



COMMONWEALTH OF VIRGINIA

# Commission on Youth

# *Relief of Custody*

## *Advisory Group*

Will Egen, Senior Policy Analyst

October 8, 2024



## VCOY's Role

- Virginia Code § 30-174 defines the role and function of the Commission as "to study and provide recommendations addressing the needs of and services to the Commonwealth's youth and families."
- The Commission's areas of concern include, but are not limited to, child welfare, juvenile justice, education, child health and mental health.
- Through legislative study resolutions, budget language or at the direction of standing committees, the Commission establishes the scope of studies each year.
- The Commission conducts its studies through research and data analysis and generally with guidance from work groups and/or advisory groups providing subject expertise.



## Membership

The Commission is composed of six delegates, three senators, and three citizens.

### *Senators*

- Barbara Favola, Chair
- Dave Marsden
- David Suetterlein

### *Citizen Members*

- The Hon. Mackenzie Babichenko
- Rita Jones
- Jessica Jones-Healey

### *Delegates*

- Carrie Coyner, Vice Chair
- Josh Cole
- Karrie Delaney
- Holly Seibold
- Irene Shin
- Anne Ferrell Tata



## Recent Studies & Initiatives: 2022 - 2023

- Transition Process for Students with Disabilities Regarding Records and Services at the Age of Majority
- Evaluating the Effectiveness and Efficiency of Virginia's Juvenile Detention Centers
- Admission of Minors to a Mental Health Facility for Inpatient Treatment
- Improving Foster Care in Virginia



## Current Studies & Initiatives

- The Use and Impact of Relief of Custody on Care and Support of Youth
- Review of Virginia's Special Education Dispute Resolution System
- *Collection of Evidence-Based Practices for Children and Adolescents with Mental Health Treatment Needs*

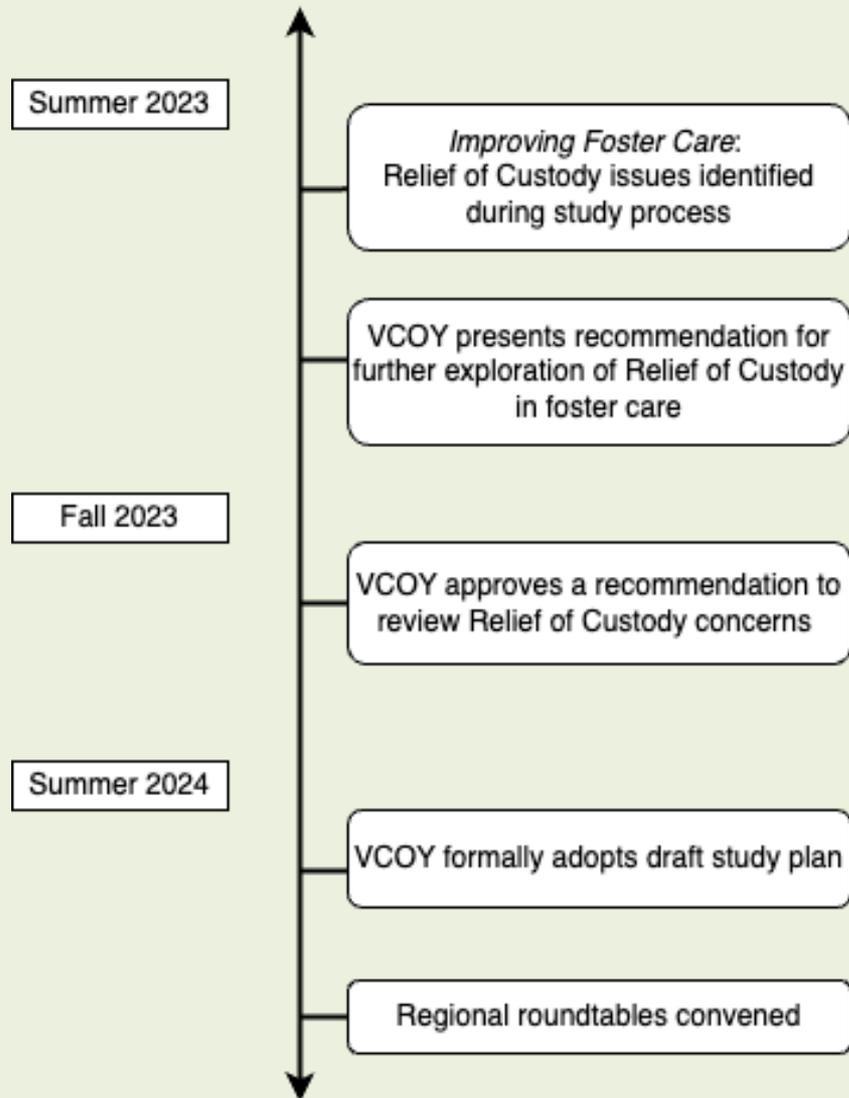


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***The Use & Impact of  
Relief of Custody on  
Care & Support of Youth***

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# STUDY PLAN: MANDATE



- Review concerns surrounding the increased use of temporary and permanent relief of custody to place a child in foster care.
- Convene regional roundtables to assess concerns
  - Local DSS offices (LDSS)
  - Dept. of Juvenile Justice (DJJ)
  - Court Service Units (CSUs)
  - JDR judges & attorneys
  - Private service providers
  - Community Service Boards (CSBs)
  - Local school personnel
  - Impacted youth & caregivers
  - Advocacy groups



- 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.



