

**2025 EXECUTIVE SUMMARY**

# **THE VIRGINIA COMMISSION ON YOUTH**



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

**REPORT DOCUMENT 111**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
2026**





## COMMONWEALTH of VIRGINIA

### Commission on Youth

Senator Barbara A. Favola, *Chair*  
Delegate Karrie K. Delaney, *Vice Chair*

*Executive Director*  
Amy M. Atkinson

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January 14, 2026

TO: The Honorable Glenn A. Youngkin  
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, 2025.

This Executive Summary includes the activity and work conducted by the Virginia Commission on Youth during the 2025 study year, as required by § 30-175 of the *Code of Virginia*. 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 <https://vcoy.virginia.gov>.

Sincerely,

A handwritten signature in black ink that reads "Barbara Favola".

Barbara A. Favola

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# 2025

# VIRGINIA COMMISSION ON YOUTH

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## **Senate of Virginia**

Barbara A. Favola, Chair  
David W. “Dave” Marsden  
David R. Suetterlein

## **House of Delegates**

Joshua Cole  
Carrie E. Coyner, Vice Chair  
Karrie K. Delaney  
Holly Seibold  
Irene Shin  
Anne Ferrell H. Tata

## **Gubernatorial Appointments from the Commonwealth at Large**

Mackenzie Babichenko  
Rita Jones

## **Commission Staff**

Amy M. Atkinson, Executive Director  
Will Egen, Senior Policy Analyst  
Matthew Nwaneri, Commonwealth Management Fellow

## **EXECUTIVE SUMMARY**

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### **Virginia Commission on Youth – Background**

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#### **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.

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#### **Legislative Study**

Review of Virginia's Special Education Dispute Resolution System

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#### **Study Author**

Virginia Commission on Youth

#### **Enabling Authority**

§ 30-174 and § 30-175

## **EXECUTIVE SUMMARY**

The General Assembly and the Governor approved Senate Bill 220 (Favola) and House Bill 1089 (Coyner) introduced during the 2024 Session. The legislation made several changes relating to special education and related services for children with disabilities in public elementary and secondary schools in the Commonwealth. The legislation's tenth enactment clause directed:

That the Virginia Commission on Youth (the Commission) shall study and make recommendations on Virginia's special education dispute resolution system. In conducting such study, the Commission shall (i) consider the entire special education dispute resolution system in the Commonwealth, including the parent ombudsman for special education, mediation,

complaints, and due process; (ii) review the effectiveness of such system in responding to the concerns of parents, analyze such system in comparison to best practices from other states, and make actionable recommendations for improvement, including regulatory, statutory, staffing, and budgetary modifications; and (iii) specifically review and make recommendations to improve the Department of Education's system for collecting, tracking, analyzing, and publicly reporting data on parent interactions with such system and the outcomes of such interactions. The Commission shall report its findings and recommendations to the General Assembly no later than November 1, 2025.

During June of 2024, the Commission on Youth, in partnership with the Parent Education Advocacy Training Center (PEATC), hosted four in-person listening sessions in Wytheville, Henrico, Arlington, and Norfolk and one virtual session. A wide variety of stakeholders attended the sessions including teachers, parents, students, school officials, public officials, legislators, members of the administration and parent advocates. On September 18, 2024, the Commission convened an Advisory Group of special education stakeholders. An update of the implementation of the 2024 special education legislation was given along with a summary of the summer listening sessions. The consultant for the study gave an update of his progress with the study. A roundtable discussion of the study took place and the meeting concluded with public comment.

In 2025, the Advisory Group convened on May 5 and July 7. At the May 5 meeting, the Advisory Group received an update from the Commission's consultant. Following the consultant's presentation, members of the Advisory Group went into small group breakout sessions where they discussed the following questions:

- What is the one thing in dispute resolution that would make the system better for all families?
- Where do I see the most alignment among stakeholders for reform and the most disagreement?

