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SENATE BILL NO. 937

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on January 23, 2017)

(Patron Prior to Substitute—Senator Edwards)

A *BILL to amend the Code of Virginia by adding in Article 6 of Chapter 2 of Title 2.2 a section numbered 2.2-214.2, relating to the Office of the Children's Ombudsman.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 6 of Chapter 2 of Title 2.2 a section numbered 2.2-214.2 as follows:

§ 2.2-214.2. Office of the Children's Ombudsman created; powers and duties; report.

A. As used in this section, "child-serving agency" means (i) a state agency that provides services to children, including the Department of Social Services, the Department of Juvenile Justice, the Department of Education, the Department of Correctional Education, the Department of Behavioral Health and Developmental Services, the Office of Comprehensive Services for At-Risk Youth and Families, and the Department of Health, and (ii) a local entity that provides services to children and that receives funding from a state agency under clause (i).

B. There is hereby created the Office of the Children's Ombudsman to provide ombudsman services to any child served by any child-serving agency of the Commonwealth. The ombudsman shall be appointed by the Governor subject to confirmation by the General Assembly. The Governor may remove the ombudsman for cause in accordance with § 2.2-108. The ombudsman shall initially be appointed for a term that expires one full year following the end of the Governor's term of office, and thereafter the term shall be four years. Vacancies shall be filled by appointment by the Governor for the unexpired term.

C. The ombudsman shall have the power and duty to:

1. Operate and manage the Office of the Children's Ombudsman and to employ such personnel as may be required to carry out the provisions of this section;

2. Assist individuals in understanding their rights and the processes available to them according to the laws and regulations governing child-serving agencies;

3. Make available, either separately or through an existing website utilized by the Secretary of Human Resources, information as set forth in subdivision 2 and such additional information as may be deemed appropriate;

4. Monitor changes in federal and state laws relating to child-serving agencies;

5. Promote continuous improvement in the administration of children's services, including identifying and disseminating best practices related to the administration and delivery of children's services; working with child-serving agencies to promote competency, efficiency, and justice in the administration and delivery of children's services; and recommending policy, regulatory, and legislative changes for the purpose of ensuring the well-being of children; and

6. Serve as a source of information and referrals for children, parents, caregivers, providers, and citizens involved with child-serving agencies.

D. The ombudsman shall, not later than November 30 of each year, submit an annual report summarizing the activities of the Office of the Children's Ombudsman to the Governor, the General Assembly, and the Commission on Youth.

E. Nothing in this section shall prevent any child-serving agency providing services to children from developing and maintaining advocacy, client assistance, or ombudsman services for its clients independently from the Office of the Children's Ombudsman.