

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

### Draft Recommendations

#### 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) by requiring the local department of social services, at a minimum, put together a written home study report on the child and family.

The Department of Social Services shall create guidance for a template on what should be included in this home study. 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 home study.

Recommendation 2: Amend the *Code of Virginia* § 16.1-277.02 to require 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).

Recommendation 3: Amend the *Code of Virginia* § 16.1-277.02 (C) to include “a petitioner’s diligent efforts to utilize services offered by the local department of social services or other agency (CSA, CSB)” as a factor in the judge’s consideration of “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 a ~~preponderance of the evidence~~ *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.”

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

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 related to Community Based Services and CSA Parental agreements**

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.

**Recommendations on adoption and adoption disruption**

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 Virginia Association of Licensed Child Placing Agencies, Family Focused Treatment Association, and other organizations representing licensed child placing agencies 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

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

Recommendation 9: Require that 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 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 on increased collaboration and models**

Recommendation 10: Request that the Department of Social Services with assistance from 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 on involved stakeholder best practices**

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 with assistance from the Virginia Sheriffs' Association and Virginia Association of Chiefs of Police come up with best practices on alternatives to relief of custody for distribution to law enforcement when law enforcement encounters families in crisis to inform the family of services available in the community.

**Recommendation related to Best Practices Courts**

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