

# 6

## SERVICES

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# 6

## SERVICES

### 6.1 Introduction

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[The Virginia Children's Service Practice Model](#) sets forth a vision for the services that are delivered by all child serving agencies across the Commonwealth. The practice model is central to decision making; present in all meetings; and in every interaction with a child or family. Guided by this model, the Virginia Department of Social Services (VDSS) is committed to continuously improving services for children and families by implementing evidence based practices, utilizing the most accurate and current data available, and improving safety and well-being of children and families. The Practice Model is founded on these principles:

- All children and communities deserve to be safe.
- Practice is family, child, and youth-driven.
- Children do best when raised by families.
- All children and youth need and deserve a permanent family.
- Partnering with others is important to support child and family success in a system that is family-focused, child-centered, and community-based.
- How we do our work is as important as the work we do.

Services can be offered to families during the family assessment or investigation, but this part of the guidance manual primarily addresses services provided after a case is opened. The broad goals of CPS services are:

- Prevention of further abuse or neglect to the child.
- Assurance of the child's safety.
- Maintenance of the child in his family.

When the local department (LDSS) completes a CPS family assessment or investigation and the risk of future maltreatment is very high or high, the identified and

needed services to reduce the risk should be made available to the child and his family. Cases may be opened when risk is moderate.

The LDSS may offer prevention services for families involved in a family assessment or investigation when risk is assessed as low or moderate. The following conditions should be met to open a case to prevention services:

- LDSS has received a current, valid CPS referral AND
- LDSS has conducted a family assessment or investigation AND
- The family has been assessed at low or moderate risk of future maltreatment but could benefit from voluntary services AND
- The family agrees to services.

See VDSS Child and Family Services Manual, Chapter B, [Prevention Services](#), section 4, for further guidance.

The LDSS is responsible for the CPS service planning process. This planning should be based on the identified safety and risk factors. It should be family centered and strength based. The service plan should be jointly developed with the family, including both parents and caretakers whenever possible, and should be written in clear and understandable language. Family partnership meetings may be convened to assist in decision making about services.

The service plan must be based on the LDSS's assessment of the following:

- Identification and evaluation of significance and interaction of key risk elements.
- Family's view of the situation, and individual strengths.
- Collaboration with other community resources as needed to reduce risk of further abuse or neglect.

## **6.2 LDSS must make CPS services available to certain children and families**

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The appropriate services for a particular family must be tailored to the family's unique strengths; the type of abuse or neglect that has been identified; and the LDSS's assessment of the child's safety and risk of future maltreatment. The LDSS should provide CPS ongoing services to the family based on these principles:

- Social services should be delivered to the family as part of a total system, with cooperation and coordination occurring among administration, temporary assistance, and family services programs.

- Every effort should be made to maintain the family as a functioning unit and prevent its breakup, while keeping children safe.
- The worker/family relationship is a primary vehicle for change.
- Positive change is possible.
- The most effective way to address a family's needs is to recognize and support its strengths.
- CPS services are successful by virtue of how they are presented, understood, and used by the family to keep all children free from maltreatment.
- CPS services should empower families to function independent of the social services system while all members remain safe. The purpose of the direct services is to address identified individual and family needs while providing timely and continuing reassessment of child safety, risk of maltreatment, ability of the parents to provide a minimum standard of care, and progress toward achieving the outcomes or goals identified in the service plan.

### 6.2.1 Legal authority to provide CPS services

The Code of Virginia §§ [63.2-1505](#) and [63.2-1506](#) provide statutory authority to provide or arrange for services to families at the conclusion of a family assessment or investigation.

[\(22 VAC 40-705-150 A\)](#). At the completion of a family assessment or investigation, the local department shall consult with the family to provide or arrange for necessary protective and rehabilitative services to be provided to the child and his family to the extent funding is available pursuant to § [63.2-1505](#) or [63.2-1506](#) of the Code of Virginia.

When the LDSS completes a CPS family assessment or investigation and the risk of future maltreatment is very high or high the identified and needed services to reduce risk should be made available to the child and his family. Cases may be opened when risk is moderate. The identification and provision of services may also be provided to the family during the family assessment or investigation.

