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Subject: Revisions to Standards for Licensed Child Placing Agencies
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COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

DATE: October 17, 2019

TO: Licensed Child Placing Agencies

FROM: Tara Ragland, Director
Division of Licensing Programs

SUBJECT: Revisions to *Standards for Licensed Child Placing Agencies*

The Division of Licensing Programs' regulation, 22VAC40-131 *Standards for Licensed Child Placing Agencies*, has been revised to correspond with changes made to the Code of Virginia (Code) by the 2019 Session of the General Assembly. The amended regulation was published as a final regulation in the Virginia Register of Regulations on September 16, 2019 (Volume 36, Issue 2). The effective date of the amended regulation is October 17, 2019. This action was exempt from the full Administrative Process Act regulatory process because the purpose of the revision was only to incorporate changes in state law.

A copy of the regulation and replacement pages can be found under the Regulations and Code References on the Child Placing Agencies (CPA) –Licensed webpage: <https://www.dss.virginia.gov/facility/lcpa.cgi> Hard copies of the regulation can be ordered at https://www.dss.virginia.gov/files/division/licensing/crf/intro_page/forms/all_other/032-05-0512-14-eng.pdf. Please replace the old pages with the new and discard prior versions.

Changes to the regulation are listed below.

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

- The requirement to review and update caseloads annually was added.

22VAC40-131-250. Intake, acceptance, and placement.

- The commissioner has the authority to place, remove, or direct placement or removal of any child under the supervision of a local board or child-placing agency. The commissioner has the authority to remove or direct the removal of a

child when a foster home or children's residential facility fails to comply with requirements intended to protect the child's health, safety, or well-being.

22VAC40-131-490. Adoption counseling and services for birth parents

- Language about post-adoption contact and communication agreements has been removed from this section and added to a new section; 22VAC40-131-495. Post-adoption contact and communication agreement.

22VAC40-131-495. Post-adoption contact and communication agreement.

- This new section has been created to explain post-adoption contact and communication agreements.
- The licensee may inform birth parents and shall inform adoptive parents that they may enter into a written post-adoption contact and communication agreements as described in § 63.2-1220.2 of the Code.
- The licensee shall inform the child, age 14 or older, that he may consent to a post-adoption contact and communication agreement.
- When birth parents and prospective adoptive parents enter into a written post-adoption contact and communication agreement, the licensee shall review the agreement and provide to the court a written recommendation indicating if the agreement represents the best interest of the child and if the licensee recommends approval of the agreement.

Please contact your licensing specialist if you have any questions.