



COMMONWEALTH OF VIRGINIA

Commission on Youth



Improving Virginia's Foster Care System

September 19, 2023

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“Foster Care for Legislators” and “Foster Care 101”

- On May 6, 2019, the Commission on Youth held a seminar in Richmond entitled “Foster Care for Legislators.”
- Over 200 people attended, including 12 representatives from legislative offices, over 10 deputies and directors from various state and local agencies.
- The Commission on Youth produced and compiled a comprehensive document titled “[Foster Care 101](#)” for legislators and the public that presented information about agencies and stakeholders’ roles in helping children in foster care.
- The Commission’s study resulted in 19 recommendations on “[Virginia's Foster Care System](#)” (2020) being adopted.



- [Study on Workforce Development for Foster Care Youth](#) (2022) – Adopted iFoster and other initiatives to help this vulnerable population find employment, receive education, or get credentialed.
- [Study on Crossover Youth Information Sharing](#) (2021) – Legislation created a MOU between youth serving agencies to identify foster care youth who are juvenile justice involved.
- [Barriers to Obtaining a Driver's License for Virginia's Foster Youth](#) (2018) – Created a statewide driver's licensing program to support foster care youth in obtaining a driver's license.



- [Virginia's Adoption Home Study Process](#) (2017) – Created a uniform home study format for statewide use among local departments of social services.
- [Temporary Placements of Children](#) (2016) – Introduced a successful pilot project in Virginia which led to the eventual adoption of the Safe Families for Children model across the state.
- [Study of Unlawful Adoption](#) (2015) – Led to a law requiring the State Registrar of Vital Records, when issuing a new certificate of birth pursuant to an adoption, to provide adoptive parents with a document listing all post-adoption services available to adoptive families.



- May 15, 2023, the Commission on Youth adopted a study plan designed to examine and make recommendations to improve foster care.
 - Organize different topic area work groups to discuss and develop recommendations on workforce retention, liability insurance for foster care agencies, and foster care family recruitment and retention.
 - Support and participate in the Virginia Department of Social Services’ working group to implement a statewide driver's license program.
 - Support and participate in the Office on Children’s Ombudsman study of legal representation in child dependency cases.
 - Analyze and review ongoing agency efforts and recent recommendations on the following: having a foster care point of contact at institutions of higher education, housing for aging out foster care youth, iFoster implementation, and workforce programs for foster care and special education foster care youth.

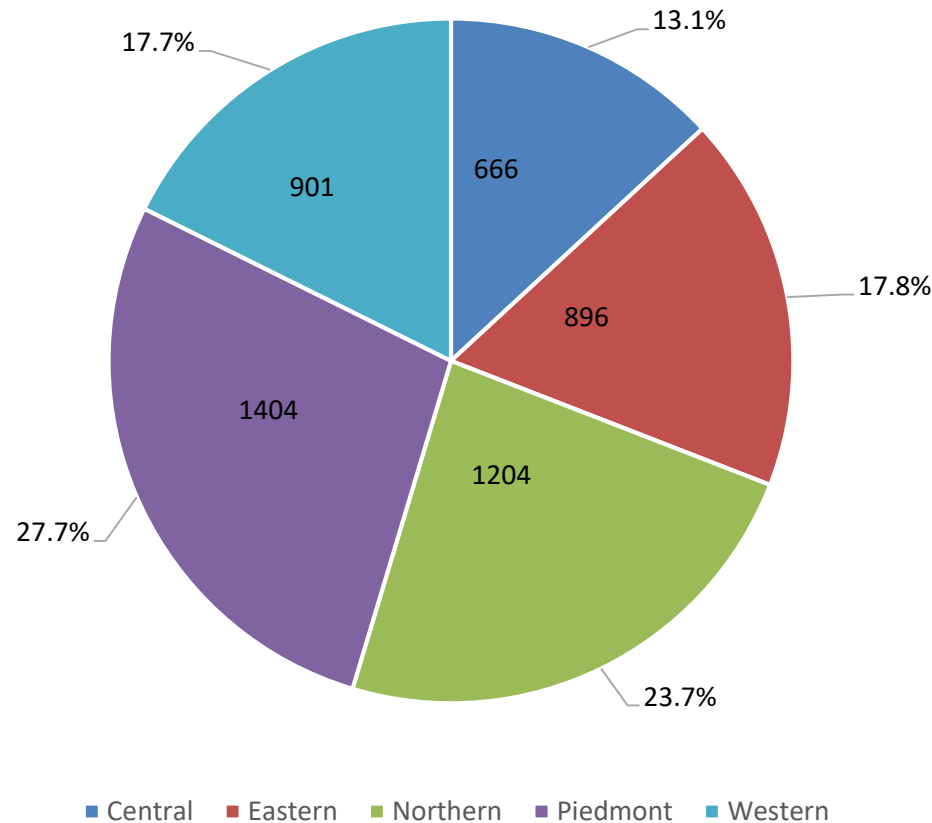


- Researched and reviewed efforts recent and ongoing efforts
- Attended meetings
 - Virginia League of Social Services Executives
 - Child and Family Services
 - Professional Development
 - Board of VLSSE
- Participated in workgroups
 - Foster Care Partnership
 - Foster Care Transition Planning
 - Additional Daily Supervision
 - Youth Driving Assistance
- Interviews
 - State Agencies
 - Local Departments of Social Services
 - Fairfax
 - Wythe
 - Nottaway
 - Community Attention Foster Families (CAFF)
 - Secretary of Health and Human Resources
 - Stakeholders
 - Parents

