

The purpose of this broadcast is to inform local departments of social services (LDSS) and Regional Adoption Negotiators of a change to policy in the Virginia Department of Social Services (VDSS) Child and Family Services Manual, Chapter F: Adoption, Section 2: Adoption Assistance. The guidance became effective in February, 2022.

### **Subsection 2.6 and 2.6.3.1: Types of Adoption Assistance and Administering the Virginia Enhanced Maintenance Tool (VEMAT)**

The February 2022 release of new guidance included clarifying language that stated: *“Adoption assistance payments may include title IV-E or state funded maintenance payments; however, the payments must not exceed the foster care payment that the child would have received at the time the initial Adoption Assistance Agreement is signed...The maximum amount remains the same for any subsequent negotiations of enhanced maintenance payments for the duration of the Adoption Assistance Agreement. As a result, the enhanced maintenance payment must only be increased if, during the previous negotiation, the adoptive parents accepted less than the maximum allowable payment.”*

While VDSS has always had the policy to limit the amount of additional daily supervision (enhanced maintenance) to the amount that was agreed upon at the signing of the initial adoption assistance agreement, VDSS has been made aware of several issues surrounding clarifying language in the February 2022 guidance release regarding this long-standing policy. Based on this feedback, VDSS has made the decision, in order to allow for families to better meet the special needs of an adopted child, to change state policy and allow the VEMAT to be re-administered at any point while the agreement is in place if there are special needs for the adopted child that were present but not known or diagnosed at the signing of the initial adoption assistance agreement. If the re-administration of the VEMAT results in a higher score than the previous VEMAT, the new score will serve as the maximum amount of additional daily supervision (enhanced maintenance) that the family may receive. Funding for the additional daily supervision (enhanced maintenance) payment must be directly related to the child’s special need, as identified on the most recent effective Adoption Assistance Agreement.

As of the date of this broadcast, the clarifying language (as referenced above) added in the February 2022 release of the VDSS Child and Family Services Manual, Chapter F: Adoption, Section 2.6 and 2.6.3.1, is no longer effective. Effective immediately, the LDSS and the Regional Adoption Negotiators must work collaboratively with adoptive parents on these requests and allow for the re-administration of the VEMAT if there are special needs for the adopted child that were not known or diagnosed at the time that the initial adoption assistance agreement was signed so long as those special needs existed prior to the final order of adoption or were caused by a hereditary tendency, congenital problem, or birth injury that existed prior to the final order of adoption. The Regional Adoption Negotiators are responsible for assessing all resources available to the adoptive parents during the course of the negotiation process. The adoption assistance payments must not exceed the foster care payment that the child would have received at the time the most current Adoption Assistance Agreement is signed. The maximum amount of additional daily supervision (enhanced maintenance) payments for the duration of the Adoption Assistance Agreement in effect is based on the most recent VEMAT score.

### **Section 2.6.3 Enhanced Maintenance Payments**

Additionally, VDSS reviewed the following language in the February 2022 release of guidance pertaining to children in LDSS custody when assessing for additional daily supervision (enhanced maintenance)

needs: *“For children in LDSS custody, an enhanced maintenance payment will not be approved if the child has not received ongoing enhanced maintenance payments over the previous 12 months.”*

As of the date of this broadcast, the foregoing sentence will no longer be effective. Effective immediately, there will no longer be required timeframes in regards to establishing an enhanced maintenance payment in order to move forward with finalizing an adoption.

All changes outlined in this Broadcast supersede guidance released in February 2022. All other guidance released in February 2022 remains in full force and effect. For any questions or concerns, please consult with your Regional Adoption Negotiator.

Please note that these revisions to guidance will be incorporated into the Adoption manual updates planned for July 2023.

Any questions can be directed to Ebony Baker, Adoption Policy Specialist, at [E.Baker@dss.virginia.gov](mailto:E.Baker@dss.virginia.gov)