Services may also be provided to or arranged for the alleged abuser or neglecter when the abuser or neglecter is not a parent.

### 6.2.2 Services for completed family assessment or investigation

When moderate, high, or very high risk is assessed in a completed family assessment or investigation, the LDSS shall consult with the family to provide or arrange for necessary protective and rehabilitative services to be provided to the child and his family if appropriate. The LDSS shall provide CPS services either

directly or by purchase, without regard to income for a child, parent, or guardian, and alleged abuser or neglector when the LDSS documents that other resources are not available to cover the cost of service. All service needs must be documented in the service plan and it must be documented that these services are to prevent further child abuse or neglect or to prevent placement of the child outside of the family.

#### **6.2.2.1 Risk level determines need to convene family partnership meeting**

While a family partnership meeting should be scheduled at any point, it must be scheduled when the worker assesses a child to be at very high or high risk of abuse and/or neglect and the child is at risk of out of home placement in those families who will be or are receiving services. This meeting is scheduled to develop the plan and services to prevent the out of home placement and identifies the circumstances under which a removal might be considered. The meeting should convene **within 30 days** of initiating services and prior to the development of the ongoing service plan. The family partnership meeting must be documented in the automated data system. For guidance on conducting the family partnership meeting, refer to the VDSS Child and Family Services Manual, [Family Engagement chapter](#).

### **6.3 Provide mandated CPS ongoing services**

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In situations determined to be at risk of child maltreatment, the transfer of the case from investigation or family assessment status to ongoing services should occur without delay. When another worker will be assigned the case after the completion of the family assessment or investigation, the LDSS should ensure a quick and smooth transition of the case to immediately commence service planning and avoid a lapse in services and safety monitoring. This seamless transition helps ensure that the service plan will be completed **within 30 days** of opening the case. The ongoing worker should receive the entire record on the family. However, need for the entire record should not delay the transfer of enough information to begin essential services to prevent abuse/neglect.

#### **6.3.1 Application for services**

When the completed founded investigation or family assessment has a very high, high, or moderate risk assessment and there are services identified that will reduce risk for abuse or neglect, there is no requirement for the family to sign a service application. The Family Service Agreement that is completed in a family assessment may be used as a service application. The CPS worker must document in the automated data system that the family has agreed to services or that services are court ordered. Open the service case in the family's name. CPS ongoing cases for abusers in founded out of family investigations with moderate or high risk are opened in the name of the abuser.

#### 6.3.1.1 Purchased services

The LDSS must make available to the child and family the following purchasable services if identified in the service plan:

- Emergency Shelter for Children.
- Medical/Remedial Care.

#### 6.3.1.2 Other services

Any other service that the LDSS identifies as appropriate may be purchased on behalf of the child and family, if it is included in the CPS service plan and is to prevent further abuse or neglect.

Examples of purchased services include but are not limited to:

- Emergency shelter for families.
- Emergency needs.
- Child care.
- Counseling and treatment services.

#### 6.3.1.3 Child care services

The LDSS may purchase child care services if it is identified in the CPS ongoing services plan.

### 6.3.2 Develop service plan; conduct risk reassessment and service plan review

#### 6.3.2.1 Service plan

The Virginia Administrative Code defines “Service Plan.”

([22 VAC 40-705-10](#)). “Service Plan” means a plan of action to address the service needs of a child and/or his family in order to protect a child and his siblings, to prevent future abuse and neglect, and to preserve the family life of the parents and children whenever possible.

The service plan must be developed **within 30 days** of opening the case. When preparing to develop the service plan, it is critical to review all available information from the investigation or family assessment, including information gained through engaging and partnering with the family. The Virginia Children’s



Services Practice Model promotes engaging the family to plan for services for children and families.

#### 6.3.2.1.1 Documenting family participation in the service planning

To the fullest extent possible, the LDSS shall provide opportunities for the family to participate in the development of the service plan. In partnership with the family, the worker shall develop objectives that are measurable and build on client strengths whenever possible. The foundation for developing effective strategies is rooted in a thorough assessment of strengths and needs. The purpose of family supportive strategies is to identify actions that must occur in order to reach the desired goals. The family should be provided opportunities to make comments or indicate their agreement with the service plan. When risk is high or very high and there is a risk of out of home placement, a family partnership meeting must be held to ensure family participation in service planning. The family's participation in the formulation of the service plan must be documented in the automated data system.

