

Date – July 2018

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

Transmittal # - 279

The purpose of this transmittal is to provide new, revised, and clarified guidance for Sections 10 and 14B of the Foster Care Chapter (E) of the Child and Family Services Manual.

These sections are being released separately from the full Foster Care Chapter in order to provide timely guidance regarding implementation of the Kinship Guardianship Assistance Program. Additionally, significant changes have been made to the Fostering Futures section in response to feedback received from local departments of social services during the first two years of implementation.

Unless otherwise stated, the provisions included in this transmittal are effective upon posting.

Changes to the manual incorporate federal and state laws as well as state regulations into the guidance; clarify existing guidance; and enhance guidance on meeting the safety, permanency, and well-being needs of children in foster care.

This transmittal and manual are available on Spark at:

<http://spark.dss.virginia.gov/divisions/dfs/fc/manual.cgi>

Significant changes to the manual are as follows:

Section(s) Changed	Significant Changes
10.1 Introduction	Adds language that the relative(s) may be eligible for Kinship Guardianship Assistance if certain criteria are met.
10.4.1 Focus of services	Adds language that if the concurrent goal is placement with relative(s), the relative(s) shall become approved foster parents and the child or youth should be placed in the relative(s)' home as soon as possible.
10.4.2 Informing relative(s) of options	Clarifies that relative(s) shall be prioritized as placement options and the LDSS shall explore their interest and ability to become foster parents. Outlines four options for prospective relative caregivers that the LDSS shall discuss with relative(s).
10.6 Relative(s) assuming custody of child or youth	Adds language regarding assessing the financial impact of the relative(s) taking custody of the child regardless of whether they will receive kinship guardianship assistance or not.

	<p>Adds kinship guardianship assistance to the situations where child support is pursued.</p>
<p>10.8 Overview of relatives becoming foster parents</p>	<p>Adds that in order for relatives to be eligible for kinship guardianship assistance, they shall be approved foster parents.</p> <p>Adds that the LDSS should review with the relative the eligibility requirements for kinship guardianship assistance.</p>
<p>10.11 Overview of kinship guardianship assistance</p>	<p>A new subsection is added describing an overview of the kinship guardianship assistance program.</p> <p>The new subsection includes:</p> <ul style="list-style-type: none"> • 10.11.1 Responsible Agency • 10.11.2 Eligibility Requirements <ul style="list-style-type: none"> ○ 10.11.2.1 Determining Eligibility for youth ○ 10.11.2.2 Determining Eligibility for the prospective relative(s) custodians ○ 10.11.2.3 Determining placement of at least six consecutive months ○ 10.11.2.4 Siblings of eligible youth placed in the same home ○ 10.11.2.5 Screening the youth to determine eligibility
<p>10.12 Preparing and partnering with prospective relative(s) custodian</p>	<p>A new subsection is added to provide guidance around partnering with the prospective relative custodian(s) to prepare them for kinship guardianship assistance. It includes both providing information to the family as well as gathering information about the prospective relative custodian(s).</p>
<p>10.13 Application process for kinship guardianship assistance</p>	<p>A new subsection is added that outlines the process for a relative(s) to apply for kinship guardianship assistance.</p> <p>The subsection includes:</p> <ul style="list-style-type: none"> • 10.13.1 Initial review and notice of request receipt • 10.13.2 Timeframe for acting on completed request
<p>10.14 Assessing the family and child or youth's needs for assistance</p>	<p>A new subsection is added regarding assessing the family and child's needs for kinship guardianship assistance.</p> <p>The subsection includes:</p> <ul style="list-style-type: none"> • 10.14.1 Assessing family circumstance • 10.14.2 Assessing basic maintenance needs of the youth • 10.14.3 Assessing additional supervision and support

