



VIRGINIA COMMISSION ON YOUTH

Meeting Minutes

Virginia Commission on Youth Meeting

September 19, 2023, 11:00 a.m.

Capitol Building, House Room 1

Attending:

Delegates: Emily Brewer (Chair), Carrie Coyner, Karrie Delaney, Tara Durant, Irene Shin, Anne Ferrell Tata

Senators: Barbara Favola (Vice-chair), David Suetterlein

Citizen Members: Jessica Jones-Healey, The Honorable Chris Rehak

Not Attending:

Senator: Dave Marsden

Citizen Member: Avi Hopkins

Staff Attending:

Amy Atkinson, Will Egen

I. Call to Order and Opening Remarks

Delegate Emily M. Brewer, Chair

Delegate Emily Brewer welcomed Commission members and meeting attendees. She introduced Amy Atkinson, Executive Director, and thanked her for securing the location at the Capitol Building for this meeting in the midst of the staff move from the Pocahontas Building to the parking garage office location.

II. Overview of Study Year

Amy M. Atkinson, Executive Director

Amy Atkinson thanked Delegate Brewer and shared that since the Commission's last meeting in the spring, the staff has been working on the biennial report, the *Collection of Evidence-based Practices for Children and Adolescents with Mental Health Treatment Needs*. This report is a nationally recognized document, and received the NCSL's Notable Document Award. The report is available on the Commission's website at <https://vcoy.virginia.gov/collection.asp>.

Ms. Atkinson provided an overview of the meeting agenda, explaining that draft recommendations from the studies presented today will go out for public comment and Commission members will vote on these draft recommendations at the November 20th meeting. The studies include the Admission of Minors to a Mental Health Facility for Inpatient Treatment and Improving Foster Care in Virginia.

Ms. Atkinson then took roll call and invited Commission members to visit the staff's new location in the parking garage.

Delegate Brewer then took the opportunity to publicly recognize and thank Delegate Rob Bell for his contributions to the Commission on Youth over the years.

Delegate Brewer introduced Will Egen to present on the first study.

III. Admission of Minors to a Mental Health Facility for Inpatient Treatment

Will Egen, Senior Policy Analyst

Will Egen explained that Delegate Tata proposed House Bill 1923 last session and Delegate Rob Bell, Chair, House Courts of Justice Committee, requested by letter that the Virginia Commission on Youth review this bill and make recommendations. Delegate Tata's legislation included increasing the minimum age requiring the consent of a minor to be admitted into a mental health facility for inpatient treatment from 14 to 16 years of age, and adding addiction as a reason for admittance of the minor. Mr. Egen thanked all those who helped with the study, especially Judge Ashley Tunner with Richmond Juvenile and Domestic Relations District Court. Mr. Egen summarized the research and work that went into the study for the Admission of Minors to a Mental Health Facility for Inpatient Treatment. Mr. Egen provided a detailed presentation that covered the Commission's study mandate, the stakeholders that were interviewed, additional methodology, what was covered in the substance use meeting in Norfolk, results of the Virginia Youth Mental Health Survey, the role and location of Virginia's Community Services Boards, an explanation of the array of children's behavioral health services, the locations of psychiatric hospitals and residential treatment facilities for youth in the state, and listed the main gaps in substance use services.

Mr. Egen thanked Ashlyn Hillburn, law intern from the University of Richmond, who helped a great deal with the 50-state survey on the laws of inpatient treatment nationally. Additionally, results are currently being collected by National Alliance on Mental Illness – Virginia on the Commission's behalf.

Seven draft recommendations were presented for the Commission's consideration to improve the process and accessibility for admission of minors to a mental health facility for inpatient treatment. These draft recommendations are listed below:

Recommendation 1: Amend the Code of Virginia § 16.1-338 and § 16.1-339 to raise the age of minor objection from 14 to 16.

Recommendation 2: Amend the Code of Virginia §16.1-338 and § 16.1-339 to state the age of parent and minor consent for entering inpatient substance use treatment. The current law (14 for minor objection) is not explicitly stated but rather implied.

(and)

Amend the Code of Virginia to add clarifying language to §16.1- 339 to state that if a minor is being granted admission to a willing facility under the application of a parent, then a temporary detention order (TDO) shall not be required under this section.

Recommendation 3: Request the Department of Behavioral Health and Developmental Services put together a work group with Virginia Association of Chiefs of Police, Virginia Sheriffs' Association, the Virginia Association of Community Services Boards (VACSB), the Virginia Magistrates Association, Office of the Executive Secretary of the Supreme Court of Virginia, and any other relevant stakeholders to consider options for the transportation of minors that can be admitted under §16.1-339, as is currently done for emergency custody orders and temporary detention orders as described in § 16.1-340.1. DBHDS shall make any recommendations to the Commission on Youth by November 1, 2024.

Recommendation 4: Request (or) Introduce a section one bill to require the Department of Behavioral Health and Developmental Services to provide a page on its website geared towards the public that describes the laws, options, and frequently asked questions as it relates to the Psychiatric Treatment of Minors Act. The information posted shall be done so with the assistance of mental health, substance abuse, and disability experts and advocates.

