

Date – April 25, 2017

Manual - Child and Family Services Manual, Chapter E, Foster Care

Transmittal # - 274

The purpose of this transmittal is to provide new, revised, and clarified guidance for the Foster Care Chapter (E) of the Child and Family Services Manual. Unless otherwise stated, the provisions included in this transmittal are effective upon posting.

This release includes updates to guidance as a result of requirements at the federal level. The Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183), was enacted September 29, 2014. Some components of the federal law went into effect September 29, 2015. Additionally, House Bill 600 (which incorporated the federal requirements into the Code of Virginia) went into effect July 1, 2016. The federal and state laws include mandates to protect and prevent children and youth in foster care from becoming victims of sex trafficking and made other important improvements to the child welfare system to help improve outcomes for children and youth in foster care. Most of these changes have been communicated through broadcasts or in sections 13, 14a and 14B released in July 2016, and are already part of practice. Highlights of the requirements of the P.L. 113-183 in this release include:

- Supporting normalcy for children in foster care by implementing a “reasonable and prudent parent standard.”
- Eliminating Another Planned Permanent Living Arrangement (APPLA) and Permanent Foster Care (PFC) as a selected foster care goal for children under the age of 16. (Broadcast 9386)
- Notification given to the parents of siblings to a child when that child enters foster care.

Effective February 25, 2015, the Bureau of Indian Affairs (BIA) updated the Guidelines for State Courts and Agencies in Indian Child Custody Proceedings. The updated guidelines provide a framework for state courts and child welfare agencies implementing the Indian Child Welfare Act (ICWA) (Broadcast 9594).

In January 2016, The United States Department of Interior granted federal recognition to the Virginia Pamunkey Indian Tribe (Broadcast 9594).

The information previously released in Broadcast 9594 has been incorporated into section 3 of the guidance.

Other changes to guidance include:

- With this transmittal, sections 13, 14A and 14B released in July 2016 are now incorporated into the manual. There are no substantive changes to these sections but subsequent sections have been renumbered.

Commissioner Guidance Document Transmittal

- The Adoption Resource Exchange of Virginia (AREVA) – Information was added to this section of foster care guidance regarding the purpose of AREVA; requirements for registering children; and the reasons for deferring a child from the photo-listing.
- Memorandum of Agreement (MOA) between the Virginia Department of Social Services (VDSS) and the Department of Juvenile Justice (DJJ) – enacted on August 31, 2015, the MOA provides instruction and guidance for both parties to work cooperatively and provide case management for youth prior to, during and following their commitment to DJJ (Broadcast 9557).
- Throughout the manual the term “service plan” has been changed to “foster care plan” when referring to the case plan document that is submitted to court for foster care hearings.
- Throughout the manual the term “resource parent” has been changed to “foster and adoptive parent.”
- Throughout the manual “Resource Family Consultant” has been changed to “Adoption and Family Recruitment Consultant.”
- Throughout the manual “Permanency Consultant” has been changed to “Foster Care Consultant”.
- The outcomes referenced in the beginning of each section have been updated to match the current Child and Family Service Review outcomes.

This transmittal and manual are available on Spark at:

<http://spark.dss.virginia.gov/divisions/dfs/fc/procedures.cgi> and on the VDSS web site at <http://www.dss.virginia.gov/family/fc/manual.cgi>.

Significant changes to the manual are as follows:

| Section(s) Changed | Significant Changes |
|--------------------|--|
| 1.2 Definitions | <ul style="list-style-type: none"> • Deletes definition of Additional Daily Supervision (ADS) as it is included in the definition of enhanced maintenance. • Modifies Adoption Assistance Maintenance definition. • Adds the definition for Adoption Resource Exchange of Virginia (AREVA). • Adds definition of Child and Family Team Meeting. • Omits the section of the definition of children’s residential that speaks to serving youth between 18-21 • Notes change in name from Comprehensive Services Act for At-Risk Youth and Families to Children’s Services Act as required by change in Va. Code July 1, 2015. • Adds definition to Community Policy and Management Team (CPMT). • Adds the definition of Normalcy. |

