

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 16.1-346.1 of the Code of Virginia, relating to minor elementary or secondary school students admitted to inpatient treatment; certain disclosures to certain school personnel upon discharge.

[S 171]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-346.1 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-346.1. Discharge plan; certain disclosures to certain school personnel upon discharge.

A. Prior to discharge of any minor admitted to inpatient treatment, including a minor in detention or shelter care pursuant to an order of a juvenile and domestic relations district court *or in a state hospital or training center as set forth in subdivision A 3 of § 37.2-505*, a discharge plan shall be formulated, *shall be* provided and explained to the minor, and copies thereof shall be sent (i) to the minor's parents ~~or~~; (ii) if the minor is in the custody of the local department of social services, to the department's director or the director's designee; or (iii) to the minor's parents and (a) if the juvenile is to be housed in a detention home upon discharge, to the court in which the petition has been filed and the facility superintendent; or (b) if the minor is in custody of the local department of social services, to the department.

A copy of the *discharge* plan shall also be provided, upon request, to the minor's attorney and guardian ad litem. If the minor was admitted to a state facility, the discharge plan shall be contained in a uniform discharge document developed by the Department of Behavioral Health and Developmental Services. The plan shall, at a minimum, ~~(i)~~ (1) specify the services required by the released minor in the community to meet his needs for treatment, housing, nutrition, physical care, and safety; ~~(ii)~~ (2) specify any income subsidies for which the minor is eligible; ~~(iii)~~ (3) identify all local and state agencies ~~which that~~ will be involved in providing treatment and support to the minor; and ~~(iv)~~ (4) specify services ~~which that~~ would be appropriate for the minor's treatment and support in the community but ~~which that~~ are currently unavailable. A minor in detention or shelter care prior to admission to inpatient treatment shall be returned to the detention home, shelter care, or other facility approved by the Department of Juvenile Justice within 24 hours by the sheriff serving the jurisdiction where the minor was detained upon release from the treating facility, unless the juvenile and domestic relations district court having jurisdiction over the case has provided written authorization for release of the minor, prior to the scheduled date of release.

B. *In the event that the facility to which a minor elementary or secondary school student is admitted to inpatient treatment determines that such minor student requires additional educational services upon discharge from the facility, the parents of such student may opt in to the disclosure, prior to or at the time of such minor student's discharge from the facility, of such determination by the facility to a mental health professional employed in such minor student's school or, if applicable, by the school division in which the student is enrolled.*

C. *In the event that the facility to which a minor elementary or secondary school student is admitted to inpatient treatment determines, based on communications from such minor student to a mental health service provider at such facility, that the student poses a specific and immediate threat to cause serious bodily injury or death to an identified or readily identifiable person or persons at the time of the student's discharge from the facility, the facility shall disclose, prior to or at the time of discharge in accordance with the requirements set forth in subsection B of § 54.1-2400.1, such determination to a mental health professional employed in such minor student's school or, if applicable, by the school division in which the student is enrolled.*

D. *No facility shall withhold the discharge of a minor elementary or secondary student from the facility solely for the purpose of making a disclosure described in subsection B or C.*

2. That the Department of Education shall create guidelines to place safeguards around proper use of student discharge planning information disclosed to elementary or secondary schools to prevent further disclosure of the discharge plan beyond the purpose for which such disclosure was made.

3. That the provisions of this act shall become effective on January 1, 2027.