

**22VAC40-131-40 Licensee.**

**A. The licensee shall ensure compliance with all regulations for licensed child-placing agencies and terms of the current license issued by the department; and with relevant federal, state, or local laws and relevant regulations.**

*Interpretation of § 40 A: Examples of "relevant federal, state, and local laws and relevant regulations" include but are not limited to laws, regulations or requirements pertaining to: child abuse and neglect; interstate and intercountry placement of children; legal procedures for adoption; children with special needs; immigration; Medicaid; and Native American Indian or Alaskan Eskimo children.*

**B. The licensee shall comply with its own policies and procedures.**

**C. The licensee shall be of good character and reputation as defined in 22VAC40-80-10.**

**D. The licensee shall meet the requirements specified in 22VAC40-191, Background Checks for Child Welfare Agencies.**

**E. The licensee shall meet the requirements specified in 22VAC40-80, General Procedures and Information for Licensure.**

**F. The licensee shall maintain sufficient funds to ensure operation in compliance with this chapter.**

**G. The licensee shall ensure that the child-placing agency makes and maintains such records and other information as required by this chapter. The licensee shall submit, or make available for inspection to the department's representative, records, reports, and other information as necessary to assist the department in determining the licensee's compliance with this chapter and applicable law.**

**H. The licensee shall allow the department's representative to interview the licensee's employees and individuals under its custody, control, direction, or supervision.**

*Interpretation of § 40 H: 'Individuals' include but is not limited to children in care; approved providers such as foster, adoptive and resource parents; volunteers; contractors; and student interns. The "department's representative" usually means a licensing representative.*

**I. The licensee shall at all times allow the department's representative reasonable opportunities to conduct announced and unannounced inspections of the licensee's approved homes.**

**J. The licensee shall:**

**1. Correct any areas of noncompliance found during inspections;**

*Interpretation of § 40 J 1: The process for disputing findings from an inspection is described in the regulation, General Procedures and Information for Licensure, 22 VAC 40-80.*

**2. Take necessary actions to prevent reoccurrence of noncompliance; and**

**3. Make and implement necessary revisions to its policies and procedures.**

**K. The licensee shall not disseminate, or cause directly or indirectly to be disseminated, statements regarding services that are untrue, deceptive, or misleading.**

**L. The licensee shall ensure that information, brochures, and materials distributed or available to the public contain accurate and updated information.**

*Compliance Determination for § 40 L: Any advertisements, such as but not limited to handbills, brochures, pamphlets, videos, emails, and websites produced by or for the licensee may be reviewed.*

**M. The licensee shall maintain ultimate responsibility for the health, safety, and well-being of children under its custody, control, and direction and shall ensure that an on-call licensee representative is available 24 hours a day 7 days each week to receive contacts from foster parents, children, and other staff of placement settings in which children have been placed by the licensee. The licensee shall provide interventions and follow-up services, as necessary.**

*Compliance Determination for § 40: To determine compliance for service and provider records, the licensing representative will review cases from the various programs offered by the licensee. Foster care agencies, for example, include children placed in foster care, treatment foster care, short-term foster care, permanent foster care, independent living arrangements, and the records of biological and foster parents. Cases with 'special characteristics' may also be reviewed, including but not limited to cases involving abused or neglected children, children with multiple placements, foster parents with multiple foster children, and adolescent parents in foster care with children.*

**22VAC40-131-50. Office settings and conditions.**

**A. The licensee shall maintain an office within the Commonwealth of Virginia from which the child-placing activities are conducted.**

**B. The licensee shall ensure that the office from where child-placing activities are conducted has equipment, supplies, and adequate space for:**

- 1. The safekeeping of records;**
- 2. Protection of confidential information;**
- 3. Affording privacy during interviews and conferences; and**
- 4. Allowing families and children the use of rooms for visitation.**

*Interpretation of § 50 B: Rooms and offices may serve multiple functions.*

**22VAC40-131-60. Posting of the license.**

**The licensee shall post the most recently issued license to operate in each licensed Virginia office location where child-placing activities are performed, including branch office locations. The license shall be posted near the entrance of each office location.**

**22VAC40-131-70. Conflict of interest.**

**A. The governing board of the licensee shall not have a board member who is:**

- 1. An applicant for adoption services; or**
- 2. A recipient of adoption services until the final order of adoption is entered.**

**B. No biological parent of a child currently placed by the licensee shall serve as a member of the licensee's governing board.**

**C. No provider applicant shall serve as a member of the licensee's governing board.**

**D. A member of the licensee's governing board who is also a foster parent for the licensee shall not vote on issues related to foster care policy and procedure.**

**E. The licensee shall not provide foster care services to its child-placing agency staff members.**

**F. The licensee shall not accept an application for adoption from or provide adoption services to any of its staff or governing board members.**

**22VAC40-131-80. Licensed capacity and maximum caseload numbers.**

**A. The licensee shall include in the child-placing agency's caseload and capacity count all children to whom supervision is provided. The supervised children may be placed directly by the licensee or through arrangement or negotiation with another licensed child-placing agency in one of the following settings:**

- 1. A resource home;**
- 2. A foster home;**
- 3. An adoptive home prior to the final order of adoption;**
- 4. A treatment foster home;**
- 5. A short-term foster home;**
- 6. An independent living arrangement; or**
- 7. Licensed children's residential facility.**

**B. The total approved caseload numbers served by the licensee at any given time shall not exceed the following:**

**1. Except for licensees that provide treatment foster care, the maximum caseload restrictions shall apply:**

- a. A full-time caseworker shall serve no more than 25 children at any one time.**