| | |
|--|---|
| | <ul style="list-style-type: none"> • Adds the definition for Sex Trafficking. • Adds the definition of Sibling. |
| 1.3 Federal Requirements | <ul style="list-style-type: none"> • Adds link to federal regulations that further clarify ICWA. • Adds description of the Sex Trafficking and Strengthening Families Act signed into law in September 2014. |
| 2.1 Introduction | Changes the language in the introduction to be consistent with other descriptions of family engagement elsewhere in the manual. |
| 2.3 Notifying and informing relatives of child removal. | Adds requirement that written notification shall be given to all parents including adoptive and step-parents of a sibling that has been removed from the custody of the parent(s). |
| 2.4 Roles and resources families and other individuals can provide | Adds requirement that youth age 14 and older shall be part of the treatment team and shall be given the opportunity to choose up to two members of the team. |
| 2.5 Searching for relatives and significant adults | <ul style="list-style-type: none"> • Adds requirement that a Putative Father Search shall be done within 30 days of a child entering foster care. • Clarifies that the Putative Father Search does not eliminate the requirement for another search when filing for termination of parental rights (TPR). |
| 2.5.2 Examining the child’s and family’s extended networks | Adds the use of genograms and ecomaps as search methods to identify and gain information about family members and other people significant to the child/family. |
| 2.7.3 Communicating with incarcerated parents | Adds a statement about having the incarcerated parent participate in meetings via phone. |
| 2.9 Using Family Partnership Meetings | <ul style="list-style-type: none"> • Clarifies that a Family Partnership Meeting (FPM) should be held to discuss the appropriateness or change of a goal before a foster care plan review and/or a foster care plan is prepared for submission to the court for foster care review and permanency planning hearings. • Clarifies that the decision point “change of goal” includes review of the goal/concurrent goal. |
| 2.9.1 Addressing five critical decision points | Clarifies that a FPM should be held prior to a foster care service plan review and/or a foster care service plan is prepared for submission to court for foster care review and permanency planning hearings. |
| 2.9.2 Participants in Family Partnership Meetings | <ul style="list-style-type: none"> • Provides information that a benefit to having foster parents and birth parents attend the FPM is to build/strengthen their relationship. • Provides clarification about the ability to proceed with a FPM if the birth parent is not in attendance. |

| | |
|---|---|
| | <ul style="list-style-type: none"> • Adds information about members chosen by the youth. |
| 2.10 Using Child and Family Team Meetings | Adds subsection describing child and family team meetings and subsequent subsections are re-numbered. |
| 3.5.2 Requirements for the court order | Adds language that reasonable efforts shall be documented in a court order within 60 days of entry into care and the court order shall also include if the child is found to be an abandoned infant. |
| 3.8 Providing written notice of right to appeal specific foster care services | Adds hyperlink to Family Services Notice of Action and Right to Appeal Form. |
| 3.9.1.1 Paying of maintenance for minor child of foster youth | Clarifies that the minor child of a young adult in the Fostering Futures Program is eligible for maintenance payments although the minor child of a youth receiving the Independent Living stipend is not. |
| 3.9.2 Indian child of a tribe | The information in the subsections under 3.9.2 has been reorganized and additional subsections have been added. |
| 3.9.2.1 Federal definition of Indian Child | Adds that the Pamunkey Tribe of Virginia has received federal recognition. |
| 3.9.2.2 Determination of Indian status | <ul style="list-style-type: none"> • Clarifies that all children in foster care or at risk of coming into care shall be treated as an Indian child until it is determined otherwise and adds how to document this information in OASIS. • Adds information on individuals to ask to help determine if the child is an Indian child and who to contact to verify the tribe’s status. • Adds language that only the Indian tribe(s) to which the biological parent or child is a member or eligible for membership may make the determination whether the child is a member or eligible for membership of the tribe(s). • Deletes language requiring that the LDSS gather a Degree of Indian Blood and/or Certificate of Degree of Indian Blood (CDIB). |
| 3.9.2.3 Requirements for active efforts | <ul style="list-style-type: none"> • Adds new subsection and the subsequent subsections were renumbered. • Adds new section that active efforts shall be taken to reunify an Indian child with his family or tribal community. • Adds examples of what active efforts include. |
| 3.9.2.4 When ICWA is not applicable | <ul style="list-style-type: none"> • Adds language encouraging the LDSS to build and strengthen relationship with Virginia tribes. • Adds link to the contact list for Virginia tribes. |
| 3.9.2.5 Transfer of an Indian child to a tribal agency | Adds new language that the tribe may request a transfer at any court hearing but that good cause may exist not to transfer a child, and examples of reasons that support the assertion. |