At the July 7 meeting, the consultant presented his draft recommendations. Then members of the Advisory Group went into small group breakout sessions where they discussed the consultant's draft recommendations and were directed to formulate Advisory Group recommendations. In addition, the small breakout groups considered draft recommendations from Delegate Carrie Coyner's listening session of stakeholders. The meeting concluded with public comment.

Draft study recommendations that came out of this process were presented at the Commission's September 3, 2025 meeting. The Commission received written public comments through October 15, 2025. After receiving in-person public comments at the

October 21, 2025 meeting, the Commission on Youth adopted the following recommendations:

### **Universal Awareness & Training on the Dispute Resolution Process**

#### **Recommendation 1:**

The Virginia Department of Education (VDOE) should provide awareness and training for the formal dispute resolution options. Develop consistent training on laws, processes, systemic & structural biases, neutrality, and the family perspective. Provide step-by step expectations for what happens when parties agree or disagree. Develop and provide easy-to-read resources, self-help materials and tools for all parties to help families and school staff understand the dispute resolution process in a tangible way. Ensure that training and awareness materials are developed with input by independent subject-matter experts whose professional experience and backgrounds reflect a range of racial, cultural, and historically marginalized perspectives.

VDOE should provide early conflict resolution training to school staff, and when appropriate, lay advocates and parents to improve communication and collaborative problem-solving. As part of this:

- Encourage school divisions, advocates, and parents to participate in structured early conflict resolution and communication training, ideally aligned with existing efforts by VDOE and PEATC through the CADRE project.
- Focus on de-escalation strategies, trauma-informed practices, and effective family engagement.
- Provide voluntary training to lay advocates on the dispute resolution system, early conflict resolution, and effective communication strategies.

#### **Recommendation 2:**

VDOE should expand multilingual parent education and dispute resolution navigation tools. Create a mobile-friendly webpage offering plain-language descriptions of dispute options, video explainers and real-world scenarios, interactive guidance based on the nature of the concern. VDOE should leverage PEATC and other neutral third-party partners to provide coaching and support to families throughout the dispute process, both before and during the process. Require local education agencies to provide this information on their websites.

### **State Complaints**

#### **Recommendation 3:**

VDOE should strengthen oversight of school division implementation of

Corrective Action Plans (CAP) through increased documentation requirements and quarterly monitoring for one year after a CAP or other remedy is mandated. VDOE should conduct random oversight of school divisions specific to dispute resolution to ensure consistent implementation of timelines, roles, forms, and procedures.

**Recommendation 4:**

VDOE should consult a neutral independent expert to conduct mandatory initial and ongoing training for state complaint personnel involved in investigation of complaints and writing of Letters of Finding regarding the IDEA state complaint system and standard decision writing practices, including issue specification and applicable standards of law. The training must include the determination and statement of issues for a state complaint; the conduct of the investigation; and the writing of the Letters of Finding, including enforceable final corrective actions. Training should be followed by the availability of a minimum of two months of technical assistance from the trainer to the state complaint personnel from case assignment to case closure.

**Recommendation 5:**

VDOE should collect, track/monitor, and publicly report the data on the enforcement of all Letters of Finding with ordered remedies, once enforceable final corrective actions are provided in the Letters of Finding.

Ensure public reporting of dispute resolution outcomes and corrective actions (excluding student identifiers) through the publication of an annual dashboard to include:

- Number and outcomes.
- Common issues (e.g., FAPE, placement, evaluations).
- Timelines of resolution, including applicable enforcement actions.
- Patterns of repeat filings by division.

**Facilitated IEPs**

**Recommendation 6:**

VDOE should substantially restructure and enhance the state-supported system of trained, neutral qualified facilitators, independent from school divisions. Incorporate the use of facilitated IEP meetings into VDOE technical assistance materials, IEP procedural guides, and family dispute resolution resources. Explore adding facilitated IEPs as a recommended step in VDOE's procedural safeguards and guidance documents, aligned with IDEA's preferences for early resolution. VDOE should maintain a list of facilitators; provide guidance on when

to offer a facilitator; how to request a facilitator; and the role of the facilitator.

