

MINIMUM STANDARDS FOR LICENSED CHILD-PLACING AGENCIES

22 VAC 40-130-10 seq.

CHAPTER 130.

MINIMUM STANDARDS FOR LICENSED PRIVATE CHILD-PLACING AGENCIES.

PART I.

~~INTRODUCTION~~ DEFINITIONS AND AUTHORITY.

22 VAC 40-130-10. Definitions.

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

“Adoptive home” means any family home selected and approved by a parent, local board of public welfare or social services, or a licensed child-placing agency for the placement of a child with the intent of adoption.

[“Adoptive placement” means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.]

“Assisted conception” means a pregnancy resulting from any intervening medical technology, [other than the pregnancy of a woman resulting from the insemination of her ovum using her husband’s sperm, whether in vivo or in vitro, which completely or partially replaces sexual intercourse as the means of conception] whether in vivo or in vitro, which completely or partially replaces sexual intercourse as the means of conception. Such intervening medical technology includes, but is not limited to, conventional medical and surgical treatment as well as noncoital reproductive technology

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such as artificial insemination by donor, cryopreservation of gametes and embryos, in vitro fertilization, uterine embryo lavage, embryo transfer, gamete intrafallopian tube transfer, and low tubal ovum transfer.] (§ 20-156 of the Code of Virginia)

[“Birth parent” means the child’s biological parent and, for purposes of adoptive placement, means parent or parents by previous adoption.]

“Casework” means both direct treatment with an individual or several individuals, and intervention in the situation on the client’s behalf. The objectives of casework include: meeting the client’s needs, helping the client deal with the problem with which he is confronted, strengthening the client’s capacity to function productively, lessening distress, and enhancing opportunities and capacities for fulfillment.

“Certification” means the process of review by representatives of the commissioner, the application of an established set of standards, and the granting of permission to operate a specific service or services when found to be in compliance with those standards.

“Child” means any individual under 18 years of age or under 21 years of age if placed by either a local department of social services or through referral from a Family Assessment and Planning Team.

“Child’s family” means the birth or adoptive parents, legal guardians or family to whom the child may return.

“Child-placing activities” means the activities involved in the placement of children in foster or

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adoptive homes, child-caring institutions or independent living arrangements. Activities include those specified in these standards. Individuals or agencies must be licensed or authorized by the Code of Virginia to conduct child-placing activities in Virginia.

“Child-placing agency” means any ~~individual or agency licensed to place~~ person who places children in foster homes, adoptive homes, child-caring institutions or independent living arrangements pursuant to [§§ 63.1-204, 63.1-205, and 63.1-219.28] of the Code of Virginia or a local board of public welfare or social services that places children in foster homes or adoptive homes pursuant to §§ 63.1-56, 63.1-204, and 63.1-219.28 of the Code of Virginia. ~~Local departments of social services are child-placing agencies also.~~ Officers, employees, or agents of the Commonwealth, or of any county, city, or town, who serve as or maintain a child-placing agency shall not be required to be licensed, if authorized by the Code of Virginia to provide the services of a child-placing agency.

“Commissioner” means the Commissioner of the Virginia Department of Social Services.

“Complaint” means an accusation received either orally or in writing that: a ~~licensed~~ child-placing agency is not in compliance with one or more of these standards or one or more statutory requirements; ~~or~~ an agency foster or adoptive home is not in compliance with one or more applicable requirements of ~~this chapter~~ these standards; or a child placed in a home or institution by a child-placing agency is being abused or neglected as defined by § 63.1-248.2 of the Code of Virginia or subjected to unwholesome influences or to neglect or mistreatment as stated in § 63.1-211 of the Code of Virginia.

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~~[ “Corporal punishment” means the inflicting of pain or discomfort. Prohibited actions include but are through actions such as but not limited to spanking, hitting with any part of the body or with an implement, pinching, pulling, shaking, binding a child, forcing him to assume an uncomfortable position, or locking him in a room or closet or any similar action which normally inflicts pain or discomfort .]~~

~~The prohibition is in effect whether punishment is spontaneous or a deliberate technique for effecting behavioral change or part of a behavior management program.]~~

[“Corporal punishment” means the use of physical force that is abusive which causes a child to experience pain, but not necessarily injury, for the purpose of correction or control of the child’s behavior. Prohibited punishment includes all actions, when abusive, such as hitting with any part of the body or with an implement; pinching; jerking; harsh shaking, binding a child; forcing him to assume a bodily painful position; or locking him in a room or closet.]

“Department” means the Department of Social Services.

“Discipline” refers to acceptable techniques used to teach appropriate behavior [and, secondarily, to discourage inappropriate behavior].

[“Emergency placement” means the placement of a child where the local department of social services placing the child has within the past 72 hours removed the child from his home or previous placement due to abuse or neglect or other emergency discharge.]

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~~“Foster care” means the provision of substitute care and supervision, for a child committed or entrusted to a child welfare agency or one for whom the agency has accepted supervision. The child may be placed in a foster or adoptive home, group home, residential facility, institution or independent living arrangement.~~

“Foster care services” means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.1-248.2 of the Code of Virginia or in need of services as defined in § 16.1-228 of the Code of Virginia and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or the public agency designated by the community policy and management team and the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child-placing agency, or (iv) has been placed under the supervisory responsibility of a local board pursuant to § 16.1-293 of the Code of Virginia.

“Foster care placement” means placement of a child through (i) an agreement between the parents or guardians and the local board or the public agency designated by the community policy and management team where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or child-placing agency.

“Foster home” means the place of residence of any individual or individuals [approved by a local department of social services or licensed child-placing agency ] in which any child, other than a child

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by birth or adoption, resides as a member of the household.

“Independent living arrangement” means the placing of a youth at least 16 years of age, whose custody is held by the child-placing agency or a local department of social services, in a living arrangement in which there is no daily parental supervision.

“Interstate placement” means the placing of a child outside the Commonwealth by a Virginia agency or the placing of a child in Virginia by an individual or agency outside the Commonwealth pursuant to the “Interstate Compact on the Placement of Children,” Chapter 40 10.1 (§ ~~62.1-219~~ 63.1-219.1 et seq.) of Title 63.1 and §§ 63.1-207 and 63.1-207.1 of the Code of Virginia.

~~“Legal parents” means the birth or adoptive parents of the child.~~

“Licensee” means any individual, association, partnership or corporation to whom the license is issued.

~~“Licensing representative” means an employee or officially designated agent of the Department of Social Services, acting as the authorized agent of the commissioner in carrying~~ authorized to carry out the responsibilities and duties specified in Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of the Code of Virginia.

~~“Permanent foster care” means the placement of a child in a foster home where he is expected to stay until he is aged 18. Both the placement and a removal, if any, must be approved by the court.~~

~~Under certain circumstances, the youth may stay in permanent foster care beyond age 18 but not~~

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beyond age 21.

“Life book” means a picture and narrative story of a child’s life written by the child and caseworker using the child’s own words, photos, drawings, and memorabilia to tell the child’s story.

[“Mental abuse” means that which occurs when a caretaker creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such a child a mental injury by other than accidental means, or creates a substantial risk of impairment of mental function. (See Virginia Administrative Code 22 VAC 705-30 (D))]

“Noncustodial agreement” means the agreement which specifies the conditions for care and control of the child that the local department of social services or public agency designated by the community policy and management team enters into with the parent(s) or guardians to place a child in foster care when the parent(s) or guardians retain custody.

“Parental placement adoption” means an adoption where the birth parents or legal guardians place the child with a family of their choice for the purpose of adoption. [~~Section 63.1-220.3~~ Sections 63.1-219.37 through 63.1-219.47 ] of the Code of Virginia stipulates the requirements for parental placement adoptions.

“Permanent entrustment agreement” means an agreement in which the parents relinquish all parental rights to the child and free the child to be placed for adoption.

“Permanent foster care placement” means the place of residence in which a child resides and in

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which he has been placed pursuant to the provisions of §§ 63.1-56 and 63.1-206.1 of the Code of Virginia with the expectation and agreement between the child-placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or § 63.1-248.9 of the Code of Virginia. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis. [The permanent foster care placement must be in a foster home approved by the local department of social services or a licensed child-placing agency.]

["Person" means any natural person or association, partnership or corporation.]

["Physical abuse" means abuse that occurs when a caretaker creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon a child a physical injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily functions.

(Virginia Administrative Code 22 VAC 40-705-30 (A))]

[Physical neglect" means the failure to provide food, clothing, shelter, or supervision for a child to the extent that the child's health or safety is endangered. This also includes abandonment and situations where the parent or caretaker's own incapacitating behavior or absence prevents or severely limits the performing of child caring tasks, pursuant to 63.1-248.2 of the Code of Virginia. (See Virginia Administrative Code 22 VAC 40-705-30 (B))]



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“Physical restraint” means ~~[the restriction of a therapeutic intervention where a child’s body movements are restricted]~~ by means of physical contact in order to manage out of control and unsafe behavior. [Note: This definition does not necessarily include holding a child to control acting out behavior.]

[“Placing agency” means the agency that placed the child with the licensed child-placing agency. Placing agencies may be other licensed child-placing agencies or local departments of social services.]

“Professional staff” means an individual who possesses the required qualifications and fills the job descriptions of executive director, program director, director of social services, child-placing supervisor, case supervisor, caseworker, or caseworker trainee.

“Records” means the written information assembled in a file relating to the agency, staff, volunteers, the child, the child’s legal family, foster family, treatment foster family, and adoptive family.

“Respite care” means care provided to the child by approved foster families for the express purpose of providing 24 hours or more of rest or relief to the primary foster parents or ~~[legal birth]~~ parents.

[“Short-term placement” means a placement for less than 30 days.]

“Service plan” means a written plan of care for the child, based on an assessment of the medical, emotional, social, behavioral and developmental aspects of the child’s situation, containing measurable goals and objectives, the criteria for achieving them and the target dates, the services,

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activities and experiences designed to meet the objectives, coordination with community services, and permanency planning, including discharge plans.

[“Sexual abuse” means any act of sexual exploitation or any sexual act upon a child in violation of the law which is committed or allowed to be committed by the child’s parents or other persons responsible for the care of the child pursuant to § 63.1-248.2 of the Code of Virginia. (See Virginia Administrative Code 22 VAC 40-705-30 (E))]

“Special needs” means any diagnosed physical, mental or emotional disability.

“State board” means the State Board of Social Services.

“Surrogacy contract” means an agreement between intended parents, a surrogate, and her husband, if any, in which the surrogate agrees to be impregnated through the use of assisted conception, to carry any resulting fetus, and to relinquish to the intended parents the custody of and parental rights to any resulting child. (§ 20-156 of the Code of Virginia)

“Treatment” is the coordinated provision of services and use of professionally developed and supervised interventions designed to produce a planned outcome in a person’s behavior, attitude, emotional functioning or general condition.

“Treatment foster care (TFC)” is a community-based program where services are designed to address the special needs of children and families. Services to the children are delivered primarily by treatment foster parents who are trained, supervised and supported by agency staff. Treatment is

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primarily foster family based, and is planned and delivered by a treatment team. Treatment foster care focuses on a continuity of services, is goal directed, results oriented, and emphasizes permanency planning for the child in care.

“Treatment foster parents” means the individual or couple approved by the licensed or certified child-placing agency and trained to provide treatment foster care services.

“Treatment and service plan” means a written comprehensive plan of care, based on an assessment of the medical, psychological, social, behavioral and developmental aspects of the child’s situation, containing measurable goals, procedures and interventions for achieving them, and a process for assessing the results. The treatment and service plan must state the treatment objectives, prescribe an integrated program of therapies, activities and experiences designed to meet the objectives and must include coordination with related community services to ensure continuity of care with the child’s family, school and community.

~~[“Treatment team” means the group which may consist of the child, professional agency staff, other professionals, the child’s family members (where appropriate), the child placing agency and treatment foster parents who provide mutual support, evaluate treatment, and design, implement and revise the treatment and service plan.~~

“Treatment team” means the group that provides mutual support, evaluates treatment, and designs, implements and revises the treatment and service plan. Treatment team members are persons

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directly involved with the child and may consist of the child, professional agency staff, other professionals, the child's family members (where appropriate), the child-placing agency and the treatment foster parents.]

**22 VAC 40-130-20. Legal Base.**

Sections 63.1-196 and 63.1-202 of the Code of Virginia set forth the responsibility of the Department of Social Services for licensure of child-placing agencies. It includes the authority and responsibility of the State Board of Social Services for the development of standards and requirements for the activities, services and facilities of the agency regarding children or other persons within its custody or control.

It is a misdemeanor to operate a child-placing agency without a license.

[22 VAC 40-130-25. Scope and Applicability.

The Minimum Standards for Licensed Child-Placing Agencies shall apply to all licensed private child-placing agencies. It shall specifically apply to the following:

1. Private child-placing agencies that provide foster care services as stipulated in Part IV.

Specific sections of Part IV also apply to or impact the foster parents approved by them;

2. Private child-placing agencies that provide adoption services as stipulated in Part V. Specific

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sections of Part V also apply to or impact the adoptive applicants;

3. Private child-placing agencies that provide intercountry adoption services as stipulated in Part

VI;

4. Private child-placing agencies that provide home studies related to the status of children of assisted conception as stipulated in Part VII.]

5. Private child-placing agencies that provide independent living services as stipulated in Part

VIII;

6. Private child-placing agencies that provide treatment foster care case management services as stipulated in Part XI. Specific sections also apply to or impact the treatment foster parents approved by them; and

7. Local departments of social services that apply for Medicaid certification to provide treatment foster care case management services as stipulated in Part XI. Specific sections of Part XI apply to or impact the treatment foster parents approved by them.]

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PART II ORGANIZATION AND ADMINISTRATION

22 VAC 40-130-30. Sponsorship.

Each agency shall have a clearly identified sponsor. An individual, partnership, association, or corporation may operate a child-placing agency.

1. When an agency is sponsored by an individual, the individual is the licensee. [The individual shall have knowledge of and experience in the program and services the agency offers.]
2. When an agency is sponsored by a partnership, the partnership shall serve as the licensee and have a written agreement (articles of partnership)[,] which allows operation and maintenance of a child-placing agency [where at least one of the members has knowledge of and experience in the programs and services the agency offers;]
3. When an agency is sponsored by an unincorporated association, the association shall have:
  - a. A governing board[,], which serves as a licensee~~[-~~where at least one of the members has knowledge of and experience in the programs and services the agency offers, and]
  - b. A written constitution or by-laws[,], which includes the operation and maintenance of a child-placing agency.

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4. When an agency is sponsored by a corporation, it shall have:

- a. A governing board[,] which serves as the licensee [~~and is made up of three or more members,~~] where at least one of the members has knowledge of and experience in the programs and services the agency offers;
- b. A certificate of corporate status issued by the State Corporation Commission or, for corporations based out of state, a certificate of authority to transact business in the Commonwealth; and
- c. A charter [,]which specifies that the purpose of the corporation includes the operation of a child-placing agency.

~~[5. When the child placing agency is operated by local government, the treatment foster care program shall be approved by the board of public welfare or social services in the locality.]~~

**22 VAC 40-130-40. Maintaining standards.**

The licensee or [~~enrolled Medicaid provider~~ certified agency] shall be responsible for meeting and maintaining these standards and for complying with other relevant federal, state and local laws and regulations.

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22 VAC 40-130-50. **Financing plan.**

The applicant for a license shall have a plan of financing [,]which provides evidence of income and other financial resources that will ensure operation in compliance with this chapter for a period of 12 months. [Local departments of social services shall submit a financing plan for the operation of the treatment foster care programs. This shall not apply to local departments of social services.]

22 VAC 40-130-60. **Process**

**Initial and renewal application.**

A. The plan of financing shall be provided to the licensing representative with the initial application and with each renewal.

~~A. Initial applications shall include:~~

- ~~1. A balance sheet showing current assets and liabilities; and~~
- ~~2. The agency's projected budget detailing the expected income and expenses for the year.~~

~~B. Renewal applications shall include:~~

- ~~1. A statement for the last complete fiscal year showing actual income and expenditures;~~
- ~~2. A balance sheet showing current assets and liabilities;~~
- ~~3. A budget detailing income and expenses:
  - ~~a. For the current fiscal year if the agency is less than six months into its current year; or~~~~



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~~b. For the next fiscal year if the agency is more than six months into its current year.~~

~~NOTE: If the agency is more than three months into its current fiscal year, the latest quarterly statement of income and expenditures is requested. This applies to both 3 a and 3 b.~~

B. Initial applications shall include a balance sheet showing current assets and liabilities, the agency's projected budget detailing the expected income and expenses for the year, and documentation that it has cash on hand or a line of credit to cover the first 90 days of operating expenses. [Exception: ~~Local departments of social services shall submit this information related to the treatment foster care program.~~ This shall not apply to local departments of social services.]

C. Renewal applications shall include a statement for the last complete fiscal year showing actual income and expenditures, a balance sheet showing current assets and liabilities, and a budget detailing income and expenses for the current fiscal year if the agency is less than six months into its current year. Exception: [ ~~Local departments of social services shall submit this information for the treatment foster care program.~~ This shall not apply to local departments of social services.]

If the agency does not have an approved budget for the next fiscal year at the time of the renewal application, it shall submit a statement indicating the current status of its finances and the status of the projected budget for the next fiscal year. The agency shall submit the next fiscal year's budget to the licensing representative as soon as it is completed and approved.

22 VAC 40-130-70. Ratio.

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The agency shall maintain a ratio of assets to liabilities of at least one. [This section shall not apply to local departments of social services.]

**22 VAC 40-130-80. Audit.**

Financial records shall be audited annually by a certified public accountant not associated with the agency. Exception: This section does not apply to local departments of social services.

**22 VAC 40-130-90. Copies of report.**

A. A copy of the most recent auditor's report shall accompany the application for license renewal. Exception: This section does not apply to local departments of social services.

B. A copy of the program statement and policies and procedures shall be submitted to the licensing authority with the initial application.

**22 VAC 40-130-100. Agency setting.**

The agency shall ~~provide~~ maintain professional staff ~~and maintain in~~ ] an office within Virginia from which the child-placing activities are carried out.

**22 VAC 40-130-110. Office conditions.**

The agency shall provide office space, equipment and supplies to ensure: ~~1.~~ confidentiality and safekeeping of records; ~~2.~~, privacy for interviewing and conferences; and ~~3.~~ availability of visiting rooms for families and children.

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~~NOTE: Rooms and offices may serve multiple functions.~~

**22 VAC 40-130-120. Posting of license.**

~~The current license shall be posted in a conspicuous place near the entrance of the agency.~~

~~If the agency has branch offices, copies of the license shall be posted in the same manner in each location.~~

A. As stated in the General Procedures and Information for Licensure, 22 VAC 15-20-10 et seq. and 22 VAC 40-80-10 et seq., the following documents shall be posted in a prominent place at each public entrance of the licensed premises, when applicable:

1. The most recently issued license;
2. The most recent compliance plan or a written notice of where it may be reviewed in the facility;
3. Probationary status announcement; and
4. Denial and revocation.

B. If the agency has branch offices, the required documents shall be posted in the same manner at each location.

**22 VAC 40-130-130. Caseload numbers and licensed capacity.**

A. Total agency capacity shall be the sum of the following:

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1. A maximum of 25 children for a full-time child-placing staff person, except in treatment foster care [and independent living placement programs].

2. A maximum of 10 children for a beginning trainee; ~~This [,]~~ which may be increased to 15 by the end of the first year and 20 by the end of the second year ~~by which time he will qualify as a caseworker~~, except in treatment foster care [and independent living placement programs].

~~The agency shall have a training program for trainees during the two years. It shall have its own list of topics to be covered.~~

3. A maximum of five children for each student intern, except in treatment foster care [and independent living placement programs].

B. Treatment foster care programs shall have a maximum of 12 children for a full-time professional staff person. The caseload shall be adjusted downward if:

1. The caseworker's job responsibilities exceed those listed in the agency's job description for a caseworker, as determined by the supervisor;
2. The difficulty of the client population served requires more intensive supervision and training of the treatment foster parents; or
3. The child's family requires intensive services.

[Exception: An agency worker may have a caseload of 15 as long as no more than ten of the children are in treatment foster care and the above criteria for adjusting the caseload downward]

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do not apply.]

C. In treatment foster care, there shall be a maximum of six children for a beginning trainee[,] which may be increased to nine by the end of the first year and 12 by the end of the second year.

D. In treatment foster care, there shall be a maximum of three children for each student intern.

[ E. In independent living programs, there shall be a maximum of 15 youth for a professional staff person. Beginning trainees may have a caseload of eight, which may be increased to 12 by the end of the first year and 15 by the end of the second year. Students shall have no more than five independent living cases.]

~~B.~~ E. Children to be counted in the agency caseload are:

1. Children in agency custody including children for whom an interlocutory order has been entered who are still awaiting a final order; and
2. Children not in the custody of the agency, but who are being supervised in a foster or adoptive home, treatment foster home, group home, institution, or independent living arrangement for another agency or individual [~~and children who are receiving services from the agency in any of these settings.]~~

[ F. Agencies that accept or maintain youth between the ages of 18 and 21 in care shall provide the same care and services to these youth as provided to all children in care. These youth shall also be counted in the licensed capacity and caseloads of the agency.]

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**22 VAC 40-130-140. Conflict of interest.**

A. No applicant for or recipient of adoptive services shall serve as an agency board member before the final order for the adoption is entered.

B. ~~No biological legal~~ A parent of a child currently placed by the agency may not serve as a board member of the agency. [The parent of a child previously placed may serve as a board member of the agency.]

C. No foster home applicant shall serve as a board member of the child-placing agency.

D. No board member who is a foster parent for the agency shall vote on a foster care policy issue.

E. Staff members of an agency may not ~~[ receive services serve ]~~ as foster parents of the agency for which they work.

F. Board members and agency staff who wish to apply to adopt shall be referred to another child-placing agency.

**22 VAC 40-130-150. Deceptive representation of advertisement.**

No child-placing agency shall disseminate, or cause directly or indirectly to be disseminated, statements regarding services which are untrue, deceptive or misleading.

**22 VAC 40-130-155. Policies and procedures.**

A. All licensed or certified child-placing agencies shall have and implement a policy to ensure that

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children are not (i) subjected to corporal punishment as defined in these standards, physical abuse, mental abuse or sexual abuse; (ii) subjected to verbal abuse or remarks that belittle or ridicule the child or his family; (iii) subjected to physical neglect or denied essential program or treatment services, meals, water, clothing, bedding, sleep, or personal care products; or (iv) subjected to any humiliating, degrading or abusive actions.

B. The agency shall have written policies and procedures for investigating, responding to and reporting allegations of misconduct toward children, including reporting suspicions of child abuse or neglect to the local department of social services or the Child Abuse and Neglect Hotline.

C. Child-placing agencies shall comply with §§ 63.1-197, 63.1-198, 63.1-198.1, 63.1-198.4, and 63.1-199 of the Code of Virginia and regulations promulgated by the State Board of Social Services. ]

D. The agency shall describe and implement a policy of acceptable methods of control and discipline. The policy of acceptable methods of control and discipline shall be based on a review of the scientific literature on discipline. The policy shall include a statement that:

1. When children are placed for the purposes of foster care or adoption, the placement agreement between the child-placing agency and the foster or adoptive parent or parents shall contain a statement that an agreed upon plan of discipline has been developed, which may include non-abusive discipline, either as a deliberate, non-spontaneous technique for effecting

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behavioral change, or as part of a behavior management program;

2. The use of abusive physical restraint of children is not permitted;

3. The agency shall disclose to the applicant in writing prior to or during the home study the agency's criteria and values pertaining to discipline and parenting practices that may influence its assessments of the applicants;

4. The agency shall inform the foster or adoptive parent or parents in writing prior to or during the home study that the plan of discipline is a mutually agreeable statement that reflects the child's best interests in adjusting to a new family environment;

5.. The agency shall develop an agreed upon written plan for discipline for each child placed in a foster or adoptive home. The plan may include non-abusive discipline either as a deliberate, non-spontaneous technique for effecting behavioral change, or as part of a behavior management program;

6. The agency and the foster or adoptive parent or parents shall sign the agreed upon plan of discipline or the agreed upon part of the behavior management program involving discipline;

7. The agreed upon plan of discipline or that part of the behavior management program involving discipline shall be filed in the child's record and in the foster or adoptive parent or parents record; and



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8. The agency shall review periodically with appropriate staff the scientific literature on discipline.

22 VAC 40-130-160. ~~Corporal punishment. (Repealed.)~~

~~Staff members of an agency may not use corporal punishment with children in agency care nor give permission to others to do so.~~

PART III. PERSONNEL

~~[22 VAC 40-130-162. Policies and procedures.~~

~~-A. The agency shall implement a policy to ensure that children are not (i) subjected to corporal punishment as defined in these standards; (ii) subjected to verbal abuse or remarks that belittle or ridicule the child or his family; (iii) denied essential program or treatment services, meals, clothing, bedding, sleep, or personal care products; or (iv) subjected to any humiliating, degrading or abusive actions.~~

~~-B. The agency shall have written policies and procedures for investigating, responding to and reporting allegations of misconduct toward children, including reporting suspicions of child abuse or neglect to the local department of social services or the Child Abuse and Neglect Hotline.]~~

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**22 VAC 40-130-170. Job description.**

A. The agency shall have a written description of the duties and responsibilities, educational requirements and work experience required for each staff classification in its program. [The job description shall also indicate the job title of the immediate supervisor.]

