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HOUSE BILL NO. 1964

Offered January 13, 2025

Prefiled January 6, 2025

A BILL to amend and reenact § 16.1-283.3 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 9 of Title 63.2 an article numbered 3, consisting of sections numbered 63.2-924 through 63.2-930, relating to Bright Futures Program.

Patrons—Tata, Reid, Bennett-Parker, Earley, Lovejoy and Shin

Referred to Committee on Health and Human Services

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-283.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 9 of Title 63.2 an article numbered 3, consisting of sections numbered 63.2-924 through 63.2-930, as follows:

§ 16.1-283.3. Review of voluntary continuing services and support agreements for former foster youth.

A. Whenever a program participant, as defined in § 63.2-918 *or* 63.2-925, enters into a voluntary continuing services and support agreement with a local department of social services pursuant to § 63.2-921 *or* 63.2-928, a hearing shall be held to review the agreement and the program participant's case plan. In determining whether to approve the case plan, the court shall determine whether remaining in the care and placement responsibility of the local department of social services is in the program participant's best interests and whether the program participant's case plan is sufficient to achieve the goal of independence. Such hearing shall be held by the juvenile and domestic relations district court that last had jurisdiction over the program participant's foster care proceedings when the program participant was a minor. The petition for review of the voluntary continuing services and support agreement and the program participant's case plan shall be filed by the local department of social services no later than 30 days after execution of the voluntary continuing services and support agreement. The petition shall include documentation of the program participant's last foster care placement as a minor and the responsible local department of social services, a copy of the signed voluntary continuing services and support agreement, a copy of the program participant's case plan, and any other information the local department of social services or the program participant wishes the court to consider.

B. Upon receiving a petition for review of the voluntary continuing services and support agreement and the program participant's case plan, the court shall schedule a hearing to be held within 45 days after receipt of the petition. The court may appoint counsel or a guardian ad litem for the program participant pursuant to § 16.1-266. The court may reappoint or continue the appointment of the court-appointed special advocate volunteer who served the program participant as a minor or, if the previous volunteer is unavailable, appoint another special advocate volunteer. The court shall provide notice of the hearing and copies of the petition to the program participant, the program participant's legal counsel, the local department of social services, and any other persons who, in the court's discretion, have a legitimate interest in the hearing. The local department of social services shall identify for the court all persons who may have a legitimate interest in the hearing.

C. At the conclusion of the hearing, the court shall enter an order that:

1. Determines whether remaining under the care and placement responsibility of the local department of social services is in the best interests of the program participant; and

2. Approves or denies the program participant's case plan.

In determining whether to approve or deny the program participant's case plan, the court shall consider whether the services and support provided under the case plan are sufficient to support the program participant's goal of achieving independence. If the court makes any revision to the case plan, a copy of such revisions shall be sent by the court to all persons who received a copy of the original case plan.

D. After the initial hearing, the court may close the case or schedule a subsequent hearing to be held within six months to review the program participant's case plan. Subsequent review hearings may be held at six-month or shorter intervals in the discretion of the court. The local department of social services shall file a petition for review of the program participant's case plan within 30 days prior to any such scheduled hearing. If a hearing was not previously scheduled, the court shall schedule a hearing to be held within 30 days of receipt of the petition. The court shall provide notice of the hearing and a copy of the petition in accordance with subsection B. If subsequent review hearings are not held by the court, the local department of social services shall conduct administrative reviews pursuant to § 63.2-923 *or* 63.2-930.

E. In all hearings held pursuant to this section, the court shall consult with the program participant in an

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age-appropriate manner regarding his case plan.

Article 3.

Bright Futures.

§ 63.2-924. Bright Futures program; established.

The Bright Futures program is established to provide services and support to individuals age 21 through 23 who were in foster care upon turning 18 years of age. Such services and support shall be designed to assist the program participant in transitioning to adulthood, becoming self-sufficient, and creating permanent, positive relationships. The program is voluntary and shall at all times recognize and respect the autonomy of the participant. The Bright Futures program shall not be construed to abrogate any other rights that a person 18 years of age or older may have as an adult under state law.

§ 63.2-925. Definitions.

For purposes of this article, unless the context requires a different meaning:

"Bright Futures" means the services and support available to individuals age 21 through 23 who are participating in the Bright Futures program.

"Case plan" means the plan developed by the local department for a program participant.

"Local department" means the local department of social services under the local board having care and custody of the program participant when the program participant reached 18 years of age.

"Program participant" means an individual who meets the eligibility criteria set forth in § 63.2-926.

"Voluntary continuing services and support agreement" means a binding written agreement entered into by the local department and program participant in accordance with § 63.2-928.

§ 63.2-926. Bright Futures program; eligibility.

