



VIRGINIA COMMISSION ON YOUTH

Meeting Minutes

Commission Meeting

November 20, 2023, 10:00 a.m.

General Assembly Building, House Committee Room C

Attending:

Delegates: Emily Brewer (Chair), Carrie Coyner, Karrie Delaney, Tara Durant;
Senators: Barbara Favola (Vice-chair), Dave Marsden, David Suetterlein;
Citizen Members: Avi Hopkins, Chris Rehak

Not Attending:

Delegates: Anne Ferrell Tata, Irene Shin
Citizen Member: Jessica Jones-Healey

Staff Attending:

Amy Atkinson, Will Egen

I. Call to Order and Opening Remarks

Delegate Emily M. Brewer, Chair

Delegate Emily Brewer welcomed Commission members and meeting attendees. She then had Commission members introduce themselves. Delegate Brewer then introduced Amy Atkinson, Executive Director, to review the decision matrix for Improving Foster Care in Virginia.

II. Improving Foster Care in Virginia – Decision Matrix

Amy M. Atkinson, Executive Director, Virginia Commission on Youth

Amy Atkinson thanked Delegate Brewer and referred Commission members to the decision matrix for Improving Foster Care in Virginia. This matrix was sent to Commission members prior to the meeting. The decision matrix includes the findings, draft recommendations, summaries of written public comments by each entity, and any underlined recommended adjustments based on the written public comments. Ms. Atkinson briefly described the draft recommendations within the context of the findings and summarized the written public comments for each recommendation.

Following the presentation of the decision matrix, the Commission heard public comment from Beatrice Adams, federal lobbyist; Rebecca Morgan, President, Virginia League of Social Services Executives, Brad Goodwin; Virginia Trial Lawyers Association; Dr. Rachel Strawn, Director, Great Expectations; and Janice Wolk Grenadier, Certified ADA Advocate & Mediator.

After receiving public comment and a brief discussion by the members, the following recommendations were adopted unanimously by the Commission:

Adopted Recommendations:

Draft and adopted recommendations, including the decision matrix, can be found on the Commission's website under the Meetings tab. The Commission on Youth approved the following recommendations related to this study:

Recommendation 1: Introduce a budget amendment for 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.

Recommendation 2: Encourage the 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 3: Introduce a budget amendment to increase the number of stipend slots offered to students enrolled in a full-time social work program with a commitment to work at a Local Department of Social Services.

Recommendation 4: Request the State Corporation Commission put together an informational report on what it would entail to enable 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. In this report, the Bureau of Insurance shall detail what steps would be necessary to accomplish such a change, including any necessary amendments to the *Code of Virginia*. This report shall also provide any warranted additional recommendations for the Commission on Youth's consideration. This report shall be completed and made to the Commission on Youth by November 1, 2024.

Recommendation 5: Request the Department of Social Services form a work group to study the issues, concerns, and policy options presented by the Commission on liability insurance. 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, VAcop, Virginia Risk Sharing Association, CSA Coordinators State Group, insurance agencies and brokers, Virginia Trial Lawyers Association (VTLA), and other relevant stakeholders. This work group shall report back and make recommendations to the Commission on Youth by November 1, 2024.

Recommendation 6: 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. Information on Virginia's Workforce and other initiatives of the Secretary of Labor should be included on the iFoster platform to assist foster care youth with obtaining meaningful employment. 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.

Recommendation 7: Introduce a budget amendment to fund a position at the Virginia Community College System (VCCS) to coordinate services for foster youth involved with the Great Expectations Program to improve access to higher education at 4-year colleges and universities. This position shall work with the State Council of Higher Education for Virginia (SCHEV) and the Council of Independent Colleges in Virginia (CICV) to find partnerships with 4-year colleges and universities willing to support the foster care population in obtaining a 4-year degree.

Recommendation 8: Request the Council of Independent Colleges in Virginia to partner with Great Expectations to have a smooth transition to achieve a 4-year degree, and provide a point of contact for foster care youth.

Recommendation 9: Introduce a budget amendment to 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.

Recommendation 10: Request the Virginia Department of Social Services to 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.

Recommendation 11: Introduce 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.

Recommendation 12: 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 13: 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.

Recommendation 14: Introduce a budget amendment to provide support for the development and implementation of a statewide drivers' license program for youth in and formerly in care in obtaining a driver's license.

Recommendation 15: 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.

Recommendation 16: Request that the Department of Social Services review the following proposed recommendations on informal kinship care:

- Make available a stipend for informal kinship care families, similar to the stipend that foster care families get.
- Create permanency plans for children in informal kinship care situations.
- Make available the information regarding informal kinship care arrangements, and allow formal kinship care arrangements to occur more easily.
- Virginia should be collecting data related to informal kinship care.