B. A copy of each description shall be given to the licensing representative at the time of the initial application and when descriptions are changed.

**22 VAC 40-130-180. Personnel records.**

A separate personnel record shall be maintained for each employee and contract employee. The record shall contain:

1. The application for employment or resume;
2. A list of educational credentials and relevant work experience, giving dates, places and details substantiating qualifications required by this chapter;
3. At least two written references, requested by the agency, or record of interviews with references;
4. Annual performance evaluations for professional staff and documentation of training received;
5. Copies of professional licensure, when licensure is required by law; and [and]
- ~~[6. 5. The criminal record certificate check, sworn disclosure statement, and child abuse and~~

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~~neglect registry check as required by § 63.1-198.1 of the Code of Virginia; The agency shall comply with Sections 63.1-197, 63.1-198, 63.1-198.1, 63.1-198.4, and 63.1-199 and regulations promulgated by the State Board of Social Services. and~~

~~6. A signed statement that staff members of an agency shall not use corporal punishment with children in agency care nor give permission to others to do so.]~~

**22 VAC 40-130-190. Staff composition and qualifications.**

A. A staff member shall be designated to perform each function described in ~~this chapter~~ these standards. ~~This does not limit the agency to the use of the job titles in this chapter.~~

B. When a staff person serves multiple functions within the agency, he shall meet the qualifications for each position held.

C. Executive director. ~~4.~~ The licensee shall appoint an executive director to whom responsibility for the administration of the agency has been delegated in writing. An individual licensee may be the executive director.

~~2.~~ 1. The executive director is responsible to the licensee for the administration of the agency, including implementation of all agency policies, procedures, and financial management.

~~3.~~ 2. The executive director shall have a doctor's or master's degree plus ~~three~~ five years of experience in a social service agency or program including one year in an administrative, supervisory or consultative capacity.

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~~4.~~ 3. The executive director shall appoint a staff member to serve in his absence. He shall provide the department with a written statement of the duties and authority of his designated substitute at the time of application and renewal.

~~5.~~ 4. When the executive director does not have a doctor's or master's degree in social work from a college or university accredited by the Council on Social Work Education, he shall employ a program director or supervisor of social services.

D. Program director or supervisor of social services. ~~1.~~ The program director or supervisor of social services shall:

~~a.~~ 1. Supervise directly or through others all child-placing staff and activities; and

~~b.~~ 2. Assist the executive director and governing body in the formulation and implementation of the agency's policies and programs related to child placing and in the specific program area in which he works.

~~2.~~ The program director or supervisor of social services shall have either a doctor's or master's degree in social work from a college or university accredited by the Council on Social Work Education, plus three years of experience in providing casework services to children and their families including one year as an administrator or supervisor of casework services.

E. Child-placing supervisor. ~~1.~~ When an agency employs six or more child-placing staff persons, the agency shall employ a child-placing supervisor.

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~~2.~~ The supervisor shall:

~~a.~~ Be responsible for direct supervision of child-placing staff, but

~~b.~~ May not supervise more than eight child-placing staff members.

1. The supervisor shall be responsible for direct supervision of child-placing staff, but may not supervise more than eight child-placing staff members.

~~3.~~ 2. The supervisor shall have:

a. A doctor's or master's degree in social work from a college or university accredited by the Council on Social Work Education plus two years of experience in providing casework services to children and families; or

b. A baccalaureate degree plus four years of experience in providing casework services to children and families.

F. Case worker. ~~4.~~ Responsibilities of caseworker include:

~~a.~~ 1. Interviewing children and families;

~~b.~~ 2. Conducting home studies;

~~c.~~ 3. Preparing and carrying out [ ~~social~~ service ] plans with children and families;

~~d.~~ 4. Preparatory counseling with children and families for placement or discharge, ~~or both~~;

~~e.~~ 5. Supervising children in foster or adoptive homes, group homes, institutions or independent

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living arrangements; and

~~£~~ 6. Preparing and maintaining case records.

~~2-~~ G. The caseworker shall have:

~~a-~~ 1. A doctor's or master's degree in social work from a college or university accredited by the Council on Social Work Education or a field related to social work such as sociology, psychology, education or counseling, with a student placement in providing casework services to children and families. One year of experience in providing casework services to children and families may be substituted for a student placement; ~~or~~

~~b-~~ 2. A baccalaureate degree in social work or a field related to social work including sociology, psychology, education or counseling and one year of experience in providing casework services to children and families; or

~~e-~~ 3. A baccalaureate degree in any field plus two years experience in providing casework services to children and families.

~~3-~~ H. Case worker trainee. When an agency employs a casework trainee, all of the following conditions shall be met:

~~a-~~ 1. The trainee shall have a baccalaureate degree;

~~b-~~ 2. The program director or supervisor of social services or a supervisor of child placing shall directly supervise the trainee on at least a weekly basis, and develop a written training program

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listing topics to be covered during the period of time the individual is a trainee; and

e. 3. Placement decisions made by the trainee shall be approved by the supervisor.

~~G. Consultants. All consultants engaged to provide services to the agency or to families and children served by the agency shall be qualified according to the requirements of the Code of Virginia governing professions.~~

~~H. Volunteers.~~

~~1. I. The agency shall, if it makes use of volunteers and students/interns, have a written plan for their selection, orientation, training, supervision and assignment. [ Staff who usually supervise or perform the assigned tasks shall supervise volunteers.]~~

~~2. 1. When a volunteer the individual is used to perform any staff function or responsibility, the volunteer individual shall meet the qualifications for the position.~~

~~3. 2. The agency shall not be wholly dependent upon the use of volunteers, students or interns receiving professional training to ensure the provision of services.~~

~~4. Staff who usually supervise or perform the assigned tasks shall supervise volunteers.~~

~~I. Students or interns receiving professional training.~~

~~1. If an agency provides professional training to undergraduate or graduate students or interns, it shall have a written plan for their selection, orientation, training, assignment and evaluation.~~

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~~2. An individual with a doctor's degree or a master's degree in social work from a college or university accredited by the Council on Social Work Education shall supervise students or interns who perform child-placing activities. That supervisor shall approve all placement decisions made by the student or intern.~~

~~3. The agency shall not be dependent upon the use of students or interns to provide required services.~~

[ 3. If an agency provides professional training to undergraduate or graduate students or interns, it shall have a written plan for their selection, orientation, training, assignment and evaluation.]

[4. An individual with a doctor's degree or a master's degree in social work from a college or university accredited by the Council on Social Work Education shall supervise students or interns who perform child-placing activities. That supervisor shall approve all placement decisions made by the student or intern.]

**22 VAC 40-130-195. Staff development.**

A. Professional staff shall participate in orientation and training within 30 days after employment.

Orientation and training shall address:

1. The agency's program statement, policies and procedures including, expectations for service delivery, confidentiality, and documentation;

2. The standards, related policies in the Division of Service Programs' policies, child abuse and



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neglect reporting laws, and other relevant laws of the Commonwealth of Virginia; ~~and~~

3. The individual's job description and skills needed for the position ~~-, and~~

4. the agency's policies on discipline and behavior management. The policies on discipline and behavior management shall be based on a review of the scientific literature on discipline.]

B. Professional staff shall also participate in the agency's first available preservice training for adoptive and foster parents following the start of their employment.

C. The agency shall schedule [or make available outside the agency] ongoing education or training for professional staff throughout each calendar year to include:

1. ~~[A review of~~ An update to ] the topics covered during orientation [, to include any changes in the agency's policies and procedures, the minimum standards, identification of child abuse and neglect and reporting procedures, the agency's policies on discipline and behavior management, a review of the scientific literature on discipline, and other relevant laws;]

~~[2. Identification of child abuse and neglect and reporting procedures;]~~

~~[3.2.]~~ For adoption agencies, training or education that will develop and enhance knowledge and skills in adoption placement; services to birth and adoptive parents; assessment and evaluation of adoptive homes; services to children, including grief and loss issues; the provision of services after adoption; and services to adopted individuals; and

~~[4.3.]~~ For foster care agencies, training or education that will enhance and develop knowledge

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and skills in foster care placements; services to children and their families; services to foster parents; assessment and evaluation of foster homes; and grief and loss issues for children in foster care, including the significance of birth families to children placed in foster care.

D. Treatment foster care programs shall provide additional staff development in the following areas:

1. The agency's treatment philosophy and skill training in the specific treatment methodologies it employs, including crisis intervention techniques; and
2. Ongoing education or training in effectively working with children who have emotional and behavioral problems and who may have been abused and neglected.

**PART IV. FOSTER CARE SERVICES.**

**22 VAC 40-130-198. Requirements.**

[ A. In addition to Parts I, II, III, VI, IX, and X,] the standards in this part shall be met to obtain a license to provide foster care, other than treatment foster care, services in Virginia. Individuals or agencies in or out of state, or out of the country may obtain these services legally only from a licensed child-placing agency or local department of social services. [Requirements for caseloads and capacity may be found in 22 VAC 40-130-130.]

[ B. Agencies shall be responsible for maintaining compliance with these standards and all related laws in Virginia.]

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22 VAC 40-130-200. Program statement.

A. Child-placing agencies shall have a statement describing their services, organizational structure, policies, and record keeping including:

1. The purpose of the foster care program, including a description of the population the agency is prepared to serve and the geographical area to be served;
2. An open admissions policy if federal or local social service agency funds are involved. It shall state that their program is open to all children without regard to race, color, national origin or sex. It shall say also that children with ~~handicapping conditions~~ disabilities will be accepted if their needs can be reasonably accommodated. ~~The statement shall describe the population the agency is prepared to serve.~~ The policy shall also state that race shall not be a factor in determining the best placement for the child.

The agency shall include this policy in all brochures and material used for advertisement or distributed to the public.

3. A list of the agency's [ ~~pre~~admission intake ] requirements; an explanation of the fee system, if any; and decision-making procedures for acceptance, matching, placement and ~~termination of~~ discharge from care;
4. A description of the services provided to children, ~~biological~~ [legal their] families and foster families;

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5. A statement of eligibility requirements for foster families;
6. A description of the agency's procedures for foster family study and approval including a description of ~~any~~ orientation and training [ provided to applicants and foster parents ];
7. A description of agency policy and procedures for independent living arrangements, if offered;  
~~and~~
8. A description of ~~division~~ of the responsibilities and workload of the child-placing staff and the training provided to professional staff [~~;~~ and ]
- [9. A description of the agency's policies and procedures for accepting emergency and short-term placements, if applicable.]

B. Either the full statement or a summary shall be given to agencies and individuals who inquire about the services provided.

C. The program statement shall be updated when changes are made in the program, and a copy provided to the licensing representative within 30 days of the change.

**22 VAC 40-130-202. Policies and procedures.**

A. The agency shall have a written plan for back-up emergency care in the event that a child's placement in a family [~~fails~~ disrupts ~~or if the agency ceases to operate.~~]

~~[B. The agency shall describe and implement a policy of acceptable methods of control and~~

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~~discipline. The policy shall include a statement that the use of physical restraint of children is not permitted.]~~

[~~C. B.~~] The agency shall implement policies and procedures governing the agency's responsibility to determine that foster parents properly administer and document the medication as prescribed for foster children placed in their home; that foster parents have knowledge of side effects and actions to be taken; that foster parents notify the agency of adverse reactions to medications; and that foster parents have knowledge of the secure storage, retention and disposal of medication.

[~~D. C.~~] Agencies shall implement a policy and procedure governing the assignment of designated staff to be on call to foster parents on a 24-hour, seven days-a-week basis.

[~~E. D.~~] Agencies shall have a written discharge policy describing both planned and emergency discharge from the program.

[~~E. The agency shall have a written policy addressing plans for active cases if the agency ceases to operate.~~]

**22 VAC 40-130-210. Intake.**

~~A child placing agency may receive a child through court commitment or from an individual or agency having legal custody.~~

A. Authority to place. Before placing a child in foster care, the agency shall have the authority to place based on one of the following:

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1. Court commitment;
2. Permanent entrustment by the parent or parents, or other person having legal custody; or

~~NOTE: If it appears that a child may need subsidy in the future, the agency should try to have the child enter care through court commitment. Few children who enter care through permanent entrustment are eligible for IV-E Adoption Assistance (federal subsidy). See 22 VAC 40-130-310 B 2 b Note.~~

3. Temporary entrustment by the parent or parents or [~~other person having legal custody~~ legal guardian,] ~~or a placement agreement from an agency with legal custody.~~ The agency shall ~~petition the court for approval of a temporary entrustment within 30 days unless the entrustment is for less than 90 days.~~ [If accepting a child through a temporary entrustment agreement from the parent or legal guardian, the agency shall follow the requirements of §§ 63.1-204 and 16.1-277.01 of the Code of Virginia.]

4. A placement agreement from an agency with legal custody; or
5. A placement agreement signed by the local department of social services having jurisdiction when a noncustodial agreement has been signed between the parent or legal guardian and the local department or another public agency.

Exception: An agency licensed as a child-placing agency and certified as a proprietary school for the handicapped by the Department of Education shall not be required to take custody of a child

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placed in its special education program but shall enter into a placement agreement with the parent or other individual holding custody.

~~B. Intake assessment.~~

~~1. The assessment shall include items listed in subdivisions 1a through 1d. However, the agency shall collect the information for items listed in subdivisions 1a and 1b before accepting the child for placement. The required items are:~~

B.[ ~~Preadmission assessment.~~] To achieve sound placement decisions and planning for relevant services to children, the agency shall receive and review the following material prior to a child's admission. [All materials shall indicate the date received by the agency.]

~~a.~~ 1. The reason the placement is requested;

~~b.~~ 2. Current information on the child's:

~~(1)~~ a. Health;

~~(2)~~ b. Behavior in the home or other living situation; ~~and~~

~~(3)~~ c. Grade level and adjustment to school, if of school age; or adjustment to day care or nursery school, if any, for preschool children;

~~e.~~ ~~The dates and persons involved in placement visits and staffings;~~

~~[d. Potential problems with the child's placement;~~ Medications the child is taking, including

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dosages and reasons for taking each medication;] and

e. Information on the child's skills, interests and talents;

~~3.~~ 3. The reason or reasons the child was accepted and the date the decision was made.

~~2. 4.~~ 4. ~~The assessment shall be written within 30 days of placement.~~

C. A child shall be accepted only after careful consideration of how well the prospective foster family can meet the child's needs and preferences. Important considerations include, but are not limited to:

1. Foster parents' specific skills, abilities and attitudes needed to work effectively with the child;

and

2. The family composition, willingness and ability to work with the child's family.

D. The worker shall make a recommendation as to the most suitable foster home that can provide services to the child and his family.

1. Siblings shall be placed together whenever possible unless it is clearly not in their best interest.

2. The agency shall document why a particular foster home is selected for the child.

E. Unless there are valid reasons for not doing so, the agency shall interview the child and his parent or legal guardian prior to placement [and record this interview in the child's record]. If the child, the parent or the legal guardian cannot be interviewed, the reason shall be documented in the child's



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record. [This shall not apply to emergency placements.]

F. The agency shall prepare the child for placement and arrange a preplacement visit for the child in the foster home. If this is not possible, the reason shall be documented in the child's record. [The results of the preplacement visit shall be recorded in the child's record. This shall not apply to emergency placements.]

[ G. The assessment of information for each child required in 22 VAC 40-130-210, B – F, shall be written within 30 days of the child's placement.]

[ C. G.H.] Social history. ~~[The purpose of the history is to assist in determining the appropriate goal for the child and identify the services needed to reach the goal. 1. The study social history shall be completed within 30 days of placement and include the date it was completed received prior to admission. 2. ]~~ Information shall be collected on the items listed below. [Agencies have 30 days to receive this information for emergency placements.] If information on an item is not available, the explanation shall be recorded.

~~3.~~ 1. The ~~study~~ social history shall cover:

- a. Family structure, relationships and involvement with the child;
- b. The child's previous placement history, if any;
- c. The child's developmental, educational, social and medical history;
- d. ~~A description of the child's appearance;~~

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~~e.~~ d. Any emotional or psychological problems of the child including strengths and needs, and professional treatment received, if applicable;

~~f.~~ The child's school history;

~~g.~~ e. The education, medical history and occupation of parents; and

f. The child's history as a victim of abuse or neglect, [including history of pre-natal neglect or substance abuse by mother,] if applicable.

~~h.~~ Family medical history as it relates to the suitability of the child for placement.

~~4.~~ The worker shall:

~~a.~~ Recommend long term goals and intermediate objectives;

~~b.~~ Identify services needed to meet the objectives and goals; and

~~c.~~ Make a recommendation as to the type of home best suited to the child. Siblings shall be placed together whenever possible unless it is clearly not in their best interest.

~~5.~~ When a home is selected, the worker shall explain why it was chosen.

~~[D. H.I.]~~ Physical ~~or~~ and dental examinations.

1. A child shall have an examination by or under the direction of a licensed physician within the 90 days before placement. The discharge summary from a hospital shall be acceptable for a newborn. [The medical examination shall include the child's current physical condition, including

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growth and development, visual and auditory acuity, nutritional status, evidence of freedom from tuberculosis in a communicable form, allergies, chronic conditions and disabilities.]

Exception: The 90-day requirement may be waived if ~~[a. A a ]~~ report of an examination no more than a year old is available, together with ~~[b.]~~ a report of all medical treatment provided in the interim, and ~~[e. b.]~~ the child has been in the continuous placement of a public or private agency.

2. When a child, accepted in an emergency, has not had an examination within 90 days before placement, he shall have one within 30 days after placement.

3. Each child over three years shall have had a dental examination within 12 months before placement or within 60 days after placement.

~~[E. I. J.]~~ School enrollment. The agency shall contact school authorities within five days of placement to arrange for the enrollment of each school age child.

**22 VAC 40-130-211. Acceptance of child and placement agreements.**

~~F. A.~~ Acceptance of a child from another agency. When a child is accepted for placement from another child-placing agency[, ] which is retaining custody:

1. The receiving agency shall obtain a placement agreement before placing the child. It shall cover the financial and other responsibilities of each agency including the services each agency agrees to provide for the child, the biological ~~[legal child's]~~ family and foster family. ~~[The~~

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agreement shall also include:

- a. Provisions for receiving consent for routine and emergency medical and dental care for the child;
- b. Permission for out of state travel;
- c. Permission, if necessary, for the child to participate in any fund-raising activities.]

2. The agreement shall be signed ~~by a person from each agency who has the authority to commit the agency to the provisions~~ by the receiving agency and by the custodial agency or by the local department of social services when the placement is authorized through a noncustodial agreement with the ~~[legal parent or]~~ parents. If changes are made, the agreement shall be amended and the changes signed or initialed by an appropriate person.

3. The referring agency, which retains custody, is required by §§ 16.1-281 and 16.1-282 of the Code of Virginia to send the court service plans for each child in its custody. The receiving agency shall obtain a copy of the service plan sent to the court or document its efforts to obtain one. It shall develop service ~~plan or plans~~ [according to the requirements of 22 VAC 40-130-212 and] compatible with the ~~goal or goals~~ in the plan sent to the court.

~~G.~~ B. Acceptance of a child from ~~[parent or legal~~ the parent or parents or other individual legal guardian.] When accepting a child for placement from a parent or other individual holding custody, the agency shall:

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1. Obtain an entrustment agreement and follow the requirements of §§ 63.1-204 [and 16.1-277.01] of the Code of Virginia (~~Exception: See 22 VAC 40-130-220 22 VAC 40-130-210 A-3~~);
2. Explain the agency's foster care program;
3. Collect information for the intake [~~preadmission intake assessment, and social history~~] which shall be recorded only under [~~those that headings heading~~];
4. ~~Explain service plan, covering:~~
  - a. ~~Long-term goals;~~
  - b. ~~Steps for their accomplishment;~~
  - c. ~~The case worker's responsibilities;~~
  - d. ~~The parent or other individual's responsibilities; and~~
  - e. ~~Date setting for intermediate and long-term goals.~~

~~NOTE: Only the client's reactions should be recorded here; elements of the plan should be with the service plan itself.~~

4. Provide the [~~legal~~] parent or legal guardian placing the child with information about the agency's services, and discuss the parent's or guardian's long-term plans for the child, their responsibilities for the child, and the case worker's responsibilities; and

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5. Explain service planning to the parent or guardian and discuss their involvement in this process, as well as their plans for visitation and financial support.

**22 VAC 40-130-212. Service plans in foster care.**

~~H. Service plans in foster care.~~ A. An agency shall prepare and implement [~~a~~ an individualized] service plan for each child in its care. The parents shall be consulted unless parental rights have been terminated. Prior custodians or foster parents shall be consulted when appropriate.

~~1. Service plan requirement when the agency holds custody.~~

~~a. The plan shall be filed with the court within 60 days after the agency receives custody unless:~~

~~(1) The court grants an additional 60 days, or~~

~~(2) The child is returned home or placed for adoption within 60 days.~~

~~b. The goal is to provide services that will lead to the child's placement in a permanent situation. Goals in order of priority are:~~

~~(1) Return to parents or prior custodians;~~

~~(2) Placement with relatives with planned transfer of custody;~~

~~(3) Adoptive placement;~~

~~(4) Permanent foster care; and~~

~~(5) Continued foster care or placement with relatives without transfer of custody.~~

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~~e. Reports to the court are in two parts: A and B.~~

~~(1) Part A, only, shall be used if the goal is to return to the parents or prior custodians. It~~

~~shall include:~~

~~(a) The services to be offered to the child and parents;~~

~~(b) The participation to be sought from the parent or parents or prior custodian or custodians;~~

~~© Visitation between the child and parent or parents or prior custodian or custodians;~~

~~(d) The type of placement being provided; and~~

~~(e) A projected date for the return of the child to the parent or custodian.~~

~~(2) If the agency determines that it is not likely that the child can be returned to the parent or parents or custodian within a reasonable period of time, both Parts A and B shall be used.~~

~~Part B shall include:~~

~~(a) The reasons the child cannot be returned to the parents or prior custodians;~~

~~(b) The goal selected;~~

~~It must be the highest feasible goal. The reasons a higher goal was not selected must be explained.~~

~~© A plan for attainment of the selected goal; and~~

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~~(d) A projected date for attainment of the goal.~~

~~d. Procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, “Preparing the Service Plan” shall be followed. These procedures are incorporated by reference and made a part of these regulations.~~

~~2. Service plan requirements when agency does not hold custody.~~

~~a. The plan shall include:~~

~~(1) The goal for the child;~~

~~(2) The services to be offered to the child and parents or prior custodians;~~

~~(3) The participation to be sought from the parents or prior custodians;~~

~~(4) The type of placement recommended for the child and how it relates to the goal; and~~

~~(5) The target date for achievement of the goal.~~

~~b. The plan shall be completed within 60 days of placement.~~

B. When the agency holds custody of the child, a service plan shall be filed with the court within 60 days after the agency receives custody unless the court grants an additional 60 days, or the child is returned home or placed for adoption within 60 days. [The agency shall follow the requirements of the Code of Virginia and regulations promulgated by the State Board of Social Services related to service plans, court reviews, dispositional hearings and permanency planning hearings. See §§ 16.1-



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281 and 16.1-282 of the Code of Virginia]. The permanency planning goals and the requirements and procedures in the department's Service Programs Manual, Volume VII, Section III, Chapter B, "Preparing the Initial Service Plan," and "Reassessments, Reviews, and Redeterminations June 1998, shall be followed. ~~These requirements and procedures are incorporated by reference and made a part of these regulations.~~ may be consulted.]

C. Service plan. When the agency does not hold custody of the child, professional agency staff shall develop an individualized service plan within the first ~~[60~~ 45] days of placement, which shall include:

1. An assessment of the child's emotional, social, behavioral, educational, developmental and medical needs;

~~[2. Clear and realistic goals and objectives~~ The goals to meet the child's needs,] the criteria for achievement, and target dates for each;

~~[3. The services, activities and experiences designed to meet the objectives provided to date and those to be provided within specified time frames (include including a description of the agency's coordination with related community services to provide a continuity of care with the child's family, school, and community);~~

The services and activities designed to meet the goals, including a description of how the agency is working with related community resources to provide a continuity of care ]

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4. The ~~[long-term]~~ permanency planning goals and plans for reunification of the child and the child's family, where appropriate;
5. The target date for discharge from the program; and
6. For children age 16 and over, a description of the programs and services that will help the child's transition from foster care to independent living, [where appropriate] .

[Agencies providing short-term placements are exempt from the requirements of 22 VAC 40-130-212, C, 1-6, but instead shall comply with 22 VAC 40-130-212, E.]

Based on the agency's evaluation and work with the child and the child's family, it shall develop other areas to be addressed in the service plan.

