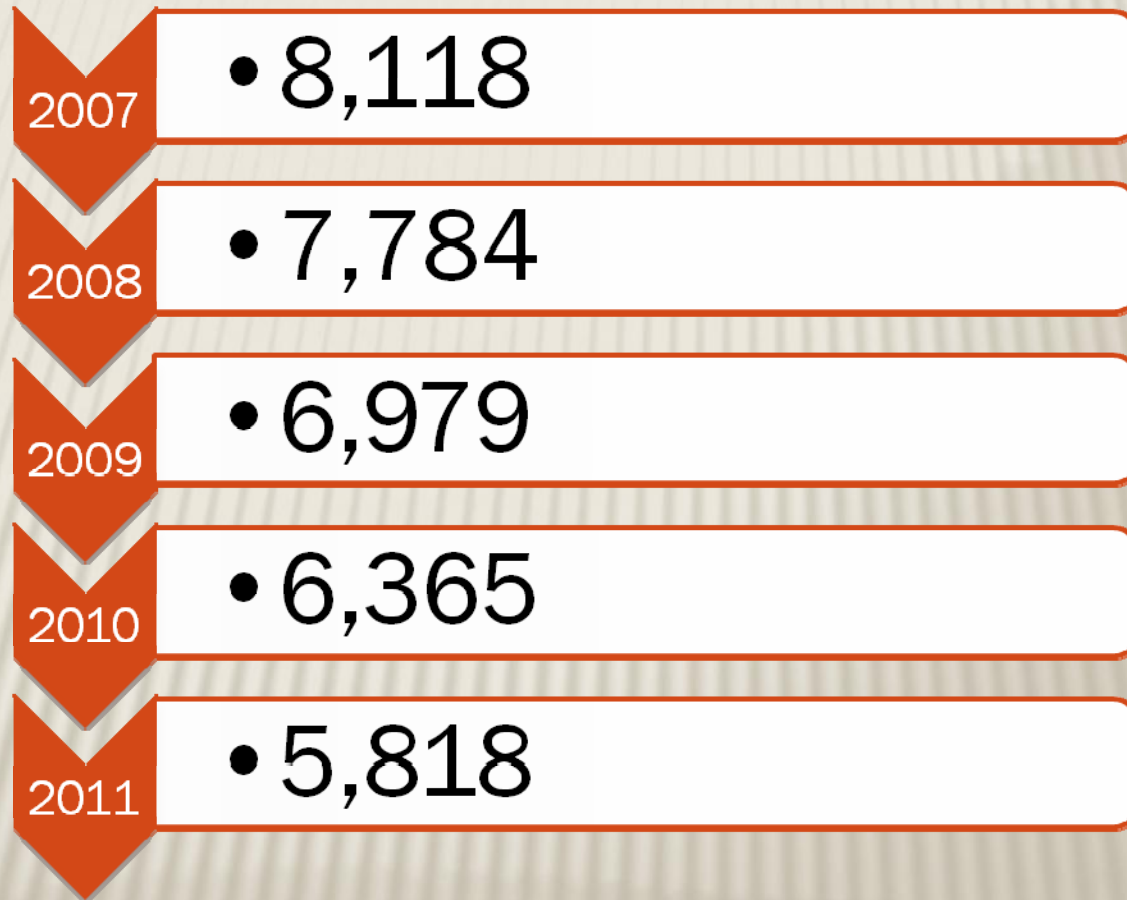


Virginia's Court Improvement Program

**VIRGINIA COMMISSION ON YOUTH**

**MAY 17, 2011**

# CHILDREN IN FOSTER CARE ON MAY 1ST



Source: VDSS Online Automated Information System

# INTERAGENCY COLLABORATION

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CIP represents the interests of the courts through the following activities:

- ✘ Virginia Children's Services System Transformation
- ✘ State Child Welfare Advisory Committee (CWAC)
  - + Interdisciplinary committee that advises Virginia Department of Social Services (VDSS) on implementation of Child and Family Service Review Program Improvement Plan
- ✘ Translating Outcomes to Practice Workgroup (TOP)
  - + Formed by VDSS, this workgroup addresses use of data to inform management, practice and policy decisions

- 
- ✘ State Executive Council for the Comprehensive Services Act for At-Risk Youth and Families
    - + Oversees state and local expenditures for children in foster care and special education for children and families served through the juvenile court and children with serious emotional and behavior problems.
  - ✘ J&DR Judges Liaison Committees with the Department of Juvenile Justice (DJJ), Division of Child Support Enforcement (DCSE), and Department of Education (DoE)

