



# CASA Conversation with Virginia's Office of the Children's Ombudsman

Eric Reynolds, Director

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# Virginia's Office of the Children's Ombudsman

- Eric Reynolds, Director
- Jane Lissenden, Policy Analyst
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# Mission Statement (Va. Code 2.2-439)

The OCO was created:

- as a means of effecting changes in policy, procedure, and legislation;
- educating the public;
- investigating and reviewing actions of the Department, local departments, child-placing agencies, or child-caring institutions;
- and monitoring and ensuring compliance with relevant statutes, rules, and policies

pertaining to **child protective services** and the placement, supervision, and treatment of, and improvement of delivery of care to, children in **foster care** and **adoptive** homes.



# What can the OCO address?

## The OCO *can*:

- Pursue all necessary action, including legal action, to protect the rights and welfare of children receiving child protective services, in foster care, or placed for adoption
- Advocate for legislative changes to improve Virginia's child welfare system
- Review policies and procedures related to any child-serving agency's involvement with a child and make recommendations for improvement

## The OCO *cannot* address complaints related to:

- Any court decision, court order, or the actions of judges or attorneys
- Child custody, visitation, or child support cases
- School issues or educational services
- The actions of Law Enforcement Officers
- Employment or personnel issues within an agency





# 2023 Annual Report

## FY 2023 DATA - COMPLAINTS

- 446 complaints received (165% increase over FY2022)
  - 88 of 120 LDSS
- 103 screened out at intake (lack of jurisdiction)
- 343 Preliminary Assessments
  - 45% OCO provided information to complainant
  - 20% Unsubstantiated allegations/declined to investigate
  - 14% Closed - Unable to reach complainant
  - 11% Assistance provided to complainant
  - 5% referred to another agency
  - 1% Closed at complainant's request
- 15 Investigations



# 2023 Annual Report

## FY 2023 DATA – CHILD FATALITIES

- **Statutory Requirements**

- Open CPS/Services case or CPS complaint received within 12 months prior
- Child died while in foster care
- Open foster care case, child in trial home placement
- Foster care case involving deceased child or sibling closed within 24 months prior

- **50 notifications received (31 received in FY2022)**

- **Ages**

- Birth – 6 months                      27
- 6 months to 1 year                      3
- 1 year to 5 years                      11
- 5 years to 12 years                      5
- 12 years to 18 years                      4

\*\*\*\*Parental Substance Use – 54% (27)

\*\*\*\*SEI – 36% (18)



# 2023 Annual Report

## SIGNIFICANT TRENDS AND RECURRING ISSUES

- Lack of support for Alternative Living Arrangement Caregivers
  - Financial support
  - Option to be an approved foster care home
  - Challenges with supervising visits between parents and children
- Case Documentation
- Placement Changes
- Foster Parent Expectations
- Communication
  - External: LDSS – LCPA – TFC parents
  - Internal: CPS – Foster Care divisions



# 2024 General Assembly

## KINSHIP CARE – HB 27 (Del. Callsen)/SB 39 (Sens. Favola, Obenshain, McDougle)

- Formalizes and provides guardrails around ALAs
- Financial support for Kinship Caregivers
- Service plans for parents
- Prioritizes kinship care when child enters formal foster care

### FOSTER CARE:

- LDSS “shall first consider placement with a kinship foster parent.”
- If not placed with a kinship foster parent, the LDSS “shall file an exception report with the Commissioner within 72 hours of placement” which documents:
  - All known relatives and fictive kin
  - All efforts to locate relatives and fictive kin
  - Reasons why the child was not placed with relatives.





# 2024 General Assembly

KINSHIP CARE – HB 27 (Del. Callsen)/SB 39 (Sen. Favola)

## CPS/IN-HOME SERVICES: TWO-STEP PROCESS

### 1. Parental Child Safety Placement (pre-court)

- “a temporary out-of-home placement of a child with a caregiver that is arranged by the child’s parent, guardian, or legal custodian in accordance with a written agreement approved by the local department that ensures the safety of the child.”
- Must be voluntary by parent offered as an alternative to LDSS taking emergency custody
- Allows LDSS time for Investigation/Family Assessment
- Agreement describes:
  - Basis for safety assessment indicating that child cannot safely remain in the home
  - Service plan/responsibilities of parent & caregiver – necessary services
  - LDSS responsibilities
  - Visitation/Family time
  - Termination date



