

VIRGINIA COMMISSION ON YOUTH

September 17, 2013
1:00 p.m.
House Room C

MINUTES

Attending:

Delegates Christopher Peace, Robert Brink, Peter Farrell
Senator Barbara Favola
Citizen members Gary Close, Charles Slemp

Not Attending:

Delegates Annie Crockett-Stark, Beverly Sherwood
Senator Stephen Martin
Note: One Senate seat is vacant.

Staff Attending

Amy Atkinson, Leah Mills, Meg Burruss

I. Call to Order and Opening Remarks

Delegate Peter Farrell on behalf of Delegate Christopher K. Peace, Chair

Delegate Farrell welcomed everyone to the meeting and stated that Delegate Peace was running a little bit late. The members agreed to start the meeting and then Delegate Peace could preside as soon as he arrived. Delegate Farrell suggested that the members to introduce themselves and then turned the meeting over to Ms. Atkinson for a briefing on Restoration of Parental Rights.

II. Update on Recent Youth-Related Legislation

Restoration of Parental Rights (HB 1637, BaCote; SB 1076, Barker)

Amy M. Atkinson, Executive Director

Ms. Atkinson reminded the Commission that the 2013 General Assembly passed the Commission on Youth's initiative to establish a process of restoration of parental rights. During the 2012 General Assembly Session, Delegate Toscano and Senators Barker and Favola each introduced legislation for the restoration of parental rights. The Senate and House Courts of Justice Committees reviewed these bills and requested the Commission on Youth to explore the issue. On May 14, 2012, the Commission on Youth adopted a study plan to study the feasibility of creating a procedure for the restoration of terminated parental rights and the policy implications of such a procedure. Ms. Atkinson noted that last year, the Commission on Youth adopted the recommendation to amend the *Code of Virginia* to provide for a procedure to restore parental rights when a parent's rights were previously terminated. This law took effect July 1, 2013. Parental rights can now be restored if certain conditions are met. These conditions include the following: the juvenile must be 14 years of age; the local department of social services or the guardian ad litem

must file the petition; and parental rights were terminated for at least two years. Exceptions to these requirements were built into the law to allow for greater flexibility. One exception was that these conditions could be waived if the local department of social services and the guardian ad litem filed the petition jointly. A younger sibling exception was also included. Additionally, the two year time period could be waived if it occurred after the juvenile's 18th birthday. Ms. Atkinson stated that the Executive Office of the Supreme Court provided training to juvenile and domestic relations judges and clerk office staff.

A procedure for tracking these cases were also prepared. The Virginia Department of Social Services surveyed the five regional offices. To date, no petitions have been filed to restore parental rights.

Delegate Farrell asked how many youth this law could potentially impact. Ms. Atkinson stated the law was purposefully narrow and would only impact a small number of youth. In 2012, only eight youth would have been eligible.

Delegate Peace thanked everyone for attending the meeting. He informed the Commission that congratulations were in order for Meg Burruss because the Division of Legislative Services offered Ms. Burruss a position as staff attorney for the Privileges and Elections Committee. Delegate Peace thanked Ms. Burruss for her service to the Commission. He also informed the Advisory Group that congratulations were also in order for Joyce Garner, who retired from state service on September 1.

Delegate Peace noted that the Commission on Youth was "going green" in order to save paper and that all of the handouts could be found on the Commission on Youth's webpage. A notebook was also available for the public with a copy of the meeting handouts.

Development of a Plan for Juveniles Alleged to be Truant (SB 1194, Alexander)

Karin Addison, Deputy Secretary for Children's Health and Education

Delegate Peace stated that part of the Commission's legislative mandate was to encourage the development of uniform policies and services to youth across the Commonwealth and provide a forum for continuing review and study of such services. He thanked Deputy Secretary Addison for updating the Commission on this legislation.

