

~~Fees for Court Services Provided by Local Departments of Social Services~~~~22VAC40-810-10. Definitions.~~

~~The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:~~

~~"Adoption search" means interviews and written or telephone inquiries made by an agency to locate and advise the biological parents or siblings of an adult adoptee's petition for identifying information from a closed adoption record. It includes a written report to the court of the results of the search. It may also include facilitating reunion of the parties as directed by the court.~~

~~"Agency placement adoption" means an adoption in which the child is in the custody of a local agency and is placed in the adoptive home by the local agency.~~

~~"Custody investigation" means a court ordered method to gather information regarding a child whose custody, visitation or support is in controversy or requires determination.~~

~~"Family" means the petitioner or petitioners and any person in the home for whom he has legal responsibility to support, including the child to be adopted.~~

~~"Investigation and report of investigation" means the process by which the local agency obtains specific information required by the Code of Virginia about the placement and the suitability of the adoption. The findings of the investigation are compiled into a written report for the circuit court containing a recommendation of the action to be taken by the court.~~

~~"Juvenile court" means the Juvenile and Domestic Relations District Court of Virginia.~~

~~"Local agency" means the local social service or welfare agency.~~

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~~"Nonagency placement adoption" means an adoption in which the child is not in the custody of an agency and is placed in the adoptive home directly by the biological parent or legal guardian.~~

~~"Petitioner" means the person who presents a petition to the court.~~

~~"State board" means the Virginia Board of Social Services.~~

~~"Visitation and report" means the three visits made to the child during the six month probationary period required by and subsequent to the entry of an interlocutory order of adoption. The findings of the visitation are compiled into a written report for the circuit court containing a recommendation of the action to be taken by the court.~~

~~22VAC40-810-20. Services for which a fee is charged.~~

~~The services for which the local agency shall charge a fee are court ordered custody investigations, adoption searches, and nonagency placement adoption investigation and report, and visitation and report.~~

~~22VAC40-810-30. Current costs of services provided by local agencies.~~

~~The department shall determine the statewide average number of hours needed to provide each service. The statewide average hourly cost of service shall be calculated, considering both direct and indirect costs. The average time required for each service multiplied by the average hourly costs shall be used to determine the total cost of each service. The statewide average cost of service and average number of hours needed to provide each service shall be periodically redetermined.~~

~~Fees for Court Services Provided by Local Departments of Social Services~~~~22VAC40-810-40. Income and fee schedule.~~

~~A fee schedule, based upon family size and income, shall be developed annually using the median income level for Virginia.~~

~~A. The fee schedule shall be as follows:~~

- ~~1. Families with 50% or less of median income shall not be charged a fee.~~
- ~~2. Families whose income falls between 50% and 100% of median income shall be charged an incremental percentage of the maximum fee.~~
- ~~3. Families whose income is above 100% median income shall be charged the maximum fee.~~
- ~~4. The method used to determine income levels for application of the fee schedule shall conform to that used to determine eligibility for the social services block grant programs.~~
- ~~5. For example, using the 1988 median income level, the fee assessed to a family of four receiving nonagency adoption services of investigation, visitation, and reports shall be:~~

50% and below of median income	70% of median income	90% of median income	100% of median income
no charge	\$84	\$245	\$340

~~B. Local agencies shall include in reports to the courts the amount of the fee assessed to the petitioners, if any. If a local agency finds an unusual circumstance that would affect a petitioner's ability to pay, it shall include this in its report to the court.~~

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~~22VAC40-810-50. Collection of fees.~~

~~A. In custody investigations, the fee shall be paid as prescribed by the juvenile court to the local agency, unless payment is waived.~~

~~B. In nonagency placement adoptions and adoption searches, the fee shall be collected by the circuit court prior to the entry of any final order and shall be disbursed to the local agency which performed the service.~~

~~C. The local agency shall report any fees collected as expenditures refunded on its financial report. The local agency's reimbursement from state and federal funds shall be adjusted to reflect the state and federal share of income collected.~~