

DATE: March 26, 2012

TO: Licensed Child-Placing Agencies

FROM: Lynne Williams, Director, Division of Licensing Programs
Charlene Vincent, Associate Director, Sr., Division of Licensing Programs
Robin Orser Ely, Licensing Administrator, Division of Licensing Programs

RE: **22 VAC 40-131, Standards for Licensed Child-Placing Agencies, Effective May 1, 2012**

The purpose of this correspondence is to provide information regarding: the new standards, 22 VAC 40-131, Standards for Licensed Child-Placing Agencies, effective May 1, 2012; the website link from which you can download and print the standards manual to bring to training; allowable variances; implementation decisions and license modifications.

Standards Manual

As a tool to assist providers in maintaining compliance, the Division of Licensing Programs has developed a standards manual for 22 VAC 40-131, Standards for Licensed Child-Placing Agencies, effective May 1, 2012 that includes supplementary material. This manual contains guidance for interpreting the standards and compliance guidelines, and can be found at http://www.dss.virginia.gov/files/division/licensing/lcpa/intro_page/code_regulations/regulations/standards_for_lcpa.pdf. Please note:

- The version of the manual you will obtain from the website link is stamped 'Draft'.
- The promulgated language (bold text) in this manual will not change.
- 'Draft' refers only to the interpretation text boxes in the manual, as the Division of Licensing Programs may revise some of the interpretations as a result of questions asked at training. All providers will be emailed a website link to the final version of the manual prior to May 1, 2012.

Provider Training

Provider trainings are now open for registration. If you have registered for one of the trainings, you must print a copy of the Standards for Licensed Child-Placing Agencies manual and bring it with you to training. Copies of this manual will not be available at the individual training sites. It is recommended that at least one person from each agency attend the training.

Allowable Variances

As stated above, 22 VAC 40-130, Minimum Standards for Licensed Private Child-Placing Agencies, effective August 1989 will expire on April 30, 2012; and 22 VAC 40-131, Standards for Licensed Child-Placing Agencies will become effective on May 1, 2012. Allowable variances expire when a new regulation becomes effective. If your agency currently has a variance it will expire April 30, 2012.

Before applying for a variance on any of the new standards, it is important that you review the new standards to determine if a variance is still needed. The most common allowable variances for Licensed Child-Placing Agencies are issued for background checks obtained more than 90

days prior to approval of an adoptive or foster home and for short-term foster care (respite) programs.

- Allowable variances to approve adoptive and foster homes with background checks obtained more than 90 days before approval **do not** need a new request form. These variances are covered by a different regulation (Background Checks for Child Welfare Agencies).
- Licensed child-placing agencies providing short-term foster care will need to modify the license to include short-term foster care and begin complying with the requirements for short-term foster care in the new regulation, but **do not** need to request a variance.

If you think you need a variance to a standard because the requirement poses a hardship to the agency, you must submit a request for an allowable variance.

To request an allowable variance, please complete the “Allowable Variance Request Form” found on our website (<http://www.dss.virginia.gov/facility/lcpa.cgi>), or contact your Licensing Specialist and request this form. The completed form should be returned to your Licensing Specialist by email. The form should request a variance using the standard number in 22 VAC 40-131, Standards for Licensed Child-Placing Agencies. The request must be submitted prior to the May 1, 2012 in order to remain in compliance. Additional information regarding allowable variances can be found in the regulation, General Procedures and Information for Licensure.

Implementation Decisions

The Division has made the following decisions regarding the implementation of 22 VAC 40-131, Standards for Licensed Child-Placing Agencies, effective May 1, 2012:

- Staff Qualifications: Executive Directors, Director of Social Services (Program Director as of May 1, 2012), Child-placing Supervisors, and Case Workers hired prior to May 1, 2012, who (1) meet the education and experience requirements of the regulation, 22 VAC 40-130, Minimum Standards for Licensed Child-Placing Agencies, effective August 1989; but who (2) do not meet the education and experience requirements of the new regulation, 22 VAC 40-131, Standards for Licensed Child-Placing Agencies, effective May 1, 2012 may continue in his or her current position. Any staff hired or promoted on or after May 1, 2012 must have the qualifications described in 22 VAC 40-131, Standards for Licensed Child-Placing Agencies.
- Home Studies approved prior to May 1, 2012 must be in compliance with 22 VAC 40-130, Minimum Standards for Licensed Private Child-Placing Agencies and home studies approved after May 1, 2012 must comply with 22 VAC 40-131, Standards for Licensed Child-Placing Agencies. The licensee must assess the home environment for providers approved prior to May 1, 2012, as required in 22 VAC 40-131-190, Home environment. The licensee shall document in the provider file that the home provider meets the requirements of 22 VAC 40-131-190. Unless a 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.

At the time of any re-evaluation, update or subsequent home study, the provider must meet the requirements of 22 VAC 40-131, Standards for Licensed Child-Placing Agencies.

- These implementation decisions **do not** transfer when the employee or provider leaves the licensed child-placing agency and applies to work or be approved by another licensed child-placing agency.
- These implementation decisions **do not** carry over for changes in sponsorship of a licensed child-placing agency.

License Modification

Part VII, Additional Requirements for Specific Programs, of the new regulation, 22 VAC 40-131, Standards for Licensed Child-Placing Agencies, effective May 1, 2012, requires that a licensed child-placing agency have the authority to provide certain programs and services. Authority must be granted on the face of the license. The specific programs and services are:

- Permanent Foster Care
- Short-Term Foster Care (formerly referred to as 'respite')
- Independent Living Arrangements
- Treatment Foster Care
- Adoption

All agencies should review their current license to confirm if the license includes the specific programs and services that your agency provides.

- Short-Term Foster Care: For most licensed child-placing agencies providing foster care, a modification will be needed to provide short-term foster care. Short-term foster care includes both relief for approved homes and substitute care for families (review definition for short-term foster care in 22 VAC 40-131, Standards for Licensed Child-Placing Agencies, effective May 1, 2012).
- Permanent Foster Care: Only licensed child-placing agencies who accept custody of children can be authorized to provide permanent foster care.

If a modification of the license is necessary, you are required to submit a written request to modify your license to your Licensing Specialist. In addition to your written request for modification, you are required to send to your Licensing Specialist your program statement and description which meets the requirements of 22 VAC 40-131-170. If additional documentation is needed to evaluate the modification request, your Licensing Specialist will contact you.

Requests to modify the license must be submitted prior to May 1, 2012 in order to remain in compliance. Additional information regarding modification can be found in the regulation, 22 VAC 40-80, General Procedures and Information for Licensure.