

2010 EXECUTIVE SUMMARY OF

**THE VIRGINIA COMMISSION
ON YOUTH**



**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**

**COMMONWEALTH OF VIRGINIA
RICHMOND
2010**



COMMONWEALTH of VIRGINIA
Commission on Youth

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January 11, 2011

TO: The Honorable Robert F. McDonnell
and Members of the General Assembly

Pursuant to the provisions of the Code of Virginia (§§ 30-174 and 30-175) establishing the Virginia Commission on Youth and setting forth its purpose, I have the honor of submitting herewith the Executive Summary for the calendar year ending December 31, 2010.

This 2010 Executive Summary includes the interim activity and work conducted by the Virginia Commission on Youth during the 2010 study year, as required by § 30-175.

Final reports of the studies conducted will be published or made available on the General Assembly website. These reports will also be available on the Commission's website, <http://coy.state.va.us>.

Sincerely,

A handwritten signature in cursive script that reads "Yvonne B. Miller".

Yvonne B. Miller
Chair

2010

VIRGINIA COMMISSION ON YOUTH

Senate of Virginia

The Honorable Yvonne B. Miller, Chair
The Honorable Harry B. Blevins
The Honorable R. Edward Houck

House of Delegates

The Honorable Christopher K. Peace, Vice Chair
The Honorable Mamyé E. BaCote
The Honorable Robert H. Brink
The Honorable Mark L. Cole
The Honorable Anne Crockett-Stark
The Honorable Beverly J. Sherwood

Citizen Members

Mr. Gary Close, Esq.
Mr. Anthony Dale
Ms. Joy Myers



2010 VIRGINIA COMMISSION ON YOUTH

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Access to the Internet

The Commission on Youth's homepage is located at

<http://vcoy.virginia.gov>

Acknowledgments

The Virginia Commission on Youth extends its sincere appreciation to the Office of the Clerk of the Senate, the Office of the Clerk of the House, the Division of Legislative Services, and the Division of Legislative Automated Systems for their assistance and support throughout 2010.

Legislative Initiative

Juvenile Offender Reentry

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

The majority of juveniles entering Virginia's juvenile justice system have complex needs, including mental health and substance abuse disorders, and are frequently involved in multiple service systems (child welfare, special education, mental health and juvenile justice). In Fiscal Year 2009, the Department of Juvenile Justice (DJJ) received 85,578 intake complaints, 16,626 new probation cases and 17,202 pre-dispositional placements. 819 juveniles were committed to DJJ. Virginia spends over \$100,000 per year to incarcerate one youth in a juvenile correctional center.

The primary goal of successful community reintegration is for the juvenile to begin building a foundation for a successful and productive future and to not reoffend. In keeping with that goal, the Commission on Youth is conducting a one-year study to examine challenges confronting the juvenile as he or she returns to the community, identify barriers to successful re-entry, and recommend system improvements.

At the Commission on Youth's April 21, 2010 meeting, the Commission adopted a study plan for juvenile offender reentry to include the following study activities:

- Conduct extensive background and literature reviews
 - ♦ Other states' initiatives and policies
 - ♦ Best-practices in juvenile offender re-entry
- Review federal legislation/statutes
 - ♦ *The Second Chance Act of 2007*
 - ♦ *The Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008*
 - ♦ *No Child Left Behind (NCLB)*
- Review Virginia laws and regulations
 - ♦ Virginia's mandatory outpatient statutes
 - ♦ Re-enrollment planning regulations
 - ♦ Mental health transition planning regulations
 - ♦ Juvenile confidentiality statutes
- Convene Work Group to assist in study effort
 - ♦ Invite representatives from the groups identified below:

Secretary of Public Safety
 Secretary of Education
 Secretary of Health and Human Resources
 Virginia's Prisoner Re-Entry Coordinator
 Superintendent of Public Instruction
 Executive Secretary of the Supreme Court
 Department of Behavioral Health and
 Developmental Services
 Parent Representatives
 Virginia Alternative Educators Association
 Local School Officials
 Commonwealth Attorneys' Services
 Council
 Detention Center representatives
 Virginia Association of Community
 Services Boards
 Department of Juvenile Justice
 Department of Social Services

