

Minutes
State Board of Social Services

Hampton Inn
700 Settlers Landing Road
August 20 & 21, 2003

Present

Julie Christopher, Vice Chair
Mamie Locke
Danny Brown
Phillip Jones
Maggi Luca, Secretary
Jean Cobbs

Absent

Robert Spadaccini-work related business on west coast
Carol Coryell-surgery
Debra Andrews-work related

Call to Order

The meeting was called to order at 9:00 a.m., Vice Chairman Julie Christopher presiding.

Mayor Mamie Locke welcomed the Board and guests to Hampton.

Steve Blythe and Walt Credle welcomed the Board to Hampton, provided a brief history or the City, introduced local directors and invited the Board to an evening reception at the Hampton History Museum.

Presentations

Healthy Family Presentation

Dr. William Berg, Hampton Health Department, Walt Credle, Hampton Social Services Director, and Doug Perry from the Hampton Public Library provided an information presentation on the Healthy Families.

Healthy Families Partnership began offering services to the citizens of Hampton in 1992. Since its inception it has been committed to meeting the needs of all families with young children. In its first year Healthy Families Partnership reached approximately 333 families, in its tenth year approximately 12,500 families received services. The programs and services offered by Healthy Families Partnership, a public-private partnership, are making a difference in the lives of more than 30,000 Hampton children. Employees coach, mentor, teach and encourage families to nurture their children and increase the likelihood that children grow up safe and healthy, to become successful adults.

Regulation Update

Richard Martin reported that as of August 19, 2003, the Department has 87 regulations in place. 60 of the 87 are currently in process.

Of those 87, 35 are in the process of being repealed (28 relate to old AFDC regulations) that will be replaced by the new TANF regulation and two of the repeals will be effective within the next 30 days.

Of those 87, 12 are in the process of being amended.

Of those 87, 5 are in the periodic review process.

8 additional new regulations are in the process of being promulgated.

2 new regulations have been approved and published and will become effective September 1.

That totals 99 regulations and proposed regulations.

Action Items

Human Resource

Phyllis Sisk, Interim Director for the Division of Human Resources requested that the Board approve a request for exceptional salary increase. The local department, through its Board Chairman has requested an exception to policy. They do not agree that its selection of the new director was a promotion but a selection made under highly competitive conditions for all candidates. It is their position that the new director continues to excel in her position and deserves the compensation commensurate with her predecessor.

Discussion: none

ON MOTION DULY MADE (Mr. Brown) and seconded (Ms. Locke) moved to approve the request for exceptional salary action as requested. Motion carried with all in favor.

Ms. Sisk requested the Board to approve a request to establish a temporary donated sick leave policy for Louisa County. She advised that a donated sick leave policy allows classified employees to donate annual leave to other classified employees who have exhausted all their leave time. The department is recommending that Louisa County Department of Social Services be allowed to implement the proposed sick leave policy until the Administrative Manual can be amended to include provisions for such a policy.

ON MOTION DULY MADE (Ms. Luca) and seconded (Ms. Locke) moved to approve the request to establish a temporary donated sick leave policy for the Louisa County Department of Social Services. Motion carried with all in favor.

22 VAC 40-675 Personnel Policies for Local Departments of Social Services
Final Adoption

Mr. Richard Martin advised this regulation formalizes a consistent, appropriate and uniform structure for the development of a personnel system for local departments of social services in Virginia.

Discussion: none

ON MOTION DULY MADE (Ms. Luca) and seconded (Ms. Locke) moved to approve regulation 22 VAC 40-675-10 entitled Personnel Policies for Local Departments of Social Services. Motion carried with all in favor.

22 VAC 40-705-60 and 130 Child Protective Services
Notice of Intended Regulatory Action

This regulatory action will begin the process to amend the regulation and implement statutory changes approved by the 2003 General Assembly.