| | |
|--|--|
| <p>3.9.2.6 Membership or eligibility in more than one tribe</p> | <p>Adds new section on steps to be taken when an Indian child is a member or eligible for membership in more than one tribe.</p> |
| <p>3.9.2.7 Non transfer of an Indian child to a tribal agency</p> | <p>Adds language that if good cause exists not to transfer a case, the burden of establishing good cause is on the party opposing transfer.</p> |
| <p>3.9.2.7.1 Indian child placement and placement preferences</p> | <ul style="list-style-type: none"> • Moves former section 3.9.2.4.1 to this new section. • Adds language that if good cause exists to depart from a placement preference, the party shall provide clear and convincing evidence. • Provides considerations for determining when good cause exists to placement preferences. |
| <p>3.9.3 Youth in Department of Juvenile Justice (DJJ) custody</p> | <p>This is a new subsection that:</p> <ul style="list-style-type: none"> • Adds a description of the Memorandum of Agreement (MOA) developed and enacted between VDSS and the Department of Juvenile Justice. • Adds language defining the roles, responsibilities, and provides instruction and guidance to VDSS and DJJ when serving youth under the age of 21 during their commitment and upon their release, and who are in the custody of a LDSS prior to their commitment to DJJ. |
| <p>3.9.3.1 Procedures immediately following commitment</p> | <ul style="list-style-type: none"> • Changes title from Youth committed to Department of Juvenile Justice (DJJ) to Procedures immediately following commitment. • Adds language that upon commitment to DJJ, the youth becomes a mandated population under foster care prevention for funding purposes. • Adds language that within five (5) business days of the youth's commitment, potential dates and times for a FPM should be identified. • Provides clarification of the case-type for this population. • Adds language that DJJ and LDSS should request that the court include in the commitment order that custody be transferred back to the LDSS upon the youth's release from commitment. |
| <p>3.9.3.2 Procedures during commitment</p> | <ul style="list-style-type: none"> • Adds new section with information explaining that the LDSS service worker and the Court Service Unit (CSU) parole officer should work in collaboration to attend case-staffing meetings and notify each other of any staff changes within forty-eight (48) hours of the change. • Defines LDSS' responsibilities when a youth is committed to DJJ. • Clarifies that costs associated with the family's travel for a FPM may be reimbursed through CSA. |

| | |
|--|--|
| | <ul style="list-style-type: none"> • Subsequent sections have been renumbered. |
| 3.9.3.3 Procedures post-release | <ul style="list-style-type: none"> • Changes title from Alternative arrangement for custody upon release to Procedures post release. • Defines LDSS' responsibilities upon the youth's release from DJJ. |
| 3.9.3.4 The youth's custody upon release from commitment | <ul style="list-style-type: none"> • Changes title from "Alternative arrangement for custody upon release" to "The youth's custody upon release from commitment." • Clarifies that DJJ will consult with LDSS at least 90 days prior to the youth's release from commitment on parole supervision to address the youth's return custody to LDSS as well as the youth's placement. The LDSS will continue to be responsible for identifying barriers to achieving permanency for the youth and work to secure a safe placement with family members. • Adds language that alternative arrangements may be developed during the youth's release planning process and when an appropriate arrangement has been made, including a trial home visit, the matter should be addressed at a FPM as soon as soon as the release date is known. • Adds that a transition plan should be developed with involvement from the DJJ, the youth's parents, and the person who may take custody of the youth. • Adds that a Petition for Foster Care Review Hearing or Petition for Permanency Planning Hearing should be filed 30 days prior to the youth's anticipated release date. |
| 3.9.4 Youth ages 18-21 who were in foster care and completing DJJ commitment | Deletes previous guidance and directs workers to section 14A and 14B for information pertaining to working with youth over the age of 18. |
| 4.2 Freedom of Information Requests | Adds statement clarifying that a client's request for his/her record is considered a FOIA request. |
| 4.3.1 Setting up a Case in OASIS | Changes the requirement to open the foster care case in OASIS from 14 days to 5 days to be consistent with entry of other critical information. |
| 4.4 Setting up the Case Record | Adds that copies of insurance cards are to be kept with other essential documents in the paper record. |
| 4.5.1 Title IV-E eligibility requirements | Adds that the benefit programs specialist is required to have in the file a copy of the affidavit pertaining to removal and the Voluntary Continuing Services and Support Agreement for Fostering Futures participants. |
| 4.6.4 Managed Care | Provides additional information regarding managed care including what children may be excluded from managed care and the information needed to request a change in the managed care organization. |