Foster Care Numbers



Foster Care Children by Region as of 8/1/2023



- As of July 2023, 5,071 children were in foster care in Virginia























WORKFORCE RECRUITMENT AND RETENTION

Overburdened Workforce



Sample of Family Services Specialist Responsibilities and Challenges

 Mandated deadlines	 On-call for emergencies	 Assessing needs and planning	 Contacting child, family, and others	 Performing background checks
 Burnout and secondary trauma	 Attending training	 Connecting children and birth parents with needed services	 Visiting foster care settings	 Preparing for legal proceedings
 Home studies	 Carrying high caseloads	 Notifying parties of legal proceedings	 Traveling to and waiting in court	 Participating in court hearings
 Mandated assessments, meetings, and paperwork	 System delays	 Consulting others on case	 Completing required documentation and forms	 Transporting clients to appointments

Virginia's Child Welfare Workforce



- Approximately **2,500 Family Services Specialists (FSS)** work in child welfare roles in local departments of social services.
- Child Welfare Family Services Specialists (FSS) include specialists in Child Protective Services (CPS), CPS Ongoing and Prevention Services, and Foster Care and Adoption.
- Child Welfare FSS are the front-line workers serving the foster care population.
- **Child Welfare FSS work together as a team, especially in smaller, rural agencies.**



Family Services Retention and Turnover Data

Retention				
	2019	2020	2021	2022
Overall	73%	85%	82%	82%

Turnover				
2019	2020	2021	2022	
17%	16%	18%	25%	



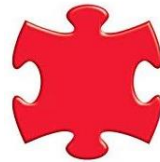
Family Services Staff (Annual % Retention and Turnover)

Retention			
	2019	2020	2021
FSS I	43%	75% (+32%)	70% (-5%)
FSS II	73%	83% (+10%)	80% (-3%)
FSS III	77%	90% (+13 %)	84% (-6%)
FSS IV	76%	88% (+4 %)	89% (+1%)
FS Sup	88%	92% (+4 %)	89% (-3%)
Overall	73%	85% (+13%)	82% (-4%)

Turnover		
2019	2020	2021
35%	32% (-3%)	34% (+2%)
19%	23% (+4%)	24% (+1%)
14%	15% (+1%)	16% (+1%)
9%	15% (+6%)	14% (-1%)
8%	8% (0%)	9% (+1%)



Training





Family Services Specialist Training (FSS)

- Mandated training for FSS must be completed within **two years** of hiring.
- Workers may be assigned a caseload before they attend initial training.
- Demands of caseloads and job expectations prevent workers from participating or fully engaging in training.
- There is a disconnect between training and real-world casework. Training does not focus enough on practicing the application of skills, policy, or procedure.



- In August 2017, the Virginia Department of Social Services contracted with The University of Denver, Butler Institute for Families, to assess the Virginia Department of Social Services' Family Services training model.
 - Review of current training programs
 - Virginia Department of Social Services leadership assessment
 - Survey of staff
 - Listening sessions
- In April 2018, Virginia Department of Social Services created a 25-member statewide advisory group to assess the current training system and make decisions about the development and implementation of a new services training model.
- In April 2023, the Butler Institute began a follow-up assessment, reaffirming that an “academy approach provides the most rigorous, efficient, and integrated approach to maximize the learning experience and prepares new employees for their jobs.”



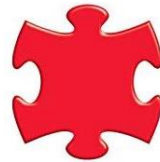
Finding: Supporting a Child Welfare Training Academy would assist local departments in ensuring that their workforce is prepared. This would strengthen Virginia's ability to provide safe and stable environments for children and families by reducing turnover in the local workforce and extending the time that local departments of social services' (LDSS) staff remain focused on their mission.

Recommendation:

Support the establishment of a centralized training academy model for family services specialists to better prepare staff for the difficult work of social services, increase retention through training and development of new staff, and provide a more structured and consistent foundation training program. The academy should ensure adequate technology to accommodate both in person, virtual, and blended training options.



Child Welfare Stipend Program



Child Welfare Stipend Program



- To address the shortage of BSW and MSW graduates with experience in child welfare, Virginia created the Child Welfare Stipend Program (CWSP).
- CWSP is a partnership between Virginia Department of Social Services and four public state universities in Virginia, **funded through Title IV-E**.
- CWSP most recently had **70 stipend students** enrolled for new and returning full-time BSW and MSW programs.
- Students receive **a \$10,000 stipend per year** for tuition and related expenses. Students participate in **internships** at local departments and supplement their child welfare coursework with **Virginia Department of Social Services training**.
- In exchange, upon graduation, students commit to work at a LDSS in a foster care/adoption position, **repaying each year of stipend funding with one year of work**.
- CWSP is operating at near capacity and graduates **about 45 students each year**.

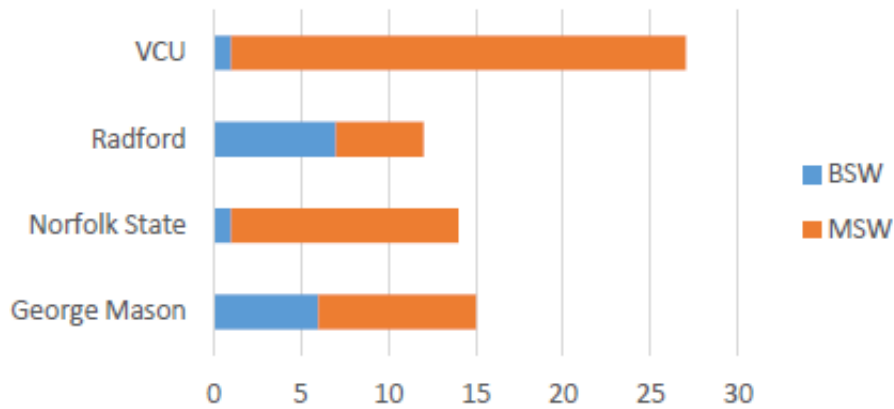
Stipend Program Participating Universities