Discussion: None

ON MOTION DULY MADE (Ms. Locke) and seconded (Ms. Luca) moved to approve publishing the Notice of Intended Regulatory Actions for regulation 22 VAC 40-705-60 and 130 entitled Child Protective Services in the Virginia Register under the provisions of Executive Order Number 21 (2002). Motion carried with all in favor.

22 VAC 730-115 Investigation of Child Abuse and Neglect in Out of Family Complaints
Notice of Intended Regulatory Action

This regulatory action will begin the process to implement statutory changes that were approved by the 2003 General Assembly. These changes pertain to clarification of procedures for conducting a CPS investigation of a teacher, principal or other person employed by a local school board or employed in a non-residential school operated by the Commonwealth.

Discussion:

Ms. Christopher referred to page 5 of 16 under “Mandatory Reporters” and asked if clergy were considered. Ms. Cathleen Newbanks advised there had been 5 bills before the legislature to include clergy in the mandated reporters but all had failed. She advised the department will be asking the legislature to include clergy under voluntary reporters.

ON MOTION DULY MADE (Mr. Brown) and seconded (Ms. Locke) moved to approve publishing the Notice of Intended Regulatory Actions for regulation 22 VAC 40-730-115 entitled Investigation of Child Abuse and Neglect in Out of Family Complaints in the Virginia Register under the provisions of Executive Order Number 21 (2002). Motion carried with all in favor.

22 VAC 40-740 Adult Protective Services

Proposed Regulation

This action will amend the regulation to incorporate statutory changes. It establishes guidelines and expectations relative to the receipt, investigation, and disposition of reports of adult abuse, neglect and/or exploitation, and the provision of protective services to adults found to need protection. This regulation provides guidance to local departments of social services for investigation reports and protecting the health, safety, and welfare of the elderly and adults with a disability and to maximize statewide consistency in the implementation of the APS system.

Discussion: none

ON MOTION DULY MADE (Ms. Luca) and seconded (Ms. Locke) moved to approve the proposed regulatory package for 22 VAC 40-740 entitled Adult Protective Services for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002). Additionally, approve the fiscal impact analysis for distribution to local boards of social services. Motion carried with all in favor.

22 VAC 40-600 Food Stamp Program-Administrative Disqualification Hearings

Periodic Review

The department recommends that this regulation be retained with no change.

Discussion: none

ON MOTION DULY MADE (Ms. Locke) and seconded (Ms. Luca) moved to approve publishing the Periodic Review for regulation 22 VAC 40-600 entitled Food Stamp Program-Administrative Disqualification Hearings for submission to the Department of Planning and Budget and the Secretary of Health and Human Resources as required by the provisions of Executive Order Number 21 (2002). Motion carried with all in favor.

22 VAC 40-293 Locality Groupings

Proposed New Regulation

This action will establish the regulatory authority for local departments of social services to change Temporary Assistance for Needy Families (TANF) locality groupings.

Each local area is placed in a locality grouping which determines payment levels for recipients of TANF in that locality. This regulation indicates the required data and the criteria to determine if a locality may switch to another locality grouping and change TANF payment levels.

Local departments must petition the state board of social services, provide Department of Housing and Urban Development fair market rent data, and evidence that the request has been shared with the local governing board. If the request is to move to a locality grouping in which payments are lower, the local department must provide evidence that the locality has a disproportionate share of TANF recipients.

Discussion:

Mr. Brown questioned whether unemployment rates are a factor. Mr. Martin advised they were not since this deals specifically with TANF recipients.

Ms. Cobb asked for clarification on why unemployment rates were not considered. It was advised that although unemployment can be a factor in the locality, it is not in moving within locality groupings. Housing costs provide input. The percentage of population receiving TANF is considered. People move to take advantage of areas that pay higher and offer more services.

ON MOTION DULY MADE (Ms. Locke) and seconded (Mr. Brown) moved to approve publishing the proposed regulatory package 22 VAC 40-293 entitled Locality Groupings for publication in the Virginia Register under the provisions of Executive Order Number 21 (2002). Additionally, approve the fiscal impact analysis for distribution to local boards of social services. Motion carried with all in favor.

