



Virginia Commission on Youth 2024 Legislative Studies and Initiatives

The Use and Impact of Relief of Custody on Care and Support of Youth

Adopted Recommendations

Recommendation 1: Amend the *Code of Virginia* to standardize the pre-hearing “investigation” in § 16.1-277.02 (A) by requiring the local department of social services, at a minimum, put together a written report on the history of the child and family.

The Department of Social Services shall create guidance for a template on what should be included in this written report. This template should include best practices, not limited to background on the full history of child and family (medical and mental health, legal, educational, information from providers), and the exploration of all relatives and fictive kin. Information on what services are being and have been offered to the child and family and potential use of a family partnership meeting should also be in the written report.

Recommendation 2: Amend the *Code of Virginia* § 16.1-277.02 that when investigating a petition for Relief of Custody, the local department of social services shall refer the parent to the local Family Assessment and Planning Team (FAPT), but such referral will not interfere or delay such petition.

Recommendation 3: Introduce a § 1 bill directing the Office of the Executive Secretary of the Supreme Court of Virginia to create a workgroup to determine the factors that a judge should consider for “good cause shown” for the petitioner's desire to be relieved of the child's care and custody.

Recommendation 4: Amend the *Code of Virginia* to increase the standard of evidence for granting temporary Relief of Custody. Currently, temporary Relief of Custody requires “a finding, based upon a preponderance of the evidence, whether there is good cause shown for the petitioner's desire to be relieved of the child's care and custody.” Permanent relief of custody requires “a finding, based upon clear and convincing evidence, whether termination of parental rights is in the best interest of the child.” This amendment to the *Code* would change the language in § 16.1-277.02 (C) to: “a finding, based upon clear and convincing evidence, whether there is good cause shown for the petitioner's desire to be relieved of the child's care and custody.”

Recommendation 5: Amend the *Code of Virginia* § 2.2-5211 and 2.2-5212 to clarify that children in need of services are eligible for Children's Services Act (CSA) parental agreements and community based services.

Recommendation 6: Request that the Office of Children's Services work with local Children's Services Act coordinators and the County or City's appropriate public outreach specialist to create a strategy to publicize community based services or parental agreements to relevant local partners and agencies as a viable option for families before they reach the point of petitioning for Relief of Custody.

Recommendation 7: Request the Department of Social Services create guidance or initiate regulatory changes to strengthen the ability of adoptive families to find and obtain services in their current locality if the family has moved localities after an adoption is finalized. The Department of Social Services shall report back on these changes to the Commission on Youth by November 1, 2025, including if any changes to the Code are necessary to fully support this recommendation.

Currently, under § 63.2-1220, "the Department shall furnish a document listing all post-adoption services available to adoptive families to the State Registrar of Vital Records for distribution to adoptive parents pursuant to § 32.1-261." However, over time parents may lose track of this information or service availability may change.

Recommendation 8: Request that the Department of Social Services in consultation with State partners, including the Virginia League of Social Services Executives, the Virginia Association of Licensed Child Placing Agencies, Family Focused Treatment Association, and other organizations representing licensed child placing agencies work with these organizations and their members to ensure that pre-adoption training emphasize trauma-informed parenting, and cover topics including:

- commonly-occurring mental health and neurodevelopmental conditions
- child and adolescent development
- building and utilizing support systems
- supports available to adoptive families
- specific mental and behavioral health needs of adopted youth

Recommendation 9: Introduce a § 1 bill directing the Virginia Department of Education (VDOE) survey local education agencies (LEAs) to review i) how schools currently grant access to Local Departments of Social Services and Community Services Boards and other community-based providers—and ii) what school-based mental health options are available at each LEA. Additionally, the results and feedback from this survey shall inform the continued development and improvement of guidelines for school professionals that support students and families that connect them with community resources that provide mental and behavioral health services. VDOE shall report back any findings and recommendations based on their survey to the Commission on Youth by November 1, 2025.

Recommendation 10: Request that the Department of Social Services with the Virginia League of Social Services Executives as a key stakeholder, compile and make available information gathered from local departments on best practices regarding collaboration between local agencies and judges regarding relief of custody. This should include details on the frequency of meetings, types of shared information, methods of communication, and recommendations for improving engagement. This recommendation aims to provide local departments with model examples of effective practices in place.

Recommendation 11: Request that the Department of Juvenile Justice develop best practices to distribute to its court service units for when a parent comes in to intake desiring to petition for relief of custody to inform them of services available in their community.

Recommendation 12: Request that the Department of Social Services, in consultation with State partners, including the Virginia Sheriffs' Association, Virginia Association of Chiefs of Police, and the Virginia League of Social Services Executives, develop and distribute best practices to members of the law enforcement community on alternatives to relief of custody when encountering families in crisis. The best practices should inform them of services available in their community to provide appropriate support and resources.

Recommendation 13: Support the Office of Executive Secretary in their efforts to access federal funds for Best Practices Courts' training and conferences.