

Date – July 1, 2022

Manual - Child and Family Services Manual, Chapter E, Foster Care

Transmittal # 302

The purpose of this transmittal is to provide new, revised, and clarified guidance for *Chapter E: Foster Care* of the Child and Family Services Manual. Unless otherwise stated, the provisions included in this transmittal are effective in July 2022.

Changes to the manual incorporate new federal and state laws as well as state regulations; clarify existing guidance; and enhance guidance on meeting the safety, permanency, and well-being needs of children in foster care. Changes were also made throughout the manual to address grammatical issues or minor clarifications that are not included in the chart below. This transmittal and manual are available on:

- Internal website (FUSION): <https://fusion.dss.virginia.gov/dfs/DFS-Home/Foster-Care/Foster-Care-Guidance>
- Public website: <https://www.dss.virginia.gov/family/fc/index.cgi>

Changes to the manual are listed below.

Section(s) Changed	Significant Changes	Reason for Change
Section 6.3 Critical decisions in making placements	This subsection was revised to remove the statement that IV-E administrative costs cannot be claimed for children who are placed in relative foster homes where approval was not completed within 60 days.	This section was revised to align with the updated process to approve kinship foster families updated in 2021 Local Department Resource, Foster & Adoptive Family Home Approval Guidance.
Section 6B.1 Introduction	This subsection was revised to clarify that for title IV-E children placed in non-specified settings, funding such as CSA, can be explored for their placement.	This subsection was revised to clarify existing requirements.
Section 6B.3.2.4 Requirements for subsequent foster care hearings	This subsection was revised to clarify that if the child was required to undergo Commissioner review for approval of extended placement, the worker must include the results and recommendations in the foster care plan.	This subsection was revised to clarify existing requirements as well as align those requirements with changes prompted by Senate Bill (SB) 396 from the 2022 Session of the Virginia General Assembly, regarding the inclusion of placement information in foster care plans.

Section 10.9 Overview of relatives becoming foster parents	This subsection was revised to clarify that upon denying a relative or fictive kin’s request to become a foster parent, the local agency must inform them of their right to appeal as outlined in Local Department Resource, Foster & Adoptive Family Home Approval Guidance.	This change was prompted by House Bill (HB) 716 from the 2022 Session of the Virginia General Assembly.
Section 10.24 Establishing kinship guardianship assistance paper case record	This subsection was revised to clarify that the paper record corresponding to the record in the child welfare information system also includes case naming conventions.	This subsection was revised to clarify existing requirements.
Section 10.27.1 Determining eligibility	This subsection was revised to clarify that the state kinship subsidy does not depend on a child’s funding eligibility while the child was in foster care.	This subsection was revised to clarify requirements for the State-Funded Kinship Subsidy program that was implemented in February 2022.
Section 10.27.11 Paper case record	This subsection was revised to clarify the requirements for the paper case record for the State-Funded Kinship Subsidy Program.	This subsection was revised to clarify requirements for the State-Funded Kinship Subsidy program that was implemented in February 2022.
Section 15.5.1 Part A of the foster care plan	This subsection was revised to address the requirement that the child’s foster care plan include information regarding the stability of any placements, the services provided or plans for services to be provided to address placement instability, and a description of other placements that were considered for the child.	This change was prompted by SB 396 from the 2022 Session of the Virginia General Assembly.
Section 17.3.2 First three months requirement	<p>This subsection was revised to clarify that the virtual courses for new worker foster care and adoption training and the corresponding capacity building learning labs fulfill the requirements for new worker training.</p> <p>This subsection was also revised to require completion of CWSE4060: Family Search and Engagement within the first three months of employment for new foster care and</p>	<p>This change was prompted by the shift to more flexible and accessible adult learning delivery formats by the Division of Local Training and Development, including virtual instructor-led and eLearning training elements.</p> <p>This change was prompted by the creation of a new course within the last year that is in alignment with the Kin First</p>

	adoption workers and supervisors.	framework which supports the permanency, safety, and well-being of children.
Section 17.3.3 First six months requirement	This subsection was also revised to require completion of CWS4080W: Kinship Care in Virginia within the first six months of employment for new foster care and adoption workers and supervisors.	This change was prompted by the creation of a new course within the last year that is in alignment with the Kin First framework which supports the permanency, safety, and well-being of children.
Section 17.13.6 Documentation	This subsection was revised to clarify that information regarding the AWOL or missing episode must be documented in the child welfare information system immediately but no later than 24 hours following receipt of the notification that the child is missing.	This subsection was revised to clarify and strengthen existing requirements and was prompted by reviews of cases of missing children conducted in response to the Office of the Inspector General's request.
Section 18.1.3 Rates	This subsection was revised to include the July 2022 increased maintenance payments.	This change was prompted by action taken in the 2022 Appropriations Act.

Questions about this transmittal should be directed to the Regional Permanency Practice Consultants:

Central: Alisha Hunt, 804-912-4104, a.hunt@dss.virginia.gov
 Lisa Tully, 804-840-4099, lisa.tully@dss.virginia.gov
 Sarah McDonald, 804-310-1741, s.mcdonald@dss.virginia.gov

Eastern: Ashley Lipscomb, 757-376-3172, ashley1.lipscomb@dss.virginia.gov
 Emily Lowe, 757-636-0052, e.lowe@dss.virginia.gov

Northern: Jessica Cortes, 540-680-9108, j.cortes@dss.virginia.gov
 Sarah Gilbert, 540-454-7786, s.gilbert@dss.virginia.gov
 Tara Gilbert, 540-359-1711, tara.gilbert@dss.virginia.gov

Piedmont: Ali Bell, 540-988-3800, ali.bell@dss.virginia.gov
 Dawn Wilson, 540-580-4121 dawn.m.wilson@dss.virginia.gov
 Tiffany Ray, 540-520-3227, tiffany.ray@dss.virginia.gov

Western: Heather Lewis Owens, 276-525-0446, h.lewis@dss.virginia.gov
Jeannie Adams, 276-393-9564, jeaniem.adams@dss.virginia.gov
Latisha Kidd, 276-608-0367, latisha.kidd@dss.virginia.gov

S. Duke Storen

Commissioner

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PLACEMENT TO ACHIEVE PERMANENCY

6.1 Introduction

Permanency planning with the child and family focuses on preserving the family, reunifying the family, or achieving permanency for the child with another family. It involves facilitating lifelong connections for the child with siblings, extended family, and other significant adults. It begins with the child and family's first contact with the children's services system and continues with a sense of urgency until permanency is achieved.

When a child cannot live safely with his family due to abuse, neglect, or seriously harmful behavior, the service worker shall actively seek a safe, stable, and nurturing family that maintains sibling and family connections and that is committed to meeting the child's needs, including educational, medical and behavioral health needs. For each child placed outside of the home, the service worker shall promote and preserve sibling, relative, significant non-relative, and community connections consistent with the child's best interests.

Placement stability is not permanency. Permanency is only achieved when the child leaves foster care to live with a permanent family. The child is either:

- Reunified with his family with custody transferred back to the parents;
- Adopted by a relative or non-relative; or
- Living with a relative who obtains custody of the child.

After achieving permanency, child and family supports should be continued until they are no longer necessary to ensure that the child is safe and family connections are stable.

6.2 Framework

When out-of-home placements are necessary to meet the best interests of the child, local departments of social services (LDSS) shall meet federal and state legal requirements and should use sound practice principles to achieve desired outcomes and to guide decision-making in pursuing permanency for the child.

6.2.1 Practice principles

Four fundamental principles in Virginia's Children's Services System Practice Model guide practice:

First, we believe that all children and communities deserve to be safe.

- Safety comes first. Every child has the right to live in a safe home, attend a safe school, and live in a safe community. Ensuring safety requires a collaborative effort among family, agency staff, and the community.
- We value family strengths, perspectives, goals, and plans as central to creating and maintaining child safety, and recognize that removal from home is not the only way to ensure child or community safety.
- In our response to safety and risk concerns, we reach factually supported conclusions in a timely and thorough manner.
- Participation of parents, children, extended family, and community stakeholders is a necessary component in assuring safety.
- We separate caregivers who present a threat to safety from children in need of protection. When court action is necessary to make a child safe, we use our authority with respect and sensitivity.

Second, we believe that children do best when raised in families.

- Children should be raised by their families whenever possible.
- Keeping children and families together and preventing entry into any type of out of home placement is the best possible use of resources.
- When children cannot live safely with their families, the first consideration for placement will be with kinship connections capable of providing a safe and nurturing home. We value the resources within extended family networks and are committed to seeking them out.

- When placement outside the extended family is necessary, we encourage healthy social development by supporting placements that promote family, sibling and community connections.
- Placements in non-family settings should be temporary, should focus on individual children's needs, and should prepare them for return to family and community life.

Third, we believe in family, child, and youth-driven practice.

- Children and families will be treated with dignity and respect. The voices of children, youth, and parents are heard, valued, and considered in the decision making regarding safety, permanency, well-being as well as in service and educational planning and in placement decisions.
- Family members are the experts about their own families. It is our responsibility to understand children, youth, and families within the context of their own family rules, traditions, history, and culture.
- Children have a right to connections with their biological family and other caring adults with whom they have developed emotional ties.
- We engage families in a deliberate manner. Through collaboration with families, we develop and implement creative, individual solutions that build on their strengths to meet their needs.

Fourth, we believe that all children and youth need and deserve a permanent family.

- Lifelong family connections are crucial for children and adults. It is our responsibility to promote and preserve kinship, sibling, and community connections for each child. We value past, present, and future relationships that consider the child's hopes and wishes.
- Permanency is best achieved through a legal relationship such as parental custody, adoption, kinship care, or guardianship. Placement stability is not permanency.

6.2.2 Legal citations

The legal framework and specific requirements for placing children are delineated in federal and state law. See the law for complete language by clicking on the citation.

6.2.2.1 General provisions for placing children

- **LDSS right to accept children for placement**

- [§ 63.2-900](#)
- **Placement agreement requirements**
 - [§ 63.2-902](#)
- **Cannot deny or delay placement due to race, color, or national origin**
 - [Federal Multiethnic Placement Act of 1994 and Interethnic Adoption Provisions of 1996 \(MEPA-IEP\)](#); Public Law 103-382
- **Reasonable efforts to place siblings together; or if separated, frequent visitation or communication**
 - [§ 63.2-900.2](#)
 - [Social Security Act, Title IV, § 471, \(a\) \(31\) \[42 USC 671\]](#)

6.2.2.2 Visitation and communication with family

- **Allowing reasonable visitation via court order at the preliminary removal hearing**
 - [§ 16.1-252](#)
- **Including visitation and other contacts in foster care plan**
 - [§ 16.1-281](#)
- **Planning visitation and communication between siblings**
 - [§ 63.2-900.2](#)
- **Visitation of child placed in foster care**
 - [§ 63.2-912](#)

6.2.2.3 Seeking and notifying relatives of placement options

- **Identify and notify relatives of child's removal from home**
 - [Social Security Act, Title IV, § 471 \(a\) \(29\) \[42 USC 671\]](#)
- **Seek relatives first as placement option**
 - [§ 63.2-900](#)

- Determine whether child has relative to be kinship foster parent
 - § [63.2-900.1](#)

6.2.2.4 Pursuing permanent placement options

- Child's health and safety is paramount concern; reasonable efforts to preserve and reunify families
 - § [16.1-281](#)
 - [The Adoption and Safe Families Act of 1997](#); Public Law 105-89
- If reunification not appropriate, reasonable timely efforts to finalize permanent placement; place child for adoption or with legal guardian
 - [The Adoption and Safe Families Act of 1997](#); Public Law 105-89
- If cannot return child to prior family, plan to place child with relative with subsequent transfer of custody or in adoptive home, or if neither feasible, permanent foster care.
 - § [16.1-281](#)
- Provide child welfare services to prevent separating children from families, restore them with families, place in adoptive homes, and assure adequate care
 - § [63.2-319](#)
- Provide services that achieve permanent placements as quickly as practicable
 - § [63.2-900](#)
- Document reasonable efforts to place child in timely manner and to finalize permanent placement
 - § [16.1-281](#)

6.2.2.5 Using approved and licensed providers

- LDSS approval of provider homes

- [\(22 VAC 40-211-20\)](#).
- **Funding based on licensure status of foster family home, group home, or residential facility**
 - **Title IV-E**
 - [Social Security Act, Title IV, § 471 \(a\) \(10\) \[42 USC 671\]](#).
 - **Children's Services Act**
 - § [2.2-5211.1](#)

6.2.2.6 Placing children outside of Virginia

- [The Safe and Timely Interstate Placement of Foster Children Act of 2006](#); Public Law 109-239
- **Interstate Compact on the Placement of Children**
 - §§ [63.2-1000](#) through [63.2-1105](#)

6.2.2.7 Commissioner's authority

- **VDSS Commissioner's authority to place, remove or direct the placement or removal of children in LDSS custody and to remove or direct the removal of children in placements that fail to comply with state or federal requirements intended to protect child's health, safety, or well-being.**
 - § [63.2-904](#)

6.2.3 Outcomes

Service workers shall strive to achieve the following two permanency outcomes required in the federal Child and Family Services Review, each with specific outcome measures:

Permanency Outcome 1: Children have permanency and stability in their living situations.

- More children leave foster care and achieve permanency.
- Children achieve permanency with shorter lengths of stay in foster care.
- Increased timeliness to permanency.

- Fewer placement moves and disruptions.
- Fewer children in out of home care.
- More children placed in family based care.
- More children placed in relative foster homes.
- Fewer children placed in residential care.
- Fewer children re-enter foster care.

Permanency Outcome 2: The continuity of family relationships and connections is preserved for children.

- More children in foster care placed in close proximity to families and communities.
- More children in foster care placed with their siblings.

6.3 Critical decisions in making placements

Placement occurs after the child is removed from home by court order, entrustment, or non-custodial foster care agreement and placed in a substitute care setting. Placement is the physical setting in which the child finds himself, that is, the resultant foster care setting. A new placement setting results when the foster care setting changes (e.g. the child moves from one foster family home to another or to a group home or institution) ([Federal Child Welfare Policy Manual, Subsection 1.2B.7 #7](#)).

All children in foster care shall be placed in a licensed or approved placement ([22VAC40-201-40](#)). In the event a child has inadvertently been placed in an unapproved placement or a placement has become unapproved, neither IV-E nor CSA funding can be used to fund the placement.

Additionally, IV-E administrative costs cannot be claimed. ~~This also includes administrative costs for children who are placed in relative foster homes where the approval process is not completed within 60 days.~~ The regional IV-E team should be notified as soon as possible after the error is discovered so it can be determined whether or not the administrative costs are allowable. In accordance with the federal Deficit Reduction Act of 2005, the following applies for claiming administrative costs for otherwise title IV-E eligible children residing in an unlicensed or unapproved placement:

- When a child transitions from a placement that is not eligible for maintenance payments under title IV-E to a placement that is eligible for such payments, administrative costs may only be claimed retroactively from the month in which the transition occurred.

In making placement decisions to secure the most appropriate home for a child, whether an initial placement or change in placement, the service worker, in collaboration with key partners and members of the Family Partnership Meeting (FPM), shall:

- Ensure the child's health and safety is the paramount concern ([§ 16.1-281 B](#)).
- Take actions to minimize the trauma of separation, to build upon the strengths of the child and family, and to meet the child's special needs and best interests.
- Not delay or deny placement of a child in foster care on the basis of race, color, or national origin of the child or the foster and adoptive parents involved ([22 VAC 40-201-40 A](#); and Multiethnic Placement Act of 1994).
- Place the child in the least restrictive, most family-like setting that is committed to meeting the child's best interests and needs, including educational, medical and behavioral health needs ([22 VAC 40-201-40 A](#)).
- Place the child with all siblings who need placement unless joint placement is documented to be contrary to the safety or well-being of any of the siblings.
- When siblings are to be placed separately, plan frequent and regular visitation and communication between the siblings, taking into account the wishes and best interests of the child, and the safety and well-being of the siblings ([§ 63.2-900.2](#)) unless it is documented that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.
- Place the child in a fully approved or licensed placement, with the exception noted in ([Section 6.9](#)) in this chapter for immediate placements.
- Design a placement that leads to returning the child to his or her parents or prior custodians within the shortest practicable time, consistent with the child's health and safety. If returning the child home is not reasonably likely within a practical period of time, place the child with a relative or in an adoptive home ([§ 16.1-281 B](#)).
- Place the child in a timely manner and pursue all necessary actions to finalize the permanent placement of the child ([§ 16.1-281 C2](#)) as quickly as practicable ([§ 63.2-900 A](#)).
- Seek out relatives first for placement ([§ 63.2-900](#)), including relatives in other states in accordance with the Interstate Compact on the Placement of Children (ICPC) ([see Section 6.17.3](#)), when the child cannot remain safely at home and determine whether any relatives are eligible to be an approved provider ([§ 63.2-900.1 A](#)) and/or legal custodian.

- Seek out foster and adoptive parents for placement, so if reunification fails, the placement is the best available placement to provide permanency for the child ([22 VAC 40-201-40 A](#)).
- Seek out non-relatives for placement and/or adoption when the child cannot remain safely at home and relatives are not appropriate for placement or assuming custody (§ [16.1-281 B](#)).
- Consider residential placements for short term temporary placement when the child requires crisis stabilization or intensive treatment that cannot be safely or effectively provided in a family setting. Begin immediately developing and implementing a plan for returning the child home safely, to a relative's home, or to a family-like setting at the earliest appropriate time consistent with the child's needs (§ [2.2-5208 5](#)).
- Identify and design wrap around services and supports for the child, birth parents or prior custodians, and/or foster and adoptive family as appropriate to help facilitate success with the placement and achieve permanency for the child.
- Help maintain relationships, facilitate visitation, and provide continuity for the child with family, friends, school, religious, spiritual, and other cultural and community connections through placing the child:
 - In as close proximity as possible to the birth parent(s) or prior custodian's home and neighborhood to provide educational stability for the child ([22 VAC 40-201-40 A](#)).
 - With caregivers who actively support the child returning to and maintaining connections with his family.
- Take into account the appropriateness of the child's current educational setting and the distance from the new placement to the school in which the child is currently enrolled for the school age child ([Social Security Act, Title IV, § 475 \(1\) \(G\) \[42 USC 675\]](#)).

The use of an FPM and the requirements listed here provide the opportunity to enhance placement stability and support the achievement of timely permanency for the child.

When LDSS do not follow the required actions listed above, the child's health, safety, and well-being may be impacted. Depending on the impact to the child and the placement circumstances, the VDSS Commissioner may exercise the authority to intervene in LDSS placement decisions.

6.4 Keeping siblings together

The federal law, Fostering Connections to Success and Increasing Adoptions Act of 2008 ([P. L. 110-351](#)) emphasizes the preservation of the sibling bond by requiring states to make reasonable efforts to place siblings in the same placement.

Siblings shall be placed together in order to support and maintain existing ties and to minimize the degree of loss experienced by the children, unless there is a compelling reason in the children's best interest not to be placed together.

6.4.1 Assessment of sibling relationships

Sibling conflict is normal part of the sibling relationship. The service worker should assess the sibling relationship as a whole not just a point in time, when preparing for placement of siblings together.

The service worker should consider the following components in determining the placement of siblings together:

- The past, current, and potential relationship and attachment for all the siblings.
- Any safety risks associated with the siblings being placed together.
- The possible long term benefits of keeping the siblings together and potential attachment issues for the future if the siblings are not kept together.
- The potential placement for the sibling group and the foster and adoptive family's abilities and willingness to meet the needs of all the siblings to avoid future placement disruption.

6.4.2 Placing siblings together

Diligent efforts shall be made to place together all siblings who enter care at or near the same time unless there are specific safety and/or well-being issues including:

- One or more of the siblings has:
 - Therapeutic needs that require specialized placement;
 - Medical needs that require specialized placement; or
 - Demonstrated inappropriate sexual behavior that necessitates a more restrictive placement; or
- A half-sibling is placed with his or her biological parent/relative.

The reasons why siblings are not placed together due to safety and/or well-being issues shall be documented in OASIS.

6.4.3 When siblings are separated in placement

When all efforts to place siblings together are exhausted and it becomes necessary to place siblings separately, the following issues should be considered in making placement decisions:

- Close proximity of placements between siblings, including the same school, church, etc.
- Foster and adoptive parents' ability and willingness to continue the contact with all siblings.
- Therapeutic needs for siblings' continuity of relationships.
- How placement of a sibling group separately may impact permanency outcomes for the children in a sibling group.

When siblings need to be separated, efforts should be made to place as many siblings as possible together. The service worker should assess the sibling relationship and ask each child, as appropriate, to provide input into the determination of placement with other siblings.

6.4.4 Continuing efforts to place siblings together

Continuous efforts to place the siblings together shall be made unless the placement would be contrary to the safety and well-being of any of the siblings. When a sibling group is separated at any time, the service worker shall make immediate and ongoing efforts to locate or recruit a family in whose home the siblings may be reunited.

A reassessment of the placements for siblings who are not placed together shall be assessed at a minimum on a quarterly basis or at each Family Partnership or child and family team meeting. The reassessment of the split placement shall include all efforts and progress to place all the siblings in the same placement. The reassessment and efforts shall be documented in OASIS.

Children are related when they share a biological or adoptive parent regardless of legal status. When placing a newborn of a sibling group every effort should be made to identify and evaluate placement options with the sibling(s).

Termination of parental rights or adoption does not negate a newborn child's relationship with other siblings already in care or adopted. Efforts should be made to

identify siblings by reviewing current or prior case records and documenting known information regarding siblings.

6.4.5 Sibling visitation and communication

The foster care plan shall include the plan for visitation and communication between the child and parent(s) or prior custodians. If siblings are separated (e.g., sibling in foster care, sibling in biological home), the visitation and communication plan among siblings shall also be included to encourage frequent and regular visitation or communication among the siblings. This visitation and communication plan among siblings should be developed:

- **Within five (5) calendar days** of placement when siblings are in one foster home and other siblings remain in the biological home.
- **Within 15 calendar days** of placement when it is necessary to place siblings in different foster placements. Diligent and continuous efforts shall be made to keep siblings together.

The visitation plan shall be a written plan, documented in OASIS, and provided to the family. The sibling visitation plan shall also be addressed in the child(ren)'s foster care plan(s).

The visitation and communication plan shall take into account the wishes of the child, consistent with the child's developmental level. The plan shall specify the frequency of visitation and communication, identify who is responsible for ensuring the visits and communication take place, and state any restrictions or limitations to the visits or communications. The communications may include, but are not limited to, face-to-face visits, telephone calls, email correspondence, and video conferencing. The visitation plan should include weekly contact when consistent with the best interests of the child. If visits will not be weekly, the plan should state why weekly visits are not in the best interest of the child(ren). The plan should also specify ways for the child to connect with friends and other adults who are significant to the child.

6.5 Key partners in making placement decisions

To help ensure the most appropriate placement to help achieve permanency for the child, the service worker shall:

- Involve birth parents or prior custodians as an integral part of the process in determining what is in their child's best interest, whenever possible.
- Consult with the child if the child is age 12 or older, or obtain input from the child if the child is under age 12 and capable of communicating his wishes. Provide the child all relevant information about entering foster care, listen and respond to

questions, and help the child communicate and work through his or her wishes and concerns.

- Involve current and prospective caregivers, whenever feasible. By involving both the current and prospective caregiver, the service worker helps support the child's transition as well as permitting the prospective caregiver to gain valuable insight into the current functioning of the child with the current caregiver.
- Hold a FPM.
- Consult with the child's current school on the appropriateness of the child's current educational setting for the school age child. The service worker shall notify the child's current school that the child will be moving to a new placement and the necessary timeframe for making this decision. The school representative may be asked to attend the FPM or may provide this information through an alternative method. The LDSS shall take into account the educational information provided by the school and the distance of potential placements to the child's current school in the placement decision-making process.

6.6 Engaging relatives and significant adults as placement options

As part of the placement process, the LDSS shall diligently search for adult relatives and other individuals who have had significant relationships with the child to identify placement options (see [Section 2.5](#) in this chapter). Individuals not related by birth, marriage, or adoption to the child, but who have emotionally significant relationships with the child, may be willing to fulfill the functions of a family relationship for the child in foster care.

The LDSS shall make diligent efforts to notify in writing all grandparents and other adult relatives, both maternal and paternal, that the child is being removed or has been removed. The purpose of the written notice is to explain the permanency options and the concurrent planning process, as well as invite the relatives to participate in the care and placement of the child. This notice shall occur **within 30 calendar days** after removing the child from the custody of the parent(s) (see [Section 2.3](#) in this chapter). It should be done **within five (5) days** after removing the child when feasible.

The service worker should engage the child, birth parents or prior custodians, and potential relative caregivers in a collaborative decision-making process on how to achieve permanency for the child, unless their involvement is not in the best interests of the child. The service worker should encourage relatives and other significant individuals to consider serving as placement options for the child, consistent with the child's safety, best interests, and personal desires.

Placements with family members and other adults should be reconsidered throughout the child's involvement with the child welfare system. Someone who initially was not

able to serve as a placement or permanent family for the child may be able to serve in this capacity at another time.

6.7 Procedures prior to out-of-home placement

Prior to placing a child in any out-of-home placement, whether an initial placement or placement change, the service worker:

- Shall discuss placement options to achieve permanency for the child with key partners (see [Section 6.7.1](#)).
- Shall consult with the child's current school, for the school age child, and take into account in the placement decision the appropriateness of the child's current educational setting and the distance of potential placements to the child's current school (see [Section 6.5](#)).
- Should convene a FPM (see [Section 6.7.2](#)).
- Shall conduct a pre-placement visit to the home or facility (see [Section 6.7.3](#)).
- Should prepare key partners for the placement (see [Section 6.7.4](#) and [Section 6.7.5](#)).
- Shall enter into written agreements with the provider (see [Section 6.7.6](#) and [Section 6.7.7](#)).

When placing the school age child in any out-of-home placement, the LDSS shall, in writing, jointly determine with the local school division whether it is in the child's best interest to remain enrolled in the school where the child was enrolled at the time of the placement (see [Section 12.12](#)).

If an emergency situation precludes some of these activities, they should be done at the time of placement or as quickly as feasible.

6.7.1 Discussing permanency and placement options

The service worker should discuss each permanency option with the child, birth parents or prior custodians, relatives, and significant individuals. The purpose of these conversations is to keep these individuals fully informed so they can help make informed decisions.

Specifically, the service worker should candidly and fully discuss:

- The child's health and safety which are the highest priorities in all decision making.

- The primary goal to support the parents or prior custodians so the child can return home as soon as possible.
- The value of pursuing several options concurrently to determine the option that meets the child's best interests, if the child cannot return home and to ensure timely decisions given the urgent situation for the child.
- The specific strengths, needs, resources, and supports for the child and family.
- The roles, benefits, rights, and responsibilities of the child, foster and adoptive parent, relatives, and LDSS when serving as a permanent placement for the child, including the process for:
 - Becoming a foster and adoptive parent.
 - Adopting.
 - Transferring custody from LDSS to the relative.
- How reunification with the child's family and adoption into a permanent family are more permanent alternatives for the child, compared with transferring legal custody of the child to a relative.
- The advantages of adoption for the child when he or she cannot be returned home, including that adoption:
 - No longer requires the child to be totally separated from birth parents.
 - Provides the most permanent legal relationship for the child.
 - Provides permanent family connections throughout the child's life, not just until the child becomes an adult.
- The availability of a Federal adoption tax credit for eligible taxpayers based on reasonable and necessary expenses related to a legal adoption See Child and Family Services Manual, Chapter F., Adoption, [Section 2.4.4](#).
- The availability of maintenance payments and foster care services.
- The enhanced maintenance process and the manner in which payments are calculated, modified, and terminated, based on the needs of the child.
- The process for negotiating and signing a placement agreement.
- Any concerns and ways to address those concerns in becoming a foster and adoptive parent and potentially adopting or assuming custody of the child.

6.7.2 Family Partnership Meetings prior to child's removal and placement

A FPM should be held prior to the child's removal from home, prior to any subsequent placement changes, including a disruption in an adoptive placement, to engage the family, significant other adults, and community members in the decision-making process (see [Section 2.9](#) in this chapter). In addition to regular, ongoing discussion regarding permanency, a FPM should be held to discuss permanency options and concurrent planning prior to the development of a foster care plan for the foster care review and permanency planning hearings.

The service worker should schedule a FPM when the child's safety is in jeopardy, the child is at risk of emergency removal, or the child is at risk of out of home placement. The meeting should be scheduled **within 24 hours** of safety issues being identified and occur **before the 5-day** court hearing in cases after the removal.

The participants in the FPM should help determine whether:

- The agency should file for custody and facilitate placement;
- The child can remain or return home safely with services;
- The parents will voluntarily place the child with services provided and safety plan implemented; or
- There is a relative who is willing and able to provide a placement for the child should the child enter foster care.

6.7.3 Pre-placement visits

An LDSS service worker shall make a pre-placement visit to any out-of-home placement to observe the environment where the child will be living. The date of the pre-placement visit shall be entered in OASIS.

- The pre-placement visit shall precede the placement date and may be any visit to an out-of-home placement by an LDSS service worker up to 90 calendar days prior to placement.
- An exception to the pre-placement visit is an emergency situation, which shall be documented in the case narrative. In such emergency situation, a pre-placement visit may be the day of placement.
- When a child is to be placed outside of Virginia with relatives, in a foster home, in an adoptive home, residential facility or an independent living arrangement, the pre-placement visit shall be made by an authorized agency

in the receiving state in accordance with [Interstate/Intercountry Compact for the Placement of Children \(ICPC\) procedures](#).

6.7.4 Preparing key partners for placement

The service worker shall share information and help prepare the child, birth parents or prior custodians, the prospective provider (the approved or licensed provider where the child will be placed), and the child's school for the child's change in placement. These activities should include:

- Facilitating birth parents or prior custodians and the prospective provider working together to meet the child's needs.
- Discussing the placement with the birth parents or prior custodians including the specific arrangements for visits and communication between the child, siblings, and family members.
- Providing the child, according to his or her age and ability, all relevant information about the out of home placement, responding to questions and concerns PRIOR to the child's move to the placement.
- Scheduling a pre-placement visit for the child when circumstances allow.
- Providing the prospective provider all information known about the child, at initial placement and on an ongoing basis, and relevant information about the birth family in order to assure that the provider has the information necessary to maintain safety and manage the needs of the child. The service worker shall provide and review the foster care plan, including Part B, with providers as a means of meeting this requirement. The service worker should also provide information on:
 - Child and family assessments.
 - Social history.
 - Trauma history.
 - Siblings, significant adults, friends, and community connections important to the child.
 - Educational, medical, and behavioral health information.
- Notifying the school in which the school age child is currently enrolled of the placement decision and the requirement to jointly determine in writing the most appropriate educational setting based on the child's best interest as

quickly as possible (e.g., **within three (3) business days**) (See [Section 12.12](#)).

6.7.5 Preparing key partners for impact of child's traumatic stress on placement

The service worker should help key partners understand, prepare for, and address the child's traumatic stress. The service worker should use various strategies to help prepare the child's foster and adoptive parents and caregivers, including:

- Sharing information from evaluations about the child's traumatic stress.
- Giving printed materials on the impact of trauma for children in foster care from the National Child Traumatic Stress Network:
 - [Understanding Child Traumatic Stress: A Guide for Parents](#).
 - [Resources for Parents and Caregivers](#).
- Providing support for their important role during this time of crisis in the child's life.
- Referring them to the child's mental health professional and/or trauma-informed professional.

As a result of these efforts, the foster parents and caregivers should understand¹:

- The child's experiences with trauma and responses to traumatic stress to help them understand the child's behaviors, needs, and strengths.
- The lack of stability in the child's life (e.g., leaving home, changing foster homes, changing schools, losing friends, changing service workers, and/or changing therapists) and the resultant need for the child to quickly adapt to new communities and environments.
- The impact of trauma for children in foster care. Children with significant trauma histories have a strong response to losses, reinforcing their worldview that life is not predictable and relationships do not last. This worldview can lead to behaviors that further impact the child's ability to develop and maintain meaningful interpersonal relationships and to maintain stable placements. For example:

¹ Some information in this section was excerpted and adapted from the [Child Welfare Trauma Training Toolkit: Trainer's Guide](#)—1st Edition March 2008 The National Child Traumatic Stress Network. www.NCTSN.org

- The child's inability to regulate moods and behaviors may lead to behaviors that threaten stable placements, reunification, and/or adoptive placement.
- The child's lack of trust in the motivations of caregivers may lead to the child rejecting possible caring adults or, conversely, making superficial attachments.
- The child's early experiences and attachment problems may reduce his natural empathy for others, including foster and adoptive family members.
- A new foster and adoptive parent, unaware of the child's trauma history or reminders linked to strong emotional reactions, may inadvertently trigger strong reminders of trauma.
- The child, when faced with authority, may be reminded of violent experiences in the past and react by becoming aggressive. This may be the only way the child knows how to protect himself. His reaction to the current situation may be disproportionately violent and defensive as he reacts to traumatic memories of the past. This behavior may produce anger and rejection from the child's current caregivers.
- The child who is fearful of being rejected behaves in ways to elicit rejection. Such behavior can cause foster and adoptive parents to feel like "giving up" on the child, further reinforcing the child's sense of rejection and trauma they are already experiencing.
- The important role of birth parents or prior custodians, relatives, caregivers, and foster and adoptive parents. Research has demonstrated that one key factor influencing children's psychological recovery from traumatic events is the support they receive from their caregivers. Children experience their world within the context of their family relationships. Birth parents and prior custodians, relatives, and other significant persons should be the full-time and long-term supports for children. These individuals are in the child's life longer than the service worker or mental health professional.
- The traumatic stress many families experience along with the child.
 - Foster and adoptive parents have challenging and emotionally draining roles. They need to be prepared to welcome a new child into their home at any hour of the day or night, manage a wide array of emotions and behaviors, and address agency requirements and paperwork. They are expected to support and assist the birth family while at the same time attach to the child in their care. They simultaneously need to prepare the child for returning home or for the possibility of adoption.

- Relatives who care for the child face many of these same challenges, as well as several unique ones that can be overwhelming. They may not have been seeking this role at this time in their lives, but are willing to help address the need or crisis in their family. They must meet the needs of the child they love and respond to agency and court requirements, all while dealing with their own conflicting emotions about the trauma or crisis.
- The importance of staying the course and working through the vulnerable phase of forming attachment.
- The resources, supports, and/or strategies for developing coping skills and reducing trauma symptoms for the child, caregivers, and foster and adoptive parents.

The service worker shall also provide stability for the child and address the child's needs by:

- Establishing permanency for the child as quickly as possible.
- Partnering with the child, family, caregivers, foster and adoptive parents, and professionals as a team to identify the strengths and needs of the child and family in making placement decisions and in planning and providing services.
- Minimizing changes in foster care placements, schools, and communities.
 - When a change in foster care placement must occur, keeping the child in the same neighborhood, school, and community whenever in the child's best interests and feasible. This stability provides the child familiarity and consistency in relationships with teachers, neighbors, siblings, relatives, and/or friends during this stressful time.
 - When a change in school or community must occur, facilitating strategies for the child to maintain important relationships with siblings, relatives, teachers, neighbors, and friends through frequent phone calls, visits, and/or use of social media.

6.7.6 Placement agreement with Code of Ethics and Mutual Responsibilities

Prior to placing the child in a foster home or children's residential facility, a written agreement shall be signed on or before the date the child is placed in the home or facility ([§ 63.2-900 C](#)). The agreement shall be between the LDSS or the Licensed Child Placing Agency (LCPA) and the foster parent or the head of the children's residential facility. It shall remain in effect until the child leaves the placement.

This agreement provides that the LDSS or LCPA shall have access at all times to the child and to the foster home or children's residential facility. It also provides that

the foster parent(s) or the head of the facility will release the child to the LDSS or LCPA whenever the LDSS, LCPA, or Commissioner determines it is in the child's best interests (§ [63.2-902](#)). This agreement is not the vendor contract agreement between the LDSS and the LCPA that delineates the authority, roles, and responsibilities of the respective agencies.

The written agreement shall include, at a minimum, a Code of Ethics and Mutual Responsibilities for all parties named in the agreement (§ [63.2-900 A](#)). The Code of Ethics and Mutual Responsibilities is not inclusive of all ethical standards or responsibilities, but rather a minimum set of expectations provided to guide the partnership between the child placing agency and the family or the children's residential facility serving children in the Virginia foster care system. Additional expectations for the care of the child are outlined in other documents such as the foster care plan, child specific addenda, financial agreements, and/or other contractual documents.

There are two types of agreements, one for each placement type: foster homes and children's residential facilities. The two agreements are similar with slight variations depending on placement type.

These agreements are located on the [VDSS Fusion page](#) or the [VDSS public website](#). The State Board of Social Services approved the language of these agreements at its February 2009 board meeting and approved an updated version at its August 2018 board meeting.

The LDSS and LCPAs may place the agreement on their own letterhead stationery as long as the wording of the agreement is not changed. The agreement may be inserted as part of their package of placement documents. When the LDSS or LCPA needs to contract around items not set out in this agreement, other forms or documents may be used in conjunction with this agreement (e.g., a financial agreement).

6.7.6.1 Placement agreement with foster homes

Prior to placing the child in a foster home, the LDSS or LCPA that is placing the child presents the written agreement to the foster parent. It is entitled "[Foster Care Agreement: Code of Ethics and Mutual Responsibilities](#)." The foster parent(s) should be familiar with this agreement based on discussions of the agreement during pre-service training. The date of the child's placement should not be the first time the foster parent(s) see the form.

The agreement is between the agency (LDSS or LCPA) that approved and supervises the home and the foster parent. When an LDSS places a child with an LCPA, the agreement is between the LCPA and its foster home. The representative of the LCPA and the foster parent(s) sign the agreement. LDSS only signs the agreement when it approves and supervises the foster home.

The agreement shall be signed on or before the date of the child's placement by the:

- Service worker from the agency (LDSS or LCPA) that approved the home.
- Foster parent(s) of the home.
- LDSS director or LCPA executive director or designee. There may be emergency circumstances which may prevent the LDSS director from being able to sign on or before the placement date. In these circumstances, this person shall sign the placement agreement **within five (5) calendar days** of the child's placement date.

6.7.6.2 Placement agreement with children's residential facilities

Prior to placing the child in a licensed children's residential facility, the LDSS or LCPA that is placing the child (placing agency) presents the written agreement to the residential facility. It is entitled, "[Children's Residential Facilities Agreement: Code of Ethics and Mutual Responsibilities](#)."

The agreement is between the placing agency and the children's residential facility. It shall be signed on or before the date of the child's placement by the:

- Service worker from the placing agency.
- Head of the children's residential facility or designee.
- The placing agency director or designee.

When a child is placed in a children's residential facility licensed as a temporary emergency shelter, the agreement may be completed and signed **within 24 hours** of the child's arrival when a verbal agreement for placement is secured within eight hours of the child's arrival at the temporary emergency shelter ([§ 63.2-900 C](#)).

6.7.7 Financial agreement with provider

The VDSS approved template, [Financial Agreement for Local Department of Social Services Approved Providers](#), shall be signed when a child is placed with the LDSS approved provider. It requires LDSS to specify when the provider's monthly payments for the care of the child will be available. Timely payments should be made within the month following the month when services to a child were provided. Other local policies and procedures related to payment should be explained to the provider. The LDSS should notify all providers in writing if the room and board rate changes and a new agreement should be developed.

A financial agreement or contract, which documents the currently negotiated room and board rate and individual requirement items, shall be required for every child placed in a children's residential facility.

6.8 Normalcy for children in foster care

Being in foster care can be a stigmatizing experience for children. Lengthy decision-making processes around granting permission for children and youth to participate in normal activities and experiences can result in children missing out on opportunities which would be beneficial to them and further contribute to feelings of being "different" and/or being treated unfairly. Normalcy for children in foster care means that they have growing up experiences similar to their peers who are not in foster care.

LDSS shall, in accordance with The Preventing Sex Trafficking and Strengthening Families Act ([P.L.113-183](#)) and Va. Code [§63.2-904](#), implement policies and procedures to support normalcy for children in foster care. The Sex Trafficking Act directs that foster parents, group home and residential providers be empowered to make day to day decisions about the child's participation in age-appropriate extracurricular enrichment and social activities. These decisions shall be based upon a reasonable and prudent parent standard. This standard is characterized by careful and sensible parental decisions which ensure the child's health, safety and best interest, while at the same time encouraging the child's emotional and developmental growth.

A caregiver shall consider the following criteria when determining whether to permit a child to participate in an activity:

- The child's age, maturity, and developmental level to maintain the overall health and safety of the child;
- Potential risk factors and the appropriateness of the activity;
- The best interest of the child based on the caregiver's knowledge of the child;
- The importance of encouraging the child's emotional and developmental growth;
- The importance of providing the child with the most family-like living experience possible;
- The behavioral history of the child and the child's ability to safely participate in the proposed activity; and,
- The wishes of birth parents whose rights have not been terminated

The LDSS shall further ensure that caregivers receive training, initially and on-going, regarding normalcy for children in foster care. The training shall include knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and

behavioral capacities of a child. It shall provide knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting one or more days, and to decisions involving the signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, and social activities. Caregivers should also be provided with information about the children placed in their care sufficient to ensure that they are able to make reasonable and prudent decisions.

The standard of normalcy for children in foster care does not allow caregivers to give permission for any type of activity that would be in violation of the child's court order.

The LDSS shall report on efforts to implement normalcy for each child in foster care in the child's foster care plan.

6.9 Procedures for immediate placement

To support children remaining with kin and in their communities, the service worker may make an immediate placement with a kinship provider whose kinship foster home is in pre-approval status. The required steps for the process of immediate kinship home placement and subsequent foster home approval are outlined in Section 1.5 of [Local Department Foster and Adoptive Home Approval Guidance Manual](#).

6.9.1 Purchasing emergency shelter services

Emergency Shelter service is the temporary housing and supervision of a child to prevent abuse, neglect, or exploitation. The service is provided in foster family homes and residential facilities approved for emergency shelter. Payments may be made for reserve space under the following conditions:

- Payment may be made until a more permanent arrangement can be made.
- Rates are negotiated by the LDSS for approved emergency foster family homes. There shall be an agreement specifying that the home is approved for emergency shelter and the rate of payment.
- Payment for the child in custody of the LDSS is from title IV-E or state pool funds, not protective services. A child removed from foster care placement because of abuse or neglect and placed in emergency shelter remains a foster care case.
- Rates are negotiated between the provider and purchaser based upon CPMT procedures for residential care.

- The locality, based on CPMT guidelines, may negotiate a fee to reserve space in an approved emergency shelter foster family home or facility and pay those fees out of state pool funds.

6.10 Procedures for placement changes

When a child is currently in a foster care placement and the LDSS is considering moving the child to a new placement, the service worker shall address the critical decisions in making placements (see [Section 6.3](#)) and key partners to involve in placement decisions (see [Section 6.5](#)). The service worker should also follow the procedures prior to making an out-of-home placement (see [Section 6.7](#)).

The service worker shall conduct a relative search when a placement change occurs or is expected to occur (§ [63.2-900.1](#)). The relative search should be conducted prior to the FPM, whenever feasible, as relatives identified through the search could be included as part of the FPM. Additionally, relatives identified through the search could be explored as potential placement options.

To accurately track the whereabouts of children in foster care, placement information for the child shall be entered into OASIS **within five (5) calendar days** of any placement change.

6.10.1 Family Partnership Meetings to preserve or change placements

A FPM should be requested before the child is moved from one placement to another. The purpose of the meeting is to determine if the current placement can be sustained safely and, if not, what placement alternatives are available. The meeting should be scheduled ideally when chronic or recurring problems in the placement are evident, but no later than when potential disruption of the foster placement is recognized, safety issues exist, or a move from the current placement is believed necessary to benefit the child. The following individuals may request the meeting: the child, birth parent, former legal guardians, adoptive parents, foster parents, or LDSS.

If the situation is urgent, the meeting should be scheduled **within 48 hours** of the request. If the meeting is to discuss a planned change in placement, it should be scheduled **within five (5) business days**.

6.10.2 Collaborate with school to ensure school stability

When making a placement change for the school age child, the LDSS shall:

- Consult with the child's current school and take into account in the placement decision the appropriateness of the child's current educational setting and the distance of potential placements to the child's current school.

- Jointly determine in writing with the appropriate school division whether it is in the child's best interest to remain enrolled in the school where the child was enrolled at the time of the placement (see [Section 12.12](#)).

6.10.3 Notification of placement changes and maintaining connections

The foster care plan shall include the plan for visitation between the child and parent(s) or prior custodians. If siblings are separated, the plan for visitation and communication with siblings shall also be included. The visitation or communication plan shall take into account the wishes of the child, consistent with the child's developmental level. The plan should also specify ways for the child to connect with friends and other adults who are significant to the child. The plan shall specify the frequency of visitation or communication, identify who is responsible for ensuring the visits or communication take place, and state any restrictions or limitations to the visits or communications. The communications may include, but are not limited to, face-to-face visits, telephone calls, email correspondence, and video conferencing.

All parents with residual parental rights or prior custodians shall be involved in determining changes in the placement of the child or in visitation arrangements. While birth parents or prior custodians are involved in the FPM and will know the placement decision and plans for maintaining connections with the child, the LDSS shall also notify all parents with residual parental rights or prior custodians in writing of any changes in placement, visitation and communication **within ten (10) calendar days** of such a change. Siblings, friends, and other significant adults shall be notified of any changes that impact their visitation and communication with the child. Plans for visitation and communication with parents or prior custodians shall be included in the child's service plan (see [Section 15.5.1](#)).

In the case of an emergency placement change, the birth parent with residual parental rights or prior custodian and all other relevant parties shall be notified immediately of the placement change. The agency shall inform the birth parent or prior custodian of why the placement change occurred and why the birth parent or prior custodian could not be involved in the decision making process. ([22VAC40-201-40](#) 1.2)

If the child is returned to his or her birth parents or prior custodians, the service worker shall immediately notify the court in which the foster care plan is filed ([§ 16.1-281 D](#)).

Within 72 hours of the child being placed, the service worker shall notify in writing the school principal and superintendent of the need to immediately enroll the child and the status of parental rights (see [Section 12.12](#)).

Maintaining significant connections for the child during times of transition is important. When placements change, the service worker should notify siblings and significant family members, friends, and adults to help support the child and to

arrange plans for visits and communication with the child during and after the transition.

6.11 Placements leading to permanency for child

Placements should be designed to help achieve permanency for the child, where the child is discharged from foster care to live with a permanent family.

Placements shall help facilitate reunification, consistent with the child's safety and best interests. Concurrent planning is a structured approach to case management which requires working towards family reunification while, at the same time, establishing and working towards an alternative permanency plan. Concurrent planning should be used for all foster care cases to ensure that if reunification cannot be achieved within the time frame permitted by law, the child will still achieve permanency promptly. While working to achieve reunification, the LDSS should work diligently to place a child in a home (preferably with a relative) that will be able to provide permanency for the child through custody transfer or adoption should the child be unable to return home. Refer to [section 7.4](#) for more information on concurrent planning.

6.11.1 Placements leading to reunification

The service worker shall make reasonable efforts to make placements that safely reconnect the child with his or her birth parent(s) or prior custodians to facilitate reunification within the shortest practicable time (§ [16.1-281 B](#)). The child's health and safety shall be the paramount concern. Reunification should always be pursued unless aggravated circumstances exist that indicate return home is not in the child's best interest (see [Section 7.6.2](#) of this chapter).

Permanency for the goal of reunification is achieved when the child is reunified with his or her family with custody transferred back to the birth parent(s) or prior custodians.

6.11.2 Placements leading to adoption

If reunification is not reasonably likely for the child within a practicable time, adoption of the child by a relative or non-relative provides the child the same legal and social status that is afforded to children born to the parent(s). In determining the best interests of the child for adoption, the service worker should consider the relevant factors that are required for the circuit court or juvenile and domestic relations district court. These factors include, but are not limited to:

- The birth parent(s)' efforts to obtain or maintain legal and physical custody of the child.
- Whether the birth parent(s) are currently willing and able to assume full custody of the child.

- Whether the birth parent(s)' efforts to assert parental rights were thwarted by other people.
- The birth parent(s)' ability to care for the child.
- The age of the child.
- The quality of any previous relationship between the birth parent(s) and the child and between the birth parent(s) and any other minor children... (§ [63.2-1205](#)).

Permanency is achieved when the final order of adoption is entered.

6.11.3 Placements leading to custody transfer to a relative

Another option for the service worker is to facilitate a successful placement with a relative with subsequent transfer of custody within the shortest practicable time. This option shall be based on the best interests of the child if reunification is not reasonably likely within a practicable time (§ [16.1-281](#)). In order for the juvenile and domestic relations district court to transfer custody of the child to a relative other than the child's prior family, the court shall enter an order only on a finding based upon a preponderance of the evidence that the relative is:

- Willing and qualified to receive and care for the child.
- Willing to have a positive, continuous relationship with the child.
- Committed to providing a permanent, suitable home for the child.
- Willing and has the ability to protect the child from abuse and neglect (§ [16-1.281 C1](#)).

Permanency is achieved when legal custody is transferred to the relatives with whom the child is placed.

6.12 Placements for children with alternative goals

Since permanency involves the child leaving the foster care system to live with a permanent family, goals other than reunification, adoption, and custody transfer to a relative do not achieve permanency for the child. Rather, the child remains in foster care.

If the service worker, in collaboration with the Family Partnership Team, determines that the child's home, an adoptive home, or placement with relatives with subsequent transfer of custody to the relative are not in the child's best interest at this time, they

may select an alternative goal and place the child in an alternative living arrangement while continuing to pursue permanency for the child.

Permanency should be pursued for all children in foster care. The service worker should continually evaluate the child's best interests and the changing circumstances of the child and extended family. As new opportunities arise that are consistent with the child's best interests, the service worker shall make diligent efforts to place the child with a permanent family and end placement in the foster care system.

6.12.1 Placement with goal of Permanent Foster Care

Youth who have a Permanent Foster Care goal shall be 16 years of age or older and be placed in a foster family home where the youth and the foster parent(s) already have a clearly established, strong relationship. Since this goal is only to be used when such a relationship already exists, there is no other placement for youth with this goal.

Permanency should be pursued through fully discussing with the permanent foster parent(s) the benefits of adoption for the youth (see [Section 6.7.1](#)).

6.12.2 Placement with goal of Independent Living

Only youth over the age of 18 shall have the goal of Independent Living. All efforts shall be made to find permanency for youth through reunification with family, adoption or placement with relatives. However, those youth that turn 18 while in foster care and have not achieved permanency, are eligible to enter the Fostering Futures Program. The foster care plan that is filed when a youth enters the Fostering Futures Program, will have a goal of Independent Living unless they remain in their permanent foster home. Efforts should continue to be made to seek permanency for youth with the goal of Independent Living. An independent living arrangement with an adult whom the youth has a significant bond is the preferred placement.

Please refer to [Section 14](#) for more information regarding allowable placements for youth over the age of 18.

6.12.3 Placement with goal of Another Planned Permanent Living Arrangement

Placements for youth with the goal of Another Planned Permanent Living Arrangement (APPLA) are group homes or residential settings. APPLA is intended to be used for those youth with chronic disabling conditions (e.g., severe neurological impairments or significant developmental delays requiring extensive assistance by and monitoring from adults) for whom living in a less restrictive setting is clearly not in the youth's best interest at the current time and shall only be used for youth age 16 and older. If such youth become able to live in a less restrictive

environment (e.g., foster family home), the goal shall be changed and permanency pursued.

