

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING22 VAC 40-201-10. Definitions.

The following words and terms, when used in this regulation, shall have the following meaning, unless the context clearly indicates otherwise:

"Adult adoption" means the adoption of any person 18 years of age or older.

"Adoption" means a legal process in which a person's rights and duties toward birth parent(s) are terminated and similar rights and duties are established with a new family.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive home study" means an assessment of the adoptive family to determine their suitability for adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adoption assistance agreement" means a written agreement between the agency and adoptive parent(s) that is binding on both parties. An adoption assistance agreement may be for a federal subsidy, a state subsidy, or a conditional subsidy.

"Adoption Progress Report" means a report filed with the juvenile court every six months that documents in detail, the reasonable efforts made to locate an adoptive family for a child following termination of parental rights. Section 16.1-283. F, of the Code of Virginia requires that an Adoption Progress Report be submitted to the juvenile court every six months following termination of parental rights until the adoption is final.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

"Adoption search" means interviews and written or telephone inquiries made by an agency to locate and advise the biological parent(s) or siblings of an adult adoptee's request by Application for Disclosure or petition to the court for identifying information from a closed adoption record.

"AFDC" means the Aid to Families with Dependent Children Program.

"Agency placement adoption" means an adoption in which a child is placed in an adoptive home by a local department or child-placing agency which has custody of the child.

"AREVA" means the Adoption Resource Exchange of Virginia which maintains a registry and photo-listing of children and families waiting for adoption.

"Assessment" means an initial evaluation of the situation of the child and family to identify services needed.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent(s) and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any person under 18 years of age.

"Child placing agency" means any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819 or a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903 and 63.2-1221. Officers, employees, or agents of the Commonwealth, or any locality

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child with special needs" means any child in the custody of an agency or child placing agency who:

1. The state has determined is unlikely to return home because of termination of parental rights.
2. Has individual characteristics that make the child hard to place including:
 - a. Physical, mental, or emotional condition existing prior to adoption;
 - b. Hereditary tendency, congenital problem or birth injury leading to substantial risk of future disability;
 - c. Individual circumstances of the child related to age, racial or ethnic background or close relationship with one or more siblings or foster parents.
3. Has had reasonable efforts made to place without subsidy.
4. For whom the above conditions were present at the time of adoption, but not diagnosed until after entry of the final order of adoption and the diagnosis is not more than 12 months old.

"Commissioner" means the Commissioner of the Department of Social Services or his designee, or authorized representative.

"Community Policy and Management Team (CPMT)" means a team established by the Comprehensive Services Act for At-Risk Youth and Families. The team is appointed by local governing bodies to manage the cooperative effort in each community to serve the

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

needs of trouble and at-risk youth and their families and to maximize the use of state and community resources. This team's powers and duties are set out in Virginia Code §2.2-5206.

"Comprehensive Services Act for At-Risk Youth and Families (CSA)" means the legislation found at Virginia Code §2.2-5200 et. seq. that created a collaborative system of services and funding that is child centered, family focused, and community based to address the strengths and needs of troubled and at-risk youth and their families.

"Concurrent Permanency Planning" means a structured approach to case management which requires working towards reunification while, at the same time, developing an alternative permanency plan.

"Custody investigation" means a court ordered method to gather information regarding a child whose custody, visitation or support is in controversy or requires determination.

"Department" means the State Department of Social Services.

"EPSDT" means Early and Periodic Screening, Diagnostic, and Treatment and is Medicaid's comprehensive and preventive child health program for individuals under the age of 21. EPSDT is defined as part of the Omnibus Budget Reconciliation Act of 1989 (OBRA 89) legislation and includes periodic screening, vision, dental, and hearing services. EPSDT requires that any medically necessary health care service listed at section 1905(a) of the Social Security Act be provided to an EPSDT recipient even if the service is not available under the State's Medicaid plan to the rest of the Medicaid population.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

“Family” means the child’s birth or adopted family or prior custodian(s), whoever had legal custody of the child at the time the child entered foster care.

“Family Assessment and Planning Team (FAPT)” means the local team created by the CPMT to assess the strengths and needs of troubled youths and families who are referred to the team. The powers and duties of the FAPT are set out in Virginia Code §2.2-5208.

“Finalization of the adoption” means the court process of approving the adoption which begins with the filing of a petition and ends with the entry of the final order of adoption.

“Foster child” means a person who has been placed into foster care through a non-custodial foster care agreement, entrustment or court commitment before 18 years of age and who may remain in foster care to age 21.

“Foster Care Placement” means placement of a child through (i) an agreement between the parent(s) or guardian(s) and the local board or public agency designated by the community policy and management team where legal custody remains with the parent(s) or guardians, or (ii) an entrustment or court commitment of the child to the local board or licensed child-placing agency.

“Foster Care Services” means the provision of 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 his family, when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

local board or the public agency designated by the community policy and management team and the parent(s) or guardian(s) where legal custody remains with the parent(s) or guardian(s), or (iii) has been committed or entrusted to a local board or licensed child placing agency.

"Foster family placement" means placement of a child with a family which has been approved by the local department or a child placing agency to provide substitute care for children until a permanent placement can be achieved.

"Foster home" means the place of residence of any natural person in which any child, other than a child by birth or adoption of such person, resides as a member of the household.

"ICPC" means the Interstate Compact on the Placement of Children which is found at Virginia Code §63.2-1000 and is statutory uniform law in all 50 states, the District of Columbia and the U.S. Virgin Islands.

"Independent living" means a program of services and activities for children in foster care who are 16 years of age or older, and persons who are former foster care children between the ages of 18 and 21, that prepares them for the successful transition from foster care to self sufficiency.

"Independent living placement" means placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

"Individual Family Service Plan (IFSP)" means the plan for services developed by the family assessment and planning team in accordance with the Code of Virginia, §2.2-5208.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent(s) or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent(s) or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Investigation and report of investigation" means the process by which the local department obtains specific information required by the Code of Virginia about the placement and the suitability of the adoption. The findings of the investigation are compiled into a written report for the circuit court containing a recommendation of the action to be taken by the court.

"Juvenile court" means the Juvenile and Domestic Relations District Court of Virginia.

"Lifebook" means a picture and narrative story of a child's life written by the child and social worker using the child's own words, pictures, photos, drawings, and memorabilia to tell the child's story.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Maintenance Payments" means payments made on behalf of a child to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, and school supplies. A child's personal incidentals, liability insurance with respect to a child and reasonable travel for a child's visitation with family or other caretakers are also included in the definition of a maintenance payment.

"Non-Agency placement adoption" means an adoption in which the child is not in the custody of a local department or licensed child placing agency, and is placed in the adoptive home directly by the biological parent(s) or legal guardian.

"Non-Custodial Foster Care Agreement" means the agreement that specifies the conditions for care and control of the child that the agency or public agency designated by the community policy and management team enters into with the parent(s) or guardian(s) to place a child in foster care when the parent(s) or guardian(s) retain custody.

"Nonrecurring expenses" means expenses of adoptive parent(s) directly related to the adoption of a child with special needs including, but not limited to, attorney fees directly related to the finalization of the adoption; transportation; court costs; and reasonable and necessary fees of child placing agencies.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent(s) or legal guardian(s) for the purpose of foster care or adoption.

"Permanency" for children means establishing family connections and placement options for children in order to provide a lifetime of commitment, continuity of care, a sense of belonging and a legal and social status that goes beyond the child's temporary foster care placement.

"Permanency Planning" means an array of social work and legal efforts directed toward securing safe, nurturing, life-long families for children in foster care.

"Permanency Planning Indicator" means a tool used in concurrent permanency planning to assess the likelihood of reunification. It assists the worker in determining if a child should be placed with a resource family.

"Petitioner" means the person who presents the petition for adoption to the court.

"Person" means any natural person, or any association, partnership or corporation.

"Prior custodian" means the person with whom the child resided, other than the birth parent(s), before custody was transferred to or placement made with the local department when that person had custody of the child.

"Reassessment" means evaluation of the situations of the child, birth family or prior custodian(s), and resource, foster or adoptive family completed after the initial assessment to identify changes in services needed.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

“Residential placement” means placement in a licensed publicly or privately owned facility, other than a private family home, where 24-hour care is provided to children separated from their families. A residential placement includes residential facilities for children, group homes, and some programs in psychiatric hospitals. Residential and group home placements are not considered permanent foster care placements.

“Resource Family” means an approved relative or foster family home which agrees to both support reunification and be prepared to adopt the child if the child and family do not reunify.

“Reunification” means the return of the child to his home, based on a permanent plan, after removal for reasons of child abuse and neglect, abandonment, child in need of services, parental request for relief of custody, non-custodial agreement, entrustment, or any other court-ordered removal.

“Service Fee Directory” means the directory created pursuant to Virginia Code §2.2-5214 which lists services offered and rates charged by any entity, public or private, that offers specialized services for at-risk youth or families.

“Service plan” means a written document which outlines the services needed and those which will be provided to a foster child and his family.

“Service worker” means the worker primarily responsible for case management or service coordination and meeting the foster care requirements for a foster care case.

“Special service payments” means payments or services provided to help in meeting the foster child's physical, mental, emotional, or dental needs.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

"SSI" means Supplemental Security Income.

"State Pool Fund" means the pooled federal, state and local funds established by the Comprehensive Services Act and used to pay for services authorized by the community policy and management team, including foster care services.

"Step-parent adoption" means the adoption of a child by a new spouse of the birth or adoptive parent.

"Subsidy/adoption assistance" means a money payment or services provided to adoptive parent(s) on behalf of a child with special needs.

"Title IV-E" means the title of the Social Security Act that authorizes federal funds for foster care and adoption assistance

"Treatment program" means programs designed to provide services for physical, mental, and emotional problems.

"Visitation and report" means the visitation conducted pursuant to §63.2-1212 of the Code of Virginia and subsequent to the entry of an interlocutory order of adoption; and the written report compiling the findings of the visitation which is filed in the circuit court.

"Youth" means any child 16-18 years of age or any person 18 to 21 years of age transitioning out of foster care and receiving independent living services pursuant to Virginia Code §63.2-905.1.

22 VAC 40-201-20. Prevention and Stabilization.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

A. Services shall be provided to families to prevent the need for foster care placement.

Any service available to a child in foster care placement shall be available to a child and his family to prevent foster care placement based on an assessment of the child's and family's needs. The Comprehensive Services Act for At-Risk Youth and Families (CSA) requires services to children and families be child centered, family focused and community based.

B. Services to prevent foster care placement are paid from state pool funds, family preservation funds, and child protective service funds.

C. Services shall be provided to:

1. Support children and families to reach self-sufficiency;
2. Protect children and families from abuse/neglect;
3. Keep children out of foster care by keeping families together;
4. Reuniting children with their family or prior custodian(s), when possible; and
5. Finding new homes and/or preventing disruption of adoptions, if possible.

D. Mandated foster care prevention cases are those in which:

1. The child's safety is at risk if he remains in the home or with the custodian(s);
2. The child is at risk of removal and placement into foster care within six months of the date the need for services is identified;
3. The goal is to maintain the child in the home or with the custodian(s); and
4. The services are provided by a provider who meets appropriate and relevant standards.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

E. Non-mandated foster care prevention cases are those which:

1. Services may be provided to the extent funds are available; and
2. Short-term intervention is needed to stabilize the family's or child's situation and/or to provide family support when the child is not at immediate risk of removal from his home,
3. Services are needed to enhance parental or family capacities to care for and nurture the child(ren); and
4. Short-term support is needed to maintain the family when a parent/caretaker has temporarily lost the capacity to care for and nurture the child.

F. Services will generally be short-term (up to and through six months) and may be intensive in order to address and resolve immediate crises that threaten family integrity and safety.