III. Admission of Minors to a Mental Health Facility for Inpatient Treatment – Decision Matrix

Will Egen, Senior Policy Analyst, Virginia Commission on Youth

Delegate Brewer introduced Will Egen to present the decision matrix on the Admission of Minors to a Mental Health Facility for Inpatient Treatment. Will Egen thanked Delegate Brewer and referred Commission members to the decision matrix. He briefly explained the draft recommendations and with each one, Mr. Egen summarized the written public comments that were received.

Following the presentation of the decision matrix, the Commission heard public comment from Beatrice Adams, federal lobbyist; Janice Wolk Grenadier, Certified ADA Advocate & Mediator; and Anna Daniszewski, Family Defense Fellow, Virginia Poverty Law Center.

After receiving public comment and a brief discussion by the members, the following recommendations were adopted unanimously in a block by the Commission:

Adopted Recommendations:

Draft and adopted recommendations, including the decision matrix, can be found on the Commission's website under the Meetings tab. The Commission on Youth approved the following recommendations related to this study:

Recommendation 1: Amend the *Code of Virginia* §16.1-338 and § 16.1-339 to state the age of parent and minor consent for entering inpatient substance use treatment. The current law (14 for minor objection) is not explicitly stated but rather implied.

(and)

Amend the *Code of Virginia* to add clarifying language to §16.1-339 to state that if a minor is being granted admission to a willing facility under the application of a parent, then a temporary detention order (TDO) shall not be required under this section.

Recommendation 2: Request the Department of Behavioral Health and Developmental Services (DBHDS) to put together a work group with Virginia Association of Chiefs of Police, Virginia Sheriffs' Association, the Virginia Association of Community Services Boards (VACSB), the Virginia Magistrates Association, Office of the Executive Secretary of the Supreme Court of Virginia, and any other relevant stakeholders to consider options for the transportation of minors that can be admitted under §16.1-339, as is currently done for emergency custody orders and temporary detention orders as described in § 16.1-340.1. DBHDS shall make any recommendations to the Commission on Youth by November 1, 2024.

Recommendation 3: Request the Department of Behavioral Health and Developmental Services to provide a page on its website geared towards the public that describes the laws, options, and frequently asked questions as they relate to the Psychiatric Treatment of Minors Act. The information posted shall be done with the assistance of mental health, substance abuse, and disability experts and advocates.

Recommendation 4: Request the Department of Social Services update guidance, and have the Department of Social Services Director send a letter to local departments of social services describing the admission of minors to inpatient treatment process, including §16.1-339.

Recommendation 5: Request the Department of Behavioral Health and Developmental Services provide educational materials to the Psychiatric Society of Virginia, the Virginia Academy of Clinical Psychologists, and community services boards for further dissemination to their members on the voluntary and involuntary admissions process for minors to a mental health facility for inpatient treatment. DBHDS should consult the Juvenile Law and Practice in Virginia manual, Office of the Executive Secretary of the Supreme Court of Virginia training materials, and information provided by Virginia's medical schools.

Recommendation 6: Request the Department of Behavioral Health and Developmental Services work with CSBs to target American Rescue Plan Act (ARPA) and other available one-time federal funds towards higher intensity substance use services for minors. These are services ASAM level 2.5 and higher.

IV. Kinship Care Update

Danny TK Avula, M.D., Commissioner, Virginia Department of Social Services (VDSS)
Janet Kelly, Special Advisor for Children, Office of Governor Glenn Younkin

Delegate Brewer introduced Dr. Danny Avula, Commissioner of the Virginia Department of Social Services. Dr. Avula thanked Delegate Brewer and Commission members for inviting him to present on the updates to kinship care. Dr. Avula shared the research results that showed the protective effect for children raised with parents and/or relatives. There are over 5,000 children in the Virginia foster care system. As of 2020, nearly 50% of children nationally are in a foster home with about 35% in foster care with a relative. In Virginia, nearly 15% of foster care youth are in kinship care. Data tells us that children who are placed with relatives or in fictive care are more likely to stay with their first placement. Having multiple placements for youth is detrimental to their social-emotional development.

A program called, "Kin First Now" is currently rolling out in five locations: Franklin, Wise, Chesterfield/Colonial Heights, Newport News, and in December, Prince William. At the first point of contact, Family Services Specialists in these localities will be doing all they can to find a relative or fictive kin to take a new foster child. These local departments of

social services have created internal processes that reinvest staff time to find relatives and fictive kin through a teaming approach. This strategic approach promotes family engagement, the use of natural supports, and planning for permanency. Cohort 1 of the program has three agencies from each region (Central, Northern, Eastern, Piedmont, and Western), or 15 local departments of social services. A plan is in place to orient each local department to Kin First Now.

Next Carl Ayers, Deputy Commissioner, Virginia Department of Social Services, described the KinGap and State Funded Kinship Subsidy programs as other tools to provide permanency for children. He detailed the current use of these programs and challenges within them.

