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Manual –Child and Family Services Manual, Chapter I, Title IV-E Prevention

Transmittal # 306

The purpose of this transmittal is to provide new, revised, and clarified guidance for *Chapter I: Title IV-E Prevention* of the Child and Family Services Manual. Unless otherwise stated, the provisions included in this transmittal are effective in April 2023.

Changes to the manual clarify existing guidance and enhance guidance related to the implementation of the Family First Prevention Services Act (Family First) which enables states to use federal funds under part B and E of title IV-E of the Social Security Act to provide enhanced support to children and families and prevent foster care placements and other programmatic updates. Changes were also made throughout the manual to address grammatical issues or minor clarifications that are not included in the chart below.

This transmittal and manual are available on FUSION at:

<https://fusion.dss.virginia.gov/dfs/DFS-Home/Title-IV-E/Title-IV-E-Guidance>

The entire Prevention Services Manual can be found on the DSS public site at:

<https://www.dss.virginia.gov/family/iv-e.cgi>

Changes to the manual are listed below:

Section(s) Changed	Significant Changes	Reason for Change
2.4.1.1 Child and Adolescent Needs and strengths (CANS) assessment	This subsection was revised to clarify that a Child and Adolescent Needs and Strengths (CANS) assessment for an In-Home services case must be completed for any child or caregiver that is identified on a service plan and is receiving a direct or funded evidence-based service.	This change was made based on feedback from the local departments of social services.

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TITLE IV-E PREVENTION

2.1 Introduction

2.1.1 Purpose of Title IV-E

This manual addresses title IV part E of the Social Security Act (title IV-E) (42 U.S.C. 671 et seq.) as amended by Public Law 115-123 (Family First Prevention Services Act), to establish eligibility requirements as provided by federal regulations (45 CFR Parts 1340) and State statutes (§[63.2](#) and §[16.1](#)), as well as the appropriate use of title IV-E funds for children who have been found eligible for Family First prevention funding under title IV-E. This manual is a companion to the VDSS Child and Family Services Manual, Chapter B, Prevention and In-Home Services to Families. The title IV-E prevention manual provides guidance and authority specific for the use of title IV-E funds, but additional guidance may also be documented in the VDSS Child and Family Services Manual, Chapter B, Prevention and In-Home Services to Families.

2.1.2 Overview

Prevention services are an integral part of the continuum of all child welfare services. They include, but are not limited to, providing information and services to accomplish the following goals:

- Strengthen families.
- Promote child safety, well-being, and permanency.
- Minimize harm to children.
- Maximize the abilities of families to protect and care for their children.
- Prevent the occurrence or reoccurrence of child maltreatment.

- Prevent out-of-home care, including preventing foster care.

2.1.3 Legal Authority

[22 VAC 40-201-20](#)). Foster Care Prevention Services.

- A. The local department shall first make reasonable efforts to keep the child in his home.
- B. The local department shall make diligent efforts to locate and assess relatives or other alternative caregivers to support the child remaining in his home or as placement options, if the child cannot safely remain in his home.
- C. The local department shall provide services pursuant to § 63.2-905 of the Code of Virginia to the child and birth parents or custodians to prevent the need for foster care placement when the child is abused and neglected as defined in § 63.2-100 of the Code of Virginia or has been found to be a child in need of services as defined in § 16.1-228 of the Code of Virginia by the court or as determined by the family assessment and planning team.
- D. Any services available to a child in foster care shall also be available to a child and his birth parents or custodians to prevent foster care placement and shall be based on an assessment of the child's and birth parents' or custodians' needs.
- E. Appropriate services shall be provided to prevent foster care placement or to stabilize the family situation provided the need for the service is documented in the local department's written plan or in the IFSP used in conjunction with accessing CSA funds.
- F. Children at imminent risk of entry into foster care shall be evaluated by the local department as reasonable candidates for foster care based on federal regulations, 45 CFR 1356.60(c).
- G. The local department shall develop a written plan for the implementation of wrap around services prior to removing a child from his home. As long as the risk of removal from the home continues, services shall be provided to address identified needs. In the event that the child can no longer be safely maintained in the home, the local department shall document why the support and services considered and provided were not sufficient to maintain the child in his home.
- H. Prior to removing the child from the custody of their parents, the local department must make diligent efforts to notify all adult relatives, in writing, that the child is being removed or is likely to be removed and explain the options available to relatives/fictive

kin, such as the option to participate in the care and placement of the child, including eligibility as a kinship foster parent and the services and supports available for children placed with relatives.

