



Proposed Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40-131
Regulation title	Minimum Standards for Licensed Private Child Placing Agencies
Action title	Adopt New Standards for Licensed Private Child Placing Agencies
Date this document prepared	December 16, 2009

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive provisions of new regulations or changes to existing regulations that are being proposed in this regulatory action.

This regulatory action is a joint action to repeal the existing regulation, 22 VAC 40-130, and establish a comprehensive new regulation, 22 VAC 40-131, for licensed private child-placing agencies. The purpose of the regulatory action is to protect children under the age of 18 for whom home-placements are pending or home-placements have been made in approved foster care homes, treatment foster care homes, short-term foster care homes and adoptive-homes until the adoption is finalized by the court.

The comprehensive new regulation is intended to: (1) improve clarity; (2) incorporate improvements in the language and reflect current federal and state law; (3) align home approvals, supervision, monitoring practices, and responsibilities of private child-placing agencies with public child-placing agencies; (4) relieve intrusive and burdensome language; and (5) provide greater protection for children in care. This regulation will create consistency between providers approved by licensed child-placing agencies and local departments of social services - an action step required by federal regulations, identified in the federal Child and Family Services Review, and included in the Department of Social Services' (DSS) Performance Improvement Plan.

Major components of the new regulation include incorporating consistency with 22 VAC 40-211, "Resource, Foster and Adoptive Family Home Approval Standards," including: (1) definitions; (2) home provider training mandates; (3) home study requirements, streamlining the provider approval process, and documentation protocols; (4) safety of the provider's home environment; and (5) background check

requirements. The new regulation was reorganized and categorized based on provider recommendations and for the purpose of increasing provider compliance.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

None.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Sections 63.2-217 and 63.2-1734 of the Code of Virginia (Code) require the State Board of Social Services (Board) to adopt regulations necessary or desirable to carry out the provisions of Title 63.2 of the Code and to include regulatory provisions to ensure that activities, services and facilities provided by licensees are conducive to the welfare of the children under custody or control of the licensee.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.

This regulatory action establishes requirements and criteria for DSS to evaluate licensed private child-placing agencies to ensure that activities, services, and facilities provided by licensees are conducive to the welfare of the children under their custody or control. It also provides clear criteria for licensees to approve, evaluate, and re-approve family home providers.

There have been three separate failed attempts to adopt a new replacement regulation for 22 VAC 40-130 since it was promulgated in August of 1989. Since that time there have been many changes in federal and state law and practice - including the Virginia's Children's Services System Transformation - that have not been incorporated in the current regulation. Repeal of the existing regulation and adoption of a new regulation will allow greater flexibility to adjust the structure, format, and language to provide consistency and clarity. This clarity and consistency will improve both compliance with the regulation and enforcement. It will also allow for inclusion of requirements conducive to the greater protection of the health, safety, and welfare of children in care.

Substance

Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. (More detail about all provisions or changes is requested in the "Detail of changes" section.)

Substantive revisions in the new regulation include: (1) aligning requirements for licensee approval of, provision of services to, and monitoring of foster care homes, adoptive homes, and independent living arrangements with the Code; (2) adding definitions consistent with the Code and other social services regulations; (3) updating sponsor-types with legal entities recognized by the State Corporation Commission and including information required as part of the application for approval process; (4) requiring the licensee to develop and implement written operational policies and procedures to include prohibition of corporal punishment and measures to ensure protections for children in placements; (5) adding a requirement for developing and implementing a program evaluation and improvement plan; (6) making home-study components, provider approval, and home monitoring requirements consistent for provider home-types and consistent with other social services regulations; (7) making home environment assessment components consistent with other social services regulations; (8) adding requirements for provider training and development consistent with other social services regulations; (9) requiring custodial agencies to enroll children in school; (10) requiring the licensee to report serious incidents, injuries, or accidents that happen to the child; (11) requiring visitation and continuing contact with the child consistent with other social services regulations; (12) incorporating requirements of the Department of Medical Assistance Services for treatment foster care; (13) adding requirements for developing and implementing record-keeping practices and record storage for all types of files; (14) adding a requirement for encouraging and training providers in positive behavior support techniques to protect and keep the child safe while helping the child learn positive behaviors; (15) adding requirements for independent living arrangements consistent with the Code and other social services regulations and policy; and (16) adding applicable requirements of the Code and Hague Adoption Convention for adoption and inter-country adoption.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

