

2021 EXECUTIVE SUMMARY

THE VIRGINIA COMMISSION ON YOUTH



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

REPORT DOCUMENT 52

**COMMONWEALTH OF VIRGINIA
RICHMOND
2022**



COMMONWEALTH of VIRGINIA
Commission on Youth

Delegate Emily M. Brewer, *Chair*
Senator Barbara A. Favola, *Vice-Chair*

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January 11, 2022

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, 2020.

This Executive Summary includes the activity and work conducted by the Virginia Commission on Youth during the 2021 study year, as required by § 30-175. The Commission has enjoyed a busy year and has produced 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 at <http://vcoy.virginia.gov>.

Sincerely,

A handwritten signature in blue ink that reads "Emily Brewer".

Emily M. Brewer

2021

VIRGINIA COMMISSION ON YOUTH

Senate of Virginia

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Barbara A. Favola
David R. Suetterlein

House of Delegates

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Gubernatorial Appointments from the Commonwealth at Large

Deirdre S. "Dede" Goldsmith
Avi D. Hopkins
Christian "Chris" Rehak

Commission Staff

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

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

Crossover Youth Information Sharing

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

During the 2021 General Assembly Session, the General Assembly and Governor approved Senate Bill 1206 on the confidentiality of the Department of Juvenile Justice department records. This bill provided that juvenile records may be open for inspection to the Department of Social Services or any local department of social services that is providing services or care for, or has accepted a referral for family assessment or investigation and the provision of services regarding, a juvenile, and these local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide coordinated services to such juveniles. In addition, this bill requested that the Commission on Youth convene a work group to review current data and record sharing provisions with regard to youth served by the juvenile justice and child welfare systems

and make recommendations on best practices for the sharing, collection, and use of such data and records while respecting the privacy interests of youth and families. The Commission adopted a study plan on crossover youth information sharing at its May 3, 2021, meeting.

The Commission on Youth commenced its study and conducted two work group meetings with relevant stakeholders during the spring and summer on the following dates: May 19, and June 21, 2021.

Draft study findings and recommendations were presented at the Commission's September 20, 2021, meeting. The Commission received written public comment through October 14, 2021. After receiving public comment at the October 19, 2021, meeting, the Commission on Youth approved the following recommendations:

Recommendation 1

Request the Department of Juvenile Justice, Department of Social Services, and the Department of Behavioral Health and Developmental Services, respectively, to create or update guidance on youth information sharing for use at the state level and for dissemination and use at the courts service units, local departments of social services, and community services boards.

This guidance on information sharing should focus on, but not be limited to, detailing what information is to be collected and maintained by the department and local agencies, clarifying permissible reasons to share information, reasons to request information, the process for how information is to be shared, steps in place to protect information, procedures for obtaining informed consent, the statutory requirements from the federal as well as state government that controls the dissemination of information in the Department's possession, and steps to ensure staff is properly trained on information sharing protocols.

Guidance shall be open for comment on the Virginia Regulatory Town Hall public comment forum and once implemented at the state department and local level be made available to the public on their websites.

Recommendation 2

Amend the *Code of Virginia*, sections 63.2-104/63.2-105 to indicate that the immediate identification of and sharing of crossover youth status between local departments and court service units and community services boards is to be done in accordance with established agreements between the local agencies. Any court service unit or community services board to which such records are disclosed in accordance with an agreement shall not further disclose any information received unless such further disclosure is expressly required by law. The Chief Judge or

designee, who oversees the jurisdiction where an agreement by local agencies is being made to share information, must review the agreement before it goes into effect. Direct the Department of Social Services to create guidelines or best practices on what these agreements should entail.

Recommendation 3

Amend the *Code of Virginia* to direct the Department of Juvenile Justice to develop and biennially update a model memorandum of understanding setting forth the respective roles and responsibilities of court service units, local departments of social services, and community services boards regarding the information sharing of youth records.

This model memorandum of understanding may include topics on, who has access to youth information, a listing of the information that will be shared, reasons for use of shared information, privacy policies and any individual or parent/guardian notification requirements, and steps to be used to keep the information secure. This model memorandum of understanding shall be disseminated to local agencies for their adaptation and use.

In developing the model memorandum of understanding the Department of Juvenile Justice shall collaborate with the Department of Social Services, Department of Behavioral Health and Developmental Services, the Office of Children's Services, Department of Criminal Justice Services, court service units, local departments of social services, community services boards, youth and family representatives, a nationally recognized expert on cross agency youth best practices, and any other interested stakeholders that it deems appropriate to biennially update the model memorandum of understanding.

The Department of Juvenile Justice or locally-operated court services units, local departments of social services, and community services boards in each local area serving youth shall enter into a memorandum of understanding that sets forth the responsibilities of each local agency regarding the information sharing of youth records. The provisions of such memorandum of understanding shall be based on the model memorandum of understanding developed by the Department of Juvenile Justice, which may be modified by the parties in accordance with their particular needs.