G. Every prevention case shall begin with a current assessment, not older than six months, of the family's and child's situation, including a safety assessment when there are allegations of abuse and neglect. A re-assessment shall be done every six months thereafter.

H. Any service may be purchased to prevent foster care placement and/or to stabilize the family situation, provided the need for the service is documented in the local department's case record or the foster care service plan or in the CSA's individual family service plan (IFSP).

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

I. Services may include the purchase of concrete services such as emergency shelter, food, clothing, utilities or rent when no other resources are available and a lack of these resources becomes life threatening or may result in foster care placement.

22 VAC 40-201-30. Entering Foster Care.

Foster care placement is intended to be a temporary, rather than a long-term solution to family problems. A placement may be with a foster family, in a group living arrangement, in a residential treatment facility, or in an independent living situation.

Services provided to children and their families may include, but are not limited to, counseling and treatment, day care, medical, educational, employment, family planning, independent living, housing, respite care, socialization and recreation services.

A. Children enter foster care through court commitment based on an abuse or neglect petition, children in need of services (CHINS) petition, an entrustment, delinquency, a request for relief of custody, and non-custodial foster care agreements.

B. Title IV-E court order requirements for placement in foster care

1. Best interest requirements.

The local department shall ensure that the initial court order contains a judicial determination that the child was removed from the home because the court found that continuation in the home would be contrary to the welfare of the child, or that it is in the child's best interests to be placed in foster care, or that there is no less drastic alternative than removal of the child from his home.

2. Reasonable efforts requirements.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

a. The court order must contain language that indicates reasonable efforts were made to:

(1) Prevent or eliminate the need for removal of the child from the home; or

(2) Make it possible for the child to be returned home; or

(3) To achieve the permanency plan for the child.

C. Title IV-E documentation requirements for local departments

1. The service worker shall document in the record that reasonable efforts were made and what efforts were taken to meet the reasonable efforts requirement.

2. Initial judicial determination of reasonable efforts.

To assist the court in determining whether reasonable efforts have been made to prevent removal, the local department shall document and submit the following to the court:

a. Service needs of the child and family;

b. Services offered to meet the needs;

c. The family's participation in service planning; and

d. The family's response to the services offered.

D. The local department shall petition the court at least annually for a judicial determination, for every child in foster care, that reasonable efforts have been made to either reunite the child with his prior family if return home is the goal, or place the child in a timely manner in accordance with his permanency plan. The local department shall document reasonable efforts made to reunify the child and family or achieve a

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

permanent placement for the child on the initial 60-day service plan and on foster care service plans submitted for all court reviews thereafter.

E. Indian Child Welfare Act.

Children of American Indian or Alaskan Eskimo heritage are subject to the Indian Child Welfare Act. If a local department suspects or knows that a child in foster care or one about to be placed in foster care is of American Indian or Alaskan Eskimo heritage, and the child belongs to a federally recognized tribe, the local department shall contact the tribal council. If the child belongs to a Virginia tribe, the child is not subject to the Indian Child Welfare Act, and the court has jurisdiction. However, when a child entering care is believed or known to have Virginia Indian heritage, the local department shall contact the Virginia Council on Indians and consider tribal culture and connections in the placement and care of the child.

F. Temporary entrustment agreement.

1. The primary goal of a temporary entrustment agreement is to return the child home.
2. The agreement shall specify the rights and obligations of the child, the parent(s) or guardian(s) and the local department. It shall include the responsibility of the parent(s) for financial support of the child and the authority of parent(s) and the local department for medical care of the child.
3. Entrustments cannot be used for educational purposes or to make the child eligible for Medicaid.
4. An entrustment cannot extend beyond the child's 18th birthday.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

5. Parent(s) or prior custodian(s) may request return of the child to their home. The agreement is considered to be revoked unless the local department opposes the request and obtains a judicial decision that the child shall remain in foster care.

6. There are two types of temporary entrustments, those issued for less than 90 days, and those issued for more than 90 days.

a. Entrustments for less than 90 days.

(1) This type of entrustment is used when a situation related to the child or his family can be resolved within 90 days. Documentation of the plan for services is required.

(2) If the child does not return home within 90 days, the local department shall petition the court for a hearing to approve the service plan and entrustment by the 89th day after placement. A service plan shall accompany the petition. The service plan shall document that reasonable efforts have been made to prevent removal and to return the child home and that continuation in the home would be contrary to the welfare of the child.

(3) If the local department decides to terminate the entrustment and seek court commitment during the first 90 days, the local department shall petition the court for custody and submit the service plan for approval.

b. Entrustments for more than 90 days.

(1) The local department shall petition the court for approval within 30 days of signing the agreement; and

(2) Submit a service plan with the petition.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

G. Permanent entrustment agreement.

1. This agreement provides a method for the parent(s) to voluntarily relinquish parental rights and gives the local department authority to place the child for adoption.

2. The local department shall petition the court within 180 days of the signing of the agreement to make a judicial determination that placement is in the best interest of the child and that reasonable efforts have been made to prevent removal.

3. In accordance with Virginia Code §16.1-277.01, once the court approves the permanent entrustment agreement, all parental rights are terminated. The parent(s) can no longer revoke the permanent entrustment agreement.

4. The adoption progress report shall be submitted to the court within six months of the court's approval of the permanent entrustment and every six months thereafter until finalization of the adoption.

H. The non-custodial foster care agreement.

1. A local department may enter into a non-custodial foster care agreement with the parent(s) of a child.

2. The non-custodial foster care agreement shall address the conditions for care and control of the child, and the rights and obligations of the child, parent(s) or guardian(s), and local department and include:

a. A statement that under this agreement, the child would remain in the legal custody of the parent(s) or guardian(s);

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

b. A statement that leaving custody with the parent(s) or guardian(s) is in the best interests of the child and will not place the child at risk;

c. A statement that this is a voluntary agreement between the parent(s) or guardian(s) and the local department; and that the child will be returned to the parent(s) or guardian(s) if the agreement is revoked;

d. A statement that a criminal background check and child abuse/neglect central registry check shall be completed on all adults in the home before the child can be returned home. Results of the check may prohibit the return of the child and, in such cases, results will be shared with the person on whom the check was completed. The local department is required to pay for the criminal background checks and may not transfer this charge to the adult upon whom the check is being completed.

e. A statement that if the parent(s) wishes to revoke the agreement after the court approved the agreement, judicial approval for terminating the agreement shall be obtained.

f. A statement that the local department has the right to seek judicial determination regarding custody of the child in a situation where the parent(s) or guardian(s) revoke the agreement and the local department opposes return of the child;

g. Requirements of the parent(s) or guardian(s) for financial support, including a statement that the case will be referred to the Division of Child Support Enforcement (DCSE);

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

h. Authority of the parent(s) or guardian(s) and the local department in making medical care and treatment decisions;

i. Expectations of the parent(s) or guardian(s) during the placement, including a statement that the parent(s) or guardian(s) will remain actively involved with the child during the placement;

j. Expectations of the local department or other public agency designated by the CPMT providing services to the child;

k. Visitation arrangements;

l. The date of the placement;

m. Other conditions for placement; and

n. A statement pertaining to responsibility for return of the child if the placement agreement is revoked, when the placement is an interstate placement.

2. A copy of the agreement shall be given to the parent(s) or guardian(s), to the placement provider, and be kept in the child's record.

3. The plan for foster care placement through a non-custodial agreement shall be submitted for approval by the court.

4. The local department or other public agency designated by the CPMT shall file a foster care plan with the juvenile court within 60 days following the board or public agency's placement of the child unless the court, for good cause, allows an extension of time, which shall not exceed an additional 60 days.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

5. When children are placed in foster care through a noncustodial foster care agreement, all foster care requirements shall be met.

6. When another public agency other than the local department is the case manager and enters into the noncustodial foster care agreement with the parent(s) or guardian(s), the other public agency is responsible for meeting the requirements of this section and all other foster care review requirements. The local department is responsible for providing consultation to the other agency on meeting these foster care requirements, and for assuring the case is entered in the Department's approved case documentation system.

7. If the local department or the other public agency designated by the CPMT agrees to the return of the child and all required conditions for the child's safe return are met, the child may be sent home on a home visit pending final court approval.

22 VAC 40-201-40. Foster Care Placements.

The local department has responsibility to protect the safety of each child under its care.

A. Requirements for placement.

1. The local department shall provide a placement that is appropriate for the child and shall describe and discuss the appropriateness of the placement in the service plan.

2. The local department shall place the child in the least restrictive (most family like) setting consistent with the best interests and special needs of the child.

3. The local department shall attempt to place the child in as close proximity as possible to the parent(s) or prior custodian(s) home to facilitate visitation.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

4. The local department shall place the child in a licensed or approved placement.

5. The local department shall enter into a placement agreement with the placement provider.

6. Prior to placing a child in an emergency foster home or in any home not already approved by the local department or a licensed child placing agency, or with relatives, the local department shall conduct a criminal background search and child abuse and neglect central registry check on all adults residing in the home in which the child is to be placed. Results of the check may prohibit placement of the child, and in such cases, the background check results shall be shared only with the person on whom the check was completed.

7. Prior to returning a child to parent(s) from whom the child had previously been removed, the local department shall conduct a criminal background search and child abuse and neglect central registry check on all adults residing in the home in which the child is to be placed. Results of the check may prohibit placement of the child, and in such cases, the background check results shall be shared only with the person on whom the check was completed. This requirement also applies in the case of a child who is returning home after being placed outside the home as a result of a noncustodial foster care agreement.

8. The local department shall document that foster parent(s) and other providers are given educational and medical information at initial placement, each time a child is

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

placed, and on an on-going basis in order to assure that foster parent(s) and other providers have basic medical and educational information about the child.

9. The local department may not delay or deny placement of a child into a foster family placement on the basis of race, color, or national origin of the foster parent(s) or child involved.

10. If the local department determines it is unlikely the child will return to his prior family in a timely manner, information shall be documented in the service plan regarding the opportunities for placing the child with relatives or in an adoptive home.

B. Pre-placement visits.

A service worker shall make a pre-placement visit to any out-of-home placement to observe the environment where the child will be living. The date of the pre-placement visit shall be entered in the Department's approved case documentation system.

1. The pre-placement visit shall precede the placement date.

2. The pre-placement visit may be any visit to an out-of-home placement by a service worker up to 90 days prior to placement.

3. An exception to the preplacement visit is an emergency situation, which shall be documented in the case narrative. In such emergency situation, a pre-placement visit may be the day of placement.

4. When a child is to be placed outside of Virginia with relatives, in a foster home, in an adoptive home, residential facility or an independent living situation, the preplacement

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

visit shall be made by an authorized department in the receiving state in accordance with ICPC procedures.

C. Foster family homes.

1. Foster family homes shall meet standards established by the Board and shall be approved by local departments or licensed child placing agencies prior to placement of the child. These homes shall be re-examined for approval every 24 months.

a. A copy of the foster home approval and reapproval shall be maintained in the child's record, including those homes approved by a licensed child placing agency.

b. Documentation of the results of the criminal records check shall be maintained in the provider's record.

2. An employee of a local department cannot serve as a foster or adoptive parent for children in the custody of that local department.

3. Multiple local department foster homes.

a. Homes may be providers for more than one local department. The initial approving local department is responsible for continued approval of providers used by more than one local department.

b. Local departments placing a child into a foster home approved by another local department shall obtain prior written approval for each child they wish to place.

c. Notification, in writing, of the placement shall be provided to the approving local department no later than 10 working days from the date of placement.

4. Foster homes providing multiple types of care.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

a. Homes may be providers of regular, emergency, specialized, therapeutic and permanent foster care at the same time when:

b. The foster parent(s) demonstrate they can handle the different service needs of the children; and

c. Services to children in on-going placement are not disrupted by emergency placements.

