

THE ROANOKE TIMES

JANUARY 24, 2021

Local family drug courts prove effective in family reunification

By Alison Graham

Ashley Sweigart had just finished taking a few Roxycodone pain pills and had sat back to watch TV in her bedroom when she heard a car pull up outside her trailer.

It was the day after Christmas 2018, and her son and stepdaughter were in the living room playing with their new toys. Ashley walked out through the back door and met an unmarked silver car outside. Two women stepped out and Ashley's heart dropped when she saw the badges swinging from their necks: Bedford County Department of Social Services.

They came inside and told her she had been the subject of a child protective services report. The caller had said Ashley had been using drugs in front of her kids. The women asked her to take a drug test while they looked around the trailer, checking for running water and food in the fridge.

Ashley returned with her sample, but she already knew she was going to fail for weed, opiates, suboxone and benzodiazepines.

Ashley explained to the social workers that she had been partying during the holiday and they caught her at a bad time. They accepted her story and told her they would be back sometime the next week.

Every day, Ashley peered through her blinds, waiting for them to come. Every car she heard drive up the mountain was sure to be them with another urine test in hand. She was nervous and anxious, but she still couldn't stop using.

The social workers did return, and Ashley failed the drug test again. And again. And again. And again. She lost custody of her son, Jordan, that February. He left court that day with his grandmother, and the social workers put into place a plan that allowed only supervised visits between Ashley and her son and required Ashley to get sober before Jordan could move back home.

"You guys are expecting me not to get high anymore, but you just took the only thing that matters to me," she thought. "Why not get high? You're taking the most important thing away."

Ashley went back home, continued to use and fought her social workers every step of the way — cussed them, threatened them, said whatever reckless thing came to mind. It went on for close to three months before she realized that she wasn't getting anywhere, and that it was becoming more and more likely she would never have custody of her son again.

So Ashley picked up a pen and signed herself up for Bedford County's family drug treatment court program.

Bedford County started its family drug court in 2018. It's one of two programs in Southwest Virginia and one of only four in the state, despite the success of similar programs nationwide and a longstanding body of research showing their benefit.

Family drug courts serve adults who have substance abuse issues and an active child protective services or foster care case. Their goal is to reunify parents with their children, or to help them maintain custody and avoid foster care in the first place.

The first family drug courts were launched in the mid-1990s to help substance-abusing parents, who were frequently unable to reunify with their children, according to research from the National Association of Drug Court Professionals in Alexandria. The association found that parents with substance abuse issues had difficulty achieving and maintaining sobriety, with more than 80% failing treatment.

Currently, the U.S. Department of Health and Human Services estimates that as many as two-thirds of child maltreatment cases involve some degree of substance use.

The United States had 10 family drug courts in 1999, a number that has now grown to more than 300. Over the years, studies have shown that parents in family drug court programs are more likely to complete substance abuse treatment and regain custody of their children than those in typical reunification methods. Children of these parents also spend less time in foster care or other out-of-home placements.

Jane Pfeifer, program director at the national nonprofit Children and Family Futures, leads the organization's family drug court training and technical assistance program. She said the courts are so successful because they address the needs of the entire family and are able to quickly identify additional services and put them in place.

"These programs aren't just about substance use treatment," she said. "The courts provide intensive coordinated case planning and wraparound services. The family may need additional services or support and they really look at the broad base of the family's needs: mental health, trauma, poverty and other factors."

Despite the successes, family drug court programs are not widely used across Virginia, and the number of participants has varied from year to year, from 21 to 68 between 2009 and 2020. Virginia is not alone in these numbers. Some states have dozens of family drug courts while others have zero.

Chris Deutsch, communications director of the National Association of Drug Court Professionals, said there can be barriers to starting a family drug court. Stigma is one.

"Even though we've come a long way in our understanding of addiction and treatment and our notion that people can and do recover, there is still a widespread stigma around these issues," he said. "When these folks are involved in the justice system, there is a pervasive attitude that they should be punished first. It's a departure from how justice has been implemented in this country."

He said once people see how the program works and understand it's not a "get out of jail free" card, the public can begin to accept it. But persuading stakeholders and resource-strapped social services departments to take on more work is another issue.

Bedford County social services director Andy Crawford said starting the program took sacrifices from his department, the court system and private providers. No additional funding was available to get the program off the ground, so each office was required to use resources it already had.

A juvenile and domestic relations court judge set aside time on the docket each week to work with the participants. The Department of Social Services assigned a staff member to manage the cases. Horizon Behavioral Health, the organization that provides some of the treatment, set aside time for its substance abuse counselors and case managers to take on the new clients. And the health department donated a part-time peer support worker to the program.

“We happened to have the right level of resources at the right time to plug it in and go,” Crawford said. “We have the support at all levels to make it work. Foster care is very expensive and it’s not good for kids. So if you have families that have children placed in foster care, that’s costing a lot of money. We’re seeing kids go home, and even better, we’re not seeing them come back.”

Crawford said it required collaboration and willingness from each partner to get the program off the ground. Now that it’s running efficiently, they will be able to expand.

In June, the county was awarded a \$1.9 million grant from the federal Substance Abuse and Mental Health Services Administration. The grant will be administered over five years and has allowed the county to hire more people solely dedicated to the program.

Bedford County started its family drug court with five participants. In the two years since, 26 people have been enrolled. Six have left the program, some moving out of the area and others unable to complete the requirements. Another six have graduated. The program currently has 18 enrolled and a waiting list of six.

With the new staff, the program will be able to accommodate 40 participants at a time. More participants means fewer children in the foster care system long term.

“Local agencies can do things differently if they collaborate with their partners and think outside the box and have some local money they can be flexible with,” Crawford said. “One thing about Bedford County is that they don’t want things to be bad, and they don’t settle for ‘That’s just the way it is.’”

One week after Ashley signed up for the family drug court program, her social worker drove her to LewisGale Medical Center in Salem to go through a medical detox, where doctors could monitor her symptoms as she came off alcohol and medications like Xanax.

Ashley said she was high at the time and doesn’t remember much of the intake process, but she does remember her social worker, Hope Brown, staying with her until she was settled.

At first, Ashley was irritated. She’d signed up for the program because it was the only way she could figure out how to get her son back.

“I didn’t want to be there, I didn’t feel that I needed to be there,” she said. “I was doing it to make CPS happy.”

Ashley attended nine meetings a day: Narcotics Anonymous, Alcoholics Anonymous, group therapy and individual therapy. She started hearing stories from fellow addicts that sounded a lot like her own.

Others didn’t. Ashley listened to a mother say she hadn’t seen her son in six years and others who had been in the hospital for detox multiple times.

Ashley didn't want that to become her story.

One night, she stayed up all night talking with her roommate in the hospital. They talked about everything — childhood traumas, her roommate's overdose and five-year coma, the choices they'd made and the choices they were going to have to make when they got out. Ashley calls it her "Saturday night epiphany."

The next day, she cried in every meeting as she opened up to her group.

"I knew everything was going to change, the friends I had, the places I went, my relationship, my job," she said. "My whole life was upside down. I was terrified. But then I got out of detox, and I knew what I needed to do."

Bedford County social services staff saw drug use crop up in countless social services cases and become one of the main barriers to returning children to their parents. But for the past 10 years, social workers had seen an even bigger increase in methamphetamine use.

Crawford said parents who were using methamphetamine struggled far more to reunite with their children than parents using other addictive drugs. Treatment and punishments weren't working and reunification was nearly impossible.

The chemicals in methamphetamine require a longer period of treatment for the brain to heal and can affect memory and impulse control. Families struggling with meth addiction were often not attending visitations or treatment appointments because they would simply forget, said Jennifer Smith-Ramey, substance use program manager at Horizon Behavioral Health.