#### 6.3.2.2 Required elements of the CPS service plan

The elements of a CPS service plan include:

- The LDSS shall work, in partnership, with the family and other community resources to identify specific behaviors and environmental conditions that need to change in order to prevent abuse or neglect and to provide a safe environment for the child.
- When the service plan is completed, the LDSS must offer or arrange for services and resources appropriate to meet those needs identified in the service plan.
- The identified service needs shall be documented in the automated data system.
- The service plan must be developed **within 30 days** of opening the case and include:
  - The specific needs identified with the family and the services to be provided to the family to address those specific needs, including the family's perception of those needs.
  - Who will provide the services.
  - The frequency of these services.

- A specific time to review the service plan.
- The goal or expected outcome of the service.
- The service plan must be reviewed with the family at least once every 90 days. Changes to the service plan must be based on the family progress toward attaining specific objectives and reduction of risk of future maltreatment. A family engagement meeting may be held when the service plan is reviewed.

### **6.3.2.3 Document CPS ongoing services**

All services in an ongoing CPS case must be documented in the automated data system. Some information may be available only in hard copy. The LDSS must keep this information in a separate file and reference these materials in the automated data system. The case record should contain:

- An opening case summary explaining the reason the case is being opened for on-going CPS services.
- Initial safety and risk assessments from the family assessment or investigation.
- Behaviorally specific service plan.
- Reassessments of risk and the progress toward meeting the objectives of the plan, including supervisory staffing.
- Documentation of all pertinent contacts, including failed contacts.
- Information that addresses child well-being, such as physical health, mental health, and education.
- If services are not provided, documentation of reasons.
- A closure summary when case is closed or transferred.
- Supervisory approval of service plan, service plan review and changes, and case closure.

### **6.3.3 Service worker must have face-to-face contact with child and family**

#### **6.3.3.1 Frequency of required contacts**

The frequency of contacts with the child and family should be determined from the needs identified in the service plan and the assessed risk, but the following are minimum requirements:

- Face-to-face contact between the CPS worker and the child and family **at least one time per month.**
- The CPS worker must visit in the family home at least one time every other month.
- All contacts must be documented in the automated data system.

If the LDSS provides purchased services to the child or family, the CPS worker must document in the automated data system the need for those services as well as that the purchased services were provided. All services should be related to reducing the risk of future abuse or neglect.

### **6.3.4 Conduct risk reassessment and review service plan**

#### **6.3.4.1 Service plan review schedule**

The LDSS shall review each CPS service plan every 90 days or more often if the risk to the child changes.

#### **6.3.4.2 Risk reassessment**

Every service plan review shall include a risk reassessment with the family and determination of current level of risk to the child that is reviewed with the supervisor and documented in the automated data system.

#### **6.3.4.3 Services completed**

If the risk level is low or all services have been completed, the CPS ongoing case shall be closed. The decision to close the CPS ongoing case shall be approved by the supervisor and documented in the automated data system.

#### **6.3.4.4 Services still needed**

If the risk level continues to be moderate, high, or very high, the service plan must be updated to reflect current service needs and a determination made to continue services or close the case to services. The continuing service plan shall be reviewed by the supervisor and documented in the automated data system.

### **6.3.5 Prevent foster care placement: reasonable candidacy program**

As a part of the determination of risk of future abuse or neglect, the LDSS should evaluate whether or not a child is a reasonable candidate for foster care placement because the LDSS is seeking the child's removal from the home or is making reasonable efforts through services to prevent the child's removal.

If the LDSS believes the child is at risk of foster care placement if services are not provided to prevent foster care, the LDSS should document the child's reasonable candidacy *in the automated data system under client information*. If the child is determined to be a reasonable candidate for foster care, administrative activities performed on behalf of the child are eligible for Title IV-E reimbursement, regardless of whether the child is actually placed in foster care.

The specific requirements for *determining* reasonable candidacy for foster care can be found in [Appendix A](#).