In the restructuring of the IEP facilitation system, VDOE should utilize the intensive technical assistance from CADRE and receive input from independent subject-matter experts whose professional experience and backgrounds reflect a range of racial, cultural, and historically marginalized perspectives.

#### **Recommendation 7:**

VDOE should collect, track, analyze, and publicly report data on the number of IEP facilitations conducted and the outcomes of each IEP facilitation meeting.

- Require divisions to document and report when facilitated IEP meetings are offered and used (similar to how mediation usage is reported under IDEA).
- Publish annual summary data that reports statewide and by division showing trends in requests, usage, outcomes, and geographic distribution of facilitated IEP meetings.
- Use data to identify divisions with underutilization and provide support to build capacity and awareness.

#### **Recommendation 8:**

VDOE should consult with CADRE, PEATC, parents/families, and other neutral organizations with professional experience and backgrounds that reflect a range of racial, cultural, and historically marginalized perspectives on strategies to recruit qualified IEP facilitators.

### **Special Education Mediation**

#### **Recommendation 9:**

VDOE should update the training process to ensure all mediators are trained using VDOE-approved materials aligned with IDEA and Virginia regulations.

Require mediators to complete specialized training in:

- Federal and State special education law and regulations.
- Student-centered decision-making to ensure that the mediation process is understandable, fair, and accessible to families.
- Mediation strategies that facilitate respectful, balanced participation for both parents and schools.
- Communication strategies that demonstrate clarity and support family engagement.
- IEP development.

As part of the training process, require ongoing professional development and recertification every 2-3 years for mediators.

**Recommendation 10:**

VDOE should consider the addition of an independent neutral expert in laws and regulations relating to the provision of special education and effective mediation techniques to provide ongoing technical assistance to mediators, upon request.

**Recommendation 11:**

VDOE should ensure that there is a mandatory annual evaluation for mediators to be conducted by an independent neutral expert. To assist, VDOE should develop a consumer-friendly and universally accessible process to promote the submission by parents of post-mediation consumer evaluations of the mediation system and the mediator used.

**Recommendation 12:**

VDOE should provide multimedia approaches to share information about mediation and other alternative dispute resolution processes, including the use of social media, to ensure the information is visible in schools and communities.

**Special Education Due Process Hearings**

**Recommendation 13:**

VDOE should update its training process to ensure all due process hearing officers are trained using VDOE-approved materials aligned with IDEA and Virginia regulations. Require hearing officers to complete specialized training in:

- Federal and State special education law and regulations.
- Student-centered decision-making to ensure that the hearing process is understandable, fair, and accessible to families.
- Hearing strategies that facilitate respectful, balanced participation for both parents and schools.
- Communication strategies that demonstrate clarity and support family engagement.
- IEP development.

As part of the training process, require ongoing professional development and recertification every 2-3 years for hearing officers.

**Recommendation 14:**

VDOE should promulgate and revise current regulations to require the hearing officer to conduct a prehearing conference in every case, as early as possible at the commencement of the 45-day hearing timeline in non-expedited cases and, as soon as possible in expedited cases. Revise regulations to include the minimum areas that must be addressed and determined at the prehearing conference, including the clarification of the issues to be heard and relief requested and determination of jurisdiction over the parties and the issues. The mandated pre-hearing conference shall not delay the due process timeline.

**Recommendation 15:**

VDOE should reform the current due process hearing system to provide oversight by a knowledgeable and impartial individual/agency to:

- Supervise the hearing officers' implementation of standard and best legal practices at all stages of the hearing process, including prehearing, hearing, and decision/order writing;
- Create an evaluation system for measuring hearing officers' performance. VDOE should work with PEATC, parents/families, other neutral organizations with professional experience and backgrounds that reflect a range of racial, cultural, and historically marginalized perspectives, and school divisions to promote the submission by parents and school division personnel of post-hearing surveys of the hearing process; and
- Provide the hearing officers access to technical assistance on an ongoing basis.