	<p>needs of the youth</p> <ul style="list-style-type: none"> • 10.14.4 Assessing health insurance needs of the youth <ul style="list-style-type: none"> ○ 10.14.4.1 Medicaid for the title IV-E eligible youth ○ 10.14.4.2 Medicaid for the non-title IV-E eligible youth • 10.14.5 Assessing non-recurring expenses for obtaining legal custody
<p>10.15 Negotiating kinship guardianship assistance</p>	<p>A new subsection is added which describes the process of negotiating kinship guardianship assistance including the roles of the negotiator and the LDSS.</p> <p>The subsection includes:</p> <ul style="list-style-type: none"> • 10.15.1 Role of the negotiator • 10.15.2 Role of LDSS during the negotiation process • 10.15.3 Negotiation process • 10.15.4 Appealing the negotiation results
<p>10.16 Executing the kinship guardianship assistance agreement</p>	<p>A new subsection is added describing the process of executing the kinship guardianship assistance agreement for both title IV-E eligible youth and non-title IV-E eligible youth.</p> <p>The subsection includes:</p> <ul style="list-style-type: none"> • 10.16.1 Executing the agreement for the title IV-E youth • 10.16.2 Executing the agreement for the non-title IV-E youth
<p>10.17 Making kinship guardianship assistance payments</p>	<p>A new subsection is added providing guidance around making kinship guardianship assistance.</p> <p>The subsection includes:</p> <ul style="list-style-type: none"> • 10.17.1 Maintenance payments • 10.17.2 Payment for non-recurring expenses for transferring legal custody
<p>10.18 Maintaining responsibilities for kinship guardianship assistance</p>	<p>A new subsection has been added outlining the responsibilities of all parties for kinship guardianship assistance.</p> <p>The subsection includes:</p> <ul style="list-style-type: none"> • 10.18.1 Responsibilities of relative(s) custodians • 10.18.2 Responsibilities of LDSS responsible for kinship guardianship assistance

<p>10.19 Providing services to the relative custodian(s) and youth.</p>	<p>A new subsection provides the process of accessing services for the relative(s) custodians and the youth.</p> <p>The subsection includes:</p> <ul style="list-style-type: none"> • 10.19.1 Role of LDSS that is responsible for the kinship guardianship assistance • 10.19.2 Role of the LDSS where the family resides • 10.19.3 Responsibilities of LDSS when abuse or neglect occurs
<p>10.20 Annual Affidavit</p>	<p>A new subsection is added that outlines the process for providing and obtaining the annual affidavit from the relative(s) custodians as well as how to address it if the family does not return the affidavit.</p>
<p>10.21 Making changes to the agreement</p>	<p>A new subsection is added to provide the process by which a family can request an addendum and the response from the agency.</p> <p>The subsection includes:</p> <ul style="list-style-type: none"> • 10.21.1 Submitting request for addendum • 10.21.2 Timeframe for acting on request • 10.21.3 Assessing overall request for addendum • 10.21.4 Assessing relevant components of kinship guardianship assistance • 10.21.5 Executing the addendum • 10.21.6 Conducting a VEMAT after signing kinship guardianship assistance agreement • 10.21.7 Assessing conditions warranting continuation beyond 18th birthday • 10.21.7.1 Criteria for continuing beyond 18th birthday • 10.21.8 Extension of kinship guardianship assistance through Fostering Futures <ul style="list-style-type: none"> ○ 10.21.8.1 Fostering futures eligibility criteria ○ 10.21.8.2 Documentation of Fostering Futures Eligibility ○ 10.21.8.3 Continuing kinship guardianship assistance using Fostering Futures
<p>10.22 Terminating/suspending payments and/agreement</p>	<p>A new subsection has been added outlining the reasons for which payments may be suspended or terminated along with the process for doing so.</p> <p>The subsection includes:</p> <ul style="list-style-type: none"> • 10.22.1 Suspending payments • 10.22.2 Terminating maintenance payments