"It takes a while for their cognitions to improve once they're off of meth," Smith-Ramey said. "Opioid, marijuana and alcohol users can return to a baseline much faster. And that was another aspect of the drug court program: The treatment period is much longer than others."

Bedford County bases its program on a five-phase model. Participants move through each phase as they complete therapy and classes and achieve a certain level of sobriety.

The first phase requires participants to attend court, participate in about six treatment and community groups and submit three drug screens every week. The phase lasts at least 60 days and participants must be clean for 14 consecutive days before they can move onto the next stage.

By the fifth phase, participants must attend about two treatment and community groups per week, submit to two drug screens every week and attend court once a month.

Throughout these phases, participants take parenting classes, domestic violence classes and individual therapy. Although there are guidelines for how long each phase should take, participants move at their own pace, said family services specialist Bobby Jo Alston, who works with the county social services department.

“We do psychologicals to see what kinds of supports we need to put in place for people or childhood traumas they haven’t dealt with,” Alston said. “It’s not checking off boxes. We are looking for an overall behavioral change so they can have that long-term recovery.”

Both staff and participants say it’s a difficult program, filled with accountability. The number of appointments, programs and requirements can make it difficult for people to stick with it.

Nick Creasy and his wife are currently in the program in Bedford County. He and his wife share one child and raise others from her earlier relationships; they are working through the program to regain custody.

Creasy said he signed onto the program in June 2020 after an initial reluctance.

“In the beginning, I didn’t think I had a problem, I didn’t think I needed help,” Creasy said. “I just wanted everybody to leave me the hell alone. I felt like I was being pushed into doing something I really didn’t want to do.”

Creasy said he continually tried to run from Alston, who was assigned to his case. When she pulled into the driveway, he would run out the back door and drive away. But Alston kept coming back and told Creasy she saw something in him. Eventually, he came around.

“When Nick would stop running from me and we could actually have a conversation, he would be so honest with me about his use, and he was so transparent in where he was in his life and how he was really tired of it and tired of living that way,” Alston said. “I knew that if he could commit and we could get a little bit of sobriety behind him that he would get there.”

Creasy went to a few days of rehab but said he couldn’t stick it out. He eventually served eight hours in jail, where he sobered up. After that he started intensive outpatient therapy and has been successful in the program. In January, he moved to phase 3, meaning he had been clean for at least 45 consecutive days. His wife, Christina, recently moved to phase 4.

Alston said Creasy has been a great asset to the program as he helps other participants move through the phases. He’s attended his friends’ criminal hearings, given people rides to appointments and even helped them with home improvements.

“I ask all the time if there’s something else I can do for somebody else,” Creasy said. “I get a lot out of that. If I can get somebody else where they need to be, that’s what’s going to keep me where I need to be.”

Ashley left detox May 8, 2019, and started moving through the phases one by one. She said she never had a positive drug test after leaving the hospital and has been sober ever since.

She found a steady job with good pay and benefits and worked through behavioral therapy and intensive outpatient therapy. She didn’t own a car, so Brown, her social worker, drove 8 miles up and down a mountain to take her to every appointment.

“She was instrumental in helping me,” Ashley said. “I wouldn’t be anywhere without her. I know I wasn’t easy to be with. I know I was aggravating and frustrating and disrespectful, but she stayed with me.”

Brown said she saw past Ashley's rough exterior and knew it was hard for her to trust a social worker. In a program like this, she said, participants need to know someone is there for them.

"Participants are pretty unstable coming into the program, and we have to work with them to get them where they need to be," Brown said. "I do sacrifice a lot of time for the program and the individuals that need help, whether that's at 6 in the morning or 8 at night. We are truly there to help support people in their time of need."

Before Ashley could regain custody of her son, she had to find a new place to live. Her trailer was run-down. The ceiling leaked, the bathroom was falling apart and there was mold hiding in the crevices. It was cluttered and dirty and there wasn't nearly enough space for her and Jordan.

She appeared before the judge in Bedford County that fall. The court was ready to offer her full custody again, but Ashley told the judge her life still wasn't in order.

"I want him back," she said. "I just want him home, but I can't sit here and honestly ask you to do that when I don't know where I'm going to be."

The judge gave her another 30 days to find a new home. She found a place nine days before her next court appearance and was granted full custody of Jordan on Oct. 28, 2019.

The two of them moved in with two air mattresses, two televisions and the clothes they owned. Now, Ashley has furnished the entire place on her own.

"All of a sudden, I wasn't angry all the time," Ashley said. "I wasn't negative about everything. I was happy. And I don't really know when that happened, but it just kind of happened on its own and then it became the norm."

More than a year ago, the social services department in Giles County was consistently seeing substance use intertwined with child welfare cases, much like in Bedford County.

David St. John, the family drug court coordinator with New River Valley Community Services, said the county saw an increase in methamphetamine and heroin use as prescription drugs were further restricted. If addiction wasn't the main culprit in child welfare cases, it played a part in progressing the situation to the point that social services had to intervene.

St. John said Judge Stephanie Shortt, chief judge of the juvenile and domestic relations court, did much of the legwork to get the program started. She approached the county administration and the social services department to get the court into its pilot phase, which began in July 2019.

Shortt said she became a proponent of the drug court model while working as a public defender in Roanoke. She saw the benefits and the recovery that was possible and wanted to bring that model to the juvenile and domestic relations court when she became a judge.

Shortt convened stakeholder meetings with the social services department, the commonwealth's attorney, guardians ad litem, court-appointed special advocates and attorneys. Then she applied on behalf of the locality to the Virginia Supreme Court, which has final approval over the program.

The family drug court has served six people so far, with one graduate and another set to finish in April. At this point, the program can have up to three participants at a time, St. John said. Currently, it has one.

Four people have dropped out of the program. St. John said the treatment is strenuous and asks a lot of participants. Even with every tool and resource available, they won't always be successful.

"In a lot of ways, it mirrors what we see in substance use and mental health treatment generally," he said. "Success isn't always black and white. People who don't complete the program aren't failures or destined for bleak times. Some people just aren't ready."

Giles County is looking to expand its program with a family drug court grant from the national Office of Juvenile Justice and Delinquency Prevention, which awarded 24 grants totaling \$22.9 million last year. Charlottesville received one of those grants, \$827,973, to support its family drug court program.

"I've been impressed with everybody using the resources we have because we're stretched thin as it is," St. John said. "It takes a lot of collaboration to do this between courts, county administration, social services and even just folks in the community. We're all working to build better communities at the end of the day."

Social services closed Ashley's case in December, but Ashley was hesitant about being left on her own. The program provided constant support and accountability, and Ashley was worried she would regress without it.

But Alston told her there was nothing the department could do for her that she wasn't already doing for herself. Ashley has since become a sponsor for other women in recovery and a peer recovery coach at an outpatient facility, and she works with the Central Virginia Addiction and Recovery Resources Coalition. These are the communities that hold her accountable now.

Alston said one of the goals of the program is to provide participants with community support, so when social services closes its case, they can continue to be successful.

Jordan, who is now 11, loves to play Monopoly with his mom as he tests out different strategies to win. Ashley said she's been open with him about why he had to live with his grandmother, and he has accompanied her to court and Narcotics Anonymous meetings.

"I definitely wouldn't be where I am if I didn't go through this program," Ashley said. "I have zero doubts that I would be dead or in jail. And I have a career now with benefits. I have a retirement plan and life insurance. That's stuff I never thought I'd have."