5. Emergency foster home.

a. This is a foster family home where a child may be temporarily placed until a more appropriate placement is found or the home is approved.

b. Children may be placed with friends or relatives on an emergency basis for up to 30 days while efforts are being made to approve the home or locate another approved placement as long as standards for emergency approval and requirements for a criminal background check and child abuse and neglect central registry search are met.

6. Regular foster home.

This is a foster family home that has been approved and is being paid to provide basic maintenance, supervision, and parenting.

7. Relative foster home.

a. This is a foster family home of relatives. These homes shall fully meet foster home standards as long as the child is in foster care.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

b. Children may be placed with relatives on an emergency basis for up to 30 days as long as standards for emergency approval and requirements for a criminal background check and child abuse and neglect central registry search are met.

c. Relatives residing outside of Virginia shall be approved through the Interstate Compact on the Placement of Children prior to placement.

B. Specialized foster home.

A specialized foster home is a local department approved foster home where the local department has elected to pay an additional service payment due to the difficulty of care of a child with special needs.

a. The FAPT shall recommend specialized payments be made to a specialized foster family home.

b. Additional specialized payments are paid from CSA state pool funds.

9. Therapeutic foster home.

This is a trained foster parent, providing care through a licensed child placing agency or local department's defined foster care therapeutic program, who may receive an additional payment for added daily supervision required for children who have identified emotional/behavioral, developmental, physical or medical disorders.

a. Foster parent(s) providing such therapeutic care shall meet specific requirements such as additional training.

b. The therapeutic needs of a child shall be documented in the child's local department record.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

D. Foster home approved by a child placing agency.

This is a foster family home approved by and provided through a private child-placing agency, which does not require additional local department approval.

1. The local department shall maintain a copy of the foster home's approval and all renewals in the child's foster care record.

2. The local department shall maintain a copy of the child placing agency's current license in the child's foster care record.

E. Treatment foster care program home.

This is foster family home approved by a local department or a licensed child-placing agency and enrolled by the Department of Medical Assistance Services (DMAS) to provide Medicaid reimbursed treatment foster care case management services for children. The local department or child placing agency can receive reimbursement through Medicaid for case management for an eligible child, as long as Medicaid criteria are met.

F. Adoptive Home

This is a home which has been approved by a local department or private child placing agency for the placement of a child with the intent to adopt. The adoptive home placement agreement form shall be signed in order for the home to be considered an adoptive home.

G. Resource Family Home.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

A resource family home is used when a local department has developed a concurrent permanency plan of reunification and adoption for a child. A resource family home is one in which the resource parent(s) works with the local department to both support the goal of return home and be committed to adopting the foster child if return home is not feasible.

H. Independent living placement.

An independent living placement is a placement of a youth in foster care, who is at least 16 years old, that does not provide daily parental supervision. Such living arrangements may be used for youth who are enrolled in high school, college, vocational training, and/or employment.

1. In determining whether an independent living arrangement is the best plan for a foster youth, some of the factors to consider are the youths:

a. Maturity;

b. Ability to assume responsibility; and

c. The progress made on the transitional living plan.

2. The services worker shall make an on-site visit to the living arrangement and approve it, unless the housing arrangement is provided or approved by a college, educational, or other vocational facility.

I. Residential placement.

1. Prior to placement, the local department shall verify that the residential placement facility where a foster child is placed is licensed by the appropriate licensing agency. A

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

copy of the license shall be maintained in the child's record, as well as a letter from the facility, obtained at the time of placement of a child, certifying that background checks have been completed on all employees.

2. Pre-placement planning for residential placement.

Before considering placement in a residential facility, the local department shall have:

a. Attempted to use community based services and less restrictive alternatives and have documented this in the case record; and

b. Complied with procedures for residential placement established by the CPMT.

3. Medicaid funded residential treatment.

To be eligible for Medicaid funding, the local department and residential provider shall fulfill all responsibilities prior to the child's admission as required by the DMAS.

4. Selecting a residential placement for the child.

The primary step in selecting an appropriate residential placement for a child is to compare the child's needs with the services offered by the residential facility.

a. The service worker should involve the child and parent(s) or prior custodian(s) in determining the appropriateness of the residential placement for the child.

b. Priority shall be given to facilities that provide services to return children to the community.

c. The local department shall coordinate the placement with the school board to assure that the child's educational needs are met.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

5. Facility requirements.

Children in care shall be placed only in residential facilities that meet the following criteria:

- a. Is licensed by or approved as meeting the licensing standards of the Department, other state departments in Virginia, or the licensing agencies in the state in which the facility is located;
- b. Is listed in the CSA service fee directory unless the licensed facility offers room, board and services at no charge to the local department;
- c. Is not among the facilities licensed under the minimum standards for licensed child caring institutions;
- d. Has a placement agreement with the local department; and
- e. Does not permit corporal punishment.

J. Interstate placements.

1. The local department shall receive approval from the Department's Office of the Interstate Compact on the Placement of Children prior to placing a child out of state.
2. When the plan is to permit a foster child to move with a foster parent(s) from Virginia to another country, the Department shall obtain the Commissioner's consent prior to allowing the move.

K. Placements in another political jurisdiction.

1. When a child is to be placed in a home in another political jurisdiction within

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

the state and the local department in that community has not approved that home, the local department holding custody shall:

- a. Notify the local department where the home is located that the home is being considered for the child's placement;
- b. Conduct a study and approve the home or request that the local department in the receiving locality study and approve the home;
- c. Request the local department in the receiving locality supervise the child or notify them that the local department holding custody will supervise; and
- d. Notify the school division in the new locality as well as the school division the child is leaving within 72 hours of placement.

L. When foster parent(s) move to another jurisdiction.

When a child moves with a foster family from one political jurisdiction to another in the state, the local department holding custody is responsible for continuing supervision of the child unless supervision is transferred to the other local department. The local department holding custody shall notify the local department in the county or city to which the foster family moves.

1. The local department holding custody shall notify the school division the child is leaving as well as the school division the child will be entering within 72 hours of placement.
2. When supervision is transferred, the local department holding custody is responsible for service plans and completion of all required data entry in the Department's approved

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

case documentation system. Supervision means making the required face-to-face contacts with the child and foster family and reporting these contacts to the custodial local department.

M. Transferring custody to another local department.

If a local department is considering transferring custody of a child to another jurisdiction because the parent(s) or guardian(s) have moved to that jurisdiction, the local department shall submit a petition to the court requesting approval of the transfer of custody.

1. The local department holding custody shall consult with the local department in the other jurisdiction prior to petitioning the court to transfer custody.

2. A local department may petition the court to transfer custody of a child to another local department where the child, his parent(s) or guardian(s), or relative(s) reside when it is in the best interests of the child to transfer custody.

3. The local department in the other jurisdiction does not have to accept custody until given reasonable notice and opportunity to be heard by the court.

N. Notification of placement changes.

All parent(s) with residual parental rights or prior custodian(s) shall be notified in writing of any change in placement or visitation privileges within 10 days of such a change.

22 VAC 40-201-50. Foster Care Case Opening.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

The Department will approve one specific official case documentation system in which all foster care and adoption cases shall be documented.

A. Case opening requirements.

1. Opening the foster care case in the Department's approved case documentation system.

Information for every child in foster care shall be entered into the Department's approved case documentation system as soon as possible but no later than 30 days after the child's custody is transferred to the local department or he is placed in foster care. The service worker is responsible for entering and updating all case data in the Department's approved case documentation system as soon as possible but no later than 30 days after each activity or event.

2. Paper case records for the child.

The Department's approved case documentation system contains the official case record for all foster care cases, and is supplemented with forms, letters, and other original hard copy documents which shall be retained in the paper case record. Most of the case documentation will be in the Department's approved case documentation system however, and not in the paper file. It is not necessary to copy the Department's approved case documentation system screens into the paper case record. Original documents (social security card, birth certificate, psychological reports, etc.) will remain in the paper record, as well as documents that require signature.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

a. Material in the paper case record shall be separated into divisions with corresponding tabs, grouping the same or similar forms and documents together.

b. Within each division, material shall be fastened together in chronological order with the most recent material on top.

c. A required paper case record format includes the following identifiable divisions and corresponding tabs, and shall contain the identified key documents:

(1) Referral:

(a) Referral for determining eligibility for Title IV-E funding and Medicaid;

(b) Medical and mental health examinations;

(c) Child support referral;

(d) Social Security Disability (SSI); and

(e) Any other governmental benefits.

(2) Personal documents

(a) Birth verification;

(b) Social security card and/or application;

(3) Legal documents with original signatures:

(a) Petitions;

(b) Entrustments;

(c) Court orders; and

(d) ICPC Forms.

(4) Service plans

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

(a) Foster care service plan;

(b) IFSP; and

(c) Transitional living plan for older youth in care.

(5) Agreements with original signatures including:

(a) Non-Custodial foster care agreements;

(b) Foster family home placement agreements;

(c) Respite care agreements; and

(d) Permanent foster care agreements.

(6) Reports, including:

(a) Social histories;

(b) School reports (including referrals for special education assessment or services);

(c) Medical reports;

(d) Psychological reports; and

(e) Quarterly provider reports.

(7) Residential placement information, including:

(a) Application; and

(b) Placement reports.

(8) Correspondence, in chronological order, including:

(a) Notice of visitation and visitation arrangements;

(b) Notice of placement change;

(c) Notice of an administrative panel review;

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

(d) CPS summary or affidavit; and

(e) Other correspondence.

(9) Adoption documents

(a) Termination of Parental Rights Order;

(b) Adoption Assistance Agreement (if applicable);

(c) Adoptive home placement agreement; and

(10) Purchase orders and invoices.

3. Case record for the foster family.

Basic demographic information about all foster families (public and private) shall be entered into the Department's approved case documentation system. The paper case record for the local department approved foster home shall include all forms and information gathered during the home study-evaluation and approval process.

B. Referrals for maintenance: Title IV-E and state pool funds.

All children in foster care placement are eligible to receive room, board, and supervision. Funding sources for paying the costs of maintenance and procedures for determining the source to be used are described below.

1. Title IV-E eligibility referral requirements.

a. All children in foster care are to be referred for an initial determination of Title IV-E eligibility by services staff within 10 calendar days of the court commitment order, or the date the voluntary entrustment agreement is signed, or the date the non-custodial agreement is signed.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

b. To determine Title IV-E eligibility, the child's case shall be in compliance with federally determined eligibility requirements as described in the Department's Title IV-E Eligibility Manual.

2. Special regulations governing entrusted children.

a. Funding from Title IV-E is limited to 180 days for children in custody pursuant to a voluntary entrustment agreement unless the agreement has been approved by the court and the court order contains the necessary best interests and reasonable efforts statements.

b. For a child who is permanently entrusted to be eligible for Title IV-E foster care and subsidy, there shall be:

(1) A court hearing within 180 days of the permanent entrustment;

(2) A judicial determination and statements on the court order that reasonable efforts were made to prevent removal and that the placement is not contrary to the welfare of the child; and

(3) A Title IV-E payment made during the temporary entrustment period if the case was initially a temporary entrustment.

c. Failure to meet requirements of this section will result in the child being ineligible for Title IV-E funding. Costs for the child's placement will be paid from state pool funds.

C. Referral for determination of Medicaid eligibility.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

1. Funding for medical services is from state and federal funds provided through DMAS. Service workers are responsible for submitting the Title IV-E/Medicaid Eligibility Form to the eligibility worker within 10 days of date of placement.

2. Informing Medicaid of changes.

Eligibility for Medicaid is redetermined annually. However, the service worker shall provide the Medicaid eligibility worker with any new information that might affect Medicaid eligibility within 10 days from the date of the change.

