



CONTRACT NUMBER FAM-16-023

COMMONWEALTH OF VIRGINIA

MEMORANDUM OF AGREEMENT

Children in Foster Care Committed to the Department of Juvenile Justice

1.00 THE PARTIES

This memorandum of agreement (MOA) is entered into between the Virginia Department of Social Services (DSS) and the Virginia Department of Juvenile Justice (DJJ), collectively referred to as The Parties.

DJJ is the state agency designated by the *Code of Virginia* to provide supervision and treatment to juveniles who have been committed to DJJ by a juvenile and domestic relations district court or a circuit court (see § 66-13 of the *Code of Virginia*).

The Commonwealth has a state-supervised and locally-administered social services system. DSS is designated by the *Code of Virginia* to provide oversight and guidance to the 120 LDSSs with the provision of social services as defined in § 63.2-100 of the *Code of Virginia*. The Parties recognize that DSS is only vested with the authority to issue guidance to the locally operated departments of social services (LDSSs).

2.00 PURPOSE OF THE MOA

DJJ and DSS have identified a gap in the continuum of services for juveniles in foster care who are committed to DJJ and have worked with stakeholders to identify solutions. The identified solutions are provided herein.

The purpose of the MOA is to identify the roles and responsibilities of DJJ and the LDSS to serve the best interests of juveniles who are committed to DJJ and who were in the custody of the LDSS immediately prior to commitment.

The MOA is intended to provide instruction and guidance to The Parties, for DJJ to implement and for DSS to include in its model policies issued to the LDSS for case supervision and

management purposes for this population of juveniles related to the language in § 16.1-293 of the *Code of Virginia* which requires DJJ and the LDSSs to “work cooperatively through the duration of the person’s commitment.”

3.00 SCOPE

The MOA applies to the procedures applicable to DJJ and guidance to the LDSSs for case management of juveniles prior to, during, and following commitment to DJJ if the juveniles were under the age of eighteen and were in the custody of the LDSS prior to commitment. The MOA applies for the duration of commitment to DJJ, regardless of the direct care placement facility. DJJ may contract with outside entities to conduct assessments of or to provide treatment to or supervision of juveniles committed to DJJ as required under this MOA.

4.00 CONFIDENTIALITY

DJJ, DSS, and the LDSS shall not redisclose information about juveniles provided by any of the other agencies except as provided by federal or state law.

5.00 TERMS AND CONDITIONS

DJJ agrees to implement and DSS agrees to issue model policies to the LDSSs as provided herein. The provisions herein bind only The Parties and shall be construed as best practices for but not a mandate on the LDSSs.

5.10 Prior to Commitment

5.11 LDSS Procedures

As ordered by the court, the LDSS is the juvenile’s legal custodian and shall be present at all delinquency court hearings.

5.12 DJJ Procedures

1. DJJ, when the juvenile is known to the court service unit (CSU) (e.g., on active probation or parole supervision with the CSU), shall request and collect from the LDSS the following documents and information related to the juvenile, as applicable:
 - a. Official birth certificate;
 - b. Education records;
 - c. Immunization records;
 - d. A list of current medications;

- e. Mental health, psychological, and psychiatric evaluations;
 - f. Discharge summaries from hospitals and other residential facilities;
 - g. Foster care plan; and
 - h. Residential placement history.
2. The above listed documents and information shall also be requested when:
- a. There has not been an adjudication but the CSU plans to recommend commitment to DJJ; or
 - b. There has been an adjudication (e.g., not innocent), but the court has not entered a disposition (e.g., probation or commitment) and the CSU reasonably anticipates a disposition of commitment to DJJ.
3. DJJ shall share the social history report with the LDSS seventy-two (72) hours before the dispositional hearing.

5.20 Procedures on the Day of Commitment

5.21 *LDSS Procedures*

The juvenile's status changes from foster care to foster care prevention on the date of commitment unless the juvenile's parent's rights have been terminated pursuant to § 16.1-283 of the *Code of Virginia*.

5.22 *Collaborative Responsibilities*

The parties at the juvenile's disposition hearing including, but not limited to, the LDSS, DJJ, and the Guardian Ad Litem (GAL) shall, identify potential dates and times within the next five (5) business days to hold the Family Partnership meeting,¹ taking into account the availability of the family members.