- 
- ✘ National Governors Association/National Council of State Legislatures Safe Reduction of Children in Foster Care Institute
    - + Tampa, FL – November 2009
    - + Minneapolis, MN – September 2010
  - ✘ Virginia Commission on Youth – Advisory Group on Kinship Care (2010)

# COOPERATION WITH FEDERAL OVERSIGHT

- ✘ Child and Family Services Review (CFSR)
  - + Completed July 13-17, 2009.
  - + CIP staff was actively involved in the planning and preparation for this review.
  - + CIP collaborated with VDSS on Program Improvement Plan, which was approved in September 2010.
  - + PIP commitments directly involving CIP include:

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Objective	Strategy (Not including specific actions)
1. Utilize Family Partnership Meetings as a way to involve families, youth and significant others	1.5 CIP to fund facilitation of 20 family partnership meetings at 5 pilot LDSS <i>(Completed: May 2010 - September 2010)</i>
3. Collaboration with CIP to promote child welfare outcomes	3.1 Reevaluate the Adoption Progress Report in collaboration with CIP for LDSS and the court to better utilize the report  3.2 Provide training around notice of hearing and right to be heard
4. Implement Custody Assistance as a permanency option for children in foster care	4.5 Educate and inform judges and attorneys on Custody Assistance in collaboration with CIP

# PROMOTE BEST PRACTICES

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- × One judge, one family.
- × Timely court hearings.
- × Timely appointment of competent Guardians Ad Litem and counsel for parents.
- × Timely *reasonable efforts* and *contrary to the welfare* findings.
- × Quality foster care review and permanency planning hearings.

## INITIATIVES

### × Engaging the Bar

- Training for parents' counsel. CIP is supporting training of parents' counsel in Virginia by funding attendance to the *National Parents' Attorney Conference*, July 13-14, in Arlington, VA.
- Initial course for Guardians Ad Litem (GAL). Held biennially.
- Advanced course for GALs. Held annually.
- Training for Local DSS Counsel. Held biennially.

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## × Family Engagement

- May-September 2010: Funded Family Partnership Meetings in 5 Pilot Localities: Chesapeake, Chesterfield, Franklin, Hampton, Henrico.
- April-June 2011: Supporting the Virginia Department of Social Services, Office of Comprehensive Services, and Virginia Poverty Law Center by funding 7 *Family Engagement Trainings for Attorneys and Guardians Ad Litem Handling Child Dependency Cases*.

April 14, Roanoke

April 15, Abingdon

May 12, Harrisonburg

May 25, Richmond

May 26, Fairfax

June 15, Virginia Beach

June 30, Newport News

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## × Child Dependency Mediation

- CIP trained 21 Child Dependency Mediators in 2006. Follow-up training held in 2007.
- In March 2011, funding was offered to 9 Child Dependency Mediators located near select best practice courts to support their attendance at the *One Child, Many Hands-A Multidisciplinary Conference on Child Welfare*, being held in Philadelphia, PA June 8-10.

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## × Other Initiatives

- CIP funded 45 full-time Court Appointed Special Advocate (CASA) staff in Virginia to attend the National CASA Conference in Chicago, IL, March 19-22, 2011.
- Development of a Technical Assistance Brief discussing the Standards Governing the Performance of GALs for Children – Expected release mid-2011.
- *Best Practice Court Matters* Newsletter – Provides information on the activities of Virginia's 37 Best Practice Courts. Available on-line.

<http://www.courts.state.va.us/courtadmin/aoc/cip/programs/bestpractice/home.html>

# RESOURCES FOR THE COURTS AND THE BAR



*CLP Exclusive:*  
**Health Care Reform and Child Welfare**  
*See page 42*

## Child Law Practice

Vol. 29 No. 3

May 2010

*Helping Lawyers Help Kids*

**POLICY TO PRACTICE**

### Federal Funding for Child Welfare: What You Should Know

*by Zuzana Murarova and Elizabeth Thornton*

**A**s an attorney representing parents, children, or the agency in child welfare cases, you probably know a little about how federal funds are used to finance the child welfare system. You almost certainly know that federal funds are used to pay for some children's foster care placements, and that required findings must be made for a child to be eligible to receive those funds.

You might not realize just how big an impact federal financing for child welfare services has on child welfare decisions in your community.

- This article:
- explains how the current federal financing system works and how this financing structure may impact your practice;
  - shares needed reforms to the current financing structure expressed through a recent ABA policy; and
  - discusses how you can use your knowledge of the federal financing system to better advocate for your client's needs.

