

Commissioner Guidance Document Transmittal

Date October 27, 2017

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

Transmittal # - 277

The purpose of this transmittal is to provide new and revised guidance for Chapter F Adoption of the Virginia Department of Social Services (VDSS) Child and Family Services Manual. Unless otherwise stated, the provisions included in this transmittal are effective upon release.

Section 2: Adoption Assistance has been significantly revised and reorganized by deleting and combining duplicate sections and rearranging sections to begin with the initial process steps of adoption assistance. Additionally, this transmittal contains information on adoption assistance through Fostering Futures, previously published in Broadcast 9675, as well as the guidance on adoption negotiations, previously published in Broadcast 9190.

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

Significant changes to the manual are as follows:

Section	Significant Changes
Throughout Sections 1, 2, 3, and 5	Adds “automated system” to OASIS.
1.1 Introduction	Expands on the explanation of permanency.
1.2.2 Legal citations	Rearranges legal citations in alphabetical order. Clarifies the purpose of the Indian Child Welfare Act (ICWA) of 1978.
1.2.2.2 Code of Virginia	Changes Putative Father Registry to Virginia Birth Father Registry.
1.2.2.3 Virginia Administrative Code	Removes the explanation of the Virginia Administrative Code.
1.3 Definitions	Adds the definition for Addendum, Adoption Assistance Case File, Child Protective Services, Children’s Services Act (CSA), Community Policy and Management Team (CPMT), Executed Agreement, Family Assessment and Planning Team (FAPT), Free and Appropriate Public Education (FAPE), Person Locator tool, and Sibling. Revised the definition for Adoption Resource Exchange of Virginia (AREVA), Adoption Search, Birth Certificate (original), Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), Consortium for Resource, Adoptive, and Foster Family Training (CRAFFT),

	<p>Custody, Custody Investigation, Enhanced Maintenance Payment, OASIS, and Re-Adoption.</p> <p>Renames Adoption Assistance Maintenance to Basic Maintenance Payment and Adoption Assistance Special Services Payment to Special Services Payments.</p> <p>Removes Resource Parent definition.</p>
2.1 Introduction	Adds that special services payments are time-limited.
2.3 Determining LDSS responsibility for adoption assistance	Clarifies that the LDSS maintain responsibility of adoption assistance when the adoptive parents move to another jurisdiction or state.
2.3.1 Preparing for the adoption assistance process	Clarifies that the Full Disclosure of Child Information Form will identify the child’s special needs.
2.5.1 Initial review and notice of application receipt	Changes the statement from the LDSS “shall” to “should” complete, sign, and execute the adoption assistance agreement within 90 days from the date the application is received.
2.6.2 Assessing additional daily supervision needs of child	<p>Adds Adoption Negotiator will assess and negotiate enhanced maintenance payments with the adoptive parent and LDSS.</p> <p>Changes that if the child’s new VEMAT score is lower, then the lower score is used to determine the child’s maximum reimbursable rate with the concurrence of the adoptive parents.</p>
2.6.3 Assessing child care needs	<p>Adds that there are two child care funded categories, maintenance and special services.</p> <p>Adds the process of assessing child care needs based on the funding.</p>
2.6.5 Assessing non-recurring adoption expenses needs	Clarifies that non-recurring expenses shall be entered into prior to or at the time of the finalization of adoption.
2.6.6.2 Types of special services	<p>Adds that the special services shall be directly related to the child’s special needs that are listed on the adoption assistance agreement.</p> <p>Changes handicaps to disabilities.</p> <p>Adds the education component of the residential facility to special services payments, when other sources of funding are unavailable.</p>
2.6.6.2.1 Educational Advocate	Adds information on the process of using adoption assistance funding for an educational advocate.
2.6.6.3 Determining whether residential services are covered	Adds that adoptive parents may request special services funds to cover remaining educational costs when the child