5.23 *DJJ Procedures*

DJJ shall request that the court include in the Commitment order a provision that custody is transferred back to the LDSS upon the youth's release from commitment.

¹ Family Partnership meetings are held by the LDSS when there is change in placement or custody. The meetings take a strength-based approach and use an objective facilitator to facilitate the meeting and identify the strengths of the juvenile and the family. Goals are identified for the juvenile and the family and other family members who may be a support or placement option.

5.30 Procedures Immediately Following Commitment

5.31 LDSS Procedures

1. The LDSS shall coordinate the planning of the Family Partnership meeting, to be held no later than five (5) business days after the commitment or after becoming aware of the commitment. The meetings shall be scheduled at the local secure juvenile detention center whenever possible, or, if not possible, the juvenile shall be permitted to participate by telephone or video conferencing.
2. The LDSS shall hold a Family Partnership meeting in accordance with guidance set out in the Virginia Department of Social Services Child and Family Services Manual.
 - a. During this meeting, goals shall be set for the juvenile and other family members who may be a support during commitment or may be a placement option upon release back to the community.
 - b. The LDSS shall provide the meeting facilitator. Costs associated with the facilitating of the Family Partnership meeting may be reimbursed through the Children's Services Act (CSA).
 - c. The LDSS foster care worker, the LDSS foster care prevention worker, and the supervising CSU parole officer shall be required to attend.
 - d. The following individuals shall be invited to attend and participate:
 - i. The GAL;
 - ii. The attorney for the juvenile;
 - iii. The juvenile;
 - iv. The foster parent, if applicable; and
 - v. The biological or adoptive parents or the current caregivers at the time of placement into foster care, if appropriate.
 - e. Other individuals who are positive influences on the juvenile may be invited to attend. These individuals include extended family and non-relative supports identified by the LDSS and DJJ; the court appointed special advocate (CASA) volunteer; and other public agencies and community partners and programs providing services or treatment for the juvenile.

- f. The following issues shall be discussed and addressed during the Family Partnership meeting:
- i. Expectations of the juvenile during commitment;
 - ii. Identification of family members or other adults who are positive influences in the juvenile's life;
 - iii. The level of support family members and others are willing to provide the juvenile throughout commitment to DJJ;
 - iv. The contact, communication, and visitation plan (e.g., letter writing, in person visits, video conference visits facilitated by DJJ) during commitment;
 - v. Whether a request to Family Assessment Planning Team (FAPT) is necessary to support the family members' and others' efforts to maintain contact for the duration of the commitment (e.g., CSA request for transport/accommodations);
 - vi. How to support the biological or adoptive parents or the current caregivers in continuing to address the safety and risk factors which contributed to the juvenile being committed to DJJ or coming into foster care; and
 - vii. Potential placement options available once the juvenile is returned to the community.
- g. In addition to the issues identified in section 5.31 (2) (f) the issues identified in section 5.53 of this MOA shall also be discussed during the Family Partnership meeting for those juveniles with an LOS of six (6) months or less.

5.32 *DJJ Procedures*

1. DJJ shall request and collect from the LDSS the documents enumerated in section 5.12, if they have not already been provided, when:
 - a. The juvenile was not known to the CSU prior to the commitment; or
 - b. The adjudication and the disposition occur on the same day.
2. DJJ shall provide the LDSS a copy of the social history report upon completion of the report if the social history is completed after the disposition hearing.
3. The CSU shall submit the names of any individual identified as an approved visitor (as provided in section 5.33 of this agreement) or identified during the Family Partnership meeting (as provided in section 5.31 of this agreement) to the juvenile correctional center (JCC) or other direct care placement facility for placement on the facility's approved visitor list.
4. DJJ shall provide the LDSS worker with the procedures and requirements related to visitation of the juvenile in a JCC or other direct care placement facility (e.g., dress code and items allowed within or prohibited from entering the facility).

5.33 *Collaborative Procedures*

1. DJJ and the LDSS shall identify the individuals who will be notified of the date, time, and location of the Family Partnership meeting.
2. The LDSS and DJJ shall identify family members and other individuals who are able to provide the juvenile with support for the duration of the commitment. DJJ shall submit these names as approved visitors with the commitment packet for purposes of visitation. Only the names of individuals shall be submitted on whom both the LDSS and DJJ agree should be authorized to visit. Decisions regarding who is approved for visitation must be made within three (3) business days of the commitment or becoming aware of the commitment.
3. If there is no consensus to include the name of an individual(s) with the commitment packet, the LDSS shall provide the individual's name to the resident's assigned counselor/case manager. Requests can be made in person, by telephone, by first class mail, or by electronic mail. The counselor/case manager shall request a visitor assessment from the assigned CSU probation or parole officer. Following the assessment process, the superintendent may approve a one-time visit or on-going visitation. The LDSS shall be notified of the decision by the counselor/case manager within ten (10) business days of receipt of the request.

