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HOUSE BILL NO. 2675

Offered January 20, 1997

A BILL to amend and reenact §§ 2.1-752, 16.1-286, and 16.1-309.3 of the Code of Virginia, relating to community policy and management teams.

Patrons—Jackson, Cantor, Darner, Deeds, Hamilton and Jones, J.C.; Senators: Houck and Miller, Y.B.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-752, 16.1-286, and 16.1-309.3 of the Code of Virginia are amended and reenacted as follows:

§ 2.1-752. Community policy and management teams; powers and duties.

The community policy and management team shall manage the cooperative effort in each community to better serve the needs of troubled and at-risk youths and their families and to maximize the use of state and community resources. Every such team shall:

1. Develop interagency policies and procedures to govern the provision of services to children and families in its community;

2. Develop interagency fiscal policies governing access to the state pool of funds by the eligible populations including immediate access to funds for emergency services and shelter care;

3. Establish policies to assess the ability of parents or legal guardians to contribute financially to the cost of services to be provided and, when not specifically prohibited by federal or state law or regulation, provide for appropriate parental or legal guardian financial contribution;

4. Coordinate long-range, community-wide planning which ensures the development of resources and services needed by children and families in its community *including consultation on the development of a community-based system of services established under § 16.1-309.3*;

5. Establish policies governing referrals and reviews of children and families to the family assessment and planning teams and a process to review the teams' recommendations and requests for funding;

6. Establish quality assurance and accountability procedures for program utilization and funds management;

7. Establish procedures for obtaining bids on the development of new services;

8. Manage funds in the interagency budget allocated to the community from the state pool of funds, the trust fund, and any other source;

9. Authorize and monitor the expenditure of funds by each family assessment and planning team;

10. Have authority to submit grant proposals which benefit its community to the state trust fund and to enter into contracts for the provision or operation of services upon approval of the participating governing bodies;

11. Serve as its community's liaison to the state management team, reporting on its programmatic and fiscal operations and on its recommendations for improving the service system, including consideration of realignment of geographical boundaries for providing human services; and

12. Have the power to administer funds pursuant to § 16.1-309.3.

§ 16.1-286. Cost of maintenance; approval of placement; semiannual review; roster of placed children.

A. When the court determines that the behavior of a child within its jurisdiction is such that it cannot be dealt with in the child's own locality or with the resources of his locality, the judge shall refer the child to the locality's family assessment and planning team for assessment and a recommendation for services. Based on this recommendation, the court may take custody and place the child, pursuant to the provisions of subdivision 5 of § 16.1-278.4 or 13 b of § 16.1-278.8 in a private or locally operated public facility, or nonresidential program, ~~excluding those programs and facilities operating under the provisions of § 16.1-309.5,~~ and approved by the State Board of Juvenile Justice. No child shall be placed outside the Commonwealth by a court without first complying with the appropriate provisions of Chapter 10.1 (§ 63.1-219.1 et seq.) of Title 63.1 or with regulations of the State Board of Social Services relating to resident children placed out of the Commonwealth.

The Board shall establish a per diem allowance to cover the cost of such placements. This allowance may be drawn from funds allocated through the state pool of funds to the community policy and management team of the locality where the child resides as such residence is determined by the court. The cost, however, shall not exceed that amount which would be incurred if the services required by the child were provided in a juvenile facility operated by the Department of Juvenile Justice. However,

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60 when the court determines after an investigation and a hearing that the child's parent or other person
61 legally obligated to provide support is financially able to contribute to support of the child, the court
62 may order that the parent or other legally obligated person pay, in such manner as the court may direct,
63 reasonable sums commensurate with the ability to pay toward the support and treatment of the child
64 placed in a program pursuant to this section. If the parent or other obligated person willfully fails or
65 refuses to pay such sum, the court may proceed against him for contempt. Alternatively, the court, after
66 reasonable notice to the obligor, may enter an order adjudicating that the obligor is delinquent and such
67 order shall have the effect of a civil judgment when duly docketed in the manner prescribed for the
68 docketing of other judgments for money provided.

69 B. The court service unit of the locality which made the placement shall be responsible for
70 monitoring and supervising all children placed pursuant to this section. The court shall receive and
71 review, at least semiannually, recommendations concerning the continued care of each child in such
72 placements.

73 C. The Director shall cause a current roster to be maintained concerning the whereabouts of all
74 children placed pursuant to this section.

75 § 16.1-309.3. Establishment of a community-based system of services; biennial local plan; quarterly
76 report.

77 A. Any county, city or combination thereof may establish a community-based system pursuant to this
78 article, which shall provide, or arrange to have accessible, a variety of predispositional and
79 postdispositional services. These services may include, but are not limited to, diversion, community
80 service, restitution, house arrest, intensive juvenile supervision, substance abuse assessment and testing,
81 first-time offender programs, intensive individual and family treatment, structured day treatment and
82 structured residential programs, aftercare/parole community supervision and residential and nonresidential
83 services for juvenile offenders who are before intake on complaints or the court on petitions alleging
84 that the juvenile is delinquent, in need of services or in need of supervision but shall not include secure
85 detention for the purposes of this article. Such community-based systems shall be developed after
86 consultation with the judge or judges of the juvenile and domestic relations district court ~~and~~, the
87 director of the court services unit *and the community policy and management team established under*
88 *§ 2.1-751*.

89 B. Community-based services instituted pursuant to this article shall be administered by a county,
90 city or combination thereof, and may be administered through a community policy and management
91 team established under § 2.1-750 or a commission established under § 16.1-315. Such programs and
92 services may be provided by qualified public or private agencies, pursuant to appropriate contracts. Any
93 commission established under § 16.1-315 providing predispositional and postdispositional services prior
94 to the enactment of this article which serves a member jurisdiction that is a city having a population
95 between 135,000 and 165,000 shall directly receive, during the period fiscal year 1995 through fiscal
96 year 2000, the proportion of funds calculated under § 16.1-309.7 on behalf of the owner localities.
97 During the period fiscal year 1995 through fiscal year 2000, the funds received shall be allocated
98 directly to the member localities. Any member locality which elects to withdraw from the commission
99 shall be entitled to its full allocation as provided in §§ 16.1-309.6 and 16.1-309.7. The Department of
100 Juvenile Justice shall provide technical assistance to localities, upon request, for establishing or
101 expanding programs or services pursuant to this article.

102 C. Funds provided to implement the provisions of this article shall not be used to supplant funds
103 established as the state pool of funds under § 2.1-757.

104 D. Any county, city or combination thereof which establishes a community-based system pursuant to
105 this article shall biennially submit to the State Board for approval a local plan for the development,
106 implementation and operation of such services, programs and facilities pursuant to this article. The State
107 Board shall solicit written comments on the plan from the judge or judges of the juvenile and domestic
108 relations court and the director of the court services unit. Prior to the initiation of any new services, the
109 plan shall also include a cost comparison for the private operation of such services.

110 E. Each locality shall report quarterly to the Director the number of child-care days registered during
111 the preceding quarter by each juvenile correctional program or facility operated within such locality's
112 plan.