**Recommendation 16:**

- VDOE or an impartial individual/agency should analyze annually and report data for fully adjudicated cases on the percentage of time parents or public agencies prevail in due process hearing and, separately, mixed/split decisions. Conduct anonymous parent/staff surveys about fairness, neutrality, and satisfaction. Data should track how disputes are addressed, resolved, or elevated to formal processes to identify trends and opportunities for systemic improvement. This information shall be made available to the public on VDOE's website.

**Recommendation 17:**

VDOE should meet with relevant stakeholders including parents/families and neutral organizations with professional experience and backgrounds that reflect a range of racial, cultural, and historically marginalized perspectives to adopt an

optional authorization/certification process for advocates including attorneys and non-attorneys that includes qualifications of knowledge, experience, and standards of professional responsibility/conduct. Any authorization process should be in regulations by January 1, 2027 to ensure uniform standards.

**Recommendation 18:**

VDOE should consider whether the current qualifications to serve and be recertified as a special education hearing officer need to be augmented. If the current hearing system is maintained, all current and former applicant hearing officers should be required to reapply and, if selected, successfully complete the pre-service training and be recertified on a regular basis.

**Recommendation 19:**

VDOE should review the rates hearing officers receive for conducting proceedings for other Virginia agencies/entities that require specialized knowledge and training and consider increasing the rate for trained special education hearing officers.

**Recommendation 20:**

Amend the Code of Virginia and introduce a budget amendment to increase staffing and relocate the Parent Ombudsman for Special Education's office outside of VDOE to the Office of the Children's Ombudsman to enhance its neutrality and public trust. Responsibilities would include one-on-one technical assistance for families and schools; monitoring systemic concerns; public reporting on trends and recommendations. This recommendation includes a delayed enactment clause of January 1, 2027.

**Recommendation 21:**

VDOE should conduct and implement the following awareness and resource initiatives and maintain such approaches:

- Develop and implement an initial promotional campaign at the school level in collaboration with families, PEATC, parent organizations, and other organizations with professional experience and backgrounds that reflect a range of racial, cultural, and historically marginalized perspectives on effective strategies to get information to the users of the resources and maintain visibility.
- Develop or adopt parent-friendly resources on the VDOE Ombudsman website, such as brochures and videos, to supplement the one-page summaries.

- Supplement its multimedia offerings with additional parent and educator friendly resources on the development and utilization of early conflict resolution skills for both school personnel and parents.
- All materials and multimedia offerings should be ADA compliant, multilingual, and culturally responsive.

## **Dismissal of Certain Vexatious and Repetitive Complaints**

### **Recommendation 22:**

Request the Virginia Department of Education to report to the Senate Education and Health and House Education Committees prior to the 2027 General Assembly Session, the data (number of dismissals based on vexatious and repetitive complaints) on hearing officers' use of the law enacted by HB 2606 (Ware) to dismiss due process hearing complaints.

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### **Legislative Study**

Discharge Planning from Inpatient Treatment to a Public School

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#### **Study Author**

Virginia Commission on Youth

#### **Enabling Authority**

§ 30-174 and § 30-175

#### **EXECUTIVE SUMMARY**

During the 2025 General Assembly Session, Senator Mark Obenshain introduced Senate Bill 1143. As introduced, this bill sought to add the following language to the *Code of Virginia* related to the sharing of information with a public elementary or secondary school when a minor is being discharged from inpatient treatment: if the minor is a student at a public elementary or secondary school and the facility deems that (i) the discharge of such minor poses a threat of violence or physical harm to self or others or (ii) additional educational services are needed, the portions of the discharge plan related to the threat of violence or physical harm or additional educational services shall be provided to the school's mental health professional or school counselor upon the completion of the discharge plan; and prior to providing any portion of any discharge plan to a school's mental health professional or school counselor in accordance with the provisions of this subsection, each facility shall provide reasonable notice to the parent of such minor student of (a) the type of information that would be included as a part of any portion of the discharge plan provided pursuant to this subsection; (b) the right of the parent to refuse (1) the inclusion of any types of information in any portions of the discharge plan provided pursuant to this subsection or (2) the provision of any or all parts of the discharge plan; and (c) the period of time within which the parent shall

provide written notice to the facility of any types of information or portion of the discharge plan the provision of which he refuses to allow in accordance with clause (b).