6.13 Placements in relative homes

When the child cannot live safely with his or her birth parents or prior custodians, the service worker shall first explore placements with relatives and extended family members, including relatives in other states in accordance with the ICPC (see [Section 6.17.3](#)). To support children remaining with kin and in their communities, the service worker may make an immediate placement with a kinship provider whose kinship foster home is in pre-approval status. The required steps for the process of immediate kinship home placement and subsequent foster home approval are outlined in Section 1.5 of [Local Department Foster and Adoptive Home Approval Guidance Manual](#). The service worker should determine if the relatives are capable and committed to:

- Being a permanent connection and resource for the child.
- Housing and caring for the child as long as may be needed, understanding the need for permanency and concurrent planning.
- Protecting the child's health and safety, including protecting the child from abuse and neglect by the birth parents or other individuals, if needed.
- Establishing boundaries to address any unauthorized requests by the birth parents for access to the child, if needed.
- Working collaboratively with the local school system and LDSS to ensure the child is enrolled and attending an appropriate educational program for the child.
- Housing and caring for the child's siblings, or if this is not feasible, ensuring communication and visits with siblings.
- Maintaining connections, communication and visits with birth parents, prior custodians, and other significant adults in the child's life, consistent with the child's best interest.

The child shall not be placed with a relative if it is contrary to the child's best interests. However, decisions by relatives or an LDSS that a relative is currently not capable of serving as a relative custodian should not affect whether the relative is considered for this option in the future, or whether the relative might serve as a support to the child in another capacity.

If the decision is made to place the child with the relative, the service worker shall share all information known about the child at initial placement and on an ongoing basis, so that the relative has the information necessary to maintain the safety and manage the needs of the child.

6.14 Placements in foster and adoptive family homes

When the LDSS determines that the child cannot remain safely at home and the diligent search for relatives has not resulted in placement of the child with his or her extended family, the service worker shall consider placement with a foster and adoptive family. Foster and adoptive families often commit to support reunification with the child's family, but are also prepared to adopt if the child and family do not reunify.

While many foster and adoptive families agree to both foster and adopt children, some foster and adoptive families may choose to only foster or only adopt children. The service worker should carefully consider the preferences of foster and adoptive families, the needs of the child, and the permanency goal to ensure an appropriate match for the child and his or her situation, prior to placing the child.

6.14.1 Foster and adoptive family home approval requirements

LDSS foster and adoptive family homes shall meet provider approval requirements as discussed in the [Local Department Foster and Adoptive Family Home Approval Guidance](#).

Treatment Foster Care (TFC) homes are fully approved homes that provide services designed to address the special needs of children and families. Services to children and youth are delivered primarily by treatment foster parents who are trained, supervised, and supported by agency staff. Treatment is primarily foster family based and is planned and delivered by a treatment team.

Child-placing agencies, both private and public, shall be certified by the Division of Licensing Programs to provide Treatment Foster Care Case Management Services ([12 VAC 30-130-920](#)). LDSS that are certified to provide Treatment Foster Care Case Management Services may elect to seek Medicaid reimbursement for allowable services.

Additional information about [treatment foster care](#) can be obtained through the VDSS' Division of Licensing Programs Child Welfare Unit at (804) 662-7367 or online.

Children should be placed in TFC homes only when the specialized services available through such homes are consistent with the documented needs of the child. TFC placements should not be considered a step down in a process of reducing the intensity of placement types needed by a child. If the needs of children placed in TFC homes decrease over time, the child should remain in that home until the child is reunified or another permanency goal is achieved.

When the child is placed in a TFC home, the LDSS documents in OASIS the foster and adoptive parents' address, not the TFC agency address.

6.14.2 Foster and adoptive family homes providing services to more than one LDSS

Foster and adoptive families may be providers for more than one LDSS. The LDSS that initially approved the home shall be responsible for continued approval of a foster and adoptive family that is used by more than one LDSS. It shall also be responsible for on-going monitoring of any change in circumstances within the home that may affect the provider's ability to serve as a caregiver. Required quarterly contacts may be done by either locality upon agreement.

When another LDSS wishes to place a child with a foster and adoptive family that was initially approved by another LDSS, the service worker from the requesting LDSS shall contact the initial approving LDSS and obtain prior verbal approval from the initial LDSS for each child that the requesting LDSS wishes to place. The requesting LDSS shall agree to hold the foster and adoptive family accountable for complying with the same mandates required by the initial approving agency, such as mandatory in-service training.

The decision to place the child shall be based on considerations such as: the safety of all children in the home; the provider's ability to manage additional children; and whether or not the best interests of all children placed in the home will be met.

If the initial approving LDSS agrees to the placement, it shall notify the requesting LDSS in writing **no later than ten (10) business days** after the placement. It shall also notify all other LDSS that have children placed in the home that another child is being placed in the home. The requesting LDSS shall then notify the approving LDSS in writing when the child leaves the home or when the child's permanency goal changes.

If the initial approving LDSS does not agree to the placement, then the requesting LDSS shall not place the child in the home.

6.14.3 Purchasing home studies and placement services

In-state home studies for the dual approval of a foster and adoptive home may be purchased from licensed child-placing agencies. In the case of a family only wanting to adopt, the LDSS may access VDSS contracts with private child-placing agencies to complete the adoption home study. These studies may be funded by title IV-E (if on behalf of a title IV-E child) or CSA.

Home studies that the LDSS performs at the request of another state or that the LDSS pays for which are conducted with a family in another country are 100% funded by title IV-E ([Social Security Act, Title IV, § 471 \(a\) \(26\)](#) and [§ 474 \(a\) \(3\) \(E\) \[42 USC 671\]](#)). (See LASER Manual for budget line.)

Placement services, including study and approval of foster homes, may be purchased from licensed child-placing agencies for a specific child. These costs are title IV-E or CSA allowable depending on the child's eligibility status for title IV-E.

6.15 Placement in independent living arrangements for youth under the age of 18

Independent living arrangement means that a youth, ages 16 and older, is living independently under a supervised arrangement. A youth in an independent living arrangement is not supervised 24 hours a day by an adult. The youth is provided with opportunities for increased responsibility such as; paying bills, assuming leases, and working with a landlord. Examples include living in one's own apartment or living in a college dorm.

The decision to place a youth in an independent living arrangement, especially since it does not include adult supervision, shall be based on an assessment of the availability of other more permanent living options for the youth such as placement with family members or other caring adults. If a permanent placement with family or other concerned adults is not possible, an independent living arrangement that includes access to adult support networks (e.g., living close to family, previous caregivers, etc.) may be considered. An assessment of the youth's capacity and willingness to manage his daily life in a safe, mature manner should also occur to ensure the youth is capable of managing in such an arrangement.

6.15.1 Factors to assess in determining youth's readiness

A youth, age 16 and older, may live in an independent living arrangement provided the youth has demonstrated maturity and the skills and ability to live without parental supervision and this type of placement is in his or her best interest. The following factors should be used to assess a youth's readiness for placement in an independent living arrangement and the type of arrangement best suited to meet the youth's needs:

- Age: The youth shall be at least 16 years old.
- Assessment: The youth should have recently completed a Life Skills Assessment (see [Section 5.9.2](#) and [Section 13.5](#)) with results which indicate that the youth is prepared to live independently.
- Education: The youth shall be enrolled and participating in an educational and/or vocational program.
- Employment: The youth should be employed at least part-time unless the youth is a full-time student in college or an apprenticeship or trade program.

- Use of services: The youth is taking full advantage of services and programs offered to help him make the transition to self-sufficiency and interdependence.
- Emotional readiness: The youth demonstrates a high level of maturity and emotional stability. The youth is not a threat to himself or the community. The youth is not involved in high-risk behaviors (i.e., delinquent or criminal activities).
- Motivation: The youth played a significant role in designing his foster care plan addressing his independent living needs. He has identified personal goals and has taken action toward reaching the goals. The youth is following the Foster Care Service Plan, including the transition plan, and cooperating with the LDSS. The youth demonstrates appropriate behavior and takes on progressively more responsibility. The youth wants to be in a setting less supervised and less structured than his current foster care placement.
- Willingness to learn: The youth is willing to learn independent living skills and accepts help from the service worker and others who offer support and guidance.
- Please refer to [section 14](#) for additional information regarding independent living arrangements for young adults age 18-21.

6.15.2 Approving the Independent Living Arrangement

The worker shall make an on-site visit to the independent living arrangement before approval can be given for each arrangement. The arrangement should be re-approved annually. Housing approved by colleges and other educational or vocational providers is exempt from this requirement.

6.15.3 Agreement for placement in Independent Living Arrangement

An agreement between the LDSS and the youth shall be mutually developed and signed in duplicate. One copy of the agreement is given to the youth. The other is kept in the child's foster care paper case record. It shall be compatible with the youth's service plan.

The agreement shall include, but is not limited to the following:

- Purpose of the Independent Living Arrangement, with time frames for achieving the transition goals identified.
- A list and description of the LDSS' activities to support achievement of the identified purpose of the independent living arrangement. Activities provided

- by the LDSS can include counseling, transportation, payment of particular special needs, etc.
- A list and description of youth's activities to attain achievement of the identified purpose of the independent living arrangement. Activities the youth shall include are school, employment, therapy, etc.
 - The method, frequency, and amount of financial payment as prescribed by policy governing rates for independent living arrangements (see [Section 6.15.4](#)).
 - The condition and frequency of supervision.
 - The youth's understanding that the physical arrangements shall be approved by the LDSS.
 - The youth's responsibility to inform the LDSS **within 72 hours** of any major changes in his situation, such as housing, school, or employment changes.
 - The right of either the service worker or the youth to request a conference with the worker's supervisor or LDSS director when terms of the agreement are not met by either party.

6.15.4 Paying for Independent Living Arrangements

- The standard statewide payment for independent living (IL) arrangements is the maximum amount of the IL stipend (see [Section 18.1.3](#) for maximum amount).
- Payment cannot be made from title IV-E, but is made from state pool funds.
- Payments may be made directly to the youth and may be made more often than once a month, provided the maximum is not exceeded. The method of payment shall be documented in the agreement with the youth.
- Payments are intended to assist the youth in covering the costs of rent, utilities, household equipment, food, clothing, personal care items, insurance, recreation, and transportation.

6.16 Placements in residential programs

Virginia will implement the requirements of Family First in July 2021. For residential settings allowable for title IV-E funding, See Section 6B (QRTP and licensed family

based residential), Section 3 (placements for pregnant or parenting youth), and Section 12 (placements for victims or at risk of sex trafficking).

6.16.1 Definition and objectives of residential placement

Residential placement means temporary placement of the child in a licensed publicly or privately owned residential program that provides 24-hour supervised care in a group. Residential care includes: psychiatric hospitals, residential facilities, group homes, crisis stabilization units, emergency shelters, or assessment centers. This does not include detention facilities, forestry camps, training schools or any other facility operated primarily for the detention of children or youth who are determined to be delinquent. Acute child psychiatric hospitals provide residential care but are considered a temporary situation and should not be considered a long-term placement (see [Section 6.16.8](#)) unless the child is admitted to a residential treatment program at the facility.

Residential placement offers care and treatment for a child who requires more restrictive, time-limited, and intensive interventions as part of the continuous focus on stabilizing the child and family, returning the child home, or placing the child with another permanent family.

Placement in residential care shall be consistent with the documented needs of the child and shall be determined to be the most appropriate placement to meet those needs at the current time. Family-centered and community-based services, practices, and supports should be provided for the child to maintain permanent connections with his or her family, with relationships important to the child, and with the community. Maintaining these connections helps to prepare the child to more smoothly return home or transition to a permanent home at the earliest appropriate time, consistent with the child's needs.

Characteristics of residential programs that have been correlated with long-term positive outcomes for children include:

- High levels of family involvement.
- A family-like environment.
- Supervision and support from caring adults.
- Individualized treatment plans.
- Academic support.
- A skill-focused curriculum.
- A focus on building self-esteem.

- Positive peer influences.
- Minimally stressful environment.
- Enforcement of a strict code of discipline.
- Presence of community networks.
- Service coordination.
- Comprehensive discharge planning².

6.16.2 Pre-placement planning and placement in residential care

For children who are at risk of entering, or who are placed in, a residential program, the service worker shall ensure all of the following activities are conducted:

- Identify children who can be appropriately and effectively served in their homes, relatives' homes, family-like settings, and communities.
- Identify the strengths and needs of the child and family through conducting and/or reviewing comprehensive assessments including, but not limited to, information gathered through the Virginia Child and Adolescent Needs and Strengths Assessment (CANS).
- Identify specific services and supports necessary to meet the needs of the child and family, building upon their strengths. Assess and document the appropriateness of community based services and less restrictive alternatives (e.g., child's own home, relatives, extended family, regular foster home, or treatment foster home).
- Refer the child and family to the Family Assessment and Planning Team (FAPT) and work collaboratively with FAPT, in accordance with Community Policy and Management Team (CPMT) procedures for:
 - Providing information and supporting documents about the child and family.
 - Participating in FAPT meetings.
 - Coordinating efforts with the provider of intensive care coordination services through the Community Services Board. The purpose of intensive care coordination services are to safely and effectively maintain, transition,

² Child Welfare League of America, [Position Statement on Residential Services](#)

or return the child home or to a relative's home, family-like setting, or community at the earliest appropriate time that addresses the child's needs.

- Developing and beginning to implement a plan for returning the child home, to a relative's home, or to a family-like setting at the earliest appropriate time consistent with the child's needs. The plan shall include public or private community-based services to provide the on-going support the child and family will need during the transition to community-based care. This collaborative planning should involve the child, family, service worker, and Intensive Care Coordinator and other members from the FPM.
- Implementing a plan for regular monitoring and utilization management of the services and residential placement for the child, consistent with CSA guidelines and CPMT policies. The purpose is to determine whether the services and placement continue to provide the most appropriate and effective services for the child and family ([CSA User Guide](#) 12.0).
- See information on intensive care coordination located in the [CSA User Guide](#) 11.0.
- Document these processes in OASIS.

6.16.3 Residential facility requirements

Children in foster care shall only be placed in residential facilities and group homes that meet the following criteria:

- Licensed by VDSS, the Virginia Department of Behavioral Health and Developmental Services (VDBHDS), or the licensing authority in the state where the facility is located. To verify that a children's residential facility is currently licensed in Virginia:
 - See [VDSS Fusion page](#) or contact the Child Welfare Unit of the Division of Licensing Programs at (804) 662-7053.
 - See [VDBHDS website](#) or contact the Office of Licensing at (804) 786-1747.
- Listed in the CSA service fee directory unless the licensed facility offers room, board and services at no charge to the LDSS.
- Not among the facilities licensed by VDSS under the Minimum Standards for Licensed Child Caring Institutions that statutorily cannot receive public funds (§ [63.2-1737](#)). To obtain a current listing of licensed child caring institutions

(CCIs), contact the Child Welfare Unit of the Division of Licensing Programs at (804) 662-7053.

- Has a written agreement with the LDSS prior to placement ([§ 63.2-900](#)).

6.16.4 Facilities with provisional licensure status

When a group home or residential facility is granted a provisional license due to its failure to fully satisfy all state licensing standards, then children placed in the facility are not eligible for title IV-E foster care maintenance payments. The group home or residential facility is eligible for Federal financial participation when it comes into full compliance with the state's licensing standards ([Social Security Act, Title IV, § 471 \(a\) \(10\) \[42 USC 671\]](#) and the Federal Child Welfare Policy Manual, Questions and Answers on the Final Rule 65 FR 4020, dated 1/25/00).

LDSS shall not place children in a group home or residential facility using CSA state pool funds when its licensure status is lowered to provisional as a result of multiple health and safety or human rights violations. The LDSS shall assess all children it placed in the facility prior to the licensure status being lowered to determine whether it is in the best interests of each child to be removed from the facility and placed in a fully licensed facility ([§2.2-5211.1](#)). No additional children shall be placed in the provisionally licensed facility until the violations and deficiencies related to health and safety or human rights that caused the designation as provisional are completely remedied and full licensure status is restored.

6.16.5 Requirements for placing child in out-of-state residential facility

Prior to placing a child under the age of 18 in an out-of-state residential facility, the service worker shall obtain approval from the Virginia Interstate Compact on the Placement of Children (ICPC) Office (see [Section 6.17.3](#) about placing a child outside of Virginia).

The following documentation shall be submitted to the Virginia ICPC Office to obtain approval for these placements:

- Completed and signed 100A by either the LDSS or parent(s) as applicable. For parental placements, the ICPC 100A shall reflect the parent(s) as the sending entity having both the planning and financial responsibility for the child, and shall be signed by the parent(s).
- Copy of child's acceptance letter into the facility.
- Documentation of the child's current behaviors and needs. For placements being made by the LDSS:

- Documentation of the specific reasons that the LDSS is pursuing placement of the child into an out-of-state residential facility rather than placing the child residentially within the State of Virginia (to include the facilities that were considered in Virginia and reasons the child is not being placed in-state).
- Confirmation that FAPT staffing has been held and CSA funding has been approved for the out-of-state residential facility.
- Court order showing compliance with Article VI of the ICPC if the child is an adjudicated delinquent.
- Copy of the court order that confirms the child is in the legal custody of a LDSS, if applicable.
- Copy of the child's recent psychiatric evaluation, psychological evaluation, or therapists' report, if available.

6.16.6 Services during residential placement

6.16.6.1 Roles and responsibilities of LDSS

While children are placed in a residential facility:

- Service workers shall work collaboratively with the FAPT and the provider of intensive care coordination services through the Community Services Board to implement a plan for transitioning the child to his or her home, relative's home, family-like setting, or community at the earliest appropriate time that addresses his or her identified needs. The plan should identify public or private community-based services to support the youth and family during transition to community-based care, building on the strengths of the youth and family.
- Service workers shall conduct a meaningful face-to-face visit with the child in residential care at least monthly. The visit shall occur in the residential facility more than 50 percent of the time. The purpose includes, but is not limited to:
 - Ensuring appropriate care is being given.
 - Ensuring the implementation and continued suitability of the treatment plan.
 - Keeping all parties informed of any and all actions and/or progress in the case.

Children placed in emergency temporary care facilities shall be visited at least once a month and more often if needed. These contacts shall be documented in OASIS on the contact screen.

- Service workers shall continue contact with and services to the parents while the child is in residential care. The LDSS and the facility shall encourage and assist with, where possible, visits between the child and parents. The parents shall be kept informed of their child's progress and needs while in placement.
- Service workers shall assess all children they placed in a facility using CSA funds when the facility's licensure status is lowered to provisional as a result of multiple health and safety or human rights violations. The service worker shall assess the best interests of the children and make recommendations to the FAPT. The CPMT shall make the final determination as to whether the children should be removed from the facility and placed in fully licensed facilities ([§ 2.2-5211.2](#)).
- Arrange for or provide services to transition the child from the facility back to the community.
- Ensure that local purchase of service procedures is followed.

6.16.6.2 Roles and responsibilities of residential facilities based on licensing standards

- Comply with the "Children's Residential Facilities Agreement: Code of Ethics and Mutual Responsibilities" (see [Section 6.7.6.2](#)).
- Prepare a plan for the child **within 30 days** of child's placement in the residential facility. This plan shall provide goals and objectives for meeting the needs of the child. This plan should include transition services that will help the child to return to parent/community within a specified time as defined in the service plan.
- Notify the LDSS of the child's progress and behaviors, including any serious incident, while the child is in residential care through regular reports.
- Coordinate treatment services for the child.

6.16.6.3 Returning child to family and community

In order to ensure the successful return of the child to the home/community, the service plan should include treatment objectives, timelines, and outcomes.

Supportive services shall be identified and provided to the child and family when the child returns to the community.

Service workers should work collaboratively with FAPT and the provider of intensive care coordination services through the Community Services Boards. The purpose of intensive care coordination services is to safely and effectively transition or return the child home or to a relative's home, family-like setting, or community at the earliest appropriate time that addresses the child's needs.

6.16.7 Paying for care in a residential facility

- The cost of maintenance for a child placed in a residential facility is paid from SSI, title IV-E, Medicaid (called room and board), or state pool funds for non-title IV-E children.
- Title IV-E cannot be used to pay the cost of maintenance of a child in a public facility licensed for more than 25 children. State pool funds shall be used.
- Services provided in a residential facility will be paid from Medicaid or state pool funds. Residential services that can be purchased include services provided to every resident and specialized services provided to meet a child's individual needs.
- Rates for maintenance and services shall be the rate negotiated between the provider and purchaser. The purchaser shall negotiate a rate that specifies the amount to be paid for maintenance. The purchaser shall also require providers to use invoices that reflect information from the residential financial agreement and clearly delineate line items using language from the federal definition of maintenance. Ambiguous language that does not clearly communicate that a charge is allowable based on the federal definition of maintenance, shall not be paid for by title IV-E funds even if the child for whom the charges are being made is title IV-E eligible.
- The facility shall be listed in the [CSA Service Fee Directory](#). The facility will list the maximum rate it will charge in the Directory. Lower rates may be negotiated.

6.16.7.1 Requirements for Medicaid funding

Please refer to Magellan's Independent Assessment, Certification, and Coordination Team information found [here](#).

6.16.7.2 Absence from a residential facility

- Title IV-E will pay for temporary absences up to 14 days. A full month's title IV-E foster care maintenance payment should be paid to the

licensed provider, if the brief absence does not exceed 14 days and the child's placement continues with the same provider. However, if the absence exceeds 14 days or the child does not return to the same provider, the payment shall be prorated based on the actual number of days the child was in each placement. Examples can be found in [section 18.1.4](#).

6.16.7.3 Paying for incidentals in residential care

- If the room and board rate negotiated with residential facilities or group homes does not include maintenance costs, such as clothing, allowance, and known personal incidentals, the amount for these items should be paid monthly to the facility on behalf of the child according to the established rates for clothing (see [Section 18.1.3](#)) and pre-established, contracted reasonable rates.
- For other personal incidentals expenses, the LDSS may negotiate, authorize and reimburse the facility according to "as charged" bills. When this option is selected, the LDSS shall pre-authorize the personal care items and predetermine the funding sources for these items. The facility shall provide receipts verifying the purchases. Title IV-E funds shall only be used for allowable IV-E costs.

6.16.8 Psychiatric hospitalization of children in foster care

When children in care are in crisis and determined to be a danger to themselves or others, they may be assessed for admittance to a psychiatric hospital. Due to the short length of stay (typically less than seven days), discharge planning is required to begin immediately upon placement in an acute psychiatric facility. Service workers should be diligently working towards returning the child safely to their prior placement or towards securing an appropriately supportive new longer-term placement for the child.

Children who require hospitalization may present with more significant emotional and behavioral needs than their counterparts, which can impact the availability of appropriate placements. Additionally, the most appropriate placement may have a waiting list or other factors that influence when a child may be placed, such as ICPC procedures for out of state placements. A short-term intermediate placement may need to be identified in order for the child to be discharged from the hospital. Acute psychiatric facilities are not equipped to maintain children after their discharge date. Holding children in the hospital, who no longer require hospitalization, has a significant impact on the availability of care for other children who require hospitalization.

Following the admission of the child to an acute psychiatric hospital, service workers should immediately begin collaborating with the child's family, treatment team,

FAPT, MCO case manager, and current or prior placement providers to identify a discharge setting. This collaboration may be best achieved through a FPM. The service worker can also contact their regional consultant to discuss the case and determine if all options are being explored.

6.17 Placements across jurisdictions

6.17.1 Placing child in another political jurisdiction

When a child is to be placed in a home in another political jurisdiction within the state and the LDSS in that community has not approved that home, the LDSS holding custody shall:

- Notify the LDSS in the locality where the home is located that the home is being considered for the child's placement.
- Conduct a study and approve the home or request that the LDSS in the receiving locality study and approve the home.
- Request that the LDSS in the receiving locality supervise the child or notify them that the LDSS holding custody will supervise.
- Notify and collaborate with the school in which the child is enrolled at the time of placement to determine the child's best interest for school placement (see [Section 12.12](#)).
- Arrange for transportation and payment of reasonable travel costs for the child to remain in the same school if in the child's best interest (see [Section 12.12](#)), or ensure the child is immediately enrolled in the school of residence for the new placement **within 72 hours** of placement (see [Section 12.12](#) for school enrollment requirements).

If more than one LDSS is placing a child in the same home in another political jurisdiction within the state, and the LDSS in the jurisdiction has not approved that home, each LDSS that places a child in the home shall follow the procedures above.

6.17.2 Transferring custody of child to another LDSS

If LDSS is considering transferring custody of a child to another jurisdiction because the parent(s) or guardians have moved to that jurisdiction or because an employee of the LDSS with custody wants to become the foster/adoptive parent of the child, a determination shall be made that it is in the best interests of the child to transfer custody. The LDSS holding custody shall consult with the LDSS in the other jurisdiction prior to petitioning the court to transfer custody. LDSS may petition the court to transfer commitment of a child to the custody of another LDSS where the child, his parent(s) or guardians, or relatives reside when it is in the best interests of

the child to transfer custody. The LDSS in the other community does not have to accept custody until given reasonable notice and opportunity to be heard by the court.

6.17.3 Placing child outside Virginia

Before a child in foster care is placed outside of Virginia in another state, the service worker shall obtain approval from the Virginia ICPC Office. The purpose of the Interstate Compact on the Placement of Children (ICPC) is to ensure that children placed out-of-state are placed in approved settings and receive continuing services and supervision necessary to ensure that their placements are appropriate and safe ([§ 63.2-1000 et.seq.](#)).

For specific ICPC guidance and procedures, see [Interstate/Intercountry Placement of Children \(ICPC\)](#) on VDSS website.

The ICPC request for the proposed placement shall always be submitted to the Virginia ICPC office prior to making an out-of-state placement. The LDSS shall submit the following information to the Virginia ICPC office:

- [Social Worker Statement Regarding Proposed Placement Resource Form](#). This form will assist workers in determining whether a proposed placement may be appropriate before completing the entire ICPC packet.
- The completed and signed [ICPC-100A form](#), which is the formal contract between the sending agency and the receiving state. For a sibling group, five (5) copies of the 100A are required for each child.
- The complete ICPC referral packet. Reference the [ICPC Referral Checklists](#) available on the ICPC website.
- The [ICPC-100B form](#), submitted in a timely manner, is used to either reflect the date of the child's placement with the out-of-state resource, thereby initiating supervision of the placement in the receiving state (Section II of the 100B), or to close the ICPC case (Section III of the 100B).
- For the IV-E eligible child, licensing requirements must be met by the receiving state to continue title IV-E eligibility.

6.17.4 Receiving a child into Virginia (ICPC cases)

Before a child in foster care can be placed in Virginia from another state, the sending state shall make a request for services through the Virginia ICPC office. The purpose of utilizing ICPC is to ensure that children placed in Virginia are placed in approved settings, receiving continuing services and supervision necessary to ensure their placements are appropriate and safe.

Virginia does not restrict local agencies' abilities to contract with private entities to conduct home studies and other related services.

Caseworkers and other child welfare authorities in the receiving state will act on reports of child abuse and neglect involving children placed from out of state in the same manner that reports of child abuse or neglect are acted upon when children in Virginia are involved.

6.17.4.1 Receiving an ICPC case

When a LDSS receives a request from the ICPC office for a home study for a potential placement for a child from out of state, the service worker should accomplish the following:

- Review all packet information received from the Virginia ICPC office.
- Request (by fax, phone or email) any additional information from the sending state, if needed, from the child's service worker.
 - Send copies of any new documents to the Virginia ICPC office
- Communicate with the child's service worker to discuss any issues related to the provision of services and support in Virginia (i.e. school tuition requirements, eligibility for medical assistance, post adoption services) for the child and family.
- Engage the family in the home study process. The service worker has 60 days from the date of the request from the sending state to complete the home study for the purpose of assessing the safety and suitability of placing the child in the home.
- The service worker shall use the guidelines provided for approving a home and the format of the mutual family assessment to complete the study. (See the [Local Department Foster and Adoptive home Approval Guidance](#)).
- The contents of the study shall address the extent to which the placement in the home would meet the needs of the child.
- Include a clear recommendation approving or denying the family home study and placement for the child. If the study is denied, the child cannot be placed.
- Forward 3 copies with a cover letter of the home study with recommendations and supporting documentation to the Virginia ICPC office.

6.17.4.2 When the placement is approved

Children placed in Virginia with a placement resource shall be supervised and provided services in the same manner in which foster care services are provided in all cases.

Supervision of the placement begins after the placement has been approved by the ICPC office and the sending state of the child notifies the ICPC office that the child has been placed with the approved placement resource.

The first face to face contact with the child should occur as soon as possible but no later than 30 days from the service worker's notification that the child is placed in Virginia.

Face to face contacts with the child and the child's placement resource shall occur with the same frequency and in the same manner that face to face contacts occur with foster care children in Virginia (see [Section 17.8](#)). At a minimum these contacts shall occur monthly as required by federal law and should be well planned and focused on issues pertinent to case planning and service delivery to ensure the safety, permanency and well-being of the child. Contacts should occur at the child's residence as often as possible and be made by the service worker assigned to supervise the placement as much as possible.

The service worker during visits should assist the family in staying focused on the achievement of the child's case plan goals established by the sending state and to assist the child and family in achieving those goals.

The sending state bears ultimate financial responsibility for meeting the needs of the child and supporting the child's placement. The service worker should assist the child and the child's placement resource in accessing services and supports that are available and can be provided by Virginia, such as health care, mental health services, public assistance, educational services, etc.

6.17.4.3 Providing a written report

At least once every 90 days the service worker shall prepare a written report with regard to the child's placement and forward 3 copies to the ICPC office. At a minimum the report should include:

- Dates and locations of face to face contacts with the child
- A summary of the child's current situation, including a statement regarding the on-going safety and well-being of the child in placement, include a description of any safety concerns

- A summary of the child's current school performance (include copies of IEP documents, educational evaluations, report cards, or other school records if available).
- A summary of the child's current health/medical/mental health status, including dates of any medical, dental, appointments and the identity of the health care provider seen (include copies of evaluations, reports or other pertinent records).
- A description of any unmet needs and any recommendations for meeting identifiable needs
- Where applicable, the service worker's recommendation regarding any of the following:
 - Continuation of current placement
 - Return of custody to parent and termination of sending state's jurisdiction
 - Finalization of adoption
 - Granting custody to the existing caretaker

6B

PLACEMENTS SPECIFIC TO FAMILY FIRST REQUIREMENTS

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6B

PLACEMENTS SPECIFIC TO FAMILY FIRST REQUIREMENTS

6B.1 Introduction

The Family First Prevention Services Act (Family First) was enacted by Congress on February 9, 2018 as part of the larger Bipartisan Budget Act (BBA), and represents the most significant re-write of title IV of the Social Security Act since 1981. Family First enables states to use federal funds under parts B and E of title IV of the Social Security Act to provide enhanced support to children and families and prevent foster care placements by providing the following: i) mental health and treatment for a substance use disorder, (ii) prevention and treatment services, (iii) in-home parent skill-based programs, and (iv) kinship navigator services. Additionally, Family First provides the tools and resources necessary to allow Virginia's social services system to focus on prevention in order to keep children safely with their families and not enter foster care so that they have a better chance of growing-up in the least restrictive setting.

While Family First focused mostly on prevention efforts, there were several key impacts to foster care programs specifically in regards to payment for congregate care placements for children in foster care. Family First emphasizes that children in foster care should be placed in the least restrictive, most family-like setting, such as a foster home. In Virginia beginning July 1, 2021, when a child in foster care needs to be placed in a setting that is not a foster family home, the child's placement must be in placement settings outlined in Family First in order to be eligible for title IV-E funding. These settings include:

- Qualified residential treatment programs (QRTP)
- Placements for youth who are victims or at risk of sex trafficking (as outlined in Section 12.5.1.2)

- Placements specializing in providing prenatal, post-partum, or parenting supports for youth (as outlined in Section 3.9.4)
- Residential family-based treatment facility for substance use disorders and,
- Supervised independent living settings for youth ages 18 and up (as outlined in Section 14.4.4.3)

If a congregate care placement does not meet these requirements, other funding streams *such as CSA* need to be explored *for the title IV-E eligible child*. For the first 14 days of congregate care placements, IV-E can be used, regardless of whether the facility meets the requirements above, as long as the child is IV-E eligible and the facility meets the title IV-E federal safety requirements for an approved placement, as outlined in Section 1.6.2 of title IV-E guidance. Supporting children's placement stability is critical and LDSS should not use the 14 day provision as a measure to temporarily place children in placements that are not appropriate for them.

As of July 1, 2021, due to requirements established by the federal government, Medicaid funding must be used for congregate care placements that are Medicaid eligible. The Medicaid rate for psychiatric residential treatment facilities (PRTF) covers room and board and daily supervision and no IV-E funding can be used for these placements, regardless of whether the placement is designated as a QRTP. The Medicaid rate for therapeutic group homes covers daily supervision and thus IV-E may cover the room and board for that placement, if the child is eligible, and if that placement was designated as a QRTP. Regardless of the funding source or what placement costs IV-E will cover, if the child is placed in a QRTP, the requirements in Section 6B.3 must be followed.

For children who were placed in congregate settings prior to July 1, 2021, their placements are exempt from the Family First requirements and IV-E funding may still be used under the prior title IV-E requirements. These placements must still use Medicaid funding as described above. This exemption only applies to the requirements of Family First, not Medicaid funding. If the child is placed in a different congregate care placement on or after July 1, 2021, the new Family First requirements apply.

6B.2 Framework

When out-of-home placements are necessary to meet the best interests of the child, local departments of social services (LDSS) must meet federal and state legal requirements and should use sound practice principles to achieve desired outcomes and to guide decision-making in pursuing permanency for the child.

6B.2.1 Legal authority

The legal framework and specific requirements for placing children in placements specific to Family First requirements are delineated in federal and state law. Key citations are provided below:

6B.2.1.1 Qualified residential treatment programs

- **Assessment requirements**
 - [42 USC § 675a\(c\)\(1\)](#)
 - [§ 63.2-100](#)
- **Family and permanency team involvement**
 - [42 USC § 675a\(c\)\(1\)\(B\)](#)
 - [§§ 63.2-906.1](#) and [63.2-100](#)
- **Case plan requirements**
 - [42 USC § 675a\(c\)\(1\)\(B\)\(iii\)](#)
 - [§ 63.2-906.1](#)
- **Assessment deadlines**
 - [42 USC § 672 \(k\)\(3\)](#)
 - [§ 63.2-100](#)
- **Facility requirements**
 - [42 USC § 672 \(k\)](#)
 - [§ 63.2-100](#)
- **Court approval of the placement within 60 days**
 - [42 USC § 675a\(c\)\(2\)](#)
 - [§ 16.1-281 \(E\)\(1\)](#)
- **Ongoing court approval**
 - [42 USC § 675\(c\)\(4\)](#)

- [§ 16.1-281 \(E\)\(2\)](#)
- **Approval of continued long-term placement by Commissioner**
 - [42 USC § 675a\(c\)\(5\)](#)
 - [§ 63.2-906.1](#)

6B.2.1.2 Placement in a family-based residential treatment facility for substance use disorder

- **Recommendation in case plan before placement**
 - [42 USC 672 \(j\)\(1\)\(A\)](#)
- **Requirements for provision of services through trauma-informed framework**
 - [42 USC 672 \(j\)\(1\)\(B\) & \(C\)](#)
- **Length of stay less than 12 months and eligibility requirements**
 - [42 USC 672 \(j\)\(1\)](#)

6B.2.1.3 Other Family First specific placement requirements

- **Types of congregate care settings allowed for title IV-E funding**
 - [42 USC 672 \(k\)\(2\)](#)

6B.3 Qualified Residential Treatment Programs (QRTPs)

A Qualified Residential Treatment Program (QRTP) is a facility that:

- Provides 24-hour residential placement services for children in foster care;
- Utilizes a trauma-informed treatment model that meets the needs of children with severe emotional and/or behavioral disorders;
- Employs nursing and other clinical staff who provide care on site and are available 24 hours a day, 7 days a week;
- Engages the child's family members, including efforts to maintain connections between the child and their siblings and other family members, documents those efforts, and maintains contact information for any known relatives or fictive kin of the child;

- Facilitates family participation in the child's treatment program before and after discharge, whenever it is appropriate and in the best interest of the child;
- Provides discharge planning and family-based aftercare support for at least six months post-discharge;
- Is licensed and accredited; and
- Requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual (as outlined in Section 6B.3.1).

6B.3.1 Assessment

When a child is placed in a QRTP, they must have an assessment completed by a qualified individual (Section 6B.3.1.1) **within 30 days** of the placement. If the assessment is not completed within the 30 days, then IV-E funding cannot be used for the entirety of the QRTP placement, including the first 14 days.

If the assessment determines that placement in the QRTP is not appropriate, IV-E funding can continue for up to 30 days after the assessment for a transitional period to move the child to another placement.

The assessment must be done in conjunction with the family and permanency team procedures outlined in Section 6B.3.1.2.

When a child is eligible for Medicaid funding for their residential placement, they must also be referred to IACCT (Independent Assessment, Certification, and Coordination Team) for an assessment to obtain Medicaid funding for their placement (Section 6.16.7.1). The IACCT assessor is a licensed mental health practitioner, not associated with the LDSS or the placement, who will complete a CANS and submit a recommendation based on the residential facility designations recognized by Medicaid (psychiatric residential treatment facilities, therapeutic group homes, and community based services).

6B.3.1.1 Qualified Individual

The qualified individual completing the assessment must be a trained professional or licensed clinician who is not an employee of the local department or affiliated with any placement setting in which the child has been placed. A VDSS employee will fill the role of the qualified assessor; their contact information is available on FUSION.

The qualified individual will assess the strengths and needs of the child within 30 days of the start of each placement using an age-appropriate, evidence-based, validated, functional assessment tool. In order to avoid duplication of

services, the qualified assessor will review the IACCT assessment including the CANS completed by the IACCT assessor for all placements subject to IACCT or will complete a new CANS on the child for placements not subject to IACCT or if the IACCT assessment is not available. The qualified individual will:

- Determine whether or not the needs of the child can be met with family members or through placement in a foster family home;
- Determine which setting would provide the most effective and appropriate level of care for the child in the least restrictive environment that is consistent with their goals, if their needs cannot be met with a family placement; and
- Develop a list of child-specific short and long-term mental and behavioral health goals.

The QRTP Assessment will be completed utilizing feedback and input from the family and permanency team meeting (See Section 6B.3.1.2). If the assessment recommends a placement setting different than the recommendation from the family and permanency team meeting, the QRTP assessment will detail the reasons why the assessment differs from the family's recommendation.

The referral for assessment must be made **within 21 days of** the LDSS decision to place or seek placement in a QRTP. The LDSS must submit the following to the state qualified assessor:

- Referral for QRTP Assessment,
- IACCT Assessment (if Medicaid eligible),
- CANS completed by IACCT assessor (if Medicaid eligible),
- FPM Court Reporting Form – QRTP Version,
- Individual and Family Services Plan (IFSP) from FAPT, and
- FAPT notes.

The state qualified assessor must complete the assessment within 30 days of the placement. **If the LDSS does not submit the required paperwork in its entirety or complete the required steps within 21 days of the placement, the placement may be determined IV-E ineligible due to the assessor's inability to complete the assessment within 30 days of placement.**

6B.3.1.2 Family and permanency team meetings

The assessment must be completed in conjunction with the family and permanency team. The family and permanency team is a team that consists of all appropriate family, relatives, and fictive kin of the child, and service providers and other community supports as appropriate (e.g. teachers, medical or mental health providers who have treated the child, or clergy). In the case of a child who is 12 years of age or older, the family and permanency team must include members that are selected by the child.

As Family Partnership Meetings (FPM) are required prior to placement changes, the family and permanency team requirements have been combined with the FPM procedures to streamline the process. The family and permanency team meeting must be documented using the FPM Court Reporting Form – QRTP Version.

6B.3.2 Court requirements

All QRTP placements must be approved by the court **within 60 days** of the child's placement. If the placement is not approved by the court within 60 days, IV-E funding can only be used for the first 60 days of placement. The court hearing must be held after the completion of the assessment as the court considers the assessment when making the placement determination.

6B.3.2.1 Materials to be submitted to court

Within 30 days of the child's placement in a QRTP, the service worker must file the necessary QRTP paperwork to the court. The child's QRTP court review can be completed as a separate hearing or in conjunction with an existing hearing. Required materials for court approval of QRTP placement are as follows:

Separate Hearing	Existing Court Hearing
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<p>If the service worker will need to request a stand alone hearing for the QRTP placement review as there is no court hearing scheduled within 60 days of placement, the service worker will file:</p> <ul style="list-style-type: none"> • a Petition for Foster Care Placement Hearing, • a Foster Care Plan Transmittal Form, • a foster care plan, • the QRTP assessment, and • the FPM Court Reporting Form - QRTP version. 	<p>If the child has a foster care hearing (i.e. Dispositional, Foster Care Review, or Permanency Planning) scheduled within 60 days of the child’s placement, the service worker will file:</p> <ul style="list-style-type: none"> • the petition and Foster Care Plan Transmittal Form required for the type of foster care hearing scheduled, • a Petition for Foster Care Placement Hearing • a foster care plan (and foster care plan review if required), • the QRTP assessment, and • the FPM Court Reporting Form - QRTP version
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6B.3.2.2 Foster care plan requirements

The plan submitted for QRTP placement review must include:

- The diligent efforts to identify and include all the individuals identified in Section 6B.3.1.2 (including the opportunity for the youth 12 years of age and older to select two members of the team) on the child’s family and permanency team;
- Contact information for all the members of the family and permanency team, as well as contact information for other family members and fictive kin who are not part of the family and permanency team;
- Documentation that the family and permanency team meetings were held at a time and location that was convenient for the family, including meetings relating to the QRTP assessment;
- If the goal is reunification, that the parents and/or the prior custodian from whom the child was removed had opportunity to provide input on the members of the family and permanency team;

- That the assessment was done in conjunction with the family and permanency team;
- The placement preferences of the family and permanency team, relative to the assessment, recognizing that children should be placed with their siblings unless there is a finding by the court that such placement is contrary to their best interest; and
- Whether the placement preferences of the family and permanency team and the child differ from the placement setting recommended by the QRTP assessment and the reasons why the preferences of the team and of the child were not recommended.

This information is included in the FPM Court Reporting Form – QRTP version, described in Section 6B.3.1.2. The FPM Court Reporting Form must be included as a supplement to the child's foster care plan when filing with the court to ensure that all of these requirements have been met.

6B.3.2.3 Court ordered findings

The court will consider both the assessment report and the foster care plan and order the following findings documented on the Foster Care Placement Order (for a stand alone hearing) or on the QRTP Placement Supplemental Sheet (for a hearing held in conjunction with a foster care hearing) in order to approve the QRTP placement:

- That the needs of the child cannot be met through placement in a foster home;
- That placement in the QRTP will provide the most effective and appropriate level of care for the child in the least restrictive environment and is consistent with the short-term and long-term goals established for the child in the foster care or permanency plan; and
- That the court approves the placement of the child in a QRTP.

If the court disapproves the placement, the service worker must place the child in another placement within 30 days. During this transition period, IV-E funding can continue to be used for up to 30 days after the court determination.

The service worker must provide a copy of the Foster Care Placement Order (attached to the child's case plan), as well as all subsequent placement orders, to the child's title IV-E worker.

6B.3.2.4 Requirements for subsequent foster care hearings

After the court's initial approval of the QRTP placement, the court must review the placement at every subsequent foster care hearing. The service worker must present evidence at the hearing that demonstrates the following:

- The ongoing assessment of the child's strengths and needs continues to support the QRTP placement as the most effective and appropriate level of care that is consistent with the child's short-term and long-term goals and that the child's needs cannot be met in a foster home;
- The child's specific treatment and service needs that the QRTP will address and the length of time the child is expected to need such treatment and services; and
- The LDSS efforts to prepare the child to return home or to be placed with a fit and willing relative, legal guardian, or adoptive parent, or in a foster home.

This evidence must be documented in the child's foster care plan. *If the child was required to undergo a Commissioner review for approval of extended placement (as outlined in Section 6B.3.3), the worker must include the results of the placement review and any recommendations within the foster care plan.* The court will review the evidence and make a decision to approve or disapprove the continued QRTP placement. This decision will be documented on the QRTP Placement Supplemental Sheet that accompanies the foster care hearing order. If the court disapproves the placement, the service worker must place the child in another placement within 30 days.

6B.3.3 Commissioner approval for extended placement

The service worker must request approval from the Commissioner for the child's continued placement in a QRTP, using the QRTP Extended Placement Approval Form for the following events:

- The child has been placed in a QRTP for 12 consecutive months;
- The child has been placed in a QRTP for 18 nonconsecutive months; or
- The child is under the age of 13 and has been placed in a QRTP for six consecutive or nonconsecutive months.

The service worker must submit to their regional practice consultant the QRTP Extended Placement Approval Form 45 days prior to the event for state review and approval. The service worker must document the Commissioner's approval in the

child welfare information system once approval has been granted and provide a copy of the approval form to the child's IV-E worker. The worker will either receive approval to continue the placement in QRTP or will not receive approval for continued placement and instead will receive a 30 day approval for a transition period to move the child from the QRTP to a more appropriate placement.

6B.4 Out of State Residential Placements

The service worker must still follow the same ICPC process outlined in Section 6.16.5 and 6.17.3 for placing children in out-of-state residential facilities. For placement in out-of-state QRTP placements, the worker must request, in addition to the facility's license, the documentation of the facility's designation of QRTP. This designation may be included in the license or it may be separate document. The license and designation will need to be provided to IV-E, CSA, and included as part of the ICPC packet. The worker must follow the same QRTP process outlined in Section 6B.3 for all out-of-state placements in QRTPs, including the assessment, court review, and Commissioner review processes.

6B.5 Family Based Residential Treatment Facility for Substance Use Disorder

Family First also allows title IV-E funding for placements where children can be placed with a parent in certain licensed residential family-based treatment facilities for substance use disorder for up to 12 months. These placements are not based on the child's need for congregate care but are based on supporting a child's access to and placement with a parent who needs residential treatment for a substance use disorder. These placements must meet the criteria outlined in this section in order to qualify for title IV-E funding.

6B.5.1 Eligibility of the child

The child must meet the following conditions to be eligible for foster care maintenance payments while placed in a residential family-based treatment facility for substance use disorder:

- The child is in the custody of the LDSS; and
- The child is placed in a licensed residential family-based treatment facility for substance use disorder with their parent.

In order for the child to receive title IV-E foster maintenance payments, the child must meet all of the title IV-E foster care eligibility requirements, except the AFDC eligibility requirements. Some children, who would otherwise be eligible for funding only through CSA, may have their maintenance costs paid with title IV-E funds while in this placement.

6B.5.2 Eligibility of the facility

While the facility must be licensed, there is no requirement that it meet the title IV-E licensing and background check requirements for a child care institution. The treatment facility must have the following elements:

- Provide, as part of the treatment for substance use disorders, the services of
 - Parenting skills training;
 - Parent education; and
 - Individual and family counseling.
- Provide those services under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address the consequences of trauma and facilitate healing.

Facilities that have been determined by VDSS to meet these criteria will be entered into the child welfare information system as a resource. The service worker must contact the regional consultant when considering placement in a facility that is not identified in the child welfare information system as a residential family-based treatment facility for substance use disorder prior to placement.

6B.5.3 Foster care plan requirements

Before a child can be placed in a residential family-based treatment facility for substance use disorder with their parent, their foster care plan must specify the recommendation for the placement. This recommendation can be included on either the foster care plan or the foster care plan review. The foster care plan must then be approved prior to the child's placement by either a court hearing or an administrative panel review, if there is no court hearing scheduled within the needed timeframe.

As a FPM is required prior to a placement change, the service worker may elect to hold the administrative plan review in conjunction with the FPM as long as all the requirements for an administrative panel review have been met.

10

Achieving Permanency Goal Custody Transfer to Relatives

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10

Achieving Permanency Goal: Custody Transfer to Relatives

10.1 Introduction

The permanency goal of Custody Transfer to Relatives establishes permanent, life-long connections for children and youth in foster care. When the child or youth cannot be returned to his parents or previous custodian, the LDSS, through a Family Partnership Team should explore transferring custody of the child or youth to a relative, including relatives living in another state. The service worker, with the assistance of the team, determines whether the permanency goal of adoption or custody transfer to relatives is in the best interests of the child or youth. When adoption by the relatives is not feasible, transferring custody of the child or youth to relatives often allows the child or youth to experience continuity in family relationships and cultural traditions. Relatives may also be willing to accept placement and custody of siblings. Kinship guardianship assistance or state kinship subsidy, which includes financial supports post-custody transfer, may be available to the relative or fictive kin if certain criteria are met.

10.2 Kin First framework

The local department of social services (LDSS) should operate using a Kin First framework in child protective services, in-home, and foster care cases. Kin First framework in foster care means that LDSS consider kinship placements for the first and only placement while youth are in foster care and that kinship families are engaged and explored at every step in the foster care case with a sense of urgency. When exploring kinship options for youth in foster care, LDSS should “start with yes” and assist kinship families in coming up with solutions to barriers or issues that exist such as financial limits, housing or space issues, or concerns with maintaining relationships with the child’s parents.

10.2.1 Legal citations

The legal framework for transferring custody to relatives and for providing foster care services and funding to prevent or eliminate the need for foster care placement are delineated in federal and state law. See the law for complete language by clicking on the citation.

10.2.1.1 Permanency goal of custody transfer to relative

- § [63.2-900](#)
- § [63.2-900.1](#)
- § [63.2-906](#)
- § [63.2-1305](#)

10.2.1.2 Transfer of custody to relative or other interested individual

- § [16.1 278.2](#)

10.2.1.3 Providing foster care services

- § [63.2-905](#)

10.2.2 Outcomes

LDSS shall strive to achieve the following permanency outcomes required in the federal Child and Family Services Review, each with specific outcome measures:

- Permanency Outcome 1: Children and youth have permanency and stability in their living situations.
- Permanency Outcome 2: The continuity of family relationships and connections is preserved for children and youth.

The transfer of custody to a relative helps achieve the following child and youth outcomes:

- Increase the number of children and youth who exit foster care and enter permanent family arrangements; decrease the number of children and youth who age out of foster care without connections to a permanent family.
- Increase the number of children and youth placed with prospective relative custodian(s).
- Reduce the number of children and youth who experience subsequent abuse or neglect.
- Reduce rates of re-entry into foster care among children and youth who exit out-of-home placements.
- Reduce the number of children and youth in foster care with the goal of Permanent Foster Care in response to federal requirements.
- Increase the use of appropriate community-based services.

10.3 Benefits of children and youth living permanently with relatives

Relative placement promotes timely reunification, and placement stability, as children and youth placed with relatives experience fewer placement disruptions than children and youth placed with non-related foster parents. Preserving existing connections and relationships with familiar adults for the child or youth is achieved through relative placement. In many instances, relative placement preserves the continuity of care, relationships, culture, and environment that are essential to the overall well-being of the child or youth. Relative placement maintains the family system as day-to-day decisions continue to be made by adults that the child or youth already knows and understands to be their family. The child or youth continues to participate in family celebrations, traditions, vacations, and activities.¹

Relative placement facilitates the development of positive self-image, self-esteem, identity, and consequently, may help the child or youth to avoid feeling abandoned by both parents and family. The child or youth placed in relative care continue to feel a sense of belonging, worth, history and value to others.²

¹ Source: U.S. Department of Health and Human Services Administration for Children and Families, 2001-2004 Children and Family Service Review Findings.

² Excerpts from *Relatives Raising Children: An Overview of Kinship Care*, Joseph Crumbley & Robert L. Little, (1997), Child Welfare League of America.

