

# VIRGINIA COMMISSION ON YOUTH

December 4, 2019

10:00 a.m.

House Committee Room B  
Ground Floor, Pocahontas Building

## MEETING MINUTES

### **Attending:**

Delegates Richard “Dickie” Bell, Chair, Emily Brewer, Jay Jones, Mark Keam  
Senators Dave Marsden, Vice-Chair, Barbara Favola  
Citizen members Avohom Carpenter, Dede Goldsmith, Chris Rehak

### **Attending Electronically:**

None

### **Not Attending:**

Delegates Chris Peace, Todd Pillion  
Senator Charles W. “Bill” Carrico, Sr.

### **Commission on Youth Staff Attending:**

Amy Atkinson, Will Egen, Samantha Teets (Intern)

### **I. Call to Order and Opening Remarks**

*Delegate Richard P. “Dickie” Bell, Chair*

Delegate Bell welcomed Commission members and meeting attendees. He noted that one member on the Commission would be participating via telephone, Del. Pillion, due to demands from his dental practice. (Del. Pillion did not end up calling in.)

### **II. Seclusion and Restraint: Update on the Regulatory Process**

*Samantha Hollins, Ph.D., Assistant Superintendent, Department of Special Education and Student Services, Division of School Quality, Instruction and Performance, Virginia Department of Education*

Dr. Hollins updated the Commission on the regulatory process in public elementary and secondary schools in Virginia. She noted these regulations are already in place in private schools.

Dr. Hollins also noted that these regulations are focused on preventing any use of seclusion and restraint.

The Virginia Department of Education (VDOE) is offering supports and grant opportunities to encourage school divisions to prepare for the implementation of the

proposed regulations. They are doing so by developing an online module to fulfill the first level of training and by awarding grant funds for school divisions to use evidence-based advanced training.

This presentation can be accessed on the Commission's webpage under the December 4 meetings tab.

At the end of the presentation, Del. Bell noted that this was a topic near and dear to him. He further stated that he, along with Sen. Favola, introduced legislation during the 2015 Session to promulgate these regulation, and that it has been a long four years. However, while the process moves slowly, the regulations are now on the Governor's desk, and that is exciting.

Sen. Favola had a couple of questions on training and funding, and suggested that at the appropriate time someone from VDOE could report back to the Commission on the implementation of the regulations and training.

Chairman Bell also entertained questions from the public.

Beth Tolley, Alliance Against Seclusion and Restraint, commented that, based on data from private schools, students with disabilities are over-represented in seclusion and restraint. Ms. Tolley expressed her concern that training will not focus on trauma-informed practices to prevent seclusion and restraint.

In response, Dr. Hollins noted that currently the only data collection required by the state is from private schools licensed to support students with disabilities, so it is difficult to examine disproportionate use without more data.

Dr. Hollins also noted that VDOE is the lead agency for guidance related to multi-tiered systems of supports (in Virginia, the Virginia Tiered Systems of Supports). She stated that she would follow up with Ms. Tolley by email.

Sen. Marsden noted that change will take time and that everyone has the same goal: to reduce the use of seclusion and restraint while protecting children.

**III. Maintaining Our Commitment to Community-Based Care: Another Look at the City of Hampton System of Care Ten Years Later**

*The Honorable Jay E. Dugger, Chief Juvenile Judge, City of Hampton*  
*Elizabeth "Betsy" Clark, CSA Administrator, City of Hampton*

Del. Bell introduced the next speakers by commenting that, as part of the Commission's foster care study, staff pointed out that Hampton spends zero dollars on therapeutic foster care and residential foster care. This indicates that Hampton has figured out how to serve children within their community.

Ms. Clark stated that Hampton has not used any therapeutic foster care or congregate care setting for any foster care youth since 2008. Ms. Clark reviewed Hampton's expenditures

as well as outcome measures. According to Ms. Clark, Hampton CSA has a “One Child at a Time” system approach.

Judge Dugger discussed how, over the past decade, improvements to the system are ongoing, and flexibility is key. Judge Dugger then discussed some of the key observations from Hampton’s transformation to the 5 C’s of successful implementation: Conviction, Commitment, Champions, Communication, and Courage.

Judge Dugger talked about how Hampton moved from intervention to prevention by utilizing programs like home visiting, by screening families who apply for TANF for additional supports, and by forming partnerships with the public schools through early truancy prevention.

Sen. Favola stated she was impressed that Hampton did home visits to families who came to the attention of child protective services but that did not meet investigative criteria. She asked about how difficult this has been to implement. Ms. Clark replied that it is the way they do business in Hampton and it is the way the city uses resources.

Sen. Favola also gave kudos to Hampton on the choices they have made in serving children.

