

Date – May 3, 2019

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

Transmittal # - 285

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 July 1, 2019.

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. Additionally, changes to the forms used for Kinship Guardianship Assistance Program (KinGAP) have been made throughout the manual. Changes to the name of the Independent Living Program, now known as the Chafee Program, and changes to the age range for Independent Living services and the Education Training Voucher have been made in response to the 2018 Family First Prevention Services Act. Section 14A has been removed from guidance as all 18-21 year olds in foster care as of July 1, 2019 will be eligible for Fostering Futures (now Section 14).

This transmittal and manual are available on Spark/Fusion at:

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

Significant changes to the manual are as follows:

| Section(s) Changed | Significant Changes |
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| 1.2 Definitions | Modifies the definition of child for the purposes of Fostering Futures, adoption assistance, and KinGAP to include youth up to age 21. Adds definition for credit freezes. |
| 1.3 Federal Requirements | Adds information regarding the 2018 Family First Prevention Services Act. |
| 2.3 Notifying and informing relatives of child's removal | Adds requirement for notification to relatives of opportunities available through kinship guardianship assistance. |
| 2.5 Searching for relatives and significant adults | Adds requirement for relative searches at the child's entry into care, annually, and at every placement change. |
| 2.9.2 Participants in Family Partnership meetings | Adds the requirement for face-to-face contact with birth parents when the goal is reunification at every critical decision point (i.e. at FPMs) |
| 3.2 Services to prevent or | Adds requirement for courts to consider persons with legitimate |

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| eliminate foster care placement | interest for custody of the child when evaluating removal, entrustment, relief of custody, and termination of parental rights hearings. |
| 3.9.2.2 Determination of Indian status | Adds clarification around point of contact for tribes and notification documentation. |
| 4.8.5 Visitation with parents struggling with substance abuse | Adds information regarding efforts to engage and maintain visitation with parents struggling with substance abuse and emphasizes that a positive drug screen should not be the sole basis for suspending or cancelling a visitation. |
| 4.13 Credit Freezes | Adds a new section with requirements for placement of credit freezes for children under the age of 16. Renumbers subsequent sections. |
| 6.2.2.7 Commissioner's authority | Adds a new subsection to include the Commissioner's authority to intervene in placements. |
| 6.3 Critical decisions in making placements | Adds clarification around the requirement to hold an FPM when placing the child and to address the child's health, safety, and well-being. |
| 6.5 Key partners in making placement decisions | Clarifies that the worker shall involve the current and prospective caregivers in decision making. |
| 6.10 Procedures for placement changes | Adds the requirement for a relative search to be conducted at every placement change. |
| 6.16.1 Definition and objectives of residential placement | Clarifies that psychiatric hospitalizations of children in foster care are a hospitalization and thus are temporary. |
| 6.16.8 Psychiatric hospitalization of children in foster care | Adds subsection regarding psychiatric hospitalization and emphasizes that discharge planning needs to begin immediately. |
| 8.5 Reunification and service planning | Adds the requirement for face-to-face contact every two months with birth parents and at every critical decision point when the goal is reunification. |
| 9.4 Termination of parental rights (TPR) | Adds requirement for courts to consider persons with legitimate interest for custody of the child when evaluating removal, entrustment, relief of custody, and termination of parental rights hearings. |
| 9.11 Post-Adoption Contact and Communication | Adds the requirement that from the time the agency files a petition for permanency planning until adoption finalization, the |