The bill was passed by indefinitely with a letter to the Commission on Youth from the Chair of the House Education Committee. The Commission adopted a study plan on discharge planning from inpatient treatment to public schools at its May 6, 2025 meeting.

During the 2025 interim, Commission on Youth staff interviewed stakeholders to review the role of discharge planning from inpatient mental health treatment as it related to minors in public schools.

Draft study findings and recommendations were presented at the Commission's September 3, 2025 meeting. The Commission received written public comments through October 15, 2025. After an opportunity for public comment at the October 21, 2025 meeting, the Commission on Youth approved the following recommendations:

**Recommendation 1:**

Amend the *Code of Virginia* §§ 16.1-346.1, 37.2-505, and 32.1-127.1:03 to direct mental health inpatient facilities to share portions of a minor's discharge plan with the school's mental health professional or school counselor at a public elementary or secondary school under the following circumstances:

Relevant portions of the discharge plan and/or related discharge documents shall be shared only if the facility determines that (i) the minor requires additional educational services as included in the discharge plan and/or related discharge documents, or (ii) poses a risk of violence or physical harm to self or others at the time of discharge.

This amendment shall include a provision that the facility shall provide reasonable notice to the parent of the minor prior to the release of such information. A parent may refuse disclosure of any or all portions of the discharge plan by providing written notice to the facility. This amendment shall include a remedy for any unauthorized or improper release of the minor's information, consistent with parental notice and refusal provisions. Sharing of information shall be done as permitted by federal law.

Include an enactment clause directing the Department of Education to create guidelines to place safeguards around proper use of the information obtained and to prevent further disclosure of the discharge plan beyond the purpose for which such disclosure was made.

**(OR)**

## **Recommendation 2:**

Amend the *Code of Virginia* §§ 16.1-346.1, 37.2-505, and 32.1-127.1:03 to direct mental health inpatient facilities to notify the school's mental health professional or school counselor at the student's public elementary or secondary school prior to discharge from the facility if the facility determines that (i) the minor requires additional educational services as included in the discharge plan and/or related discharge documents, or (ii) poses a risk of violence or physical harm to self or others at the time of discharge.

This amendment shall require the facility to give the parent of the minor reasonable advance notice before informing the school and allow the parent to decline such disclosure by submitting a written request to the facility. This amendment shall include a remedy for any unauthorized or improper release of the minor's information, consistent with parental notice and refusal provisions. Sharing of information shall be done as permitted by federal law.

Include an enactment clause directing the Department of Education to create guidelines to place safeguards around proper use of the information obtained and to prevent further disclosure of the discharge plan beyond the purpose for which such disclosure was made.

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### **Legislative Study**

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

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#### **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.

The Commission on Youth directed staff at the May 6, 2025 meeting to update the *Collection* as required by Senate Joint Resolution 358.

The Commission on Youth published the *Collection's* 10<sup>th</sup> Edition in December 2025, and it may be found on the Commission's website. This update is designed to be a quick reference guide to evidence-based practices that have been proven, through scientific testing, to be effective. The 10<sup>th</sup> Edition includes a new section on the "The Impact of Social Media on Children's Mental Health."