# 2024 General Assembly

KINSHIP CARE – HB 27 (Del. Callsen)/SB 39 (Sen. Favola)

## CPS/IN-HOME SERVICES: TWO-STEP PROCESS

### 1. Parental Child Safety Placement (pre-court)

- Agreement includes statements acknowledging:
  - Voluntary by parent, not an admission of child abuse/neglect
  - Can be terminated at any time by any party
  - Parent and caregiver can seek legal counsel
  - Parent and caregiver have the right to refuse to enter into the agreement
  - LDSS gave parent and caregiver notice of formal foster care option
- LDSS notifies caregiver of financial assistance (relative maintenance)
- Can only be in effect up to 90 days, may be extended for additional 90 days
- LDSS must also open an In-Home Services case to manage PCSP
- Caregiver Assessment



# 2024 General Assembly

KINSHIP CARE – HB 27 (Del. Callsen)/SB 39 (Sen. Favola)

## CPS/IN-HOME SERVICES: TWO-STEP PROCESS

### 1. Parental Child Safety Placement (pre-court)

- Prior to conclusion of PCSP agreement, LDSS must reassess child safety
- **Can child return home safely?**
  - Yes – safety plan for transition; optional continuation of IHS case or Child Protective Order
  - **NO** – LDSS to seek Removal Order
    - FPM to discuss options with family:
      - Formal foster care (kin caregiver may become approved foster home)
      - Alternative Living Arrangement (child remains with kin caregiver)



# 2024 General Assembly

KINSHIP CARE – HB 27 (Del. Callsen)/SB 39 (Sen. Favola)

## CPS/IN-HOME SERVICES: TWO-STEP PROCESS

### 2. Court Involvement

- Court denies removal
  - LDSS may seek protective order
  - LDSS may keep In-Home Services case open
- Court transfers temporary custody to kin caregiver
  - LDSS to maintain In-Home Services case – Alternative Living Arrangement
- Court transfers temporary custody to LDSS
  - LDSS may place child with kin caregiver (must be approved foster home)



# 2024 General Assembly

KINSHIP CARE – HB 27 (Del. Callsen)/SB 39 (Sen. Favola)

## CPS/IN-HOME SERVICES: TWO-STEP PROCESS

### 2. Court Involvement

- Dispositional Hearing – Can child return home?
  - Yes – custody back to parent
  - No, reunification is still the goal, continuation of ALA:
    - Temporary custody remains with kin caregiver
    - ALA plan continues (services, relative maintenance)
    - Further court review until reunification
  - No, reunification is still the goal, child enters formal foster care:
    - Kin caregiver may become approved foster home
    - Child may go with unrelated foster home
    - Foster care process and timeline applies
  - No, reunification cannot be achieved, final order of custody to kin caregiver, LDSS may keep IHS case open





# 2024 General Assembly

**KINSHIP CARE – HB 27 (Del. Callsen)/SB 39 (Sen. Favola)**

**CPS/IN-HOME SERVICES: TWO-STEP PROCESS**

## Alternative Living Arrangement

- “an arrangement whereby custody of a child is temporarily transferred to a caregiver in conjunction with an alternative living arrangement service plan”

## Alternative Living Arrangement Service Plan

- Describes the basis for safety assessment indicating that the child cannot remain safely in the home
- Responsibilities of parent and caregiver
- Visitation/family time
- Responsibilities of the LDSS



# 2024 General Assembly

## LEGAL REPRESENTATION IN CHILD DEPENDENCY CASES – HB 893 (Del. McClure)

### 1. INCREASED RATE OF COMPENSATION

- \$90 per hour per case up to \$330 (currently up to \$120)
- TPR cases: up to \$680

### 2. STANDARDS OF PERFORMANCE

### 3. PILOT MULTIDISCIPLINARY LEGAL OFFICES

### 4. FEDERAL TITLE IV-E FUNDING



# 2024 General Assembly

## OTHER BILLS OF INTEREST/BUDGET ITEMS

### HB 453 (Del. Callsen) – barrier crimes for kinship foster parents

- Lowers from 10 years to 5 years convictions for
  - felony possession of controlled substance
  - Misdemeanor assault and battery