In CPS services cases, the documentation for reasonable candidacy is a defined service plan that clearly states that absent effective preventative services, foster care will likely result. The CPS ongoing services plan is an acceptable case plan to document reasonable candidacy and must clearly demonstrate that the case is actively managed by the LDSS to maintain the child in the home and to prevent the child's foster care placement.

Reasonable candidacy documentation is related to the fiscal reimbursement for case management activities provided by the LDSS and does not replace the requirements to determine and document eligibility for ongoing CPS services.

An e-learning course is available in the [Knowledge Center](#), CWSE 1006: Reasonable Candidacy for Foster Care. LDSS staff who supervise or provide ongoing CPS services should take this course.

### 6.3.6 When family refuses CPS services

[\(22 VAC 40-705-150 B\)](#). Families may decline services offered as a result of family assessment or an investigation. If the family declines services, the case shall be closed unless there is an existing court order or the local department determines that sufficient cause exists due to threat of harm or actual harm to the child to redetermine the case as one that needs to be investigated or brought to the attention of the court. In no instance shall these actions be taken solely because the family declines services.

The LDSS has no authority to enforce the provision of services when a family, or other individual, refuses to accept those services. When services are refused, the LDSS must consider whether alternative action is necessary. The decision to seek alternative action to compel the acceptance of services should be based on the risk of harm to the child or immediate safety factors.

When services are determined to be necessary to prevent abuse or neglect, but services are refused, both the offering and refusal must be fully documented in the automated data system.

#### **6.3.6.1 When family refuses CPS services, LDSS may seek court assistance**

If a parent, or any individual, refuses to accept services, the worker should consult with the county/city attorney to determine if court action is needed. The LDSS may petition the court to order the necessary services.

The worker may also petition the court to require, not only a child's parent(s), but also guardian, legal custodian, other person standing in loco parentis or other family or household member of the child to cooperate in the provision of reasonable services or programs designed to protect the child's life, health, or normal development pursuant to Code of Virginia § [16.1-253](#).

#### **6.3.6.2 Court should be last alternative in family assessments**

([22 VAC 40-705-150 C](#)). At the completion of a family assessment, local departments of social services may petition the court for services deemed necessary.

#### **6.3.6.3 Court refuses LDSS's request for assistance**

If the court does not issue an order compelling the family to accept services and the mother, father, other guardian, legal custodian, other person standing in loco parentis or other family or household member of the child continue to refuse critical services, the LDSS should consult legal counsel to determine if any other alternatives are available in working with the court. If no other legal recourse is available, the worker should close the case to child protective services.

### **6.3.7 Reasonable diligence to locate missing child or family**

([22 VAC 40-705-150 F](#)). The local department must use reasonable diligence to locate any child for whom a founded disposition of abuse or neglect has been made and/or a child protective services case has been opened pursuant to § [63.2-1503 F](#) of the Code of Virginia. The local department shall document its attempts to locate the child and family.

#### **6.3.7.1 What constitutes reasonable diligence**

The LDSS shall document reasonable and prompt attempts to locate the child and family including but not limited to checking when applicable:

- Child welfare automated data system.
- Postal Service for last known address.
- Postal Service for forwarding address.

- Neighbors, landlords, known relatives.
- School records.
- Department of Motor Vehicles.
- Department's Division of Support Enforcement.
- Department of Corrections, Probation and Parole.
- Law Enforcement.
- Telephone and utility companies.
- Employer.
- Other appropriate contacts.
- Accurint® and or SPIDeR searches.
- Internet searches including generic search engines such as Google, Yahoo, Bing, etc..
- Social networks such as Facebook, MySpace or Twitter.

#### **6.3.7.2 Document use of reasonable diligence in locating child and family**

The LDSS shall document in the automated data system its attempts to locate the alleged victim child and the family.

#### **6.3.7.3 LDSS must conduct periodic checks for missing child or family**

If the victim child or family is not found, the LDSS must establish a timetable for making periodic checks. Periodic checks for the missing child must continue until the LDSS is satisfied with the resolution of the case. The LDSS shall document the timetable in the automated data system as well as the results of the periodic checks.