22 VAC 40-170 Voluntary Registration of Family Day Homes-Requirements for Contracting Organizations

Periodic Review and Notice of Intended Regulatory Action

This regulation establishes qualifications that contracting organizations must meet in order to certify family day homes as eligible for registration (care for less than 6 children). It establishes requirements for issuance of contracts to qualified organizations; establishes administrative responsibilities of contracting organizations and provides information and procedures necessary for contracting organizations to administer the voluntary registration program. The goal is to ensure that the activities and services of contracting organizations meet and is maintained in accordance with the requirements of the contract issued by the VDSS and to provide the information and procedures necessary for contracting organizations to administer the voluntary registration program.

Discussion:

Ms. Christopher advised she was honored to serve as the Board representative attending the Child Day Care Council meetings. She asked, and Ms. Lib Whitley Baron agreed to talk about the differences in sizes of homes, and briefly discuss religious day care centers.

Ms. Luca asked about the contract agencies that were covered in the above briefing. It was reported there are currently 6 that operate the voluntary registration program, and they are up for re-bid every two years. The Planning Council is used in this area. It was reported that no state funds are involved; however, a fee of \$50 is paid from people that are to be licensed.

Mr. Brown questioned the legal area of this program. It was stated that investigations are done, and if founded, CODE permits the Commissioner to go to Circuit Court to close any facility in violation.

ON MOTION DULY MADE (Ms. Locke) and seconded (Ms. Luca) moved to approve publishing the Notice of Intended Regulatory Actions for regulation 22 VAC 40-170 entitled Voluntary Registration of Family Day Homes-Requirements for Contracting Organizations under the provisions of Executive Order Number 21 (2002) and the Periodic Review Report for submission to the Department of Planning and Budget and the Secretary of Health and Human Resources as required by the provisions of Executive Order Number 21 (2002). Motion carried with all in favor.

22 VAC 40-180 Voluntary Registration of Family Day Homes-Requirements for Providers and 22 VAC 40-181-Voluntary Registration of Family Day Homes-Requirements for Providers

The purpose of this regulatory action is to repeal the current Voluntary Registration of Family Day Homes requirements for providers and adopt a new regulation. The number of changes that have occurred since this regulation became effecting in April 1993 including, but not limited to, additions to the definition of a family day home, changes in background clearance requirements, the addition of requirements for proof of a child's age and identity, all of which are statutory changes, makes replacement necessary.

Discussion: none

ON MOTION DULY MADE (Ms. Locke) and seconded (Ms. Luca) moved to approve publishing the Notice of Intended Regulatory Action to repeal regulation 22 VAC 40-180 entitled Voluntary Registration of Family Day Homes-Requirements for Providers and approve the Notice of Intended Regulatory Action package to promulgate 22 VAC 40-181 Voluntary Registration of Family Day Homes-Requirements for Providers under the provisions of Executive Order Number 21 (2002) and the Periodic Review Report for submission to the Department of Planning and Budget and the Secretary of Health and Human Resources as required by the provisions of Executive Order Number 21 (2002). Motion carried with all in favor.

22 VAC 40-325 Fraud Reduction/Elimination Effort
Periodic Review and Notice of Intended Regulatory Action
(Members were advised of Fraud Awareness Week and provided with plastic glasses and nose for uncovering fraud prop.)

The primary goal of the amended regulation is to redefine the criteria for fully reimbursing local departments for program costs by removing the requirement that provides reimbursement only when the local department of social services recovers overpayments that meet or exceed the local share of direct program costs. Other amendments to the regulation include fraud detection as a function of the program, expansion of the definition section, and redefining of the local department of social services responsibility to recover overpayments.

Discussion: none

ON MOTION DULY MADE (Ms. Luca) and seconded (Ms. Locke) moved to approve the Notice of Intended Regulatory Action to amend 22 VAC 40-325 entitled Fraud Reduction/Elimination Effort for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002). Also, approve the Periodic Review report for submission to the Department of Planning and Budget and the Secretary of Health and Human Resources as required by the provisions of Executive Order Number 21 (2002). Motion carried with all in favor.