5.40 **Procedures during Commitment – Generally**

5.41 *LDSS Procedures*

1. The LDSS shall have monthly contacts with the juvenile.² Face to face, in-person contacts at the JCC or other direct care placement facility shall occur every other month. For the alternating months, the contacts may be conducted using CSU video conference technology.
2. The LDSS shall participate in and provide input for Individualized Education Program (IEP) meetings and shall encourage and assist parents or other person designated as the educational decision maker or standing *in loco parentis* to attend, when appropriate. The LDSS may also assist with finding a surrogate parent for the purpose of participating in the IEP meeting process, when necessary. The LDSS is not authorized to sign the IEP, but may assist with obtaining the required signatures.
3. The LDSS shall be primarily responsible for forwarding information from DJJ to the parent or other person designated as the educational decision maker or standing *in loco parentis*. LDSS shall notify DJJ of parents or other person designated the educational decision maker or standing *in loco parentis* who are approved to receive information directly from DJJ.

² Monthly contacts allow consistency with the existing practice for foster care prevention contacts.

5.42 *DJJ Procedures*

1. DJJ shall provide the LDSS written notice of the case-staffing meeting at the juvenile's initial direct care placement facility.³ DJJ shall schedule the LDSS cases as the first case-staffing meeting of the day.
2. CSU parole officers shall visit the juvenile every ninety (90) days and shall be encouraged to conduct in-person visits jointly with the LDSS.
3. DJJ shall allow the LDSS visits with juveniles to be confidential.
4. DJJ shall provide monthly progress reports to the LDSS and parents or other person standing *in loco parentis*, when appropriate and applicable.
5. DJJ shall communicate with the parents or other person standing *in loco parentis* in accordance with any limitations provided by the LDSS.
6. DJJ shall keep the LDSS appraised of the juvenile's anticipated release date to facilitate the scheduling of Family Partnership meetings.

5.43 *Collaborative Procedures*

1. The supervising CSU parole officer and the LDSS service worker shall attend the case-staffing meeting at the initial direct care placement facility. However, if they are unable to attend in person, they shall participate by telephone or CSU video conference technology.
2. Notification of any change in the CSU parole officer, foster care prevention worker, or assigned counselor/case manager shall be provided to the other individuals within forty-eight (48) hours of the change.

5.50 **Procedures during Commitment – Family Partnership Meetings and Release Planning**

5.51 *LDSS Procedures*

1. A Family Partnership meeting shall be held six (6) months prior to and ninety (90) days prior to the juvenile's anticipated release date. The LDSS shall take the lead in coordinating the meetings. Meetings shall be located in the community to which the juvenile is anticipated to return, and the juvenile shall be permitted to participate by telephone or CSU video conference technology.

³ During a case-staffing meeting, the juvenile's history and evaluation findings (social history, psychological, medical, educational) are reviewed, treatment needs are identified, the length of stay for indeterminately committed juveniles is calculated, and the facility placement is determined.

Note: When a juvenile's commitment is six month or less the issues identified within this section along with the issues identified in section 5.31 (2) (f) this MOA shall be discussed during the Family Partnership.

- a. The LDSS and the supervising CSU parole officer shall be required to attend in person. The assigned counselor/case manager may participate by telephone or CSU video conference technology.
 - b. The following individuals shall be invited to attend and participate:
 - i. The GAL;
 - ii. The attorney for the juvenile;
 - iii. The juvenile;
 - iv. The foster parent, if applicable; and
 - v. The biological or adoptive parents or the current caregivers at the time of placement into foster care, if appropriate.
 - c. Other individuals who are positive influences on the juvenile may be invited to attend. These individuals include extended family and non-relative supports identified by the LDSS and DJJ; the CASA volunteer; and other public agencies, community partners and programs providing services or treatment for the juvenile.
2. LDSS shall file a DC-554, PETITION FOR FOSTER CARE REVIEW HEARING, in accordance with § 16.1-282 of the *Code of Virginia* or DC-556, PETITION FOR PERMANENCY PLANNING HEARING, in accordance with § 16.1-282.1 of the *Code of Virginia*, as appropriate, to docket the case in the appropriate juvenile and domestic relations district court. The LDSS shall file such petition thirty (30) days prior to the juvenile's anticipated release date.

