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HOUSE BILL NO. 667

Offered January 22, 1998

A BILL to amend and reenact §§ 2.1-746, 2.1-749, 2.1-752, 2.1-755, 2.1-757 as it is effective and as it may become effective, 2.1-759, 2.1-759.1, and 16.1-286 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 2.1-746.1 and 2.1-746.2, and to repeal §§ 2.1-747 and 2.1-748 of the Code of Virginia, relating to the Comprehensive Services Act.

Patrons—Croshaw, Bloxom, Callahan, Councill, DeBoer, Dickinson, Hall, Jackson, Jones, J.C., Murphy, Parrish, Putney and Woodrum; Senators: Gartlan, Holland, Miller, K.G. and Walker

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-746, 2.1-749, 2.1-752, 2.1-755, 2.1-757 as it is effective and as it may become effective, 2.1-759, 2.1-759.1, and 16.1-286 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding sections numbered 2.1-746.1 and 2.1-746.2 as follows:

§ 2.1-746. State executive council; members; duties.

The members of the state executive council shall be the Commissioners of Health, of Mental Health, Mental Retardation and Substance Abuse Services and of Social Services; the Superintendent of Public Instruction; the Executive Secretary of the Virginia Supreme Court; the Director of the Department of Juvenile Justice; *the Director of the Department of Medical Assistance Services; two representatives from local Community Policy and Management Teams, to be appointed by the Governor, who may appoint from nominees recommended by the Virginia Municipal League and the Virginia Association of Counties;* an elected or appointed local official, to be appointed by the Governor; a private provider representative as a nonvoting, ex officio member, to be appointed by the Governor, who may appoint from nominees recommended by the Virginia Coalition of Private Provider Associations; and a parent representative. The parent representative shall be appointed by the Governor for a term not to exceed three years and shall not be an employee of any public or private program which serves children and families. ~~The council shall annually elect a chairman who~~ *Commissioner of Mental Health, Mental Retardation and Substance Abuse Services shall serve as the chairman of the council and shall be* responsible for convening the council. The council shall meet, at a minimum, semiannually, to oversee the administration of this chapter and make such decisions as may be necessary to carry out its purposes.

The state executive council shall:

1. Appoint the Director of the Office of Comprehensive Services for At-Risk Youth and Families.

~~1. 2. Appoint the members of the state management team level work groups in accordance with the requirements of § 2.1-7472.1-746.2;~~

~~2. 3. Provide for the establishment of interagency programmatic and fiscal policies developed by the state management team~~ *Office of Comprehensive Services for At-Risk Youth and Families, which support the purposes of this chapter, through the promulgation of regulations by the participating state boards or by administrative action, as appropriate;*

~~3. 4. Oversee the administration of state interagency policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund;~~

~~4. 5. Provide for the administration of necessary interagency functions which support the work of the state management team~~ *Office of Comprehensive Services for At-Risk Youth and Families;*

~~5. 6. Review and take appropriate action on issues brought before it by the state management team~~ *Office of Comprehensive Services for At-Risk Youth and Families;*

~~6. 7. Advise the Governor and appropriate Cabinet Secretaries on proposed policy and operational changes which facilitate interagency service development and implementation, communication and cooperation;~~

~~7. 8. Provide administrative support and fiscal incentives for the establishment and operation of local comprehensive service systems;~~

~~8. 9. Oversee coordination of prevention and early intervention programs to promote comprehensive, coordinated service delivery, local interagency program management, and co-location of programs and services in communities. Prevention and early intervention programs include state programs under the administrative control of the state executive council member agencies; and~~

~~9. 10. Biennially publish and disseminate to members of the General Assembly and community policy and management teams a state progress report on comprehensive services to children, youth and~~

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60 families and a plan for such services for the next succeeding biennium. The state plan shall:

61 a. ~~provide~~ *Provide* a fiscal profile of current and previous years' federal and state expenditures for a
62 comprehensive service system for children, youth and families;

63 b. ~~incorporate~~ *Incorporate* information and recommendations from local comprehensive service
64 systems with responsibility for planning and delivering services to children, youth and families;

65 c. ~~identify~~ *Identify* and establish goals for comprehensive services and the estimated costs of
66 implementing these goals, report progress toward previously identified goals and establish priorities for
67 the coming biennium; and

68 d. ~~include~~ *Include* such other information or recommendations as may be necessary and appropriate
69 for the improvement and coordinated development of the state's comprehensive services system.

