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SENATE BILL NO. 863

Offered January 9, 2013

Prefiled January 3, 2013

A BILL to amend and reenact §§ 16.1-293 and 63.2-905.1 of the Code of Virginia, relating to foster children committed to the Department of Juvenile Justice; independent living services.

Patrons—Favola and Marsden

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-293 and 63.2-905.1 of the Code of Virginia are amended and reenacted as follows:
§ 16.1-293. Supervision of juvenile or person during commitment and on parole; placing juvenile in halfway house.

At such time as the court commits a juvenile to the Department, the juvenile and domestic relations district court service unit shall maintain contact with the juvenile during the juvenile's commitment.

If a person is placed on parole supervision following that person's release from commitment to the Department, the court services unit providing parole supervision shall furnish the person a written statement of the conditions of his parole and shall instruct him regarding the same. The conditions of the reenrollment plan may be included in the conditions of parole. Violations of parole shall be heard by the court pursuant to § 16.1-291. If the parole supervision is for an indeterminate period of time, the director of the supervising court services unit may approve termination of parole supervision.

The Department shall notify the school division superintendent in the locality where the person was enrolled of his commitment to a facility. The court services unit shall, in consultation with the local school division, the Department's Division of Education and the juvenile correctional counselor, develop a reenrollment plan if the person is of compulsory school attendance age or is eligible for special education services pursuant to § 22.1-213. The reenrollment plan shall be in accordance with regulations adopted by the Board of Education pursuant to § 22.1-17.1. The superintendent shall provide the person's scholastic records, as defined in § 22.1-289, and the terms and conditions of any expulsion which was in effect at the time of commitment or which will be in effect upon release. A court may not order a local school board to reenroll a person who has been expelled in accordance with the procedures set forth in § 22.1-277.06. At least 14 days prior to the person's scheduled release, the Department shall notify the school division superintendent in the locality where the person will reside.

In the event it is determined by the juvenile and domestic relations district court that a person may benefit from placement in the halfway house program operated by the Department, the person may be referred for care and treatment to a halfway house. Persons so placed in a halfway house shall remain in parole status and cannot be transferred or otherwise placed in another institutional setting or institutional placement operated by the Department except as elsewhere provided by law for those persons who have violated their parole status.

In the event that the person was in the custody of the local department of social services immediately prior to his commitment to the Department and has not attained the age of 18 years, the local department of social services shall resume custody upon the person's release from commitment, unless an alternative arrangement for the custody of the person has been made and communicated in writing to the Department. At least 90 days prior to the person's release from commitment on parole supervision, (i) the court services unit shall consult with the local department of social services concerning return of the person to the locality and the placement of the person and (ii) the local department of social services and the court services unit shall collaborate to develop a plan that prepares the person for successful transition from the Department's commitment to the custody of the local department of social services or to an alternative custody arrangement if applicable. The plan shall identify the services necessary for such transition and how the services are to be provided. The court services unit will be responsible for supervising the person's terms and conditions of parole.

In the event that the person was in the custody of the local department of social services immediately prior to his commitment to the Department, is between 18 and 21 years of age, provides written notice of his intent to receive independent living services to the local department of social services, and enters into a written agreement with the local department of social services as set forth in § 63.2-905.1, the person shall be eligible to receive independent living services from the local department or a child-placing agency pursuant to § 63.2-905.1. At least 90 days prior to the person's release from commitment on parole supervision, (i) the court services unit shall inform the person of the availability of independent living services and shall consult with the local department of social services concerning

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59 *return of the person to the locality and living arrangements for the person, and (ii) the local department*
60 *of social services and the court services unit shall work collaboratively to develop a plan for the*
61 *successful transition of the person from the custody of the Department to independent living, which shall*
62 *identify the services necessary to facilitate the person's transition to independent living and describe*
63 *how the necessary services shall be provided. The court services unit shall be responsible for*
64 *supervising the person's terms and conditions of parole.*

65 *In all cases in which a person who is in the custody of the local department of social services is*
66 *committed to the Department, the local department of social services and the Department shall work*
67 *cooperatively through the duration of the person's commitment to ensure communication of information*
68 *regarding the status of the person and to facilitate transition planning for the person prior to his*
69 *release.*

70 **§ 63.2-905.1. Independent living services.**

71 *Local departments and licensed child-placing agencies may provide independent living services to*
72 *any person between 18 and 21 years of age who is in the process of transitioning from foster care to*
73 *self-sufficiency. Any person who was committed or entrusted to a local board or licensed child-placing*
74 *agency may choose to discontinue receiving independent living services any time before his twenty-first*
75 *birthday in accordance with regulations adopted by the Board. The local board or licensed child-placing*
76 *agency shall restore independent living services at the request of that person provided that (i) the person*
77 *has not yet reached 21 years of age and (ii) the person has entered into a written agreement, less than*
78 *60 days after independent living services have been discontinued, with the local board or licensed*
79 *child-placing agency regarding the terms and conditions of his receipt of independent living services.*

80 *Local departments and licensed child-placing agencies may provide independent living services to*
81 *any person between 18 and 21 years of age who (a) was in the custody of the local department of*
82 *social services immediately prior to his commitment to the Department of Juvenile Justice, (b) is in the*
83 *process of transitioning from a commitment to the Department of Juvenile Justice to self-sufficiency, and*
84 *(c) provides written notice of his intent to receive independent living services and enters into a written*
85 *agreement for the provision of independent living services, which sets forth the terms and conditions of*
86 *the provision of independent living services, with the local board or licensed child-placing agency within*
87 *60 days of his release from commitment to the Department of Juvenile Justice.*

88 *Local departments that provide independent living services to persons between 18 and 21 years of*
89 *age shall provide any person who chooses to leave foster care or terminate independent living services*
90 *before his twenty-first birthday written notice of his right to request restoration of independent living*
91 *services in accordance with this section by including such written notice in the person's transition plan.*
92 *Such transition plan shall be created at least 90 days prior to the person's discharge from foster care.*
93 *Local departments and licensed child-placing agencies may provide independent living services as part*
94 *of the foster care services provided to any child 14 years of age or older. All independent living services*
95 *shall be provided in accordance with regulations adopted by the ~~board~~ Board.*