0	

	Comprehensive S	ervices for At.	Risk Youth	and Families									
	Non-Mandated Ex			iliu i allillies									
	Program Years 20												
	riogram rears 20	00, 2007 and 2	2000										
		2008 N	ON-MANDAT	ED EXPENDI	TURES	2007 NO	ON-MANDAT	ED EXPENDI	TURES	2006 NO	ON-MANDATI	ED EXPENDIT	TURES
		2000 11	011 1115 1115 111	22 27(1 2112)	IOILEO	2007 110		20 231 21101		2000 11		EX. E.(D.)	OILE
FIPS	Locality	PROTECTED ALLOCATIO N	NON-MTD RES	NON-MTD NON-RES	TOTAL	PROTECTED ALLOCATIO N	NON-MTD RES	NON-MTD NON-RES	TOTAL	PROTECTED ALLOCATIO N	NON-MTD RES	NON-MTD NON-RES	TOTAL
85	Hanover	84.600	0	60,170	60.170	84.600	14,543	44,018	58,561	84,600	10,595	61,727	72,32
87	Henrico	429,722	0	,	0	429,722	0	0	0	429,722	18,174	7,547	25,72
89	Henry	50,707	0	43.911	43,911	50,707	0	28,020	28,020	50,707	4,745	32,357	37,10
91	Highland	10,000	0	0	0	10,000	0	0	0	10,000	0	0	
93	Isle of Wight	103,708	966	0	966	103,708	-71	10,516	10,445	103,708	28,410	26,001	54,41
95	James City	34,872	-2,138	2,138	0	34,872	0	0	0	34,872	0	0	,
97	King & Queen	23,021	0	3,263	3,263	23,021	0	1,128	1,128	23,021	12,900	4,487	17,38
99	King George	14,422	0		0,200	14,422	0	0	0	14,422	0	0	,50
101	King William	24,574	0	1,461	1,461	24,574	0	638	638	24,574	0	5,766	5,76
103	Lancaster	10,000	0		0	10,000	0	0	0	10,000	0	45	4
105	Lee	44,098	0	0	0	44,098	0	0	0	44,098	0	0	·
107	Loudoun	298,840	217,290	46,229	263,519	298,840	160,658	46,198	206,856	298,840	247,656	51,184	298,84
109	Louisa	46,717	0	21,680	21,680	46,717	0	0	0	46,717	0	01,104	200,04
111	Lunenburg	92,169	0	,	35,840	92,169	0	19,560	19,560	92,169	0	22,430	22,43
113	Madison	17,437	0	,	11,580	17,437	7,590	9,760	17,350	17,437	1,500	2,950	4,45
115	Mathews	10,000	0	0	0	10,000	0,590	9,700	0	10,000	0	2,930	4,43
117	Mecklenburg	79,344	0	0	0	79,344	0	0	0	79,344	0	0	
119	Middlesex	10,000	0	0	0	10.000	0	1,377	1,377	10.000	8,265	2,310	10,57
121		53,993	0	35,216	35,216	53,993	0	15,664	15,664	53,993	0,203	14,108	14,10
125	Montgomery Nelson		0	35,216	,		2,612			12,721	-	14,100	
127	New Kent	12,721	0	0	0	12,721	2,012	7,818 7,270	10,430 7,270		9,203	0	9,20
		10,000 16,058		0		10,000	-			10,000	-	0	
131	Northampton		3,131		3,131	16,058	10.050	14.007	0 07.057	16,058	10.450	0	10.45
133	Northumberland	26,805	0	877	877	26,805	16,050	11,007	27,057	26,805	16,452	-	16,45
135	Nottoway	15,650	0	0	0	15,650	0	0	0	15,650	0	0	0.40
137	Orange	28,277	0	280	280	28,277	0	460	460	28,277	0	6,425	6,42
139	Page	85,046	0	64,408	64,408	85,046	0	84,269	84,269	85,046	0	31,855	31,85
141	Patrick	14,002	0	6,822	6,822	14,002	0	6,890	6,890	14,002	780	6,559	7,33
143	Pittsylvania	47,385	0	42,502	42,502	47,385	16,500	28,680	45,180	47,385	8,675	28,655	37,33
145	Powhatan	15,674	0	7,770	7,770	15,674	0	0	0	15,674	560	2,170	2,73
147	Prince Edward	16,569	28,203	2,000	30,203	16,569	4,673	1,203	5,875	16,569	79,123	26,788	105,91
149	Prince George	20,374	935	12,687	13,622	20,374	0	3,185	3,185	20,374	1,380	0	1,38
153	Prince William	779,745	341,302	387,311	728,613	779,745	158,351	343,803	502,154	779,745	155,354	357,493	512,84
