STANDARDS

FOR

LICENSED CHILD-PLACING AGENCIES

WITH INTERPRETATION

GUIDELINES

REVISED
Effective October 19, 2017

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES

STANDARDS
FOR
LICENSED CHILD-PLACING AGENCIES

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VIRGINIA DEPARTMENT OF SOCIAL SERVICES

DIVISION OF LICENSING – CHILDREN'S PROGRAMS

801 EAST MAIN STREET

RICHMOND, VIRGINIA 23219

FOREWARD

Attaining and maintaining compliance with these standards are prerequisites for issuance and maintenance of a license or certificate to operate. Failure of the licensee to maintain substantial compliance with standards or applicable requirements of the *Code of Virginia* constitutes grounds for the department to consider and, as determined necessary, take appropriate action including: issuing a provisional license, revoking a license, denial of an application for initial or renewed license and, for serious or persistent violations of standards, issue an Order for any one sanction or a combination of sanctions listed under § 63.2-1709.2 B of the Code of Virginia. These *Standards for Licensed Child-Placing Agencies* were promulgated in compliance with the provisions of Virginia's Administrative Process Act (§ 9-6.14:1 et. seq. of the *Code of Virginia*) in accord with the statutory authority of the State Board of Social Services to promulgate regulations.

Supplementary material, inserted in boxed format in many sections of these standards, is intended to:

- Clarify the standards by including the intent of the standard, compliance determination or an interpretation (technical assistance);
- Provide the licensee, the licensee's employees and licensing representatives with the methods for determining compliance;
- Facilitate consistent and equitable interpretation and application of the standards; and
- Serve as an ongoing resource for training of the licensee, the licensee's employees and licensing representatives.

If the method to determine compliance is not stated in this manual, the licensee may ask the licensing inspector how compliance is determined with the standards. The licensing inspector may review the licensee's board minutes or interview the director and/or other facility personnel to determine if the licensee is ensuring compliance with these standards.

<u>VIRGINIA DEPARTMENT OF SOCIAL SERVICES STRENGTHENING FAMILIES INITIATIVE (SFI) PRACTICE MODEL</u>

The Virginia Department of Social Services Practice Model sets forth standards of professional practice and serves as a values framework that defines relationships, guides thinking and decision-making, and structures our beliefs about individuals, families, and communities. The Practice Model suggests a desired approach to working with and delivering services to Virginia's citizens.

The tenets of the Practice Model are:

1. All children, adults and communities deserve to be safe and stable.
2. All individuals deserve a safe, stable and healthy family that supports them through their lifespan.

3. Self-sufficiency and personal accountability are essential for individual and family well-being.

4. All individuals know themselves best and should be treated with dignity and respect.

5. When partnering with others to support individual and family success, we use an integrated service approach.

6. How we do our work has a direct impact on the well-being of the individuals, families, and communities we serve.

By enforcing regulatory requirements and following the Practice Model described above, the Division of Licensing-Children's Programs protects the safety, health and well-being of children and vulnerable adults in out-of-home care. Provided services include mandated inspections, investigation of complaints and allegations, and provider/community training and technical assistance.

This regulation addresses the processes for the licensee's approval/re-approval of provider homes, including background checks, training, home studies, monitoring and suspension, or revocation of approval. The approval processes are consistent with two significant approaches to working with care-giving families: the local department of social services' processes and the Virginia Department of Social Services Strengthening Families Initiative Practice Model. With a goal of permanency for children and strengthening children's families, families are dually approved as foster and adoptive families and the approval process is a mutual endeavor between the licensed child-placing agency and the family requesting approval. This model focuses on child and family work that aims at continuous improvement of services for children and families and makes the safety and well-being of children and families the focus of our work.

LEGAL BASE

The Department of Social Services (DSS) is responsible for licensing certain child welfare agencies and facilities in Virginia, as specified in § 63.2-100; § 63.2-203; § 63.2-217; and pertinent portions of Chapter 17 and 18 of Title § 63.2 of the *Code of Virginia*.

STATE BOARD OF SOCIAL SERVICES
STANDARDS FOR LICENSED CHILD-PLACING AGENCIES
CHAPTER 131

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STANDARDS FOR LICENSED CHILD-PLACING AGENCIES

Part I.

GENERAL PROVISIONS

22VAC40-131-10. Definitions.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive parent" means any person selected and approved by a parent or a child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult" means any person 18 years of age or older.

"Annual" means within 13 months of the previous event or occurrence.

"Applicant" means an individual or couple applying to be approved as a resource, foster, adoptive, treatment foster, or short-term foster family home provider.

"Background check" means a sworn statement or affirmation disclosing whether the individual has a criminal conviction, is the subject of any pending criminal charges within or outside the Commonwealth of Virginia and is the subject of a founded complaint of abuse or neglect within or outside the Commonwealth; criminal history record information; child abuse and neglect central registry search; and any other requirement of 22VAC40-191, Background Checks for Child Welfare Agencies, and §§ 63.2-1721 and 63.2-901.1 of the Code of Virginia.

"Behavior support" means those principles and methods employed by a provider to help a child or youth achieve positive behavior and to address and correct a child's or youth's inappropriate behavior in a constructive and safe manner in accordance with goals of the child's or youth's service or treatment plan and the safety of the child or youth and others.

"Birth parent" means the biological parent of a child and, for the purposes of adoptive placement, means parents by previous adoption.

"Caretaker" means any individual having the responsibility of providing care for a child and includes the following: (i) a parent or other person legally responsible for the child's care; (ii) any other person who has assumed caretaking responsibility by virtue of an agreement with the legally responsible person; (iii) a person responsible by virtue of their position of conferred authority; and (iv) adult persons residing in the home with the child.

Interpretation of „caretaker": As used in the regulation, the consideration of adult persons residing in the home as caretakers is relevant in the definition of abuse and neglect. This definition does not remove the licensee"s responsibility to determine if other adults in the home, such as adult children and elderly parents, are appropriate to care for the child.

"Career and technical education" means organized sequential educational activities and courses that provide individuals with academic and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions.

"Case management" means an activity that assists individuals eligible for Medicaid in gaining and coordinating access to necessary care and services appropriate to his needs. Case management activities are provided in treatment foster care.

"Casework" means provision of direct services or treatment with an individual or several individuals, and intervention in the situation on the client's behalf.

"Casework staff" means an individual hired to perform casework services who has at least a baccalaureate degree with relevant experience required in this chapter.

"Child" means any natural person younger than 18 years of age.

"Child-placing activities" means the activities involved in the placement of children in foster or adoptive family homes; and children or youth in children's residential facilities or independent living arrangements. The following activities and actions are integral components of a Virginia-licensed child-placing program and when performed in Virginia, these components are regulated under this chapter:

1. The provision of counseling to biological parents including assisting parents to formulate a plan for the care, placement, or both of their child;

2. The acceptance of a child's custody for placement purposes;

3. Assessing a child's service and placement needs;

4. Performing home studies;

5. Selecting and approving applicants for resource, foster, treatment foster, or short-term foster care and adoption placements; and approving independent living placements and services;

6. Matching a child with an approved family or licensed children's residential facility;

7. Making a placement of a child in a resource, foster, treatment foster, or short-term foster care home; an independent living arrangement; or children's residential facility selected for that child;

8. Casework and supervision of children in foster care, adoption and independent living, including counseling the child, the biological, adoptive parents, or other persons; and consultation with foster parents and agencies holding custody of the child; and

9. Providing documentation to finalize adoptions and providing post-placement adoption and supervision services or making referrals to appropriate resources for such services.

"Child-placing agency" means any person who places children in foster homes, adoptive homes, or independent living arrangements pursuant to § 63.2-1819 of the Code of Virginia; or a local board that places children in foster or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221 of the Code of Virginia. Officers, employees, or agents of the Commonwealth of Virginia or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child's family" means the birth or adoptive parents, legal guardians, or family to whom the child may return.

"Commissioner" means the Commissioner of the Department of Social Services, his designee, or his authorized representative.

"Complaint" means an accusation that a facility that is subject to licensure is operating without a license or that a licensed facility is not in compliance with licensing standards or law.

"Corporal punishment" means punishment administered through the intentional infliction of pain or discomfort to the body through (i) actions such as, but not limited to, striking or hitting with any part of the body or with an implement; (ii) pinching, pulling, or shaking; or (iii) any similar action that normally inflicts pain or discomfort.

"Department" means the State Department of Social Services.

"Dual approval process" means a process that includes a home-study, mutual selection, interviews, training, and background checks completed on all applicants to be considered for approval as a resource, foster, or adoptive family home provider.

"Emergency placement" means the placement of a child where the local department of social services placing the child has within the past 72 hours removed the child from his home or previous placement due to abuse or neglect or other emergency.

"Employee," "staff," or "staff person" means a person working for the licensee who is compensated or has a financial interest in the business of the licensee, regardless of role, service, age, function, or duration of employment with the

licensee. Employee, staff, or staff person also includes persons hired through a contract to provide services for the licensee.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where the legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency.

"Foster care services" means the provision of a full range of casework, treatment, and community services, including independent living services, for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 of the Code of Virginia or in need of services as defined in § 16.1-228 of the Code of Virginia and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services and the parents or guardians where legal custody remains with the parents or guardians, or (iii) has been committed or entrusted to a local board of social services or licensed child-placing agency.

"Foster home" means the place of residence of any natural person in which any child, other than a child by birth or adoption of such person, resides as a member of the household.

"Foster parent" means an approved provider who gives 24-hour substitute family care, room and board, and services for children committed or entrusted to a child-placing agency.

"Independent living arrangement" means the placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. Independent living services may also include services and activities provided to a person who was in foster care on his 18th birthday and has not yet reached the age of 21 years. Such services shall include counseling, education, housing, employment, money management skills development, access to essential documents, and other appropriate services to help children or youth and persons prepare for self-sufficiency.

"In-service training" means the on-going instruction received by providers after they complete their pre-service training.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such

placements in accordance with the laws of the foreign country under which it operates.

"Interstate Compact on the Placement of Children" means a uniform law enacted by all 50 states, the District of Columbia, and the U.S. Virgin Islands that establishes orderly procedures for the interstate placement of children and sets responsibility for those involved in placing those children.

"Licensee" means the individual, corporation, partnership, association, limited liability company, trust, business trust, public entity, or any other legal entity recognized by the Virginia State Corporation Commission: local government; state agency, including any department, institution, authority, instrumentality, board, or other administrative agency of the Commonwealth; or other legal or commercial entity to whom the department issues a license and who is legally responsible for compliance with the regulations and statutory requirements related to the child-placing agency.

"Licensing representative" means an agent authorized by the commissioner to carry out the responsibilities and duties specified in Subtitle IV (§§ 63.2-1700 et seq. and 63.2-1800 et seq.) of Title 63.2 of the Code of Virginia.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Mental abuse" means that which occurs when a caretaker creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon a child a mental injury by other than accidental means or creates a substantial risk of impairment of mental functions.

"Mutual selection" means a method within the dual approval process that encourages collaboration by and between both (i) the applicant applying for approval as a resource, foster, adoptive, treatment foster, or short-term foster home provider; and (ii) the child-placing agency that is processing the application. It allows both parties the ability to gather information necessary to make an informed decision about whether the applicant has a continued interest in and would be ready to accept a child into his home if it is determined that he meets all criteria to be an approved home provider. The child-placing agency makes the final determination regarding approval or disapproval of the applicant.

"Parent" means the birth or adoptive parent of a child.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Permanent entrustment agreement" means an agreement that provides for the termination of all parental rights and responsibilities with respect to the child to be placed for adoption.

"Permanent foster care placement" means the place in which a child has been placed pursuant to the provisions of §§ 63.2-900, 63.2-903, and 63.2-908 of the Code of Virginia with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517 of the Code of Virginia. A permanent foster care placement may be a place of residence of any natural persons deemed appropriate to meet a child's needs on a long-term basis.

"Physical abuse" means abuse that occurs when a caretaker creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon a child a physical injury by other than accidental means; or creates a substantial risk of death, disfigurement, or impairment of bodily functions.

"Physical neglect" means the failure to provide food, clothing, shelter, or supervision for a child to the extent that the child's health or safety is endangered. This also includes abandonment and situations where the parent or caretaker's own incapacitating behavior or absence prevents or severely limits the performing of child caring tasks pursuant to § 63.2-100 of the Code of Virginia.

"Physical restraint" means use of a physical intervention or "hands-on" hold to prevent an individual from moving his body when that individual's behavior places him or others at imminent risk.

"Placing agency" means the child-placing agency that placed the child with the licensee.

"Pre-service training" means the instruction received by providers during the initial approval process.

"Provider" means an individual approved as a resource, foster, adoptive, treatment foster, or short-term foster parent or family.

"Records" means the written information assembled in a file relating to the child-placing agency; staff; volunteers; child; child's family; and resource, foster, adoptive, treatment foster, and short-term foster family home providers.

"Resource parent" means an approved provider who is committed to support reunification and who is prepared to adopt the child if the child and family do not reunify.

Interpretation of "resource parent": The provider has been approved as both a foster and adoptive parent.

"Seclusion" means the involuntary placement of a child alone in a locked room or secured area from which he is physically prevented from leaving.

"Serious incident reports" means a written report detailing the child's accidents or injuries that require medical attention beyond minor first aid care, criminal activity, and incidents requiring police intervention.

"Service plan" means a written document that describes the programs, care, services, and other support that will be offered to the child and his parents and other prior custodians pursuant to § 16.1-281 of the Code of Virginia.

"Sexual abuse" means any act of sexual exploitation or any sexual act upon a child in violation of the law that is committed or allowed to be committed by the child's parents or other persons responsible for the care of the child pursuant to § 63.2-100 of the Code of Virginia.

"Short-term foster care" means a licensee-offered service that is designed to provide crisis or alternate planned-support relief for up to 30 consecutive calendar days to resource, foster, adoptive, or treatment foster family home providers; or biological families through substitute care placement arrangements for children. The substitute-care placement environments used shall be limited to provider home environments that have been approved.

Interpretation of "short-term foster care": In the past, many agencies referred to „short-term foster care" as „respite care". This regulation does not limit the number of times that short-term foster care can be used but does limit each short-term foster care placement to 30 consecutive days or less.

"Special needs" means (i) a physical, mental, or emotional condition existing prior to adoption; (ii) hereditary tendency, congenital problem, or birth injury leading to substantial risk of future disability; or (iii) individual circumstances of the child related to age, racial, or ethnic background or close relationship with one or more siblings. A child with special needs is any child for whom it has been determined unlikely that he will be adopted within a reasonable period of time due to one or more of the factors described in clause (i), (ii), or (iii) of this definition and the child is in the custody of a local board or licensed child-placing agency. A special needs child includes children who have factors described in clause (i) and (ii) of this definition present at the time of adoption but not diagnosed until after entry of the final order of adoption and no more than one year has elapsed.

Interpretation of "special needs": This definition applies to adoption for the purposes of determining adoption assistance. It is separate from the use of the term „special needs" in the definition of treatment foster care.

"State Board" means the State Board of Social Services.

"Treatment" is the coordinated provision of services and use of professionally developed and supervised interventions designed to produce a planned outcome in a person's behavior, attitude, emotional functioning, or general condition.

"Treatment foster care" is a community-based program where services are designed to address the special needs of children and families. Services to children are delivered primarily by treatment foster parents who are trained, supervised, and supported by child-placing agency staff. Treatment is primarily foster family based, and is planned and delivered by a treatment team. Treatment foster care focuses on a continuity of services, is goal directed and results oriented, and emphasizes permanency planning for the child in care.

Interpretation of "treatment foster care": This definition is taken from the Department of Medical Assistance Services regulation, 12 VAC 30-130-900. The term „special needs" in this definition refers to the child"s emotional, behavioral, educational, nutritional, and medical needs. It is separate from the definition for „special needs" used when determining adoption assistance.

"Treatment foster parent" means a provider, approved by the licensed or certified child-placing agency, who is trained to provide treatment foster care services.

"Treatment team" means the group that provides mutual support; evaluates treatment; and designs, implements, and revises the treatment and service plan. Treatment team members are persons directly involved with the child and shall, unless otherwise indicated, consist of the child; professional child-placing agency staff; other professionals; the child's family members, where appropriate; and the treatment foster parents.

"Youth" means persons between the ages of 16 and 18 years who are in foster care and persons between the ages of 18 to 21 years who are former foster care children and are transitioning from foster care to self-sufficiency.

22VAC40-131-20. Scope and applicability.

This regulation shall apply to child-placing agencies as defined in § 63.2-100 of the Code of Virginia and in 22VAC40-131. It shall specifically apply to the following:

1. Licensed child-placing agencies that provide foster care services as stipulated in this chapter. Specific sections also apply to or impact the foster parents approved by them;

Interpretation of § 20 1: Foster care services include short-term foster care.

2. Licensed child-placing agencies that provide adoption services as stipulated in this chapter. Specific sections also apply to or impact the adoptive applicants;

3. Licensed child-placing agencies that provide interstate or intercountry services as stipulated in this chapter;

4. Licensed child-placing agencies that provide independent living arrangements as stipulated in this chapter;

5. Licensed child-placing agencies that provide treatment foster care case management services as stipulated in this chapter. Specific sections also apply to or impact the treatment foster parents approved by them; and

6. Local departments of social services certified by the department to provide treatment foster care case management services as stipulated in this chapter. Specific sections apply to or impact the treatment foster parents approved by them.

Part II Organization and Administration

22VAC40-131-30. Sponsorship.

Each licensed child-placing agency shall have a clearly identified sponsor. The sponsor may be an individual, corporation, partnership, association, limited liability company, trust, business trust, or any other legal entity recognized by the Virginia State Corporation Commission.

1. An individual sponsoring a child-placing agency shall serve as the licensee and shall have the legal and operational responsibility for the child-placing agency. The individual shall have knowledge and experience in the programs and services the child-placing agency offers.

2. A partnership sponsoring a child-placing agency shall serve as the licensee for the child-placing agency. The partners shall have a written partnership statement of agreement clearly delineating the responsibilities of each partner in the operation and maintenance of the licensed child-placing agency. When a partner is responsible for any of the operational responsibilities, he shall have knowledge of and experience in the programs and services offered by the child-placing agency.

3. An association sponsoring a child-placing agency shall serve as the licensee for the child-placing agency. The association shall have a governing board that shall maintain the legal and operational responsibility for the licensed child-placing agency. The association shall have:

a. At least one member serving on the board who has knowledge of and experience in the programs and services offered by the licensed child-placing agency; and

b. A written constitution or bylaws that delineate responsibilities for the operation and maintenance of the licensed child-placing agency.

4. A corporation sponsoring a child-placing agency shall serve as the licensee for the child-placing agency. The corporation shall have a governing board that shall maintain the legal and operational responsibility for the licensed child-placing agency. The corporation shall have:

a. At least one member serving on the board who has knowledge of and experience in the programs and services offered by the licensed child-placing agency;

b. A certificate of incorporation issued by the Virginia State Corporation Commission or, for corporations formed under the laws of a jurisdiction other than Virginia, a certificate of authority to transact business in the Commonwealth; and

c. Articles of incorporation that specify that at least one purpose of the corporation is to operate a licensed child-placing agency.

5. A limited liability company sponsoring a child-placing agency shall serve as the licensee for the child-placing agency. The limited liability company shall have a list of the names and addresses of each member of the company. The members shall maintain the legal and operational responsibility for the licensed child-placing agency. The limited liability company shall have:

a. At least one member serving on the board who has knowledge of and experience in the programs and services offered by the child-placing agency;

b. A certificate of organization issued by the Virginia State Corporation Commission or, for limited liability companies formed under the laws of a jurisdiction other than Virginia, a certificate of registration to transact business in the Commonwealth; and

c. Articles of organization that specify that at least one purpose of the limited liability company is to operate a licensed child-placing agency.

