

1996 SESSION

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HOUSE JOINT RESOLUTION NO. 152

Offered January 22, 1996

Encouraging the exhaustion of administrative remedies to resolve disputes involving the residential placement of certain children.

Patron—Cranwell

Referred to Committee on Rules

WHEREAS, the 1992 Session of the General Assembly adopted the Comprehensive Services Act for At-Risk Youth and Families (the Act) to "create a collaborative system of services and funding that is child-centered, family-focused and community-based when addressing the strengths and needs of troubled and at-risk youths and their families in the Commonwealth"; and

WHEREAS, the statute was designed to increase interagency collaboration and family involvement in service delivery and management, and to provide services that are "responsive to the unique and diverse strengths and needs of troubled youths and families"; and

WHEREAS, the Act provides for the appointment of family assessment and planning teams (FAPT) to identify and determine the "complement of services required to meet the unique needs" of those youths and families approved for referral for such services, and stresses family participation in all aspects of assessment, planning, and implementation of services; and

WHEREAS, determinations of appropriate services for these children may include residential placements and foster care, and parents and FAPTs may disagree as to the propriety of such placements; and

WHEREAS, in Fauquier County Dept. Soc. Serv. v. Robinson, 20 Va. App. 142 (1995), the Virginia Court of Appeals ruled that the Comprehensive Services Act grants courts authority to review the recommendations of the FAPT, and that, following a FAPT recommendation and a proper request for services, parents need not exhaust administrative remedies but may instead petition directly for judicial review of the FAPT recommendation; and

WHEREAS, although the Court of Appeals found no requirement for the exhaustion of administrative remedies and ordered a residential placement in Robinson, the costs of litigation and residential placements may be unduly burdensome, and the parties involved may be able to resolve disputes regarding recommendations for services in a less costly and more efficient manner; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the exhaustion of administrative remedies, rather than litigation, be encouraged in resolving disputes regarding the placements of children under the Comprehensive Services Act.

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