| | |
|--|--|
| 4.9 Obtaining medical and dental exams | Clarifies that the service worker should use the health information screens in OASIS to document medical and dental exams. |
| 5.6 Initial assessment requirements | Clarifies where to document assessment information in OASIS. |
| 5.6.2 Comprehensive social history | Clarifies that the service worker should use the health information screens in OASIS to document health information about the child and the education information screens to document education information. |
| 6.2.2.5 Using approved and licensed providers | Adds information that regulation on the approval of provider homes also refers to the emergency approval of provider homes. |
| 6.3 Critical decisions in making placements | <ul style="list-style-type: none"> • Clarifies that children in foster care shall be placed in a licensed or approved placement. • Clarifies that IV-E administrative costs cannot be claimed if a child is in an unapproved placement and that the IV-E team should be notified as soon as possible after an error has been discovered. • Provides additional information regarding the ability to claim administrative costs retroactively and when administrative costs cannot be claimed. |
| 6.7.7 Financial agreement with provider | <ul style="list-style-type: none"> • Provides a link to the “Financial Agreement for LDSS Approved Providers” document. • Adds language that all providers should be notified in writing when foster care room and board rates change and that a new financial agreement should also be developed. |
| 6.8 Normalcy for children in foster care | <p>Adds a new section describing normalcy; subsequent sections are re-numbered.</p> <ul style="list-style-type: none"> • Defines the reasonable and prudent parent standard as careful and sensible parental decisions which ensure the child’s health, safety, and best interest while encouraging emotional and developmental growth. • Lists considerations for caretakers when determining whether to permit a child to participate in an activity. • Adds that the LDSS shall report on efforts to implement normalcy for each child in foster care in the child’s foster care plan. |
| 6.9 Procedures for placements in emergency approved foster homes | <p>Changes the title of the section to “Procedures for placements in emergency approved foster homes.”</p> <ul style="list-style-type: none"> • Clarifies that the home shall be fully approved within 60 day or the child will need to be placed in an approved placement. • Clarifies that in the event finger print results for all adults in the home are submitted but not received within the calendar month that the child was placed, CSA will pay for the cost of the placement for this month. |

| | |
|---|--|
| 6.10.3 Notification of placement changes and maintaining connections | Clarifies that birth parents shall receive a notice in writing informing them of a placement change even though they will have participated in the FPM where the placement decision was discussed. |
| 6.11 Placements leading to permanency for child | Adds language regarding concurrent planning and use of concurrent planning in all cases. |
| 6.12.1 Placement with the goal of Permanent Foster Care | Clarifies that the goal of Permanent Foster Care shall only be used for youth age 16 or older. |
| 6.12.2 Placement with goal of independent living | Clarifies when young adults may have a goal of independent living. |
| 6.12.3 Placement with goal of Another Planned Permanent Living Arrangement | Clarifies that the goal of Another Planned Permanent Living Arrangement shall only be used for youth age 16 and older. |
| 6.13 Placement in relative homes | Clarifies that a relative can become a foster parent on an emergency basis but shall become fully approved within 60 days. |
| 6.15 Placement in independent living arrangements for youth under the age of 18 | Title of the section changed to indicate this is information for youth under the age of 18. |
| 6.15.4 Paying for Independent Living Arrangements | Deletes information pertaining to young adults 18-21 since the section has been changed to provide information for youth under 18. |
| 6.16.7.1 Requirements for Medicaid Funding | Deletes outdated information and provides link to the new process for accessing Medicaid funding for residential placements. |
| 6.16.7.2 Absence from a residential facility | Clarifies that absences can only be paid for 14 days and only if the child returns to the placement. |
| 7.4 Concurrent Planning | Adds additional information to the definition of this practice. |
| 7.4.1 Six processes that support concurrent planning | Provides additional information regarding all homes meeting the approval standards for foster and adoptive families and the importance of considering relatives early on in the process. |
| 7.5 Shared decision making | <ul style="list-style-type: none"> • Adds requirement that youth 14 years of age and older shall be included in the development of their foster care plan and be given the opportunity to choose up to two members of the team. • Adds that FPMs should be used to develop the foster care plan and concurrent plan. |
| 7.5.1 Using Family Partnership Meetings prior to change of placement | Clarifies that a FPM should be held prior to placement changes and provides information regarding placement with a relative as it pertains to concurrent planning. |
| 7.5.2 Using Family Partnership Meetings prior to change of goal | Provides additional information regarding the use of FPMs at this decision point and possible outcomes of the meeting. |
| 8.6 Reunification services and service planning | Adds requirement that youth 14 and older shall be part of the team and be provided the opportunity to choose up to two |