6. A business trust sponsoring a child-placing agency shall serve as the licensee for the child-placing agency. The business trust shall have a list of the names and addresses of each trustee and beneficial owners of the trust. The trustee shall maintain the legal and operational responsibility for the licensed child-placing agency and the trustee must have knowledge and experience in the programs and services the child-placing agency offers. The business trust shall have articles of trust that specify at least one purpose of the trust is to operate a licensed child-placing agency.

Compliance Determination for § 30: The sponsor must be identified on the department‟s Application for Licensure. At the time of initial licensure, and when changes are made, the licensing representative must see the licensee‟s documentation of sponsorship.

22VAC40-131-40 Licensee.

A. The licensee shall ensure compliance with all regulations for licensed child-placing agencies and terms of the current license issued by the department; and with relevant federal, state, or local laws and relevant regulations.

Interpretation of § 40 A: Examples of "relevant federal, state, and local laws and relevant regulations" include but are not limited to laws, regulations or requirements pertaining to: child abuse and neglect; interstate and intercountry placement of children; legal procedures for adoption; children with special needs; immigration; Medicaid; and Native American Indian or Alaskan Eskimo children.

B. The licensee shall comply with its own policies and procedures.

C. The licensee shall be of good character and reputation as defined in 22VAC40-80-10.

D. The licensee shall meet the requirements specified in 22VAC40-191, Background Checks for Child Welfare Agencies.

E. The licensee shall meet the requirements specified in 22VAC40-80, General Procedures and Information for Licensure.

F. The licensee shall maintain sufficient funds to ensure operation in compliance with this chapter.

G. The licensee shall ensure that the child-placing agency makes and maintains such records and other information as required by this chapter. The licensee shall submit, or make available for inspection to the department's representative, records, reports, and other information as necessary to assist the department in determining the licensee's compliance with this chapter and applicable law.

H. The licensee shall allow the department's representative to interview the licensee's employees and individuals under its custody, control, direction, or supervision.

Interpretation of § 40 H: „Individuals" include but is not limited to children in care; approved providers such as foster, adoptive and resource parents; volunteers; contractors; and student interns. The "department"s representative" usually means a licensing representative.

I. The licensee shall at all times allow the department's representative reasonable opportunities to conduct announced and unannounced inspections of the licensee's approved homes.

J. The licensee shall:

1. Correct any areas of noncompliance found during inspections;

Interpretation of § 40 J 1: The process for disputing findings from an inspection is described in the regulation, General Procedures and Information for Licensure, 22 VAC 40-80.

2. Take necessary actions to prevent reoccurrence of noncompliance; and

3. Make and implement necessary revisions to its policies and procedures.

K. The licensee shall not disseminate, or cause directly or indirectly to be disseminated, statements regarding services that are untrue, deceptive, or misleading.

L. The licensee shall ensure that information, brochures, and materials distributed or available to the public contain accurate and updated information.

Compliance Determination for § 40 L: Any advertisements, such as but not limited to handbills, brochures, pamphlets, videos, emails, and websites produced by or for the licensee may be reviewed.

M. The licensee shall maintain ultimate responsibility for the health, safety, and well-being of children under its custody, control, and direction and shall ensure that an on-call licensee representative is available 24 hours a day 7 days each week to receive contacts from foster parents, children, and other staff of placement settings in which children have been placed by the licensee. The licensee shall provide interventions and follow-up services, as necessary.

Compliance Determination for § 40: To determine compliance for service and provider records, the licensing representative will review cases from the various programs offered by the licensee. Foster care agencies, for example, include children placed in foster care, treatment foster care, short-term foster care, permanent foster care, independent living arrangements, and the records of biological and foster parents. Cases with „special characteristics" may also be reviewed, including but not limited to cases involving abused or neglected children, children with multiple placements, foster parents with multiple foster children, and adolescent parents in foster care with children.

22VAC40-131-50. Office settings and conditions.

A. The licensee shall maintain an office within the Commonwealth of Virginia from which the child-placing activities are conducted.

B. The licensee shall ensure that the office from where child-placing activities are conducted has equipment, supplies, and adequate space for:

1. The safekeeping of records;

2. Protection of confidential information;

3. Affording privacy during interviews and conferences; and

4. Allowing families and children the use of rooms for visitation.

Interpretation of § 50 B: Rooms and offices may serve multiple functions.

22VAC40-131-60. Posting of the license.

The licensee shall post the most recently issued license to operate in each licensed Virginia office location where child-placing activities are performed, including branch office locations. The license shall be posted near the entrance of each office location.

22VAC40-131-70. Conflict of interest.

A. The governing board of the licensee shall not have a board member who is:

1. An applicant for adoption services; or

2. A recipient of adoption services until the final order of adoption is entered.

B. No biological parent of a child currently placed by the licensee shall serve as a member of the licensee's governing board.

C. No provider applicant shall serve as a member of the licensee's governing board.

D. A member of the licensee's governing board who is also a foster parent for the licensee shall not vote on issues related to foster care policy and procedure.

E. The licensee shall not provide foster care services to its child-placing agency staff members.

F. The licensee shall not accept an application for adoption from or provide adoption services to any of its staff or governing board members.

22VAC40-131-80. Licensed capacity and maximum caseload numbers.

A. The licensee shall include in the child-placing agency's caseload and capacity count all children to whom supervision is provided. The supervised children may be placed directly by the licensee or through arrangement or negotiation with another licensed child-placing agency in one of the following settings:

1. A resource home;

2. A foster home;

3. An adoptive home prior to the final order of adoption;

4. A treatment foster home;

5. A short-term foster home;

6. An independent living arrangement; or

7. Licensed children's residential facility.

B. The total approved caseload numbers served by the licensee at any given time shall not exceed the following:

1. Except for licensees that provide treatment foster care, the maximum caseload restrictions shall apply:

a. A full-time caseworker shall serve no more than 25 children at any one time.

b. Trainees:

(1) A beginning trainee shall serve no more than 10 children at any one time until such time that he has reached his first year anniversary with the licensee; and

(2) A one year experienced trainee shall serve no more than 15 children at any one time until such time that he has reached his second year anniversary with the licensee.

c. The caseload of a less than full-time caseworker shall be proportional to the time spent providing casework services to the licensee.

2. For treatment foster care, the total caseload shall be the sum of the following:

a. A full time caseworker shall have a maximum caseload of 12 children. However, the caseload shall be adjusted downward if:

(1) The caseworker's job responsibilities exceed those listed in caseworker's job description; or

(2) The difficulty of the children served requires more intensive supervision and training of the treatment foster parents.

b. The caseload of a less than full-time caseworker shall be proportional to the time spent providing casework services to the licensee.

c. Trainees:

(1) A beginning trainee shall serve no more than six children at any one time until such time that he has reached his first year anniversary with the licensee;

(2) A one year experienced trainee shall serve no more than nine children at any one time until such time that he has reached his second year anniversary with the licensee.

3. Student Interns: There shall be a maximum of three children in a caseload for a student intern, if any student intern works with the licensee.

Interpretation of § 80 B: It is recommended that the licensee keep a current count of the caseload of each full or part-time caseworker, casework trainee, and student intern.

C. For licensees that serve both foster care and treatment foster care populations, the licensee shall first consider caseload downward adjustment criteria as specified in subdivisions B 2 a (1) and (2) of this section and, if the criteria does not apply to the caseworker's caseload under consideration then, the licensee shall ensure that the caseworker serving the mixed populations provide services to a maximum of 15 total children; and no more than 10 of those 15 children are served in treatment foster care.

D. The licensee shall include the following children in the capacity count:

1. A child in the custody of the licensee;

2. A child for whom an interlocutory order has been entered and still awaits a final order of adoption to be entered; and

3. A child not in the licensee's custody whose placement is supervised by the licensee.

Compliance Determination for § 80 D 3: "Child" includes
1. A child living in the foster home, short-term foster home, treatment foster home, resource home, or independent living arrangement by placement agreement with the licensee;
2. Infants and toddlers placed with their custodial parent when the custodial parent is a child in foster care or receiving foster care services; and
3. A child receiving post placement supervision services in an adoptive home

22VAC40-131-90. Policy and procedures.

A. The licensee shall develop and implement written policy and procedures governing the plans for active and closed cases. The plan shall address the following:

1. Procedures the licensee will follow should the licensee cease operations, including:

a. Disposition of children in placement at the time of cessation, including procedures for assisting placing agencies in placing children; and

b. Notification to the placing agency, legal guardian, and the department of the licensee's closing; and

2. Disposing and storing active and closed case files, both written and electronic, on the children and providers. The disposition and storage schedule shall be consistent with requirements for local governments contained in the Library of Virginia's Record Retention and Disposition Schedule General Schedule No. 15 - County and Municipal Governments Social Services Records (May 2010).

Interpretation of § 90 A 2: The Library of Virginia"s Record Retention and Disposition Schedule General Schedule No.15- County and Municipal Governments Social Services Records can be found at http://www.lva.virginia.gov/agencies/records/sched_local/GS-15.pdf .

B. The licensee shall develop and implement written admission policies and procedures for child-placing activities in each program provided by the licensee. The policies and procedures shall include:

1. A description of intake and admission processes and requirements;

2. Decision-making procedures for acceptance, matching, placement, and discharge from care; and

3. A statement that children with disabilities will be accepted for admission if the needs of the child can be reasonably accommodated.

C. The licensee shall develop and implement policies and procedures governing the licensee's responsibility to monitor the administration of medications by foster parents to ensure that foster parents:

1. Properly administer medication as prescribed to children placed in their home;

2. Have knowledge of intended and adverse side effects of medication prescribed;

3. Have knowledge about and take necessary actions when placed children experience adverse reactions to medication including notifying the licensee when such occurs; and

4. Have knowledge of methods for proper, safe, and secure storage; retention; and disposal of medications.

D. The licensee shall develop and implement written policies and procedures for:

1. Prohibiting corporal punishment, chemical and mechanical restraints, and seclusion;

2. Ensuring that children are not subjected to physical, mental, or sexual abuse; verbal abuse or remarks that belittle or ridicule the child or his family; physical neglect or denied essential program or treatment services, meals, clothing, bedding, sleep, or personal care products; or any humiliating, degrading, or abusive actions;

3. Investigating, responding to, and reporting allegations of misconduct toward children, including reporting suspicions of child abuse or neglect to the local department of social services or the Child Abuse and Neglect Hotline;

4. Implementing the child's detailed back-up emergency care plan when the child's placement disrupts; and

Interpretation of § 90 D 4: Another licensee-approved home for back-up emergency care meets the intent of this standard. A specific placement does not need to be identified. The characteristics of the placement should be congruent with the needs of the child. It is recommended that the policies and procedures describe how the emergency disruption will be handled.

5. Assigning designated casework staff to be available on call to foster parents 24 hours a day, 365 days a year.

E. The licensee shall develop and implement written policies and procedures for management of all records, written and electronic, that shall describe confidentiality, accessibility, security, and retention of records pertaining to the files of children, applicants for home provider, and approved home providers.

F. The licensee shall develop and implement written discharge policies and procedures governing children's planned and emergency discharges from the licensee's program and services.

G. The licensee shall develop and implement written policies and procedures governing foster parent's use of physical restraint. The policies and procedures shall include:

1. A description of all less intrusive behavior support and crisis management techniques approved by the licensee for use by foster parents;

2. A description of methods of restraint approved by the licensee;

Interpretation of § 90 G 2: If the licensee does not allow foster parents to use physical restraint, the licensee must state this in the policies and procedures.

3. A description of training required to be completed prior to use of each method of physical restraint;

4. A description of the licensee's method for determining that the foster care parent has the ability to apply the licensee's approved methods of physical restraint and crisis intervention;

5. A statement prohibiting the use of mechanical and chemical restraint for the purpose of behavior support; and

6. A statement prohibiting the use of seclusion of a child in a room or area secured by a door that is locked or held shut or secured by individuals physically blocking the door or using other physical or verbal means to block the door so that the child cannot leave the room or area.

H. The licensee shall develop and implement written policy and procedures to address the following:

1. Acceptable methods of behavior support; and

2. Specific unacceptable methods for behavior control and discipline.

I. The licensee shall have and implement licensee-approved written personnel polices including procedures to assure that persons employed in or designated to assume the responsibilities of each position possess the education, experience, knowledge, skills, and abilities specified in the job description for the position.

22VAC40-131-100. Program evaluation and improvement.

A. The licensee shall develop and implement a written plan to monitor and evaluate the quality and effectiveness of its program and services on a systematic and on-going basis. If evaluation findings suggest that improvements be made to the licensee's programs and services, the licensee shall implement necessary improvements.

Interpretation of § 100 A: The written evaluation plan must address all programs and services provided by the licensee that relate to child-placing activities.

B. The evaluation plan shall describe:

1. Methods for collection, summarization, and analysis of information and data;

2. Who has access to the information used for evaluation and how the information will be used; and

3. Quality indicator factors for assessing the effectiveness of the services provided.

Compliance determination for § 100:
1. Ask the licensee for the plan at the time of the initial application and at least once during each licensure period thereafter.
2. Ask the licensee to describe how the plan is implemented and evaluated.
3. Ask the licensee to describe any changes in the program and services that occurred as a result of the implementation of the plan.
4. Check to ensure that all requirements are described in the plan.

22VAC40-131-110. Received date for materials.

All materials and information received by the licensee shall indicate the date received.

Interpretation of § 110: The date can be indicated by stamp, handwriting, or digitally indicated on an email or fax. Each page of a document does not need to be marked with a received date as long as one page of the document indicates the date received.

Part III
Personnel

22VAC40-131-120. Access to written personnel policies.

The licensee shall make the child-placing agency's written personnel policies readily accessible to each staff member.

22VAC40-131-130. Job descriptions.

A. There shall be a written job description for each position that includes:

1. Job title;

2. Duties and responsibilities of the incumbent;

3. Job title of the immediate supervisor; and

4. Minimum education, experience, knowledge, skills, and abilities required for entry-level performance of the job.

B. A copy of the job description shall be given to each person assigned to a position at the time of employment or assignment to the position.

22VAC40-131-140. Staff composition and qualifications.

A. A staff member shall be designated to perform each function described in this chapter.

B. A person who assumes or is designated to assume the responsibilities of a position or any combination of positions described in this chapter shall meet the qualifications of each position held.

Interpretation of § 140 B: It is recommended that the licensing representative be contacted prior to offering employment if there is any question about a candidate"s qualifications, including questions about what is considered a „field related to social work". Social service agencies include private family and or children"s agencies, public departments of social services, children"s residential facilities, and agencies providing counseling or psychological services to children or families. Generally, schools, correctional facilities, and medical facilities are not considered social service agencies. However, persons employed in social service programs operated by these facilities may meet the qualifications.

C. Executive director.

1. Each licensee shall appoint an executive director. An entity such as a corporation or company shall not serve as the executive director.

2. Each licensee shall delegate to the executive director the responsibilities for the general administration and day-to-day operation of the child-placing agency including implementation of all child-placing agency programs, policies, procedures, and financial management.

3. The executive director shall have a doctorate or master's degree from an accredited college or university plus five years of experience in a social service agency or program including one year in an administrative, supervisory, or consultative capacity.

D. Program director.

1. The program director shall:

a. Supervise directly or through others all child-placing staff and activities; and

b. Assist the executive director in the formulation and implementation of the agency's policies and programs related to child placing and in the specific program area in which he works.

2. The program director shall have either a doctorate or master's degree in social work from a college or university accredited by the Council on Social Work Education plus three years of experience in providing casework services to children and their families and one year as an administrator or supervisor of casework services.

3. If the program director does not have a doctorate or master's degree in social work, he shall have a doctorate or master's degree in a field related to social work such as, but not limited to, sociology, psychology, special education, or counseling; and at least four years casework service experience with children and families, two of which must be in providing casework services to children and families in a child-placing agency and one year of experience must be as an administrator or supervisor of casework services.

E. Child-placing supervisor.

1. A child-placing agency employing six or more caseworkers shall employ a child-placing supervisor.

2. The child-placing supervisor shall be responsible for direct supervision of caseworkers.

3. Each child-placing supervisor shall supervise no more than a total of eight caseworkers at any one time.

Interpretation of § 140 E 3: A child-placing supervisor shall not supervise more than eight casework staff even if some of the eight caseworkers only work part-time. Students, volunteers, and employees such as clerical staff are not considered casework staff. If the supervisor supervises casework staff not involved in child-placing services, the limit remains eight. It is recommended that if the supervisor works less than full-time, the number of supervisees be correspondingly lower. For example, a supervisor working 20 hours a week could supervise no more than four casework staff.

4. The child-placing supervisor shall have:

a. A doctorate or master's degree in social work from a college or university accredited by the Council on Social Work Education plus three years of experience in providing casework services to children and families;

b. A doctorate or master's degree in a field related to social work such as, but not limited to, sociology, psychology, special education, or counseling with at least four years of experience in providing casework services to children and families in a child-placing agency; or

c. A baccalaureate degree in any field plus five years of experience in providing casework services to children and families.

F. Case worker.

1. Responsibilities of the caseworker include:

a. Interviewing children and families;

b. Conducting and writing home studies;

c. Service planning by developing individualized treatment and service plans;

d. Counseling children and families in preparation for placement or discharge;

e. Supervising children in resource, foster, and adoptive homes; and in independent living arrangements;

f. Preparing and maintaining case records;

g. Coordinating services to minimize fragmentation of care, reduce barriers, and link children with appropriate services to ensure comprehensive, continuous access to needed medical, social, educational, and other services appropriate to the needs of the child;

h. Assessing periodically to determine the child's needs for psychosocial, nutritional, medical, and educational services;

i. Coordinating referrals by assisting the child in arranging for appropriate services and ensuring continuity of care for a child in treatment foster care. The case worker shall link the child to services and supports specified in the individualized treatment and service plan. The case worker shall directly assist the child to locate or obtain needed services and resources. The case worker shall coordinate services and service planning with other agencies and providers involved with the child by arranging, as needed, medical, remedial, and dental services;

j. Monitoring and following up by assessing ongoing progress in each case and ensuring services are delivered. The case worker shall continually evaluate and review each child's plan of care. The case worker shall collaborate with the family assessment and planning teams and other involved parties on reviews and coordination of services to children and their families;

k. Educating and counseling by guiding the child and developing a supportive relationship that promotes the service plan; and

l. Collaborating closely with the family assessment and planning teams and other involved parties in preparation of all case plans.

2. The case worker shall have:

a. A doctorate or master's degree in social work from a college or university accredited by the Council on Social Work Education or a field related to social work such as sociology, psychology, special education, or counseling, with a student placement in casework services to children and families or one year of experience in providing casework services to children and families;

b. A baccalaureate degree in social work or a field related to social work including, but not limited to, sociology, psychology, special education, or counseling and one year of experience in providing casework services to children and families; or

c. A baccalaureate degree in any field plus two years experience in providing casework services to children and families.

G. Case worker trainee. When a child-placing agency employs a casework trainee, all of the following conditions shall be met:

1. The trainee shall have a baccalaureate degree in any field;

2. The program director or a child-placing supervisor shall directly supervise the trainee and develop a written training program listing topics to be covered during the period of time the individual is a trainee; and

3. Placement decisions made by the trainee shall be approved by the supervisor.

H. Students or interns receiving professional training.

1. If the licensee's child-placing agency provides professional training to undergraduate or graduate students or interns, it shall have a written plan for their selection, orientation, training, supervision, assignment, and evaluation.

2. An individual with a doctorate degree or a master's degree in social work from a college or university accredited by the Council on Social Work Education shall supervise students or interns who perform child-placing activities and approve all placement decisions made by the student or intern.

3. The licensee's child-placing agency shall not be wholly dependent upon the use of students or interns receiving professional training to ensure the provision of services.

I. Volunteers.

1. The child-placing agency shall, if it makes use of volunteers, have a written plan for selection, orientation, training, supervision, and assignment.

2. Staff who usually supervise or perform the assigned tasks shall supervise volunteers.

3. When the volunteer is used to perform any staff function or responsibility, the volunteer shall meet the qualifications for the function or responsibility performed.

4. The licensee's child-placing agency shall not be wholly dependent upon the use of volunteers to ensure the provision of services.

