

2019 EXECUTIVE SUMMARY

THE VIRGINIA COMMISSION ON YOUTH



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

REPORT DOCUMENT 33

**COMMONWEALTH OF VIRGINIA
RICHMOND
2020**



COMMONWEALTH of VIRGINIA
Commission on Youth

Senator David W. "Dave" Marsden, *Chair*
Delegate Emily Brewer, *Vice Chair*

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January 7, 2020

TO: The Honorable Ralph S. Northam
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, 2019.

This Executive Summary includes the activity and work conducted by the Virginia Commission on Youth during the 2019 study year, as required by § 30-175. The Commission has enjoyed a busy year producing excellent work to support Virginia's families and youth.

Final reports of the studies conducted will be made available on the Commission on Youth's website, <http://vcoy.virginia.gov>.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Marsden", written over a large, stylized circular flourish.

Dave Marsden

2019

VIRGINIA COMMISSION ON YOUTH

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Commission Staff

Amy M. Atkinson, Executive Director
Will Egen, Senior Policy Analyst
Christine Wilcox, Editor

EXECUTIVE SUMMARY

Virginia Commission on Youth – Background

Enabling Authority

§ 30-174 and § 30-175

Established in statute by the 1989 General Assembly, the Virginia Commission on Youth represents a legislative response to a two-year study examining the issues related to services to chronic status offenders. Virginia Code directs the Commission "to study and provide recommendations addressing the needs of and services to the Commonwealth's youth and families." Enacted in 1989, the Commission began operations in 1991.

The Commission on Youth is comprised of nine members of the General Assembly and three citizens appointed by the Governor (§ 30-174). Six Commission members from the House of Delegates are appointed by the Speaker of the House. Three Commission members from the Senate are appointed by the Senate Committee on Rules.

Legislative Study

Seclusion and Restraint: Overview and Update on Regulatory Process

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

In 2014, the Commission on Youth conducted a study on the use of seclusion and restraint by schools. This study surveyed the policies of schools in Virginia related to seclusion and restraint. As a result of the study, the Commission adopted a recommendation, and the General Assembly passed a law in 2015, requiring the Board of Education to adopt regulations on the use of seclusion and restraint in public elementary and secondary schools in the Commonwealth.

Since 2015, the Board of Education has been working through the regulatory process to establish regulations governing seclusion and restraint in public elementary and secondary schools. The proposed regulations are entering the final stage of the regulatory process. At the May 6, 2019, Commission on Youth meeting, members adopted a study plan to monitor the regulatory process and receive an update on the seclusion and restraint regulations.

The Commission on Youth directed staff at the May 6, 2019, meeting to:

- Monitor the regulatory process regarding the promulgation of regulations on seclusion and restraint, and provide updates to the Commission on Youth as necessary.
- Request the Virginia Department of Education to provide an update on approved regulations and its implementation plan.
- Review and update the Commission on Youth on the recently published report in February 2019 by the U.S. Government Accountability Office (GAO) on Federal Data and Resources on Restraint and Seclusion.
- Assist the GAO with their current study on evaluating recommendations for improving restraint and seclusion data reported to the U.S. Department of Education's Civil Rights Data Collection (CRDC).

The Commission received an update from the Virginia Department of Education (VDOE) at the Commission's December 4, 2019, meeting on the regulatory process for seclusion and restraint. Throughout the process, VDOE sought extensive stakeholder input. The proposed regulations were published in the Virginia Register of Regulations on February 18, 2019, with a 60-day public comment period, which expired on April 19, 2019. Following its meeting on March 21, 2019, the Board of Education held a public hearing on the proposed regulations, and on July 25, the Board approved the proposed Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia. The Office of the Attorney General completed its review on October 10, 2019. The Department of Planning and Budget submitted a regulatory package for consideration by the Secretary of Education on November 6, 2019, and the Secretary of Education completed its review of the regulatory package on November 25, 2019. As of publication of this report, the regulations are waiting final approval from the Governor.

Legislative Study

The Collection of Evidence-based Practices for Children and Adolescents with Mental Health Treatment Needs

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

SJR 358 (2003) directed the Commission on Youth to update biennially its publication, the *Collection of Evidence-based Practices for Children and Adolescents with Mental Health Treatment Needs (Collection)*. The purpose of the *Collection* is to identify effective treatment modalities for children, including juvenile offenders, with mental health treatment needs. Utilization of evidence-based practices in the field of children's

mental health promotes better patient outcomes and may offer the Commonwealth some cost savings.

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.