70 § 2.1-746.1. *Office of Comprehensive Services for At-Risk Youth and Families established; powers*
71 *and duties.*

72 A. *The Office of Comprehensive Services for At-Risk Youth and Families is hereby established to*
73 *serve as the administrative entity of the state executive council, as a division within the Department of*
74 *Mental Health, Mental Retardation and Substance Abuse Services, to ensure that the decisions of the*
75 *council are implemented. The Director shall be appointed by and be responsible to the state executive*
76 *council as set out in § 2.1-746.*

77 B. *The Director of the Office of Comprehensive Services for At-Risk Youth and Families is*
78 *authorized to:*

79 1. *Serve as the chairman of the state level work groups as provided in § 2.1-746.2 and present*
80 *recommendations of the groups to the state executive council;*

81 2. *Develop and recommend to the state executive council interagency programs and fiscal policies*
82 *which promote and support cooperation and collaboration in the provision of services to troubled and*
83 *at-risk youths and their families at the state and local levels;*

84 3. *Develop and recommend to the state executive council state interagency policies governing the*
85 *use, distribution and monitoring of moneys in the state pool of funds and the state trust fund;*

86 4. *Provide for training and technical assistance at the state level and to localities in the provision of*
87 *efficient and effective services that are responsive to the strengths and needs of troubled and at-risk*
88 *youths and their families;*

89 5. *Serve as liaison to the participating state agencies which administratively support the Office and*
90 *which provide other necessary services by serving as fiscal agent, designing and administering the*
91 *interagency tracking and evaluation system, and providing training and technical assistance; and*

92 6. *Hire appropriate staff as approved by the state executive council.*

93 § 2.1-746.2. *State level work groups.*

94 *State level work groups shall be established on an as-needed basis by the state executive council to*
95 *better serve the needs of troubled and at-risk youths and their families by managing cooperative efforts*
96 *at the state level and providing support to community efforts. The work groups shall be appointed by*
97 *and be responsible to the state executive council pursuant to § 2.1-746. The state executive council shall*
98 *ensure that there is adequate local representation on the work groups. The Director of the Office of*
99 *Comprehensive Services for At-Risk Youth and Families shall be responsible for convening the work*
100 *groups. The work groups shall convene for time periods to be determined by the state executive council.*
101 *Any person serving on such work groups who does not represent a public agency shall file a statement*
102 *of economic interests as set out in § 2.1-639.15:1 of the State and Local Government Conflict of*
103 *Interests Act (§ 2.1-639.1 et seq.). Persons representing public agencies shall file such statements if*
104 *required to do so pursuant to the State and Local Government Conflict of Interests Act.*

105 § 2.1-749. *Duties of agencies represented on state level work groups.*

106 The state agencies represented on the state ~~management team~~ *team level work groups* shall provide
107 administrative support for the ~~team~~ *work groups* in the development and implementation of the
108 collaborative system of services and funding authorized by this chapter. This support shall also include,
109 but not be limited to, the provision of timely fiscal information, data for client- and service-tracking, and
110 assistance in training local agency personnel on the system of services and funding established by this
111 chapter.

112 § 2.1-752. *Community policy and management teams; powers and duties.*

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

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

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

120 3. *Establish policies to assess the ability of parents or legal guardians to contribute financially to the*
121 *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~~ *Office of Comprehensive Services for At-Risk Youth and Families*, 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.

§ 2.1-755. Referrals to family assessment and planning teams.

The community policy and management team shall establish policies governing the referral of troubled youths and families to the family assessment and planning team. These policies shall include ~~which youths and families that all youths and families for which treatment services are requested~~ are to be assessed by the family assessment and planning team and shall consider the criteria set out in § 2.1-758 A 1 and 2. *Cases for which service plans are developed outside of this family assessment and planning team process shall not be eligible for state pool funds.*

~~The community policy and management team shall also establish policies governing the circumstances under which youths and families are not required to be assessed by a family assessment and planning team, but for whom funds from the state pool may be directly accessed to pay for specified services.~~

§ 2.1-757. State pool of funds.

A. Effective July 1, 1993, there is established a state pool of funds to be allocated to community policy and management teams in accordance with the appropriations act and appropriate state regulations. These funds, as made available by the General Assembly, shall be expended for public or private nonresidential or residential services for troubled youths and families.

The purposes of this system of funding are:

1. To place authority for making program and funding decisions at the community level;

2. To consolidate categorical agency funding and institute community responsibility for the provision of services;

3. To provide greater flexibility in the use of funds to purchase services based on the strengths and needs of youths and families; and

4. To reduce disparity in accessing services and to reduce inadvertent fiscal incentives for serving children according to differing required local match rates for funding streams.