#### How Federal Funding for Child Welfare Works

Every year, billions of federal, state, and local dollars are used to finance child welfare services. In 2006, the cost for child welfare services nationwide was at least \$25.7 billion.<sup>1</sup> Almost half of that amount, \$12.4 billion, was funded by the federal government.<sup>2</sup> States contributed \$10.7 billion and local governments spent \$2.6 billion.<sup>3</sup>

States receive federal child welfare funds from a range of sources. Titles IV-B and IV-E of the Social Security Act authorize the largest federal programs/funding streams dedicated to child welfare services. Additional federal funding comes from programs designed for broader purposes that can be used for some child welfare services—including TANF (Temporary Assistance for Needy Families), the Social Services Block Grant, Medicaid, and Social Security Income/Benefits.<sup>4</sup>

#### Dedicated Child Welfare Funds—Title IV-E and Title IV-B

Title IV-E funds represent the largest source of federal funding to the states dedicated for child welfare services. Title IV-E guarantees federal reimbursement to states for a portion of foster care costs, the adoption assistance program, and the Chafee Foster Care Independence Program. These funds are used for:

- foster care maintenance payments for eligible children;
- adoption assistance payments;

- life skills training programs and education vouchers for older youth aging out of the foster care system; and
- administrative costs and training associated with the foster care and adoption assistance programs.

Title IV-E funds available for the foster care and adoption assistance programs are an open-ended entitlement to the states and are not subject to the yearly congressional appropriations process.<sup>5</sup> These funds are used for specific purposes and are not available to states until after a child has been removed from his or her family and placed in foster care and/or for adoption. In 2006, Title IV-E funds accounted for 48% of federal spending for child welfare

*(Continued on page 38)*

#### What's Inside:

- 34 CASE LAW UPDATE
- 42 LEGISLATIVE UPDATE  
How Health Care Reform Helps Children in or at Risk of Entering the Child Welfare System
- 45 IN PRACTICE  
Child Abuse and Neglect Registries: Protecting Due Process Rights

# Juvenile Law and Practice in Virginia

Editors: Andrew K. Block, Jr. and Angela A. Ciolfi



Virginia CLE Publications

VIRGINIA LAWYERS PRACTICE HANDBOOK



# Child Safety

A GUIDE FOR JUDGES AND ATTORNEYS

Therese Rose Lund, MSW  
National Resource Center for Child Protective Services

Jennifer Reene, JD  
National Resource Center on Legal and Judicial Issues





## Child Welfare Law and Practice

Representing Children,  
Parents, and State Agencies in  
Abuse, Neglect, and Dependency Cases

Marvin Ventrell & Donald N. Duquette  
*General Editors*

## A Handbook for Parents and Guardians in Child Dependency Cases

What you need to know  
about the court process  
and the people helping  
you with your case.

A Resource for: \_\_\_\_\_  
Write your name here.

Being involved in a child abuse, neglect and foster care case can be very confusing and stressful for a family. Not knowing what to expect can make it even harder. This handbook will help you understand what will happen. Keep this handbook with you and write in it the names of the people who will be working with you and the dates of court hearings.

# Table of Appeals of Termination of Parental Rights Cases

**TABLE OF APPEALS OF TERMINATION OF PARENTAL RIGHTS CASES  
TO THE SUPREME COURT OF VIRGINIA AND THE COURT OF APPEALS OF VIRGINIA:  
CASES DISPOSED FROM JANUARY 1, 1996 THROUGH MARCH 22, 2011  
by Court Improvement Program, Office of the Executive Secretary, Supreme Court of Virginia  
804-786-6455**

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**\*\*\* Please Read: Introduction and Disclaimer (Table Last Modified on April 22, 2011) \*\*\***

**SUPREME COURT OF VIRGINIA:**

- ◆ **Incarceration of the Parent and Reversible Errors Involving Procedure** - page 17 and 31
- ◆ **Cases Involving Relatives** - page 22