J. Consultants. All consultants engaged to provide services to the licensee's child-placing agency or to children and their families served by the child-placing agency shall be professionally qualified according to the requirements of the Code of Virginia governing professions.

Interpretation of § 140 J: If consultants are required to be licensed, verification of the consultant"s current certificate or license to practice shall be kept on record. Consultants are considered employees, see definition of „employee".

22VAC40-131-150. Staff development.

A. Any staff person who has responsibility to work with children and their families or to supervise staff persons who work with children and their families shall participate in orientation and training.

B. Required initial orientation:

1. Prior to assuming the responsibilities of his position in the licensee's child-placing agency and within 30 days of the date of employment, each staff person who has responsibility to work with children and their families or to supervise staff persons who work with children and their families shall receive orientation that includes:

a. The licensee's description of programs and services including population served;

b. The applicable position job descriptions for each position assumed by the individual; and

c. All training topics identified by the licensee including:

(1) Policies and procedures regarding expectations for service delivery;

(2) Practices regarding protection of confidential information;

(3) Documentation protocols;

(4) The Standards for Licensed Child-Placing Agencies (22VAC40-131), child-placing related Virginia statutes, and child-placing related policy and guidance documents and broadcasts issued by the Division of Family Services, Department of Social Services;

Interpretation of § 150 B 1 c (4): Orientation is required on relevant guidance documents and broadcasts issued by the Division of Family Services, Virginia Department of Social Services that are relevant to the licensee"s statement of purpose described in § 170. These documents are found at: http://www.dss.virginia.gov/facility/lcpa.cgi .

(5) Virginia statutes regarding reporting requirements for suspected child abuse and neglect;

(6) Prohibition of corporal punishment;

(7) The licensee's policies regarding discipline and behavior management;

(8) Pre-service training core competencies for resource, foster, and adoptive family home providers; and

Interpretation of § 150 B 1 c (8): This standard requires that the staff person receive an overview of the pre-service training competencies. Requirements to complete pre-service training are found in § 150 C.

(9) The licensee's emergency preparedness and response plan.

2. Child-placing agencies licensed to provide treatment foster care shall provide additional training to each professional staff person who has responsibility to work with children and their families or to supervise staff persons who work with children and their families. The training shall be provided prior to that staff member assuming the responsibilities of his position and within 30 days of the date of his employment. The training shall include:

a. The licensee's treatment philosophy and specific treatment methodologies including the provision of case management services and crisis intervention techniques;

b. The current requirements of the Department of Medical Assistance Services related to the provision of treatment foster care case management services, if the licensee accepts Medicaid reimbursements for case management services;

c. Orientation in effectively working with children who have emotional and behavioral problems and who may have been abused and neglected;

d. Procedures and requirements regarding foster care placements;

e. Services to children and their families;

f. Services to foster parents;

g. Assessment and evaluation of foster homes;

h. Training of foster home parents;

i. Grief and loss issues for children in foster care, including the significance of birth families to children placed in foster care;

j. Orientation to life skill preparedness for children in foster care; and

k. Orientation to permanency planning and goal setting for children in foster care.

3. Agencies licensed to provide adoption services shall provide additional training to each professional staff person. The training shall be provided prior to that staff assuming the responsibilities of his positions in the child-placing agency and within 30 days of the date of his employment. The training shall include:

a. Procedures and requirements regarding adoption placement including intercountry adoptions if the child-placing agency is licensed to provide intercountry adoption services;

b. Services to birth and adoptive parents;

c. Assessment and evaluation of adoptive homes;

d. Services to children, including grief and loss issues;

e. Provision of post adoption services to families and adoptees; and

f. Current requirements of the Hague Adoption Convention, if applicable.

4. Child-placing agencies licensed to provide foster care services shall provide additional training to each casework staff person who has responsibility to work with children and their families or to supervise staff persons who work with children and their families. The training shall be provided prior to that staff person's assuming the responsibilities of his positions in the child-placing agency and within 30 days of the date of his employment. The training shall include:

a. Procedures and requirements regarding foster care placements;

b. Services to children and their families;

c. Services to foster parents;

d. Assessment and evaluation of foster homes;

e. Training of foster home parents;

f. Grief and loss issues for children in foster care, including the significance of birth families to children placed in foster care;

g. Orientation to life skill preparedness for children in foster care; and

h. Orientation to permanency planning and setting goals for children in foster care.

C. Professional staff shall participate in the child-placing agency's pre-service training for adoptive and foster parents. Each professional staff person shall complete this training within one year of the date of his employment with the child-placing agency.

Interpretation of § 150 C: Professional staff are case workers and any individual who supervises individuals performing case work services.

D. Additional on-going education and training.

1. Annually each professional staff person shall complete training applicable to his job duties and responsibilities.

2. Training shall be based on the needs of the population served to ensure that staff persons have competencies to perform their jobs.

E. All orientation and training completed by a staff person shall be documented in a child-placing agency-managed file.

Interpretation of § 150 E: A staff person may have more than one file/record, however the licensee is responsible for providing all licensee managed files/records to the licensing representative for review.

22VAC40-131-160. Personnel records.

A. Separate up-to-date written or electronic personnel records shall be maintained for each staff person, student/intern, and volunteer for whom background checks are required by Virginia and federal law. Content of personnel records for volunteers and students/interns may be limited to documentation of compliance with requirements of background checks.

B. The records of each staff person shall include:

1. A completed employment application form or other written material providing the individual's name, address, and phone number;

2. Educational background; copies of educational degrees and credentials; and relevant work experience, providing dates, places of employment, and details substantiating qualifications required by this chapter;

3. At least two written references, notations of oral references, or record of interviews with references;

4. Copies of professional licensure when licensure is required by law;

5. Annual performance evaluations;

6. Date of employment for each position held with the licensee;

7. Date of separation for each position held with the licensee;

8. Documentation of compliance with requirements of Virginia and federal laws regarding background checks;

9. Documentation of all training required by these standards; and

10. A current job description.

C. Personnel records shall be retained in their entirety for at least two years after separation from employment, contractual service, student/intern, or volunteer service.

Part IV
Program Statement

22VAC40-131-170. Program statement and description.

A. The licensee shall maintain a current written program statement for child-placing activities that shall include a description of:

1. The purpose of each program provided by the licensee including, as applicable, foster care services; short-term foster care services; treatment foster care services; independent living arrangements; independent living services; and all categories of adoption services, including domestic, intercountry, and parental placement;

2. The population to be served in each program provided by the licensee including, as applicable, foster care services; short-term foster care services; treatment foster care services; independent living arrangements; independent living services; and all categories of adoption services, including domestic, intercountry, and parental placement;

Interpretation of § 170 A 2: It is recommended that the description of the population to be served include the age range and special characteristics of the children and youth who will be served and the geographic area served.

3. Services provided to:

a. Adult adopted persons, if the licensee provides adoption search services;

b. Children and families served by the licensee, and including, as applicable, birth families, foster families, and adoptive families;

c. Children placed in independent living arrangements and, if the licensee provides services to the families of those placed children, a description of the services provided to the families; and

d. Persons 18 years of age to 21 years of age who receive independent living services;

4. Adoption services provided to children, birth families, and adoptive families prior to the final order of adoption, if the child-placing agency is licensed to provide adoption services;

5. Preadmission eligibility requirements for children to be served by each program provided by the licensee;

Interpretation of § 170 A 5: This description should include all requirements prior to accepting a child for placement.

6. Procedures for conducting the home study and the decision-making process for approval and selection of families to receive children;

Interpretation of § 170 A 6: It is recommended that the description of procedures for home studies include, but not be limited to:
1. The number of group and individual interviews,
2. The number of interviews in the home,
3. The number of training sessions offered,
4. Health information,
5. References required, and
6. Background checks.

7. Procedures for placement of children and discharge of child from care or services;

8. Intercountry services and identification of the licensee's roles and responsibilities regarding the provision of services, if the licensee is licensed to provide intercountry adoption services;

9. Parental placement adoption services and identification of the licensee's roles and responsibilities regarding the provision of services, if the licensee is licensed to provide parental placement adoption services;

10. Orientation and training the licensee provides to families;

Interpretation of § 170 A 10: It is recommended that the content of the orientation and training for foster parents be described, including who is required to attend.

11. Policy related to the fees for activities and services provided by the licensee; and

Interpretation of § 170 A 11: It is recommended that payment for foster care services and information about refunds be described in this policy. A listing of current fees may be provided separately to ensure that the program statement is kept current.

12. Procedures for accepting emergency and short-term foster care placements. If such services are not provided by the licensee, the program statement shall identify that the licensee does not accept these placements.

B. The licensee shall prohibit acts of discrimination based on race, color, or national origin to:

1. Delay or deny a child's placement; or

2. Deny an individual the opportunity to become a foster or adoptive parent.

C. The licensee shall give a copy of either (i) the full program statement and description or (ii) a summary of the statement and description to agencies and individuals who inquire about the services provided by the licensee.

D. When changes and updates to the program statement and description are made, the licensee shall provide a copy of the updated statement to the department.

Interpretation of § 170 D: The licensing representative may require an updated program statement and description prior to changes being implemented, if the changes require a modification of the terms of the license.

Part V
Provider Homes

22VAC40-131-180. Home study requirements.

Interpretation of § 180: A home study is a report prepared by a local department or a licensed child-placing agency after meeting with the prospective providers. The home study documents that all requirements found in Virginia Code and in this regulation have been met. The assessment of these items should focus on how well the family will meet the needs of the children they are expected to care for. The information in the home study needs to be relevant and of sufficient quantity to make a decision regarding approval and placement.

A. The licensee shall require that all persons applying to be a resource, foster, adoptive, treatment foster care, or short-term foster care family home provider submit to the licensee a complete application containing elements required by this regulation and in accordance with requirements prescribed by the department.

B. Upon receipt of a provider application, the licensee shall review the application for completeness and notify the applicant of the status of the application.

C. Upon the licensee's determination that the provider application is complete, the licensee shall begin the process of gathering and assessing information for use in the final decision related to whether the applicant and home meets all required elements for approval.

Interpretation of § 180 C: The licensee is not prohibited from beginning the home study process if information is missing from the application. The licensee should determine which elements of the application are needed before beginning the home study process. Information required by these standards must be obtained prior to making a decision regarding approval of the provider.

D. The licensee shall conduct a minimum of three face-to-face interviews on three separate days with each applicant.

E. At least one of the face-to-face interviews shall be conducted in the home of the applicant and, if there are two applicants, at least one face-to-face interview shall be conducted with both applicants present.

F. At least one face-to-face interview shall be conducted with all individuals who reside in the home of the applicant.

G. The licensee shall obtain and document a minimum of three references on each applicant from persons who have knowledge of the applicant's character, his

applicable experience with children, and his experience in caretaking of others. At least one reference shall be from a nonrelative.

Interpretation of § 180 G: References may be obtained in person, in writing, or by phone. References should be evaluated to determine the quality of the relationship with the applicant and their knowledge of the applicant as a caretaker. If the reference addresses only one of the two applicants, the licensee must obtain a reference specific for the second applicant.

H. The licensee shall obtain from the applicant information regarding previous applications submitted to another public or private child-placing agency and whether as a result of the previous applications, he was approved by another public or private child-placing agency as a provider.

Interpretation of § 180 H: If applicants have been approved by other agencies, either in or out of state, the licensee should contact the other agency for references prior to approving the home. Prior to contacting the former agency, the applicant"s permission should be obtained.

I. The licensee shall obtain from the applicant a signed authorization allowing the previous child-placing agency to release information to the licensee about previous applications, his child-caring performance as an approved provider, and current status as a provider. The signed authorization and information received shall be filed and maintained in the applicant's file.

J. The home study conducted by the licensee shall be documented in the file of the applicant and shall include the following components:

1. All department-required information including:

a. Sworn disclosure statement or affirmation, results of background checks in compliance with applicable state and federal laws;

b. Tuberculosis screenings in compliance with requirements of the Virginia Department of Health for the applicant and all other household members who come into contact with the children as described in 22VAC40-131-290 K; and

Interpretation of § 180 J 1 b: Additional medical documentation is required by § 290.

c. Driving records obtained from the Department of Motor Vehicles for the applicant and all adults who are expected to transport children.

Interpretation of § 180 J 1 c: A Virginia driving record must be obtained. If the applicant has resided in another state in the past two years, it is recommended that the out of state driving record be obtained in addition to a Virginia driving record.

2. A combination of narrative documentation and other data collection formats, including:

a. Dated signatures of:

(1) The individual who completed the home study; and

(2) The licensee's executive director or his designee.

b. Demographic information including:

(1) Age of applicant;

(2) Marital history and status, including verifications of provider couple's marriages and divorces; and

Interpretation of § 180 J 2 b (2): The licensee will need to determine how to verify marriage status when there are no legal documents, such as with certain separations.

(3) Family composition and history.

c. Financial information listed in subdivisions (1), (2), and (3) of this subdivision is required for all applicants except those individuals applying solely to provide short-term foster care:

(1) Employment history of the applicant;

(2) Assets and resources of applicant; and

(3) Debts and obligations of applicant.

d. A list of the names and roles of each individual involved in completing the home study.

e. Narrative documentation shall include dates and a summary of content information from interviews, references, observations, and other available information. The collective information shall be used to assess the applicant and document that the applicant:

(1) Is knowledgeable about care necessary for children;

(2) Is physically and mentally capable of providing the necessary care for children as described in 22VAC40-131-290 L and M;

(3) Has an understanding of the importance of establishing and enforcing rules to encourage desired behavior and discourage undesired behavior;

(4) Understands he is prohibited from using any form of corporal punishment on the child and also prohibited from giving permission to others to use any form of corporal punishment on the child;

(5) Is able to articulate a reasonable process for managing emergencies and ensuring the adequate care, safety, and protection of children;

(6) Expresses attitudes that demonstrate the capacity to love and nurture a child or youth born to someone else;

(7) Expresses appropriate motivation for reasons to foster or adopt;

(8) Shows stability in all household relationships;

(9) Has the financial resources to provide for current and on-going household needs and maintenance of the family; and

(10) Has in-force vehicle liability insurance, if he will transport children.

f. Documentation that the home complies with the standards for the home as required by 22VAC40-131-190.

g. A confidentiality statement signed and dated by the applicant.

K. The results of background checks received by the licensee shall be maintained in the respective applicant's file.

L. The licensee shall not further disseminate results of background investigation information unless permitted to do so in accordance with state and federal laws.

M. Prior to making a decision on the applicant, the licensee shall consider all information received about an applicant.

N. The licensee shall document an addendum to the home study when any significant change or circumstance impacts the conditions of the original approval. Unless such change or circumstance affects the safety or well-being of

the children placed in the home, the original approval period for the provider shall remain in effect.

O. A home study conducted for the purpose of parental placement or placement of a child by the licensee shall remain valid for a period of 36 months from the approval date of the study. For adoption cases, before finalization of an adoption in which more than 18 months have passed since the completion date of the study, the licensee may obtain additional state criminal background checks on the applicants and all other adults living in the home of the applicant.

22VAC40-131-190. Home environment.

A. The home shall provide sufficient appropriate space and furnishings for each child receiving care in the home including:

1. Storage space to keep clothing and other personal belongings;

2. Accessible basin and toilet facilities;

3. Bed furniture equipped with clean, safe, and comfortable sleeping furnishings;

Interpretation of § 190 A 3: Information on furniture safety may be found at http://www.cpsc.gov .

It may not be practical for an adoptive family to purchase furnishings before a child is identified. The home may be approved with the understanding that the family will equip the room prior to placement. The licensee must verify furnishings prior to placement of a child.

4. Sleeping space on the first floor of the home for a child unable to use stairs unassisted, other than a child who can be easily and safely carried; and

5. Space for recreational activities.

B. Fans or other cooling systems shall be used when the temperature of inside areas occupied by children in care exceeds 80° F.

C. The temperature in all inside areas occupied by children in care shall be maintained no lower that 65° F.

D. Rooms and study space used by children in care shall have adequate and sufficient lighting for activities and safety.

E. The provider and children in care shall have access to a working telephone in the home.

Interpretation of § 190 E: If a provider only has cell phone service in the home (and no landline telephone), it is recommended that the licensee establish a policy to ensure that providers and children in care have access to a working phone in the home in the event of an emergency.

F. Multiple children in care who share a bedroom shall have adequate space including closet and storage space. Bedrooms shall have adequate square footage for each child in care to have personal space.

Interpretation of § 190 F: Bedroom space should be safe and adequate to allow for reasonable play without injury and daily activities such as dressing. While not required, placement of beds a minimum of three feet apart assists in reducing the spread of disease.

G. Children in care over the age of two years shall not share a bed.

Interpretation of § 190 G: It is recommended that children under the age of two not share a crib or bed.

H. Children in care over the age of two shall not share a bedroom with an adult unless the child's needs, disabilities, or other specified conditions warrant the sharing of bedroom space and the licensee has approved a specific plan to allow the sharing of the bedroom with the adult.

I. No child in care shall share a bed with an adult.

J. A child in care over the age of three years shall not sleep in the same bedroom with children of the opposite gender.

K. Children in care under the age of seven or children in care with significant and documented cognitive or physical disabilities shall not use the top bunk of bunk beds.

L. The bedrooms of children in care shall not be used as passageways and shall have doors for privacy.

M. The home shall be clean, in good repair, and free of hazards to the health and safety of children in care.

N. The grounds around the home shall be safe, properly maintained, free of litter and debris, and present no hazard to the safety of children in care.

O. The provider shall have a written emergency preparedness and response plan developed that addresses:

1. How to shelter in place, when the emergency situation requires for sheltering in place;

2. How to evacuate, if evacuation is necessary;

3. Prompt notification to the licensee of location and contact information when evacuation becomes necessary;

4. Where the provider plans to relocate when the emergency warrants a large scale community evacuation;

5. How the provider plans to maintain the safety and meet the needs of the child at all times during an emergency;

6. Procedures to ensure that the plan is reviewed with each placed child; and

7. Plans to rehearse the plan with each child at least one time every six months.

P. Approved providers and independent living arrangement settings shall arrange for responsible adults to be available to serve in the caretaker's role in case of emergencies. Any substitute caretaker arrangements necessary for a planned or long-term absence of the provider shall require the licensee's prior approval.

Q. All homes shall have at least one operable smoke detector.

R. Possession of any weapons, including firearms, in the home or independent living arrangement shall comply with federal and state laws and local ordinances.

1. Any firearms and other weapons shall be unloaded and stored with the weapon's safety mechanisms activated in a locked closet or cabinet.

2. Ammunition shall be stored in a locked location separate from the weapon.

3. The key or combination to the locked closet and cabinet shall at all times be maintained out of reach of all children in the home.

Interpretation of § 190 R: Firearms include weapons from which shot is discharged by gunpowder. A „firearm„ is any device which is designed and intended to expel a projectile by action of gunpowder, any other explosive, compressed air, compressed gas or mechanical device. By way of example and not limitation, items that are to be considered firearms under this article include guns, pistols, rifles, shotguns, BB guns, pellet guns, air rifles, paint ball guns and paint ball rifles. Ammunition includes projectiles with their fuses, propelling charges and primers fired from guns and other explosive military items such as grenades, bombs or dynamite. Additional information can be found on the Virginia State Police website: www.vsp.state.va.us. Ammunition and firearms should be stored in two separate locked locations.

Compliance Determination for § 190 R: If there are firearms in the home, the licensee should verify that the firearms and ammunition are stored separately in locked containers, compartments, or cabinets.

S. The applicant shall maintain documentation that household pets receive tests, inoculations, and licenses as required by law.

Interpretation of § 190 S: State law requires that dogs and cats be vaccinated. Information on required tests, inoculations, and licenses can be obtained from the locality where the applicant resides.

T. The applicant shall ensure that household pets are safe to be around children and that the pets present no health hazard to children in the home.

U. The applicant shall keep cleaning supplies and other toxic substances stored away from food and, as appropriate, out of reach of children and locked.