D. Referral for collection of child support.

1. The local department is responsible for following the policies and procedures of the DCSE.

a. The local department shall petition the court to address parental support at the time a child is placed in foster care and refer the case to DCSE.

b. The local department shall address support in agreements signed with parent(s) to place a child in foster care.

2. The local department is responsible for reporting to the DCSE all information necessary to aid in securing support on behalf of children.

3. In cases where the foster care plan has the goal of returning the child to the parent(s) and collection of support will interfere with achieving that goal, the service worker may claim "good cause" for the parent(s) to whom the child is to return. Claiming good cause will result in the case not being pursued by DCSE for collection of support.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

4. Workers shall inform the DCSE once parental rights have been terminated so that child support payments can be terminated.

E. Arranging visitation with parent(s) or prior custodian(s).

Efforts to maintain contact with the parent(s) or prior custodian(s) in accordance with the goal for the child shall begin as soon as the child is placed in foster care.

1. The child and parent(s) have the right to visit and maintain communication with each other, unless visitation has been restricted by the court.

2. At the time a child is placed in foster care, the service worker shall promote visitation and arrange with the parent(s)

a mutually agreeable plan for visitation and other communication such as phone calls, email and letters.

a. The services worker is responsible for facilitating visits.

b. The frequency and location of the visits shall be documented in the foster care service plan.

c. Parent(s) shall not be prevented from visiting with their children because they do not have transportation. The local department shall assist the parent(s), when necessary, to assure that visitation occurs.

d. If the local department wishes to terminate visitation, it shall obtain court approval. If the plan for visitation changes, parent(s) shall be notified in writing.

e. When a child is separated from siblings, the local department shall arrange for regular visitation among the siblings.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

f. The requirement to maintain contact between the parent(s) and child also applies to parent(s) who are incarcerated or in a treatment program unless the court has restricted contact.

F. Referral for services.

The service worker is responsible for referring the child and family to appropriate services identified through the assessment and service planning processes.

G. SSI and other potential benefits.

1. The service worker is responsible for determining all financial resources available to the child, including SSI, governmental benefits, and private resources.

2. The service worker is also responsible for assessing whether a child in care may be eligible for other benefits and referring that child for eligibility determinations within timeframes set by the Department.

H. Setting up special welfare accounts.

1. All benefits for the child are to be placed in a special welfare account in the name of the child to be used for expenses on behalf of the child.

2. Local departments are required to provide special welfare accounts in accordance with Departmental requirements.

I. Obtaining a medical exam.

The service worker is responsible for ensuring that the child receives a medical examination, using the Early Periodic Screening, Diagnosis and Treatment (EPSDT) program, no later than 60 days after placement.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

J. School enrollment requirements.

1. The service worker shall work with the school in the locality where the child is placed to ensure that the child is enrolled in school within 72 hours after placement.

2. When a school change is necessary, the service worker, in cooperation with the parent(s) and foster care providers, should:

a. Provide notice to the school the child previously attended and the school the child will attend after placement, if the child is required to change schools.

b. Request transfer of the child's school records, including any special education evaluations and the IEP when applicable.

c. Refer the child for an evaluation for special education if he is suspected of having a need for special education services;

d. Provide appropriate case information as requested to the school division; and

e. Monitor the child's educational progress through conferences with school personnel, attendance at IEP meetings; contact with foster care providers, and parents.

K. Setting up the payment process for providers.

The service worker is responsible for ensuring that the foster parent(s) and other service providers receive appropriate and timely payments according to Departmental policies and procedures.

L. Collecting information that the child should keep.

As soon as a child comes into care, the service worker and other foster care providers shall begin collecting information, pictures, mementos, and other items that may be

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

used for a lifebook and given to the child when the child leaves care. Lifebooks shall follow the child and be kept by the child when appropriate. Lifebooks are not to be kept by the local department or other agency responsible for the child's care and custody.

22 VAC 40-201-60. Initial Assessment.

A. Initial Assessment Requirements.

1. The needs of the child and the circumstances of the birth family or prior custodian(s) shall be assessed to determine the service needs of the child and family. The initial assessment shall:

a. Be completed within 60 days of acceptance of the child for foster care placement;
and

b. Be entered into the Department's approved case documentation system.

2. The assessment includes, but is not limited to the following minimum requirements:

a. A summary of the completed child protective services (CPS) risk assessment if the child entered foster care as a result of a founded abuse or neglect complaint.

b. Identifying information about the child such as name, date of birth, race, social security numbers etc.

c. Circumstances that led to the transfer of the child's custody or placement with the local department and, where applicable, incorporated reasons/circumstances indicated in the child protective services risk assessment

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

d. Background history about the child to include pertinent information on the birth, medical and developmental history; the past and present physiological, psychological and educational functioning; and the past and present social functioning, especially in relation to his daily routine and attitudes toward his siblings, parents, foster parents, peers, care providers, and others.

e. Background history about the family or prior custodian(s) to include the names, date of birth and death, if applicable, employment status and history, education, and medical history, including the birth and developmental history.

f. Local department or other community agency involvement with the child and family to include significant emotional ties with adults or other children and services offered to prevent removal.

g. Summary of the needs of the child and family that would reduce the risk of harm so that the child can return home. This should include services needed to reunite the child with his family, the type of placement needed, services needed to maintain a placement, and services needed to achieve the selected permanency goal

h. Conditions or circumstances parent(s) or prior custodian(s) shall address for the child to return home that would improve the conditions and reduce the risk of harm that led to the need for foster care, such as improving or alleviating substance abuse usage, improving parenting skills, and improving home management skills.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

3. The initial assessment will result in the selection of a specific foster care permanency goal. Completion of the Permanency Planning Indicator (PPI) during the initial assessment may also support the selection of a concurrent goal.

4. When a child is referred to the FAPT, the FAPT assessment may substitute for all of the initial foster care assessment as long as the information requirements for the initial foster care assessment are met. In addition, children receiving CSA funded maintenance and services shall undergo a uniform assessment to assess behavior and functioning.

B. Reassessments.

Reassessments shall occur every six months after placement for as long as the child remains in foster care.

22 VAC 40-201- 70. Choosing the Foster Care Goal.

A. Foster care goals are established in order to assure permanent planning for the child.

B. The service plan for the child shall:

1. Specify one of the approved permanency goals.

2. Specify the concurrent goal in those cases where an alternative permanency goal has been established.

3. Document specific reasons why a particular goal has been selected and the reason for selection of a lower ranked goal over one of higher rank.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

C. The foster care goals are hierarchical, indicating the order in which the goal shall be addressed by the local department. Goals, in order of priority, are:

1. Return to parent(s) or prior guardian

a. The intent of this goal is to return the child to the parent(s) or prior custodian(s) when it can be safely accomplished.

b. Reunification is the planned process of safely reconnecting children, their families, and their communities.

c. Reunification is the highest priority goal and, in most cases, is the initial goal chosen when a child comes into foster care.

d. Local departments are required to make reasonable efforts to reunite the child with the parent and shall document that reasonable efforts were made in the case record.

The local department shall make reasonable efforts to return the child home and may at the same time, engage in concurrent permanency planning.

e. The local department having custody is not required to make reasonable efforts to reunite the child if a court makes the necessary findings as set out in Virginia Code

§16.1-281 B.

2. Placement with relatives.

The intent of this goal is to place the child with relatives and transfer custody to relatives.

3. Adoption.

a. The intent of this goal is to achieve a permanent home for a child through adoption.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

b. A local department shall petition for termination of parental rights of a child at the initial permanency planning hearing unless there is a compelling reason to maintain parental rights. Compelling reasons have to meet at least one of the following criteria:

(1) Termination of parental rights is not in the best interests of the child. The local department shall document a compelling reason explaining why termination is not in the best interests of the child.

(2) The child is being cared for by a relative, or

(3) The agency has not provided services to the parents deemed necessary for the safe return of the child.

c. A local department shall choose adoption if one or more of the following conditions can be documented and the goal of placement with relatives with a subsequent transfer of custody has been ruled out:

(1) The child has been abandoned by the parent(s) and their identity cannot be determined; and

(2) The child's parent(s) guardian or relative(s) have not come forward to identify the child and claim a relationship with the child within three months after the child was placed in foster care; and

(3) Diligent efforts have been made to locate the child's parent(s) without avail.

(4) The parent(s) have disappeared or failed to maintain continuous contact with the child after foster care placement for a period of six months or more.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

(3) Living with the parent(s) would be dangerous and detrimental to the child's health and welfare.

(4) The parent(s) is unable to correct the conditions that led to the child's foster care placement.

(5) Conditions in the family situation, including parent/child or sibling relationships, are harmful to the child.

(6) The parent(s) has been convicted of murder or voluntary manslaughter, or a felony attempt, conspiracy, or solicitation to commit such an offense against a child of the parent, a child with whom the parent resided at the time of the offense, or the other parent of the child.

(7) The parent has been convicted of felony assault or bodily wounding resulting in serious bodily injury or felony sexual assault of a child of the parent or a child with whom the parent resided at the time of the offense. Serious bodily injury means bodily injury resulting in substantial risk of death, extreme physical pain, protracted or obvious disfigurement, or protracted loss or impairment of a bodily member, organ, or faculty.

(8) A parent has subjected any child to aggravated circumstances as defined by Virginia Code §16.1-283 where the victim is a child of the parent or a child with whom the parent resided at the time such conduct occurred and includes the failure to protect a child from such conduct where that conduct or failure to protect demonstrates depraved indifference to human life, or resulted in the death of a child or serious bodily injury to a child.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

(9) Parental rights were involuntarily terminated on another child of the parent.

4. Permanent foster care.

a. Selection of this goal and placement of a child in a permanent foster home occurs only after a determination that the return home, placement with relatives, or adoption of the child are not reasonable alternatives.

b. This goal is selected when the child has developed a significant relationship with a specific foster family. The intent is for the child to remain with the foster family permanently.

c. Legal authority for permanent foster care pursuant to Virginia Code §63.2-908.

(1) The local department shall petition the court to approve a permanent foster care placement for a child.

(2) The court shall determine that diligent efforts have been made to return the child home, place the child with relatives, or place the child for adoption prior to approving the permanent foster home placement.

(3) The child shall be age 12 or over.

(4) In some situations permanent foster care may be appropriate for younger children. In these situations, approval from the Department shall be obtained before the petition is filed.

(5) The local department shall enter into a written agreement with the permanent foster parent(s) which describes the roles and responsibilities of the foster parents, local department, and parent(s).

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

5. Independent living.

This goal may be chosen for youth, ages 16 and over, who are preparing for independent living when all other goals have been considered and are not feasible.

6. Another planned permanent living arrangement.

a. Selection of this goal is appropriate only if the child has a severe and chronic emotional, physical or neurological disabling condition for which the child requires long-term residential treatment of six months or longer.

b. The local department proposing this goal for a child shall document the following in the foster care service plan pursuant to Virginia Code §16.1-282.1:

(1) How the local department investigated the feasibility of alternative goals and what compelling reason exists for each alternative that indicates the alternative placement is not currently in the child's best interests;

(2) A long-term residential treatment service provider;

(3) Nature of the child's disability;

(4) Anticipated length of time required for the child's treatment; and

(5) Status of the child's eligibility for admission and long-term treatment.

c. If the court approves this goal the local department worker shall petition for a foster care review hearing to be held within six months from the date of the permanency planning hearing to review the child's placement.

d. At the conclusion of the hearing, if the goal of another planned permanent living arrangement remains the permanent plan, the local department shall ensure that the

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

court order indicates reasonable efforts were made to place the child in accordance with the permanency plan.

e. If at any time, it is determined the child no longer needs long-term residential treatment, the local department shall, within 30 days, petition the court for a permanency planning hearing.