Each adopted memorandum of understanding shall include agreements on the following, (i) the manner in which a multi-agency youth is identified and shared between agencies, including when at the point of court service unit intake, probable cause determination, and validated referral at a local department of social services, for older children, (ii) the manner in which past (non-ongoing) youth agency involvement is identified and shared, with the informed consent of the youth and

guardian, and (iii) who at each local department is responsible for identifying potential crossover youth.

Each such court service unit, local department of social services, and community services board shall conduct at least yearly recurring cross-agency training on information sharing as a way to learn about other agency's protocols and to revisit and discuss the shared memorandum of understanding. Local agencies shall also review and amend or affirm such memorandum of understanding at least once every two years or at any time upon the request of either party.

Recommendation 4

Request the Department of Social Services, Department of Juvenile Justice, and Department of Behavioral Health and Developmental Services provide initial employee and ongoing training on youth information sharing for their local agencies, local departments of social services, court service units, and community services boards, respectively. Topics should include, but are not limited to, state and federal confidentiality laws, protocols for safe guarding data, and procedures on informed consent to release information.

Recommendation 5

Request the Office of Data Governance and Analytics to work with the Department of Juvenile Justice, Department of Social Services, Department of Behavioral Health and Developmental Services and other applicable stakeholders to create a plan to use the Commonwealth Data Trust to enable local departments to identify and share crossover youth status at the youth's initial contact point with an agency for purposes of service delivery.

This plan should identify what systems, and the records or information therein, that must be made available to the Data Trust to identify and share crossover youth status at initial point of contact with the respective agencies, what consents need to be obtained from the youth and guardians, what agreements need to be made between the relevant agencies as well as with the Office of Data Governance and Analytics, and what legislative or funding changes if any will be necessary to implement this practice. As part of this request, the Office of Data Governance and Analytics should also build a proof of concept to enable the Department of Juvenile Justice to work with local agencies to share de-identified data on multi-system involved youth between each other, with the goal of local system improvement and trend monitoring. The Office of Data Governance and Analytics shall report back its findings and recommendations to the Commission on Youth by November 1, 2022.

Recommendation 6

Request the Department of Juvenile Justice (DJJ) to conduct a study using Virginia Longitudinal Data Systems (VLDS) data to analyze the crossover youth population in Virginia. The Department of Juvenile Justice shall work with the Department of Social Services and other relevant VLDS member state agencies on this study.

The Department of Juvenile Justice shall identify and interpret demographic data and available and relevant outcomes data on the crossover youth population. Additionally, DJJ shall make recommendations on how to improve the collection, sharing, and analysis of de-identified data based on this study. The Department of Juvenile Justice shall report back its findings and recommendations to the Virginia Commission on Youth by November 1, 2022.

Recommendation 7

Request the Commission on Youth to conduct a study in 2022 to look at how youth who are being provided services in the school, including mental health services, can be better supported as they transition to adulthood. This study should look at ways that the Community Services Boards can work with the transitioning student and family and the local education agency.

Legislative Study

Workforce Development for Foster Care Youth and Young Adults

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

Youth who age out of foster care face many barriers to employment, including identifying employment opportunities, completing job applications, learning soft skills, and obtaining needed identification for employment. In addition, they may face other life obstacles, including unstable housing, lack of transportation, and lack of child care. Addressing this concern, the Commission adopted a study plan on Workforce Development for Foster Care Youth and Young Adults at its May 3, 2021, meeting:

- The Virginia Commission on Youth shall convene an Advisory Group to include representatives from the Department of Social Services, Department of Education, Department of Labor and Industry, Department of Aging and Rehabilitation Services, the Virginia Employment Commission, One Stop Centers, local Workforce Investment Boards, the

Virginia Community College System, local Departments of Social Services, advocacy groups, foster care youths, and other relevant stakeholders. The Advisory Group shall review current policies, practices, and programs in Virginia that support youths aging out of foster care and make recommendations to improve workforce opportunities for youths in foster care.

The Commission on Youth commenced its study and conducted two work group meetings with relevant stakeholders during the spring and summer on the following dates: June 21, 2021 and October 5, 2021.

