Date – April 13th, 2026

Manual - Child and Family Services Manual, Chapter D: Resource Families, Section One and Section Two.

Transmittal - #320

The purpose of this transmittal is to provide revisions to Child and Family Services Manual, Chapter D: Resource Families, Section One and Section Two. Revised guidance includes information about the Kinship Barrier Crime Waiver and the approval process if local departments of social services (LDSS) chose to utilize this waiver, as well as an updated definition of "fictive kin". Additionally, section 2.4.2.1.2.1 was eliminated, as that section covered guidance for what LDSS should do when receiving an "unable to determine" letter from the Office of Background Investigations (OBI), however, OBI no longer issues "unable to determine" letters. The provisions included in this transmittal are effective July 1, 2026.

These transmittals and manuals are available on FUSION at https://fusion.dss.virginia.gov/dfs/DFS-Home/Resource-Family/Resource-Family-Guidance and on the public site for VDSS at https://dss.virginia.gov/about/manuals.cgi

Changes to the manual are as follows:

Section(s) Changed	Significant Changes	Reason for Change
1.3 Definitions	The definition of "fictive kin" was updated	This revision was necessary to meet legislation (House Bill 1327) in 2026 general assembly and is effective July 1, 2026.
2.1 Discovery of Relatives	This section was updated to outline the three types of waivers available for local departments of social services (LDSS) to utilize for kinship resource parents.	This revision was necessary to clarify the three types of waivers available.
2.4.1.6 Non-safety Waivers	This section was updated to clarify that federal barrier crimes cannot be waived.	This revision was necessary to clarify now that state barrier crimes can be waived.
2.4.2.1 Required Background Check	This section was updated to clarify that some relatives who received a "not eligible" letter may be eligible for a kinship barrier crime waiver.	This revision was necessary to communicate that some kinship applicants who receive a "not eligible" letter may be eligible for a kinship barrier crime waiver.
2.4.2.1.1 Kinship Barrier Crime Waiver	This sub section was added to provide guidance on the eligibility requirements and application process for kinship barrier crime waivers, and to inform LDSS that they may	This revision was necessary based on legislation (House Bill 632 and Senate Bill 305) that passed in 2026 general assembly and is effective July 1, 2026.

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	apply for kinship barrier crime waivers on behalf of potential kinship resource parents or household members when they are deemed ineligible due to state barrier crimes.	
2.4.2.1.2.1 Unable to Determine letters	This subsection was deleted as Office of Background Investigations (OBI) is no longer issuing unable to determine letters.	This revision was necessary in order to align with federal direction about not issuing unable to determine letters.
2.4.2.3 Kinship Resource Parent Waiver	This section was updated to remove duplicative information about Certificate of Approval (COA), outlined in 2.5.2.1.	This revision was necessary in order to condense information about the issuing of the COA to Section 2.5.2.1
2.5.2.1 Certificate of Approvals for a Kinship Resource Parent	This section was updated to clarify that Certificate of Approval (COA) cannot be issued until after all background checks have been received and a barrier crime waiver is issued.	This revision was necessary in order to clarify the issuing of the COA when utilizing the barrier crime waiver, to prevent the incorrect approval of homes and potential payment errors.
2.5.4.1.4.3 Physical Exams	This section was updated to reflect the correct timeframe of physical exams being valid if they had been completed within the past 13 months.	This revision was necessary in order to align with code.
2.5.7.1.1 Background Checks for New Adult Household Members	This section was updated to clarify that adult household members in kinship resource homes are also eligible for barrier crime waivers.	This revision was necessary in order to ensure kinship homes are not falsely denied due to barrier crimes of household members who would be eligible for a barrier crime waiver.
2.5.7.2 Re-approval	This section was updated to provide guidance that LDSS must apply for a kinship barrier crime waiver each time they conduct new background checks and receive a “not eligible” determination letter.	This revision was necessary in order to ensure kinship resource homes remain fully in compliance with approval standards at re-approval and when new background checks are completed.
2.5.7.4.1 Background checks	This section was updated to provide guidance that LDSS must apply for a kinship barrier crime waiver each time they conduct new background checks and receive a “not eligible” determination letter.	This revision was necessary in order to ensure kinship resource homes remain fully in compliance with approval standards at re-approval and when new background checks are completed.
2.6.2 Revocation of Approvals	This section was updated to provide guidance to LDSS if a kinship resource parent or	This revision was necessary in order to clarify that state barrier crime convictions may not lead

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	household member is convicted of a barrier crime, the LDSS may apply for a barrier crime waiver instead of revoking approval if they assess the home to continue to be safe.	immediately to having to revoke approval of the home.

Questions about this transmittal should be directed to the Regional Resource Family Consultants:

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