7. Continued foster care.

Continued foster care is not a permanency goal and should only be chosen when all others goals have been excluded.

22 VAC 40-201- 80. Preparing the Initial Service Plan.

The service plan describes the needs of the child and family and identifies the services that will be provided to meet these needs so that the permanency goal can be achieved.

A. There shall be a service plan for every child in foster care.

1. Parent(s) shall be informed of the limited amount of time they have to improve the situation that brought their child into care.

2. Parent(s) shall be fully informed of any concurrent permanency plan developed for their child.

3. Any appropriate service shall be made available to a foster child when that service is documented as needed in the child's foster care service plan or IFSP.

B. The service plan shall include:

1. The reasons the child came into care and why placement is needed;

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

2. The services offered to prevent removal of the child from the home of the birth parent(s)/prior custodian(s);
3. The child's situation at the time of placement in relation to the child's family;
4. Information regarding the child's health and educational status;
5. The nature of the placement that will be provided the child;
6. The efforts made to place the child in the least restrictive setting available;
7. The needs which shall be met to achieve the goal for the child;
8. The programs, care, services and other support which will be offered to the child and parents and other prior custodians;
9. A plan for visitation between the child and parent(s) and siblings;
10. The permanency goal selected for the child;
11. The alternate goal selected for the child if a concurrent plan is developed;
12. For teens 16 or over, the specific independent living services to meet the needs of the youth;
13. Target dates for completion of the services provided to the child, the parent(s)/prior custodian(s), and foster parents;
14. The projected date for goal achievement;
15. A description of how the child, parent(s) or prior custodian(s), or foster parent(s) were involved in the planning process. A description of why the parent(s)/prior custodian(s) were not involved in the planning process shall also be included when appropriate.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

16. When the child cannot be returned to parent(s) or prior custodian(s) a description of the reasons the child cannot return home and a plan to lead to termination of parental rights within the specified time frames; and

17. A description of efforts made to place siblings together.

C. The caseworker responsible for case management shall involve the parent(s) or prior custodian(s), foster parents, residential care providers, and, as appropriate, the child in service planning.

1. Parental consultation and active involvement in developing the service plan is essential except when parental rights have been terminated or the local department or other designated public or private agency has made diligent efforts to locate the parent(s) and such parent(s) cannot be located.

2. When the FAPT is involved in service planning, and a team member other than the local department service worker is designated case manager, the team and the case manager are responsible for ensuring compliance with federal and state service plan and review requirements.

3. When there is a concurrent permanency goal for a child and family, the local department service worker shall ensure that the FAPT documents the concurrent goal and related service needs in the IFSP.

D. A full service plan on all children shall be completed and filed in the case record within sixty days of custody or placement (whichever comes first) of a child through court commitment, noncustodial foster care agreement, or a permanent entrustment

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

agreement or, within 30 days of signing of a temporary entrustment for a placement of 90 days or more.

1. For children entering care through a court commitment for abuse or neglect, the local department shall file the plan with the petition for the dispositional hearing or, when there has not been a previous court hearing, within 75 days of when the child entered foster care.

2. If a child is entrusted, the local department files the plan with the petition to approve the entrustment agreement.

3. The local department shall provide the court with sufficient information to ensure that parent(s) receive notice of the dispositional hearing.

4. A new plan is required when there is a change in the permanency goal, when there is a permanency planning hearing, and when a child returns from a commitment to the Department of Juvenile Justice (DJJ).

a. When a child's legal custody has been returned from the local department to the parent(s) or prior custodian(s) and the child returns to local department custody and into a foster care placement, it will be considered a new placement and a new service plan shall be developed.

b. When a child returns home to the parent(s) or prior custodian(s), but remains in the custody of the local department and then returns to foster care placement, it will be considered a new placement if the child was home for six months or longer and a new service plan shall be developed. If the child was home for less than 6 months and

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

returns to an out-of-home placement, the child will be considered to be in the original placement and a new service plan is not required.

22 VAC 40-201- 90. Service Delivery.

Permanency planning is an on-going process that focuses on the best interests of the child. The permanency planning process begins when the first contact is made with the child and family. The planning process continues until the safety, permanency and well-being of the child is assured, the goal is achieved, and services are terminated.

A. When the goal is return to parent(s) or prior custodian(s), permanency planning requires that any and all necessary services are provided to implement this goal.

1. Services to the parent(s) or prior custodian(s) shall continue until:

a. The child is returned home, and the court case is dismissed; or

b. The conditions that necessitated the original removal have not been corrected although sufficient time and services were provided. Services shall continue until the court determines that no additional services shall be provided and approves another foster care goal for the child.

2. Local department workers shall have a minimum of monthly face-to-face contact with the parent(s) or prior custodian(s) to whom the child is expected to return.

3. The goal of reunification is achieved when legal custody is returned to the parent(s) or prior custodian(s), or in a noncustodial foster care placement, when the child is returned to the parent(s) or prior custodian(s).

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

B. When the goal is placement with relatives, the local department shall complete an home study of the relative(s) in accordance with 22 VAC 40-771, Local Department Approved Provider Standards. The goal of placement with relatives is achieved when custody of the child is transferred to a relative.

C. When the goal is adoption, services shall be provided to prepare the child for adoption and to achieve the goal of adoption. All parental rights shall be terminated and the local department shall have legal authority to place and consent to the child's adoption.

1. Any service identified on the foster care service plan and/or needed to prepare the child for adoption and/or to achieve the goal of adoption shall be provided directly or through the purchase of services.

2. Parental rights can be terminated voluntarily through a permanent entrustment agreement.

a. The entrustment agreement may be revoked by either parent pursuant to the Virginia Code §63.2-1223.

b. Custody of the child shall be returned to the birth parent(s) when the agreement is revoked unless a court order has been obtained within 180 days of the entrustment that approves the entrustment and terminates parental rights.

3. Parental rights can be terminated involuntarily through a court termination of parental rights.

a. The local department shall have sufficient grounds for termination of parental rights;

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

- b. A new service plan shall be filed with the court and document that termination of parental rights is in the child's best interest.
- c. The goal shall be changed to adoption on the new service plan.
- d. The petition to terminate parental rights and the service plan shall be submitted to the court at the same hearing.
- e. The petition shall specifically request that parental rights of the parent(s) be terminated and that the local department be given the authority to place and consent to adoption of the child.
- f. The local department shall provide the court with sufficient information to provide legal notice of the petition to all persons with a legitimate interest.
- g. The child remains in custody of the local department and is eligible for foster care services until the final order of adoption.
- h. The adoption progress report shall be submitted to court six months following termination of parental rights and every six months thereafter.
- 4. The local department need not have identified an available family to adopt a child prior to termination being sought or the court's entering a termination order.
- 5. Adoptive planning shall:
 - a. Reflect the child's need to be in a permanent placement as soon as possible.
 - b. Recognize the importance of placing siblings in the same adoptive home.
 - c. Consider foster parent(s) with whom the child has developed emotional ties as a primary adoptive resource for the child.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

6. When a family is selected, full, factual information that the local department has about the child and the child's birth family, except that which would reveal the identity of the child's birth family, shall be provided to prospective adoptive parents.

7. The goal of adoption is achieved when the final order of adoption is entered.

D. Permanent foster care.

1. The purpose of permanent foster care is to maintain the child in the foster home in which the child and foster parent(s) have established an attachment by strengthening the legal bond between the child and foster family. Permanent foster care provides greater rights and responsibilities to the foster family that regular foster parent(s) do not have, including the authority to give consent to:

a. Application to college;

b. Entrance into the military;

c. Marriage;

d. Driver's license; and

e. Surgery.

2. The roles and responsibilities of the local department, foster parents, birth parent(s) and, if appropriate, the child shall be defined in a mutually developed and signed agreement.

3. The court order approving the permanent foster care placement shall specify the nature and frequency of visitation by the birth parent(s) and any modifications in rights and responsibilities of the foster parent that differ from those provided in law.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

4. The foster parent(s) of a child in permanent foster care shall be notified in advance by the worker of all FAPT meetings related to the child and is responsible for signing the IFSP.

a. The foster parent(s) have the right to either speak at FAPT meetings or submit written recommendations and testimony.

b. Permanent foster care parent(s) may request special education services and sign the Individualized Education Program Plan (IEP).

5. The local department is responsible for:

a. Conducting at least one face-to-face visit with the child in the child's home at least every six months.

b. Reviewing the case plan and progress made through alternating administrative panel reviews and a court hearing every six months.

c. Maintaining involvement of the birth family, if possible.

6. The goal of permanent foster care is achieved upon entry of a permanent foster care order by the court.

7. A child shall remain in permanent foster care until reaching age 18 years, or until the age of 21 years, as long as the youth is participating in an educational, training, or treatment program and needs foster care services to continue that participation. No child shall be removed from the physical custody of the foster parent(s) in the permanent foster care placement except by a court order or child abuse and neglect procedures. If the permanent foster care placement disrupts, the local department shall

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

file a service plan and petition for review and dispositional hearing to change the permanent foster care status to another goal for the child. The foster parent(s) may jointly file the petition with the local department.

8. When a foster child is placed temporarily outside of a permanent foster home for education, training, treatment, or in a DJJ facility, the permanent foster care agreement remains in effect if the plan is for the youth to return to the family.

E. Independent living.

1. The focus of services is to assist older teens in acquiring skills to become self-sufficient and transition from foster care to independence.

2. All youth, 16 or older, regardless of their permanency goal, shall have a transitional independent living plan which describes the services that will be provided to prepare them for independence. Youth shall be supported and encouraged to participate in designing their transitional independence plan and take responsibility for achieving independence.

3. Preparing youth for independence requires accurate assessment of their skills and needs and targeted service provision. The assessment should include an evaluation of:

a. The youth's strengths and needs;

b. Basic living skills, education, vocational/job skills; and

c. Personal/social/emotional development.

4. The goal of independent living is achieved when the youth leaves foster care by:

a. Being emancipated by the court; or

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

b. Achieving the goals of the independent living transitional plan; or

c. Reaching the age of 21.

5. Service planning for older youth shall be done in accordance with 22 VAC 40-201-140.

F. Another planned permanent living arrangement.

1. This goal provides long term residential treatment for children with a severe and chronic emotional, physical or neurological disabling condition.

2. The intent of the goal is to obtain treatment for the child until the child no longer needs residential treatment for the child's disabling condition.

G. Continued foster care.

1. This goal is not a permanency goal and shall only be used when all other goals are found to be inappropriate.

2. Services provided shall be focused on establishing a permanency goal for the child.

H. Services to foster parent(s) and providers.

1. Foster parent(s) and providers should be contacted by local department service workers as often as needed but at least monthly. Permanent foster homes approved for the permanent placement of a specific child shall be contacted at least every six months.

2. Foster parent(s) and providers shall be given the opportunity to participate in all meetings and conferences related to service planning for a child in the home or placement.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

3. Foster parent(s) and providers shall be given information they may need about the child, and shall keep this information confidential. Foster parent(s) and providers shall be given appropriate sections of the foster care service plan and educational and medical information about the child.

4. Foster parent(s) and providers shall be given notice, whenever possible, as specified in the placement agreement, when a change in placement is to occur.

I. Worker contact with children in foster care.

Workers shall have a face-to-face visit with the child including those youth in independent living situations, at least monthly in the child's home or placement.

1. When courtesy supervision is provided by another local department, that local department is responsible for the visits.

2. Children in an approved permanent foster home shall be visited by the local department worker at least once every six months, in the permanent foster home.