The plan shall be signed and dated by the staff person who completed the plan.

[ D. The agency shall include and work with the child [who has the ability to understand, the ~~[child-placing placing]~~ agency and the parents, where appropriate, in the development of the service plan and provide a copy to ~~them~~ the placing agency. The agency may provide a copy to the foster parents and the parents, where appropriate, and as long as confidential information is not released.]

[ E. Within 72 hours of placement, agencies providing short-term placements shall write an intake assessment covering the requirements of 22 VAC 40-130-210, B – F, and develop a service plan for children to include a description of the child's needs and services to be provided during the placement;]

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[ E.F. ] The agency shall provide supervision, training, support and guidance to foster families in implementing the service plan for the child.

[ F.G. ] The agency shall arrange for and encourage contact and visitation between the foster child, his family and others as specified in the service plan and as permitted by the court and the custodial agency.]

22 VAC 40-130-213. [ ~~Quarterly progress~~ **Progress reports and Ongoing Service Plans**].

A. Progress reports shall be completed [ ~~quarterly~~ ] beginning [ ~~with 90 days after~~ ] the [ ~~date of the service plan~~ date of placement and every 90 days thereafter. ] The report shall evaluate and describe progress in each specified area of the service plan and include any changes recommended. The progress [ ~~summary report~~ ] shall also include:

1. [ ~~Services~~ A description of the ] services provided [ ~~and a list of the individuals providing the services during the previous 90 days and services to be provided during the next 90 days;~~ ]
2. Any changes to the service plan [ ~~and services to be provided during the next quarter~~ including changes to the goals, the criteria for achievement and target dates; ]
3. Behavioral issues to be addressed and plans for addressing them;
- [ ~~4. Changes to the goals and objectives, the criteria for achievement and target dates;~~ ]
- [ ~~5.4. Contacts between the child and the child's family and plans for reunification of the family, where appropriate;~~ ]

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6. The child's assessment of his progress and his description of services needed, where appropriate;

7. Medical needs, specifying medical treatment provided and still needed [and medications prescribed;] and

8. Permanency planning goals [including plans for reunification of the family, where appropriate, or placement with relatives] any changes in these goals, and discharge plans.

B. [~~The fourth quarterly~~ Annually, the] progress report shall address the above requirements ~~and~~ [as well as] evaluate and update the service plan for the upcoming year.

C. The staff person who completed the report shall date and sign each [~~quarterly~~] progress report.

D. The agency shall include each child who has the ability to understand in the preparation of the child's service plan and progress report or document the reasons this was not possible. The child's comments shall be recorded in the report.

**22 VAC 40-130-220. ~~Ongoing services~~ Contacts with child.**

A. Visitation.

~~1. There shall be a face to face contact between the child placing staff and the child every 30 days during the first year of placement in a foster home.~~

~~2. Contacts every 60 days shall be in the placement setting.~~

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~~3. If the child is in the same home after one year, the number of required contacts is still 12 per year but there may be 45 days between any two visits. Alternate required visits shall still be in the placement setting.~~

EXCEPTIONS:

A. There shall be a face-to-face contact between the case worker or a designated professional child-placing agency staff and the child monthly [, and more often as needed,] to assess the child's progress, monitor service delivery and allow the child to communicate concerns. Contacts every other month shall be in the home.

B. A description of all contacts shall be documented in the narrative.

C. Children who are able to communicate shall be interviewed privately once a month.

~~a.~~ D. At least one face-to-face contact shall be made each quarter with a child in a group care facility.

~~b.~~ E. Visits to children in permanent foster care shall be made at least every six months [~~in accordance with Service Programs Manual, Volume VII, Section III, Chapter B, Permanent Foster Care Placement, June 1997~~ and more often if needed.]

~~e.~~ F. Youth who cannot meet the requirements for court-approved permanent foster care ~~because~~ because they are over 18 but meet all other requirements and have been in a stable placement for a year, shall be visited at least every six months, unless the youth is in the agency's approved

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independent living arrangement [or in treatment foster care] (see Part VIII (22 VAC 40-130-454 et seq.) [and Part XI (22 VAC 40-130-680)] of this chapter).

~~d.~~ G. The agency shall [~~assure~~ ensure] that visits to children in out-of-state placements ~~shall be the responsibility of~~ are conducted by the agency supervising the placement.

H. Another licensed private agency or public child-placing agency that does not hold custody of the child may conduct visits; however, documentation must be provided and maintained in the child's record of the dates and substance of the contacts.

I. Unless specifically prohibited by court or custodial agency, foster children shall have access to regular contact with their families as described in the service plan.

[ ~~J.~~ After consultation with the placing agency, ~~the child-placing agency~~] shall work actively to support and enhance child-family relationships and work directly with families toward reunification as specified in the service plan.

**B. 22 VAC 40-130-221. Medical care.**

A. The agency shall [~~assure~~ ensure] that all children in its care receive routine and emergency medical care.

1. Frequency of examinations.

a. The physician's recommendations for children under one year shall be followed.

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- b. Examinations for children over one year shall be no more than 13 months apart. If the examining physician recommends it, examinations may be every two years for youths over 18.
  2. Reports shall be signed by the physician, his designee or an official of the local health department.
  3. The School Entrance Physical Examination of the Department of Health or equivalent may be used to meet the requirements for a medical examination.
  - ~~3.~~ 4. All reports except the discharge summary on a newborn shall include the following ~~when, at the discretion of the physician, they become appropriate to the child's age.~~ unless the physician [his designee or the official of the local health department] recommends otherwise:
    - a. Immunizations given in the past 13 months or since the last examination;
    - b. Current physical condition, including growth and development, visual and auditory acuity, nutritional status, evidence of freedom from tuberculosis in a communicable form, allergies, chronic conditions and handicaps or disabilities.
  4. 5. The agency shall arrange for the child to receive recommended follow-up care as well as care for illnesses or injuries and shall document all such visits.
  - ~~5. The School Entrance Physical Examination of the Department of Health or equivalent may be used to meet the requirements for a medical examination.~~
- B. The agency shall record all medications prescribed for each child and any reported side effects or

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adverse reactions.

C. Dental care.

1. Each child over three years shall have a dental examination within 13 months of the last examination and every 13 months after that.
2. The findings shall be signed by a licensed dentist or his designee.
3. The agency shall arrange for the child to receive the recommended follow-up care as well as care for injuries or other conditions requiring attention between examinations.

D. Psychological and psychiatric care. [In consultation with the placing agency,] the agency shall provide or arrange for a child to receive psychiatric ~~or~~, psychological, and other clinical services if the need for them has been recommended or identified.

~~EXCEPTION: If the agency does not follow a recommendation, it shall explain in the record why following the recommendation would not be in the child's best interest.~~

**22 VAC 40-130-223. Other responsibilities of agency.**

~~E.~~ A. Clothing. The agency shall see that each child in care has his own supply of clothing for indoor and outdoor wear, suitable to the season, and in good condition.

~~F.~~ B. Spending money. School-age children shall have an allowance [, which shall be specified in the child's service plan.]



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[ C. When the agency determines that it is in the child's best interest to move the child to another foster home, the agency shall consult with the placing agency prior to the child's move, unless the move is necessary due to an emergency situation or due to child abuse and neglect. When the agency cannot consult with the placing agency prior to moving the child, it shall do so within 24 hours of the move. ]

**22 VAC 40-130-230. Narratives, ~~quarterly summaries and service plans~~ in the child's record.**

A. Narratives shall be in chronological order and current within 30 days. ~~Entries may be in narrative form or recorded on a contact sheet.~~ They shall cover:

1. Casework treatment and services provided;
2. Contacts with the child, ~~parent or parents, the person or persons or agency holding custody if~~ other than the parent, and collaterals; ~~and~~
3. Areas required by these standards; and
- ~~3-~~ 4. Other significant events, if any.

~~B. Summaries and service plans shall be made quarterly. The date of the initial service plan is the beginning date of the first quarter.~~

- ~~1. The summary for the quarter shall evaluate the progress made in reaching the goal including:~~

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~~a. Problems met and problems still existing or arising; and~~

~~b. An evaluation of:~~

~~(1) The services provided the child;~~

~~(2) The participation of the services offered the biological parents, if any;~~

~~(3) The participation of the foster parents; and~~

~~(4) The continued suitability of the goal and termination date.~~

~~2. The service plan for the next quarter shall cover:~~

~~a. Any changes recommended in the goal and termination date;~~

~~b. Services needed for the child and their availability;~~

~~c. Contacts planned with the foster parents, school, biological parent or parents and other relatives; and~~

~~d. Progress anticipated during the coming quarter.~~

~~3. The fourth quarterly report shall also address subdivision 2 b, c and d for the next 12 months.~~

~~For recording in biological and foster family records, see 22 VAC 40-130-280.~~

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22 VAC 40-130-240. ~~Termination of Discharge from care.~~

A. ~~The closing narrative shall be completed within 30 days of termination~~ agency shall complete a discharge summary within 30 days of discharge and include:

1. The reason or reasons for the ~~termination~~ discharge;
2. The name or names of persons with whom the child has been placed or to whom he was discharged;
3. Follow-up services, if any, to be provided the child and family or guardian; ~~and~~
4. A ~~brief statement of what was accomplished~~ summary of the services provided while the child was in care; ~~and~~
5. Progress made while the child was in care; and
- ~~5.~~ 6. Recommendations for services if the child is discharged to another agency.

B. Discharge planning shall be developed with the child, the child's parents or guardian, [ if applicable ] and the [ ~~child-placing~~ placing ] agency, [ if applicable ].

C. Children in the custody of a local department of social services or private child-placing agency shall not be discharged without the knowledge [ ~~consent~~ consultation, ] and notification of the [ ~~child-placing~~ placing ] agency. The parents or guardian shall be notified of the child's discharge from the program.

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D. Children under the age of 18 shall only be discharged to the parent or guardian having legal custody.

F. For independent living placements the summary shall include an evaluation of the progress made towards achievement of the identified life skills.

~~B.~~ G. Upon discharge a copy of medical and school records, and birth certificate if the agency holds custody, shall be given to the parents or receiving agency. Information shall be released, to a child who has reached 18 years of age in accordance with § 63.1-209 of the Code of Virginia.

**22 VAC 40-130-250. Permanent foster care.**

A child-placing agency may place a child in permanent foster care in accordance with § 63.1-206.1 of the Code of Virginia. Agencies [~~shall follow~~ may consult] procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, “Permanent Foster Care Placement”.

**22 VAC 40-130-251. Respite care.**

Foster parents shall have access to both planned and crisis respite care for their foster children. Respite care may be provided only in foster homes[,] which have been selected and trained according to these standards. Respite providers shall be informed of the child’s service plan and assisted in the implementation of this plan.

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**22 VAC 40-130-260. Independent living arrangement.**

~~Any agency may place a child in an independent living arrangement. Procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, "Placing the Child in an Independent Living Arrangement" must be followed.~~

Agencies placing children in independent living arrangements shall follow the requirements established in Part VIII (22 VAC 40-130-454 et seq.) of this chapter.

**22 VAC 40-130-261. Training for foster parents.**

A. Prior to approval of the home, all foster parents shall satisfactorily complete preservice training.

This training shall include [ but is not limited to ] the following topics:

1. Information about the strengths and needs of children and their families who require family foster care services;
2. Information about the impact of separation and loss for all parties involved in family foster care;
3. The laws, regulations, policies, procedures, and values that direct the agency's family foster care program;
4. The [agency's policies on acceptable methods of control and discipline, and the] knowledge and practice skills necessary to be a foster parent;

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5. The impact of fostering on foster parents, their children, and all aspects of their family life; and

6. Knowledge and understanding of the specific types of children served by the agency and the services these children will need.

[7. Attachment and bonding issues; and

8. Caring for children with pre-natal drug exposure or other medical needs, where applicable.]

B. On-going training. The agency shall develop an on-going training plan for foster parents. [Foster parents shall be consulted on their training needs.] The specific training topics shall be included in the agency's program statement and shall include, but not be limited to the following:

1. Building on basic skills and developing advanced skills, such as working directly with parents of children in care to teach parenting skills;

2. Helping children develop self esteem and learn appropriate behaviors;

3. Responding to signs and symptoms of physical abuse, sexual abuse, neglect, and emotional maltreatment; ~~and~~

4. Helping children with family reunification, adoption, and preparation for young adult life[; and

5. A review of the agency's policies on acceptable methods of control and discipline.]

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22 VAC 40-130-270. The foster family and foster home study.

~~A. The foster home study. Information on the items listed below shall be gathered in order to assess whether or not it would be a suitable foster home, and, if so, what types of children would fit into the home.~~

~~1. The foster parent or parents shall be at least 18 years old.~~

~~2. Workers shall see marriage licenses for couples applying to be foster parents. If there have been previous marriages, the worker shall ascertain that divorces from the former spouses are final.~~

~~3. Health.~~

~~a. Each permanent member of the household shall obtain a report signed by a physician, his designee or an official of the local health department containing:~~

~~(1) An evaluation of the current health of the individual;~~

~~(2) A statement that the individual does not have tuberculosis in a communicable form including the date and type or types of test or tests and the results;~~

~~If the test is positive or no test is done, there shall be a written explanation by the physician.~~

~~(3) An opinion as to whether or not the health of the household member will affect the care of foster children.~~

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~~b. Additional tests are not required unless:~~

~~(1) The individual comes in contact with a known case of tuberculosis; or~~

~~(2) Develops chronic respiratory symptoms.~~

~~For either of these symptoms, he must be evaluated according to subdivisions 2 a (2) and 2 a~~

~~(3) of this subsection.~~

~~e. At the request of the agency or the licensing representative, an examination shall be obtained when there are indications that the safety of the children in care may be jeopardized by the physical or mental health of a household member.~~

~~The agency shall plan for the immediate removal of the child or children if the examination reveals that their safety might be in jeopardy.~~

~~4. Income and financial resources of the foster family shall be sufficient to assure continuing maintenance of the foster family. If there is an amount in the agency's monthly payment above that required for the needs of the child, it may be counted as income.~~

~~5. Child care if parents are employed. When a single foster parent or both parents are employed, there shall be plans approved by the agency for the care of the child during their absence.~~

~~6. CPSIS and Division of Motor Vehicles checks.~~



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~~a. Persons applying to be foster parents and other adult members of the household shall consent to a search of the Child Protective Services Central Registry (CPSIS).~~

~~(1) The agency shall use the form provided by the registry and follow the instructions thereon.~~

~~(2) A search must be done for the initial approval and may be repeated if the child placing staff believes it necessary.~~

~~(3) The home shall not be used if an adult in the household has a founded or unfounded reason to suspect child abuse or neglect record.~~

~~NOTE: The Central Registry name is to be changed from CPSIS to CANIS (Child Abuse and Neglect Information System) in the early fall of 1989. The method of judging injury to children is to be changed. Agencies will be sent information on the changes when they occur.~~

~~b. Persons applying to be foster parents shall consent to a check of Department of Motor Vehicles records if the agency thinks it is needed. The agency may require consent to a check after a home is in use if it appears to be needed.~~

~~7. Residence and surrounding area.~~

~~a. The home shall have:~~

~~(1) A working telephone;~~

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- ~~(2) Screens on all doors and windows used for ventilation;~~
- ~~(3) Some method of ventilation for the rooms where children sleep;~~
- ~~(4) Closet or drawer space or both for clothing and personal possessions of children over two years;~~
- ~~(5) Separate beds for each foster child except that two siblings of the same sex may share a double bed;~~
- ~~(6) A written plan for evacuation of the home in case of fire.
  - ~~(a) The worker shall review the plan during the initial home study and at the time of the reevaluation if the family has moved.~~
  - ~~(b) The foster parents shall review the plan, with any child old enough to understand, within five days of placement. This requirement shall be in the foster home agreement or other document signed by the foster parent.~~~~
- ~~b. If the family possesses firearms, they shall be stored in locked cabinets or locked areas not accessible to children. Ammunition shall be stored in a locked place separate from the firearms.~~
- ~~e. There shall be an assessment of the following based on the worker's observations and discussion with the applicant or applicants:~~

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- ~~(1) The availability and use of sleeping space;~~
- ~~(2) The availability of play or recreation areas appropriate for the ages of children to be placed;~~
- ~~(3) The availability of study areas if school age children are to be placed;~~
- ~~(4) Housekeeping standards; and~~
- ~~(5) The neighborhood and the accessibility of applicable community facilities.~~

8. Interviews with family members.

- ~~a. There shall be a minimum of three face to face interviews with each foster parent, including at least one joint interview in the home.~~
- ~~b. All other members of the household shall be interviewed face to face at least once.~~
- ~~c. The following areas shall be covered:
  - ~~(1) Each applicant's reasons for and expectations of becoming a foster parent;~~
  - ~~(2) Each applicant's parenting skills, understanding of types of children to be placed, prior experiences with children, attitudes toward natural parents and toward working with the agency;~~
  - ~~(3) The abilities of all members of the household to accept a foster child including their experiences in sharing with and caring for children not related to them;~~~~

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~~(4) The social and academic adjustment of the applicant's children such as peer relationships, grade placement, and school performance;~~

~~(5) Family relationships including marital;~~

~~(6) General patterns of family life; and~~

~~NOTE: The purpose of recording the patterns is to assess how a child will fit into the usual routines or activities of the household.~~

~~(7) The applicant's relationships with extended family and friends.~~

~~9. References. At least three references for the family shall be obtained.~~

~~10. Worker's recommendations.~~

~~a. The child placing staff shall recommend approval or disapproval of the home. The date of the action shall be recorded.~~

~~b. Applicants shall be informed within a week of approval or disapproval.~~

~~c. The worker shall recommend the type, number, age and sex of children that can successfully be cared for in the home. Foster parent or parents preferences shall be taken into consideration.~~

~~11. The foster home study shall be written and the home approved before a child is placed.~~

~~A. Foster homes shall be evaluated and approved. Agencies shall conduct a thorough foster home~~

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study and determine approval or denial according to the requirements] set forth in these standards.

An agency may have additional requirements at its discretion.

B. Assessment of foster family applicants. Information on the items [below in this section] shall be gathered in order to assess the applicants' capacities as foster parents. If the home is approved, the information shall be used to determine the type of child that can successfully be placed in the home.

C. The agency shall conduct interviews with all family and household members. Dates and content of interviews shall be documented in the home study.

D. There shall be a minimum of three face-to-face interviews with each applicant. At least one interview with a couple shall be [joint together] and one shall take place in the home.

E. Orientation and preservice training sessions provided during the home study process shall not count towards the required number of interviews.

F. The agency shall request and obtain a minimum of three nonrelative references for the family. Additional references may also be requested from relatives or others at the agency's discretion.

G. A report of a medical examination by a licensed physician, his designee, or an official of a local health department of all members of the household shall be obtained. The exam shall be conducted no earlier than [six twelve] months prior to the approval and shall contain:

1. An evaluation of the current health of the individual [, to include an evaluation of drug or alcohol abuse of the applicants.] Additional reports from specialists shall be received when

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health concerns are noted;

2. A statement that the individual does not have tuberculosis in a communicable form including the date and type of test and the results. If the test is positive or no test is done, there shall be a written explanation by the physician [, his designee or an official of the local health department].

Additional tests are not required unless the individual comes in contact with a known case of tuberculosis or develops chronic respiratory symptoms;

3. An opinion as to whether or not the health of the individual will affect the care or present a hazard to the health of children; and

4. The signature of a physician, his designee or an official of the local health department.

H. The medical examination shall be updated if the agency has concerns about the health of members of the foster family.

~~[ I. The agency shall receive the results of a search of the Child Abuse and Neglect Registry before approval is granted. The home shall not be approved if an applicant or another adult living in the home has a founded child abuse or neglect record. [Note: See § 63.1-198.1 of the Code of Virginia.]~~

~~[ J. Criminal history record reports and sworn disclosure statements shall be received on each applicant [pursuant to § 63.1-198.1 of the Code of Virginia] prior to approval. Agencies shall not approve foster families if either foster parent applicant has been convicted of the specified offenses~~

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~~in the law.]~~

~~[The content of and copies of criminal record reports and sworn disclosure statements shall not be shared with other agencies or persons, other than the person named in the report, the licensing representative, other state or federal authorities and a court as required by state or federal law, except as permitted by § 63.1-198.1 of the Code of Virginia.]~~

~~[The agency shall ensure that the foster home is in compliance with Section 63.1-198.1 and 63.1-198.4 of the Code of Virginia and with regulations promulgated by the State Board of Social Services.]~~

~~[K. H.]~~ The agency shall check the applicants' Department of Motor Vehicles records.

~~[L. I.]~~ The agency worker shall see the marriage license for couples.

~~[M. J.]~~ The agency shall discuss the employment history of each applicant and assess the applicants' management of income and financial resources in relation to expenses.

Applicants shall have sufficient income and financial resources to assure continuing maintenance of the family. The agency shall receive a financial statement indicating income and expenses. ~~[If there is an amount in the agency's monthly payment above that required for the needs of the child, it may be counted as income.]~~

~~[N. K.]~~ If the applicant has previously applied to be a foster parent through another agency, the current agency shall request information from the applicant about their previous application. The

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current agency shall also request information from the previous agency.

[ O.L. ] Foster parent applicants shall sign a statement that they will not use corporal punishment on any child placed in their home nor give others permission to use corporal punishment with the foster children in their home.

{P.M.} The agency shall conduct an assessment of the motivations, expectations, commitment, and abilities of the applicants. The agency shall [also assure ensure] that the following areas are covered in its assessment and document the basis for its conclusions:

1. Family relationships to include how the couple and the family resolve conflicts and express affection, relationships with extended family, and children living outside of the home;
2. Stability of the marriage in relation to its length;
3. The applicants' experiences with children and as children;
4. Discipline of children to include ~~[the discipline the applicants' received as children, their current parenting skills, their opinion and attitudes towards discipline, and the discipline techniques they will use with a child placed in their home; ;~~
  - a. The discipline the applicant or applicants received as children;
  - b. Their current parenting practices;
  - c. Their opinion and attitudes towards discipline; and



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d. The discipline techniques they will use with a child placed in their home.

The agency's evaluation of the applicants' discipline shall be sensitive to racial, ethnic and religious differences.]

5. Applicants' willingness to assist in the service plan;
6. Applicants' education and attitudes towards education;
7. Applicants' willingness to work with the school;
8. Applicants' attitudes towards [ ~~the legal~~ birth parents] and towards working with the agency;
9. Health issues [for the applicants and in ] the applicants' family and how this will impact the care of a child;
10. The age and type of child desired; and
11. Supervision arrangements when the applicants are out of the home.

[~~Q~~ N.] Residence and surrounding area. The agency shall assess and approve the residence and surrounding area. The following areas shall be included in the agency's assessment:

1. The applicants' home is free of hazards to the health and safety of children, is clean and is in good physical repair.
2. Rooms used by children shall be well-lighted for activities and safety.
3. The applicant shall have a written plan for seeking assistance from fire and rescue

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professionals.

4. Foster parents shall have a written evacuation plan in case of emergencies and shall rehearse the plan with children every six months. Foster parents shall review the plan with each child [, who is developmentally able to understand, within 48 hours of placement.]

~~[5. All sleeping areas shall have operable smoke detectors and the home shall have at least one operable fire extinguisher. ]~~

~~[6 5.]~~ The home shall have an operable heating and ventilation system.

~~[7 6.]~~ Firearms and other weapons shall be locked. Firearms shall be kept unloaded and ammunition shall be locked in a separate location.

~~[8 7.]~~ Children over the age of two shall not share a bed or bedroom with the foster parents or other adults in the home, unless the child's documented medical needs or disabilities require the foster parent to sleep in the room with the child.

~~[9 8.]~~ The home shall have closet or drawer space or both for clothing and personal possessions of children over two years of age.

~~[10 9.]~~ There shall be separate beds for children except that two siblings of the same sex may share a double bed [when appropriate].

~~[11 10.]~~ Children's bedrooms shall not be used as passageways and shall have doors for privacy.

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~~{12 11.}~~ The home shall keep cleaning supplies and other toxic substances stored away from food,~~{locked~~ secured ] and out of the reach of children~~[, who are developmentally unable to understand the dangers. Exception: Where appropriate, adolescents may have access to and may use cleaning supplies.]~~

~~{13 12.}~~ The applicants shall have a working telephone.

~~{R.O.}~~ The agency shall recommend approval or disapproval based on a careful assessment of the characteristics outlined in this section, information received through the home study process, the applicants' participation in the home study process and in any orientation and preservice training.

~~{S P.}~~ The decision to approve or deny shall be made in consultation with the supervisor or in a staff meeting, and the date of the decision shall be recorded in the applicants' record.

~~{T Q.}~~ If approval is recommended, the worker shall recommend the age, sex, and type of children who can successfully be placed and give the basis for the recommendation.

~~{U R.}~~ The applicants shall be informed in writing within one week of the approval or disapproval ~~[and offered an interview to have the agency's decision explained to them].~~

~~{V S.}~~ The home study shall be written and the home approved before a child is placed.