| | |
|--|---|
| | members of the team. |
| 8.6.5 Beginning visits and trial home visits | <ul style="list-style-type: none"> • Clarifies that trial home visits are to be with the prior custodian of whom the child was removed or birth parents. • Clarifies that a background check should be completed prior to overnight visitation but shall be completed prior to the start of the trial home visit. |
| 9. Achieving Permanency Goal of Adoption | Numerous subsections in section 9 have been reorganized and renumbered. Outdated information has been deleted. |
| 9.4.4 Involuntary termination of parental rights | Clarifies that recruitment of an adoptive family should begin as soon as LDSS believes that reunification is unlikely and relative custody has been ruled out. |
| 9.8 The Adoption Resource Exchange of Virginia (AREVA) | <ul style="list-style-type: none"> • Adds information about the purpose of AREVA. • Adds that the AREVA Coordinator will follow up with the LDSS every three (3) to six (6) months while the child is on deferment and that the LDSS or LCPA should contact the AREVA Coordinator on questions regarding AREVA registration. |
| 9.8.1 LDSS registration process | <ul style="list-style-type: none"> • Defines process to register a child in AREVA and the required deadlines. • Clarifies that the AREVA coordinator will not approve the listing without the required documentation and photos. |
| 9.8.2 LCPA process for registration with AREVA | <ul style="list-style-type: none"> • Defines process for LCPA to register a child with AREVA. • Clarifies that the requirements for deferment are the same for the LCPA as they are for LDSS and provides link. |
| 9.8.3 Deferment in AREVA | <ul style="list-style-type: none"> • Describes the circumstances that may require a deferment and the steps to obtain the deferment. • Clarifies that deferments may be extended for an additional 30 or 60 days upon written request of the LDSS or LCPA supervisor; and the AREVA Coordinator shall follow up with the LDSS or LCPA every three (3) to six (6) months for an update on the child. |
| 9.8.4 Process for registering families with AREVA | Clarifies the steps for families to register with AREVA. |
| 9.8.5 Notification to AREVA of change of status of the child | Clarifies that this section is referring to the change of status of the child. |
| 9.9.3 Educating and partnering with the adoptive family | Clarifies that the Post Adoption Contact and Communication Agreement (PACCA) is not required for the child to maintain contact with the biological family. |
| 9.9.7 Adoptive Placement and | Adds that the adoption assistance agreement is provided on |

| | |
|---|---|
| Assistance Agreements | behalf of the child and describes the role of the VDSS Adoption Negotiator. |
| 9.9.8 Opening and adoption case | Adds new section providing clarification that the adoption case should be opened within five days of signing the adoption placement agreement and the subsidy screen should be updated within five days of signing the adoption assistance agreement. |
| 9.9.9 Continuation of foster care services | <ul style="list-style-type: none"> • Adds language that adoption assistance payments begin the first day of the month following the month the adoption assistance agreement is signed by all parties. • Clarifies that only adoption assistance funds may be used for services once the adoption assistance payments begin. • Adds language that once the adoption assistance agreement is signed, the child is only eligible for basic and enhanced maintenance and not daycare or supplemental clothing. • Adds language that the child is no longer eligible for state pool funds once funding is switched to adoption assistance. |
| 9.11.9 Role and responsibility of the agency completing the PACCA | Clarifies that this section provides information about the role and responsibility of the agency completing the PACCA. |
| 10.4.1 Focus of Services | <ul style="list-style-type: none"> • Clarifies that LDSS shall continue diligent search efforts to identify relatives throughout the case and adds Code section. • Adds that a relative should become an approved provider and references concurrent planning. |
| 10.4.2 Informing relatives of options | Clarifies that a relative has the option of becoming a foster and adoptive parent with the LDSS maintaining custody of the child and then be able to adopt if TPR is achieved. |
| 10.4.4 Preparing prospective relatives custodians for legal custody | Adds information regarding visitation with relatives and clarifies that children cannot be placed with relatives on a trial home visit unless the relative is an approved provider. |
| 10.4.5 Preparing the child or youth for transfer of legal custody | Adds information regarding visitation with relatives and clarifies that children cannot be placed with relatives (even on a trial home visit) unless the relative is an approved provider. |
| 11.3 Alternative foster care goals | Clarifies that alternative goals shall only be used for youth age 16 and older. |
| 11.3.1 Permanent Foster Care | <ul style="list-style-type: none"> • Provides a link to The Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183). • Clarifies that the Permanent Foster Care Agreement remains in effect when a child is temporarily placed outside of the home. |
| 11.3.2 Another Planned Permanent Living | Clarifies that Another Planned Permanent Living Arrangement shall only be used for youth age 16 and older. |