B. The state pool shall consist of funds which serve the target populations identified in subdivisions 1 through 5 below in the purchase of residential and nonresidential services for children. References to funding sources and current placement authority for the targeted populations of children are for the purpose of accounting for the funds in the pool. It is not intended that children be categorized by individual funding streams in order to access services. The target population shall be the following:

1. Children placed for purposes of special education in approved private school educational programs, previously funded by the Department of Education through private tuition assistance;

2. Children with disabilities placed by local social services agencies or the Department of Juvenile Justice in private residential facilities or across jurisdictional lines in private, special education day schools, if the individualized education program indicates such school is the appropriate placement while living in foster homes or child-caring facilities, previously funded by the Department of Education through the Interagency Assistance Fund for Noneducational Placements of Handicapped Children;

3. Children for whom foster care services, as defined by § 63.1-55.8, are being provided to prevent foster care placements, and children *who are determined by a family assessment and planning team to need treatment services and are placed through parental agreements, entrusted to local social service agencies by their parents or guardians or committed to the agencies by any court of competent*

jurisdiction for purposes of placement in suitable family homes, child-caring institutions, residential facilities or independent living arrangements, as authorized by § 63.1-56;

4. Children placed by a juvenile and domestic relations district court, in accordance with the provisions of § 16.1-286, in a private or locally operated public facility or nonresidential program; and

5. Children committed to the Department of Juvenile Justice and placed by it in a private home or in a public or private facility in accordance with § 66-14.

C. The General Assembly and the governing body of each county and city shall annually appropriate such sums of money as shall be sufficient (i) to provide special education services and foster care services for children identified in subdivisions B 1, B 2 and B 3 of this section and (ii) to meet relevant federal mandates for the provision of these services. The community policy and management team shall anticipate to the best of its ability the number of children for whom such services will be required and reserve funds from its state pool allocation to meet these needs.

D. When a community services board established pursuant to § 37.1-195, local school division, local social service agency, court service unit, or the Department of Juvenile Justice has referred a child and family to a family assessment and planning team and that team has recommended the proper level of treatment and services needed by that child and family and has determined the child's eligibility for funding for services through the state pool of funds, then the community services board, the local school division, local social services agency, court service unit or Department of Juvenile Justice has met its fiscal responsibility for that child for the services funded through the pool. Each agency shall continue to be responsible for providing services identified in individual family service plans which are within the agency's scope of responsibility and which are funded separately from the state pool.

E. In any matter properly before a court wherein the family assessment and planning team has recommended a level of treatment and services needed by the child and family, the court shall consider the recommendations of the family assessment and planning team. However, the court may make such other disposition as is authorized or required by law, and services ordered pursuant to such disposition shall qualify for funding under this section.

§ 2.1-757. (Delayed effective date) State pool of funds.

A. Effective July 1, 1993, there is established a state pool of funds to be allocated to community policy and management teams in accordance with the appropriations act and appropriate state regulations. These funds, as made available by the General Assembly, shall be expended for public or private nonresidential or residential services for troubled youths and families.

The purposes of this system of funding are:

1. To place authority for making program and funding decisions at the community level;

2. To consolidate categorical agency funding and institute community responsibility for the provision of services;

3. To provide greater flexibility in the use of funds to purchase services based on the strengths and needs of youths and families; and

4. To reduce disparity in accessing services and to reduce inadvertent fiscal incentives for serving children according to differing required local match rates for funding streams.

B. The state pool shall consist of funds which serve the target populations identified in subdivisions 1 through 5 below in the purchase of residential and nonresidential services for children. References to funding sources and current placement authority for the targeted populations of children are for the purpose of accounting for the funds in the pool. It is not intended that children be categorized by individual funding streams in order to access services. The target population shall be the following:

1. Children placed for purposes of special education in approved private school educational programs, previously funded by the Department of Education through private tuition assistance;

2. Children with disabilities placed by local social services agencies or the Department of Juvenile Justice in private residential facilities or across jurisdictional lines in private, special education day schools, if the individualized education program indicates such school is the appropriate placement while living in foster homes or child-caring facilities, previously funded by the Department of Education through the Interagency Assistance Fund for Noneducational Placements of Handicapped Children;

3. Children for whom foster care services, as defined by § 63.1-55.8, are being provided to prevent foster care placements, and children *who are determined by a family assessment and planning team to need treatment services and are* placed through parental agreements, entrusted to local social service agencies by their parents or guardians or committed to the agencies by any court of competent jurisdiction for purposes of placement in suitable family homes, child-caring institutions, residential facilities or independent living arrangements, as authorized by § 63.1-56;

4. Children placed by a family court, in accordance with the provisions of § 16.1-286, in a private or locally operated public facility or nonresidential program; and

5. Children committed to the Department of Juvenile Justice and placed by it in a private home or in a public or private facility in accordance with § 66-14.