National research identifies numerous benefits for children and youth who live with relatives permanently.³ These benefits include:

- More children achieve permanency, especially older youth.
- More youth emancipate from foster care with permanent connections to family and other supports.
- More children and youth are placed with relatives.
- Children and youth are as safe in relative placements as children and youth in other permanency options.
- Children and youth experience fewer placement changes in relative placements as children and youth in other placements.
- Children and youth spend fewer days in out-of-home care than children and youth in other settings.
- Relatives are more likely to accept sibling groups than other placements.
- Fewer children and youth in relative placements report changing schools (63 percent) than do children and youth in non-relative foster care (80 percent) or those in group care (93 percent).
- More children and youth experience continuity of cultural traditions.
- Children and youth placed with relatives early in their care have fewer behavior problems after three years than children and youth placed in non-relative foster care.
- Children and youth fare as well, if not better, in school performance, physical and mental health, and family functioning than their peers in other placements.

10.4 Services to achieve goal of Transfer of Custody to Relatives

10.4.1 Focus of services

Services to maintain the child's or youth's connections to relatives often begins prior to the child or youth entering foster care and may continue until after a permanent family is achieved for the child or youth. If foster care placement cannot be averted through arranging for relatives to care for the child or youth who cannot live with his parents, the service worker shall continue to diligently search and thoroughly

³ Sources: Summary of Subsidized Guardianship Waiver Demonstrations (James Bell Associates, July 2009); Center for Law and Social Policy.

examine all viable relative options with a sense of urgency throughout the child's or youth's involvement with the child welfare system. (§ [63.2-900](#)). The service worker shall search for relatives at the time the child enters foster care, annually, and prior to any subsequent placement changes for the child (§ [63.2-901.1](#)).

- The service worker shall notify all family members in writing **within 30 days** of the child's or youth's placement in foster care, informing them of their options to provide care and support for the child or youth (see [Section 2.3](#) for required language to be included in the written notice). The notice should be done **within five (5) days** after removing the child when feasible. Documentation of all contacts shall be made in the OASIS diligent search screen, including the date sent, the response from the relative, and the reasons why specific relatives were not notified. Copies of any correspondence sent to relatives shall be placed in the foster care paper case file. The LDSS has discretion in determining if it is not in the best interest of the child or youth to notify relatives involved in family or domestic violence or listed on the Virginia State Policy Sex Offender Registry. Relatives who have barrier crimes as listed in § [63.2-1719](#) shall not be considered for the placement of the child or youth (§ [63.2-901.1 E](#)) while the child is in foster care.
- When it is determined that placement with relatives is an appropriate permanency goal for the child or youth, the service worker should discuss with any interested relatives, the options available to them for supporting and providing care for the child or youth (see [Section 10.4.2](#)).
- Once a relative has been identified for placement of the child or youth, the primary focus of services for the service worker and family may shift from reunification with the parents or prior custodian(s) to preparing the child or youth for placement with the relative willing to assume custody. In the case of a concurrent plan of reunification and transfer of custody to a relative, the relative shall become an approved provider and the child should be placed with the relative as soon as possible. Services to achieve both goals shall be provided until the goal of reunification is ruled out. Refer to [section 7.5.2](#) Concurrent Planning.
- The service worker should assist the parent, child or youth, and prospective relative custodian(s) to adjust to the change in family dynamics by clarifying and reducing role conflicts. This may be accomplished by the service worker discussing new roles and responsibilities with everyone involved, including the child or youth. This may also be achieved by the service worker recommending family counseling and referring the family to community services that would support the child or youth, relative, and extended family in supporting the changing family dynamics.

- The service worker should assist the prospective relative custodian(s) with finding resources to meet the child's or youth's educational, social, physical health, and mental health needs, including accessing independent living services for youth age 14 and over.

10.4.2 Informing relatives of options

The child or youth may be placed in the care of relatives when he cannot stay at home with his parents and a relative placement is the best alternative for the child or youth. When the LDSS decides to remove the child or youth from his home, the LDSS shall prioritize relatives and seek out a relative placement as soon as the child or youth is at risk of removal. The LDSS shall notify relatives of the removal, explore with relatives their interest and ability to become foster parents for the child, and explain opportunities available through kinship guardianship (see [Section 2.3](#)). At a minimum, the LDSS shall invite the relatives to discuss ways to be involved in the child's or youth's life and provide support. The LDSS shall inform and discuss with the relatives other roles, resources, and supports (e.g., mentoring, respite care) they may provide the child or youth (see [Section 2.4](#) of this chapter).

When the LDSS determines that the child or youth will not return home to his parents, there are four options for prospective relative providers that the LDSS shall discuss with interested relatives:

- If the relative(s) are approved foster and adoptive parents, the relatives may adopt the child if the court terminates the parental rights. The child or youth may also be eligible for adoption assistance.
- If the relative(s) are approved foster and adoptive parents, the relatives may assume legal custody through the court and receive kinship guardianship assistance payments or state kinship subsidy payments.
- If the relative(s) are NOT approved foster and adoptive parents, the court may transfer custody to the relatives without the child or youth having been placed with the family already. Kinship guardianship assistance is NOT allowable in this situation; however, state kinship subsidy may be available.
- If the relative(s) are NOT approved foster and adoptive parents, they may become approved foster and adoptive parents to have the child placed in their home to receive the support and services to achieve one of the above outcomes.

These options are also outlined in [Section 10.8](#) and in the [Kinship Care: Exploring Options for Relatives of Children in Foster Care](#) brochure.

The LDSS must fully inform and discuss with the relatives:

- All known information about the child's or youth's background and needs, including non-identifying information about the birth family on the [Full Disclosure of Child Information Form](#) (see [Section 9.10.4](#)).
- The long term needs of children and youth who have experienced trauma.
- The services and supports the child or youth currently requires, and to the extent possible, the services the child or youth will need.

When the LDSS determines that the plan for reunification has not been successful, a Family Partnership Meeting (FPM) should be scheduled (see [Section 2.9](#)). At this meeting, a change in the permanency goal should be discussed, including the permanency options of Adoption and transfer of legal custody to the relative. This meeting should be scheduled before a change in goal occurs.

10.4.3 Assessing prospective relative custodian(s)

Before a decision is made to file a petition for transfer of custody to the relatives, the service worker should consider the long term safety, permanency, and well-being for the child or youth when assessing the relatives as the potential legal custodian(s) for the child or youth. The LDSS shall document the relatives' appropriateness as the legal custodian(s) for the child or youth in the paper case record and in a narrative summary in the OASIS contacts screen.

- For the relatives who are assuming custody without becoming foster and adoptive parents, the documentation shall be a written format determined by the LDSS.
- For the relatives who are being approved as foster and adoptive parents, the documentation shall be the Mutual Family Assessment Report as defined in the [Local Department Foster and Adoptive Family Home Approval Guidance](#) in Chapter D of the Child and Family Services Manual.

Because the court will consider the appropriateness of the relatives as permanent custodian(s), the LDSS shall assess the prospective relative custodian(s) and consider if they are:

- Willing and qualified to receive and care for the child or youth.
- Willing to have a positive, continuous relationship with the child or youth.
- Willing to protect the child or youth from abuse and neglect and the ability to do so.
- Willing to remain in compliance with any protective order entered on behalf of the child or youth.

- Willing to participate in a court review of the child's or youth's placement with the relative.

The service worker should assess the prospective relative custodian(s) regardless of whether the relatives will:

- Adopt the child or youth;
- Assume custody of the child or youth without becoming foster and adoptive parents; or
- Become foster and adoptive parents for the child or youth in order to adopt the child or assume custody.

The assessment should include observation of actions, discussion of concrete plans, and evidence of demonstrated commitment to the child or youth. The assessment of relatives as prospective custodian(s) should address the areas described in the following sections.⁴ If there are needs identified in one or more of the areas described below, the LDSS should address them with the kinship family and assist the family in developing concrete solutions or services to address those needs.

10.4.3.1 Motivation

Motivation may differ in a relative caregiver from what is traditionally observed in a non-relative caregiver. While it is not necessary to analyze the motivation of the relatives, it is important to determine whether or not the relative(s) are positively motivated to provide care for the child or youth (e.g., loyal to the family; attached to the child or youth; desire continuity of family relationships and traditions; want to maintain the child's or youth's identity with the family; and/or want to protect and nurture the child or youth).

10.4.3.2 Household configuration

The relatives' home may consist of permanent, temporary, and/or transient family members. The family may be a nuclear family or multigenerational family. Primary and secondary caregivers may be in the relatives' household due to its composition or as surrogate supports to the child or youth and the relatives. Assessment of both primary and secondary caregivers should include whether the caregivers are consistent in their approaches concerning discipline, nurturance, and supervision.

⁴ Adapted from competency-based curriculum developed by the National Resource Center for Family-Centered Practice and Permanency Planning, March 2002. Based on work of Dr. Joseph Crumbley and Robert Little. "Relatives Raising Children: An Overview of Kinship Care," CWLA Press, Washington, DC. 1997 and Dr. Joseph Crumbley's written materials, 2000.

Regardless of family composition and activities, the identified prospective relative custodian(s) should be able to provide the child or youth with consistent routines, schedules, and care.

10.4.3.3 Birth parents' interaction with prospective relative custodian

It is important to determine that the prospective relative custodian(s), given any interaction with the birth parents, will be able to ensure the safety needs of the child or youth. Discussion with the prospective relative custodian(s) should include, but is not limited to, the following family dynamics:

- The type and frequency of their contact with the birth parents.
- Their relationship with the birth parents in the past and present.
- Their ability to keep the child or youth safe, and when necessary, prevent contact with the birth parents.
- Their ability to negotiate roles and relationships with the birth parents when necessary, including who is responsible for decision-making, nurturing, discipline, support, and communication.
- Their willingness to involve both paternal and maternal birth family members in the life of the child or youth as appropriate.

It is especially imperative that service workers provide kinship families support in this area. Kinship families often have established routines, habits, and relationships with the child's biological parents that can be challenging to change. Ensuring that kinship families are well-informed regarding roles and expectations is especially important. This can include talking through potential scenarios that may occur or providing the kinship family a support group or peer mentor.

10.4.3.4 Prospective relative custodian(s)' ability to provide care, safety, and protection

The service worker should assess the ability of the prospective relative custodian(s) to provide a safe and stable environment for the child or youth, including, but not limited to:

- Housing, food, clothing, and education. (In order to pay for these items, the relative custodian could potentially utilize public assistance or financial assistance such as maintenance payments for kinship foster parents).
- Discipline, limit setting, nurturing, and protection.

- Sources of income to support the child or youth and family. (This includes any income of the child that can assist the prospective relative custodian(s) after custody transfer).
- Necessary agency and community supports to provide permanency for the child or youth.

10.4.3.5 Prospective relative custodian(s)' alternative plan for permanency

The prospective relative custodian(s) should be encouraged to identify supports within the family should they become ill or need respite care for the child or youth. Often in families, the decision making is shared throughout the nuclear and extended family during a crisis. The service worker should assist the prospective relative custodian(s) in identifying the family members who should be involved in the planning and development of alternative plans.

10.4.4 Preparing prospective relative custodian(s) for legal custody

To achieve permanency for the child or youth placed with appropriate prospective relative custodian(s), the planning process should be collaborative and begin early on. The LDSS should involve the child or youth, birth parents, prospective relative custodian(s), Family Partnership team, and Family Assessment and Planning Team (FAPT), as appropriate. The service worker should convene a FPM prior to the actual transfer of custody to assist in linking the child and family to available community resources.

The team should plan the transition to ensure permanency for the child or youth after custody has been transferred. The team should build upon the strengths of the child or youth and the family and respond to their unique needs, as identified through the comprehensive assessment process (see [Section 5](#) of this chapter).

To prepare the prospective relative custodian(s) to assume legal custody of the child or youth, the LDSS, the family, and the team should address the following areas, as appropriate:

- Assisting the child or youth and the prospective relative custodian(s) in identifying and addressing feelings of grief and loss and setting appropriate boundaries with the birth parent.
- Developing a plan for visitation. Progressive visitation should be used to facilitate relationship development and provide opportunities for the relative to become comfortable in their new role. LDSS shall not place the child with the relative unless they are an approved provider. Trial home visits with relatives are only allowable if the relative is the child's prior custodian, as outlined in Section 8, since this would qualify under a reunification goal. They may, however, have overnight visitation with the relative in preparation for the transfer of custody.

- Explaining, discussing, and responding to all questions about the legal process for transferring custody of the child or youth from the LDSS to the prospective relative custodian(s) (see [Section 10.5](#)).
- Informing the prospective relative custodian(s) who assume custody of the youth who exits foster care within 45 days after reaching his 17th birthday in federal fiscal years 2014, 2017, or any third year thereafter that:
 - The LDSS is required to ask the youth to participate in a survey during the 45 days after the youth's 17th birthday to collect and report baseline information on the youth as part of the National Youth in Transition Database (NYTD).
 - The youth may then be selected to participate in an outcomes survey when the youth turns age 19, and then again when the youth turns age 21.
 - The purpose of the survey is to assess the foster care system with regards to life outcomes for youth (e.g., increasing youth financial self-sufficiency, improving youth educational attainment, increasing youth connections with adults, reducing homelessness among youth, reducing high risk behavior among youth, and improving youth access to health insurance).

For more information on NYTD, see [Section 13.13](#) of this chapter.

- Informing key parties involved with the child or youth that custody has been transferred (e.g., school, health insurance).
- Developing a plan for visitation and communication between the child or youth, the birth parents, siblings if separated, appropriate family members, and other individuals who are significant to the child or youth. The plan shall take into account the wishes of the child or youth, consistent with the child's or youth's developmental level. The plan shall specify the frequency of visitation or communication, identify who is responsible for ensuring the visits or communication take place, and state any restrictions or limitations to the visits or communications. The communications may include, but are not limited to, face-to-face visits, telephone calls, email correspondence, and video conferencing.

10.4.5 Preparing child or youth for transfer of legal custody

In addition to preparing the prospective relative custodian(s) for the custody transfer, it is important to prepare the child or youth for the change in custody.

The service worker should facilitate open and honest communication between the child or youth, the birth parents, extended family, and the potential relative

custodian(s) to address any issues that may arise as a result of the transfer of custody. The forums for this discussion may include both formal and informal activities, including but not limited to:

- FPMs.
- Visitations with the child or youth.
- Conversations among the birth parents, child or youth, and the potential relative custodian(s).
- Formal family therapy.

To prepare the child or youth for the transfer of custody, the service worker should, in collaboration with the birth parents, the relative custodian, and any other significant individuals (e.g., a therapist), determine how to:

- Explain to the child or youth, consistent with his developmental level, why he will not be returning to his birth family home to live and what he can expect when living with his relative custodian(s).
- Discuss the child's or youth's concerns and feelings about the changes occurring and assist the youth in identifying questions he may want to have answered (e.g., will I be able to see my parents/siblings; how long do I have to live with my relative; what if I don't like living with my relative).
- Discuss with the child or youth the plan to allow continued visits, letters, and phone calls between siblings if the child or youth is not placed with his siblings.
- Discuss the court process with the child or youth; the time frames for the change in placement and/or custody and the possibility that the judge may ask him his wishes regarding living with a relative.
- Developing a plan for visitation. Progressive visitation should be used to facilitate relationship development and provide opportunities for the relative to become comfortable in their new role. LDSS shall not place the child with the relative (including a trial home visit) unless they are an approved provider. They may, however, have overnight visitation with the relative in preparation for the transfer of custody.

Additionally, the child or youth's input should be obtained in order to assess the following decisions:

- The plan for transfer of custody to the prospective relative custodian(s) will meet the child's or youth's needs for a stable and permanent arrangement.

- The expectations of the relative for daily family living, (including but not limited to chores, house rules, curfews, and school expectations) are understood by the child or youth and to determine if the child or youth has any questions or concerns they want to address. This discussion should assist the child or youth in identifying, negotiating, and preparing for placement in the relatives' home.
- The ongoing plan for communication with birth parents, siblings, significant adults, and others important to the child or youth is clear and acceptable. This plan should be with the input of the child or youth and in compliance with his communication needs and wishes.
- The supports and services available to the child or youth to maintain educational success, engage in appropriate extracurricular activities, and meet his physical, social, and mental health needs.
- The plan to assist the youth in developing independence and adult living skills with the support of the prospective relative custodian(s) is feasible and agreed to by all involved.
- The understanding and agreement of the older youth and the prospective relative custodian(s) that the youth participate in the National Youth in Transition Database (NYTD) after leaving custody of LDSS, when applicable.

10.5 Court procedures for transfer of legal custody to relative

LDSS shall follow all procedures for the transfer of legal custody of the child or youth to the prospective relative custodian(s). The LDSS shall:

- Petition the Virginia Juvenile and Domestic Relations District Court to transfer legal custody of the child or youth to the prospective relative custodian(s). Thirty (30) days prior to the hearing, the LDSS shall submit to the court:
 - Permanency Planning Hearing Petition.
 - Foster Care Plan Transmittal Form.
 - New Foster Care Plan Review Form.
- Recommend that custody transfer to the prospective relative custodian(s) is in the best interest of the child or youth.

The court order transferring custody to a relative may provide for, as appropriate, any terms or conditions which would promote:

- The interest and welfare of the child or youth.

- Ongoing provision of social services to the child or youth, and the custodian.
- Court review of the child's or youth's placement (§ [16.1-278.2 A1](#)).

Based upon the finding by the judge of the Virginia Juvenile and Domestic Relations District Court that transfer of custody is in the best interest of the child or youth, the judge may approve the LDSS plan for the child or youth and enter the order transferring the legal custody of the child or youth from the LDSS to the relative custodian(s).

The LDSS shall document the hearing on the Court/Hearing Details screen and the Hearing Detail Results screen in OASIS.

A copy of the petition and signed court order shall be placed in the foster care paper case record, when relevant.

10.6 Relative assuming custody of child or youth

When transfer of custody to a relative is determined to be in the best interest of the child or youth and a relative has been identified who is willing and appropriate to care for the child or youth, the LDSS shall first ensure that the relative's home is safe and that the relative will keep the child or youth safe from any further maltreatment. The LDSS shall complete with the relative's and other adult household members' permission:

- A state name search criminal background check, and a CPS Central Registry search on all adults residing in the home.
- A sworn statement or affirmation disclosing whether or not the individual has a criminal conviction or is the subject of any pending criminal charges within or outside of Virginia and whether or not the individual has been the subject of a founded complaint of child abuse or neglect within or outside of Virginia.

For more information on conducting background checks, see the [Office of Background Investigation](#) page on Fusion.

The results of the background check do not prohibit the agency from recommending custody transfer of the child to the relative seeking custody. The standards set in § [63.2-901.1](#), Code of Virginia, are specific to approving a relative as a kinship care resource home. However, the agency shall notify the court of the results of the completed background checks and inform the court that the agency would not be able to approve the relative as a kinship resource home due to the findings in the criminal background or Central Registry checks.

The LDSS shall document the reasons why they decided to recommend custody transfer of the child or youth to a relative in the OASIS contacts screen and maintain the results of the criminal background check in the prospective relative custodian(s)' file.

The LDSS should discuss with the relative as soon as possible the option of transferring legal custody of the child from the LDSS to the relative. The LDSS should inform, discuss, and examine with the relatives:

- The benefits to the child or youth in leaving foster care to live permanently with the relatives.
- The impact to the child or youth of remaining in foster care. The longer the child or youth spends in foster care, the potential for trauma and difficulty in forming strong relationships increases. The effects of being in foster care can have life-long impact on the child or youth.
- The authority and responsibility of the relatives as legal custodian(s) of the child or youth to ensure his protection and make all decisions for the child or youth (e.g., enrolling in school; approving medical procedures).
- The financial impact of the relatives assuming legal custody of the child or youth regardless of whether the family will receive kinship guardianship assistance or not.
- The availability of family, health insurance, community, government, and other resources to help meet the child's needs.

Prior to transferring legal custody, the service worker should assist the relatives in accessing and initiating services, including filling out forms to establish eligibility for services. [The Relative's Guide to Services Post-Custody Transfer](#) should be discussed with and provided to the relative. Reviewing this document with the relative is particularly important when the relative is receiving custody without kinship guardianship, adoption, or kinship subsidy assistance.

10.7 Achieving permanency with goal of Custody Transfer to Relative

The goal of Custody Transfer to Relative is achieved when the child or youth is placed with relatives and legal custody of the child or youth is transferred to a relative. The goal of custody transfer to a relative can also include fictive kin for the purposes of establishing eligibility for the Kinship Guardianship Assistance Program or the State-Funded Kinship Subsidy Program (§ [63.2-1306](#)).

10.8 Kinship permanency options

There are multiple avenues to permanency which can be achieved for a child in foster care with a kinship parent. Kinship parents may:

- Become approved as a foster/adoptive parent and adopt the child (See [Section 10.10](#) and [Section 9](#) of Foster Care Guidance and [Section 2](#) of Adoption Guidance);

- Become approved as a foster parent and receive custody of the child along with continued financial assistance through KinGAP ([Section 10.11](#) through [10.26](#)) or the state kinship subsidy program (Section [10.27](#));
- Receive custody without becoming a foster parent and receive financial assistance through the kinship subsidy (Section [10.27](#)); or
- Receive custody without becoming a foster parent and receive no continued foster care related financial assistance (Refer to [The Relative's Guide to Services Post-Custody Transfer](#) for services the relative may be eligible for outside of permanency related assistance).

10.9 Overview of relatives becoming foster parents

The service worker should discuss with the relatives the differences between assuming custody of a child or youth in foster care and becoming foster parents for that child or youth. Relatives need to understand that being a foster parent includes much more structured involvement from the child welfare system because the LDSS holds legal custody of the child or youth. In order for the relative to be eligible for kinship guardianship assistance, the relative shall become an approved foster parent. The requirements to become a foster parent in Virginia are the same for a relative as a non-relative (see [Local Department Foster and Adoptive Family Home Approval Guidance](#) in Chapter D of the Child and Family Services Manual). However, the LDSS may use temporary waivers to approve kinship foster families to allow for immediate placement. The LDSS should review at least the following information with the relative:

- The requirements to be approved as a foster parent (including criminal background checks, training, and the home study process).
- The relative's involvement in service planning and services for the child or youth, participating in at least monthly visits by the service worker with the relatives and child or youth, and attending court hearings, administrative panel reviews, and FAPT meetings.
- The monthly payments available to help meet the needs of the child or youth for basic maintenance and for additional supervision and support when required. The service worker should explain that these funds supplement the resources of the relatives to help them care for the child or youth. These funds are not intended to be a salary for the relative foster parents nor cover the full costs of raising the child or youth.
- The eligibility requirements for kinship guardianship assistance if the relative foster parent provides permanency for the youth by taking custody.
- The LDSS role in assisting in obtaining services and supports needed by the child or youth (e.g., Medicaid eligibility, therapeutic services).

- The relative's role in arranging visitations with the birth parents and siblings, transporting the child or youth, and assisting in carrying out the visits, particularly when the goal for the child or youth is to return home.
- The role of the relatives and health care professionals in meeting the child's or youth's medical, dental, and behavioral health care needs.

If the relative or fictive kin's request to become a foster parent is denied, the local agency must provide the relative or fictive kin information regarding their right to appeal the denial as outlined in Section 1.5.1 of Resource Family guidance.

10.9.1 Special circumstances for relative foster families

The special circumstances related to the rights of relative/kinship foster parents with whom a child in foster care has been placed for six (6) consecutive months are set out in [§63.2-900.1](#) of the Code of Virginia:

- As long as the home continues to meet foster and adoptive family home approval standards, unless the kinship foster parent consents to the removal, no child shall be removed from the physical custody of the kinship foster parent except by a court order or child abuse and neglect procedures pursuant to [§ 63.2-1517](#) of the Code of Virginia; or
- If a change in the placement of the child is the agreed upon outcome of a FPM, then the child can be moved. The outcome of the meeting will not be valid if the relative foster parent and birth parent(s) do not attend. If the child is old enough to participate, the child should also attend. If consensus is not achieved in the FPM, then the LDSS should file a petition to obtain a court order in order to remove the child from the home.

These special circumstances also apply to foster parents who are fictive kin, beginning July 1, 2020 ([§ 63.2-900.1](#)).

10.10 Overview of relative adopting child or youth

Relatives may become the adoptive parent of the child or youth if the parental rights of the birth parents have been terminated by the court. Relatives who adopt assume all the rights and responsibilities that once belonged to the birth parents. Adoption is a life-long permanent relationship, entitling a child or youth to all of the benefits and rights of a biological child or youth within the adoptive family. Adoption is a more permanent family connection for the child or youth than the transfer of custody. The service worker should discuss with the relatives some of the changes that occur when they adopt the child or youth, including, but not limited to:

- The relatives have full decision-making authority over the child or youth. The birth parents cannot petition the court for the purpose of custody or visitation with the child or youth.

- The relatives may choose to enter into a Post-Adoption Contact and Communication Agreement (PACCA) with the birth parents if desired and if in the best interest of the child or youth. A PACCA is a mutually developed agreement that allows the child or youth to continue having contact with the birth parents under circumstances developed in the agreement.
- The child or youth who has documented special needs may be eligible to receive adoption assistance. Such assistance may be available to help address the basic maintenance needs and required additional supervision and support needs of the child or youth, non-recurring expenses of the relatives directly related to the legal adoption of the child or youth, and required services and supports directly related to the child's or youth's special needs (e.g., counseling and crisis intervention).
- After termination of parental rights, a biological parent who may have been ordered to pay child support will no longer have this obligation.

For more information about the process of adoption and the child or youth's eligibility requirements for adoption assistance, see the Child and Family Services Manual, Chapter F. Adoption, [Section 2](#), Adoption Assistance, and [Section 9](#) of Foster Care Guidance.

10.11 Overview of kinship guardianship assistance

As of July 1, 2018, kinship guardianship assistance is available to eligible relative custodian(s) as an additional path to permanency for certain youth in foster care. If all of the eligibility criteria are met, the relative custodian(s) are provided financial support from the day the court transfers custody to them until the youth turns 18, or until they turn 21, if eligible. This option provides legal permanence for the youth while ensuring the youth's needs continue to be met, thereby greatly reducing the risk of the youth re-entering foster care. The relative custodian(s) are also eligible to access CSA funding in their community to obtain any additional services the youth may need that are not covered by Medicaid/insurance. As of July 1, 2020, fictive kin are also potentially eligible for kinship guardianship assistance as long as they meet the other eligibility requirements. For kinship guardianship assistance guidance, the terms "relative" and "relative custodian" include fictive kin.

10.11.1 Responsible Agency

All LDSS shall implement kinship guardianship assistance for relatives who take custody of youth from foster care and meet the eligibility criteria. The LDSS holding custody of the youth prior to custody being transferred to the relative is responsible for determining eligibility and providing the kinship guardianship assistance.

10.11.2 Eligibility Requirements

To determine eligibility for kinship guardianship assistance, the LDSS shall evaluate if all of the following requirements are met for both the child or the youth and the

prospective relative custodian(s). The LDSS may also determine a sibling of the eligible youth is eligible for kinship guardianship assistance.

10.11.2.1 Determining eligibility for youth

The youth is eligible for kinship guardianship assistance when the following requirements are met:

- The youth shall be under 18 years of age prior to the transfer of legal custody to the relative.
- The youth shall be in foster care as a result of:
 - Commitment to the LDSS by any court of competent jurisdiction as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child; or
 - A voluntary placement agreement such as an entrustment or noncustodial agreement with the birth parents or guardians.
- The permanency options of Return Home and Adoption are not appropriate for the youth as documented in the youth's foster care plan ([Section 10.11.3](#)).
- The youth shall be in the continuous custody of the LDSS for at least six (6) consecutive months.
- The youth shall have been eligible for foster care maintenance payments while residing in the home of the prospective relative custodian for at least six consecutive months.
- The youth shall demonstrate a strong attachment to the prospective relative custodian(s).
- The youth shall be consulted regarding the transfer of custody to the relative if the youth is age 14 or older.

10.11.2.2 Determining eligibility of prospective relative custodian(s)

Prospective relative custodian(s) are eligible if they meet all of the following requirements. The prospective relative custodian(s) shall:

- Be related to the youth by blood, marriage, or adoption.
- Have a strong commitment to permanently care for the youth.

- Be an approved relative foster and adoptive parent for the youth for at least six (6) consecutive months.
- Be willing to obtain legal custody of the youth.

10.11.2.3 Determining placement of at least six (6) consecutive months

The six (6) months of consecutive placement may start on the date the youth is placed in the approved foster home of the prospective relative custodian(s).

When necessary, the LDSS may utilize temporary waivers to approve kinship foster families to allow for immediate placement. The required steps for the process of immediate kinship home placement and subsequent foster home approval are outlined in Section 1.5 of Resource Family Guidance.

The service worker may determine the placement is consecutive for six (6) months even when the youth is temporarily absent from the placement for 14 or fewer consecutive days and the youth's placement continues with the same provider. The absence may include run away, respite care, medical hospitalizations, trips, or vacations. If the absence exceeds 14 days or the youth does not return to the same placement, the placement shall not be determined consecutive.

In addition to considering the length of time the youth is placed outside of the home, the service worker should also assess the stability of the relative placement while the youth is away from home by considering:

- The needs of the youth;
- The reasons for the short term absence from the home;
- The involvement of the prospective relative custodian(s);
- The youth's attachment to the prospective relative custodian(s).

If the youth is placed outside of the home for more than fourteen (14) days or if the service worker determines the youth's placement in the prospective relative custodian(s)' home has not met the criteria for six (6) consecutive months as described above, then kinship guardianship assistance is not an option until the requirement of at least six (6) consecutive months of foster care placement has been met.

10.11.2.4 Siblings of eligible youth placed in the same home

LDSS shall make diligent efforts to place siblings together when this is in the best interests of the children (see section [Section 6.4](#)). The siblings of an eligible youth may be placed with the same prospective relative custodian(s) if

the LDSS and the prospective relative custodian(s) agree that the placement is appropriate and in the best interest of the siblings and the eligible youth. A Kinship Guardianship Assistance Agreement may be established and payments may be paid on behalf of each sibling of the eligible youth. Siblings do not have to be placed with the prospective relative custodian(s) simultaneously with the eligible youth to qualify for kinship guardianship assistance.

The sibling does not need to meet the eligibility criteria outlined in [Section 10.11.2.1](#) in order to receive guardianship assistance maintenance payments and non-recurring expenses related to the costs of obtaining legal custody if the agency and the prospective relative custodian(s) agree on the appropriateness of the placement of the sibling with the relative custodian(s).

To qualify as a sibling, the sibling shall have at least one parent in common with the eligible youth by blood, marriage, or adoption. The sibling shall be consulted regarding the relative custody arrangement, if age 14 or older. The sibling does not have to be placed in the home of the prospective relative custodian(s) for at least six consecutive months.

If the sibling is not placed simultaneously with the eligible youth, the prospective relative custodian(s) shall:

- Be an approved foster and adoptive parent at the time the sibling is placed in the home (see [Local Department Resource, Foster, and Adoptive Family Home Approval Chapter](#)).
- Have a strong commitment to permanently care for the sibling.
- Be willing to obtain legal custody of the sibling.

If the prospective relative custodian(s) are no longer approved providers, then the prospective relative custodian(s) shall go through an approval process (see Section 1.5 of Resource Family Guidance).

When joint placement of the sibling with the eligible youth is not appropriate or feasible, the service worker shall develop a plan to encourage frequent and regular visitation and communication between the siblings. The plan should be developed within 15 calendar days after placement. The plan shall take into account the wishes of the youth, consistent with the youth's developmental level. It shall specify the frequency of visitation or communication, identify who is responsible for ensuring the visits or communication take place, and state any requirements, restrictions, or limitations to the visits or communications (§ [63.2-900.2](#)). The communications may include, but are not limited to, face-to-face visits, telephone calls, email correspondence, and video conferencing.

If contact is not in the best interest of either youth, the service worker shall document the reasons why frequent visitation and/or communication is contrary

to the safety and well-being of the child(ren). Additionally, the service worker shall consider what steps should be taken in the future to reassess the appropriateness of contact and ensure it is reassessed on a regular basis.

10.11.2.5 Screening the child or youth to determine eligibility

The LDSS should complete the Kinship Guardianship Assistance Screening Tool to ensure that the youth meets all the criteria for eligibility. The LDSS shall maintain documentation to support the eligibility determination in OASIS and the supporting documents in the kinship guardianship assistance case record. The screening tool is also used to document the funding source for the kinship guardianship assistance payments.

10.11.3 Foster care plan requirements

For any youth with the goal of Custody Transfer to a Relative with kinship guardianship assistance, the service worker shall include the following in the youth's foster care plan:

- The steps that the LDSS has taken to determine that the goals of reunification and adoption (See Section 10.11.4) are not appropriate for the youth.
- The reasons for any separation of siblings as a result of the placement.
- The reasons why placement with an appropriate relative through a Kinship Guardianship Assistance Agreement is in the youth's best interests.
- The ways in which the youth meets eligibility requirements for the kinship guardianship assistance payment.
- The efforts the LDSS has made to discuss adoption by the relative custodian as a more permanent alternative to legal guardianship and documentation of the reasons why the relative custodian has chosen not to pursue adoption.
- The efforts made by the LDSS to discuss with the youth's parent(s) the kinship guardianship assistance arrangement. Efforts can include sending letters or conducting person locator searches and using other diligent search tools to locate the parent, if the agency is unable to have a discussion with the parent because they are unable to be located or are not willing to participate in the discussion.

10.11.4 Determining that the goal of adoption is not appropriate

Before the service worker can determine that the goal of adoption is not appropriate, they must first fully explore adoption as a permanency option for the child. The service worker must include documentation of the following in the child's case record:

- The multiple efforts the service worker has made to explore adoption with the relative custodian as a more permanent alternative to legal guardianship and documentation of the reasons why the relative custodian has chosen not to pursue adoption;
- The service worker provided Supporting Your Child's Path to Permanency to the parent(s) and the option of voluntary termination of parental rights was discussed with the parent(s); and
- The services that were provided to the parent(s), relative custodian, and/or child to explore adoption therapeutically and, if no services were provide, the rationale behind not providing the services.

If the relative caregiver does not wish to pursue adoption, the worker should assess whether adoption and termination of parental rights is in the best interest of the child, including:

- The relative caregiver's rationale for not wishing to pursue adoption;
- How long the child has been placed in the relative's home;
- The impact of removing the child from the relative's home to be adopted by another relative or a foster parent; and
- Whether the court would have to approve the child's change in placement in accordance with § 63.2-900.1.

It is important to note that placement with a relative is an exception to the requirement to file for termination of parental rights at 15 months.

10.12 Preparing and partnering with prospective relative custodian(s)

The service worker should continue to strengthen the collaborative partnership with the prospective relative custodian(s) by:

- Creating a supportive environment for conversations and building trust;
- Being open and transparent in communication; and
- Understanding and respecting the prospective relative custodian's strengths, concerns, and family circumstances.

To help prepare the prospective relative custodian(s) assume legal custody of the youth, provide a permanent family for the youth, and prevent or eliminate the youth's need for foster care placement after custody has been transferred, the service worker, in collaboration with the family and the Family Partnership Team, as appropriate, should:

- Prepare the prospective relative custodian(s) for the process of obtaining legal custody of the youth (see [Section 10.5](#)).
- Identify the financial assistance, services, and/or supports the youth is currently receiving, including the provider, frequency, and monthly cost when applicable and known.
- Inform the prospective relative custodian(s) of their responsibilities for obtaining ongoing services to address the youth's developmental, medical, dental, and/or behavioral health care needs. Identify resources that may be available to help meet the needs of the youth and/or the family.
 - Brainstorm the support network of extended family, friends, and neighbors.
 - Identify family resources and community organizations (e.g., private health insurance, faith-based organizations, community centers, cultural organizations).
 - Identify community and government agencies (e.g., local health department, the schools).
 - Explain the process for requesting CSA services through the FAPT to prevent or eliminate the need for foster care placement (see [Section 13.8](#)).
- Identify whether the youth is currently receiving social security benefits and how that will be addressed once they enter into the Kinship Guardianship Assistance Agreement (see [section 10.14.2](#)).
- Identify whether the youth is currently receiving other retirement or disability benefits (e.g. [Veterans benefits](#), [Railroad Retirement benefits](#)), life insurance benefits, and/or trust fund payments related to a birth parent.
- Ensure the case has been referred to the Division of Child Support Enforcement (DCSE) to pursue financial support for the youth from the birth parents (see [Section 4.7](#)) and revoke any good cause determination that has already been made. The LDSS must notify the DCSE that the case has transitioned to KinGAP and that the child support case needs to remain open, using the [Notification to DCSE of Foster Care Case Change to KinGAP Form](#).
- Inform the prospective relative custodian(s) of their responsibility for ensuring the youth is a full time student or completes secondary school when the youth is of compulsory age for school attendance in Virginia (i.e., the child was age five (5) on or before Sept 30 of the current school year through his or her 18th birthday as defined in [§ 22.1-254 A](#)).
 - The prospective relative custodian(s) shall report this information on the annual affidavit.

- The Kinship Guardianship Assistance Agreement includes a provision for the prospective relative custodian(s) to authorize the LDSS to use the youth's State Testing Identification (STI) number, when applicable, to document the youth's enrollment in school and to obtain educational outcome information from the Virginia Department of Education on children and youth who receive kinship guardianship assistance funds. Only non-identifying aggregate educational outcome information on youth with kinship guardianship assistance will be reported publicly.
- Inform the prospective relative custodian(s) and the youth of independent living services available for youth age 16 and over who left foster care and are receiving kinship guardianship assistance. Independent living services for youth may be accessed through [Project LIFE](#) when needed services are requested by the family or the youth. Independent living services may also be available through the LDSS responsible for providing services to the family, based on the availability of Independent Living funds awarded to the LDSS. Services include a broad range of activities, educational support, job preparation, and training to help the youth prepare for adulthood. For information on types of services, see [Section 14.7](#).
- Inform the prospective relative custodian(s) and the youth of Educational Training Voucher (ETV) program available for youth age 16 and older who left foster care and are receiving kinship guardianship assistance. The ETV Program provides federal and state funding to help eligible youth with expenses associated with college and post-secondary vocational training programs. Funding of up to \$5,000 per year OR the total cost of attendance per year (whichever is less), per eligible youth. For information on ETV, see [section 13.11](#).
- For youth age 17 or older, inform the prospective relative custodian(s) and the youth of the LDSS requirement to conduct the National Youth in Transition Database survey. For information about the survey please see [section 13.13](#).

10.13 Application process for kinship guardianship assistance

After the LDSS determines the youth and the prospective relative custodian(s) are eligible for kinship guardianship assistance, the LDSS shall provide the prospective relative custodian(s) with the [Virginia Application for Kinship Guardianship Assistance](#).

This tool helps the prospective relative custodian(s):

- Plan for integrating the youth into their family permanently.
- Evaluate the total resources they have available to address the needs of the youth.

- Identify the financial assistance they may need in order to assume custody and meet the needs of the youth.

The application should be completed by the prospective relative custodian(s) with the LDSS service worker.

The prospective relative custodian(s) shall sign and submit the completed [Application for Kinship Guardianship Assistance](#) to the LDSS. Letters, other written requests, and verbal requests for kinship guardianship assistance do not constitute an official request and do not initiate the time frames for processing.

10.13.1 Initial review and notice of application receipt

Within 14 days after receiving the [Application for Kinship Guardianship Assistance](#), the LDSS should:

- Review the application to determine whether the application is complete.
- Notify the prospective relative custodian(s) in writing that the application was received and its status:
 - **The application is complete.** The notification should include the date the application was received. It should state that the LDSS and the prospective relative custodian(s) have 90 days to sign the Kinship Guardianship Assistance Agreement.
 - **Additional information is needed.** The notification shall state the specific information necessary to complete the application. It should advise the prospective relative custodian(s) to submit the information by email, phone, or in person within 30 days from the notice date.
 - **The application is denied** when relatives submit the application and the LDSS determines the youth and/or the prospective relative custodian(s) are not eligible for kinship guardianship assistance. The [Family Services Notice of Action](#) shall be used to communicate this in writing and shall clearly state the reason(s) for the denial, provide information on the relatives' right to appeal within 30 days of receiving the notice of denial, and provide information on the fair hearing process. No further action is required by the LDSS on the application.

Note: If Custody is transferred to the relative prior to the six (6) month placement requirement being met and the Kinship Guardianship Assistance Agreement being signed, the family will not be eligible for kinship guardianship assistance.

10.13.2 Timeframe for acting on completed application

Once the LDSS receives the completed [Application for Kinship Guardianship Assistance](#) and all required documentation:

- The LDSS and the prospective relative custodian(s) should begin the assessment and negotiation process as quickly as possible.
- The LDSS and the prospective relative custodian(s) should fully discuss the general provisions required for kinship guardianship assistance as delineated in the binding Kinship Guardianship Assistance Agreement. They should complete and sign the agreement within 90 days from the date the LDSS received the completed application and all required documentation.
- **The local board, or its designee, and the prospective relative custodian(s) shall sign the Kinship Guardianship Assistance Agreement prior to the transfer of legal custody of the youth from the LDSS to the relative custodian(s).**
- The effective date of the Kinship Guardianship Assistance Agreement is the date the judge signs the court order transferring legal custody of the youth from the LDSS to the relative custodian(s).

10.14 Assessing the family and youth's needs for assistance

10.14.1 Assessing family circumstances

The LDSS should begin the assessment process by facilitating conversations with the prospective relative custodian(s) about the needs of the youth, the family circumstances of the prospective relative custodian(s), and the types of assistance they feel they need to obtain legal custody of the youth, meet the youth's needs, and prevent the youth from returning to foster care. Family circumstances include the prospective relative custodian(s)' overall ability to meet the immediate and future needs of the youth and to incorporate the youth into their home, in relation to their current lifestyle and standard of living, as well as their future plans.

The prospective relative custodian(s) provide information on their family circumstances in the application for kinship guardianship assistance. The purpose of this information is to assist the prospective relative custodian(s) in:

- Planning for integrating the youth into their family permanently.
- Evaluating:
 - The total funds they have available for the youth, taking into account their financial resources and expenses for the youth.

- Other resources available to help address the needs of the youth (e.g., resources from family, neighbors, faith-based community, private health insurance, schools, and other government programs).
- The financial assistance and/or services they may need in order to assume custody, to meet the needs of the youth, and to prevent the youth from returning to foster care.
- Negotiating with the LDSS the terms for the kinship guardianship assistance for the youth.
- Understanding the type of services they can request from the FAPT.

This information is not used in determining the youth's eligibility for kinship guardianship assistance. It is also not the sole factor to be used in assessing family circumstances or in determining the amount of kinship guardianship payments.

The LDSS should review the information that the prospective relative custodian(s) provide on the [Application for Assistance](#) and clarify any information as needed. The LDSS should assure the prospective relative custodian(s) that they will keep the information confidential.

The LDSS should discuss with the prospective relative custodian(s):

- If the prospective relative custodian(s) anticipate any changes in the near future that will increase or decrease the financial resources they have available to support the youth (e.g., different financial resources, different people to support on a regular basis).
- In what ways the prospective relative custodian(s) feel this information reflects their family circumstances.
- What additional information the prospective relative custodian(s) can share to better understand their family circumstances.
- Whether the prospective relative custodian(s) can spend any funds differently to help meet the needs of the youth.

The LDSS makes any adjustments to the application that the prospective relative custodian(s) identify and shares information from the application calculations with the prospective relative custodian(s). This process helps the prospective relative custodian(s) assess and understand the resources they have available to care for the youth. The prospective relative custodian(s) also refer to this information during the negotiation process for kinship guardianship assistance for the youth.

10.14.2 Assessing basic maintenance needs of the youth

After assessing family circumstances, the LDSS shall discuss with the prospective relative custodian(s) the basic maintenance available for the youth. The basic maintenance payment helps the prospective relative custodian(s) address the youth's basic needs for housing, food, clothing, transportation and/or personal incidentals. A supplemental clothing allowance over and above the basic maintenance payment is not an allowable payment in kinship guardianship assistance.

The LDSS should discuss the following factors with the prospective relative custodian(s):

- The basic maintenance payment is based on the youth's age rate for foster care maintenance rates (see [Section 18.1.3](#)). The LDSS should explain that at no time shall the payment exceed what would have been paid if the youth had remained in foster care ([Social Security Act, Title IV, § 473 \(d\) \(2\) \[42 U.S.C. 673\]](#)).
- Other forms of assistance the youth may receive:
 - [Social Security benefits](#) due to the retirement, death, or disability of a birth parent. The youth may continue to be eligible for benefits connected to the birth parents.
 - [SSI](#) payments if the youth has a disability. If the youth is currently receiving disability payments while in foster care, once custody is transferred the relative custodian will need to apply to become the payee. The LDSS should inform the prospective relative custodian(s) that they may choose to apply to receive SSI payments for an eligible youth and receive kinship guardianship assistance maintenance payments concurrently, or to obtain payments solely from one program. The LDSS should encourage the prospective relative custodian(s) to contact a Social Security representative at 1-800-772-1213 to discuss their situation. They may also visit the Social Security Administration (SSA) website at <http://www.socialsecurity.gov>.
 - The prospective relative custodian(s) may choose to:
 - Reduce the basic maintenance payment they receive based on the amount of SSI the youth is entitled to receive and use the SSI funds to help meet the maintenance needs of the youth.
 - Decline the basic maintenance payment and receive only SSI for the youth.

- Receive only the basic maintenance payment and not continue SSI payments for the youth. However, if the youth does not receive SSI benefits for 12 months, the youth is no longer eligible for SSI. The relative custodian(s) may reapply for SSI benefits in the future, or the youth may apply for Social Security Disability Insurance (SSDI) benefits after age 18 as an adult disabled since childhood. The youth will need to meet all eligibility requirements in order to receive benefits.

The LDSS should serve as a resource for the prospective relative custodian(s) on the kinship guardianship assistance program as they make this decision ([Federal Child Welfare Policy Manual, Subsection 8.4D.1](#)).

- Other retirement or disability benefits (e.g. [Veterans benefits](#), [Railroad Retirement benefits](#)), life insurance benefits, and/or trust fund payments related to a birth parent.
- The amount of funds the prospective relative custodian(s) identify they have available to care for the youth (see [Section 10.14.1](#) and the calculation at the end of Section II on the application for any remaining funds the prospective relative custodian(s) have available for the youth.) For example, the LDSS worker should inform the prospective relative custodian(s) that based on the information they provided, they have “x” dollars available to help care for the youth after subtracting the expenses for the youth from the financial resources they have available for the youth. The LDSS should ask the prospective relative custodian(s) what amount they need on a monthly basis to help address the basic maintenance need of the youth, given the resources they have available. The [Worksheet for Assessing and Negotiating Assistance](#) may be used as an additional resource.
- The amount of basic maintenance the prospective relative custodian(s) request, if they choose to receive less than the amount available.
- The length of time the prospective relative custodian(s) choose to receive the basic maintenance payment. They may receive the basic maintenance payment until the youth reaches the age of 18, or age 21 when applicable. For example, the LDSS should ask the prospective relative custodian(s) how long and for what time period they request this payment?

The LDSS shall inform the prospective relative custodian(s):

- The basic maintenance rate shall be automatically increased under two circumstances in the future:

- When the youth reaches a higher age grouping in state foster care policy (see [Section 18.1.3](#)), to help address the increased costs of caring for an older youth, or
- When statewide increases are approved to help address increased costs of living.

If the prospective relative custodian(s) choose to receive less basic maintenance than the maximum available rate, the agreed upon payment amount will be increased by the same percentage amount used to calculate the increase in the maximum foster care maintenance payments. The LDSS will notify them in writing when automatic increases occur.

- If the prospective relative custodian(s) request and the LDSS agrees to a time-limited payment, the LDSS shall notify the relative custodian(s) using the [Family Services Notice of Action](#) through certified mail **two (2) months** prior to the scheduled end date for the maintenance payment.
- The youth shall continue to receive the basic maintenance payment specified in the Kinship Guardianship Assistance Agreement, or addendum in effect, until one of the following actions occurs:
 - The relative custodian(s) decline the basic maintenance payment in writing.
 - The relative custodian(s) indicate they need a different payment amount. The new amount, up to the maximum allowable amount, is then specified in an addendum to the agreement that is signed and executed by the LDSS and the prospective relative, or
 - The agreement is terminated based on terms in the Kinship Guardianship Assistance Agreement (see [Section 10.22.3](#)).

After discussing all relevant factors, the LDSS shall document the prospective relative custodian(s)' decisions about basic maintenance payments and the agreed upon terms in the Kinship Guardianship Assistance Agreement and in any addendum containing basic maintenance payments.

10.14.3 Assessing additional supervision and support needs of the youth

After assessing the basic maintenance needs of the youth, the LDSS and prospective relative custodian(s) should assess the youth's needs for additional supervision and support when appropriate for the youth. An enhanced maintenance payment may be paid when the youth requires additional supervision and support from the prospective relative custodian(s) to ensure the safety and well-being of the youth.

When the LDSS determines there are indications that the youth may require additional supervision and support from the prospective relative custodian(s), the LDSS shall use the [Virginia Enhanced Maintenance Assessment Tool](#) (VEMAT) to assess the behavioral, emotional, and physical/personal care needs of the youth. The LDSS shall administer the VEMAT to determine whether an enhanced maintenance payment is appropriate when:

- The youth is receiving an enhanced maintenance payment in foster care based on the VEMAT; or
- The youth is not receiving an enhanced maintenance payment and the LDSS has sufficient reason to believe the youth requires additional supervision and support from the prospective relative custodian(s) based on the frequency, duration, and intensity of the youth's behavioral, emotional, and physical/personal care characteristics consistent with VEMAT guidance.

The LDS must administer the VEMAT within 14 days of receiving the application for assistance, if a VEMAT is required. A VEMAT is required:

- When the current VEMAT will be six months old by the time KinGAP Agreement will be signed;
- When the VEMAT will become due during the negotiation timeframe; or
- When there is no VEMAT and there is reason to believe that the child requires additional supervision and support.

When a VEMAT is not administered, the youth is not eligible for a kinship guardianship assistance enhanced maintenance payment. A re-administration of the VEMAT is not required if the Kinship Guardianship Assistance Agreement is signed within six months of the prior unexpired VEMAT assessment. For procedures on VEMAT, see [Section 18.2](#).

When the LDSS establishes that the youth requires additional supervision and support based on the administration of the VEMAT in accordance with VDSS guidance, the LDSS and the negotiator shall assess and negotiate an enhanced maintenance payment with the prospective relative custodian(s), unless the prospective relative custodian(s) decline this assistance. For guidance on the purpose, goals, and principles when negotiating kinship guardianship assistance, see [Section 10.15](#).

The LDSS should discuss the following factors with the prospective relative custodian(s), during the assessment and negotiation process, as well as any other relevant factors:

- The needs of the youth for additional supervision and support from the prospective relative custodian(s), as documented by the VEMAT for the youth.
- Available resources to help meet the needs of the youth and defray the costs. When the prospective relative custodian(s) plan to add the youth to their health insurance policy, they shall provide a copy of the full explanation of covered benefits to help identify services that are covered by their health insurance.
- The family circumstances of the prospective relative custodian(s).
- The amount of funds the prospective relative custodian(s) have available to care for the youth. (See [Section 10.14.1](#) and the calculation at the end of Section II on the application for any remaining funds the prospective relative custodian(s) have available for the youth.) The LDSS worker should inform the prospective relative custodian(s) that based on the information they provided, they have “x” dollars available to help care for the youth after subtracting the expenses for the youth from the financial resources they have available for the youth. The LDSS should ask the prospective relative custodians how much financial assistance they need to provide supervision and support for the youth given the resources they have available.
- The prospective relative custodian(s)’ request for enhanced maintenance and their reasons.
- The length of time for the enhanced maintenance payment. The LDSS should ask the prospective relative custodians how long they need the payment to provide additional supervision and support for the youth. The LDSS should also clarify the length of time they need the payment.
- The enhanced payment amount may range from no payment up to the maximum amount allowed by law. At no time shall the amount of the enhanced maintenance payment exceed what would have been paid if the youth was in foster care ([Social Security Act, Title IV, § 473 \(d\) \(2\) \[42 U.S.C. 673\]](#)). The VEMAT score does not determine the final payment for the youth; but rather, it is used during negotiation as the maximum allowable payment amount.
- The maximum allowable amount is based on the VEMAT score for the youth when the LDSS first negotiates a kinship guardianship assistance enhanced maintenance payment with the prospective relative custodian(s). The maximum amount remains the same for any subsequent negotiations on kinship guardianship assistance enhanced maintenance payments for the duration of the Kinship Guardianship Assistance Agreement.

