

2023 EXECUTIVE SUMMARY

THE VIRGINIA COMMISSION ON YOUTH



**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**

REPORT DOCUMENT 52

**COMMONWEALTH OF VIRGINIA
RICHMOND
2024**



COMMONWEALTH of VIRGINIA

Commission on Youth

Senator Barbara A. Favola, *Chair*
Delegate Carrie E. Coyner, *Vice Chair*

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January 9, 2024

TO: The Honorable Glenn A. Youngkin
and Members of the General Assembly

Pursuant to the provisions of the *Code of Virginia* (§§ 30-174 and 30-175) establishing the Virginia Commission on Youth and setting forth its purpose, I have the honor of submitting herewith the Executive Summary for the calendar year ending December 31, 2023.

This Executive Summary includes the activity and work conducted by the Virginia Commission on Youth during the 2023 study year, as required by § 30-175 of the *Code of Virginia*. The Commission has enjoyed a busy year and has produced excellent work to support Virginia's families and youth.

Final reports of the studies conducted will be made available on the Commission on Youth's website at <https://vcoy.virginia.gov>.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Favola".

Barbara A. Favola

2023

VIRGINIA COMMISSION ON YOUTH

House of Delegates

Emily M. Brewer, Chair
Carrie E. Coyner
Karrie K. Delaney
Tara A. Durant
Irene Shin
Anne Ferrell H. Tata

Senate of Virginia

Barbara A. Favola, Vice-Chair
David W. “Dave” Marsden
David R. Suetterlein

Gubernatorial Appointments from the Commonwealth at Large

Jessica Jones-Healey
Avi D. Hopkins
Christian “Chris” Rehak

Commission Staff

Amy M. Atkinson, Executive Director
Will Egen, Senior Policy Analyst
Kathy Gillikin, Part-time Analyst
Sarah Castle, Part-time Editor

EXECUTIVE SUMMARY

Virginia Commission on Youth – Background

Enabling Authority

§ 30-174 and § 30-175

Established in statute by the 1989 General Assembly, the Virginia Commission on Youth represents a legislative response to a two-year study examining the issues related to services to chronic status offenders. Virginia Code directs the Commission "to study and provide recommendations addressing the needs of and services to the Commonwealth's youth and families." Enacted in 1989, the Commission began operations in 1991.

The Commission on Youth is comprised of nine members of the General Assembly and three citizens appointed by the Governor (§ 30-174). Six Commission members from the House of Delegates are appointed by the Speaker of the House. Three Commission members from the Senate are appointed by the Senate Committee on Rules.

Legislative Study

Improving Foster Care in Virginia

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

In 2019, the Commission on Youth conducted a study on "Virginia's Foster Care System." Commission staff met with state agencies, local departments of social services, members of the executive and judiciary branches, providers, advocacy groups, and other stakeholders across the Commonwealth to learn about challenges within the foster care system. From that study, the Commission on Youth adopted 19 recommendations.

During the 2020 Virginia General Assembly Session, the Commission on Youth introduced legislation and budget amendments to address these legislative proposals on ways to improve Virginia's foster care system. These recommendations focused on the areas of workforce recruitment and retention, kinship care, foster family recruitment

and retention, and programs to support youth as they transition from foster care to adulthood.

Since 2020, Virginia has further implemented bipartisan improvements to the foster care system. In 2022, Governor Glenn Youngkin created the Safe and Sound Task Force to bring together state and local government agencies, elected officials, the faith community, and private partners to create safe and appropriate housing placements for children in foster care, especially during emergency situations. While a number of recommendations from the Commission on Youth, legislators, and the Governor have been implemented in the past several years, there are still areas for improvement that need to be addressed.

At its May 15, 2023, meeting, the Commission on Youth adopted a study plan directing staff to work with agencies and stakeholders on the topics of workforce recruitment and retention, foster and kinship care family recruitment and retention, and liability insurance for foster care agencies. The Commission on Youth also directed staff to analyze and review on-going agency efforts and recent recommendations on having a foster care point of contact at institutions of higher education, iFoster implementation, and efforts to enact a statewide driver's licensing program foster care youth.

Based on interviews with stakeholders and collaboration with state and local agencies, the Commission developed draft findings and recommendations. These draft study findings and recommendations were presented at the Commission's September 19, 2023 meeting. The Commission received written public comment through November 13, 2023. After receiving public comment at the November 20, 2023 meeting, the Commission on Youth approved the following 16 recommendations to continue improvements in Virginia's Foster Care System:

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 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, VAcorp, 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 in order 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 Foster 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' licenses 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.

