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SENATE BILL NO. 1081

Offered January 10, 2001

Prefiled January 10, 2001

A BILL to amend and reenact § 2.1-757 of the Code of Virginia, relating to Comprehensive Services for At-Risk Youth and Families.

Patrons—Maxwell; Delegates: Barlow, Crittenden, Diamonstein and Hamilton

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-757 of the Code of Virginia is amended and reenacted as follows:

§ 2.1-757. State pool of funds.

A. Effective July 1, 1993, there is established a state pool of funds to be allocated to community policy and management teams in accordance with the appropriations act and appropriate state regulations. These funds, as made available by the General Assembly, shall be expended for public or private nonresidential or residential services for troubled youths and families.

The purposes of this system of funding are:

1. To place authority for making program and funding decisions at the community level;
2. To consolidate categorical agency funding and institute community responsibility for the provision of services;
3. To provide greater flexibility in the use of funds to purchase services based on the strengths and needs of youths and families; and
4. To reduce disparity in accessing services and to reduce inadvertent fiscal incentives for serving children according to differing required local match rates for funding streams.

B. The state pool shall consist of funds which serve the target populations identified in subdivisions 1 through 5 below in the purchase of residential and nonresidential services for children. References to funding sources and current placement authority for the targeted populations of children are for the purpose of accounting for the funds in the pool. It is not intended that children be categorized by individual funding streams in order to access services. The target population shall be the following:

1. Children placed for purposes of special education in approved private school educational programs, previously funded by the Department of Education through private tuition assistance;
2. Children with disabilities placed by local social services agencies or the Department of Juvenile Justice in private residential facilities or across jurisdictional lines in private, special education day schools, if the individualized education program indicates such school is the appropriate placement while living in foster homes or child-caring facilities, previously funded by the Department of Education through the Interagency Assistance Fund for Noneducational Placements of Handicapped Children;
3. Children for whom foster care services, as defined by § 63.1-55.8, are being provided to prevent foster care placements, and children placed through parental agreements, entrusted to local social service agencies by their parents or guardians or committed to the agencies by any court of competent jurisdiction for purposes of placement in suitable family homes, child-caring institutions, residential facilities or independent living arrangements, as authorized by § 63.1-56;
4. Children placed by a juvenile and domestic relations district court, in accordance with the provisions of § 16.1-286, in a private or locally operated public facility or nonresidential program; and
5. Children committed to the Department of Juvenile Justice and placed by it in a private home or in a public or private facility in accordance with § 66-14.

C. The General Assembly and the governing body of each county and city shall annually appropriate such sums of money as shall be sufficient (i) to provide special education services and foster care services for children identified in subdivisions B 1, B 2 and B 3 of this section and (ii) to meet relevant federal mandates for the provision of these services.

The local governing body of each county and city shall not, however, be required to provide any local match share of Medicaid provider payments, when collected by the Office of Comprehensive Services on behalf of the Department of Medical Assistance Services to be paid into the "Comprehensive Services Act Local Match Fund" pursuant to Item 293.10 of Chapter 1073 of the 2000 Acts of Assembly or any successor of such budget item or any other state law, for Medicaid-eligible children or youth who are placed in residential treatment or care or therapeutic foster care.

The community policy and management team shall anticipate to the best of its ability the number of children for whom such services will be required and reserve funds from its state pool allocation to meet these needs. Nothing in this section prohibits local governments from requiring parental or legal

59 financial contributions, where not specifically prohibited by federal or state law or regulation, utilizing a
60 standard sliding fee scale based upon ability to pay, as provided in the appropriation act.

61 D. When a community services board established pursuant to § 37.1-195, local school division, local
62 social service agency, court service unit, or the Department of Juvenile Justice has referred a child and
63 family to a family assessment and planning team and that team has recommended the proper level of
64 treatment and services needed by that child and family and has determined the child's eligibility for
65 funding for services through the state pool of funds, then the community services board, the local school
66 division, local social services agency, court service unit or Department of Juvenile Justice has met its
67 fiscal responsibility for that child for the services funded through the pool. Each agency shall continue
68 to be responsible for providing services identified in individual family service plans which are within the
69 agency's scope of responsibility and which are funded separately from the state pool.

70 E. In any matter properly before a court for which state pool funds are to be accessed, the court
71 shall, prior to final disposition, and pursuant to §§ 2.1-755 and 2.1-758, refer the matter to the
72 community policy and management team for assessment by a local family assessment and planning team
73 authorized by policies of the community policy and management team for assessment to determine the
74 recommended level of treatment and services needed by the child and family. The family assessment
75 and planning team making the assessment shall make a report of the case or forward a copy of the
76 individual family services plan to the court within thirty days of the court's written referral to the
77 community policy and management team. The court shall then consider the recommendations. However,
78 the court may make such other disposition as is authorized or required by law, and services ordered
79 pursuant to such disposition shall qualify for funding as appropriated under this section.