~~[ B.W.T.-Foster home capacity.]~~ The total number of children in the foster home shall not exceed eight including the parent's own children. Exception: When placement of a sibling group in one home is in the best interest of the siblings, the total may exceed eight.

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~~€. X~~ U. The agency shall provide the following services and requirements following approval.

1. The agency shall ~~have a plan of~~ provide orientation and on-going training for each ~~newly~~ approved foster family.
2. The agency shall provide the foster family with written procedures for handling emergencies during and outside the agency's regular office hours.
3. Prior to placement the family shall be assisted to make an informed decision as to whether a particular child is appropriate for them.
4. ~~The agency shall have a written foster home agreement with the family for each child in care.~~
  - a. ~~The agreement shall be signed on or before the date the child is placed in the home.~~
  - b. ~~The agreement shall include:~~
    - (1) ~~The payment for foster care;~~
    - (2) ~~Payment for other expenses;~~
    - (3) ~~Arrangements for medical care;~~
    - (4) ~~Arrangements for the provision of clothing;~~
    - (5) ~~Arrangements for spending money for the child;~~
    - (6) ~~Arrangements for visits by parents;~~

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~~(7) An agreement not to use corporal punishment or give others permission to do so;~~

~~EXCEPTION: If the agency prefers, it may substitute a written policy statement containing the prohibition which foster parent or parents shall sign saying they have read and will follow to the best of their ability. If a statement is substituted, it needs to be signed only at the time of the first placement. It shall state that it applies to any child placed by the agency.~~

~~(8) A clear statement that the agency has the right to remove the child when it considers it in the child's best interest; and~~

~~(9) A statement that the foster family has the right to receive the support and assistance of agency staff at all times in relation to the child's care in the home.~~

~~D. Re-evaluation of foster homes. The agency shall re-evaluate the foster home after one year and every two years after that covering the topics in the initial home study.~~

~~The re-evaluation shall take place in the home. The visit shall be made when both parents can be present. The re-evaluation may be done at the time of one of the regular home visits.~~

~~NOTE: A form may be used to indicate those areas in which there has been no change. The same form may be used to note changes that have occurred and to cover items listed in subdivisions 1 through 5 of this subsection providing there is space for an explanation.~~

~~The re-evaluation shall also cover:~~

~~1. A brief description of the adjustment of each child placed in the home since the last evaluation;~~

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~~2. An evaluation of the performance of the foster parents addressing:~~

~~a. Their ability to relate to the children;~~

~~b. Their ability to help children reach their goals;~~

~~c. Skills in working with particular types of problems; and~~

~~d. Their ability to work with the agency in meeting the needs of a child.~~

~~3. The relationship between the children and the family members. Family members shall be mentioned by name but may be listed together if one statement applies to all;~~

~~4. The stability of the home and any problems or significant changes that have occurred in the family since the last evaluation; and~~

~~5. Worker's recommendations regarding continued use of the home, and age, sex, types and number of children which home can handle successfully.~~

**22 VAC 40-130-271. Foster home agreement.**

[A.] The agency shall have a written foster home agreement with the family for each child in care.

The agreement shall be signed on or before the date the child is placed in the home and shall include

[:] ]

~~[1. The payment for foster care and other expenses;~~

~~2. Arrangements for medical care, for spending money for the child, for visits by parents, for the~~

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~~provision of clothing and an agreement not to use corporal punishment or give others permission to do so;~~

~~3. A clear statement that the agency has the right to remove the child when it considers it in the child's best interest;~~

~~4. A statement that the agency shall provide foster parents with the support and assistance of agency staff at all times in relation to the child's care in the home, including emergency procedures and telephone numbers to call; and]~~

~~5. A statement that unless a move is required to protect the health or safety of the child or other foster family members, the agency shall require foster parents to provide reasonable notice, as determined by the agency, to professional staff if requesting a child's removal from the home.]~~

[all of the requirements covered in the foster home placement agreement in the appendix. The agency may attach additional requirements to its foster home agreement, if necessary.]

**22 VAC 40-130-272. Reevaluation of foster homes.**

A. The agency shall reevaluate the foster home after one year and every two years thereafter covering the topics in the initial home study. The reevaluation shall take place in the home and the visit made when both parents can be present.

B. A reevaluation to address pertinent standards shall be done whenever there is a change in physical location or marital status. The agency shall make a redetermination of the continued status

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of the foster parents.

C. At the request of the agency or the licensing representative, a medical examination shall be obtained when there are indications that the safety or health of the children in care may be jeopardized by the health of a household member. The agency shall plan for the immediate removal of any foster children if the examination reveals that their safety or health might be in jeopardy.

D. The reevaluation shall also cover (i) a description of the adjustment of each child placed in the home since the last evaluation [(ii) the reason for removal of any children from the home and (iii)] an evaluation of the performance of the foster parents addressing their ability to relate to the children and to help children reach their goals. The agency shall also include and assess:

1. The foster parents' skills in working with particular types of problems;
2. The relationship between the children and the family members and the stability of the home and any problems or significant changes that have occurred in the family since the last evaluation; and
3. Their ability to work with the agency and with the [legal birth] parents in meeting the needs of a child.

E. The agency shall receive a current report from the Department of Motor Vehicles on any new drivers in the home if they are to transport foster children.

F. The agency shall make a recommendation regarding continued use of the home, further training



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needs of the foster parents, and age, sex, types and number of children that the home can successfully handle.

**22 VAC 40-130-280. Foster care records.**

A. The agency shall maintain a record for the child, the ~~biological family~~ [legal parents birth family] and the foster family. The ~~biological family legal parents'~~ [ birth family ] record may be a part of the child's record.

~~A. The child's record. The record shall include:~~

~~1. A face sheet completed within five working days of placement, with the following information:~~

~~a. For the child: birth date, place of birth, sex and race and source of this information;~~

~~b. For the biological parents: full names, address or addresses, telephone numbers, if available, and marital status;~~

~~c. For siblings: names, and addresses, if available;~~

~~d. Names, addresses and telephone numbers of person or persons or agency holding custody; and~~

~~e. Names and telephone numbers of persons to be contacted in an emergency, and~~

~~2. Other material pertaining to a child in foster care as required by this chapter.~~

B. Requirements for case records for children. The agency shall maintain a case record for each

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child. All services provided to the child shall be documented in the case record. [The placement agreement between the placing agency and the child-placing agency or the entrustment agreement between the legal guardian and the child-placing agency shall be filed in the child's record.] If an agency has offices in more than one location, the record shall identify the office ~~[which that]~~ provided the service.

C. All entries shall be in chronological order, be dated and identify the person making the entry.

Entries shall be typed or legibly handwritten in ink. The child's case record shall include:

1. A face sheet completed within five working days of placement ~~[which that]~~ includes:
  - a. Personally identifying information to include the child's name, birth date, place of birth, Medicaid number (if applicable), and Social Security number [, if known;]
  - b. Parent's names, addresses, marital status, telephone numbers, Social Security numbers [,if available] and information about grandparents, close relatives, and siblings, when known;
  - c. Names, addresses and telephone numbers of person or agency holding custody; and
  - d. Names and telephone numbers of persons to be contacted in an emergency.
2. Intake assessment information including referral forms, ~~[preadmission intake]~~ assessment, social history, psychological or psychiatric reports, school information, placement agreements or entrustment agreements, and medical reports received at intake.
3. [Copies of foster home placement agreements, agreed upon plans of discipline, and

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~~Authorizations~~ authorizations] for routine and emergency medical and dental care and for out-of-state travel, participation in special activities, publicity releases.

4. [Except for short-term placements, the] child's birth certificate.

5. Ongoing school and educational records [, except for short-term placements].

6. Ongoing medical and dental treatment [, except for short-term placements].

7. Clinical treatment including progress notes and psychological or psychiatric evaluations [, except for short-term placements].

8. Service plans, [~~quarterly~~ progress ] reports, and discharge reports.

9. Names, addresses and dates of all placements the child has while in the agency's care.

10. All correspondence related to the child.

11. Narrative, including a chronological narrative or summary of contacts with and services provided to the family. It shall include visits between the parents and the child or attempts to visit.

12. Documentation of any serious incidents, accidents, or injuries.

13. Other material pertaining to a child in foster care as required by these standards, and any other applicable standards and laws.

D. Information on the child's [~~legal~~] family, previous foster families, and services provided to them

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shall be documented either in the child's record or a separate family record.

~~B. The biological parent's record.~~ E. The [ ~~legal parents' birth family's~~ ] record shall contain cross-references to the child's record, unless it is a part of the child's record, and:

1. A face sheet with the ~~following information:~~ names, addresses, telephone numbers and marital status of the parents and addresses and telephone numbers of other members of the family when available.

~~a. Names, addresses and marital status of the biological parents;~~

~~b. Members of the biological family and their whereabouts with addresses and telephone numbers when available; and~~

~~c. Cross references to the child's record.~~

2. A chronological narrative or summary of contacts with and services provided to the family. It shall include visits of between the parents ~~with~~ and the child ~~and visits,~~ or attempts to visit, ~~with the parents.~~

3. Material relating to biological [ ~~legal parents~~ birth parents ] as required by ~~this chapter~~ these standards and applicable laws.

~~C. F. The foster home record.~~ The record shall contain:

1. A face sheet listing all members of the household and their relationship to the foster parents;

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2. The agency application ~~for~~ form completed by the foster parents;

3. A record of orientation and training provided to the foster parents;

~~NOTE: A form listing the training offered by the agency may be filed in the record. When the parent or parents complete a course, the date may be entered on the form.~~

4. A narrative account of the preparation of the family for each child placed with them;

5. A list of the children placed including names, birth date or age, dates of placement and removal and reasons for removal;

6. Copies of all foster home agreements [and the agreed upon plans of discipline for each child placed in the home];

7. ~~Other material required for foster home studies~~ The foster home study and all material required for the home study by ~~this chapter~~ these standards;

8. [Copies of all complaints investigated by the agency on the foster home and Reevaluation re-evaluations ]of the foster home, ~~and~~;

9. ~~[ When applicable, date and reason for closure. A narrative of any concerns the agency has about the status of the foster home;]~~ A narrative of any concerns the agency has about the status of the foster home; and

10. ~~[ A narrative of any concerns the agency has about the status of the foster home. When applicable, date and reason for closure.]~~

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G. The agency shall maintain documentation in the foster parents' record of all complaints involving the foster parents, including the agency's investigation report and findings and police and child protective services' involvement.

**PART V. ADOPTION SERVICES.**

**22 VAC 40-130-289. Requirements to provide adoption services in Virginia.**

A. [In addition to Parts I, II, III, VI, IX, and X, ] the standards in this part shall be met to obtain a license to provide adoption services in Virginia. [The standards in Part IV shall be met if the agency will also provide foster care services.] Individuals or agencies, in or out of the state or out of the country, may obtain these services legally in Virginia only from a licensed child-placing agency or local department of social services. [Requirements for caseloads and capacity may be found in 22 VAC 40-130-130.]

B. Agencies shall be responsible for maintaining compliance with these standards ~~[; the Family Services manual, Volume VII, Section III, Chapter C, Adoption Agency Placement (Post-Adoption Services, July 1989) and Chapter D, Adoption Nonagency Placement and Other Court Services (Guidelines Regarding the Preparation of Adoption Material to Be Forwarded to the Adoption Reports Unit for Preservation in a Nonagency Adoption, November 1991); ]~~ and all related laws in

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Virginia.

22 VAC 40-130-290. Program statement.

A. Child-placing agencies shall have a statement describing their services including:

1. The purpose of the adoption program;
2. An open admissions policy if federal or local social service agency funds are involved. It shall state that the program is open to all children without regard to race, color, national origin or sex. It shall say also that children with ~~handicapping conditions~~ disabilities will be accepted if their needs can be reasonably accommodated, and that race shall not be a factor in the placement of the child. ~~[A summary of the~~ The agency's policy shall ~~[also]~~ be included in advertisements and on materials distributed to the public;

~~The statement shall describe the population to be served.~~

3. Qualifications for adoptive families;
4. A description of the study, approval and selection process for adoptive families ~~including orientation and training offered by the agency and policy regarding fees;~~
5. A description of the orientation and training given to adoptive applicants ~~[to include:]~~
  - a. ~~Information shared about the birth family;~~
  - b. ~~Disclosure to the child about his adoption;~~

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- ~~e. The adoptive parent's understanding of adoption as a life-long process; and~~
- ~~d. Where the family can receive continuing services.]~~

A copy of the training curriculum shall accompany the program statement;

~~5-~~ 6. A description of the population to be served and a list of services, including adoptive family preservation services, provided to children, biological legal [their birth] families and adoptive families prior to the final order of adoption;

~~6-~~ 7. A list of services provided after the final order, either directly or by referrals to adopted children and families;

~~7-~~ 8. A description of services provided to adult adopted persons; ~~and~~

~~8-~~ 9. A description of the responsibilities and workload of agency staff;:

10. A copy of the agency's policy regarding fees for all services offered;

11. A description of intercountry services and identification of the agency's roles and responsibilities regarding the provision of services; and

12. A description of the agency's parental placement adoption services, if applicable, and identification of the agency's roles and responsibilities regarding the provision of services.

B. The program statement or a summary shall be given to agencies or individuals who ask about the services of the agency.



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C. A copy shall accompany the initial application for a license.

D. The program statement shall be updated when changes are made and a copy sent to the licensing representative within 30 days of the change.

**22 VAC 40-130-300. ~~Intake.~~ A. Services to biological [legal birth] parents contemplating placing their child for adoption.**

~~1. While parents may have decided to place their child for adoption before coming to the agency, counseling sessions shall be offered to assure that:~~

~~a. The decision was not made under duress; and~~

~~b. The decision is firm.~~

~~2. Alternatives to adoptive placement shall be discussed including:~~

~~a. Services to help the family stay together if it is in the best interest of both the child and the family;~~

~~b. Temporary foster care; and~~

~~c. Placement with relatives.~~

A. Alternatives to adoptive placement shall be discussed including [: ~~services to help the family stay together if it is in the best interest of both the child and the family, placement with relatives, and temporary foster care.~~]

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[1.Services to help the family stay together if it is in the best interest of both the child and the family;

2.Placement with relatives; and

3.Temporary foster care.]

B. While parents may have decided to place their child for adoption before coming to the agency, counseling sessions shall be offered to ~~[assure~~ ensure ] that the decision was not made under duress [ ~~and; that~~ ] the decision is firm;[ discuss] the reason for the decision, and that the birth parents are aware of the impact of placing a child for adoption,

~~3.~~ C. Additional counseling sessions shall be offered as needed. ~~4.~~ If either of the parents was not offered counseling, the worker shall record the reason or reasons.

~~5.~~ D. Agency adoption services shall be explained to the birth parents and shall include agency policies and procedures, the adoption process, and the rights and responsibilities of all parties.

E. The agency shall document the services offered to the birth parents and their responses, including reasons why each alternative was not chosen.

~~6.~~ F. If the parents choose adoption, the agency shall secure a termination of parental rights in accordance with [ ~~termination procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, "How Terminating Parental Rights are Terminated."~~, June 1998. ~~These procedures shall be explained to the birth parents. These procedures are incorporated by reference and made a part~~

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~~of this regulation §§ 63.1-204, 16.1-278.3 and other relevant sections of the Code of Virginia related to termination of parental rights. This process shall be explained to the birth parents. Note: Agencies may consult the Service Programs Manual, Volume VII, Section III, Chapter B, “How Parental Rights are Terminated”.]~~

~~B.~~ 22 VAC 40-130-301. Authority to place.

A. The agency shall have the authority to place a child either in a foster or adoptive home.

1. An agency may place a child in a foster home with:

a. A court commitment;

b. A permanent entrustment by the parent or parents or other person holding custody; ~~or;~~

c. A temporary entrustment by the parent or parents or other person holding custody; [~~the agency shall petition the court for approval of a temporary entrustment within 30 days unless the entrustment is for less than 90 days.~~]; pursuant to §§ 63.1-204 and 16.1-277.01 of the Code of Virginia or]

d. A placement agreement from an agency holding custody[~~;~~ or

~~e. A placement agreement signed by the local department of social services having jurisdiction when a noncustodial agreement has been signed between the parent or legal guardian and the local department or another public agency.]~~

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2. To place a child for adoption, an agency shall have:

a. A permanent commitment with termination of parental rights from the court; ~~or~~

b. A permanent entrustment by the parent or other person holding custody; (Note: A child coming into care through permanent entrustment is eligible for federal or state subsidy (~~Title IV-E, Adoption Assistance~~) if: as provided in 22 VAC 40-130-365, Adoption Assistance); or

~~(1) The court finds that remaining in the home would be contrary to the welfare of the child,~~

~~and~~

~~(2) The child has been living with the parent or parents within six months of the initiation of court proceedings.~~

~~The agency should consult with the local departments of social services to determine whether other relatives would be acceptable.~~

~~In order to conserve state funds, agencies should do everything possible to make a child eligible for IV-E if he or she is likely to need subsidy. Permanently entrusted children who are not eligible for subsidy are, however, eligible for state subsidy. State and local funds pay for the same needs and services for the child.~~

~~or~~

c. Transfer of custody from another agency. Agency transfer requires court approval.

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B. The agency shall comply with §§ 63.1-204, 63.1-205, [~~63.1-220.1 and 63.1-220.2~~ and Chapter 10.2 of Title 63.1] of the Code of Virginia. Note: Copies of these statutes will be provided by the department.

C. When two agencies are participating in the placement of a child for adoption, the agencies shall develop a child-specific, mutually acceptable written agreement [~~which that~~]:

1. Outlines the roles and responsibilities of each agency;
2. Assures open communication between the participating agencies;
3. Addresses the procedures for resolving cases where there is disagreement between the two agencies; and
4. Specifies payment for services rendered.

**22 VAC 40-130-310. Temporary foster care prior to adoption for children under one year.**

A. ~~The foster home.~~ The foster home shall be approved under the provisions of 22 VAC 40-130-270. The foster home agreement specified in 22 VAC 40-130-271 shall be signed by the agency and foster parents.

B. ~~Intake assessment.~~ In order to determine the appropriateness of accepting a child for placement and assessing the needs of the child, the agency shall collect the following information for an intake assessment before accepting the child for placement in a foster home:

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1. The reason the placement is requested, and a brief report on his living situation ~~or situations~~ if he did not come directly from the hospital.

2. Current information on the child's health: The hospital discharge summary is an acceptable medical examination for a newborn.

~~a. The hospital discharge summary is an acceptable admission examination for a newborn.~~

~~b.~~ 3. If a child under one year has not come directly from the hospital, the hospital summary ~~and a report of interim care~~, and a medical report signed by the physician shall be obtained. The report shall be no more than 30 days old. ~~The absence of abnormalities shall be noted or the presence of abnormalities noted and explained on the report.~~ Any medical conditions needing follow-up care shall be explained in the report.

~~3. In addition,~~ 4. The assessment shall ~~cover~~ be completed within 30 days of foster home placement and prior to completion of the adoptive placement agreement. The assessment shall also cover the dates and persons involved in placement visits and staffing, the reason the child was accepted and the date the decision was made.

~~a. Dates and persons involved in placement visits and staffing; and~~

~~b. The reason or reasons the child was accepted and the date the decision was made~~

~~4. The assessment shall be completed within 30 days of placement.~~

C. Social history. ~~The purpose of the history is to assist in the determination of the most suitable~~

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~~adoptive home for the child.~~ The agency shall prepare a social history on the child and use the social history to assist in the determination of a suitable adoptive home for the child. If a child is referred from another agency, the private child-placing agency shall request a copy of the referring agency's social history on the child. If some item of information is not available [and reasonable efforts have been made to receive it], the reason shall be recorded.

## 1. The history shall cover:

- a. The reasons for and the goal of the [ ~~foster home~~ child's] placement;
- b. The physical appearance of the child and of both parents if available;
- c. The child's parents' nationality, race and religion;
- d. The medical and psychiatric history of the child's parents<sup>2</sup>, siblings<sup>2</sup>, aunts<sup>2</sup>, uncles<sup>2</sup> and grandparents<sup>2</sup> ~~medical and psychiatric history~~ as it relates to the selection of a suitable home for the child;
- e. The education and occupation of the child's parents, siblings, aunts, uncles and grandparents; and
- [f. ~~The expected length of placement in foster care.~~ Who in the family knows about the birth parent or parents' plan;
- g. What relatives have been contacted for possible foster care placement;

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h. Description of the birth parent's or parents' personality, life style and childhood;

i. The child's placement history with the dates and names of previous caretakers;

j. A description of the child's prenatal care and any substance abuse by the mother; and

k. A description of the type of adoptive family with whom the birth parent or parents would like to have their child placed; and

l. The expected length of placement in foster care.]

2. The social history shall be completed before the adoptive placement agreement is signed, and within 30 days after placement in the foster home and include the date it was completed.

3. The worker shall describe the type of adoptive home that appears to be best for the child or explain why that determination has not yet been made.

[4. The worker shall review the social history with the selected adoptive parents.]

D. ~~Visitation.~~ The caseworker shall have a face-to-face contact with the child every 30 days. Visits every 60 days shall be in the foster home. [Contacts with children over one year of age shall be in accordance with 22 VAC 40-130-220.]

E. The worker shall see that the child has an adequate supply of clothing.

F. The agency shall follow the physician's recommendations as to frequency of medical examinations for children under one year. [All other children shall have a medical examination under



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the direction of a licensed physician within the 90 days before placement.]

1. All reports, except the discharge summary on a newborn, shall include the following unless the physician recommends otherwise:

a. Immunizations given;

b. Current physical condition, including growth and development, visual and auditory acuity, nutritional status, evidence of freedom from tuberculosis in a communicable form, allergies, chronic conditions and disabilities.

2. The agency shall arrange for the child to receive recommended follow-up medical and dental care, when appropriate, as well as care for illnesses or injuries and shall document all such visits.

G. The agency shall record all medications prescribed for each child and any reported side effects or adverse reactions.

~~F.~~ H. Continuing contact with ~~parent or~~ legal birth parent or parents.]

1. Parents shall be included in service planning, including goal setting, until or unless rights are terminated.

2. If parental rights are terminated, and the parents request it, the agency shall arrange continuing services, either directly or by referral.

~~G. Service plans in foster care. If the agency holds custody it shall file a foster care plan with the~~

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~~court within 60 days unless the child is returned home or placed for adoption within that time. (See 22 VAC 40-130-220 H.)~~

~~H. For narrative, quarterly reports and termination of care, see 22 VAC 40-130-240 and 22 VAC 40-130-250.~~

**22 VAC 40-130-312. Service plans and progress [ summaries reports.]**

A. An agency shall prepare and implement [ a an individualized] service plan for each child in its care. The parents shall be consulted unless parental rights have been terminated. Prior custodians or foster parents shall be consulted when appropriate.

B. When the agency does not hold custody, the service plan requirements are as follows:

1. The plan shall include the goals for the child, including permanency planning goals; the services to be offered to the child and parents or prior custodians; the participation to be sought from the parents or prior custodians; [exploration of relatives as placement resources;] the type of placement recommended for the child and how it relates to the goal; and the target date for achievement of the goal.

2. The plan shall be completed and filed in the child's record within[ ~~60~~ 45 ]days of placement.

C. [In accordance with § 16.1-281,] when the agency holds custody of the child, a service plan shall be filed with the court within 60 days after the agency receives custody unless the court grants an additional 60 days, or the child is returned home or placed for adoption within 60 days. [The

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agency shall follow the requirements of § 16.1-282 related to court review of the service plan, court hearings, and completion of adoption progress reports.]

[The Agencies may consult the] permanency planning goals and the [requirements and] procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, Preparing the Initial Service Plan [June 1998, shall be followed. These requirements and procedures are incorporated by reference and made a part of these regulations and “Reassessments, Reviews, and Redeterminations”].

D. The agency shall provide supervision, support and guidance to foster families in implementing the service plan for the child.

E. The agency shall arrange for and encourage contact and visitation between the foster child, his family and others as specified in the service plan.

F. A progress [summary report] shall be completed [quarterly beginning with the date of service plan] in accordance with 22 VAC 40-130-213. The summary shall evaluate and describe progress in each specified area of the service plan and include any changes recommended. The progress summary shall also include:

1. Services provided and a list of the individuals providing the services;
2. Any changes to the service plan and services to be provided during the next quarter;
3. Changes to the goals;
4. Contacts between the child and the child’s family and plans for reunification of the family;

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~~where appropriate;~~

~~5. The child's assessment of his progress and his description of services needed, where appropriate;~~

~~6. Medical needs, specifying medical treatment needed; and~~

~~7. Permanency planning goals, any changes in these goals, and discharge plans.~~

~~The fourth quarterly progress report shall address the above requirements and evaluate and update the service plan for the upcoming year.~~

~~G. The agency shall include each child who has the ability to understand in the preparation of the child's service plans and progress summaries or document the reasons this was not possible. The child's comments shall be recorded in the report.]~~

**22 VAC 40-130-314. Narratives.**

Narratives shall be in chronological order and current within 30 days. Narratives shall include areas specified in the standards and cover treatment and services provided, all contacts related to the child, visitation between the child and the child's family and other significant events.