The Commission on Youth directed staff at the May 26, 2019, meeting to:

- Continue to identify and implement cost-effective and efficient dissemination methods and partner with agencies/organizations.
 - Post the *Collection, 7th Edition*, on the VCOY website in an easy-to-navigate format
 - Investigate ways to increase visits to website and implement as appropriate
 - Create print-based marketing materials
 - Contract with vendor for a limited print run of the *Collection, 7th Edition*
 - Distribute copies of the *Collection* and marketing materials at CSA Conference
 - Contact partners and request assistance with dissemination efforts
 - Advisory group members
 - Agency heads (request web link to be posted on agency websites)
 - Local school divisions (request announcement in Superintendent’s memo)
 - Professional associations
 - Advocacy organizations
 - CSA and coordinators
 - CPMT and FAPT team leaders
 - CASA program directors
 - Juvenile and Domestic Relations judges
- Identify partners and participants in biennial update (*8th Edition*) and training initiatives
- Identify parameters and limits of biennial update
 - Evaluate disorders/illnesses and current mental health issues to be included
 - Identify and evaluate latest research in support of evidence-based treatments
 - Update links to external resources and identify new resources
- Prepare final report

The Commission will be submitting the final report on the *Collection of Evidence-based Practices for Children and Adolescents with Mental Health Treatment Needs* in the spring of 2020.

Legislative Initiative and Study

Foster Care for Legislators Seminar and Foster Care Study

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

In response to Virginia's increasing focus on the foster care system, and to facilitate the work of Virginia lawmakers in addressing issues affecting foster care, the Virginia Commission on Youth hosted a seminar entitled "Foster Care for Legislators" at its May 6, 2019, meeting. The purpose of this seminar was to inform lawmakers about the complexities of the foster care system and to develop recommendations to improve Virginia's foster care system.

In February of 2018, the federal Family First Prevention Services Act was enacted. Family First makes major changes to federal funding for foster care, and supports family permanency by providing funding for services to families who have children who are at risk of entering the child welfare system. Virginia is currently working to implement the law in advance of the effective date of most of its provisions (July 1, 2020).

During December of 2018, the Joint Legislative Audit & Review Commission (JLARC) released a report titled *Improving Virginia's Foster Care System*. The report generated 34 recommendations, some of which were addressed during the 2019 General Assembly Session. However, the report indicates that many improvements to our current foster care system are still needed.

To facilitate the work of Virginia's lawmakers in response to JLARC's recommendations and to the requirements of implementing the Family First Prevention Act, the Commission on Youth hosted an informational seminar on Virginia's foster care system entitled "Foster Care for Legislators" at its May 6, 2019, meeting. The purpose of this seminar was to inform lawmakers about the complexities of the foster care system. Presentations were made by state and local stakeholders on a variety of topics which included:

- Overview of Virginia's Foster Care System From a State and Local Perspective
- Funding of Virginia's Foster Care System
- Foster Care Prevention and Family First
- Virginia's Foster Care System, Bedford Department of Social Services Team
- Foster Families Panel
- Foster Youth Transition to Adulthood Panel
- Plan of Action

Over 200 people attended the seminar. Legislators also had an opportunity to talk with invited foster families, foster youth, and former foster youth at a luncheon held immediately after the seminar. To supplement information provided at the seminar, Commission staff prepared a resource binder titled “Foster Care 101: A Resource for Virginia’s Legislators,” which is available on the Commission’s webpage.

Following the seminar, Commission staff conducted a study on Virginia’s foster care system. Staff met with agencies, stakeholder groups, and local departments of social services across the Commonwealth to learn about the challenges within the foster care system. Draft study findings and recommendations were presented at the Commission’s September 18, 2019, meeting. The Commission received written public comment through November 22. After receiving public comment at the December 4, 2019, meeting, the Commission on Youth approved the following recommendations:

Workforce Recruitment and Retention

Recommendation 1 – Training Academy

Introduce a budget amendment for additional staff positions at VDSS to administer a Training Academy for Family Services Specialists as recommended in the 2018 study conducted by the University of Denver, Butler Institute for Families.

Recommendation 2 – Virginia’s Child Welfare Stipend Program

Introduce a budget amendment to expand Virginia’s Child Welfare Stipend Program to include stipend positions funded with state-only dollars, which will allow these stipend graduates to fulfil their stipend agreements in child welfare positions to include child protective services and ongoing/prevention services. These state-funded stipend positions will not have the federal requirement to have an employee work 51% of their job in Title IV-E.

Recommendation 3 – Salary Increase for Family Services Employees

Introduce a budget amendment to increase the minimum salary for Family Services Series positions and provide a salary adjustment for current Family Services employees.

Recommendation 4 – Technology Update

Request that the Virginia Department of Social Services present to the Commission on Youth an update on the status of VDSS technology, to include Compass, OASIS, and any efforts by the Department to allow Title IV-E to be processed electronically. Introduce a budget amendment to implement a new technology system to replace OASIS.

Recommendation 5 – Family Assessment

Amend § 16.1-1506 of the *Code of Virginia* to extend the family assessment requirement from 45 days to 60 days with no additional extension.

