

Commissioner Guidance Document Transmittal

Date: July 30, 2014

Manual – Division of Family Services Child and Family Services Manual, Chapter F - Adoption
Transmittal #266

The purpose of this transmittal is to provide clarified and corrected guidance for several sections of the Adoption Chapter F on the Adoption Assistance Program. The provisions included in this transmittal and the entire Chapter F are effective July 1, 2014, unless otherwise specified in the guidance.

This guidance supersedes all other guidance previously issued on adoption assistance through guidance transmittals and broadcasts. The specific changes listed in the table below are italicized in the guidance. Additionally, the Adoption Assistance Agreement has been revised.

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

Chapter F Adoptions	
Section	Significant Changes
All Sections	Added page numbers
1.3 Definitions	<ul style="list-style-type: none">Added the definitions for group home, LASER, Qualified Professional, and residential treatment facility.Moved the existing definitions (custody, investigation, joint custody, person with legitimate interest, and sole custody) from Section 7 of this chapter.Changed term from close relative to close relative placement and re-worked the definition to provide clarity
2.2.2 Legal excerpts	Removed full citations from the Code of Virginia and the Virginia Administrative Code, as well as federal regulations and acts. Left links to the references. Arranged links in order of federal law, federal statute, state law, and state regulation. Added references to the Child Welfare Policy Manual.
2.3.1 Required forms and documentation	Under Full Disclosure Form added "This document replaces the Acknowledgement of Information form."
2.3.1 Required forms and documentation	Provided clarification regarding difficulty of care established prior to October 1, 2009.
2.4 Screening a child for adoption assistance	Modified verbiage to refer to an adoption assistance agreement rather than an adoption assistance maintenance payment. Added references to Section 2.5 and Section 2.6

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2.5.3.2 Applying Title IV-E eligibility criteria for Applicable Child	Added the requirement that minor parent be Title IV-E eligible
2.5.7 Documenting child requirements for adoption assistance	Indicates that the special need factors shall be documented by a qualified professional
2.5.7.1 Age and legal residency	Adds “at the time of the application for adoption assistance”
2.5.7.5 Minority group, close sibling relationship, and age.	Provides clarification for documenting a father that is not on the birth certificate.
2.5.8 Eligibility for basic and enhanced maintenance payments	<ul style="list-style-type: none"> • Provided clarifying language for eligibility for enhanced maintenance payments prior to final order. Added reference to when a VEMAT is needed prior to final order. • Added language addressing enhanced maintenance for pre-Oct 1, 2009 agreements. Also, refer to Section 2.20.3.
2.6.5 Eligibility for Basic and Enhanced Maintenance Payments	Provided clarifying language relative to eligibility for enhanced maintenance payments after final order.
2.13 Assessing additional supervision and support needs of child	Provided clarification as to when a VEMAT should be re-administered
2.13.1 Process for conducting a VEMAT as a result of the screening process	Addresses how to conduct a VEMAT as a result of the screening process (this information was previously in Section 17 of Chapter E Foster Care Manual)
2.16.2 Types of special services	<ul style="list-style-type: none"> • Removed “non-routine” from dental care • Added reference to new Section (2.16.7) • Added language defining of group homes as Level A or B criteria established by DMAS • Added language defining residential treatment as a Level C residential treatment center
2.16.6.1 Requirements for residential treatment services	Added that the residential treatment services must be directly related to the child’s documented special needs “as specified on the adoption assistance agreement or addendum.”
2.16.6.6 OASIS Residential Screen	Added the requirement that when the adoption assistance is used to pay for residential treatment, the LDSS shall enter additional information into OASIS on the Adopt/ Residential Screen.

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2.16.7 Additional requirements for respite care	Provided restrictions and clarifications on respite care
2.19.2 Executing the Agreement	Specifies that beginning June 1, 2015, adoption assistance agreements effective date shall be “date of the final order of adoption.”
2.20 Payment and Services	Added language specifying that adoption assistance payments shall be recorded in the LDSS accounting system of record, LASER, and in OASIS.
2.20.1 Beginning Payments and Services	<ul style="list-style-type: none"> • Indicates that for adoption assistance agreements signed on or after June 1, 2015, local departments shall continue to use foster care funds until the date of the final decree of adoption • Moved verbiage from 2.20.3 concerning service worker responsibilities
2.20.2 Reconciling foster care payment records (new sub-section)	Provides instructions to reconcile BL811, BL812 and BL817 payments upon receipt of the final decree and indicates when pro-rating and specifies that the reconciliation is required.
2.20.3 Making Maintenance Payments	<ul style="list-style-type: none"> • Added additional OASIS update requirements for maintenance payments • Added language addressing pre-Oct 1, 2009 additional daily supervision payments for both Title IV-E and State agreements. • Added language to specify the effective date for increases in basic maintenance payments due to age will be the first of the month following the child’s birth date.
2.20.4 Making Non-recurring adoption expense Payments	<ul style="list-style-type: none"> • Added LASER reporting requirements • Added “Adoptive parents may incur the non-recurring costs prior to signing the agreement; however, the reimbursement will not occur until after the agreement is in effect (example: home study).”
2.20.5 Making and Reporting Special Service Payments	<ul style="list-style-type: none"> • Added requirement that all special service payments be entered into the OASIS Subsidy screen
2.21.1.1 Responsibilities of adoptive parents who receive enhanced maintenance prior to finalization of the adoption	<ul style="list-style-type: none"> • Moved information from Section 17 of Chapter E Foster Care Manual
2.21.2 Responsibilities of LDSS responsible for adoption assistance	Moved information from Section 17 of Chapter E Foster Care Manual

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2.21.2.2 Supportive Services for adoptive parents receiving enhanced maintenance prior to finalization	Moved information from Section 17 of Chapter E Foster Care Manual
2.23.5 Conducting a VEMAT after signing an adoption assistance agreement	Provided specifications for conducting a VEMAT after the agreement has been signed.
2.23.6 Executing the addendum	Added verbiage indicating that changes in payment rates shall be implemented on the first day of the month following the all signatures.
2.24.3 Terminating Agreements for AAA signed on or after Oct 2013	Removed the requirement that the youth willingly cooperate.
2.27.1 Adoption Case Contacts	All case contacts after finalization should be documented in the Adoption Case Contact screen in OASIS.
2.27.2 Subsidy Screen	Provided details concerning effective date, application date, renewal date, amount of payment, and type of agreement. Specifies that moving forward basic and enhanced maintenance should be reported separately and that for service payments that fluctuate from month to month, the LDSS will enter the maximum monthly liability in the payment amount.
2.27.3 Residential Screen	Provides details as to what information should be entered into OASIS
5.5.1 Who may have access to identifying information	Added "In cases in which an adult adoptee seeks disclosure about his/her birth parents and consent is not obtainable due to the death or mental capacity of the birth parents, the Commissioner may release identifying information if the adult adoptee shows good cause as to why the information should be made available."
5.6.1 Contact from an adult adoptee	Added "In cases in which an adult adoptee seeks disclosure about his/her birth parents and consent is not obtainable due to the death or mental capacity of the birth parents, the Commissioner may release identifying information if the adult adoptee shows good cause as to why the information should be made available."
6.5.2.3 Making Inquiries during the investigation	Fixed typo. Changed "metal" to "mental"
7.3.2 Definitions	Removed definitions from this Section and moved them into Section 1.3

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Adoption Assistance Agreement form changes	
A2d	Added language indicating that the increase due to age takes effect on the first day of the month after the child's birthday.
K1a	Removes the requirement that the youth willingly cooperate in order for the subsidy to continue beyond the age of 18

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