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| Agreement (PACCA) | agency provides notification to adoptive parents of the option to enter PACCA and children 14 years of age and older of their right to consent to a PACCA. Adds a link to Section 3 of Adoption guidance where the remaining PACCA guidance has been moved. |
| 9.12 Adoption Disruption | Clarifies the circumstances under which a child can be removed from the home of the adoptive parents after the adoptive placement agreement has been signed. |
| 10.4.1 Focus of services | Adds requirement for relative searches at the child's entry into care, annually, and at every placement change. |
| 10.4.2 Informing relatives of options | Adds the requirement that relatives be informed of their potential eligibility to receive kinship guardianship. |
| 10.11.2.1 Determining eligibility for youth | Clarifies the eligibility requirements for kinship guardianship assistance and use of the KinGAP Staffing Report. |
| 10.11.2.4 Siblings of eligible youth placed in the same home | Clarifies eligibility requirements for siblings. |
| 10.11.3 Foster care plan requirements | Adds requirements for foster care plans for youth with the goal of custody transfer to a relative with KinGAP. |
| 10.13 Application process for kinship guardianship assistance | Modifies language from "request" to "application" and "worksheet" to "application" and clarifies the names of forms for Kinship Guardianship Assistance throughout the rest of the sections. |
| 10.16 Executing the kinship guardianship assistance agreement | Clarifies that the Kinship Guardianship Assistance Agreement is written and binding. |
| 10.16.1 Executing the agreement for the title IV-E youth | Clarifies what the Kinship Guardianship Assistance Agreement includes. |
| 10.16.3 Successor guardian | Adds information around successor guardianship. |
| 10.17 Making kinship guardianship assistance payments | Emphasizes that criminal background checks and central registry searches must be completed on all adults residing in the home of the relative custodian prior to finalization and payments issued. |
| 10.17.2 Payment for non-recurring expenses for transferring legal custody | Clarifies purpose for and limits to nonrecurring expenses. |
| 10.18.1 Responsibilities of the | Adds becomes incapacitated in addition to death as one of the |

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| relative custodian(s) | notification requirements. |
| 10.18.2 Responsibilities of the LDSS responsible for kinship guardianship assistance | Clarifies that face to face visits are optional. |
| 10.19 Providing services to the relative custodian and youth | Clarifies that services the youth was receiving prior to custody transfer will continue through the FAPT review process. |
| 10.22.3 Terminating agreements | Adds information around successor guardians. |
| 10.22.6 LDSS actions when relative custodian(s) die or become incapacitated | Adds information around successor guardians. |
| 12.11.1.5 Consent for psychotropic medication | Adds a subsection providing guidance on who is able to provide consent for psychotropic medication for children in foster care. |
| 12.11.6.11 Medicaid long-term care services | Adds the requirement for notification to the community services board regarding children in foster care who have a developmental disability. |
| 12.11.8 Psychotropic Medication Oversight Protocol | <p>Changes title from “Psychotropic medication”</p> <p>Adds new subsections detailing the process for the prescription and approval of psychotropic medication for youth in foster care.</p> <p>The subsections include:</p> <ul style="list-style-type: none"> • 12.11.8 Psychotropic Medication Oversight Protocol <ul style="list-style-type: none"> ○ 12.11.8.1 Responsibilities of service worker in managing child’s medications ○ 12.11.8.2 Assessment ○ 12.11.8.3 Interventions ○ 12.11.8.4 Informed Consent <ul style="list-style-type: none"> ▪ 12.11.8.4.1 Psychotropic Medication Consenter (PMC) ▪ 12.11.8.4.2 Engaging the family and caregiver ▪ 12.11.8.4.3 Engaging the child/youth ▪ 12.11.8.4.4 Transition to adulthood ▪ 12.11.8.4.5 Reviewing Consents |
| 13.2.2 Legal Citations | Adds information regarding the 2018 Family First Prevention Services Act’s modifications to the Chafee Program. |
| 13.5 Life Skills Assessment | Modifies the title of the assessment conducted to assess strengths and needs of youth in preparation for adulthood throughout the section. |

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| 13.5.3 Frequency of administering CLSA | Modifies the timeframe for the assessment when youth enters care after the age of 14. |
| 13.7.3 Chafee Program Transition Plan (Transition Plan) for youth age 14 and older | Modifies the title of the transition plan throughout Section 13. |
| 13.7.3.1 Development and maintenance of the transition plan | Clarifies the timeframe for the completion of the life skills assessment and transition plan for youth who enter care after age 14. |
| 13.7.4 Youth rights | Adds proof of foster care to the youth rights for documentation. |
| 13.9 Credit checks and freezes | Adds language regarding documentation of credit checks. Adds requirements for credit freezes and adds new subsection 13.9.1 regarding credit freezes for youth 16 and older. This subsection is now referenced in a change in 13.10 Transitioning youth over age 16 to adulthood. |
| 13.13 Conducting NYTD outcomes survey with youth at age 17 | Adds updated information regarding the cohorts for NYTD. |
| 13.13.1 Engaging youth to participate in the NYTD Outcomes Survey | Updates the resources for engaging youth to participate in NYTD. |
| 13.14 90 day transition plan prior to youth turning 18 | Clarifies that the meeting to facilitate the development of the 90 day transition plan can include Child and Family Teaming Meeting (CFTM) |
| 13.15 Youth Exit Survey Initiative | Adds section and subsections with requirements for the Youth Exit Survey. Subsections include: <ul style="list-style-type: none"> • 13.15.1 LDSS notifications and administration protocols • 13.15.2 Informing youth about the survey and distributing survey materials • 13.15.3 Engaging youth to participate in the Youth Survey Initiative Subsequent sections have been renumbered. |
| 13.18.3 Education and training resources for youth | Clarifies information regarding ETV, the Great Expectations Program and the Tuition Grant. |
| 14.1 Introduction | Adds kinship guardianship assistance to the extension of foster care after age 18. |