Fostering Futures

Recommendation 6 – Codify the Fostering Futures Program

Amend the *Code of Virginia* to codify the Fostering Futures program, as currently authorized in the Virginia State Budget language, ensuring that Federal Law is properly addressed. Include a provision allowing video conferencing as an option for monthly visits between LDSS and participants. Include in the legislation enactment clauses directing the Virginia Department of Social Services to make certain actions:

- Determine what services are appropriate for participants.
- Develop requirements to be included in the Voluntary Continuing Services and Support Agreement (VCSSA). Requirements should include maintaining contact with the youth's case manager, and making rent payments on time. Case managers should tailor the VCSSA to the youths' situation and needs.
- Allow discretion for LDSS to disenroll youth from the Fostering Futures program for substantial violation of the VCSSA.
- Develop a budget worksheet and/or payment forms to monitor how participants are using their allotted funds and increase oversight of maintenance payments when needed.

Kinship Care

Recommendation 7 – Support Kinship Navigator Programs

Support the ongoing systemic review process being done by the Administration for Children and Families of kinship navigator programs and encourage the addition of well-supported, supported, or promising kinship navigator program to be included in the Family First Clearinghouse.

Recommendation 8 – Support funding for Regional Kinship Navigator Program

Support the continuation of the current federal funding for Virginia's regional kinship navigator program.

Recommendation 9 – Develop Statewide Kinship Navigator Program

Direct VDSS to develop a statewide Kinship Navigator program in Virginia, which will provide information, resource, and referral services to children and kin caregivers.

Recommendation 10 – Track Facilitated Diversion

Request that VDSS add an input box to OASIS to mark when a youth is diverted to a "facilitated care arrangement."

Recommendation 11 – Diligent Search

Request that VDSS as part of the upcoming diligent search RFP obtain feedback from LDSSs on the strengths and weaknesses of the current system and what is needed to make a search tool successful.

Recommendation 12 – Fictive Kin Definition

Amend § 63.2-1305 of the *Code of Virginia* to add fictive kin to the definition of relative for the purpose of the KinGAP program.

Recommendation 13 – State-funded Kinship Guardianship Assistance Program (KinGAP)

Amend § 63.2-1305 of the *Code of Virginia* to create a state-funded Kinship Guardianship Assistance program that waives the requirement for potential guardians to serve as a licensed foster parents for six consecutive months and limit eligibility for this program to children who are least likely to be placed in a permanent home or who have been in foster care for an extended period of time.

This recommendation was made by JLARC in their 2018 report. It was not introduced as legislation during the 2019 session.

Recommendation 14 – General Relief Program

Introduce a budget amendment to increase funding for the General Relief program.

Recommendation 15 – Reimbursement for Kinship and Fictive Kin Families

Direct VDSS to create a state funded program to provide facilitated care reimbursement payments to kinship and fictive kin families who have custody over kin due to the child being identified as being at imminent risk of entering foster care. Local departments shall track these families and provide case management as necessary.

Recommendation 16 – Study of Guardianship

Direct the Commission on Youth to study adding guardianship as a permanency option in Virginia by creating an Advisory Group to:

- a) Look at the benefits as well as obstacles this change would create.
- b) Determine what is the potential impact on school enrollment and medical care.
- c) Investigate what would be the rights of the parties in such an arrangement.
- d) Explore the possible implementation of state funded guardianship assistance.

Recommendation 17 – Emergency Approval Process for Kinship Caregivers

Direct the Virginia Department of Social Services to create an emergency approval process for kinship caregivers and develop foster home certification standards for kinship caregivers using as a guide the Model Family Foster Home Licensing Standards developed by the American Bar Association Center on Children and the Law, the Annie E. Casey Foundation, Generations United, and the National Association for Regulatory Administration. The adopted standards should align, as much as reasonably possible, to the Model Family Foster Home Licensing Standards, and should ensure that children in foster care 1) live in safe and appropriate homes under local department of social services and court oversight; 2) receive monthly financial assistance and supportive services to help meet their needs; and 3) can access the permanency options offered by Virginia's Guardianship Assistance Program.

Foster Care Family Recruitment and Retention

Recommendation 18 – Grant Program for Recruitment and Retention of Foster Care Families

Direct VDSS and CSA to establish a grant program to incentivize the recruitment and retention of foster care families within local departments of social services. Grants will be awarded to local agencies who demonstrate a strategy to recruit families that will meet the needs of the children they serve. These families should be trained and supported by the local DSS, the community, and local service providers to provide the necessary trauma-informed services for children with emotional, medical, or behavioral needs. The grant application shall identify a targeted marketing strategy, supporting community partners, and additional supports that will be provided to foster families recruited under this grant. Local departments may contract with private providers to deliver the daily support and supervision of these families. The local agency will be exempt from paying the local match for services provided to families recruited and trained under this grant. Two or more local agencies will be permitted to form partnerships under this grant program.

Recommendation 19 – Update on Recruitment and Retention of Foster Care Families

Request an update from VDSS on the recruitment and retention of foster care families by November 2020, to include an update on the creation of a stronger framework and parameters for LDSS around family supports (to include but not be limited to a provision for a dedicated recruiter and trainer; trauma training, parenting strategies, and respite care for foster care families; and social support mentors the foster children). Request VDSS to provide i) an estimate of funding necessary to implement the statewide strategic plan for recruiting and retaining foster parents; and ii) identify all possible sources of funding that could be used to support statewide recruitment and retention efforts.