22 VAC 40-890 Human Subject Research Regulation
Periodic Review

The Human Subject Research regulation complies with Executive Order 21 because the regulation is mandated by Virginia law and the regulation protects public health, safety, and welfare. The regulation is written in a clear and concise manner so that it is understandable among a variety of local entities, contract agencies, customers, clients, and agencies, as required by Executive Order 21.

Discussion:

Ms. Luca questioned the normal Periodic Review cycle dates. Mr. Martin advised that the process is now once every four years, and won't change again until the law changes.

Ms. Cobb questioned whether the results of research cases come before this Board. Mr. Martin advised they did not.

ON MOTION DULY MADE (Ms. Luca) and seconded (Mr. Brown) moved to approve the Periodic Review report for submission to the Department of Planning and Budget and the Secretary of Health and Human Resources as required by the provisions of Executive Order Number 21 (2002). Motion carried with all in favor.

Commissioner Report

Commissioner Jones discussed progress in restructuring and in particular regional operations versus geographic service areas. He advised that members may be more flexible in setting future meeting sites now that regional divisions are removed.

He further advised that legislative proposals are currently being developed in cooperation with the Secretary of Health and Human Resources and the Governor's Office. The first proposal would ensure that Virginia is a national leader in adult protective services. The second proposal would offer much needed relief to persons subject to the requirements of barrier crimes for certain employment.

Commissioner Jones provided members with a copy of the Virginia Social Services System Strategic Plan for state fiscal years 2004-06. Board members Julie Christopher and Robert Spadaccini participated in the development. He stated this plan may have some flaws that will be discovered as the department moves forward. It is his desire that Board members will continue to be involved in the plan's future.

Child Fatality Report

Cathleen Newbanks provided the Board with a copy of the Child Fatality Report. She advised that the Division of Family Services is charged with prevention. This is an issue the department can't address alone; it's also a community issue. The department is currently exploring issues of working across many systems to get the work out to parents about caregivers and what questions to ask when making the decisions to leave children in the care of an unlicensed person. A more complete report will be available at the October meeting.

Closed Meeting

ON MOTION DULY MADE (Ms. Luca) and seconded (Ms. Locke) moved to go into Closed Meeting for the purpose of consultation with legal counsel and/or briefings by staff members and attorneys pertaining to briefings by staff members and attorneys pertaining to actual or probable litigation concerning a child protective services case from Norfolk. Included to be present during this closed meeting is Commissioner Jones, Al Wilson, Cathleen Newbanks, Clark Earl, Al Stewart, Barbara Craig, and Jo Baker. Motion carried with all in favor.

Certificate of Closed Meeting

ON MOTION DULY MADE (Ms. Luca) and seconded (Ms. Locke) moved to approve the certificate of closed meeting. Motion carried with all in favor.

The Certificate of Closed Meeting was read by Secretary Luca with all members affirming that only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies and only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the State Board of Social Services. All members were in agreement.

ON MOTION DULY MADE (Mr. Jones) and seconded (Ms. Locke) moved to return to open meeting. Motion carried with all in favor.

Public Comment

Kristy Wright from Voices for Virginia's Children spoke on child care. She asked for support to strengthen child care. She stated she was excited about the future Governor and department initiatives surrounding child care. She advised her organization is prepared to give support whenever needed.

Barbara Bryan from NCADRC provided two handouts relating to "mistaken health-related CPS and Shawna's Bill". Copies of these reports are attached to the original copy of minutes housed at Central Office.

Ms. Bryan stated she would like Virginia to lead the nation on saying Munchausen's Syndrome by Proxy will not be used as there is no scientific information involved in diagnosis.

Child Care and Development Fund Plan and overview of the Division of Child Care and Development

Dottie Wells and Lib Whitley Baron provided an overview of the Division and Plan at the request of Board member Maggi Luca.