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**22 VAC 40-130-320. After approval; items to be considered when selecting an adoptive home.**

A. Siblings shall be placed together unless it clearly is not in the best interest of the children.

Reasons for separation shall be explained in the record.

~~B. Consideration shall be given to placing children with families of the same racial or cultural or religious identity; however, no one or all of these factors shall be determinative since the best interest of the child shall always be paramount.~~

B. The selection of a particular child for the adoptive family shall be in the best interests of the child and is the responsibility of the agency. The reasons for selecting the specific home for the child shall be stated in the child's record.

C. Foster parents shall be considered a primary adoptive resource when that is considered in the best interest of the child. (Reference § ~~[63.1-221~~ 63.1-219.36] of the Code of Virginia.)

~~NOTE: Section 63.1-221 of the Code of Virginia has the following provision: When a foster parent who has a child placed by an agency wishes to adopt the child and the child has been in the home at least 18 months, the foster parent may petition the court directly for permission to adopt.~~

~~D. The ages of the adoptive parents in relation to the age of the child shall be considered in determining the best interest of the child.~~

~~E. The agency may consider the recommendations of a physician, an attorney licensed in the~~

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~~Commonwealth, or a clergyman who is familiar with the situation of the proposed adoptive parents only as provided in ? 63.1-204 C 1 of the Code of Virginia.~~

D. The agency shall provide the adoptive parents with full factual information about the child and the child's birth family except for identifying information. The agency shall provide in writing to the adoptive parents information about:

1. The social and cultural history; the medical, developmental, and mental history of the child; the birth parents; and extended family (including siblings, aunts, uncles, and grandparents) when known; and
2. Full factual information about the child's birth.

This statement shall be signed by the adoptive parents, dated, and a copy filed in the adoptive home record.

E. The prospective family shall be permitted to decide whether to accept a child. Refusal of a child shall not be the sole basis for excluding a family from consideration for another child.

**22 VAC 40-130-330. Direct placement in adoptive home.**

A. If a child is placed in the adoptive home before he is 25 days old or before the child is legally free for adoption, a statement acknowledging this shall be signed by the prospective adoptive parents and filed in the child's record.

B. Such a placement shall be recognized as a foster home placement and a foster home agreement

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following the requirements of 22 VAC 40-130-271 must be signed by the agency and foster parents.

C. The adoptive placement agreement shall not be signed until the child is legally free.

**22 VAC 40-130-340. Adoptive placement of older children ~~over one year~~; additional provisions.**

A. The provisions of Part IV (~~22 VAC 40-130-200~~ 22 VAC 40-130-198 et seq.) are applicable when placing children over one year of age in foster care prior to adoption. When selecting an adoptive home, items in 22 VAC 40-130-320 shall be considered. ~~In addition, an older child's concerns about adoption shall be taken into account.~~

B. The agency shall prepare the ~~older~~ child, who has the ability to understand, for adoptive placement, recognizing the rights of the child to information and plans affecting his future. The child shall be involved in adoption planning, where appropriate, and his concerns and individual needs shall be taken into account.

C. The agency shall document in the narrative contacts and services provided to the child ~~which~~ that demonstrate the agency's efforts to prepare the child for adoptive placement. [Exception: This subsection does not apply to intercountry adoptions.] These efforts shall include:

1. Discussion with the child about his feelings about adoption and indicators that he is ready for the adoptive placement;

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2. Discussion with the child regarding his birth family, past placements and relationships, and the reason he cannot return to his birth parents;
3. Preplacement visits for the child in the prospective adoptive home. The number of visits shall be determined by the needs of the child and the adoptive family;
4. Discussion of the child's relationship to the social worker, foster family, and the prospective adoptive family;
5. Efforts made to receive photographs of the child from birth through his current age and provide these to the child, as appropriate, and to the adoptive family;[ ~~and~~]
6. Preparation of a life book for the child by the agency[-.;
7. Assessment and services related to attachment issues;
8. Assessment of the child's needs for contacts with the prior caretakers and birth relatives, including siblings; and
9. Preparation of the adoptive family for the child identified for placement, including expected behaviors and the life-long impact of the child's history.]



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**22 VAC 40-130-350. ~~Agency responsibility after child is placed in the adoptive home~~  
Supervisory visits and adoptive family support and preservation services.**

A. The agency shall ensure that supervisory visits are made in compliance with [~~§§ 63.1-228 and 63.1-229~~ Chapter 10.2 of Title 63.1] of the Code of Virginia, or according to the laws of the state in which the final order of adoption is issued.

~~The Code of Virginia stipulates that the child shall have lived in the adoptive home continuously for a period of six months before the petition for the final order is filed with the court. A minimum of three visits shall be made during a period of six months with at least 90 days between the first and last visits.~~

B. In agency placement adoptions, except in rare cases where an interlocutory order is entered, the child shall have lived in the adoptive home continuously for a period of six months before the petition for adoption is filed with the court.

C. A minimum of three visits shall be made during a period of six months with at least 90 days between the first and last visits. The agency shall make additional visits to the home as the needs of the child and family require.

D. The child shall be seen at each visit and at least one visit shall be in the home in the presence of the child and the petitioners. The agency shall individually interview children who are able to understand and speak.

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~~B.~~ E. The agency shall maintain contact with the [adoptive ]family until the final order is entered. If conditions warrant, it shall proceed to remove the child in accordance with the provisions of §§ ~~63.1-211.1~~ 63.1-211 and 63.1-219.15] of the Code of Virginia.

~~C.~~ F. The agency is legally responsible for the child until the final order is entered.

G. The following areas shall be assessed during the supervisory period:

1. Health and development of the child, including medical care;
2. The child's adjustment to the family and the relationship of child to the parents and siblings;
3. Impact of adoption on the family functioning and the marriage, including discussion of any stress revealed and changes in work and financial status; and
4. Motivation to proceed with the adoption and the adoptive family's readiness to finalize the adoption.

H. The agency shall discuss the child's day care or school adjustment, the child's behavior and special needs, and resources available to meet those needs.

I. The final supervisory visit shall also include discussion of the procedures for finalization along with information on obtaining a birth certificate and naturalization, where appropriate.

J. The agency shall document efforts to ~~[assure ensure]~~ that the adoption petition is filed. When there is a delay in filing the petition, the agency shall make an assessment of the situation, including at

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least quarterly visits. [This shall not apply to agencies providing intercountry adoptions when the adoption has been finalized in another country.]

K. When an agency places a child in its custody in an adoptive home, the agency shall offer to provide or refer the adoptive family to available resources for services after the final order.

**22 VAC 40-130-360. Provisions for children with special needs.**

A. ~~Referral to AREVA (Adoption Resource Exchange of Virginia)~~ Special needs children who are legally free for adoption shall be registered with AREVA (Adoption Resource Exchange of Virginia) within 30 days of termination of parental rights unless an adoptive family has been identified.

~~1. Special needs children who are legally free for adoption shall be registered with AREVA within the timeframes set by service programs.~~

~~2. 1. Families willing to accept special needs children shall also be registered also within 30 days of approval unless a child has been identified for placement.~~

~~3. 2. Agencies [shall follow may consult] the procedures in the Service Programs Manual, Volume VII, Section III, Chapter C, "Adoption Resource Exchange of Virginia [," July 1989. These procedures are incorporated by reference and made a part of this regulation].~~

B. Agencies shall [ ~~assure~~ ensure ] that necessary and appropriate services are provided to children with special needs.

~~B. Subsidy.~~

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~~1. Subsidy payments shall be provided for a special needs child determined eligible for subsidy.~~

~~NOTE: A special needs child is not eligible for subsidy until reasonable efforts have been made to find an appropriate home without subsidy. However, in some cases such as where the child has developed significant emotional ties with the prospective adoptive parents while in their care as a foster child, efforts to find another home are not required.~~

~~“Reasonable efforts” are defined in the Service Programs Manual, Volume VII, Section III, Chapter C, “Subsidized Adoption.”~~

~~2. Agencies shall follow service programs procedures and work with their local department of social services to secure a subsidy.~~

~~3. Refer to 22 VAC 40-130-300 B 2 b for the explanation of the effect of permanent entrustment on eligibility for subsidy.~~

~~C. Services for children after final order. When an agency places a child in its custody in an adoptive home and the child has longstanding mental or physical problems, the agency shall make arrangements for services after the final order. This may be through continued agency services or referral to some other resource such as another agency, a post adoption counseling group or resources for medical or psychiatric services.~~

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**22 VAC 40-130-365. Adoption assistance.**

When a licensed child-placing agency has a child who appears to meet eligibility for adoption assistance, the agency has the following responsibilities:

1. Documenting the special needs of the child;
2. Recruiting and conducting home studies on prospective adoptive families;
3. Making reasonable efforts to place the child without subsidy;
4. Obtaining background information on the birth parents sufficient to determine eligibility for Title IV-E. This shall include information on:
  - a. Who the child was residing with during the six months immediately preceding removal from the home;
  - b. Whether the child was deprived of parental support as a result of absence or disability of one parent;
  - c. The financial situation of the birth parents;
  - d. Obtaining the required court determination within 180 days, if the child entered care through a permanent entrustment agreement;
  - e. Sending a referral and the documentation to the eligibility unit in the local public agency;
  - f. Notifying the service unit in the public agency of the family's interest in adoption assistance;

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g. Assisting the public agency in working with the family to complete the adoption assistance agreement; and

h. Signing the adoption assistance agreement.

**22 VAC 40-130-370. Involuntary termination of parental rights.**

~~When a child has been in the custody of a licensed child placing agency for 12 months, the court may terminate parental rights if it finds that the parent or parents have been unable or unwilling to remedy the conditions that led to the placement.~~

~~1. If the agency elects to take the case to court for an adjudication, the agency shall submit a plan for finding a permanent placement for the child.~~

~~2. When it is necessary to petition the court to terminate parental rights, the agency shall follow the [procedures in the Service Program Manual, Volume VII, Section III, Chapter B, Terminating Parental Rights, August 1994. These procedures are incorporated by reference and made a part of this regulation. requirements of § 16.1-283 of the Code of Virginia and may consult the Service Program Manual, Volume VII, Section III, Chapter B, Terminating Parental Rights.]~~

**22 VAC 40-130-380. Interlocutory orders of children in custody of an agency.**

A. While agencies are legally responsible for a child placed in an adoptive home until the final order, an agency may issue its consent to an interlocutory order only if a determination is made that:

1. The adoptive ~~parent or~~ parent or parents are financially able to care for the child (subsidy

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funds may be counted in the assessment where appropriate);

2. The adoptive ~~parent~~ or [parent or ]parents are ~~suitable persons~~ approved to care for the child;

3. A home visit made at least 30 days after placement and any other contacts provide evidence that the child and family are making a positive adjustment to each other; and

4. The best interest of the child is served by entering an interlocutory order rather than waiting until the end of the visitation period.

B. A notarized statement shall accompany the order stating that the agency will assume legal responsibility if the placement disrupts before the final order.

C. The child shall be visited at least three times in the six months following the interlocutory order with not less than 90 days between the first and last visits. At least one visit shall be in the home with the child and both parents unless one of the parents no longer resides in the home. The agency will contact the absent parent to determine interest in remaining involved in the proceedings.

D. The agency shall continue to count the child in determining agency caseload capacity until the final order is entered.

**22 VAC 40-130-390. Agency fees.**

A. If the agency requires fees from adoptive applicants, it shall attach an explanation of ~~agency~~ the agency's fee policy to the ~~license renewal~~ application [for licensure]. The explanation shall cover the amounts charged, how the figures were arrived at, and what services are to be provided for the fees.

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~~If a new agency plans to charge fees, an explanation of the proposed policy shall accompany the application for a license.~~

B. Fees shall be discussed with applicants ~~before or at the start of~~ prior to initiating the home study.

Applicants shall be given ~~an~~ a written explanation of:

1. The amount they must pay and when and how payments are to be made;
2. How the amount is determined ~~and~~, what services it covers, and the risks involved; and
3. The agency refund policy if any.

C. Agencies shall develop a mutually acceptable agreement with adoptive applicants regarding the fees to be paid and the services to be provided.

**22 VAC 40-130-400. [The adoptive home study and orientation for adoptive parents.]**

~~A. Information on the items below shall be gathered in order to assess the applicant's or applicants' capacities as adoptive parent or parents. If the home is approved, the information is also used to determine the type of child that can successfully be placed in the home.~~

~~B. Interviews with family and household members.~~

1. ~~There shall be a minimum of three face-to-face interviews with the adoptive applicant or applicants. At least one interview with a couple shall be joint and one shall take place in the home.~~



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~~2. All members of the household shall be interviewed as well as children of each adoptive parent living outside the home. Information may be requested by telephone or letter if the child is over 18 and lives more than 50 miles from the parents' home.~~

~~3. If the required contacts with children living outside the home should not or could not be made, the reasons shall be taken into consideration in the assessment of the home.~~

~~C. Subjects to be covered in interviews with the applicants shall include:~~

~~1. A description of:~~

~~a. The home and surrounding area; and~~

~~b. The physical appearance of the applicant or applicants.~~

~~2. A discussion of the family covering:~~

~~a. The compatibility of the couple and stability of the marriage in relation to its length;~~

~~b. The relationships with other household members and children in the home, if any;~~

~~c. Physical and mental health history;~~

~~d. The interests and activities of family members, including a judgment as to whether or not the general patterns of family life will accommodate a child;~~

~~e. Extended family, social and community relationships;~~

~~f. Childhood or family life experiences of adoptive applicant or applicants;~~

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~~g. The place of religion in family life; and~~

~~h. Income and financial resources in relation to expenses.~~

~~3. The family in relation to adoptions:~~

~~a. The applicant's or applicants' motivation for and expectations of adoption;~~

~~b. Experiences of the applicant or applicants with children;~~

~~c. Attitudes and opinions about discipline of children;~~

~~d. Attitudes toward biological parents;~~

~~e. Attitudes about periodic contact with parent or parents or prior custodians for older children (open adoption);~~

~~f. The age and type of child desired and the age or ages of the applicant or applicants in relation to the child; and~~

~~g. The attitude toward adoption of family and extended family members, especially natural children living outside the home.~~

~~4. A discussion of agency services before and after adoption if family is interested in a special needs child.~~

~~D. Information from other sources.~~

~~1. A minimum of three references for the family shall be obtained.~~

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~~2. A report of a recent medical examination of all members of the household shall be obtained.~~

~~It shall report on both mental and physical health and be signed by the physician. If difficulties are noted, specialists in the appropriate field shall be consulted.~~

~~3. Adoptive applicants shall consent to a search of the Child Protective Services Central Registry (CPSIS).~~

~~a. The agency shall use the form provided by the registry and follow the instructions thereon.~~

~~b. The home shall not be used if an applicant has a founded or unfounded reason to suspect child abuse or neglect record.~~

~~NOTE: The Central Registry name is to be changed from CPSIS to CANIS (Child Abuse and Neglect Information System) in the early fall of 1989. The method of judging injury to children is to be changed. Agencies will be sent information on the changes when they occur.~~

~~4. If an agency believes it is needed, it may, in addition, require consent to check Division of Motor Vehicle records.~~

~~5. The worker shall see the marriage license for couples. If there has been a previous marriage, the worker shall ascertain that the divorce is final to make sure there is a valid marriage.~~

~~6. If a single adoptive applicant is divorced, the worker shall ascertain that the divorce is final to avoid legal difficulties with the adoption.~~

~~7. Employment shall be verified by pay stub or other written evidence, personal knowledge of an~~

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~~agency staff member or interview with the employer.~~

~~E. Approval or disapproval.~~

~~1. The worker shall recommend approval or disapproval.~~

~~2. If approval is recommended, the worker shall recommend the age, sex, special characteristics and number of children that could successfully be nurtured.~~

~~The adoptive parent's or parents' preferences shall be considered in reaching the recommendations.~~

~~3. The applicant or applicants shall be informed in writing within a week of the approval or disapproval and offered an interview to have the agency's decision explained to them.~~

~~F. The selection of the child for the adoptive family shall be in the best interests of the child and is the responsibility of the agency. The reasons for selecting the specific home for the child shall be stated.~~

~~The adoptive parents have the right to full factual information about the child and the child's birth family except for identifying information.~~

~~The prospective family shall, however, be permitted to decide whether or not a child is suitable for them. Refusal of a child shall not be the sole basis for excluding a family from consideration for another child.~~

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~~G. The adoptive placement agreement. The agreement shall include:~~

- ~~1. The agency's responsibilities until final order is entered;~~
- ~~2. The adoptive family's responsibilities until final order is entered;~~
- ~~3. The statement that the agency is legally responsible for the child until the final order and may, with the sanction of the court, remove the child if it is necessary for the child's well being; and~~
- ~~4. A statement of services to be provided after the final order, if any have been agreed upon.~~

~~H. Corporal punishment. The agency shall have a written statement prohibiting corporal punishment which the adoptive parent or parents shall sign saying they have read and will follow to the best of their ability.~~

~~I. Re-evaluations.~~

- ~~1. When 12 months have elapsed after completion of the original home study and the agency is contemplating placing a child, a reevaluation shall be made which includes:
  - ~~a. A visit to the home;~~
  - ~~b. Face to face interviews with all members of the household; and~~
  - ~~c. Updated medical reports.~~~~
- ~~2. When subsequent adoptive placements are considered, the agency shall reevaluate the home covering all areas of the original study. Concrete areas such as house or neighborhood which~~

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~~have not changed may be noted on a form. At least one home visit shall be made with all household members present except for members out of the home for extended periods.~~

A. Information on the items [~~below in this section~~] shall be gathered in order to assess the applicants' capacities as adoptive parents [~~and to comply with the requirements of Chapter 10.2 of Title 63.1 of the Code of Virginia~~]. If the home is approved, the information shall be used to determine the type of child that can successfully be placed in the home.

B. The agency shall conduct interviews with all [~~family and~~] household members. Dates and content of interviews shall be documented in the home study.

C. There shall be a minimum of three face-to-face interviews with each applicant. At least one interview with a couple shall be [~~joint together~~] and one must take place in the home.

~~[Minor and adult children of each~~ Each adoptive applicant's minor and adult children] living outside the home shall be interviewed. If face-to-face contact with a child is not possible and the child lives more than 50 miles from the adoptive applicant's home, an interview shall be conducted by telephone or letter. If this interview is not possible, the reason shall be documented and assessed in the home study.

[D. The agency shall provide face-to-face orientation and pre-service training to adoptive applicants prior to approval of the home. The orientation and pre-service training shall include, but is not limited to, the following:

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1. Information about the agency, its services, its policies and values on acceptable methods of control and discipline, the home study process and criteria for approval;

2. Discussion of the legal processes involved in adoption such as termination of parental rights, finalization, placement agreement, naturalization (intercountry adoptions), and access to information from closed records;

3. Discussion of adoption assistance, if appropriate, and any adoptive family preservation and support services offered by the agency;

4. Explanation of risks involved in adoption such as return of the child to the birth parents, changes in the laws and applicable regulations, and the agency's approval criteria and policies;  
and

5. The critical issues in adoption to include:

a. Adoption as a life-long process and the applicants' ability to maintain a life-long commitment to a child;

b. The developmental stages of adoption;

c. The impact of the applicants' attitudes toward birth parents on the adopted child;

d. The importance of the child's linkage to his birth family and significant others, when appropriate;

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e. The child's need to have information about his background and birth parents;

f. The importance of talking to the child about adoption; and

g. The special needs of the child., if appropriate.]

~~[D.E.]~~ Orientation and pre-service training sessions provided during the home study process shall not count towards the required number of interviews.

~~[E.F.]~~ The agency shall request and obtain a minimum of three non-relative references for the family.

Additional references may also be requested from relatives or others at the agency's discretion.

~~[F.G.]~~ A report of a medical examination by a licensed physician, his designee, or an official of a local health department of all members of the household shall be obtained. The exam shall be conducted no earlier than 12 months prior to the approval and shall contain:

1. An evaluation of the current health of the individual. Additional reports from specialists shall be received when health concerns are noted;
2. A statement that the individual does not have tuberculosis in a communicable form including the date and types of tests and the results. If the test is positive or no test is done, there shall be a written explanation by the physician [his designee, or an official of the local health department.]  
Additional tests are not required unless the individual comes in contact with a known case of tuberculosis or develops chronic respiratory symptoms;
3. An opinion as to whether the health of the individual will affect the care or present a hazard to



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the health of children;

4. An assessment of the life expectancy of the applicants; and

5. The signature of a physician, his designee or an official of the local health department.

[a. If the medical report indicates that the applicants' normal life expectancy is altered, the agency shall discuss with the applicants the possible impact to any child placed in the home.

b. A plan for child care and the financial resources of the family should a parent become incapacitated shall be discussed and documented.]

~~[ G Pursuant to § 63.1-198.1 of the Code of Virginia the agency shall receive the results of a search of the Child Abuse and Neglect Registry before approval is granted. The home shall not be approved if an applicant or another adult living in the home has a founded child abuse or neglect record.]~~

~~[ H. Criminal record clearance reports and sworn disclosure statements shall be received on each applicant and each adult living in the home pursuant in accordance with to § 63.1-198.1 of the Code of Virginia prior to approval. Agencies shall follow the standards in the Regulation for Criminal Record Checks for Child Welfare Agencies (22 VAC 15-50-10 et seq.)~~

[H. The agency shall ensure that the adoptive home is in compliance with Section 63.1-198.1 and 63.1-198.4 of the Code of Virginia and with regulations promulgated by the State Board of Social Services.]

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[~~H.J.~~] The agency shall check the applicants' Department of Motor Vehicles records.

[~~J.K.~~] The agency worker shall see the marriage license for couples. If there have been previous marriages, the worker shall verify that divorces from the former spouses are final to avoid legal difficulties with the adoption.

[~~K.L.~~] Employment shall be verified by pay stub or other written evidence, [~~personal knowledge of an agency staff member~~] or interview with the employer.

[~~L.M.~~] The agency shall discuss the employment history of each applicant and assess the applicants' management of income and financial resources in relation to expenses.

[~~M.N.~~] Applicants shall have sufficient income and financial resources to assure continuing maintenance of the family.

[~~N.O.~~] If the applicant has previously applied to adopt through another agency, the current agency shall request information from the applicant about their previous application. The current agency shall also request information from the previous agency.

[~~O.P.~~] The agency shall have the applicants sign a statement prior to approval of the home study which states they will not use corporal punishment while the agency retains legal custody of the child or give others permission to do so.

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22 VAC 40-130-401. Additional areas to assess in the home study.

A. The agency shall conduct ~~an~~ a thorough assessment of the motivations, expectations, commitments, and abilities [of the adoptive applicants]. The agency shall ~~assure~~ also ensure that the following areas are covered [and documented] in its assessment and [shall] document the basis for its conclusions:

1. Family relationships to include how the couple and the family resolve conflicts and express affection; relationships with extended family and children living outside of the home;
2. Stability of the marriage in relation to its length;
3. The applicants' experiences with children and as children;
4. Discipline of children to include ~~[the discipline the applicants' received as children, their current parenting skills, their opinion and attitudes towards discipline, and the discipline techniques they will use with a child placed in their home; ]~~:

[a. The discipline the applicant or applicants received as children;

b. Their current parenting practices;

c. Their opinion and attitudes towards discipline; and

d. The discipline techniques they will use with a child placed in their home.]

[The agency's evaluation of the applicants' discipline shall be sensitive to racial, ethnic and

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religious differences.]

5. The applicants' education and attitudes towards education;
6. The applicants' attitudes towards birth parents and towards working with the agency;
7. [Physical and mental health history of the applicants and any Health health] issues in the applicants' family and how this will impact the care of a child;
8. The age and type of child desired;
9. Child care arrangements; and
10. The applicants' knowledge of safety hazards and preventive actions to avoid injuries and accidents in young children.

B. The agency shall also assess the applicants' ages in relation to a child to be placed, their capacity to love a child not born to them, ability to change in relation to the needs of children, and understanding and abilities in the following areas:

1. The child's ethnic, religious and cultural issues;
2. The extended family's attitudes towards adoption;
3. The applicants' infertility, where applicable, including how they have resolved [emotional] issues ~~of grief and blame~~ related to the infertility ~~and if they have accepted their infertility~~];
- ~~[4. The ability of the applicants' marriage to continue successfully without a child~~ The critical

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issues in adoption as covered in the agency's orientation;]

~~[5. The critical issues in adoption to include:~~

~~a. The child's need to be told about adoption;~~

~~b. Adoption as a life-long process;~~

~~c. The developmental stages of adoption;~~

~~d. The impact of the applicants' attitudes toward birth parents on the adopted child;~~

~~e. The importance of the child's linkage to his birth family and significant others, when appropriate; and~~

~~f. The child's need to have information about his background and birth parents.]~~

~~C. The agency shall assess and approve the residence and surrounding area.~~

D. The agency shall determine that the applicants' home is free of hazards to the health and safety of children, is clean and is in good physical repair. The following areas shall also be included in the agency's assessment of the home:

1. Rooms used by children shall be well lighted for activities and safety.

~~[2. All sleeping areas shall have operable smoke detectors and the home shall have at least one operable fire extinguisher.~~

~~3.] The home shall have an operable heating and ventilation system.~~

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[4.3.] Firearms and other weapons shall be locked. Firearms shall be kept unloaded and ammunition shall be locked in a separate location.