5.52 *DJJ Procedures*

1. DJJ shall notify the LDSS when a juvenile has six (6) months remaining until his or her anticipated release date.
2. DJJ shall invite the LDSS to participate in all release planning meetings including, but not limited to, mental health services transition planning meetings and school reenrollment planning meetings, as applicable.

5.53 *Six (6) month Family Partnership Meeting*

1. The following issues shall be discussed and addressed during the six (6) month Family Partnership meeting:
 - a. Review the juvenile's behavior and discuss any serious incident reports (SIRs). Issues that will impact the juvenile's LOS should be noted.
 - b. Review the juvenile's progress with direct care treatment services and note any significant issues that will impact LOS.
 - c. Identify modified release date, if necessary.
 - d. Identify and discuss services to be considered for inclusion in the Mental Health Services Transition Plan.
 - e. Identify and discuss services to be considered in release planning for medical needs.
 - f. Review progress with visitation, telephone contacts, and written correspondence with the juvenile by family members and non-family supports (not professionals). The following items should be addressed:
 - i. Discuss frequency of visits;
 - ii. Identify and propose solutions to challenges or barriers to visiting;
 - iii. Discuss the juvenile's feelings/response to visits;
 - iv. Discuss whether visits are positive or negative; and
 - v. Determine if it is necessary to modify list of family members and non-family supports.
 - g. Review significant outcomes of collaborative efforts between the direct care placement facility, CSU, and the LDSS and address any issues. Determine the following:
 - i. Is the juvenile responding favorably?
 - ii. If not, what modifications are necessary?
 - h. Ensure that the LDSS has received copies of all documents provided to the CSU (e.g., quarterly reports) by the direct care placement facility staff.

- i. Ensure that CSU and direct care placement facility staff have received copies of all documents provided by the LDSS.
- j. Review re-entry services and placement options to include but not limited to:
 - i. Family members;
 - ii. Work Release Program;
 - iii. Community Step-down Programs (Community Placement Program, Detention Reentry, etc.);
 - iv. Foster care placement services in accordance with § 63.2-900 of the *Code of Virginia*;
 - v. Foster care services in accordance with § 63.2-905 of the *Code of Virginia*;
 - vi. Independent living services in accordance with § 63.2-100 of the *Code of Virginia*;
 - vii. Department of Aging and Rehabilitation Services (determine if an assessment is needed); and
 - viii. Any other services or placement options.
- k. Discuss the status of identifying service provider(s), obtaining services, securing placements, and determine who, the LDSS or DJJ or other designated professional, will be seeking what services and funding.
- l. Discuss educational, vocational, and employment plans, as applicable. The discussion shall include the following:
 - i. Current grade and educational status;
 - ii. Review IEP, as applicable;
 - iii. Identify school district/school upon return to community;
 - iv. Community college;
 - v. Vocational training; and
 - vi. Transportation.
- m. Review the family's and/or the foster parent's progress and needs. Discuss the following:
 - i. Involvement in community-based therapy (e.g., therapy for victim of sexual assault/assault); and
 - ii. Determine if additional family support is needed for the juvenile to return home.
- n. Determine who will transport the juvenile upon release from commitment to the designated placement.
- o. Clearly identify alternative Plan A and Plan B, as applicable, as re-entry plan options.

- p. Review the Comprehensive Re-entry Case Plan (CRCP). Discuss and modify the plan based on Family Partnership meeting discussions.
- q. Review parole expectations and communicate any court requirements (e.g., restitution, no contact orders, sex offender registration).
- r. Discuss parent's or other person standing *in loco parentis* expectations regarding the juvenile returning to the community, if applicable. Task parent or legal guardian with identifying a list of household expectations and rules.
- s. Discuss juvenile's expectations regarding returning to the community.
- t. Review all deadlines and timelines (e.g., court hearings, including a foster care review hearing or permanency planning hearing; major offender reviews; release dates; Family Assessment Planning Team (FAPT); and Community Policy and Management Team (CPMT) meetings).
- u. Identify specific tasks and ensure that each task is assigned to a person with a completion due date (to be completed or provide an update via email to each identified party).
- v. Obtain signatures and disseminate any paperwork that is needed for the above matters.