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Ms. Wells advised her division administers the federal block grant for the Child Care and Development Fund. They have been working on and reviewing the State Plan for implementation October 03-05.

Ms. Wells mentioned that four public hearings had been held statewide to allow citizens to comment. The comments received centered mostly around the subsidiary rates. It is the department goal to meet 75% and implement tier rate.

Ms. Whitley-Baron provided members with a booklet from the Virginia Education Association entitled Virginia's Foundation for Early Learning: Guidelines for Literacy and Mathematics.

She advised that 272 training sessions on 32 different topics had been delivered (mostly on Saturday). Of those sessions, 8,586 providers were trained. Expanding training is in the future with video services, teleconferencing through college networks and computer courses. The Scholarship Fund may be expanded to include a staff development format. The department is also working on a tracking system for training that has taken place. A webpage is also in the works for this division.

Discussion:

Ms. Christopher asked if Ms. Whitley-Baron would elaborate on VISSTA training. Ms. Whitley-Baron advised that VISSTA has been set up mainly through VCU School of Social Work and trains local social service employees. They are now set up to offer skills training.

Ms. Cobbs questioned who was developing the curricula modules. She felt that statewide uniformity is missing.

Ms. Whitley-Baron advised that regulations are promulgated for centers. They cover staff qualifications, square footage, staff ratio, playground safety issues, training hours and some content. However, the regulations don't prescribe curriculum or a way of working with children. Everyone comes with their own plans and what parents are looking for. Increased skill training is needed as they are too many variations to ever go the route of prescribing.

Overview of Information Systems

Harry Sutton, Director provided a brief overview of his division. He advised his staff provides support to 121 localities (for 200 locations). They current support over forty different systems. It has been suggested to move from Mapper Base Programming within the next 5-10 years.

He advised that 9 steering committees have responsibility of running various programs at DSS with the assistance of expert panels. Changes and priorities are made from the information provided from the local and expert panel level.

It is Mr. Sutton's vision to simplify the environment and have only 2 databases used in this agency.

He advised his budget started with \$2.5 million less than the previous year. He hired fifty five full time employees to replace contractors being paid at higher salaries. When completed, there will be only 40 contractors left.

He mentioned the combination of DIT and VIPNET and suggested that the infrastructure will change in the future where the Help Desk, Security, etc., will work for VITA. A Memorandum of Understand will transfer 72 employees with the caveat that operations will continue as they currently do.

Discussion:

Ms. Cobbs commented Mr. Sutton on his improvement of the OASIS System for locals.

Board Recessed with mention of Board Reception at 5PM at the Hampton History Museum.

Thursday, August 21, 2003

Call to reconvene by Vice Chair Christopher at 9:00 a.m.

Family Service Overview

Ms. Cathleen Newbanks, Director, provided an overview of her division that includes Adult Services; Domestic Violence; CPS/CPS Registry/Hotline; Foster Care; Adoptions; Family Preservation; Interstate; Inter-country Placements and OASIS.

Ms. Newbanks advised her division operates with 78 full time employees, 34 P-14s, 10 contractors, 1 volunteer, and 2 VISSTA/VCU staff trainers

Her current budget is allotted \$ 4,940,315 for Central Office Administration
\$38,575,276 for Adoptions
\$45,801,068 for Adult Services/APS/Domestic Violence
\$ 8,813,287 for CPS/Central Registry
\$85,267,578 for Foster Care

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The above amount includes allocations to local DSS officers and contract with providers of services. Three percent of the above budget is administrative.

2,544 children were adopted in Virginia during fiscal year 2002. (515 from foster care, 424 direct placement by birth parent, 388 from other countries, 140 from private agencies, and 944 were adopted by their stepparents.

Discussion:

Ms. Christopher questioned how many children fall in the "over age 9" category. Ms. Newbanks will advise.