THE ROANOKE TIMES

JULY 1, 2021

Virginia's first children's ombudsman to fill gap in social services accountability

By Alison Graham

A new state office is designed to give a voice to Virginia families and social workers who have had nowhere to turn with complaints about their local social services agencies — a problem that has plagued child welfare for at least four decades.

Gov. Ralph Northam has appointed attorney Eric Reynolds as Virginia's first children's ombudsman, more than a year after legislation establishing the office was signed into law. Reynolds started Friday and will serve a four-year term. He will report directly to the governor.

Reynolds was most recently the staff attorney for court improvement programs at the Virginia Supreme Court and also served as legal counsel for the Virginia Department of Social Services and other state agencies.

His office will investigate complaints concerning the 120 local social services departments in the state. According to a state legislative watchdog report, the Virginia Department of Social Services lacked a clear way to identify and address problems in its local agencies. Both biological and foster parents were often scared to speak out against an agency because they feared their children would be removed from their home.

If people tried to complain to state or regional social services offices, they were directed to a constituent services unit, which, despite its name, is set up to help local departments, not constituents.

Reynolds said he was drawn to the ombudsman position because of this gap. After graduating from the University of Richmond's law school, Reynolds represented children and parents in dependency cases before moving on to work for a number of state agencies. He said that after seeing the system from both sides, he understood that there was a missing opportunity for parents and families to seek clarity and to alert the state to issues that arose in their cases.

"Agencies have responsibilities that they're legally required to fulfill and they have boundaries that they have to set," Reynolds said. "The ombudsman will field those calls, hear those complaints, hear folks' experience with those agencies and be able to respond in a helpful way without giving them the runaround."

Any individual can submit a complaint to the ombudsman, but the office can also initiate an investigation without receiving a complaint. After an investigation, the ombudsman can pursue any necessary action, including legal action, to protect the rights and welfare of a child who is receiving child protective services, is in foster care, or is placed for adoption.

The ombudsman can also advocate for legislative changes, make recommendations to social services offices and investigate violations of the rights of foster parents.

Reynolds said he is working to hire additional staff and set up an intake process before the office can begin receiving complaints, but there will soon be a website and phone hotline.

In 2018, the Joint Legislative Audit and Review Commission recommended creating an ombudsman's office to help fix issues in the state's foster care system. The commission's report detailed many problems with the state social services department's accountability and oversight of local agencies.

JLARC reports have documented the lack of accountability at social services agencies for nearly 40 years. Reports have said that local departments can operate for years with severe inadequacies, and that the local agencies face no consequences if they do not fix identified problems.

At least 14 other states have implemented ombudsman offices that have been able to improve child welfare programs.

"These mechanisms enable states to use strategic, targeted interventions when a local office is unable or unwilling to address identified problems," the 2018 JLARC report said.

Currently, people with complaints against local departments who contact regional or state social services offices are directed to the constituent services unit.

Em Parente, acting director of the Division of Family Services, said the office has a full-time staff of four people who respond to questions and complaints. She said the office hears a range of concerns, such as from biological parents who are upset that their children have been removed or foster parents who disagree with their local department's decisions.

Parente said the staff helps explain the social services system and whether anything can be done. If there is a situation in which a local department employee has not followed policy, the office reaches out to the local agency.

"Our first strategy is always to make sure the local department understands the issue, what the person is upset about and if there is something more the local department can do to resolve the issue," she said. "Because we're supervising, we don't intervene in the cases."

Parente said the office tries to keep in mind who it contacts so there is no retaliation against complainants, but in the end, the constituent services unit is set up to assist the local department.

Del. Chris Hurst, D-Montgomery, who introduced the children's ombudsman bill, said he had spoken with foster parents who had problems with their local departments but feared retaliation if they complained. He said an ombudsman office would be a place people could turn without the threat of retaliation, which is why he introduced the bill three separate times before it was finally passed and funded.

"You couldn't go up the ladder to air a grievance," he said. "It became clear to me there had to be an independent, outside office to do that work."

The ombudsman office will be able to investigate on behalf of citizens and will work from outside the social services system. Reynolds said he is sensitive to the potential for retaliation against those who complain.

“We’ll be developing some protocols about that and coming up with solutions,” he said. “I believe in working collaboratively to resolve issues and not just with the agency, but also the complainant. I hope the relationships I build and the approach I take in these investigations will help stave off any kind of retaliatory action.”

Additionally, the ombudsman office will be able to advocate for legislative or policy changes if the staff sees trends or issues between agencies. Reynolds said he hopes to take all of the good ideas and put them into action to help agencies be more effective and protect children and families in Virginia.

“As the independent advocate at the state level, the ombudsman can play that role in guiding that unified approach,” he said. “We respond to questions and complaints, but there’s also the advocacy part — to fill gaps that are inherent in the child welfare system.”

THE ROANOKE TIMES
SEPTEMBER 4, 2021

'A rare and special thing': Oliver was able to return to public school after 3 years in a private special ed placement. Why is his story so unusual?

By Alison Graham

A voice crackled over Caitlin Smith's walkie-talkie.

"It's time for Oliver."

Smith looked around her classroom at Roanoke Minnick School to make sure that Oliver Sargent had all of his belongings. She stuffed his backpack with a sketchbook of detailed drawings, folders of his work in the classroom and a new set of colored pencils — a gift she got him for his last day of school.

The bag overflowed with tokens of his three years at the private special education day school. Each paper and each sketchbook marked signs of his progress, which meant it was finally time for him to return to his public school.

"Oh my God, I'm crying," Smith said as she and her aide, David Tudge, led 14-year-old Oliver to their classroom door for the last time this past spring.

Other teachers came to their doors to say goodbye. Some clapped and cheered Oliver on as he passed. He seemed excited by the commotion, but to him it was just another school day with more distractions than usual. He walked to the front door of the school building and out to the car waiting at the curb.

Principal Ashley Wittl-Osborne stood by the door with her walkie-talkie.

"Oh, gosh, this sucks," she said, wiping tears away. "It's such a good thing, but it really sucks. It never gets easier."

Minnick is a private special education day school, one of 85 across Virginia, that works with children whose behavior is too challenging for public schools. Their goal is to teach the students how to better manage their behavior so they can return to their home schools, like Oliver. But that rarely happens.

With each passing year, public schools place more children in private special education schools where they tend to stay for years — some until they turn 22 and age out of the system.

These programs are costly, with tuition split between the state and the child's locality. The money comes from the Children's Services Act, legislation from the 1990s that created a statewide pool of funds to provide social services for children.

Because of the way Virginia's laws are written, CSA money can be used for special education at private, but not public, schools. Public schools can then opt out of building intensive, and costly, special education programs, and instead send difficult children to private schools — all without having to pick up the tuition tab.

In 2019, more than 4,000 students were enrolled in private day schools throughout the state at a median annual cost of \$54,000 per child, according to a November study by the Joint Legislative Audit and Review Commission, the General Assembly's watchdog agency.

The recent increase in private special education enrollment has significantly driven up CSA's budget.

CSA spending on private special education has more than doubled since 2010, growing about 14% per year from \$81 million to \$186 million a decade later. It accounts for nearly half of all CSA spending.

Following the JLARC report, legislators targeted CSA and special education for reforms, but workers in these fields are frustrated with what they see as undue scrutiny of their work and the real need for more services in schools and the community.

"We've struggled over the years with the focus being on why private day costs so much without looking at the real stories of the kids who need our services," Wittl-Osborne said. "I'm proud of our program, but the focus on the cost can sting a little bit."

'A rare and special thing'

Oliver is a tall, blonde teenager with a lot to say. He has severe autism, but he repeats phrases and words that he hears from classmates, his parents and movie characters — like Forky in "Toy Story 4," one of his favorites. He makes eye contact and engages with others, but he doesn't understand social rules or personal space. He isn't able to adapt to a normal classroom environment and wouldn't do well there, his mother Daphne said.

