

West Virginia's Rules of Juvenile Procedure: Supporting Education and Transition Services for Young People

ANALYSIS NO. 5, June 30, 2010

By Madelyn Freudlich

Washington, D.C. - Following five years of intensive work, the Supreme Court of Appeals of West Virginia approved the state's first Rules of Juvenile Procedure on April 20, 2010. The rules will become effective on July 1, 2010. The new rules provide a comprehensive roadmap for courts that hear child abuse and neglect, delinquency and status offense cases. The most significant change that the rules make is a new focus on youth in the foster care and juvenile justice systems for long periods of time and their need to better prepared for adulthood when they leave these systems at age 18 or older.

Through these rules, West Virginia has taken significant steps in implementing the requirements of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 that requires states to address education stability in a young person's case plan and assist young people aging out of foster care to develop a transition plan. Among some of the rules:

Education

- When a young person is adjudicated as a status offender, the Department of Health and Human Services must promptly convene a multidisciplinary team and conduct an assessment to determine the young person's mental and physical health status, maturity and education level, home and family environment, rehabilitative needs and recommended service plan.
- The case plan for each young person must include the health and education records for the youth, including the most recent information available regarding:
 - The names and addresses of the young person's health and education providers
 - The young person's grade level performance
 - A record of the young person's immunizations and a list of the youth's medications
 - Any other relevant health and education information
- The case plan must include a plan for ensuring the educational stability of the young person while in foster care, including:
 - Assurances that the placement of the young person takes into account the appropriateness of the current educational settings and the proximity to the school in which the youth is enrolled at the time of placement; and
 - Assurances that the custodial agency has coordinated with appropriate local educational agencies to ensure that the youth remains in the school in which he/she was enrolled at time of placement; or
 - If remaining in such school is not the best interests of the young person, assurances by the custodial agency and the local education agency to provide immediate and appropriate enrollment in a new school with all of the educational records of the young person provided to the school.
- Services for young people adjudicated as status offenders are to include educational and other social services.

Transition Planning

- For every young person between the ages of 14 and 18 in the custody of the state's child welfare agency or juvenile services agency, as part of the multidisciplinary process, the individualized service plan must contain a Life Skills Curriculum. Life skills to be taught to the young person must include, at minimum: personal hygiene, food and financial management; housekeeping, nutrition planning, job seeking skills, educational/vocational instruction, and

community resources. The young person is to participate in the formulation of his or her Life Skills Curriculum.

- Not later than 6 months immediately prior to the date on which the young person attains 18 years of age, the multidisciplinary team must assist the young person in developing a transitional plan that is individualized at the direction of the young person and that includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services.
- A young person who meets the eligibility requirements for transitional plans services must receive both the services listed above and services ordered by the court. The caseworker/case manager assigned to supervise the case must monitor the delivery of these services and report to the court at judicial reviews as long as the young person remains under court jurisdiction.
- The caseworker/case manager is to report to the court efforts to obtain appropriate transitional plan services, including but not limited to a voluntary placement agreement, educational training vouchers, other services funded through the Chafee Foster Care Independence Act and training to obtain a driver's license, if applicable.

The comment to these rules on transition planning states that a young person living in a transitional living placement may be eligible to earn a subsidy -- in addition to a traditional support payment -- based on a showing of consistent participation in life skills classes and other life skills activities, in school or in a job training program or employment. It notes that the state's child welfare agency provides a cash incentive for participation in Chafee-funded juvenile programs. The comment encourages multidisciplinary teams and the courts to identify other funding streams and positive incentives for young people's program participation.

The comment to the rules also states that a job-training program should provide skills that are compatible with the young person's abilities and interests and that increase his or her employability for jobs in the region. The training program should provide the young person with an opportunity to obtain a GED if completion of high school is not part of the young person's service plan. The comment specifically states that a young person's inability to obtain a GED should not negatively affect his or her eligibility to remain in a transitional living program.

A member of the Youth Services Committee of the Court Improvement Program Oversight Board which had responsibility for developing the rules states that the new rules and other measures that the state is taking to help older youth should benefit young people and also benefit the state by opening new avenues for additional Title IV-E federal funding.

About the Authors

Madelyn Freundlich is a consultant to the Resource Center. She can be reached at mdf@excalconsulting.com.

About the Fostering Connections Resource Center

The Fostering Connections Resource Center is a gathering place of information, training and tools related to furthering the implementation of the Fostering Connections law. Specifically, the Resource Center aims to connect implementers with the latest information and the best experts and advocates working on these issues. The Fostering Connections Resource Center is supported through the generous contributions of the Annie E Casey Foundation, Casey Family Programs, Dave Thomas Foundation on Adoption, Duke Endowment, Eckerd Family Foundation, Jim Casey Youth Opportunities Initiative, Sierra Health Foundation, Stuart Foundation and Walter S. Johnson Foundation. Child Trends and The Finance Project have primary responsibility for managing the Resource Center. The information and materials disseminated by the Resource Center have been assembled from a variety of sources, including state and national experts, leading child welfare organizations and state agencies.