#### **6.3.8 Abuse and neglect allegation in open CPS case**

When child abuse or neglect allegations are made on an open CPS ongoing or prevention case, the report must be treated as a new CPS report and evaluated for validity and response as set out in CPS guidance for complaints and reports. The LDSS may decide whether to have the ongoing worker respond to a valid report if that worker is qualified as a CPS worker, having received the mandated training for

CPS. The referral and results of a valid report must be documented in the automated data system as a family assessment or an investigation.

## 6.4 Close CPS ongoing case when service plan is completed and risk is low

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The LDSS must close the CPS ongoing case when the service plan is completed and the risk level is low. The closure must be documented in the automated data system and approved by the worker's supervisor. The family must be informed that the case is closed both orally and in writing.

## 6.5 Transfer ongoing CPS service case

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[\(22 VAC 40-705-150 G\)](#). When an abused or neglected child and persons who are the subject of an open child abuse services case have relocated out of the jurisdiction of the local department, the local department shall notify the child protective services agency in the jurisdiction to which such persons have relocated, whether inside or outside of the Commonwealth of Virginia, and forward to such agency relevant portions of the case records pursuant to [§ 63.2-1503 G](#) of the Code of Virginia.

### 6.5.1 Transfer open Child Protective Services case to another LDSS in Virginia

When a child moves, the case shall be transferred to the LDSS in the locality where the family will reside.

#### 6.5.1.1 LDSS to initiate transfer immediately

The LDSS shall contact the receiving agency immediately to notify the agency that the family is moving to that locality and will need CPS ongoing services.

At a minimum, the LDSS shall provide to the receiving LDSS the following information:

- Automated Data System Case Number.
- Summary of the sending agency's involvement with the family, including the services currently being provided to the child or family.

#### 6.5.1.2 LDSS shall send entire record to receiving LDSS within thirty days

A copy of the entire child protective services record, including the fully documented automated record and any additional hard copy reports or files, shall be forwarded to the new locality **within 30 days**. The automated case

record shall be forwarded electronically, and any other record information shall be mailed or faxed. The sending LDSS retains all originals of the hard copy record, including the required notifications.

#### 6.5.1.3 Receiving LDSS shall provide services

([22 VAC 40-705-150 H](#)). The receiving local department shall arrange necessary protective and rehabilitative services pursuant to [§ 63.2-1503 G](#) of the Code of Virginia.

#### 6.5.2 Transfer open CPS service case to another state

If a family in an open CPS service case moves to another state and services are still needed to prevent abuse and neglect, contact the receiving state for information and instructions.

##### 6.5.2.1 Transfer CPS case out of state; child in the custody of an LDSS

The LDSS shall contact the [Interstate Compact for the Placement of Children \(ICPC\)](#) unit at the VDSS for assistance to transfer to another state an ongoing CPS case with at least one child in the home and at least one child in the custody of an LDSS. (Dual CPS Foster Care Case Type)

### 6.6 Retention requirements for CPS ongoing case records

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Closed CPS ongoing records are to be destroyed in accordance with laws governing public records in the Commonwealth. These rules allow for CPS ongoing case records to be destroyed or purged three (3) years from the date the case was closed if an audit has been performed. If no audit has been performed, the record may be destroyed five (5) years from the date the case was closed.

There are different purge requirements for screened out CPS reports, unfounded investigations, founded investigations and family assessments that are noted in other parts of this guidance manual.

### 6.7 Provide CPS prevention services

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#### 6.7.1 Legal authority

The Code of Virginia [§ 63.2-1501](#) provides the statutory definition of prevention.

([22 VAC 40-705-150 D](#)). Protective services also includes preventive services to children about whom no formal complaint of abuse or neglect has been made, but for whom potential harm or threat of harm exists, to be consistent with [§§ 16.1-251, 16.1-252, 16.1-279.1, 63.2-1502, and 63.2-1503 J](#), of the Code of Virginia.



LDSS are authorized to provide CPS prevention services to families and children in CPS investigations or family assessments that have been assessed as low or moderate; when no formal report has been; or a report has been made but did not meet the criteria for a CPS response. The LDSS may provide services to the family or child to prevent child abuse and neglect, if the parent voluntarily agrees to such services, and signs a service application.