Local Departments of Social Services
 Virginia Council on Juvenile Detention
 Department of Criminal Justice Services
 Department of Correctional Education
 Court Service Unit representatives
 School Resource Officers
 Public Defenders
 Virginia Chamber of Commerce
 Business/Industry representatives
 Advocacy Organizations
 Community Organizations
 Higher Education Representatives
 Virginia Association of Counties/Virginia
 Municipal League
 Chiefs of Police
 Virginia Sheriffs' Association
 Faith-Based Community representatives

- Form subcommittees to look at specific issues of entry:
 - ♦ Female Offenders – Special Populations
 - ♦ Education
 - ♦ Mental Health
 - ♦ Community/Family
- Interview impacted stakeholders
- Analyze Virginia practices
 - ♦ Receive information on Virginia's re-enrollment efforts in public schools
 - ♦ Assess barriers to re-enrollment
 - ♦ Receive information on various pathways to re-entry
 - ♦ Review DJJ's memoranda of agreement
 - ♦ Assess Virginia's existing aftercare services
- Examine potential funding sources
- Synthesize findings of literature review and workgroup recommendations
- Solicit feedback to recommendations from constituents and Secretary of Public Safety
- Coordinate efforts with the Secretary of Public Safety's Prisoner Re-entry Coordinator
- Refine findings and recommendations
- Present findings and recommendations to the Commission on Youth
- Prepare final report

At its November 15, 2010 meeting, the Commission on Youth approved the following recommendations:

Recommendation 1

Request the Department of Juvenile Justice (DJJ) review the Juvenile Correctional Centers' (JCCs) visitation guidelines to ensure that they are applied consistently. Request DJJ create a handbook to ensure that visitation guidelines and identification requirements are shared with the juvenile's family/caregivers in the mailed orientation package.

Recommendation 2

Request DJJ continue to allow programs such as the “Family Link” Video Visitation Program to go statewide by using community and faith-based partnerships. A report shall be provided to the Commission on Youth prior to the 2012 General Assembly Session.

Recommendation 3

Request DJJ review the JCC visitation guidelines to include specific parameters for the (i) identification and (ii) assessment for suitability of non-immediate family members and special visitors (e.g., coaches, neighbors, and family friends) to ensure that individuals who have served, or will serve as a positive support or role models to the juvenile during the time of commitment and upon reentry to the community, are approved for visitation at the JCC.

Recommendation 4

Request DJJ, in conjunction with appropriate mentoring partnerships, where feasible, incorporate in the development of a juvenile’s reentry plan a mentoring component for the purpose of assessing whether the juvenile is appropriate to participate in a mentoring program. Virginia’s universities, colleges, and community college systems shall be included as a resource in this effort.

Recommendation 5

Support the Workforce Investment Boards (WIB) and WIB’s Youth Councils efforts in completing the Youth Mapping of community services and request they share mapping information once completed with the Virginia’s Prisoner and Juvenile Offender Reentry’s Council.

Recommendation 6

Request that the Secretary of Health and Human Resources investigate expanding Virginia 2-1-1 in the development of a reentry mapping network for Virginia. Other public and privately-operated information and referral systems, such as Virginiahousingsearch.com and socialserve.org, will be asked to participate in this effort.

Recommendation 7

Request the Secretary of Public Safety recommend including a gradual release component in the Virginia’s Prisoner and Juvenile Offender Reentry’s Council long-term strategic plan which is to be submitted to the Governor. Such a component will include an assessment for qualifying juveniles and will allow qualifying juveniles to step-down to graduated programs 30 to 60 days prior to their release. The component will also enable DJJ to establish partnerships with private and/or public providers to offer identified step-down services to qualifying juveniles. (Referred to the Governor’s Prisoner Reentry Council)

Recommendation 8

Request the Governor include funding in the Fiscal Year 2012 budget for additional transitional living and halfway houses for juvenile offenders. (Adopted 10/20/10)

Recommendation 9

Introduce a budget amendment to fund additional transitional living and halfway houses for juvenile offenders. (Referred to the Governor’s Prisoner Reentry Council)

Recommendation 10

Introduce a budget amendment to provide state funding for locally-administered Post-Dispositional programs. (Referred to the Governor’s Prisoner Reentry Council)

Recommendation 11

Request the Virginia Housing Commission, with assistance from the Office of the Attorney General and in conjunction with the Commission on Youth, assess local housing authorities' application of laws pertaining to criminal background checks to determine their impact upon juveniles returning to their communities and whether current practices need to be modified. Strategies, such as an education component of the importance of reentry of juveniles returning to their communities and the differences in juvenile and adult offenders should be developed to share with local housing authorities. This information would be shared with the Governor's Prisoner and Juvenile Offender Reentry Council.

