November 16, 2022

MEMORANDUM

TO: The Honorable Glenn Youngkin
Governor of Virginia

The Honorable Janet D. Howell
Chair, Senate Finance and Appropriations Committee

The Honorable Barry D. Knight
Chair, House Appropriations Committee

Michael Maul
Director, Department of Planning & Budget

FROM: Danny TK Avula MD, MPH

SUBJECT: Report on Implementation of Delegation of Parental Rights Pilot Program

This report on the delegation of parental rights pilot program in partnership with Patrick Henry Family Services, is submitted in compliance with Item 345.k.3. of the 2022 Appropriations Act, which states:

> *3. The agency shall provide a report on the implementation status of the pilot to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and Director, Department of Planning and Budget by September 30, 2022.*

If you should have questions, please contact me at (804) 726-7011.

DA:kc
Attachment

cc: The Honorable John S. Littel, Secretary of Health and Human Resources

Report Mandate

The 2022 Appropriation Act provides under Item 345.K.3.:

1. The Department of Social Services shall partner with Patrick Henry Family Services to implement a pilot program in the area encompassing Planning District 11 (Amherst, Appomattox, Bedford, Campbell Counties and the City of Lynchburg) for the temporary placements of children for children and families in crisis. The pilot program will allow a parent or legal custodian of a minor, with the assistance of Patrick Henry Family Services, to delegate to another person by a properly executed power of attorney any powers regarding care, custody, or property of the minor for a temporary placement for a period that is not greater than 90 days. The program will allow for an option of a one-time 90 day extension.

2. The department shall ensure that this pilot program meets the following specific programmatic and safety requirements outlined in 22 VAC 40-131 and 22 VAC 40-191:

(i) The pilot program organization shall meet the background check requirements described in 22 VAC 40-191.

(ii) The pilot program organization shall develop and implement written policies and procedures for governing active and closed cases, admissions, monitoring the administration of medications, prohibiting corporal punishment, ensuring that children are not subjected to abuse or neglect, investigating allegations of misconduct toward children, implementing the child's back-up emergency care plan, assigning designated casework staff, management of all records, discharge policies, and the use of seclusion and restraint (22 VAC 40-131-90).

(iii) The pilot program organization shall provide pre-service and ongoing training for temporary placement providers and staff (22 VAC 40-131-210 and 22 VAC 40-131-150).

3. The agency shall provide a report on the implementation status of the pilot to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and Director, Department of Planning and Budget by September 30, 2022.

Background

In 2016, the Virginia Department of Social Services (VDSS) was directed by the Virginia General Assembly (2016 Appropriations Act, , Item 339.L.) to partner with Patrick Henry Family Services to evaluate the Safe Families for Children model for the temporary placement of children in crisis and report its findings and recommendations by December 1, 2017. The pilot program allowed for a parent or legal custodian of a minor, with the assistance of Patrick Henry Family Services, to delegate to another person, by a properly executed power of attorney, any powers regarding care, custody, or property of the minor for a temporary placement. The pilot project was limited to Planning District 11 in the Piedmont region of the state, which

encompassed the following localities: Amherst, Appomattox, Bedford, Campbell Counties, and the City of Lynchburg. For the purposes of the pilot project, VDSS did not provide any direct guidance to local departments of social services (LDSS) regarding referral to Safe Families for Children, as the agency's role was solely evaluative. The findings and recommendations of the evaluation were submitted to the to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and Director, Department of Planning and Budget and can be viewed on the Virginia Legislative Information System (LIS) website: RD549 - Report on Pilot Program - Temporary Placement of Children in Crisis – December 1, 2017.

In 2019, Chapter 297 of the 2019 Acts of Assembly (House Bill 2542) was enacted regarding the temporary delegation of parental or legal custodial powers. Chapter 297 added § 20-166, requiring entities that assist parents or caregivers with the process of delegating parental or legal custodial powers to be licensed as a child-placing agency. This includes entities that provide assistance with identifying appropriate placements for children or providing services and resources to support children, parents, legal guardians, and persons to whom parental or legal custodial powers are delegated, such as Patrick Henry Family Services. The Safe Families for Children program model is not funded by the state and is solely funded by the provider. Patrick Henry Family Services and Bethany Christian Services are currently the only providers who have implemented the program model in the state and are both currently designated as a licensed child-placing agency (LCPA).

Implementation of Pilot Program
With the enactment of Chapter 297 in 2019, the pilot program regarding the temporary delegation of parental or legal custodial powers ended, due to the fact that § 20-166 superseded the pilot program. Now, any entity in the state that wants to provide services regarding assistance with the delegation of parental or legal custodial powers must be licensed as a LCPA. Because the pilot ended in 2019, there is no additional information to report on the implementation status.