2.2 Definitions

The following words and terms are unique to title IV-E and when used in this manual, shall have the following meaning, unless the context clearly indicates otherwise. If additional definitions are needed, please refer to the VDSS Child and Family Services Manual, Chapter B, Prevention and In-Home Services to Families, Section 1.8.

<u>Term</u>	<u>Definition</u>
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Candidate for foster care

A service worker must determine if a child is a candidate for foster care if they assess that the child can remain safely in the child's home or in a kinship placement as long as an evidenced-based and trauma-informed prevention service (e.g., mental health, substance use disorder, or in-home parent skill-based program services) is provided. The service(s) necessary to prevent the entry of the child into foster care must be identified in Virginia's approved federal Prevention Plan on [FUSION](#).

Child and Adolescent Needs and Strengths Assessment (CANS)

A structured assessment instrument developed by John S. Lyons, Ph.D. with the University of Chicago (Chapin Hall) to assist in the planning and management of services to children and adolescents and their families. The CANS provides numerical ratings of various items, organized in a set of dimensions, or domains. These ratings are indicators of the presence and urgency/prominence of specific needs and strengths. Use of the CANS ensures a strength-based assessment which focuses on enhancing communication among service providers and with families. In addition to service planning, the CANS may be used to measure progress and identify most commonly occurring needs and strengths at the individual and system levels.

Foster Care Prevention Services

A full range of casework, treatment and community services, for a planned period of time to a child who is abused or neglected as defined in [§63.2-100](#) or in need of services as defined in [§16.1-228](#) and their family when a child has been identified as needing services to prevent or eliminate the need for foster care placement.

In-Home Services

The primary goal of In-Home services is to support families to safely maintain children, in their own homes or with relative/fictive kin caregivers in their own communities, by addressing identified safety and risk concerns and reducing the reoccurrence of child maltreatment. This is achieved through engagement of the family, their support system, and other service providers.

Local Department of Social Services (LDSS)	The local department of social services of any county or city in Virginia.
Prevention	Services provided to any caregiver and child to strengthen families and enhance child well-being, to prevent child abuse/neglect from occurring or reoccurring and to eliminate the need for out-of-home care.
Prevention Services	A full range of services provided to families that includes: primary prevention programs, directed at the general population (universal) in an effort to prevent maltreatment before it occurs; secondary prevention programs, targeted to individuals or families in which maltreatment is more likely (high risk); and tertiary prevention programs, targeted toward families in which abuse has already occurred.
Title IV-E	The title of the section of the Social Security Act that authorizes federal funds for prevention, foster care, and adoption assistance.

2.2.1 Title IV-E review

The state will conduct case reviews for all LDSS to ensure compliance with federal regulations regarding the use of IV-E funding for prevention services. The state review will evaluate accuracy of and compliance with state and federal guidance, to include: accuracy of data entered into the child welfare information system of date of birth, child's name, documentation of Candidate for Foster Care, completion of In-Home Service Plan to include Evidence Based Service, completion of the Child and Adolescent Needs and Strengths Assessment (CANS); and the accuracy of payments using title IV-E funds, including the submissions of Local Expenditure, Data Set and Reimbursement System (LEDRS) T4E file.

2.3 Funding sources used by localities to provide Prevention services

2.3.1 Family First Prevention Services Act (Family First)

Family First will enable the use of federal funds under parts B and E of Title IV of the Social Security Act. These funds will provide enhanced support to children and

families and prevent foster care placements through the provision of mental health prevention and treatment services, substance use disorder prevention and treatment services, in-home, skill-based parenting programs; and Kinship Navigator services. Family First is the first major modernization and overhaul of Title IV-E and IV-B funds in nearly three decades and represents a significant milestone in ongoing efforts to transform the child welfare system.