5.54 *Ninety (90) Day Family Partnership Meeting*

1. The following issues shall be discussed and addressed during the ninety (90) day Family Partnership meeting:
 - a. Review the juvenile's behavior and discuss any SIRs. Note issues that would affect the juvenile's LOS.
 - b. Review the juvenile's progress with direct care treatment services and note any significant issues that would affect LOS.
 - c. Identify modified release date, if necessary.
 - d. Address any changes in required Mental Health Services Transition Plan.
 - e. Address any change to required medical services.
 - f. Develop a safety plan for juveniles committed to DJJ for sex offenses, if applicable; determine if pre-release counseling services are appropriate.
 - g. Further investigate and/or solidify placement option and identify proposed service provider(s); review expectations and agreements for the CSU parole officer, the LDSS, direct care placement facility, and involved primary family members.

- h. Review rules of placement with juvenile:
 - i. If a private residential placement has been secured, review facility rules.
 - ii. If the juvenile is to be placed with parent, other person standing *in loco parentis*, or foster parent review household expectations and rules.
- i. Discuss status of obtaining services and identifying service provider(s), and who, the LDSS or DJJ or other designated professional, will be responsible for seeking which services.
- j. Require identified service vendors to provide clear parameters as to how re-entry services will be managed and the level of detail and frequency with which progress reports will be sent to DJJ, the LDSS, and parent or legal guardian, as applicable.
- k. Review educational status and communicate any changes.
- l. Review vocational plans.
- m. Discuss required interviews for placements and services (e.g., independent living services, residential placements, and college campus visits), timelines, and transportation.
- n. Confirm plans for transportation of the juvenile upon release from commitment to placement or family.
- o. Review all deadlines and timelines (e.g., court hearings, including a foster care review hearing or permanency planning hearing; major offender reviews; release dates; FAPT; and CPMT meetings).
- p. Obtain signatures and disseminate any paperwork that is needed for the above matters.
- q. If applicable, review the status of reunification with the family or the new placement with a family member and what assistance (stipend, etc.) will be provided to juvenile or family.
- r. Schedule a conference call thirty (30) days prior to scheduled release with the assigned counselor/case manager, juvenile, professionals, and family/nonfamily members to conduct a status update of release and release planning and to confirm funding approved for services and placement.

5.55 *Conference Call Conducted Thirty (30) Days Prior to Release*

1. A conference call shall be conducted thirty (30) days prior to the juvenile's scheduled release date to review the re-entry plan and the juvenile's progress with services.
2. The following individuals shall participate in the conference call:
 - a. Assigned counselor/case manager;
 - b. Juvenile;
 - c. Professionals as indicated appropriate in the re-entry plan; and
 - d. The biological or adoptive parents or the current caregivers at the time of placement into foster care, if appropriate.
3. The following items shall be reviewed and confirmed:
 - a. Placement;
 - b. Preliminary School Reenrollment Plan;
 - c. Approval of funding for services and placement and identified vendor(s);
 - d. Transportation;
 - e. LDSS intends to file a DC-554, PETITION FOR FOSTER CARE REVIEW HEARING, or a DC-556, PETITION FOR PERMANENCY PLANNING HEARING, in accordance with section 5.51(2) of this MOA.
 - f. A thirty (30) day supply of psychotropic medication prescribed by the DJJ psychiatrist or a psychiatrist contracted by DJJ, along with a refill prescription for thirty (30) days, shall be provided upon release, if applicable;
 - g. A minimum of a two (2) week supply of non-psychotropic medication prescribed by the DJJ physician or a physician contracted by DJJ for chronic diseases or other medical disorders along with a refill prescription for thirty (30) days shall be provided upon release, if applicable; and
 - h. DJJ shall contact a community psychiatrist and/or physician in an effort to secure all active medications requiring a prescription from a specialist, to ensure continuity in medical care following the juvenile's release, if applicable.