### **6.7.2 Open CPS prevention services case**

A signed service application form or its equivalent is required to open a case for families and children in unfounded investigations, screened out CPS reports, or when no formal CPS report has been made. Refer to section 4 of the VDSS Child and Family Services Manual, Chapter B, [Prevention](#) for additional guidance.

### **6.7.3 No authority to compel family to accept services**

The LDSS cannot compel families to accept CPS prevention services. The LDSS should engage a family in a service planning process that emphasizes family strengths, as well as its needs, and supports the family's efforts to provide a safe and nurturing environment for children. The LDSS can help the family identify community resources that will support the family and prevent abuse and neglect.

## 6.8 Appendix A: Reasonable Candidacy Manual

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### 6.8.1 General

#### 6.8.1.1 Statutory background

The Adoption Assistance and Child Welfare Act of 1980, P. L. 96-272, was enacted on June 17, 1980. Title IV of the Social Security Act (Act) was amended and a new Part E, federal payments for Foster Care and Adoption Assistance, was created.

Title IV-E provided for a phased repeal of Section 408 of the Act, which provided authority for federal matching in state foster care (FC) payments under the Title IV-A, Aid to Families with Dependent Children Foster Care program (AFDC-FC). States could continue to receive federal matching for AFDC-FC payments under Title IV-A of the Act until September 30, 1982, or the quarter in which the state implemented an approved State Plan under Title IV-E. The earliest implementation date for Title IV-E was October 1, 1980. Presently, in order to carry out the provisions of Title IV-E, appropriations made available for that program are to be used for making payments to those states which have approved state plans under Title IV-E (see Section 471; 42 U.S.C. 671; 45 CFR 1356.20).

45 CFR 1356.60 (c) allows federal financial participation (FFP) for administrative costs to be claimed for reasonable candidates for foster care regardless of whether the children are actually placed in foster care and receive Title IV-E foster care maintenance payments.

#### 6.8.1.2 Purpose

As the designated Title IV-E agency, the Virginia Department of Social Services (VDSS) is responsible for supervising the Title IV-E Plan in Virginia and ensuring that costs claimed under Title IV-E are reasonable, necessary, and consistent with applicable Federal guidelines. Title IV-E reimbursement is allowed for administrative activities performed on behalf of children deemed to be a reasonable candidate for foster care regardless of whether these children are actually placed into foster care and become recipients of Title IV-E foster care maintenance payments. This manual outlines both federal and state regulations and policies which allow VDSS to claim Title IV-E administrative cost reimbursement on behalf of local departments of social services (LDSS) for reasonable candidates for foster care. For children who have been determined a reasonable candidate for foster care, VDSS, after applying the Title IV-E penetration rate, can claim 50 percent FFP for allowable administrative costs on behalf of the LDSS.

## 6.8.2 Reasonable Candidacy Program

### 6.8.2.1 Authority to make reasonable candidacy determinations

Only LDSS employees are authorized to make the determination of reasonable candidacy for foster care.

Contracted persons are not considered employees of the LDSS and may not make determinations with respect to reasonable candidacy. Only the efforts of LDSS employees (included in the Local Employee Tracking System (LETS)) with regard to Reasonable Candidacy are captured in Random Moment Sampling (RMS).

### 6.8.2.2 Reasonable candidacy requirements

No exception or deviance to any applicable services' policy (Foster Care Prevention/Stabilization, Child Protective Services, and/or Comprehensive Service Act) should occur in the effort to determine a child as a reasonable candidate.

A child is a reasonable candidate when it is documented that he or she is at serious risk of removal from the home as evidenced by the LDSS service worker either pursuing his or her removal from the home, or making reasonable efforts to prevent such removal.

There is not a specified time limit for how long a child may be considered a reasonable candidate for foster care. The LDSS shall document its justification for maintaining a child as a reasonable candidate for foster care at least once every six (6) months.