[5.4.] The home shall have closet or drawer space or both for clothing and personal possessions of children over two years of age.

[6.5.] There shall be separate beds for children except that two siblings of the same sex may share a double bed ,if appropriate].

[7.6.] Children's bedrooms shall not be used as passageways and shall have doors for privacy.

[8.7.] The home shall keep cleaning supplies and other toxic substances stored away from food, [~~locked~~ secured] and out of the reach of children [, who are developmentally unable to understand the dangers. Exception: Where appropriate, adolescents may have access to and may use cleaning supplies.]

[9.8.] The applicants shall have a working telephone[; and]

[9. The applicants shall have a written escape plan in case of emergencies.]

**22 VAC 40-130-402. Approval or disapproval.**

A. The agency shall recommend approval or disapproval based on a careful assessment of the characteristics outlined in this part, information received through the home study process, and the applicants' participation in the home study process and in [~~any~~] orientation and preservice training.

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B. The decision to approve or deny shall be made in consultation with the supervisor or in a staff meeting. The date of the decision shall be recorded in the applicants' record.

C. If approval is recommended, the worker shall recommend the age, sex, special characteristics and number of children who can successfully be placed and give the basis for the recommendation. The adoptive parents' preferences shall be considered in reaching the recommendations.

D. The worker shall state if the approval is for healthy children, special needs children, or children from other countries and give the basis for this recommendation.

E. The applicants shall be informed in writing within a week of the approval or disapproval and offered an interview to have the agency's decision explained to them.

F. The home study shall be written and the home approved before a child is placed.

**22 VAC 40-130-403. The adoptive placement agreement.**

[A.] The agreement shall include the signatures of the agency representative and the adoptive family and include[:

1. ~~The agency's and the adoptive family's responsibilities until final order is entered;~~
2. ~~[The statement that the agency is legally responsible for the child until the final order and may remove the child if it is necessary for the child's well being. (See §§ 63.1-211 and 63.1-220.5 of the Code of Virginia);and~~

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~~3. A statement of services to be provided after the final order, if any have been agreed upon.~~

the requirements listed in the agreement shown in the appendix. The agency may include additional requirements, if necessary.]

[B. When children are placed for the purposes of adoption, the adoptive placement agreement between the child-placing agency and the adoptive parent or parents shall contain a statement that an agreed upon plan for discipline of the child as been developed, which may include non-abusive discipline, either as a deliberate, non-spontaneous technique for effecting behavioral change, or as part of a behavior management program.]

**22 VAC 40-130-404. Home study updates.**

A. When 18 months have elapsed after completion of the original adoptive home study and the agency that conducted the original home study is contemplating placing a child, an update shall be made which includes a visit to the home and face-to-face interviews with all members of the household to include:

1. A review of the compatibility of the couple and stability of the marriage;
2. A review of the family, social and community relationships, including any children in the home;
3. Income, employment status and financial resources in relation to expenses;
4. A review of the applicants' motivation for and expectations of adoption;



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5. The age and type of child desired and the age of the applicant in relation to the child;
6. A review of the home and living arrangements; [~~and~~]
7. Updated medical reports ~~;~~ and]

B. If the adoptive applicants have moved during the 18 months after their initial approval and a child has not been placed, the agency shall visit the home and conduct a review of the residence based on 22 VAC 40-130-401 C and D.

C. If the agency conducting the home study update is not the agency that conducted the original home study, the agency shall have more than one face-to-face interview with the applicants.

**22 VAC 40-130-406. Subsequent adoptive placements.**

A. When the adoptive applicants request additional adoptive placements, the agency shall evaluate the home based on the requirements for the initial adoptive home study.

B. If the agency conducted the original home study, the agency shall conduct at least two visits, one face-to-face interview in the office or home and a home visit with all household members currently living in the home.

C. If the original home study was conducted by another agency, the following shall apply:

1. Orientation and training shall be required of the adoptive applicants;
2. If the agency has a copy of the original home study for the applicants, two visits shall be made.

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If the original home study is not available, three visits are required; and

3. The home study shall follow the requirements of the initial adoptive home study.

**22 VAC 40-130-410. Direct Parental placement services adoptions.**

~~If an agency chooses to provide direct parental placement services, it shall do so in accordance with §§ 63.1-220.3 through 63.1-220.5 and 63.1-238.01 and 63.1-238.02 of the Code of Virginia.~~

A. The agency shall follow the provisions of [~~Chapter 11 (§ 63.1-220 et seq.)~~ Article 3, Parental Placement Adoptions, of Chapter 10.2] of Title 63.1 of the Code of Virginia [~~and the Adoption Services Manual, Volume VII, Section III, Chapter D, Parental Placement Adoptions, November 1991, except the section on home studies in parental placement adoptions. These requirements and procedures are incorporated by reference and made a part of this regulation.~~ Agencies may consult the Adoption Services Manual, Volume VII, Section III, Chapter D, Parental Placement Adoptions.]

B. The agency shall follow the adoptive home study requirements of these standards. (See 22 VAC 40-130-400, 22 VAC 40-130-401 and 22 VAC 40-130-402.)

C. The agency shall, through face-to-face contact with the birth parents, assure that the birth parents are aware of:

1. Alternatives to adoption;
2. Adoption procedures; and

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3. Opportunities for placement with other adoptive families.

D. If the birth [parent or parents] have not received counseling regarding these issues, the agency shall [make every effort to] provide it. [If counseling cannot be provided the agency shall document the reasons in the birth parent record.]

E. [The agency shall make every effort to have] the face-to-face contact with the birth [parent or] parents ~~[shall]~~ take place on a different day from the date of the meeting to exchange identifying information. [When this is not possible, the reason shall be documented in the birth parent record.]

F. The consent of the birth parents shall be informed and not coerced.

G. ~~[Pursuant to]~~ In accordance with § ~~63.1-220.2~~ 63.1-219.33] of the Code of Virginia, when the agency accepts custody of a child for the purposes of placing the child with adoptive parents designated by the birth parents or a person other than a licensed child-placing agency or local board of public welfare, the provisions of § ~~[63.1-220.3]~~ Article 3 of Chapter 10.2 of Title 63.1] of the Code of Virginia shall apply.

**22 VAC 40-130-420. Adoption records.**

A. The agency shall maintain a case record for each child, the ~~biological~~ [legal child's] family and the adoptive family. The ~~biological~~ [legal child's] family record may be a part of the child's record.

B. The child's record. ~~The record~~ shall include:

1. Identifying information including the child's [original] birth certificate, whenever possible, the]

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birth date, place of birth, sex, race, height, weight, hair color, eye color and identifying marks;

2. The legal documents required for adoption;

3. A record in the narrative dictation of the child's and family's preparation for the placement;

and

[4. ~~Other information required in this chapter.~~ Names and addresses of grandparents, close relatives and siblings;]

[5. Other information as required by these standards.]

C. The ~~biological~~ legal child's family's record. The record shall include:

1. Identifying information including, names, addresses, telephone numbers, Social Security numbers [, if available,] and marital status of the parents or guardians;

2. [~~Names and addresses of grandparents, close relatives and siblings;~~ Description of childhood and other background information when known;]

3. The birth parents' relationship to each other;

4. Information about the knowledge other family members have about the birth parent or parents' decision to place the child for adoption;]

[~~2. 3.5.~~ ]A narrative of contacts; and

[~~3. 4.6.~~ ]Other information required by ~~this chapter~~ these standards.

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D. The adoptive family record.—~~The record~~ shall contain:

1. The agency application;
2. A copy of [the agreed upon plan of discipline and]any written information given to the adoptive parent or parents concerning the child;
3. Summaries of supervisory visits and closing summary; ~~and~~
4. The adoption home study and related documents;
5. Orientation and training provided;
6. A copy of the full, factual information on the child provided to the adoptive parents;
7. Narrative account of the agency's preparation of the family for the placement of the child;
8. Fees charged and agreement between agency and applicants regarding fees;
9. Documentation of any complaints or investigations by Child Protective Services; and
4. 10. Other information required by ~~this chapter~~ these standards.

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**22 VAC 40-130-424. Forwarding of adoption material.**

[In accordance with § 63.1-219.53 of the Code of Virginia,] after finalization of the adoption, all pertinent material shall be forwarded to the Virginia Department of Social Services, Foster Care and Adoption Unit, for preservation. Guidelines for the preparation of adoption material to be forwarded are contained in the Services Manual, Volume VII, Section III, Chapter C, Post-Adoption Services [~~July 1998,~~] and Chapter D, Guidelines Regarding the Preparation of Adoption Material to be Forwarded to the Adoption Reports Unit for Preservation in a Nonagency Adoption [~~November 1991. This material is incorporated by reference and made a part of this regulation.~~]

PART VI.

INTERSTATE AND INTERCOUNTRY PLACEMENTS.

**22 VAC 40-130-430. Interstate ~~compacts~~ Compact on the Placement of Children.**

A child-placing agency shall comply with the Interstate Compact on the Placement of Children (§§ 63.1-207, 63.1-207.1, and [63.1-219 et seq 63.1-219.2].of the Code of Virginia and related standards) before sending a child out of state or receiving a child into the Commonwealth for foster care or adoption. The procedures to be followed are in the Service Programs Manual, Volume VII, Section III, Chapter E.

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22 VAC 40-130-440. Procedures.

~~If an agency does an adoptive home study before a child has been identified, the Interstate Compact Office is not involved. However, the agency shall:~~

- ~~1. Inform the potential adoptive parent or parents that the placement of an out-of-state child must go through the compact office; and~~
- ~~2. Attach a statement to the home study explaining the requirement.~~

~~[The procedures to be followed are~~ Agencies may consult the procedures ~~] in the Service Programs Manual, Volume VII, Section III, Chapter E [July 1983]. These [requirements~~ procedures ~~] apply to both agency and non-agency adoptions.~~

Note: The Interstate Compact on the Placement of Children law and manual procedures apply to placement with nonexempt relatives, placements for foster care and placements for adoption, only after a child has been identified for placement.

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22 VAC 40-130-450. ~~Out-of-state child.~~ **Agency responsibility for adoption and foster care services on behalf of an out-of-state agency [in interstate cases. Note: This section does not apply to intercountry placements.]**

A. If a Virginia agency is asked to supervise the placement of an out-of-state child, it must have notification of compact approval of the placement from the Interstate Compact on the Placement of Children before proceeding. The ~~[child-placing]~~ [child-placing] agency is responsible for obtaining compact approval.

B. For adoptive placements, the agency shall have an interagency agreement[,] which specifies the period of supervision and responsibilities of both agencies until the adoption is finalized or the placement is terminated.

C. When an agency is providing supervision for an adoptive placement of a child in the care of an out-of-state agency, visits shall be conducted in accordance with these standards. The agency shall also comply with any requirements of the interagency agreement with the ~~[child-]~~placing agency.

D. The agency shall send reports of supervision to the Virginia Interstate Compact on the Placement of Children office and shall not send reports directly to any entity in the sending state without permission of the Interstate Compact on the Placement of Children office.

E. A child-placing agency shall not provide services in other states without obtaining the written approval to provide those services from the appropriate authorities in the other state. [Note: The



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written approval may be in the form of a license from the other state to conduct the specified activities or a letter from the other state granting approval or stating licensure and approval is not required to conduct the specified activities in the other state.]

F. The agency shall provide the Virginia Interstate Compact on the Placement of Children office with a copy of the written approval.

G. If the agency becomes aware that placement has been made without interstate approval, the agency shall notify the Interstate Compact on the Placement of Children office in writing of the placement.

H. When an agency has agreed to complete an adoptive home study for a family that has applied to an agency in another state or a family pursuing a parental placement of a child from another state, the home study shall be completed in accordance with the adoptive home study requirements in this regulation.

I. The agency shall inform the potential adoptive parents that the placement of an out-of-state child is governed by the Interstate Compact on the Placement of Children. This shall be documented in the home study.

J. When a child in an adoptive placement moves from another state into Virginia or if a placement is planned within three months of a family's relocation to Virginia, a home study update shall be completed in accordance with the home study update requirements of these standards. A new home

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study in accordance with 22 VAC 40-130-400, 22 VAC 40-130-401, and 22 VAC 40-130-402 shall be completed in all other cases.

K. The agency shall send the home study or update to the Virginia Interstate Compact on the Placement of Children office when a specific child has been identified for placement.

**22 VAC 40-130-452. Agency responsibility in intercountry placements/adoptions.**

A. In order for an agency to assist families ~~[or agencies]~~ in arranging for placements of children from foreign countries, [either directly or through other agencies,] the agency ~~[must [provide intercountry services and follow standards for conducting home studies and supervision in accordance with these standards shall comply with this section.]~~

B. The agency shall maintain and make available to its staff and to applicants written information about Virginia's preadoptive requirements for intercountry placements and assist the family in determining when these requirements are applicable.

C. The agency shall maintain and make available to its staff and to applicants written information about the requirements of the Immigration and Naturalization ~~[Office Service.]~~

D. An agency providing [any type of] intercountry services shall comply with the following provisions:

1. ~~[The agency shall ensure and receive documentation of a child's legal availability for adoption before the child is assigned to the adoptive applicant.]~~ The agency shall obtain and disclose to the

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adoptive applicants all available medical, developmental, and social history for the child, the birth family and extended family, including the child's placement history.]

2. [~~The agency shall verify the credentials and qualifications of agents in foreign countries working in their behalf on adoption matters. Documentation shall be filed in the child's record where the agency has received custody or in a separate section of the adoptive applicants' record where the adoptive applicants have received guardianship or a final decree of adoption in the foreign country.]~~

[~~3. The agency shall obtain all known medical, developmental, and social history for the child, the birth family and extended family, including the child's placement history, and receive a written statement that the information provided is accurate and complete.]~~

[~~4. Documentation for the above requirements shall be filed in the child's record where the agency has received custody or in a separate section of the adoptive applicants' record where the adoptive applicants have received guardianship or a final decree of adoption in the foreign country.]~~

[~~5.3.]~~ The agency shall notify the [affected] adoptive applicants within five working days whenever it receives information that a [source or program in a] foreign country is suspending its adoption program.

[~~6.4. ]~~ During the home study process, the agency shall discuss with the applicants the following:

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- a. The risks of adopting a child from another country, including but not limited to coping with changes in laws in the other country, changes in fees, [issues regarding the legal availability of the child, risks involved with lack of medical, developmental, and other background information on the child.] and the placement of another child if the child originally described is no longer available;
- b. The applicants' ability to assume responsibility for the care, guidance, and protection [and meet the needs] of a child from a different race or ethnic background;
- c. The applicants' feelings and attitude toward sharing with the child facts about the adoption including how the applicants plan to teach the child about, identify with and have information about his native country;
- d. The applicants' expectations for children whose living circumstances prior to placement included living in an orphanage or institution [,the expected behaviors, attachment and bonding issues, the life long impact of the child's history] and the applicants' ability to cope with any issues that may occur related to ~~their~~ the child's previous living circumstances [and care];
- e. The availability of and requirements for post-placement supervision and importance of supervision in the resolution of any adoption related issues; ~~and~~
- f. ~~That it is unlikely that the child will be eligible for adoption assistance.]~~

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E. In addition, an agency working directly with agencies or resources in other countries shall comply with the following provisions:

1. [~~When referring families to or working with a specific agency or resource in a foreign country,~~  
~~written~~ Written] information on the laws, policies and procedures for U.S. citizens to adopt from the particular country shall be maintained by the agency and made available to staff and applicants, or the agency shall document its efforts to obtain the information.

2. During the home study process, the agency shall discuss with the applicants the time frame and fees specific to adopting a child from another country, the children typically available from specific countries, and the applicants' responsibility for a child when receiving custody or guardianship of a child under the laws of the child's country.

[3. The agency shall make every effort to obtain documentation of a child's legal availability for adoption before the child is assigned to the adoptive applicants. If the agency cannot obtain this information, the efforts shall be documented in the adoptive parents' record. The adoptive parents shall be informed of any known information about the child's legal availability.]

[4. The agency shall make every effort to obtain credentials and qualifications, if any, of agents or facilitators in the foreign countries. Prior to using the services of an agent or facilitator, the licensed child-placing agency shall evaluate the agent or facilitator to determine his experience and knowledge in the field of intercountry adoption, his reputation with other clients and with the

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U. S. Embassy in the other country, and his willingness to provide information to the agency.

This information shall be documented in a separate file.]

F. If, after completion of the home study for an intercountry adoption, the family decides to pursue an intercountry placement without the assistance of the agency, the agency shall document in the applicants' record that the family withdrew from the intercountry program, and the agency shall have no further responsibility to provide services.

G. An agency completing a home study for an intercountry adoption shall offer to provide or refer the family for supervision and adoptive family support and preservation services.

H. The agency shall document its efforts to encourage the family to file an adoption petition and inform the family of the need to complete the process of the child's naturalization through the Immigration and Naturalization [~~Services~~ Service,] which confers citizenship to the child.

PART VII.

ASSISTED CONCEPTION.

**22 VAC 40-130-453. Home study requirements.**

A. Agencies shall comply with §§ 20-156 through 20-165 of the Code of Virginia[,] which establishes control of actions related to the status of children of assisted conception.

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B. Agencies shall conduct home studies in accordance with the adoptive home study requirements of 22 VAC 40-130-400, 22 VAC 40-130-401, and 22 VAC 40-130-402.

C. Agencies shall provide or [~~assure~~ ensure] that all parties have received counseling concerning the effects of the surrogacy contract. This information shall be documented in the record.

PART VIII.

INDEPENDENT LIVING PLACEMENTS.

**22 VAC 40-130-454. Authorization to provide independent living placement services.**

[In addition to Parts I, II, III, IX, and X and, if applicable, interstate compact requirements as found in 22 VAC 40-130-430, 22 VAC 40-130-440 and 22 VAC 40-130-450, the] standards in this part shall be met to receive authorization to provide independent living placement services in Virginia. [Agencies shall be responsible for maintaining compliance with these standards and all related laws in Virginia.]

**22 VAC 40-130-455. Program statement.**

A. An agency authorized to place youth in independent living shall include the following in its written program statement:

1. The agency's philosophy on and purpose of supervised independent living situations;

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2. The criteria for admission and discharge, including requirements for emergency termination;
  3. The intake assessment, ongoing process and methods used to determine the appropriateness of the independent living placements;
  4. The nature and frequency of supervision provided to youth placed in independent living arrangements;
  5. A description of services available to the youth during placement and the life skills the youth must achieve to be successfully discharged;
  6. The types of living arrangements approved by the agency and the criteria used to approve the living arrangements;
  7. A crisis response system ensuring that youth have 24-hour access to agency personnel;
  8. The means of financial support for the youth; and
  9. Provisions for emergency medical care which ensure prompt response to a youth's medical needs.
- B. The program statement shall be provided to all youth placed in independent living and either the complete statement or a summary shall be given to agencies or individuals who ask about the services of the agency.



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**22 VAC 40-130-456. Responsibilities of the agency.**

It shall be the responsibility of the agency to:

1. Evaluate each youth's ability to assume responsibility and work towards the goal of independence within a specified time frame;
2. Obtain written approval of the parents or legal guardian for youth under 18 years of age regarding the youth's participation in the program;
3. When the parents are not the legal guardians of the youth, provide the parents with written notification of the youth's placement where possible and appropriate;
4. If a youth is discharged from the program prior to the age of 18, release him to the legal guardian with notification to the court when appropriate;
5. Develop a service agreement, review the agreement every three months and revise and update as necessary;
6. Develop a monthly budget with the youth and meet monthly with the youth to review the budget (these reviews may occur less frequently after the first six months if the youth demonstrates the ability to maintain the budget);
7. Meet with the youth [at least] twice a month through face-to-face contact to discuss the youth's progress as it relates to the service agreement and to cover the life skills assessment.

[The agency shall have at least weekly telephone contact with the youth.] At least one meeting

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per month shall be at the youth's residence. [Exception: Visits to youth in college dormitories shall be quarterly.] These contacts shall be documented in the youth's record;

8. Provide the youth with the name and telephone number of someone he can contact in an emergency on a 24-hour basis;

9. Have a written plan which will assure the availability of resources to meet the youth's basic needs for shelter, food, clothing, and medical care;

10. Assume responsibility to provide or seek services to support the independent living placement for the youth until such time it is determined that the youth is no longer appropriate for the program or is able to successfully complete the program; and

11. Provide medical care as required in 22 VAC 40-130-221.

**22 VAC 40-130-457. Intake.**

A. In addition to the agency's criteria for admission, the youth shall meet the following requirements before the agency shall place him in an independent living arrangement. The youth shall:

1. Be at least 16 years of age, but not yet 21;
2. Be in the custody of a local department of social services, private child-placing agency, parent or guardian, or if legally emancipated, a voluntary self-admission;
3. Be able to live without daily substitute parental supervision;

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4. Not be a threat or danger to himself or to others in the community; and
5. Be involved or have a commitment to be involved in an educational or vocational training program or be employed.

B. The agency shall assure that it has the authority to place the youth as specified in [~~22 VAC 40-130-210~~ 22 VAC 40-130-210, A].

C. Prior to admission for placement in an independent living arrangement, the agency shall assess the youth's suitability and appropriateness for placement. The assessment shall be documented in the youth's record and shall include:

1. Information from the parent or guardian, foster parent, and community resource person, if applicable, about the youth's current behavioral functioning in the home or the community;
2. Physical and dental examinations as required by 22 VAC 40-130-210 [ ~~F~~ H ] including a psychological evaluation, if applicable;
3. List of medications the youth is currently taking and the youth's ability to administer medication independently; and
4. Social history as required by 22 VAC 40-130-210 [ ~~D~~ G].

D. The agency shall have a face-to-face interview with the youth prior to the youth's acceptance for independent living placement. This interview shall be documented and include the following:

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1. A review of the service agreement with the youth to include a discussion of the agency's and youth's expectations and responsibilities;
2. Orientation to the program and services to be provided; and
3. The goals and objectives of independent living placement.

E. The youth and his parents or guardians, if available, shall participate in planning the independent living arrangement.

F. Prior to the youth's placement, the agency shall approve all living arrangements based on the agency's criteria as described in the agency's program statement.

G. An agreement between the agency and the youth shall be developed, signed and kept in the youth's record. Copies of the agreement shall be given to the youth and to the legal guardian and [~~child-placing~~ placing agency].

H. The agreement shall include, but is not limited to, the following:

1. Method, frequency, and amount of financial payment;
2. Youth's understanding that the physical arrangements must be approved by the agency or are exempt from agency approval;
3. Youth's responsibility to inform the agency within a specified time frame, but no later than 72 hours, of any major changes in his situation and need for surgery, serious injuries or illness;

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4. A plan to seek emergency assistance from medical professionals, police and fire fighters; and
5. A statement that the youth will be terminated from the program if the agency's attempts to support the youth have been unsuccessful.

**22 VAC 40-130-458. Plan for transitional services for youth in independent living placement and case record requirements.**

A. [ ~~A~~ An individualized ] plan for transitional services shall be written with each youth in an independent living arrangement and placed in the youth's record within 30 days of admission. The plan shall include:

1. A description of the specific life skills to be achieved by the youth, the youth's responsibilities along with time frames for achievement of each identified life skill, and a description of the parents' or guardians' responsibilities in achieving the identified life skills. If involvement of the parents or guardians is not possible or is clearly inappropriate, the reasons shall be stated in the plan;
2. A description of the services and training offered by the agency to help the youth achieve the identified life skills and a statement of the type and frequency of supervision provided by the agency;
3. An assessment of the youth's physical and mental health including any medical or dental care the youth receives;

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4. An assessment of the youth's living arrangement using the criteria developed by the agency;  
and

5. The target date for discharge and the youth's involvement in discharge planning.

B. The plan for transitional services shall be evaluated quarterly from the date of the initial plan with progress reported on each item in the plan, including each identified life skill.

C. Each youth shall have a file[,] which contains the documentation required by these standards.

The record shall also contain a face sheet[,] which shall be updated as needed and includes the youth's name, date of birth, and date of admission; the name, address and phone number of the legal guardian and [~~the child-placing~~ placing] agency; and the address of the youth's independent placement with a telephone number, if available.

