

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 165 youth a month) and \$9.5M in 1993 (64% 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 non-mandated 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 non-mandated 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 receive 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 non-mandated 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 hundreds 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 not 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.

Comprehensive Services for At-Risk Youth and Families													
Non-Mandated Expenditure Summary													
Program Years 2008, 2007 and 2006													
		2008 NON-MANDATED EXPENDITURES				2007 NON-MANDATED EXPENDITURES				2006 NON-MANDATED EXPENDITURES			
FIPS	Locality	PROTECTED ALLOCATION	NON-MTD RES	NON-MTD NON-RES	TOTAL	PROTECTED ALLOCATION	NON-MTD RES	NON-MTD NON-RES	TOTAL	PROTECTED ALLOCATION	NON-MTD RES	NON-MTD NON-RES	TOTAL
169	Scott	21,525	0	0	0	21,525	0	0	0	21,525	0	0	0
171	Shenandoah	49,463	-7	18,536	18,529	49,463	10,504	28,556	39,060	49,463	0	17,006	17,006
173	Smyth	97,251	37,177	37,081	74,258	97,251	8,635	38,038	46,673	97,251	20,231	51,564	71,795
175	Southampton	16,488	0	0	0	16,488	0	2,037	2,037	16,488	0	2,474	2,474
177	Spotsylvania	45,762	0	10,758	10,758	45,762	0	-523	-523	45,762	1,800	1,595	3,395
179	Stafford	55,493	367	17,376	17,743	55,493	0	55,368	55,368	55,493	3,135	50,404	53,539
181	Surry	10,000	0	0	0	10,000	1,094	0	1,094	10,000	1,729	1,890	3,619
183	Sussex	31,610	0	495	495	31,610	0	2,100	2,100	31,610	0	9,300	9,300
185	Tazewell	59,097	0	19,445	19,445	59,097	0	45,703	45,703	59,097	38,221	14,889	53,109
187	Warren	23,306	0	25,029	25,029	23,306	0	8,941	8,941	23,306	2,523	6,856	9,379
191	Washington	36,352	0	12,327	12,327	36,352	5,750	20,072	25,822	36,352	3,750	20,888	24,638
193	Westmoreland	15,606	0	14,386	14,386	15,606	0	10,885	10,885	15,606	0	14,206	14,206
195	Wise	51,186	16,100	0	16,100	51,186	31,043	0	31,043	51,186	16,937	0	16,937
197	Wythe	28,842	0	0	0	28,842	30	2,123	2,153	28,842	0	0	0
199	York	41,320	0	0	0	41,320	35,205	24,398	59,603	41,320	0	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	63,547
515	Bedford City	18,131	0	11,600	11,600	18,131	0	12,142	12,142	18,131	0	2,580	2,580
520	Bristol	61,541	0	19,906	19,906	61,541	0	17,231	17,231	61,541	0	55,482	55,482
530	Buena Vista	71,863	1,680	42,727	44,406	71,863	12,374	43,983	56,357	71,863	0	41,984	41,984
540	Charlottesville	391,582	181,682	63,344	245,026	391,582	36,563	36,896	73,459	391,582	118,944	47,399	166,343
550	Chesapeake	390,418	183,800	53,382	237,182	390,418	168,053	112,824	280,877	390,418	15,181	9,862	25,043
570	Colonial Heights	14,520	2,902	4,200	7,102	14,520	4,610	9,910	14,520	14,520	0	0	0
580	Covington	18,306	0	0	0	18,306	0	0	0	18,306	0	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	168,360
620	Franklin City	13,679	0	7,857	7,857	13,679	0	11,503	11,503	13,679	0	10,601	10,601
630	Fredericksburg	42,729	5,332	6,202	11,534	42,729	5,144	29,997	35,141	42,729	0	5,139	5,139
640	Galax	10,000	0	0	0	10,000	0	0	0	10,000	0	0	0
650	Hampton	324,777	92,981	269,875	362,856	324,777	3,763	301,779	305,542	324,777	119,386	202,897	322,283
660	Harrisonburg	21,137	0	0	0	21,137	0	0	0	21,137	0	0	0
670	Hopewell	71,270	12,800	57,295	70,095	71,270	0	21,695	21,695	71,270	0	4,500	4,500
678	Lexington	10,000	0	6,990	6,990	10,000	0	0	0	10,000	150	1,603	1,753
680	Lynchburg	375,907	297,568	81,185	378,754	375,907	203,502	265,252	468,754	375,907	283,217	101,230	384,447
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	91,873
685	Manassas Park	10,000	0	0	0	10,000	0	175	175	10,000	825	0	825
690	Martinsville	25,799	0	24,667	24,667	25,799	0	21,437	21,437	25,799	0	19,783	19,783
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	906,601
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	634,672
720	Norton	10,000	0	0	0	7,898	0	0	0	7,375	0	0	0
730	Petersburg	114,304	0	0	0	114,304	0	0	0	114,304	0	0	0

