

Commissioner Guidance Document Transmittal

Date: September 17, 2013

Manual – Division of Family Services Child and Family Services Manual, Chapter F - Adoption

Transmittal #262

The purpose of this transmittal is to provide clarified and corrected guidance for Section 2 of the Adoption Chapter F on the Adoption Assistance Program. The provisions included in this transmittal, and the entire Section 2 Adoption Assistance, are effective October 15, 2013.

The guidance in Section 2 Adoption Assistance supersedes all other guidance previously issued on adoption assistance through guidance transmittals and broadcasts. Changes highlighted below are italicized in the guidance. Corrected guidance is consistent with Virginia Department of Education's *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*.

This transmittal and manual are available on SPARK at <http://spark.dss.virginia.gov/divisions/dfs/ap/index.cgi#manuals> and on the VDSS website at <http://www.dss.virginia.gov/family/ap/index.cgi>.

Significant changes to the manual are as follows:

Section 2 Adoption Assistance	
Section	Significant Changes
2.3.1 – Required forms and documentation	Clarifies that the LDSS shall make payments consistent with enhanced maintenance payments in adoption assistance agreements finalized prior to October 1, 2009 that are still in effect if the payments meet state criteria. Provides link to AART LASER Quick Reference Guide.
2.5.8 – Eligibility for basic and enhanced maintenance payments (prior to final order of adoption)	Clarifies that while children are not eligible for an adoption assistance enhanced maintenance payment when a VEMAT is not administered, the VEMAT is not required for the LDSS to continue making enhanced maintenance payments for adoption assistance agreements prior to October 1, 2009 that are still in effect and meet state criteria. Provides link to AART LASER Quick Reference Guide.
2.6.5 – Eligibility for basic and enhanced maintenance payments (after final order of adoption)	
2.16.3.1 – Determining whether residential treatment services are covered	Corrects the payment source when the child's IEP does not require residential treatment and the child is placed for non-educational purposes. The local school division in the locality where the adoptive parents reside is legally responsible for assuring the child's access to and providing services for a "free and appropriate public education." Clarifies after assessing all other resources to help pay for residential treatment, the LDSS and adoptive parents determine whether the adoptive parents can financially afford the requested special service.

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Questions about this transmittal should be directed to:

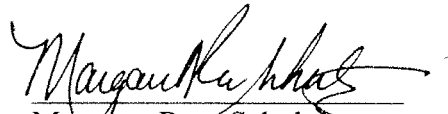
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