

## Draft Recommendations for The Use and Impact of Relief of Custody on Care and Support of Youth

### Changes to the Relief of Custody sections in the Code of Virginia

Recommendation 1: Amend the *Code of Virginia* to standardize the pre-hearing “investigation” in § 16.1-277.02 (A) to require, at minimum, a written social history report for the child and for their family members. (Other best practices include pre-hearing judicial questioning (typically directed towards the petitioners) and identifying other temporary placement options by having petitioners fill out a family tree.)

Recommendation 2: Amend the *Code of Virginia* to require that when investigating a petition for Relief of Custody, the local department of social services shall confer with the local CSA and make a determination if the family could be referred to the Family Assessment and Planning Team (FAPT).

Recommendation 3: Amend the *Code of Virginia* to require petitioners to demonstrate that they have made diligent efforts to utilize services offered by the local department of social services before filing a Relief of Custody petition.

Recommendation 4: Amend the *Code of Virginia* to increase the burden of proof 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.” Even temporary relief of custody can result in long-lasting, extremely detrimental mental health outcomes for children. Given that the consequences are so serious, the burden of proof for temporary Relief of Custody should be elevated to the same standard as permanent relief of custody.

Recommendation 5: Amend the *Code of Virginia* to state that once a petition is filed the court shall schedule the matter for a hearing on the petition within a specific number of days.

### Changes to the Code of Virginia regarding CSA Parental Agreements

Recommendation 6: Amend the *Code of Virginia* to clarify that children in need of services are eligible for Children's Services Act (CSA) parental agreements and community based services. This may encourage the use of CSA parental agreements as an alternative to relief of custody petitions.

**Recommendation related to CSA Parental agreements**

Recommendation 7: Request that the Office of Children’s Services work with local CSAs to create a strategy to publicize 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.

**Recommendations on adoption and adoption disruption**

Recommendation 8: 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. DSS 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 9: Request that the Virginia Association of Licensed Child Placing Agencies and Family Focused Treatment Association work with 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

Current training requirements are found under 22VAC40-131-210.

**Recommendations related to mental health in the schools**

Recommendation 10: Request Virginia Department of Education (VDOE) to survey local education agencies (LEAs) to review i) how schools currently grant access to Local Departments of Social Services and Community Services Boards and ii) what school-based mental health options are available at each LEA. VDOE shall report back any findings and recommendations based on their survey to the Commission on Youth by November 1, 2025.

Recommendation 11: Request the Department of Education develop guidelines for school counselors and school psychologists to support students and families by connecting them with community resources that provide mental and behavioral health services.

Recommendation 12: Request that the Virginia Department of Behavioral Health and Developmental Services in coordination with the Office of the Children’s Ombudsman, Virginia Department of Education, Virginia Department of Social Services, Virginia Department of Juvenile Justice develop and implement a standardized risk assessment for relief of custody or acute family crisis issues to be used in k-12 schools.

### **Recommendations on increased collaboration and models**

Recommendation 13: Request that each locality forms a multi-disciplinary team to detect potential relief of custody cases before they reach the petition stage. Each team should include members from community services boards, court service units, law enforcement, local departments of social services, local CSA, local education agencies, JDR judges and attorneys, and local private service providers. The teams should meet regularly to ensure that (a) no cases “surprise” them if a relief of custody petition is filed, and (b) to ensure that relief of custody is used as a true last resort.

Recommendation 14: Request that the Virginia League of Social Services Executives 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 will help provide local departments with model examples of where things are going well.

### **Recommendations related to the courts and judges**

Recommendation 15: Request that the Supreme Court review current training for judges specific to relief of custody. The Office of the Executive Secretary shall report back on its review to the Commission on Youth by November 1, 2025, and make recommendations if necessary.

Recommendation 16: Introduce a budget amendment to expand the best practices courts program in Virginia. There are approximately 38 active best practice courts in Virginia.

### **Recommendations on involved stakeholder best practices**

Recommendation 17: 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 redirect them to services available in their community.

Recommendation 18: Request that the Virginia Sheriffs' Association and Virginia Association of Chiefs of Police with assistance from the Department of Social Services come up with best practices to distribute to its members on alternatives to relief of custody when they encounter families in crisis to direct them to services available in their community.

**Recommendation on further investigation related to Fostering Futures**

Recommendation 19: Request that the Virginia Department of Social Services work with the courts and local departments to gather non-identifiable information about the number of petitions for relief of custody made each year for the past several years for children aged 17 and up for the purposes of accessing Fostering Futures. DSS shall report back on these findings to the Commission on Youth by November 1, 2025, and make suggested recommendations.