3. Ongoing monthly visits with a child placed outside Virginia with relatives, in a foster home, or an adoptive home:

a. May be made by the agency in the receiving state authorized by the ICPC to provide supervision.

b. The worker from the agency providing supervision shall have a face-to-face visit with the child at least monthly in the child's home or placement.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

4. Monthly on-site visits are required for children placed in residential facilities except when a child is placed out-of-state and alternative arrangements have been made with an agency in the other state to conduct the visits.

5. Workers are required to document contacts with children in the Department's approved case documentation system.

J. Services to older youth in foster care.

1. Opportunities for independent living activities, services, and learning experiences for youth ages 16 to 21 years, shall be provided to youth in foster care no matter what their permanency goal.

2. Independent living activities are not an alternative to permanence for any youth. They should be provided to youth while concurrently pursuing return home, adoption and other permanency goals.

3. A youth in foster care before the age of 18 may continue to receive services from the local department between ages 18 to 21 if:

a. The youth willingly agrees to remain in placement and cooperate with all services and this is documented in the case record; and

b. The youth is making progress in an educational, treatment or training program; or

c. If the youth is in permanent foster care, requires continuing foster care assistance to participate in an educational, training, or treatment program, and

wishes to remain in foster care, the local department shall maintain that youth in foster care until age 21.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

K. Consent for medical treatment for children in foster care pursuant to §54.1-2969 of the Code of Virginia.

1. Where possible, the parent(s) of a child who is committed or entrusted to a local department should always be involved in the medical planning for the child.

2. When the parent(s) are not available, or their consent cannot be obtained immediately, a court order is required for major medical/surgery treatment.

a. If the court order is not readily available, the local department superintendent, director or his designee may consent.

b. The local department may obtain blanket authority from the court to consent to medical treatment and surgery. This blanket authority shall be in writing and signed by the judge.

3. Parent(s) or guardian(s) of children in noncustodial foster care placements shall provide consent for medical treatment, except in those instances where consent has been delegated to the local department in the noncustodial foster care agreement with the local department.

4. Section 54.1-2969 (E) of the Code of Virginia deems the child in foster care an adult who may consent to specific medical services as defined in this Section.

L. Medical care and treatment to be provided to a child in foster care placement.

1. A medical examination of the child, using the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT), shall be obtained no later than 60 days after placement, commitment or entrustment.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

2. Annual routine medical and dental examinations for children four years of age and over shall be provided.

3. For children less than four, the local department shall follow the EPSDT check-up chart or document in the record reasons why it is not being followed.

4. Medical care shall be provided for the child who is ill or injured and ongoing medical treatment for the child with physical, mental or emotional disabilities.

M. Providing services during residential placement.

1. Local department staff shall:

a. Maintain telephone contact with the facility staff to coordinate services as often as possible but no less than once a month.

b. Workers shall visit the child in the residential facility at least monthly. Children placed in emergency temporary care facilities shall be visited at least once a month and more often if needed.

c. The local department shall encourage and assist with regular visits between the child and parent(s) and the child and siblings.

d. The parent(s) shall be kept informed of their child's progress and needs while in placement.

e. The local department shall complete documentation of every visit and contact in the Department's approved case documentation system.

f. The local department shall develop a plan to transition the child back to the family or community.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

2. Local departments shall require residential facilities to provide the following:

a. A treatment plan for the child within 30 days of child's placement in the residential facility;

b. Notification to the local department of the child's progress and behaviors, including any serious incident, while the child is in residential care through regular reports.

N. Respite care services.

Respite care for foster parent(s) can be provided on an emergency or planned basis in accordance with criteria determined by the Department. The respite care provider shall be approved by the local department and, when applicable, shall meet any out-of-home or in-home provider standards to be a licensed or approved provider. The local department shall provide a basic orientation of the local department's mission and goals, policies and procedures related to medical treatment, emergencies, liability, transportation, and confidentiality and information about the child to the respite care provider prior to the commencement of services.

22 VAC 40-201-100. Reviewing the Service Plan.

A. Service plans for children in custody or foster care placement shall be reviewed to assure the effectiveness of permanency planning for every child.

A formal review shall be held at least every six months. The types of reviews are:

1. The foster care review hearing;

2. The permanency planning hearing;

3. The administrative panel review; and

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

4. The supervisory review

B. Parental attendance at court hearings.

The local department is responsible for providing the court with as much information as possible as to the names, addresses, and any other contact information on parent(s) and previous caretaker(s) who should be given notice of the next hearing. Parents whose rights have been terminated do not receive notice. The local department is responsible for providing the court with as much information as possible as to the names, addresses, and any other contact information on foster parents, pre-adoptive parents, the child, and other interested parties who should be notified of every hearing.

C. Completing the foster care service plan reassessment.

Prior to the foster care review hearing, the permanency planning hearing, or the administrative panel review, the worker should reassess the progress that has been made toward meeting the goal in the service plan. The worker should record the results of that reassessment in the Department's approved case documentation system and shall include the information for assessing service plan progress required by the Department. Input from the birth family or prior custodian(s), foster parents, or other providers, and when appropriate, the child, should be sought in completing this reassessment.

D. First foster care review hearing.

The purpose of the first foster care review hearing is to review the progress made on the initial foster care service plan or make changes in the plan.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

1. Within five months of the dispositional hearing at which the foster care plan was reviewed, the local department shall submit to the court:

a. A petition for a foster care review hearing;

b. A foster care service plan reassessment which shall include any updates to the initial foster care service plan;

c. Information listing individuals who should receive a copy of the petition and/or be notified of the hearing. These include at least: the child, if age 12 or over; the parents, guardian, or prior custodian(s); the guardian ad litem; the foster parents; and any other interested parties.

2. The service worker shall verify that the judge has correctly checked the box that indicates reasonable efforts to achieve the permanency goal have been made.

E. Permanency planning hearing.

The purpose of this hearing is to establish a permanent goal for a child and either to achieve the permanent goal or to defer such action through the approval of an interim plan for the child. The local department shall file a petition for a permanency planning hearing within ten months of the dispositional hearing at which the foster care plan was reviewed, and shall submit to the court:

1. A petition for a permanency planning hearing requesting the court take one of the actions in accordance with §16.1-282.1, Permanency planning hearing for children in foster care.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

2. Information listing individuals who should receive the foster care service plan and/or be notified of the hearing. These include the child, if age 12 and over; the guardian ad litem; child's parent(s) or prior custodian(s); parents' attorney(s); foster parent(s); pre-adoptive parent(s); and other interested parties the court directs, such as attorneys for the local department, or the Court Appointed Special Advocate (CASA).

3. A foster care service plan reassessment and a new foster care service plan are required at the permanency planning hearing depending on the foster care goal and status toward achieving the goal. Foster care goal related requirements for new service plans are:

a. When the goal is return home or placement with relatives with subsequent transfer of custody, and the local department is petitioning the court to transfer custody to the parent(s), prior custodian(s) or relative(s), the local department does not have to submit a new foster care service plan to the court at the permanency hearing.

(1) The local department shall describe the reunification services that will be provided to the family in the foster care service plan review form.

(2) If the court does not approve the transfer of custody, the local department will need to develop a new foster care service plan identifying how it will achieve the goal for the child in the next six months.

b. If the local department decides that it is in the best interests of the child to ask for the local department to continue having custody of the child and the goal is either return home, placement with relatives, or continued foster care, the local department shall

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

describe in the service plan how the local department intends to accomplish the goals of return home or placement with relatives in the next six months.

c. If the goal is continued foster care, the local department shall identify a new goal and describe how it will achieve that goal in the next six months.

d. The local department shall petition for termination of parental rights at the initial permanency planning hearing.

(1) If the local department does not petition for termination of parental rights at the initial permanency planning hearing, it shall defer such action through the approval of an interim plan for the child pursuant to Virginia Code §16.1-282.1 and document in the foster care service plan one of the following exceptions:

(a) Termination of parental rights is not in the best interests of the child. The law requires that the local department document a compelling reason explaining why termination is not in the best interests of the child;

(b) The child is being cared for by a relative; or

(c) The local department has not provided services to the parent(s) deemed necessary for the safe return of the child.

(2) When the local department petitions for termination of parental rights, it shall:

(a) File a petition which states termination of parental rights is in the best interests of the child;

(b) File a service plan with the goal of adoption; and

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

(c) The service worker shall verify that the judge has correctly checked the box on the court order that indicates reasonable efforts have been made to return the child home.

e. Permanency planning hearings shall be documented in the Department's approved case documentation system.

F. Subsequent permanency planning hearing.

This hearing occurs within six months of the first permanency planning hearing when a permanency goal or plan has not been achieved by the first permanency planning hearing. A second permanency planning hearing occurs when the court approved the goal of return home, placement with relatives, or continued foster care at the initial permanency planning hearing. The same requirements apply to this hearing as apply to the first permanency planning hearing. The service worker shall verify that the judge has correctly checked the box on the court order that indicates reasonable efforts have been made to return the child home or achieve another permanency plan.

G. Foster care review hearings after a permanency goal is approved.

The purpose of these foster care review hearings is to review progress in cases where the permanency goals of reunification, placement with relatives, adoption, permanent foster care, independent living, or "another planned permanent living arrangement" have been approved.

1. Where the goals of return home, placement with relatives, adoption, or independent living are approved, the foster care review hearings are held annually after the permanency planning hearing. Administrative panel reviews are held at six-month

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

intervals between these yearly court reviews. These court hearings are discontinued once the final order of adoption is issued or the child turns age 18.

2. Where the goal of another planned permanent living arrangement is approved, foster care review hearings are held every six months.

3. Thirty days prior to a scheduled hearing, the local department is responsible to submit a petition for foster care review, an adoption progress report if the goal is adoption, and a new foster care service plan if there is a change in goal.

H. Permanent foster care and reviews.

1. Once a child is placed in a court approved permanent foster care placement with a permanent foster family named in the court order, annual foster care review hearings are to be held.

2. Permanent foster care cases are subject to administrative panel reviews which are to occur every six months, between the annual judicial reviews.

3. The local department shall ensure that the court order language states that reasonable efforts have been made to achieve the permanency goal.

I. Administrative panel reviews.

1. An administrative panel review (APR) shall be held six months after a permanency planning hearing when the goals of adoption, permanent foster care or independent living have been approved by the court.

a. The child will continue to have APR's alternating with annual foster care review hearings until a final order of adoption is issued or the child reaches age 18.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVINGb. Composition of the review panel.

(1) The local department is responsible for ensuring the APR is conducted by a panel of appropriate persons at least one of whom is not responsible for the case management or delivery of services to either the child or the parent(s).

(2) The local department is responsible for having outside objective panel members participating in the APR. These individuals shall include (but are not limited to) court service workers, private citizens, staff of other service agencies, multi-discipline team members, other local department workers, FAPT team members or placement providers not involved in the case being reviewed.

(3) The local department is responsible for having all objective panel members in the APR sign a statement that they will observe all rules of confidentiality. Child protective services records are not to be attached to the plan being reviewed. This information should be summarized in the Department's approved case documentation system.

(4) Parent(s), children, the child's foster parent(s), attorneys or friends of parents can not be members of the panel. The local department is required to do all that is possible to encourage the participation of these individuals in the APR process in order for them to provide input.

2. The FAPT staffing may substitute for an APR as long as the requirements for the APR are met.

3. Notice that shall be provided for the APR.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

a. The local department is responsible to ensure that all parent(s) with residual parental rights shall be given a written invitation to the APR at least 10 days in advance. All efforts shall be made to secure their participation and active involvement.

b. The local department shall also invite the child, the child's foster parent(s), adoptive parent(s), Guardian ad litem, CASA, and other placement providers to participate at the APR.