- Virginia Commonwealth University
- George Mason University
- Radford University
- Norfolk State University

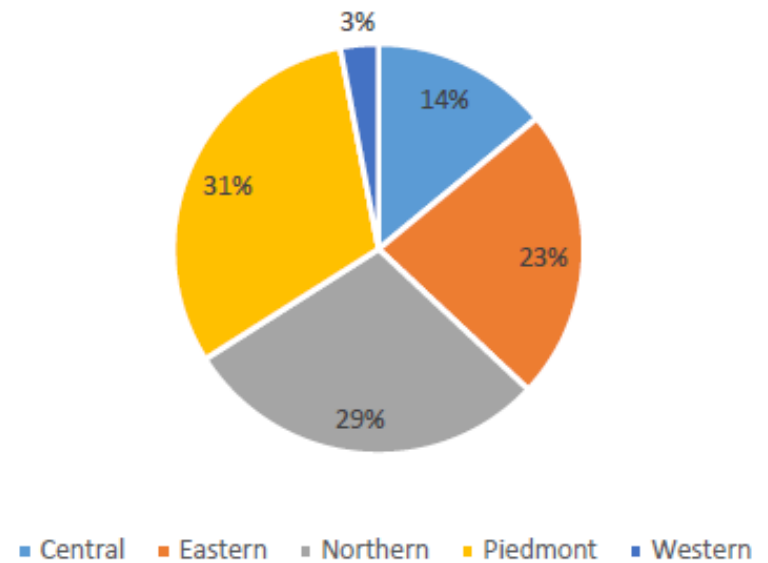
Child Welfare Stipend Program



FY22 CWSP Class



FY22 CWSP Graduate Employment by Region





Finding: Child welfare stipend graduates are more likely to remain employed at their agencies and have more effective skills, knowledge, and abilities. However, it has been a challenge to attract and connect stipend graduates to smaller, more rural local departments of social services.

Recommendation:

Encourage Virginia Department of Social Services to create more partnerships with additional colleges and universities, which would provide more opportunities for students to participate in different regions of the state.

Recommendation:

Introduce a budget amendment to increase the number of stipend slots offered.



LIABILITY INSURANCE

Interviewed Stakeholders



- Hopetree
- UMFS
- Virginia Home for Boys and Girls (VHBG)
- Impact Living Services
- Health Connect America
- Embrace TFC
- Intercept Health
- Pinnacle Family Services
- Children's Home Society of Virginia
- McGriff
- Lockton
- Connected Risk Solutions
- USI Insurance Services
- VAcorp
- CSA Coordinators State Group



- Foster care is viewed as an area of high risk for insurance providers.
- The primary issues driving insurance providers' higher risk assessment:
 - Nationally, statute of limitations on foster child claims has been extended in recent years. In Virginia it has been set at 20 years since 2011 (§ 8.01-243).
 - An increase in sexual abuse and molestation claims, and large, multi-million dollar awards or settlements.
 - Concerns about inadequate screening and training of foster parents, in large part attributed to part-time workers and the worker shortage at foster care agencies.
 - Current state of foster care driven by the opioid epidemic.
- Brokers noted a dwindling number of insurance providers for foster care. The number of providers was six a few years ago, and likely less now.

Identified and Explored Issues



- Insurance providers are reducing coverage limits and instituting sub limits for areas such as sexual abuse and molestation (SAM). Typically, sub-limits are part of an umbrella coverage.
- Cost of insurance has gone up greatly. Example: From 2018 to 2022, the premiums at one foster care agency went from \$150k for general, professional, and umbrella liability to \$480k. Generally, it has been an over 3 fold increase in cost the last 5 years.
- An underwriting guideline that a lot of insurance companies use to determine if they will offer insurance to a foster agency is that foster care is no more than 25% of the overall client base.
- To get insurance coverage most foster care agencies are getting their liability coverage through Excess & Surplus lines.



- Some carriers have shifted policies from claims made to occurrence.
 - Claims made – Claim needs to be made during the policy period. Can include a retroactive date or full prior acts coverage.
 - Occurrence – Claim can be made after policy ends if loss occurred during policy period.
 - This shift creates a gap in coverage that can be addressed by purchasing extended reporting period ERP or tail coverage. This is expensive (Ex. 150% of expiring premium).
- Spillover effect: It is becoming harder for insurance companies to get reinsurance.
- Concerns were expressed that this discussion should remain focused on the children and youth and that children who have been abused should not be left without recourse.



- General Liability - Covers basic third party risks. Ex. Slip and fall.
- Professional Liability – Covers errors and omissions. Ex. Improper vetting of foster care family.
- Excess and Surplus line – Covers businesses with high risk that can make it hard for them to obtain coverage in the traditional insurance marketplace. This line of insurance has a higher cost (Ex. Construction and recently, foster care).
- Umbrella – Extra insurance that an entity can purchase to provide protection beyond existing limits and coverages of an underlying policy. Insurance providers may exclude professional or sexual abuse from the umbrella.

Private Agency vs. LDSS Foster Care



- In **local department of social services foster care**, a locality and its foster care worker places the child in a home. The locality has sovereign immunity for acts or omissions as a result of the placement.
- In most cases the local department of social services foster care worker has qualified immunity for simple negligence but not gross negligence.
- 89 counties and half of cities in Virginia use the VAcorp self-insurance risk pool to pay claims. \$2MM per claim/No aggregate is the minimum amount localities are offered for liability insurance coverage.
- Localities can opt to get higher coverage from \$3MM up to \$10MM, which acts like an umbrella.
- Premiums or “contributions” have seen a ~10% rate increase over the past 30 years.