| | |
|--|--|
| Arrangement | |
| 11.3.3 Independent Living | Clarifies that the goal of Independent Living shall only be used for youth that entered the U.S. as a refugee or asylee or for youth age 18 or older and refers users to section 13-14A/B for additional information regarding independent living services. |
| 11.4 Services for goal of Permanent Foster Care | Clarifies that the goal of PFC shall only be used for youth age 16 and older. |
| 11.4.1 Legal requirements | Defines requirements of P.L. 113-183 that: <ul style="list-style-type: none"> • The LDSS shall document for children with the goal of PFC, that continuing efforts are made to find a permanent family. • The court shall ask the child about his/her desired permanency goal and make a determination if PFC is the best plan. • The LDSS shall document steps to implement normalcy and that the child has on-going opportunities to participate in activities. |
| 11.4.2 Focus of Services | Adds information that for youth in PFC a full array of foster care services are to be provided; they can stay until the age of 21 and should concurrently enter Fostering Futures when they turn 18. |
| 11.4.3 Rights and responsibilities | Adds new language that the court shall ensure that the child is asked about his/her desired permanency outcome and make a legal determination at each permanency hearing that Permanent Foster Care is in his/her best interest. |
| 11.4.3.2 Responsibilities of foster parents | Adds new language that foster parents are responsible for making normal parenting decisions regarding extracurricular, enrichment, and social activities. |
| 11.4.3.3 Responsibilities of the LDSS | Adds language that ongoing, unsuccessful efforts to achieve permanency are being documented by the LDSS. |
| 11.4.5 Termination of Permanent Foster Care placements | Adds language that youth shall concurrently enter the Fostering Futures Program when they turn 18 and that if a youth over 18 permanently leaves the foster home, LDSS should consult with their attorney regarding dissolving the agreement. |
| 11.4.6 Placement outside Permanent Foster Care home | Edits section title to Placement outside PFC home without changing the goal and provides clarification of when this may occur and how to handle funding the placement. |
| 11.5.1 Legal Requirements (APPLA) | <ul style="list-style-type: none"> • Clarifies that the court shall determine the child has a severe and chronic condition that requires long-term residential treatment. • Adds language that the foster care plan shall document continued efforts to achieve permanency, steps to implement normalcy, and why placement continues to be in the child's best interest. • Adds language that the court shall ask the child about |

| | |
|--|--|
| | his/her desired permanency plan and make a determination that APPLA continues to be in the child's best interest. |
| 11.6 Services for goal of Independent Living | Provides link to section 13 for information regarding independent living services. |
| 12.5.1 Sex Trafficking of children | <ul style="list-style-type: none"> • Adds language about the sex trafficking industry and the requirements of The Preventing Sex Trafficking and Strengthening Families Act P.L. 113-183). • Describes factors to consider when developing a treatment plan. • Efforts to provide appropriate services shall be documented in the youth's foster care service plan. • Adds resources and tools to address human and sex trafficking. |
| 12.10.1 Travel of children in foster care | The LDSS Director is no longer required to provide approval for a foster child to travel out of state and/or country as travel of foster children is addressed through normalcy. |
| 12.10.2.1 Using Medicaid to purchase transportation | Adds information regarding Medicaid funded transportation through the child's Managed Care Organization. |
| 12.11.1.4 Consent for treatment for young adult in foster care | Adds language that the young adult in foster care is responsible for consenting to his/her own medical treatment and that they should designate a health care power of attorney. |
| 12.11.2 Medical care and treatment to be provided to child in foster care | Clarifies that the child's required medical and dental examinations are to be documented on the health information screen in OASIS. |
| 12.11.6.1.1 Medicaid eligibility under age 26 for children in foster care` | <ul style="list-style-type: none"> • Clarifies that a Medicaid application is required for youth who were in foster care in another state. • Adds language that the service worker should notify the benefits worker when a foster youth is turning 18. • Adds language that the youth's transition should include information about the youth's health care needs and access to insurance coverage. |
| 12.11.7.1 Responsibilities of service worker in managing child's medications | Adds language that the service worker is responsible for documenting the child's medications in OASIS and describes requirements for monitoring psychotropic medications and the development of a written medication plan. |
| 12.12 School placements and education | <ul style="list-style-type: none"> • Clarifies that a Best Interest Determination meeting shall be held to determine school placement. • Adds language that the youth's updated Client Education Report shall be printed and attached to part A of the foster care plan. • Removes the subsequent sections of guidance that were duplicative of the DSS and DOE joint guidance and provides a link to the joint guidance. Subsequent sections have been renumbered. |