Ms. Newbanks advised that 5,597 people received home-based care. She further advised that 8,357 Nursing Home screenings were performed, with 1000 full time ALF assessments and 10,000 short assessments performed. She stated that 44% of adult cares are self-neglect.

She is working with APS legislation to increase mandated reporters, which would require local agencies the additional work on increased reports.

She reported that VACIS System is used in APS; however, it doesn't provide data needed. She is working with DMAS to better serve adults.

Ms. Newbanks reported that 42,810 Domestic Violence Hotline calls were received. She further reported that 3,053 women and 3,093 children received shelter from funded programs.

VDSS funded 47 local and 1 statewide Domestic Violence Programs.

Ms. Newbanks reported that 31,755 valid CPS reports were received between 7/01 and 6/02.

Ms. Newbanks reported that 1,072 people were trained in OASIS last year. There were also 80 field visits and 4 teleconferences that took place.

Discussion:

Ms. Christopher asked if local staff felt revisions to the OASIS System were helpful. Mr. Ben Owen, President of the League advised there were. Ms. Newbanks advised valid reports can now be printed from the system.

Mr. Jones questioned if the department is working toward legislation to remove an adult in APS. Ms. Newbanks advised this can't be done as people have a right to say no unless they are deemed incompetent.

Child Fatality Services Review

Ms. Newbanks advised that Virginia did not pass; however, the system was not set up for passing, but rather achieving excellence. Passing depended on how a state defines categories. She reference neglect is abuse in Virginia, but not in Pennsylvania.

A letter of appreciation will be sent to local agencies Norfolk, Bedford, and Fairfax staff for their tremendous contributions and efforts in this review.

VLSSE

Mr. Ben Owen, President of the League advised they are working with the department on a proposed legislative package for APS. There are concerns whether additional mandates/funds are required. The League will support this effort as long as they can afford it.

The League pledged to continue working with VDSS on restructuring.

He advised that the League will carry forward legislation to regarding State Board authority to delegate certain functions to VDSS (example given was comp plan approval). He advised this creates detail work for the Board. They plan to ask legislature to give Board authority to delegate this to Commissioner. Mr. Owen advised he will be glad to discuss this issue in depth if the Board needs.

He mentioned incentives for two or more localities to incorporate. It is his understanding that the Commissioner has contracted for a study. Mr. Owen advised if local governments are ok with it, that it benefits the client, the League is on-board with it. A copy of this paper should be sent to the Board, if anyone has any questions, they may contact Ben.

Legislative Update

Mr. Richard Martin provided the following:

HHR-DSS 1

Adult Protective Services (APS are provided through the 121 local departments of social services to the elderly and adults with disabilities who have been abused, neglected, or exploited or are at risk. These services assist vulnerable adults to remain in the least-restrictive setting and prevent premature and more costly institutional care. The purpose of this legislation is to establish enhanced protections for Virginia's vulnerable adult population, to clarify roles and responsibilities of APS with VDD, to add to the list of mandated reporters, and to establish best practices in APS for the Commonwealth. Recommendations are based on a legislative report issued in December 2002 entitled, Adult Protective Services: Identifying and Preventing Adult Abuse, Neglect, and Exploitation, review of other states' APS programs, and suggestions received from interested persons.

HHR-DSS 2

This proposal is to provide consistency in the use of “barrier crimes” in different sections of the CODE. The homes and child welfare agencies subject to the background checks provisions in the licensing section of the Code of Virginia would have the same flexibility to disregard certain misdemeanor barrier crimes that assisted living facilities and adult day care centers currently have. §63.2 -1719 would provide that, if five years have elapsed since the conviction, all persons required in the licensing section to obtain background checks could have one misdemeanor barrier crimes conviction not involving abuse and neglect or moral turpitude. This provision is already in effect for assisted living facilities and adult day care centers.

This proposal maintains essential protections for vulnerable adults and children; increases consistency in background checks requirements for applicants and employees, regardless of the vulnerable population with which they work; and clarifies language that could be inconsistently interpreted.