V. Except for medications that require refrigeration, all medications, prescription and nonprescription, shall be stored separately from food in a locked area out of reach of children. The applicant shall implement safety provisions for the storage of refrigerated medications.

Interpretation of § 190 U-V: „Locked" means using a safe locking mechanism that prevents access by children.

W. The home shall have readily available basic first aid supplies for use in injuries and accidents.

Interpretation of § 190 W: „Basic first aid supplies" may include adhesive bandages, gauze pads, antiseptic cleaning solution or pad, and gloves.

22VAC40-131-200. Initial approval or disapproval of home.

A. Prior to the placement of a child in a home, the licensee shall:

1. Document that the applicants are at least 18 years of age;

2. Complete and document all required components of the home study, including the completion of orientation training;

3. Consider all information gathered when assessing the applicant's capabilities to care for children;

4. Determine that the home and provider meet the requirements to be approved;

5. Ensure that approved providers have received necessary training for the types of children they will receive; and

6. Make available to the provider information necessary for the provider to make an informed decision as to whether a particular child is appropriate for them.

B. When the licensee determines that the prospective provider and the home meet the requirements for approval, the licensee shall document the type of approval. Nothing in this chapter shall prohibit the provider from being approved to serve multiple roles as a resource, foster, adoptive, treatment foster, or short-term foster parent unless the provider desires not to serve as a resource parent. If the provider chooses, the licensee shall allow the provider to be approved as a foster parent, adoptive parent, or short-term foster parent. Providers approved as treatment foster care parents shall have successfully completed specific and additional treatment foster care training as required by this chapter.

C. The licensee shall recommend approval or disapproval based on careful assessment of the requirements for providers specified in this chapter including information received through the home study process, the applicants' participation in the home study process, and in any orientation and pre-service training.

D. The decision to approve or disapprove the applicant shall be made in consultation with the child-placing supervisor, and the date of the decision shall be recorded in the applicants' record.

E. Within seven business days of the decision of approval or disapproval of an applicant, the licensee shall notify the applicant in writing of the decision.

F. If home approval is recommended, the licensee shall document:

1. The age and gender of children who can be placed in the home; and

2. The basis for the approval recommendation.

G. Following approval of an applicant, the licensee shall issue a certificate of approval to the provider and maintain a copy of the certificate in the provider's file. The certificate shall address each of the following:

1. Type of family home approval (resource, foster, adoptive, treatment foster care, short-term foster care, or a combination of types);

2. Issuance and expiration dates for the approval;

3. Gender, age, and number of children recommended for placement in the home; and

4. The signatures and titles of the individuals approving the home.

Interpretation of § 200 G: The required signatures on the certificate are the individual who completed the home study and the executive director or his designee (§ 180 J 2 a).
If an approved family wishes to change their approval type, an addendum must be added to the home study according to the requirements in § 180 N. The licensee shall issue a new certificate according to the requirements in § 200 G 1-4.

H. Following approval of an applicant, the licensee shall provide the following services and requirements:

1. The licensee shall provide on-going training for each provider.

Interpretation of § 200 H 1: „Provide" means to supply or make available. § 210 D-E requires home providers to minimally receive additional annual training relevant to the needs of children and families.

2. The licensee shall supply the provider with written procedures for handling emergencies during and outside the child-placing agency's regular office hours.

22VAC40-131-210. Provider training and development.

A. The licensee shall ensure that pre-service training is provided for resource, foster, treatment foster, and adoptive family home providers. This training shall be consistent with the licensee's program statement and description required by 22VAC40-131-170 A and include, as applicable, the following core competencies:

1. Factors that contribute to neglect, emotional maltreatment, physical abuse, and sexual abuse, and the effects thereof;

Interpretation of § 210 A 1: The Code of Virginia §§ 63.2-900 B and 63.2-1231 A requires that prior to the approval of any family for placement of a child, the prospective foster or adoptive parents shall be informed that information about shaken baby syndrome, its effects, and resources for help and support for caretakers is available at: http://www.dss.virginia.gov/family/cps/shaken_baby.cgi .

2. Conditions and experiences that may cause developmental delays and affect attachment;

3. Stages of normal human growth and development;

4. Concept of permanence for children and selection of the permanency goal;

5. Reunification as the primary child welfare goal, and the process and experience of reunification;

6. Importance of visits and other contacts in strengthening relationships between the child and his birth family, including his siblings;

7. Legal and social processes and implications of adoption;

8. Support of older youth's transition to independent living;

9. The professional team's role in supporting the transition to permanency and preventing unplanned placement disruptions;

10. Relationship between child welfare laws, the local department's mandates, and how the local department carries out its mandates;

11. Purpose of service planning;

12. Impact of multiple placements on a child's development;

13. Types of and response to loss, and the factors that influence the experience of separation, loss, and placement;

14. Cultural, spiritual, social, and economic similarities and differences between a child's primary family and foster or adoptive family;

15. Preparing a child for family visits and helping him manage his feelings in response to family contacts;

16. Developmentally appropriate, effective, and nonphysical disciplinary techniques;

17. Promoting a child's sense of identity, history, culture, and values;

18. Respecting a child's connection to his birth family, previous foster families or adoptive families;

19. Being nonjudgmental in caring for the child, working with his family, and collaborating with other members of the team;

20. Roles, rights, and responsibilities of foster parents and adoptive parents;

21. Maintaining a home and community environment that promotes safety and well-being; and

22. Methods of less intrusive behavior support, crisis management techniques, and physical restraint methods approved by the licensee.

Interpretation of § 210 A: The licensee is required to provide the training elements that are consistent with the licensee"s program statement required in § 170 A. For example, the licensee that provides only adoption services for infants and young children is not required to train adoptive families on transitioning older youth to independent living.

B. As a condition of initial approval and renewals of approvals the licensee shall require each home provider to complete all required training. Training shall be relevant to the needs of children and families.

C. Receipt of training shall be documented in the home provider's file.

D. Each home provider shall receive additional training annually and at other times if determined to be necessary by the licensee.

E. The training shall be relevant to the needs of the children and families and may be structured to include multiple types of training modalities.

F. The licensee shall explain confidentiality requirements to home providers.

G. The licensee shall require home providers to keep confidential all information regarding the child, his family, and the circumstances that resulted in the child coming into care.

Interpretation of § 210 G: The licensee is required to have a confidentiality statement signed and dated by the home provider applicant, see § 180 J 2 g.

22VAC40-131-220. Training and development for providers of short-term foster care.

A. The licensee shall ensure that pre-service training is provided for short-term foster care providers. This training shall address but not be limited to the following core competencies:

1. Factors that contribute to neglect, emotional maltreatment, physical abuse, and sexual abuse, and the effects thereof;

Interpretation of § 220 A 1: The Code of Virginia §§ 63.2-900 B and 63.2-1231 A requires that prior to the approval of any family for placement of a child, the prospective foster or adoptive parents shall be informed that information about shaken baby syndrome, its effects, and resources for help and support for caretakers is available at: http://www.dss.virginia.gov/family/cps/shaken_baby.cgi .

2. Conditions and experiences that may cause developmental delays and affect attachment;

3. Reunification as the primary child welfare goal, and the process and experience of reunification;

4. Importance of visits and other contacts in strengthening relationships between the child and his birth family, including his siblings;

5. The professional team's role in supporting the transition to permanency and preventing unplanned placement disruptions;

6. Impact of multiple placements on a child's development;

7. Cultural, spiritual, social, and economic similarities and differences between a child's primary family and foster or adoptive family;

8. Preparing a child for family visits and helping him manage his feelings in response to family contacts;

9. Developmentally appropriate, effective, and nonphysical disciplinary techniques;

10. Maintaining a home and community environment that promotes safety and well-being;

11. Promoting a child's sense of identity, history, culture, and values;

12. Respecting a child's connection to his birth family, previous foster families or adoptive families; and

13. Being nonjudgmental in caring for the child, working with his family, and collaborating with other members of the team.

B. As a condition of initial approval and continued approvals the licensee shall require each home provider to complete all required training. Training shall be relevant to the needs of children and families.

C. Receipt of training shall be documented in the home provider's file.

D. Each home provider shall receive additional training annually and at other times if determined to be necessary by the licensee.

E. The licensee shall explain confidentiality requirements to home providers.

F. The licensee shall require home providers to keep confidential all information regarding the child, his family, and the circumstances that resulted in the child coming into care.

22VAC40-131-230. Monitoring and re-evaluation of provider homes.

A. When the licensee has placed a child in the approved provider's home, the licensee's representative shall visit the home as often as necessary but at least every 90 days to monitor the performance of the provider. These visits may coincide with the monthly visits to the child.

B. When an approved provider's home does not have any children placed in the home the licensee shall:

1. Monitor the home at least one time every 90 days by:

a. Visiting the approved provider in the home; or

b. Making direct telephone contact with the approved provider; and

2. If more than six months have elapsed since the last home visit date and the licensee is considering placing a child in the home, the licensee shall prior to placement of a child in the home make at least one monitoring home visit to evaluate and verify that the home remains in compliance with the requirements of this chapter.

C. Prior to the end of each 36-month approval period, the licensee shall re-evaluate the provider and assess all evaluation elements required for the initial home approval.

Interpretation of § 230 C: Requirements for subsequent adoptive placements are addressed in § 610.

D. The licensee shall conduct the re-evaluation in the home of the approved provider with all providers present for the re-evaluation.

E. The re-evaluation process for approving a home shall include:

1. Interviewing the provider in his home at least once;

2. Reviewing the information the licensee used to make the last approval decision;

3. Completing all required background checks in accordance with applicable federal and state laws and regulations;

4. Obtaining the results of a new tuberculosis screening and documenting the absence of tuberculosis in a communicable form for the applicant and other household members who come in contact with children as described in 22VAC40-131-290 K;

Interpretation of § 230 E 4: A model form is on the website of the Virginia Department of Health. The link for the model form is http://www.vdh.virginia.gov/epidemiology/DiseasePrevention/Programs/Tuberculosis/Forms/; the correct forms are located in the section titled "Report of TB Screening".

5. Obtaining new signed agreements from the provider covering elements required for maintaining confidentiality of information and prohibition of the use of corporal punishment, including the prohibition of allowing others to use corporal punishment;

6. Considering and reassessing all new information received since the last home approval decision, including assessing in-service training completed by the provider;

7. Deciding the approval status of the provider; and

8. Providing an addendum to the home study to include any other information that has changed since the prior approval and the decision related to whether the provider is re-approved. The addendum shall contain all elements required by this chapter, be documented by a combination of narrative and other data collection formats, and contain the dated signatures of the individual completing the addendum and the licensee's director or his designee.

F. The licensee shall document the following for each re-evaluation conducted:

1. For each child placed since the last evaluation, a brief description of the child's adjustment to the family and the home;

Interpretation of § 230 F 1: „For each child placed" includes all children placed in foster care, including short-term foster care and treatment foster care.

2. The results of an evaluation of the providers' performance to include his:

a. Ability to relate to children;

b. Ability to help children reach their goals;

c. Skills in working with particular types of problems;

d. Ability to establish and maintain a consistent and stable environment for each child and including in this evaluation, the identification and resolution of problems or significant changes that occurred in the family since the last evaluation; and

e. Ability to work with the licensee and birth parents in meeting the needs of the child;

3. A description of the relationship between the child and each family member, including the names of the family members and, if any foster child or youth has been removed from the home, a description of the reasons the child was removed; and

4. The licensee's recommendations regarding continued use of the home, further training needs of the home provider and the age, gender, and number of children that the home can successfully handle.

G. Any approval, disapproval, suspension, or revocation of the provider shall be made in consultation with the child-placing supervisor or in a staff meeting, and the date of the decision shall be recorded in the provider's record.

H. For approved homes, the licensee shall document (i) the age and gender of children who can be placed in the home and (ii) the basis for the approval recommendation, and issue an approval certificate containing all elements required by this chapter.

I. If the re-evaluation process or home-monitoring activities result in the licensee's decision to suspend approval of a provider, the licensee shall:

1. Immediately remove the children from the home;

Interpretation of § 230 I 1: If children are moved from one foster home to another, requirements in § 330 K shall apply.

2. Send written notification to the provider of such decision no later than one week following the date the decision was made;

3. Place no children in the home until such time that the provider:

a. Resolves all issues that led to suspension; and

b. Demonstrates compliance with all requirements of this chapter;

4. Document in an addendum to the provider's home study:

a. Circumstances and issues that led to the suspension;

b. Actions taken by the licensee as a result of becoming aware of the circumstances and issues;

c. Actions taken by the provider to address each circumstance and issue; and

Interpretation of § 230 I 4 c: Actions to be taken will vary depending on the reason for suspension. Examples include, but are not limited to, activities such as repeating background checks or requiring additional medical exams.

d. The licensee's response and disposition of whether the home warranted removal from suspension; and

5. Reinstate, if warranted, and designate in writing the approval of the provider for the remainder of the original 36-month approval time frame.

J. If the re-evaluation process or home-monitoring activities result in the licensee's decision to revoke approval of a provider, the licensee shall:

1. Immediately remove placed children from the home and not place any children in the home;

2. Send written notification to the provider of such decision no later than one week following the date the decision was made; and

3. Document in the home provider's file:

a. The reasons for revoking the approval of the provider; and

b. Verification that actions required by 22VAC40-131-230 J 1, 2, and 3 were taken by the licensee.

K. The licensee shall maintain documentation in the provider's file of:

1. Each visit and contact made with the provider;

2. Each visit made to the home of the provider;

3. All activities, decisions made, and correspondence sent or received regarding re-evaluation process;

4. Home study addenda or updates;

5. The approval certificate issued to the approved provider; and

6. Documentation pertaining to suspension or revocation actions as required by this chapter.

Interpretation of § 230 K 1-2: All contacts that are not in reference to a child and therefore not documented in a child"s file/record shall be documented in the providers"s file/record.

22VAC40-131-240. Capacity of provider home.

A. The number of children in an approved resource, foster, or short-term foster care home shall not exceed eight. An exception to the eight capacity may be made only when an approved home can accept the placement of a sibling group. The approved home shall have the appropriate space and furnishings for each child in care as required by 22VAC40-131-190.

Interpretation of § 240 A: A child is a person under the age of 18. The provider"s son or daughter who lives in the home and is over age 18 is not counted toward the capacity of the provider home.

B. The number of children placed in an approved treatment foster care home shall not exceed two without written justification approved by a child-placing supervisor. The justification shall be written and approved prior to the placement of additional children and it shall (i) contain the name of approving supervisor, his title, the date of approval; and (ii) address the impact that the additional placement may have on the other children currently in the home.

Interpretation of § 240 B: Written justification for placement of more than two foster children in an approved treatment foster care home is required, even if the children do not receive treatment foster care services.

C. The licensee shall consider the following elements when determining the capacity for a provider home:

1. The physical accommodations of the home;

2. The capabilities and skills of the applicant to manage the number of children;

3. The needs and special requirements of the child;

4. Whether the child's best interest requires placement in a certain type of home;

5. Whether any individuals in the home, including the applicant's children, require special attention or services of the applicant that interfere with the applicant's ability to ensure the safety of all children in the home; and

6. Whether the foster care provider is also a day care provider.

Part VI
Children's Services

22VAC40-131-250. Intake, acceptance, and placement.

Interpretation of § 250: It is recommended that the licensee document all information required by this section in one area of the child"s file/record or designate its location in a file/record index. Additional placement materials, including some model forms, are available through the licensing specialist or at this link: http://www.dss.virginia.gov/facility/lcpa.cgi .

A. Prior to any placement of a child the licensee shall secure written authority to make the placement. The written authority for placement shall be maintained in the child's file. The written authority to make placements includes one of the following:

1. A court order, issued by any court of competent jurisdiction, that commits the child to the care of the licensee;

2. A permanent entrustment by the parent or parents or other person having legal custody of the child;

3. A temporary entrustment by the parent or parents or other person having legal custody of the child;

4. A placement agreement from a licensed or authorized child-placing agency having legal custody of the child;

5. A placement agreement signed by the local department of social services having jurisdiction when a noncustodial agreement has been signed between a parent or legal guardian and the local department or another public agency; or

6. A parental agreement whereby for the purpose of placement in suitable family homes, child-caring institutions, residential facilities, or independent living arrangements, the child's parents or guardians have entrusted the child to the local department.

Interpretation of § 250 A: § 16.1-228 of the Code of Virginia defines legal custody as (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and re-determine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody.

B. Prior to any placement of a child in an independent living arrangement, the licensee shall secure written authority to make the placement. The written authority to place includes one of the following:

1. A court order, issued by any court of competent jurisdiction, that commits the child to the care of the licensee;

2. A permanent entrustment by the parent or parents or other person having legal custody of the child;

3. A temporary entrustment by the parent or parents or other person having legal custody of the child;

4. A placement agreement from a child-placing agency or person having legal custody of the child; or

5. A placement agreement signed by the local department of social services having jurisdiction when a noncustodial agreement has been signed between a parent or legal guardian and the local department or another public agency.

C. Prior to the provision of independent living services to any person who was in foster care on his 18th birthday and has not yet reached 21 years of age, the licensee shall enter into a written contractual agreement with the person 18 years of age to 21 years of age and such contractual agreement shall specify the terms and conditions of the person's receipt of independent living services.

D. Prior to placement of a child for adoption, the licensee shall secure written authority to make the placement. The written authority shall be in the form of one of the following:

1. An order issued by a court of competent jurisdiction documenting the termination of parental rights and responsibilities of each parent;

2. A notarized entrustment agreement signed by the parent or parents or other person having legal custody of the child; or

3. An order issued by a court of competent jurisdiction approving the transfer of the child's custody from one agency to another.

E. The licensee shall petition the court for approval of a temporary entrustment agreement.

1. For a temporary entrustment written for less than 90 days, the licensee shall file the petition with the court within a reasonable period of time and not to exceed 89 days after the execution of the agreement if the child is not returned to his home within that 90-day period.

2. For a temporary entrustment written for 90 days or longer or for an unspecified period of time, the licensee shall file the petition with the court within a reasonable period of time and not to exceed 30 days after execution of the agreement if the agreement does not provide for termination of all parental rights with respect to the child.

F. A licensee certified by the Department of Education as a school for children with disabilities shall for the purpose of placement of the child in its special education program enter into a placement agreement, signed by the parent or other person having legal custody of the child. The placement agreement shall meet the requirements of this section. The licensee is not required to take custody of the child placed in its special education program.

G. Prior to accepting a child for placement in a foster care home, treatment foster care home, short-term foster care home, or an independent living arrangement, the licensee shall gather, review, and document the following information in the child's file:

1. The reason the placement is requested, and if the child coming into placement is less than one year old, a brief report on his living situation unless this placement directly follows his discharge from the hospital;

2. A list of services requested by the placing agency, parent, or other individual having legal custody of the child;

3. Current information on the child's:

a. Health:

(1) For a newborn child coming into foster care directly following hospital discharge, the discharge summary shall be accepted as the admission examination; or

Interpretation of § 250 G 3 a (1): If the Interstate Compact on the Placement of Children is involved, the discharge summary for a newborn must include a full diagnostic workup on the infant.

(2) For a child under one year old, the admission examination shall consist of a hospital summary and a physician-signed report of

interim care no older than 30 days that documents the absence of abnormalities or if abnormalities are present, the report shall contain an explanation of abnormalities observed;

b. Behavior in the home or other previous living situation;

c. Current school grade level, as appropriate;

d. Day care or nursery school, as appropriate;

e. Adjustment to school, day care, or nursery school;

f. Current medication, prescription and nonprescription, including the names, dosages, and instructions for all medication being taken by the child, and reasons for taking each medication;

g. Emotional and psychological needs and problems of the child, if any, including information concerning professional treatment needed or received to meet the needs or problems;

h. Strengths, skills, interests, and talents;

i. Permanency planning goal including the date of planned achievement; and

j. Emergency contact supports including the names, addresses, and telephone numbers for designated emergency contacts, parents, if appropriate, or other person having legal custody of the child, and the agency placing the child with the licensee;

4. For treatment foster care placements, a list of the strengths and needs of the child's birth family;

5. The dates and names of persons involved in making preplacement visits;

6. The dates and names of persons involved in staffing the child's case;

7. The reason the child was accepted for placement; and

8. The date the acceptance decision was made.

Interpretation of § 250 G: This information shall be collected prior to acceptance of the child for placement. If certain required information is not available, the licensee must document the efforts to obtain such information. This information must be available for review, but is not required to be included in a written assessment until the child has been in care for 30 days, as required in § 250 O.