This regulatory action will create consistency between providers approved by licensed child-placing agencies and local departments of social services. This is an action step required by federal regulations, identified in the federal Child and Family Services Review, and included in DSS' Performance Improvement Plan. The comprehensive new regulation addresses changes that have taken place in child-placing federal and state law and practice since 1989, including Virginia's Children's Services System Transformation.

The intent of the comprehensive new regulation is to protect the health, safety, and welfare of children by strengthening and clarifying requirements for private licensed child-placing agencies and the providers who are approved by them. The new regulation includes an organization recommended by members of the regulation revision committee - a committee formed and utilized under DSS' public participation guidelines - and whose membership included private and public child-placing stakeholders and stakeholders from several public agencies. The comprehensive new regulation will assist licensees with regulatory compliance because the new regulation will be more user-friendly than the current regulation.

This regulatory action poses no disadvantages to the public or the Commonwealth.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal, which are more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

This regulatory action does not contain requirements that exceed applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

This regulatory action does not have an identified disproportionate material impact on any particular locality.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to other comments, DSS is seeking comments on the costs and benefits of the proposed regulatory action, as well as its potential impacts. DSS is also seeking information concerning its impacts on small businesses as defined in § 2.2-4007.1. Information may include 1) projected reporting, recordkeeping, and other administrative costs; 2) probable effect of the regulation on affected small businesses; and 3) a description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so via the Regulatory Townhall website, www.townhall.virginia.gov, or by mail, email, or fax to Joni S. Baldwin, Program Development Consultant, Division of Licensing Programs, Department of Social Services, 801 East Main Street, Richmond, Virginia 23219, joni.baldwin@dss.virginia.gov or fax: (804)726-7132.

Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last date of the public comment period.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.

<p>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source, and (b) a delineation of one-time versus on-going expenditures.</p>	<p>There is no projected additional cost for the state to implement and enforce the proposed regulation.</p>
<p>Projected cost of the <i>new regulations or changes to existing regulations</i> on localities.</p>	<p>There is no projected cost for localities, unless the locality chooses to apply to become a provider of treatment foster care.</p>
<p>Description of the individuals, businesses or other entities likely to be affected by the <i>new regulations or changes to existing regulations</i>.</p>	<p>All private licensed child-placing agencies (LCPAs) in Virginia are affected by the regulation. Persons who are approved as a resource, foster, adoptive, treatment foster, and short-term foster family home provider are affected.</p>
<p>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>Currently there are 77 LCPAs.</p>
<p>All projected costs of the <i>new regulations or changes to existing regulations</i> for affected individuals, businesses, or other entities. Please be specific and do include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</p>	<p>Any projected new cost of this regulation on a private LCPA is for the implementation of additional training for the providers and agency staff. Some marginal costs for additional record-keeping responsibilities may be incurred by the LCPA. A brief survey of a few existing providers determined that training costs can be estimated at approximately \$31.00 per training hour. The number of training hours (staff and home provider) is not stipulated in this regulation. However topics to be covered for staff orientation, development, and on-going education are included in the regulation. Topics to be covered in training for home providers are included in the regulation.</p>
<p>Beneficial impact the regulation is designed to produce.</p>	<p>The beneficial impacts of this regulatory action include: consolidating requirements for child-placing agencies into one user-friendly regulation; updating requirements consistent with the Code; and ensuring consistency of operations between private and public child-placing agencies.</p>

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

There is no viable alternative to creating a new regulation. The existing regulation, 22 VAC 40-130, has been in effect since August of 1989. Since that time there have been many changes in federal and state law and practice, including Virginia’s Children’s Services System Transformation and 22 VAC 40-211, “Resource, Foster and Adoptive Family Home Approval Standards,” that have not been incorporated into the current regulation. This regulatory action will incorporate these changes and create consistency

between providers approved by licensed child-placing agencies and local departments of social services. This is an action step required by federal regulations, identified in the federal Child and Family Services Review, and included in DSS' Performance Improvement Plan.

