



Virginia Commission on Youth 2015 Legislative Studies and Initiatives

TEMPORARY PLACEMENTS OF CHILDREN ADOPTED RECOMMENDATIONS IN BLUE

Findings/Conclusions	Recommendations and Public Comments
<p>Study Mandate During the 2015 General Assembly Session, Delegate Kathy J. Byron introduced House Bill 2034. It provides that a parent or legal custodian of a minor may delegate to another person by a properly executed power of attorney any powers regarding care, custody, or property of the minor for a period not exceeding one year. The bill also creates a licensing exemption for private, nonprofit organizations that do not accept public funds and that assists parents with the process of delegating parental and legal custody of their children. The intent of the legislation is to provide parents with support and respite during difficult times while having children stay in a safe environment with the ultimate goal of reunification.</p> <p>Members of the House Courts of Justice Committee reviewed the bill and determined that further study would be appropriate. The Committee passed the bill by indefinitely and requested that the Commission on Youth study the provisions set forth in House Bill 2034 and report its findings and recommendations.</p> <p>Findings <u>Prevention Services:</u> Prevention Services are meant to strengthen families and prevent child maltreatment. The Virginia Department of Social Services uses a practice model, which promotes safe, stable,</p>	<p><u>Recommendation 1</u> Request a budget amendment in the 2016 budget (caboose) and new biennial budget for the Department of Social Services to 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. This pilot program would 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 temporary placement for a period that is not greater than 90 days. This program would allow for an option of a one-time 90 day extension. Prior to the expiration of the 180 day period, if the child is unable to return to his home, then Patrick Henry Family Services shall contact the local department of social services and request an assessment of the child and an evaluation of services needed and to determine if a petition to assess the care and custody of the child should be filed in the local juvenile and domestic relations court. DSS 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.</p> <ul style="list-style-type: none"> • The pilot program organization shall meet the background check requirements described in 22 VAC 40-191. • The pilot program organization shall provide pre-service and ongoing

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<p>and healthy families. In Virginia, prevention services have transformed and grown over the past several years starting with the Children’s Services System Transformation implemented in 2007. While the implementation of recent improvements have resulted in a decrease in the number of children in Virginia’s foster care system and an increase in the use of kinship care, lack of funding and staffing is still a concern. According to the latest CSA Critical Services Gap presentation for fiscal year 2013, the top five of statewide service gaps includes parenting/family skills training and regular foster care/family care. As well, the top barriers highlighted to community service availability remain a need for a greater buy-in and support from the line staff and a need for greater collaboration among community stakeholders.</p> <p>Use of family driven services continues to be promoted in Virginia as a best practice model. Since early prevention services are mostly voluntary they require that the family unit act as the primary decision maker, making it even more important that the services provided are family focused. As well as embracing family driven services, the Department of Social Services stresses an entrepreneurial approach to program development and service delivery. This means thinking “out of the box” to provide services to assist families whose children are safe, but the family unit is struggling as a whole.</p> <p><u>Diversion:</u> In addition to its prevention efforts, over the past decade Virginia has paved the way to increase diversion efforts. In 2010, Delegate Peace introduced a § 1 bill (HB 718) , which became law, requesting that the Governor and the Department of Social Services work together to reduce the number of children in foster care by 25 percent within 10 years. Five years into this effort, there has been a 17.86% decrease as of July 1, 2015. Virginia also supported the effort of improving outcomes to its current diversion program by partnering with the Annie E. Casey Foundation in 2011 for a qualitative study on kinship care. Specific recommendations included: develop and adopt clear state-level policy guidelines and provide caseworkers with training and tools for clients in order to inform and advise families on available benefits and options. Most recently in 2014, Senator Howell introduced a § 1 bill (SB 284), which became law, directing that the Department of</p>	<p>training for temporary placement providers and staff (22 VAC 40-131-210 and 22 VAC 40-131-150).</p> <ul style="list-style-type: none"> • 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). <p>The Department of Social Services shall evaluate the pilot program and determine if this model of prevention is effective. A report of the evaluation findings and recommendations shall be submitted to the Governor and Chairs of the House Appropriations and Senate Finance Committees as well as the Commission on Youth by December 1, 2017.</p>

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<p>Social Services review current policies governing kinship care placements. The legislation also directed DSS to develop recommendations for regulations.</p> <p><u>Delegation of Parental Authority:</u> Approximately half of states have some form of a temporary delegation of authority by power of attorney law. Nine states limit this authority to one year and 13 states limit this authority to six months. The remaining states laws limit the temporary delegation of authority solely to grandparents or they have no time frame for expiration of the power of attorney. The most common model followed is based on the Uniform Guardianship and Protective Proceedings Act of 1982 (UGPPA), which states, "A parent or a guardian of a minor or incapacitated person, by a power of attorney, may delegate to another person, for a period not exceeding six months, any power regarding care, custody, or property of the minor or ward, except the power to consent to marriage or adoption." States that utilize this process make their agreement on a power of attorney form instead of going to court. In addition, the power of attorney device does not act to confer custody on the caregiver, but rather allow the designated caretaker to enroll the child in school or obtain medical care. In Virginia, kinship caregivers are permitted to use an affidavit and power of attorney to enroll a child in school.</p>	