If the information required in § 250 G 5-8 is not available prior to the acceptance of the child for placement, it must be documented in the child"s file/record within 30 days.

H. The licensee shall review and consider all information collected on the child prior to recommending the type of home best suited to the child. The recommendation and rationale shall be documented in the child's file.

I. The licensee shall consider the following when making the decision whether to place a child in a foster home, treatment foster care home, or short-term foster care home:

1. The prospective foster family's specific skills, abilities, and attitudes necessary to (i) effectively work with the child; (ii) ensure implementation of the child's service plan; and (iii) provide effective behavior support techniques, crisis intervention, crisis stabilization, and supportive counseling;

2. The prospective foster family's ability to meet the needs and preferences of the child;

3. The prospective foster family's willingness to access resources required to meet the needs of the child; and

4. The prospective foster family's willingness and ability to work with the child's family.

J. Prior to placement of a child in a family home, the licensee shall assist the prospective foster family with making an informed decision as to whether that particular child is appropriate for them.

K. The licensee shall document in the child's file the reasons a particular home was selected for the child, including the matching factors considered for the selection decision.

L. Except when the placement of the child is an emergency placement, the licensee shall interview the child and his parent or legal guardian prior to the child's placement. If, for valid reasons, the interview was not completed prior to placement, the licensee shall document in the child's file the reasons why the interview was not completed within the required time frame.

M. Except when the placement of the child is an emergency placement, the licensee shall prepare the child for placement and arrange a preplacement visit for the child in the prospective home. If a preplacement visit did not take place prior to the child's placement, the reasons why it did not occur shall be documented in the child's file.

N. A summary of the preplacement interview and results of the preplacement visit shall be documented in the child's file.

O. Within 30 days of the placement of the child in a foster care home, treatment foster care home, short-term foster care home, or an independent living arrangement, or prior to the completion of the adoptive placement agreement, the licensee shall place in the file of the child a written assessment that contains all required elements specified in 22VAC40-131-250 G.

P. The licensee shall place siblings together in the same foster home whenever possible unless placement together is clearly not in the best interest of each child.

Interpretation of § 250 P: If siblings are not placed together and the licensee holds custody, it is recommended that the licensee document the reason for the separate placements in each child"s file/record.

Q. When the licensee accepts a child for placement from another child-placing agency that retains custody of the child, the licensee shall, before placing the child:

1. Sign the placement agreement as the recipient of the child; and

2. Ensure that the placement agreement has been signed by the representatives from each child-placing agency who has the authority to commit the child-placing agency to the provisions contained in the agreement.

Compliance Determination for § 250 Q: Ask the licensee which staff positions have the authority to commit the licensee to the provisions contained in the placement agreement. Verify that only persons in these positions have signed the placement agreement.

R. When the licensee accepts a child for placement from a parent or other individual having legal custody of the child, the licensee shall:

1. Obtain an entrustment agreement and follow the requirements as set forth in §§ 63.2-903 and 63.2-1817 of the Code of Virginia;

2. Explain the licensee's foster care program;

3. Collect information for the intake and social history and document the information obtained under each respective heading;

4. Provide the parent or other individual having legal custody of the child or youth with information about the licensee's services;

5. Provide an explanation of the service planning process and the licensee's case work responsibilities;

6. Discuss with the parent or other individual having legal custody of the child:

a. Long-term and short-term goals for the child, including estimated dates of accomplishment for each goal;

b. Objectives for each goal;

c. Responsibilities of all parties for accomplishing the goals and objectives for the child;

d. Involvement in service planning for the child;

e. Plans for visitation with the child; and

f. Plans for financial support for the child; and

7. Document in the child's file the reactions of the parents or other persons to each topic discussed with them.

S. The licensee shall cooperate with the placing agency and custodian to ensure that the placing agency and custodian have access to the child at all times.

T. The licensee shall develop a system of support for foster parents and assign designated staff to be on call to foster parents on a 24-hour, seven day a week basis.

22VAC40-131-260. Social history.

A. The licensee shall complete a social history on each child within 45 days of the date of the child's placement except:

1. When the child is placed in a short-term foster care placement, the initial social history shall be completed within 30 days of the date of the child's placement and if subsequent short-term placements of the child are made, the licensee shall review and update the initial social history; and

Interpretation of § 260 A 1: An update can include documenting a list of changes that have occurred or documenting a lack of changes in the format of an addendum.

2. For adoption, the licensee shall complete the social history prior to the signing of the adoptive placement agreement.

B. The social history shall be documented in the record of each child and shall include the following:

1. Date the history was completed;

2. Reasons for the placement and the permanency planning goal of the child's placement;

3. For foster care, treatment foster care, and independent living placements, identify the services needed to reach the child's permanency goal;

4. Information on the child's family's structure, relationships, and involvement with the child;

5. Child's previous placement history, including dates and names of previous caretakers, if any;

6. Child's developmental, educational, and medical history. The information, if available, shall include names and addresses of providers of medical treatment and copies of available reports or documentation of the licensee's attempts to obtain the information;

7. Child's history as a victim of abuse and neglect, including history of prenatal neglect or substance abuse by mother, if applicable;

8. Education and occupation of the child's parents, siblings, aunts, uncles, and grandparents;

9. Medical and psychiatric history of the child's parents, siblings, aunts, uncles, and grandparents as it relates to the suitability of the child for placement;

10. Emotional or psychological problems the child has experienced within the last 13 months, including strengths and needs of the child, assessments, and professional treatment received, if applicable;

11. Background information from other sources such as court reports and previous social histories, if any; and

12. For treatment foster care, current service or treatment plan from other treatment providers and discharge summaries from previous placements, if any.

Interpretation of § 260 B: If information is not available, the licensee must document attempts and efforts to obtain this information in the child"s file/record. If information becomes available after the social history is completed, it is recommended that this information be added as an addendum to the social history.

C. For a child less than one year of age placed in foster care prior to adoption, the licensee shall in addition to the elements specified in subsection B of this section include the following in the child's social history:

1. Physical appearance of the child and of both parents if available;

2. Child's parents' nationality, race, and religion;

3. Description of the child's birth parents' personality, lifestyle, and childhood;

Interpretation of § 260 C 3: The description of birth parent"s personality, lifestyle and childhood should be as detailed as can be determined from all sources. Lifestyle may include information about whereabouts, marital status, living situation and employment.

4. Identification of individuals in the family who know about the birth parents' plan;

5. Identification of the relatives who have been contacted for possible foster care placement;

6. Description of the type of adoptive family with whom the birth parents would like to have their child placed;

7. Expected length of the child's placement in a foster care home; and

8. Description of the recommendation of adoptive home that best meets the needs of the child or an explanation as to why the licensee has not yet made that determination.

Interpretation of § 260 C: These requirements apply only when the goal of the child"s placement is adoption.

D. If information on any item required by this section was not completed or obtained, the reason shall be documented under the appropriate section of the child's social history.

E. For a child less than one year of age placed in foster care prior to adoption, the licensee shall review the child's social history with the selected adoptive parents.

Interpretation of § 260 E: Identifying information (such as name, address, etc.) about the birth parents and their families should not be shared with the selected adoptive parents for agency placements. This does not prohibit the licensee from providing the selected adoptive parents with a copy of the social history with identifying information redacted.

22VAC40-131-270. Interstate placements.

A. The licensee shall comply with the provisions of the Virginia Interstate Compact on the Placement of Children (Chapters 10 (§ 63.2-1000 et seq.) and 11 (§ 63.2-1100 et seq.) of Title 63.2 of the Code of Virginia) for all children who will cross state lines, either out of Virginia to another state or from another state into Virginia, for placement in resource, foster care, adoptive, treatment foster care, and independent living arrangements.

Interpretation of § 270 A: The Interstate Compact on the Placement of Children (ICPC) requires a screening process to find all relatives and determine if they are able to take the child.

More information on ICPC requirements are found at http://www.dss.virginia.gov/family/icpc/index.cgi. Specific questions on ICPC should be directed to the ICPC office.

B. Before a Virginia resident child is placed outside Virginia, the licensee shall obtain prior approval of the administrator of the Virginia Interstate Compact on the Placement of Children, Virginia Department of Social Services. Written approval shall be maintained in the child's file.

C. Before a child who is not a Virginia resident is placed in Virginia, the licensee receiving the child shall obtain prior approval of the administrator of the Virginia Interstate Compact on the Placement of Children, Virginia Department of Social Services. Written approval shall be maintained in the child's file.

D. Prior to the licensee supervising the placement of an out-of-state child, the licensee shall obtain from the placing agency documentation that the administrator of the Virginia Interstate Compact on the Placement of Children, Virginia Department of Social Services approved the placement of the child. The documentation shall be maintained in the child's file.

E. A licensee who conducts an adoptive home study before any particular child is identified for placement shall:

> **1. Inform the potential adoptive parents that prior to any out-of-state child being placed in Virginia, the provisions of the Virginia Interstate Compact on the Placement of Children (Chapters 10 (§ 63.2-1000 et seq.) and 11 (§ 63.2-1100 et seq.) of Title 63.2 of the Code of Virginia) shall be followed; and**
>
> **2. Document in the home study that the potential parents were so informed of the requirements of the Virginia Interstate Compact on the Placement of Children (Chapters 10 (§ 63.2-1000 et seq.) and 11 (§ 63.2-1100 et seq.) of Title 63.2 of the Code of Virginia).**

F. The licensee shall maintain in the child's file documentation that copies of all serious incident reports regarding any child placed through interstate compact were sent to the administrator of the Virginia Interstate Compact on the Placement of Children.

G. When the licensee is working with another child-placing agency in placing a child, the licensee shall enter into a written interagency agreement with the other child-placing agency that identifies the period of supervision to be provided to the child and delineates the responsibilities of both agencies until the adoption is finalized or the placement is terminated. A copy of the agreement shall be maintained in the child's file.

H. The licensee that provides supervision for the placement of a child in the custody of an out-of-state agency shall conduct visits in accordance with Virginia law and as specified in the written interagency agreement. All supervision activities shall be documented in the child's file.

I. The licensee shall send a copy of each report of supervision to the office of the administrator of the Virginia Interstate Compact on the Placement of Children and to the agency that sent the child.

J. The licensee shall complete home studies in accordance with home study requirements specified in this regulation.

Interpretation of § 270 J: Home studies on relatives must also comply with home study requirements in this regulation. (Code of Virginia §§ 63.2-900, 63.2-901.1, and 63.2-1000).

K. The licensee shall complete updated home study information in accordance with requirements of Virginia Interstate Compact on the Placement of Children (§ 63.2-1000 of the Code of Virginia) when the licensee accepts a case of a child who has moved into Virginia from another state or United States territory.

L. The licensee shall provide a copy of the updated home study information to the office of the administrator of the Virginia Interstate Compact on the Placement of Children office.

22VAC40-131-280. Foster home agreements.

A. The licensee shall have a written foster home agreement with the family for each child in foster care, treatment foster care, and short-term foster care.

Interpretation of § 280 A: The foster home agreement may have multiple documents incorporating all of the elements required in § 280 C.

B. The foster home agreement shall be signed by all necessary parties on or before the date the child is placed in the home.

Interpretation of § 280 B: If the foster home agreement is not one document, each document shall be signed by all necessary parties.

C. The foster home agreement shall include the following elements:

1. The code of ethics and mutual responsibilities for all parties to the agreement in language and format approved by the State Board;

2. Financial responsibilities of each party, including payment for foster care and payment for other expenses;

3. Services each party agrees to provide for the child, the child's family, and foster family;

4. Provisions for receiving consent for routine and emergency medical, mental health, and dental care for the child;

5. Arrangements for the provision of medical, mental health, and dental care;

6. Provisions for handling emergencies during and outside the licensee's regular office hours;

7. Arrangements for the provision of clothing for the child;

8. Arrangements for visits by parents;

Interpretation of § 280 C 8: Arrangements for visits should include the licensee"s specifications for visits including length, location, supervision, and frequency as well as the licensee"s procedures for visits by parents. The agreement may also contain a statement that visits by parents are prohibited if this is in the best interest of the child. This standard does not prohibit the addition of arrangements for visits by siblings, family members, or other significant individuals to the agreement.

9. A statement of agreement that corporal punishment is prohibited. The agreement shall also prohibit the family from granting permission for others to use corporal punishment on the child;

Interpretation of § 280 C 9: It is recommended that the agreement include the definition of corporal punishment from § 10 in these standards.

10. Permission for out-of-state travel;

11. Permission, if necessary, for the child to participate in any fund-raising activities;

Interpretation of § 280 C 11: Permission is required for any fundraising that uses the child"s information or photo. It is recommended that the licensee consult with the child"s legal guardian before giving the foster parent permission to allow the child to participate in any type of fundraising, including, but not limited to, fundraising for school, religious or civic organizations.

12. A statement of understanding that the licensee maintains responsibility to protect the best interests of the child and that the licensee has the right to remove the child from the family home when removal is determined to be in the best interests of the child; and

13. A statement that the approved provider agrees:

a. To provide meals and snacks appropriate to the child's daily nutritional needs including a special diet if prescribed by a licensed health care provider or in accordance with religions or ethnic requirements or other special needs;

b. That if he provides transportation to the child he shall, on the vehicle used for transportation of the child, maintain:

(1) A valid license to drive in Virginia;

(2) Automobile liability insurance as required by Virginia law;

(3) Valid vehicle registration; and

(4) Valid Virginia-required inspection sticker;

c. To transport the child in accordance with Virginia laws for safe transport, including use of functioning child restraint devices in accordance with requirements of Virginia law;

d. As necessary, to seek and secure services from licensed professionals to meet the medical, dental, and mental health needs of the child; and

e. That he understands he has the right, at all times, to receive support and assistance of the licensee in relation to the child's care in the home.

D. The licensee shall ensure any changes made in the terms of the agreement are amended in the agreement, dated, signed, or initialed by all parties to the agreement.

22VAC40-131-290. Medical, dental, and psychiatric examinations and care.

A. Each child shall have a medical examination conducted by or under the direction of a licensed physician no earlier than 90 days prior to placement, except in the following situations:

1. An emergency-placed child shall have up to 60 days following placement to receive a medical examination if a written medical examination report providing evidence that he received a medical examination no earlier than 90 days prior to placement is not available;

Interpretation of § 290 A 1: If an emergency-placed child leaves the foster home prior to the 60th day, the licensee is not required to show evidence of a medical examination, unless Medicaid or another funding source requires such evidence.

2. The child is a newborn then the hospital discharge summary shall serve as the medical examination; or

3. The child has been in continuous placement of a public or private child-placing agency and the licensee has obtained copies of (i) a medical examination report that is no more than 13 months old and (ii) a report of

all medical treatment provided to the child from the date of the medical examination to the date of admission of the child to the licensee's program.

B. The licensee shall follow the examining physician's recommendations regarding the frequency and type of medical examinations or treatment; however, there shall be no more than 13 months between medical examinations received by the child.

C. The medical examination report on each child shall include the following:

1. Date of examination;

2. Signature and title of examiner;

3. Current physical condition;

4. Growth and development;

5. Visual acuity;

6. Auditory acuity;

7. Nutritional status;

8. Evidence of freedom from communicable disease, including tuberculosis;

9. Allergies, including food and medication allergies;

10. Chronic conditions;

11. Disabilities; and

12. A copy of the record of immunizations the child has received since his last examination.

Interpretation of § 290 C: The medical examination report must contain all elements. Some type of entry must be found for each element to indicate that the physician did not miss the element. The licensee should ensure that there are no elements left empty, but is not responsible for the content of each entry.

D. The licensee shall file a copy of the medical examination report in the child's file.

E. Each child over three years of age shall have a dental examination.

1. The dental examination shall have been completed within 13 months prior to the time of placement or if no previous dental examination has been conducted, the child shall have an exam within 60 days following the date of placement.

2. The written report of examination shall contain the signature of a licensed dentist or his designee.

3. The licensee shall file a copy of the dental examination report in the child's file.

F. The licensee shall arrange for the child to receive any routine and recommended medical, dental, mental health, psychological, and psychiatric follow-up care and treatment. Documentation regarding the arrangements for and child's receipt of care shall be maintained in the child's file.

G. The licensee shall arrange for the child to receive necessary medical, dental, mental health, psychological, and psychiatric care and treatment resulting from injuries, illness, emergencies, or other conditions that occur in between examinations or appointments. Documentation regarding the arrangements for and child's receipt of care shall be maintained in the child's file.

H. If the licensee serves as legal custodian for the child and in that capacity decides not to follow the physician's recommendation for medical, dental, or psychiatric care or treatment, the licensee shall document in the child's file the rationale upon which the decision was made, including a detailed description of how the licensee considered the best interests of the child in making the decision.

I. The licensee shall document in the file of each child a listing of all medication prescribed for the child.

J. The licensee shall document in the file of each child the medication intended effects and adverse reactions the child or youth has experienced. The licensee shall ensure that the intended effects and adverse reactions experienced by the child or youth are reported to the prescribing physician.

K. The provider applicant and all other household members who come into contact with children shall submit to tuberculosis screening or tests and provide documentation on the appropriate report of tuberculosis form published by the

Virginia Department of Health (Report of Tuberculosis Screening Clearance Letter for Negative Screen (Form 1), Report of Tuberculosis Screening Report of TST/X-ray Results (Form 2), or TB Risk Assessment (TB 512)) or a form consistent with it.

1. The screening or test results shall include a statement that the individual is free from communicable tuberculosis and including the type of screening administered, date of screening, and results of the screening. If any screening or test shows positive results for communicable tuberculosis or if no screening or test has been completed on the individual, a written explanation shall be obtained from the physician, his designee, or representative of the local health department.

2. The screening or test results shall contain the screening or test date and the results shall be no older than 13 months at the time of home approval by the licensee.

3. If an individual comes in contact with a known case of tuberculosis or develops chronic respiratory symptoms of three weeks or more duration, he shall obtain tuberculosis screening and follow the recommendations of the physician, his designee, or representative of the local health department. The licensee shall require the individual to submit documentation regarding communicable status.

L. The provider applicant and each resident of the household who will be in a caretaking role for children placed in the home shall submit the results of a medical examination administered and signed by a licensed physician, his designee, or an official of a local health department.

1. The examination results shall include written examiner comments that address the applicant's or caretaker's mental and physical condition in relation to his ability to take care of a child. If concerns are noted, additional reports from specialists shall be obtained.

2. The examination results shall contain a date of examination and be no older than 13 months at the time of home approval by the licensee.

M. The medical examination shall be updated if the licensee or department has concerns about the physical or mental health of any member of the placement family. If the examination reveals that the child's safety or health is in jeopardy, the licensee shall plan for the immediate removal of any children or youth placed in the home.

Interpretation of § 290 K, L and M: The terms „household member" and „any member of the placement family" mean any individual who resides in the home.

22VAC40-131-300. School enrollment.

A. For each school-aged child in its custody, the licensee shall be responsible for ensuring that the child is enrolled in school. Within 72 hours of the date of the child's foster care placement, the licensee shall notify the relevant school division's principal and superintendent, or designee, of the child's placement and status of the parental rights of the child.

B. The child's file maintained by the licensee shall contain documentation of the licensee's contact with school authorities.

C. For school-aged children in foster care, the licensee shall collaborate and work cooperatively with the local department and the local education authority to maintain educational stability for each child. Cooperative efforts shall be documented in the child's file.

Interpretation of § 300: The presumption should be that the child will remain in the same school where the child was last enrolled to provide school stability and educational continuity for the child, unless this is contrary to the child"s best interests. If the child will not remain in the same school where he was last enrolled, the licensee should determine if the school that serves the provider"s home is willing to admit the child.