Deputy Secretary Addison noted that, as part of the All Students campaign, Governor McDonnell introduced House Bill 2060 (Yancey) and Senate Bill 1194 (Alexander) to prevent court referrals and provide students access to services prior to being adjudicated truant. House Bill 2060 failed to report out of Appropriations; however, Senate Bill 1194 was signed into law with a reenactment clause.

The legislation builds on the 10-day conference already required by Virginia law and promotes early, school-level intervention by requiring a school-based multi-disciplinary team to develop a truancy assessment and plan. This could include a family assessment and planning team (FAPT) or a locally based team assembled by the Court. The school principal is given broader discretion to determine whether to file a petition with the Court after the 6th unexcused absence; current law requires that the petition be filed with the Court at this time. The proposed legislation would allow a school attendance officer the option to proceed informally. Additionally, Senate Bill 1194 specifies that a truancy plan must have measurable goals and outcomes to evaluate the student's progress. It also promotes parental and community involvement earlier in the process.

Deputy Secretary Addison stated that, to help determine the impact of Senate Bill 1194, the

Department of Education is surveying school divisions. The survey should reveal how many school divisions are already using school-based multidisciplinary teams, and how well these teams are working in reducing truancy and preventing referrals to juvenile court. The goal will be to collect and analyze school division data to determine the impact of Senate Bill 1194.

Delegate Brink asked about whether the results of the survey discussed in the presentation will be available by the 2014 General Assembly Session. Deputy Secretary Addison said the results should be available by November 2013. Senator Favola expressed concerns with the legislation. She asked who was responsible for analyzing school divisions' data and who would then ensure the juvenile received services particularly in situations where there were service gaps. She asked whether the bill introduced during the 2014 General Assembly Session would include accountability measures to ensure that those services would be provided. Deputy Secretary Addison noted that she would have more information prior to the Commission's November meeting and would be happy to share it with the Commission.

III. **"Virginia Adopts: Campaign for 1,000" Initiative**

Alex Kamberis, Assistant Director of Family Services, Virginia Department of Social Services

Ryan Kelly, Special Assistant, Office of the Governor

In May, Governor McDonnell launched his "Virginia Adopts – Campaign for 1,000," an initiative to match 1,000 children currently in foster care with adoptive families. Delegate Peace stated that Alex Kamberis and Ryan Kelly would give a progress update about the Governor's initiative.

Mr. Kelly provided an overview of the history of Virginia Adopts campaign. In 2012, Governor McDonnell included funding in the proposed budget for innovative adoption practices. The General Assembly included \$1.5 million in the budget for recruitment and post-adoption support. Mr. Kelly noted that he and his wife were appointed as the campaign leads.

The campaign is dedicated to matching 1,000 families with 1,000 children who are waiting to be adopted. So far, over 800 children have been matched. Mr. Kelly noted that every day in Virginia, 1.4 foster children become available for adoption.

Mr. Kamberis stated that 4,356 children in foster care as of August 1, 2013. Only 73 percent of children exit foster care with a permanent family. Currently, there are 879 children in foster care who have not been placed in an adoptive home. Of those waiting children:

- 48% are part of a sibling group,
- 40% are 13 and older, and
- 44% are members of a minority.

In September 2013, extreme recruitment for adoptive families commenced that included family search and engagement. In October, general recruitment will take place and include market segmentation and faith-based recruitment. In November, post-adoption support services will be targeted in the underserved areas of the state. This included focus on trauma and attachment. Social media has also been utilized to publicize the campaign and there have been over 800,000 visitors.

Mr. Slemp commented on the progress and the impact from the Campaign that he has seen in his practice. He noted his practice has received calls inquiring about the

Campaign. Delegate Brink commented on the importance of the initiative and stated that nothing was more valuable than getting these youth into a loving home.

Senator Favola inquired about a study being done that would look at what the Department of Social Services needs to do to draw down federal dollars for adoption subsidies for youth up to age 21. Mr. Kelly noted that it was challenging working with older youth and time was of the essence because they were on the cusp of aging out of the system. Delegate Peace noted that such a subsidy was truly a strategic grant initiative because of the return on investment – older youth need a place to call home. Delegate Farrell asked about the length of the adoption process. Mr. Kamberis stated that the process took approximately one-year start to finish. This included a required 29-hour class for prospective foster families.

