

Minutes
State Board of Social Services
VDSS- 7 N. 8th Street
Richmond, Virginia
March 10, 2004

Present

Debra Price Andrews, Chair
Julie Christopher, Vice Chair
Maggi Luca, Secretary
Danny Brown
Carol Ann Coryell
William Mitchell

Absent

Jean Cobbs
Phillip Jones
Robert Spadaccini

Call to Order

The March 10, 2004 meeting of the Virginia State Board of Social Services was called to order at 9:00 a.m., Chair Debra Andrews presiding.

Commissioner's Comments

Commissioner Maurice Jones, at the Board's request, gave an update on key vacant positions in the department. There are three key positions in recruitment: 1) The director of Family Services vacated by Cathleen Newbanks is currently headed by Ray Goodwin as acting director. Mr. Goodwin will be retiring before the permanent position is to be filled. An acting director is to be named within the division. 2) The Manager of the Fair Hearings and Appeals Unit is vacant. Mr. Jones downsized and restructured the Appeals Unit shortly after coming to the department. During the recruitment process for the Appeals Manager, twenty applications were received but none met the criteria for this position. The vacancy will be re-advertised. Ray Goodwin has been acting as manager of this unit. Upon his retirement, a Support Enforcement manager will assume this responsibility until the position is filled. 3) Two more retirements are anticipated; however, they have not been announced. In one of these vacancies, Mr. Jones plans to pattern a Research/Resources Development Manager that will aggressively pursue the entrepreneurial aspect as it relates to resources in the private sector.

Mr. Jones spoke on today's news article in the Richmond Times Dispatch Metro Section. The article pertains to the department Food Stamp Program, in particular the disaster food-stamp benefits issued by the State after Hurricane Isabel last September. An investigation is currently being conducted on state and local social services employees who may have received these benefits under false pretenses. Social services employees came into question when a computer match was run on all employees. In addition, the state conducted a one percent random sample of all applications for benefits in the disaster food-stamp program.

Regulation Status Report

Richard Martin of the Office of Legislative and Regulatory Affairs gave a report on all social services regulations as of March 9, 2004. There are 89 regulations in place. Forty-seven of the 89 are in process.

Of those 89, 37 are in the process of being repealed (28 of the repeals relate to the old AFDC regulations that will be replaced by the TANF regulation).

Also of the 89, ten are in the process of being amended.

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

This totals 100 regulations and proposed regulations.

There are four actions currently in public comments:

22 VAC 40-80, General Procedures and Information for Licensure, public comment on proposed regulation ends March 26, 2004;

22 VAC 40-141, Minimum Standards for Independent Foster Homes, public comment on proposed regulation ends March 26, 2004;

22 VAC 40-293, Locality Groupings, public comment on proposed regulation ends March 26, 2004;

and 22 VAC 40-470, Adult Protective Services, public comment on proposed regulation ends March 26, 2004.

One regulatory action will be published on March 22, 2004:

22 VAC 40-745, Assessment in Adult Care Residences, public comment on proposed amendments will end on March 21, 2004.

Action Items

Social Worker Resolution

ON MOTION DULY MADE (Mr. Brown) and seconded (Ms. Christopher) moved to approve the Social Worker Resolution. Motion carried with all in favor.

Approval of Local Salary Range Maximum with Contingency – Isle of Wight

Phyllis Sisk, Acting Human Resources Director, requested approval of salary for seven positions that exceed the state maximum reimbursement rate for Isle of Wight.

ON MOTION DULY MADE (Ms. Coryell) and seconded (Ms. Luca) moved to approve the compensation request of Isle of Wight for seven positions that will exceed the state's maximum reimbursement rate. Motion carried with all in favor.

22 VAC 40-295-10 et seq., Temporary Assistance for Needy Families (Final Regulation)
Mark Golden advised this regulation consolidates provisions found in 30 old Aid to Families with Dependent Children regulations into one consolidated regulation for the Temporary Assistance for Needy Families program. The State Board approved the proposed regulation for this action on October 13, 1999, and a re-proposed regulation on

June 18, 2003. The re-proposed regulation was published in *The Virginia Register* on November 17, 2003, and the public comment period ended on December 17, 2003. Five changes have been made to the final regulation as a result of public comment.

Discussion: None

ON MOTION DULY MADE (Ms. Coryell) and seconded (Ms. Christopher) moved to approve 22 VAC 40-295-10 et seq. Temporary Assistance for Needy Families (Final Regulation) for publication in The Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002). Motion carried with all in favor.