C. The General Assembly and the governing body of each county and city shall annually appropriate

such sums of money as shall be sufficient (i) to provide special education services and foster care services for children identified in subdivisions B 1, B 2 and B 3 of this section and (ii) to meet relevant federal mandates for the provision of these services. The community policy and management team shall anticipate to the best of its ability the number of children for whom such services will be required and reserve funds from its state pool allocation to meet these needs.

D. When a community services board established pursuant to § 37.1-195, local school division, local social service agency, court service unit, or the Department of Juvenile Justice has referred a child and family to a family assessment and planning team and that team has recommended the proper level of treatment and services needed by that child and family and has determined the child's eligibility for funding for services through the state pool of funds, then the community services board, the local school division, local social services agency, court service unit or Department of Juvenile Justice has met its fiscal responsibility for that child for the services funded through the pool. Each agency shall continue to be responsible for providing services identified in individual family service plans which are within the agency's scope of responsibility and which are funded separately from the state pool.

E. In any matter properly before a court wherein the family assessment and planning team has recommended a level of treatment and services needed by the child and family, the court shall consider the recommendations of the family assessment and planning team. However, the court may make such other disposition as is authorized or required by law, and services ordered pursuant to such disposition shall qualify for funding under this section.

§ 2.1-759. State trust fund.

A. Effective January 1, 1993, there is established a state trust fund with funds appropriated by the General Assembly. The purposes of this fund are to develop:

1. Early intervention services for young children and their families, which are defined to include: prevention efforts for individuals who are at-risk for developing problems based on biological, psychological or social/environmental factors.

2. Community services for troubled youths who have emotional or behavior problems, or both, and who can appropriately and effectively be served in the home or community, or both, and their families.

The fund shall consist of moneys from the state general fund, federal grants, and private foundations.

B. Proposals for requesting these funds shall be made by community policy and management teams to the ~~state management team~~ *Office of Comprehensive Services for At-Risk Youth and Families*. The ~~state management team~~ *Office of Comprehensive Services for At-Risk Youth and Families* shall make recommendations on the proposals it receives to the state executive council, which shall award the grants to the community teams in accordance with the policies developed under the authority of § 2.1-746 of this chapter.

§ 2.1-759.1. Rates for purchase of services; service fee directory.

The rates paid for services purchased pursuant to this chapter shall be determined by competition of the market place and by a process sufficiently flexible to ensure that family assessment and planning teams and providers can meet the needs of individual children and families referred to them. To ensure that family assessment and planning teams are informed about the availability of programs and the rates charged for such programs, the state executive council shall oversee the development of and approve a service fee directory which shall list the services offered and the rates charged by any entity, public or private, which offers specialized services for at-risk youth or families. The state executive council shall designate ~~one state agency~~ *the Office of Comprehensive Services for At-Risk Youth and Families* to coordinate the establishment, maintenance and other activities regarding the service fee directory.

§ 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 ~~and approved by the State Board of Juvenile Justice~~ *approved by the community policy and management team and funded, in accordance with subdivision 9 of § 2.1-752, under the Comprehensive Services Act for At-Risk Youth and Families (§ 2.1-745 et seq.)*. 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

306 child were provided in a juvenile facility operated by the Department of Juvenile Justice. However,
307 when the court determines after an investigation and a hearing that the child's parent or other person
308 legally obligated to provide support is financially able to contribute to support of the child, the court
309 may order that the parent or other legally obligated person pay, in such manner as the court may direct,
310 reasonable sums commensurate with the ability to pay toward the support and treatment of the child
311 placed in a program pursuant to this section. If the parent or other obligated person willfully fails or
312 refuses to pay such sum, the court may proceed against him for contempt. Alternatively, the court, after
313 reasonable notice to the obligor, may enter an order adjudicating that the obligor is delinquent and such
314 order shall have the effect of a civil judgment when duly docketed in the manner prescribed for the
315 docketing of other judgments for money provided.

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

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

322 **2. That §§ 2.1-747 and 2.1-748 of the Code of Virginia are repealed.**