The Sargents moved to Roanoke County from South Carolina in 2017. Before the move, Oliver was in an elementary school with a robust special education program and did well. But his new school in Roanoke County did not have the same accommodations and Daphne said the transition was difficult for him.

Oliver wasn't allowed to ride the school bus because he threw things at the driver. When Daphne took him to Penn Forest Elementary School in the morning, she had to fight him every step of the way. She had to pull him out of the car as he kicked and screamed. Afterward, she'd often pull into the South County Library parking lot and cry.

The school called the Sargents nearly every day to pick up Oliver. He would knock things off his desk, try to leave the classroom or aggressively squeeze the teacher's arm. If he didn't have a separate place to calm down, he sometimes would try to hit the teacher.

Once, Oliver playfully pushed another student on the playground and he was sent home. He wasn't angry or upset, he just didn't know the right way to play, Daphne said.

Over time, it became a positive reinforcement: Oliver learned that if he acted out, he could go home.

When the school's staff suggested Minnick, the option scared Daphne.

“The idea of private day was foreign to us because that wasn’t an option in South Carolina,” she said. “But the public school did really help us and cared enough to help us find a safe place for him.”

Wittl-Osborne said public school staff referred Oliver because they didn’t feel like they could maintain his behavior and also educate him safely.

“His mom was extremely hesitant to have Oliver come to Minnick,” she said. “This is my 14th school year and we’ve really evolved over time, but there are some people in the community that think Minnick serves the bad kids, the rough kids. We’ve evolved beyond that.”

Children placed in private special education have behavior problems that many public schools are not equipped to handle. Sometimes children kick, scream, throw stuff or yell. Other times they act aggressively toward other students or staff, destroy property or run away. Some, like Oliver, have autism or other learning challenges that require more intensive instruction.

And others have mental health illnesses or have experienced trauma that interfere with their success at public schools.

Daphne said the Minnick staff told her from the beginning that it was a temporary placement and the goal was for Oliver to return to his public school.

“I want Oliver to have the most normal possible life,” she said. “If he stayed at Minnick, all he’s ever going to be is a kid with autism that has behavior problems. My goal was always to have him back in the public school setting because that means their program worked. But I think we’re a little bit of an exception to the rule.”

Transitioning students back to their home school after being in a private placement can be difficult.

Wittl-Osborne said many parents are hesitant to enroll in a private day school. But once they see their child being successful, sometimes for the first time ever, it can be hard to convince them that it’s time to return and they won’t consent to the transition.

Other times the public school staff remembers the child’s misbehaviors and is hesitant to admit them again.

Until recently, Virginia law did not allow CSA funds to be used in public schools at all, which meant that some of the services needed to transition kids back to public school — like one-on-one aides and transportation — were ineligible for CSA money.

Wittl-Osborne said she and her staff implement slow transitions and stay involved until the student seems to be thriving in the new school. For Oliver, they took him on tours of his new school, introduced him to the staff members and teachers, and created a book for him with pictures of his new classroom to create a sense of familiarity.

“Oliver is a great example of the system working as it should,” Wittl-Osborne said. “It’s such a rare and special thing.”

Few alternatives

Children served through the Children's Services Act are evaluated using a statewide assessment model. Between 2010 and 2019, the number of children who reported experiencing trauma grew by 20%. The number of Virginia students identified with autism increased by 124% between 2009 and 2018.

These diagnoses can cause children to need more services, like therapy or one-on-one aides, or to stay in private day schools longer, which costs more over the long term.

The JLARC report found that enrollment increases were the largest driver in spending growth. According to the report, private day school enrollment has grown 50% over the past 10 years, with the number of students growing twice as fast in the last five years as in the previous five. Private day school students account for a larger proportion of kids served through the Children's Services Act and the program's total spending than they did 10 years ago.

Virginia places a higher percentage of students with disabilities in more restrictive out-of-school settings, like private day schools, than 37 other states. The schools are considered more restrictive because children do not have access to their neurotypical peers and are sometimes educated outside of their community.

Virginia's goal, as set by the U.S. Department of Education, is to place no more than 2.5% of students with disabilities in out-of-school placements, but the state's rate is nearly twice that.

The system in Virginia amounts to unfair segregation of students with disabilities, said Tonya Milling, executive director of the ARC of Virginia, an advocacy organization for people with developmental disabilities. Because CSA funds cannot be used in public schools to provide the services these kids need, students are forced to go to more restrictive placements.

"We see that as an unequal and frankly discriminatory practice," she said. "You can only get those additional services if you're willing to be in a private, segregated setting. We have questioned, and feel pretty strongly, that the way it's set up in Virginia, it really does probably break the law."

Only 13 school divisions in the state have programs that could be used as alternatives to private day school placements. Some school districts operate separate schools that offer similar services and others work with nearby localities to create regional programs.

In localities with access to one or both of these options, the private day placement rate was lower. But only eight school divisions have access to both. Fifty have access to one and 41 have access to neither, according to a survey done by JLARC. Thirty-one school divisions did not respond to the survey.

As more children require special education, the state has slowly cut those funds. Between fiscal years 2010 and 2019, state funding for the average school division fell from \$7 million to \$5.8 million.

"School systems struggle to provide the services needed, and if they were adequately funded would be able to educate these students in their home base school," one local CSA official told JLARC staff. "It seems odd to pay private providers to do the work that should be provided by the public system if funding and support from [the Department of Education] were available."

Legislative study

The JLARC report spurred action among legislators in the General Assembly during the last regular session. Sen. Monty Mason, D-Williamsburg, said the results of the report were eye-opening.

“I don’t think the report said what people anticipated it would say,” Mason said. “The report shined a light on these private day schools and we thought it would make them look like the bad guy, but it wasn’t that at all.”

Instead, the focus was on why children need the services and why they seem to have more severe needs. Mason said his bill took up five of JLARC’s recommendations, including licensing private day schools and standardized reporting of tuition rates.

The bill also created a work group to study whether the funds used for special education should be transferred from the Children’s Services Act to the Department of Education, which controls special education placements but doesn’t pay for them.

“School divisions do not have to bear any of the cost of these costlier placements because they have no financial incentive to invest in resources that can better enable them to serve students with the most challenging behaviors,” the report said.

Transferring these funds to the Education Department would help alleviate this issue, according to lawmakers and advocates. JLARC staff said that shifting the money would prompt the department to come up with solutions for the lack of special education services in some public schools.

Mason’s work group will also consider whether to allow the use of CSA funds in public schools, he said. In the meantime, students transitioning back to public school will be able to use CSA funds for a period of 12 months.

ARC of Virginia’s Milling said the effort is a step in the right direction, but she worries whether it goes far enough. A student’s needs will not disappear in those 12 months, and she said funds should follow the student, not be tied to where the student is placed.

“The funding going away sets that kid and the school system up for failure,” she said.

Sen. David Suetterlein, R-Roanoke County, introduced a bill that would have set up a pilot program for using CSA money in public schools, but the legislation did not pass.

He said he heard from both parents and Roanoke County school officials that they were interested in participating in the pilot program.

“It wouldn’t have been something that would have been for everyone,” he said. “I want to increase choices for parents so they can make the best decision for their children. Parents wanted it and county schools wanted to offer it.”

Private day school may be a locality’s only option for a student who can’t be served, but even then such placements aren’t always available.

Wittl-Osborne said her school educates some students from Pulaski. The school teaches them vocational skills and takes them on tours of job sites, but all of the opportunities are in Roanoke.