The following 28 regulations are in the final repeal stage. This regulatory action will repeal 28 old Aid to Families With Dependent children (AFDC) regulations. Provisions of these regulations have been incorporated into the new regulation 22 VAC 40-295-10 et seq. Temporary Assistance for Needy Families (TANF). The regulations are:

- 22 VAC 40-32-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Determining AFDC Eligibility When Only Dependent Child Receives Foster Care Benefits.
- 22 VAC 40-290-10. Earned Income Disregards/Student Earnings in the Aid to Families with Dependent Children (AFDC) Program.
- 22 VAC 40-300-10 et seq. Lump Sum Ineligibility Period in the Aid to Families with Dependent Children (AFDC) Program.
- 22 VAC 40-310-10 et seq. Maximum Resource Limit in the Aid to Families with Dependent Children (AFDC) Program.
- 22 VAC 40-320-10 et seq. Disclosure of Information to Law-Enforcement Officers in the Aid to Families with Dependent Children (AFDC) Program.
- 22 VAC 40-350-10 et seq. Real Property Disposition Period in the Aid to Families with Dependent Children (AFDC) Program.
- 22 VAC 40-360-10 et seq. Definition of a Home in the Aid to Families with Dependent Children (AFDC) and General Relief (GR) Programs.
- 22 VAC 40-370-10 et seq. Job Training Partnership Act (JTPA) Income Disregards in the Aid to Families with Dependent Children (AFDC) Program.
- 22 VAC 40-380-10 et seq. Disregard of Certain Income Received by Indian Tribes in the Aid to Families with Dependent Children (AFDC) Program.
- 22 VAC 40-390-10 et seq. Persons and Income Required to be Considered When Evaluating Eligibility for Assistance in the Aid to Families with Dependent Children (AFDC) Program.
- 22 VAC 40-420-10 et seq. Aid to Families with Dependent Children: Unemployed Parent Demonstration (AFDC-UPDEMO) Project.
- 22 VAC 40-430-10 et seq. Treatment of Casual and Inconsequential Income in the Aid to Families with Dependent Children (AFDC) Program.
- 22 VAC 40-440-10 et seq. Aid to Families with Dependent Children (AFDC) Program Allocation of Income.
- 22 VAC 40-450-10 et seq. Lump Sum Payments in the Aid to Families with Dependent Children (AFDC) Program.
- 22 VAC 40-460-10 et seq. Deeming of Stepparent Income in the Aid to Families with Dependent Children (AFDC) Program.

- 22 VAC 40-490-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Deprivation Due to the Incapacity of a Parent.
- 22 VAC 40-500-10 et seq. Work-Related Child Care Expenses Disregarded in the Aid to Families with Dependent Children (AFDC) Program.
- 22 VAC 40-510-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Entitlement Date.
- 22 VAC 40-520-10 et seq. Aid to Families with Dependent Children (AFDC) Program – Disregarded Income and Resources.
- 22 VAC 40-530-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Deprivation Due to Continued Absence.
- 22 VAC 40-550-10 et seq. Aid to Families with Dependent Children Program - Unemployed Parent (AFDC-UP) Program.
- 22 VAC 40-580-10 et seq. Aid to Families with Dependent Children (AFDC) – Elimination of Monthly Reporting.
- 22 VAC 40-590-10 et seq. Aid to Families with Dependent Children - Earned Income Tax Credit (EITC) Disregard.
- 22 VAC 40-610-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Exclusion of Children Receiving Adoption Assistance and Foster Care Maintenance Payment.
- 22 VAC 40-620-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Fifth Degree Specified Relative.
- 22 VAC 40-650-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Disqualification for Intentional Program Violation.
- 22 VAC 40-750-10 et seq. Grant Diversion.
- 22 VAC 40-760-10 et seq. Employment Services Program Policy.