The Bright Futures program is available, on a voluntary basis, to an individual age 21 through 23 years of age who:

1. Was (i) in the custody of a local department immediately prior to reaching 18 years of age, remained in foster care upon turning 18 years of age, and entered foster care pursuant to a court order or (ii) in the custody of a local department immediately prior to commitment to the Department of Juvenile Justice and is transitioning from such commitment to self-sufficiency; and

2. Is (i) completing secondary education or an equivalent credential; (ii) enrolled in an institution that provides postsecondary or vocational education; (iii) employed for at least 80 hours per month; (iv) participating in a program or activity designed to promote employment or remove barriers to employment; or (v) incapable of doing any of the activities described in clauses (i) through (iv) due to a medical condition, which incapability is supported by regularly updated information in the program participant's case plan.

§ 63.2-927. Continuing services and support.

Continuing services and support provided under the Bright Futures program shall include the following, where necessary:

1. Medical care under the state plan for medical assistance;

2. Housing, placement, and support in the form of continued foster care maintenance payments in an amount not less than the rate set immediately prior to the program participant's exit from foster care. Policies and decisions regarding housing options shall take into consideration the program participant's autonomy and developmental maturity, and safety assessments of such living arrangements shall be age-appropriate. For program participants residing in an independent living setting, the local department may send all or part of the foster care maintenance payments directly to the program participant, as agreed upon by the local department and the program participant; and

3. Case management services, including a case plan that describes (i) the program participant's housing or living arrangement; (ii) the resources available to the program participant in the transition from the Bright Futures program to independent adulthood; and (iii) the services and support to be provided to meet the program participant's individual goals, provided such services and support are appropriate for and consented to by the program participant. All case plans shall be developed in consultation with the program participant and, at the participant's request, with up to two members of the case planning team who are chosen by the program participant and are not a foster parent of or caseworker for such program participant. An individual selected by a program participant to be a member of the case planning team may be removed from the team at any time if there is good cause to believe that the individual would not act in the best interests of the program participant.

§ 63.2-928. Voluntary continuing services and support agreement; services provided; service worker; duties.

A. In order to participate in the Bright Futures program, the eligible program participant shall enter into a written voluntary continuing services and support agreement with the local department. Such agreement shall include, at a minimum, the following:

1. A requirement that the program participant maintain eligibility to participate in the Bright Futures program in accordance with the provisions of § 63.2-926 for the duration of the voluntary continuing services and support agreement;

2. A disclosure to the program participant that participation in the Bright Futures program is voluntary

and that the program participant may terminate the voluntary continuing services and support agreement at any time;

3. The specific conditions that may result in the termination of the voluntary continuing services and support agreement and the program participant's early discharge from the Bright Futures program; and

4. The program participant's right to appeal the denial or delay of a service required in the case plan.

B. The services and support to be provided to the program participant pursuant to the voluntary continuing services and support agreement shall begin no later than 30 days after both the program participant and the local department sign the voluntary continuing services and support agreement in accordance with § 63.2-928.

C. The local department shall assign a service worker for each participant in the Bright Futures program to provide case management services. Every service worker shall have specialized training in providing transition services and support for program participants and knowledge of resources available in the community.

D. The local department shall make continuing efforts to achieve permanency and create permanent connections for all program participants.

E. Upon the signing of the voluntary continuing services and support agreement by the program participant and the local department, the local department shall conduct a redetermination of income eligibility for the participant.

§ 63.2-929. Termination of voluntary continuing services and support agreement; notice; appeal.

A. A program participant may terminate the voluntary continuing services and support agreement at any time. Upon such termination, the local department shall provide the program participant with a written notice informing the program participant of the potential negative effects resulting from termination, the option to reenter the Bright Futures program through the age of 23, and the procedures for reentering if the participant meets the eligibility criteria of § 63.2-926.

B. If the local department determines that the program participant is no longer eligible to participate in the Bright Futures program under § 63.2-926, the local department shall terminate the voluntary continuing services and support agreement and cease the provision of all services and support to the program participant. The local department shall give written notice to the program participant 30 days prior to termination that the voluntary continuing services and support agreement will be terminated and provide (i) an explanation of the basis for termination, (ii) information about the process for appealing the termination, (iii) information about the option to enter into another voluntary continuing services and support agreement once the program participant reestablishes eligibility under § 63.2-926, and (iv) information about and contact information for community resources that may benefit the program participant. Academic breaks in postsecondary education attendance, such as semester and seasonal breaks, and other transitions between eligibility requirements under § 63.2-926, including education and employment transitions not longer than 90 days, shall not be a basis for termination.

C. Appeals of terminations of voluntary continuing services and support agreements or denials or delays of the provision of services specified in the agreement shall be conducted in accordance with the provisions of § 63.2-915 and Board regulations.

§ 63.2-930. Court proceedings; administrative reviews.

A local department that enters into a voluntary continuing services and support agreement with a program participant shall file a petition for review of the agreement and the program participant's case plan in accordance with § 16.1-283.3. If no subsequent hearings are held by the court to review the agreement and case plan after the initial review hearing held pursuant to § 16.1-283.3, the local department shall conduct administrative reviews of the case for the remaining term of the voluntary continuing services and support agreement no less than every six months.