### 6.8.2.3 Types of reasonable candidates

- **Pre-Placement.** The LDSS is seeking to remove the child from the home and place the child in foster care; or the LDSS is making reasonable efforts to prevent the removal from the home and placement of the child in foster care.
- **Post-Placement.** The LDSS is making reasonable efforts towards preventing the child's re-entry into foster care by providing aftercare services to the reunited family.

If the LDSS determines that the finalized adoptive placement is in jeopardy and demonstrates that the adopted child is a candidate for foster care, the LDSS may document the child as a reasonable candidate (for foster care).

#### 6.8.2.4 Exclusionary conditions of reasonable candidacy

Federal law and policy clearly outline the following exclusionary conditions for reasonable candidacy:

- Children over the age of 18.
- Children who are no longer at risk of removal from home.
- Children who are currently placed in a foster care setting or a facility outside the scope of foster care such as detention, forestry camps, and psychiatric hospitals.
- An unborn, prenatal case.
- Children with which the LDSS does not have a case plan, or the case plan does not meet the requirements indicated in [Section 6.8.3.3](#).
- The LDSS service worker did not re-determine, at least every six (6) months, that the child remains at serious risk of removal from the home.
- Children who are on a trial home visit (THV).

A child may not be considered a reasonable candidate for foster care solely because the LDSS is involved with the child and his or her family. In order for the child to be a reasonable candidate for foster care, the LDSS' involvement with the child and family shall be for the specific purpose of either removing the child from the home or making reasonable efforts to prevent the child's removal from the home.

The child cannot simultaneously be considered in foster care and a reasonable candidate for foster care.

### 6.8.3 Establishing and maintaining reasonable candidacy

#### 6.8.3.1 Establishing reasonable candidacy

The LDSS service worker shall evaluate reasonable candidacy on a case-by-case basis. In situations which include several children within a sibling group, evaluation and documentation in the services case record shall support a determination of reasonable candidacy for each child individually.

All necessary and appropriate documentation used in conjunction with the Documentation Form to establish reasonable candidacy should be maintained in the services case record.

Initial reasonable candidacy determination may not be made retroactively (see [Section 6.8.3.4.2](#)).

### 6.8.3.2 Maintaining reasonable candidacy

The LDSS service worker shall clearly document continued reasonable candidacy no later than six (6) months from the initial determination and continue to make redeterminations no less frequently than once every six months thereafter. This is done by updating the child's case plan or through updated court proceedings to show that the child remains a reasonable candidate for foster care *and updating the reasonable candidacy documentation screen in the automated data system.*

Once the child is no longer at risk of foster care placement, the service worker shall cease classifying the child as a reasonable candidate for foster care (see [Section 6.8.2.3](#)). Case plans should be updated to reflect that the child is no longer a reasonable candidate *and the reasonable candidacy documentation screen in the automated data system must be updated.*

All necessary and appropriate documentation used to maintain reasonable candidacy status should be maintained in the services case record.

### 6.8.3.3 Reasonable candidacy documentation methods

Although the case plan developed by the LDSS service worker can be used as acceptable documentation to support reasonable candidacy, if a court order, petition, or transcript regarding removal/preventing removal of the child is available, the judicial documentation shall be maintained in the services case record. (Note: Juvenile Court proceedings are not transcribed in the Commonwealth of Virginia.)

The acceptable methods of documentation indicating that a child is a reasonable candidate for foster care are:

- **Defined Case Plan.** A defined case plan which clearly indicates that, absent effective preventive services, foster care is the planned arrangement for the child.

The decision to remove a child from his or her home is significant and should not be entered into lightly. Therefore, a case plan that indicates that foster care is the planned placement for the child absent effective preventive services is an indication that the child is at serious risk of removal from his or her home because the LDSS believes that a plan of action is needed to prevent that removal.

Case plans shall be:

- individualized for a specific child;
- developed jointly with the child (when appropriate), the parents or guardians, and
- include a description of the services to be offered and provided to prevent removal of the child from the home.

The case plan and documentation should clearly show that the case is actively being managed to maintain the child at home and to prevent placement of the child in foster care.

Acceptable types of case plans include, but are not limited to:

- Foster Care – Services Plan.
- Child Protective Services – Ongoing Services Plan.
- Individual Family Services Plan (IFSP).

