

VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 405

An Act to amend the Code of Virginia by adding a section numbered 16.1-293.1, relating to a mental health transition plan for incarcerated juveniles.

[H 2245]

Approved March 21, 2005

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 16.1-293.1 as follows:

§ 16.1-293.1. Mental health services transition plan.

A. The Board of Juvenile Justice, after consultation with the Department of Mental Health, Mental Retardation and Substance Abuse Services, shall promulgate regulations for the planning and provision of post-release services for persons committed to the Department of Juvenile Justice pursuant to subdivision A 14 of § 16.1-278.8 or placed in a postdispositional detention program pursuant to subsection B of § 16.1-284.1 and identified as having a recognized mental health, substance abuse, or other therapeutic treatment need. The plan shall be in writing and completed prior to the person's release. The purpose of the plan shall be to ensure continuity of necessary treatment and services.

B. The mental health services transition plan shall identify the mental health, substance abuse, or other therapeutic needs of the person being released. Appropriate treatment providers and other persons from state and local agencies or entities, as defined by the Board, shall participate in the development of the plan. Appropriate family members, caregivers, or other persons, as defined by the Board, shall be invited to participate in the development of the person's plan.

C. Prior to the person's release from incarceration, the identified agency or agencies responsible for the case management of the mental health services transition plan shall make the necessary referrals specified in the plan and assist the person in applying for insurance and other services identified in the plan, including completing and submitting applications that may only be submitted upon release.

2. That the Board of Juvenile Justice, in conjunction with the Department of Mental Health, Mental Retardation and Substance Abuse Services, shall consult state and local, and private and public entities, including, but not limited to, the Departments of Correctional Education, Education, Medical Assistance Services, Rehabilitative Services, and Social Services, prior to promulgating the regulations for the planning and provision of post-release service for persons committed to the Department of Juvenile Justice pursuant to subdivision A 14 of § 16.1-278.8 or placed in a postdispositional detention program pursuant to § 16.1-284.1 and identified as having a recognized mental health, substance abuse, or other therapeutic treatment need.