- The only exception is when the LDSS receives a [Request for VEMAT Administration Due to a Change in Child Behaviors](#) and a new VEMAT is administered. In this situation, the maximum allowable amount for negotiations is increased, based on the youth's higher VEMAT score, for the duration of the agreement. When the new VEMAT score is lower than the youth's previous score, the payment may be lowered with the concurrence of the relative custodian(s).
- The VEMAT score for the youth provides the LDSS and the prospective relative custodian(s) current information for the assessment and negotiation process on the additional supervision and support the youth requires from the prospective relative custodian(s), based on the frequency, duration, and intensity of the child's behavioral, emotional, and physical/personal care characteristics.

When the prospective relative custodian(s) and the LDSS agree to a time-limited enhanced maintenance payment, the LDSS shall inform the prospective relative custodian(s) that the LDSS will notify the prospective relative custodian(s) in a certified letter 60 days prior to the scheduled end date for the payment.

The youth shall continue to receive the enhanced maintenance payment specified in the Kinship Guardianship Assistance Agreement, or in the addendum in effect, until one of the following actions occurs:

- The relative custodian(s) decline an enhanced maintenance payment in writing;
- The relative custodian(s) and the LDSS negotiate and agree upon a different payment amount, based on the needs of the youth as documented by the VEMAT and the family circumstances of the relative custodian(s). The agreed upon terms are then documented in an addendum to the agreement; or
- The payment or agreement is terminated based on terms in the Kinship Guardianship Assistance Agreement (see [Section 10.22.3](#)).

The LDSS shall not reduce the enhanced maintenance payment in the Kinship Guardianship Assistance Agreement unless the relative custodian(s) agree in writing.

After discussing all relevant factors, the LDSS negotiates with the prospective relative custodian(s) to determine the agreed upon enhanced maintenance payment amount to be paid on behalf of the youth. The LDSS shall document the agreed upon payment and terms in the Kinship Guardianship Assistance Agreement and in any addendum to the agreement containing enhanced maintenance payments. The LDSS is responsible for making title IV-E and CSA basic maintenance payments specified in the Kinship Guardianship Assistance Agreement.

10.14.4 Assessing health insurance needs of the youth

After assessing the maintenance needs of the youth, the LDSS and prospective relative custodian(s) should identify health insurance coverage for the youth, regardless of whether or not the youth is eligible for title IV-E funds. The prospective relative custodian(s) may:

- Add the youth to their health insurance policy (e.g., employer-based, TRICARE, CHAMPVA, and self-purchased plans) in accordance with the insurance policy requirements (§ [38.2-3432.3](#)). The youth may be added at the time custody is transferred to the relative custodian(s).
- Add the youth to their health insurance policy and use Medicaid or FAMIS as secondary health insurance if the youth is eligible ([Virginia DSS Medicaid Eligibility Manual](#), M1510.301).
- Use Medicaid or FAMIS if the youth is eligible.

The LDSS shall inform the prospective relative custodian(s) whether the youth is eligible for Medicaid in relation to the Kinship Guardianship Assistance Agreement.

10.14.4.1 Medicaid for the title IV-E eligible youth

The youth who receives title IV-E kinship guardianship assistance maintenance payments is categorically eligible for Medicaid in the state where the youth resides. For the youth to be considered categorically eligible, a title IV-E kinship guardianship assistance payment of any amount shall be made on an ongoing basis (e.g., a dollar each month) ([Social Security Act, Title IV, § 473 \(b\) \(3\) \(C\) \[42 U.S.C. 673\]](#); and [Federal Program Instruction](#) dated July 9, 2010).

When the youth is receiving title IV-E kinship guardianship assistance maintenance payments, Medicaid shall be included in the Kinship Guardianship Assistance Agreement. Medicaid eligibility continues for the youth when custody is legally transferred. The relative custodian(s) are not required to submit a separate Medicaid application for the youth.

When the youth and the prospective relative custodian(s) live outside of Virginia, the relative custodian(s) do not submit a separate application to the Medicaid program in the new state of residence. The LDSS shall send the [Title IV-E Foster Care and Medicaid Initial/Redetermination Evaluation](#) to the Medicaid program in the new state which verifies the youth's title IV-E eligibility and categorical eligibility for that state's Medicaid program. The LDSS continues to make the title IV-E maintenance payment.

10.14.4.2 Medicaid for the non-title IV-E eligible youth

When the youth is not eligible for kinship guardianship assistance using title IV-E funds, and only state CSA funds may be used, the youth is **not** automatically eligible for Medicaid.

The LDSS should discuss the youth's situation with the prospective relative custodian(s) and explain that the youth may be eligible for medical coverage under various Medicaid covered groups or under FAMIS.

To determine the youth's eligibility for Virginia medical assistance, the prospective relative custodian(s) submit a Medicaid application to the LDSS with which they entered into the Kinship Guardianship Assistance Agreement. They should submit the application as soon as possible after the Kinship Guardianship Assistance Agreement is executed.

When custody is legally transferred, eligibility for the youth who is currently enrolled in Medicaid will be reevaluated to determine continued eligibility. The income of the relative custodian(s) is not counted when determining the child's eligibility.

If the youth is eligible for Virginia medical assistance, the youth is enrolled in the coverage that is most beneficial (see the Virginia DSS Medicaid Eligibility Manual, [M0310.102](#)).

For information on Medicaid covered groups, see the Virginia DSS Medicaid Eligibility Manual, [M03 Medicaid Covered Groups](#).

For information on the FAMIS program, see <http://www.famis.org/> or the Virginia DSS Medicaid Eligibility Manual, [M21](#).

10.14.5 Assessing non-recurring expenses for obtaining legal custody

After assessing the health insurance needs of the youth, the LDSS and the prospective relative custodian(s) should assess non-recurring expenses of the prospective relative custodian(s) in obtaining legal custody of the youth, not to exceed \$2,000 ([Social Security Act, Title IV, § 473 \(d\) \(1\) \(B\) \(iv\) \[42 USC 673\]](#)).

Payment and/or reimbursement may be made directly to the service providers or to the prospective relative custodian(s). Payment should be for expenses:

- Incurred by, or on behalf of, prospective relative custodian(s) for which the prospective relative custodian(s) have ultimate liability for payment.
- Not incurred in violation of State or Federal law.
- Not reimbursed from any other sources or funds.

Types of expenses include reasonable and necessary costs of the prospective relative custodian(s) that are directly related to obtaining legal custody of the youth including:

- Attorney fees and other legal service fees directly related to obtaining legal custody of the youth.
- Transportation, lodging, and food for the youth and/or the prospective relative custodian(s) when necessary to complete custody process. These costs may be paid for more than one trip.
- Other costs directly related to the transfer of legal custody.

In estimating and determining payment amounts, the LDSS and prospective relative custodian(s) should meet the following requirements:

- Payment amounts shall be determined through agreement between the prospective relative custodian(s) and the LDSS. The amounts do not need to be negotiated.
- The prospective relative custodian(s)' income shall not be used as an eligibility requirement to determine whether payments shall be made.
- The total payment amount shall not exceed \$2,000 per youth per transfer of legal custody.
- For each youth of a sibling group, placed either separately or together, the prospective relative custodian(s) shall be reimbursed up to the \$2,000 maximum ([Social Security Act, Title IV, § 473 \(d\) \(3\) \(B\) \(ii\) and \(d\) \(1\) \(B\) \(iv\) \[42 USC 673\]](#)).
- Caps or limits shall not be set for any type of non-recurring expenses.
- The prospective relative custodian(s) cannot be reimbursed for out-of-pocket expenses for which they have otherwise been reimbursed.

Reasonable estimates may be used when service costs are not known.

The LDSS shall document the agreed upon payment amount(s) for non-recurring expenses of the prospective relative custodian(s) that are directly related to obtaining legal custody on the Kinship Guardianship Assistance Agreement. Title IV-E funds are used for non-recurring payments on behalf of the title IV-E eligible youth and the non-title IV-E eligible youth.

10.15 Negotiating kinship guardianship assistance

After the [Application for Assistance form](#) is complete, the LDSS completes the Referral for KinGAP Negotiation packet, which includes the [Referral for Negotiations](#). The LDSS and the negotiator shall assess and negotiate with the prospective relative custodian(s) to determine agreed upon terms for the maintenance payment to meet the need of the youth.

The purpose of negotiation is to assess the youth's needs and the circumstances of the prospective relative custodian(s) to determine the amount and timing of assistance needed. The goal is not to minimize or maximize the amount of assistance.

The process is designed to provide consistent, fair, and equitable treatment of requests from prospective relative custodian(s) statewide. Assistance is then individually tailored to meet the unique special needs of the youth and the family circumstances of the relative custodian(s), utilizing all available resources in the family and community.

Assistance supplements the resources of the prospective relative custodian(s) to help them care for the youth's needs that they have difficulty providing for without assistance. It is not intended to cover the full cost of raising the youth. The prospective relative custodian(s) must continue to provide financially for their own needs, independent of assistance payments for the youth.

Negotiation focuses on what assistance is needed now and what will be needed in the immediate future to help meet the youth's needs. The future needs of the youth and the family circumstances of the prospective relative custodian(s) are not negotiated. At any time in the future, the relative custodian(s) may request changes in financial assistance to address changes in the needs of the child and the family circumstances of the relative custodian(s).

Decisions are based on:

- The needs of the youth.
- The family circumstances of the prospective relative custodian(s).
- The availability of other resources to meet the youth's needs and help defray costs.
- The legal requirements for kinship guardianship assistance.

Basic maintenance and enhanced maintenance combined is the maintenance payment for kinship guardianship assistance. Negotiations will begin at 70% of the total maintenance rate.

10.15.1 Role of the Negotiator

In leading up to, during, and after the negotiation process, the negotiator:

- Ensures the state-wide kinship guardianship assistance negotiation process is objective, consistent, and supportive of both the LDSS and the prospective relative custodian.
- Reviews the application for kinship guardianship assistance or the request for an addendum.
- Reviews the pertinent and supporting documents that are within the automated system (OASIS) and case record. Specifically:
 - Ensures that the documentation supports the youth's needs; and,
 - Reviews the previous services, history of the case, and effectiveness of outcomes of previous services.
- Interviews the case worker and the family, when necessary.
- Negotiates with the family and LDSS on a case by case basis.
- Provides the LDSS and the family with a report of results of the negotiation within **30 days** of receiving the Referral for Negotiation and supporting documentation.
- Validates that the signed Kinship Guardianship Assistance Agreement matches the negotiated terms and reviews the foster care and kinship guardianship case in OASIS within **30 days** of the negotiation.

10.15.2 Role of LDSS during the negotiation process

The LDSS is a key player in the negotiation process. In leading up to, during, and after the negotiation process, the LDSS:

- Discusses with the family the requested payments and prepares the family for the negotiation process. Reviews the [Information Sheet on the Virginia Kinship Guardianship Assistance Program](#) with the family.
- Screens the child (i.e. determining eligibility for kinship guardianship assistance) using the Virginia Kinship Guardianship Assistance Screening Tool.
- Within **14 days** of receipt of the application, or request for addendum collectively referred to as the application, the LDSS:

- Determines if the application is complete.
- Determines if the requested payments are reasonable and **if the application will move forward.** (See Section 10.13.1)
- Gathers documentation which supports any additional daily support and supervision needs that the child may have that are payable through an enhanced maintenance payment. Assess if a new VEMAT needs to be completed (i.e. if the VEMAT is more than six months old at the time of application or if the VEMAT will be due during the negotiation timeframe).
- Submits a Referral for KinGAP Negotiation Packet, which includes the Referral for Kinship Guardianship Negotiation, the Application for Kinship Guardianship Assistance, and the VEMAT, if applicable, with supporting documentation to the negotiator.
- If necessary, executes the VEMAT no later than the **14th day** after receiving the application, and submits a copy of the VEMAT to the negotiator. The LDSS completes the VEMAT prior to submitting the Referral for Negotiation and application. The VEMAT score and the amount are required to be entered on the referral and application.
- The LDSS will submit any additional documentation requested by the Assistance Negotiator within seven calendar days of the request.
- In conjunction with the negotiator, schedules the negotiation date and time with the family, if applicable.
- Retains a copy of the Report of Kinship Guardianship Assistance Negotiation in the supporting case record.
- Obtains the family and LCPA signatures, if applicable, and signs the negotiated Kinship Guardianship Assistance Agreement.
- Provides the negotiator a copy of the signed Kinship Guardianship Assistance Agreement within **ten (10) calendar days** of obtaining all signatures.
- Updates the automated system (OASIS) with kinship guardianship assistance financial information within **five (5) calendar days** from the signing of a Kinship Guardianship Assistance Agreement or addendum.
- Within **five (5) calendar days** of receipt of the order transferring custody to the relative, updates the automated system (OASIS) and supporting kinship guardianship assistance case record.

- Prepares the [Family Services Summary of Facts](#) for the Appeals Officer if the family appeals decisions related to kinship guardianship assistance (including negotiations).
- Issues payments per the terms of the negotiated Kinship Guardianship Assistance Agreement.
- Reports expenditures in LASER.

10.15.3 Negotiation process

All applications for kinship guardianship assistance and addendum requests are facilitated by a VDSS negotiator.

The LDSS should submit a copy of the signed [Application for Kinship Guardianship Assistance](#) to the negotiator within **14 calendar days** of receipt from the prospective relative custodian(s). The [Referral for Kinship Guardianship Assistance Negotiations](#) form and the following documentation relative to the youth's needs and the prospective relative custodian(s)' circumstances should be included:

- The screening tool;
- VEMAT, if required; and,
- Supporting documentation and diagnosis of each of the youth's needs (such as, but not limited to, [Full Disclosure Child Information](#) Form, medical reports, IEP, psychological evaluations, etc.).

The following is additional information needed for an addendum negotiation:

- [Referral for Kinship Guardianship Assistance Negotiations](#) form;
- Signed copy of the [Addendum Request to the Assistance Agreement](#) form;
- Copy of the original Kinship Guardianship Assistance Agreement; and
- Copy of the most recent addendum, if applicable.

Upon receipt of the referral, the negotiator will review the documentation and may request additional supporting documentation. If the supporting documentation is excessive, the LDSS may contact the negotiator to request a site visit to review the case in person.

After reviewing the documentation and discussing the case with the LDSS and the family (when appropriate), the negotiator will determine if the negotiation can be conducted via the phone or if an onsite visit is required. In some cases, the negotiators have the option to conduct a desk review.

The negotiation will be completed and submitted to LDSS no later than **30 days** of receiving the referral and all supporting documentation. The negotiator will submit the [Kinship Guardianship Assistance Negotiation Report](#) to the LDSS and the LDSS will provide a copy of the report to the family.

Within **15 days** from the date of the [Kinship Guardianship Assistance Negotiation Report](#), the LDSS should draft and execute a Kinship Guardianship Assistance Agreement. No later than **ten (10) days** following the last signature on the Kinship Guardianship Assistance Agreement, the LDSS will submit a copy of the Kinship Guardianship Assistance Agreement to the negotiator.

10.15.4 Appealing negotiation results

The LDSS shall provide the [Family Services Notice of Action and Right to Appeal](#) to the prospective relative custodian(s); documenting the LDSS action on the relative's application for kinship guardianship assistance. This notice should be provided within 60 days from the date the LDSS received the completed [Virginia Application for Kinship Guardianship Assistance](#) with all required documentation. The notice includes information about the prospective relative custodian's right to appeal any LDSS decision in granting, denying, changing, or discontinuing kinship guardianship assistance within **30 days** of receiving written notice of the decisions and their right to a fair hearing.

LDSS cannot use the Appeals and Fair Hearings process for appealing the negotiation results. LDSS who disagree or object to the results of the negotiations should contact the [Foster Care Program Manager](#) by email. In the event that the LDSS and the Foster Care Program Manager are unable to reach an accord, the LDSS may contact the [Director of Family Services](#).

10.16 Executing the Kinship Guardianship Assistance Agreement

When the LDSS and the prospective relative custodian(s) agree on the terms of kinship guardianship assistance for the youth, the LDSS prepares the written and binding Kinship Guardianship Assistance Agreement. **This agreement shall be signed prior to the legal transfer of custody** ([Federal Program Instruction](#) dated February 18, 2010). This agreement shall be approved by the FAPT in accordance with local CPMT policies for the non-IV-E youth.

10.16.1 Executing the agreement for the title IV-E youth

If the youth was title IV-E eligible in foster care, the youth is automatically title IV-E eligible for kinship guardianship assistance. A new title IV-E determination is not required. For the title IV-E eligible youth, the LDSS shall use the [Virginia Kinship Guardianship Assistance Agreement](#). The agreement includes, but is not limited to:

- The agreed upon terms of kinship guardianship assistance for the title IV-E eligible youth for basic maintenance, enhanced maintenance, and/or non-

- recurring expense payments, including the type, duration, and amount of assistance to be provided.
- The process for requesting services from the FAPT where the youth and the relative custodian(s) reside (as outlined in [Section 10.19](#)). The child is eligible for foster care services ([§ 63.2-905](#)), including a full range of case work, treatment, and community services.
 - The process for how the payment may be adjusted periodically in consultation with the relative custodian, including requesting changes in kinship guardianship assistance, based on changes in the needs of the youth and/or in the circumstances of the relative custodian(s).
 - The requirements that the relative custodian(s) do the following:
 - Document that a school-aged youth is enrolled full-time in school or that the youth has completed secondary school.
 - Participate in FAPT meetings and comply with CSA requirements and CPMT policies when requesting and/or receiving services through the CSA state pool of funds.
 - Participate in annual visits with the LDSS and the youth, when requested by the LDSS.
 - Submit an annual affidavit signed by one relative custodian when the Kinship Guardianship Assistance Agreement is with one relative; and signed by both relative custodian(s) when the agreement is with two relatives (see [Section 10.20](#)).
 - Submit written notification of changes when:
 - Their address changes.
 - The youth is incapable of participating in school full-time due to a medical condition documented by a qualified professional.
 - There are changes in the youth's needs and/or family circumstances of the relative custodian(s) that may change the amount of kinship guardianship assistance received.
 - The youth is no longer eligible for kinship guardianship assistance.
 - Circumstances for suspending payments.
 - Circumstances for terminating services, payments and the agreement.

- Process for appealing decisions through the VDSS fair hearings process.
- Statement that the agreement shall remain in effect when the youth and the relative custodian(s) move to another jurisdiction in Virginia or to another state.
- Effective and expiration dates of the agreement.
- Signatures and dates.

When the local board, or its designee, approves the Kinship Guardianship Assistance Agreement, the local board, or its designee, and the prospective relative custodian(s) sign the legally binding agreement ([Social Security Act, Title IV, § 473 \(d\) \(1\) \(A\) \(i\) \[42 U.S.C. 673\]](#)). The local board does not have authority to deny a Kinship Guardianship Assistance Agreement for an eligible youth.

The LDSS shall give the relative custodian(s) a copy of the signed agreement. The LDSS shall keep the original agreement and all supporting documents in the youth's kinship guardianship assistance paper case record.

10.16.2 Executing the agreement for the non-title IV-E youth

Once the negotiations have been completed, the LDSS should refer the youth and the prospective relative custodian(s) to the FAPT in the locality that holds custody of the child. The LDSS shall comply with all state and local CPMT policies in referring the youth and the prospective relative custodian(s) to FAPT for approval of the negotiated payments. CSA state pool funds are used for maintenance and enhanced maintenance payments for the non-title IV-E youth when specified in the IFSP and approved by the CPMT in accordance with local policy. Kinship guardianship assistance payments may be exempt from the FAPT process depending on the local CPMT policy.

For the non-title IV-E eligible youth, the LDSS shall use the [Virginia Kinship Guardianship Assistance Agreement](#). The agreement includes, but is not limited to:

- The agreed upon terms of kinship guardianship assistance for the non-title IV-E eligible youth for basic maintenance, enhanced maintenance, and/or non-recurring expense payments, including the type, duration, and amount of assistance to be provided.
- The process for requesting services from the FAPT where the youth and the relative custodian(s) reside.
- The process for requesting changes in kinship guardianship assistance, based on changes in the needs of the youth and/or in the circumstances of the relative custodian(s).

- The requirements that the relative custodian(s):
 - Document that a school-aged youth is enrolled full-time in school or that the youth has completed secondary school.
 - Participate in FAPT meetings and comply with CSA requirements and CPMT policies when requesting and/or receiving services through the CSA state pool of funds.
 - Participate in annual visits with the LDSS and the youth, when requested by the LDSS.
 - Submit an annual affidavit signed by one relative custodian when the Kinship Guardianship Assistance Agreement is with one relative; and signed by both relative custodian(s) when the agreement is with two relatives (see [Section 10.20](#)).
 - Submit written notification of changes when:
 - Their address changes.
 - The youth is incapable of participating in school full-time due to a medical condition documented by a qualified professional.
 - There are changes in the youth's needs and/or family circumstances of the relative custodian(s) that may change the amount of kinship guardianship assistance received.
 - The youth is no longer eligible for kinship guardianship assistance.
- Circumstances for suspending payments.
- Circumstances for terminating services, payments and the agreement.
- Process for appealing decisions through the VDSS fair hearings process.
- Statement that the agreement shall remain in effect when the youth and the relative custodian(s) move to another jurisdiction in Virginia or to another state.
- Effective and expiration dates of the agreement.
- Signatures and dates.

When the local board, or its designee, approves the Kinship Guardianship Assistance Agreement, the local board, or its designee, and the prospective relative custodian(s) sign the legally binding agreement ([Social Security Act, Title IV, § 473](#)

[\(d\) \(1\) \(A\) \(i\) \[42 U.S.C. 673\]](#)). The local board does not have authority to deny a Kinship Guardianship Assistance Agreement for an eligible youth.

The LDSS shall give the relative custodian(s) a copy of the signed agreement. The LDSS shall keep the original agreement and all supporting documents in the youth's kinship guardianship assistance paper case record.

10.16.3 Successor guardian

The Kinship Guardianship Assistance Agreement and any addenda may include the name of an appropriate person to act as a successor legal guardian to provide care and guardianship of the youth in the event of death or incapacitation of the relative custodian. The successor guardian must be named in the agreement or addendum prior to the relative custodian's death or incapacitation.

The successor guardian does not need to be a relative or licensed as a foster parent to receive the kinship guardianship assistance payments.

Before the successor guardian may receive the kinship guardianship assistance payments in lieu of the relative custodian:

- A new Kinship Guardianship Assistance Agreement will need to be completed.
 - The Agreement must outline the terms of the kinship guardianship assistance and responsibilities of the successor guardian.
 - The Agreement must specify that the agency will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child to the extent that the total cost does not exceed \$2000.
- The successor guardian must complete:
 - A fingerprint based criminal background check on the successor guardian, and
 - A CPS Central Registry search on the successor guardian and all adults residing in the home.
- The successor guardian must obtain legal custody of the child.

10.17 Making kinship guardianship assistance payments

Kinship guardianship assistance payments shall only be provided to relative custodian(s) who have:

- Entered into a written, signed, and dated Kinship Guardianship Assistance Agreement on behalf of the youth with the LDSS prior to the youth's custody being transferred, and
- A signed court order legally transferring custody of the youth from the LDSS to the relative custodian(s) (see [Section 10.5](#)).

The Kinship Guardianship Assistance Agreement is effective on the date the court order is signed by the judge transferring legal custody of the youth from the LDSS to the relative custodian(s). Kinship guardianship assistance payments shall be made in accordance with the legally binding Kinship Guardianship Assistance Agreement, consistent with local payment procedures.

Criminal background checks and central registry searches on any adult residing in the home of the relative custodian(s) must be completed before finalization of the kinship guardianship agreement and payments being issued.

Services for the youth and the family are provided through the CSA state pool of funds when designated in the IFSP developed by the LDSS in the locality where the family resides. They are approved by the FAPT, consistent with CPMT policies, and are **not** included in the Kinship Guardianship Assistance Agreement.

It is the LDSS service worker's responsibility to:

- Enter the appropriate funding source and type into the OASIS screens.
- Accurately communicate the appropriate funding source to the individual(s) responsible within the LDSS for entering all funding information into the financial system and LASER.

The three types of kinship guardianship assistance payments are delineated below: basic maintenance payments; enhanced maintenance payments; and non-recurring payments for expenses directly related to the legal transfer of custody.

Additional information regarding kinship guardianship assistance budget lines and cost codes are available in the [Finance Guidelines Manual](#).

10.17.1 Maintenance payments

Maintenance payments shall be made directly to the relative custodian(s) on a monthly basis in accordance with local payment procedures. The LDSS shall not transfer the payments to another person to assume care for the youth.

- Title IV-E maintenance payments for the title IV-E eligible youth shall be paid from federal title IV-E funds. The LDSS shall report maintenance payments for all children eligible for title IV-E kinship guardianship assistance maintenance funds in Budget Line 822.

- Title IV-E **basic** maintenance shall be entered into Cost Code 82201.
- Title IV-E **enhanced** maintenance shall be entered into Cost Code 82202.
- Title IV-E maintenance payments for the title IV-E eligible youth who remains eligible past their 18th birthday shall be paid from federal title IV-E funds ([Sections 10.21.7.1](#) and [10.21.8](#)). The LDSS shall report maintenance payments for all children eligible for title IV-E extended kinship guardianship assistance maintenance funds in Budget Line 823.
 - Title IV-E **extension of KinGAP basic** maintenance shall be entered into Cost Code 82301.
 - Title **IV-E extension of KinGAP enhanced** maintenance shall be entered into Cost Code 82302.
- Maintenance payments for the non-title IV-E eligible youth shall be paid only from CSA state pool of funds, when specified in the IFSP approved by the FAPT in accordance with state and local CPMT policies. These payments shall be documented in OASIS, even though CSA funds are used, in order to capture total payment costs. The LDSS shall not use title IV-E funds to pay for maintenance payments for the non-title IV-E eligible youth.

The LDSS shall increase the basic maintenance payment when the youth reaches a higher age grouping (see [Section 18.1.3](#)) and when statewide increases are approved. When the relative custodian(s) have requested to receive less basic maintenance than the maximum available rate, the LDSS increases the agreed upon payment amount by the same percentage amount used to calculate the increase in the maximum foster care maintenance payments, as documented in the signed Kinship Guardianship Assistance Agreement.

There is no need for the LDSS and relative custodian(s) to execute an addendum to the existing agreement for the increased basic maintenance payment amount. The LDSS shall inform the relative custodian(s) in writing of the reason for the increase, the new amount, and the effective date for the increased basic maintenance payment. Both relative custodian(s) on an active Kinship Guardianship Assistance Agreement shall be notified, including parents who are separated or divorced. The LDSS shall place a copy of this notification in the kinship guardianship assistance paper case record.

10.17.2 Payment for non-recurring expenses for transferring legal custody

Payments for non-recurring expenses shall be made directly to service providers or to the relative custodian(s) in accordance with local payment procedures.

Non-recurring expense payment and reimbursement shall:

- Be paid from title IV-E funds for both the title IV-E and non-title IV-E eligible youth. Payments are made from Budget Line 822, Cost Code 82203 (see the [Finance Guidelines Manual](#)).
- Cover the total cost of nonrecurring expenses associated with obtaining legal custody of the child, to the extent that the total cost does not exceed \$2,000 per youth per custody placement. The sibling of an eligible youth subsequently placed in the same kinship guardianship assistance arrangement is also eligible for non-recurring expenses up to \$2,000.
- Be based on actual costs of services, as documented in bills and/or receipts submitted to the LDSS by the relative custodian(s) and/or vendors.
 - The actual costs may differ from reasonably estimated costs in the Kinship Guardianship Assistance Agreement.
 - The relative custodian(s) shall submit copies of bills and/or receipts consistent with local payment policies and procedures.
 - Payments shall be made on behalf of the youth regardless of when bills and receipts are submitted.

LDSS shall maintain bills and receipts submitted by the relative custodian(s) for payment and reimbursement in the youth's kinship guardianship assistance paper record. Bills and receipts may be copies, consistent with local finance procedures.

10.18 Maintaining responsibilities for kinship guardianship assistance

As delineated in the binding Kinship Guardianship Assistance Agreement, the relative custodian(s) and the LDSS maintain ongoing responsibilities.

10.18.1 Responsibilities of the relative custodian(s)

The relative custodian(s) who receive kinship guardianship assistance payments and/or foster care services shall:

- Notify the LDSS when their address changes.
- Inform the Social Security Administration when the youth is receiving both SSI payments and kinship guardianship assistance payments.
- Participate in FAPT meetings and comply with CSA requirements and CPMT policies when requesting and/or receiving foster care services through the CSA state pool of funds.
- Participate in annual reviews of kinship guardianship assistance:

- Submit an annual affidavit to the LDSS no later than the anniversary date that custody was legally transferred. The annual affidavit shall be signed by one (1) relative custodian when the Kinship Guardianship Assistance Agreement is with one relative custodian, and signed by both relative custodian(s) when the Agreement is with two (2) relative custodian(s) (see [Section 10.20](#)).
- Provide the youth's school enrollment status when the youth reaches the age of compulsory school attendance ([Social Security Act, Title IV, § 471 \(a\) \(30\) \[42 USC 671\]](#)).
- Notify the LDSS if the youth is incapable of participating in school full-time due to a medical condition ([Social Security Act, Title IV, § 471 \(a\) \(30\) \[42 USC 671\]](#)). Submit documentation by a qualified professional and submit quarterly updates on the youth's medical condition to the LDSS.
- Notify the LDSS when there are changes in the needs of the youth and/or in the family circumstances of the relative custodian(s) that may change the amount of kinship guardianship assistance or CSA services the youth receives. For example:
 - The youth is receiving Social Security payments.
 - The amount of additional supervision and support the youth requires from the relative custodian(s) changes.
 - One of the relative custodian(s) in a two-parent family becomes disabled or dies or the relative custodians become separated or divorced.
- Notify the LDSS immediately in writing when the youth is no longer eligible for kinship guardianship assistance due to any of the following:
 - The relative custodian(s) are no longer legally responsible for the care of the youth.
 - The relative custodian(s) are not providing financial support for the youth.
 - The youth becomes an emancipated minor, is married, is deceased, or enlists in the military.
 - The relative custodian(s) die or become incapacitated (i.e., two parents die or become incapacitated in a two-parent family, or one parent dies or becomes incapacitated in a one-parent family). The relative custodian(s) should make arrangements for the LDSS to be notified in the event of their death ([Federal Program Instruction](#) dated July 9, 2010).

- Submit copies of bills and/or receipts to the LDSS service worker for non-recurring expenses.

10.18.2 Responsibilities of LDSS responsible for kinship guardianship assistance

The LDSS that has custody of the youth is responsible for kinship guardianship assistance regardless of where the family and the youth reside. While the LDSS permanency program is responsible for implementing the permanency option of kinship guardianship assistance, the LDSS may designate specific responsibilities to staff based on the staff skills and expertise required to accomplish specific tasks (e.g., fiscal, negotiation, and care coordination).

The LDSS responsible for kinship guardianship assistance shall:

- Maintain responsibility for title IV-E maintenance payments and the CSA maintenance payments as specified in the Kinship Guardianship Assistance Agreement, regardless of where the relative custodian(s) and the youth reside. When the relative custodian(s) and the youth move to another state, the relative custodian(s) may apply for services on behalf of the youth in their new state of residence.
- Conduct an annual review of kinship guardianship assistance:
 - Manage the annual affidavit process.
 - The LDSS may conduct a face to face visit with the youth and the relative custodian(s), when appropriate. The LDSS may request that the LDSS where the youth resides conduct a courtesy visit for this review.
- Manage requests for changes in kinship guardianship assistance and foster care services from the relative custodian(s). This role may involve assessing and negotiating an addendum to the Kinship Guardianship Assistance Agreement with the relative custodian(s) and/or referring the youth to FAPT for foster care services.
- Readminister the VEMAT, when the LDSS determines it is appropriate.
- Inform relative custodian(s) in writing that they have the right to appeal LDSS decisions within **30 days** of their receiving written notice of LDSS decisions.
- Notify the relative custodian(s) who are receiving kinship guardianship assistance in writing when:
 - The annual affidavit is due (see [Section 10.20](#)).

- The youth receiving basic maintenance payments has reached a higher age grouping in foster care policy or there are statewide increases in the basic maintenance kinship guardianship assistance payments and their payment is being increased as delineated in the Kinship Guardianship Assistance Agreement (see [Section 10.18.2](#)).
 - The youth has a basic and/or enhanced maintenance payment that is time-limited (see [Section 10.18.2](#) and [Section 10.18.3](#) respectively).
 - Payments and/or foster care services may be suspended or terminated (see [Section 10.22.1](#) and [Section 10.22.2](#) respectively).
 - The Kinship Guardianship Assistance Agreement may be terminated (see [Section 10.22.3](#)).
- Maintain the youth's kinship guardianship assistance case in OASIS and the paper record.
 - Written notification of services/payments being terminated or suspended shall be communicated using the [Family Services Notice of Action](#).

10.19 Providing services to the relative custodian and youth

Children and youth who are living with a relative custodian participating in the kinship guardianship assistance program are eligible for foster care services (§ [63.2-905](#)) including a fully range of case work, treatment, and community services. For youth receiving services at the time of custody transfer, the services would continue under the regular review process through FAPT. If the relative custodian(s) reside in a different locality, then the youth's current FAPT will transfer the CSA case to the locality of the relative custodian(s) ([Section 4.2 of the CSA Policy Manual](#)).

If a need for services arises after KinGAP finalization, the relative custodian may request services through the FAPT process in the locality in which the family lives in accordance with state and local CPMT policies and procedures. The LDSS responsible for the kinship guardianship assistance and the LDSS where the family resides should establish a process for working collaboratively, in conjunction with the family, to meet the needs of the family. This process should include strategies for communicating information, including services being provided, services requested, actions taken, and any issues that need to be resolved. The LDSS worker where the family resides should be added to the OASIS case as a secondary worker so that information can be documented in the kinship guardianship assistance case.

10.19.1 Role of LDSS that is responsible for the kinship guardianship assistance

When services are needed, the LDSS responsible for the kinship guardianship should refer the relative custodian(s) and the youth who meets eligibility

requirements for kinship guardianship assistance to the FAPT where the relative custodian(s) and the youth reside, to request foster care services. For the title IV-E and non-title IV-E youth, services to be approved by FAPT may include family-based, community, and treatment service needs. The LDSS should assist the LDSS where the family resides by:

- Complying with CPMT policies regarding:
 - Providing information and referral for services.
 - Assisting the FAPT and the LDSS where the family resides when the following is requested:
 1. Arranging the team meeting.
 2. Notifying the relative custodian(s) of the date and time and engaging them in the assessment, planning, and implementation of services.
 3. Identifying appropriate services, supports, and/or resources.
 4. Providing information and supporting documents about the youth and the family to the team, in collaboration with the relative custodian(s), including the Child and Adolescent Needs and Strengths (CANS) Assessment.
 5. Presenting the youth and the family to FAPT.
 6. Participating in FAPT meetings.
 7. Assisting in developing an IFSP that delineates appropriate and cost-effective foster care services for a planned period of time that are tailored to meet the unique strengths and needs of the youth and/or the family.
 8. Assisting the relative custodian(s) in accessing and coordinating services when needed.
 9. Helping to monitor and report to the team or responsible agencies on progress being made in fulfilling the IFSP. This may include assisting in utilization reviews to ensure services are appropriate, effective, and necessary, based on the strengths and needs of the youth and the family

10.19.2 Role of the LDSS where the family resides

When requested, the LDSS in the locality where the relative custodian(s) reside should assist the LDSS that has responsibility for kinship guardianship assistance with the following:

- Arranging for a Family Partnership Meeting with appropriate resources available in the community.
- Assisting the FAPT and/or the relative custodian(s), when requested, in reviewing requests for foster care services, in compliance with CPMT policies:
 - Arranging the team meeting.
 - Notifying the relative custodian(s) of the date and time and engaging them in the assessment, planning, and implementation of services.
 - Identifying appropriate services, supports, and/or resources in the community.
 - Providing information and supporting documents about the youth and the family to the team, in collaboration with the relative custodian(s), including the CANS Assessment.
 - Presenting the youth and the family to FAPT.
 - Participating in FAPT meetings.
 - Assisting in developing an IFSP that delineates appropriate and cost-effective foster care services for a planned period of time that are tailored to meet the unique strengths and needs of the youth and/or the family.
 - Assisting the relative custodian(s) in accessing and coordinating services in the community when needed.
 - Helping to monitor and report to the team or responsible agencies on progress being made in community services to fulfill the IFSP.
- Providing LDSS prevention services when appropriate to stabilize and strengthen the family to prevent change in custody, when requested by the relative custodian(s), such as:
 - Crisis intervention.
 - Assessment.
 - Counseling, support, and advocacy.
 - Information and referral to community services and/or providers.

If the youth enters foster care, the LDSS where the relative custodian(s) reside may receive custody of the youth as a result of a judicial determination, entrustment, or

non-custodial foster care agreement. Therefore, it is important that this LDSS work closely with the LDSS that is responsible for kinship guardianship assistance.

10.19.3 Responsibilities of LDSS when abuse or neglect occurs

Allegations of abuse and neglect in the relative custodian(s)' family shall be treated the same as any other such reports, in accordance with the [Child Protective Services Chapter C](#).

10.20 Annual affidavit

Relative custodian(s) agree in the Kinship Guardianship Assistance Agreement to submit an annual affidavit to the LDSS no later than the anniversary date that custody was legally transferred. The LDSS will use the [Virginia Annual Affidavit for Kinship Guardianship Assistance](#).

The LDSS notifies the relative custodian(s) in writing **60 days** before the date the annual affidavit is due.

The relative custodian(s) shall annually certify in the affidavit that:

- The youth continues to be eligible for kinship guardianship assistance.
 - The relative custodian(s) remain legally responsible for the care of the youth.
 - The relative custodian(s) continue to provide financial support for the youth (e.g., the relative custodian(s) can provide documentation such as payment for medical bills, childcare, payment of school and/or sports fees, if requested).
 - The youth is not an emancipated minor, married, deceased, or enlisted in the military.
- The youth is, or will be, in his senior year of high school or last year of vocational/technical school of secondary equivalency when turning age 18 and will complete the school or program by the end of the school or program year.
- The youth is, or will be, 18 years old within the next year and has a mental or physical condition/disability that requires ongoing treatment and/or intervention.
- The school-age youth is a full-time student or has completed secondary school. The youth:
 - Is enrolled in elementary, middle, or high school. The child's State Testing Identification Number, if applicable, should be provided.

- Is instructed at home in elementary or secondary education, in accordance with home schooling laws and requirements.
 - Is instructed in an independent study program for elementary or secondary education that is administered by the local school division, in accordance with education laws.
 - Is incapable of participating in school full-time due to a medical condition ([Social Security Act, Title IV, § 471 \(a\) \(30\) \[42 USC 671\]](#)). Documentation by a qualified professional shall be included with the affidavit.
 - Has graduated from high school or earned an equivalent credential.
 - Is enrolled in an institute of higher education, technical college, or community college.
- Whether there have been any changes in the youth's private health insurance coverage. When changes have occurred, the relative custodian(s) shall provide copies of the insurance card and the full explanation of benefits.
 - Whether or not they request changes in kinship guardianship assistance or foster care services.

The annual affidavit shall be signed by one relative custodian when the Kinship Guardianship Assistance Agreement is with one relative custodian, and signed by both relative custodians when the agreement is with two relative custodians. Relative custodians who are separated or divorced shall both sign the affidavit. One relative custodian may sign the affidavit when:

- A signed court order documents a sole custodian arrangement or the authority of one relative custodian.
- The relative custodian notifies the LDSS in writing the reason why the other relative custodian is not available to sign the affidavit at this time, the plan for obtaining the signed affidavit, and the date the relative custodian will submit the signed affidavit to the LDSS. The LDSS determines there is reasonable justification to continue payments and/or services to the date the relative custodian states that the delayed signed affidavit will be submitted.

The LDSS shall attempt to obtain the affidavit with due diligence. When the relative custodian(s) do not return the annual affidavit, the LDSS:

- Should send a certified letter to the relative custodian(s) advising them to return the signed affidavit by a required date.
- May advise them to come into the office, sign the affidavit, and pick up the check at the same time by the required date. The certified letter shall be sent at least **30**

days prior to holding the check. The LDSS shall issue the check for kinship guardianship assistance maintenance payments on the normal schedule and shall give the check to the relative custodian(s) before they depart the premises.

- After consultation with the FAPT, shall inform the relative custodian(s) that, when applicable, services being provided to the family will be suspended until the signed affidavit is received. The Family Services Notice of Action shall be sent along with information on the relative custodian(s)' right to appeal the LDSS decision within **30 days** of receiving the letter and provide information on the fair hearing process. After diligent efforts by the LDSS to obtain the affidavit and when the relative custodian(s) fail to submit the signed affidavit by the required returned date, the LDSS may suspend the services.

The LDSS shall document in the automated system, OASIS case contacts, when the signed affidavit was returned. The LDSS shall place copies of the written notifications to the relative custodian(s) and the returned annual affidavits in the youth's kinship guardianship assistance case record.

10.21 Making changes to agreement

The relative custodian(s) may request a change to the existing kinship guardianship agreement at any time during the duration of the agreement based on changes in the youth's needs or the family circumstances of the relative custodian(s). Any changes to the agreement will be negotiated by the kinship guardianship assistance negotiator.

After the Kinship Guardianship Assistance Agreement is executed, the terms of the agreement are changed when:

- The terms are assessed, negotiated, and agreed upon by the relative custodian(s) and the LDSS.
- The new terms are documented in the signed, dated, and executed addendum.

An addendum is an attachment to the original Kinship Guardianship Assistance Agreement which specifies additions or deletions to the original terms or conditions of the agreement. The addendum may address a specific item, multiple items, or for the entire document. Unless specified, the terms or conditions specified in the addendum supersede those in the original agreement.

An addendum is not required when terminating a payment based on the terms specified in an agreement or addendum.

10.21.1 Submitting request for addendum

Changes in specific components of kinship guardianship assistance may be requested during the duration of the agreement as follows:

- Basic maintenance may be reassessed at any time upon request of the relative custodian(s).
- Enhanced maintenance may be reassessed and renegotiated at any time upon request of the relative custodian(s).
- Non-recurring expenses are one time only expenses and cannot be reassessed.

The relative custodian(s) submit an [Addendum Request to the Assistance Agreement](#) to the LDSS with which they established the agreement. Both relative custodians sign the request when the agreement was with two (2) relatives, including relative custodian(s) who are separated or divorced. One (1) relative custodian signs the request when the agreement was with one (1) relative or when a signed court order documents the sole legal responsibility of one (1) relative for the youth.

10.21.2 Timeframe for acting on request

Within 14 days after receiving the request for an addendum, the LDSS should:

- Review the request to determine whether it is complete with all required documentation.
- Notify the relative custodian(s) in writing that the request was received and its status:
 - **The request is complete.** The notification shall include the date the request was received. It shall state that the LDSS and relative custodian(s) have **60 days** to assess, negotiate, and execute an addendum.
 - **Additional information is needed.** The notification shall state the specific information necessary to complete the request. It should request the relative custodian(s) submit the information by email, phone, or in person within **30 days** from the notice date.

If the relative custodian(s) do not provide the information within **30 days**, the LDSS should deny the request. The LDSS shall inform the relative custodian(s) in writing the reasons for denying the request and that they may submit a new [Addendum Request to the Assistance Agreement](#).

- **Request for changes is denied.** The notification shall be communicated using the [Family Services Notice of Action](#) and clearly state the reasons for the denial, provide information on the relative custodian(s)' right to appeal within **30 days** of receiving the notice of

denial, and provide information on the fair hearing process. No further action is required by the LDSS on the request.

10.21.3 Assessing overall request for addendum

The LDSS and relative custodian(s) should discuss the information provided in the Addendum Request to the Assistance Agreement. The purpose of this conversation is to fully understand the custodians' reasons for requesting a change to kinship guardianship assistance at this time. The conversation should include, but is not limited to:

- The changes in the youth's needs or the family circumstances of the relative custodian(s), including:
 - The reasons the relative custodian(s) are concerned at this time.
 - The impetus, duration, severity, and impact of the youth's needs and behaviors.
- The specific services, resources, and supports the relative custodian(s) have used, or attempted to use, in their family and community to address the changes.
- The resources and supports the relative custodian(s) are requesting to help meet the youth's needs.

The LDSS should summarize the concerns, needs, interests, and reasons of the relative custodian(s) to ensure accurate understanding.

10.21.4 Assessing relevant components of kinship guardianship assistance

The negotiator shall assess and negotiate relevant components of the kinship guardianship assistance with the LDSS and relative custodian(s) to determine agreed upon terms for the addendum. There is no need to assess components that are not impacted by the request, when the current terms will continue as delineated in the existing Kinship Guardianship Assistance Agreement.

The LDSS should use the information included in the [Addendum Request to the Assistance Agreement](#) to assist in the assessment of the financial circumstances of the family and consider this information when negotiating changes to the agreement. This information does not determine the youth's eligibility for kinship guardianship assistance and will not be used as the sole factor in assessing the family circumstances.

The negotiator, LDSS, and the relative custodian(s) should use the same assessment and negotiation process that is used for initial agreements to guide the addendum process, including:

- Negotiating kinship guardianship assistance.
- Assessing:
 - Family circumstance.
 - Basic maintenance needs of youth.
 - Additional supervision and support needs of youth.
 - Services to meet the youth's special needs.
 - Other resources.

When the relative custodian(s) request:

- A reassessment for additional supervision and support being provided by the relative custodian(s), the LDSS determines if there are indications that the youth's requirements for additional supervision and support may have changed based on the frequency, duration, and intensity of the youth's behavioral, emotional, and physical/personal care characteristics. Such change in behavior shall be documented and a request is made using the [Addendum Request to the Assistance Agreement](#). When the LDSS administers the VEMAT and the youth's VEMAT score is higher than the youth's previous score, the new VEMAT score for the youth establishes the maximum rate used during negotiations. When the youth's VEMAT score is lower than the youth's previous score, the maximum allowable amount is the youth's new score with the concurrence of the relative custodian(s).
- To add a new diagnosis or special need factor that was present at the time of the custody transfer, but was not diagnosed, the relative custodian(s) shall submit documentation and relevant reports from qualified professionals as required for documenting special need condition/disability after the transfer of custody, when no more than one year has elapsed from the date of diagnosis.
- To document the youth has a special medical need that existed at the time the initial Kinship Guardianship Assistance Agreement was executed prior to the transfer of custody, then the relative custodian(s) shall submit documentation by qualified professionals of the youth's current special medical need and its existence at the time the initial agreement was executed (whether or not treatment was being received).

The LDSS should use the same procedures used for initial agreements to resolve issues during negotiation.

The LDSS shall send the [Family Services Notice of Action and Right to Appeal](#) to the parents documenting the outcome. This notice should be sent within **60 days**

from the date the LDSS received the completed [Addendum Request to the Assistance Agreement](#). The notification shall include information about the relative custodian(s)' right to appeal the decisions within **30 days** of receiving the written notice.

10.21.5 Executing the addendum

The LDSS shall prepare an Addendum to the [Virginia Kinship Guardianship Assistance Agreement](#) on behalf of the youth.

When the local board, or its designee, approves the addendum, the parents and the local Board, or designee, shall sign and date it. The local board does not have authority to deny an addendum for an eligible youth. When two (2) relative custodians signed the request for an addendum and agreed to the terms in the addendum, then both relative custodian(s) shall sign and date the addendum.

Payments shall not be effective until all parties have signed and dated the addendum. Changes in payment rates, such as an increase or decrease in enhanced maintenance rate, shall not be implemented until the first day of the month following all signatures. The addendum shall state the effective date of the changes. This date shall not be earlier than the date when all parties signed the addendum. The addendum is executed on behalf of the youth on the effective date stated in the addendum.

The LDSS shall give the relative custodian(s) a copy of the addendum. The LDSS should place the original agreement and all supporting documents in the youth's kinship guardianship assistance case record.

10.21.6 Conducting a VEMAT after signing Kinship Guardianship Assistance Agreement

Within **14 calendar days** of receiving an Addendum Request to the Assistance Agreement that specifies a request for services related to additional daily supervision from the relative custodian(s), the LDSS shall determine if it will conduct a VEMAT due to changes in the youth's needs or behavior.

If the LDSS determines that a VEMAT will not be conducted, the LDSS shall send the [Family Services Notice of Action and Right to Appeal](#) to the relative custodian(s) notifying them of the reason for not executing a VEMAT and their right to appeal the decision within **30 calendar days** of receiving the written notice.

If the LDSS determines that a VEMAT will be conducted, then the LDSS shall administer a VEMAT within **25 business days** of the decision to reassess the kinship guardianship assistance maintenance payment. The LDSS shall ensure the VEMAT is executed with sufficient time to ensure that the LDSS is able to completely process, execute, and respond to the family who submitted the

Addendum Request to the Assistance Agreement within **90 calendar days** of its receipt by the LDSS.

The VEMAT is conducted according to the same team process as specified in Chapter E. Foster Care, [Section 18.2.2.3](#) with the following exception:

- If there is no specific case manager for the family, the LDSS shall ensure that the individual at the LDSS who is assigned to manage kinship guardianship assistance requests is included in the VEMAT meeting.

The VEMAT rater shall be an individual as described in Chapter E. Foster Care, [Section 18.2.2.5](#) and shall follow all requirements in administering the VEMAT as identified in all earlier sections of this guidance.

The relative custodian(s) shall cooperate with the LDSS to ensure that all necessary information is available for a comprehensive review of the child's and youth's needs.

If the relative custodian(s) do not provide requested documentation or sign requested releases of information or obtain additional assessments if requested, the LDSS shall not conduct a VEMAT.

If the results of the VEMAT indicate that, due to a change in the youth's need for supervision and support, a change in the enhanced maintenance payment is allowed (e.g., increase, decrease), the LDSS and relative custodian(s) may negotiate a new monthly enhanced maintenance rate. The relative custodian(s) have the option to keep the original, unchanged agreement or proceed with negotiations for a new agreement. The LDSS and the relative custodian(s) shall complete an Addendum to the Kinship Guardianship Assistance Agreement to document the new agreed upon monthly rate. The relative custodian(s)' signature on the addendum shall serve as documentation that the parent agreed to the change in the Kinship Guardianship Assistance Agreement. The new rate shall begin on the first day of the month after the addendum is signed by all parties.

10.21.7 Assessing conditions warranting continuation beyond 18th birthday

Unless the youth has a condition that warrants continuation of kinship guardianship assistance, or meets the criteria for continuation through the Fostering Futures Program, the Kinship Guardianship Assistance Agreement terminates on the youth's 18th birthday. The LDSS, in conjunction with the negotiator, makes the determination if the youth has a documented condition that warrants continuation beyond the youth's 18th birthday or is eligible for Fostering Futures. Consequently, the LDSS shall contact the relative custodian(s) in writing using the Family Services Notice of Action and Right to Appeal, **six months prior to the youth turning age 18**, to advise the relative custodian(s) that the agreement will terminate on the youth's 18th birthday unless they submit, prior to the youth attaining age 18, documentation demonstrating that the youth has a condition that warrants continuation of the Kinship Guardianship Assistance Agreement, or is eligible for Fostering Futures.