155	Pulaski	42,149	0	27,420	27,420	42,149	0	0	0	42,149	0	0	
157	Rappahannock	10,000	0	0	0	10,000	0	0	0	10,000	0	0	
159	Richmond County	10,000			0	10,000	0	0	0	10,000	0	0	
161	Roanoke County	125,436	58,825	32,832	91,657	125,436	53,912	22,152	76,064	125,436	50,788	44,017	94,80
163	Rockbridge	29,110	2,308	11,521	13,829	29,110	0	18,851	18,851	29,110	4,172	20,175	24,34
165	Rockingham	56,811	0	0	0	56,811	0	0	0	56,811	0	0	
167	Russell	31,345	2,890	10,373	13,263	31,345	0	2,125	2,125	31,345	0	21,284	21,28

	Comprehensive S			nd Families									
	Non-Mandated Ex	cpenditure Sun	nmary										
	Program Years 20	008, 2007 and 2	2006										
		2008 NO	ON-MANDAT	ED EXPENDIT	TURES	2007 NO	N-MANDAT	ED EXPEND	TURES	2006 NO	ON-MANDAT	ED EXPENDI	TURES
FIPS	Locality	PROTECTED ALLOCATIO N	NON-MTD RES	NON-MTD NON-RES	TOTAL	PROTECTED ALLOCATIO N	NON-MTD RES	NON-MTD NON-RES	TOTAL	PROTECTED ALLOCATIO N	NON-MTD RES	NON-MTD NON-RES	TOTAL
169	Scott	21,525	0	0	0	21,525	0			21,525	0	0	
171	Shenandoah	49,463	-7	18,536	18,529	49,463	10,504	28,556	39,060	49,463	0	17,006	17,00
173	Smyth	97,251	37,177	37,081	74,258	97,251	8,635	38,038	46,673	97,251	20,231	51,564	71,79
175	Southampton	16,488	0	0	0	16,488	0	2,037	2,037	16,488	0	2,474	2,47
177	Spotsylvania	45,762	0	10,758	10,758	45,762	0	-523	-523	45,762	1,800	1,595	3,39
179	Stafford	55,493	367	17,376	17,743	55,493	0	55,368	55,368	55,493	3,135	50,404	53,53
181	Surry	10,000	0	0	0	10,000	1,094	0	1,094	10,000	1,729	1,890	3,61
183	Sussex	31,610	0	495	495	31,610	0	2,100	2,100	31,610	0	9,300	9,30
185	Tazewell	59,097	0	19,445	19,445	59,097	0	45,703	45,703	59,097	38,221	14,889	53,10
187	Warren	23,306	0	25,029	25,029	23,306	0	8,941	8,941	23,306	2,523	6,856	9,37
191	Washington	36,352	0	12,327	12,327	36,352	5,750	20,072		36,352	3,750	20,888	24,63
193	Westmoreland	15,606	0	14,386	14,386	15,606	0			15,606	0	14,206	14,20
195	Wise	51,186	16.100	0	16,100	51,186	31,043	0	31,043	51,186	16,937	0	16,93
197	Wythe	28,842	0	0	0	28,842	30	2,123		28,842	0	0	-,
199	York	41,320	0	0	0	41,320	35,205	24,398	59,603	41,320	0	0	
510	Alexandria	94,680	14,665	45,297	59,962	94,680	10,710	74,758	85,468	94,680	16,200	47,347	63,54
515	Bedford City	18,131	0	11,600	11,600	18,131	0			18,131	0	2,580	2,58
520	Bristol	61,541	0	19,906	19.906	61.541	0		17,231	61.541	0	55,482	55,48
530	Buena Vista	71,863	1,680	42,727	44,406	71,863	12,374	43,983		71,863	0	41,984	41,98
540	Charlottesville	391,582	181,682	63,344	245,026	391,582	36,563	36,896	73,459	391,582	118,944	47,399	166,34
550	Chesapeake	390,418	183,800	53,382	237,182	390,418	168,053	112,824	280,877	390,418	15,181	9,862	25,04
570	Colonial Heights	14,520	2,902	4,200	7,102	14,520	4,610	9,910	14,520	14,520	0	0	20,0-
580	Covington	18,306	2,902	4,200	7,102	18,306	4,010			18,306	0	0	
590	Danville	198.162	70.109	97.119	167,228	198,162	79.046	64.988	144.033	198.162	113.542	54.818	168.36
620	Franklin City	13,679	70,109	7,857	7,857	13,679	79,046	- ,	,	13,679	113,342	10.601	10,60