Recommendation 5: Request the Department of Social Services update guidance and have the Department of Social Services Director send a letter to local departments of social services describing the admission of minors to inpatient treatment process, including §16.1-339.

Recommendation 6: Request the Department of Behavioral Health and Developmental Services provide educational materials to the Psychiatric Society of Virginia, the Virginia Academy of Clinical Psychologists, and community services boards for further dissemination to their members on the voluntary and involuntary admission's process for minors to a mental health facility for inpatient treatment. DBHDS should consult the Juvenile Law and Practice in Virginia manual, Office of the Executive Secretary of the Supreme Court of Virginia training materials, and information provided by Virginia's medical schools.

Recommendation 7: Request the Department of Behavioral Health and Developmental Services work with CSBs to target American Rescue Plan Act (ARPA) and other available

one time federal funds towards higher intensity substance use services for minors. These are services ASAM level 2.5 and higher.

This presentation can be accessed on the Commission's webpage under the meetings tab.

Delegate Brewer thanked Mr. Egen for all of his work on this study and she encouraged Commission members to follow-up in writing with their questions and concerns. Delegate Brewer then introduced the next speaker, Amy Atkinson.

IV. Improving Foster Care in Virginia

Amy M. Atkinson, Executive Director

Ms. Atkinson reviewed the extensive foster care work previously done by the Commission. Foster Care 101 for Legislators was very successful in 2019 with over 200 attendees including agency heads, deputies, judiciary, local departments of social services, foster families and children. Ms. Atkinson discussed the potential idea that the Commission may want to conduct another Foster Care 101 seminar to educate the new legislators in 2024.

In May 2023, the Commission on Youth adopted a study plan to look at foster care and make recommendations for improvement. Study activities over the summer months included attending Virginia League of Social Services' Executives' meetings, participation in workgroups, and conducting stakeholder interviews. As of July 2023, 5,071 children were in foster care in the Commonwealth. Some of the foster care issues that Ms. Atkinson reviewed included workforce recruitment and retention, training of staff to address high staff turnover, the Child Welfare Stipend Program, having higher education points of contact for the youth and accessible resources, recruitment and retention of foster and kinship care, faster recruitment of foster families, emergency payments for foster families, increasing kinship care, substance use, and relief of custody for troubled youths.

The draft findings and recommendations are listed below:

Finding 1:

Supporting a Child Welfare Training Academy would assist local departments in ensuring that their workforce is prepared. This would strengthen Virginia's ability to provide safe and stable environments for children and families by reducing turnover in the local workforce and extending the time that local departments of social services' (LDSS) staff remain focused on their mission.

Recommendation 1: Support the establishment of a centralized training academy model for family services specialists to better prepare staff for the difficult work of social services, increase retention through training and development of new staff, and provide

a more structured and consistent foundation training program. The academy should ensure adequate technology to accommodate both in person, virtual, and blended training options.

Finding 2:

Child welfare stipend graduates are more likely to remain employed at their agencies and have more effective skills, knowledge, and abilities. However, it has been a challenge to attract and connect stipend graduates to smaller, more rural local departments of social services.

Recommendation 2: Encourage Virginia Department of Social Services to create more partnerships with additional colleges and universities, which would provide more opportunities for students to participate in different regions of the state.

Recommendation 3: Introduce a budget amendment to increase the number of stipend slots offered.

Finding 3:

Liability insurance for foster care private providers has seen a steep increase over the past few years. Options for liability insurance are becoming more limited.

Recommendation 4: Amend the *Code of Virginia* to give qualified immunity to private foster care agencies and their foster care workers that contract with localities for acts of negligence that result from their services. The intent is to align private agency immunity with the local departments of social services.

Recommendation 5: As a response to the increasing cost of verdicts, amend the *Code of Virginia* to apply a monetary cap for negligence cases resulting from the placement of the child by a private foster care agency. The cap should be set at \$500,000.

Recommendation 6: Request the State Corporation Commission form a work group to study the expansion of group self-insurance pools in Virginia to permit nonprofit and for profit private foster care agencies the ability to join a group self-insurance pool with permission of a locality for the purposes of liability insurance for foster care services. This group shall analyze the feasibility of such a change, run sample cost savings analysis scenarios, and review any other barriers as contemplated by the group. Included in the work group shall be: the Virginia Department of Social Services, Virginia Association of Licensed Child Placing Agencies, Foster Family-Based Treatment Association, Virginia Department of Treasury, Virginia Municipal League, Virginia Association of Counties, VAcop, Virginia Risk Sharing Association, CSA Coordinators State Group, insurance agencies and brokers, and other relevant stakeholders. This work group shall report back and make recommendations to the Commission on Youth by November 1, 2024.

Recommendation 7: Request the Department of Social Services form a work group to study the issues, concerns, and above listed policy options. Included in the work group shall be: The Office of Children’s Services, the State Corporation Commission, Virginia Association of Licensed Child Placing Agencies, Foster Family-Based Treatment Association, Virginia Department of Treasury, Virginia Bar Association, Virginia Municipal League, Virginia Association of Counties, Virginia League of Social Services Executives, VAcorp, Virginia Risk Sharing Association, CSA Coordinators State Group, insurance agencies and brokers, and other relevant stakeholders. This work group shall report back and make recommendations to the Commission on Youth by November 1, 2024.