5.56 *Special Populations*

1. Serious offenders are those juveniles committed to DJJ for a determinate period of time and may be released only pursuant to an order of the committing court. Such release occurs either because the duration of the commitment has been completed, or it has been ordered at a judicial review. Judicial reviews are statutorily required at the two (2) year anniversary of commitment and annually thereafter.
2. Family Partnership meetings shall occur in accordance with sections 5.53 and 5.54 of this MOA six (6) months and ninety (90) days prior to the twenty-four (24) month anniversary and the annual review date in addition to any other identified release dates.
3. A conference call shall be conducted in accordance with section 5.54 of this MOA thirty (30) days prior to the twenty-four (24) month anniversary and the annual review date.

5.60 **Procedures Upon Release**

5.61 *LDSS Procedures*

1. Upon the juvenile's release from commitment to DJJ back to foster care, LDSS shall:
 - a. Transport juvenile to the CSU to meet with the parole officer and to review and sign the rules of parole.
 - b. Re-enroll juvenile in school, as applicable.
 - c. Re-enroll the juvenile in Medicaid.
 - d. Monitor the placement.
 - e. Work on the juvenile's permanency goal.
 - f. Report noncompliance with treatment and services to DJJ as soon as possible, but no later than forty-eight (48) hours.
 - g. Ensure that a DC-554, PETITION FOR FOSTER CARE REVIEW HEARING, or a DC-556, PETITION FOR PERMANENCY PLANNING HEARING, has been filed timely with the court.
2. If at the initial hearing, whether a Foster Care Review hearing or a Permanency Planning hearing held by the court after the juvenile is released from commitment from DJJ, the court transfers custody of the juvenile from the LDSS to the juvenile's prior family or to a relative subject to § 16.1-282 D1 or § 16.1-282.1 A1, the LDSS shall provide at least six (6) months of foster care prevention services based on the identified needs of the juvenile and the custodian.

5.62 DJJ Procedures

1. Upon the juvenile's release from the commitment, DJJ shall:
 - a. Provide a thirty (30) day supply of psychotropic medication prescribed by the DJJ psychiatrist or a psychiatrist contracted by DJJ, along with a refill prescription for thirty (30) days, if applicable.
 - b. Provide a minimum of a two (2) week supply of non-psychotropic medication prescribed by the DJJ physician or a physician contracted by DJJ for chronic diseases or other medical disorders along with a refill prescription for thirty (30) days, if applicable.
 - c. Contact a community psychiatrist and/or physician in an effort to secure all active medications requiring a prescription from a specialist, to ensure continuity in medical care following the juvenile's release
 - d. Meet with the juvenile and LDSS to review and discuss the re-entry plan and review and sign the rules of parole, as applicable.
 - e. Assist with school re-enrollment, as necessary and applicable.
 - f. Work with juvenile to develop employable skills.
 - g. Report noncompliance with treatment and services to LDSS, as soon as practicable, but no later than forty-eight (48) hours.
 - h. Provide parole supervision, as applicable.

6.00 TERM OF AGREEMENT

This MOA effective date is the date of execution by the Parties. The MOA shall remain in effect until modified or superseded by a subsequent agreement by the Parties or unless terminated by either party as provided for in section 7.00 (Termination).

7.00 TERMINATION

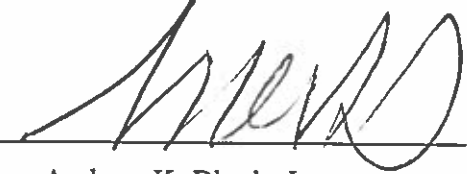
This MOA may be terminated by mutual written agreement of the Parties or by either party, with or without cause, upon thirty (30) days written notice to the other.

8.00 INTEGRATION AND MODIFICATION

This MOA constitutes the entire understanding of the Parties as to the matters contained herein. No alteration, amendment, or modification of this MOA shall be effective unless in writing and signed by the duly authorized officials of DJJ and DSS.

IN WITNESS WHEREOF, the Parties have caused this MOA to be duly executed by their authorized representatives intending to be bound thereby.

Virginia Department of Juvenile Justice

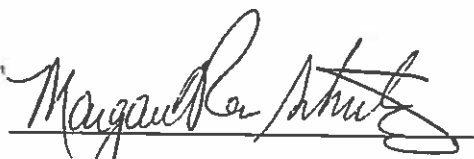
By: 

Name: Andrew K. Block, Jr.

Title: Director

Date: 8/28/15

Virginia Department of Social Services

By: 

Name: Margaret Ross Schultze

Title: Commissioner

Date: 8/31/15