- Parents and caregivers have the legal right to petition for relief of custody of a child in their care under *Code of Virginia* § 16.1-277.02.
  
- There are two main *Code* sections for relief of custody.
  - Article 8. Adjudication: § 16.1-277.02. Petition for relief of care and custody.
  - Article 9. Disposition: § 16.1-278.3. Relief of care and custody.



What is the petitioner seeking relief of custody trying to accomplish?

- Out of home placement
- Residential treatment
- Intensive in-home services
- Termination of parental rights
- Something else?

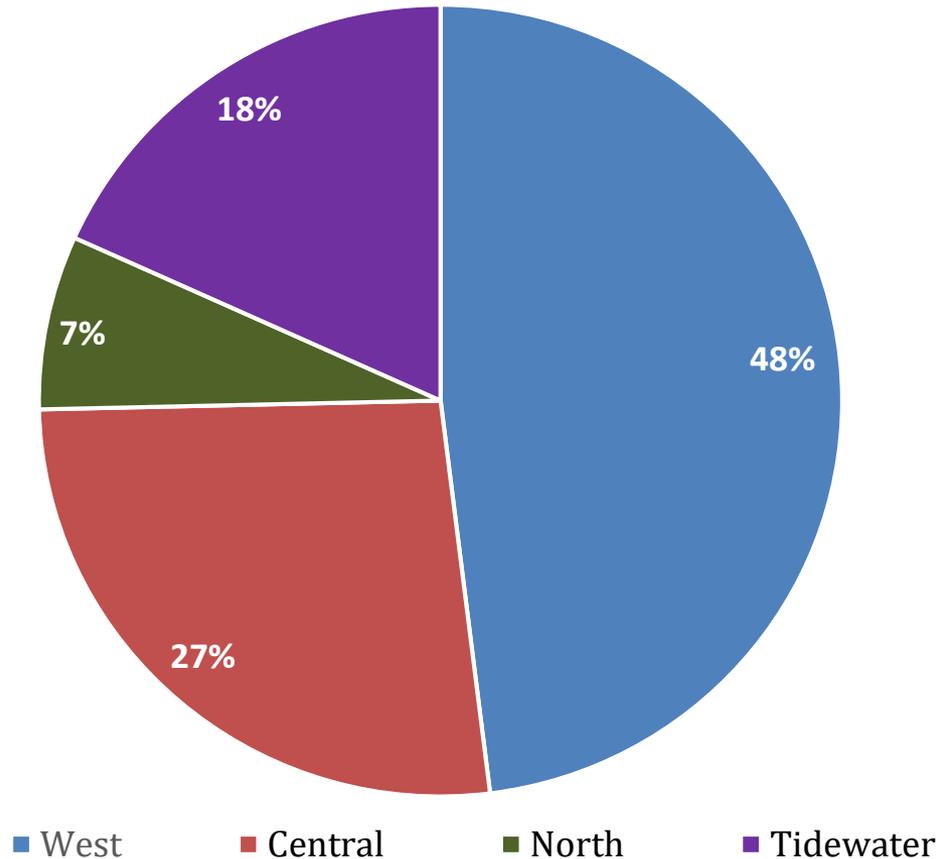
What means could accomplish some of these goals? (e.g., CSA Parental Placement Agreements)



# JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT DATA

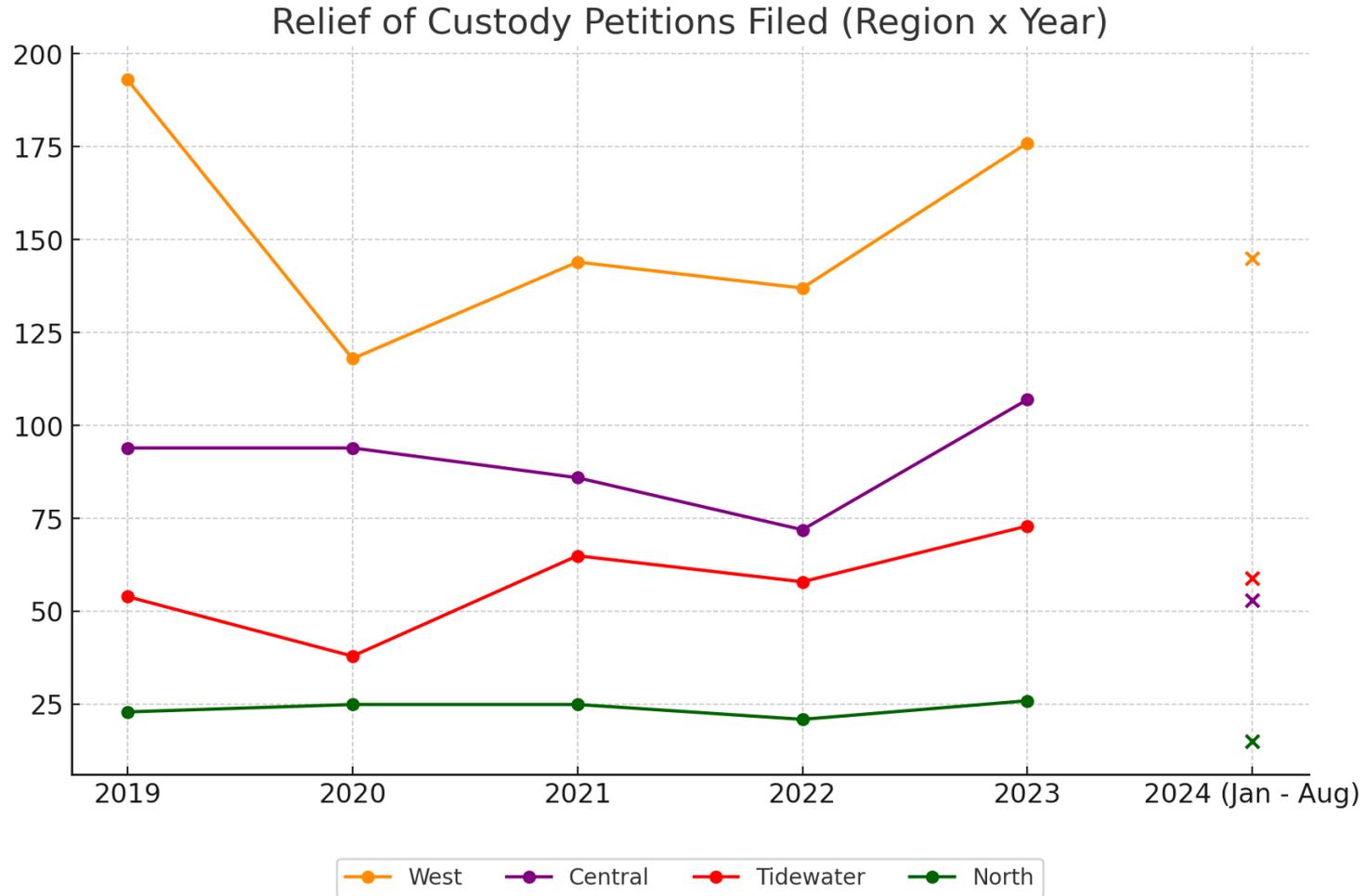


## Relief of Custody Petitions Filed by Region (2019 - Aug. 2024)



Note: Data from Office of the Executive Secretary, Supreme Court of Virginia, CY 2019-2024.

# JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT DATA



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## Previous regional roundtables:

- Southwest Virginia – June 24
- Central Virginia – July 31
- Northern Virginia – Aug. 26
- Tidewater – Sept. 4

## Perspectives from the roundtable:

- Social Services
- Judges
- CSA
- Mental Health
- Schools
- Private Providers
- Families



- By the time the petition is filed, it is usually too late to improve the family and home life situation
- Parents can only focus on getting quick fixes; not able to fully consider long-term consequences
- Parents do not know how to engage services earlier in the process/ they do not want services coming in the home / or are not available in a locality
- Schools are typically the first point of contact in the relief of custody timeline but are underequipped to provide support



- Determining the proper role of the courts service units in directing parents at intake for services available in the community
- Concerns with law enforcement recommending relief of custody to parents in some localities
- Reported uptick in cases involving out-of-state children living with informal kinship placements in VA or dissolved adoptions
- Problems tend to crop up when a child is entering the teenage years, especially for international adoptions – related to underlying trauma



- Multidisciplinary teams could help improve communications between local agencies
- Judges in different areas of the state either see several cases a year or hardly any
- The timeline for hearing a petition from when it is filed varies widely by judge or court
- Desire, especially among judges, for requiring parent engagement in the Code of Virginia



- Misconception among parents that certain services can be accessed only if their child is in foster care
- CSA parental agreements and services may be underutilized
- Reports from some localities that parent or caregiver petitions for relief of custody in order for their child to access fostering futures



- Convene an Advisory Group – Oct. 8 at 1 p.m. in Richmond
- Present draft recommendations to the Commission on Youth at October 22, at 2 p.m. at the General Assembly Building
- Accept written public comment through November 21
- Receive in person public comment and vote on draft recommendations at the November 25 Commission meeting, at 10:30 a.m. at the General Assembly Building
- Publish final report



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# *Advisory Group Discussion*

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# Questions/Comments?

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