“It doesn’t help a kid from Pulaski to make connections in Roanoke,” she said. “We want them to be successful in their community.”

Private day school can also be the step between public school and residential care if there aren’t services to help a child in the community. One of the goals of a place like Minnick is to prevent placement in a residential facility, which is considered an even more restrictive placement and can be detrimental to kids who don’t need it.

Ray Ratke, CEO of Encircle, which runs Minnick schools statewide, said students who come into the nonprofit’s schools have common issues that could be helped through other services.

“They have struggles within their families, behavioral issues, emotional disturbances,” he said. “If you had better supports addressing those issues you may have less of a need for special education services.”

But until then, enrollment and costs are not likely to go down.

“It’s really about making that bigger investment,” Milling said. “Our job is to help people with disabilities access the world that exists, we don’t need to build separate institutions and segregate them. They have the right to live in the world that we all live in. They just need extra help and support when accessing it.”

A fresh start, with challenges

Oliver returned to public school in Roanoke County the Monday after spring break. His mother said the first three days went well, but on Thursday, Oliver became overwhelmed.

At Hidden Valley Middle School, students with autism deescalate and take a break from the classroom in a padded wrestling room. But the door is locked. Daphne said Oliver became agitated and as his teacher was trying to unlock the door, he hit her.

He was suspended and sent home from school.

Daphne was out of town at the time, and her husband couldn’t get away from work immediately. When he did arrive, Oliver was back in his classroom eating lunch with the other students and had calmed down. But he still had to be sent home for three days.

When she heard what happened, Daphne said she couldn’t help but think, “Here we go again.”

In Roanoke County, special education students are held to the same standards as other students — which means if Oliver acts aggressively, he is suspended.

According to the county’s student conduct code, “regular disciplinary procedures must be followed” even for students with disabilities.

His mother said this isn’t an effective strategy for Oliver, who doesn’t understand that staying home from school is a punishment for bad behavior, especially because he returned to the classroom afterward. Instead, she thinks Oliver needs to learn that he will not go home and has to learn to self-regulate so he can stay with his classmates.

“The county doesn’t seem to be able to handle kids on the spectrum,” she said. “If you have a child that has any behavior issue that needs to be worked out, they just ship them off.”

After the suspension, the Sargents met with the school and their Individualized Education Program team to try to come up with a solution. But because of the policy that would require Oliver to be sent home whenever he showed aggressive behavior, the family didn’t think it would work out. They recently moved into Roanoke and Oliver is attending Patrick Henry High School this fall.

“His teacher was great, but the administration did not want him there,” Daphne said. “That’s just how I felt. I didn’t want to go through another school year where he was getting suspended. That’s not good for him. The county schools are great, they’re just deficient when it comes to training and policy for kids like Oliver. It isn’t right how they handle it.”

County special education director Elisabeth Harman said every child’s situation and behavior are unique, so she could not make a generalization about whether the policy is too harsh.

“I would say most administrators give discretion to the individuals at the school, but there are behaviors that might result in removal from school,” she said. “If a student has more than 10 suspensions, you have to look at whether it’s related to the disability. And that’s universal across the state of Virginia.”

At Patrick Henry, Oliver is in classes with more than 40 kids on the spectrum and with other disabilities. Daphne said the school will try to integrate Oliver into elective classes, like art, with other kids in the general student population, and he switches classes and teachers throughout the day.

The special education students also have their own hallway so he’s less likely to get overwhelmed. And the city does not have the same policy as the county, Daphne said.

“We’re really excited about the program they have there,” she said. “Oliver has outgrown Minnick and now it’s about working out this transition. I know he can do it. He doesn’t need to be at private day anymore.”

THE ROANOKE TIMES

SEPTEMBER 12, 2021

Long-term service gaps interfere with goals of Children's Services Act

By Alison Graham

Every year, Amy Rice stands at a wooden lectern in front of the Henry County Board of Supervisors and tries to explain the escalating costs of the Children's Services Act.

She's typically asking the board for more money because the cost of serving at-risk kids is always more than they anticipate. Rice, the county's director of social services, said it gets harder every year to explain why the county should keep paying the never-ending bill.

Henry County is one of many Virginia localities seeing CSA costs skyrocket, with little ability to control, or even predict, the increases. By February, the county had spent \$1.3 million in fiscal year 2021 on CSA costs, a 457% increase compared to the same period five years ago.

"They're writing a blank check every year," Rice said. "CSA is just this gap. We have no way to predict how many children are going to have needs or what those needs will be."

The Children's Services Act, legislation implemented in the 1990s, pooled state money from social services, education, behavioral health and juvenile justice. That pool of funds is used by the state and each locality to pay for services for at-risk children: kids in foster care or in private special education, or those who receive community services to avoid foster care.

The services are considered sum-sufficient, which means that no matter what a child needs or how much it costs, the state and its localities are required to pay for it. Currently, more than 15,000 kids are in the program statewide.

Year after year, Virginia asks localities what they need to better care for children referred to social services. And year after year, localities respond with the same lists of struggles. But instead the state hands down new mandates focused on curbing spending in whatever area is facing the biggest cost increase at the time.

The most recent surveys, conducted by the state Office of Children's Services, show the same service gaps as the year before: Localities struggle to find enough behavioral health counselors, and almost every region in the state is in dire need of foster care homes.

Family foster homes are one of the least expensive ways to care for children. Without them, kids are sent to more expensive therapeutic foster care homes through private agencies or to residential facilities and group homes that offer more intensive services — even if they don't need that type of care.

The outcomes for children who are unnecessarily placed in residential facilities and group homes is bleak: They are more likely to become delinquent, post lower test scores, drop out of school and experience

physical abuse while in care, according to Casey Family Programs, a national foundation focused on foster care issues.

So not only are some of Virginia's most vulnerable children being improperly served, the state is paying more money to do it.

"At the end of those dollars are children," Rice said. "I see children who I helped in CSA who are now on the news for criminal charges, and I just wonder what we're doing."

Like a game of whack-a-mole

The state's response to CSA cost increases has followed the same pattern for years.

Each time a new report delves into CSA funding, lawmakers focus on the one area facing the most significant cost increase rather than looking broadly at the system as a whole.

Advocates have likened the reaction to a game of whack-a-mole.

Margaret Nimmo Holland, vice president of external relations at enCircle, has seen this pattern play out. EnCircle runs Minnick Schools — special education private day schools — and also provides treatment foster care services. Nimmo Holland also formerly served as the executive director of Voices for Virginia's Children, a child policy and advocacy organization.

"At the end of the day, the needs of these kids have to be met by someone, somehow," she said. "They're complex needs and they need a certain level of attention and support that's going to be expensive. And if they aren't served one place, they'll pop up somewhere else that's also expensive."

The General Assembly's watchdog agency, the Joint Legislative Audit and Review Commission, first studied CSA in 1998. The resulting report said CSA cost increases, which had been an issue since the legislation was implemented, could be attributed to more poverty, more kids entering foster care, and children needing treatment for more severe, and expensive, needs.

The report also found that only half the children being served through CSA were receiving services that actually met their level of need — 35% were receiving higher-level services than necessary. In some localities, the report said, "case managers make placement decisions based upon the fact that there are inadequate resources, both for funding and for community alternatives."

In response, the state created a new mandate to standardize the way social workers decide where to place children, and it required localities to further review the cases of children in residential facilities. Legislators also established the Office of Children's Services to monitor local CSA programs.

The changes led to decreasing costs in residential care as localities began to use more community-based services, but overall CSA program expenditures continued to rise.

In 2006, another JLARC study found that many localities placed children in more restrictive settings, like residential care, than necessary because less expensive and more effective community-based services were not available.

