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SENATE BILL NO. 843

Offered January 12, 2005

Prefiled January 10, 2005

A *BILL to amend the Code of Virginia by adding a section numbered 16.1-293.1, relating to mental health transition plan for incarcerated juveniles.*

Patrons—Deeds, Blevins, Mims and Saslaw

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 16.1-293.1 as follows:

§ 16.1-293.1 Mental health services transition plan.

A. *The Board of Juvenile Justice, after consultation with the Department of Mental Health, Mental Retardation and Substance Abuse Services, shall promulgate regulations for the planning and provision of post-release services for persons committed to the Department of Juvenile Justice pursuant to subdivision A 14 of §16.1-278.8 or placed in a postdispositional detention program pursuant to §16.1-284.1 and identified as having a recognized mental health, substance abuse, or other therapeutic treatment need.*

B. The Board shall ensure that the regulations:

1. *Require a written mental health services transition plan to be completed prior to the person's release from commitment to the Department or release from a postdispositional detention program pursuant to §16.1-284.1.*

2. *Require participation in the development of the plan to include a community services board representative or other treatment professional from the community to which the person is returning and, for committed persons, and staff from the Department of Juvenile Justice or, for persons in postdispositional detention, staff from the local detention facility where the person was incarcerated, who are familiar with the person's mental health, substance abuse, or other therapeutic treatment needs.*

3. *Require an attempt to include the person's parents, guardians or other legal custodians in the development of the plan, and when appropriate, the person.*

4. *Allow for an invitation to participate in the planning to any person, agency, or institution having a legitimate interest in the development of the plan when such interest is for the provision of treatment or services for the person who is the subject of the plan.*

5. *Provide for the development of adequate communication and referral systems with local community based mental health treatment and services to promote the seamless provision of mental health treatment and services upon transition from incarceration to the person's return to the community.*

6. *Provide for the identification of the appropriate agency or agencies responsible for case management of the plan upon the person's release from incarceration and ensure that prior to the person's release from incarceration, the identified agency or agencies will make the necessary referrals specified in the plan and assist the person to apply for insurance and other services identified in the plan, including completing and submitting applications that may not be submitted prior to release.*

7. *Require the plan to be completed within sufficient time frames to ensure continuity of necessary treatment and services.*

8. Require copies of the plan to be provided to appropriate persons, such as plan participants.

C. *The mental health services transition plan shall identify the mental health, substance abuse, or other therapeutic needs of the person being released. The plan shall assess the person's ability to access medication, medical insurance, disability benefits, and other social services and funding necessary to meet the person's treatment needs. The plan shall identify the appropriate applications needing to be completed and the referrals necessary to obtain the identified mental health treatment and services, including the agency or person responsible for providing such services.*

D. *Prior to the person's release from incarceration, the identified agency or agencies responsible for the case management of the mental health services transition plan shall make the necessary referrals specified in the plan and assist the person in applying for insurance, and other services identified in the plan, including completing and submitting applications that may not be submitted prior to release.*

2. That the Board of Juvenile Justice, in conjunction with the Department of Mental Health, Mental Retardation and Substance Abuse Services, shall consult state and local, private and public entities, including but not limited to the Departments of Correctional Education, Education, Medical Assistance Services, Rehabilitative Services and Social Services, prior to promulgating the

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59 regulations for the planning and provision of post-release service for persons committed to the
60 Department of Juvenile Justice pursuant to subdivision A 14 of 16.1-278.8 or placed in a
61 postdispositional detention program pursuant to 16.1-284.1 and identified as having a recognized
62 mental health, substance abuse, or other therapeutic treatment need.