Repeal of the existing regulation and adoption of a new regulation will allow greater flexibility to adjust the structure, format, and language to provide clarity and consistency. This clarity and consistency will improve both compliance with the regulation and enforcement. It will also allow for inclusion of requirements conducive to the greater protection of the health, safety, and welfare of children in care.

Regulatory flexibility analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

This regulation is intended to (1) help children find safe, stable and permanent homes, which ultimately benefits society as a whole, and (2) benefit private child placing agencies by: (a) consolidating into one comprehensive regulation all statutory requirements, current practices, and requirements of the current regulation and related social services regulations; (b) relaxing requirements for hiring casework staff; and (c) providing clarity of expectations and requirements for compliance with standards.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

No comments were received during the notice of intended regulatory action public comment period.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulatory action will allow families who foster or adopt children to receive better training and support for managing the children placed in their homes. By doing so, children's placements will become more stable, allowing children the safety and security of a family home within which to reside and promoting permanency for children.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact if implemented in each section. Please detail the difference between the requirements of the new provisions and the current practice or if applicable, the requirements of other existing regulations in place.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all provisions of the new regulation or changes to existing regulations between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, rationale, and consequences
22 VAC 40-130-10. Definitions.	22 VAC 40-131-10. Definitions.		The following new terms and their meanings are added to clarify their use in the regulation: adoptive parent, adoptive placement, adult, annual, applicant, background checks, behavior support, birth parent, caretaker, career and technical education, case management, casework staff, child's family, dual approval process, emergency placement, employee, foster care placement, foster care services, foster parent, independent living services, in-service training, inter-country placement, local board, local DSS, mental abuse, mutual selection, parent, parental placement, permanent entrustment agreement, physical abuse, physical neglect, physical restraint, placing agency, pre-service training, provider, records, resource parent, seclusion, serious incident reports, services plan, sexual abuse, short-term foster care, special needs, treatment, treatment foster care, treatment foster parent, treatment team, and youth.
22 VAC 40-130-10. Definitions.	22 VAC 40-131-10. Definitions. (continued)		The definition for foster care was replaced with foster care placement and foster care services.
22 VAC 40-130-20. Legal base.	22 VAC 40-131-20. Scope and applicability.	Legal authority.	This section includes legal authority for the regulation and specifies the applicability of 22 VAC 40-131 to types of child-placing agencies.