Recommendation 12

Request (or support) the Department of Correctional Education (DCE) integrate the provisions set forth in the Department of Education's Academic and Career Plan (ACP) into the juveniles' educational program.

Recommendation 13

Request DCE, in conjunction with DJJ and Department of Education (DOE), study the feasibility of continuing the juvenile's education track, as established at the local juvenile detention center, at the Reception and Diagnostic Center through web-based technologies and/or other strategies that incorporate the Standards of Learning (SOLs). (Referred to the Governor's Prisoner Reentry Council)

Recommendation 14

Request DOE, DJJ, and DCE conduct a survey to ascertain commonly-encountered barriers to reenrollment. Request that the identified issues and recommended solutions be shared with the Commission on Youth prior to the 2012 General Assembly Session.

Request DOE report school completion and dropout rates for juveniles who have been committed to DJJ or who have been sentenced to a Post-Dispositional placement.

Recommendation 15

Request DJJ, Department of Social Services (DSS), Office of Comprehensive Services (OCS), DOE, and local key stakeholders review current guidance and develop or revise guidance and procedures across state agencies to ensure that JCCs include LDSS and the Family Assessment and Planning Teams (FAPTs) in the juvenile's reentry planning and educational transitional planning. Guidance should include the local Department of Social Services' (LDSS) involvement in initial case planning at the Reception and Diagnostic Center (RDC) to clarify the long-term permanency plan for the juvenile and how the JCC can support that plan throughout the juvenile's commitment to DJJ.

Recommendation 16

Request the DOE/DSS education committee on the federal *Fostering Connections to Success and Increasing Adoptions Act of 2008* involve DJJ and DCE to coordinate implementation of the guidance on educational placement of youth returning from DJJ to the LDSS in DJJ discharge planning. The committee should also review DSS, DOE and DJJ Code sections, identifying inconsistencies related to the educational needs and placements of youth, and provide recommendations for legislative changes to the Commission on Youth.

Recommendation 17

Amend §16.1-293 of the *Code of Virginia* to require that the court services unit (CSU) consult with the local department of social services 90 days prior (instead of four weeks) to the person's release from commitment on parole supervision concerning return of the person to the locality and the placement of the person's terms and conditions of parole. Further, amend

this section of the *Code* to require the JCC and LDSS to work collaboratively in developing a transition plan from the JCC to the LDSS.

Recommendation 18

Amend §66-25.1 of the *Code of Virginia* to expand the membership of the Virginia Juvenile Enterprise Committee to include the Office of the Secretary of Education, Virginia Community College System (VCCS), representatives from the *Workforce Investment Act* (WIA) and the local WIBs, potential employers of juvenile offenders, and the Department of Correctional Education.

Recommendation 19

Amend §66-25.1 of the *Code of Virginia* to expand the role of the Virginia Juvenile Enterprise to include developing a plan for the creation of a network of employers willing to hire juvenile offenders reentering their communities.

Recommendation 20

Request the VCCS and the DCE to create educational materials to be shared with juvenile offenders about the effectiveness of Virginia's Middle College Program.

Recommendation 21

Support the current level of funding for Virginia's Middle College Program.

Recommendation 22

Request the Secretary of Public Safety, the Secretary of Commerce and Trade, and the VCCS/WIA develop a strategy to communicate with business community information about the Workforce Opportunity Tax Credit (WOTC).