**COURT OF APPEALS OF VIRGINIA:**

- ◆ **Cases Involving a Parent's Denial of or Failure to Correct Problems; or Failure to Make the Child's Needs a Priority.**  
Published Opinions - page 3; Unpublished Opinions - pages 4-9
- ◆ **Cases Involving a Parent's Failure to Establish a Relationship with or Maintain Contact and Plan for the Child's Future.**  
Unpublished Opinions - pages 10-11
- ◆ **Cases in Which a Parent's Mental Health, Mental Illness or Limited Intellectual Functioning is a Factor.**  
Published Opinions - page 12; Unpublished Opinions - pages 13-15
- ◆ **Cases Involving a Young Parent.** Published Opinions - page 16; Unpublished Opinions page 16
- ◆ **Cases in Which Incarceration of the Parent is an Issue.** Published Opinions – pages 17-18, Unpublished Opinions pages 18-20
- ◆ **Cases in Which Domestic Violence is an Issue.** Unpublished Opinions - page 21
- ◆ **Cases Involving Duty to Investigate Relatives.** Published Opinions - page 22; Unpublished Opinions - pages 22-23
- ◆ **Cases Involving Prior Termination of Rights or Convictions of Certain Criminal Offenses.**  
Published Opinions - pages 24-25; Unpublished Opinions - pages 25-26
- ◆ **Entrustments.** Published Opinions - page 27, Unpublished Opinions - page 28
- ◆ **Age of Discretion; Best Interest of Child Findings.** Published Opinions - page 29; Unpublished Opinions - pages 29-30
- ◆ **Reversible Errors Involving Procedure.** Published Opinions - pages 31-32; Unpublished Opinions – page 32
- ◆ **Procedural Errors by Appellant.** Published Opinions - page 33; Unpublished Opinions - pages 33-35
- ◆ **Cases Involving Due Process Issues.** Unpublished Opinions – page 36
- ◆ **Cases Involving Procedural Issues.** Unpublished Opinions - page 37

# Fillable Child Dependency Court Forms through the Virginia State Bar Website



The screenshot displays the Virginia State Bar website. At the top left is the logo for the Virginia State Bar, featuring a scale of justice and the text "Virginia State Bar" and "An agency of the Supreme Court of Virginia". To the right of the logo is a search bar with a "Search" button. Below the logo is a navigation menu with the following items: Home, Professional Regulation, Member Resources, Public Resources, Pro Bono / Access to Legal Services, Conferences, Sections, News and Information, Meetings and Events, and Publications. The main content area features a news article titled "Supreme Court of Virginia offers VSB members online forms". The article text states: "Over 30 selected circuit and district court forms are available to Virginia State Bar members online. To download and print the forms, visit [www.vsb.org](http://www.vsb.org) and log in to the member portal. PDF links are listed under Forms and Downloads/Supreme Court of Virginia Forms." The article is dated "Updated: August 1, 2010". At the bottom of the page, there is a footer with the following information: "© 1996 - 2010 Virginia State Bar | [Privacy Policy](#) | [Site Map](#)  
707 East Main Street, Suite 1500 | Richmond, Virginia 23219-2800  
804-775-6500 | TDD/Voice Line (Hearing-Impaired): 804-775-0501  
Office Hours: Mon.-Fri. 8:15 a.m. to 4:45 p.m. (excluding holidays)  
The Clerk's Office does not accept filings after 4:45 p.m."

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# CIP Sponsored Training Events

**Mini-Grants  
Offered  
Summer  
2009**

**Statewide Best  
Practice Courts  
Conference  
November  
17-18**

2009

2009

2009

2010

**DSS Counsel  
Training  
September  
15**

**Conference  
for JDR  
Judges and  
Clerks  
April 21-22**

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**Family  
Engagement  
Pilot Training**  
May 6

**Class of 2010  
Best Practice  
Courts  
Conference**  
November  
16-17

2010

2010

2010

2011

**Mini-Grants  
Offered**  
Summer 2010  
-Summer 2011  
Total of 25  
local events  
held/planned.

**Trainings for  
Clerk's Office  
Staff**  
March 16, 17,  
22, 23, 28,  
29 and 30

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**Conference  
for JDR  
Judges  
April 12-13**

2011

**Statewide  
Best Practice  
Courts  
Conference  
September  
8-9**

2011

2011

**District Court  
Judges  
Conference  
Add-On Day  
August 10**

2011

**DSS Counsel  
Training  
September**

## BEST PRACTICE COURT (BPC) PROGRAM

- × Began in 2002.
- × Supported by the Permanency Planning for Children Department at the National Council for Juvenile and Family Court Judges (NCJFCJ).
- × 37 recognized Best Practice Courts.
- × As of May 1, 2011, BPCs represent 60% of Virginia's total foster care population.



- 
- ✘ CIP Activities for Recognized Best Practice Courts include, but are not limited to:
    - Conference for new lead judges and teams.
    - State conferences to allow sharing of innovative approaches.
    - Technical assistance and training tailored for the BPC at its local site.
    - Onsite consultation with a nationally recognized Judicial Consultant to Virginia's CIP.
    - Mini-grant funding.

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✘ Commitments by BPC Teams include but are not limited to:

- Identification of multidisciplinary team.
- Regular core group meetings to address unique local issues and foster community collaboration.
- Examination of the strengths and challenges of the court and community services system.
- Incorporation into court processes, best practices from the “Resource Guidelines: Improving Court Practices in Child Abuse and Neglect Cases” (NCJFCJ, 1995).