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## **Commission Initiative**

Juvenile Justice Workgroup

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### **Initiative Author**

Virginia Commission on Youth

### **Enabling Authority**

§ 30-174 and § 30-175

## **EXECUTIVE SUMMARY**

Due to multiple news reports of safety and staffing concerns at Bon Air Juvenile Correctional Center, the Chair of the Commission, Senator Barbara Favola, called an emergency meeting to hear from the Department of Juvenile Justice regarding these matters. At the April 1, 2025 meeting, the Commission received the following presentations: The Department of Juvenile Justice Updates; Prevention, Partnership, and Possibilities: Utah's Journey of Reform and Reinvestment; and Law and Advocacy Perspective. Following the April meeting, the chair officially requested the Governor conduct an independent review of Bon Air. In December 2025, the Commission received the Performance Audit on Bon Air Juvenile Correctional Center from the Office of the State Inspector General. At the Commission's December 2, 2025 meeting, the Commission adopted the following recommendations:

### **Recommendation 1:**

Add a new section to the *Code of Virginia* to allow at any point prior to the commencement of the adjudication hearing for any delinquency charge before the court, the court, with concurrence of the juvenile and the Commonwealth (if a party to the case), may refer the delinquency charge back to the Court Services Unit intake officer and direct it to proceed informally. Upon such a referral, the Court shall dismiss the delinquency petition and order that it be expunged.

### **Recommendation 2:**

Amend the *Code of Virginia* § 16.1-285 that addresses the length of stay of juveniles committed to the Department of Juvenile Justice. If the Department of Juvenile Justice determines that a juvenile should stay longer than the Board's

estimated length of stay guideline, the Department must petition the court for a review. The legislation sets up the process for such a review.

**Recommendation 3:**

Introduce a § 1 bill to direct the Virginia Commission on Youth, in coordination with the Office of the Children's Ombudsman, to convene a work group to determine what changes would be necessary to extend the purview of the Office of the Children's Ombudsman to include juveniles who are committed to the Department of Juvenile Justice. The work group shall examine any needed revisions to the Office's functions and duties, any amendments to the Code of Virginia, and any staffing or resource requirements associated with this expansion. The work group shall include representatives from the Department of Juvenile Justice, court service units, Juvenile detention centers, juvenile court judges Commonwealth's attorneys, representatives of local public defender offices, guardian ad litem, representatives of Virginia juvenile justice advocacy groups, and representatives from other relevant state, local, or community entities. The work group shall report its recommended changes to the Governor and the General Assembly by November 1, 2026.

**Recommendation 4:**

Introduce a § 1 bill to direct the Department of Juvenile Justice to establish in collaboration with relevant stakeholders, including juvenile justice groups, public defenders, prosecutors and others, clear standards for maximizing out-of-room time for all committed youth. The purpose of out-of-room is to reduce the reliance on room confinement and create an environment that promotes pro-social personal growth and rehabilitation. The Department shall minimize room confinement by engaging youth in positive, structured activities. The Department can address underlying causes of behavior, strengthen community ties, improve facility safety, and prepare youths for a successful reentry into the community with the implementation of effective programming and treatment plans.

The Department shall 1) develop a minimum daily out-of-room time for all committed youth, 2) implement and provide programming that meets the needs, interests, and goals of the youth, 3) train staff in trauma-informed care and youth development practices to ensure effective delivery of programs, 4) collaborate with community organizations and businesses to create opportunities for youth, and 5) collect and review program participation data from community partners and staff to monitor compliance and assess outcomes. The Department shall report by November 1, 2026 to the Senate Committee on Rehabilitation and Social Services, the House Committee on Health and Human Services, and the Commission on Youth.

## **Recommendation 5:**

Introduce a budget amendment to add two additional full-time employees to the Department of Juvenile Justice's behavioral health care unit to provide mental health services for juveniles at Bon Air Juvenile Correctional Center.

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### **Commission Initiative**

School Based Mental Health Review

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### **Initiative Author**

Virginia Commission on Youth

### **Enabling Authority**

§ 30-174 and § 30-175

The Commission on Youth received a presentation from the Behavioral Health Commission on their 2023 report "Maximizing school-based mental health services." In addition, the Commission received and reviewed the findings and recommendations made by the Department of Education from their survey of local education agencies on school-based mental and behavioral health services as directed by the 2025 General Assembly Session.