When the child exits foster care and is receiving aftercare services and meets the reasonable candidacy requirements, a case plan shall be developed that would indicate that foster care is the planned placement for the child absent effective aftercare services. For example, the service worker may develop a case plan that demonstrates its intent to remove the child from the home and return him or her to foster care if the aftercare services prove unsuccessful.

- **Court Proceedings.** Evidence of court proceedings in relation to the removal of child from the home.

If the LDSS has initiated court proceedings to remove the child from his or her home, copies of the petition, court order, or transcript of court proceedings are sufficient to deem this child to be at serious risk of removal. (Note: Juvenile Court proceedings are not transcribed in the Commonwealth of Virginia.)

#### **6.8.3.4 Reasonable Candidacy Documentation**

##### **6.8.3.4.1 Purpose and use**

The Reasonable Candidacy Documentation Form *in the automated data system* shall be used to document the initial reasonable candidacy determination and every redetermination thereafter.

#### 6.8.3.4.2 Effective date

The child is considered to be a documented reasonable candidate when all requirements are met and the documentation form is completed *in the automated data system*. The initial reasonable candidacy begin date is the day the service worker completes the form. *Supervisory approval is recommended but not required in the automated data system.*

#### 6.8.3.4.3 Initial and redetermination dates

The initial reasonable candidacy determination date begins the six-month “clock” for when the first redetermination is due. Every redetermination thereafter is due within six (6) months. *The redetermination must be completed in the automated data system.*

#### 6.8.3.5 Records retention and destruction

Reasonable candidacy documentation is to be retained in accordance with The Library of Virginia’s Records Retention and Disposition Schedule – General Schedule No. 15 for service case records.

- “Retain 3 years after last action.”

Destruction of reasonable candidacy documentation should be conducted in accordance with The Library of Virginia’s Records Retention and Disposition Schedule – General Schedule No. 15

- “Custodian of records shall ensure that information in confidential or privacy protected records is protected from unauthorized disclosure through the ultimate destruction of the information. Normally, destruction of confidential or privacy-protected records will be done by shredding or pulping.”

### 6.8.4 Claiming administrative costs for reasonable candidates

#### 6.8.4.1 Random Moment Sampling

The administrative costs for children determined to be reasonable candidates are claimed through the Random Moment Sampling (RMS) process. RMS observations are used to document the specific Program and Activity the worker is engaged in at a randomly selected moment in time. When a worker is chosen to participate in an RMS observation and they are working on an activity related to a child who is a reasonable candidate for foster care, they should select the Program/Activity combination of 360-Other Child Welfare Services (Child not currently in Foster Care)/ 420-Activities for a Reasonable Candidate of Foster Care.

Administrative costs for activities performed by a service worker in association with reasonable candidates may be indicated during the RMS observation only when the LDSS has documented that the child is a reasonable candidate for foster care.

Examples of such activities are:

- Case management and supervision.
- Referral to services.
- Preparation for and participation in judicial determinations.
- Placement of the child.
- Development of the case plan.
- Case reviews.

Any LDSS worker that is randomly selected for observation and is performing activities in association with a documented reasonable candidate may indicate such during the RMS observation.

#### **6.8.4.2 Completing the RMS Observation**

##### **6.8.4.2.1 RMS Observation Form and Certification Page**

When the service worker is performing reasonable candidacy related activities and is selected to complete the RMS Observation Form and Certification Page; the service worker will indicate the corresponding program and activity codes on the Certification Page. Only one program code can be selected and subsequently only one accompanying activity code can be selected from the activities listed for the selected program code.

##### **6.8.4.2.2 Program code**

360-Other Child Welfare Services (Child not currently in Foster Care) is indicated on the RMS Observation Form by circling the program name and code on the selection list and recording the program code in Step 3 on the Certification Page.

##### **6.8.4.2.3 Activity code**

420- Activities for a Reasonable Candidate of Foster Care is indicated on the on the RMS Observation Form by circling the activity name and code on



the selection list and recording the activity code in Step 3 on the Certification Page.

The activity code 420 – Reasonable Candidacy can only be used in conjunction with program code 360 – Other Child Welfare Services (Child not currently in Foster Care).