	<p>is in a residential placement.</p> <p>Adds that when the child is not Medicaid eligible during the initial admission into a residential treatment facility, the adoptive parents should check with their health insurance to cover the first 30 day period. If there is no health insurance coverage, the adoptive parents may request special services funds.</p>
2.6.6.4 Requirements for respite care	<p>Adds a limit of respite care to 240 hours per year.</p> <p>Adds that the terms of respite care are negotiated and entered onto the adoption assistance agreement or addendum.</p>
2.7.1 Child’s health insurance	<p>Deleted reference to the foster care guidance manual and added hyperlink to Medical Assistance for Families and Children Handbook to explain specific services covered by Medicaid for adoptees.</p>
2.7.2 Family preservation services for adoptive families	<p>Updated Adoption Family Preservation Program to Adoption through Collaborative Partnerships and added the link to post adoption contractors on the VDSS website.</p>
2.7.3 Children’s special needs	<p>Defines the acronym for CPMT (Community and Policy Management Team)</p>
2.7.5 Educational and related services needs	<p>Defines specifically designed instruction.</p> <p>Adds information about the school division’s responsibility in the provision of FAPE.</p> <p>Defines the acronym IDEA as Individuals with Disabilities Education Act.</p>
2.8 Screening child for adoption assistance	<p>Adds that the Benefit Programs Specialist does not determine title IV-E eligibility for adoption assistance.</p> <p>Clarifies that the screening tool shall be completed prior to executing the AAA either before or after the final order of adoption.</p> <p>Adds that the LDSS shall maintain a signed copy of the screening tool and document the results of the screening in OASIS.</p> <p>Adds that parental placement adoptions are not screened for adoption assistance.</p>
2.9.1 Title IV-E applicable child	<p>Adds that the Virginia Adoption Assistance Screening Tool is used to determine the child’s eligibility for tile IV-E maintenance payments.</p>

	Clarifies that the LDSS screens the child using title IV-E applicable criteria and no longer screens using the non-applicable criteria as of October 1, 2017.
2.9.1.1 Judicial determination criteria	<p>Clarifies criteria for judicial determination for applicable child.</p> <p>Adds that when the child meets the applicable child criteria, then the LDSS screens for other applicable child criteria.</p> <p>Clarifies when the child does not meet the applicable child criteria, the LDSS continues to screen using the SSI, IV-E minor parent, and previous title IV-E adoption applicable child criteria.</p>
2.9.1.2 Reasonable efforts and special needs criteria	Clarifies information that the child shall meet all five of the reasonable efforts and special needs criteria.
2.9.1.3 SSI, title IV-E minor parent, and previous IV-E adoption criteria	<p>Clarifies eligibility criteria for applicable child using SSI, minor child, or previous title IV-E adoption criteria.</p> <p>Clarifies information that the child shall meet all four of the reasonable efforts and special needs criteria.</p> <p>Adds when the child meets the title IV-E criteria, the child is eligible for title IV-E adoption assistance as an applicable child. The LDSS should document how the child meets each criterion in the case record and OASIS.</p>
2.9.2 Screening child for state basic maintenance payments	<p>Adds that adoption assistance is not available for parental placements unless the AAA existed prior to July 2013.</p> <p>Adds that a state maintenance payment is approved for an eligible child for adoption assistance unless the adoptive parent indicates or it is determined through negotiation that the payment is not needed.</p>
2.9.2.1 State adoption assistance special needs criteria	Clarifies information on state adoption assistance special needs criteria.
2.9.2.2 State adoption assistance eligibility criteria	Adds if the child is not eligible for title IV-E or state-funded basic maintenance, the LDSS screens the child for non-recurring adoption assistance.
2.9.3 Eligibility for enhanced maintenance payments	<p>Adds that enhanced maintenance payments may be available for a child that requires increased supervision beyond what is developmentally appropriate.</p> <p>Adds Adoption Negotiator along with the LDSS and adoptive parents shall assess and negotiate an enhanced maintenance payment.</p>