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| 14.4.1 Identification of eligible youth | Adds kinship guardianship assistance to the extension of assistance under Fostering Futures. |
| 14.4.3 Eligible Youth | Clarifies length of time that youth expected to complete secondary schooling before age 19 while placed in congregate care can remain in the congregate care placement. |
| 14.9 Life skills assessments | Modifies the title of the assessment conducted to assess strengths and needs of youth in preparation for adulthood throughout the section. |
| 14.10.3 Chafee Program Transition Plan (Transition Plan) for youth age 18 and older | Modifies the title of the transition plan throughout Section 14. |
| 14.10.4 Youth rights | Adds proof of foster care to the youth rights for documentation. |
| 14.14 Conducting NYTD outcomes survey with youth at ages 19 & 21 | Adds updated information regarding the cohorts for NYTD. |
| 14.16 90-day transition plan for youth exiting services | Clarifies that the meeting to facilitate the development of the 90 day transition plan can include Child and Family Teaming Meeting (CFTM) |
| 14.19.3 Education and training resources for youth | Clarifies information regarding ETV, the Great Expectations Program and the Tuition Grant. |
| 17.3.2 First three months requirement | Adds requirement for permanency workers and supervisors to complete CWS5011 Case Documentation. |
| 17.3.3 First six months requirement | Adds new subsection with the requirement for permanency workers and supervisors to complete CWSE3030 Normalcy for Youth in Foster Care and CWSE4050 Psychotropic Medications in the Child Welfare System. Subsequent sections have been renumbered. |
| 17.3.4 First twelve months requirement | Adds requirement for permanency workers and supervisors to complete CWS4015 Trauma-Informed Child Welfare Practice: Identification and Intervention. |
| 17.6 Caseload standard | Adds section on caseload standards for foster care caseloads. |
| 17.8.4.3 Out-of-state visits | Clarifies that worker visits for children placed outside of Virginia in foster homes, relative homes, or adoptive homes are completed by the receiving state through ICPC. |
| 17.10 Working with birth parents | Adds the requirement for face-to-face contact every two months with birth parents and at every critical decision point when the goal is reunification. |

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| 17.11 Working with foster parents and providers | Clarifies requirements around engagement of foster parents with placement decisions. |
| 17.11.1 Foster Parent Dispute Resolution | Adds new section on dispute resolution process for foster parents. |
| 18.1.3 Rates | Updates the basic maintenance payment rates for children and youth in foster care. |
| 18.2.2.3 How the VEMAT is administered | Adds clarification around VEMAT reassessment when child enters placement from a trial home placement. |
| 18.2.2.6 Frequency of administering the VEMAT | Adds clarification around VEMAT reassessment for scores of 36 for severe medical/physical needs. |
| 19.7 Credit freeze removal | Adds requirement around removing credit freezes for youth when they leave care. |
| 19.9.4 Resources for maintaining and destroying records | Clarifies that at adoption finalization the foster care case file is disseminated among the adoption file, adoption assistance record, and the CSA/Title IV-E eligibility record and the remaining items are purged. |

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

Central- Lisa Tully, 804- 662-9791; Lisa.Tully@dss.virginia.gov
 Eastern- Gayle Brown, 757- 491-3986; Gayle.Brown@dss.virginia.gov
 Northern- Sarah Gilbert, 540-347-6309, S.Gilbert@dss.virginia.gov
 Piedmont- Dawn Wilson, 540-204-9638, Dawn.M.Wilson@dss.virginia.gov
 Western- Heather Lewis, 276-676-5637, H.Lewis@dss.virginia.gov



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