HHR –DSS 3

This proposal impacts the Commonwealth’s Independent Living Program for current and former foster care youth. The purpose of the proposal is to develop a public policy statement that Independent Living Services to children in foster care, 16 years of age and older, and former foster care youth, ages 18-21, are critical to helping children in foster care achieve self-sufficiency. The proposal also provides VDSS the authority to provide licensure and regulatory oversight of facilities providing Independent Living Services funded through a local department of social services to youth, 18-21 years of age.

HHR-DSS 4

The proposal amends the CODE of Virginia (CODE) in five sections to change licensing mandates regarding screening of individuals in child care facilities subject to background checks in the licensing sections of the CODE, so that those individuals would be barred from operating, working or volunteering in licensed facilities only if their names are currently maintained in the Child Protective Services Central Registry. The CODE currently requires or implies, depending on the CODE cite, that a person who has ever had a founded complaint of child abuse or neglect is barred from these settings.

HHR-DSS 5

This legislation is needed to establish the Virginia Commission on National and Community Services as an executive branch commission as defined in §2.2-2100 of the Code of Virginia to advise the Governor and Secretaries of Health and Human Resources, Education, Natural Resources, and the Commissioner of the Department of Social Services on matters related to promotion and development of national service, community service and volunteerism. Currently the Commissioner operates under annual Governor's Executive Orders. The restrictions on the creation of commissions by Executive Order have resulted in lapses between "official" Commissions. This creates problems because the State Commissioner, or an alternative entity, is required by federal law.

HHR-DSS 6

This proposal would clarify that persons transporting children in a minibus are not exempted from the requirements to properly secure a child in an appropriate child restraint device or safety belt system as outlined in §46.2-1095 of the Code of Virginia. A minibus, as defined in §46.2-2000 of the Code of Virginia, means any vehicle having a seating capacity of not less than seven or more than sixteen passengers, including the driver, and used in the transportation of passengers. This proposal would add the existing definition of a minibus to §§46.2-1095 and 46.2-1099 of the CODE to clarify that a minibus is not the same as a large vehicle commonly referred to as a bus and therefore not entitled an exemption from the child restraint laws. It would also prohibit child care programs from transporting children in a vehicle having an interior design which makes the use of a child restraint impractical if such vehicle is operated by the program unless the vehicle was designed or manufactured without a safety belt system and meets the Federal Motor Vehicles Safety Standards for school buses.

HHR-DSS 7

The objective of the proposed legislation is to ensure that the Code of Virginia is consistent with regard to the establishment and implementation of a grievance process and procedure for local departments of social services.

HHR-DSS 8

Currently, in Virginia, local departments of social services and licensed child placing agencies are inappropriately using §63.2-901.1 of the Code of Virginia as the basis for conducting criminal background and abuse and neglect central registry searches when approving new foster and adoptive homes. Section 63.2-901.1 of the Code of Virginia should only be applied when placing a child with an unapproved individual on an emergency basis or planning to return a child in foster care to his/her biological parent or previous caretaker. Section 63.2-1721 of the Code of Virginia is the appropriate cite to apply when approving foster and adoptive homes.

Amendments to §63.2-901.1 of the Code of Virginia are proposed to clarify the appropriate application of this CODE section. Amending the language in this section will assist local departments of social services and child placing agencies in correctly accessing criminal background checks through the Virginia Department of State Police criminal record exchange.

(No #9 printed on report)

HHR-DSS 10

This proposal would repeal the Virginia Employer Tax Credit found in §58.439.9 of the Code of Virginia.

(No #11 printed on report)

HHR-DSS 12

This proposal would allow Orders to Withhold and Orders to Deliver generated by Department of Social Services' Division of Child Enforcement to be issued by first-class mail or electronic means to financial institutions and other holders of assets.

He stated that these will be sent forth although they may only get 3 or 4 back.

Due to several members not in attendance at this meeting, it was Board approved to wait until October to hear Al Wilson speak on FOIA. Subcommittee appointments and review of the Board Bylaws were also moved to October.