In-Home services may serve the following population:

- Families self-referred due to significant crisis.
- Families who may have had a substantiation of abuse or neglect.
- Children or youth who, in the absence of preventive services, would be at imminent risk of out-of-home care or placement into foster care.
- Court involved children or youth that have not been removed from the home and are at risk of out of home placement.
- A child who is receiving family reunification support after foster care placement.
- A pregnant or parenting youth in foster care.
- A child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement.

2.3.2 State funding sources for prevention

2.3.2.1 Promoting Safe and Stable Families (PSSF)

[Promoting Safe and Stable Families \(PSSF\)](#) is designed to assist children and families resolve crises, connect with necessary and appropriate services, and remain safely together in their own homes whenever possible. For more information regarding PSSF and prevention funding, see the VDSS Child and Family Services Manual, Chapter B, Prevention and In-Home Services to Families, Section 2.8.9.

2.3.2.2 Children's Services Act (CSA) state pool funds

The need for services funded by the [Children's Services Act \(CSA\)](#) is determined by local Family Assessment and Planning Teams (FAPT) on a case-by-case basis. The purpose of the funds is to avoid out-of-home or

out-of-community placements of at-risk children. The funding varies by locality and type of service. For more information regarding CSA and prevention funding see the VDSS Child and Family Services Manual, Chapter B, Prevention and In-Home Services to Families, Section 2.8.9.

2.4 Title IV-E Requirements for use of Family First prevention funding

2.4.1 Requirements for IV-E

To be eligible to receive title IV-E funding for Family First prevention services for the child, their parents, or relative/fictive kin caregiver of the child, the child must meet certain requirements. The child must:

- Meet the age requirement:
 - The child must be under the age of 18 to be eligible for title IV-E funding for Family First prevention services. If a youth turns 18 while receiving title IV-E Family First prevention services, the state can only claim federal financial participation (FFP) for services until the day the youth turns 18, and
- Be determined to be a candidate for foster care, or
- Be identified as a pregnant or parenting youth in foster care, or
- Have an adoption or guardianship arrangement that is at risk of a disruption or dissolution that would result in a foster care placement, and
- Have a developed In-Home service plan that clearly documents all of the following criteria:
 - Identifies the interventions, services, or supports, and absent these interventions, services, or supports, foster care placement is the planned arrangement for the child;
 - The In-Home service plan was developed jointly with the child, and the parents or guardians;
 - A description of the services offered or provided to prevent the removal of the child from the home; and,

- The In-Home services case is actively being managed to maintain the child in the home, or in a kinship arrangement, in order to prevent placement into foster care.

2.4.1.1 Child and Adolescent Needs and Strengths (CANS) assessment

*The CANS must be completed for any child(ren) and caregiver(s) in an In-Home services case who is identified in the service plan and receiving a direct or funded evidence-based prevention service(s). At least one identified child and caregiver must be assessed with the CANS in an In-Home services case. The CANS must be documented in the [CANVaS](#) online application **within 30 calendar days** of opening the case and updated **every 90 days thereafter**, if the case is to remain open, and until the case is closed.*

If the CANS is not completed **within 30 calendar days**, IV-E will cease on the 31st day until the CANS is completed. For more information on CANS, see VDSS Child and Family Services Manual, Chapter B, Prevention and In-Home Services to Families, Section 2.7.1.

The ongoing requirements of the CANS must be updated in CANVaS **every 90 days**, in conjunction with the renewal of the In-Home service plan. Critical needs are likely to change as families begin to achieve the objectives in the service plan.

If the CANS is not completed **every 90 days**, IV-E will cease on the 91st day until another CANS is completed.

2.4.1.2 In-Home Service plan for the child

For eligible children, as identified in Section 2.4.1, an In-Home service plan must be completed in order to claim title IV-E funding. The In-Home service plan documents all services to prevent further child maltreatment, out-of-home care, or placement into foster care. The VDSS Child and Family Services Manual, Chapter B, Prevention and In-Home Services to Families, Section 2.11 provides more information and requirements for service planning for the child. The Family First evidence-based service(s) necessary to prevent the entry of the child into foster care must be included in the In-Home Services Plan. The eligible services are identified in Virginia's approved federal Prevention Plan available on [FUSION](#).