Legislative Study

Admission of Minors to a Mental Health Facility for Inpatient Treatment

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

During the 2023 General Assembly Session, Delegate Anne Ferrell Tata introduced House Bill 1923. This bill was written to make the following amendments to the *Code of Virginia*: Increase from 14 years of age to 16 years of age the minimum age requiring the consent of a minor prior to his or her admission to a mental health facility for inpatient treatment. Increase from 14 years of age to 16 years of age the minimum age for a minor who objects to his or her admission to a mental health facility to be admitted to such mental health facility for up to 120 hours upon the application of such minor's parent. Add addiction as a reason for a minor to be admitted to a mental health facility for inpatient treatment.

The bill was passed by indefinitely with a letter by the House Courts of Justice Committee. In a letter dated April 1, 2023, Delegate Rob B. Bell, Chair of the House Courts of Justice Committee, requested that the Commission on Youth review House Bill 1923, Minors; admission to mental health facility for inpatient treatment (Tata) and the concepts it addresses and make recommendations for the 2024 Session of the General Assembly. The Commission adopted a study plan on admission of minors to a mental health facility for inpatient treatment at its May 15, 2023 meeting.

Commission on Youth staff met with numerous stakeholders over the year to review the process for admission of minors to a mental health facility for inpatient treatment in Virginia and explore potential recommendations for improvement. The topics explored in these interviews included changing the age of consent of the minor, knowledge of the admissions process by the public and practitioners, and substance use treatment access.

Draft study findings and recommendations were presented at the Commission's September 19, 2023 meeting. The Commission received written public comment through November 13, 2023. After receiving public comment at the November 20, 2023 meeting, the Commission on Youth approved the following recommendations:

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 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.

Legislative Study

Collection of Evidence-based Practices for Children and Adolescents with Mental Health Treatment Needs

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

SJR 358 (2003) directed the Commission on Youth to update biennially its publication, the *Collection of Evidence-based Practices for Children and Adolescents with Mental Health Treatment Needs* (*Collection*). The purpose of the *Collection* is to identify effective treatment modalities for children, including juvenile offenders, with mental health treatment needs. Utilization of evidence-based practices in the field of children's mental health promotes better patient outcomes and may offer the Commonwealth some cost savings.

Senate Joint Resolution 358 also mandated that the Commission disseminate the *Collection* via web technologies. As specified in the resolution, the Commission received assistance in disseminating the *Collection* from the Advisory Group, the Secretary of Health and Human Resources, the Secretary of Education, and the Secretary of Public Safety.

The Commission on Youth directed staff at the May 15, 2023, meeting to:

- Revise the *Collection of Evidence-based Practices for Children and Adolescents with Mental Health Treatment Needs* (the "Collection"). The *Collection* is to be revised biennially pursuant to Senate Joint Resolution 358 (2003).

- Seek the assistance of the Collection Update Advisory Group, Secretary of Health and Human Resources, Secretary of Public Safety, and Secretary of Education in posting, maintaining, and biennially updating the Collection.
- Make the Collection available through web technologies.
- Develop a cost-effective and efficient dissemination method to allow for easy access to the information.

The Commission on Youth published the *Collection's* 9th Edition in June 2023, and it may be found on the Commission's website. This update is designed to be a quick reference guide to evidence-based practices that have been proven, through scientific testing, to be effective. The 9th Edition includes a new section on the "Covid-19 Pandemic and Lockdown," which describes the pandemic's impact on youth mental health.

Commission Initiative

Information Sharing at Children's Services Act Family Assessment and Planning Team (FAPT) and Community Policy and Management Team (CPMT) Meetings

Initiative Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

During the 2023 Session, Delegate Les Adams introduced HB 2018, which allows family assessment and planning teams (FAPT) and community policy and management teams (CPMT) to share information with local law enforcement or threat assessment teams established by local school boards, if a FAPT or CPMT obtains information from which the team determines that a child poses a threat of violence or physical harm to himself or others.

This legislation did not pass during the General Assembly Session. In the fall of 2023, Delegate Adams requested that the Commission on Youth provide input on the bill and the underlying issues. While the Commission did not conduct a yearlong study on this issue, staff sought input from a local CSA office and the Office of Children's Services. It was determined that the best course of action would be for the State Executive Council to provide clarification on confidentiality policies since they originate from the user guide for the Children's Services Act. At its November 20, 2023, meeting, the Commission on Youth adopted the following recommendation:

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.