<p>22 VAC 40-130-40. Maintaining standards. 22 VAC 40-130-50. Financing plan.</p>	<p>22 VAC 40-131-40. Licensee.</p>	<p>Describes licensee's responsibility to maintain compliance with standards and provide evidence of finances and resources that will ensure operation is in compliance with the standards.</p>	<p>This section combines 22 VAC 40-130-40 and 22 VAC 40-130-50, incorporates provisions from 22 VAC 40-80, "General Procedures and Information for Licensure," and applicable sections of the Code. It adds a responsibility for the licensee to comply with its own policies and procedures, addresses information the licensee distributes or has available to the public, and clarifies that the licensee has ultimate responsibility for the child's health, safety and well-being 24 hours a day, seven days a week.</p>
<p>22 VAC 40-130-100. Agency setting. 22 VAC 40-130-110. Office conditions.</p>	<p>22 VAC 40-131-50. Office settings and conditions.</p>	<p>Requires the licensee to maintain an office in Virginia to conduct business and specifies the spatial and use requirements and storage conditions of the office.</p>	<p>This section combines the two former sections into one section and clarifies language.</p>
<p>22 VAC 40-130-140. Conflict of Interest.</p>	<p>22 VAC 40-131-70. Conflict of Interest.</p>	<p>This section specifies who can serve on the placing agencies board of directors and prohibits the licensee from accepting an application for adoption from or provide services to its staff or governing board.</p>	<p>The language of this section was clarified.</p>
<p>22 VAC 40-130-130. Caseload numbers and licensed capacity.</p>	<p>22 VAC 40-131-40-80. Licensed capacity and maximum caseload numbers.</p>	<p>This section specifies numbers for caseloads for staff and trainees and species how licensed capacity is determined.</p>	<p>The language of this section was clarified. It incorporates caseload requirements for treatment foster care.</p>
	<p>22 VAC 40-131-90. Policy and procedure. 22 VAC 40-131-90. Policy and procedure. (continued)</p>		<p>This new section requires the development of policies and procedures for actions currently required by 22 VAC 40-130. These actions include: admission, discharge and placement of children; foster parent support; licensee record-keeping; reporting of abuse and neglect of children; licensee's hiring of qualified staff; notifying DSS when an agency ceases operation; handling adverse reactions of children to medications; and acceptable methods to correct children's behavior (behavior support).</p>

	22 VAC 40-100. Program evaluation and improvement		This new section emphasizes decision-making based on empirical data and is consistent with children’s services transformation.
	22 VAC 40-110. Record-keeping		This new section is needed to ensure the licensee’s compliance with standards contained in 22 VAC 40-131.
	22 VAC 40-120. Access to written personnel policies		This new section is needed to ensure a licensee’s staff has a basic understanding of the licensee’s personnel policies.
22 VAC 40-130-170. Job description.	22 VAC 40-131-130. Job descriptions.	The agency shall have a written description of the duties and responsibilities for each staff classification in its program. A copy of each description shall be given to the licensing representative at the time of the initial application and when descriptions are changed.	Clarification is provided describing the content of the job description. The requirement to provide a copy of the job description to the licensing representative at the time changes are made has been deleted. A requirement that the licensee provide a copy to the employee has been added.
22 VAC 40-130-190. Staff composition and qualifications.	22 VAC 40-131-140. Staff composition and qualifications.	It describes required staff positions and the qualifications for each position.	The new language: expands the potential for individuals with related human services credentials to serve in the position of program director; changes the position title of “director of social services” to “program director”; increases the years of experience necessary to serve as child-placing supervisor; and expands the responsibilities of caseworkers.
	22 VAC 40-131-150. Staff development.		This new language provides mandatory topics of training for orientation and other required training. The training includes: agency policy and procedures; child abuse and neglect recognition and reporting; behavior support; emergency preparedness; permanency; and transition from foster care to independent living.
22 VAC 40-130-180. Personnel records.	22 VAC 40-131-160. Personnel records.	Requirements for content of personnel records.	Clarification is given of the current requirements for background checks, applications, and resumes. Licensees are permitted to maintain electronic records. A requirement is added for copies of educational degrees and credentials and dates of employment and separation from each position. It permits oral references. It clarifies and requires maintaining documentation required by 22 VAC 40-131.
22 VAC 40-130-180. Personnel records. (continued)	22 VAC 40-131-160. Personnel records. (continued)	Requirements for content of personnel records.	