	<p>Adds that basic maintenance and enhanced maintenance combined is the maintenance payment and negotiations will begin at 70% of the total maintenance rate.</p> <p>Clarifies that prior to the final order of adoption, title IV-E funds are used when the child meets the criteria for applicable child.</p>
2.9.4 Eligibility for special services payments	<p>Clarifies state funded services payments are directly based on the child's current special needs.</p> <p>Changes CPA to LDSS or LCPA.</p>
2.9.5 Eligibility for non-recurring payments	<p>Adds eligibility criteria for non-recurring expenses.</p> <p>Clarifies when to include non-recurring payments on the negotiated AAA.</p>
2.9.6 Eligibility for Medicaid in relation to AAA	<p>Clarifies when using state adoption assistance funds with no documentation of special medical and/or rehabilitative need, the child is not eligible for Medicaid as part of the AAA.</p>
2.9.6.2 Medicaid for the child eligible for state adoption assistance with special medical needs	<p>Adds rehabilitative need that is specified on the AAA is submitted along with the Medicaid application.</p> <p>Adds Benefit Programs Specialist.</p>
2.10 Screening child after final order of adoption	<p>Clarifies the screening process after the final order of adoption.</p> <p>Adds that state adoption assistance and special services shall not be available for parental placement adoptions with the exception of adoption assistance agreements existing prior to July 2013.</p>
2.10.1 Screening a child for basic maintenance after final order	<p>Condenses information that the child meets eligibility requirements and has special needs.</p>
2.10.2 Screening a child for enhanced maintenance after final order	<p>Defines enhanced maintenance payments.</p> <p>Adds that the child requires additional supervision and support from the adoptive parents that are beyond developmentally appropriate.</p> <p>Adds that the VEMAT score does not determine the exact amount of adoption assistance; rather the VEMAT score sets the maximum amount for negotiation.</p>
2.11 Documenting requirements for adoption assistance	<p>Adds that the LDSS should document in the case record and automated system (OASIS) why the child's special need makes the child difficult to place without adoption</p>

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	assistance.
2.11.2 Cannot or should not return home	Changes CPA to LDSS or LCPA.
2.11.3.1 Minority group, close sibling relationship, and age	Adds that the LDSS shall document the child’s special need factor in the automated system (OASIS) and case record. Clarifies child is a member of a sibling group.
2.11.3.4 Reasonable but unsuccessful efforts to place without assistance	Changes CPA to LDSS or LCPA.
2.11.3.6 Social Security Income (SSI)	Clarifies the requirements for adoption assistance using SSI benefit criteria.
2.11.3.7 Child of title IV-E foster youth (minor parent)	Clarifies documentation requirements for eligibility of adoption assistance for a child of a title IV-E foster care youth.
2.11.3.8 Prior title IV-E adoption	Adds guidance on documentation requirements for a prior title IV-E adopted youth.
2.12 Negotiating adoption assistance to 2.12.5 Appealing negotiation results	Adds guidance on negotiating adoption assistance.
2.12.4 Negotiating special services payments	Adds Adoption Negotiator to this section.
2.13 Adoption assistance agreement	Defines an adoption assistance agreement.
2.13.2 Executing the agreement	Clarifies the effective date of the Adoption Assistance Agreement (AAA) is on the first day of the following month after all parties have signed the agreement. Changes Resource Family Regional Consultant to Adoption and Family Recruitment Regional Consultant.
2.14 Annual affidavit	Adds that an annual affidavit is required for AAA entered into with a zero dollar payment.
2.15 Making changes to agreement	Defines an addendum. Adds that a rate or provider change requires an administrative change. Adds that rate changes over 30% are referred to an Adoption Negotiator. Adds that an AAA without end dates is not referred to an Adoption Negotiator for an addendum and the LDSS will utilize their internal process for completing the addendum. Adds that services that are regularly utilized, such as tutoring, mentoring, and counseling, may be approved on the addendum for up to one year.