The initial In-Home service plan must be developed **within 30 calendar days** of opening the case. It must be re-evaluated **every 90 days thereafter** or sooner if safety, risk, or family circumstances change. The In-Home service plan must be documented in the child welfare information system.

The In-Home service plan must have a start date prior to the date the service is provided to claim IV-E funds. Also, the In-Home service plan must be completed the same day or prior to the Candidacy determination. For more information on service planning and review, see VDSS Child and Family Services Manual, Chapter B, Prevention and In-Home Services to Families, Section 2.8 and Section 2.11 respectively.

The ongoing requirement for the In-Home service plan must be met. After the CANS assessment is updated, the In-Home service plan must be revised.

If the decision is to close the case, all services must be ended in the In-Home service plan in the child welfare information system.

If the decision is to keep the case open, the In-Home service plan must be renewed and completed in the child welfare information system. For more information on updating the In-Home service plan, see Section 2.11.3 of the In-Home Manual.

If the In-Home service plan is not completed **every 90 days** IV-E will cease on the 91st day until another In-Home service plan is completed.

2.4.1.3 Candidate for foster care

A critical assessment that must be completed in all In-Home cases is to determine if the youth is a candidate for foster care. The specific eligibility requirements for a candidate for foster care are outlined in the VDSS Child and Family Services Manual, Chapter B. Prevention, Section 2, Prevention and In-Home Services to Families, Section 2.6.6.5.

It is important to note that candidacy eligibility and documentation of candidate for foster care determinations are related to fiscal reimbursement for case management provided by the LDSS and the provision of evidenced-based and trauma-informed Family First prevention services. If the child is eligible, the LDSS may claim title IV-E reimbursement for administrative activities performed on behalf of the child regardless of whether the child is actually placed in foster care. For more information on Candidacy Determination, see VDSS Child and Family Services Manual, Chapter B. Prevention, Section 2, Prevention and In-Home Services to Families, Section 2.6.6.5. Furthermore, failure to meet documentation requirements regarding candidacy

determinations, redeterminations, and preventive services provided in the child welfare information system can result in the child being ineligible for federal funding for Family First prevention services.

To be eligible for IV-E funding for Family First prevention services (e.g., mental health, substance use, or in-home parent skill-based program services), the child, meeting the requirements of Section 2.4.1, must also be identified as a candidate for foster care. The LDSS will utilize the Candidacy Determination Form in the child welfare information system to document eligibility for candidate for foster care.

The agency cannot claim title IV-E reimbursement for Family First prevention services prior to the child being determined a candidate for foster care. The services worker completes the candidacy determination **within the first 30 days of the case opening** and **every 90 days thereafter**, in conjunction with developing and renewing the service plan. LDSS must use the Candidacy Determination Documentation Form in the child welfare information system to document the child or youth's candidacy determination.

The agency must check to make sure the child remains a candidate for foster care at each re-evaluation. If, at any point the child is considered to no longer be a candidate for foster care, IV-E funding cannot be utilized for Family First prevention services provided after that determination.

The ongoing requirements regarding candidacy determination must be met. The candidacy determination must be updated **every 90 days**, or sooner if circumstances change, and documented in the child welfare information system. For more information on updating the candidacy determination, see the Section 2.11.4 of the VDSS Child and Family Services Manual, Chapter B, Prevention and In-Home Services to Families.

If the candidacy determination is not completed every 90 days, IV-E funding will stop on the 91st day, and will not resume until another candidacy determination is completed.

2.4.1.4 Pregnant and parenting youth in foster care

Pregnant and parenting youth in foster are eligible to receive title IV-E Family First prevention services. Section 3.9.1 of the VDSS Child and Family Services Manual, Chapter E. Foster Care provides more information regarding the services available and necessary steps needed for this population.

The agency cannot claim title IV-E reimbursement for Family First prevention services prior to the child being identified as a pregnant and parenting youth. It is expected that the service worker will identify the youth as pregnant or parenting in the general information section of the child welfare information system.