<p>22 VAC 40-130-200. (Foster care) program statement. 22 VAC 40-130-290. (Adoption) program statement.</p>	<p>22 VAC 40-131-170. Program statement and description.</p>	<p>Section 200 contains requirements pertaining to foster care and independent living. Section 290 contains requirements pertaining to adoption.</p>	<p>Combined similar requirements for foster care and adoption into one section. Included requirements consistent with the Code.</p>
<p>22 VAC 40-130-270. The foster family. 22 VAC 40-130-400. The adoptive home study. 22 VAC 40-130-280.C.2. Foster care records. 22 VAC 40-130-410.D.1. direct parental placement services.</p>	<p>22 VAC 40-131-180. Home study requirement.</p>	<p>Section 270 contains requirements for foster home study. Section 280 requires a foster home application. Section 400 is the adoptive home study. Section 410 is the adoptive home application.</p>	<p>Combined similar requirements for foster care and adoption into one section. Included requirements consistent with the Code and 22 VAC 40-211, "Resource, Foster, Adoptive, Family Home Approval Standards." Clarifies requirements for short-term foster care, resource and treatment foster care homes.</p>
<p>22 VAC 40-130-270. The foster family.</p>	<p>22 VAC 40-131-190. Home environment.</p>	<p>Requirements for the home and surroundings.</p>	<p>Consistent with 22 VAC 40-211, "Resource, Foster, Adoptive, Family Home Approval Standards."</p>
<p>22 VAC 40-270. The foster family. 22 VAC 40-130-400. The adoptive home study.</p>	<p>22 VAC 40-131-200. Initial approval or disapproval of home.</p>	<p>Section 270 contains requirements for the approval of foster homes. Section 400 contains requirements for the approval of adoptive homes.</p>	<p>This new section is a reorganization and clarification of standards 22 VAC 40-270 and 22 VAC 40-400. It is consistent with 22 VAC 40-211, "Resource, Foster, Adoptive, Family Home Approval Standards."</p>
<p>22 VAC 40-130-270.C.1. The foster family.</p>	<p>22 VAC 40-131-210. Provider training and development.</p>	<p>The agency shall have a plan of orientation for each newly approved foster family.</p>	<p>It is consistent with 22 VAC 40-211, "Resource, Foster, Adoptive, Family Home Approval Standards." It clarifies the elements of what needs to be included in a plan of orientation and pre-service training.</p>
	<p>22 VAC 40-131-220. Training and development for providers of short-term foster care.</p>		<p>This new section is consistent with 22 VAC 40-211, "Resource, Foster, Adoptive, Family Home Approval Standards." It specifies what must be included in a plan of orientation and pre-service training. Some requirements have been eliminated for the short-term provider.</p>

<p>22 VAC 40-270.D. Re-evaluation of foster homes. 22 VAC 40-400.I. Re-evaluations.</p>	<p>22 VAC 40-131-230. Monitoring and re-evaluation of provider homes.</p>	<p>Sections 22 VAC 40-270.D and 22 VAC 40-400.I addressed only the re-evaluation of foster and adoptive homes.</p>	<p>Along with re-evaluation, elements have been added to ensure the protection, safety and well-being of placed children by requiring periodic monitoring and evaluation of approved providers. This new section is consistent with 22 VAC 40-211, "Resource, Foster, Adoptive, Family Home Approval Standards."</p>
<p>22 VAC 40-270.B. Foster home capacity.</p>	<p>22 VAC 40-131-240. Capacity of provider home.</p>	<p>The total number of children in the foster home shall not exceed eight including the parents' own children.</p>	<p>This section clarifies that each child shall have adequate space and furnishings. It also limits treatment foster homes to two children for protection, safety and well-being of children. It establishes criteria for determining capacity based on accommodations, capabilities and skills of the provider, and needs of the children in care.</p>
<p>22 VAC 40-210 Intake. 22 VAC 40-130-300.B. Authority to place.</p>	<p>22 VAC 40-131-250. Intake, acceptance, and placement.</p>	<p>The current requirements consist of a list of elements with directions to follow services programs manual. It incorporates, by reference the services manual.</p>	<p>This section clarifies current language, incorporates applicable provisions of the Code, and added placement requirements for independent living arrangements. The reference to the program service manual was deleted. For protection, safety and well-being of children, this section adds criteria for matching children with homes and the placement of children.</p>
<p>22 VAC 40-130-210.C. (Foster care) Intake. 22 VAC 40-130-310.C. (Adoption) Program statement.</p>	<p>22 VAC 40-131-260. Social history.</p>	<p>The current requirements consist of information to obtain on a child for the purpose of determining the appropriate goal for the child and services needed to reach the goal.</p>	<p>This section adds extra time for completion of the social history; it is increased from 30 to 45 days to allow for more complete information on the child. More thorough information will assist in protecting the safety and well-being of the child and assist in assessing needs and preparing the goal and services to be provided to the child. For adoption, the social history must be completed prior to the signing of the adoption agreement; this was changed to make sure children who were not placed foster homes have a social history done.</p>
<p>22 VAC 40-130-430. Interstate compacts.</p>	<p>22 VAC 40-131-270. Interstate placements.</p>	<p>The current requirements for interstate placements are made by reference only.</p>	<p>This section incorporates interstate compact requirements whereas these requirements were previously incorporated only by reference. This section is consistent with requirements of the Code.</p>
<p>22 VAC 40-130-270.C.4. The foster family.</p>	<p>22 VAC 40-131-280. Foster home agreements.</p>	<p>The current requirements consist of information necessary to include in an agreement for placement.</p>	<p>This section clarifies the current language and adds new requirements from the Code. It is consistent with 22 VAC 40-211. The changes will assist in protecting the safety and well-being of the child.</p>