After receiving the documentation, the LDSS, along with the Assistance Negotiator, will determine if the youth meets the criteria for continuing the agreement beyond the youth's 18th birthday. If the LDSS determines the youth's circumstances warrant continuation of kinship guardianship assistance, the agreement may be continued by amending the original agreement or entering into an addendum. The terms of the agreement or addendum may be for any period after the youth's 18th birthday up to the youth's 21st birthday.

If the LDSS determines the youth's circumstances do not warrant continuation of the agreement beyond the youth's 18th birthday, the LDSS shall notify the relative custodian(s) in writing with the Family Services Notice of Action and Right to Appeal Form, **60 days** prior to the youth's 18th birthday that the agreement and subsequent payments will terminate.

10.21.7.1 Criteria for continuing beyond 18th birthday

To continue kinship guardianship assistance beyond age 18, the LDSS shall determine if the youth meets both of the following criteria:

1. The LDSS shall establish one of the following that is listed on the original Kinship Guardianship Assistance Agreement:
 - The youth has a physical or mental disability that was present at the time of custody transfer; or
 - The youth has a physical or mental disability that is related to a hereditary tendency, congenital problem, or birth injury;

AND

2. The LDSS determines the youth requires ongoing treatment and intervention.
 - This is defined as requiring treatment, intervention, or additional supervision and support from the relative custodian(s) to ensure the youth's safety and well-being;

Evidence of these two criteria shall be based on the following documentation:

- Statements from qualified professionals documenting the youth's disability or educational delay and the youth's need for ongoing treatment and/or intervention.
- Relevant diagnostic and assessment reports.

- Any other relevant documentation that occurred within one (1) year (e.g., VEMAT and supporting documentation; school performance reports).

The agreement should continue as long as the LDSS determines the following:

- A physical or mental disability continues to exist.
- The youth continues to require ongoing treatment or intervention.

10.21.8 Extension of kinship guardianship assistance through Fostering Futures

Youth who leave foster care to the custody of a relative after age 16 may qualify for the extension of kinship guardianship assistance under Fostering Futures after reaching 18 and up to age 21.

Other Fostering Futures requirements which apply in extended foster care do not apply in kinship guardianship assistance: there are no voluntary agreements signed by the youth; service plans; biannual reviews; allowable placement settings; visits by a service worker; payments to the youth; court action; or title IV-E determination. Fostering futures payments made under the extended Kinship Guardianship Assistance Agreement shall only be made to the relative custodian(s).

10.21.8.1 Fostering Futures eligibility criteria

When the LDSS determines that the youth is ineligible for continuation of kinship guardianship assistance beyond age 18 based on the special needs criteria, kinship guardianship assistance may continue for the youth when the following **two (2)** criteria are met:

- The youth is subject to a Kinship Guardianship Assistance Agreement that became effective after the youth reached the age of 16; **and**
- The LDSS has determined the youth is ineligible for continuation of kinship guardianship assistance beyond age 18 under existing guidance (i.e. the youth does not have a documented physical or mental disability present at the time of the custody transfer or related to a hereditary tendency, congenital problem, or birth injury requiring ongoing treatment or intervention).

In addition to meeting the two (2) criteria above, the youth shall meet at least **one (1)** of the five (5) participation circumstances. The youth must be:

1. Completing secondary education or GED.

- Examples include enrollment in a secondary school, e.g. public high school, alternative high school, private school, adult education classes, program leading to GED, or special education described in the IEP.
- 2. Enrolled full-time or part-time (at least half-time) in an institution that provides post-secondary or vocational education.
- Examples include remedial courses, coursework without formal admission to the institution, attendance at multiple institutions, or correspondence or on-line course affiliated with an accredited institution.
- 3. Participating in a program or activity designed to promote employment or remove barriers to employment.
- Examples include individualized activities based on an assessment of the youth's needs. These may be self-directed, completed on a one-on-one basis with a caregiver, or part of an organized program. They may also include but are not limited to internships, volunteering, vocational rehabilitation, counseling, driver's education, less than half-time secondary education, or participating in a treatment program for a substance use disorder. Qualifying activities should clearly move the youth toward developing skills to help transition to education or employment leading to independence.
- 4. Employed at least 80 hours per month.
- 5. Incapable of engaging in any of the above activities due to a medical condition, i.e. a short-term or long-term physical health impairment or a mental/emotional or behavior health, developmental or cognitive disability or impairment that serves as a barrier which prevents the youth from consistently participating in employment and education.
- The youth does not have to be currently receiving or seeking treatment or remediation for the medical condition.

The LDSS, with assistance of the negotiator will make the initial determination whether the youth is eligible to continue the Kinship Guardianship Assistance Agreement under Fostering Futures beyond the youth's 18th birthday.

10.21.8.2 Documentation for Fostering Futures eligibility

To determine initial eligibility, the relative custodian(s)' good faith statement of assurance that the youth will participate in secondary or post-secondary education, vocational program, employment, or job-readiness preparation as described above should be accepted. Therefore, the relative custodian shall certify on the annual affidavit whether the youth is continuing participation,

including the type and status, and submit documentation verifying the youth's involvement in one or more participation conditions.

Initially, the youth's inability to participate due to a medical condition shall be verified by a statement from a medical doctor provided by the relative custodian. Thereafter, the relative custodian shall certify on the annual affidavit whether the youth continues to be unable to participate due to the medical condition, and submit documentation verifying the youth's continued medical condition.

10.21.8.3 Continuing kinship guardianship assistance using Fostering Futures

If the youth is eligible for an extension of kinship guardianship assistance under Fostering Futures, the service worker should prepare an addendum to the Kinship Guardianship Assistance Agreement reflecting the continuation of maintenance payments to the relative custodian(s) and citing the required conditions of participation. If an enhanced maintenance payment is in effect, payment shall be continued at the same level unless the relative custodian agrees to a reduction.

If a youth eligible under Fostering Futures was receiving title IV-E kinship guardianship assistance prior to age 18, title IV-E assistance shall continue without further determination; if the youth was receiving state kinship guardianship assistance, state assistance shall continue with FAPT approval.

Continued eligibility will be determined by the annual affidavit submitted by the relative custodian(s) on the anniversary of the effective date of custody transfer. The affidavit should certify the youth's compliance with one of the participation conditions and provide documentation of the youth's participation throughout the year.

10.22 Terminating/suspending payments and/or agreements

The LDSS may suspend maintenance payments paid through title IV-E funds for the title IV-E eligible youth. The LDSS should notify the CPMT when CSA state pool funds are being used to pay for foster care services for the youth and/or the relative custodian(s) and such payments may be suspended.

10.22.1 Suspending payments

Kinship guardianship assistance payments paid by LDSS and or foster care services by the CPMT may be suspended when:

- The relative custodian(s) do not fulfill the agreed upon terms documented in the binding Kinship Guardianship Assistance Agreement or the addendum to the agreement.

- The youth is placed outside of the home for longer than **14 days**.
- The relative custodian(s) fail to return the signed annual affidavit ([Federal Program Instruction](#) dated July 9, 2010).

The LDSS should notify and discuss the potential suspension of payments with the CPMT or its designee when foster care services are being made for the youth or the family with CSA state pool funds. The LDSS and the CPMT should collaborate and discuss their respective actions.

- The LDSS determines whether to negotiate new terms in an addendum to the Kinship Guardianship Assistance Agreement, to suspend the title IV-E payment, or to terminate such payment.
- The CPMT determines whether to negotiate a new IFSP, to suspend foster care services or to terminate foster care services.

Prior to suspending the payments, the LDSS should discuss the situation with the relative custodian(s). The LDSS should collaborate with the CPMT's designee in this conversation when applicable.

The LDSS, in collaboration with the CPMT when appropriate, shall send the relative custodian(s) the Family Services Notice of Action through certified mail to provide **30 days notice** before suspending title IV-E payments or the CPMT suspending CSA payments that states:

- The verified factual information documenting the specific situation.
- The provision in the binding Kinship Guardianship Assistance Agreement that allows the LDSS or CPMT to suspend the payment.
- The date the payment or services are to be suspended.
- The actions to be taken by the relative custodian(s) by a specified date to prevent the suspension of payments when applicable, including the relative custodian(s) immediately contacting the LDSS and CPMT when applicable to discuss.
- The circumstances under which the suspended payments may be reinstated.

The LDSS should collaborate with and keep the CPMT informed of actions taken to suspend payments. The LDSS shall make decisions on suspending title IV-E maintenance payments. The LDSS should discuss with the CPMT its decisions on suspending foster care services.

When the LDSS suspends payments due to failure of the relative custodian(s) to comply with the agreement or addendum, then maintenance payments should not

be retroactive. The LDSS should discuss with the CPMT its decision on whether foster care services will be retroactive.

To reinstate a suspended payment, the LDSS may continue the existing terms on the agreement or addendum. The LDSS should discuss with the CPMT its decision on whether to continue the existing IFSP.

10.22.2 Terminating maintenance payments

The LDSS shall only terminate maintenance payments based on terms specified in the Kinship Guardianship Assistance Agreement, or the addendum in effect, including:

- The agreed upon time period for the maintenance payment to end; or
- The relative custodian(s) request in writing that the maintenance payments end; or
- The relative custodian(s) continue to not comply with the annual review process (i.e., annual affidavit), including failing to respond to suspended payments and diligent efforts by the LDSS; or
- The relative custodian(s) do not fulfill other agreed upon terms documented in the Kinship Guardianship Assistance Agreement or addendum.

When the relative custodian(s) and the LDSS agree to a time-limited maintenance payment, the LDSS shall notify the relative custodian(s) using the Family Services Notice of Action through certified mail **two (2) months** prior to the scheduled end date for the payment. When appropriate, the LDSS and negotiator shall assess and negotiate with the relative custodian(s) new terms for maintenance payments to be included in an addendum to the Kinship Guardianship Assistance Agreement.

If the maintenance payments are terminated for the title IV-E eligible youth, the youth shall no longer be eligible for Medicaid in relation to the Kinship Guardianship Assistance Agreement. To determine whether the youth may be eligible for Virginia medical assistance under other Medicaid covered categories or under FAMIS, the relative custodian(s) should submit a Medicaid application to the LDSS where they reside.

If the relative custodian(s) want to reinstate the terminated payment, they should submit an Addendum Request to the Assistance Agreement. The LDSS should assess and negotiate new terms for an addendum to the agreement, as appropriate. Payments should not be retroactive. The LDSS should refer the youth and the relative custodian(s) to the FAPT if they request foster care services. The LDSS should discuss with the CPMT its decision on whether to continue the existing IFSP.

10.22.3 Terminating agreements

The Kinship Guardianship Assistance Agreement shall only be terminated, as specified in the Kinship Guardianship Assistance Agreement, when the LDSS determines that any one of the following circumstances occurs:

- The youth reaches the age of 18 years, unless the LDSS determines the youth has a mental or physical condition that warrants continuation of kinship guardianship assistance beyond the age of 18 years or the youth is eligible under Fostering Futures.
- The youth reaches the age of 21 years, when the LDSS established that the youth had a mental or physical condition which warranted the continuation of assistance (see [Section 10.22.4](#)).
- The relative custodian(s):
 - Adopt the youth subsequent to the Kinship Guardianship Assistance Agreement and the transfer of legal custody. (Note: The LDSS and the relative custodian(s) shall negotiate adoption assistance payments independently from any negotiated terms of agreement for kinship guardianship assistance. In determining the eligibility for adoption assistance payments of the youth in a legal custodial arrangement, the placement of the youth with the relative custodian(s) and any title IV-E kinship guardianship assistance payments made on behalf of the youth shall be considered not to have happened. ([Social Security Act, Title IV, § 473 \(a\) \(2\) \(D\) \[42 USC 673\]](#)).
 - Request in writing that the agreement ends.
 - Fail to comply with the annual review process (i.e., the annual affidavit) following notification of termination of payments.
 - Are no longer legally responsible for the care of the youth:
 - The transfer of legal custody to the relative is terminated by court order (for one relative when the Kinship Guardianship Assistance Agreement was with one relative custodian; and for both relatives when the agreement was with two relative custodian(s)); or
 - The youth reenters foster care; or
 - The youth becomes an emancipated minor, marries, enlists in the military, or dies.

- Are not providing any financial support for the youth. When the LDSS obtains and documents verifiable information that the relative custodian(s) are providing no financial support for the youth.
- Death or incapacitation of the relative custodian(s) (i.e., both relatives die or become incapacitated when the agreement is with two (2) relative custodian(s); or one relative dies or becomes incapacitated when the agreement was with one (1) relative custodian). The kinship guardianship assistance can continue if a successor guardian was identified in the Kinship Guardianship Assistance Agreement or addendum prior to the death or incapacitation ([Section 10.16.3](#)).
- The relative custodian(s) and the LDSS agree in writing to terminate the agreement.

Termination shall be based upon written documentation verifying the circumstances.

The LDSS should collaborate with and keep the CPMT informed of actions taken to terminate the agreement which includes all addendums. The LDSS should discuss with the CPMT its decisions on terminating foster care services.

The LDSS shall provide written notice using the [Family Services Notice of Action](#) to the relative custodian(s) prior to termination of the agreements and addendums. Both relative custodian(s) shall be notified when both signed the active Kinship Guardianship Assistance Agreement, including separated or divorced relative custodian(s). The notification shall include information on the relative custodian(s)' right to appeal the LDSS decision to terminate the agreement and addendums.

10.22.4 Terminating extended kinship guardianship assistance through Fostering Futures

If the annual affidavit shows that the youth no longer meets at least one of the participation conditions, the LDSS should take steps to terminate the Kinship Guardianship Assistance Agreement through procedures outlined in [Section 10.22.3](#).

If extended assistance under Fostering Futures is terminated due to the youth's failure to continue to meet one of the participation conditions, kinship guardianship assistance **cannot** be reinstated once it is terminated using Fostering Futures funding.

10.22.5 LDSS actions when relative custodian(s) fail to provide financial support

When the LDSS obtains and documents verifiable information that the relative custodian(s) are providing no financial support for the youth, the LDSS shall

immediately send the relative custodian(s) the Family Services Notice of Action through certified mail that states:

- The verified information documenting that the relative custodian(s) are not providing any financial support for the youth.
- The LDSS is prohibited by law from making kinship guardianship assistance payments when the youth is no longer receiving any financial support from the relative custodian(s) ([Social Security Act, Title IV, § 473 \(a\) \(4\) \(A\) \(iii\) \[42 U.S.C. 673\]](#) and [Federal Child Welfare Policy Manual, Subsection 8.2D.5 #2](#)).
- The binding Kinship Guardianship Assistance Agreement requires that the LDSS terminate the agreement and any addendum.
- If the relative custodian(s) do not immediately reinstate financial support for the youth and provide documentation of such action to the LDSS, the LDSS will terminate all kinship guardianship assistance payments and the kinship guardianship agreement in its entirety, effective **ten (10) days** after the relative custodian(s)' receipt of the certified letter.
- The relative custodian(s) must immediately contact the LDSS within **ten (10) days** of receipt of the certified letter to discuss the situation.
- If the relative custodian(s) do not immediately reinstate financial support for the youth and provide documentation of such action to the LDSS, or if the relative custodian(s) do not contact the LDSS within **ten (10) days** of their receipt of the certified letter to discuss the situation, the LDSS will terminate all kinship guardianship assistance payments and the Kinship Guardianship Assistance Agreement in its entirety, effective **ten (10) days** after the relative custodian(s)' receipt of the certified letter.

The LDSS shall notify both relative custodians when both relative custodians signed the active Kinship Guardianship Assistance Agreement, including separated or divorced parents.

The LDSS shall discuss the situation with the relative custodian(s) and document the discussion in the automated system (OASIS) narrative. The discussion should include:

- The documented lack of financial support by the relative custodian(s).
- The impact on the youth.
- The relative custodian(s)' reasons for not providing any financial support for the youth.

- The relative custodian(s)' decision as to whether or not they will immediately reinstitute their financial support for the youth.
- The LDSS action based on the relative custodian(s)' decision, either to:
 - Continue payments, if the relative custodian(s) reinstate financial support; or
 - End payments and the agreement on the specified date in the certified letter, if the relative custodian(s) do not reinstate financial support of the youth.

The LDSS shall document the relative custodian(s)' decision and the LDSS' action in writing. The LDSS and the relative custodian(s) shall sign the document. If the relative custodian(s) do not sign the document, the LDSS shall write on the document the date of the discussion with the relative custodian(s) and that the relative custodian(s) declined when asked to sign the statement.

If the relative custodian(s) decide to not reinstitute their financial support of the youth, or do not contact the LDSS to discuss their financial support of the youth as the LDSS requested, the LDSS shall provide written notice in a certified letter to the relative custodian(s) that the agreement shall be terminated on a specified date (e.g., the date specified in the first certified letter). The notification shall include information on the relative custodian(s)' right to appeal the decision to terminate the agreement within **30 days** of their receipt of the second written notice. The LDSS shall then terminate the payments and the Kinship Guardianship Assistance Agreement in its entirety.

10.22.6 LDSS actions when relative custodian(s) die or become incapacitated

When both relative custodians are deceased or incapacitated in a two-parent family, or one relative custodian is deceased or incapacitated in a single parent family, the Kinship Guardianship Assistance Agreement shall be terminated unless a successor guardian was identified in the Kinship Guardianship Assistance Agreement or addendum prior to the death or incapacitation. Kinship guardianship assistance can continue through the successor guardian under the requirements outlined in [Section 10.16.3](#). Additionally, relatives may choose to initiate adoption proceedings independent of the LDSS. When the youth is without a custodian, custody may be given to another relative or the youth enters foster care as a result of the relative custodian(s)' death.

10.23 Appeals and fair hearings

Appeals shall be processed in accordance with requirements of federal law and procedures established by the Virginia Board of Social Services ([§ 63.2-1304](#); and [22 VAC 40-260-20 I](#)). For specific information, see [Appeals and Fair Hearings Unit Procedure Manual 2011](#).

10.23.1 Grounds for appeal

The LDSS shall provide an opportunity for a fair hearing to any individual whose claim for kinship guardianship assistance maintenance payments available under title IV-E is denied or is not acted upon with reasonable promptness ([Social Security Act, Title IV, § 471 \(a\) \(12\) \[42 USC 671\]](#) and [Federal Child Welfare Policy Manual, Subsection 8.5 #2](#)).

Any requestor or recipient of kinship guardianship assistance aggrieved by any decision of the LDSS in granting, denying, changing, or discontinuing kinship guardianship assistance may appeal the decision within **30 days** after receiving written notice of the LDSS decision. The written notice shall inform the requestor or recipient of the **30 day** time limit for the appeal. Any applicant or recipient aggrieved by the failure of LDSS to make a decision within a reasonable time may ask for a review of the process.

While relative custodian(s) may appeal any decision of the LDSS related to kinship guardianship assistance, some allegations that constitute grounds for a fair hearing include:

- LDSS denying the relative custodian's application for kinship guardianship assistance.
- LDSS failure to act on the relative custodian's application for kinship guardianship assistance within **60 days** from the LDSS receiving the completed application and all required documentation.
- The relative custodian(s) not agreeing with the LDSS determination on the youth's eligibility for kinship guardianship assistance.
- LDSS denying the relative custodian(s)' claim that the youth is eligible for title IV-E benefits or not acting upon the claim with reasonable promptness for the title IV-E eligible youth, including:
 - Basic and enhanced maintenance payments.
 - Payments for non-recurring expenses directly related to transferring custody of the youth from the LDSS to the relative custodian(s).
- LDSS denying the relative custodian(s)' request for a change in the amount of title IV-E maintenance payments due to a change in the relative custodian(s)' circumstances.
- LDSS terminating the Kinship Guardianship Assistance Agreement.

10.23.2 Request for appeals

The relative custodian(s) may appeal and request a fair hearing within **30 days** after receiving written notice of the LDSS decision. A person acting on behalf of the relative custodian(s) (e.g., a relative, friend, or an attorney) may act as their authorized representative and request the hearing.

Requests for appeals must be submitted in writing to:

Appeals and Fair Hearings Unit
Virginia Department of Social Services
801 East Main Street
Richmond, VA 23219-2901

The LDSS must not prejudice the relative custodian(s)' right to appeal a decision. The LDSS must assist the relative custodian(s) in submitting an appeal or in preparing the relative custodian(s) case, if necessary. The LDSS has an affirmative duty to provide information and referral services to help the relative custodian(s) make use of available community resources.

10.23.3 Validating the appeal

The LDSS will receive a copy of the relative custodian(s)' appeal request and a validation form from the Appeals and Fair Hearings Unit. The LDSS must specify:

- The action taken by the LDSS.
- The date of the notice of action.
- Whether or not kinship guardianship assistance has been continued during the appeal process.

The LDSS must return the completed validation form and a copy of the Notice of Action within **five (5) business days** to the hearing officer.

When the hearing officer determines the appeal request is valid, the LDSS and relative custodian(s) are notified in writing, at least **ten (10) days** prior to the hearing, of the date for the Administrative Hearing. The notice includes information about the appeal rights of the relative custodian(s). The hearing is scheduled and conducted at a time, date, and place convenient to the relative custodian(s). It is usually conducted by teleconference. The hearing officer will order continuation of kinship guardianship assistance when required, if the LDSS has not already taken such action.

When the hearing officer determines the appeal request is invalid, the LDSS and relative custodian(s) receive written notification with an explanation why an administrative appeal hearing cannot be granted.

A copy of the completed validation form, the Notice of Action, and the written notification from the hearing officer shall be placed in the youth's kinship guardianship assistance paper case record.

10.23.4 Summary of facts

Upon receiving notification of the scheduled administrative hearing, the LDSS must prepare a Summary of Facts on the case. A copy of the summary should be received by the hearing officer and relative custodian(s) at least **five (5) days** before the hearing.

The summary should include:

- Identifying case information.
 - Name of LDSS.
 - Name and address of youth and relative custodian(s).
 - Kinship guardianship assistance case number.
- All relevant information about the action being appealed.
 - Statement of issue (e.g., the specific request of the relative custodian(s) that was denied; the determination by the LDSS; the type, amount, and date of kinship guardianship assistance payment that was denied).
 - Logical, chronological sequence of events which led to the action taken by the LDSS (e.g., specific dates; agency requests for verification; actions that occurred or did not occur; LDSS actions to resolve the issues).
 - Description of specific calculations and policy or guidance used to determine kinship guardianship assistance amounts, if applicable.
 - Relative custodian(s)' request for and date of appeal, including quoted words from relative custodian(s) regarding the issue and their reasons for appealing.
- Specific citation(s) and language quoted from law, policy, and/or the guidance manual on which LDSS action was based.
- Relevant provisions of the Kinship Guardianship Assistance Agreement, if applicable (e.g., dollar amount, period of time authorized, provisions).

- Copies of all other relevant documentation regarding the action being appealed (e.g., documents submitted by relative custodian(s), notices, kinship guardianship assistance forms, letters).
- Signature of LDSS Director and date.
- Signature of relative custodian(s) and/or their authorized representative acknowledging receipt of the summary and all attachments. If they do not sign, the LDSS documents on the summary the date the summary was discussed with the relative custodian(s) and/or their representative and that the relative custodian(s) and/or their representative declined when asked to sign it.

A copy of the Summary of Facts shall be placed in the youth's kinship guardianship assistance paper case record.

10.23.5 Administrative hearing

The formal administrative hearing is conducted by the VDSS hearing officer. The hearing officer is an impartial person charged by the Commissioner to hear appeals and decide if the LDSS followed policy and procedure in making a decision.

At the hearing, the relative custodian(s) and/or their representative will have the opportunity to:

- Examine all documents and records used at the hearing.
- Present the case.
- Bring witnesses.
- Establish pertinent facts and advance arguments.
- Question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.

The LDSS will have the opportunity to:

- Clarify or modify its statements contained in the Summary of Facts.
- Question the relative custodian(s) and their witnesses on the salient issue(s).
- Examine all documents submitted by the relative custodian(s) or their authorized representative.

Only relevant evidence related to the issue(s) being appealed is admissible at the hearing.

There is a legal presumption that the LDSS acted in accordance with law and policy and the burden of proof is on the relative custodian(s) to demonstrate LDSS error.

The decision of the hearing officer shall be based exclusively on the evidence (i.e., documents or testimony) introduced at the hearing, and on all applicable laws, regulations, policies, and guidance manuals.

The hearing officer shall notify the LDSS and relative custodian(s) in writing of its decision on the appeal within **60 days** following the date the appeal request was received by the VDSS, except when a postponement was requested. If the hearing was postponed, the time limit will be extended for as many days as the hearing was postponed.

The decision of the hearing officer is final and binding when the decision is mailed to the LDSS and relative custodian(s). The decision must be implemented by the LDSS within **ten (10) business days** of the date of the decision, regardless of whether the relative custodian(s) request further review by the Circuit Court. After the LDSS takes corrective action, the LDSS must notify the relative custodian(s) and the hearing officer in writing that the agency has complied with the decision.

All documents from the hearing, the written decision of the hearing officer, and the LDSS written notice documenting compliance with the decision, when applicable, shall be placed in the youth's kinship guardianship assistance paper case record.

10.23.6 Withdrawal statement

If the LDSS and relative custodian(s) resolve the issue at any time after the Appeals and Fair Hearings Unit receives the relative custodian(s)' request for an Administrative Review Hearing, the relative custodian(s) must provide a written statement withdrawing the appeal request. The withdrawal statement is sent to the hearing officer with a copy to the LDSS. The withdrawal statement shall be placed in the youth's kinship guardianship assistance paper case record.

10.23.7 Appeal to Circuit Court

The relative custodian(s) aggrieved by the decision of the hearing officer may seek further review of the decision by the appropriate Circuit Court. The relative custodian(s) have **30 days** from the date of service (the date they actually received the hearing officer's decision or the date it was mailed to the relative custodian(s), whichever occurred first) to provide notice of their intent to file an appeal with the circuit court.

Written notice of intent to appeal the hearing officer's decision must be sent to:

Commissioner
Virginia Department of Social Services
801 East Main Street

Richmond, Virginia 23219-2901

In addition, the relative custodian(s) must file a written petition in Circuit Court in the locality where they live in order to present the appeal. The relative custodian(s) will not receive correspondence nor will their kinship guardianship assistance continue as a result of the relative custodian(s) sending written notice to VDSS of their intent to appeal, as the hearing officer's decision is the final administrative action.

10.23.8 Filing complaint of discrimination

If the relative custodian(s) believe they have been discriminated against by the VDSS or LDSS because of race, color, national origin, sex, age, or disability, the relative custodian(s) have the right to file a complaint of discrimination with the

VDSS Civil Rights Program Administrator
801 E. Main Street, 8th Floor
Richmond, Virginia 23219

and/or

U.S. Department of Health and Human Services
Director, Office of Civil Rights
Region III 150 S. Independence Mall West – Suite 372
Philadelphia, Pennsylvania 19106-3499

For more information, see [VDSS Office for Civil Rights](#).

10.24 Establishing kinship guardianship assistance paper case record

The LDSS shall establish a kinship guardianship assistance paper case record, *which* is the youth's service record. *This record* corresponds to the youth's kinship guardianship assistance case in OASIS, *and is under the name of the relative custodian(s)*. It is separate from the youth's foster care record, the record established for the foster/adoptive home approval of the relative, and any eligibility record established by the eligibility unit.

The foster care paper case record shall be closed within **30 days** after legal custody is transferred.

The kinship guardianship assistance paper case record shall include, but is not limited to, the following documentation:

- Youth's foster care service plan (See [Section 10.12](#))
- Youth's eligibility for kinship guardianship assistance:

- Eligibility determination for title IV-E Foster Care that was applicable at the time the youth entered foster care.
- History of title IV-E payments made for the youth who entered foster care through a temporary entrustment agreement.
- If the youth was committed to the LDSS by the court, the initial court order shall contain a statement that continuation in the home would be contrary to the welfare of the youth or that removal was in the best interest of the youth. Reasonable efforts to prevent removal shall be documented in a court order within 60 days of entry into foster care.
- If the youth entered foster care through an entrustment to the LDSS by the birth parents or guardians, for such youth to be eligible for title IV-E kinship guardianship assistance payments, there shall be:
 - A valid entrustment agreement relinquishing the youth to the LDSS and subsequent court orders.
 - A subsequent court order containing the statement that continuation in the home is contrary to the welfare of the youth.
- Youth demographic and personal information:
 - Youth's birth certificate (copy).
 - Social Security Card (copy).
- Basis for youth's kinship guardianship assistance:
 - Kinship Guardianship Assistance Screening Tool
 - Application for Virginia Kinship Guardianship Assistance.
 - Virginia Enhanced Maintenance Assessment Tool (VEMAT) and all required documentation.
 - CANS assessment.
 - Title IV-E Eligibility Determination Form (dated and signed).
 - Health insurance card, full explanation of benefits, when applicable.
 - Virginia Kinship Guardianship Assistance Agreement (fully executed).
 - IFSP approved by the CPMT, when applicable (all).
 - LDSS petition for custody transfer to the prospective relative custodian(s).

- Signed court order transferring legal custody to the relative custodian(s).
- Virginia Annual Affidavit for Kinship guardianship assistance (all).
- Addendum Request to the Assistance Agreement (all).
- Documentation from qualified professionals (when applicable).
- For the SSI youth, a copy of the award letter from the Social Security Administration or SSI payment stub.
- Any addenda to the agreement.
- Appeals documentation, including validation form, notice of action, summary of facts, withdrawal statement, hearing documents, written decision of hearing officer, LDSS written notice documenting compliance with the decision, when applicable.
- Written notifications and correspondence
 - Notice receipt/status of application for kinship guardianship assistance.
 - Notice when time-limited maintenance payments are expiring.
 - Annual notice when annual affidavit due.
 - Documentation when affidavit not returned.
 - Notices when maintenance payments increase.
 - Notices receipt/status of requests for changes in kinship guardianship assistance.
 - Written notices from relative custodian(s).
 - Documentation when relative custodian(s) not providing financial support (e.g., verification, certified letters, relative custodian(s) decision, and LDSS actions).
 - Documentation verifying circumstances for termination.
 - Notices to suspend and terminate payments, services, or entire agreements.

10.25 OASIS case record

The LDSS shall close the OASIS system foster care case record for the youth and correctly document kinship guardianship assistance information in the new OASIS kinship guardianship assistance case record for the youth on a timely basis.

To close the OASIS foster care case record for the youth, the LDSS:

- Ensures all discussions with the prospective relative custodian(s), the birth parents, and the youth regarding the transfer of custody and kinship guardianship assistance are entered in Contacts.
- Completes the Closing Narrative in Contacts.
- Updates the Kinship Guardianship Assistance Agreement History, documenting all dates in the process.
- Verifies that the Court Hearing is entered, documenting the transfer of custody to the relative custodian(s) and the date of the hearing. (This may not be the date the court order was signed).
- Discharges the youth with the reason: Custody to Relative with Kinship Guardianship Assistance. This action will end date the Funding, Removal, Legal Status, and Client Gen Info screens.
 - If the case will remain open for other children in foster care or other services being provided, the LDSS has completed the case closing process. The end date on the child's gen info screen inactivates the child or youth in the case.
 - If there are no other children receiving foster care services, the LDSS closes the case.

To open a new OASIS kinship guardianship assistance case record for the youth:

- The OASIS record is opened in the name of the relative custodian(s). The case type is "Kinship guardianship assistance."
- The youth is added to the case using the client id from the foster care case through the Add Client function in OASIS.
- The kinship guardianship assistance part of the case consists of screens located under the "KinGAP" button on the main case navigation bar. The following screens are accessible:
 - Payments

- Services
- KinGap Status
- IL (for applicable youth)
- Appeals

Additional instruction on opening a kinship guardianship assistance case in OASIS can be obtained through the Help Screen in the OASIS system.

In OASIS, LDSS shall include narrative summaries describing how the following requirements were met to provide kinship guardianship assistance on behalf of the youth:

- The ways the youth and the prospective relative custodian(s) met the eligibility requirements for kinship guardianship assistance (see [Section 10.15](#) and the Kinship Guardianship Assistance Screening Tool):
 - Youth has lived with the approved relative foster parent for at least six (6) consecutive months.
 - Youth has been in LDSS custody for at least six (6) months.
 - Youth and relative custodian(s) are related by blood, marriage, or adoption.
 - Youth has developed a clearly established and documented significant relationship with the relative custodian(s).
- The steps the agency took to determine that it is not appropriate for the youth to have a permanency goal of Return Home and Adoption.
- The efforts the agency made to discuss adoption with the youth's relative foster parent as a more permanent alternative to legal custody, and the reasons why adoption was not pursued.
- The efforts the agency made to discuss the kinship guardianship assistance arrangement with the youth age 14 or older (and that the youth is in agreement with the transfer of custody), or with the child under age 14 who is capable of communicating his wishes.
- The reasons why achieving permanency by placement with relative and transfer of custody from the LDSS to the relative with kinship guardianship assistance was in the best interests of the youth.

- The steps the agency made to place siblings of the youth with the prospective relative custodian(s), when applicable.
- The reasons for any separation of siblings during placement, if the placement with the prospective relative custodian(s) does not include siblings.
- The plan for the youth's visitation and communication with siblings if separated, taking into account the wishes of the children.

The LDSS should also document policies, procedures, and timelines were followed when applicable. Narratives shall include, but are not limited to:

- Selection of the relative placement, including the reasons the placement is in the best interest of the youth.
- Discussion of the kinship guardianship assistance option with the relative custodian(s), including:
 - The types of kinship guardianship assistance that may be available (i.e., basic and enhanced maintenance, Medicaid in relation to the Kinship Guardianship Assistance Agreement; and non-recurring expenses).
 - The process by which the family can access additional services through CSA.
 - The process to request changes in kinship guardianship assistance and the decision-making process.
 - Information on their right to appeal LDSS decisions and the VDSS fair hearing process and their right to appeal FAPT decisions.
- The date relative custodian(s) were notified by LDSS of receipt and status of the Addendum Request to the Assistance Agreement, within **14 days** after receiving the request.
- Exploration of all available health insurance, extended family, community, government, and other resources, including the LDSS determination that these resources can or cannot be used to fully or partially pay for the services and/or supports required to meet the needs of the youth.
- Dates all addenda for kinship guardianship assistance were signed, within **30 days** after the LDSS receives the completed [Addendum Request to the Assistance Agreement](#) with all supporting documentation.
- Dates and narratives on all annual affidavits.
- Pertinent information from relative custodian(s) and provider contacts.

10.26 Required forms and documentation

The LDSS is required to use the following state forms for assessing, negotiating, and documenting kinship guardianship assistance. These forms ensure that all necessary information is collected and documented as required by federal law, regulation, policy, and state guidance. They also provide consistent application of these requirements statewide, ensuring kinship guardianship assistance is handled equitably for relative custodian(s), while allowing kinship guardianship assistance to be individually tailored to address unique needs of the youth and family circumstances of the relative custodian(s).

Use of these forms as described in this guidance will ensure that the LDSS meets all federal and state requirements for kinship guardianship assistance. If the LDSS chooses to not use these forms, or to alter them in any substantive manner, the LDSS may be held responsible for any financial pay-backs as a result of lost appeals or unallowable payments discovered during kinship guardianship assistance case reviews.

- [Kinship Guardianship Assistance Screening Tool](#) documents that the family and the youth are eligible for kinship guardianship assistance.
- [Virginia Enhanced Maintenance Assessment Tool](#) (VEMAT) is the only allowable tool to be used to determine enhanced maintenance for eligible youth. Title IV-E and CSA funds shall be used to fund enhanced maintenance payments for kinship guardianship assistance only when the VEMAT is used to determine the maximum amount of enhanced maintenance allowable for the youth.
- [Application for Virginia Kinship Guardianship Assistance](#) is required from all relative custodian(s) requesting kinship guardianship assistance.
- [Virginia Kinship Guardianship Assistance Agreement](#) specifies the agreed upon title IV-E kinship guardianship assistance terms for maintenance payments and non-recurring expense payments to be provided for the title IV-E eligible youth. It describes the process for the LDSS to refer the title IV-E and non-title IV-E eligible youth and relative custodian(s) to the FAPT for appropriate foster care services. It stipulates that the agreement shall remain in effect regardless of the state of residence of the title IV-E youth and relative custodian(s) and regardless of the Virginia locality residence of the title IV-E and non-title IV-E youth and relative custodian(s).
- [Virginia Annual Affidavit for Kinship Guardianship Assistance](#) is the annual certification by the relative custodian(s) that the youth continues to be eligible for kinship guardianship assistance. It informs the LDSS when the Kinship Guardianship Assistance Agreement needs to be renegotiated. It also documents school enrollment information required by federal law.

- [Request for VEMAT Administration Due to Change in Child's Behaviors](#) shall be submitted by the relative custodian(s) according to guidance in [Section 17.2](#).
- [Addendum Request to the Assistance Agreement](#) is completed by the relative custodian(s) when there are changes in the needs of the youth and/or their family circumstances and they request changes to their Kinship Guardianship Assistance Agreement or request foster care services.
- [Addendum to the Assistance Agreement](#) is completed if the Kinship Guardianship Assistance Agreement has been renegotiated. It specifies the payments and terms for kinship guardianship assistance to be provided on behalf of the youth. It is entered into and binding on the relative custodian(s) and the LDSS.
- [Kinship Guardianship Assistance Negotiation Report](#) is completed by the negotiator following the negotiation process. It outlines the final decisions made during the negotiation process and what information was used to make the decision.

10.27 Overview of the State-Funded Kinship Subsidy Program

The State-Funded Kinship Subsidy Program (as outlined in § [63.2-1306](#) of the Code of Virginia and [22VAC40-201-210](#) of the Virginia Administrative Code) was established in 2021 in order to facilitate placements with relatives and ensure permanency for children who are ineligible for KinGAP. **This subsidy program must only be used for children in foster care and the subsidy agreement must be completed and approved by the state and local FAPT prior to the court transferring custody of the child to the kinship guardian.**

10.27.1 Determining eligibility

To determine eligibility for the state kinship subsidy, the LDSS must evaluate if all of the following requirements are met for both the child and the prospective kinship guardian. Siblings of eligible children are also eligible for the state kinship subsidy. *A child's funding eligibility for the state kinship subsidy is not dependent on their funding eligibility in foster care. The state kinship subsidy includes children who meet eligibility requirements for the program, regardless of whether they were eligible for either IV-E or CSA funding while in foster care.*

A child is eligible for the State-Funded Kinship Subsidy Program if:

- The child is under 18 years of age prior to the transfer of legal custody to the kinship guardian.
- The child is in foster care through a voluntary placement agreement or a commitment to a LDSS by a court of competent jurisdiction as a result of a

judicial determination that continuation in the home would be contrary to the welfare of the child.

- The child has been in the custody of the local department for at least 90 days;
- The child demonstrates a strong attachment to the kinship guardian, and the kinship guardian has a strong commitment to caring permanently for the child;
- The youth, if age 14 or older, has been consulted regarding the kinship subsidy;
- The requirements for a transfer of custody of the child as outlined in Section 10.5 to the kinship guardian for the purpose of establishing eligibility for the State-Funded Kinship Subsidy Program have been met; and
- The child is not eligible for the Kinship Guardianship Assistance Program, as outlined in § [63.2-1305](#) of the Code of Virginia.

The kinship guardian is eligible for the State-Funded Kinship Subsidy Program if the kinship guardian:

- Is related to the child by blood, marriage, adoption, or through a fictive kin relationship;
- Has a strong commitment to permanently care for the child;
- Is willing to obtain legal custody of the child; and
- Completes a relative foster home approval or qualifies for an exemption from the kinship foster home approval process
 - If qualifying for an exemption, the kinship guardian must complete a home study and background check based on federally established barrier crimes [in [42 USC § 671\(a\)\(20\)](#)]. The Office of Background Investigations will continue to process and approve background checks using the Virginia standard for barrier crimes. If the LDSS receives a denied background check for the kinship guardian, the LDSS must assess whether the relative's offenses also meet the definition of a federal barrier crime utilizing the Kinship Subsidy Background Status form. While this form provides assistance in navigating the federal requirements, it is ultimately the responsibility of the LDSS to determine whether the relative's background precludes them from this program. LDSS are encouraged to consult with their attorney, as needed.

The child and kinship guardian's eligibility must be documented using the State-Funded Kinship Subsidy Program Screening Tool.

10.27.2 Exemptions from the foster home approval process for eligibility determination

The kinship guardian becoming a foster parent is preferable as it will allow the child in foster care to be immediately placed with the kinship guardian in an allowable placement. The kinship guardian becoming a foster parent also expands the opportunities for the kinship foster parent, including continued assistance through KinGAP or adoption assistance. LDSS must notify relatives of this option and assist them in their efforts to become a foster parent. A kinship guardian may experience circumstances that pose a barrier to becoming a foster parent. As foster home approval and placement are key requirements of KinGAP and adoption assistance, barriers can preclude some kinship guardians from receiving continued assistance after receiving custody of the child from foster care. In order to address this need, state kinship subsidy allows the kinship guardian to meet an exemption from the foster home approval process in order to establish eligibility for the program. These exemptions include:

- The kinship guardian has made multiple attempts to satisfy the training requirements for foster home approval but is unable to complete all training requirements; or
- The kinship guardian's home is unable to meet the foster parent approval standards and establishing permanency with the kinship guardian through a state-funded kinship subsidy is in the child's best interest, as determined by the Department.

10.27.3 Application

After the LDSS determines the child and the prospective kinship guardian are eligible for the state kinship subsidy, the LDSS must provide the prospective kinship custodian with the Virginia Application for State-Funded Kinship Subsidy. The prospective kinship guardian must sign and submit the completed Virginia Application for State-Funded Kinship Subsidy to the LDSS.

As part of the application process, the LDSS must notify the kinship guardian about the following items:

- The resources of the child that may be available after custody transfer, such as SSI/SSA, worker's compensation, child support, or other income;
- The fact that the state-funded kinship subsidy only includes basic maintenance payments and does **not** include non-recurring expenses, Medicaid, special services or enhanced maintenance payments; and
- The Medicaid application process to support potential continuation of Medicaid benefits after custody transfer.

The LDSS must submit the application, Kinship Subsidy Background Status form (if applicable), screening tool, and draft State-Funded Kinship Subsidy Agreement to the Negotiator (and copy both the permanency practice and resource family consultants) **within 14 days** of receipt of the kinship guardian's application.

10.27.4 State-Funded Kinship Subsidy Agreement

The LDSS must use the State-Funded Kinship Subsidy Agreement, which includes the following:

- Signatures of all parties prior to the legal custody transfer of the child to the kinship guardian; and
- The specific monthly amount to be provided;
 - The agreement becomes effective on the date that the judge signs the court order transferring legal custody of the child to the kinship guardian; and
 - Absent modification or revocation of the kinship subsidy, the agreement remains in effect and governed by the laws of the Commonwealth of Virginia, regardless of the state to which the kinship guardian may relocate.

The Negotiator, in collaboration with the permanency practice consultant, will review the submitted documentation to ensure compliance with the kinship subsidy requirements and will approve or deny the kinship subsidy, including any foster home approval exemptions claimed, **within 14 days** of receipt. The approval of the State-Funded Kinship Subsidy Agreement is dependent on allotted funding from the General Assembly. Based on the available funding, priority will be given to the arrangements that would be least likely to achieve permanency with KinGAP, including kinship guardians who meet an exemption from the foster home approval process.

Within **30 days** of receipt of the Negotiator's approval of the kinship subsidy, the LDSS must present the subsidy agreement for approval by FAPT (under local CPMT policies and procedures). In order to maintain eligibility for the kinship subsidy, the LDSS must have the agreement approved by the state and their local FAPT/CPMT prior to transferring custody. The LDSS executes the agreement upon custody transfer to the kinship guardian.

10.27.5 Payments

State-funded kinship subsidy provides basic maintenance payments **only**. This means that the kinship subsidy will only increase when the child reaches an age at which the foster care maintenance rate would increase or statewide increases are approved for foster care maintenance rates. If a child has significant needs for which

the kinship guardian would need additional assistance (such as an enhanced maintenance payment), the LDSS and kinship guardian must assess if another permanency option such as adoption or custody transfer with KinGAP would be more appropriate or if other avenues such as SSI/SSA could be utilized to meet the child's needs. State-funded kinship subsidy is funded solely through CSA and does not include any federal funding.

10.27.6 Ongoing responsibilities and annual affidavit

The LDSS is responsible for:

- Making payments identified in the State-Funded Kinship Subsidy agreement, regardless of where the family resides;
- Notifying kinship guardians who receive kinship subsidy payments that the annual affidavit is due;
- Assisting the kinship guardian in coordinating services to meet the child's needs upon request; and
- Notifying the kinship guardians of a suspension or termination in payments or foster care services.

The kinship guardian must keep the LDSS informed of any circumstances that would make them ineligible for a maintenance payment, as specified in the State-Funded Kinship Subsidy Agreement.

The kinship guardian is responsible for:

- Reporting changes in circumstances to the LDSS as outlined in the agreement; and
- Submitting an annual affidavit to the LDSS by the date the agreement was effective and certifying the following:
 - The kinship guardian remains legally responsible for the care of the child;
 - The kinship guardian continues to provide financial support for the child; and
 - The child is not an emancipated minor, married, deceased, or enlisted in the military.

The LDSS must notify the kinship guardian in writing **60 days** before the date the annual affidavit is due. The LDSS must attempt to obtain the affidavit with due diligence. If the kinship guardian does not return the annual affidavit, the LDSS must do the following:

- Send a certified letter to the kinship guardian advising them to return the signed affidavit by the required date.
- Consult with FAPT about advising the kinship guardian to come into the office, sign the affidavit, and pick up the check by the required date. The certified letter must be sent at least **30 days** prior to holding the check.
- After consulting with the FAPT, inform the kinship guardian that, when applicable, the payment being provided to the family will be suspended until the signed affidavit is received. The [Family Services Notice of Action](#) must be sent along with information on the kinship guardian's right to appeal the LDSS decision within **30 days** of receiving the letter and provide information on the fair hearing process. After diligent efforts by the LDSS to obtain the affidavit and after the kinship guardian fails to submit the signed affidavit by the required date, the LDSS may consult with FAPT regarding the suspension of payments.

The LDSS must document in the automated system when the signed affidavit was returned. The LDSS must place copies of the written notifications to the kinship guardian and the returned annual affidavits in the child's kinship subsidy case record.

10.27.7 Services

Children receiving state-funded kinship subsidy are eligible for foster care services under § [63.2-905](#) of the Code of Virginia, including a full range of casework, treatment, and community services. The kinship guardian may request services through FAPT in accordance with state and local policies and procedures and the LDSS providing the subsidy may be selected to be the family's FAPT case manager. Additionally, the family may also be eligible for title IV-E prevention services or other services that can be provided as part of an in-home services case to prevent disruption of the kinship arrangement and re-entry into foster care.

Depending on the level of family need and type of services, the LDSS may address service requests through referral, title IV-E prevention services or other funded services in an in-home case, or provide foster care services under the subsidy case. If the LDSS provides the services under the subsidy case, they must follow the procedures for service cases as outlined for KinGAP cases in [Section 10.19](#).

10.27.8 Termination of agreement and/or payments

The State-Funded Kinship Subsidy agreement must be terminated when the child reaches the age of 18. The State-Funded Kinship Subsidy agreement must not be terminated before the child's 18th birthday without the consent of the kinship guardian unless:

- The kinship guardian adopts the child subsequent to the State-Funded Kinship Subsidy agreement and the transfer of legal custody. The kinship guardian and a representative of the department must negotiate adoption assistance payments independently from any terms of the State-Funded Kinship Subsidy Agreement.
- The kinship guardian requests in writing that the agreement ends.
- The kinship guardian fails to comply with the annual review process.
- The kinship guardian is no longer legally responsible for the care of the child.
- The kinship guardian is not providing any financial support for the child.
- The kinship guardian dies or becomes incapacitated.
- The kinship guardian and the local department agree in writing to terminate the agreement.

It is the responsibility of the LDSS to notify FAPT/CPMT when they receive notice that one of these circumstances exists.

10.27.8.1 Suspension of payments

Prior to terminating the agreement and payments, the LDSS may discuss with FAPT the suspension of payments in order to resolve the circumstance that would result in termination. Prior to suspending the payments, the LDSS should discuss the situation with the kinship guardian. The LDSS should collaborate with the FAPT/CPMT's designee in this conversation, when applicable.

The LDSS, in collaboration with the FAPT/CPMT, when appropriate, must send the kinship guardian the [Family Services Notice of Action](#) through certified mail to provide **30 days notice** before the CPMT suspends CSA payments. The Family Services Notice of Action must include:

- The verified factual information documenting the specific situation.
- The provision in the State-Funded Kinship Subsidy Agreement that allows the LDSS or CPMT to suspend the payment.
- The date the payment or services are to be suspended.
- The actions to be taken by the kinship guardian by a specified date to prevent the suspension of payments, including the kinship guardian immediately contacting the LDSS and CPMT to discuss.

- The circumstances under which the suspended payments may be reinstated.

The LDSS should collaborate with and keep the CPMT informed of actions taken to suspend payments. When payments are suspended due to the failure of the kinship guardians to comply with the agreement, then maintenance payments should not be retroactive.

10.27.8.2 Termination of payments and the agreement

Termination of the agreement and subsidy payments must be based upon written documentation verifying the existence of one of the circumstances outlined in [Section 10.27.8](#). When the LDSS has temporarily suspended the payments as outlined in Section 10.27.8.1, the LDSS must move forward with termination of the agreement if the issue has not been resolved in a timely manner. The LDSS should collaborate with and keep the CPMT informed of actions taken to terminate the agreement. The LDSS should discuss with the CPMT its decisions on terminating foster care services.

The LDSS must provide written notice using the [Family Services Notice of Action](#) to the kinship guardian **30 days** prior to the termination of the agreement. The notification must include information on the kinship guardian's right to appeal the LDSS decision to terminate the agreement.

The agency must notify the kinship guardian **60 days** prior to the youth's 18th birthday that the kinship subsidy will end once the youth turns 18. There is no provision in the State-Funded Kinship Subsidy Program to continue assistance after age 18 and the youth is not eligible for Fostering Futures. The youth may be eligible for time-limited independent living funds through the Chafee Program depending on what age(s) they were in foster care.

10.27.9 Appeal

The LDSS must inform kinship guardians in writing of their right to appeal decisions relating to the child's eligibility for the State-Funded Kinship Subsidy and decisions relating to payments **within 30 days** of receiving written notice of such decisions. In accordance with [§ 63.2-915](#) of the Code of Virginia, applicants for and recipients of kinship subsidy have the right to appeal these decisions by the LDSS in granting, denying, changing, or discontinuing subsidy payments.

Appeals must be processed in accordance with requirements of federal law and procedures established by the Virginia Board of Social Services ([§ 63.2-1304](#); and [22 VAC 40-260-20 I](#)). For specific information, see [Appeals and Fair Hearings Unit Procedure Manual 2011](#).

While the kinship guardian may appeal any decision of the LDSS related to kinship subsidy, some allegations that constitute grounds for a fair hearing include:

- LDSS denying the kinship guardian's application for kinship subsidy.
- LDSS failing to act on the kinship guardian's application for kinship subsidy within **60 days** from the LDSS receiving the completed application and all required documentation.
- The kinship guardian not agreeing with the LDSS determination on the child's eligibility for kinship subsidy.
- LDSS terminating the State-Funded Kinship Subsidy Agreement.

For more information on actions to be taken by the kinship guardian and the LDSS regarding appeals, see [Section 10.23](#) and follow the process for KinGAP appeals.

10.27.10 Case record

Once custody has been transferred to the kinship guardian and the kinship subsidy agreement has been executed, the LDSS must close the child's foster care case record. The LDSS should document kinship subsidy information in the new kinship subsidy case record in the child welfare information system.

