



VIRGINIA COMMISSION ON YOUTH

Meeting Minutes

Commission Meeting

October 22, 2024, 2:00 p.m.

General Assembly Building, Senate Committee Room A

Attending:

Senators: Barbara Favola (Chair), David Suetterlein;

Delegates: Carrie Coyner (Vice-chair), Josh Cole, Karrie Delaney, Irene Shin,

Citizen Members: Mackenzie Babichenko and Jessica Jones-Healey

Not Attending:

Senator: Dave Marsden

Delegates: Holly Seibold and Anne Ferrell Tata

Citizen Member: Rita Jones

Staff Attending:

Amy Atkinson, Will Egen

I. Call to Order and Opening Remarks

Senator Barbara A. Favola, Chair

Senator Barbara Favola called the meeting to order and welcomed Commission members and attendees. Senator Favola introduced Amy Atkinson, Executive Director for the Virginia Commission on Youth, for a study update on Review of Virginia's Special Education Dispute Resolution System.

II. Review of Virginia's Special Education Dispute Resolution System – Study Update

Amy M. Atkinson, Executive Director

Ms. Atkinson provided an update on the study of Virginia's Special Education Dispute Resolution System. Ms. Atkinson's presentation reviewed the listening sessions conducted over the summer, the convening of the Advisory Group on this topic, and the current and future activities that are being undertaken during this study. Ms. Atkinson shared that the Advisory Group will meet again in 2025. The study report with recommendations is due to the General Assembly by November 1, 2025.

Following Ms. Atkinson's presentation, Superintendent Lisa Coons, Virginia Department of Education shared information and answered a couple of questions about Virginia's IEP template.

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

III. The Use and Impact of Relief of Custody on Care and Support of Youth – Draft Recommendations

Will Egen, Senior Policy Analyst

Senator Favola introduced Will Egen to give an update on this study. Mr. Egen provided an update from his last presentation to the Commission on August 21. Mr. Egen then reviewed draft recommendations to go out for public comment. The following recommendations were posted on the Commission's website following the meeting based on the comments and feedback of Commission members:

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.”

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 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.

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 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 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.

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

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

IV. Update on Kinship Care and the Implementation of the Parental Child Safety Placement Program

James Williams, Commissioner, Virginia Department of Social Services

Carl Ayers, Deputy Commissioner of Human Services

Senator Favola introduced the Department of Social Services Commissioner James Williams. Mr. Williams began the presentation by explaining Kin First Culture and the programs being offered by DSS to undergird this culture.

Next Carl Ayers shared comments on the growth and goals of expanding kinship care in Virginia. He also discussed the early numbers as Virginia has begun to implement the Parental Child Safety Placement Program. Additionally, Mr. Ayers provided an update on the Relative Maintenance Program and described the funding setbacks that the program has faced. Finally, Mr. Ayers talked about the use of kinship navigators in the state, and the fact that the program is now included in the Federal clearinghouse.

Senator Favola requested that Commission staff look at developing a recommendation to access federal funding for direct payments to kinship families

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

V. Review and Approval of the Commission on Youth Remote Meeting Policy

Will Egen, Senior Policy Analyst

Mr. Egen informed the Commission that based on the passage of HB 894 and SB 734 during the 2024 Session, the Commission must at least once annually adopt a policy on remote meeting participation, if the Commission wishes to allow its members to use remote participation. Mr. Egen described two policy options before the Commission for discussion.

One policy would allow members participating remotely to make motions and vote and a second policy would not permit those activities during an all-virtual meeting or by individual members who are participating remotely.

After discussion, Senator Suetterlein moved to adopt the second policy that does not permit motions or voting during virtual participation. The motion was seconded and the policy was adopted unanimously.

VI. Adjourn

The meeting adjourned at 3:45 p.m.