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## HOUSE JOINT RESOLUTION NO. 133

Offered January 11, 2012

Prefiled January 11, 2012

*Directing the Joint Legislative Audit and Review Commission to study the operation and performance of the Commonwealth's system of child protective services. Report.*

Patron—Lingamfelter

Referred to Committee on Rules

WHEREAS, protecting the health, safety, and well-being of children by preventing child abuse and neglect to the greatest extent possible and intervening in an efficient and effective manner to address the conditions that lead to and the effects of child abuse and neglect is of significant importance to the Commonwealth; and

WHEREAS, the Department of Social Services is charged with planning, implementing, overseeing, and evaluating child protective services in the Commonwealth, and local departments of social services are charged with administering policies developed by the Department and carrying out child protective services throughout the Commonwealth; and

WHEREAS, each local department of social services is required to establish and maintain a child-protective services unit and to serve as the public agency responsible for receiving complaints, responding by referring cases for investigation or family assessment, and providing services to children and families to prevent or treat child abuse or neglect and address the causes and effects of child abuse or neglect; and

WHEREAS, determinations regarding whether a report of suspected child abuse or neglect is investigated or referred for family assessment, whether an investigation results in a disposition of founded or unfounded, and what types of services are provided are made by child protective services staff employed by local departments of social services; and

WHEREAS, in fiscal year 2011, 36,258 reports of suspected child abuse or neglect affecting a total of 50,887 children were received, determined to be valid, and referred for further investigation or assessment; and

WHEREAS, 23,712 cases involving 37,347 children were referred for family assessment, including development of a family needs assessment and provision of protective, rehabilitative, and other individual and family services tailored to meet the specific needs of the family and individuals involved; and

WHEREAS, 10,325 cases were referred for investigation by child protective services staff and in 4,039 of the cases investigated, allegations of child abuse or neglect were determined, based on a preponderance of the evidence, to be founded; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study the operation and performance of the Commonwealth's system of child protective services.

In conducting its study, the Joint Legislative Audit and Review Commission shall evaluate the provision of child protective services by local departments of social services and the oversight of child protective services by the Department of Social Services, including evaluation of the degree to which local departments of social services are consistent in applying the laws of the Commonwealth and regulations and policies of the Department when evaluating reports of alleged child abuse or neglect and determining (i) whether reports are valid or not valid, (ii) whether the report should be investigated or referred for family assessment, and (iii) in cases in which a report is investigated, whether the report was founded or unfounded. The Joint Legislative Audit and Review Commission shall also evaluate (a) the degree to which local departments of social services are consistent with regard to the nature, scope, and duration of interventions and services provided to children and families in cases of alleged abuse or neglect, (b) the timeliness of local departments of social services in responding to reports of alleged child abuse or neglect, and (c) in cases of abuse or neglect that result in serious harm to a child and in which there was previous involvement of child protective services staff, whether the decision in the earlier case regarding whether to perform an investigation or family assessment, the findings of the investigation or assessment, and the scope and nature of services provided as a result of the investigation or assessment were reasonable.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Department of Social Services. All agencies of the Commonwealth shall provide technical assistance to the Commission for this study, upon request.

INTRODUCED

HJ133

59       The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by  
60 November 30, 2012, and for the second year by November 30, 2013, and the Chairman shall submit to  
61 the Division of Legislative Automated Systems an executive summary of its findings and  
62 recommendations no later than the first day of the next Regular Session of the General Assembly for  
63 each year. Each executive summary shall state whether the Joint Legislative Audit and Review  
64 Commission intends to submit to the General Assembly and the Governor a report of its findings and  
65 recommendations for publication as a House or Senate document. The executive summaries and reports  
66 shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for  
67 the processing of legislative documents and reports and shall be posted on the General Assembly's  
68 website.