

Date – July 1, 2021

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

Transmittal # - 297

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, 2021.

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. Changes were made throughout the manual to update terminology from “substance abuse” to “substance use disorder.”

This transmittal and manual are available on FUSION at:

<https://fusion.dss.virginia.gov/dfs/DFS-Home/Foster-Care/Foster-Care-Guidance>

Significant changes to the manual are as follows:

Section(s) Changed	Significant Changes
1.2 Definitions	Adds definitions for “qualified individual” and “qualified residential treatment programs”.
2.4 Roles and resources families and other individuals can provide	Modifies the requirement to involve a child in case planning from age 14 years and older to age 12 years and older.
2.9.1 Addressing five critical decision points	Adds link to requirement in Section 6B regarding qualified residential treatment programs and the requirement to have a Family Partnership Meeting.
2.9.2 Participants in Family Partnership Meetings	Modifies the requirement to involve a child in case planning from age 14 years and older to age 12 years and older.
3.9.1.1 Services for pregnant and parenting youth	Adds that pregnant and parenting youth are an eligible population for title IV-E prevention funds for evidence based services in an in-home services case.
3.9.1.4 Placements specializing in providing prenatal, post-partum, or parenting supports for youth in care	Adds new subsection detailing allowable placement settings for youth, including congregate care placements that are able to receive IV-E funding.
4.1 Confidentiality of records	Adds clarification that it is not permitted to release identifying information from a prior foster care record for any child reentering foster care from a dissolved adoption.

4.5.1 Title IV-E eligibility requirements	Changes the requirement for the title IV-E eligibility application to be completed within 10 days of removal from the home rather than within 10 days of the court commitment order.
5.8 Types of assessment tools	<p>Adds information about the trauma screening available through Virginia Heals.</p> <p>Adds information about the Genogram Tool available through the child welfare information system.</p>
6.3 Critical decisions in making placements	Updates language for immediate placements to be consistent with the title change for Section 6.9.
6.9 Procedures for immediate placement	<p>Retitles Section 6.9 to Procedures for immediate placement</p> <p>Removes information related to the outdated emergency approval process and adds information about procedures for placing children immediately in a kinship home.</p>
6.13 Placements in relative homes	Updates information about the process to approve kinship foster homes for immediate placement.
6.16 Placements in residential programs	Add links to title IV-E reimbursable residential placements for the implementation of Family First.
6B Placements specific to Family First requirements	<p>Adds a new section outlining the congregate care settings that children in foster care will need to be placed to be eligible for title IV-E funding upon implementation of Family First and the requirements for those settings.</p> <p>The new subsections include:</p> <ul style="list-style-type: none"> • 6B.1 Introduction • 6B.2 Framework <ul style="list-style-type: none"> ○ 6B.2.1 Legal Authority <ul style="list-style-type: none"> ▪ 6B.2.1.1 Qualified residential treatment programs ▪ 6B.2.1.2 Placement in a licensed family-based residential treatment facility for substance use disorder ▪ 6B.2.1.3 Other Family First specific placement requirements • 6B.3 Qualified Residential Treatment Programs (QRTPs) <ul style="list-style-type: none"> ○ 6B.3.1 Assessment <ul style="list-style-type: none"> ▪ 6B.3.1.1 Qualified individual ▪ 6B.3.1.2 Family and permanency team meetings ○ 6B.3.2 Court requirements <ul style="list-style-type: none"> ▪ 6B.3.2.1 Materials to be submitted to court

	<ul style="list-style-type: none"> ▪ 6B.3.2.2 Foster care plan requirements ▪ 6B.3.2.3 Court ordered findings ▪ 6B.3.2.4 Requirements for subsequent foster care hearings ○ 6B.3.3 Commissioner approval for extended placement • 6B.4 Out of State Residential Placements • 6B.5 Family-based residential treatment facility for substance use disorder <ul style="list-style-type: none"> ○ 6B.5.1 Eligibility of the child ○ 6B.5.2 Eligibility of the facility ○ 6B.5.3 Foster care plan requirements
7.4.1 Six processes that support concurrent planning	Updates information about the process to approve kinship foster homes for immediate placement.
7.5 Shared decision making	Modifies the requirement to involve a child in case planning from age 14 years and older to age 12 years and older.
7.5.1 Using Family Partnership Meetings prior to change of placement	Updates information about the process to approve kinship foster homes for immediate placement.
8.4 Assessing for Return Home	Adds that the SDM Reunification Tool can be used in the assessment process for reunification.
8.6 Reunification services and service planning	Modifies the requirement to involve a child in case planning from age 14 years and older to age 12 years and older.
8.6.6 Contacts and visits following reunification	Adds a requirement that during a trial home visit at least one worker visit per month must occur in the family’s home and with all household members.
9.4.4.2 Procedures to follow for court termination	Adds that when a termination of parental rights (TPR) petition is not filed at the same time as the foster care plan changing the goal to adoption, the petition must be filed within 30 days of the hearing.
10.8 Overview of relatives becoming foster parents	Updates information about the process to approve kinship foster homes for immediate placement.
10.11.2.1 Determining eligibility for youth	Removes the requirement for the KinGAP (Kinship Guardianship Assistance Program) Staffing Report to be submitted to the permanency practice consultant for approval of KinGAP for all children under the age of 14.
10.11.2.3 Determining placement of at least six (6) consecutive months	Updates information about the process to approve kinship foster homes for immediate placement.
10.11.2.4 Siblings of eligible youth placed in the same home	Updates language to be consistent with the process to approve kinship foster homes.