Private Agency vs. LDSS Foster Care



- In **private agency foster care**, the local CSA contracts with the private agency for its services. The private agency is also licensed by the Virginia Department of Social Services. Insurance requirements are included in the contract.
- The minimum amount of liability insurance that is commonly required in these contracts is: \$1MM per claim/\$2MM or \$3MM aggregate.
- Many agencies have a \$5MM umbrella.
- Insurance requirements are not uniform across CSAs.
- Private agencies and their workers are not immune from tort liability.

Sovereign Immunity and Qualified Immunity



- Counties enjoy full sovereign immunity from negligent acts.
- Cities are entitled to sovereign immunity if they are carrying out “governmental” functions, not “proprietary” functions.
- Sovereign immunity extends to its employees as qualified immunity under a four pronged test established by *James v. Jane*, 221 Va. 43 (1980).
- Sovereign immunity generally does not apply to acts of gross negligence.



- Virginia Tort Claims Act (VTCA) – Applies a limited waiver of immunity of up to \$100,000 for “damage to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee while acting within the scope of his employment under circumstances where the Commonwealth..., if a private person, would be liable to the claimant for such damage, loss, injury or death.”
- § 32.1-111.4:3. Provision of emergency medical services – Permits a not for profit emergency medical services agency that contracts with a county or city be deemed to be an instrumentality of the county, city, or town and, as such, exempt from suit for damages done incident to the provision of emergency medical services.
 - Similar provision for firefighting services: § 27-6.02.



- **Tennessee**

- Public Chapter No. 777 (Effective date: July 2022)
- This law limits the liability of a person or entity that contracts with the department of children's services to provide foster care services to children in the department's custody in the same manner that the department's liability is limited from civil actions or claims filed by the children and families who are the intended or actual recipients of those services.

- **Wisconsin**

- 895.485 Civil liability exemption; foster parents; and agencies (Enacted April 1988)
- Any agency that acts in good faith in placing a child with a foster parent is immune from civil liability for any act or omission of the agency, the foster parent, or the child unless all of the following occur: The agency has failed to provide the foster parent with any information relating to a medical, physical, mental, or emotional condition of the child that the agency is required to disclose under regulation.



- **North Carolina**

- Example of targeted limited liability.
- § 131D-10.3A. – Foster Care background checks.
- There is no liability for negligence on the part of a supervising agency, or a State or local agency, or the employees of a State or local agency, arising from any action taken or omission by any of them in carrying out the provisions of this section regarding mandatory criminal checks.
- Currently there is no 50-state survey on the existence of laws regarding limited liability for private foster care agencies.
- This information would be useful when inquiring from brokers or insurance companies on the health of markets in other states.



Finding: Liability insurance for foster care private providers has seen a steep increase over the past few years. Options for liability insurance are becoming more limited.

Recommendation:

Amend the *Code of Virginia* to give qualified immunity to private foster care agencies and their foster care workers that contract with localities for acts of negligence that result from their services. The intent is to align private agency immunity with the local departments of social services.

Recommendation:

As a response to the increasing cost of verdicts, amend the *Code of Virginia* to apply a monetary cap for negligence cases resulting from the placement of the child by a private foster care agency. The cap should be set at \$500,000.



Recommendation:

Request the State Corporation Commission form a work group to study the expansion of group self-insurance pools in Virginia to permit nonprofit and for profit private foster care agencies the ability to join a group self-insurance pool with permission of a locality for the purposes of liability insurance for foster care services. This group shall analyze the feasibility of such a change, run sample cost savings analysis scenarios, and review any other barriers as contemplated by the group. Included in the work group shall be: the Virginia Department of Social Services, Virginia Association of Licensed Child Placing Agencies, Foster Family-Based Treatment Association, Virginia Department of Treasury, Virginia Municipal League, Virginia Association of Counties, VAcorp, Virginia Risk Sharing Association, CSA Coordinators State Group, insurance agencies and brokers, and other relevant stakeholders. This work group shall report back and make recommendations to the Commission on Youth by November 1, 2024.



Recommendation:

Request the Department of Social Services form a work group to study the issues, concerns, and above listed policy options. Included in the work group shall be: The Office of Children’s Services, the State Corporation Commission, Virginia Association of Licensed Child Placing Agencies, Foster Family-Based Treatment Association, Virginia Department of Treasury, Virginia Bar Association, Virginia Municipal League, Virginia Association of Counties, Virginia League of Social Services Executives, VAcorp, Virginia Risk Sharing Association, CSA Coordinators State Group, insurance agencies and brokers, and other relevant stakeholders. This work group shall report back and make recommendations to the Commission on Youth by November 1, 2024.



HIGHER EDUCATION

Point of Contact



Education and Training Vouchers Program

- Provides financial assistance to eligible students for education and training expenses associated with college, universities, and post-secondary vocational training programs.
- Covers expenditures associated with post-secondary education and vocational training programs.
- Vouchers to attend shall not exceed \$5,000 per eligible youth per year.
- Must make satisfactory progress toward completing their course of study or training.
- Historically, ETV funds go unspent each year as a relatively low number of youth in care attend a 4-year college or university.
- Youth who attend community colleges qualify for grant funding and do not have a need to access ETV.



- Only 3% of youth involved with foster care will obtain a four-year college degree.
- Great Expectations is a nationally recognized program that helps Virginia's foster youth earn the postsecondary credentials they need to achieve an independent and successful life. Great Expectations is currently available at 21 of Virginia's Community Colleges.
- The *2022 Acts of Appropriation* ([Item 144 S.](#)) directed the State Council of Higher Education for Virginia to “examine the feasibility of having a point of contact at each public institution of higher education for students who have been involved in the foster care system” and report the findings to the Commission on Youth by November 30, 2022.
- Single Point of Contact Program (SPOC) is a program that assigns students in need (homeless or foster care) with an individual from the college or university to help them find resources and information on academics, financial aid or any other need they may have.