<p>22 VAC 40-130-220. Ongoing services.</p>	<p>22 VAC 40-131-290. Medical, dental, and psychiatric examinations and care</p>	<p>The current requirement is for the medical examination to be completed within 30 days of placement for emergency-placed children.</p>	<p>This section adds flexibility for the licensee to obtain a medical examination on the emergency-placed child within 60 days following placement instead of the current 30 days following placement for any child who has not received a medical examination 90 days prior to his placement. This change was made due to the difficulty some licensees face in trying to find a Medicaid provider to examine the child on quick notice.</p>
<p>22 VAC 40-130-210.E. Intake.</p>	<p>22 VAC 40-131-300. School enrollment.</p>	<p>This 1989 requirement made the licensee, whether custodian or not, responsible for enrolling the child in school with 5 days of placement.</p>	<p>This section incorporates language that charges custodial private child-placing agencies with the responsibility to enroll the child; this language makes the language consistent with the responsibilities of the custodial local departments.</p>
<p>22 VAC 40-130-460. General. 22 VAC 40-130-470. Death of a child. 22 VAC 40-130-480. Abuse or neglect, or both</p>	<p>22 VAC 40-131-320. Reports and policies to protect children.</p>	<p>This 1989 requirement is limited only to making a report of suspected child abuse and death of a child.</p>	<p>This section clarifies language of responsibilities of the licensee and adds requirements for documentation of reports made; reporting serious incidents to placing agency, parent or legal guardian and DSS; and for the licensee to immediately notify the custodial agency and DSS in cases of suspected child abuse and neglect.</p>
<p>22 VAC 40-130-220. Ongoing services.</p>	<p>22 VAC 40-131-330. Visitation and continuing contact with children.</p>	<p>The 1989 requirement describes visitation.</p>	<p>This section incorporated the requirements of the Department of Medical Assistance Services for treatment foster care providers (12 VAC 30-130-900 through 12 VAC 30-130-950), the Code, and 22 VAC 40-211. It deletes requirements for permanent foster care and children placed in residential settings.</p>
<p>22 VAC 40-130-210.H. (Foster care) Intake.</p>	<p>22 VAC 40-131-340. Service plans.</p>	<p>The current requirement is very general and includes components of the services plan including: goal and target date for the child, services to be offered, participation sought, and placement type.</p>	<p>Clarification has been made of language from the 22 VAC 40-130 regulation. Department of Medical Assistance Services 12 VAC 30-130-900 through 12 VAC 30-130-950, and Code requirements for the treatment foster care providers have been incorporated. The incorporation of these elements makes the requirements consistent for all placement types.</p>
<p>22 VAC 40-130-230.B. (Foster care) Intake.</p>	<p>22 VAC 40-131-350. Quarterly progress summaries.</p>	<p>The current regulation requirement is a written summary for the quarter to evaluate progress made in reaching the child's goal.</p>	<p>Clarification has been made of language from the 1989 regulation (22 VAC 40-130.) Department of Medical Assistance Services requirements for the treatment foster care providers 12 VAC 30-130-900 through 12 VAC 30-130-950 have been incorporated. The incorporation of these elements makes the requirements consistent for all placement types.</p>