	<ul style="list-style-type: none"> • 10.22.3 Terminating agreements • 10.22.4 Terminating extended kinship guardianship assistance through Fostering Futures • 10.22.5 LDSS actions when relative(s) custodian(s) fail to provide financial support • 10.22.6 LDSS actions when relative(s) custodian(s) die
10.23 Appeals and fair hearings	<p>A new subsection is added outlining the process for a family to appeal the decision regarding the kinship guardianship assistance.</p> <p>The subsection includes:</p> <ul style="list-style-type: none"> • 10.23.1 Grounds for appeal • 10.23.2 Request for appeals • 10.23.3 Validating the appeal • 10.23.4 Summary of facts • 10.23.5 Administrative hearing • 10.23.6 Withdrawal statement • 10.23.7 Appeal to Circuit Court • 10.23.8 Filing complaint of discrimination
10.24 Establishing kinship guardianship assistance paper case record	A new subsection is added to provide guidance regarding the information that should be contained in the kinship guardianship assistance paper record for the family.
10.25 OASIS case record	A new subsection is added to provide an outline of the items that need to be located in the agency's case file.
10.26 Required forms and documentation	A new subsection is added to specify the forms and documentation that are required to be in the kinship guardianship assistance case record.
14B.4.4.1 Participation conditions	Adds that the service worker should document on-going efforts to coordinate services with adult programs for youth who will need long-term supports.
14B.4.4.3 Supervised Independent Living Settings	<p>Adds language that the results of background checks for Fostering Futures participants shall only be used to make placement decisions.</p> <p>Removes the language making long-term incarceration a setting that is not allowable.</p>
14B.4.4.4 Court Approval	Removes the guidance of submitting an appeal if the VCSSA is denied and suggests requesting a continuance instead.

	<p>Provides guidance regarding actions to be taken if the court is reluctant to approve the VCSSA.</p> <p>Adds suggestion of holding a Child and Family Team Meeting to address concerns if the judge does not approve the VCSSA or continues the hearing.</p>
<p>14B.4.4.5 Title IV-E eligibility</p>	<p>Clarifies that each time a youth signs the VCSSA a new title IV-E determination shall be conducted.</p> <p>Clarifies that LDSS is required to obtain judicial determination approving the VCSSA within 180 days.</p> <p>Clarifies that IV-E is not allowable for the entire foster care episode if the court does not approve the VCSSA within 180 days and an alternative funding source shall be used.</p> <p>Clarifies that a new title IV-E determination and a new court order are required each time a youth reenters Fostering Futures</p>
<p>14B.5.2 Funding maintenance costs</p>	<p>Clarifies that maintenance payments may begin once the VCSSA is fully executed and the IL arrangement agreement or placement agreement is signed.</p> <p>Clarifies that the room and board portion of the maintenance payment (\$448) can be deducted from the maintenance payment for youth who are participating in a program where room and board is not charged. The youth should continue to receive the remaining portion of the payment (\$252).</p> <p>Removes the guidance that a youth who is not receiving maintenance may remain in Fostering Futures.</p> <p>Clarifies that if the participant's case is open, he shall be receiving at least a portion of the maintenance payment. At no time can the entire payment be suspended if the case remains open.</p> <p>Moved section regarding Social Security Income to section below entitled "Participants who receive Social Security benefits."</p>
<p>14B.5.3 Participants who receive social security benefits</p>	<p>Adds section to clarify how different types of social security benefits are handled for Fostering Futures participants.</p>

<p>14B.5.4 Monthly worker visits</p>	<p>Adds that the LDSS maintains the responsibility for worker visits, even if contract staff is used.</p>
<p>14B.5.5 Administrative panel reviews</p>	<p>Title of subsection has been changed to administrative panel reviews.</p> <p>Clarifies that administrative panel reviews are completed every six (6) months from the date the court approves the VCSSA.</p>
<p>14B.5.6 Additional case reviews</p>	<p>Adds a new subsection with guidance regarding the use of case reviews for youth that are minimally compliant with the program.</p>
<p>14B.6.1 Termination by the participant</p>	<p>Adds a disagreement with a treatment recommendation as an example of a disagreement the participant may have with the program.</p> <p>Clarifies that maintenance payments continue to be made during the 30 days prior to closing the case unless the youth was in a foster home and leaves the placement.</p>
<p>14B.6.2 Termination by the LDSS</p>	<p>Clarifies that maintenance payments continue to be made during the 30 days prior to closing the case unless the youth was in a foster home and leaves the placement.</p>
<p>14B.8.1 Procedures for re-entry</p>	<p>Adds new section outlining procedures for youth to re-enter foster care through Fostering Futures.</p>
<p>14B.8.2 Re-entry team meeting</p>	<p>Adds new section providing guidance for assessing the youth's re-entry into fostering futures.</p>
<p>14.B.9 Extension of adoption assistance</p>	<p>The section outlining the extension of adoption assistance under Fostering Futures has been moved to Chapter F., Adoption, of the Child and Family services guidance manual and subsequent sections have been renumbered.</p>

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