Findings and Recommendations



Finding: The current electronic resources for students are challenging to find, which can be discouraging for foster youth to explore post-secondary education options, whether it be college, vocational, or trade school.

Recommendation:

When established, request Virginia Department of Social Services to provide information on the iFoster platform to include information from universities and colleges on what supports they provide former or current foster care youth. Resources on iFoster should include workforce development assistance, educational opportunities, housing and living stipends or discounts, financial supports, internship and employment opportunities, and other resources that are available in Virginia. Encourage all state and local agency employees working with foster care children, join and use the iFoster App with their foster care clients, assist foster care youth in subscribing to the App themselves, and remain current with newly added or updated resources.

Findings and Recommendations



Finding: High school foster youth do not always have the same community support to help them explore post-secondary options. Currently Great Expectations programs are in all 23 community colleges in the Commonwealth to help students with these challenges. This programming has proven to be effective in helping students apply for schools and transition into new programs. Although Great Expectations is currently in all community colleges, there is little programming to help foster care youth at 4-year institutions.

Recommendation:

Request Great Expectations to explore potential partnership and expansion of programming to include public 4-year colleges and universities. Great Expectations programs at community colleges would partner with the nearest colleges to help start new programs.

Recommendation:

Request the Council of Independent Colleges in Virginia to partner with Great Expectations to have a smooth transition in order to achieve a 4-year degree and provide a point of contact for foster care youth.

Findings and Recommendations



Finding: Foster care youth who age out of the system and attend college or vocational training face many challenges including financial concerns.

Recommendation:

Expand the Virginia Tuition Assistance Grant Program to include additional money for former foster care and homeless youth who were in care or experienced homelessness after the age of fourteen.



Finding: Virginia needs more positions dedicated to expanding programs and working with universities and Great Expectations to ensure that the efforts to increase and improve foster care youth's access to higher education is attainable and executed efficiently.

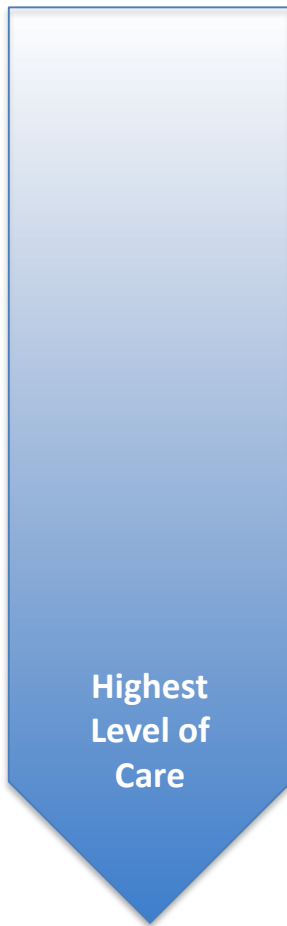
Recommendation:

Introduce a budget amendment to fund a position at either State Council of Higher Education Virginia (SCHEV) or the Virginia Department of Education, dedicated to ensuring that the expansion of Great Expectations is done efficiently and to continuing to explore other ways to improve opportunities for foster care youth aging out of the system as well as former homeless youth.



FOSTER AND KINSHIP CARE FAMILY RECRUITMENT AND RETENTION

Types of Foster Care Placements



Highest
Level of
Care

- **Relative and non-relative foster care**—when a child is placed with foster parents who have been trained and approved by a local department.
- **Therapeutic foster care**—when a child who needs a higher level of care is placed with non-relative foster parents trained by a private agency.
- **Congregate care**—when a child who needs the highest level of care or supervision is placed in a group home or residential treatment facility.

Recruitment of Foster and Kinship Care Families



- When Children are first placed with relatives they spend less time in foster care, experience greater placement stability, and achieve permanency 96% of the time.
- Children who are placed in foster families spend less time in care, experience greater placement stability, and achieve permanency at higher rates than children placed by private agencies or in congregate care.
- Private agencies provide an important role in serving children with greater needs who require additional services.



- Title IV-E requires that foster children are placed in the **least restrictive, most family-like setting** consistent with the best interests and needs of the child.
 - Children who are placed with therapeutic foster families or in congregate care settings can be placed **far away from their communities, schools, and families**.
 - Therapeutic foster care and congregate care settings often are **more restrictive** than regular foster families, and limit a child's ability to form healthy attachments and develop independence.
 - Placing children with families **minimizes the trauma** of removal.
 - It is well established in child welfare research that **foster children have better outcomes when placed with a family**.



- Virginia Department of Social Services activities:
 - 2022 data shows that parents who had been fostering 3-5 years made up the largest group, followed by 1-2 years and less than a year. The smallest group was more than 10 years.
 - In-service trainings to approved foster families as well as support groups to families currently fostering.
 - The Consortium for Foster, Adoptive and Resource Family Training (CRAFFT) provides regional support to local departments of social services in developing recruitment and retention plan.
 - To further support retention of foster families, the Resource Family Program will provide instruction to local departments of social services in its upcoming guidance release (January 2024).

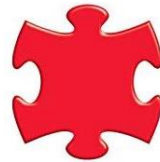
Community Attention Foster Families (CAFF)



- Commission staff did a site visit to Charlottesville on August 28 to learn more about the Community Attention Foster Families (CAFF) recruitment and retention model.
- CAFF family services specialists are assigned to foster families in Charlottesville, Albemarle County or Greene County when a child or children are placed in the family's home.
- CAFF family services specialists provide regular and ongoing support through face to face consultation, coordination of necessary support services while serving as a liaison between parents and social services.
- CAFF families have access to a database of online training and resources through Foster Parent College as well as training and support groups offered monthly by CAFF.