2.4.2 Family First prevention services requirements for IV-E

Family First prevention services are trauma informed, evidence-based services and there are three categories of services that are allowable under Family First:

- Mental health services
- Substance use disorder services
- In-home parenting skill-based programs

Only Family First prevention services that meet one of these categories and have been identified in Virginia's approved federal Prevention Plan available on [FUSION](#) are eligible for IV-E reimbursement.

Before making a IV-E claim for Family First prevention services for or on behalf of the child, the agency must verify, by checking [FUSION](#), that the service has been approved in Virginia's approved federal Prevention Plan. The list will indicate the rate that has been approved for IV-E funds and the date the evidence-based service has been approved to start utilizing IV-E funding. The LDSS must include the minimum title IV-E requirements to ensure fidelity and reporting requirements are met which are located in the Family First Prevention Services Contract Template under Specific Terms and Conditions. The LDSS must submit quarterly expenditures of title IV-E payments for Family First prevention funding for In-Home service cases through the Local Expenditure, Data Set and Reimbursement System (LEDRS) T4E file, effective July 1, 2021. The file has been updated to ensure the following data elements are captured for federal reporting:

- a) Child's Name
- b) Date of Birth
- c) Sex, as appropriate
- d) Race
- e) Hispanic or Latino Ethnicity
- f) Pregnant or Parenting Youth in Foster Care
- g) In-Home Service Plan Start Date
- h) Type of Service(s)
- i) Service Start Date(s)

- j) Cost of Service(s)
- k) Service End Date(s)
- l) Foster Care Placement Status at 12 months from In-Home service plan start date
- m) Foster Care Entry
 - a. Date of Entry into Foster Care

2.4.3 Claiming title IV-E for Family First prevention services

2.4.3.1 Payer of last resort

Title IV-E funding is considered the payer of last resort for Family First prevention services that would have otherwise been paid from a public or private program (such as private insurance or Medicaid). Therefore, if public or private program providers would pay for a service allowable under the title IV-E Family First prevention program, those providers have the responsibility to pay for these services before the title IV-E agency would be required to pay. This requirement does not apply to the Children's Services Act (CSA) funding, since IV-E funding can be used prior to CSA funding.

The agency must document in the child welfare information system that Medicaid or private insurance has been utilized as the payer prior to IV-E being utilized. To do this, the agency must check whether private insurance, Medicaid, or neither are being utilized for each service in the child welfare information system.

2.4.3.2 Time-limited services

The agency may make claims for title IV-E Family First prevention services that are approved in Virginia's approved federal Prevention Plan and are identified in the child's prevention plan for up to 12 months. The 12 months begin on the date that all requirements outlined in [Section 2.4.1](#) have been met for the child. This means that the 12 months would begin once the agency has an In-Home service plan for the child and has determined that the child is a candidate for foster care or is a pregnant or parenting youth in foster care.

The agency may claim title IV-E reimbursement for Family First prevention services until the last day of the 12th month if services were provided for the entire 12 month period, or if services are provided for less than the entire 12 month period, the end of the month in which the child's title IV-E Family First prevention services ended.

2.4.3.3 Extension beyond 12 months

On a case-by-case basis, the agency may extend Family First prevention funding beyond the 12 month approval period. The agency must maintain that the child is a candidate for foster care or is a pregnant and parenting youth in foster care, have an In-Home service plan in place, and all other requirements outlined in [Section 2.4.1](#) continue to be met.

2.4.4 Ending title IV-E funding for Family First prevention services

The specific requirements for closing an In-Home services case are outlined in Section 2.12 of the VDSS Child and Family Services Manual, Chapter B, Prevention and In-Home Services to Families. Once the child is no longer at risk of foster care placement, the service worker shall stop classifying the child as a candidate for foster care (see [Section 2.4.1.3](#)). The In-Home service plan should be updated to reflect that the child is no longer a candidate for foster care and the candidacy documentation screen in the child welfare information system should be updated. All necessary and appropriate documentation used for candidacy status should be maintained in the child welfare information system.