To close the child's foster care case record in the child welfare information system, the LDSS must:

- Ensure all discussions with the kinship guardian, birth parents, and the child regarding the transfer of custody and kinship subsidy are entered in Contacts.
- Complete the Closing Narrative in Contacts.
- Verify that the Court Hearing is entered, documenting the transfer of custody to the kinship guardian and the date of the hearing. (This may not be the date the court order was signed).
- Discharge the child with the reason: Custody to Relative with State-Funded Kinship Subsidy. This action will end date the Funding, Removal, Legal Status, and Client Gen Info screens.
 - If the case needs to remain open for the child's siblings in foster care or for a case type change to an in-home services case, the LDSS should not close out the foster care case. The end date on the child's gen info screen inactivates the child's participation in the case and the LDSS can proceed to the next step of the kinship subsidy case opening process.
 - If there are no other children receiving foster care services, the LDSS closes the case.

To open the child's new kinship subsidy case in the child welfare information system:

- The new case record is opened in the name of the kinship guardian. The case type is “State-Funded Kinship Subsidy.”
- The child is added to the case using the client id from the foster care case through the Add Client function in the child welfare information system.
- The kinship subsidy part of the case consists of screens located under the “KinGAP” button on the main case navigation bar. The following screens are accessible:
 - Payments
 - Services
 - KinGap Status
 - IL (for applicable youth)
 - Appeals

In the child welfare information system, LDSS must include narrative summaries describing how the following requirements were met to provide kinship subsidy on behalf of the child:

- The ways in which the child and the kinship guardian met the eligibility requirements for kinship subsidy (See [Section 10.27.1](#) and the State-Funded Kinship Subsidy Screening Tool).
 - The kinship guardian is an approved kinship foster parent or qualifies for an exemption from the foster home approval process outlined [in Section 10.27.2](#).
 - Child has been in LDSS custody for at least 90 days.
 - Child and kinship guardian are related by blood, marriage, or adoption or through a fictive kin relationship.
 - Child has developed a clearly established and documented relationship with the kinship guardian.
- The reasons why the child and the kinship guardian are ineligible for KinGAP.
- The reasons why achieving permanency by placement with the kinship guardian and transfer of custody from the LDSS to the relative with kinship subsidy is in the best interests of the child.

- The steps the agency made to place siblings of the child with the kinship guardian, when applicable.
- The reasons for any separation of siblings during placement, if the placement with the kinship guardian does not include siblings.
- The plan for the child's visitation and communication with siblings, if separated, taking into account the wishes of the children.

The LDSS should also document that policies, procedures, and timelines were followed, when applicable. Narratives shall include, but are not limited to:

- Selection of the kinship placement, including the reasons the placement is in the best interest of the child.
- Discussion of the kinship subsidy option with the kinship guardian, including:
 - Kinship subsidy provides only basic maintenance payments.
 - The process by which the family can apply for Medicaid for the child.
 - The process by which the family can access services through CSA.
 - Information on their right to appeal LDSS decisions and the VDSS fair hearing process and their right to appeal FAPT decisions.
- Dates and narratives on all annual affidavits.
- Pertinent information from the kinship guardian and provider contacts.

10.27.11 Paper case record

The LDSS shall establish a kinship subsidy paper case record, which is the youth's service record. This record corresponds to the youth's kinship subsidy case in the child welfare information system and is under the name of the kinship guardian(s). It is separate from the youth's foster care record, the record established for foster/adoptive home approval of the relative, and any eligibility record established by the eligibility unit.

*The foster care paper case record shall be closed within **30 days** after legal custody is transferred.*

The kinship subsidy paper case record shall include, but is not limited to, the following documentation:

- Youth's foster care service plan (See [Section 10.12](#))

- *Youth demographic and personal information:*
 - *Youth's birth certificate (copy).*
 - *Social Security Card (copy).*
- *Basis for youth's kinship subsidy assistance:*
 - *Initial court order granting custody to the LDSS*
 - *State-Funded Kinship Subsidy Screening Tool*
 - *Application for State-Funded Kinship Subsidy Assistance.*
 - *CANS assessment.*
 - *Virginia State-Funded Kinship Agreement (fully executed).*
 - *IFSP approved by the CPMT.*
 - *LDSS petition for custody transfer to the prospective kinship guardian(s).*
 - *Signed court order transferring legal custody to the kinship guardian(s).*
 - *State-Funded Kinship Subsidy Background Status Form, if applicable.*
 - *Annual Affidavit for State-Funded Kinship Subsidy (all).*
 - *Appeals documentation, including validation form, notice of action, summary of facts, withdrawal statement, hearing documents, written decision of hearing officer, LDSS written notice documenting compliance with the decision, when applicable.*
- *Written notifications and correspondence*
 - *Notice receipt/status of application for kinship subsidy.*
 - *Annual notice when annual affidavit due.*
 - *Documentation when affidavit not returned.*
 - *Notices when maintenance payments increase.*
 - *Written notices from kinship guardian(s).*
 - *Documentation when kinship guardian(s) not providing financial support (e.g., verification, certified letters, relative custodian(s) decision, and LDSS actions).*

- *Documentation verifying circumstances for termination.*
- *Notices to suspend and terminate payments, services, or entire agreements.*

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DEVELOPING FOSTER CARE PLAN

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DEVELOPING FOSTER CARE PLAN

15.1 Introduction

The active involvement of parents, prior custodians, relatives, foster and adoptive families, and other significant individuals in developing and implementing service plans with the child or youth, is integral to creating realistic, family and youth-driven plans. When families are fully engaged in these processes, there is increased likelihood that the service and transition plan activities and objectives will be successfully completed.

There shall be a foster care plan for every child in foster care. Federal and state law require that the safety of the child shall be the paramount concern in service planning ([§ 16.1-281](#)).

To help children achieve permanency, careful service planning is essential. Service workers provide assistance to families in very complex and often emotionally-laden situations, with unique desired outcomes. Intervening appropriately increases the likelihood of the service worker's interventions helping everyone to accomplish their goals and increasing the child's safety and well-being.

Service planning is fundamental to effectively serving children and families. Good service planning requires a comprehensive assessment as the basis for the plan. It also involves carefully thinking through the best course of action to achieve a goal and requires a series of steps that shall be executed in proper order. The following steps should involve the child, family, and other significant individuals as appropriate:

- Define the problem or need to be addressed.
- Gather and consider comprehensive information to be sure the nature and causes of the problem or need are fully understood, and to identify the strengths and resources available to the child and family to address the problem or need.
- Clarify what needs to be achieved and define concrete ends to be achieved (objectives).

- Discuss and consider possible courses of action that could achieve the desired ends and choose the most appropriate actions.
- Identify who will do what, how they will do it, and by when it will be accomplished.
- Regularly assess if the actions are successful and reassess whether the ends, actions, or persons responsible for the actions needs to be changed.

Finally, foster care plans fulfill court requirements, provide necessary documentation, and help ensure program and fiscal accountability.¹

15.2 Framework

The local department of social services (LDSS) shall use federal and state legal requirements, and should use sound practice principles and desired outcomes to guide decision making in developing the service plan.

15.2.1 Practice principles

Three fundamental principles in Virginia's Children's Services System Practice Model provide the philosophical basis and guide practice for decision making on developing service plans:

First, we believe in family, child, and youth-driven practice.

- Children and families will be treated with dignity and respect. The voices of children, youth, and parents are heard, valued, and considered in the decision making regarding safety, permanency, and well-being, as well as in service and educational planning and in placement decisions.
- Each individual's right to self-determination will be respected within the limits of established community standards and laws.
- Family members are the experts about their own families. It is our responsibility to understand children, youth, and families within the context of their own family rules, traditions, history, and culture.
- We engage families in a deliberate manner. Through collaboration with families, we develop and implement creative, individual solutions that build on their strengths to meet their needs. Engagement is the primary door through which we help youth and families make positive changes.

¹ Adapted from: Rycus, J.S. and Hughes, R.C.; "Field Guide to Child Welfare: Case-planning and Family-centered Casework" Vol. II; Child Welfare League of America, 1998

Second, we believe in partnering with others to support child and family success in a system that is family-focused, child-centered, and community-based.

- We are committed to working across agencies, stakeholder groups, and communities to improve outcomes for the children, youth, and families we serve.

Third, we believe that how we do our work is as important as the work we do.

- As we work with children, families, and their teams, we clearly share with them our purpose, role, concerns, decisions, and responsibility.

15.2.2 Legal citations

The legal framework and specific requirements for developing service plans are delineated in federal and state law. See the law for complete language by clicking on the citation.

- **Requiring foster care plan**
 - [§ 16.1-281](#)
- **Involving parents in the foster care plan**
 - [§ 16.1-281](#)
- **Involving the child in the foster care plan**
 - [§ 16.1-281](#)
- **Developing a youth-directed transition plan**
 - [Social Security Act, Title IV, § 475 \(5\) \(H\) \[42 USC 675\]](#)
- **Providing for family and foster parent participation in the family assessment and planning team (FAPT)**
 - [§ 2.2-5208](#)
- **Components of the foster care plan**
 - [Social Security Act, Title IV, § 475 \(1\) \[42 USC 675\]](#).
 - [§ 16.1-281](#)
- **Foster care plan sent by court**

- [§ 16.1-281](#)
- **Hearing by court to review and approve plan**
- [§ 16.1-281](#)

15.3 Engaging family and key partners in developing the foster care plan

The service worker responsible for case management shall involve the parents or prior custodians in developing the foster care plan by conducting a family partnership meeting (FPM). The service worker shall also involve a child who is 12 years of age or older in the development of the plan and, at the option of the child, up to two (2) members of the planning team who are chosen by the child and are not the service worker or foster parent. A child who is under 12 years of age may be involved in the development of the plan if such involvement is consistent with the best interest of the child. ([§ 16.1-281](#)).

The service worker shall also involve the foster and adoptive parents in service planning, as well as family members and other individuals identified by the child or family as significant to them and whose presence in the service planning meetings they desire. The service worker should attempt to involve other service providers and agencies that are involved with the child and family.

Actively engaging the child, family members, and other significant individuals leads to service plans and decisions that are more individualized and relevant to the family, thus increasing the likelihood of implementation and creating more opportunity for lasting change (see [Section 2.6](#)). Family members and other individuals who have significant relationships with the child and family may be able to provide important resources and supports for inclusion in the service plan (see [Section 2.4](#)).

Parents do not have to be included in the foster care plan when parental rights have been terminated or the LDSS has made diligent efforts to locate the parent(s) and such parent(s) cannot be located ([§ 16.1-281](#)).

The service worker may refer the child and family to the Family Assessment and Planning Team (FAPT) for assistance in identifying their strengths, needs, services, and resources. The service worker's decision to refer a case to the FAPT should be guided by local Community Policy and Management Team (CPMT) procedures for referral.

When developing the foster care plan, the LDSS shall inform, in writing, individuals who are recipients of a service in the foster care plan and individuals who are requesting a service in the plan of their right to appeal the denial of specific foster care services as defined in [Section 15.12.1](#), or the delay of a decision regarding such foster care services, that are delineated in the foster care plan and approved by the court. If the service is not in an approved service plan, then the denial is not an appealable denial of

a claim for foster care services. The LDSS shall inform the individual that the LDSS will mail the individual written notice at least ten (10) days before any action to discontinue, terminate, suspend, or change such foster care services. The individual may request a hearing within thirty (30) days of their receiving written notice of the denial. See [Section 15.12.2](#) on providing written notice.

15.4 Foster care plan format requirements

The LDSS shall complete the Foster Care Plan in OASIS. The LDSS may use the Individual Family Service Plan (IFSP) developed by the FAPT if the plan meets the requirements of the Foster Care Plan listed in the following sections and is accepted by the court as a substitute ([§ 16.1-281](#)).

15.5 What shall be included in foster care plan

The foster care plan should describe the complement of services and supports required to achieve the permanency goal for the child. The plan should address the unique needs of the child and family and should build upon their strengths, resources, and natural supports, as identified through the comprehensive child and family assessment process (see [Section 5](#)). Services should be for a planned period of time to meet specific needs.

The foster care plan shall directly address any needs or conditions that led to the placement of the child as described in the Child Protective Services Safety Assessment and the Foster Care Initial Assessment as needing remediation. It shall also describe appropriate services and supports that will be offered to the child in foster care and his or her family to address these needs. These services and supports shall be documented in the child's foster care plan or Individual Family Service Plan (IFSP).

The Code of Virginia ([§ 16.1-281](#)) and federal law describe the requirements for the foster care plan.

15.5.1 Part A of the foster care plan

Part A shall include:

- The reason the child came into care and why placement is needed.
- The services offered to prevent removal of the child from the home of the birth parents/prior custodian.
- The child's situation at the time of placement in relation to the child's family. If the child has been placed in a foster family home or child-care institution a substantial distance from the home of the parent(s), or in a different State, the service plan shall explain the reasons why such a placement is appropriate and is in the best interests of the child;

- Assurances that if the child has been placed in foster care in a State outside the state in which the his parent(s) are located (usually this will be Virginia), an agency caseworker on the staff of the Virginia LDSS, or the State in which the child has been placed, or of a private agency under contract with Virginia, visits the child and submits a report on the visit to the State where the home of the child's parent(s) is located;
- The appropriateness of the foster care goal and all services provided to the child, family and foster parents as they relate to the reasons the child entered care and the services provided to enhance the child's safety and well-being while in care.
- The most current and accurate information available regarding the child's education status shall be documented in the education screens in OASIS and a printed Education Report shall be attached to the child's foster care plan. The child's education report includes:
 - The child's state testing identifier (STI) Number
 - The child's current school, address, and grade
 - The child's current school performance and whether the child has an Individualized education plan or 504 plan.
 - Information regarding the Best Interest Determination meeting.
- The most current and accurate information available regarding the child's health shall be documented in the health information screens in OASIS and a printed Health Report shall be attached to the child's foster care plan. The Health Report is based on all available health assessments, evaluations, and reports by qualified health care professionals who are knowledgeable of the child's health and/or health history. The Health Report includes:
 - Child's current health status:
 - Whether the child's immunizations are up-to-date as of the child's last medical appointment. If the immunizations are not current, describe actions being taken so they are current.
 - Child's current health status and conditions.
 - The names, addresses, and phone numbers of the child's current health care providers, including all medical, specialty, pharmacy, dental, mental health, substance use disorder, clinic, urgent care, emergency room, and hospital providers, as appropriate.
 - The child's medications, including psychotropic medications.

- List of other health information in the child's case record, including a record of the child's immunizations.
- Any other relevant health information concerning the child.
- The nature of the placement or placements that will be provided the child. This shall include a description of the type of home or facility in which the child is to be placed.
- A discussion of the appropriateness of the placement and how the placement will provide a safe environment for the child. This should also include decisions made during the FPM, efforts made to place the child with extended family members, efforts made to place the child in the least restrictive (most family like) setting available that is in the best interest of the child and can meet any special needs of the child, and the efforts made to place the child in close proximity to the parent's home.
- *An assessment of the stability of each placement, the services provided or plans for services to be provided to address placement instability or to prevent disruption of the placement, and a description of other placements that were considered for the child, if any, and reasons why such other placements were not provided.*
- A discussion regarding normalcy and how it is being implemented specific to the child ([see section 6.8](#)).
- A discussion of how any court orders in respect to this child were carried out.
- The needs that should be met to achieve the goal for the child. Needs should be identified for the child, the birth parents/prior custodians, and foster parents.
- A plan for visitation between the child and parent/prior custodians. If siblings are separated, a plan for visitation and communication with siblings shall also be included. The visitation or communication plan should take into account the wishes of the child. The foster care plan should include specific objectives for parents including frequency and location of visits and expected observations that would demonstrate adequate parenting and state any restrictions or limitations to the visits or communications. The communications may include, but are not limited to, face-to-face visits, telephone calls, and email correspondence.
- The permanency goal selected for the child and family including the rationale as to why this goal is selected.

- A concurrent permanency plan selected for the child and the needs and services related to achieving the concurrent goal.
- The program, care, services, and support which will be offered and a discussion of how these services will meet the specific needs of the child, parents/prior custodian, and foster parents. For teens 14 or over, the specific independent living services to meet the needs of the youth to assist the youth, family, and foster family or care provider in the youth's transition to independence. A copy of the youth's transition plan shall also be printed and attached to the foster care plan.
- Prior to and within the 90 days prior to the older youth turning age 18 or discontinuing foster care services, the LDSS, and other individuals as appropriate, will offer assistance to the youth to update his foster care plan, or independent living services and transition plan that is attached to the foster care plan, focusing specifically on the independent living services, skills, and resources the youth will need to transition from foster care and become self-sufficient and independent. The LDSS shall allow and assist the youth in directing the development of the updated plan and shall include all the information deemed necessary by the youth and consistent with the youth's need for safety and well-being.
- Target dates for completion of the services provided to the child, the parents/prior custodians, and foster parents.
- Responsibilities, including conduct and support, which will be sought from the parents or prior custodians, including target dates for completion.
- Responsibilities assigned to the child, foster parents, adoptive parents, or other provider with target dates for completion.
- The projected date for goal achievement.
- Description of how the child, parents or prior custodians, foster parents or other providers, and any additional individuals who are part of the child's or family's social support network were involved in the planning process. If the child and parents/prior custodians were not involved, the reasons shall be explained.
- Information on an individual's right to appeal LDSS decisions on specific services and placement in the foster care service plan approved by the court as defined in [Section 15.12.1](#).

15.5.2 Part B of the foster care plan

A separate section of the foster care plan or the IFSP shall be completed when the child cannot be returned to the parents or prior custodians within a practicable time (§ 16.1-281). Additional information on permanency efforts may also be documented in this section of the foster care plan.

Complete Part B of the foster care plan form, based on the goal for the child. Describe fully the reasons the child cannot return home within a practicable time, consistent with the child's best interests.

- Describe the opportunities and plans for achieving the following goals and the reasons these goals are or are not feasible:
 - Achieving Adoption within the shortest practicable time.
 - Achieving Placement with Relatives if a subsequent transfer of custody is planned.

If the goals of Return Home, Adoption, or Placement with Relatives with a subsequent custody transfer are not feasible, and the child is 16 years of age or older, the reasons have been described for one of the following:

- Explain why Permanent Foster Care is the plan for the child, describing the significant relationship with the foster parent(s) and how the child's needs will be met on a long-term basis;
- Explain why Another Planned Permanent Living Arrangement is the plan for the child, describing the child's severe, chronic, and disabling condition that is emotional, physical, or neurological in nature and that requires long-term residential treatment of six (6) months or longer. Explain why all other goals have been ruled out.

15.6 Completion of foster care plan and submission to court

A full foster care plan on all children shall be completed in OASIS and, if the IFSP is used, it shall be filed in the case record. The foster care plan shall be completed:

- Within 45 days of custody/placement (whichever comes first) of a child through court commitment, non-custodial foster care agreement, or a permanent entrustment agreement; or
- **Within 30 days** of signing a temporary entrustment for a placement of 90 days or more; the plan is the basis for requesting court approval of the entrustment.

The completed foster care plan shall be submitted to court within 45 days of custody or placement, unless the child:

- Is living in his own home.
- Is in an adoptive placement.
- Has had a plan previously filed with the court as a result of the agency's seeking court approval of a temporary entrustment or non-custodial foster care placement.

The judge may extend the time for submitting the foster care plan to the court an additional 60 days. The LDSS shall still have a completed foster care plan in the record within the 45 days of placement to comply with federal regulations.

For a temporary entrustment of 90 days or more, the plan shall be submitted to the court **within 30 days** of signing the agreement.

15.7 Distribution of foster care plan

The worker submits the foster care plan transmittal with the names and addresses of the following individuals along with a copy of the entire foster care plan to the court. The court is responsible for forwarding the plan to:

- The attorney (GAL) for the child.
- The child's parent(s) or any other person standing in loco parentis, unless they have been permanently relieved of the care and custody of the child.
- Other persons the court deems appropriate, such as the court appointed special advocate.

A copy of the foster care plan, including the section describing why a child cannot be returned home (Part B of the foster care plan as described in [Section 15.5.2](#)) is sent by the court to the foster and/or adoptive parent. The LDSS shall send a copy of the foster care plan to the new placement provider, when a placement changes.

15.8 Dispositional hearing to review foster care plan

The court will review and approve the plan at the dispositional hearing occurring within 60 days of when the child entered foster care. If a child is entrusted, the court will approve the plan at the hearing when the entrustment agreement is approved. This hearing is considered to be the first opportunity for the foster care plan to be heard in court and, therefore, it is the first time that the status of the case is reviewed in court.

The court and the LDSS shall make reasonable efforts to ensure that parents and foster and adoptive parents receive notice of the dispositional hearing. In addition, the transmittal submitted to the court with the foster care plan shall include the names and addresses of foster and pre-adoptive parents and relative caregivers who are to receive notification by the court of the date of the hearing and of their right to be heard. The status of each foster care case shall be reviewed no less than once every six (6) months by a court or an administrative review ([Social Security Act, Title IV, § 475 \(5\) \(b\) \[42 USC 675\]](#)). These periodic reviews shall occur on a time frame that begins on the date the child is determined to have entered foster care (see [Section 3.3](#)).

This same section of federal law also requires that “notice and an opportunity to be heard shall be given to foster parents, pre-adoptive parents, and relative caregivers.” The service worker should provide and discuss with these individuals a copy of the brochure [Adoption and Safe Families Act: Applying the Notice and Right to Be Heard Provision in Virginia's Juvenile and Domestic Relations District Courts](#). This brochure explains the requirements of timely notice and opportunity to be heard in six month review hearings and permanency hearings held with respect to the child in their care. It explains they do not have the right to standing as a party to the case.

The LDSS shall complete the Foster Care Transmittal Form (DC-552) and shall include the name and contact information of the foster and adoptive parent on the form where indicated. The foster and adoptive family may be present in court for the review of the foster care plan. However, they will be excluded from the courtroom for that part of the hearing regarding the allegations of abuse and neglect.

At this hearing, the foster care review hearing date is set to occur within four (4) months and appropriate individuals including foster, adoptive, and foster and adoptive parents are provided notice to attend the hearing.

Because of the requirement to hold a permanency planning hearing 12 months after placement, parents should be informed no later than the dispositional hearing of:

- What the LDSS expects of them.
- The importance of assisting in developing and cooperating with the foster care plan requirements.
- The existence of a concurrent permanency plan goal and rationale for such a goal should the child not be able to return home.
- The length of time they have to make changes necessary for the return of their child(ren).

15.9 When new foster care plan is required

After the initial foster care plan is developed, a new plan is required:

- As a result of a change in goal (this plan shall be submitted to the court).
- For any permanency planning hearing.
- When a child returns from a commitment to the Department of Juvenile Justice.
- When a youth ages out of foster care and enters into the Fostering Futures Program.

A FPM should be convened prior to the development of the new foster care plan in each of these situations.

15.10 Developing the plan when goal is changed to Adoption

At the permanency planning hearing, or at any other hearing that results in the decision to change the child's goal to adoption, the LDSS shall file a petition with the court 30 days prior to the hearing to terminate parental rights, along with the foster care plan.

15.10.1 Information needed

When the goal of Adoption is selected, consultation between the foster care and adoption staff shall occur. Additional information may need to be gathered. This information is critical, as it will serve as a basis for identifying adoption services, will be used in the selection of an appropriate adoptive home, and will be the only information available to the child after adoption about the child's birth family and background. If any of this information is missing from the foster care record, one of the services that shall be identified on the new plan will be to obtain the missing information. The additional information that may need to be gathered includes:

- Detailed information about birth, medical, and developmental history of the child and family, including genetic information.
- Current information on health, developmental, and educational functioning of the child, and recommendations for any necessary follow-up treatment or further check-ups with specialists. If medicals have not been done in the last 12 months, the adoptive placement plan shall reflect that these will be obtained once termination of parental rights has been achieved.
- Information from foster parents about the child's attitudes, habits, and daily routines, their methods of discipline, and pertinent observations as to the child's reactions and relationships in their home, likes and dislikes, nicknames, and favorite toys.
- Information regarding whether the siblings are presently together in foster care, and the relationships of the siblings to each other.

- Information about the child's relationship with the birth family, including extended relatives and an assessment of the impact of termination of parental rights on the child and family.
- Information about the child's relationship with his or her birth family and the child's desire to maintain contact with his parent(s) should be used to consider the possibility of developing a PACCA for the child and, if applicable, should be used in discussing the possibility of a PACCA with the prospective adoptive parents.
- Information about the child's relationship with the foster parents to assess the level of bonding to determine whether the foster parents should be considered as an adoptive resource for the child.

15.10.2 Submitting materials to court when goal is changed to Adoption

When submitting a new foster care plan, the LDSS shall submit the following documents to the court **30 days prior** to the scheduled foster care review hearing: requesting a change to the goal of Adoption

- A petition for a foster care review hearing.
- A Foster Care Plan Review Form which shall include any updates to the initial Foster Care Plan.
- A Foster Care Plan Transmittal listing individuals who should receive a copy of the petition and/or be notified of the hearing. These individuals include the child, if age 12 or over, the parents, guardian, or prior custodian, the Guardian Ad Litem, the foster parents, the LDSS, and any other interested parties identified by the LDSS or those the court directs.

The court will review progress toward meeting the foster care goal, approve changes to the plan, enter any appropriate orders, and determine whether reasonable efforts have been made to return the child home, if that is the goal, or to finalize another permanent placement.

The foster care plan shall include:

- A statement and documentation that the goal of Adoption is in the best interest of the child; this is put in Part B or a separate section of the foster care plan.
- The reasons for selecting the goal of Adoption; this is put in Part B or a separate section of the foster care plan (Part A).

- Ongoing services that will be provided to the child, birth parents, and the foster parents.
- The responsibilities of the parents or prior custodian included in the prior assessment and service plan and whether they have or have not met them; this is put in Part B or a separate section of the foster care plan. These responsibilities shall correspond with the responsibilities identified in the initial or any updated foster care plan.
- The specific action planned to identify and select an adoptive family and the specific services to be provided to prepare the child for an adoptive family. This includes services to:
 - Build trust with the worker who will make the placement.
 - Gather all medical, psychological, social, and family background information for the child's permanent adoption record.
 - Help the child deal with the past and be committed to an adoptive placement.
 - Discuss with the child, adoptive parents, and biological parents regarding their desires for post-adoption contact and the availability of a PACCA.
 - Pre-placement services and activities with adoptive parents.
 - Services to meet the child's needs while in foster care waiting for adoptive placement.
 - Registration with AREVA or other adoption exchanges as well as other recruitment efforts (see [Section 9.8](#) for information about AREVA).
 - Assessment of the child's special needs for purposes of adoption assistance.
 - Services for the birth parents including, but not limited to:
 - Services to help them separate from the child and support an adoptive placement.
 - Services to help parents deal with their loss, guilt, and other feelings related to the child.
 - Services for the foster parent including, but not limited to:
 - Services to gather pertinent information on the child's development and behavior.

- Assessment of the foster parents as a primary adoptive resource for the child or services to help the child move to an adoptive placement.
- Services that will assist the foster parents in meeting the needs of the child including their willingness and desire to consider a PACCA if they are to be the adoptive parents.

The specific services to be provided to the child and adoptive family after adoptive placement are not provided until after termination of parental rights has occurred. Upon submission of the plan and registration with AREVA, the services should be identified in the plan and offered.

15.11 When child returns to foster care

When a child's legal custody has been returned to his parents or prior custodians from the LDSS and the child subsequently returns to the custody of the LDSS, this is a new foster care episode. A new foster care plan shall be completed and all requirements for foster care plans met.

A child is considered to be on a trial home visit when he or she returns home to his parents or prior custodians from whom he was removed, but remains in the custody of the LDSS. When a child is removed from a trial home visit and returned to a foster care placement and the trial home visit exceeded six (6) months without a court order specifically extending the trial home visit, then the child is considered to be in a new foster care episode. A new foster care plan shall be completed and the timeline for court hearings and panel reviews begins from the date this new episode begins.

Children on trial home visits for six (6) months or less who are removed from the trial home visit continue with the existing foster care episode and the service planning and court timelines already in place.

15.12 Appeals and fair hearings for specific foster care services

Appeals shall be processed in accordance with Virginia legal requirements (§ [63.2-915](#) and [22 VAC 40-201-115](#)) and procedures established by the Virginia Board of Social Services. For complete information, see [Appeals and Fair Hearings Unit Procedure Manual 2013](#) or current manual if updated.

15.12.1 When hearings may be granted for foster care services

Any individual whose claim for benefits available pursuant to 42 U.S.C. § 670 et seq. or whose claim for foster care services pursuant to § [63.2-905](#) is denied or is not acted upon by the local department with reasonable promptness shall have the right to appeal to the Commissioner (§ [63.2-915](#)). Denied means the refusal to provide a claim for benefits ([22 VAC 40-201-10](#)).

A hearing may be granted when the claim for foster care services includes the following services or placements:

- Foster care basic maintenance and enhanced maintenance payments.
- Foster care services in a foster care plan, specifically:
 - Services in a foster care plan approved by the court.
 - Foster care services identified in an individual family service plan developed by a family assessment and planning team or other multi-disciplinary team and approved by the community policy and management team, pursuant to the Children's Services Act.
 - Services in a transition plan for independent living services.
 - Foster care prevention services in a prevention services plan.

Services shall be delineated in the services section of a written and approved foster care plan. If the service or placement is not in an approved foster care plan, then the denial is not subject to appeal.

- Placement of a child through a non-custodial foster care agreement between the parents or guardians of the child and the LDSS, where legal custody remains with the parents or guardians.
- Placement of a child for adoption when an approved family is available outside the locality with the legal custody of the child, in accordance with [Social Security Act, Title IV, § 471 \(a\) \(23\) \[42 USC 673\] \(22 VAC 40-201-10\)](#).

A hearing need not be granted when the claim for foster care services includes, but is not limited to:

- Automatic maintenance payment adjustments required by state or federal law, unless the reason for the individual appeal is incorrect computation of the maintenance amount ([22 VAC 40-201-115 B](#)).
- Decisions related to the placement of a child in foster care with a specific individual or family. Placement decisions of local boards are final when in accordance with the relevant provisions of title 16.1 of the Code of Virginia, except for the two placement decisions delineated above ([22 VAC 40-201-115 C](#)).

The individual shall be allowed to request a hearing within 30 days after receiving written notice of the denial of a claim for benefit. The written notice shall inform the individual of the 30 day time limit to request a hearing. Within ninety (90) days of the

individual's request for a hearing, the hearing shall be conducted, a decision reached, and the individual notified of the decision ([22 VAC 40-201-115 G](#)).

15.12.2 Providing written notice

The LDSS, or in those cases where the LDSS is not involved (i.e., the licensed child placing agency (LCPA), the family assessment and planning team (FAPT), or other multi-disciplinary team), shall provide timely notice of a decision to discontinue, terminate, suspend, or change foster care services or placements for the child as defined in [Section 15.12.1](#). Timely notice means the notice is mailed at least ten (10) days before the date the action becomes effective ([22 VAC 40-201-115 F](#)).

The LDSS, or the LCPA, FAPT or other multi-disciplinary team, shall inform the individual in writing of the right to appeal the denial of benefit or the delay of a decision regarding a benefit at the time:

- The applicable foster care plan is written.
- Any action affecting the claim for benefit.
- A child comes into foster care. Written notice shall be provided to the birth parents or caretakers.
- The foster care agreement is signed. Written notice shall be provided to the guardian ad litem and to the foster parents.

The written notice shall include:

- The individual's right to a hearing.
- The method by which the individual may obtain a hearing.
- That the individual may be represented by an authorized representative, such as legal counsel, relative, friend, or other spokesperson, or the individual may represent self ([22 VAC 40-201-115 E](#)).

If the individual requests a hearing after receiving the written notice of the decision and at least **ten (10) days before** the date the action becomes effective, the benefit shall not be suspended, reduced, discontinued or terminated until a decision is rendered after a hearing, unless:

- A determination is made at the hearing that the sole issue is one of state or federal law or policy, or change in state or federal law, and not one of incorrect benefit computation;

- A change affecting the individual's benefit occurs while the hearing decision is pending and the individual fails to request a hearing after notice of the change; or
- The individual specifically requests that he not receive continued benefits pending a hearing decision.

Such benefit is subject to recovery if the action is sustained at the hearing (22 VAC 40-201-115 F).

15.12.3 Request for appeals

The individual shall be allowed to request a fair hearing within 30 days after receiving written notice of the denial of foster care services as defined in [Section 15.12.1](#). A person acting on behalf of the individual (e.g., a relative, friend, an attorney, or other spokesperson) may act as their authorized representative and request the hearing ([See Family Services Appeal Request Form](#)).

Requests for appeals must be submitted in writing to:

Appeals and Fair Hearings Unit
Virginia Department of Social Services
801 East Main Street
Richmond, VA 23219-2901

The LDSS must not prejudice or limit the individual's right to appeal a denial. The LDSS must assist the individual in submitting an appeal or in preparing the individual's case, if necessary. The LDSS has an affirmative duty to provide information and referral services to help the individual make use of any legal services available in the community.

15.12.4 Validating the appeal

The LDSS will receive a copy of the individual's appeal request and a validation form from the Appeals and Fair Hearings Unit. The LDSS must specify:

- The action taken by the LDSS.
- The date of the notice of action.
- Whether or not the benefit has been continued during the appeal process.

The LDSS must return the completed validation form and a copy of the Notice of Action within **five (5) working days** to the hearing officer.

When the hearing officer determines the appeal request is valid, the LDSS and the individual are notified in writing of the date for the Administrative Hearing. Written

notice of the hearing date is provided at least **ten (10) days** prior to the date for the Administrative Hearing. The notice includes information about the appeal rights of the individual. The hearing is scheduled and conducted at a time, date, and place convenient to the individual. It is usually conducted by teleconference. The hearing officer will order continuation of benefit where required, if the LDSS has not already taken such action.

If the individual requests a hearing within ten (10) days after the date the action becomes effective, the hearing officer may require that the benefit shall be reinstated and continued until a decision is rendered at the hearing, unless:

- The individual specifically requests that continued benefit not be paid pending the hearing decision;
- In any case where action was taken without timely notice and the individual requests a hearing within ten (10) days of the mailing of the notice of the action, and a determination is made at the hearing that the sole issue is one of state or federal law or policy, and the hearing officer determines that the action resulted from other than the application of state or federal law or policy, or a change in state or federal law, unless the individual specifically requests that he not receive continued benefits pending the hearing decision ([22 VAC 40-201-115 H](#)).

When the hearing officer determines the appeal request is invalid, the LDSS and individual receive written notification with an explanation of the reason for the determination that an administrative appeal hearing cannot be granted.

A copy of the completed validation form, the Notice of Action, and the written notification from the hearing officer shall be placed in the child's foster care paper case record.

For complete information, see [Appeals and Fair Hearings Unit Procedure Manual 2013](#) or current manual if updated.

15.12.5 Summary of Facts

Upon receiving notification of the scheduled administrative hearing, the LDSS must prepare a Summary of Facts of the case ([See Summary of Facts Form](#)). A copy of the summary should be received by the hearing officer and the individual at least **five (5) days** prior to the hearing.

The summary should include:

- Identifying case information.
 - Name of LDSS.

- Name and address of child and individual.
- Foster care case number.
- All relevant information about the action being appealed.
 - Statement of issue (e.g., the specific foster care service or placement that was denied as defined in [Section 15.12.1](#); the determination by the LDSS; the type, amount, and date of maintenance payment, service, and/or placement that was denied; the alleged failure of the LDSS to act promptly).
 - Logical, chronological sequence of events which led to the action taken by the LDSS (e.g., specific dates; actions that occurred or did not occur; LDSS actions to resolve the issues). The LDSS should assume that the reader is not familiar with the facts of the case or the program policy.
 - Description of specific calculations and policy or guidance used to determine amounts, when applicable. If specific figures are disputed, the reasons underlying the dispute must be addressed.
 - The individual's request for and date of appeal, including quoted words from the individual regarding the issue and their reasons for appealing.
- Specific citation(s) and language quoted from law, policy, and/or the guidance manual on which LDSS action was based.
- Relevant provisions of the service plan or agreement, as applicable (e.g., number of hours, number of service units, period of time authorized, provisions).
- Copies of all other relevant documentation regarding the action being appealed (e.g., documents submitted, notices, forms, letters).
- Signature of LDSS Director and date.

The Summary of Facts, including all attachments, must be signed and sent to the individual, their representative if any, and the hearing officer.

A copy of the Summary of Facts shall be placed in the child's foster care paper case record.

For complete information, see [Appeals and Fair Hearings Unit Procedure Manual 2013](#) or current manual if updated.

15.12.6 Administrative Hearing

The formal administrative hearing is conducted by the VDSS hearing officer. The hearing officer is an impartial person charged by the Commissioner to hear appeals and decide if the LDSS followed policy and procedure in making a decision. The hearing shall include consideration of the denial of a claim for benefits or the failure of the LDSS to act with reasonable promptness on a request for a benefit for the individual ([22 VAC 40-201-115 K](#)).

At the hearing, the individual and/or their authorized representative will have adequate opportunity to:

- Examine all documents and records used at the hearing, including information relied upon by the LDSS, the LCPA, the FAPT, or other multi-disciplinary team in considering the request for a benefit to the extent that the information does not violate confidentiality requirements.
- Present the case.
- Bring witnesses.
- Establish all pertinent facts and circumstances.
- Advance any arguments without undue interference.
- Question or refute any testimony or evidence, including the opportunity to confront and cross-examine witnesses ([22 VAC 40-201-115 L](#)).

The LDSS will have the opportunity to:

- Clarify or modify its statements contained in the Summary of Facts.
- Question the individual and his witnesses on the salient issue(s).
- Examine all documents submitted by the individual or their authorized representative.

Only relevant evidence related to the issue(s) being appealed is admissible at the hearing.

There is a legal presumption that the LDSS acted in accordance with law and policy and the burden of proof is on the individual to demonstrate LDSS error.

The decision of the hearing officer shall be based exclusively on the evidence and other materials (i.e., documents or testaments) introduced at the hearing. Evidence includes all applicable laws, regulations, policies, and guidance manuals.

The hearing officer shall notify the LDSS and individuals in writing of its decision on the appeal within 90 days following the date the appeal request was received by the VDSS, except when a postponement was requested. If the hearing was postponed, the time limit will be extended for as many days as the hearing was postponed. The decision shall consist of a memorandum decision summarizing the facts and identifying the state or federal law, regulation, policy and guidance supporting the decision.

The decision of the hearing officer is final and binding when the decision is mailed to the LDSS and the individual. When the hearing decision is favorable to the individual, the LDSS, LCPA, FAPT or other multi-disciplinary team shall promptly begin the process to provide the requested service, or in the case of foster care maintenance, make corrective payments retroactively to the date the incorrect action was taken, unless foster care maintenance payments were continued pending the hearing decision. The LDSS must ensure that administrative action is taken to implement the hearing officer's decision no later than **ten (10) working days** following the date of the decision, regardless of whether the individual requests further review by the Circuit Court. See the [Appeals and Fair Hearings Unit Procedure Manual 2013](#) for exceptions to implementation within this time period. After corrective action is taken, the LDSS must notify the individual and the hearing officer in writing that the agency has complied with the decision.

All documents from the hearing, the written memorandum decision of the hearing officer, and the LDSS written notice documenting compliance with the decision, when applicable, shall be placed in the child's foster care paper case record.

For complete information, see [Appeals and Fair Hearings Unit Procedure Manual 2013](#) or current manual if updated.

15.12.7 Withdrawal statement

If the LDSS and individual resolve the issue at any time after the Appeals and Fair Hearings Unit receives the individuals' request for an Administrative Review Hearing, the individual must provide a written statement withdrawing the appeal request. The withdrawal statement is sent to the hearing officer with a copy to the LDSS. The withdrawal statement shall be placed in the child's foster care paper case record.

When the request is withdrawn by the individual in writing, or when the request is abandoned, the hearing officer may deny or dismiss the request for a hearing. Abandonment is deemed to have occurred if the individual without good cause fails to appear by himself or by his authorized representative at the hearing scheduled for the individual ([22 VAC 40-201-115 J](#)).

15.12.8 Appeal to Circuit Court

The individual aggrieved by the decision of the hearing officer may seek further review of the decision by the appropriate Circuit Court. The individual has thirty (30) days from the date of service (the date they actually received the hearing officer's decision or the date it was mailed to the individual, whichever occurred first) to provide notice of his intent to file an appeal with the circuit court.

Written notice of intent to appeal the hearing officer's decision must be sent to:

Commissioner
Virginia Department of Social Services
801 East Main Street
Richmond, Virginia 23219-2901

In addition, the individual must file a written petition in Circuit Court in the locality where they live in order to perfect the appeal. The individual will not receive correspondence nor will their benefit continue as a result of the individual sending written notice to VDSS of their intent to appeal, as the hearing officer's decision is the final administrative action.

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MANAGING FOSTER CARE SERVICES

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MANAGING FOSTER CARE SERVICES

17.1 Introduction

Ensuring high-quality practice requires a knowledgeable, skilled, and professional workforce. Recruiting, hiring, training, and retaining qualified, culturally-diverse, culturally-competent, effective, and dedicated professionals is essential to quality practice.¹

17.2 Framework

Local departments of social services (LDSS) shall meet federal and state legal requirements, and should use sound practice principles to achieve desired outcomes and to guide decision making in managing foster care services.

17.2.1 Practice principles

Fundamental principles in Virginia's Children's Services System Practice Model provide the philosophical basis and guide practice in managing foster care services.

First, we believe in family, child, and youth-driven practice.

- Children and families will be treated with dignity and respect. The voices of children, youth, and parents are heard, valued, and considered in decision making regarding safety, permanency, and well-being as well as in service and educational planning and in placement decisions.
- Each individual's right to self-determination will be respected within the limits of established community standards and laws.
- Family members are the experts about their own families. It is our responsibility to understand children, youth, and families within the context of their own family rules, traditions, history, and culture.

¹ Adapted from the "[Child Welfare League of America Statement on Optimal Child Welfare Service Delivery](#)".

- People can and do make positive changes. The past does not necessarily limit their potential.
- We engage families in a deliberate manner. Through collaboration with families, we develop and implement creative, individual solutions that build on their strengths to meet their needs. Engagement is the primary door through which we help youth and families make positive changes.

Second, we believe in partnering with others to support child and family success in a system that is family-focused, child-centered, and community-based.

- We are committed to aligning our system with what is best for children, youth, and families.
 - The practice model should guide all of the work that we do. In addition to practice alignment, infrastructure and resources should be aligned with the model. For example, training, policy, technical assistance, and other supports shall reinforce the model.
 - We take responsibility for open communication, accountability, and transparency at all levels of our system and across all agencies. We share success stories and best practices to promote learning within and across communities and share challenges and lessons learned to make better decisions.
- We are committed to working across agencies, stakeholder groups, and communities to improve outcomes for the children, youth, and families we serve.
 - Services to families shall be delivered as part of a total system with cooperation, coordination, and collaboration occurring among families, service providers, and community stakeholders.
 - All stakeholders share responsibility for child safety, permanence, and well-being. As a system, we will identify and engage stakeholders and community members around our practice model to help children and families achieve success in life; safety; life in the community; family based placements; and lifelong family connections.
 - We will communicate clearly and often with stakeholders and community members. Our communication shall reinforce the belief that children and youth belong in family and community settings and that system resources shall be allocated in a manner consistent with that belief.

Third, we believe that how we do our work is as important as the work we do.

- The people who do this work are our most important asset. Children and families deserve trained, skillful professionals to engage and assist them. We strive to build a workforce that works in alignment with our practice model. They are supported in this effort through open dialogue, clear policy, excellent training and supervision, formal and informal performance evaluation, and appropriate resource allocation.
- As with families, we look for strengths in our organization. We are responsible for creating and maintaining a supportive working and learning environment and for open, respectful communication, collaboration, and accountability at all levels.
- Our organizations are focused on providing high quality, timely, efficient, and effective services.
- Relationships and communication among staff, children, families, and community providers are conducted with genuineness, empathy, and respect.
- The practice of collecting and sharing data and information is a non-negotiable part of how we continually learn and improve. We will use data to inform management, improve practice, measure effectiveness, and guide policy decisions. We shall strive to align our laws so that collaboration and sharing of data can be achieved to better support our children and families.
- As we work with children, families, and their teams, we clearly share with them our purpose, role, concerns, decisions, and responsibility.

17.2.2 Outcomes

Managing effective, quality, and timely services for children in foster care is essential to achieving outcomes required in the federal Child and Family Services Review. The outcomes and specific measures are listed below:

Permanency Outcome 1: Children have permanency and stability in their living situations.

- Families have enhanced capacity to provide for their children's needs.
- More children in foster care achieve permanency.
- Children achieve permanency with shorter lengths of stay in foster care.
- Increased timeliness to permanency.
- Fewer children re-enter out-of-home care.

Permanency Outcome 2: The continuity of family relationships and connections is preserved for children.

- More children in foster care placed in close proximity to families and communities.
- More children in foster care placed with their siblings.
- Home studies are timely.
- Worker visits occur monthly.

17.3 Required training

The Code of Virginia §§ [63.2-913](#) and [63.2-1220.1](#) requires the Virginia Department of Social Services (VDSS) to establish minimum training requirements and provide educational programs for foster care and adoption service workers and their supervisors, employed by local departments of social services (LDSS). As a result of the Children's Services Transformation that began in December of 2007, child welfare training in Virginia recommitted to a competency based system of training for service workers and supervisors. Having established Core (fundamental and essential) Competencies for both workers and supervisors the resulting required training reflects both Core competencies and critical training in guidance and law that is specific to the current practice issues. The result is that all child welfare staff are trained in the same Core Competencies.

The courses listed in the following sections are required for all LDSS foster care and adoption service workers and service supervisors hired after March 1, 2013.

In addition to the courses listed below, all foster care and adoption service supervisors hired after March 1, 2013 are required to attend the Family Services CORE Supervisor Training Series – SUP5701, SUP5702, SUP5703, SUP5704, and SUP5705. These courses are to be completed in the first two (2) years of employment as a supervisor.

For additional information on Department of Family Services training, visit the [Division of Family Services Training](#) website on Fusion.

17.3.1 First three weeks requirement

The training required for new foster care and adoption service workers and services supervisors during the first three (3) weeks of employment include the following on-line courses:

- CWSE1002 Exploring Child Welfare (4 modules, on-line course)
- CWSE5692 Recognizing and Reporting Child Abuse and Neglect – Mandatory Reporter Training (on-line course)

- CWSE1500 Permanency Navigating the Child Welfare Automated System: OASIS (7 modules, on-line course)

These courses are prerequisites for most of the other required courses.

17.3.2 First three months requirement

The training required for new foster care and adoption service workers and services supervisors during the first three months of employment includes the following instructor led courses and require the worker to have completed the three previous courses:

- CWS3000 Foster Care New Worker Policy Training with OASIS
 - *The following virtual courses must be completed to fulfill this requirement if CWS3000 is not available:*
 - *CWS3000.1W: Foster Care New Worker Training Webinar*
 - *CWS3000VLL Capacity Building Learning Lab Permanency*
- CWS3010 Adoption New Worker Policy Training with OASIS
 - *The following virtual courses must be completed to fulfill this requirement if CWS3010 is not available:*
 - *CWS3010W Adoption New Worker Training Webinar*
 - *CWS3010VLL Capacity Building Learning Lab Adoption*
- CWS5011 Case Documentation
- *CWSE4060: Family Search and Engagement*

17.3.3 First six months requirement

The training required for new foster care and adoption service workers and services supervisors during the first six months of employment of employment includes:

- *CWS4080W: Kinship Care in Virginia (pre-requisite: CWSE4060)*
- CWSE3030 Normalcy for Youth in Foster Care
- CWSE4050 Psychotropic Medications in the Child Welfare System
- CWS3015: Adoption Assistance (required for adoption service workers)

17.3.4 First twelve months requirement

The training required for new foster care and adoption service workers and supervisors during the first twelve months of employment includes the following instructor led courses:

- CWS1021 The Effects of Abuse and Neglect on Child and Adolescent Development.
- CWS1031 Separation and Loss in Human Services Practice.
- CWS1041 Legal Principles in Child Welfare Practice. (prerequisites: CWSEE1041, SCV Child Dependency Case Processing)
- CWS1061 Family Centered Assessment. (prerequisites: CWSE1002, CWSE5692, CWSE1500FC, CWS3000 or CWS3010)
- CWS1071 Family Centered Case Planning. (prerequisites: CWSE1002, CWSE5692, CWSE1500FC, CWS3000 or CWS3010)
- CWS1305 The Helping Interview. (prerequisite: CWS3000 or CWS3010)
- CWSE3041 Working with Children in Placement. (prerequisite: CWS3000)
- CWS4020 Engaging Families and Building Trust-Based Relationships. (prerequisite: CWS3000 or CWS3010)
- CWS3081 Promoting Family Reunification. (prerequisite: CWS3000 or CWS3010)
- CWS5307 Assessing Safety Risk and Protective Capacity. (prerequisite: CWS3000)
- CWS4015 Trauma-Informed Child Welfare Practice: Identification and Intervention (prerequisite: CWSE4015 Trauma-Informed Child Welfare Practice)

17.3.4 First twenty four months requirement

The training for new foster care and adoption service workers and supervisors during the first 24 months of employment include:

- CWS3021 Promoting Birth and Foster Parent Partnerships. (prerequisite: CWS3000)
- CWS3061 Permanency Planning for Teens-Creating Lifelong Connections. (prerequisite CWS3000 or CWS3010)

- CWS3071 Concurrent Permanency Planning. (prerequisite: CWS 3000 or CWS3010)
- CWS5305 Advanced Interviewing: Motivating Families for Change.
- DVS1001 Understanding Domestic Violence.
- DVS1031 Domestic Violence and Its Impact on Children.

17.3.5 Ongoing annual training requirement

All foster care and adoption service workers and supervisors are required to attend a minimum of 24 contact hours of continuing education/training each year. For those workers and supervisors hired on or after January 1, 2013, the first year of this requirement should begin no later than two (2) years from their date of hire, after the completion of their initial in-service training detailed above.

Continuing education activities to be credited toward the 24 hours should be pre-approved by the local department of social services supervisor or person managing the permanency program. Continuing education activities may include organized learning activities from accredited university or college academic courses, continuing education programs, workshops, seminars and conferences.

Documentation of continuing education activities is the responsibility of the local department of social services. VDSS recommends that the timeframe for the annual 24 hours of continuing education be within each calendar year. However, it is at the discretion of the LDSS to determine this time frame as long as it is consistent throughout all child welfare divisions in an agency.

17.3.6 LDSS shall ensure worker compliance

It is the responsibility of the LDSS to ensure that staff performing foster care/adoption duties within their agency have met the minimum standards. The Permanency supervisor or the person managing the Permanency program at the local level shall maintain training documentation in the worker's personnel record. The supervisor shall assure that the workers who report to them complete the required training within the given timeframes.

17.4 Managing by data

In an effort to use data to inform management, improve practice, measure effectiveness, and guide policy decisions, the Division of Family Services has several available data tools. Information about how to access and use each data tool is detailed below. Data tools and additional information about each tool can also be found on the [Reporting and Analysis page](#) on the DSS internal website.