Faster Families Highway



Recruitment of Foster and Kinship Care Families



The Faster Families Highway

- Launched in April 2022, Faster Families Highway provides a digital resource to strengthen statewide partnerships with local departments and streamline the pathway to becoming a foster parent.
- Individuals interested in becoming a foster parent can register on the platform by either using a QR code or going to the site directly at FosterVA.com.
- Provides a connection point for families interested in fostering.
- Each Local Department of Social Services has an individual “On Ramp” to the highway to see those that are interested in becoming a foster care parent in their locality.
- Local departments of social services then connect with those families interested in becoming a foster care parent.



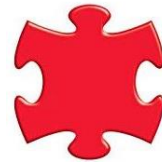
Finding: Faster Families Highway provides a platform for those interested in becoming a foster parent to be connected with Local Departments of Social Services. A review of the highway would be helpful in determining improvements could be made in the recruitment of foster families.

Recommendation:

Request the Virginia Department of Social Services review the Faster Families Highway by conducting a survey of local departments of social services to ensure that the platform is providing the local departments of social services with the information that they need and that the questions for the interested foster care families are appropriate. Request that Virginia Department of Social Services provide a tab on the platform with helpful marketing information that is readily available for promoting foster care. Information that is sent in “Tool Kit Tuesdays” should be placed on the platform and templates should be developed to promote best practices in the recruitment of foster families.



Enhanced Payment



Recruitment of Foster and Kinship Care Families



Virginia Enhanced Maintenance Assessment Tool

- As recommended by the Commission's Workforce Development Study for Foster Care Youth (2021), VDSS convened a stakeholder group to examine the feasibility of adopting a new uniform assessment tool in determining the enhanced payments for children in foster care with additional needs.
- In 2022, VDSS convened a workgroup and also gave input on the establishment of a pilot program that provided one-time additional funding to foster parents with a child who needs near constant supervision during an exceptional circumstance.
- The pilot program, Exceptional Circumstances Payment Program, was launched in February 2023.
- As of June 5, 2023, 47 foster care children have been referred, with 41 receiving additional funding.
- LDSSs can request funding of \$3,000, pro-rated for the month, for up to 3 months.
- LDSSs report that ECP helps support foster families with emergency situations.

Findings and Recommendations



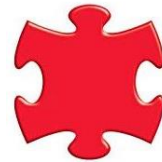
Finding: When a foster care child experiences an emergency situation, the foster family may need additional supports. Enhanced payments assist both the local departments of social services and the foster family in assuring that the child remains in an appropriate placement.

Recommendation:

Introduce/support a budget amendment for the continuation of the Exceptional Circumstances Payment pilot program. The program shall provide funding in emergency situations for up to \$3,000/month for up to 3 months to ensure a safe and stable placement for children/youth in foster care.



Kinship Care





- **Collaborative Placement Program:**
HB 653 (Wampler - 2022) – The Department shall establish and implement a collaborative local board placement program to increase kinship placements and the number of locally approved foster homes. Such program shall require local boards within each region work collaboratively to (i) facilitate approval of kinship foster parents through engagement, assessment, and training and (ii) expand the pool of available foster homes within and across the localities of such local boards.
- **State-Funded Kinship Guardianship Assistance program:**
SB 1328 (Mason - 2021) – Creates the State-Funded KinGAP program to facilitate child placements with relatives, including fictive kin, and ensure permanency for children not eligible for the Federal-Funded KinGAP program.



- § 63.2-100 of the Code of Virginia defines “Kinship care” as the full-time care, nurturing, and protection of children by relatives.
- “Kinship guardian,” “kinship guardianship,” and “federal-funded and state-funded kinship guardianship assistance program” are also defined in the Code.
 - “Federal-Funded Kinship Guardianship Assistance program” means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a relative child of whom they had been the foster parents.
 - “State-Funded Kinship Guardianship Assistance program” means a program that provides payments to eligible individuals who have received custody of a relative child subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1306.
- “Fictive kin” means persons who are not related to a child by blood or adoption but have an established a relationship with the child or his family. (§ 63.2-100)

Kinship Care Continuum



Informal Kinship Care		Formal Kinship Care	
No state involvement or funding	Family seeks state assistance TANF-only, but no child welfare contact	Child welfare contact but child is not in DSS custody "Facilitated care arrangements"	Child is in DSS custody = Kinship Foster Care KinGAP possible

Benefits of Kinship Care



- Children placed with relatives or close friends:
 - are lesser impacted by trauma, and
 - are less likely to run away.
- Kin arrangements help maintain vital connections and keep sibling groups together.
- Relatives are less likely to request that children be removed if their behavior becomes difficult.





