

Virginia Commission on Youth

Study of School Enrollment Practices for Virginia's Kinship Caregivers Advisory Group

5th Floor East Conference Room
General Assembly Building
October 18, 2011
10:00 a.m.

MINUTES

Advisory Group Members:

Karin Addison, Lisa Bennett, Michelle Cowling, Jessica Eades, D. Patrick Lacy, Christine Marra, Bet Neale, Cate Newbanks, Michelle Vucci, Anne Wescott, Betty Jo Zarris

Participating Electronically:

Lisa Bennett, Patricia Popp

Guests:

Joel Andrus, Meg Burruss, Rebecca Bowers Lanier, Kamala Lannetti, Michael Malloy

Staff Attending:

Amy M. Atkinson, Leah Hamaker

Welcome and Introductions

Study Overview

Amy M. Atkinson, Executive Director

Ms. Atkinson welcomed the Advisory Group and asked the members and guests to introduce themselves. She then asked that Ms. Zarris brief the Advisory Group on Department of Social Services' activities pertaining to Kinship Care.

Virginia's Kinship Care Activities

*Betty Jo Zarris, Assistant Director, Division of Family Services
Virginia Department of Social Services*

Ms. Zarris referred the Advisory Group members to a handout summarizing the findings from the 2011 Division of Family Services Prevention Survey. She noted that, during the spring of 2011, the Prevention Unit of the Division of Family Services conducted a survey. The Department hoped to determine the types of early prevention services provided to families, the populations who receive the services, and the funding sources used to purchase the services. Ms. Zarris noted that 116 local departments responded to the survey, for a 96 percent return rate.

The focus of the survey was Early Prevention, which is defined as those prevention-related services provided prior to, or in the absence of, a current valid CPS referral. Three types of services were identified: public education and awareness activities to the public; services to groups of individuals at high risk for abuse/neglect/out of home care; and services to specific families who are at risk of abuse/neglect/out of home care, but not currently involved with child protective services.

Survey responses revealed that the great majority of local agencies provide some type of Early Prevention services. Ms. Zarris noted that the Safe and Stable Families Program and local community resources most frequently fund these services. Comprehensive Services Act funds, budget line 829 Family Preservation funds, and the Promoting Safe and Stable Families Program are the most

frequently used funding sources for individual families, although community resources also play a significant role.

She noted that 93 percent of local agencies utilized current staff to provide prevention services. A key component of these services is to strengthen families so they can remain intact and their children do not have to enter foster care. The survey results also revealed that Family Partnership meetings were frequently used as a family strengthening tool. Local departments collaborated with a wide variety of community groups and organizations to deliver Early Prevention services.

Ms. Zarris noted that 94 percent of the agencies responding indicated that they diverted children from foster care, suggesting that foster care diversion is a widespread prevention practice in Virginia. The number of children diverted in FY 2010 ranges from 1,400 to over 1,800.

Ms. Zarris noted that the survey highlights the need for program guidance, coordinated support for local agencies, and a standard method for local staff to record their work in Online Automated Services Information System (OASIS). She also stated that the Department's Prevention Unit would organize the search for additional funding through websites and other information sources operated by private child welfare organizations, the federal HHS Child Welfare Bureau, and other state and local agencies and service providers. In addition, Family Engagement and Foster Care Diversion will be specifically addressed in prevention guidance by including best practice guidelines gained from the Child Trends. Six localities have been selected to participate in this effort.

Review of Legislative Drafts

Ms. Atkinson, Jessica Eades, & Advisory Group

Ms. Atkinson referred the members to the legislative draft, which was discussed at the September 7 meeting. The draft incorporated language to allow schools to require an affidavit signed by both the kinship caregiver and the parent. An affidavit form was included in the legislative draft.

The Commission had received public comments about this draft. Ms. Atkinson noted that the Advisory Group meeting was open to the public and she invited all members to speak.