10.11.3 Foster care plan requirements	Adds a link to the new section 10.11.4 and clarifies that LDSS must make efforts to discuss the kinship guardianship arrangement with the youth's parents. If they are not able to discuss the arrangement with the parents, efforts must be documented and can include sending letters, conducting person locator searches and other diligent search tools.
10.11.4 Determining that the goal of adoption is not appropriate	Adds a new section detailing the required efforts to determine that the goal of adoption is not appropriate for the child for the purposes of eligibility for kinship guardianship assistance.
10.15 Negotiating kinship guardianship assistance	Adds references to the Referral for KinGAP Negotiation Packet this is available on FUSION.
12.5.1.2 Placements for youth who are victims or at risk of sex trafficking	Adds a new section for recommended placements for youth who are victims of or at risk of sex trafficking and reorganizes the remaining subsections as follows: <ul style="list-style-type: none"> • 12.5.1.3 Human trafficking assessments and children and youth in foster care • 12.5.1.4 Resources
12.11.7.7 Medicaid's Addiction and Recovery Treatment Services (ARTS) program	Updates the section with current information regarding Medicaid's services for individuals with substance use disorders.
14.4.4.4 Court approval	Clarifies that IV-E funding cannot be used beginning on the 181 st day if the judicial determination is not made within 180 days of the execution of the VCSSA.
14.4.4.5 Title IV-E eligibility	Clarifies that IV-E funding cannot be used for the remainder of the foster care episode if the judicial determination is not made within 180 days of the execution of the VCSSA.
15.3 Engaging family and key partners in developing the foster care plan	Modifies the requirement to involve a child in the development of their case plan from age 14 years and older to age 12 years and older.
16.2.6.5 Exceptions to the requirement to file for TPR	Adds that the LDSS is required to determine whether it will file for TPR prior to the child reaching 15 months in foster care so that it can timely file for TPR or claim an exception at the 15 month mark. Adds two additional examples of potential compelling reasons to not file for TPR that were included in 2021 legislative changes. Adds that the Summary of Decision Not to File for TPR form must also be attached to the petition and the plan for the next permanency planning hearing.

16.4 Basic Timeline	Adds the Summary of Decision Not to File for TPR to the forms necessary for the second permanency planning hearing.
16.6.2 Composition of the Review Panel and notification	Modifies the requirement to involve a child in the Administrative Panel Review from 14 years and older to 12 years and older.
16.7 Supervisory Reviews	<p>Removed the 16.7 Supervisory Reviews as all youth in the defunct Independent Living Program (program prior to Fostering Futures) have aged out and there is no longer a need for supervisory reviews.</p> <p>The following sections (and their subsections) have been renumbered and now display as:</p> <ul style="list-style-type: none"> • 16.7 Additional information regarding required reviews • 16.8 Restoration of parental rights
17.3 Required training	Updates the required supervisor training to include SUP5705, which is the fifth course in the Family Services CORE Supervisor Training Series.
17.3.3 First six months requirement	Adds CWS3015: Adoption Assistance as a required training in the first six months of employment for all adoption service workers.
17.18 Failure to provide foster care services	Adds a section describing the authority for state intervention when agencies fail to provide foster care services or create substantial risk to the health, safety, or well-being of any child under their supervision and control.
18.1.3 Rates	Updates the maintenance payment rates and clothing allowance rates for July 2021.
18.1.5 Maintenance payments from title IV-E funds	Updates language to be consistent with the process to approve kinship foster homes.

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