Recommendation 23

Request DJJ investigate the feasibility, need and cost to expand the Youth Industries' programs to increase the number of juveniles participating in Career and Technical Education Programs and increase the numbers of programs offered. Request DJJ develop a Youth Industries plan that focuses on areas of professional credentials, using the Virginia Employment Commission's forecasts of future employment needs. The plan will also encourage DJJ to allow, when appropriate, youth to acquire certifications and/or licenses while under direct care to increase the likelihood of gainful employment.

Recommendation 24

Request the Virginia State Crime Commission convene a workgroup of impacted agencies and stakeholders to review existing juvenile record requirements and establish guidelines for the protection of, as well as for the purging of juvenile records after the juvenile's adjudication date. This will include establishing a process for purging juvenile records from the Department of Motor Vehicles (DMV) system.

Recommendation 25

Request the VCCS transmit consistent guidelines to Virginia community colleges regarding admission policies for juvenile offenders reentering their communities. Such guidelines will also address the protection of juvenile records.

Recommendation 26

Request Department of Medical Assistance Services (DMAS) develop a plan addressing systemic, legal, and budgetary impact of suspending, rather than terminating, Medicaid for juveniles.

Recommendation 27

Introduce a budget amendment, with necessary funding, to modify Virginia Medicaid requirements to allow for the suspension of Medicaid benefits for juveniles who are committed to DJJ.

Recommendation 28

Request that DMAS, DSS, and DJJ develop guidelines to make local DSS' reenrollment practices more consistent. Guidelines would clarify which agency is responsible for which role.

Recommendation 29

Request DJJ, in conjunction with DSS and DMAS, to implement the procedures set forth in the DSS eligibility guidance manuals to begin the process of eligibility determinations for Medicaid 45-days prior to release.

Recommendation 30

Request the Office of Comprehensive Services for At-Risk Youth and Families examine the feasibility and cost of including juvenile offenders with mental health needs as a mandated population under the Comprehensive Services Act.

Recommendation 31

Request the Secretary of Health and Human Services establish guidelines to encourage the use of telemedicine in Virginia localities not having psychiatric services.

Recommendation 32

Request the State Executive Council research whether foster care prevention services through the Comprehensive Services Act can be accessed for juveniles returning to their families to assist in their reunification.

Recommendation 33

Request DSS investigate the feasibility of legislative changes needed and the fiscal impact of allowing youth to remain in foster care until age 21 in order to receive independent living services.

Recommendation 34

Request DJJ create a resource guide for juveniles and their families which identifies successful programs which are gender-specific and involve the entire family.

Recommendation 35

Support DJJ's current program activities that provide services to committed youth who are parents and DJJ's efforts to address generational issues which impact incarcerated parents, particularly mothers and their daughters.

Recommendation 36

Request the Special Advisor to the Governor on Children's Services study the feasibility of providing community supports to kinship care providers of juvenile offenders in the child transformation/kinship care activities.

Recommendation 37

Support DJJ's efforts to develop and implement a singular reentry plan for the juveniles committed to the Department.

Recommendation 38

Support the Office of the Attorney General's Virginia Rules Program which educates teens about Virginia laws and how these laws impact their day-to-day lives.

Recommendation 39

Request the Office of the Attorney General create a resource guide, including a web-based guide, explaining the terminology associated with the juvenile justice system in Virginia.

Legislative Initiative

Barriers to Kinship Care in Virginia

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

Kinship care complements federal requirements of providing children with stability and permanency. Children in kinship care experience less trauma, have positive perceptions of their placements and have fewer behavioral problems. Virginia policy requires that family members be considered first when out-of-home placements are sought for children. However, Virginia ranks last in the nation in the use of kinship care.

At the Commission's meeting on April 21, 2010, the Commission adopted a study plan to assess barriers to foster and kinship care placements in Virginia. The approved study plan included the following activities:

- Literature review
 - ♦ Review role and benefits of kinship care
 - ♦ Review national literature on best practices in foster care/kinship care, including research from the Child Welfare League of America and U.S. Department of Health and Human Services
 - ♦ Identify best-practices in kinship care
- Review federal legislation/statutes
 - ♦ *Fostering Connections to Success and Increasing Adoptions Act* (P.L. 110-351)
 - ♦ Titles IV-B and IV-E of the *Social Security Act*
 - ♦ Social Services Block Grant (SSBG)
 - ♦ Temporary Assistance for Needy Families (TANF) block grant
 - ♦ *The Adoption and Safe Families Acts of 1997*
 - ♦ *The Adam Walsh Child Protection and Safety Act of 2006*
 - ♦ *The Child Abuse Prevention and Treatment Act (CAPTA)*
- Convene Work Group to assist in study effort.
 - ♦ Invite representatives from the impacted groups including:

Secretary of Health and Human Resources
 Virginia Department of Social Services
 Local Departments of Social Services
 Virginia League of Social Service Executives
 Virginia Juvenile and Domestic Relations Judiciary
 Department of Behavioral Health and Developmental Services
 Parent Representatives
 Office of Comprehensive Services
 State Executive Council
 Department of Criminal Justice Services

Virginia Department of Education
 Virginia Department of Aging
 Virginia's Court Improvement Program – Supreme Court of Virginia
 Department of Juvenile Justice
 Virginia Association of Counties/Virginia Municipal League
 Faith-Based Community
 Private child placing agencies
 Advocacy Organizations
 CASA Representatives
 Virginia Association of Community Services Boards

- Review Virginia laws and regulations
 - ◆ Barrier crime statutes for foster and adoptive homes
 - ◆ Statutorily-created exclusions to Virginia's barrier crime laws
- Analyze Virginia practices and data
 - ◆ Review kinship care arrangements in Virginia, both formal and informal
 - ◆ Review Virginia's data on utilization of kinship care by locality
 - ◆ Identify previous Virginia analyses on kinship care
 - ◆ Coordinate with Virginia's Children's Services System Transformation
 - ◆ Receive presentations on current efforts encouraging kinship care
 - ◆ Review state and local Department of Social Services (DSS) policies and practices
 - ◆ Survey local DSSs for practices and suggested changes
 - ◆ Review Virginia's study of subsidized custody
 - ◆ Monitor Virginia's plan to increase the permanent placement of children with families and reduce the number of children in foster care by 25% by 2020 (HB 718, 2010, Peace)
- Summarize other states' barrier crime statutes
 - ◆ Collect and analyze other states' kinship care/foster care laws
 - ◆ Compare barrier crime laws in identified states
 - Assess whether other states' statutes are more or less restrictive than federal standards
 - Assess how variation in laws impacts safety and placement of children in kinship care
- Assess constituents' perceptions
 - ◆ Interview local DSS directors, consumers and relatives providing kinship care
 - ◆ Interview family members and other caregivers
 - ◆ Identify and coordinate with kinship care support groups (AARP, churches, other)
- Develop recommendations
 - ◆ Synthesize findings from surveys, other states and constituent groups
 - ◆ Develop recommendations for improvement
 - ◆ Solicit feedback to recommendations from constituents and DSS
- Solicit feedback to recommendations
- Refine findings and recommendations
- Present findings and recommendations to the Commission on Youth
- Prepare final report

At its November 15, 2010 meeting, the Commission on Youth approved the following recommendations:

Recommendation 1

Support the continued implementation of Virginia's Children's Services System Transformation.

Recommendation 2

Request the Department of Social Services (DSS) clarify policies and provide training to ensure kinship care, both formal and informal kinship care, is identified as a goal for permanency.

Recommendation 3

Request the Virginia Department for the Aging Kinship Care Task Force develop a plan for the creation of a Kinship Care Navigator. This effort will include local departments of social services, local health departments, Virginia's Area Agencies on Aging (AAAs), community services boards (CSBs), local school divisions, and community action agencies and will address dissemination of information to relative caregivers regarding available social service programs and benefits (e.g., TANF, FAMIS, Medicaid, WIC, housing assistance, and the Comprehensive Services Act). Potential public and/or private funding sources will be included in this plan. The Department will report on the status of this plan to the Commission on Youth prior to the 2012 General Assembly Session.

Recommendation 4

Request DSS develop a plan for using Virginia 2-1-1 to serve as a resource tool for juveniles released into the community in assisting them transition back to the community.