Kamala Lannetti with Virginia Beach Public Schools noted that the draft legislation created a Power of Attorney (POA) without reaching the level of a POA. She noted that the legislation requires Virginia Beach to allow for exceptions and ignored competing statutes regarding tuition charges. This would shift the burden to the schools to determine if the situation was appropriate or whether it was fraudulent. Moreover, there was no notary section included on the draft affidavit.

Questions were raised about whether the legislative draft references the perjury section of the Code of Virginia. It was noted that the POA section of the Code might apply. However, the POA section of the Code deals with adults and financial obligations. The affidavit needed to accomplish two tasks: affirm status and transfer rights.

The Family Educational Rights and Privacy Act (FERPA) was then discussed. FERPA contains provisions about access to records; however, each specific educational record must be specifically identified. Section 22.1-296.1 of the Code was discussed. Section 3 notes that making a false statement is a Class 1 misdemeanor. Several scenarios were discussed regarding natural parents attempting to pick up their child from school when the relative has entered into such an affidavit with the school. The Advisory Group discussed adding a clause that school officials be contacted if there was a change in the child's living arrangement. Discussion followed who would be responsible for picking up the child. It was noted that the same procedure would still be in effect. Most school divisions had cards with contact information in the student's file. The caregiver would determine whether the child could be released to anyone else.

The Advisory Group discussed removing "legal" parent in the affidavit and whether a delay by the parent in signing the affidavit would delay school enrollment. Issues such as incarceration, addiction, or abandonment may cause a delay. Group members concurred that it was understood that the affidavit would need to be signed by only one of the parents. They agreed to add language to the draft asserting that enrolling the student would not be delayed should the parent not sign the affidavit. The members suggested that the language specify that no student would be denied enrollment because the parent has not signed the affidavit.

A question was raised how this process could affect a parent who may have been incarcerated but released in 20 days. Members noted that this is a quasi-permanent arrangement. Another question arose as to how schools would proceed if parents abandoned their child. It was noted that there was seldom immediacy to this type of situation, unlike school enrollment.

Dr. Popp informed the Advisory Group that abandoned youth are enrolled in school pursuant to the federal McKinney-Vento Homeless Assistance Act. Children whose families serve in the military were also already covered by the Code of Virginia by the Interstate Compact for Military Children.

Ms. Newbanks stated the need for a process for enrolling youth in school for the willing relative caregiver and the willing parent. The Advisory Group should focus on what needs to be fixed, not on the other issues. Ms. Lannetti noted there is a need for schools to verify facts. There have been several kidnapping cases and schools must have standards.

Questions arose whether the affidavit should be filed with the Department of Social Services. Advisory Group members indicated not, since the family was not involving the welfare system and already bypassed the foster care system.

It was noted that judges encourage families to resolve issues without involving the courts. Ms. Atkinson stated that Commission staff would include the 30-day provision for the parental affidavit submission for the Commission on Youth's consideration. Mr. Lacy stated that the penalty provision should be included.

Ms. Atkinson asked Advisory Group members to review Page 1 of the legislative draft. The Advisory Group added language that would not delay enrollment if the affidavit was not signed by the parent and agreed to allow for a 30-day window so to allow the student to be immediately enrolled should there be a delay in the biological parent signing the affidavit. The Advisory Group concurred that school enrollment should not be delayed because of delays in the parent signing the affidavit. Ms. Atkinson noted that the model affidavit would be removed and general categories such as the reason for the kinship care would be included the revised draft legislation. The address of the relative and the penalty clause would also be included. Mr. Lacy noted that it might be helpful to have information about whether the natural parent was unable or unable to care for the child. Ms. Bennett suggested a statement be included about transferring the child's educational record. It was then discussed whether an affidavit would be more effective than a POA. Members noted that POAs typically apply to specific periods. POAs also enable caregivers to accomplish or carry out a designated task. The POA attorney was not endorsed by the Advisory Group at the September 7 meeting.

Ms. Atkinson stated that Commission staff would work with Ms. Eades on the legislative draft and send the Advisory Group members the revised draft; members of the Commission on Youth will be voting on recommendations at their November 9, 2011 meeting. All recommendations and public comments would be presented at this meeting.

The Advisory Group adjourned at approximately 12:00 noon.