22VAC40-131-310. Clothing and spending money for children.

A. The licensee shall ensure that each child in care has his own supply of season-suitable clothing in good condition for indoor and outdoor wear.

Interpretation of § 310 A: It is recommended that the licensee provide foster parents with information on requirements for clothing. Case workers should inquire periodically to ensure that children have sufficient and suitable clothing, and document this inquiry in the child"s file/record.

B. The licensee shall ensure that each school-age child has a spending money allowance.

Interpretation of § 310 B: The allowance is for the child"s own use. The licensee must have a mechanism to demonstrate that each school-age child is given a spending money allowance.

22VAC40-131-320. Reports and policies to protect children.

A. The licensee shall keep records and make reports as required by the department.

B. The licensee shall take the following actions in cases of suspected child abuse and neglect:

1. Immediately notify:

a. The child protective services unit of the appropriate local department of social services or the department's 24-hour child abuse and neglect hotline;

b. The custodial agency worker or supervisor; and

c. The department's licensing representative;

Interpretation of § 320 B 1: „Immediately" means at once, without delay.
1. Child protective services should be notified by phone; the 24 hour hotline is 800-552-7096.
2. At the time of placement of the child, it is recommended that the licensee determine the protocol and the type of contact preferred to notify the custodial worker.
3. Notification to the licensing representative can be made via phone, fax or email.

2. Cooperate with the local department during its investigation of the complaint;

3. Review each complaint to determine if the licensee's policies and procedures were followed by the licensee's staff and approved provider;

4. Within 90 days of the licensee's receipt of the complaint, make a report to the department's licensing representative addressing the following:

a. Internal policy review findings and actions taken as a result of findings; and

b. The child protective services disposition, if child protective services accepted the case for investigation, and a report of actions taken as a result of child protective services investigation findings; and

5. Maintain an accessible copy of the internal policy review report.

Interpretation of § 320 B: Even if the licensee did not make the initial report to child protective services (CPS), once the licensee becomes aware that a report to CPS has been made, all requirements in § 320 B apply. The licensee must report any complaint received alleging or suspecting abuse or neglect of a child in care to the local department of social services (LDSS) or CPS hotline.

Interpretation of § 320 B (continued): It is the responsibility of the LDSS to determine if abuse or neglect occurred. It is the licensee"s responsibility to determine whether standards were violated by staff or providers. Violations must be corrected and actions must be taken to prevent future violations.

C. The licensee shall submit a written report of circumstances pertaining to the death of a child to the department's licensing representative within seven days of the child's death.

Interpretation of § 320 C: It is recommended that this report contain the following elements: child"s full name, age, sex and race; names of the child"s parents, guardian and the placing agency, if any. The report should also contain the date and place of death, and the circumstances of death.

D. The licensee shall make the following notifications pertaining to the death of a child in care:

1. Immediately notify the child's parents or legal guardian of the incident and document such notification in the file of the child; and

2. Notify the department's office of licensing of the child's death immediately but no later than the end of the next business day following the child's death.

E. The licensee shall report any serious incident, accident, or injury to the child to the placing agency, parent, or legal guardian, and to the department's licensing representative within 24 hours following the incident, accident, or injury.

Interpretation of § 320 E: The definition of „serious incident reports" from § 10 is a "written report detailing the child's accidents or injuries that require medical attention beyond minor first aid care, criminal activity, and incidents requiring police intervention."

„Police intervention" means the police have taken action which includes, but is not limited to, taking a police report.

Notification to the licensing representative can be made via phone, fax or email.

F. For each serious incident, accident, or injury to the child, the licensee shall place a written report in the child's file to document:

1. The date and time the incident, accident, or injury occurred;

2. A brief description of the incident, accident, or injury;

3. Action taken as a result of the incident, accident, or injury;

4. The name of the licensee's staff person who completed the written report;

5. The name of the licensee's staff person who notified (i) the placing agency and (ii) parent or legal guardian of the incident, accident, or injury;

6. The time each notification was made; and

7. The name of the person the staff person contacted and made the notification to.

22VAC40-131-330. Visitation and continuing contact with children.

A. In accordance with instructions from the court and placing agency, the licensee shall arrange for and encourage contact and visitation between the foster child, his family, and others specified in the child's individualized service plan and, as applicable, the child's treatment plan.

B. The licensee shall develop and implement a plan to address visitation or communication between siblings when siblings entrusted to the care of the licensee are placed in separate foster homes. The plan shall:

1. Address the wishes of the child;

2. Specify the frequency of visits or communication;

3. Identify the party responsible for encouraging visits or communication; and

4. Specify any other requirement or restriction the licensee will impose for visits or communication, including restrictions necessary to ensure that the child's best interests are represented.

Interpretation of § 330 B: The term „entrusted to the care of the licensee" means that the licensee holds custody.

C. For individuals who are 18 years of age and older and still receiving foster care services, the licensee shall make monthly contact with the individual and make at least one face-to-face contact every 90 days.

D. The licensee shall be responsible for ensuring that required contacts have been made with children whom the licensee has placed outside of the Commonwealth of Virginia. Any documentation provided regarding monitoring visits made by an out-of-state child placing agency shall be maintained in the child's file.

E. The licensee shall have at least one face-to-face contact with the foster child every 30 days.

F. The licensee shall have at least one face-to-face contact with the child in the placement setting every 60 days.

G. The licensee shall contact the child placed in treatment foster care as follows:

1. A face-to-face contact with the child no less than twice each month. There shall be at least seven days between face-to-face contacts unless contraindicated by the child's service or treatment plan;

2. The frequency for determining additional contacts with the child shall be based on his treatment and service plan and occur as often as necessary to ensure the child is receiving safe and effective services;

3. At least one of the face-to-face contacts made during a calendar month shall take place in the foster home to assess the relationship between the child and the foster parents and the contact shall include the child and at least one treatment foster parent;

4. The contacts shall assess the child's progress, provide training and guidance to the foster parents, monitor service delivery, and allow the child to communicate concerns; and

5. Children who are capable of participating in an interview shall be interviewed privately at least one time each month.

H. Unless specifically prohibited by a court of competent jurisdiction or the agency holding legal custody of the child, the licensee shall:

1. Allow the child to have regular contact with his family as specified in the child's treatment and service plan;

2. Work to support and enhance child-family relationships; and

3. Work directly with families toward reunification as specified in the child's treatment and service plan.

I. The licensee shall ensure that each child is provided treatment, services, and care in a nurturing home setting with attention given to health, safety, and welfare of the child.

J. The licensee shall document a written description of each contact made with the child and the documentation shall be signed by the staff person who made the contact, dated, and maintained in the child's file.

K. If the licensee determines a move from one foster home to another is warranted, the licensee shall:

> **1. Consult with the placing agency and, if applicable, the child's legal guardian prior to the child's move, unless the move is due to an emergency situation or issues pertaining to child abuse or neglect; and**
>
> **2. Ensure that the move is in the best interests of the child.**

Interpretation of § 330 K: These requirements apply to all moves from one foster home to another, including moves in and out of short-term foster care.

L. If the licensee is unable to consult with the placing agency prior to the child's move from one foster home to another, the licensee shall document all attempts made to make the required contact. The licensee shall ensure that contact is made as soon as possible and no later than 72 hours following the move when the move took place on a weekend or holiday.

22VAC40-131-340. Service plans.

A. The licensee shall develop and implement an individualized service plan for every child accepted for care and service.

B. For children in treatment foster care, the licensee shall:

> **1. Within 14 days of a child's placement, develop and implement individualized, measurable objectives and strategies describing services to be provided to the child, his placement family, and his birth family during the first 45 days of placement; and**
>
> **2. Within 45 days of a child's placement, develop and implement an individualized service plan and treatment plan.**

C. In the case of a short-term foster care placement of a child, the licensee shall develop and implement the service plan within 72 hours of the child's placement and the short-term placement plan shall include a description of the child's needs

and services to be provided to the child during the duration of his short-term placement.

Interpretation of § 340 C: The service plan for a short-term foster care placement is not expected to be as comprehensive as an individualized service plan for a child not in short-term foster care. If there is another service plan already in place that addresses the short-term foster care placement, this service plan can be used to meet compliance for § 340 C.

D. When the licensee has received legal custody of the child, the licensee shall within 60 days of receipt of such custody file a copy of the service plan with the appropriate court unless:

1. The court grants an extension of time not to exceed 60 days;

2. The court designates another agency to file the service plan; or

3. The child is returned to his prior family or placed in an adoptive home.

E. The licensee shall include the following elements in the child's individualized service plan:

1. A comprehensive assessment of the child's emotional, social, behavioral, educational, nutritional, developmental, medical, psychiatric, and dental needs;

2. The nature of the placement to be provided to the child;

Interpretation of § 340 E 2: The „nature of the placement" means the kind of placement (i.e. foster care, treatment foster care, short-term foster care) and any distinguishing characteristics of the placement (i.e. sibling group, close to family).

3. Goals and objectives to meet the child's needs that include:

a. For children or youth 14 years of age and older, specific independent living services to be provided to assist the child in meeting his goals; and

b. For children in treatment foster care, goals and objectives to address specific problem behaviors, skills to be addressed, and criteria for achievement;

4. Anticipated target dates, including month, day, and year, for accomplishment of each identified goal and objective, and for treatment foster care the target date for the child's discharge from the program;

5. Strategies, services, and activities designed to meet the goals and objectives, including:

a. A description of how the licensee plans to work with related community resources, including the child's primary care physician, to provide continuity of care to the child;

b. The services and other supports to be offered to the child's parents and other prior custodians;

c. A description of the participation and conduct sought from the parent and prior custodians;

d. Visitation between the child, his parents, prior custodians, and siblings;

e. For children 14 years of age and older, specific independent living services to be provided to assist the child in meeting his goals; and

f. For treatment foster care, methods of intervention and therapies designed to meet the child's goals and objectives;

6. Discharge goals, objectives, and services to be provided for their achievement and where appropriate, plans for reunification of the child with his family; and

7. As appropriate for youth 16 years of age and older, a description of programs and services to assist the youth in his transition from foster care to independent living.

F. The child's record shall contain documentation showing the involvement of the following parties, unless clearly inappropriate, in developing the child's individualized service plan, child's treatment plan as appropriate, and quarterly progress reports; and in updating the service plan and treatment plan as necessary:

1. The birth parents of the child unless parental rights have been terminated; or unless the birth parents who maintain parental rights of the child have not been located;

2. Custodial agency;

3. Foster parents or treatment foster parents where appropriate;

4. The child, if the involvement is consistent with the best interests of the child; and

5. Licensee staff.

G. The licensee shall document in the file of the child the reasons why each party was not involved if any of the parties do not participate in the development of the child's individualized service plan, treatment plan as appropriate, or quarterly progress reviews and updating the service plan and treatment plan.

H. For service plans, court reviews, dispositional hearings, and permanency planning, the licensee who has custody shall follow the requirements set forth in §§ 63.2-906 B, 16.1-281, 16.1-282, and 16.1-282.1 of the Code of Virginia, the Board of Social Services-approved policies and promulgated regulations, and guidance documents issued by the department.

I. Each service plan shall contain the date the plan was written; the signature of the individual who developed the plan; and, for treatment foster care treatment plans, the identity of all treatment team members who participated in the development of the plan.

J. The licensee shall provide training, support, and guidance to families in implementing the service plan for the child.

K. The licensee shall provide a copy of the child's service plan and any updates, treatment plan and updates as appropriate, and quarterly progress reports to the custodial placing agency and, as applicable, to the birth parents, foster parents, and treatment foster parents as long as confidential identifying information about the parents is not disclosed.

L. Obtain from the custodial child-placing agency a copy of the child's service plan sent to the court. The service plan shall be placed in the child's file. In the event the licensee is not able to obtain the plan, the licensee shall document in the child's file the efforts made to obtain the plan.

Interpretation of § 340 L: It is recommended that the licensee ask the custodial agency to send a copy of the service plan to the licensee on the same day the service plans are sent to court.

M. The service plans developed by the licensee shall be compatible with the goals in the plan sent to the court.

22VAC40-131-350. Quarterly progress summaries.

A. The licensee shall review the progress of each child in care. The first review of progress and report shall occur no later than 90 days from the date of the child's placement and subsequent progress reviews shall be conducted every 90 days thereafter.

Compliance Determination for § 350 A: If a child"s placement is less than 90 days, a quarterly progress review and report is not required, unless Medicaid or another funding source requires it to be written. The licensee has up to 30 days from the due date to file the report, as required in § 370 R 2.

B. The licensee shall document the progress review in a written summary report that addresses the following elements:

1. Progress the child has made toward reaching each goal and objective on his service plan and documenting progress the child has made in alleviating his specific problem behaviors, if any;

2. Description of goals and objectives the child has met during the evaluation quarter, goals and objectives that continue to be worked on in the next quarter, and new goals and objectives to be added for next quarter;

3. Description of criteria for achievement and target dates for each goal and objective;

4. Description of any changes that need to be made in the service and treatment plans, including changes in methods of intervention and strategies designed to help the child meet his goals;

5. Decision as to whether each projected date of accomplishment continues to be realistic or needs to change;

6. Description of services, therapies, and activities provided to and secured for the child during the quarter, including services provided towards the discharge goals;

7. Description of any new needs of the child; services, activities, or therapies identified to meet the child's needs and address behaviors; addition of new goals and objectives; and target dates for accomplishment;

8. Summary of contacts made between the child and his family, where appropriate;

9. Participation of the birth and foster parents in the services offered to them and the child;

10. The child's assessment of his progress and description of services needed, where appropriate;

11. List of medications used by the child;

12. List of the child's medical needs during this review period, any medical treatment the child received during this period, any recommendations for further medical treatment, and scheduled appointments;

13. Recommendations for any modifications to the current service plan, including changes in methods of intervention and strategies;

14. Dates of progress covered during this review;

15. A review of the discharge plan, projected discharge date, and, as necessary, updating the information; and

16. Date the progress summary report was written; and the signature and title of the individual who wrote the report.

C. The progress summary reports shall be in the child's file.

D. The licensee shall update service plans as necessary to include modifications made, identification of new needs, and services to meet the new needs.

Compliance Determination for § 350 D: A change to the service plan is required if a change in life circumstances results in a change to the needs of the child. Examples of such changes may include, but are not limited to, a relative coming forward as a placement option, pregnancy of the foster child, hospitalization of the foster child, and criminal charges involving the foster child. The update may be an addendum or a new service plan. The required parties in § 340 F 1-5 shall be consulted prior to updating the service plan.

E. As required in 22VAC40-131-340 F, the licensee shall document the participation of required parties in each review of progress.

F. On the fourth quarter summary report, the licensee shall in addition to the requirements specified in subsection B of this section, evaluate and update the comprehensive treatment and service plan for the upcoming year.

22VAC40-131-360. Discharge from care.

A. Prior to the child's discharge from care, the licensee shall formulate and document recommendations for aftercare services for the child and share those recommendations with the placing agency and parents, where appropriate. If recommendations were not shared with the child's parents, the licensee shall document the reasons in the child's file.

B. Prior to the planned discharge date, each child's file shall contain documentation that the child's discharge was planned and discussed with the placing agency, the child, the child's parents or guardian, and the members of the child's treatment team, if applicable.

C. Children in the legal custody of the local department of social services or private child-placing agency shall not be discharged by the licensee until the licensee has consulted with and notified the legal custodians of the plans for discharge. The licensee shall document in the child's file the names of the persons consulted and to whom notifications were provided, each date of occurrence, and a summary of each discussion.

D. Children shall be discharged only to the agency, parent, or guardian holding legal custody of the child. Youth 18 years of age and older shall be discharged to their own responsibility unless a court of competent jurisdiction has appointed a legal guardian to represent the youth.

E. No later than 30 days after the date of discharge, the licensee shall develop and place a comprehensive discharge summary in the child's file. The summary shall address:

1. Date of discharge;

2. Reason or reasons for discharge;

3. Name of the individual with whom the child was placed or to whom he was discharged;

4. Description of services provided to the child;

5. Summary of the child's progress toward meeting his goals and objectives, and as applicable for youth placed in independent living arrangements, the progress toward achieving life skills goals; and

6. Written recommendations for aftercare services including the nature, recommended frequency, and duration of services to be provided to the child and the child's family.

F. Upon the child's discharge from care, the licensee who holds custody of the child shall ensure that the parents or child-placing agency receiving the child for placement are provided with a copy of the child's birth certificate, medical records, and school records.

Interpretation of § 360 F: This standard shall not apply to the disposition of adoption records and reports governed by the provision of Virginia Code § 63.2-1246.

22VAC40-131-370. Case record requirements.

A. The licensee shall maintain a separate organized case file for each child, the child's birth parents, and each approved home provider and in addition for adoption cases, a separate organized file for the adoptive family. The case file may be electronic.

B. Each use of electronic records, files, or signatures shall comply with the provisions of the Uniform Electronic Transactions Act, §§ 59.1-479 through 59.1-497 of the Code of Virginia.

C. In addition to the requirements in the Uniform Electronic Transaction Act, the use of electronic signatures shall be deemed to constitute a signature and have the same effect as a written signature on a document as long as the licensee:

1. Develops, implements, and maintains specific policies and procedures for the use of electronic signatures;

2. Ensures that each electronic signature identifies the individual signing the document by name and title;

3. Assures that the documentation cannot be altered after signature has been affixed;

4. Assures that access to the code or key sequence is limited;

5. Assures that all users have signed statements that they alone have access to and use the key or computer password for their signature and will not share their key or password with others; and

6. Provides for nonrepudiation that is strong and substantial to make it difficult for either party to claim that the electronic representation is not valid.

D. All entries in each case file shall be legibly written in ink, contain the signature of the individual performing the service, the date the entry was made and, if the licensee operates more than one office in Virginia, the entry shall identify the office that provided the service. Unless otherwise specified in state or federal law, multiple dated entries made on the same page by the same author may be authenticated by the author's initials behind each entry as long as the author signs his name at the bottom of the page of entries.

E. All correspondence and information received by or produced by the licensee shall be treated as confidential information and shall be maintained as part of the case file.

F. Each case file shall be kept up to date and in a uniform organized manner.

Interpretation of § 370 F: § 370 R 2 allows 30 days to place documentation in the appropriate file/record unless otherwise required by this chapter.

G. All services and treatments provided to the child or his family shall be documented chronologically in the respective file.

H. When not in use, active and closed files shall be maintained in:

1. A location that allows the department's licensing representative complete access to the files within a reasonable and short period of time following the representative's request to review files;

2. An area accessible to staff;

3. An area protected from unauthorized access, fire, flood, and uncontrolled climate control; and

4. A locked, metal file cabinet or other metal compartment if the files are stored on site at the licensee's licensed location.

I. Whether stored on site or off site, the licensee shall demonstrate that the file storage system has the protections in place required by subdivisions H 3 and 4 of this section for unauthorized access, fire, flood, and climate control.

J. The case files shall be retained as follows:

1. Upon entry of a final order of adoption or other final disposition of a matter involving the placement of a child for adoption, the licensee shall forward all reports and collateral information in connection with the case to the commissioner;

2. The licensee who holds custody of the child shall retain a copy of the child's subsidy record as long as the child receives a subsidy;

3. If a minor child has been reunited with his birth family, case files shall be retained until one year after his 21st birthday;

4. When the foster care case is closed for services, the case file, whether written or electronic, shall be maintained in accordance with the Library of Virginia's Record Retention and Disposition Schedule General Schedule No. 15 - County and Municipal Governments Social Services Records (May 2010); and

Interpretation of § 370 J 4: The record retention schedule is found at http://www.lva.virginia.gov/agencies/records/sched_local/GS-15.pdf.

5. When the licensee ceases operations, it shall immediately submit written information to the department about the location for retention of all files.

K. A person 18 years of age and older who was not adopted and was a child for whom all parental rights and responsibilities were terminated shall not have access to any information from the licensee with respect to the identity of the birth family unless all requirements established in § 63.2-105 B of the Code of Virginia have been met.