4. Results of the APR.

a. The local department shall consider all recommendations made by the panel in planning services for the child. At the APR, the panel shall address and make recommendations, when needed, concerning the following:

(1) Appropriateness of the services provided during the preceding six months;

(2) Appropriateness of the child's current placement;

(3) Extent of the local department's, parent(s)', child's, and foster care provider's compliance with the service plan;

(4) Any barriers to goal achievement, including the birth family's/prior custodian(s) current situation and results of visitation between the child and parent(s) or prior custodian(s) and child and siblings, if appropriate;

(5) Appropriateness of the program goal for the child and of the date for goal achievement; and

(6) Continuing need for placement.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

b. The findings of the panel and any recommendations made by the panel, including changes to the service plan, shall be recorded in the Department's approved case documentation system.

c. The birth parent(s)/prior custodian(s), foster parents, or other providers not in attendance should be given a copy of the results of the APR as documented on the Department approved form for this review.

5. Hearings that substitute for an APR.

a. A foster care review or permanency planning hearing may substitute for the APR.

b. Another type of court hearing may substitute for an APR if:

(1) The parent(s) are notified of the hearing.

(2) The APR process and results are documented in the Department's approved case documentation system and includes:

(a) The date the hearing was held; and

(b) An indication that this hearing was held in lieu of an APR.

(3) The court makes a determination in regard to:

(a) The continuing need for and appropriateness of the placement.

(b) The extent of all parties' compliance with the case plan.

(c) The extent of progress which has been made toward alleviating the conditions which brought the child into care.

c. The court order will serve as documentation of the APR in this situation and no additional forms are required.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

J. Supervisory reviews.

A supervisory review is required every six months for children placed in their own homes, but still in the custody of the department, and for youth ages 18-21. When a child returns home after being in a foster care placement and remains in the custody of the local department, the supervisory review should be scheduled six months from the last APR.

2. The Department's approved form is to be used for the supervisory review. The supervisor shall sign the review form.

K. Exceptions to required reviews.

1. Hearings when cases are on appeal.

When a case is on appeal for TPR, the juvenile and domestic relations district court retains jurisdiction on all matters not on appeal. The circuit court appeal hearing may substitute for a review hearing if the circuit court adjudicates the future status of the child.

2. Children committed to DJJ.

a. Children formerly in local department custody who have been committed to DJJ are not subject to APR's or court review hearings during their commitment.

b. Children committed to DJJ who return to foster care are subject to APR's and the appropriate court review hearing.

(1) When the child returns to foster care, the scheduling of APR's and foster care review hearings resumes in accordance with the original schedule.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

(2) A new service plan should be filed within 60 days or earlier if necessary to resume the original schedule.

L. Developing the plan when the goal is changed to adoption.

1. At the initial permanency planning hearing, the local department shall file a petition with the court 30 days prior to the hearing to terminate parental rights, along with the foster care service plan. When the goal of adoption is selected, consultation between the foster care and adoption staff shall occur. Additional information as directed by the Department may need to be gathered. This information is critical as it will serve as a basis for identifying adoption services, will be used in the selection of an appropriate adoptive home, and will be the only information available to the child after adoption about the child's birth family and background. If any of this information is missing from the foster care record, one of the services that shall be identified on the new plan is to obtain the missing information.

2. The foster care service plan requesting a change to the goal of adoption shall include:

a. A statement and documentation that the goal of adoption is in the best interest of the child;

b. The reasons for selecting the goal of adoption;

c. Ongoing services that will be provided to the child, birth parent(s), and the foster parents; and

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

d. The responsibilities of the parent(s) or prior custodian(s) included in the prior assessment and service plan and whether they have or have not met them. These responsibilities shall correspond with the responsibilities identified in the initial or any updated foster care service plan.

e. The specific action planned to identify and select an adoptive family and the specific services to be provided to prepare the child for an adoptive family according to the requirements of the Department. These services include but are not limited to services to:

(1) Gather all medical, psychological, social and family background information for the child's permanent adoption record;

(2) Help the child deal with the past and be committed to an adoptive placement;

(3) Provide pre-placement services and activities with adoptive parents;

(4) Meet the child's needs while in foster care waiting for adoptive placement;

(5) Register with the Adoption Resource Exchange of Virginia (AREVA) or other adoption exchanges as well as other recruitment efforts;

(6) Assess the child's special needs for purposes of subsidy;

(7) Help birth parent(s) separate from the child and support an adoptive placement;

(8) Help birth parent(s) deal with their loss, guilt, and other feelings related to the child;

(9) Gather pertinent information from foster parent(s) on the child's development and behavior;

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

(10) Assess the foster parent(s) as a primary adoptive resource for the child or services to help the child move to an adoptive placement; and

(11) Assist the foster parent(s) in meeting the needs of the child.

M. Redeterminations.

1. Redetermining Title IV-E eligibility.

Eligibility shall be re-determined at least annually and in accordance with federal Title IV-E eligibility requirements and Department procedures.

2. Notice of changes affecting child support

As soon as there are changes in the status of the foster care case or in the situation of the absent parent, the service worker shall notify the eligibility worker in writing.

3. Redetermining Medicaid eligibility.

The service worker is responsible for providing the Medicaid worker information required for the annual redetermination of eligibility and information related to changes in the child's situation.

22 VAC 40-201-110. Closing the Foster Care Case.

A. Terminating court commitments.

There are 3 ways court commitments are terminated:

1. Through court order when parent(s)/prior custodian(s), relatives, or the local department petition the court requesting termination and the court transfers custody;

2. A child, 18 to 21 years of age or older, committed as abused and neglected or in need of services, requests to be released; or

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

3. The court terminates custody at the time of a dispositional or other hearing.

B. Termination of noncustodial foster care agreements.

1. Noncustodial foster care agreements are terminated at the request of the

parent(s)/prior custodian(s) if the following conditions are met:

a. A criminal background check and child abuse and neglect central

registry check shall be completed on all adults in the home prior to the return of the child from an out-of-home placement. The local department shall evaluate the results of the background and registry checks to determine whether any criminal background or abuse/neglect history exists to preclude the safe return of the child.

b. In those cases where the judge has heard and approved the noncustodial foster care agreement, termination of the noncustodial foster care agreement is not effective until the judge agrees to and documents the termination of the agreement.

2. The local department may petition the court for custody should the local department disagree with the request for return of the child.

C. Discharging a child from care.

1. The foster care case shall be closed in the Department's approved case documentation system as soon as possible, but no later than 30 days after the child leaves care of the local department.

2. The service worker shall notify the eligibility worker immediately in writing or by email that the child is no longer in care of the local department.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

3. Maintenance, service, and other resource payments at closure. All maintenance payments shall be terminated by the service worker once the child leaves care. Service payments for services that will not continue after the child returns home shall be terminated. If the child is receiving Social Security or other benefits, the worker shall inform the source of the benefits about the change in placement and provide the new address of the child.

4. Record retention at closure.

a. When the foster care paper case record is closed for services, the record shall contain all court orders, assessments, service plans, administrative panel reviews, and a brief closure statement identifying when the case was closed, placement of the child, and child and family adjustment. Pertinent documents including, but not limited to, eligibility determinations, medicals, and educational and social history shall also be retained.

b. Personal items belonging to the child should be given to the child.

c. When closing a case in the Department's approved case documentation system, the final case contact should reflect the case disposition at case closure, a summary of services in place at termination, child and family adjustment, over-all case progress, and a summary of the final court hearing.

5. Length of time records shall be retained after closure.

Agencies are responsible to maintain paper and electronic case records in accordance with regulations promulgated by the Library of Virginia.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

6. Access to records after closure.

Any foster care youth who has reached age 18, has not been adopted, and has not had parental rights terminated shall have the right to request and receive information from his record, including information about parent(s) or relatives. If a youth has not been adopted, has reached age 18, and has had parental rights terminated, he shall have access to his records, but not to identifying information pertaining to his biological family, except by order of the circuit court.

7. Emancipation of youth before age 18.

Youth who are at least age 16 years of age may be legally emancipated at a court hearing held pursuant to Virginia Code §16.1-331 et. seq.

8. Post-foster care services.

Prevention and support services shall be provided to the child and family to prevent the need for the child to return to foster care. For a youth who needs continuing services after emancipation, the service worker should consider services through independent living and/or refer the youth to the appropriate adult services provider.

22 VAC 40-201-120. Funding.

A. Paying for maintenance .

1. Payment for maintenance for children in foster care is made by Title IV-E or state pool funds for non Title IV-E eligible children.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

2. Agencies are not permitted to increase the basic maintenance rates to foster parents.

Specialized payments to regular foster parents, who are not part of a therapeutic program, are considered service payments and cannot be paid by Title IV-E funds.

3. Duplicate payments for maintenance cannot be made.

4. To determine if payments to foster parents for children under the age of 19 are to be considered income for federal or state tax purposes, refer to the Department of the Treasury, Internal Revenue Service Guidance Publications.

5. Title IV-E is used to pay all maintenance costs when all federal guidelines for eligibility are met.

6. When a local department has accepted custody or placement of a child and places the child in a relative home, the local department shall approve the relative home as a foster family home and shall pay the relative foster parent(s) maintenance payments.

B. Paying for children supervised by another state agency.

1. Payment for the costs of maintenance and social services is the responsibility of the local department holding custody of the child or having accepted placement of the child.

2. Certification of a child to a state mental health facility does not relieve the local department of custody.

a. Room, board and medical costs are not the responsibility of the local department.

b. Costs of clothing and personal care items shall be paid by the local department holding custody.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

3. The DJJ is responsible for the maintenance and care of the child committed to its care. Payments cannot be made by the local department for maintenance of the child at the DJJ facility.

C. Children placed in out-of-state foster homes.

1. Payment for non-Title IV-E eligible children is from state pool funds at the rate set by the other state.

2. Payment from Title IV-E is at the standard rate for Virginia. Where this rate is not acceptable to the other state, payment of Virginia's maintenance rate is from Title IV-E funds, with the balance paid from state pool funds as a specialized payment.

3. The foster homes shall meet standards for care set by the other state.

D. Using funds from special welfare accounts.

1. Accumulated funds in a special welfare account may be used to meet the current and future needs of the child.

2. The use of funds from an initial lump sum Social Security Income (SSI) payment is determined by the Social Security Administration (SSA) policy.

3. When a child leaves foster care, accumulated funds in the Special Welfare Account shall go with the child and are given to the parent(s), relative, or guardian(s) responsible for the child or given to the child if the child has reached age 18 and has not had a conservator appointed pursuant to §37.1-134.6 et. seq.

4. Resource maximum amounts that determine the child's eligibility for Title IV-E, SSI and non Title IV-E Medicaid are determined by the appropriate federal or state source.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

If a child's Special Welfare Account cannot be maintained below the resource maximum level, the local department can establish an irrevocable trust account that will allow resources to accumulate over the resource level, while not making the child ineligible for future benefits.

E. Paying maintenance for the child of a foster child.

1. The child of a foster child who remains in a foster home or residential facility with his parent or comes to live in a foster home or residential facility with his parent and remains in the custody of the parent shall be eligible to receive a foster care maintenance payment and shall not be eligible for Temporary Assistance for Needy Families (TANF). Maintenance costs of the child of a foster child are to be paid out of the same pool of funds as the foster child's maintenance costs.

2. The maintenance payment for a child of a foster child who lives with and remains in the custody of the parent shall be added to the foster care payment made to the foster care provider.

3. The foster care provider is responsible for providing room and board for both children and ensuring that the payment made for the child of a foster child is used to meet that child's needs.

4. If the child of a foster child has his own resources; i.e. SSI, SSA, or child support, these resources shall be used toward the maintenance cost.