“These service gaps jeopardize children’s ability to improve, contribute to escalating program costs, and prevent the state from achieving the CSA’s core objectives of providing appropriate and cost effective services,” the report said.

In the years following that report, the state focused on lowering residential placements and costs, the largest driver in spending growth at the time. It implemented a match-rate incentive system in which localities pay a larger share for residential services than they would if they placed the child in a community setting. The new system was successful — the percentage of foster care kids in group homes decreased 40% and total CSA expenditures declined nearly 9%.

But it further exacerbated another problem that had also been pointed out in 1998: Some localities require departments to try every possible solution to a child’s behavioral problems before resorting to residential care and taking on the higher cost. This means that children are required to “fail” multiple services before they can finally access the one they might need.

Rice said she agrees that most children should be served in their community whenever possible. But the incentive system punishes a locality financially for using a higher-level service, like residential care, even when the child needs it, she said.

“There are times when children need greater intervention and need a facility,” she said. “But when you have a system that is set up to penalize a county for putting children into congregate care, it just lengthens the timeline for them.”

Seeking legislative remedies

JLARC’s most recent CSA study, released in November 2020, focused on the use and costs of private special education day schools. The money spent on placements at such schools has more than doubled since 2010, growing about 14% per year from \$81 million to \$186 million. It now accounts for nearly half of all CSA spending.

Children who are placed in private special education cannot be adequately served by public schools. Sometimes these children exhibit disruptive behaviors, or they might have been diagnosed with autism or other learning challenges that require more intensive, one-on-one instruction.

CSA money spent on special education can only be used in private, not public, schools, according to Virginia law.

In response to the JLARC report, legislators introduced a flurry of bills during the last regular session focused on private special education. Most of them were incorporated into a bill from Sen. Monty Mason, D-Williamsburg, which took on five of JLARC’s recommendations, including quick fixes like licensing private day schools and standardized reporting of tuition rates.

But the biggest outcome of his bill was the creation of a committee to study whether CSA money should be able to be used in public schools and whether the funds used in CSA for special education should be transferred to the Department of Education instead.

In the meantime, students transitioning back to public school will be allowed to use the funds for 12 months.

For the third time in nearly 25 years, JLARC addressed longstanding service gaps that hinder CSA's effectiveness, such as the need for foster care homes and school-based mental health services.

Del. Rob Bell, R-Albemarle, sponsored a bill that would require the Department of Medical Assistance Services to investigate why enrollment in one school-based mental health service, therapeutic day treatment, has dropped substantially in the last few years. Therapeutic day treatment is seen as the last option for kids with severe mental health needs before they are sent to a private day school or residential treatment or are hospitalized.

No policies or state regulations have changed, but children who had once been approved for the program are now being denied by Medicaid, Bell said. Even before the COVID-19 pandemic, the number of kids in the program suddenly dropped by 35%.

Bell's bill would have set up an appeals process for children who had been denied the service, but it was tabled and will be studied by a subcommittee.

The state is moving away from therapeutic day treatment in search of a more robust mental health system in schools, but there is not yet a replacement.

"We have this time gap between when the new system will be in place and the old system is not providing services anymore," Bell said. "Nobody is thinking there will be less demand for mental health support. So then the question is, what will the local school counselor do when the child is identified as needing more than she can provide?"

The Office of Children's Services identified community-based behavioral health services, a category that includes therapeutic day treatment, as the number one service gap statewide in fiscal year 2019.

The JLARC report also recommended reviving the Innovative Community Services grant fund, which had allowed localities to apply for money to create new programs that would address service gaps. The grant expired and has not been implemented again, even after JLARC recommended it in 2006.

Meanwhile, half of Virginia's localities identified a lack of funding as one of the major barriers to addressing service gaps.

28 years and counting

Lawmakers during late summer and early fall begin to put together their slate of issues for the coming session. This is also an election year, and while candidates are talking about the well-being of children, the huge need for foster care families and lower-level services to help keep children's needs from escalating is once again not at the forefront.

Bob Cohen, the former director of the Virginia Treatment Center for Children at Virginia Commonwealth University, wrote a book on the Children's Services Act that was published in 2017. He also worked on the legislation when it was being developed in the 1990s.

He said that over CSA's 28 years, he has seen both progress and shortcomings. CSA was created to be a comprehensive system, but over the years it has developed flaws.

Service gaps continue to thrive in Virginia without a coordinated effort to fill them and attract new providers. Meanwhile, kids aren't able to access the services they need when they need them.

Cohen said the state must look at the system as a whole instead of focusing on individual service types.

"Twenty-eight years later and we're in a very different situation," Cohen said. "I don't think more Band-Aid approaches are going to help you create the comprehensive system we wanted."

Too many 'ifs'

In Henry County, Rice will apply the new rules and mandates to the children she and her staff serve every day. The county has 76 foster children and 22 kids in residential care, according to data from the Office of Children's Services. In 2017, the county had 50 kids in foster care and only 11 in residential care.

When a child is removed from a home, social workers must find a place for the child immediately. If no local foster homes are available, workers look for an available home in another locality, a therapeutic foster care home, or, as a last resort, a group home. A more restrictive, or intensive, placement is never the goal, but sometimes there are no alternatives.

For example, Rice said Henry County lacks adequate access to juvenile sex offender treatment, so some kids who could stay in the community while receiving treatment are instead sent to residential facilities.

Rice said the department has access to therapeutic foster care homes from private agencies, but they can't always handle the child's behaviors. As more kids have come into foster care, the county's 24 local foster care homes have filled up.

"When people ask me, 'What is it that you need in social services?' it's not just one thing. We need a variety of things," Rice said. "The solutions the state seems to apply always follow the money, but we're responding to the human condition. There's no set thing that will work for everybody."

In Rice's office at the Henry County-Martinsville Department of Social Services, she hangs the thank-you notes she's received from families she's been able to help in the past.

But she's haunted by the ones where she could have made more of a difference if the family had been more open, if there had been more money, or if they had more time.

"And there are as many 'ifs' as there are families," she said.

THE ROANOKE TIMES

SEPTEMBER 19, 2021

Roanoke County innovates foster care program to save on Children's Services Act costs

By Alison Graham

Erika Stinnett shuffled her stack of papers and looked up at the 17-year-old sitting across the table. She asked the girl about her plans for when she turns 18: where she will work, where she will live, and what support to expect from the social services department.

“You do very well communicating what you want and stating what you want, and you need to keep that in you,” Stinnett said. “Not even talking about you aging out of foster care, but no one’s going to have your back like you. And at the end of the day, you have to do what’s best for you.”

Stinnett is a mentor with Youth Advocate Programs, a national nonprofit focused on community based alternatives for at-risk children and support for foster care youth. Youth Advocate Programs teamed up with the Roanoke County and Roanoke City social services departments in 2010 to administer the STARS program — an extra layer of support for children and families involved in foster care.

Stinnett met with the foster child, whose name has been withheld to protect her identity and privacy, multiple times per week to support both her and her foster parents, Andy and Sandee Szabo.

At one of their meetings in April, Stinnett talked with her about her new job at Walmart and how she was balancing the new commitment with her last few weeks of high school. And they strategized how to budget her money so she could afford rent when her time with the Szabos came to an end.

The young woman came into the care of the Roanoke County Department of Social Services in the summer of 2020. And as a teenager in foster care, she was immediately placed in the STARS program, which focuses on families who are fostering teenagers or fostering children with severe disabilities or emotional needs.

The additional services, such as a therapist for the foster parents, a mentor for each foster child, and parent support groups, has helped retain and support foster families in the area. That retention, and being able to train its own specialized foster care homes, saved Roanoke County more than \$1 million in potential Children’s Services Act costs over a two year period.