<p>22 VAC 40-130-240. Termination of care.</p>	<p>22 VAC 40-131-360. Discharge from care.</p>	<p>This section contains requirements to be included in the child's discharge summary and for custodial agency responsibilities in providing copies of medical and school records to parents or receiving agency.</p>	<p>"Termination" was changed to "discharge." Clarification has been made of language from the 1989 regulation (22 VAC 40-130). Department of Medical Assistance Services requirements for the treatment foster care providers 12 VAC 30-130-900 through 12 VAC 30-130-950 have been incorporated. The incorporation of these elements makes the requirements consistent for all placement types.</p>
<p>22 VAC 40-130-280. Foster care records. 22 VAC 40-130-420. Adoption records. 22 VAC 40-130-500. Storage. 22 VAC 40-130-510. Confidentiality. 22 VAC 40-130-520. Entries in case records. 22 VAC 40-130-530. Evidence of compliance. 22 VAC 40-130-540. Retention of records.</p>	<p>22 VAC 40-131-370. Case record requirements.</p>	<p>The 1989 standards listed elements required in the records kept by the licensee.</p>	<p>This new section merges and groups multiple sections into one section, clarifies language, adds language from the Department of Medical Assistance Services for treatment foster care 12VAC30-130-900 through 12 VAC 30-130-950, and incorporates requirements of 22 VAC 40-211.</p>
	<p>22 VAC 40-131-380. Behavior support and crisis intervention.</p>		<p>This new section incorporates the basic child welfare practice of positive techniques for parents to use to assist children with overcoming negative or undesirable behaviors and learning new coping techniques for better assimilation into society. It identifies acceptable correction methods.</p>
<p>22 VAC 40-130-250. Permanent foster care.</p>	<p>22 VAC 40-131-390. Applicability.</p>	<p>The 1989 standards incorporate by reference the DSS' service programs manual.</p>	<p>This section removes the reference to the services program manual and incorporates Code requirements. It clarifies that permanent foster care homes are approved, monitored, and evaluated the same as other provider home types.</p>
	<p>22 VAC 40-131-420. Children placed in short-term foster care.</p>		<p>This section is consistent with 22 VAC 40-211 for respite care providers.</p>

22 VAC 40-130-250. Independent living arrangements.	22 VAC 40-131-440. Youth placed in independent living arrangements.	The 1989 standards incorporate by reference DSS' service programs manual.	This section removes the reference to the services program manual and incorporates pertinent language into the regulation. It is consistent with the requirements of the Code for independent living arrangements.
	22 VAC 40-131-460. Children placed in treatment foster care.		The 1989 (22 VAC 40-130) regulation did not include the requirements for treatment foster care. The programs providing those services were required to follow the separate Medicaid regulation for treatment foster care 12 VAC 30-130-900 through 12 VAC 30-130-950. This section incorporates the Medicaid requirements.
22 VAC 40-130-390. Agency fees.	22 VAC 40-131-480. Fees for adoption applications and services.	The 1989 standards require an explanation of fees, determination of fees and refund policy.	This section contains clarifying language and adds the requirements for full disclosure of fees, requires that a copy of the fee explanation be provided to the applicant, and requires a mutually acceptable written agreement for fees.
	22 VAC 40-131-490. Adoption counseling and services for birth parents.		This section incorporates adoption requirements of Code.
22 VAC 40-130-370. Involuntary termination of parental rights.	22VAC4-131-500. Involuntary termination of parental rights.	The 1989 standards includes a statement of when to seek termination of parental rights, requires the submission of a permanent placement plan to the court and incorporates by reference social services DSS' service programs manual.	This section requires the licensee to follow Code and policy approved by the Board when involuntary termination of parental rights is necessary.
22 VAC 40-130-360. Provisions for children with special needs.	22 VAC 40-131-510. Provisions for adopting children with special needs.	The 1989 standards specified to make a referral to Adoption Resource Exchange of Virginia and incorporate by reference DSS' service programs manual.	This section clarifies the requirements for making a referral to Adoption Resource Exchange of Virginia and incorporates language from DSS' service programs manual.
22 VAC 40-130-320. Items to be considered when selecting an adoptive home.	22 VAC 40-131-520. Selecting an adoptive home.	The 1989 standards specified foster parents to be a primary adoptive resource and detailed requirements for consideration when selecting an adoptive home.	This section adds relatives as a primary adoptive resource and incorporates language from requirements of the Code.

