

THE USE AND IMPACT OF RELIEF OF CUSTODY ON CARE AND SUPPORT OF YOUTH

DRAFT STUDY PLAN

Study Mandate

- During the Commission on Youth’s 2023 “Improving Foster Care” study, the Commission did a comprehensive review of current foster care issues.
- One issue raised by local departments of social services and the Office of the Children’s Ombudsman was the increase use of relief of custody to deal with a troubled teen or child. The Commission decided this issue should be explored further.
- The Virginia Commission on Youth approved a recommendation at its November 20, 2023 meeting regarding the reported increased use of relief of custody to discuss, review, and make recommendations regarding the practice.
 - 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 Program, Local Departments of Social Services, Community Services Boards, and other relevant stakeholders.

Background

- Parents have the right under *Code of Virginia* §16.1-277.02 to petition for the relief of the care and custody of a child. If the petition is granted, the child is placed in the custody of a person with a legitimate interest, a licensed child-placing agency, or a local board of social services. The dispositional process for relief of custody is spelled out in §16.1-278.3.
- As stated in the petition for relief of care and custody *Code* section, “requests for petitions for relief of the care and custody of a child shall be referred initially to the local department of social services for investigation and the provision of services.” Investigation by the Commission is necessary to determine how this process varies from locality to locality and how it is impacted by availability of services.
- Relief of custody petition cases do not always originate from ongoing child protective services involvement, but can occur because of failed adoptions, juvenile justice involvement, and unaddressed or continuing acute mental health needs. Understanding the referral and reasons behind it is vital in getting the right help and services to the youth and family.
- Other options that are available for parents and youth to get services include, CSA parental agreements and noncustodial foster care agreements. Currently, the Office of Children’s Services is undergoing a review of parental agreements as part of a children in need of services (CHINS) work group.

Study Activities

- Provide an overview of Relief of Custody in Virginia
- Convene an Advisory Group of relevant stakeholders.
- Hold regional roundtables to gather additional information.
- Research state and federal laws and regulations on foster care, relief of custody and mechanisms to deliver services.
- Research and review relief of custody or similar procedures in other states.
- Develop recommendations as needed.
- Present findings and recommendations to the Commission on Youth.
- Receive public comment.
- Prepare final report.