The Children’s Services Act was implemented in the early 1990s and pooled money from different child-serving agencies across the state, including juvenile justice, social services, behavioral health and education. Those funds are used to provide services for at-risk children, including all children in foster care.

The idea of the legislation was to eliminate duplication and use funds more efficiently to realize better outcomes for children, but the legislation has, at times, fallen short.

Recently, the state has been studying ways to reform the act after costs have continued to rise year after year without a proportional increase in the number of children being served. As costs have increased, localities have been forced to innovate with new programs like STARS to lower their CSA costs and fill needed service gaps across the state. But these programs can be difficult to replicate in smaller, rural or more resource-strapped areas.

“Why doesn’t everybody do this? Because it’s above and beyond what is required,” Roanoke County foster care supervisor Ben Jones said. “In child welfare, you often don’t have what you need to do what’s required.”

Help from STARS

The Szabos’ foster daughter came to their home after a transient period living with her uncle locally and then with her mom in eastern Virginia. She ran away from home, but was picked up by child protective services and spent a few nights in a group home. She arrived at the Szabo house with just the clothes on her back and a small bag.

“When you first come in, it’s kind of hard because you have, especially when you’ve been on your own, like so many rules that have to come along,” she said. “Before I knew them fully, I wanted to go back to the group home.”

Sandee said the timing of her foster daughter’s arrival coincided with the anniversary of Sandee’s father’s death and just a few months after Sandee’s mom’s funeral.

“I think in the beginning that really caused her and I to butt heads a lot, because I was in such an emotional state,” Sandee said. “And then all of a sudden, here we have this 17- year-old who thinks she knows everything and wants everything her way.”

Sandee and her foster daughter both describe themselves as stubborn and said they consistently fought for the first few months. But the STARS program set Sandee and her husband up with their own therapist to work through the transition and also provided respite care, when another family takes care of a foster child for a short period of time. Sandee said respite gave her and her husband needed breaks and kept their own relationship strong.

The STARS mentor, Stinnett, helped them establish house rules and enforce them because it was their first time fostering. And Stinnett offered suggestions on how to get the young woman ready for her adult life: they established one night per week where she would budget, grocery shop and prepare a meal for the entire family on her own.

“Without STARS we probably would have said please come get her,” Sandee said. “Because we really needed those STARS workers and the therapists to help us all. I think it really helped us get a handle on how to do it. Without STARS, we would have had a lot more difficulties.”

Sandee said the program provided her foster daughter with three different workers: a medication counselor, a private therapeutic counselor and her mentor. These are in addition to the workers she has access to through the social services department.

“Since I’ve been in counseling and been on medication, I’ve actually been better attitude-wise,” the young woman said. “Because when I got here, I was a raging dog. I’ve actually calmed down in counseling. I can really see a difference.”

The STARS program provides many services to foster families, but is able to save the localities money by mimicking therapeutic foster care homes. Therapeutic foster homes are typically run by private agencies that recruit and train their own foster parents and contract their services to local social services departments, which pay a high rate to use them.

Therapeutic homes receive a larger stipend from the state because the children in these homes typically have needs that go above and beyond what a normal foster family would be expected to provide. And the private agencies often have more resources and a higher paid staff that can provide additional support to foster parents who may be struggling to adjust to their new role.

The Roanoke County and Roanoke City social services departments have been able to create their own therapeutic foster care program with STARS, where they train therapeutic foster parents themselves, and with the help of YAP, provide the extra support that retains families and helps them avoid burnout from the social services system.

Jones said his department is able to provide the same service for less than one tenth of the cost that a private agency would charge.

“It turns out that with these additional supports, our families are able to be more sustainable, more professional,” Jones said. “We look at what a family needs and utilize multiple funding sources to make it happen. Our outcomes are better and we’re able to train families to a higher level right off the bat.”

Jones said the two localities copied the idea from Portsmouth, which ran a similar program for a few years before it fizzled out. When Jones became the foster care supervisor in 2012, he inherited the program. At the time there were fewer than 10 families involved.

Jones and his counterpart in Roanoke began to grow the program slowly — looking for families who had fostered before and done well. Eventually, they expanded the program to new families who had never had a foster child. Now, there are 33 STARS families in the city and county combined.

The program requires the same 30 hours of training, background checks and approval process as a regular foster family. But the STARS program adds 12 more hours of training and additional assessments to make sure families can handle the added difficulty of a child with severe needs.

“All of this is about keeping placements stable so kids don’t bounce from one home to another, providing a better stewardship of county and state funds, and we want our foster homes to be safe and stable,” Jones said. “We don’t want the families to break under the pressure of the system.”

Filling a gap

The Children’s Services Act provides funding for more than 5,000 foster children in Virginia — about \$117 million was spent in 2020, according to data from the Office of Children’s Services.

CSA has been experiencing cost increases overall since about 2015 and increases in foster care costs since at least 2017 without a proportional increase in the number of children served.

The Joint Legislative Audit and Review Commission released a report in November about these trends and attributed some of that cost increase to the need for more services in many areas of the state.

These service gaps, in which a locality may not have access to a particular service a child needs, mean kids are sometimes sent to a higher-than-necessary level of care, such as a residential facility. This leads to cost increases and worse outcomes for the children being served.

Therapeutic and regular foster care homes have been repeatedly identified as one of the largest areas of need across the state for years, according to surveys conducted by the state Office of Children's Services.

Each year the office surveys localities about barriers that exist to overcoming these service gaps. In fiscal year 2021, a lack of service providers was identified by 50% of localities.

Part of the reason the STARS program is so successful is because the local governments have partnered with Youth Advocate Programs to help run it.

Jones, who coordinates the program as part of his regular duties, said high caseloads, turnover and a litany of responsibilities would make it difficult for his staff to run the program without a dedicated partner separate from the social services department.

But in counties where a partner organization or service provider doesn't exist, replicating the STARS program would be difficult, if not impossible.

Smaller localities often serve fewer children in CSA programs and can have difficulty attracting a provider to the area if there isn't a financial incentive to open there. The smallest local CSA programs serve fewer than 10 children per year while the largest serves more than 1,000. Some regions have been successful in attracting a provider to serve multiple localities at once, but the time-consuming collaboration and development process can be a barrier for areas without the staffing or resources.

Rebecca Morgan, director of the Middlesex County social services department, said her area faced a gap with special education services. Her agency is now working with multiple localities to create a new special education school. Currently, the closest private special education school is about 30 minutes away, and the closest one that served children with autism is anywhere from 60 to 90 minutes away.

Morgan said the group has been working to create the new school for a few years now and has partnered with a service provider that will run the program. They are currently in the process of selecting a location.

"You have to have somebody to step up and say they're going to lead it," she said. "That's how everything got off the ground for us."

The local community services board stepped up, applied for grant funding and took the lead on the project. Finding that leader can often be the barrier holding localities back from making progress, Morgan said.

"Where is your time going if you aren't waking up every day, going to work and thinking of how you can improve the life of the latest child who's come through child protective services?," she said. "It has to be a community effort, stepping outside of the day to day and at least trying something new."

According to JLARC, some smaller localities lack the financial leverage, resources and expertise to negotiate terms and rates with providers. The report recommended the state step in and help negotiate these agreements.

Funding is also among the largest factors in maintaining service gaps. According to a survey from the Office of Children's Services, close to one-third of localities said a lack of funding has greatly inhibited their ability to develop services.

Jones said the STARS program did not take a large investment to start, but replicating it would require buy-in from the local CSA office and a small amount of funding to hire a coordinator who could track the training, appointments and other requirements of the program and its families.