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### **Commission Initiative**

Office of the Children's Ombudsman Relief of Custody Work Group

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## **EXECUTIVE SUMMARY**

In 2024 the Commission on Youth conducted a study on the Use and Impact of Relief of Custody on Care and Support of Youth.

During the 2024 study, the Commission considered proposing adding "a petitioner's diligent efforts to utilize services offered by the local department of social services or other agency" as a factor for good cause shown when a judge is making a finding on a relief of custody petition under § 16.1-277.02. Currently there are no prescribed factors that a judge looks at for considering good cause shown in granting a petition. However, it was decided by the Commission to direct a work group of judges and other stakeholders to come up with a list of factors for good cause shown.

The 2025 General Assembly passed and the Governor approved Senate Bill 1372 (Suetterlein) and House Bill 1733 (Cole) which included a third enactment clause directing the Office of the Children's Ombudsman to convene a work group to determine the factors a court should consider for good cause shown to grant a petitioner's petition for relief of care and custody of a child.

The Commission approved a study plan at its May 6, 2025 to participate in the Office of Children's Ombudsman work group on the factors the court uses in evaluating a relief of custody petition. Commission staff participated in three work group meetings on this topic. On this work group, six judges served, as well as attorneys, Department of Social Services employees, local department employees, and other state and local partners and private providers. In total 35 members served. The Children's Ombudsman presented a work group update to the Commission on Youth at its October 21, 2025 meeting, and subsequently the Commission received the final report from the Ombudsman.

At the December 2, 2025 Commission meeting, staff presented draft recommendations based on the report of the Children's Ombudsman. The Commission on Youth approved the following recommendations:

**Recommendation 1:**

Request that in their next update of the District Court Judges' Benchbook, the Office of the Executive Secretary of the Supreme Court of Virginia include the following factors for a judge to consider in determining whether there is good cause to grant a petition for the relief of care and custody of a child:

1. Any safety concerns for the child, petitioner, or other members of the child's household;
2. The petitioner's relationship with the child and, if a non-parent, the circumstances by which the petitioner has custody and care of the child, the petitioner's ability to meet the needs of the child, and whether the petitioner is seeking temporary respite or permanent relief of custody and care;
3. The services obtained by the petitioner or currently provided to the child, including privately and publicly available mental health and educational services, the efforts made by the petitioner to access services, and the extent to which such services, if any, have been effective;
4. The extent to which alternative remedies to relief of custody and care are available, including the filing of a CHINS petition or seeking residential treatment for the child by parental placement or through FAPT or the local department of social services whereby the petitioner retains legal custody of the child; and
5. Such other factors as the court deems necessary and proper to the determination of good cause.

**Recommendation 2:**

Amend the *Code of Virginia* § 16.1-241(A)(4) to include non-parent petitioners as follows: “whose parent or custodian for good cause desires to be relieved of his care and custody.”

**Recommendation 3:**

Amend the *Code of Virginia* sections as follows:

§ 16.1-277.02 (A). Requests for petitions for relief of the care and custody of a child shall be referred initially to the local department of social services for investigation and the provision of services, if appropriate, in accordance with the provisions of § 63.2-319 or Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. The petitioning parent or custodian shall cooperate with the appropriate services offered by the local department of social services. The local department of social services shall, as part of its investigation, (i) refer the parent to the local family assessment and planning team and (ii) create a written report regarding the history of the child and family.

§ 16.1-278.3 (A). Within 60 days of a hearing on a petition for relief of the care and custody of any child pursuant to § 16.1-277.02 at which the court found (i) good cause for the petitioner's desire to be relieved of a child's care and custody, or (ii) that permanent relief of custody and termination of residual parental rights is in the best interest of the child, and, unless continued placement in the home would be contrary to the welfare of the child, the petitioner has cooperated with the local department of social services to prevent the child from being removed from the home, a dispositional hearing shall be held, if a final order disposing of the matter was not entered at the conclusion of the hearing on the petition held pursuant to § 16.1-277.02.