	,		_					11,503 29,997			0	- ,	
630	Fredericksburg	42,729	5,332	6,202	11,534	42,729	5,144	-,	35,141	42,729	-	5,139	5,13
640	Galax	10,000	00.004	000.075	0	10,000	0 700	-	-	10,000	0	0	200.00
650	Hampton	324,777	92,981	269,875	362,856	324,777	3,763	301,779	305,542	324,777	119,386	202,897	322,28
660	Harrisonburg	21,137	0	0	0	21,137	0			21,137	0	0	
670	Hopewell	71,270	12,800	57,295	70,095	71,270	0	,	,	71,270	0	4,500	4,50
678	Lexington	10,000	0	6,990	6,990	10,000	0	-	-	10,000	150	1,603	1,7
680	Lynchburg	375,907	297,568	81,185	378,754	375,907	203,502	265,252		375,907	283,217	101,230	384,4
683	Manassas City	139,978	34,591	34,018	68,610	139,978	16,908	58,186	75,094	139,978	32,886	58,987	91,8
685	Manassas Park	10,000	0	0	0	10,000	0	11.0	175	10,000	825	0	8
690	Martinsville	25,799	0	24,667	24,667	25,799	0	, -	21,437	25,799	0	19,783	19,7
700	Newport News	990,310	81,570	498,808	580,377	990,310	386,622	353,795	740,417	990,310	598,044	308,557	906,6
710	Norfolk	1,097,638	610,923	416,047	1,026,971	1,097,638	493,398	554,612	1,048,010	1,097,638	161,005	473,667	634,6
720	Norton	10,000	0	0	0	7,898	0	0	0	7,375	0	0	
730	Petersburg	114,304	0	0	0	114,304	0	0	0	114,304	0	0	

	Comprehensive Se			na Families									
		Mandated Expenditure Summary											
	Program Years 2008, 2007 and 2006												
		2008 NON-MANDATED EX			XPENDITURES		N-MANDAT	ED EXPENDITURES		2006 NON-MANDATED EXPENDI			TURES
FIPS	Locality	PROTECTED ALLOCATIO N	NON-MTD RES	NON-MTD NON-RES	TOTAL	PROTECTED ALLOCATIO N	NON-MTD RES	NON-MTD NON-RES	TOTAL	PROTECTED ALLOCATIO N	NON-MTD RES	NON-MTD NON-RES	TOTAL
735	Poquoson	10,000	0	0	0	10,000	0	0	0	10,000	0	0	
740	Portsmouth	152,670	15,762	42,617	58,379	152,670	14,010	46,045	60,055	152,670	56,325	76,782	133,10
750	Radford	10,000	0	2,516	2,516	10,000	0	4,320	4,320	10,000	0	670	670
760	Richmond City	652,624	379,372	183,719	563,091	652,624	411,165	146,685	557,850	652,624	225,125	205,224	430,349
770	Roanoke City	484,023	270,430	77,753	348,183	484,023	319,602	81,955	401,556	484,023	261,202	95,608	356,81
775	Salem	22,237	0	9,744	9,744	22,237	0	4,546	4,546	22,237	0	-160	-160
790	Staunton	102,927	13,452	300	13,752	102,927	0	22,759	22,759	102,927	685	55,718	56,403
800	Suffolk	309,218	90,497	123,377	213,873	309,218	24,713	35,805	60,517	309,218	55,314	84,035	139,349
810	Virginia Beach	1,073,425	455,594	34,580	490,173	1,073,425	516,836	163,789	680,624	1,073,425	279,007	157,641	436,648
820	Waynesboro	44,282	11,934	1,827	13,761	44,282	1,715	14,471	16,186	44,282	90	43,730	43,820
830	Williamsburg	10,000	0	0	0	10,000	0	0	0	10,000	0	0	
840	Winchester	20,162	0	0	0	20,162	0	0	0	20,162	0	0	
1200	Greensville/Emporia	\$64,731	0	0	0	\$64,731	0	0	0	\$64,731	0	0	
1300	Fairfax/Falls Church	\$1,630,458	1,284,697	149,157	1,433,853	\$1,630,458	1,501,751	109,895	1,611,646	\$1,630,458	1,223,007	344,343	1,567,350
	State Totals	14,464,225	5,505,296	3,669,977	9,175,273	14,462,123	5,232,852	3,900,342	9,133,193	14,461,600	4,635,582	3,721,359	8,356,941