Draft study findings and recommendations were presented at the Commission's meeting on October 19, 2021. The Commission received written public comment through November 30, 2021. After receiving public comment at the December 15, 2021, meeting, the Commission on Youth approved the following recommendations:

Recommendation 1

Direct the Virginia Department of Social Services, in cooperation with the Virginia Commission on Youth, Department for Aging and Rehabilitative Services, Department of Education, Department of Juvenile Justice, Department of Medical Assistance Services, Department of Behavioral Health and Developmental Services, the Department of Labor, the Virginia Community College System, including the Great Expectations Program, local workforce development boards, the League of Social Services Executives, private providers and advocacy groups to develop the iFoster Portal or an App with similar functionality to include Virginia- and locality-specific resources that are available for individuals who are currently being served or have been served in the foster care system, as well as for professionals serving the foster care population. Resources include workforce development assistance, educational opportunities, housing and living stipends or discounts, financial supports, internship and employment opportunities, and other resources that are available in Virginia for those involved in the foster care system. Update the App regularly with additional resources that are available to assist in the development of becoming a successful and independent adult. Ensure that all state and local agency employees working with foster care children, join and use the iFoster App with their foster care clients, assist foster care youth in subscribing to the App themselves, and remain current with newly added or updated resources.

Recommendation 2

Request the Virginia Social Services System (state and local departments of social services), through its regional and local offices, to identify workforce development organizations (such as Goodwill, Virginia Department of Labor and Industry's Apprenticeship Program, Great Expectations, etc.) and other foster care transition

support resources in each locality, add them to the iFoster App, and communicate those opportunities to the local agencies on at least an annual basis.

Recommendation 3

Request that local workforce development boards recruit and engage potential employers who hire foster care young adults and alumni in training that includes the effects of trauma, related child care issues for parenting youth, and gradual accountability strategies for employment success. Encourage employers to work through challenges on work attendance and productivity with external job coaches to support workers in finding success.

Recommendation 4

Request the Workforce Innovation and Entrepreneurship Center to provide support for foster care young adults and alumni who need business assistance. Those working with young adults in the foster care system who are interested in starting their own business should connect the young adults to VWIEC.

Recommendation 5

Introduce a budget amendment to develop a state-funded grant program for the Great Expectations Program. The Virginia Community College System (VCCS) shall develop the grant program to provide a range of funding for Community Colleges in the following areas: the hiring of college coaches or mentors; housing stipends; child care; and transportation needs. VCCS shall report to the Commission on Youth the outcomes of the grant program by November 30 each year.

Recommendation 6

Introduce a budget amendment to direct the State Council of Higher Education for Virginia (SCHEV) to examine the feasibility of having a point of contact at each state and/or private college and university for those who have been involved in the foster care system. SCHEV shall investigate the possibility of using federal dollars (such as the Gaining Early Awareness and Readiness for Undergraduate Programs) for this purpose and report their findings to the Commission on Youth by November 30, 2022.

Recommendation 7

Request that the Virginia Department of Education (VDOE) provides virtual training for school counselors that includes trauma informed strategies for those working with students experiencing foster care, resources available with the iFoster App, and the importance of knowing these students and providing consistent checks and support. The Commission also requests that the VDOE partner with the Virginia Alliance for

School Counseling (VASC) and the Virginia Department of Social Services to develop this training.

Recommendation 8

Request that the Virginia Department of Education (VDOE) issue a memorandum that provides guidance to local school divisions regarding resources for school counselors on providing supports for students experiencing foster care, including the requirements of completing an interest inventory, the Career Connections course, and the Academic and Career Plan, as well as the updated guidance for the Profile of a Virginia Graduate (which establishes multiple paths toward college and career readiness for students to follow in the later years of high school, which could include opportunities for internships, externships, and credentialing). This guidance will also include resources on leveraging existing data and information on various career fields, job trends and salaries, and resources available to local school divisions from the Weldon Cooper Center and how to specifically support foster care youth and link to specific resources (such as the iFoster App, Fostering Futures, Great Expectations, successful independent living programs, etc.).

Recommendation 9

Request that the Virginia Social Services System (VDSS and LDSS) review their requirements for foster care Independent Living programs in Virginia and include a gradual independence plan that includes these Standards of Completion. Quality Independent Living programs ensure that the youth are knowledgeable and have practical application experience with budgeting, housing solutions, job expectations, emotional regulation and management skills, transportation and health care options, communication skills, and problem-solving in the real world. Ensure each LDSS has a workforce development plan.

Recommendation 10

Request that Virginia Career Works, through the local workforce boards, prioritize and promote serving the foster care population with WIOA funding and other workforce development opportunities

Recommendation 11

Direct the Virginia Department of Social Services to convene a stakeholder group to determine the feasibility of adopting a new uniform assessment tool in determining the enhanced payments for children in foster care with additional needs. The stakeholder group shall consist of representatives from the Department of Social Services, Department of Behavioral Health and Developmental Services, Office of the Children's Services Act, Office of the Children's Ombudsman, private providers, licensed child placing agencies, local departments of social services, foster parents,

and advocacy groups. The stakeholder group shall investigate ways to provide more flexibility regarding the foster care payment to address a wide variety of needs for hard to place children, including financial incentives for serving these children, and develop ways to ensure accurate documentation. Consideration should be given to current assessment tools used in determining a child's needs such as the Child and Adolescent Needs and Strengths (CANS) tool.