Recommendation 5

Request the DSS move forward with implementing the Custody Assistance Program (formerly Subsidized Custody to a Relative Program). Request DSS report on the costs of providing formal kinship care as compared to therapeutic foster care, residential treatment, and even the cost of incarceration. The benefits and positive outcomes experienced by children who are placed with family members will also be included in this report. The Department shall report these findings to the Commission on Youth prior to the 2012 General Assembly Session.

Recommendation 6

Request DSS update the Commission on Youth on the Kinship Care Diversion Project, which will help identify the number of children diverted from foster care and placed with kinship providers. This update will include outcome data and cost savings of such diversion. This update will take place prior to the 2012 General Assembly Session.

Recommendation 7

Request the Crime Commission evaluate Virginia's barrier crime statutes in the *Code of Virginia* and offer recommendations which will make provisions consistent while reducing existing gaps in these statutes. The Crime Commission will update the Commission on Youth on the findings from this study prior to the 2012 General Assembly Session.

Recommendation 8

Request the DSS, with assistance from the Office of the Attorney General, to annually review and update the listing of barrier crimes impacting the licensure of foster or adoptive parents approved by child-placing agencies and family day homes approved by family day systems. The barrier crime listing will be distributed annually to all local departments of social services.

Recommendation 9

The Commission on Youth will convene an advisory group of representatives from impacted agencies and stakeholder organizations to study ways to clarify the school enrollment process for informal kinship caregivers. Legal guardianship will also be addressed in this review. The advisory group will formulate recommendations to be shared with the Commission on Youth prior to the 2012 General Assembly Session.

Recommendation 10

Request the Virginia Department of Education (DOE) to issue a Superintendent's Memorandum outlining the Attorney General's Opinions which state local school divisions may not refuse to provide free education to *bona fide* residents and that enrollment determinations be made based on all pertinent facts.

Recommendation 11

Request the Virginia Association of Elementary School Principals, the Virginia Association of Secondary School Principals, the Virginia School Board Association, and the Virginia Association of School Superintendents include information from the Attorney General's Opinions clarifying local school divisions may not refuse to provide free education to *bona fide* residents and enrollment determinations be made based on all pertinent facts at their annual conferences and trainings.

Recommendation 12

Support DSS in their efforts to provide training to local departments of social services on family engagement, technical assistance on the requirements of diligent family search, and strategies for rural localities.

Recommendation 13

Support DSS' efforts to obtain funding for a family locator search engine, e.g., Accurint®, which will assist local departments of social services in their efforts to perform due diligence searches and identify extended family to help children maintain connections with their families.

Legislative Initiative

Update of *Collection of Evidence-based Treatments for Children and Adolescents with Mental Health Disorders*

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

The 2002 General Assembly, through Senate Joint Resolution 99, directed the Virginia Commission on Youth to coordinate the collection of empirically-based information on treatments recognized as effective for children, including juvenile offenders, with mental health treatment needs. The resulting publication entitled *Collection of Evidence-based Treatments for Children and Adolescents with Mental Health Treatment Needs* was compiled by the Commission on Youth with the assistance of an advisory group of

experts pursuant to the resolution. The *Collection* was published in *House Document 9* and presented to the Governor and the 2003 General Assembly.

The 2003 General Assembly passed Senate Joint Resolution 358, which required the Commission to update the *Collection* biennially. The Commission on Youth designed this initiative to be assisted by an advisory group, which was to provide overall guidance, including direction and philosophy for the update of the *Collection*. The *Collection 2nd Edition* was published in *Senate Document 10* and the 3rd Edition was published in House Document 21. Each of the *Collection* reports were presented to the Governor and the General Assembly.

Senate Joint Resolution 358 also mandated that the Commission disseminate the *Collection* via web technologies. As specified in the resolution, the Commission received assistance in disseminating the *Collection* from the Advisory Group, the Secretary of Health and Human Resources, the Secretary of Education, and the Secretary of Public Safety.

At its November 15, 2010 meeting, the Commission on Youth adopted the following recommendation:

Recommendation:

The Commission on Youth will update the next biennial revision (5th Edition) of the *Collection of Evidence-Based Practices for Children and Adolescents with Mental Health Treatment Needs* during the summer of 2013 to coincide with publication of the revised American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders (DSM) DSM-V* slated to be published in May 2013.