Mr. Martin highlighted areas within the bylaws that members had mentioned to him on a previous occasion. These areas included officers would be elected in December and serve January through December.

Since the department is moving away from regions, it would be best to list the schedule of regular meetings in "areas" of Virginia.

The Board may also want to review the order of Business listed in the Bylaws. Another area mentioned to be reviewed would be having 1 day meetings versus 2 day meetings.

Mr. Martin agreed to provide a presentation to members on "How to Review Regulations".

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ON MOTION DULY MADE (Mr. Brown) and seconded (Ms. Locke) moved to approve the Minutes as submitted.

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Ms. Luca questioned whether Ms. Jones had sent her comments on the CCDF Plan that was referred in the previous minutes. Ms. Rengnerth confirmed they had not been sent to her.

Rolling Agenda

Ms. Christopher reminded members there was a copy of this report in their packets. Please review them and let Ms. Rengnerth know of any additions.

Future Meetings

October 22-23, 2003	VADSS- Abingdon Area Office
December 17-18, 2003	Central Area -TBD

Subcommittee Reports

None

Local Director Comments

Donna Douglas (Hanover County) advised she served on the Child and Family Services Review. She spent four days in Bedford, although they did not meet federal criteria, it was extremely clear to her that Bedford is doing an outstanding job serving citizens. She heard similar comments from reviewers that Bedford is committed to changing peoples lives.

She also commended Linda Booth, Cathleen Newbanks, and Rita Katzman on their organization and jobs. She advised it is enlightening and refreshing to talk and work with state staff. She hopes the professional dialogue between everyone will continue.

Sam Bush (Greensville-Emporia) advised the League is in the process of developing their legislative schedule. It will be given to their membership in November for review. Members were advised they are welcome to attend his committee meetings in Richmond every Thursday at Old City Hall in the LL Conference room between 12:30-2PM.

Ms. Luca asked if the League will have their schedule finished so it could be reviewed at their meeting in October. Mr. Bush promised if it is available, it will be reviewed.

Mr. Owen invited Board members to the League Conference in Lynchburg on November 5-7, 2003. He will ensure an agenda is sent.

Board Comments

Ms. Luca advised she had requested and received a copy of the mandated reporting tape. She thanked Hampton for the lovely gift and for the reception held in their honor.

Mr. Jones mentioned he had been on this Board close to 10 years and had visited every part of the state, but Hampton was his favorite. He thanked everyone for their hospitality.

He stated he found the closed session interesting, and if appropriate he asked that a response be prepared by Ms. Newbanks in these cases surveying how the worker/agency responded (whether differences could have taken place). The Board could also review the survey and provide respond as well.

Ms. Newbanks will prepare a department response with actions that state and locals took and will review these during closed session with the Board. She will have a letter prepared for Board review and signature (previously reviewed by Commissioner and Assistant Attorney General). All members agreed.

Mr. Jones asked that he be emailed the statute under APS exploitations cases were done.

He expressed his disapproval on the removal of barrier crimes from the CPS legislation. He doesn't think other items associated with this were fully considered.

Mr. Goodwin, on behalf of Commissioner Jones, thanked Mayor Locke and Walt Credle for the warm welcome and hospitality.

Mr. Brown echoed his thanks to Mayor Locke for the goody bag and mentioned this was his first anniversary on the Board. He is looking forward to the October meeting.

Ms. Locke thanked the staff of Healthy Families and the Convention of Tourism Bureau and Walt Credle for the success of the meeting.

Ms. Christopher thanked Mayor Locke. She stated it takes a community to make things work. This is due to the strong leadership in the community. She thanked everyone for the lovely reception and hospitality.

Ms. Luca complimented Ms. Christopher for the wonderful job she did filling in as Chair on such short notice. Ms. Christopher thanked her support staff.

Meeting Adjourned

Submitted by Pat Rengnerth
Approved October 2003