<p>22 VAC 40-130-340. Placement of children over one year.</p>	<p>22 VAC 40-131-530. Adoption placement agreement.</p>	<p>The 1989 standards refers the licensee to follow the requirements specified for foster home agreement.</p>	<p>Clarifies that adoption placements must follow the same requirements for the placement agreement at acceptance of the child and adds requirements from the Code.</p>
	<p>22 VAC 40-131-540. Placements requiring legal risk.</p>		<p>This new section incorporates requirements from the Code. It addresses conditions under which the valid entrustment agreement may be revoked, clarifies that the placement is recognized as a foster home placement requiring the foster home agreement, and requires the parent's written acknowledgement of revocation conditions be maintained in the child's file.</p>
	<p>22 VAC 40-131-550. Adoptive placement of children over one year of age; additional provisions.</p>		<p>This new section incorporates requirements of the Code. It requires the involvement of the child in adoption planning and the responsibility of the licensee to document services and contacts provided to the child for adoption preparation.</p>
	<p>22 VAC 40-131-560. Parental placement adoption services.</p>		<p>This new section incorporates requirements of the Code and specifies licensee's responsibilities of conducting the home study, ensuring exchange of information between birth and adoptive parents, ensuring adoption decision is an informed decision and has not been a coerced decision, and providing counseling to prospective adoptive parents.</p>
	<p>22 VAC 40-131-570. Parent-recommended homes for adoptive placements.</p>		<p>This new section incorporates requirements of the Code. It specifies the licensee's responsibility, when accepting custody of a child for the purpose of adoption, to provide information to the birth parents about adoption placements, to obtain their input concerning placement options, and to allow representation by legal counsel.</p>
<p>22 VAC 40-130-350. Agency responsibility after child is placed in the adoptive home.</p>	<p>22 VAC 40-131-580. Post placement responsibility for adoptive home placements.</p>	<p>This section requires supervisory visits by made and that the licensee maintain contact with the family until the final order or adoption. It clarifies that the agency is responsible for the child until final order of adoption is entered.</p>	<p>This new section incorporates requirements of the Code and clarifies the licensee's responsibilities specified in 22 VAC 40-130-350.</p>

	22 VAC 40-131-590. Inter-country placement adoptions.		This new section incorporates requirements of Hague Adoption Convention, Inter-country Adoption Act of 2000, and Department of State regulations on inter-country adoptions; it requires the licensee to notify DSS of details pertaining to the licensee obtaining or losing accreditation status.
22 VAC 40-130-380. interlocutory orders.	22 VAC 40-131-600. Interlocutory orders of adoption.	This section describes the conditions under which the licensee may issue its consent to an interlocutory order.	This new section incorporates requirements of the Code.
	22 VAC 40-131-610. Subsequent adoptive placements.		This section provides clarification of the responsibilities of the licensee when an approved home provider requests additional adoptive placements for their home. This section specifies requirements for home study, interviews, and orientation of the provider.