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<p>2.15.4 Assessing relevant components of adoption assistance</p>	<p>Adds the Adoption Negotiators' responsibilities in completing an addendum.</p> <p>Adds that the LDSS should use the Worksheet for Assessing and Negotiating Adoption Assistance when requesting changes to the AAA.</p> <p>Adds that with an AAA completed prior to October 2013, the LDSS should work with the family to obtain information to complete the worksheet.</p> <p>Adds that when a youth is receiving residential treatment, the LDSS will reevaluate the VEMAT and negotiate a reduced enhanced maintenance payment.</p>
<p>2.15.7 Assessing conditions warranting continuation beyond 18th birthday</p>	<p>Adds guidance on conditions that warrant continuation of adoption assistance beyond age 18.</p>
<p>2.15.8 Extension of adoption assistance through Fostering Futures (entire section)</p>	<p>Adds guidance on extending adoption assistance through Fostering Futures.</p>
<p>2.15.9 Requirements for residential treatment services</p>	<p>Adds that the adoptive parents need to complete the Request for Addendum to the Adoption Assistance form when requesting residential treatment services.</p>
<p>2.15.9.3 Negotiating residential treatment services</p>	<p>Adds that the LDSS and Adoption Negotiator shall negotiate special services.</p>
<p>2.16.1 Beginning payments and services</p>	<p>Clarifies that adoption assistance funds begin on the first calendar day of the month following the month in which all parties sign the agreement or addendum.</p>
<p>2.16.3 Making and reporting maintenance payments</p>	<p>Adds LASER budget line and cost codes for Fostering Futures adoption assistance maintenance payments.</p> <p>Adds budget line and cost code reporting for child care expenditures for title IV-E and state funded adoption assistance agreements.</p>
<p>2.16.4 Making and reporting non-recurring adoption payments</p>	<p>Changed that the adoptive parents should submit copies of bills and receipts no later than two years after the expense was incurred.</p>
<p>2.16.6 Making and reporting Fostering Futures payments</p>	<p>Adds guidance on the process and timelines for making Fostering Futures adoption assistance payments.</p>
<p>2.16.7 Adoption and Legal Guardianship funds</p>	<p>Adds information on the Adoption and Legal Guardianship Incentive Payments program.</p>
<p>2.17.2 Responsibilities of LDSS responsible for adoption assistance</p>	<p>Changes Resource Family Consultants to Adoption and Family Recruitment Consultants.</p>
<p>2.17.4 Responsibilities of LDSS when abuse and neglect</p>	<p>Expands on the LDSS responsibilities of adoption assistance payments when there are allegations of abuse</p>

	and neglect.
2.18.1 Terminating maintenance payments	Adds that an Adoption Negotiator and the LDSS shall assess and negotiate new terms for maintenance payments to be included in an addendum.
2.18.4 Terminating extended adoption assistance through Fostering Futures	Adds guidance on how to terminate adoption assistance extended under Fostering Futures.
2.21 OASIS case record	Changes that the OASIS adoption record is opened within five calendar days from the signature of the adoptive placement agreement and the OASIS Adoption Assistance screen is updated within 5 calendar days of signing the adoption assistance agreement.
2.21.1 Adoption case contacts	Adds that all case contacts after finalization should be documented in the Adoption Case Contact screen in OASIS.
2.21.2 Assistance Screen	Changes OASIS Subsidy screen to OASIS Assistance screen. Changes the example to reflect that non-recurring expenses have an end date and not a renewal date. Adds that the end date in OASIS is the last date of payment within either the annual or monthly payment cycle.
2.22 Appendix A	Moves 2.2.2 Legal Excerpts to Appendix A.
2.23 Appendix B	Moves 2.31 Required Forms and Documentation to Appendix B.
2.24 Appendix C	Moves 2.5.6 Flow charts on determining child's eligibility prior to final order of adoption to Appendix C.
2.24 Appendix C	Moves 2.6.4 Flow chart on child's eligibility for state adoption assistance after final order of adoption to Appendix C.
2.25 Appendix D: Adoption negotiation timeline	Adds adoption negotiation timeline.
3.6.4 Distribution of the Report of Investigation	Changes VDSS Permanency Unit to VDSS Adoption Unit throughout the rest of this section.
3.7.1 Visits during probationary period	Clarifies the purpose of the visits during the probationary period.
3.8.1 Obtaining an adoption case number	Adds that the CPA will be notified of the adoption case number through an acknowledgement letter, if applicable. Changes that the Adoption Records Specialist will assign adoption case number within 15 business days.
3.8.2 Materials sent to the VDSS Adoption Unit	Clarifies that the case record is sent to the VDSS Adoption Unit within 30 days of the receipt of the final order of adoption.