### HB 449/1542 (Del. Obenshain/Del. Mundon King) – Mandated Reporters

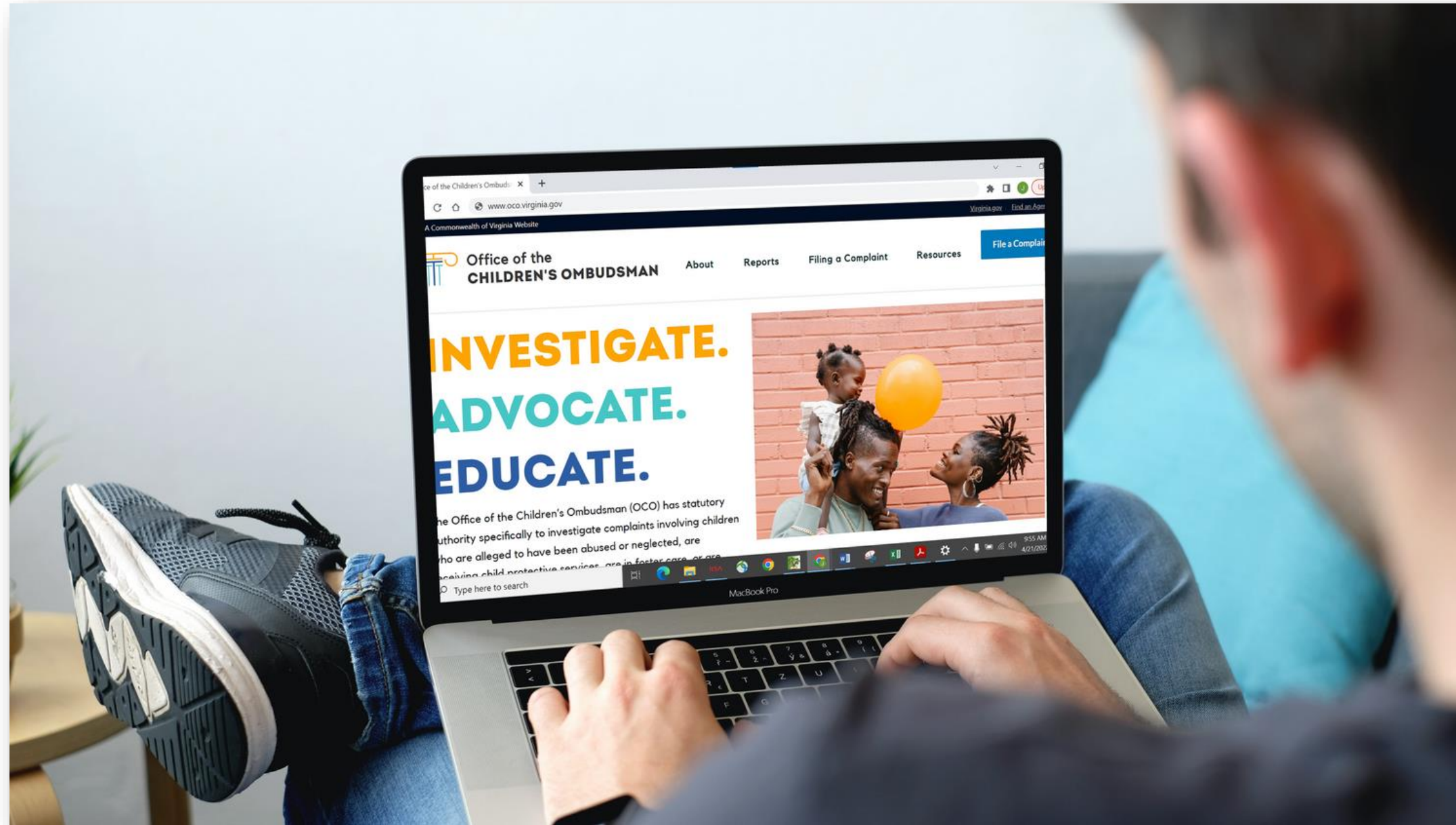
- Adds aggravated sexual battery of a child and attempted rape, sodomy, aggravated sexual battery, or object sexual penetration of a child to the list of offenses for which a failure to report subjects a mandated reporter to criminal liability
- Prosecution must be commenced within 1 year of discovery of the offense

### BUDGET ITEMS:

- Training Academy for LDSS workers
- Driver's License program for foster youth



# OFFICE of the CHILDREN'S OMBUDSMAN



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# Contact Information

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**THANK YOU!**