Discussion: None

ON MOTION DULY MADE (Mr. Brown) and seconded (Ms. Luca) moved to approve the final repeal of 22 VAC 40-32-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Determining AFDC Eligibility When Only Dependent Child Receives Foster Care Benefits; 22 VAC 40-290-10. Earned Income Disregards/Student Earnings in the Aid to Families with Dependent Children (AFDC) Program; 22 VAC 40-300-10 et seq. Lump Sum Ineligibility Period in the Aid to Families with Dependent Children (AFDC) Program; 22 VAC 40-310-10 et seq. Maximum Resource Limit in the Aid to Families with Dependent Children (AFDC) Program; 22 VAC 40-320-10 et seq. Disclosure of Information to Law-Enforcement Officers in the Aid to Families with Dependent Children (AFDC) Program; 22 VAC 40-350-10 et seq. Real Property Disposition Period in the Aid to Families with Dependent Children (AFDC) Program; 22 VAC 40-360-10 et seq. Definition of a Home in the Aid to Families with Dependent Children (AFDC) and General Relief (GR) Programs; 22 VAC 40-370-10 et seq. Job Training Partnership Act (JTPA) Income Disregards in the Aid to Families with Dependent Children (AFDC) Program; 22 VAC 40-380-10 et seq. Disregard of Certain Income Received by Indian Tribes in the Aid to Families with Dependent Children (AFDC) Program; 22 VAC 40-390-10 et seq. Persons and Income Required to be Considered When Evaluating Eligibility for Assistance in the Aid to Families with Dependent

Children (AFDC) Program; 22 VAC 40-420-10 et seq. Aid to Families with Dependent Children: Unemployed Parent Demonstration (AFDC-UPDEMO)

Project; 22 VAC 40-430-10 et seq. Treatment of Casual and Inconsequential Income in the Aid to Families with Dependent Children (AFDC) Program; 22 VAC 40-440-10 et seq. Aid to Families with Dependent Children (AFDC) Program Allocation of Income; 22 VAC 40-450-10 et seq. Lump Sum Payments in the Aid to Families with Dependent Children (AFDC) Program; 22 VAC 40-460-10 et seq. Deeming of Stepparent Income in the Aid to Families with Dependent Children (AFDC) Program; 22 VAC 40-490-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Deprivation Due to the Incapacity of a Parent; 22 VAC 40-500-10 et seq. Work-Related Child Care Expenses Disregarded in the Aid to Families with Dependent Children (AFDC) Program; 22 VAC 40-510-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Entitlement Date; 22 VAC 40-520-10 et seq. Aid to Families with Dependent Children (AFDC) Program – Disregarded Income and Resources; 22 VAC 40-530-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Deprivation Due to Continued Absence; 22 VAC 40-550-10 et seq. Aid to Families with Dependent Children Program - Unemployed Parent (AFDC-UP) Program; 22 VAC 40-580-10 et seq. Aid to Families with Dependent Children (AFDC) – Elimination of Monthly Reporting; 22 VAC 40-590-10 et seq. Aid to Families with Dependent Children - Earned Income Tax Credit (EITC) Disregard; 22 VAC 40-610-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Exclusion of Children Receiving Adoption Assistance and Foster Care Maintenance Payment; 22 VAC 40-620-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Fifth Degree Specified Relative; 22 VAC 40-650-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Disqualification for Intentional Program Violation; 22 VAC 40-750-10 et seq. Grant Diversion; and, 22 VAC 40-760-10 et seq. Employment Services Program Policy for publication in The Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002). Motion carried with all in favor.

22 VAC 40-330-10 et seq., Collection of Overpayments in the Refugee Other Assistance Program (Final Regulation). This regulatory action will amend 22 VAC 40-330-10 et seq., Collection of Overpayments in the Refugee Other Assistance Program. The amendments to this regulation remove references to Aid to Families with Dependent Children (AFDC) program. The AFDC provisions are incorporated into the new regulation 22 VAC 40-295-10 et seq., Temporary Assistance for Needy Families (TANF).

The State Board approved the proposed regulation for this action on August 16, 2000. The proposed amendments were published in *The Virginia Register* on October 8, 2001, and the public comment period ended on December 7, 2001. The regulation has not been changed since the State Board approved the proposed stage.

Discussion: None

ON MOTION DULY MADE (Ms. Coryell) and seconded (Ms. Christopher) moved to approve the final regulatory package of 22 VAC 40-330-10 et seq., Collection of Overpayments in the Refugee Other Assistance Program for publication in the

Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002). Motion carried with all in favor.

22 VAC 40-340-10 et seq. Protective Payments in the Refugee Other Assistance Program (Final Regulation). This regulatory action will amend 22 VAC 40-340-10 et seq., Protective Payments in the Refugee Other Assistance Program. The amendments to this regulation remove reference to Aid to Families with Dependent Children (AFDC) program. The AFDC provisions are incorporated into the new regulation 22 VAC 40-295-10 et seq., Temporary Assistance for Needy Families (TANF).