- **SafeMeasures.** SafeMeasures compiles and analyzes information extracted directly from OASIS and presents it in a series of reports. These reports help assess whether federal, state, and local requirements are being met, track agency, unit, and worker performance over time, and monitor workload. SafeMeasures is updated twice a week, on Monday and Wednesday, allowing workers access to current caseload data. SafeMeasures also has drill-down capability on each measure which allows supervisors and caseworkers to look at a process outcome measure and see exactly which cases are on track according to that measure. Tutorials and manuals for SafeMeasures can be found on the [Fusion](#) webpage and in the documentation section of SafeMeasures itself. [SafeMeasures](#) can be accessed directly on the SafeMeasures website.
- **Virginia Child Welfare Outcome Reports (VCWOR).** The [VCWOR](#) is an Access database available for download on the DSS Fusion website. Foster care measures include Adoption and Foster Care Analysis Reports (AFCARS) data such as goal, placement, entry, and exit. In addition, raw data files for rolling fiscal years are available for download. The VCWOR also contains the Children's Services System Transformation Outcome reports that are updated on a monthly basis. Finally, like SafeMeasures, the foster care data available through the VCWOR allows for drill-down capability in order to monitor the children behind the numbers.
- **Chapin Hall Multistate Foster Care Data Archive.** The Multistate Foster Care Data Archive organizes Virginia's administrative data into a robust and flexible longitudinal database. A web tool provides access to data used for the generation of a variety of individual or aggregated reports. Virginia, along with 17 other states, is a member of the Archive, which further allows for reports to be run comparing Virginia with other states. By using this longitudinal research tool, states can better understand the foster care placement outcomes including time to reunification, time to adoption, placement stability, and reentry. This website can be accessed from the [Reporting and Analysis page](#) or directly on the [Multistate Foster Care Data Archive](#) website.
- LDSS staff should email the Program Manager of the VDSS Outcome Based Reporting and Analysis Unit for access to and questions regarding these tools.

17.5 Role of service worker in managing services

The service worker plays a central and essential role in managing foster care services. The service worker ensures that the process of providing services:

- Respects the family's culture, traditions, and language.
- Is designed to achieve permanency for the child.

- Meets federal, state, and local requirements, including but not limited to foster care plans, case reviews, hearings, purchasing, and documentation.
- Continually identifies, seeks out, reassesses, reconnects, and engages maternal, paternal, and extended family members and other individuals who are significant in the child's life.
- Uses a wraparound process, including:
 - Addressing the unique needs and issues of the child and family through:
 - Building on the strengths and resources of extended family members, significant individuals, natural supports, and providers.
- Involves coordinating services and supports across significant individuals, natural supports, and providers.
- Uses data to support decision making and improve quality of practice.
- Involves consistent and regular communication with providers of direct services with the child and family to ensure consistent messages are being provided to the child, family, and providers.
- Is assessed regularly through frequent contacts with the child, family members, and service providers.
- Is flexible and responsive to meeting the changing needs, circumstances, and opportunities of the child, birth parents, and family members through eliminating, adjusting, and/or adding new services and supports as needed.
- Supports and builds the confidence of the child and family in their new or strengthened skills and resources.

17.6 Caseload Standard

Virginia's General Assembly passed legislation in 2019 (§ [63.2-913.1](#)) requiring VDSS to establish a caseload standard limiting the number of foster care cases that can be assigned to each service worker. The caseload standard must be reviewed and updated annually on the basis of time and work necessary to effectively manage each foster care case.

Caseload size has a significant impact on achieving permanency. Not only do unmanageable caseloads impact the foster care cases directly, they also have significant secondary effects on worker retention and well-being.

The current caseload standard is 15 foster care cases maximum per foster care service worker. Each child in foster care is considered an individual foster care case.

17.7 Reasonable efforts by LDSS

Reasonable efforts shall consistently be made to achieve permanency for the child as quickly as possible. Services shall be provided to the child and all involved parties (e.g., birth parents, relatives, foster/adoptive parents, siblings, etc.) beginning at the initial contact with the child and family. When the goal is reunification, services to the birth parent or caretaker that begin prior to or at removal will ensure that the parent or caretaker has adequate time to remedy the conditions that brought the child into care.

Service workers shall document in the case file that reasonable efforts (e.g., assessment, service planning, and service provision) were made to prevent or eliminate the need to remove a child from his or her home and to reunify the family when temporary placement of the child occurs. Documented efforts shall include a diligent relative search and decisions made during Family Partnership Meetings (FPM) if such meetings were held (see [Section 2](#)).

Once the decision is made that a child shall be placed outside the home, the service worker should begin planning for permanency and recommend the most appropriate placement resource that builds upon the strengths and addresses the needs of the child (see [Section 6](#)). Children placed with relatives or other appropriate caregivers should receive counseling and other specified supports to minimize the trauma of separation from their family.

All reasonable steps shall be taken to place siblings together (see [Section 6.4](#)). When the child is separated from siblings, the service worker shall provide for frequent and regular visits and communication between siblings (see [Section 6.4.5](#)). Other family members and significant individuals to the child should be encouraged to connect and maintain involvement with the child, consistent with the child's safety, best interests, and personal desires (see [Section 2.6](#)).

The child and family should be encouraged and supported in participating in a comprehensive assessment of their strengths and needs, including educational, developmental, health, dental, and mental/behavioral health assessments of the child (see [Section 5](#)). The complement of services and supports required to achieve the child's permanency goal and to meet the unique needs of the child and family should be provided in a timely manner, based on their assessed needs and their individually tailored service plan. Children in placement who exhibit behavior or mental health conditions should receive appropriate therapeutic services to ameliorate those conditions, helping the child to be able to function at the highest possible level.

Managing foster care services involves more than identifying and managing the array of services and providers. It also involves critical services to assist and support the family through the changes that service intervention requires. Early efforts to provide coordinated services among courts and public and private child welfare professionals will facilitate improved outcomes.

17.7.1 Monthly supervisory conference

Supervisory conferences provide the service worker with the benefit of an additional perspective on all aspects of a foster care case. Supervisory conferences may be held more frequently than monthly based on the skill of the service worker and the dynamics of the case. Supervision consists of two parts: task supervision where the goal is completing critical elements of the case, and solution-focused supervision which uses coaching to improve skills in specific areas of practice. The coaching conversation using the [Practice Profiles](#) can be integrated into any supervision session. Use either the [Critical Activities Wheel](#) or the [Practice Profiles Self-Assessment](#) to partner with the service worker to identify specific sub-skills in the Practice Profiles. The Supervisor uses the Practice Profiles to balance the quality of case practice with requirements in guidance. Supervisory conferences shall be documented under the “Contacts” section of OASIS. The purpose of the supervisory conference is to discuss:

- The parent’s progress on the service plan.
- Dynamics including, but not limited to:
 - Any clinical issues.
 - The child’s well-being in placement.
 - Additional services needed by all individuals involved in the case.
 - Changes to the service plan.
 - Plans for achieving the permanency goal.
- Updates to the assessment regarding the family and the foster care. The family’s potential for reunification.
- Whether services that have been provided by the LDSS are appropriate for supporting improvement or progress.

Critical decisions are made in consultation with the supervisor and should consider opinions and recommendations from the child, family, relatives, professionals, or others involved with the family. Decisions are to be documented in OASIS.

Although all decisions affecting children and families are important and should be discussed in supervision, the following decisions are identified as the most critical ones affecting children and families:

- Whether reunification remains a viable goal;

- The status of finding and involving any relatives in the plan for the child and family;
- When to begin trial visits;
- Whether to decrease or increase the frequency or the duration of parent and/or sibling visits with the child and whether the visits will be supervised;
- Whether to change a child's placement;
- Whether parental rights will be terminated and an alternate permanent home sought;
- Whether children will be placed apart from siblings who are also placed in substitute care; or
- Whether to petition the court to terminate LDSS custody.

17.8 Ongoing visits with child

17.8.1 Purpose of visits

Caseworker visits shall be well-planned and focused on issues pertinent and meaningful to case planning.

The focus of caseworker visits should be on the child's safety, well-being, and progress to permanency. Key elements to consider in the meaningfulness of such visits include:

- The stated purpose and function of the visit with goals and areas of exploration determined in advance of the visit.
- The child's age and developmental level and the best manner in which to communicate with the child.
- Who, in addition to the child, can provide information about the child and service plan goals and outcomes.
- The safety of the child's environment.
- Adequate time to discuss the child's, provider's, and family's case plan and the completion of actions necessary to support children and families in achieving the goals established in their plans. This includes a discussion of the performance by the LDSS in following through on assigned responsibilities.

- Examining changes in the child's, provider's, and family's circumstances on an ongoing basis.

See [Home Visit Guidance Tool](#) on the forms page in Fusion.

17.8.2 Approved caseworkers

All children in foster care shall have a monthly face-to-face contact with an approved caseworker. The following individuals are considered approved caseworkers for the purpose of these contacts:

- The primary LDSS service worker.
- Other service workers (e.g., the supervisor, chief of services, LDSS director when appropriate) who attend case planning staffings for the child on an ongoing basis and are known by the child either through attendance at service planning meetings, family team meetings, or through other meetings, court, or administrative hearings or conferences.
- Case aides, volunteers, and Bachelor or Master's level student interns as long as they meet the criteria in the preceding bullet and are specifically assigned to provide ongoing assistance in a particular case.
- Children's Services Act (CSA) Coordinators may be considered caseworkers for the purpose of conducting face-to-face contacts.
- The workers in the agency in the receiving state authorized by the Interstate Compact to provide supervision for a child placed outside Virginia with relatives, in a foster home, or an adoptive home.

17.8.3 Individuals not approved as caseworkers

The following individuals may NOT be considered caseworkers for the purpose of conducting face-to-face contacts:

- Service workers who do not have the level of familiarity with the child and his plan for permanency as described above.
- Individuals (e.g., case aides, volunteers, student interns) providing general assistance (e.g., transporting clients, data entry, helping parents in job searches, assisting in preparing case materials for referral).
- Licensed Child Placing Agency or children's residential services staff.
- Court-Appointed Special Advocates.
- Other Family Assessment and Planning Team members.

17.8.4 Frequency of visits

17.8.4.1 In-state visits with child under age 18 and young adults over 18 in the Fostering Futures Program

A caseworker shall have a monthly face-to-face visit with the child, including those youth in independent living arrangements, in the child's home or placement if the youth is under age 18. A caseworker shall also have a monthly face-to-face visit with the young adult who is over the age of 18 and in the Fostering Futures Program. When courtesy supervision is provided by another agency, that agency is responsible for the face-to-face visits.

17.8.4.2 Visits and contacts with youth 18-21 who turned 18 prior to July 1, 2016

If the youth is age 18 and over, there shall be face-to-face visits between the youth and the LDSS caseworker preferably monthly but at least quarterly. At least once every three months the visit shall be in the residence of the child. The needs of the youth should determine the frequency of visits beyond the minimum requirements.

Some type of contact with the youth age 18 and over, such as a phone call or email, shall be made on a monthly basis.

17.8.4.3 Out-of-state visits

A caseworker shall have a face-to-face visit with the child in an out-of-state placement at least monthly where more than half of the visits occur in the child's place of residence.

Ongoing visits with a child placed outside Virginia with relatives, in a foster home, or an adoptive home will be made by the agency in the receiving state authorized by the Interstate Compact to provide supervision. Additional information regarding the placement of children outside Virginia is included in [Sections 6.16.5](#) and [6.17.3](#).

Caseworker visits for children placed out-of-state must begin when the child is placed pursuant to the approval of the placement by the ICPC office in the receiving state. It is the responsibility of the sending state to provide the receiving state with the Form 100B, documenting the date of the child's placement with the approved resource. Supervision shall be initiated promptly upon the receiving state agency's receipt of the 100B. However, in accordance with [ICPC Regulation NO. 11](#), the receiving state can and should begin supervision **prior to** the receipt of the 100B if the receiving state has been informed by other means that the child has been placed.

ICPC does not apply to young adults over the age of 18. Please see [section 14](#) for information regarding visitation with Fostering Futures participants who live out of state.

See ICPC policy governing supervision of youth in out-of-state placements ([Vol. VII, Section III, Chapter E](#)).

17.8.5 Criteria constituting a monthly face-to-face contact

Monthly face-to-face contacts shall:

- Occur within each and every calendar month. If a child is seen twice in one calendar month (e.g., July 1 and July 31), but not in another calendar month (e.g., August), the child is not considered to have been seen each and every calendar month. As a result, the child remains in the overall count of children who should be visited but since he was not seen each and every calendar month, all face-to-face contacts made with this child are omitted from the overall state percentage of visits.
- Be face-to-face. Only contacts made where the caseworker actually sees the child in person may be counted and visits shall be well-planned, focused, and meaningful.
- Occur in the child's place of residence more than 50 percent of the time. "Place of residence" means where the child is placed or is living and includes:
 - Foster homes.
 - Group homes.
 - Residential facilities.
 - The child's home when the child is on a trial home visit for the entire month.
 - May include a medical or psychiatric hospital when the child remains in the placement and care of the LDSS.
- Include one-on-one time with the child. This provides the opportunity for the service worker to assess the child's safety, the opportunity for the child to share any concerns he may have, and for the child to be to provide input in his permanency plan.

17.8.6 Visits with children in residential facilities

Onsite monthly visits are required for children placed in residential facilities. When a child is placed out-of-state, arrangements may be made with a worker in the other state to conduct the visit. A worker shall have a face-to-face visit with the child, including those youth in independent living situations, at least monthly. Over half of the visits shall occur in the child's place of residence.

If there is suspicion of a licensing violation in any Virginia public or private facility serving children, hospital, treatment, or rehabilitation center, the appropriate licensing authority should be notified. Website locations for the licensing authorities in Virginia are listed below:

- [Virginia Department of Behavioral Health and Development Services' Licensed Provider Search.](#)
- [Board of Juvenile Justice's List of Regulated Residential Programs.](#)
- [VDSS' Search for A Children's Residential Facility.](#)

If the agency is located outside of Virginia, the appropriate state's Child Abuse Hotline can be found by contacting the Childhelp National Child Abuse Hotline at 1-800-4-A-CHILD.

If a situation in an in-state or out-of-state facility warrants a child protective service abuse and neglect complaint, the complaint should be filed through normal reporting channels.

17.8.7 Recording caseworker contacts in OASIS

Face-to-face contacts shall be entered into OASIS **immediately but no later than 30 days** following the contact. On the "Case/Collateral Contact Information" screen, service workers shall complete the following:

- In the "Type/Location" field, select the appropriate type of "Face-to-Face" contact that occurred. On the current OASIS Contact Types pick list, the following options are to be used:
 - "Face-to-Face" (Child's Current Place of Residence) shall always be selected for all contacts that occur in the child's place of residence including the foster home, group home, residential facility, or independent living arrangement. No other selection from the pick list should be made if the contact occurred in the child's designated place of residence.
 - "Face-to-Face" (Home) shall only be selected when the contact occurs in the child's home (i.e., the home where the child is to be reunified with the

adults from whom he was removed) and only when the child is on a trial home visit.

- “Face-to-Face” (Court), “Face-to-Face” (DSS office), “Face-to-Face” (Child Care Provider), “Face-to-Face” (School) shall be selected when appropriate.
 - “Face-to-Face” (Residential Facility) shall only be selected if the worker contact occurs with the child while the child is on a pre-placement visit to the residential or group home site.
 - “Face-to-Face” (Other) should ONLY be selected when the place of the visit is not already included in the items noted above (e.g., contact at the Virginia Youth Advisory Council conference; contact at a friend’s house).
- Complete the date and time of the contact.
 - Under “Purpose,” select “worker visit” along with any other pick list item that applies.
 - In the “Comments” text field, summarize the information necessary to communicate that the contact was meaningful. Information specific to the child’s safety, well-being, and efforts to achieve permanency should be included in the comments section.

Thirty days following implementation of the mobility application, the service worker will be required to enter and update all case narrative and data in OASIS within five (5) business days moving forward.

17.9 Child Protective Services (CPS) reporting

17.9.1 Responsibility to report

Any person employed in a LDSS who suspects a child has been abused or neglected in a foster care placement shall report the matter immediately to the LDSS where the child resides or the state’s Child Protective Services hotline at 1-800-552-7096 ([§ 63.2-1509](#)).

The Code of Virginia requires that any person 18 years of age or older associated with or employed by a public or private organization responsible for the care, custody or control of children shall be a mandated reporter of suspected child abuse or neglect. This includes all foster and adoptive, and respite families.

17.9.2 Investigating the CPS report

A CPS worker in the locality which assumes jurisdiction of a valid report shall be responsible for conducting the investigation. The foster care service worker shall

cooperate with the CPS investigation and be kept informed and involved in any decision to remove the child. The LDSS holding custody or having placed the child, if different from the agency of the child's residence, shall be notified of the report of abuse or neglect.

17.10 Working with birth parents

The relationship and frequency of direct contact between the service worker and the family plays a critical role in achieving timely permanence for the child. Keeping the same service worker involved with the family over time, whenever possible, helps provide stability and continuity in services for the child and family.

Service workers should establish frequent and regular face-to-face contacts with birth parents to build a trusting relationship that can serve to facilitate progress and support of the parent in achieving the goals for the child and family. For cases with the goal of reunification, the service worker shall have face-to-face contact with the birth parents or prior custodians a minimum of once every two months and at every critical decision-making point throughout the case (§ [63.2-906](#)). Contact should be no less than monthly. Telephone contacts, emails, and other forms of indirect contact also serve to strengthen the worker-parent relationship.

These contacts afford an opportunity for the service worker to:

- Discuss the child and family's progress regarding the service plan goals.
- Discuss the parents' goals and plans for the child returning home.
- Address any barriers or challenges to reunification.
- Develop additional plans for how the parents will access and use other support systems once the child returns home.

17.11 Working with foster parents and providers

As team members, foster parents and providers:

- Should be contacted as often as needed but at least monthly.
- Shall participate in meetings related to service planning for a child in the home or placement.
- Shall be given all reasonably ascertainable background, medical, and psychological records of the child including information as to whether the child was the subject of an investigation as the perpetrator of sexual abuse (§ [63.2-900](#)), and shall keep this information confidential. They shall be given the Foster Care Plan, including Part B, and educational and medical information about the child.

- Shall be asked to gather mementoes (report cards, pictures, awards, etc.) that will go with the child when he leaves or may be utilized in preparation of a life book. Life Books help children and youth develop and sustain a culturally sensitive, positive identity through identifying, maintaining, and building a history of memories and connections. All children and youth should have a life book that belongs to them and accompanies them through the course of their involvement in foster care. See [Section 9.5.3](#) for information on life books, including best practice guidance on creating and maintaining life books.
- Shall be given notice, whenever possible, as specified in family foster care placement agreement, when a change in placement is to occur.

As stated above, foster parents and providers shall participate in meetings related to service planning and be given notice, whenever possible, when a change in placement is to occur. As placement change is a critical decision point, the service worker is required to hold an FPM when a change in placement is planned (Section [2.9](#), [6.5](#), and [6.10](#)). The input and engagement of foster parents and providers in making placement decisions is vital to ensuring placement stability. When indicators of a possible placement disruption are observed, service workers should schedule an FPM as quickly as possible to explore all possible options to support placement stability.

17.11.1 Foster Parent Dispute Resolution

Foster parents have a right to file a complaint regarding alleged violations of collaboration, communication, access, and transparency between the local boards and LCPAs and the foster parents.

Prior to filing a formal complaint, the foster parent shall contact the service worker assigned to the foster home and provide a description of the alleged violation. For LDSS approved homes, this would be the family recruitment service worker assigned to the home. For LCPA approved homes, this would be the foster care service worker for the child in foster care. The service worker shall respond within five business days and explain any corrective action to be taken in response to the foster parent's complaint. If the foster parent and service worker are unable to informally resolve the complaint, the foster parent may file a written complaint through the dispute resolution process with the foster care supervisor or designee. The supervisor shall respond to the complaint within five business days with the findings regarding the alleged violation and any correction action that will be taken.

If the foster parent disagrees with the supervisor's response, the foster parent may appeal the resolution to the local director by filing a written notice of appeal. The appeal shall include a description of the alleged violation, and a copy of the foster care supervisor's report. The director shall hold a meeting with all the parties within seven business days to determine the validity of the alleged violation and the appropriateness of the response from the service worker and supervisor. A

summary of the meeting shall be documented by the service worker after approval by the foster care supervisor. The director shall issue written documentation of findings to all parties, and when applicable, recommendations for corrective actions.

17.12 Referring children to Family Assessment and Planning Team (FAPT)

When serving as case manager for a FAPT case, the service worker is responsible for:

- Providing information to the FAPT to be used in updating and revising the Individual Family Service Plan (IFSP) and/or the Foster Care Plan.
- Notifying the child, birth parent(s), family members, and foster parents in advance of the location and time for all FAPT meetings, as appropriate.
- Engaging the child, family, and foster and adoptive parents in the FAPT process to help assess, plan, and implement services. These individuals have the right and should be encouraged and supported to either speak at the meetings or submit written recommendations. The FAPT shall consider their opinions in developing the service plan.
- Participating in all FAPT reviews, and encouraging the parent(s) to participate in FAPT reviews.
- Complying with local and state CSA policies and procedures.

17.13 Missing children or youth from foster care

Child welfare is charged with ensuring that children exit foster care to a safe, permanent family. This charge is supported by an agency's capacity to manage instances in which children and youth in the agency's custody may be missing or runaway from a foster care placement. Missing foster care children/youth may be defined as those who have either left voluntarily (runaways) or involuntary (abduction or lost), and cannot be accounted for by the agency responsible for their care and placement.

Each LDSS should have a plan specific to their community and in collaboration with local law enforcement utilizing the recommendations in this section. (See the [National Center for Missing and Exploited Children](#) and its [checklist](#) of actions to take in the initial stages of a missing child or youth.)

All activities undertaken to locate children and youth missing from foster care should be clearly and completely documented in OASIS.

17.13.1 Notification to law enforcement and the National Center for Missing and Exploited Children

The LDSS shall provide immediate verbal notification to the appropriate local law enforcement agency and National Center for Missing and Exploited Children (NCMEC) within 24 hours upon receiving information on any child that is missing or who is running from care. The LDSS should follow up by sending subsequent written notification within 48 hours or as required by law enforcement protocol. The LDSS should ask law enforcement to enter information about the child into the FBI's National Crime Information Center (NCIC) database which includes information on missing persons.

Once a report is filed with law enforcement, the LDSS shall contact the NCMEC at 1-800-843-5678. NCMEC can only accept reports from the legal guardian. See [section 17.13](#) for additional information regarding required activities during the initial stages of a missing child or youth.

Information to be shared with law enforcement and the NCMEC (as appropriate) includes:

- Biographical information and photographs.
- Names and addresses of friends, relatives, present and former foster parents and placement staff, and acquaintances.
- Suspected destinations.
- Prior disappearances and outcome.

Other information regarding special circumstances that should be highlighted in communications with law enforcement officials may include, but are not limited to:

- Child younger than 13 years of age.
- Child or youth intellectually disabled.
- Child or youth that is drug dependent, including prescribed medication and/or illegal substances and if the dependency is life-threatening.
- Child or youth missing more than 24 hours before being reported to law enforcement.
- Child or youth believed to be in a life-threatening situation.
- Child or youth believed to be in the company of adults who may endanger his safety.

- Other circumstances involved in the disappearance that would cause a reasonable person to conclude that the child or youth may be considered “at imminent risk”.

If the worker believes that a child or youth has unwillingly left the foster care placement or has been removed by an unauthorized person, the worker should request that the child be placed on the Amber Alert System when making the report to law enforcement. The local law enforcement officials will determine if Amber Alert criteria are met and will activate the network when appropriate.

17.13.2 Notification to other key partners

When a child or youth has runaway or is discovered to be missing from the foster care placement and the child or youth’s whereabouts are unknown, the service worker should provide:

- Immediate verbal notification to:
 - The parents unless the parents cannot be found or have had their parental rights terminated.
 - The child’s or youth’s guardian ad litem (GAL).
- Notification within 24 hours, or as soon as possible, of the disappearance to:
 - Family members.
 - Service providers.
 - Other appropriate persons.

The service worker should discuss with all parties the collaborative efforts they can all take to locate the child or youth.

17.13.3 Continued efforts to locate

The service worker shall continue to make efforts to locate the child or youth each month that the child or youth remains missing or on runaway status. See the [NCMEC](#) and its [checklist](#) of actions to take in the initial stages of a missing child or youth. Youth usually run from or to something. Data shows most youth run to friends, family, or the streets. It is very important to know who and how to contact their friends or family. It is also very important to be aware of the youth’s hangouts and activities.

Efforts to locate the child or youth shall include, but are not limited to, contacting:

- Law enforcement.

- Birth parents, family members, and relatives.
- Former caregivers.
- Other agencies that may be providing services.
- The [National Center for Missing and Exploited Children](#) at 1-800-843-5678.

Efforts should also be made to track the child or youth's activities via Facebook or other social media sites. It will be necessary to work with the police or the National Center for Missing and Exploited Children to obtain access to restricted pages.

The case of a missing child or youth should be staffed on a quarterly basis with a supervisor to ensure that efforts made to locate the child or youth have been sufficient and no other actions are needed.

When information regarding the possible location of a missing child or youth is received, the service worker should staff immediately with a supervisor to assess the most appropriate course of action to secure the child's safety.

All activities taken to locate children and youth missing from foster care should be clearly and completely documented in OASIS.

17.13.4 When missing child or youth returns

When the child returns to the foster care placement after being reported to law enforcement as a runaway or missing person, the service worker should ensure that appropriate law enforcement are notified immediately, but no later than 24 hours after the service worker was notified, of the child or youth's return. When the child or youth had been placed on the Amber Alert system, the service should notify law enforcement within one hour of the child or youth's return, consistent with the protocol established by local law enforcement.

Parents and the GAL should be notified as soon as possible after the service worker has been notified of the child's return.

Other parties notified of the runaway or missing status of the child should be notified of the child or youth's return within 24 hours but no later than 48 hours of the child or youth's return.

17.13.5 Discussing run away episode with child or youth

Engaging the youth is essential when they return. It is important for the youth to feel welcome, supported, and cared about. Their immediate needs should be met. The worker should always talk to a youth about a run episode. The main focus of the discussion is to determine if the youth is okay and to gather enough information to develop a plan to help the youth not want to run in the future. Remember to focus

on a solution and be nurturing. The information obtained in this process may prevent a future run and help the service worker develop targeted information.

Some questions to ask may include:

- Are you ok?
- Do you need any supports, services, medical attention?
- What do you need right now to feel safe?
- Is there anything I can do to make it easier to stay?
- Was there anything that would have changed your mind to keep from running?
- What did you hope to happen when you left?
- Did you have a plan on how to take care of yourself and did it work out?
 - This question may help lead to where they ran to, what they did, who they contacted, and what happened to them on the run
- What made you decide to return?
- What are your plans for the future?
- What do you want to see happen in the next 3 months?

Note: If a youth runs to see biological family, assess current safety issues, and consider placement with family or increase family visits.

The Preventing Sex Trafficking and Strengthening Families Act ([P.L. 113-183](#)) also requires that the child be screened to determine if he/she is a possible victim of sex trafficking. See [Section 12.5.1](#) for additional information on resources and tools to be used when screening a child for sex trafficking. Additionally, LDSS shall report within 24 hours to law enforcement after receiving information on a child or youth who has been identified as being a sex trafficking victim.

17.13.6 Documentation

The LDSS must document the child's missing status in the child welfare information system immediately but no later than 24 hours from receiving notification that they are missing. The documentation must include the notification to law enforcement and NCMEC. The LDSS shall clearly and completely document all activities taken to locate children and youth missing from foster care in OASIS. The service worker

shall also document in OASIS whether the youth is a known victim of sex trafficking either prior to or while in foster care. Documentation shall include:

- Efforts made to locate the child or youth, as well as any tasks or actions assigned through case staffing with the supervisor.
- All continuing efforts to locate the child in collaboration with law enforcement, family members, GAL, [NCMEC](#), and other appropriate persons.
- Efforts made to persuade the youth to return to foster care, if a youth is located and refuses to return.
- Discussions with the child or youth after a return to care so that this information may be used to prevent another run episode.
- Indication as to whether the youth is a known victim of sex trafficking prior to or while in foster care.

17.12.7 Resources

- The [National Runaway Safeline](#) (formerly known as the National Runaway Switchboard) was established in 1971 and serves as the federally designated national communication system for runaway and homeless youth. Services are provided through funding from the Family and Youth Services Bureau in the Administration for Children and Families, U.S. Department of Health and Human Services and private funders.

Services offered by NRS include:

- 1-800-RUNAWAY crisis hotline is available 24-hours a day throughout the United States and its territories, including Puerto Rico, the U.S. Virgin Islands, and Guam.
- Information and Referrals which is a database of more than 13,000 youth and family resources such as counseling, shelter services, and alcohol/drug services.
- Conference calls assisting the youth in contacting family or services.
- Message services for youth who want to relay messages to parent/guardians or the parent/guardian may leave messages for the youth.
- Let's Talk: a free runaway prevention curriculum for teenagers, families and those that support them.

- Home Free: a service in partnership with Greyhound Lines, Inc. to help reunite runaway youth with family or guardians by providing a free bus ticket home.
- The [National Center for Missing and Exploited Children](#) (NCMEC) offers multiple resources, such as:
 - Taking reports of missing children who have run away.
 - [Checklist](#) of actions to take in the initial stages of a missing child.
 - Case management teams within the Critical and Runaway Unit that provide technical assistance to law enforcement and support the runaway's family. They will coordinate the creation and dissemination of posters to help generate leads. Information about the child must be entered in the FBI's National Crime Information Center to create a poster.
 - Legal resources for runaway children.
 - Appropriate referrals for families in crisis and needing emotional support to NCMEC's Family Advocacy Division and/or Team HOPE.
- [Virginia's Missing Children Clearinghouse](#) is administered through the Virginia Department of State Police. The Clearinghouse:
 - Links to all Virginia law enforcement agencies through the Virginia Criminal Information Network, the FBI, all U.S. police agencies through the National Crime Information Center, and all children's clearinghouses through computer hookups with NCMEC.
 - Helps coordinate efforts between local, state, and federal agencies in recovering missing children.
 - Provides tips on handling specific situations.

[Shared Hope International](#) addresses human trafficking, including the foster care population

17.14 Working with Lesbian, Gay, Bi-sexual, Transgender, Questioning (LGBTQ) youth in foster care

According to the Williams Institute, approximately 7.2% of youth identify as lesbian, gay, bisexual, or queer, and 2.25% of youth identify as transgender. However, 19.1% of youth in foster care identify as LGBTQ. LGBTQ youth in care report experiencing significant discrimination related to their actual or perceived sexual orientation, gender identity and gender expression. All youth in foster care deserve to be treated with

dignity and respect and be placed in an affirming environment that will support safety, permanency, and well-being. This is often more difficult for LGBTQ youth due to biases and discrimination among placement providers and service providers. These youth are at a significantly higher risk of harassment and violence than their peers. They have a higher rate of suicide and placement instability. Service workers play an important role in ensuring that the needs of LGBTQ youth are consistently met. Service workers should:

- Explore own beliefs and practice affirming language.
- Be prepared to respond in a positive, supportive, and affirming manner should a youth disclose an LGBTQ identity.
- Avoid making assumptions about the youth's LGBTQ identity based on the youth's appearance or stereotypes.
- Empower youth by:
 - Consulting with the youth during the placement process to ensure that the team can work cohesively to identify a safe and affirming placement that will achieve permanency.
 - Permitting the youth to buy and wear clothing that is consistent with their gender identity and expression.
 - Applying the same grooming rules and restrictions regarding hair, makeup, shaving, etc. equally to all youth, regardless of LGBTQ identity. Staff should permit transgender and gender nonconforming youth to use approved forms of personal grooming consistent with their gender identity and gender expression.
 - Asking the youth to share the name and pronouns that they would like others to use when referring to them, and asking those in the youth's life to use them.
 - Ensuring the youth is able to access the natural supports that they have identified.
- Seek placements in families that provide a safe and affirming environment. Regularly evaluate the youth's overall safety, including consultation with the youth, as it relates to their sexual orientation, gender identity and gender expression in terms of placement, emotional, and physical well-being.
- Identify and make referrals to service providers that are educated in working with LGBTQ youth.

- Ensure youth receive developmentally appropriate sexual and reproductive health services.
- Work with the youth's school to address use of names and pronouns, clothing and grooming options, bathroom and locker room use and participation in athletics and other sex-segregated activities.
- Become familiar with resources in the community for LGBTQ youth and connect youth to all available resources.
- Provide support and resources to the youth's school, family, placement provider, and anyone else identified by the youth.
- Ensure that everyone working with the youth is accepting of the youth and does not attempt to change the youth's sexual orientation, gender identity, or gender expression. Conversion therapy and any other treatment intended to change the youth's sexual orientation, gender identity, or gender expression is prohibited.
- Protect the youth's confidentiality by treating the youth's decision to disclose as sensitive information and do not disclose information about a youth's LGBTQ identity without the youth's consent unless disclosure is necessary to comply with state or federal law or required by court order.
- Ensure that LGBTQ youth have access to health care providers who are knowledgeable about LGBTQ health issues and capable of inclusive and affirming conversations about a youth's health care needs. This includes ensuring that transgender youth have access to necessary transition-related treatment, as determined based on their individual needs by qualified medical personnel familiar with the relevant standards of care.
- Promptly and appropriately intervene when a youth faces physical, verbal, or sexual abuse or harassment based on actual or perceived sexual orientation, gender identity, or gender expression.

17.14.1 Resources

- Human Rights Campaign-
 - [All Children-All Families: LGBTQ Resources for Child Welfare Professionals](#)
 - [Glossary of terms](#)
- Healthychildren.org- [Supporting LGBTQ Youth in Foster Care](#)
- Child Welfare Information Gateway- [Working with LGBTQ Youth and Families](#)

- “This is a Book for Parents of Gay Kids: A Question and Answer Guide to Everyday Life” by Dannielle Owens-Reid
- Hot Lines:
 - The Trevor Helpline 866-4-U-Trevor (488-7386)
 - National Gay and Lesbian Youth Hotline 800-347-TEEN (8336)
 - GLBT National Youth Talkline 800-246-PRIDE (7743)
 - Gay, Lesbian, Bisexual, and Transgender National Hotline 888-843-GLNH (4564)
 - CDC Information Line 800-CDC-INFO (232-4636)

17.15 When child dies in foster care

When notification is received that a child has died in foster care, the service worker shall immediately notify the agency director and complete the following steps:

- Make a report to the Child Protective Services division of the child’s death.
- Notify the VDSS Regional Director of the fatality or the Regional Foster Care Consultant if the director is not available.
- The service worker shall submit to the regional director a written summary of the incident within three (3) hours (or by 9 a.m. the following business day for reports alerted after hours). This summary should then be forwarded to the VDSS Division Director of Family Services or his designee as soon as possible for:
 - Any case receiving media attention.
 - Any open foster care case.
 - Any case where a youth age 18 and over is receiving IL services.
- This report should include at a minimum:
 - The cause of death, if known.
 - Time of death.
 - Location of death.
 - Circumstances surrounding the child or youth’s death and any witnesses. Witnesses may include physicians, police, placement providers or school personnel.

The service worker should also notify the following parties about the child's death immediately:

- The child's parents.
 - If the parent cannot be located, the service worker notifies relatives who have been involved with the child.
 - If the child was under the care and control of the local department of social services at the time of death; the worker may notify the child's parents, even if they have had their parental rights terminated or have executed a relinquishment.

Within 24 hours (or as soon as possible, when a particular party cannot be reached within 24 hours):

- The agency attorney.
- Any legal counsel retained by the parents.
- The guardian ad litem for child and/or parents, if applicable.

17.15.1 Making funeral arrangements

The LDSS should ensure that culturally appropriate funeral arrangements are made and carried out for the child or youth who dies while in the custody of the local department of social services.

If the biological family is not able to assume responsibility, the worker should contact a local funeral home to provide a dignified funeral service within the acceptable standards of the community. To the extent possible, consider the wishes of the biological family and foster family in making arrangements for the child's burial or cremation.

17.15.1.1 Involving biological parents

The service worker should involve the child's biological parents in the funeral arrangements to the maximum extent feasible, even if parental rights are terminated; if the service worker determines doing so is appropriate.

For example: parental involvement may not be appropriate if rights have been terminated and the child is in a pre-adoptive placement but may be appropriate if a parent has remained in contact with the child or the placement was not considered permanent.

Regardless of legal status, a parent may wish to help with arrangements, express preferences and contribute resources to cover the costs of the child's funeral.

The service worker consults with biological parents whose rights have not been terminated to request that:

- The parents pay reasonable and necessary burial or cremation expenses; and
- The parents spend the proceeds from an insurance policy for the child or any known funds or accounts set up for the child on the funeral expenses.

If the parents are able to fully or partially fund the children's funeral, they may do so by paying the funeral home or other vendor directly.

If a family is unable to assume responsibility for funeral expenses, family participation may be included in such activities as providing clothing, scheduling of services, and provision of clergy. These may be coordinated through the local funeral director and the agency. If the religious affiliation of the biological parents is unknown and cannot be reasonably determined, the religious affiliation of the foster and adoptive parents may be used in the selection of clergy.

17.15.1.2. Involving foster and adoptive parents and other significant individuals

The service worker should invite foster and adoptive parents and other individuals significant to the child's life to participate in the planning of the child's funeral arrangements. The service worker does not solicit contributions from foster parents or other significant individuals. However, if they voluntarily indicate that they wish to contribute to some of the funeral expenses, they may do so by paying the funeral home or other vendor directly.

17.15.1.3 Accessing funding

The service worker should check to see if the LDSS is holding any available funds that may be utilized on funeral expenses.

If the birth family or other local resources are unable to fully fund the cost of a funeral for a child who died in foster care, for title IV-E children, the VDSS Division Director of Family Services or his designee may approve up to \$2000 per child for reasonable and necessary burial or cremation expenses.

Payment amounts shall be entered into Cost Code 81107 if the child was in a residential facility and into Cost Code 81110 if the child was in a foster home.

For non-title IV-E children, if it is determined that funds are needed, the service worker shall refer the child to the Family Assessment and Planning Team (FAPT), in accordance with local Community Policy and Management Team (CPMT) procedures to access CSA funding.

17.15.1.4 Next steps

The LDSS should identify individuals impacted by the child's death, including the biological family and siblings, foster and adoptive families and their children, extended family, and others that had a significant connection to the child. The LDSS should coordinate the provision of grief and loss counseling services through local community resources and supports as appropriate.

After funeral proceedings have been concluded and the family has had ample time to grieve, if the family has other children for whom the LDSS is providing services, the service worker should schedule a family team meeting to modify the service plan regarding the other children. If there are no other children being served, the LDSS can offer the family a family team meeting to address the family's current needs and facilitate any appropriate referrals to community-based resources or services prior to closing the child's case.

17.16 Emergency/Evacuation Procedures

17.16.1 Emergency/evacuation responsibilities when state office closes

Virginia's child welfare services are carried out in a state-supervised and locally-administered system. If the state office is forced to close or relocate due to an emergency or natural disaster, service provision will continue to be offered through the LDSS. The following responsibilities should be fulfilled on the state, regional and local levels in the event that a natural disaster or other emergency occurs.

VDSS responsibilities

- VDSS will maintain the Active Foster Care Report in an Excel file on an external hardware (jump drive). The jump drive will be in the possession of the Foster Care Program Manager.
- VDSS staff will be available by the state hotline toll-free number for the community to contact for child welfare related service needs, referral information for services, and to notify the state office of displaced clients in the event the situation impacts the LDSS and the local office can not be reached. The toll-free number will be given to the media and disseminated to local departments of social services.

Regional responsibilities

- Regional staff will serve as the liaison and primary point of contact between the LDSS and VDSS in the event of an emergency situation that causes the state office to close. Regional staff will be in touch with LDSS staff in their regions and will be responsible for forwarding home office broadcasts and communications to key LDSS personnel when those agencies are unable to access the VDSS system.

17.16.2 Emergency/Evacuation responsibilities when LDSS closes and/or when a foster child evacuates or becomes displaced

Local responsibilities

- The LDSS, as part of local government, must develop individual emergency procedures as they are aware of emergency resources and supports within their area as well as the unique disasters to which each region of the state is particularly exposed. It is essential that local agencies maintain close communication with their Regional Specialists during system outages. This will enable the regional offices to contact other regional and state staff to enlist support from available staff statewide. It is recommended that all local agencies have at least one laptop computer configured for dial-up access.
- The regional offices serve as operation centers for service referrals and information throughout the state. Virginia also operates “211” Information and Referral hotline that is available for locating services and assistance. In addition, alternative contact information for divisional staff can be highlighted on the Department’s website to make it easier for clients and other states to contact the necessary people.
- The LDSS shall ensure foster families and providers develop plans that help protect their families and also provide communication information for use in emergency situations ([Emergency Plans Form](#)). In the event the foster family or other provider needs to evacuate, information regarding their whereabouts and contact information shall be communicated to the LDSS. If the LDSS can not be reached, the information shall be communicated to VDSS via the hot-line and VDSS will enter the information into OASIS.

17.17 Completing OASIS requirements

OASIS shall be kept up-to-date to reflect required elements needed for AFCARS compliance and compliance with other federal and state requirements. The AFCARS elements are highlighted in red in the system, while the other mandated elements are highlighted in yellow.

The service worker is responsible for entering and updating all case data in OASIS as soon as possible, but **no later than 30 days** after each activity or event. The only exceptions are:

- Children's placement changes shall be entered into the system **within five (5) calendar days** of any placement change.
- The foster care case should be closed **within five (5) business days** after the child leaves the care of the LDSS.

Thirty days following implementation of the mobility application, the service worker will be required to enter and update all case narrative and data in OASIS within five (5) business days moving forward.

17.17.1 Completing the case narrative

The case narrative shall include a detailed chronological account of what is occurring in a case. The narrative should very clearly describe events, contacts, dates, parties involved, problems, interventions, and all other activity regarding the case. Information included in the case narrative should be of such a detailed nature as to provide other readers a clear understanding of developments and issues in the case.

The case narrative should provide ongoing information across the life of the case about how contacts relate to the child's current:

- Safety.
- Risk factors that are impacting the ability to achieve a permanent placement for the child.
- Progress being made towards achieving a permanent and safe discharge of the child from foster care in accordance with the service plan.
- Well-being status, and progress if problems have been identified.

The case narrative shall also demonstrate ongoing, diligent, and timely efforts of the service worker to:

- Conduct family search and engagement and efforts to keep siblings together and to maintain sibling connections.
- Identify successes and to support progress of the family and child towards achievement of the permanency goal.
- Any barriers or changes in the level of need or the types of services that will support successful and timely permanence.

The case narrative in OASIS should specifically include, but is not limited to, descriptions of the following events and activities:

- Face-to-face client contacts.
- Non face-to-face client contacts.
- Court hearings.
- Family visits.
- Provider contacts.
- Collateral contacts.

The case narrative is required in OASIS and is to be entered on the Contacts screen in the Comments box. While not required, hard copies of the narrative may be printed and placed in the case file.

VDSS entered into a contract to provide transcription services to all service workers across the state. Service workers should be accessing this service to ensure that the case narrative is entered timely and efficiently.

17.17.2 Completing additional documentation

All relevant information shall be documented in the appropriate screens of OASIS, including, but not limited to:

- The date(s) written notices were sent to grandparents and other adult relatives when the child was being removed or was removed, with the date(s) the relatives responded.
- Diligent efforts to identify, conduct follow-up contacts, engage with, and assess individuals who were identified through the diligent search process.
- Specific and detailed information regarding the reasons relatives and other significant adults were determined not to be appropriate resources for involvement in the child's life, for foster care placement, and/or for permanent placement at that time.
- FPMs, including the purpose, initiator, location, facilitator, attendees, and meeting outcomes.
- Comprehensive child and family assessments and determinations of the child's best interests.

- Foster Care Plan, foster care plan review, administrative panel review and supervisory review (i.e., the documents and documentation of reasonable and timely efforts to preserve and reunify families and to achieve permanency for the child as quickly as practicable).
- All court hearings involving the child, including custody, delinquency and CHINSupervision or CHINServices hearings.
- Any court hearings involving the parents when the LDSS is a participant (e.g. child support hearing.)
- Child placement and foster care services provided for the child and family, including, but not limited to, ongoing information about the child's safety, health, health care, education, progress, services, and independent living services for youth over age 14.
- Ongoing efforts to support and maintain a child's relationships with siblings, family members, significant other adults, and community connections.
- Outcomes survey information for older as part of the National Youth in Transition Database.
- Maintenance and service payments.
- Summary information at the time of the child's discharge from LDSS custody that explains the support services the child and family were connected with prior to discharge and a summary evaluation of the stability of the permanent placement and any issues that may present later for the child and family.

Supporting documents shall be maintained in the paper case file for use throughout the child's involvement with the child welfare system.

17.18 Failure to provide foster care services

The Commissioner has the authority to create and enforce a corrective action plan (CAP) for any LDSS when they:

- Fail to provide foster care services or make placement and removal decisions in accordance with state and federal law;
- Take any action or fail to act in a manner that poses a substantial risk to the health, safety, or well-being of any child under their supervision and control.

If the LDSS fails to comply timely with the CAP, the Commissioner shall have the authority to temporarily assume control over all or part of the LDSS' foster care services and associated funds. See Section 3 of Practice Foundations Guidance for more

information on the process for shared accountability for foster care outcomes, including the process for CAP and intervention by the Commissioner.

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FUNDING MAINTENANCE COSTS

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FUNDING MAINTENANCE COSTS

18.1 Paying for basic maintenance

18.1.1 Definition of maintenance

Maintenance means payments made on behalf of a child in foster care to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, and reasonable travel for the child to visit with family or other caretakers and to remain in his or her previous school placement. In the case of child care institutions, such term must include the reasonable costs of administration and operation of such institutions as are necessarily required to provide the items described in the preceding sentence.

18.1.2 Sources of funding

Maintenance costs should be paid with:

- A child's own income (i.e., SSI, SSA, or child support).
- Title IV-E funds for eligible children.
- State pool funds for non-title IV-E children.
- Local only funds when the locality is not in compliance with guidance.

18.1.3 Rates

Age groupings and uniform monthly maintenance payment rates are as follows:

Effective July 2022

Maintenance Payment Rates					
Age of Child	Room and Board	Clothing	Personal care, Recreation, Reading	Monthly Allowance	Total Payment Rate
0 thru 4	\$356	\$65	\$100	\$0	\$521
5 thru 12	\$407	\$84	\$107	\$11	\$609
13 and over	\$494	\$130	\$114	\$34	\$772
Maximum Independent Living Stipend					\$644
Supplemental Clothing Allowance					
Age 0 thru 4					\$347
Age 5 thru 12					\$435
Age 13 and over					\$522

18.1.4 General guidance regarding maintenance payments

- Maintenance payments are designed to assist the caregiver in providing for the child’s basic needs as defined in [Section 18.1.1](#). It is not expected that the maintenance rates will cover all the needs of the child. Service needs of children and their families are not included in the definition of maintenance. Therefore, services shall not be paid for with maintenance funds.
- Maintenance is paid directly to the foster parent by the child-placing agency on a monthly basis. The costs of day care and transportation of the child for visitation or to school may be reimbursed to the foster parent if they are paying the cost “up front” or may be paid directly to the individual or organization providing the service directly. Receipts for such costs are required for reimbursement.
- Maintenance payments paid to a child care institution are limited to include only those items that are included in the term “foster care maintenance payments.”
- Duplicate payments for maintenance shall not be made. Title IV-E payments to a placement for room and board are not considered duplicate payments if the child is temporarily absent for 14 or fewer consecutive days **and the child returns to the same placement**. An absence may include run away, respite

care, hospitalizations, family visitation, or detention (not to include commitment to the Department of Juvenile Justice). Paying maintenance during the child's absence is intended to ensure that the temporary absence does not result in a placement disruption.

During the temporary absence, should it become apparent, at any point during the 14 days, that the placement has disrupted, the placement should be closed and the maintenance payment should cease. If the intention was for the child to return to the home within 14 days but the child does not, IV-E funds can not be used, but state pool funds may be used to fund the placement for no more than 14 days. For example:

- If the youth runs away and the placement indicates that the youth can not return, the placement should be closed and payment should cease at that point.
- If the youth runs away and is unexpectedly detained on day 10 of the AWOL episode so will not be able to return to the placement by the 14th day, the placement should be closed on day 10 and payments should cease. State pool funds may be used to fund the maintenance for 9 days.
- If the child requires psychiatric hospitalization that is expected to last less than 14 days but on day 14 the child has an incident that leads to a longer hospital stay, state pool funds may be used to fund the placement for the 14 days. Also on day 14, the original placement should be closed, and the hospitalization should be entered as a placement in OASIS.
- If the child requires psychiatric hospitalization that is expected to last less than 14 days and on day 8 the placement determines that the child cannot return, the placement should be closed, payments should cease, and the hospitalization should be entered as a placement. State pool funds may be used to fund the original placement for 7 days.
- If the child goes to visit relatives/parents for periods of time, maintenance can be paid to the placement as long as the absence does not go beyond 14 days and the child returns to the placement.
- If the youth has a probation violation and is detained for 10 days but returns to the foster home when he/she is released from detention, maintenance can be paid for the entire absence.
- Placement begins on the day a child is placed. For payment purposes, the last day of placement is the day before the date of removal. Example: Child is placed on June 1st. Child is removed on June 14th. Payments are made for placement from June 1 through June 13th. Payments begin for the new placement on June 14th.

- For those instances where there is an event that increases the amount of maintenance (i.e. birthday change in rate, enhanced maintenance payment), then the new rate shall become effective on the first of the month following the event that caused the increase in maintenance.
- When a child begins or ends a foster care placement or episode; prorating room and board for part of a month is based upon the actual number of days of care provided and the number of days in the month.
- Personal incidentals, which are included in the basic maintenance payment, are those costs associated with the personal care of a child such as (but not limited to) items related to personal hygiene, cosmetics, over the counter medications and special dietary foods; infant and toddler supplies, including high chairs and diapers; and occasional fees related to recreational activities.
- For children in foster care, the LDSS shall not decrease or increase the state-determined basic maintenance rates to foster parents. The VEMAT shall be used to provide enhanced maintenance for increased supervision and support from the foster parent due to a specific child's behavioral, emotional, or physical/personal care requirements.
- When documenting a change in maintenance costs due to a birth date, enhanced payment, etc., the worker should input the information so that it is effective the first day of the month following the actual date that initiated the rate change in OASIS.
- A [Financial Agreement for Local Department of Social Services Approved Providers](#) should be used to document the maintenance and enhanced maintenance amounts. The Agreement should be signed by the foster and adoptive parent and the LDSS representative on the day of placement.
- When the maintenance or enhanced maintenance rate changes, the LDSS should notify the foster or adoptive parents in writing of the changes and a new agreement should be developed. This pertains to both LDSS foster homes and LCPA foster homes.
- **Children that are placed on a trial home visit are NOT eligible for maintenance payments but continue to be eligible for service payments with FAPT approval. Child care may be paid as a service if deemed appropriate and approved by FAPT.**

18.1.5 Maintenance payments from title IV-E Funds

- Temporary absences from an approved placement for reasons of hospitalization, education or training, a vacation, detention (not to include

- commitment to the Department of Juvenile Justice) or trial home visit do not terminate eligibility for title IV-E.
- If the court orders a child's removal from the home and the child is otherwise title IV-E eligible, the child must be physically removed in order to be eligible for title IV-E foster care payment.
 - For young adults who are in congregate care, title IV-E eligibility may continue beyond the age of 18 if the child is enrolled in a high school or vocational/technical school and expected to complete the high school or vocational/technical program prior to or in the month of his or her 19th birthday. The eligible 18-year-old child is considered to be enrolled full-time, regardless of the number of courses or length of time in school. The child is eligible for the month in which completion of the school program occurs; however, eligibility cannot be extended past that month. The program is considered completed on the last day of final exams or, if exams are not required, the last day of scheduled classes, or the date the graduation ceremony is scheduled to occur. Under no circumstances shall eligibility continue beyond the last day of the month of the child's 19th birthday. If, at any time during the child's 18th year, it is determined that the child will not complete the program of study by the last day of the month of his 19th birthday, the child's IV-E eligibility ends on the last day of that month. Once the young adult no longer meets the criteria above, he shall be moved out of congregate care prior to the end of the month. The young adult shall then enter the Fostering Futures Program and will be evaluated for title IV-E funding based on the new foster care episode. It is the responsibility of the service worker to provide notification to the benefit programs specialist of any change of educational status within **three (3) business days**.
 - When the local department of social services (LDSS) accepts custody or placement of a child and places the child in a relative home, the agency shall approve the relative home as a foster family home only if they meet foster home provider requirements, and shall pay the relative foster parents maintenance payments per state rates. To support children remaining with kin and in their communities, the service worker may make an immediate placement with a kinship provider whose kinship foster home is in pre-approval status. The required steps for the process of emergency kinship home placement and subsequent foster home approval are outlined in Section 1.5 of [Local Department Foster and Adoptive Family Home Approval Guidance](#).
 - The LDSS may use title IV-E to pay enhanced maintenance when foster parents provide care to title IV-E eligible children placed in LDSS homes and the Virginia Enhanced Maintenance Assessment Tool (VEMAT) is used to determine the need for, and amount of, enhanced maintenance. title IV-E eligible children placed in treatment foster care programs shall be assessed

with the VEMAT for enhanced maintenance and if such payment is indicated, all maintenance costs shall be charged against title IV-E for the eligible child. A copy of the VEMAT and all supporting documentation of the child's needs resulting in an enhanced maintenance payment shall be documented in the case record. These additional payments are made from State Pool funds for non-title IV-E children.