SUBSTANCE USE



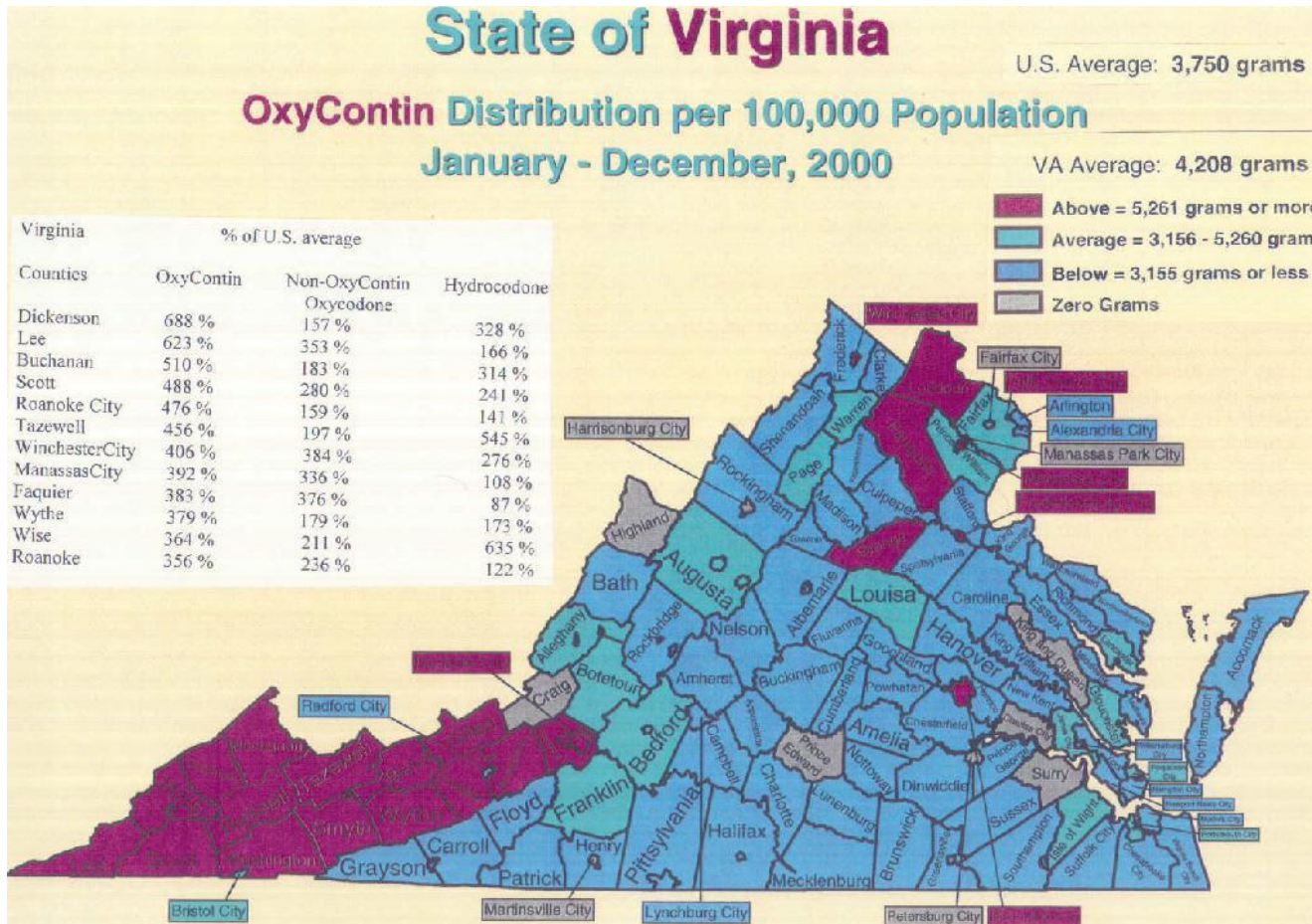
Opioid Epidemic Overwhelming Virginia's Foster Care System with Children of Addicts

- Tazewell County
 - 1995 – 9 foster care children
 - 2000 – 58 foster care children
 - 2005 – 120 foster care children

- Statewide
 - 1995 – 1,323 foster care children
 - 2005 – 5,693 foster care children

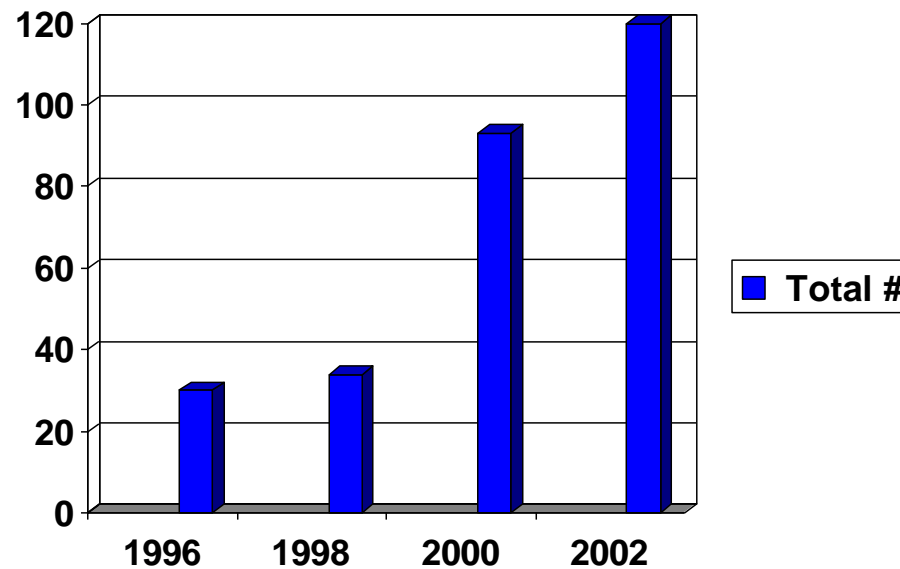
- 30% of foster care admissions stem from parental drug abuse.