L. The licensee shall follow all provisions of §§ 63.2-1246 and 63.2-1247 of the Code of Virginia in regard to disclosure of information pertaining to finalized adoptions.

M. The licensee shall maintain documentation in the file of the home provider for all initial approvals and subsequent approvals. Each file shall include:

1. An application;

2. Documentation of the approval process;

3. Completed home study and supporting documentation, including approval decision;

4. Required reference letters received by the licensee;

5. Driving record checks;

6. Dates of receipt of background checks and driving record checks;

7. Summary of results of background checks;

Interpretation of § 370 M 7: Background check documentation must be maintained in the file as required in 22VAC 40-191, Background Checks for Child Welfare Agencies.

8. Copy of the approval certificate issued to the provider;

9. Documentation of completed orientation and training received by the approved provider;

10. Required medical information, including results of tuberculosis screening;

11. Results of observations and findings from monitoring visits to the home;

12. A face sheet listing the names and dates of birth of all members of the household and the relationship of each member to the provider;

13. A narrative account of the preparation of the family for each child placed in the home;

Interpretation of § 370 M 13: This narrative should document the preparation of the family prior to placement including information shared, pre-placement visits or training provided.

14. A list of children's names, birth dates, dates of placement in the home and, if applicable, removal dates and reasons for removal;

15. Copies of all signed agreements;

16. When applicable, the date and reason for home closure;

17. Copy of the signed prohibition on corporal punishment;

18. Written updates and addenda to the home study and re-evaluations of the home provider and home; and

19. Any other correspondence or information pertaining to the home including a narrative of any concerns the licensee has about the status of the home; record of all complaints involving the foster parents; the licensee's investigation report and findings; and, if appropriate, the findings of child protective services and law enforcement.

N. The licensee shall maintain documentation in each child's file. Each file shall include:

1. A face sheet completed within five working days of the date of the child's placement. The face sheet shall address the child's name, date of birth, place of birth, gender, race, social security number, and Medicaid number, if known; and for adoption cases, the face sheet shall also contain the child's height, weight, hair color, eye color, and identifying marks;

2. Names, addresses, telephone numbers, and marital status of the child's birth parents;

3. Names and addresses of the child's siblings, if available;

4. Names, addresses, and telephone numbers of the person or agency holding legal custody of the child;

5. Names, addresses, and telephone numbers of persons to be contacted in an emergency;

Interpretation of § 370 N 1-5: It is recommended that these items be included on the child"s face sheet.

6. Services provided to the child;

7. A copy of the entrustment agreement or the placement agreement between the placing agency and the licensee;

8. Other information pertaining to a child in foster care, treatment foster care, short-term foster care, and independent living arrangements as required by this chapter;

9. For adoption cases, the child's file shall also contain:

a. The legal documents required for adoption if the licensee holds custody of the child;

b. A record in the narrative dictation of the child's and family's preparation for the placement; and

c. Other information required by this chapter; and

Interpretation of § 370 N 9: A case is considered an „adoption case" once an adoptive placement agreement is signed.

10. An original birth certificate for the child whenever possible and when the licensee holds custody of the child.

O. If services are provided to the child's birth family, the licensee shall maintain a file on each child's birth parents. The file may be separate from the child's file or combined and maintained in the child's file. The file shall include:

1. An up-to-date face sheet documenting:

a. Names, addresses, telephone numbers, and marital status of each parent;

b. Names of known members of the birth family;

c. Current whereabouts, addresses, and telephone numbers, when available, of each known member of the birth family; and

d. A cross reference to the file of the child unless the birth family's information is maintained in the child's file;

2. A chronological narrative or summary of contacts the licensee has made with the family. This information shall include visits of the parents with the child and the child's visits, or attempts to visit, with the parents;

3. A summary of services provided to the family; and

4. Other information relating to the birth parents as required by this chapter.

Interpretation of § 370 O: „Services provided to the child"s birth family" means the licensee provides separate and distinct birthparent services, such as services to support reunification.

P. The licensee shall maintain a file on each adoptive family. The file shall include:

1. The completed application;

2. A copy of any written information given to the adoptive parents concerning the child, including the agreed upon plan of discipline;

3. Summaries of supervisory visits and closing summary;

4. The home study and related documents;

5. Documentation of orientation and training completed;

6. Narrative account of the child-placing agency's preparation of the family for the placement of the child;

7. Fees charged and agreement between the licensee and the applicant;

8. Documentation of any complaints or investigations conducted by child protective services; and

9. Other information relating to adoptive parents as required by this chapter.

Q. Narrative case notes shall be current within 30 days, documented in the file of the child or youth in chronological order, signed and dated by the individual making the entry, and address elements required by this chapter including:

1. Treatment and services provided;

2. All contacts related to the child;

3. Visitation between the child and his family;

4. Other significant events, if any; and

5. Other documentation required by this chapter.

R. The licensee shall maintain documentation in provider and child files as required by this chapter and including:

1. Completing documentation within specified time frames; and

2. Placing documentation in the appropriate file within 30 days unless otherwise specified by this chapter.

22VAC40-131-380. Behavior support and crisis intervention.

A. Licensees shall train and encourage foster parents to use positive behavioral support techniques that emphasize principals and methods to help a child achieve desired behavior and correct inappropriate behavior in a constructive and safe manner.

B. Licensees that prohibit the use of physical restraint shall develop a written policy prohibiting the use. The licensee shall document that foster care parents have been informed of the prohibition.

C. Licensees that permit the use of physical restraint shall require that:

1. Other methods of crisis intervention and behavior support are used prior to the use of physical restraint;

2. Physical restraint is limited to that which is minimally necessary to protect the child or others from injury;

3. The use of physical restraint is used as a part of a planned therapeutic intervention defined in the child's service or treatment plan or both;

4. Only designated professional staff and foster parents trained in licensee-approved less intrusive interventions and physical restraint techniques implement the interventions and techniques; and

5. Foster care parents complete and submit a report to the licensee documenting each use of physical restraint implemented with a child. Each report shall be made within a timeframe established by the licensee, documented on a format required by the licensee, and address the following elements:

a. The reason for the restraint;

b. A description of all other behavior support techniques attempted prior to the use of physical restraint;

c. A description of the physical hold used during the restraint;

d. The duration of the physical restraint;

e. The outcome or child's response to the physical restraint; and

f. Any known injuries occurring as a result of the restraint including any injuries reported by the child.

Part VII
Additional Requirements for Specific Programs

Article I
Permanent Foster Care

22VAC40-131-390. Applicability.

In addition to applicability requirements specified by 22VAC40-131-20, programs licensed to provide permanent foster care services shall also comply with the requirements of this article.

Interpretation of § 390: Only child-placing agencies licensed to provide foster care services and who accept custody of children by court order or entrustment agreement can be licensed to provide permanent foster care.

22VAC40-131-400. Children placed in permanent foster care.

A. For a child placed in a permanent foster care placement, the licensee shall comply with the provisions of § 63.2-908 of the Code of Virginia.

Interpretation of § 400 A: This requirement applies when the licensee places the child into permanent foster care.

B. The licensee shall have the authority to place a child in a permanent foster care placement under the following conditions:

1. Pursuant to a court order;

2. Legal custody of the child is retained by the licensee;

3. The placement is appropriate to meet the needs of the child; and

4. A written permanent foster care agreement signed by the licensee and the foster care parent documents the understanding and expectation the child will remain in the placement:

a. Until he reaches 18 years of age unless the court modifies the order or the child is removed from the foster home pursuant to § 16.1-251 or 63.2-1517 of the Code of Virginia; or

b. If he is between the ages of 18 and 21; participates in an educational, treatment or training program approved pursuant to regulations of the

State Board; and his permanent foster care placement is a requisite to funds being provided for his care.

C. The child placed in a permanent foster care placement shall have available to him and receive, as needed, the same services as a child who is not placed in permanent foster care would receive.

D. The licensee shall follow the standards of this chapter for approving, monitoring, and re-evaluating foster care homes.

Article 2
Short-term Foster Care

22VAC40-131-410. Applicability.

In addition to applicability requirements specified by 22VAC40-131-20, programs licensed to provide short-term foster care services shall also comply with the requirements of this article.

Interpretation of § 410: "Short-term foster care" means a licensee-offered service that is designed to provide crisis or alternate planned-support relief for up to 30 consecutive calendar days to resource, foster, adoptive, or treatment foster family home providers; or biological families through substitute care placement arrangements for children. The substitute-care placement environments used shall be limited to provider home environments that have been approved.

22VAC40-131-420. Children placed in short-term foster care.

A. The licensee shall allow foster parents access to alternate planned and crisis foster care for their foster children.

B. Foster children in need of alternate planned or crisis foster care services shall only be placed in a home that has:

1. Been approved by a Virginia child-placing agency as a provider for the receiving of placed children; and

2. Received training as required by this chapter.

C. The licensee shall inform the provider of the child's treatment and service plan at the time of placement of the child.

Interpretation of § 420 C: § 340 describes service plan requirements.

D. The licensee shall oversee and provide support and supervision as necessary to the provider in the home provider's implementation of the child's treatment and service plan.

Article 3
Independent Living Arrangements

22VAC40-131-430. Applicability.

In addition to applicability requirements specified by 22VAC40-131-20, programs licensed to provide independent living arrangements shall also comply with the requirements of this article.

22VAC40-131-440. Youth placed in independent living arrangements.

Interpretation of § 440: "Youth" means persons between the ages of 16 and 18 who are in foster care and persons between the ages of 18 to 21 who are former foster care children and are transitioning from foster care to self-sufficiency.

A. The licensee shall meet all requirements and follow procedures as set forth in this chapter and in the Code of Virginia related to the placement of children, including all applicable interstate compacts.

B. The licensee shall develop and implement written policies and procedures that address the independent living arrangement program to include a description of:

1. Criteria for evaluating potential independent living arrangement settings and on-going evaluation of approved settings;

2. Protocols for approving an independent living arrangement setting and identifying the types of settings the licensee will approve;

3. Criteria for admission;

4. Procedures for intake and admission;

5. Criteria for successful discharge from the program including procedures to ensure the youth will be discharged to his legal guardian if he is under 18 years of age at the time of discharge;

6. Conditions under which a youth may be discharged before completing the program, including criteria and protocols for implementing emergency discharge of the youth from the independent living arrangement program;

7. Criteria and protocols to terminate approval as necessary in an independent living arrangement setting;

8. The licensee's detailed plan for determining and maintaining the supervision and visitation plan for youths placed in independent living arrangement settings;

9. Types of services the licensee will provide and secure to meet the needs of the youth during his placement;

10. The licensee's role in:

a. Ensuring that each youth is enrolled in educational, vocational education and training, or career and technical education services appropriate to meet his needs;

b. Monitoring each youth's educational progress as often as necessary;

c. Assisting the youth in obtaining routine and emergency medical and dental care;

d. Evaluating the youth's need for financial assistance, initially during intake then one time monthly and as needed by the youth;

e. Providing the resources to meet the youth's basic needs for shelter, food, and clothing;

f. Providing assistance to the youth in locating, securing, and maintaining employment;

g. Providing life skill training to meet the needs of the youth; and

h. Providing or securing a crisis response system accessible to the youth 24 hours a day and providing training to the youth on accessing and using of the system; and

11. Orientation and training provided for each youth admitted to the independent living arrangement program. The procedures shall define the licensee's program to teach the youth to:

a. Identify potential hazards in his living, school, work, and play communities; and

b. Develop and implement an emergency preparedness and response plan that promotes safety in his environments.

C. Prior to accepting a youth for an independent living arrangement and prior to making an arrangement for the youth, the licensee shall meet face to face with the youth at least one time and as often as necessary to evaluate the youth's readiness for such an arrangement. Elements to be considered in the evaluation shall include:

1. Age of the youth;

2. Youth's readiness for placement in an independent living arrangement setting without daily substitute parental supervision;

3. Youth's demonstration of maturity and emotional stability in his current placement or living environment to include that he:

a. Consistently maintains behavioral stability conforming to acceptable societal norms and he does not demonstrate behaviors dangerous to himself or other persons;

b. Is not involved in high risk behaviors such as delinquent or criminal activities or substance use and abuse;

c. Has participated in designing service plan goals and objectives; and

d. Has participated in meeting service plan goals and objectives including those for transition and self-sufficiency;

4. Results of the life skills assessment completed within the last 90 days and whether those results indicate the youth would benefit from placement in an independent living arrangement setting;

5. The youth's current enrollment or immediate plans to enroll in an educational or career or technical educational program; and

6. The youth's current employment situation.

D. At the time of admission, the licensee shall provide to each youth and, as applicable, his guardian, an orientation to the independent living arrangement program. The orientation shall address the following:

1. Goals and objectives of the independent living arrangement;

2. Information about the programs and services provided by the licensee or through the independent living arrangement program;

3. Responsibilities and expectations of all parties designated in the agreement between the youth and the child-placing agency;

4. Emergency preparedness as required by subdivision B 11 a and b of this section;

5. Transition planning;

6. Elements for successful discharge;

7. Reasons early discharge may occur; and

8. Tour of the independent living arrangement setting selected for the youth if the environment is selected at the time of admission. If selected after admission, a tour shall be provided prior to placement of the youth.

E. At the time of admission to the independent living arrangement, the licensee shall discuss the elements of the written agreement for participation in the arrangement with the youth, his guardian, and as appropriate, his family. The written agreement shall contain the following:

1. Purpose of his independent living arrangement, with timeframe for completing the program;

2. A list and description of the licensee's activities to support achievement of the identified purpose of the independent living arrangement;

3. A description of the frequency of supervision provided by the licensee, including the conditions under which responsibility for supervision will be retained by the licensee and the youth's responsibility to accept the level of supervision provided;

4. A list and description of the youth's activities to attain achievement of the identified purpose of the independent living arrangement;

5. Responsibility for financial payments, including method of payment, frequency of payment, and amount of payment;

6. Information pertaining to the physical setting arrangements and requirements that all arrangements must be approved by the licensee unless those arrangements are exempt from licensee approval;

7. Information pertaining to the youth's responsibility to inform the licensee within a specified time frame, but no later than 72 hours, of any major changes in his situation and serious injuries, illness, or need for surgery;

8. A plan to seek emergency assistance from medical professionals and emergency responders; and

9. Conditions under which the youth may be discharged from the program prior to completion of the program.

F. The written participation agreement shall be signed by a representative of the licensee, the youth, and, as appropriate, the legal guardian. The signed agreement shall be maintained in the youth's file and a copy of the agreement provided to the youth, and, as appropriate, to his legal guardian.

Interpretation of § 440 F: It is recommended that the agreement be signed by all required parties prior to the youth participating in an independent living arrangement.

G. Prior to making a placement in or arranging for the placement of a youth in an independent living arrangement, the licensee shall determine the suitability of the setting for use as an independent living arrangement by:

1. Conducting an onsite visit of the independent living setting to determine if the setting meets the requirements necessary to protect the interests of each youth; and

2. Determining whether community resources are available and accessible to meet the specified needs of the youth and to assist him in his efforts to achieve self-sufficiency.

H. Within 30 days of the date of admission to the independent living arrangement program, the licensee shall develop an individual service plan for each youth.

I. The individualized service plan for each youth shall describe in measurable terms the:

1. Strengths and needs of the youth identified in the completed life skill assessment;

2. Goals, objectives, and strategies identified by the youth, his guardian, and, if applicable, his parents;

3. Projected involvement of the youth, his guardian, and, if applicable, his parents;

4. Dates of planned accomplishment for each objective;

5. Target date for discharge; and

6. Involvement of the youth, his guardian, and, if applicable, his parents in discharge planning.

J. The individualized service plan shall address:

1. Counseling needs;

2. Education needs;

3. Employment needs;

4. Money management skills development;

5. Specific independent living services to be provided to the youth to assist him in meeting his needs and accomplishing his goals;

6. Social and interpersonal skill development; and

7. A plan for transition from foster care to independent living that includes:

a. A description of the specific life skills to be achieved by the youth, the youth's responsibilities, time frames for achievement of each identified life skill, and a description of the parents' or guardians' responsibilities in assisting the youth, if appropriate, in achieving the identified life skills. If the parents or guardians will not have responsibilities to assist the youth, the reasons shall be stated in the plan;

b. A description of the services and training offered by the licensee to help the youth achieve the identified life skills and a statement of the type and frequency of supervision provided by the licensee; and

c. A description of results of the assessment conducted on the youth's physical and mental health, including medical or dental care received by the youth.

K. The licensee shall conduct a review of each individualized service plan and the progress of each youth toward meeting the goals and objectives of the plan. The review shall take place within 90 days of the admission date and within each 90-day period thereafter and the plan shall be revised and updated as necessary.

Interpretation of § 440 K: A change to the service plan is required if a change in life circumstances results in a change to the needs of the child/youth. Examples of such changes may include, but are not limited to, a relative coming forward as a placement option, pregnancy of the foster child/youth, hospitalization of the foster child/youth, and criminal charges involving the foster child/youth. The update may be an addendum or a new service plan. The parties required in § 340 F 1-5 shall be consulted prior to updating the service plan.

L. The child-placing agency shall maintain a written report of each 90-day review that addresses:

1. Youth's progress in the living arrangement and toward meeting the goals and objectives established in his individualized service plan;

2. Involvement of the youth's parents or guardian in assisting him to meet his goals and objectives;

3. Continuing needs of the youth;

4. Youth's progress toward meeting his transition plan;

5. The beginning and ending dates of the review period; and

6. Youth's anticipated discharge date.

M. After placement, the licensee shall maintain supervision over the independent living arrangement by:

1. Conducting a face-to-face visit with the youth at least one time each month and as often as necessary to protect his interests; or

2. Conducting a face-to-face visit with the youth at least one time every 90 days and as often as necessary to protect his interests when the youth resides in a dormitory setting approved by a college or other educational or vocational provider; and

3. Ensuring that over 50% of these face-to-face visits occur in the youth's place of residence within a calendar year.

N. Except housing approved by a college or other educational or vocational providers, the child-placing agency shall visit the independent living arrangement setting annually for the purpose of determining whether the setting should remain an approved setting for the youth. Documentation of the results of the visit and decision regarding approval shall be maintained in the file of the youth.

O. The licensee shall have an appointed case worker on call and available as necessary to make face-to-face contact with the youth and provide services to the youth 24 hours per day, seven days per week.

Article 4
Treatment Foster Care

22VAC40-131-450. Applicability.

In addition to applicability requirements specified by 22VAC40-131-20, programs licensed to provide treatment foster care services shall also comply with the requirements of this article.

22VAC40-131-460. Children placed in treatment foster care.

A. In order to be licensed or certified as a child-placing agency providing treatment foster care services in Virginia, the licensee shall meet the requirements of this chapter.

B. In addition to the program description requirements specified in 22VAC40-131-170, the licensee shall provide a comprehensive description of:

1. The treatment philosophy of the licensee;

2. Specific treatment techniques the licensee plans to use with children and families;

3. Specific behavior management strategies the licensee will allow foster parents to use with placed children; and

4. The staffing pattern that:

a. Provides for the intensity of services required in treatment foster care;

b. Describes the treatment team, treatment plans, and credentials of professional staff responsible for treatment services;

c. Provides for at least one full-time professional staff or part-time staff whose hours are equivalent to a full-time position; and

d. Designates a qualified individual responsible for overseeing the program.

C. The licensee shall have a written plan for back-up emergency care in the event that a child's placement in a family disrupts.

Interpretation of § 460 C: Another licensee-approved home for back-up emergency care meets the intent of this standard. A specific placement does not need to be identified. The characteristics of the placement should be congruent with the needs of the child.

D. The licensee shall provide training, support, and guidance to foster families in implementing the treatment and service plan for the child.

E. In consultation with the custodial agency, the licensee shall provide or arrange for the child to receive recommended or identified clinical services including, but not limited to, psychiatric, psychological, and medication management services.