	Changes The Virginia Putative Father Registry to The Virginia Birth Father Registry.
5.1 Introduction	<p>Changes VDSS Permanency Unit to VDSS Adoption Unit throughout the rest of this section.</p> <p>Clarifies that CPAs are public and private child placing agencies.</p> <p>Adds guidance that the release of information from closed adoption records requires approval from the Commissioner.</p>
5.3 Conducting a disclosure search	Adds that an extension can be requested in writing for 30, 60, or 90 days.
5.4.1 Special types of non-identifying information	Adds that there are 2 types of non-identifying information that require special handling: critical medical information and letters and pictures.
5.4.2 Redacting adoption records for non-identifying information	<p>Adds that the VDSS Adoption Disclosure Specialist will send a copy of the preserved record to the CPA to redact identifying information.</p> <p>Adds that the agency should check for historical or in-house files to be certain that the entire adoption record is reviewed and included in the redaction process.</p>
5.4.3 Releasing non-identifying information	Clarifies that when an adoptee lives out of the area, a request from a nearby agency can receive the non-identifying information on his behalf through written approval from the adoptee and receiving agency.
5.5 Disclosure of identifying information	Adds that the release of identifying information on birth family members is only granted by the Commissioner or circuit court upon showing good cause.
5.5.1 Request from an adult adoptee	Adds that an extension can be requested in writing for 30, 60, or 90 days.
5.5.2 Request from birth parent and adult birth sibling	Adds that in adoptions finalized prior to July 1, 1994, birth parents and adult birth siblings cannot request a search for the adoptee.
5.5.3 Request from adoptive parent	Clarifies that the CPA is allowed to charge a fee for the search.
5.5.5.1 Actions upon receipt of a Letter of Appointment.	Adds that an extension can be requested in writing for 30, 60, or 90 days.
5.5.5.2 Searching information	Adds that the original birth certificate can be requested to assist in the search process.
5.5.5.6 Final disposition	Clarifies that the purpose of the final disposition letter is to provide the search results and the Commissioner's decision about disclosure.
5.6.1 Fee schedule for adoption searches	Adds that the state median income (SMI) chart is updated each year and available on SPARK.

Section 8	Changes Virginia Putative Father Registry to Virginia Birth Father Registry throughout this section.
8.1 Introduction	Changed “allowing him to be notified” to “providing notification of court proceedings.”
8.2 Framework	<p>Clarified that the 2006 General Assembly passed into law the putative father registry and in 2017 the General Assembly passed that the name of the registry be changed to the Virginia Birth Father Registry.</p> <p>Added that the Virginia Birth Father Registry provides a mechanism for putative fathers to voluntarily acknowledge paternity prior to adoption court proceedings.</p>
8.3 Who should register with the Virginia Birth Father Registry	Adds that registration may assist with the opportunity for the father or paternal family to play an important role in his child’s life.
8.5 Registration	Adds that a registration form can be accessed on the VDSS website and that the registration is complete only when the original, signed registration form is received by VDSS.
8.5.1 Timely Registration	<p>Adds that a registration is timely when it is received within 13 days of receipt of the certified mailing.</p> <p>Changed non-agency placement to non-agency adoption.</p> <p>Adds that the Virginia Birth Father Program Specialist will enter registrations into the Virginia Birth Father Registry.</p>
8.7 Search of the Virginia Birth Father Registry	<p>Adds “court” to adoption proceeding.</p> <p>Changes Staff at the Registry to the Virginia Birth Father Registry Program Specialist.</p> <p>Adds for a search of a child who is unborn or less than 10 days old and a putative father has been identified, the requestor shall attach the letter notifying him of his availability to register.</p> <p>Clarifies that VDSS will mail the certificate and findings of the search using the United States mail or at the requestor’s expense, the certificate will be delivered by overnight mail, in person, by messenger, by facsimile, or other electronic communication.</p> <p>Changed social worker to Family Services Specialist.</p>
8.8 Compliance with notice provisions	Adds that it is the responsibility of the child placing agency, attorney, or adoptive parent to provide evidence of compliance with the Virginia Birth Father Registry.

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