**22 VAC 40-130-459. Discharge from care.**

A. The agency shall complete a discharge summary within 30 days of discharge and include:

1. The reason or reasons for the discharge;
2. The name or names of persons with whom the youth has been placed or to whom he was discharged;
3. Follow-up services, if any, to be provided the youth and family or guardian;
4. A description of the services provided while the youth was in care;

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5. An evaluation of the progress made towards achievement of the identified life skills; and
  6. Recommendations for services if the youth is placed with another agency.
- B. Discharge planning shall be developed with the youth, the youth's parents or guardian, and the [~~child-placing~~ placing] agency, if applicable.
- C. Youth in the custody of a local department of social services or private child-placing agency shall not be discharged without the knowledge, consent, and notification of the [~~child-~~] placing agency.
- D. Youth under the age of 18 shall only be discharged to the parent, guardian or child-placing agency holding custody. If the youth is discharged to the [~~child-placing~~ placing] agency, the parents or guardian shall be notified of the youth's discharge from the program.
- E. Upon discharge a copy of medical and school records, and birth certificate if the agency holds custody, shall be given to the parents or receiving agency. Information shall be released to a youth who has reached 18 years of age in accordance with § 63.1-209 of the Code of Virginia.

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**PART VII, IX.**

**REPORTS.**

**22 VAC 40-130-460. General.**

Agencies shall keep records and make reports as required by the Department of Social Services pursuant to § 63.1-203 of the Code of Virginia. Reports include the criteria listed in 22 VAC 40-130-470 and 22 VAC 40-130-480.

**22 VAC 40-130-470. Death of a child.**

The agency shall:

- ~~1. Notify the parent or parents or guardian of the child immediately; and~~
- ~~2. Notify the licensing representative within 48 hours.~~

When a child in agency custody or care dies, the agency shall notify the parent or guardian of the child immediately and notify the licensing representative within 24 hours [or by the end of the next business day]. A written report of the circumstances shall be made to the licensing representative within seven days of the death.

**22 VAC 40-130-480. Abuse ~~or~~ and neglect, ~~or both~~.**

The agency shall:



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1. Immediately notify the appropriate Child Protective Services' unit of the local department of social services or the Child Abuse and Neglect Hotline of all complaints ~~or~~ of suspected cases of abuse and neglect of a child [under the agency's supervision.] The agency shall also immediately notify the ~~[child-placing custodial]~~ agency worker or supervisor. The licensing representative shall be notified within 24 hours [or by the end of the next business day] whenever the allegations of abuse or neglect involve a staff member of the agency;
2. Cooperate with the local department in its investigation of the complaint;
3. ~~Make its own investigation of each complaint to determine whether or not its policies and procedures have been violated~~ Investigate each complaint to determine if its policies and procedures have been violated. The findings shall be recorded in the appropriate record; and
4. Where the complaint has been accepted by Child Protective Services for investigation, the agency shall submit a written report of the ~~[results status of its]~~ the agency's investigation to the licensing representative within ~~90~~ 60 days of receipt of the complaint [and a final report within 90 days. The Child Protective Services' disposition and any agency action taken shall be included in the final report.] Violations of the agency's program statement and policies and procedures shall be reported to the licensing representative along with the agency's plans for corrective action.

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~~PART VIII.~~ X.

CASE RECORD REQUIREMENTS.

22 VAC 40-130-490. **Inspection.**

The agency shall provide the licensing representatives reasonable opportunity to inspect all facilities, books and records related to the child-placing program.

22 VAC 40-130-500. **Storage.**

Active and closed case records shall be ~~kept~~ stored in locked, metal ~~file~~ cabinets. ~~They shall be systematically filed.~~

22 VAC 40-130-510. **Confidentiality.**

Case records are confidential. [(Note: See § 63.1-209 of the Code of Virginia.)]

22 VAC 40-130-520. **Entries in case records.**

~~A.~~ All entries shall be dated. They shall indicate who performed the service ~~and be signed or initialed.~~ ~~B.~~ If an agency has offices in more than one ~~state~~ location, the record shall identify the office which provided the service.

22 VAC 40-130-530. **Evidence of compliance.**

~~To be in compliance with a standard:~~

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- ~~1. There shall be written evidence that the requirement has been met;~~
- ~~2. It shall be completed by the required date if a time limit is specified in the standard; and~~
- ~~3. It must be filed in the appropriate record within 30 days unless otherwise specified in this chapter.~~

~~NOTE: Whenever possible, information shall be recorded in the appropriate place and not repeated elsewhere.~~

~~To be in compliance with a standard, the agency shall have written evidence that the requirement has been met within the date required by the standard and filed in the appropriate record within 30 days unless otherwise specified in a standard.~~

**22 VAC 40-130-540. Retention of records.**

~~A. Upon entry of a final order of adoption or other final disposition of a matter involving adoption, all reports and collateral information shall be forwarded to the commissioner. B. The agency shall retain a copy of the child's subsidy record as long as the child receives a subsidy.~~

~~C. B. If a child has been united with his biological family before reaching majority, case records shall be retained until one year after his 21<sup>st</sup> five years after his 18<sup>th</sup> birthday.~~

~~D. C. When the agency has custody of a child, the records shall be retained permanently for any children who have not been adopted nor reunited with their families.~~

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When the agency does not have custody of the child, the agency shall retain the record for five years past the child's 18<sup>th</sup> birthday and then offer the record or information from the record to the custodial agency and provide ~~it~~ [the record or the information from the record] upon request.

~~E.~~ D. When an agency ceases to operate, it shall store its closed records with a public or private child-placing agency and inform the department in writing of the location for the retention of its records.

**22 VAC 40-130-550. Disclosure of information.**

A. If a child has reached his majority without being adopted, information shall be revealed to him according to the provisions of § 63.1-209 of the Code of Virginia.

B. Information concerning children who have been legally adopted[, birth parents and adoptive parents shall be ~~revealed to them~~ disclosed] only according to the provisions of §§ ~~[63.1-236 and 63.1-236.01~~ 63.1-219.53] of the Code of Virginia. [Agencies may consult the Services Manual, Volume VII, Section III, Chapter C, "Post-adoption Services" and Chapter D, "Assess to Closed Records."]

[C. Licensed child-placing agencies shall not release non-identifying information from adoption files unless designated to do so by the Virginia Department of Social Services. In sharing non-identifying information, the agency must share all non-identifying parts of the record related to the adoption

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decision. If the agency provided counseling to the birth parent or parents not related to the placement decision, this may be excluded.]

**PART XI.**

**TREATMENT FOSTER CARE.**

**22 VAC 40-130-600. Requirements.**

A. In order to be licensed or certified as a child-placing agency providing treatment foster care services in Virginia, child-placing agencies shall meet the requirements of this part in addition to Parts I, II, III, VI, IX, and X of this chapter. [Agencies established for the purpose of receiving short-term placements shall follow the requirements of Part IV of this chapter, unless they wish to be certified as a Medicaid provider of treatment foster care case management services. Requirements for caseloads and capacity may be found in 22 VAC 40-130-130.

B. Agencies shall be responsible for maintaining compliance with these standards and all related laws in Virginia.]

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22 VAC 40-130-610. Program description.

- A. A child-placing agency shall have a comprehensive written program description of its services, organizational structure, policies, and record keeping including:
1. The purpose of the treatment foster care program, including a description of the population the agency is prepared to serve and the geographical area to be served.
  2. The agency's treatment philosophy and the specific treatment techniques it uses, including the specific behavior management strategies to be used by the agency's treatment foster parents.
  3. A staffing pattern which allows for the intensity of services required in treatment foster care; describes the professional staff responsible for the treatment services, the treatment team, and treatment plans; provides for at least one full-time professional staff [~~and a total of two full-time equivalent staff~~ and part-time staff whose hours are equivalent to a full-time position]; and designates a qualified individual responsible for the program.
  4. An open admissions policy if federal or local social service agency funds are involved. The policy shall state that the program is open to all children without regard to race, color, national origin or sex. It shall also state that:
    - a. Race will not be a factor in determining the best placement for the child;
    - b. Children with disabilities will be accepted if their needs can be reasonably accommodated;and

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- c. The agency shall include [either the whole policy or ] a summary of this policy in its advertisements or other materials distributed to the public;
  5. A list of the agency's [preadmission intake] requirements; an explanation of the fee system, if any; and decision-making procedures for acceptance, matching, placement and discharge from care;
  6. A description of the services provided to children, [legal their families] and foster families;
  7. A description of the agency's procedures and requirements for treatment foster family study and approval including a description of orientation and training;
  8. A description of the responsibilities and workload of the child-placing staff, and the training provided to professional staff~~]; and]~~
  9. The requirements for the organization and contents of the child's case record, to include all required documentation.
- B. Either the full statement or a summary shall be given to agencies and individuals who inquire about the services provided.
- C. The program description shall be submitted with the initial application, updated when changes are made in the program, and updates provided to the licensing representative within 30 days.

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22 VAC 40-130-620. Policies and procedures.

~~[A. The agency shall implement a written policy to ensure that children are not (i) subjected to corporal punishment as defined in these standards; (ii) subjected to verbal abuse or remarks that belittle or ridicule the child or his family; (iii) denied essential program or treatment services, meals, clothing, bedding, sleep, or personal care products; or (iv) subjected to any humiliating, degrading or abusive actions.]~~

~~B. The agency shall have written policies and procedures for investigating, responding to and reporting allegations of misconduct toward children, including reporting suspicions of child abuse or neglect to child protective services or the Child Abuse and Neglect Hotline.~~

~~C. A.] The agency shall have a written plan for back-up emergency care in the event that a child's placement in a family ~~fails~~ disrupts or if the agency ceases to operate].~~

~~D. B. ]The agency shall implement a written policy of acceptable methods of control and discipline which includes a prohibition on ~~physical corporal~~ punishment and a description of specific types of ~~punishments which~~ discipline that are unacceptable. The written policy of acceptable methods of control and discipline shall be based on a review of the scientific literature on disciplinary issues.]~~

~~E.C.] The agency shall implement written policies and procedures governing the agency's responsibility to determine that foster parents (i) properly administer and document the medication as prescribed for foster children placed in their home; (ii) have knowledge of side effects and actions to~~



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be taken; (iii) notify the agency of adverse reactions to medications; and (iv) have knowledge of the secure storage, retention and disposal of medication.

~~F.~~ [D.] The agency shall implement a written policy and procedure governing the assignment of designated staff to be on call to foster parents on a 24-hour, seven days a week basis.

~~G.~~ [E.] The agency shall have a written discharge policy describing both planned and emergency discharge from the program.

~~H.~~ [F.] The agency's written policy shall prohibit mechanical restraints and seclusion.

[ G. The agency shall have a written policy addressing the agency's plans for active cases if the agency should cease operation.]

~~I.~~ [H.] The written policies required by these standards shall be submitted to the licensing representative with the initial application and all changes shall be submitted within 30 days after the change is made.

**22 VAC 40-130-630. Program evaluation.**

Treatment foster care agencies shall have and implement a written program evaluation plan which:

1. Describes the information to be collected, summarized and analyzed at least annually;
2. Identifies who will have access to the evaluation and how it will be used;
3. Describes the factors for assessing the effectiveness of the services provided; and

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4. Describes how progress on the long- and short-term treatment goals of each child's treatment plan will be tracked.

**22 VAC 40-130-640. Intake.**

A. Authority to place. Before placing a child in foster care, the agency shall have the authority to place based on:

1. A court commitment;
2. A permanent entrustment by the parents or other person having legal custody;
3. A temporary entrustment by the parents or other person having legal custody;
4. A placement agreement from an agency with legal custody; or
5. A placement agreement signed by the local department of social services having jurisdiction when a noncustodial agreement has been signed between the parent or legal guardian and the local department or another public agency.

Exception: An agency licensed as a child-placing agency and certified as a school for children with disabilities by the Department of Education shall not be required to take custody of a child placed in its special education program, but shall enter into a placement agreement with the parent or other individual holding custody.]

[~~B. Pre-admission assessment.~~] To achieve sound placement decisions and planning for relevant

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treatment services to children, the agency shall receive and ~~review~~ assess the following material prior to a child's admission. [All material shall indicate the date it was received by the child-placing agency.]

~~[1. The reason the placement is requested;~~

1. An application for admission, which shall include:

a. The reason for the placement;

b. The services requested by the placing agency, parent or guardian;

c. Current information on the child's health, behavior in the home or in the previous living situation;

d. Current school information, including grade level and adjustment to school;

e. Information on the child's skills, interests, strengths and talents;

f. A list of current medications, dosages prescribed, and reasons for the medications;

g. Emotional and psychological problems of the child, including needs and professional treatment received;

h. The child's permanency planning goal and planned achievement date; and

i. The names of parent or guardian, placing agency, placing agency worker, including addresses, telephone numbers, and emergency contacts.]

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2. Current [ease service or treatment plans from others and discharge plans from previous placements,] if any;

~~[3. Current information on the child's health, behavior in the home or other living situation;]~~

~~[4. Current school information, including grade level and adjustment to school;]~~

[3. A social history to include the following:

a. Information on the child's family structure, relationships and involvement with the child;

b. The child's previous placement history;

c. The child's developmental, educational, and medical history;

d. The child's history as a victim of abuse and neglect, if applicable;

e. The family's medical history; and

f. The education and occupation of the child's parents.]

~~[5. 4.]~~ The previous and current (within a year of referral date) psychological and psychiatric assessments, if any;

~~[6. 5.]~~ Background information from other sources [, such as court reports and previous social histories, if any; -and]

6. Medical examination by or under the direction of a licensed physician within 90 days before placement. When a child, accepted in an emergency, has not had an examination within 90 days

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before placement, he shall have one within 30 days after placement.

[Exception: When a child has been in the continuous placement of a public or private agency and the medical examination is no more than a year old, the 90-day requirement may be waived. A report of all medical treatment provided in the interim shall be provided. The medical examination report shall include:

- a. Immunizations given in the past 13 months or since the last examination;
- b. The current physical condition, including growth and development, visual and auditory acuity, nutritional status, evidence of freedom from tuberculosis in a communicable form, allergies, chronic conditions and disabilities.]

7. ~~[All documentation required by the Department of Medical Assistance Services, if placements are funded by Medicaid. The child's previous medical records, if available.]~~

[If any of the information required above is incomplete, not available, or is unknown to the individual or agency placing the child, the licensed agency shall have 30 days from placement to receive and compile this information in the child's record. If the information cannot be located, the reasons shall be documented in the child's record.]

[Agencies receiving emergency placements as defined in 22 VAC 40-130-10 shall have 30 days to receive this information.]

~~[C. The agency's assessment shall be written within 30 days of placement and also include:~~

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- ~~1. potential problems with the child's placement;~~
- ~~2. information on the child's skills, interests and talents;~~
- ~~3. the reason the child was accepted; and~~
- ~~4. the date the decision was made.]~~

~~[D. Social History. A social history shall be completed within 30 days of placement and include the date it was completed. The social history shall include, but not be limited to the following:~~

- ~~1. Family structure, relationships and involvement with the child;~~
- ~~2. The child's previous placement history, if any, and public agencies involvement;~~
- ~~3. The child's developmental, educational and medical history and the family's medical history;~~
- ~~4. The emotional or psychological problems of the child including strengths and needs, and professional treatment received;~~
- ~~5. The education and occupation of parents; and~~
- ~~6. The child's history as a victim of abuse or neglect, if applicable;]~~

~~[E.] Matching. A child shall be accepted and placed only after careful consideration of how well the prospective treatment foster family can meet the child's needs and preferences. Important considerations include, but are not limited to:~~

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1. Treatment foster parents' specific skills, abilities and attitudes needed to work effectively with the child to be placed in their care in the areas of behavior management, crisis intervention and stabilization, supportive counseling, and implementation of a treatment and service plan; and
2. The treatment family composition, willingness and ability to work with the child's family; and
3. Availability and access to resources required to meet the child's needs.

~~[FD.~~ Pre-placement Interview and Visit. Unless there are valid reasons for not doing so, the agency shall interview the child and his parent or legal guardian prior to placement. If the child, the parent or the legal guardian cannot be interviewed, the reason shall be documented in the child's record. This shall not apply to emergency placements.]

The agency shall prepare the child for placement and arrange a pre-placement visit for the child in the treatment foster home. If this is not possible, the reason shall be documented in the child's record. [This shall not apply to emergency placements.]

[E. Within two weeks of placement, the agency shall prepare a written summary based on the agency's assessment of the intake information required in 22 VAC 40-130-640, B – E, and include the following:

1. The strengths and needs of the child and the child's family;
2. A summary of the pre-placement interview and placement;
3. The reason a particular treatment foster home was selected and the matching factors

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considered for this decision;

4. The initial plan for services to be provided to the child and the child's family during the first 45 days of care;

5. The reason the child was accepted;

6. Who was involved in the decision; and

7. The date the decision was made.]

~~[The worker shall make a recommendation as to the most appropriate treatment foster home that can provide services to the child and his family and document why a particular treatment foster home is selected for the child.]~~

~~[G F. The agency shall assure ensure ]~~ that each child is provided treatment, services, and care in a nurturing home setting with attention given to the health, safety, and welfare of the child.

~~[H.—— Medical Examination. Within the 90 days before placement a child shall have an examination by or under the direction of a licensed physician.~~

~~EXCEPTION: If the child has been in the continuous placement of a public or private agency, the 90-day requirement may be waived if a report of an examination is no more than a year old and a report of all medical treatment provided in the interim is provided.~~

~~1.—— When a child, accepted in an emergency, has not had an examination within 90 days before placement, he shall have one within 30 days after placement.]~~



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~~F. G.~~ Dental Examination. Each child shall have had a dental examination within 12 months before placement or within 60 days after placement.

~~F. H.]~~ School Enrollment. The agency shall contact school authorities within five working days of placement to arrange for the enrollment of each school age child.

**20 VAC 40-130-650. Acceptance of Child and Placement Agreements.**

A. Placement Agreement. When a child is accepted for placement from another child-placing agency that is retaining custody or has a non-custodial agreement with the parents or guardian:

1. The receiving agency shall obtain a placement agreement before placing the child. It shall cover the financial and other responsibilities of each agency including the services each agency agrees to provide for the child, the ~~[-legal child's family and foster family.~~ The agreement shall also include:

a. Provisions for receiving consent for routine and emergency medical and dental care for the child;

b. Permission for out of state travel;

c. Permission, if necessary, for the child to participate in any fund-raising activities.]

2. The agreement shall be signed by the custodial agency or by the local department of social services when the placement is authorized through a non-custodial agreement with the parents. If changes are made, the agreement shall be amended and the changes signed or initialed by an

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appropriate person.

3. The receiving agency shall obtain a copy of the service plan sent to the court by the placing agency or document its efforts to obtain one. It shall develop service plans compatible with the goals in the plan sent to the court.

4. The agency shall cooperate with the placing and custodial agency and allow access to the child at all times.

B. When accepting a child for placement from a parent or other individual holding custody, the agency shall obtain a temporary entrustment and follow the requirements of § 63.1-204 of the Code of Virginia. See Chapter B, Foster Care Services, in the [~~Services'~~ Service Programs'] Manual, Volume VII, Section III [Temporary Entrustment Agreements] for guidance.

**22 VAC 40-130-660. Treatment and service plans [~~and progress summaries in treatment foster care.~~]**

A. An agency shall prepare and implement [~~a~~ an individualized treatment and service plan for each child in its care. [When available,] the parents shall be consulted unless parental rights have been terminated. [~~Prior custodians or foster parents shall be consulted when appropriate.~~ If the parents cannot be consulted, the agency shall document the reason in the child's record.]

B. When the agency holds custody of the child, a service plan shall be filed [~~in accordance with §§ 16.1-281 and 16.1-282]~~ with the court within 60 days after the agency receives custody unless the

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court grants an additional 60 days, or the child is returned home or placed for adoption within 60 days. [The agency shall follow the requirements of the Code of Virginia related to service plans, court reviews, dispositional hearings and permanency planning hearings. See §§ 16.1-281 and 16.1-282 of the Code of Virginia.]

The permanency planning goals and the requirements and procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, “Preparing the Initial Service Plan” ~~[ shall be followed. These requirements and procedures are incorporated by reference and made a part of these regulations~~ [and “Reassessments, Reviews, and Redeterminations” may be consulted.]

~~[C. Initial Treatment and Service Plan. For children in treatment foster care the agency shall prepare an individualized initial treatment and service plan within two weeks of placement that includes~~

- ~~1. The child’s specific problems, behaviors or skills to be addressed and the methods of intervention and strategies to be implemented;~~
- ~~2. Clear and realistic goals and objectives for the first 60 days of placement;~~
- ~~3. Discussion of the permanency planning goals for the child; and~~
- ~~4. The specific services to be provided to the child during the first 60 days.]~~

~~[D.] Comprehensive Treatment and Service Plan. Designated professional agency staff shall develop and implement [for each child in care a an individualized] comprehensive treatment and~~

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service plan as defined in 22 VAC 40-130-10 within the first [60 45] days of placement[,] which shall include:

1. A comprehensive assessment of the child's [~~psychological, social,~~ emotional, behavioral, educational, nutritional] and medical needs;
2. [~~Clear and realistic goals and objectives, the criteria for achievement, and target dates for each goal and objective;~~

The treatment goals and objectives including:

- a. The child's specific problems, behaviors or skills to be addressed;
  - b. The criteria for achievement, and;
  - c. Target dates for each goal and objective.]
4. [~~The integrated program of therapies, activities and experiences designed to meet the objectives provided to date and those to be provided within specified time frames. Include a description of the agency's coordination with related community to provide a continuity of care with the child's family, school, and community. The program of therapies, activities and services, including:~~
- a. The specific methods of intervention and strategies designed to meet the above goals and objectives; and
  - b. A description of how the agency is working with related community resources,

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including the child's primary care physician, to provide a continuity of care.]

{45. The ~~long-term~~ permanency planning goals and objectives, services to be provided for their achievement, and treatment goals ] and plans for reunification of the child and the child's family, where appropriate.

{56. ] The target date for discharge from the program.

{6.7. ] For children age sixteen and over, the plan shall include a description of the programs and services that will help the child transition from foster care to independent living[, if appropriate].

Based on the agency's evaluation and work with the child and the child's family, it shall develop other areas to be addressed in the comprehensive treatment and service plan.

The plan shall be signed and dated by the [~~designated staff~~ case manager.] It shall indicate all members of the treatment team who participated in its development.

{E.D. ] The agency shall include and work with the child, the [~~child-~~] placing agency [the treatment foster parents ] and the parents, where appropriate, in the development of the [treatment and] service plan [~~and provide a copy to them.~~ and a copy shall be provided to the placing agency.]

[A copy shall be provided to the treatment foster parents as long as confidential information about the child's birth family is not revealed.]

[A copy shall be provided to the parents, if appropriate, as long as confidential information about the

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treatment foster parents is not revealed.]

[If any of these parties do not participate in the development of the treatment and service plan, the agency shall document the reasons in the child's record.]

~~[F.E.]~~ The agency shall provide supervision, training, support and guidance to [treatment] foster families in implementing the treatment and service plan for the child;

~~[G F.]~~ The agency shall arrange for and encourage contact and visitation between the foster child, his family and others as specified in the [treatment and] service plan.]

**22 VAC 40-130-670. Progress [Summaries report and ongoing service plans.]**

A. Agencies shall complete written [~~quarterly progress summaries reports~~ ] beginning 90 days after the date of the [~~comprehensive treatment and service plan~~ child's placement and every 90 days thereafter.]

~~[B. The summary shall evaluate and describe progress in each specified area of the treatment and service plan and include any changes recommended. ]~~ The progress [summary report] shall [also specify the time period covered and] include:

~~[1. Services provided and listing the individuals providing the services;]~~

~~[2. Any changes to the treatment and service plan and services to be provided during the next quarter;]~~

~~[3. Behavioral issues to be addressed and significant revisions in behavior management~~

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techniques;]

[1. Progress on the child's specific problems and behaviors and any changes in the methods of intervention and strategies to be implemented;

[4 ~~2. Changes to~~ A description of] the treatment goals and objectives [met, goals and objectives to be continued or added,] the criteria for achievement and target dates [for each goal and objective and:

a. Include a description of the therapies, activities, and services provided during the previous 90 days toward the treatment goals and objectives; and

b. Any changes needed for the next 90 days;

[3. Services provided during the last 90 days towards the permanency planning goals, including plans for reunification of the child and family or placement with relatives, any changes in these goals, and services to be provided during the next 90 days;

[4. The child's assessment of his progress and his description of services needed, where appropriate.]

5. Contacts between the child and the child's family [~~and plans for reunification of the family,~~] where appropriate;

[6. ~~The child's assessment of his progress and his description of services needed, where appropriate;~~]

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~~{7~~ 6. Medical needs, specifying medical treatment provided and still needed and  
medications provided; and}

~~{8~~ 7. ~~Permanency planning goals, any changes in these goals, and~~ An update to the discharge  
plans, including the projected discharge date; and}

~~{9~~ 8. A description of the programs and services provided to children 16 and older to help  
the child transition from foster care to independent living, where appropriate.]

~~{C~~ B. ~~The fourth quarterly~~ Annually the progress report shall address the above requirements ~~[and as~~  
well as] evaluate and update the comprehensive treatment and service plan for the upcoming year.

~~{D~~ C. ~~The designated staff~~ case manager] shall date and sign each ~~[quarterly]~~ progress report.