| | |
|--|---|
| 12.12.3.4 Additional education requirements | Adds new section 12.12.3.4 which describes additional education requirements and moves the information that was in section 14.5.1 to this section. |
| 13.9 Credit Checks | Adds instructions to contact the Independent Living Coordinator if LDSS is unable to assist the youth in resolving any credit issues. |
| 15.3 Engaging family and key partners in the development of the foster care plan | <ul style="list-style-type: none"> • Adds requirement to involve parents/prior custodians in the development the foster care plan by holding a FPM. • Adds the requirement that youth 14 and older shall be given the opportunity to choose up to two members of the team. |
| 15.5.1 Part A of the Foster Care Service Plan | <ul style="list-style-type: none"> • Adds language that the plan must address the appropriateness of the foster care goal. • Clarifies that education information shall be documented in OASIS on the education screen and shall be printed and attached to the foster care plan. • Clarifies that health information shall be documented in OASIS on the health screens and shall be printed and attached to the foster care plan. • Adds the requirement that efforts to implement normalcy shall be included in the plan. • Adds language that a copy of the youth’s transition plan shall be printed and attached to the foster care plan. |
| 15.5.2 Part B of the foster care plan | <ul style="list-style-type: none"> • Adds language that additional information on permanency efforts may be documented • Clarifies that the goals of Permanent Foster Care and APPLA are limited to youth age 16 and older. |
| 15.7 Distribution of foster care plan | Deletes the word “excluding” and replaces it with “including” as it pertains to Part B being distributed. |
| 15.9 When a new foster care plan is required | Adds the requirement of a new foster care plan when the young adult enters the Fostering Futures Program. |
| 16.2.1 Types of Reviews and Hearings | Clarifies that Administrative Panel Reviews are required for young adults in the Fostering Futures Program and supervisory reviews are required for young adults who turned 18 prior to July 1, 2016. |
| 16.2.4 Completing the Foster Care Plan Review Form | <ul style="list-style-type: none"> • Adds that there shall be an explanation that the placement continues to be appropriate if the child is placed out of state. • Adds the requirements that the child’s health report, education report, and transition plan shall be attached to the plan and submitted to court. • Adds that the plan must address normalcy. |
| 16.2.5 First Foster Care Review Hearing | Adds that a child’s education report, health report, and transition plan shall be attached to the foster care review form for the first foster care review. |

| | |
|---|--|
| 16.2.6.1 Purpose of the Permanency Planning Hearing | Adds language that for kids with the goal of permanent foster care and APPLA, the court shall ask the child about their preferred permanency goal and make a determination that the goal is in the child’s best interest. |
| 16.2.6.4 Submitting new Foster Care Service Plan | Adds that a child’s education report, health report, and transition plan shall be attached to the foster care review form for the permanency planning hearing. |
| 16.2.6.5 Court-ordered permanency actions | Adds the requirement that the court shall ask the child about his/her preferred permanency goal and make a determination that the goal is in the child’s best interest. |
| 16.3 Permanent Foster Care and Reviews | Adds language that the court is considering the continued efforts to help the child achieve permanency |
| 16.4 Basic Timeline | Omits introductory information that was outdated. Adds education report, health report, and transition plan to the Forms column of each hearing type. |
| 16.6 Administrative Panel Reviews | Adds the requirement that APRs are required for young adults in the Fostering Futures Program |
| 16.6.2 Composition of the review panel and notification | <ul style="list-style-type: none"> • Adds language that youth who are 14 years of age or older shall be given the opportunity to choose up to two members of the team that are not the service worker or foster parent. • Adds language that youth under 14 years of age may participate in the APR if such involvement is consistent with the best interest of the child. |
| 16.6.4 Conducting and documenting the APR | Adds language that efforts to implement normalcy, continued efforts to achieve permanency, and the child’s wishes regarding the permanency plan shall all be addressed in the APR. |
| 16.7 Local Supervisory Review | Adds clarification that the supervisory review shall be documented on the court screen in OASIS. |
| 16.8.2 Children committed to the Department of Juvenile Justice | <ul style="list-style-type: none"> • Clarifies that the LDSS shall continue to be involved in case planning while a youth is committed to DJJ. • Deletes guidance that is located in the MOU and adds link to the MOU/joint guidance. |
| 17.7.4.1 In state visits with children under 18 and young adults over 18 in Fostering Futures | Adds the requirement that monthly face to face visits shall occur with Fostering Futures participants as well as youth under 18. |
| 17.7.4.2 Visits and Contacts with youth who turned 18 prior to July 1, 2016 | Clarifies that young adults who turned 18 prior to July 1, 2016 require quarterly visits. |