Senator Favola remarked again on the importance of investing state money to leverage federal dollars. Mr. Slemp commented that this is a campaign that is never ending and that it should not end with the current administration.

IV. Three Branch Institute on Child Social and Emotional Well-Being

Margaret Schultz, Commissioner, Virginia Department of Social Services

Delegate Peace informed the Commission that Virginia was one of seven states selected to participate in the National Governors Association (NGA) Center for Best Practices; Three Branch Policy Institute on Child Social and Emotional Well-Being. Commissioner Margaret Schultz briefed the Commission about the Institute.

Commissioner Schultz noted that the NGA selected Virginia and six other states to participate in the Three Branch Institute. The focus for this initiative is to improve the social and emotional well-being of children in foster care through an integrated and comprehensive approach that aligns the work of the executive, legislative and judicial branches.

Virginia participated in a two-day policy institute, in Philadelphia on July 24 through the 26. Moreover, Virginia will receive ongoing, customized technical assistance and on-site consultations. Technical assistance will be provided from subject-matter experts with the National Conference of State Legislatures, Casey Family Programs, the National Council of Juvenile and Family Court Judges, and National Council of State Courts.

Virginia's Leadership Team is comprised of representatives from the legislative, executive, and judicial branches. At the Institute, Virginia's Leadership Team developed a state-specific plan to improve the social and emotional well-being of children in foster care. Virginia's 18 month plan is to:

- align work of executive, legislative, judicial branches,
- consider evidence-based, research informed strategies,
- enhance existing efforts through cross-system collaboration, and
- leverage resources to fund innovative practices.

The Team developed several strategies. Strategy 1 is to use health, behavioral health, and psychotropic medication outcome data for regular decision-making. Strategy 2 is to improve educational outcomes by using educational performance outcome data. Strategy 3 is to improve the appropriate and effective use of psychotropic medications. Strategy 4 is to increase access to appropriate trauma-informed and evidence-based behavioral health services.

Next steps include technical assistance from the grant consultants. The Team will meet again on September 24 to discuss Virginia's plan.

Senator Favola emphasized the importance of earlier screening for these youth and noted that Medicaid was an important safety net. Delegate Peace inquired whether the strategies discussed in the presentation would need legislative or budgetary authority. Commissioner Schultz stated that this would be addressed at upcoming meetings. Delegate Peace thanked Commissioner Schultz for her presentation.

V. Study of Assessment of Mental Health Needs of Juvenile Offenders

Leah Mills, Senior Policy Analyst

Delegate Peace noted that, during the 2013 General Assembly Session, Senator Vogel introduced legislation to require mental health assessments for juvenile offenders being committed to the Department of Juvenile Justice. The Commission will receive a presentation about this study as well as the draft findings and recommendations. Delegate Peace noted that the Commission will not be voting at this meeting and that public comment would be received prior to the November 18 meeting. He informed the Commission that public comment could be submitted to the Commission in writing by e-mail or U.S. postal service by close of business, Tuesday, November 12.

Ms. Mills presented on the study mandate and activities, Virginia's juvenile justice trends, and the proposed findings and recommendations. She stated that during the 2013 General Assembly Session, Senator Jill Vogel introduced Senate Bill 928. This bill would require an interdisciplinary team to evaluate the service needs of a juvenile when the Commonwealth is seeking the juvenile's commitment. Such an evaluation would be ordered when the juvenile has been placed in detention, identified with a mental health need, and adjudicated delinquent. The interdisciplinary committee would evaluate the juvenile's service needs and submit a report to the juvenile and domestic relations court. The court would consider the evaluation when determining whether the juvenile would be committed to the Department of Juvenile Justices (DJJ). The Senate Courts of Justice Committee asked the Commission to study the provisions set forth in the legislation.