~~{E~~ D.] The agency shall include each child who has the ability to understand in the preparation of the  
child's treatment and service plans and progress ~~[summaries reports]~~ reports or document the reasons this  
was not possible. The child's comments shall be recorded in the report.

~~{F~~ E.] The agency shall include and work with the child, ~~[the treatment foster parents,]~~ the [child]  
placing agency and the parents, where appropriate, in the development of the ~~[quarterly progress~~  
summary report and provide a copy to them. A copy shall be provided to the placing agency  
worker and, if appropriate, to the parents and the treatment foster parents, as long as confidential  
information is protected.]



**22 VAC 40-130-680. Contacts with child.**

A. There shall be face-to-face contact between the case worker or a designated professional child-placing agency staff and the child, based upon the child's treatment and service plan and as often as necessary to ensure that the child is receiving safe and effective services.

B. Face-to-face contacts shall be no less than twice a month, one of which shall be in the foster home. One of the contacts shall include the child and at least one treatment foster parent and shall assess the relationship between the child and the treatment foster parents.

C. The contacts shall assess the child's progress, provide training and guidance to the treatment foster parents, monitor service delivery and allow the child to communicate concerns.

D. A description of all contacts shall be documented in the narrative.

E. Children who are able to communicate shall be interviewed privately once a month.

F. Visits to children in permanent foster care shall be made in accordance with the child's treatment and service plan, but no less than every six months.

G. Unless specifically prohibited by court or custodial agency, foster children shall have access to regular contact with their families as described in the treatment and service plan.

H. The child-placing agency shall work actively to support and enhance child-family relationships and work directly with families toward reunification as specified in the treatment and service plan.

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**22 VAC 40-130-690. Medical examinations.**

A. Examinations shall be no more than 13 months apart. Reports shall be signed by the physician, his designee or an official of the local health department.

1. The School Entrance Physical Examination of the Department of Health or equivalent may be used to meet the requirements for a medical examination.

2. All reports shall include the following unless the physician or his designee recommends otherwise:

a. Immunizations given in the past 13 months or since the last examination; and

b. Current physical condition, including growth and development, visual and auditory acuity, nutritional status, evidence of freedom from tuberculosis in a communicable form, allergies, chronic conditions and handicaps.

3. The agency shall arrange for the child to receive recommended follow-up care as well as care for illnesses or injuries and shall document all such visits.

B. The agency shall record all medications prescribed for each child and any reported side effects or adverse reactions.

C. Dental care. Each child over three years of age shall have a dental examination within 13 months of the last examination and every 13 months thereafter. The findings shall be signed by a licensed dentist or his designee. The agency shall arrange for the child to receive the recommended follow-up care as well as care for injuries or other conditions requiring attention between examinations.

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D. Professional clinical or consultative services. [In consultation with the custodial agency,] the [licensed or certified] agency shall provide or arrange for a child to receive psychiatric, psychological, and other clinical services if the need for them has been recommended or identified.

**22 VAC 40-130-700. Other responsibilities of agency.**

A. Clothing. The agency shall see that each child in care has his own supply of clothing for indoor and outdoor wear, suitable to the season.

B. Spending money. School-age children shall have an allowance, which shall be specified in the child's service plan.

[C. When the agency determines that it is in the child's best interest to move the child to another foster home, the agency shall consult with the placing agency prior to the child's move, unless the move is necessary due to an emergency situation or due to child abuse and neglect.]

[D. When the agency cannot consult with the placing agency prior to moving the child, it shall do so within 24 hours of the move.]

**22 VAC 40-130-710. Narratives in the child's record.**

A. Narratives shall be in chronological order and current within 30 days. Narratives shall include areas specified in the standards and shall cover:

1. Treatment and services provided;
2. All contacts related to the child;

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3. Visitation between the child and the child's family; and
4. Other significant events.

~~[B. There shall be a monthly summary of the child's progress towards the goals and objectives identified in the treatment and service plan.]~~

**22 VAC 40-130-720. Treatment teams in treatment foster care.**

A. The agency shall assure that a professional staff person provides leadership to the treatment team, which includes:

1. Managing team decision-making regarding the care and treatment of the child and services to the child's family;
2. Providing information and training as needed to treatment team members; and
3. Involving the child, the child's family, and the ~~[child placing]~~ [child placing] agency in treatment team meetings, plans and decisions and keeping them informed of the child's progress, whenever possible.

B. Treatment team members shall consult as often as necessary, but at least on a quarterly basis.

**22 VAC 40-130-730. Crisis intervention and physical restraint.**

A. Agencies that do not permit the use of physical restraint shall have a policy stating that physical restraint is prohibited.

B. Agencies that permit physical restraint shall train designated professional staff and treatment

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foster parents prior to supervision of children in less intrusive interventions and in physical restraint techniques approved by the agency.

C. The agency shall require that other methods of crisis intervention be used before physical restraint is attempted on a child.

D. Physical restraint, as defined in these standards, shall be only that which is minimally necessary to protect the child or others from injury or to prevent serious damage to property and is used as part of a therapeutic intervention.

E. Physical restraint shall only be used as described in the child's treatment and service plan.

F. Agencies that permit physical restraint shall have written policies and procedures governing the use of physical restraint by treatment foster parents. The policies and procedures shall include:

1. Guidelines to follow and the non-intrusive crisis intervention techniques approved for use by treatment foster parents before using physical restraint;

2. A statement prohibiting the use of mechanical restraint or seclusion of a child in a locked room;

3. A description of the agency approved methods of restraint and the training required prior to the use of these methods; and

4. A description of the agency's method for determining the treatment foster parent's abilities to apply these methods.

G. Agencies shall require treatment foster parents to document each instance of physical restraint

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and shall maintain copies of these reports in the child's record. The documentation shall include:

1. The reason for the restraint;
2. What non-intrusive interventions were attempted prior to the physical restraint;
3. A description of the restraint used and the duration of the restraint;
4. Any injuries resulting from the restraint; and
5. The outcome of the crisis intervention.

H. Agencies shall require treatment foster parents to notify them within 24 hours of each instance of physical restraint.

**22 VAC 40-130-740. Discharge from care.**

A. A discharge summary shall be developed for each child and placed in the child's record within 30 days of discharge. ~~[ It shall include the date of and reason for discharge, the name of the person with whom the child was placed or to whom he was discharged, and a description of the services provided to the child and progress made while the child was in care. ]~~ The discharge summary shall include:

1. The date of and reason for discharge;
2. The name of the person with whom the child was placed or to whom he was discharged;
3. A description of the services provided to the child and progress made while the child was in care; and

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4. Written recommendations for aftercare shall be made for each child prior to the child's discharge.

Such recommendations shall specify the nature, frequency and duration of aftercare services to be provided by the agency to the child and the child's family.

The recommendations for aftercare services shall be determined and shared prior to the child's discharge with the placing agency and the parents, where appropriate,]

B. The summary shall also include an evaluation of the progress made towards achievement of the child's treatment goals.

C. Discharge planning shall be developed with the treatment team in treatment foster care and with the child, the child's parents or guardian, if applicable, and the [~~child-placing~~ placing] agency.

D. Children in the custody of a local department of social services or private child-placing agency shall not be discharged without the knowledge, [~~consent~~ consultation], and notification of the ~~child~~ placing] agency.

E. Children under the age of 18 shall only be discharged to the agency, parent or guardian having legal custody. The parents or guardian shall be notified of the child's discharge from the program. This includes a child being moved from treatment foster care to a residential facility.

F. Upon discharge a copy of medical and school records, and birth certificate if the agency holds custody shall be given to the parents or receiving agency.

G. Information shall be released to a child who has reached 18 in accordance with § 63.1-209 of the Code of Virginia.

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~~[ H. Written recommendations for aftercare shall be made for each child prior to the child's discharge. Such recommendations shall specify the nature, frequency and duration of aftercare services to be provided to the child and the child's family.]~~

**22 VAC 40-130-750. Permanent foster care.**

A child-placing agency may place a child in permanent foster care in accordance with § 63.1-206.1 of the Code of Virginia. Agencies ~~shall follow~~ [may consult the] procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, Permanent Foster Care Placement ~~[, June 1997 .]~~

**22 VAC 40-130-760. The treatment foster family and foster home capacity.**

A. Treatment foster homes shall be evaluated and approved according to the requirements set forth in the home study section of these standards (22 VAC 40-130-810). An agency may have additional requirements at its discretion.

The number of children placed in one treatment foster home shall not exceed two without justification. Such justification may include the need to place a sibling group, the extraordinary abilities of a particular family in relation to the special needs of the child, and the family's ability and capacity to take an additional child.

Justification for exceeding two children shall be written, dated, approved and signed by the supervisor prior to the placement of additional children in the home. The justification shall include the impact of the additional placement on the other children in the home.

Treatment foster parents shall have the right to refuse placement of any child they feel is



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inappropriate for the home or may be a danger to the children currently in the home.

B. Services and requirements following approval.

1. The agency shall provide orientation and on-going training for each foster family.
2. The agency shall provide the foster family with written procedures for handling emergencies during and outside the agency's regular office hours.
3. Prior to placement the family shall be assisted to make an informed decision as to whether a particular child is appropriate for them.

C. The agency shall specify in its program description all considerations it will use in making a placement decision.

**22 VAC 40-130-770. Treatment foster home agreement.**

The agency shall have a written foster home agreement with the treatment family for each child in care. The agreement shall be signed on or before the date the child is placed in the home and shall include<sup>[1]</sup>

- ~~1. The payment for foster care and other expenses;~~
- ~~2. Arrangements for medical care, for spending money for the child, for visits by parents, for the provision of clothing and an agreement not to use corporal punishment or give others permission to do so;~~
- ~~3. A clear statement that the agency has the right to remove the child when it considers it in the~~

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child's best interest;

~~4. A statement that the agency shall provide treatment foster parents with the support and assistance of agency staff at all times in relation to the child's care in the home, including training, emergency procedures and telephone numbers to call; and~~

~~5. A statement that unless a move is required to protect the health or safety of the child or other foster family members, the agency shall require treatment foster parents to provide reasonable notice, as determined by the agency, to professional staff if requesting a child's removal from the home.~~

the requirements of the foster home agreement found in the appendix. The agency may add additional requirements to the agreement, if necessary.]

**22 VAC 40-130-780. Respite care.**

Foster parents shall have access to both planned and crisis respite care for their foster children. Respite care may be provided only in foster homes which have been selected and trained according to these standards. Respite providers in treatment foster care shall be informed of the child's treatment and service plan and supervised in the implementation of this plan.

**22 VAC 40-130-790. Training for [treatment] foster parents.**

A. Prior to approval of the home, all foster parents shall satisfactorily complete preservice training and demonstrate minimum competence in the following:

1. Information about the strengths and needs of children and their families who require family

foster care services;

2. Information about the impact of separation and loss for all parties involved in family foster care;

3. The laws, regulations, policies, procedures, and values that direct the agency's family foster care program;

4. The knowledge and practice skills necessary to be a [treatment] foster parent;

5. The impact of fostering on foster parents, their children, and all aspects of their family life;

6. Knowledge and understanding of the specific types of children served by the agency and the services these children will need;

7. Crisis intervention procedures and physical restraint techniques utilized by agency, if applicable;

8. Agency's treatment philosophy [discipline and behavior management program,] and skill training in treatment [and behavior management] methods the agency uses;

9. How the treatment team operates within the agency and the role of treatment foster parents as effective and essential members of the team;

10. The differences between treatment foster parenting and other types of parenting, including birth, adoptive, and other foster parenting; and

11. The identification and reporting of child abuse and neglect.

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B. On-going training. The agency shall develop an on-going training plan for treatment foster parents. The specific training topics shall be included in the agency's program description and shall include, but not be limited to, the following:

1. Building on basic skills and developing advanced skills, such as working directly with parents of children in care to teach parenting skills;
2. Helping children develop self esteem and learn appropriate behaviors;
3. Responding to signs and symptoms of physical abuse, sexual abuse, neglect, and emotional maltreatment;
4. Helping children with family reunification, adoption, and preparation for young adult life; and
5. A review of crisis intervention procedures, physical restraint techniques utilized by the agency, the agency's treatment philosophy[, discipline and behavior management methods,] and skill training in treatment methods the agency uses.

Additional training shall be provided based on the needs of the treatment foster parents and the children in care. [Treatment foster parents shall be consulted on their training needs.]

**22 VAC 40-130-800. Requirements for case records for children.**

A. The agency shall maintain a case record for each child[,] which is indexed indicating the organization and documentation in the record. All services and treatment provided to the child shall be documented in the case record. [The placement agreement between the placing agency and the child-placing agency or the entrustment agreement between the legal guardian and the child-placing agency shall be filed in the child's record.] If an agency has offices in more than one location, the record shall identify the office which provided the service.

B. All entries shall be in chronological order, be dated and identify the person making the entry. Entries shall be typed or legibly handwritten in ink. The child's case record shall include:

1. A face sheet [to be completed within five days of placement, ] which includes:
  - a. Personally identifying information including the child's name, birth date, place of birth, Medicaid number, and Social Security number[, if known];
  - b. Parent's names, addresses, marital status, telephone numbers, Social Security numbers [, if available] and information about grandparents, close relatives, and siblings, when known;
  - c. Names, addresses and telephone numbers of person or agency holding custody; and
  - d. Names and telephone numbers of persons to be contacted in an emergency;
2. Intake ~~assessment~~ information including referral forms, [the application for admission,] social history, [the written intake assessment,] psychological or psychiatric reports, school information, placement agreements or entrustment agreements, medical reports received at intake.

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3. [~~Copy of~~ The original] birth certificate [if possible];
4. Documentation of rationale for placing the child in the selected treatment foster home;
5. Authorizations from the [~~child-placing~~ placing] agency or legal guardian for routine and emergency medical and dental care; for out of state travel and overnight travel within the state; participation in special activities, and publicity releases;
6. Ongoing school and educational records;
7. Ongoing medical and dental treatment;
8. Clinical treatment including progress notes and psychological or psychiatric evaluations;
9. Treatment and service plans and quarterly progress reports, including the members of the child's treatment team and the designated lead professional staff;
10. Names, addresses and dates of all placements the child has while in the agency's care;
11. All correspondence related to the child;
12. Narrative, including a chronological narrative or summary of contacts with and services provided to the family. It shall include visits between the parents and the child or attempts to visit.
13. Documentation of serious incidents, physical restraints, injuries, and behavior management reports, where appropriate; and
14. Other material pertaining to a child in treatment foster care as required by these standards,

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[~~Medicaid requirements~~] and any other applicable standards and laws.

C. Information on the child's birth family, previous foster families, and services provided to them shall be documented either in the child's record or a separate family record.

D. The treatment foster home record. The foster home record shall contain:

1. A face sheet listing all members of the household and their relationship to the foster parents.

The face sheet shall be updated as needed;

2. The agency application form completed by the foster parents;

3. A record of orientation and training provided to the foster parents;

4. A narrative account of the preparation of the family for each child placed with them;

5. A list of the children placed including names, birth date or age, dates of placement and removal and reasons for removal;

6. Copies of all foster home agreements [and agreed upon plans of discipline or the portions of the behavior management program that references discipline];

7. The foster home study and all material required for the home study by these standards;

8. Reevaluations of the foster home;

9. When applicable, date and reason for closure; and

10. A narrative of any concerns the agency has about the status of the foster home.

E. The agency shall maintain documentation in the foster parents' record of all complaints involving

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the foster parents, including the agency's investigation report and findings and [information about] police and child protective services' involvement.

**22 VAC 40-130-810. Home study of treatment foster family applicants.**

A. The information required in this section shall be gathered in order to assess the applicants' capacities as treatment foster parents. If the home is approved, the information shall be used to determine the type of child that can successfully be placed in the home.

B. The agency shall conduct interviews with all ~~[family and]~~ household members. Dates and content of interviews shall be documented in the home study.

C. There shall be a minimum of three face-to-face interviews with each applicant. At least one interview with a couple shall be ~~[joint]~~ together and one must take place in the home.

D. Orientation and preservice training sessions provided during the home study process shall not count towards the required number of interviews.

E. The agency shall request and obtain a minimum of three nonrelative references for the family. Additional references may also be requested from relatives or others at the agency's discretion.

F. A report of a medical examination by a licensed physician, his designee, or an official of a local health department of all members of the household shall be obtained. The exam shall be conducted no earlier than ~~[six]~~ twelve months prior to the approval and shall contain:

1. An evaluation of the current health of the individual. Additional reports from specialists shall be received when health concerns are noted;



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2. A statement that the individual does not have tuberculosis in a communicable form including the date and type of test and the results. If the test is positive or no test is done, there shall be a written explanation by the physician[, his designee, or an official of the local health department].

Additional tests are not required unless the individual comes in contact with a known case of tuberculosis or develops chronic respiratory symptoms;

3. An opinion as to whether or not the health of the individual will affect the care or present a hazard to the health of children; and

4. The signature of a physician, his designee or an official of the local health department.

G. The medical examination shall be updated if the agency has concerns about the health of members of the foster family.

~~[H. Pursuant In accordance with to § 63.1-198.1 of the Code of Virginia the agency shall receive the results of a search of the Child Abuse and Neglect Registry before approval is granted. The home shall not be approved if an applicant or another adult living in the home has a founded child abuse or neglect record.]~~

~~[I. Criminal history record reports and sworn disclosure statements shall be received on each applicant pursuant to § 63.1-198.1 of the Code of Virginia and on each adult living in the home prior to approval. Agencies shall follow the standards in the Regulation for Criminal Record Checks for Child Welfare Agencies [(22 VAC 15-50-10 et seq., 22 VAC 40-190-10 et seq.)]~~

~~[The content of and copies of criminal record reports, sworn disclosure statements, and child abuse~~

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~~and neglect registry checks shall not be shared with other agencies or persons, other than the person named in the report, the licensing representative, other state or federal authorities and a court as required by state or federal law, except as permitted in § 63.1-198.1 of the Code of Virginia.]~~

[H. The agency shall ensure that the treatment foster home is in compliance with Section 63.1-198.1 and 63.1-198.4 of the Code of Virginia and with regulations promulgated by the State Board of Social Services.]

~~[I.] The agency shall check the applicants' [Department of Motor Vehicles records and the record of any other adults living in the home Department of Motor Vehicles records.]~~

~~[K.] The agency worker shall see the marriage license for couples.~~

[L.] The agency shall discuss the employment history of each applicant and assess the applicants' management of income and financial resources in relation to expenses.

Applicants shall have sufficient income and financial resources to assure continuing maintenance of the family. The agency shall receive a financial statement indicating income and expenses. If there is an amount in the agency's monthly payment above that is required for the needs of the child, it may be counted as income.

~~[M.] If the applicant has previously applied to be a foster parent through another agency, the current agency shall request information from the applicant about their previous application. The current agency shall also request information from the previous agency.~~

[N.M.] Foster parent applicants shall sign a statement that they will not use corporal punishment on

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any child placed in their home nor give others permission to use corporal punishment.

[~~O.N.~~] The agency shall conduct an assessment of the motivations, expectations, commitment, and abilities [of the treatment foster parent applicants]. The agency shall assure that the following areas are covered in its assessment and document the basis for its conclusions:

1. Family relationships to include how the couple and the family resolve conflicts and express affection, relationships with extended family, and children living outside of the home;
2. Stability of the marriage;
3. The applicants' experiences with children and as children;
4. Discipline of children to include the discipline the applicants' received as children, their current parenting ~~[skills practices]~~, and their opinion and attitudes towards discipline. [The agency's evaluations of discipline shall be sensitive to racial, ethnic, and religious differences];
5. The applicants' ability to learn and apply the agency's recommended behavior management techniques, their willingness to assist in the treatment plan, and their commitment to become a part of the agency's treatment team;
6. The applicants' education and attitudes towards education;
7. The applicants' willingness to work with the school;
8. The applicants' attitudes towards [legal birth] parents and towards working with the agency;
9. Health issues in the applicants' family and how this will impact the care of a child;

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10. The age and type of child desired; and

11. Supervision arrangements when the applicants are out of the home.

~~[P.O.]~~ The agency shall assess and approve the residence and surrounding area.

[ Q.P.] The agency shall determine that the applicants' home is free of hazards to the health and safety of children, is clean and is in good physical repair. The following areas shall also be included in the agency's assessment of the home:

1. Rooms used by children shall be well lighted for activities and safety.

2. The applicant shall have a written plan for seeking assistance from fire and rescue professionals.

3. Foster parents shall have a written evacuation plan in case of emergencies and shall rehearse the plan with children every six months. Foster parents shall review the plan with each child [who is developmentally able to understand,] within 48 hours of placement.

~~[4.All sleeping areas shall have operable smoke detectors and the home shall have at least one operable fire extinguisher.~~

~~[5.4.]~~ The home shall have an operable heating and ventilation system.

~~[6.5.]~~ Firearms and other weapons shall be locked. Firearms shall be kept unloaded and ammunition shall be locked in a separate location.

~~[7.6.]~~ Children over the age of two shall not share a bed or bedroom with the foster parents or

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other adults in the home unless the child's documented medical needs or disabilities require the foster parent to sleep in the room with the child.

~~{8.7.}~~ The home shall have closet or drawer space or both for clothing and personal possessions of children over two years of age.

~~{9.8.}~~ There shall be separate beds for children except that two siblings of the same sex may share a double bed [if appropriate].

~~{10.9.}~~ Children's bedrooms shall not be used as passageways and shall have doors for privacy.

~~{11.10.}~~ The home shall keep cleaning supplies and other toxic substances stored away from food, ~~[locked~~ secured] and out of the reach of children [ who are developmentally unable to understand the dangers. Exception: Where appropriate, adolescents may have access to and may use cleaning supplies.]

~~{12.11.}~~ The applicants shall have a working telephone.

[ ~~R.Q.~~ ] The agency shall recommend approval or disapproval based on a careful assessment of the characteristics outlined in this section, information received through the home study process, the applicants' participation in the home study process and in any orientation and preservice training.

[ ~~S.R.~~ ] The decision to approve or deny shall be made in consultation with the supervisor or in a staff meeting and the date of the decision shall be recorded in the applicants' record.

[ ~~T.S.~~ ] If approval is recommended, the worker shall recommend the age, sex, and type of children who can successfully be placed and give the basis for the recommendation.

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[ U.T.] The applicants shall be informed in writing within a week of the approval or disapproval and offered an interview to have the agency's decision explained to them.

[ V. U.] The home study shall be written and the home approved before a child is placed.

**22 VAC 40-130-820. Reevaluation of foster homes.**

A. The agency shall reevaluate the foster home after one year and every two years thereafter covering the topics in the initial home study. The reevaluation shall take place in the home and the visit made when both parents can be present.

B. A reevaluation to address pertinent standards shall be done whenever there is a change in physical location or marital status. The agency shall make a re-determination of the continued status of the foster parents.

C. At the request of the agency or the licensing representative, a medical examination shall be obtained when there are indications that the safety or health of the children in care may be jeopardized by the health of a household member. The agency shall plan for the immediate removal of any foster children if the examination reveals that their safety or health might be in jeopardy.

D. The reevaluation shall also cover a brief description of the adjustment of each child placed in the home since the last evaluation; an evaluation of the performance of the treatment foster parents addressing their ability to relate to the children and to help children reach their goals. The agency shall also include and assess:

1. The foster parents' skills in working with particular types of problems;

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2. The relationship between the children and the family members and the stability of the home and any problems or significant changes that have occurred in the family since the last evaluation; and

3. Their ability to work with the agency and with the birth parents in meeting the needs of a child  
[; and]

[4. The reasons for removal of any foster children from the home during this time period.]

E. The agency shall receive a current report from the Department of Motor Vehicles on any new drivers in the home, if they are to transport foster children.

F. The agency shall make a recommendation regarding continued use of the home, further training needs of the foster parents, and age, sex, types and number of children that the home can successfully handle.

G. The agency shall evaluate the treatment family's skills and abilities as treatment foster parents and identify any concerns and training needs.

~~[DOCUMENTS INCORPORATED BY REFERENCE]~~

~~[Service Programs Manual, Volume VII, Section # III, Chapter B, Virginia Department of Social Services, 7/85 Foster Care, revised June 1998.~~

~~Service Programs Manual, Volume VII, Section III, Chapter D, Adoption—Nonagency Placement and Other Court Services, revised November 1991.~~

~~Service Programs Manual, Volume VII, Section III, Chapter C, Adoption—Agency Placement, revised July 1989.~~

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Service Programs Manual, Volume VII, Section III, Chapter E, Interstate/Intercountry Placement of Children, revised July 1983.]

**NOTICE:** The forms used in administering 22 VAC 40-130-10 et seq., Minimum Standards for Licensed Child-Placing Agencies, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

**FORMS**

Application for Initial and Renewal License for ~~Private~~ Child-Placing Agencies,[ 4/99.]

[Foster home placement agreement]

[Adoptive home placement agreement]

**CERTIFICATION**

I certify that this regulation is full, true, and correctly dated.

\_\_\_\_\_  
Sonia Rivero, Commissioner  
Department of Social Services



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Date: \_\_\_\_\_