| | |
|---|--|
| 17.7.4.3 Out of State visit | Clarifies that ICPC does not apply to young adults over 18 and refers to section 14B for information regarding Fostering Futures participants residing out of state. |
| 17.7.7 Recording Caseworker Contacts in OASIS | Adds language regarding documenting efforts to achieve permanency and the child's safety and well-being in the comments sections of the contact screen. |
| 17.8.1 Responsibility to report | Clarifies that a person employed in a LDSS shall report suspected abuse or neglect in a foster care placement to the LDSS where the child resides. |
| 17.8.2 Investigating the CPS report | Clarifies that a CPS worker in the locality which assumes jurisdiction of a valid report shall be responsible for conducting the investigation. |
| 17.12.1 Notification to law enforcement | <ul style="list-style-type: none"> Edits section title to Notification to law enforcement and the National Center for Missing and Exploited Children (NCMEC). Adds language that law enforcement shall be notified no later than 24 hours when a child in foster care runs away. Clarifies procedures that the LDSS should ask law enforcement to enter information about the child in the National Crime Information Center (NCIC) and that the LDSS shall notify NCMEC. |
| 17.12.5 Discussing run away episode with child or youth | Adds language that P.L. 113-183 requires that a child be screened to determine if the child is a possible victim of sex trafficking. |
| 17.12.6 Documentation | Adds language of required documentation in OASIS as to whether a child has been a victim of sex trafficking prior to or while they have been in foster care. |
| 17.12.7 Resources | <ul style="list-style-type: none"> Changes title from Documentation to Resources Moves entire section from 16.12.6 to this section. |
| 17.13.1.3 Accessing funding | <ul style="list-style-type: none"> Clarifies that VDSS may approve up to \$2000 for a title IV-E child for burial or cremation expenses. Adds language that if funds are needed for non-title IV-E children, the service worker shall refer the child to the Family Assessment and Planning Team (FAPT) to access CSA funding. |
| 17.14 Emergency/Evacuation Procedures | New section outlines procedures if the state office needs to close as well as if the LDSS needs to close or a child needs to evacuate. |
| 18.1.3 Rates | Updates maintenance rates as of July 1, 2016 |
| 18.1.4 General guidance regarding maintenance payments | <ul style="list-style-type: none"> Clarifies that a child temporarily absent from placement must return to the placement within 14 days for the provider to be paid with IV-E funds. If the intention was for the child to return within 14 but he/she does not, |

| | |
|--|---|
| | <p>state pool funds may be used for up to 14 days. Examples are provided.</p> <ul style="list-style-type: none"> • Clarifies that foster or adoptive families should be notified when there is a change to payment amount and that a new financial agreement should be developed. • Clarifies that children placed on a trial home visit are not eligible for maintenance payments. |
| 18.1.5 Maintenance payments from title IV-E funds | Adds language regarding youth over 18 remaining in congregate care and their entry into Fostering Futures. |
| 18.1.8 Documenting maintenance payments in OASIS | Provides clarification that rates will be entered as a monthly rate for foster home placements and a daily rate for congregate care placements. |
| 18.2.1 Rationale and purpose of enhanced maintenance | Provides clarification that it is expected that the VEMAT score would decrease over time as a child stabilizes and has their needs met on a consistent basis. |
| 18.2.2.1 General guidelines for use of the VEMAT | <ul style="list-style-type: none"> • Clarifies that the LDSS is responsible for maintaining documentation to support the VEMAT rating in the child’s case record. • Clarifies that if the LDSS believes the child is ineligible for enhanced maintenance, this should be documented in OASIS • Clarifies that families should be notified when there is a change to a VEMAT rate and the financial agreement should be updated. |
| 18.2.2.2 The VEMAT ratings category structure | Clarifies that documentation must clearly document in terms of the frequency, duration, and intensity of the characteristic and the need for foster parent intervention. |
| 18.2.2.3 How the VEMAT is administered | Clarifies that the team shall review current documentation of the child’s behaviors to establish the intensity, duration, and frequency of needs that require foster parent intervention. |
| 18.2.2.5 The VEMAT rater | Clarifies that the VEMAT rater is responsible for ensuring that all documentation provided supports the rating level for each category in terms of minimal, moderate, and severe as it pertains to the level of interventions required by the foster parent. Acceptable documentation includes written information from treatment providers, written documentation from public or private agency service workers, behavior logs maintained by the foster parent, etc. |
| 18.2.2.6 Frequency of administering the VEMAT | Changes the frequency of reassessment of enhanced maintenance to every three months instead of annually for VEMATs scored 28 and higher unless that child scores a 36 and has a condition that is unlikely to improve as verified by a physician. |
| 19.7 Emancipation before age | Clarifies that if a child is emancipated by the court, the foster |

| | |
|---|---|
| 18 | care episode ends and the case is closed. |
| 19.9.2 Length of time service records shall be retained after closure | Clarifies the length of time to retain the financial records of a CSA and Title IV-E child. |
| 19.9.5.1 Access to records by former foster youth | Adds a section regarding the process for former foster youth to access their record. |

Commissioner Guidance Document Transmittal

Questions about this transmittal should be directed to the Regional Foster Care Consultants:

Dawn Caldwell, (540) 204-9638; dawn.caldwell@dss.virginia.gov

Tammy Curl, (540) 347-6334; tammy.d.curl@dss.virginia.gov

Tammy Francisco, (276) 676-5487; tammy.francisco@dss.virginia.gov

Gayle Brown, (757) 491-3986; gayle1.brown@dss.virginia.gov

Lisa Tully, (804) 662-9791; lisa.tully@dss.virginia.gov



Margaret Ross Schultze

Commissioner