Substance Use





Total # Children Placed in Foster Care Lee County, VA

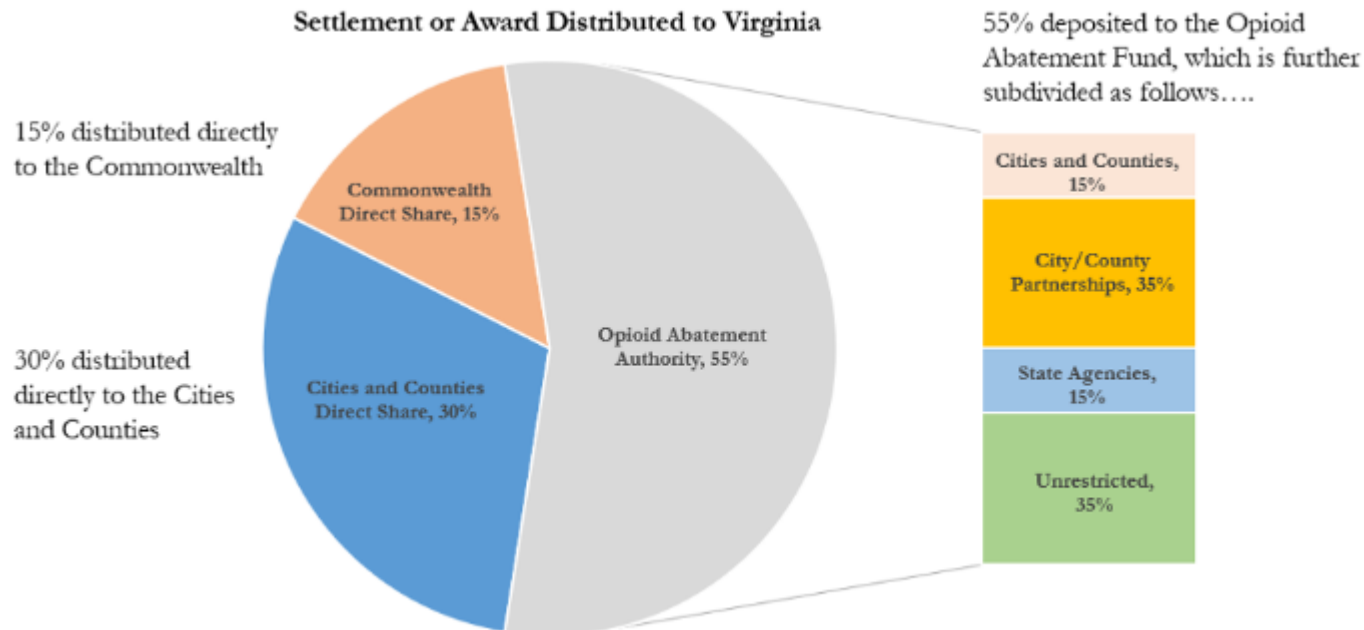


Lee County Department of Social Services



Opioid Abatement Authority (OAA)

- Established in 2021 as an independent entity to abate and remediate the opioid epidemic through financial support in the form of grants, donations or other assistance for the efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in Virginia.



Findings and Recommendations



Finding: One of the symptoms of the opioid epidemic track has been a huge increase in foster care in the areas most impacted by the epidemic. According to recent data, 30% of foster care admissions are linked to parental drug abuse.

Recommendation:

Request the Virginia Department of Behavioral Health and Developmental Services in coordination with the Department of Social Services assess the barriers to availability of substance use treatment services across Virginia's localities and make recommendations for ways that community services boards and local departments of social services can collaborate and have systems in place to address a parent's substance use and prevent the removal of children from the home into the foster care system.

Recommendation:

Request the Virginia Opioid Abatement Authority provide technical assistance to local governments, including local departments of social services, that were disproportionately impacted by the opioid epidemic.



DRIVER'S LICENSES



Virginia's Efforts to Create a Driver's License Program for Foster Youth

- The Commission conducted a study in 2019 and recommended to create an insurance reimbursement and educational program for a driver's license program in Virginia.
- In 2020, this amendment was placed in the final conference report budget, but was "unallotted" due to economic uncertainty related to Covid.
- During the 2023 Session, Delegate Tata and Senator Monty Mason put in budget amendments for \$250,000 each year for a Drivers' License Program for Foster Care Youth. These budget amendments were included in the floor approved budget in both the House and the Senate, but this item was not included in the final budget approved during 2023 Special Session I.



Virginia's Efforts to Create a Driver's License Program for Foster Youth

- In 2023, Virginia Department of Social Services developed a workgroup with key stakeholders focusing on
 - DMV Barriers/Solutions: driving hours and driving education.
 - Car insurance for youth in foster care under age 18.
 - Foster Parents/Caregivers support of youth driving and additional supports for foster parents and/caregivers.
- The workgroups are identifying barriers, creating solutions, and ultimately working towards building a statewide drivers assistance, education, and support program for eligible youth. This includes developing documentation, resources, partnerships, an awareness campaign, and/or recommending a guide to support the program.

Findings and Recommendations



Finding: Teens in foster care face significant barriers to obtaining a driver's license. These young people often miss out on age-appropriate adolescent experiences and opportunities made possible by driving that create a sense of normalcy, which helps them make a successful transition to adulthood.

Recommendation:

Introduce/support a budget amendment to provide support for the development and implementation of a statewide drivers' licenses program for youth in and formerly in care in obtaining a driver's license.



RELIEF OF CUSTODY

Findings and Recommendations



Finding: Local departments of social services across the state have seen an increase in the use of relief of custody as a way to deal with a troubled teen or child.

Recommendation:

Direct the Commission on Youth to review concerns surrounding the increased use of temporary and permanent relief of custody to place a child in foster care. The Commission shall convene an advisory group to assess this concern. This advisory group shall include the Department of Social Services, Department of Behavioral Health and Developmental Services, Department of Juvenile Justice, the Court Improvement Project, Local Departments of Social Services, Community Services Boards, and other relevant stakeholders.



Public Comment

Written public comment must be
received by 5:00 p.m.
on November 13, 2023.

Submission instructions are available
online: (<http://vcoy.virginia.gov>).