Recommendation 12

Introduce a budget amendment to support the development and implementation of a statewide driver's licensing program to support foster care youth in obtaining a driver's license. Funding shall be made available to local departments of social services to reimburse foster care providers for increases to their existing motor vehicle insurance premiums that occur because a foster care youth in their care has been added to their insurance policy. The program may also reimburse foster care providers for additional coverage (i.e., an umbrella policy or the equivalent) that provides liability protection should a foster care youth get into or cause a catastrophic accident. Additionally, funding shall be made available to foster care youth in Virginia's Fostering Futures Program to assist in covering the cost of obtaining motor vehicle insurance. The Department of Social Services shall develop reimbursement policies for foster care providers and foster care youth. The Department shall coordinate and administer the driver's licensing program based on best practices from similar programs in other states, to include developing educational or training materials that educate foster parents, private providers, and foster youth about 1) liability issues, insurance laws, and common insurance practices (to include laws about renewal and cancellation, how long an accident can affect premiums, how to establish that a foster youth is no longer living in the residence, and other applicable topics); 2) DMV requirements to obtain a learner's permit and driver's license; 3) what funding and resources are available to assist in this process, to include paying school lab fees for "Behind the Wheel" or paying a private driving education company; and 4) why getting a driver's license on time is important for normalcy and a successful transition to adulthood. The Department shall provide information on how many foster care youth were supported by this program and any recommendations to improve the program to the Governor and Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 30 each fiscal year.

Recommendation 13

Request foster care workers and others working with youth experiencing foster care to identify child care resources for their parenting youth. Ensure that youth aging out of foster care are placed on the local child care assistance program waiting list prior to aging out of care.

Legislative Study

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 3, 2021, meeting to:

- Revise the *Collection of Evidence-based Practices for Children and Adolescents with Mental Health Treatment Needs*. The *Collection* is to be revised biennially pursuant to Senate Joint Resolution 358 (2003).
- Seek the assistance of the *Collection* Advisory Group, Secretary of Health and Human Resources, Secretary of Public Safety, and Secretary of Education in posting, maintaining, and biennially updating the *Collection*.
- Make the *Collection* available through web technologies.
- Develop a cost-effective and efficient dissemination method to allow for easy access to the information.

The Commission on Youth published the 8th Edition of the *Collection* December 2021. The *Collection* may be found on the Commission's webpage. This update is designed to be a quick reference guide to evidence-based practices that have been proven, through scientific testing, to be effective. It includes two new sections on "Complex Trauma for Foster Parents" and "Family First" which describes evidence-based treatments included in the federal clearinghouse.

Commission Initiative

Virginia Higher Education Substance Use Advisory Committee

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

The Commission received an update at the September 20, 2021, on the Virginia Higher Education Substance Use Advisory Committee. The Commission members were briefed on the work of strategic plan adopted by the Advisory Committee. Following the meeting, the Commission released draft recommendations supporting the work of the Advisory Committee. The Commission received written public comment through October 14, 2021. After receiving public comment at the October 19, 2021, meeting, the Commission on Youth approved the following recommendations:

Recommendation 1

Request that the Virginia Higher Education Substance Use Advisory Committee (VHESUAC) implement a recognition program for institutions of higher education (IHE) to increase participation within VHESUAC. Recognition would go to those IHEs that provide essential VHESUAC documentation, which could include: biannual report, alcohol and other drugs-specific strategic plan, progress on VHESUAC strategic plan campus-wide initiatives, and student data.

Recommendation 2

Introduce a budget amendment for VHESUAC to implement a one-time strategic initiative grant for institutions of higher education (IHE) to increase participation within VHESUAC. IHEs who apply and receive a grant from the VHESUAC shall use this funding to implement a new VHESUAC strategic plan campus-wide initiative and report on results at the end of the year.

Recommendation 3

Introduce a budget amendment for VHESUAC to implement a one-time incentivized reporting effort for institutions of higher education (IHE) to increase participation within the VHESUAC. Incentive reporting funds would go to those IHEs that provide essential VHESUAC documentation, which could include: biannual report, alcohol and other drugs-specific strategic plan, progress on VHESUAC strategic plan campus-wide initiatives, and student data.

Legislative Initiative

Education and Consolidation of Local and Regional Detention Centers

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

At the Commission's December 15, 2021, meeting Chairman Dave Marsden presented a draft study resolution to establish a joint study committee to examine the funding, operations, and resources of juvenile detention centers. After much discussion the Commission approved the following recommendation:

Recommendation

The Commission on Youth shall establish an advisory committee to evaluate the effectiveness and efficiency of our current detention center system, evaluating the intersection of public safety and the rehabilitation of youth.