See "Rate-Structuring for Enhanced Maintenance" Guidance at:

- [DSS public website](#)

18.1.6 Maintenance payments from State Pool Funds

This is a source of funding, using primarily state and local money, through the Children's Services Act (CSA).

- Costs of maintenance are paid from this source for all foster care children who are not eligible for title IV-E. This includes the basic as well as the enhanced maintenance rate. Enhanced maintenance payments shall be utilized only when the VEMAT is used and the child is determined to have a clearly defined need for increased supervision and support from the foster parents due to the child's behavioral, emotional, or physical/personal care requirements.
- Service needs of children and their families are not included in the definition of maintenance. Therefore, services shall not be paid for with maintenance funds.
- The LDSS shall use procedures established by the Community Policy and Management Team (CPMT) for referring the child to the Family Assessment and Planning Team (FAPT) for services and funding.
- The CPMT may establish policies and procedures for authorizing payments for children who only require foster care maintenance without a full review by the FAPT ([§ 2.2-5209](#)).
- The LDSS shall not decrease or increase the state-determined basic maintenance rates to foster parents.
- State pool funds can only be used for placement in an approved or licensed facility or foster home.

18.1.7 SSI and maintenance (title IV-E and State Pool Funds)

- It is the responsibility of the service worker to inform the Social Security Administration (SSA) whether title IV-E benefits are being received for the care of the child:

- At the time of application for Social Security benefits; or
- When the LDSS becomes the representative payee for a child who is already receiving SSI.
- SSI benefits shall be reduced dollar for dollar by the amount of title IV-E funds actually received for the child. A title IV-E eligible child does not have to receive a title IV-E payment. The LDSS may choose to receive only the SSI payment to cover the costs of the child's care.
- SSI benefits are not reduced for children whose maintenance is paid from state pool funds.
- If a title IV-E eligible child is in a residential facility where the monthly maintenance rate is greater than the SSI payment, the LDSS should use title IV-E benefits to pay for maintenance. If title IV-E funds are used, the service worker shall immediately, **within two (2) business days**, notify the SSA to suspend the SSI payment. If a child returns to a foster home, the service worker shall evaluate and determine which funding option is most beneficial for the child and inform the SSA of the change in placement and maintenance rate **within two (2) business days** if SSI benefits are to be reinstated.
- When a child enters a Medicaid funded residential facility, the LDSS shall notify the SSA of the placement in order to ensure that the child's SSI benefits are reduced to appropriate levels. In some situations, the child may continue to receive full SSI benefits. For [additional information](#), see Social Security Administration Online.

18.1.8 Documenting maintenance payments in OASIS

With the introduction of OASIS 3.12, the funding screen has been tabbed into three separate screens including Basic Maintenance, Additional Maintenance, and IL Stipend.

Eligibility was formerly referred to as Program Category and is the category from which funding is obtained. Foster children will either be IV-E or CSA funded.

The Date Effective is the date a payment began. The End Date is the date when the payment ended.

The Source of Payment is the source from which funding is paid. This could be IV-E, CSA, or Local Funds. The selection of none indicates no monies are being paid out for the child.

The Basic Maintenance Payment is the monthly/daily maintenance amount paid to the placement provider to assist the caretaker in providing for the child's basic

needs. This will be a monthly rate for payments to foster home placement providers and a daily rate for congregate care providers.

The basic maintenance tab is used to record the Eligibility Determination (program category), source of maintenance payment, amount of the basic maintenance payment, effective date and end date for each child in foster care.

Maintenance for a child newly placed in foster care is initially paid from the CSA state pool funding source until the child's eligibility for title IV-E has been determined. If the child is determined to be eligible for IV-E State pool funds expended for maintenance during the determination process shall be reimbursed by title IV-E funds except for any period where the provider was not fully approved.

If the child remains funded by CSA, then CSA shall remain the "eligibility determination" and the "source of maintenance payment" on the Funding screen

The worker should indicate receipt of other resources including: Child Support, SSA, SSI, title IV-A TANF, and other. The worker should indicate if the child is eligible for title XIX (Medicaid) and if the child is eligible for Medicaid Treatment Foster Care or Medicaid Treatment Residential. Even if an LDSS initially pays for a child out of CSA and then reimburses CSA out of SSI, the LDSS should choose the resource that ultimately pays for maintenance as the funding source.

The additional maintenance tab is used to record enhanced maintenance payments or any additional costs paid to a residential facility above and beyond room and board for additional daily supervision. Like the Basic Maintenance tab, the Additional Maintenance tab records the Eligibility Determination (program category), source of additional maintenance payment, amount of the additional maintenance payment, effective date and end date. These payments can be enhanced maintenance as determined by the VEMAT (monthly rate) or can be additional residential costs related to supervision of the child (daily rate).

The service worker is responsible for updating the funding screen every time the child's source of payment changes.

The child may become temporarily ineligible for title IV-E payments. For example, title IV-E payments cannot be made to a provider which is provisionally approved. However, a provisionally approved placement in which the child is placed may become fully approved again. As of the first date of the month in which the facility is fully approved, title IV-E payments could be made again as long as no other conditions had changed. When title IV-E payments can be made again, no new title IV-E determination is required. The conditions that make it permissible to use title IV-E funding again shall be documented in the OASIS case record on the contacts screen. Not all conditions are able to be corrected. If the child loses eligibility for payment due to a condition that is not corrected or able to be corrected, no title IV-E funds may be used.

For additional information on what to include in the OASIS Funding screen on this topic, workers are referred to the “Help” section of OASIS.

18.2 Paying for enhanced maintenance (VEMAT guidance)

18.2.1 Rationale and purpose of enhanced maintenance

Maintenance payments are provided to assist in meeting the basic needs of a child. Enhanced maintenance payments are available when a child has a clearly-defined need that requires the parent to provide increased support and supervision due to the child’s behavioral, emotional, or physical/personal care requirements. When children first enter foster care, it is expected that their needs may be higher due to the circumstances that led to the child’s removal and the impact of the removal itself. However, as the child stabilizes in the foster home and the child’s needs are met consistently over time, it is expected that the child’s on-going need for support and supervision would decrease, and therefore the VEMAT score would decrease with subsequent reassessments. Virginia’s practice of providing basic and, when applicable, enhanced maintenance payments to foster or adoptive parents is consistent with federal law and regulation.

The Virginia Children’s Services Practice Model and the CSA emphasize the Commonwealth’s focus on a “child-centered, family-focused, community-based” system of care. Providing financial support for children in foster care and adopted from the foster care system is consistent with this emphasis by keeping the unique needs of the child in the forefront of financial support decisions. A child’s needs are best met through the unconditional support of caring adults. Supplemental supports may include the provision of services to the child and family, the provision of enhanced maintenance, or both.

For children in foster care, the purpose of the Virginia Enhanced Maintenance Assessment Tool (VEMAT) is to assess the child’s behavioral, emotional, and physical/personal care needs to determine if an enhanced maintenance payment is necessary to ensure the safety and well-being of the child. Understanding the needs of the child in each of these domains is not unique to the administration of the VEMAT but is based on and part of the over-all casework process. Administering the VEMAT should be integrated into case management, using the knowledge about the child gained through all interactions between the ongoing service worker, the child, the family, other individuals knowledgeable about the child, and other service providers. This increases the likelihood that the information discussed in the VEMAT meeting is already the subject of ongoing planning. Specifically:

- The monthly face-to-face contact with the child conducted by the service worker for children in foster care and those awaiting finalization of adoption, affords an opportunity for ongoing, quality assessments of the child’s adjustment to the home, service and case planning needs, and anticipated needs. Service workers are encouraged to use the [Monthly Worker Visit](#)

[Checklist](#) to make these contacts meaningful. Service workers should also use these contacts to talk with the foster and the adoptive parents about the child, his strengths, changes in behavior, and services being provided to the child and family.

- Regular and frequent contact with the foster or adoptive parent is an opportunity to discuss children's needs, concerns the foster or adoptive parent may have related to the child, and ways in which the parent may identify and use the child's strengths to improve behavior. These visits should serve as opportunities to provide training and for the worker to proactively consider what the child and foster or adoptive parent may need to ensure the child's safety, maintain the placement and improve the child's over-all well-being.
- Service workers' contacts with the LCPA and other service providers through regular communication (e.g., in person, by phone, and through regular progress reports) is also a mechanism for assessing ongoing progress and anticipating other needs of the child which may require either new, or a change in, service provision or a need for additional support for the child to be provided by the foster or adoptive parent.

For children being adopted and assessed for adoption assistance, see [Section 2](#) of Chapter F, Adoption, in the Child and Family Services Manual.

18.2.2 The Virginia Enhanced Maintenance Assessment Tool (VEMAT)

18.2.2.1 General guidelines for use of the VEMAT

- The LDSS shall ensure that the VEMAT is administered in a fair and accurate manner in accordance with the guidance throughout this section and is consistent with the training provided by the Department. LDSS that do not administer the VEMAT consistent with this guidance are subject to fiscal paybacks using local only funds.
- LDSS are responsible for ensuring the child-specific team as discussed in this guidance is assembled and used in the administration of the VEMAT.
- Title IV-E and state funds shall only be claimed for enhanced maintenance payments when the LDSS uses the VEMAT to determine the need for and amount of enhanced maintenance. (The only exception is adoption assistance payments for enhanced maintenance determined prior to October 1, 2009. [See Section 2.3.1 of Chapter F, Adoption](#), in the Child and Family Services Manual).
- LDSS are responsible for maintaining appropriate documentation in the child's case record to support the rating category. Examples include but

are not limited to: formal recommendations for interventions from the child's therapist/psychiatrist/psychologist, critical incident reports, foster parent's log of behaviors/interventions, home care plan (physical therapy, occupational therapy, etc.), terms of probation, etc.

- LDSS benefit programs specialist shall have access to all documentation necessary to ensure that enhanced maintenance paid out of title IV-E funds complies with federal title IV-E eligibility requirements and this guidance. These documents shall include a hard copy of the completed web based VEMAT tool.
- The VEMAT shall be used by the LDSS for any child placed in treatment foster care (TFC) homes.
- LDSS may also use the VEMAT for children placed in their non-TFC homes. If the LDSS chooses to use the VEMAT for children placed in their non-TFC homes, all related requirements as described in subsequent sections of this guidance document shall be followed. The VEMAT shall be used for all eligible children. (That is, the VEMAT shall not be used for some eligible children but not used for others). Eligible means that the child has demonstrated evidence of a behavioral, emotional and/or physical/personal care need that may warrant the receipt of enhanced maintenance.
- If the LDSS believes that the child is ineligible for enhanced maintenance, this needs to be documented in OASIS.
- Any time the LDSS makes payments to foster or adoptive parents for additional daily supervision and support for the child, regardless of what the payments are named, the LDSS shall use the VEMAT. If the VEMAT is not used, the LDSS shall use local-only funds for the payments.
- The VEMAT shall be applied consistently for all children regardless of a child's maintenance funding source (e.g., title IV-E, CSA, etc.). That is, the LDSS shall not apply the VEMAT for children funded under title IV-E but choose not to use the VEMAT for children funded by CSA.
- Enhanced maintenance payments made to foster parents for a specific child may increase or decrease over time based on changes in the child's needs as reflected by changes in the child's VEMAT score.
- Enhanced maintenance payments for children in foster care are to be paid exactly as directed by the score on the VEMAT. When administering the VEMAT, the rater and child specific team shall consider the services provided to the child that reduce or eliminate any direct additional supervision or support provided to the child by the foster parent and

reduce the enhanced maintenance payment based on these services ([22 VAC 40-221-25](#)).

- Enhanced maintenance payments shall not be reduced at the discretion of the LDSS or based on other services the family receives (e.g., child care services).
- LDSS shall provide a copy of the VEMAT including the amount of enhanced maintenance payments made to the foster parents to the local FAPT.
- LDSS should notify foster or adoptive parents in writing of any rate changes to VEMAT payments. The Financial Agreement should also be updated to reflect the changes (see [Section 18.1.4](#)).

18.2.2.2 The VEMAT rating categories structure

The VEMAT consists of a series of items (i.e., characteristics) that are used to identify a child's needs in three (3) domains: emotional care needs, behavioral care needs, and physical/personal care needs.

- Under each domain, four (4) categories exist under which a child's identified characteristics are rated. These categories are "not applicable," "minimal," "moderate," or "severe."
- "Not applicable" means the characteristic either does not occur or occurs occasionally and is responsive to intervention. Evidence that a characteristic exists (e.g., an act of aggression) is not sufficient for the characteristic to be rated in a category above "not applicable."
- "Minimal" means the characteristic occurs occasionally and requires occasional intervention.
- "Moderate" means the characteristic occurs frequently and requires occasional intervention.
- "Severe" means the characteristic occurs frequently and requires frequent intervention.

These rating categories are used as the basis for determining the child's behavioral, emotional, and physical/personal care characteristics in each domain. In determining a rating of not applicable, minimal, moderate, or severe, the team shall consider if the child's characteristics are:

- Appropriate for the child's age group or developmental level. Developmental delays are considered to be any significant lag in a

child's physical, cognitive, behavioral, emotional, or social development in comparison to norms.

- Not be due to a short-term condition (e.g., recent move from one placement to another; new prosthetic device; recovery from surgery).
- Clearly documented in terms of the frequency, duration, and intensity of the characteristic and the need for foster parent intervention.

The frequency, duration, and intensity of a characteristic shall be considered when describing the child's characteristics.

- Frequency is defined as the rate of occurrence or how often an event repeats itself over a set amount of time. A frequent occurrence is the fact of happening often or regularly at short intervals.
- Duration is defined as the period of time that something lasts or exists, continuance or persistence in time, or a period of existence or persistence.
- Intensity is defined as: the strength, power, force, or concentration of something.

To select the category that best describes the child's characteristics in each domain, the team shall consider the frequency, duration, and intensity of the characteristic.

- "Not applicable" means the characteristic either does not occur or occurs occasionally and is responsive to intervention. The frequency of occurrence of the characteristic is low, the duration is short-lived, and the intensity is weak. The child either self-corrects or the need for intervention is infrequent and the child responds promptly to redirection.
- "Minimal" means the characteristic occurs occasionally and requires occasional intervention. The frequency of occurrence of the characteristic is low, the duration is short-lived, and the intensity is weak. The need for intervention is infrequent and the child responds with little opposition to intervention.
- "Moderate" means the characteristics occurs frequently and requires occasional intervention. The frequency of occurrence of the characteristic is high, but the duration is short-lived or the intensity is weak. The need for intervention is infrequent and the child responds with little opposition to intervention.
- "Severe" means the characteristics occurs frequently and requires frequent intervention. The frequency of occurrence of the characteristic

is high, the duration is ongoing, and the intensity is strong. The need for intervention is frequent and the child requires additional assistance and time to respond to intervention.

Points are assigned under each domain as applicable. Each domain may score 0 – 4 – 8 – or 12 points based only on the highest category (N/A, mild, moderate, or severe) that receives points.

No more than a total of 12 points may be assessed for each domain with the exception of the physical/personal care domain (see below). The maximum total points that may be assessed across all three domains is 36. The number of characteristics required to accrue points in each category is listed on the VEMAT.

- The physical/personal care domain alone may result in a total score of 24 or 36 points when:
 - A child presents with characteristics indicating catastrophic physical needs.
 - The child's scores in the emotional and behavioral domains are N/A.
 - Two (24 points) or three (36 points) items are checked as severe in the physical/personal care domain.

The applicability of each item in each category shall be considered, beginning with the mild, then moderate, and finally severe categories. Items are checked based on the description that most closely meets the identified characteristics of the child. If items for the same characteristic are checked in more than one category (e.g., the item for “impulsive, distractible, or hyperactive behavior” is checked in both the minimal and moderate categories), the “mild” category will be disregarded and the automated VEMAT tool will compute the total score per domain based on the highest category checked (see the [VEMAT Users Guide](#) on the DSS internal website).

18.2.2.3 How the VEMAT is administered

- The VEMAT shall be administered by a child-specific group or team of individuals who know the particular child being assessed.
- The team shall include at a minimum, the caseworker(s), caregiver, and the individual who completed Departmental training to administer the VEMAT.
- The team shall review current documentation of the child's behaviors to establish the intensity, duration, and frequency of needs that require

foster parent intervention above and beyond what is expected for a child that age. [See section 18.2.2.1.](#)

- Other individuals with knowledge of the child shall be invited to participate in the meeting or provide input about the child's needs. This may include family members, other significant individuals in the child's social support network, and other providers.
 - Individuals who do not have first-hand knowledge of the child and cannot contribute to a discussion of the child's strengths and needs, overall functioning, and behavior over time shall not be included in the meeting. The only exception to this is when the VEMAT is completed in the FAPT meeting.
 - The meeting held to score the VEMAT shall be child-specific and focus on the child's demonstrated and documented behavioral, emotional, or physical/personal care needs.
 - Teams shall meet in ways that meet the needs of the participants in order to provide input regarding the child's needs. Face-to-face meetings should be held although phone or video conferencing meetings may be used when a face-to-face meeting is not feasible. LDSS are strongly encouraged to be creative and flexible to obtain the most input possible regarding a child's characteristics relevant to the need for enhanced maintenance.
 - All individuals participating in the meeting shall be given written notice of the meeting (by email, fax, or letter) five (5) or more business days before the meeting.
 - If sent by email, the email "delivery receipt" option serves as verification that the notice was sent within required time frames.
 - If the foster or adoptive parent is approved and is under the auspices of a LCPA, a copy of the written notice should be sent to the LCPA worker. If sent by email, the "delivery receipt" option should be used as verification that the notice was sent within required timeframes. Notice may also be sent by fax. The fax receipt is verification of compliance with notification time frames.
 - If notice is sent by mail, the LDSS should send such notice a **minimum of seven (7) days** from the date of the meeting to ensure participant notification within required time frames.

- Service workers are encouraged to call the foster or adoptive parent directly to ensure they are notified of the meeting. Such notification should be documented in the “contacts” section of the OASIS case file.
- The written notice shall include a description of information the attendees should bring to the meeting, the date, time, and location of the meeting and instructions for rescheduling the meeting if necessary (see sample template [VEMAT Notification Letter](#) on the DSS internal website).
- The VEMAT meeting may be held **without the five (5) business days notice** only if the caregiver agrees and the rater has all documentation needed to review the child’s needs.
- LCPA staff who are closely involved in supervising the care of the child by the TFC parent are key informants regarding the child. Their involvement on the child-specific team is a critical aspect of ensuring that individuals knowledgeable of the child’s behavior are involved. LCPA staff’s active involvement in the VEMAT meeting should be sought. At a minimum, written input from the LCPA shall be included in the VEMAT meeting.
- Written input should also be collected from service providers or additional individuals who have information on the child’s behavioral, emotional, physical, and personal care needs, but who are unable to attend the meeting. Obtaining written input in this manner is not ideal as it limits discussion but, if provided, should be considered along with the information provided by the individuals attending the meeting.
- The use of a team is critical to completing the VEMAT in as unbiased and inclusive manner as possible to facilitate the best possible decision for the child. It is the team’s job to describe and discuss the child’s characteristics in measureable ways (e.g., frequency, intensity, and duration of the characteristic or behavior; severity, onset, and relevance to the child’s age and developmental level).
- When a child is transitioning to a foster home from residential care or is new into the foster care system, the LDSS shall (unless the VEMAT was administered prior to placement change) place the child in the foster home, pay the emergency maintenance amount, and conduct the VEMAT within 60 days of the placement.
 - The emergency payment shall be prorated, starting on the first day the child enters the foster home.

- The VEMAT shall be conducted within 60 days of the date the child enters the home. Any change in the enhanced maintenance amount shall begin on the first day of the subsequent month. NOTE: 60 days is interpreted to mean 60 calendar days from the time the child enters the home through the end of the month in which the 60th day falls (e.g. a child's 60th calendar day is June 15th. The VEMAT, with all required signatures, must be completed no later than June 30th).
 - If the LDSS does not conduct the VEMAT within the stated definition of 60 days (the end of the month in which the 60th day falls), local-only funds shall be used from the first of the month following until the VEMAT is completed. The basic maintenance payment shall continue to be paid by title IV-E or CSA, based on the child's title IV-E eligibility status.
 - If the VEMAT is not completed due to the foster parent not participating in the VEMAT as agreed upon, no emergency or enhanced maintenance payment shall be payable. The LDSS shall continue to attempt to arrange for the VEMAT administration and make diligent efforts to work around the issues that prevented the foster parents from participating. Once the VEMAT has been administered, any enhanced maintenance shall go into effect on the first day of the subsequent month. No retroactive payments shall be made.
- The emergency VEMAT payment shall only be utilized when a child is first entering care or transitioning from a higher level-of-care placement. When a change in placement is made from one foster home to another regardless of whether or not the home is with the same agency, it is not necessary to complete a new VEMAT unless there has been a significant change in the child's behavior that would indicate a need to reassess for additional enhanced maintenance.
 - A change in placement is not considered a reason to make an emergency VEMAT payment.
 - If the child is entering a foster home placement after having been placed on a trial home placement, the agency may use the prior VEMAT rate (if unexpired) or the emergency rate. The LDSS may assess that the emergency rate is warranted as the child was on a trial home placement between foster

home placements and may experience an escalation in behaviors due to a second removal.

- The date scheduled for conducting the VEMAT should be based on the foster parent and the case worker having ample time to experience and understand the child's strengths and needs. Worker's monthly (or more frequent) contacts with the child and observed interactions in the home are critical to the discussion of the child's needs.
- A child's overall functioning should be considered within the context of the child's unique situation. Generally, a child's characteristics should be considered within the recent past (i.e., 30 days), but the child's known patterns of behavior which may not have been observed in the last 30 days should also be addressed. For example, if a behavior has not occurred for three (3) months (no running away while the child was in a locked facility) but it has relevance to the ongoing needs of the child (child has a history of running away), it should be considered in the VEMAT meeting.
- The completion date of the VEMAT is the date all required signatures are obtained. If any individuals participate by phone, the VEMAT rater shall write that person(s) name on the signature line in the VEMAT and note that they participated by phone. The effective date of payment is the first day of the following month.

18.2.2.4 Completed VEMAT forms

- The web-based version of the VEMAT shall be completed for all decisions about enhanced maintenance. VEMAT raters who do not have access to the web-based version may complete a paper copy. The LDSS shall transfer the paper copy results onto the web-based VEMAT **within five (5) business days** of the VEMAT meeting.
- The completed VEMAT shall be printed and placed in the child's foster care paper case record. **All supporting documentation shall be placed in the child's paper case record.**
- Benefit programs specialist shall have access to the completed VEMAT tool. Printed copies of the completed web-based version of VEMAT and all re-administrations shall be included in the eligibility file.
- A copy of the VEMAT should be provided to the LCPA for children in their homes **within ten (10) business days** of the meeting.
- A completed VEMAT should be "saved," which will then store the tool in the web-based system. Saved VEMATs are retrievable by the LDSS

unless the document is “closed.” Once a VEMAT is “closed,” the completed tool is no longer available for access by the LDSS. Completed VEMATs should remain on the system until the case is closed. For additional information about saving and closing a completed VEMAT, please refer to the [VEMAT User’s Guide](#) on the DSS internal website.

18.2.2.5 The VEMAT rater

The VEMAT rater is an individual who has completed rater training through the Department according to a designated training curriculum.

VEMAT raters cannot be the child’s caseworker, a caregiver, or LCPA staff. LDSS directors should not be VEMAT raters since they are the individuals to whom a request for a review would be made should a caregiver not agree with the VEMAT’s findings.

VEMAT raters may be LDSS services staff (e.g., foster care, CPS, adoption, adult services) or members of other public child-serving agencies such as the Community Services Board staff or the CSA Coordinator. Individuals selected as VEMAT raters should possess the following skills and knowledge:

- Ability to facilitate a focused dialogue that uses all available information to identify the child’s strengths and needs.
- Understanding of child development and norms for child and youth behavior, as well as the effects of abuse, neglect, and other trauma on childhood development.
- Understanding and discernment of the short and long-term impact of placement in foster care and subsequent events such as: a change in placement, the potential effect of events such as termination of parental rights, visitation with parents and other family members, a change in permanency goal, etc.
- Ability to use such information to determine whether the child’s characteristics in each domain are within the expected developmental range; and ability to assume and maintain the role as final arbiter for making decisions about VEMAT ratings.

LDSS are encouraged to train as many qualified individuals as necessary as VEMAT raters and/or to share raters across jurisdictions to ensure that access to a qualified rater is never a barrier to administering the VEMAT.

Prior to conducting the VEMAT meeting, the rater is responsible for verifying that:

- The foster or adoptive parent(s) were invited to the VEMAT meeting according to [Section 18.2.2.3](#) and all efforts were made to provide them with the opportunity to participate.
- All identified individuals were given a written invitation to attend the VEMAT meeting as per [Section 18.2.2.3](#).
- All individuals participating in the VEMAT meeting are present in person or through other agreed upon forms of communication (e.g., phone, etc.).
- Input from all sources knowledgeable regarding the strengths and needs of the child are presented and considered in making the decision in scoring each domain. The VEMAT rater shall, based on the best available evidence regarding the child's characteristics and the corresponding support and supervision required by the foster parent, score each item of the VEMAT.
- The team is prepared to provide documentation to support the rating level for each category in terms of minimal, moderate, and severe as it pertains to the level of interventions required by the foster parent. Acceptable documentation includes written information from treatment providers, written documentation from public or private agency service workers, behavior logs maintained by the foster parent, etc. (See [Section 18.2.2.3](#))

When there is disagreement as to the rating of the child's characteristics (i.e., type, frequency, severity), the VEMAT rater shall make a final decision as to how to score the VEMAT based on the information presented. The VEMAT rater's decisions are final and not open to voting by the team or being overridden by any individual or agency.

VEMAT raters may elect to not issue a completed VEMAT by the end of the meeting but shall determine and issue the final score **within five (5) business days**. VEMAT raters shall share a copy of the final VEMAT with the caregiver and review these documents with them if requested.

18.2.2.6 Frequency of administering the VEMAT

- The initial VEMAT shall be administered within 60 days of a child entering a TFC home or an agency-approved regular foster home where the LDSS has chosen to provide enhanced maintenance payments. NOTE: 60 days is interpreted to mean 60 calendar days from the time the child enters the home through the end of the month in which the 60th day falls; (e.g. a child's 60th calendar day is June 15th. The VEMAT, with all required signatures, must be completed no later than June 30th).

- Reassessment of the enhanced maintenance payment is accomplished through a re-administration of the VEMAT.
 - For VEMAT scores BELOW 28, reassessments shall occur within 12 months of the previously administered VEMAT and no more frequently than quarterly unless requested by the foster or adoptive parent (see [Section 18.2.2.7](#)). NOTE: 12 months shall mean 365 calendar days from the time the last VEMAT was administered and signed by all parties, through the end of the month in which the 365th day falls; (e.g. a child's 365th calendar day is June 15th. The VEMAT must be completed no later than June 30th). If the LDSS does not conduct the VEMAT within 365 days as defined above, the cost of the enhanced maintenance amount shall not be covered by title IV-E or CSA state pool funds. Local only funds shall be used from the first of the month following the 365th day; until the VEMAT is completed and becomes effective: the first day of the month following the month the VEMAT is administered. The basic maintenance payment shall continue to be paid by title IV-E or CSA, based on the child's title IV-E eligibility status.
 - For VEMAT scores 28 and ABOVE, reassessments shall occur within **three (3) months** of the previously administered VEMAT. NOTE: Three (3) months shall mean 90 calendar days from the time the last VEMAT was administered and signed by all parties, through the end of the month in which the 90th day falls; (e.g. a child's 90th calendar day is June 15th. The VEMAT must be completed no later than June 30th). If the LDSS does not conduct the VEMAT within 90 days as defined above, the cost of the enhanced maintenance amount shall not be covered by title IV-E or CSA state pool funds. Local only funds shall be used from the first of the month following the 90th day; until the VEMAT is completed and becomes effective: the first day of the month following the month the VEMAT is administered. The basic maintenance payment shall continue to be paid by title IV-E or CSA, based on the child's title IV-E eligibility status.
 - If the child scores 36 solely due to severe medical/physical needs that are not going to improve, the LDSS may administer the VEMAT annually. The child's condition shall be clearly documented by a physician. The documentation should include the extent of the child's needs and that the child's condition is unlikely to improve within a year. The LDSS should obtain the physician's statement at the time of or prior to the VEMAT. If the statement is obtained after VEMAT administration, the LDSS is required to obtain the physician's statement before the three month reassessment deadline. If the statement has not been obtained, the VEMAT

should be readministered every three months. The annual reassessment schedule would begin when the VEMAT is administered and the statement is available.

- Beyond the requirement above, the LDSS may choose the frequency with which they re-administer the VEMAT. The administration schedule shall be applied consistently across all cases regardless of funding source. However, the LDSS may select different reassessment frequencies for different enhanced maintenance payment levels (e.g., all cases rated in the severe category may be reassessed quarterly while all cases rated at moderate or mild may be reassessed less often).
- The LDSS shall select the frequency of re-administration of the VEMAT and such information should be provided to the foster parent and the LCPA.

18.2.2.7 Foster parent request for readministration of the VEMAT

When foster parents believe a child's need for supervision and support is not being sufficiently addressed, the parents may contact the services worker to discuss their concerns about the child's behavior and options for how the behavior may best be addressed (e.g., does the child need a specific service that they are currently not receiving?). The service worker, the parent, and others who may have input regarding the child's needs (e.g., individuals participating in the FAPT, service planning meetings, etc.) are responsible to assess the child's needs and determine how to best meet those needs.

Foster parents may request a reassessment if the child's circumstances have changed in such a manner as to require four (4) or more weeks of clearly demonstrated increased or decreased need for supervision and support by the parents. Such change in behavior shall be documented and a request shall be made in writing to the LDSS to have the VEMAT readministered. (The "[Request for VEMAT Administration Due to Change in Child's Behaviors](#)" is available on the DSS public website.

- The LDSS shall re-administer the VEMAT according to guidance in [Section 18.2.2.6](#).
- The VEMAT shall be readministered **within 15 calendar days** of the foster parents' written request.
- If the VEMAT indicates the enhanced maintenance payment should increase or decrease, any change shall take effect on the first day of the month following the readministered VEMAT.

18.2.3 Completing the VEMAT prior to placement

A VEMAT may be administered for a child prior to his entry into foster care or when transitioning out of residential care to a foster home placement. The VEMAT may be administered prior to the placement when the LDSS has sufficient time and information available to allow for a proper administration of the tool. The identified foster parents shall be invited to the VEMAT meeting. Factors to consider in holding the VEMAT meeting prior to the change in placement include:

- Whether the foster or adoptive parent will be able to attend the VEMAT meeting.
- Whether a current caregiver or someone with direct knowledge of the child's current needs and behavior can be a part of the VEMAT team.

18.2.4 Completing the VEMAT after placement

When the VEMAT cannot be administered prior to placement and the child will be placed in a foster or adoptive home, the following procedures shall be followed:

- A VEMAT shall be administered within 60 days of a child being placed on an emergency basis. NOTE: 60 days is interpreted to mean 60 calendar days from the time the child enters the home through the end of the month in which the 60th day falls (e.g. a child's 60th calendar day is June 15th. The VEMAT must be completed no later than June 30th).
- The emergency enhanced maintenance payment is automatically paid for any child placed on an emergency basis and is pro-rated for the first month. The emergency payment begins on the first day of placement.
- If the VEMAT indicates the payment is to be increased or decreased from the emergency payment rate, the change in payment shall begin on the first day of the month following the completion of the VEMAT.
- If the LDSS does not administer the VEMAT within 60 days, the emergency payment shall continue until the VEMAT is completed and becomes effective. The emergency payment shall be paid from local-only funds (see [Section 18.2.2.3](#)) beginning on day 61 until the first day of the month following the month the VEMAT is administered.

18.2.5 Agency responsibilities for supporting foster parents receiving enhanced maintenance

18.2.5.1 Agency support services

Agencies shall provide additional support and assistance to foster parents who have children placed in their homes where enhanced maintenance payments are made. Such assistance is critical in avoiding placement disruptions and ensuring that foster parents have the guidance and tools to understand the child's needs and provide appropriate support to the child while ensuring the child's safety. Agency supports that shall be provided include at a minimum:

- Twenty-four-hour, seven-day per week access to an on-call case worker.
 - A supervisory-level human services worker shall be available to the case worker 24 hours, seven days per week to provide direction and assistance as necessary.
 - The agency may provide these services directly or may contract with private agencies or individuals to provide these services.
 - Agencies may also share access to an on-call worker and supervisor to meet these criteria.
 - Monthly face-to-face contacts with the foster parents by a service worker. The monthly contacts should focus on:
 - The foster parent's relationship with and perceptions of the child in care including such things as:
 - Their attachment to the child.
 - The child's strengths and progress in all life domains.
 - Any concerns the parent has about the child's behavior.
 - Needs or their ability to work with the child.
 - The impact of having the child in their home.
 - The need for additional training, services, or agency support.
- Discussion should also occur about the foster and the child's progress toward service plan goals.
- The expectations for how the foster or adoptive parent is to address the needs of the child. This shall include the specific support and supervision

activities to be conducted by the foster or adoptive parent that are required to meet the needs of the child.

18.2.5.2 Purchased services

The LDSS may purchase services for monthly contacts with the foster parent.

LDSS may develop and share contracts with private providers to meet the requirements of this section.

All LDSS or contractual worker contacts with the family shall be documented in OASIS or, when the contact is by a private provider, documented in the child's record maintained by the agency and included in required reports to the LDSS.

The LDSS shall monitor and document the contractor's performance if the LDSS chooses to contract out activities (i.e., conducting monthly face-to-face contacts; providing an appointed on-call service worker that shall be available to make face-to-face contacts if necessary to provide services to the child and the foster family 24 hours per day, seven days a week) ([22 VAC 40-221-30](#)).

18.2.5.3 Training

Training shall be discussed with and provided to the foster parent(s) that is unique to their needs and their ability to manage the needs of the child.

If needed training is available as part of an already-established curriculum, (e.g., PRIDE) the foster parent should be directed to attend that training. If needed training requires access to other training sources (e.g., attending specialized training on gavage feeding or autism), the agency shall identify the training source and assist the foster in accessing the training.

- LDSS are encouraged to contact their CRAFFT Coordinator and Adoption and Family Recruitment Consultants as sources of support in locating or providing training resources. FACES of Virginia's Families should also be used as a source of training and support.
- The cost of training is an agency responsibility. LDSS may pay the cost of such training through title IV-E training funds when the VDSS has approved the training through the LDSS' title IV-E training plan.

18.2.5.4 Documentation

Any contacts made with the on-call worker by the foster parent should be documented in the Contacts screen in OASIS or, when it is a private agency, documented in the child's record maintained by the private agency and included in required reports to the LDSS.

Discussions should occur with the foster parent(s) regarding the need for documenting the child's behavior(s), responses to services, and interventions, including any parental involvement and support. This discussion will result in a joint decision as to the manner in which such documentation shall be completed. Documentation is critical to the agency's ability to accurately assess ongoing service needs, progress, training for the foster and the child's general adjustment.

When the child receives enhanced maintenance, the foster care service plan or Individual Family Service Plan shall include, but is not limited to:

- Measureable goals, objectives, and strategies for the foster and adoptive parent and the child placing agency in addressing the identified needs of the child.
- Provisions for providing training to the foster and adoptive parent consistent with the identified needs of the child.
- Provisions for services to prevent placement disruption and maintain a stable placement.
- The method developed jointly by the child placing agency and the foster and adoptive parent to document the child's progress ([22 VAC 40-221-30](#)).

18.2.6 Responsibilities of foster parents receiving enhanced maintenance

18.2.6.1 Responsibilities of foster parents

Foster parents receiving enhanced maintenance payments have accepted children into their family whose needs will require a greater level of adult supervision and support than other children, either initially or long-term. Foster parents accept these children into their homes with the expectation that they will provide the type of environment and support necessary for the child to:

- Remain in the home until permanency for the child is achieved.
- Progress in their overall development including academic achievement.
- Have their medical, dental, and mental health care needs met.

As a partner in helping meet these needs for the child, foster parents are expected to provide a great deal of the support and supervision required for a child to remain safe and have the opportunity to build on their strengths and progress in their development. Other partners such as the school, therapists, mentors, in-home providers, service workers, and others will help support the child in addressing areas of need. As a result, it is necessary for the LDSS to

identify the specific requirements for support and supervision expected from the foster parent, which may include but are not limited to:

- Participate in and cooperate with the LDSS in developing the service plan, attend Family Partnership Meetings as requested, and attend any meetings the private agency, local education association, or other providers may hold.
- Discuss with the agency and follow through on all services provided to them or expected of them in order to ensure the child's well-being and progress, maintain the child's safe placement, and support reunification when appropriate for the child.
- Assume responsibility for managing the daily supervision and supportive tasks a child may need including but not limited to:
 - Transporting the child to appointments, visits with birth family members and other previous custodians, school, after-school activities, etc.
 - Supervising visitation with family and siblings when appropriate as determined by the case worker.
 - Attending and participating in court hearings, therapy, or other appointments with the child.
 - The LDSS should take into consideration time and distance when requiring foster parents to transport and participate in appointments and therapy with the child. LDSS and LCPA staff may assist in these parental activities but should do so as an occasional support to the family and not as a matter of rule.
 - Following up on any services for the child such as in-home physical therapy exercises, additional educational assistance, implementing in-home strategies designed to remediate problems or promote progress in a child's development, and documenting progress on such strategies and their goals.
- Communicate to the agency any and all difficulties in understanding or managing the needs of the child and any training needs that would be helpful in improving their ability to parent the child and effectively meet the child's needs.
- Contact the agency and request assistance when they experience difficulty managing the child and need support in order to safely maintain the child in their home. Foster parents should always contact the agency

prior to a situation reaching a critical level and avoid requesting the removal of the child from their home.

- Accurately and consistently monitor and document the child's behavior(s) and the parent's involvement and support in a manner that has been decided on with direction from the agency. (See [Section 18.2.5.4](#) for the agency worker's role in assisting in documentation.)
- Participate in all VEMAT meetings or, when unable to attend a scheduled meeting, work with the LDSS to promptly reschedule the meeting.
- Consistently meet all foster home approval requirements.

18.2.7 Discontinuing or suspending enhanced maintenance payments

Enhanced maintenance payments may be suspended or discontinued by the LDSS when:

- The foster parent does not follow through on all requirements as documented in the service plan or any additional requirements that are identified by the LDSS or other providers as important to the safety and well-being of the child.
- The foster parent does not participate in the VEMAT meeting as agreed upon.

Prior to suspending or discontinuing the enhanced maintenance payment, the LDSS should discuss any concerns with the foster parent in an attempt to rectify the conditions that are of concern. LDSS or LCPAs that suspend or discontinue the enhanced maintenance payment should evaluate the safety needs of the child and whether continued placement in the home is in the child's best interests.

If enhanced maintenance payments are suspended or discontinued, basic maintenance payments shall continue and be paid from the same funding source for which the child is eligible.

18.2.8 Reviews

Reviews of the decision for an enhanced maintenance payment as determined by the VEMAT may be held when the foster parent or the child's GAL, believes the administration of the VEMAT did not accurately portray the needs of the child or the VEMAT meeting was not held in accordance with this guidance.

If the foster parent or GAL elects to request a review of the results of the VEMAT, he shall submit a written request for a review by the LDSS Director or their designee. The following should be documented on the request form:

- Specific reasons as to why the results of the VEMAT did not accurately capture the needs of the child shall be documented on the [Request for VEMAT Review](#) available on the DSS public website.
- Specific VEMAT meeting protocols that the foster parent believes were not followed and, therefore, justify a new VEMAT, shall be documented on the Request for VEMAT Review form.

Foster parents or GAL have **five (5) business days** after receipt of the completed VEMAT form to request a review. The request shall be in writing and directed to the LDSS Director. Completion of the VEMAT means the final score was determined by the rater and the foster parent requested and received a copy of the VEMAT.

- The Director or his designee shall conduct the review. The designee will not be an agency staff member who has direct responsibility for the case.
- The LDSS Director or his designee has **15 business days** after receipt of the written request for a review to conduct the VEMAT administrative review. The LDSS Director or his designee shall:
 - Become familiar with all documentation used to complete the VEMAT.
 - Review any guidance that is germane to the request for a review.
 - Discuss the decision-making process with the VEMAT rater. The discussion should focus on the specific reasons the caregiver identified in the Request for VEMAT Review Form.
 - Determine whether they will also contact other members of the team, including the caregiver, to obtain additional information. If other team members are contacted:
 - The discussion should focus only on the issues identified in the Request for VEMAT Review form and should seek to obtain additional clarifying information.
 - The confidentiality of individuals and the information shared shall be protected.

The LDSS Director or designee shall require a new VEMAT meeting be held when procedures for scheduling and holding the VEMAT meeting were not followed. This includes:

- Written notice that the VEMAT meeting was not provided to the foster parent **at least five (5) business days** prior to the meeting.

- Individuals with first-hand knowledge of the child's strengths and needs and whose presence at and input into the VEMAT meeting was requested by the foster parent were not provided written notice of the meeting **at least five (5) business days** prior to the meeting.
- Available documentation specific to understanding the child's strengths and needs was not allowed to be presented in the meeting by participants.

The LDSS Director or his designee shall either concur with the original decision or shall order a new administration of the VEMAT. When the Director or his designee does not concur with the original decision, the Director or his designee shall not adjust the rate but shall direct that a new VEMAT be completed.

- The LDSS has **ten (10) business days** to re-administer the VEMAT if the Director or his designee decides a new VEMAT is required.
- The VEMAT rate under review shall take effect the first of the following month pending the VEMAT being re-administered.
- If the re-administration of the VEMAT indicates there should be a change in the enhanced maintenance rate, the new rate shall be initiated on the first day of the subsequent month.

Example: The annual reassessment is completed on 9/28 and the child scores a 20. The rate that coincides with the score of 20 shall take effect 10/1. On 9/29, the foster parents request that the VEMAT be readministered and the director agrees. The VEMAT is readministered on 10/5 and the child scores a 24. The rate that coincides with a score of 24 shall take effect on 11/1.

18.3 Paying supplemental clothing allowance

In addition to basic maintenance payments, the supplemental clothing allowance in [Section 18.1.3](#) should be used for:

- Every child each year they are in foster care.
- The child of a foster child.
- A new foster care episode for the child, even if the child was in care previously during the year and received the allowance in the initial foster care episode.

The clothing allowance should pay for needed clothing:

- At initial placement.
- At placement changes.

- For back-to-school.
- As the child grows.
- If items are lost or destroyed.

The supplemental clothing allowance shall not exceed the designated rate posted in [Section 18.1.3](#), regardless if the amount was paid for by title IV-E, CSA or a combination of the two. However, if the child outgrows clothing or his clothing is lost or destroyed, an additional supplemental clothing allowance may be approved by the VDSS Regional Foster Care Consultant, using the following protocol. The LDSS provides the name, age, and why the emergency amount is needed for the child/youth over and above the supplemental clothing allowance for the year. The regional Foster Care Consultant may approve up to \$250.00 additional emergency clothing monies for the year. This process must be documented in writing; an email request with documented approval shall suffice. As clothing is a maintenance cost, this protocol will be followed for children regardless of funding source. The Code of Virginia ([§ 2.2-5209](#)) allows a CPMT the discretion to create policies which exclude maintenance costs from FAPT review. Thus, in localities with these policies, FAPT review is not necessary following the consultant's approval. In localities where the CPMT has not established such policies, the usual FAPT process is followed after the consultant's approval. Lack of documentation for the approval will be considered a fiscal error and local money shall be used.

It is at the discretion of the LDSS as to how to reimburse the purchaser for the use of the supplemental clothing allowance for the children in its custody. However, the supplemental clothing allowance should be reimbursed or disbursed and claimed within the guidelines of the LASER reimbursement process to be counted in the correct state fiscal year.

LDSS are tax-exempt organizations. It is not necessary for tax to be paid on clothing purchased for children in the custody of the LDSS. LDSS can provide foster parents with tax exempt information or make clothing purchases through agency vouchers or other means. However, when this is not practical, tax paid on clothing purchases is an allowable expense. Tax paid will be calculated as part of the total clothing allowance for that child.

The decision as to the appropriateness and reasonableness of the items purchased is the responsibility of the service worker. If the service worker has questions regarding the appropriate use of the supplemental clothing allowance, the service worker should discuss the issue with his or her supervisor and may consult the regional Foster Care Consultant for technical assistance.

All supplemental clothing allocations shall be verified and tracked through documentation that the funds were used to purchase clothing for the designated child. This may include a purchase order to the store and receipt or a receipt from the store(s) where the foster parent purchased the items. The service worker is responsible for

securing documentation from the foster parents and monitoring the clothing amounts paid annually for supplemental clothing for the children in his caseload.

The benefit programs specialist is responsible for determining eligibility for title IV-E and recommending accurate payments to ensure the allocation does not exceed the limits established by the state.

Supplemental clothing allowances apply to all children regardless of funding source.

For the IV-E eligible child, supplemental clothing expenditures shall be verified with receipts and any undocumented portion of the supplemental clothing allowance shall be reimbursed with local only funds.

For the non IV-E child, supplemental clothing expenditures are monitored as established by the local CMPT and its policies.

18.4 Paying expenses by foster parents on behalf of child

The procedures required to reimburse foster parents for expenses paid by them on behalf of the foster child are:

- The services shall be pre-authorized.
- Services purchased on behalf of the child may include, but are not limited to, transportation, exclusive of that required for medical care under title XIX, school fees, and purchases from commercial establishments.

18.5 Paying for children supervised by another agency

- Payment for the costs of maintenance and social services is the responsibility of the agency holding custody of the child or having accepted placement of the child.
- Certification of a child to a state mental health facility does not relieve the LDSS of custody. In this instance, room and board and medical costs are the responsibility of the public facility. Costs of clothing and personal care items shall be paid by the LDSS holding custody and cannot be title IV-E funds.
- The Department of Juvenile Justice (DJJ) is responsible for the maintenance and care of the child committed to its care. Payments cannot be made by the LDSS for maintenance of the child at the DJJ facility.
- For children placed in out-of-state foster homes:
 - Payment for the child's maintenance is at the standard rate for Virginia. When this rate is not acceptable to the other state, payment of the other state's rate, even if over Virginia's rates, shall be made.

- The foster homes shall meet standards for care set by the other state.

18.6 Contingency Fund

18.6.1 Prior to filing a claim

The agency worker responsible for handling the claim, or the service worker for the foster child shall discuss with the foster child and foster parents the circumstances surrounding the incident involved in the claim.

The following should be addressed with the foster parent:

- Adequacy of foster parent(s) insurance for coverage of valuables
- Adequacy of supervision of foster child's activities
- Precautions taken to prevent damages
- Consequences to child if applicable

18.6.2 Who may file a claim

Claims may be made on behalf of foster parents approved by the local board of social services.

Claims made on behalf of foster parents approved by a CPA are not eligible for reimbursement.

Claims are to be submitted to the Virginia Department of Social Services by the local department of social services (LDSS) worker for approval.

Local social services directors or designees must sign off on all claims being submitted for payment.

18.6.3 Exclusions related to property damage

- Claims for theft or destruction by a foster child of cash or uninsured jewelry
- Claims for normal wear and tear or property
- Claims for any property other than where the foster child resides
- Claims for stolen guns or ammunition
- Claims for lost clothes or any theft where the foster parent's ownership is not clearly established

- Claims for vandalism or stolen property in excess of a police report estimate of damages
- Claims for lost wages due to injury

18.6.4 Filing a claim

- All claims of \$3000 and above must be submitted to the home owner's insurance of the foster parents prior to filing a claim with VDSS.
- The foster parent must notify the LDSS worker within **30 days** of the discovery of the loss or damage.
- Within **7 days** of the report to the LDSS, the foster parents should file a claim with their own insurance.
- The foster parent must provide home owner's insurance information at the initial claim.
- For claims involving destruction, damage, or theft of property, the foster parent must produce evidence the items stolen or damaged were in their possession.
- All damaged or destroyed items must be viewed by the LDSS worker, within **30 days** of discovery of the loss or damage.
- In limited circumstances, if the item cannot be safely stored until viewed by the LDSS worker, the foster parent must produce proof of ownership. Acceptable proof of ownership includes sale receipts, photographs, or verification by the LDSS worker.
- In cases involving theft or intentional damage, LDSS workers and foster parents must determine whether a police report should be filed. Decisions may be based on the need for the personal accountability of the youth. If a police report is filed it should be attached to the claim filed with VDSS.
- The Contingency Fund may pay insurance deductibles of \$500 or less.
- Exceptions to filing a claim with the home owner's insurance of the foster parents are as follows:
 - If a claim is less than the insurance deductible
 - If the home owner's insurance policy of the foster parents excludes damages or theft by residents/occupants of the home (proof of such exclusion must be submitted with claim)

- If the foster parents only have automobile liability coverage and the damage falls under collision coverage (proof of such exclusion must be submitted with claim)
- If the foster parents are filing multiple claims with VDSS and the amount of reimbursement for one claim is less than the insurance deductible, a claim for this item need not be filed. The other claims, if higher than the deductible may be submitted.
- In the above instances, a copy of the insurance policy with information regarding the deductible, exclusions, should be submitted with the claim to VDSS.
- All police report requirements of the home owner's insurance of the foster parent(s) must be met prior to filing a claim with VDSS. A copy of the approval/rejection letter from the homeowner's insurance of the foster parents must be submitted with the claim to VDSS.
- An original signed estimate is required for claims involving repair or replacement of damaged property. A statement regarding the feasibility of repair versus replacement should be included. Additional estimates may be requested at the discretion of the LDSS or VDSS.
- All damages with an estimate of \$1000 or more require a second estimate.
- All medical liability claims must first be filed with the individuals' medical insurance company and accompanied by a physician's invoice and/or billing statement.

18.6.5 Guidelines for filing a claim

- The following completed forms should be submitted to VDSS within 45 days of the discovery of the loss or damage to the foster parent(s):
 - Foster Care Contingency Claim Form (032-02-0509-00-eng)
 - Department of Social Services W-9 Form (032-06-0016-00-eng)
- All receipts or estimates must be submitted on official letterhead of the business providing the service.
- A statement from foster parent's insurance company regarding their action
- If the foster parent has a valid reason for not applying to their insurance company, a letter of explanation should be included with information submitted to VDSS.

18.6.6 Home Office handling of a claim

Decisions will be made on completed claim information within 30 days of the request. Any questions or concerns regarding the status of the claim should be made by the LDSS worker contacting the Adoption and Family Recruitment Consultant.