The State Board approved the proposed regulation for this action on August 16, 2000. The proposed amendments were published in *The Virginia Register* on October 8, 2001, and the public comment period ended on December 7, 2001. The regulation has not been changed since you approved the proposed stage.

Discussion: None

ON MOTION DULY MADE (Ms. Luca) and seconded (Ms. Christopher) to approve the final regulatory package 22 VAC 40-340-10 et seq. Protective Payments in the Refugee Other Assistance Program for publication in The Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002). Motion carried with all in favor.

22 VAC 40-201-10 et seq., Permanency Services – Prevention, Foster Care Adoption and Independent Living. Therese Wolfe presented a NOIRA package that will establish one set of rules (22 VAC 40-201-10 et seq.) encompassing the full range of permanency services provided Virginia's children and families. This package contains the following seven regulations that will be repealed as a result of this action:

- 22 VAC 40-200-10 et seq., Foster Care – Guiding Principles
- 22 VAC 40-210-10 et seq., Foster Care – Assessing the Client's Service Needs
- 22 VAC 40-240-10 et seq., Non-Agency Placement for Adoption – Consent
- 22 VAC 40-250-10 et seq., Agency Placement Adoptions – AREVA
- 22 VAC 40-260-10 et seq., Agency Placement Adoptions – Subsidy
- 22 VAC 40-280-10 et seq., Non-Agency Placements for Adoption – Adoptive Home Study
- 22 VAC 40-800-10 et seq., Family Based Social Services

Discussion: None

ON MOTION DULY MADE (Mr. Mitchell) and seconded (Mr. Brown) moved to approve the NOIRA package to establish 22 VAC 40-201-10 et seq., Permanency Services – Prevention, Foster Care Adoption and Independent Living; and to repeal 22 VAC 40-200-10 et seq., Foster Care – Guiding Principles; 22 VAC 40-210-10 et seq., Foster Care – Assessing the Client's Service Needs; 22 VAC 40-240-10 et seq., Non-Agency Placement for Adoption – Consent; 22 VAC 40-250-10 et seq., Agency Placement Adoptions – AREVA; 22 VAC 40-260-10 et seq., Agency

Placement Adoptions – Subsidy; 22 VAC 40-280-10 et seq., Non-Agency Placements for Adoption – Adoptive Home Study; and, 22 VAC 40-800-10 et seq., Family Based Social Services for publication in The Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002). Motion carried with all in favor.

Ms. Coryell raised her concerns about the legal ramifications of passing regulations that have not been reviewed by the Attorney General's Office. Al Wilson and Richard Martin assured the Board that every stage of every regulation is reviewed and scrutinized by staff at the Office of Attorney General.

Approval of Minutes

ON MOTION DULY MADE (Ms. Christopher) and seconded (Mr. Mitchell) moved to approve the minutes of January 29, 2004 and February 18, 2004 as submitted. Motion carried with all in favor.

Other Items

Future Meetings

The State Board will meet in Prince William County at the Prince William County Department of Social Services on April 14-15. Overnight accommodations have been made at the Comfort Suites in Manassas. Richard Martin asked for meeting location suggestions for the June and August meetings. Debra Andrews wishes to arrange the June meeting logistics as it relates to location. Suggestions for the August meeting location should be emailed to Richard Martin.

Information Items

Legislative Report

Richard Martin passed out a "Legislation of Concern to the Department of Social Services By Subject" report as of March 9, 2004. The status and impacts of key bills to the department were highlighted by Mr. Martin.

Overview of the Division of Training

Kathy Gillikin and Clarence Baker, Co-Directors, of the Training Division presented a detailed overview of the current and future state of training for the department. Of particular note was the "Training Strategic Plan for 2004-2006" which is the division's tool for all the activities and efforts of the department's training needs. Mr. Baker gave a live demonstration of Pathlore, a new and innovative VDSS Learning Management System.

CPS Out of Family Advisory Committee

Julie Christopher asked that this correspondence be tabled for a future meeting when all members are present. Richard Martin will put this issue on the agenda at a future date.

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Public Comment

None

Meeting adjourned at 1:30 p.m. by Julie Christopher, Vice-Chair.

Submitted by Phyllis Dalton
March 16, 2004