Sen. Marsden asked how Hampton has negotiated the use of mandated vs non-mandated funding. Ms. Clark explained that Hampton tries to look for ways to include, and not restrict, a young person when it comes to providing services.

Del. Bell said he is taken with Hampton’s model of excellence.

This presentation can be accessed on the Commission’s webpage under the December 4 meetings tab.

#### **IV. Commission’s Foster Care Study – Decision Matrix**

*Amy M. Atkinson, Executive Director*

Ms. Atkinson went through the draft recommendations and the public comment received in the decision matrix for the Commission’s Foster Care Study. Following review of the decision matrix, the Commission accepted public comment.

##### **Public Comment:**

Carolyn Richardson, Kinship Connection, spoke to the Commission about her family’s situation and how her two grandchildren came to live with her and her husband. She described the logistical, financial, and emotional challenges they face. She also commented that foster parents plan to become caregivers, but that she and her husband were surprised to become caretakers at their age, and they weren’t prepared for everything. Ms. Richardson is advocating for kin families to be supported financially at the same amount as foster care families.

Ray Richardson, Kinship Connection, made a request for common sense updates to the *Code of Virginia* to provide a monthly stipend to meet kinship children's basic requirements that is identical to that provided to foster parents. Mr. Richardson described the situation that he and his wife Carolyn went through when they got legal custody of their grandchildren, and noted that their grandchildren would be in foster care if they had not stepped up to the plate. Mr. Richardson also requests a monthly stipend, as is provided for formal kinship care.

Rebecca Morgan, Director of Middlesex DSS, comments on behalf of the Virginia League of Social Services Executives, stating that they agree with all of the recommendations made by the Commission on Youth. They are especially supportive of the recommendation directing the Virginia Department of Social Services to create an emergency approval process for kinship caregivers. She explained how this solution would help many families. Finally, Ms. Morgan thanked Commission staff for going across the state and visiting local department staff. She said that it is very meaningful that the workers were asked for input, and this process gave us a voice.

**Adopted Recommendations:**

The draft and adopted decision matrix can be found on the Commission's website under the November 20 meeting tab. The Commission on Youth approved the following recommendations:

Workforce Recruitment and Retention

1. Introduce a budget amendment for additional staff positions at VDSS to administer a Training Academy for Family Services Specialists as recommended in the 2018 study conducted by the University of Denver, Butler Institute for Families. (Motion: Favola; Second: Keam)
2. Introduce a budget amendment to expand Virginia's Child Welfare Stipend Program to include stipend positions funded with state-only dollars, which will allow these stipend graduates to fulfil their stipend agreements in child welfare positions to include child protective services and ongoing/prevention services. These state-funded stipend positions will not have the federal requirement to have an employee work 51% of their job in Title IV-E. (Motion: Marsden; Second: Favola)
3. Introduce a budget amendment to increase the minimum salary for Family Services Series positions and provide a salary adjustment for current Family Services employees. (Motion: Favola; Second: Keam)
4. Request that the Virginia Department of Social Services present to the Commission on Youth an update on the status of VDSS technology, to include Compass, OASIS, and any efforts by the Department to allow Title IV-E to be processed electronically. Introduce a budget amendment to implement a new technology system to replace OASIS. (Motion: Marsden; Second: Favola)

5. Amend § 16.1-1506 of the *Code of Virginia* to extend the family assessment requirement from 45 days to 60 days with no additional extension. (Motion: Keam; Second: Favola)

Fostering Futures

6. Amend the *Code of Virginia* to codify the Fostering Futures program, as currently authorized in the Virginia State Budget language, ensuring that Federal Law is properly addressed. Include a provision allowing video conferencing as an option for monthly visits between LDSS and participants. Include in the legislation enactment clauses directing the Virginia Department of Social Services to make certain actions:
  - Determine what services are appropriate for participants.
  - Develop requirements to be included in the Voluntary Continuing Services and Support Agreement (VCSSA). Requirements should include maintaining contact with the youth's case manager, and making rent payments on time. Case managers should tailor the VCSSA to the youths' situation and needs.
  - Allow discretion for LDSS to disenroll youth from the Fostering Futures program for substantial violation of the VCSSA.
  - Develop a budget worksheet and/or payment forms to monitor how participants are using their allotted funds and increase oversight of maintenance payments when needed.(Motion: Keam; Second: Favola)

Kinship Care (Motion in a block 7-17: Keam; Second: Favola)

7. Support the ongoing systemic review process being done by the Administration for Children and Families of kinship navigator programs and encourage the addition of well-supported, supported, or promising kinship navigator program to be included in the Family First Clearinghouse.
8. Support the continuation of the current federal funding for Virginia's regional kinship navigator program.
9. Direct VDSS to develop a statewide Kinship Navigator program in Virginia, which will provide information, resource, and referral services to children and kin caregivers.
10. Request that VDSS add an input box to OASIS to mark when a youth is diverted to a "facilitated care arrangement."
11. Request that VDSS as part of the upcoming diligent search RFP obtain feedback from LDSSs on the strengths and weaknesses of the current system and what is needed to make a search tool successful.
12. Amend § 63.2-1305 of the *Code of Virginia* to add fictive kin to the definition of relative for the purpose of the KinGAP program.

