

TEMPORARY PLACEMENTS OF CHILDREN

STUDY PLAN

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.
- 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.

Identified Issues

- Virginia law requires licensing of child welfare agencies as well as independent foster homes in accordance with § 63.2-1701 of the *Code of Virginia*.
- The Virginia Department of Social Services' permanency efforts are implemented in part through the Promoting Safe and Stable Families Program, which includes family support services designed to help parents care for their children's well-being before a crisis occurs.
- The practice of kinship diversion is considered first in Virginia, which goes in support of increased acceptance of working with relatives and on prevention services. Relatives also may accept children under formal kinship care arrangements, but first must qualify as foster parents; however, these parents are entitled to additional support and subsidies.
- In 2014, legislation was introduced by Senator Janet Howell and approved by the General Assembly and Governor directing the Department of Social Services to review current policies governing kinship care placements and propose regulations governing kinship care placements. The bill directs the Department of Social Services to report its recommendations and findings to the Governor, the General Assembly, and the Board of Social Services by January 1, 2016.
- Section 22.1-3(4) of the *Code of Virginia* currently acknowledges the right of an adult relative who provides informal kinship care to access free public education for the child where the adult resides by utilizing an affidavit or power of attorney; however, this provision is set to sunset June 30, 2016.

Study Activities

- Conduct extensive background and literature reviews
 - Child Welfare League of America
 - Casey Family Programs
 - National Governors Association Center for Best Practices
 - Other states' policies and approach
 - Best-practices in protecting children at risk for foster care
- Review federal legislation/statutes
 - *Child Abuse Prevention and Treatment Act of 2010*
 - *Fostering Connections to Success and Increasing Adoptions Act of 2008*

- Titles IV-B and IV-E of the Social Security Act
- *Adoption and Safe Families Act of 1997*
- Temporary Assistance for Needy Families (TANF) block grant
- The National Family Caregiver Support Program
- Review and Analyze Virginia laws, regulations, and practices
 - Foster care statutes and regulations
 - Kinship care diversion
 - Temporary entrustment agreements
 - Standards for Licensed Placing Agencies
 - Promoting Safe and Stable Families Program
 - Comprehensive Services Act Parental Agreements
 - Child placing agency or independent foster home licensure regulations
 - Receive information from state and local Department of Social Services
 - Other related practices
- Analyze other states' practices and procedures
 - Foster care diversion
 - Implementation of Safe Families
- Review Diversion and Respite Programs
 - Safe Families for Children
 - Other programs
- Identify impacted agencies and stakeholder organizations
 - Advocacy Organizations
 - Family Assessment and Planning Teams (FAPT)
 - Guardians Ad Litem
 - Judges/Attorneys
 - Local Departments of Social Services
 - Office of Comprehensive Services for At-Risk Youth and Families
 - Office of Executive Secretary of the Supreme Court of Virginia
 - Parent Representatives/Kinship caregivers
 - Private Child Placing Agencies
 - Safe Families for Children
 - Virginia Department of Social Services
 - Virginia Department of Social Services' Attorneys
 - Virginia's Court Appointed Special Advocates
- Invite key stakeholders and impacted agencies to participate in round table panel
- Develop recommendations
 - Synthesize recommendations
 - Develop recommendations
- Solicit feedback to recommendations
- Refine findings and recommendations
- Present findings and recommendations to the Commission on Youth
- Prepare final report