Finding 4:

The current electronic resources for students are challenging to find, which can be discouraging for foster youth to explore post-secondary education options, whether it be college, vocational, or trade school.

Recommendation 8: When established, request Virginia Department of Social Services to provide information on the iFoster platform to include information from universities and colleges on what supports they provide former or current foster care youth. Resources on iFoster should 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. Encourage 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.

Finding 5:

High school foster youth do not always have the same community support to help them explore post-secondary options. Currently Great Expectations programs are in all 23 community colleges in the Commonwealth to help students with these challenges. This programming has proven to be effective in helping students apply for schools and transition into new programs. Although Great Expectations is currently in all community colleges, there is little programing to help foster care youth at 4-year institutions.

Recommendation 9: Request Great Expectations to explore potential partnership and expansion of programming to include public 4-year colleges and universities. Great Expectations programs at community colleges would partner with the nearest colleges to help start new programs.

Recommendation 10: Request the Council of Independent Colleges in Virginia to partner with Great Expectations to have a smooth transition in order to achieve a 4-year degree and provide a point of contact for foster care youth.

Finding 6:

Foster care youth who age out of the system and attend college or vocational training face many challenges including financial concerns.

Recommendation 11: Expand the Virginia Tuition Assistance Grant Program to include additional money for former foster care and homeless youth who were in care or experienced homelessness after the age of fourteen.

Finding 7:

Virginia needs more positions dedicated to expanding programs and working with universities and Great Expectations to ensure that the efforts to increase and improve foster care youth's access to higher education is attainable and executed efficiently.

Recommendation 12: Introduce a budget amendment to fund a position at either State Council of Higher Education Virginia (SCHEV) or the Virginia Department of Education, dedicated to ensuring that the expansion of Great Expectations is done efficiently and to continuing to explore other ways to improve opportunities for foster care youth aging out of the system as well as former homeless youth.

Finding 8:

Faster Families Highway provides a platform for those interested in becoming a foster parent to be connected with Local Departments of Social Services. A review of the highway would be helpful in determining improvements could be made in the recruitment of foster families.

Recommendation 13: Request the Virginia Department of Social Services review the Faster Families Highway by conducting a survey of local departments of social services to ensure that the platform is providing the local departments of social services with the information that they need and that the questions for the interested foster care families are appropriate. Request that Virginia Department of Social Services provide a tab on the platform with helpful marketing information that is readily available for promoting foster care. Information that is sent in "Tool Kit Tuesdays" should be placed on the platform and templates should be developed to promote best practices in the recruitment of foster families.

Finding 9:

When a foster care child experiences an emergency situation, the foster family may need additional supports. Enhanced payments assist both the local departments of social services and the foster family in assuring that the child remains in an appropriate placement.

Recommendation 14: Introduce/support a budget amendment for the continuation of the Exceptional Circumstances Payment pilot program. The program shall provide

funding in emergency situations for up to \$3,000/month for up to 3 months to ensure a safe and stable placement for children/youth in foster care.

Finding 10:

One of the symptoms of the opioid epidemic track has been a huge increase in foster care in the areas most impacted by the epidemic. According to recent data, 30% of foster care admissions are linked to parental drug abuse.

Recommendation 15: Request the Virginia Department of Behavioral Health and Developmental Services in coordination with the Department of Social Services assess the barriers to availability of substance use treatment services across Virginia's localities and make recommendations for ways that community services boards and local departments of social services can collaborate and have systems in place to address a parent's substance use and prevent the removal of children from the home into the foster care system.

Recommendation 16: Request the Virginia Opioid Abatement Authority provide technical assistance to local governments, including local departments of social services, that were disproportionately impacted by the opioid epidemic.

Finding 11:

Teens in foster care face significant barriers to obtaining a driver's license. These young people often miss out on age-appropriate adolescent experiences and opportunities made possible by driving that create a sense of normalcy, which helps them make a successful transition to adulthood.

Recommendation 17: Introduce/support a budget amendment to provide support for the development and implementation of a statewide drivers' license program for youth currently in and formerly in foster care in obtaining a driver's license.

Finding 12:

Local departments of social services across the state have seen an increase in the use of relief of custody as a way to deal with a troubled teen or child.

Recommendation 18: Direct the Commission on Youth to review concerns surrounding the increased use of temporary and permanent relief of custody to place a child in foster care. The Commission shall convene an advisory group to assess this concern. This advisory group shall include the Department of Social Services, Department of Behavioral Health and Developmental Services, Department of Juvenile Justice, the Court Improvement Project, Local Departments of Social Services, Community Services Boards, and other relevant stakeholders.

This presentation can be accessed on the Commission's webpage under the meetings tab.

VI. Adjourn

Delegate Brewer thanked the VCOY staff and encouraged people to make public comments. The meeting adjourned at 1:12 p.m.

The full meeting was recorded and is available online at: [Virginia House of Delegates Video Streaming](#).