13. Amend § 63.2-1305 of the *Code of Virginia* to create a state-funded Kinship Guardianship Assistance program that waives the requirement for potential guardians to serve as a licensed foster parents for six consecutive months and limit eligibility for this program to children who are least likely to be placed in a permanent home or who have been in foster care for an extended period of time.  
  
This recommendation was made by JLARC in their 2018 report. It was not introduced as legislation during the 2019 session.
14. Introduce a budget amendment to increase funding for the General Relief program.
15. Direct VDSS to create a state funded program to provide facilitated care reimbursement payments to kinship and fictive kin families who have custody over kin due to the child being identified as being at imminent risk of entering foster care. Local departments shall track these families and provide case management as necessary.
16. Direct the Commission on Youth to study adding guardianship as a permanency option in Virginia by creating an Advisory Group to:
  - a) Look at the benefits as well as obstacles this change would create.
  - b) Determine what is the potential impact on school enrollment and medical care.
  - c) Investigate what would be the rights of the parties in such an arrangement.
  - d) Explore the possible implementation of state funded guardianship assistance.
17. Direct the Virginia Department of Social Services to create an emergency approval process for kinship caregivers and develop foster home certification standards for kinship caregivers using as a guide the Model Family Foster Home licensing Standards developed by the American Bar Association Center on Children and the Law, the Annie E. Casey Foundation, Generations United, and the National Association for Regulatory Administration. The adopted standards should align, as much as reasonably possible, to the Model Family Foster Home Licensing Standards, and should ensure that children in foster care 1) live in safe and appropriate homes under local department of social services and court oversight; 2) receive monthly financial assistance and supportive services to help meet their needs; and 3) can access the permanency options offered by Virginia's Guardianship Assistance Program.

#### Foster Care Family Recruitment and Retention

18. Direct VDSS and CSA to establish a grant program to incentivize the recruitment and retention of foster care families within local departments of social services. Grants will be awarded to local agencies who demonstrate a strategy to recruit families that will meet the needs of the children they serve. These families should be trained and supported by the local DSS, the community, and local service providers to provide the necessary trauma-informed services for children with emotional, medical, or behavioral needs. The grant application shall identify a targeted marketing strategy, supporting community partners, and additional supports that will be provided to foster families recruited under this grant. Local departments may contract with private

providers to deliver the daily support and supervision of these families. The local agency will be exempt from paying the local match for services provided to families recruited and trained under this grant. Two or more local agencies will be permitted to form partnerships under this grant program. (Motion: Favola; Second: Keam)

19. Request an update from VDSS on the recruitment and retention of foster care families by November 2020, to include an update on the creation of a stronger framework and parameters for LDSS around family supports (to include but not be limited to a provision for a dedicated recruiter and trainer; trauma training, parenting strategies, and respite care for foster care families; and social support mentors the foster children). Request VDSS to provide (i) an estimate of funding necessary to implement the statewide strategic plan for recruiting and retaining foster parents; and (ii) identify all possible sources of funding that could be used to support statewide recruitment and retention efforts. (Motion: Marsden; Second: Brewer)

All recommendations (1-19) were adopted unanimously by the Commission.

## V. Election of Chair and Vice Chair

The *Code of Virginia* requires that the Commission on Youth elect a chair each year (§ 30-174).

### Nominations for Chair

Senator Favola nominated Senator Marsden for Chair, and was seconded. Senator Marsden was unanimously elected Chair.

### Nominations for Vice Chair

Delegate Keam nominated Delegate Brewer for Vice Chair, and was seconded. Delegate Brewer was unanimously elected Vice Chair.

## VI. Adjourn

Following the election of Chair and Vice Chair, Del. Bell remarked that he has enjoyed his time as Chair and his time spent serving on the Commission. He also complimented the hard work of staff. Additionally, he stated that his work with colleagues has been bi-partisan and that this Commission is a good display of what government should be like.

Del. Keam, Sen. Favola, and Sen. Marsden all expressed their thoughts and fond wishes for Del. Bell as he retires. Ms. Atkinson also expressed her farewell wishes for Del. Bell, and also recognized outgoing members, Del. Peace, Del. Pillion, and Sen. Carrico.

The meeting adjourned at 12:05.