"Most of the infrastructure to run a successful program already exists within your local DSS because the state has already provided for it," Jones said. "The enhancements are what you need to fund and they are surprisingly affordable compared to what we're spending in private agency reimbursement."

Even so, extra funding can be hard to come by in social services departments that operate on strict budgets and are already struggling with increased costs.

Brian Carter, director of finance and human services in Franklin County, said the locality has had discussions about replicating the STARS program, but hasn't been able to because of staffing and budgeting issues.

Years ago, legislators created a grant program of \$750,000 to help address the funding issue experienced in localities wanting to start new programs. A 2006 JLARC report on CSA recommended the program be expanded, but the recommendation was never implemented and the grant eventually expired.

Taking on teens

The Szabos lived in Northern Virginia for decades before deciding to retire in Salem. They never had children of their own due to medical issues and considered adopting and fostering, but didn't pursue it until they moved to the Roanoke area.

Sandee said she had always thought about fostering children because her aunt and uncle in Maryland fostered children for more than 30 years and adopted some of her cousins from foster care.

"I've always been exposed to it," she said. "It was always open."

The Szabos took foster parent training classes in the fall of 2019 and were approved the following spring after the required home visits and background checks were complete.

The same day the department certified them as foster parents, they received a call for emergency respite placement for a 15-year-old boy. The Szabos took care of him for about two weeks while his foster parents took a break.

A few months after that, their 17-year-old foster daughter arrived.

The Szabos said they specifically volunteered for teenagers because it's a foster care population that is often overlooked.

Jones said the county has a significant need for foster parents willing to take teenagers, who are often sent to group homes or residential care because there is no family who can, or is willing to, take them.

“They need to grow up in a family environment to see people interact and argue and work things out together and be in a relationship because that’s what you take into your adult life,” Jones said. “If they lose that and they go to a group home or a residential situation, then we are preparing them for jail or the army. Because that’s where those relationships are transitory and you are in a bunk and you don’t get those family dynamics you’re supposed to have.”

Many families sign up to foster with the expectation they will care for an infant or a toddler. Convincing them to take on an older child, with more life experiences and potential trauma, can be difficult.

“I think if more people knew how much support is actually out there through the STARS program, I think a lot more would probably consider doing teens,” Sandee said.

Under the radar

Currently, innovative programs like STARS can go unnoticed by state officials and other localities that are not aware of the success.

Morgan, social services director in Middlesex County, said it would be helpful if localities had a chance to share ideas and successful programs with one another. She said the Office of Children’s Services could take on the role to facilitate best practices, feature new programs and help localities replicate them.

“If everyone was committed to moving the system forward and trying something different, trying a new approach, talking to someone who’s developed a new program and taking the time to build it up, you could really do something transformative,” Morgan said. “Many communities are doing this, many programs are partnering together, but I don’t know that there’s a spotlight on that.”

Each year, the service gap surveys are sent out to each locality and respondents simply check boxes on a form with categories that can include close to 10 different services. The needs over the years have remained consistent and such broad categories prevent the ability to drill down into actual service gaps experienced by children and families.

A more thorough look at exactly what each locality needs would be a more effective way to evaluate and fill service gaps.

Del. Kenneth Plum introduced a bill, which was passed last regular session, that requires the Office of Children’s Services to monitor performance measures, use data to identify localities that are underperforming and develop corrective action plans.

The legislation required the office to hire an additional staff member who would develop an approach to the data analysis and review of local CSA programs.

Sen. Barbara Favola, who serves as a member of the Commission on Youth, said she hopes these reports and data points will help the state see where gaps exist across the Commonwealth and what can be done to address them.

“My overall goal would be to make the state a really strong partner in funding creative solutions that would work for their families and their children,” Favola said. “You have to look at this as an investment, not a cost. You have to ensure that localities have the support they need to make these programs work.”

The Roanoke Times

Dec. 30, 2021

Virginia children's ombudsman begins social services investigations, but waits to open hotline

By Alison Graham

Virginia's first children's ombudsman has started investigating cases since the office was established this summer, but has yet to formally open to the public.

Gov. Ralph Northam appointed attorney Eric Reynolds as children's ombudsman in June, more than a year after legislation establishing the office was signed into law. Reynolds reports directly to the governor.

Reynolds was most recently the staff attorney for court improvement programs at the Virginia Supreme Court and also served as legal counsel for the Virginia Department of Social Services and other state agencies.

His office will investigate complaints concerning the 120 local social services departments in the state. According to a state legislative watchdog report, the Virginia Department of Social Services lacked a clear way to identify and address problems in its local agencies.

Both biological and foster parents were often scared to speak out against an agency because they feared their children would be removed from their home. Without a place to turn in the state, regional or local offices, families were left to navigate the system and its problems on their own.

Reynolds said the office is currently working to hire staff, build a website and create a case management system for complaints. He wanted these to be in place before advertising the office's contact information and creating a complaint hotline.

But once his appointment was announced in June, word spread and the office began to receive calls from people seeking help in foster care and child protective services cases.

Reynolds said many of the calls have been from Southwest Virginia.

"We've been taking that opportunity to formulate and perfect our procedures," Reynolds said. "So when we're able to go live and accept the floodgates of calls we're going to be getting, and that I'm expecting, we'll have those policies and routines in place."

As of early November, the ombudsman had received 33 complaints. Of those 33, the office initiated investigations into five, closed out seven because of lack of authority or information from the complainant, referred one to another agency and were in the process of assessing the remaining. Two of the complaints involved child fatalities.

The Virginia Department of Social Services has provided access to its case files for the investigations and the ombudsman's office has also been working with the social services regional offices and constituent services unit on complaints.

Reynolds said many of the calls have been from biological parents whose children have been removed by local agencies. He said sometimes the office takes the role of educating people about how the system works — explaining why a social worker took certain actions or why they can't take others. Educating the public on the social services system is part of the ombudsman's role, Reynolds said.

Other times foster parents call with stories of their foster children being arbitrarily removed from their home, Reynolds said. Other trends identified have been a lack of trauma-informed practices with parents and some families being left in legal limbo during foster cases. These trends help inform the office as it recommends legislative changes in the upcoming session.

Reynolds said he has seen a spectrum of social work being done across the state. Some social workers and agencies go above and beyond for families.

“But then there's some that, honestly, I ask, why are you in this business?” Reynolds said. “Why are you a caseworker for social services if this is your attitude towards families or toward kids? We've seen that end of the spectrum as well. Those are the ones that we take very seriously. We go in and work with the Virginia Department of Social Services and the regional offices to try to put those cases back on track.”

He said the office stepped in on a few cases and has already seen some local practices change.

Reynolds hopes the office's hotline and email complaint system will be available to the public early next year, but hiring staff and working through the state procurement system has taken longer than expected.

“I know folks are frustrated and they want to do something,” Reynolds said. “I want that system in place so that we can handle an influx. We are responding. If people call us, we're opening files, we're handling them. But are we ready to open those floodgates yet? Not quite.”

In 2018, the Joint Legislative Audit and Review Commission recommended creating an ombudsman's office to help fix issues in the state's foster care system. The commission's report detailed many problems with the state social services department's accountability and oversight of local agencies.

JLARC reports have documented the lack of accountability at social services agencies for nearly 40 years. Reports have said that local departments can operate for years with severe inadequacies, and that the local agencies face no consequences if they do not fix identified problems.

At least 14 other states have implemented ombudsman offices that have been able to improve child welfare programs.

“What we have is a flashlight, not a hammer,” Reynolds said. “We can shine the light on the areas that need improvement and for the right people to see the areas of improvement that need to be addressed.”