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SENATE JOINT RESOLUTION NO. 402

Offered January 10, 2007

Prefiled January 10, 2007

Directing the Joint Legislative Audit and Review Commission to study the financial impact of mandating services under the Comprehensive Services Act for all children with disabilities or children in need of foster care services in Virginia. Report.

Patron—Hanger

Referred to Committee on Rules

WHEREAS, the Comprehensive Services Act (CSA) was created in 1992 to establish a comprehensive system of services and funding through interagency planning and collaboration to better meet the needs of troubled and at-risk youths and their families; and

WHEREAS, the CSA requires sufficient funding by the state and localities for eligible children in "mandated" groups including (i) children in approved special educational programs, (ii) children with disabilities; and (iii) children who need foster care services; and

WHEREAS, the Code of Virginia defines foster care services as the provision of a full range of casework, treatment, and community services for a planned period of time to a child who is abused or neglected or in need of services, and his family when the child has been (i) identified as needing services to prevent or eliminate the need for foster care placement, (ii) placed in foster care through an agreement between the local board or the public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, or (iii) committed or entrusted to a local board or licensed child placing agency; and

WHEREAS, the Attorney General recently interpreted sections of the CSA requiring the provision of services to children with disabilities and children in need of foster care services, concluding that such language indicates that an eligible child does not actually have to be placed in foster care to receive mandated services and may be eligible to receive mandated services while remaining in the custody of his parents; and

WHEREAS, the state and localities will be required to bear the financial burden of funding services for this new category of children who are not placed in foster care but are mandated to receive services, now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit and Review Commissioner (JLARC) be directed to study the financial impact of mandating services under the Comprehensive Services Act for all children with disabilities or children in need of foster care services in Virginia.

In conducting its study, JLARC shall study the financial impact to the state and to localities of mandating services under the Comprehensive Services Act for all children with disabilities or children in need of foster care in Virginia, including projected increases in caseloads and projected increases in service needs and costs.

Technical assistance shall be provided by Office of Comprehensive Services. All agencies of the Commonwealth shall provide assistance to JLARC for this study, upon request.

JLARC shall complete its meetings for the first year by November 30, 2007, and for the second year by November 30, 2008, and the Chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether JLARC intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

INTRODUCED

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