F. The licensee shall assure that a professional qualified staff person provides leadership to the treatment team that includes:

1. Managing team decision-making regarding the care and treatment of the child or youth and services to the child's family;

2. Providing information and training as needed to treatment team members; and

3. Involving the child, the child's foster family, and the placing agency in treatment team meetings, plans and decisions, and keeping them informed of the child's progress, whenever possible.

G. Treatment team members shall consult with each other on cases at least every 90 days and as often as necessary.

Article 5
Adoption

22VAC40-131-470. Applicability.

In addition to applicability requirements specified by 22VAC40-131-20, programs licensed to provide adoption services shall also comply with the requirements of this article.

Interpretation of § 470: „Adoption services" are services provided after an adoption placement agreement is signed.

22VAC40-131-480. Fees for adoption applications and services.

A. Prior to initiating the home study, the licensee shall make full disclosure of fee charges to adoptive home applicants.

B. Each applicant shall be given a written fee explanation that addresses the following:

1. The amount the applicant must pay and when and how the payments are to be made;

2. How the amount is determined and what services the fees cover; and

3. The refund policy of the licensee.

C. The licensee shall develop a mutually-acceptable written agreement with the adoptive applicants regarding the fees to be paid and the services to be provided.

22VAC40-131-490. Adoption counseling and services for birth parents.

A. Except in the case of intercountry adoption, the licensee who holds custody of a child shall offer counseling services to the birth mother, or if reasonably available, to both birth parents contemplating the placement of their child for adoption. The counseling services shall include a discussion about:

1. The parent's decision to place the child was not made under duress and to ensure the decision to place the child is a firm decision;

2. The impact of such a decision;

3. The reasons for contemplating the decision to place the child for adoption; and

4. Alternatives to adoption including:

a. Services available to assist the family in staying together, if staying together is in the best interests of both the child and family;

b. Foster care for the child; and

c. The child's placement with relatives.

B. Except in the case of intercountry adoption, the licensee shall offer additional counseling sessions as needed by the birth parents.

C. Except in the case of intercountry adoption and prior to accepting a child for adoption placement, the licensee shall provide the birth parents with an explanation of:

1. Adoption services provided;

2. Adoption policies and procedures, including the adoption process; and

3. The rights and responsibilities of all parties in the adoption process.

Interpretation of § 490 C: A birthparent who places a child for adoption in another state may be required to receive independent legal counsel from an attorney licensed in Virginia, as required in § 63.2-1232. Information on Interstate Compact on the Placement of Children requirements is found at http://www.dss.virginia.gov/family/icpc/index.cgi.

D. The licensee shall document in the record of the birth mother or child to whom the counseling services were provided if:

1. The licensee did not provide counseling services as required, the reason shall be documented.

2. Counseling was provided to the birth father, such counseling services shall be documented.

E. When a child's birth parents and the prospective adoptive parents have entered into a written post-adoption contact and communication agreement, the licensee sponsoring the adoption shall:

1. Review the written post-adoption contact and communication agreement; and

2. Provide to the court the licensee's written recommendation indicating whether:

a. The post-adoption contact and communication agreement represents the best interests of the child; and

b. The licensee recommends approval of the agreement.

22VAC40-131-500. Involuntary termination of parental rights.

When it is necessary to petition the court to terminate parental rights, the licensee shall follow the requirements of § 16.1-283 of the Code of Virginia and any other necessary legal requirements to achieve the involuntary termination of parental rights.

22VAC40-131-510. Provisions for adopting children with special needs.

A. The licensee shall collaborate and work cooperatively with the local department to ensure that children with special needs, as defined by § 63.2-1300 of the Code of Virginia, who are legally free for adoption are registered with the Adoption Resource Exchange of Virginia within 30 days of termination of parental rights unless an adoptive placement agreement has been signed. The licensee holding custody shall ensure that the child is registered.

B. The licensee shall ensure that prospective adoptive families who will accept children with special needs are registered with the Adoption Resource Exchange of Virginia within 30 days of approval unless an adoptive placement agreement has been signed.

Interpretation of § 510 B: Registration with the Adoption Resource Exchange of Virginia is only required if the parent is seeking adoptive placement of a special needs child and is not currently connected with a specific special needs child.

C. The licensee shall assist and work with the appropriate local department of social services to gather documentation and complete necessary applications for securing adoption assistance payments for the child.

D. The licensee shall ensure that necessary and appropriate services and treatment are provided to children with special needs, pursuant to Chapter 13 (§ 63.2-1300 et seq.) of Title 63.2 of the Code of Virginia.

22VAC40-131-520. Selecting an adoptive home.

A. Siblings shall be placed together unless it clearly is not in the best interests of the children. If siblings are not placed together, the reasons for separation shall be documented in the file of each sibling.

B. Relatives and foster parents shall be considered primary adoptive resources when adoption is considered to be in the best interests of the child.

C. The licensee shall consider the following when selecting an adoptive home for a child:

1. The child's concerns about adoption, for children over one year of age;

Interpretation of § 520 C 1: If a child is unable to express his concerns about adoption, it is recommended that the reasons for the inability to express his concerns be documented in the child"s file/record.

2. The ages of the adoptive parents in relation to the age of the child; and

3. The child's best interests.

D. When the licensee accepts custody of a child for the purpose of adoption, the licensee shall consider recommendations made by the birth parents, a physician or attorney licensed in the Commonwealth of Virginia, or a clergyman who is familiar with the situation of the proposed adoptive parents or the child. The licensee shall document recommendations made in the file of the child.

E. The licensee shall make selection of a particular prospective adoptive family for a child in accordance with the best interests of the child. The reasons for selecting the specific home for the child shall be documented in the child's file.

F. The licensee shall provide the adoptive parents full known factual information about the child and, excluding identifying information where required by law, known factual information about the child's birth family. The licensee shall provide to the adoptive parents written information about:

1. The child's history, including information about the child's birth, social, cultural, medical, educational, developmental, psychological, and mental health; and

2. Relevant known physical and mental history of the birth parents.

G. The licensee who holds the child's custody shall require the prospective adoptive parents sign and date a written acknowledgement that they have received the full factual information as described in subsection F 1 and 2 of this section. The written signed acknowledgement shall be placed in the adoptive home file.

H. The licensee shall permit the prospective adoptive parents to decide whether they will accept the child.

I. The licensee shall not use the prospective adoptive parent's decision to refuse to take one child into their home as the sole basis for excluding the prospective adoptive parents from consideration for future placement of other children.

22VAC40-131-530. Adoption placement agreement.

A. The licensee who holds custody of a child shall at the time of placement of the child enter into a written agreement for placement with the prospective adoptive family.

B. The placement agreement shall remain in effect until final order of adoption is entered by the court or until the placement ends or disrupts.

C. The adoption placement agreement shall include:

1. The requirements of the foster care agreement specified in 22VAC40-131-280 B and C;

2. A statement that the licensee maintains the legal responsibility to protect the best interests of the child and that the licensee may, with the sanction of the court, remove the child from the prospective adoptive home when removal is determined to be in the best interests of the child;

3. A listing of licensee's responsibilities until the final order of adoption is entered by the court;

4. A listing of the prospective adoptive family's responsibilities the adoptive family will maintain until the final order of adoption is entered by the court; and

5. A statement of services the licensee will provide to the family after the final order is entered, if any services have been agreed upon.

22VAC40-131-540. Placements requiring legal risk agreement.

A. The licensee shall require the prospective adoptive parents to sign and date a written statement acknowledging awareness that the valid entrustment agreement may be revoked by either birth parent until:

1. The placed child has reached the age specified in § 63.2-1223 of the Code of Virginia; and

2. The number of days specified in § 63.2-1223 of the Code of Virginia have elapsed since the execution of the valid entrustment agreement.

B. The written acknowledgement statement signed by the prospective adoptive parents shall be maintained in the child's file.

C. Such a direct placement shall be recognized as a foster home placement and a foster home agreement required by this chapter shall be signed by the licensee and the foster parents.

D. The adoptive placement agreement required by this chapter shall not be signed until the child is legally free for adoption.

Interpretation of § 540 D: The placement agreement cannot be signed until the requirements of § 540 A have been met.

22VAC40-131-550. Adoptive placement of children over one year of age; additional provisions.

A. Except in intercountry adoptions, the licensee shall prepare a child for adoptive placement by involving him in adoption planning, considering his individual needs and concerns, and providing information in a manner the child can understand.

B. The licensee shall document in the child's file the services and contacts provided to the child for adoption preparation including:

1. Discussion about the child's feelings about adoption and identification of indicators that he is ready for the adoptive placement;

2. Discussion regarding the reason he cannot be returned to his birth parents;

3. Discussion about relationships with his social worker, foster family, and prospective adoptive parents;

4. Preplacement visits in his prospective adoptive home. The number of visits shall be determined by the needs of the child and the adoptive family;

5. Efforts to obtain photographs of the child from birth through his current age;

6. The licensee's preparation of a life book for the child;

7. Assessment and services related to the child's attachment and issues of attachment;

8. Assessment of the child's needs for contacts with prior caretakers and birth relatives, including siblings; and

9. Preparation of the adoptive family to receive the child, including expected behaviors and the life-long impact of the child's history.

C. If services to prepare the child for placement were not provided, the licensee shall document the reason the child was not prepared in the child's file.

<u>22VAC40-131-560. Parental placement adoption services.</u>

A. Licensees who provide parental placement services shall follow the provisions of §§ 63.2-1230 through 63.2-1240 of the Code of Virginia and policy approved by the state board.

B. In conducting the home study of the prospective adoptive parents, the licensee shall comply with 22VAC40-131-180 and any other requirements specified by the court. The home study shall contain the licensee's recommendation regarding the suitability of the placement.

C. During the home study process, the licensee shall meet at least one time with the birth parents and at least one time with the prospective adoptive parents. The licensee shall obtain the agreement of both parties prior to holding simultaneous meetings.

D. The licensee shall ensure that the birth parents and prospective adoptive parents have exchanged identifying information including full names; addresses; physical, mental, social, and psychological information; and any other information useful in promoting the welfare of the child, unless both parties have agreed in writing to waive the disclosure of full names and addresses.

E. During the meeting with the birth parents, the licensee shall determine that the consent for adoption is informed and not coerced.

F. The licensee shall document in the file that the birth parents are aware of:

1. Alternatives to adoption;

2. Adoption procedures; and

3. Opportunities for placement with other adoptive families.

G. During the meeting with the prospective adoptive parents, the licensee shall determine that the parents' decision to adopt is informed and not coerced and that they intend to file an adoption petition and proceed toward a final order of adoption.

H. The licensee shall document that the prospective adoptive parents have been counseled by a duly authorized child-placing agency about:

1. Alternatives to adoption;

2. Adoption procedures, including the need to address the parental rights of birth parents, the procedures for terminating such rights; and

3. Opportunities for adoption of other children.

22VAC40-131-570. Parent-recommended homes for adoptive placements.

When the licensee accepts custody of a child for the purpose of placing the child with adoptive parents recommended by the birth parents or a person other than a licensed child-placing agency or local board, the licensee shall:

1. Provide to the birth parents information about the provisions of parental placement adoption and child-placing agency adoption placements;

2. Allow the informed birth parents to elect which placement provision described in subdivision 1 of this section they desire to apply to their case;

3. Provide the birth parents the opportunity to be represented by independent legal counsel; and

4. Provide the birth parents the opportunity for counseling with a social worker.

22VAC40-131-580. Post-placement responsibility for adoptive home placements.

A. The licensee shall ensure that supervisory visits with the child are made in compliance with § 63.2-1212 of the Code of Virginia and, for children in foster care, in compliance with the requirements of policy approved by the Board of Social Services.

1. If the circuit court has not omitted the probationary period, interlocutory order of adoption, or three-visit requirement pursuant to § 63.2-1210 of the Code of Virginia, the licensee shall visit the child at least three times within a period of six months.

2. At least one visit shall be conducted in the home of the petitioners in the presence of the child and both petitioners unless the petition was filed by a single parent or one of the petitioners no longer resides in the home. If one petitioner no longer resides in the home, the licensee shall contact the absent petitioner to determine his interest in remaining involved in the proceedings.

3. The licensee shall ensure that no less than 90 days elapse between the first and last supervisory visits.

4. In accordance with the provisions of § 63.2-1212 of the Code of Virginia, the licensee shall:

a. Document the findings of supervisory visits and after the last supervisory visit formulate a formal written report that includes:

(1) Health and development of the child, including medical and dental care;

(2) The child's adjustment to the family and the relationship of the child to the parents and siblings;

(3) The child's adjustment to day care or school, the child's behavior and special needs, and resources available to meet those needs;

(4) Impact of adoption on the family functioning and the marriage, including discussion of any stress revealed and changes in work and financial status;

(5) Motivation of the petitioners to proceed with the adoption;

(6) The family's readiness to finalize the adoption;

(7) Documentation that the licensee discussed the procedures for finalization of adoption along with information on obtaining a birth certificate and, if appropriate, information on obtaining naturalization; and

(8) Documentation that the licensee offered to provide or refer the child and family to available resources for services after issuance of the final order of adoption. For children with long-standing mental or physical problems, the licensee shall assist in making arrangements for services after the final order;

b. Submit the written report as required to the circuit court, the counsel of record for the parties, and the commissioner; and

c. Document on the court's copy of the report that the copies were served as specified in subdivision 4 b of this subsection, including the date of delivery or mailing.

B. The licensee retains responsibility for protecting the best interests of the child.

1. The licensee shall maintain contact with the child and prospective adoptive family until the final order of adoption is entered.

2. In addition to the visitations required by § 63.2-1212 of the Code of Virginia, the licensee shall visit the child as often as necessary to meet the needs of the child and family.

3. If conditions warrant, the licensee shall proceed to remove the child in accordance with the provisions of § 63.2-904 C of the Code of Virginia.

4. In addition to the legal responsibilities specified in subdivisions 1, 2, and 3 of this subsection, licensees who hold custody of a child shall maintain legal responsibility for the child until the final order of adoption is entered.

C. Except when the adoption has been finalized in another country, the licensee shall document efforts to ensure that the adoption petition is filed. When there is a delay in filing the petition, the licensee shall make an assessment of the situation and conduct visits with the child and family as often as necessary and at least one time quarterly unless the child is in foster care, then the licensee shall conduct monthly face-to-face contacts as required by this chapter.

22VAC40-131-590. Intercountry placement adoptions.

A. A licensee who provides assistance to families in arranging placements of children from foreign countries and who works directly with agencies or resources in other countries shall comply with the provisions of this section.

B. The licensee shall make available to its staff and to applicants written information about Virginia's pre-adoptive requirements for intercountry placements and assist the family in determining when these requirements are applicable.

C. The licensee shall make available to its staff and to applicants written information about the requirements of the United States Citizenship and Immigration Services.

D. The licensee shall share directly with the adoptive applicants all available medical, developmental, and social history about the child, the birth family, and extended family, including the child's placement history.

E. The licensee shall request that the adoptive applicants share available information about the child with the licensee when the applicants directly receive medical, developmental, social history, and other information learned about the child, the birth family, and extended family, including the child's placement history. The licensee shall document in the child's file that this request was made.

F. Documentation required by this section shall be filed as follows:

1. In the child's file when the licensee has received custody; or

2. In a separate section of the adoptive applicant's file when the adoptive applicants have received guardianship; and

3. In the adoptive applicant's file when a final decree of adoption has been issued.

G. During the home study process, the licensee shall discuss the following items with the applicants:

1. The risks of adopting a child from another country, including coping with changes in laws in the other country, or changes in fees; issues regarding the legal availability of the child; risks involved with lack of medical, developmental, and other background information on the child; and the placement of another child if the child originally described is no longer available;

2. The time frame for referrals of children and fees specific to adopting a child from another country and the children or youth available from specific countries;

3. The applicant's ability to assume responsibility for and meet the care, guidance, and protection needs of a child from a different race or ethnic background;

4. The applicant's feelings and attitude toward sharing facts about the adoption with the child, including how the applicants plan to provide the child with information about his native country and teach the child about the customs of his native country;

5. The applicant's expectations for children whose living circumstances prior to placement included living in an orphanage or institution, to include the expected behaviors of the child, attachment and bonding issues, and the life-long impact of the child's history on his behaviors;

6. The applicant's ability to provide care for and cope with any issues that may occur related to the child's previous living circumstances;

7. The applicant's understanding of the requirements for post-placement supervision, the importance of supervision in the resolution of any adoption related issues and the applicant's availability to participate in supervision sessions; and

8. The applicant's responsibility for a child when receiving custody or guardianship of a child under the laws of the child's country.

Interpretation of § 590 G: It is recommended that licensees cover these items with applicants in pre-service training required by § 210.

H. If, after completion of the home study for an intercountry adoption, the family decides to pursue an intercountry placement without the assistance of the licensee, the licensee shall document in the applicant's record that the family withdrew from the intercountry program. The licensee shall have no further responsibility to provide services to the applicant and may close the applicant's record.

I. In completing a home study for an intercountry adoption, the licensee shall offer to provide or refer the family for supervision and adoptive family support and preservation services.

J. Prior to any post-placement supervisory visits, the licensee shall make every effort to obtain documentation of a child's legal adoption status, all available

medical, developmental, and social history on the child's birth family including the child's placement history. The licensee shall document its efforts to obtain the information in the adoptive parents' file.

K. The licensee shall document in the adoptive parents file that the adoptive parents were:

1. Informed of any known information about the child's legal availability;

2. Encouraged to file an adoption petition;

3. Informed of the need for the adoptive parents to complete the process of the child's naturalization and citizen status through the United States Citizenship and Immigration Service; and

4. Asked to contact the licensee to provide:

a. The date they returned home with the child; and

b. The date the adoption was final in the other country.

L. A licensee that provides adoption services in Hague Adoption Convention cases shall comply with all federal laws regarding convention adoptions, including, the Hague Adoption Convention, the Intercountry Adoption Act of 2000 (Pub. L. No. 106-279 (2000)), and the Department of State regulations on intercountry adoption at 22 CFR Part 96.

M. The licensee shall notify the department when the licensee:

1. Obtains accreditation, temporary accreditation or approval under 22 CFR Part 96;

2. Is denied accreditation, temporary accreditation, or approval under 22 CFR Part 96. The licensee shall make available to the department all documents and materials related to the denial; and

3. After being accredited or temporarily accredited or approved, has had the Department of State or any of its designated accrediting entities take an adverse action against the licensee. The licensee shall make available to the department all documents and materials related to the imposed adverse action.

22VAC40-131-600. Interlocutory orders of adoption.

A. If the licensee holds legal custody of the child, the licensee shall file with the court its written consent to an interlocutory order for the proposed adoption.

1. The written consent shall be filed with the petition to the court; and

2. The consent shall be signed under oath and acknowledged before an officer by law to take acknowledgements.

B. Prior to certifying the report of investigation, the licensee shall determine that the requirements set forth in § 63.2-1208 of the Code of Virginia have been met. The licensee shall address each requirement in the investigation report.

C. A notarized statement shall accompany the order stating that the licensee will assume legal responsibility for the child should the placement disrupt prior to the issuance of the final order of adoption.

22VAC40-131-610. Subsequent adoptive placements.

A. When home providers who were approved for adoptive placements request additional adoptive placements, the licensee shall evaluate the home based on the initial home study requirements as specified by 22VAC40-131-180.

B. If the licensee conducted the original home study, the licensee shall conduct two additional visits, one face-to-face interview in the home or office and one face-to-face interview in the home with all current household members living in the home present at the time of the interview.

C. If the original home study was conducted by another child-placing agency:

1. The adoptive applicants shall complete the orientation and training required by 22VAC40-131-210;

2. If the licensee has a copy of the original home study for the applicants, two face-to-face interviews shall be made. If the original home study is not available, a minimum of three face-to-face interviews are required; and

3. The home study shall comply with the requirements of this chapter for the initial adoptive home study.

Interpretation of § 610: Certain requirements of the Interstate Compact on the Placement of Children (ICPC) and United States Citizenship and Immigration Service may require a new home study and not a re-evaluation for subsequent adoptive placements. Information on ICPC requirements is found at http://www.dss.virginia.gov/family/icpc/index.cgi.