Ms. Mills stated that, as part of the study plan, Commission staff carried out the following activities:

- identified concerns with Senate Bill 928,
- conducted site visits and stakeholder interviews,
- conducted a literature review,
- reviewed federal legislation/statutes,
- reviewed Virginia laws, regulations, and policies,
- surveyed impacted parties, and
- prepared draft findings and recommendations.

Ms. Mills outlined preliminary concerns with Senate Bill 928. Delegate Farrell asked about concerns expressed by Commonwealth Attorneys whether they were seeking commitment. Ms. Mills noted that this information was shared with the Department of Juvenile Justice and staff. She then outlined the site visits locations and interviewees. Ms. Mills then asked Ms. Van Cuyk with the Department of Juvenile Justice to highlight statewide trends which were relevant to the study.

Ms. Van Cuyk stated that in Virginia, detainments have decreased by 45 percent since 2002. She noted that between 2002 and 2013, admissions in Virginia's Juvenile Correctional Centers (JCC) decreased by 63 percent. Additionally, JCC releases

decreased 58 percent and the average daily population decreased by 42 percent.

Mr. Close asked whether the data were skewed because of the possibility that courts were no longer seeking commitment for less serious offenses and misdemeanors. Ms. Van Cuyk stated yes. Delegate Peace asked whether data was available for the crime rates by region. Ms. Van Cuyk said it was available by court services unit. Mr. Close asked what the impact increased diversion had on the data. Ms. Van Cuyk stated that diverted case were not counted as intake cases. Mr. Close asked if the results of the screening instrument were shared with parents. Ms. Van Cuyk stated that the results and needs were discussed with parents but a physical copy was not provided.

Ms. Van Cuyk noted that currently, 58 percent of females and 63 percent of males committed to DJJ had a history of psychotropic medication use. In addition, 82 percent of juveniles admitted to a JCC had conduct disorder, 71 percent had substance abuse disorder, 45 percent had ADHD/ADD, and 65 percent had other mental health disorder(s). Finally, she noted that 74 percent of youth had a history of outpatient services, group home placement, psychiatric inpatient placement, residential treatment, therapeutic foster placement, or inpatient substance abuse rehabilitation placement.

Ms. Mills reviewed the identified issues and draft recommendations. The identified issues included the timing of social history reports, mental health screening and service provision at the court service units (CSUs), community service board (CSB) services in juvenile detention centers, the impact of trauma, and supporting best practices in the juvenile justice system.

Delegate Farrell asked whether funding one qualified mental health professional (QMHP) in the CSUs was already possible were it not for the lack of funding. Senator Favola asked whether the recommendation was providing flexibility to the CSU to have a full time equivalent or a part-time employee. Ms. Mills said that one option would allow the CSU to contract with a QMHP and the other option would be a full-time equivalent employee. Delegate Farrell asked whether currently any CSUs were contracting with CSBs. Ms. Mills noted there were CSUs that had a memorandum of agreement with their CSB but this was not statewide.

Senator Favola asked whether Comprehensive Services Act funds stopped when a youth entered the juvenile justice system. Ms. Mills noted that when youth were committed to DJJ, their physical and mental health needs were addressed by the Department.

Delegate Peace asked what other funding sources were available. It was noted that local funding sources could be utilized.

The Commission requested staff look at what different funding options were available and also requested a "package" as to what the recommendations would look like as legislation. Ms. Atkinson stated that this would be provided to the members at the November 18 meeting.

VI. Election of Vice Chair

Delegate Peace noted that a quorum was present and asked for nominations for vice-chairman. Delegate Brink nominated Senator Favola with Delegate Farrell seconding the nomination. The Commission voted to elect Senator Favola as the Commission's vice-chair. Delegate Peace reminded the members that the next Commission meeting would be held Monday, November 18 at 1:00 p.m. in House Room C.

The meeting adjourned at 3:20 p.m.

Public comment was not received at this meeting.