Delegate Brewer thanked Dr. Avula and Mr. Ayers for their informative updates. Next, Janet Kelly, Special Advisor for Children in the Governor's Office, was introduced to provide an update on the Safe and Sound Task Force. In 2021 there were 324 youth in foster care who were living in offices, emergency rooms, and hotels. Ms. Kelly explained the short-term fix for children entering foster care who need immediate placements is by making these children a priority and ending the practice of children sleeping in offices, emergency rooms, or hotels. Ms. Kelly explained the three-phase approach of the task force that includes ending displacements (April-June 2022), testing the system and determining reforms (July 2022-May 2023), and finally, proposing and executing system reforms (June 2023-January 2025).

Delegate Brewer thanked Ms. Kelly for her work on this issue.

This presentation can be accessed on the Commission's webpage under the meetings tab.

V. Review of the Court Appointed Special Advocates (CASA) Program

Darcy Hubbard, Executive Director/CEO, Fairfax CASA

Joyce Moran, Executive Officer, Southern Virginia Child Advocacy Center, Franklin/Pittsylvania County CASA

Delegate Brewer introduced Darcy Hubbard and Joyce Moran to share information about the Court Appointed Special Advocates (CASA) Program.

Joyce Moran thanked Delegate Brewer and Commission members for the opportunity to present on the Court Appointed Special Advocates program. Franklin/Pittsylvania CASA serves about 75-80 children with 18 volunteers for a total budget of \$450,000 in a very rural area. Darcy Hubbard explained that Fairfax CASA serves the largest juvenile court in the Commonwealth and served 370 children with 10 staff and 150 volunteers with a budget of \$980,000.

Ms. Moran gave a brief description of CASA in general. There are 27 CASA programs in Virginia that are regulated by the Virginia Department of Criminal Justice Services. CASA volunteers must be 21 years of age and must remain on the case, supported by professional staff who coach them. Their five tasks are to investigate by observing the family and foster home and gather information from providers, report to the court, monitor if the parents are in compliance, assist the Guardian Ad Litem, and to be a mandated reporter. CASA volunteers are assigned one family case at a time that could last up to 10 years. Volunteers must possess core competencies and become stewards for safety and academics, becoming mandated reporters of abuse and neglect.

Much of the funding comes from individual or corporate donors. CASA wants to partner with other programs to support children and families. They are looking for legislative support to continue their work to help the most vulnerable of children, considering the budget cuts coming.

Delegate Brewer thanked Ms. Hubbard and Ms. Moran for their presentation. Senator Favola suggested that it would be helpful for the statewide association of CASAs to contact lawmakers with a specific budget request and a statement of the impact of not getting those funds.

This presentation can be accessed on the Commission's webpage under the meetings tab.

VI. House Bill 2018 (2023) – Delegate Les Adams

Amy Atkinson, Executive Director, Virginia Commission on Youth

Amy Atkinson explained that during the 2023 General Assembly session, Delegate Les Adams introduced HB 2018, which allows for Virginia Family Assessment and Planning Teams (FAPT) and Community Policy and Management (CPM) teams to share information with local law enforcement or threat assessment teams established by local school boards if a FAPT or CPMT determines a child is a threat or may cause physical harm to himself or others. HB 2018 passed in the House of Delegates but was recommitted to the Committee of Rehabilitation and Social Services. Working with Delegate Adams, the Chair, and Senator Favola, it was determined that the State Executive Council for Children's Services would be best suited to provide clarification on the confidentiality process.

Sen. Favola moved that the Commission send a letter to the State Executive Council. The motion was seconded and approved.

Adopted Recommendation:

Request the State Executive Council, with input from the Office of the Attorney General, to review HB 2018 introduced by Delegate Les Adams in the 2023 General Assembly Session and to provide clarification on policies related to the limits of confidentiality during Family Assessment and Planning Team (FAPT) and Community Policy and

Management Teams (CPMT) meetings. Members of FAPT and CPMT teams are required to keep confidential information about a specific child and family obtained during the Children’s Services Act (CSA) process and while carrying out their CSA responsibilities. It is further stated in policy that this information may not be shared “except as permitted by law.” Clarification is needed to determine specifically what is meant by “except as permitted by law” and what can be shared with local law enforcement or threat assessment teams when a child poses a threat to self or others. The SEC shall provide their findings to the Commission on Youth by November 1, 2024.

VII. Election of Chair and Vice Chair

Delegate Brewer stated that the last item is to elect a new Chair and Vice Chair for the Commission. Senator Marsden thanked Delegate Brewer for her excellent service.

Senator Marsden nominated Senator Barbara Favola to be the Chair. The motion was seconded. The motion was adopted unanimously.

Delegate Brewer nominated Delegate Carrie Coyner to be Vice Chair. The motion was seconded. The motion was adopted unanimously.

VIII. Adjourn

Senator Favola called for a motion to adjourn the meeting and it was seconded. The meeting adjourned at 12:05 P.M.

The full meeting is available online for viewing at the House of Delegates’ Streaming site: <https://virginiageneralassembly.gov/hv>.