F. Paying for independent living placements.

1. The standard statewide payment is made from state pool funds.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

2. The payment covers the cost of maintenance.

G. Paying for services: state pool funds.

1. Any child placed through a noncustodial foster care agreement, committed or entrusted to a local board of social services or for whom a local department is given responsibility for aftercare supervision are eligible for state pool funds which may, if needed by the child, fund:

a. Maintenance and services for a child placed outside of his own home.

b. Services for a child living in his own home (pre and post placement) in the custody of the local board.

c. Services for a child receiving services to prevent foster care placement.

2. All children receiving CSA funded services shall have a uniform assessment. Before a service can be purchased or paid through the state pool fund, it shall:

a. Be included in the child's foster care service plan or IFSP.

b. Be authorized based on the procedures established by the CPMT.

c. Be provided by an approved provider.

H. Purchase of services from foster parents.

These are services provided by foster parent(s) to meet the special needs of a child and are distinct from basic maintenance and supervision of the child. The provider(s) shall be qualified through training or experience to provide the special services required. The child's record shall document the special physical, mental or emotional problems of the child, which require the need for service. The local department establishes rates of

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

payment for services provided in local department approved homes. Where services are being purchased from a licensed child placing agency, rates are negotiated between the provider and purchaser based upon CPMT procedures.

I. Expenses paid by foster parent(s) on behalf of the child.

Local departments shall reimburse foster parent(s) for expenses paid by them on behalf of the foster child when the services are pre-authorized.

J. Purchasing foster home recruitment, study, approval and placement with state pool funds.

The recruitment, screening, study and development of foster family homes and placement services may be purchased from licensed child placing and other agencies.

The purchase shall be on behalf of a specific child.

K. Purchasing regular education services.

1. Children in foster care are considered to be indigent and eligible for free textbooks and workbooks.

2. Other educational services needed by the child and not provided by the school division may be purchased using state pool funds.

3. Regular education services may be purchased when:

a. They are needed to achieve an educational goal;

b. They are not the responsibility of State and/or education agencies;

c. Services are not available without cost; and

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

d. Charges for services are the same to all residents of the locality regardless of income.

4. Expenses related to school activities that are not necessary to meet an educational goal may be purchased with state pool funds based on CPMT procedures.

L. Paying for special educational services.

When a child is placed in another jurisdiction, agencies shall follow the funding guidelines established by the Virginia Department of Education for any children receiving foster care services.

M. Use of state pool funds for special education services.

State pool funds are to be used to purchase special education and related services for a child placed in a residential facility approved for special education or private special education day school in accordance with the child's IEP. Procedures to access state pool funds for these placements will be based upon CPMT policies. The local department, in coordination with the FAPT, is responsible for ensuring that an appropriate placement is provided for the child. State pool funds may pay for special education services when it is determined that a child has additional special education needs not included on the IEP.

N. Paying for care in a residential facility.

The cost of maintenance for a child placed in a residential facility is paid from Title IV-E or state pool funds for non-Title IV-E children. Federal guidelines specifying criteria for approved residential providers shall be followed in order to use Title IV-E funds for

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

eligible children. Services provided in a residential facility will be paid from state pool funds.

O. Medicaid eligibility.

1. Children in foster care placement will be eligible for Medicaid unless they are not considered Virginia residents or they have income or other financial resources that make them ineligible for Medicaid.

2. If a Title IV-E eligible child is placed out-of-state, information certifying the child's Title IV-E status shall be sent to the receiving state as per Departmental policy.

a. Title IV-E foster children and children receiving Title IV-E adoption subsidy are eligible for Medicaid coverage in the state where they reside.

b. Non-Title IV-E children in foster care and placed out-of-state will be eligible for Virginia Medicaid. If providers in other states do not accept Virginia's Medicaid coverage, the local department will have to pay for medical expenses out of state pool funds.

3. Medical coverage is extended during the adoptive placement until the final order of adoption for children who continue to meet the foster care covered group for Medicaid purposes. Medical coverage is extended past the final order if the child is Title IV-E eligible with a subsidized adoption assistance agreement in effect or the adoptive family meets the financial requirements of Medicaid or the child is not Title IV-E eligible, but has special medical needs and there is an adoption assistance agreement in effect.

P. Purchasing transportation services.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

Transportation may be provided from state pool funds, Medicaid, or Title IV-E in accordance with federal and state guidelines for use of these funds.

Q. Purchasing day care services.

Child day care services for foster children may be purchased in a licensed day care facility or home, using Title IV-E or state pool funds, in accordance with federal and state policy for use of these funds.

R. Paying for independent living program services.

1. Independent living program services are paid from the local department's allocation of the Chafee Foster Care Independence Program funds. The local department shall have an approved Independent living program plan before funds may be expended.

Independent living program funds shall not be used to pay for maintenance.

2. The Education and Training Vouchers (ETV) Program provides federal funding to help foster youth with expenses associated with college and vocational training programs. Eligibility for ETV funding and use of ETV funds shall be in accordance with federal guidelines.

22 VAC 40-201-130. Other Requirements.

A. Confidentiality of records.

1. The records of children in foster care are confidential and information about children in foster care or their parent(s) or relative(s) is confidential. The local department may disclose information upon order of the court; or when the local department determines

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

that the person has a legitimate interest in accordance with state and federal law and regulation and it is in the best interests of the child to release the information.

B. Travel of foster children.

Out-of-country travel may be approved at the option of the local department when the director of the local department gives written approval for a child going out of the country. The local department should obtain written approval from the parent(s) or custodian(s) if whereabouts are known and parental rights have not been terminated. The local department approved sponsor of the out-of-country trip shall provide the local department with the contact information where the child and/or sponsor can be reached. Proper passports, visas or other requirements for traveling out of the country shall be obtained. Written assurances shall be obtained that the sponsor will provide for the health, safety and legal needs of the child during the trip. The local department shall provide the sponsor with authorization to obtain medical care.

C. Requirement for approved child restraint devices.

1. Children age five and under, transported in a car by local department staff, foster care providers, or any adult transporting a child, shall be secured in a child restraint device of a type approved by the United States Department of Transportation.
2. Certain children may be exempt from the requirements for an approved restraint device in the following situations in accordance with § 46.2-1096.

D. Child protective services reporting.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

1. Responsibility to report.

Any person employed as a social worker who suspects a child has been abused or neglected in foster care placement shall report the matter immediately to the local department or the child protective services hotline.

2. Investigating the CPS report.

The foster care worker shall cooperate with the CPS investigation and be kept informed and involved in any decision to remove the child. The local department holding custody or having placed the child, if different than the local department of the child's residence, shall be notified of the report of abuse/neglect.

E. The child of a foster child.

1. The child of a foster child remains the responsibility of his parent, unless custody has been removed.

2. The child is not subject to requirements for service plans, reviews, or hearings.

However, the needs and safety of the child should be considered and documented when developing the service plan for the (foster child) parent.

3. The child is eligible for Medicaid, services, and child support services.

F. Procedures and responsibility for children in custody of the DJJ.

1. Child committed to the DJJ.

From the time a child in the custody of a local department is committed to DJJ, the local department shall maintain contact with the child during commitment. Maintaining

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

contact is necessary to begin aftercare planning to return the child to the community.

Contact with the child shall include:

- a. Participation in DJJ's Reception and Diagnostic Center (R&DC) staffing;
- b. Participation in the Juvenile Correctional Center (JCC) Treatment Team meeting and subsequent development of the comprehensive service plan; and
- c. Visits, as often as needed, but at least once every three months with DJJ and the child in order to plan and carry out services to return the child to the community and/or provide services to the family so that the plan for the child can be achieved.

2. When a child is committed to DJJ, the worker shall perform appropriate data entry into the Department's approved case documentation system.

3 Payments for the cost of maintenance for the child and purchased services are not made by the local department and become the responsibility of the agency with custody of the child.

4. Child transferred to a JCC.

If a child is committed to a JCC, the local department worker is responsible for attending any meetings at the JCC to provide additional input regarding the child's needs and to discuss the comprehensive service plan and the aftercare plan for the child.

a. The local department worker shall develop a draft comprehensive services plan which will address the continuum of services needed for the child from the date of transfer to the JCC through the date of release from aftercare supervision. The plan shall:

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

(1) Outline and prioritize the treatment/service needs which should be addressed during the child's stay in the JCC;

(2) Outline where/with whom the child will reside upon release from JCC;

(3) Identify services needed by the child and guardian/provider upon child's return to community;

(4) Outline steps to be taken to implement the aftercare placement while the child is in the JCC to assure successful reintegration to the community; and

(5) Outline strategies and time frames to meet the objectives developed.

b. The local department worker should request that all treatment team members and the child sign the comprehensive service plan.

c. If the local department worker has reservations about the comprehensive service plan which cannot be resolved on-site at the JCC, the worker should not sign the plan but should obtain a copy for the child's file.

d. Proposed changes in the comprehensive service plan shall be approved by the local department and the JCC. Documentation indicating agreement with any changes shall be filed in the child's case record when received by the local department worker.

5. When planned aftercare placement is not available.

a. If, at any point during the child's commitment, it becomes apparent that the proposed aftercare placement will not be available, the local department worker will notify the JCC counselor by letter within five working days of learning that the placement is not available.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

b. The notification should discuss placement alternatives previously explored.

Information should include actual placements or programs considered, whether child was accepted/denied for placement/program, and the reason child was not accepted or resource not to be utilized. An action plan to locate placement shall also be presented.

6. Resolution of issues.

The local department worker is responsible for cooperating with attempts made to resolve disputes over the service plan and documenting the steps taken to resolve the disputes in the Department's approved case documentation system.

7. Post-release supervision.

Post-release supervision is the period that begins after a child who has been committed to the DJJ returns to a community for supervision. In the event that the child was in the custody of the local department immediately prior to his commitment to DJJ, and has not attained the age of 18 years, the local department shall resume custody upon the child's release, unless an alternative arrangement for the custody has been made and communicated in writing to DJJ.

8. Children returned to the community and placed in an out-of-home placement.

The local department worker is responsible for ensuring that all foster care requirements are met including those governing service plans, supervisory or panel reviews, court hearings and eligibility determinations.

22 VAC 40-201-140. Independent Living.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

Service planning and service provision shall be provided to assist older youth in acquiring skills necessary for self-sufficiency.

A. When to select independent living as the permanency goal.

This goal may be chosen for youth, ages 16 and over, who are preparing for independent living when all other permanency goals have been considered and are not feasible.

B. Service planning for older youth.

1. In developing service plans for older youth, the local department will:

a. Identify services that will transition the youth from foster care to independence and document these services in the service plan document; and

b. Develop the service plan based on a formalized assessment.

2. Service plans shall be developed through a team process with the youth being a member of the team.

C. Service provision for youth.

1. The local department shall offer a program of education, vocational training, employment, financial support, daily living skills, and counseling for youth leaving foster care; and

2. Services should continue up to the age of 21 for youth who have aged out of foster care if needed.

D. Independent living arrangements.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

1. Youth may live in independent living arrangements provided the youth demonstrates the maturity and skills necessary to live without parental supervision;

2. The local department shall approve all independent living arrangements and supervise youth in such arrangements; and

3. The local department and youth shall enter into a contract identifying responsibilities for all parties for maintaining the independent living arrangement.

E. Educational training vouchers.

1. The Education and Training Vouchers (ETV) Program is available to all agencies to help foster youth with expenses associated with college and post-secondary vocational training programs.

2. Eligibility criteria for ETV funding are determined by the Department and shall comply with federal funding criteria.

3. ETV funds are to be used for expenses as identified in Departmental requirements and shall comply with federal expenditure criteria.

4. ETV funding should be expended for education and training specific expenses prior to using the independent living basic allocation and only for those eligible youth engaged in post-secondary education or training.

22 VAC 40-201-150. Adoption Resource Exchange of Virginia.

The purpose of AREVA is to increase opportunities for children to be adopted by providing services to agencies having custody of these children.

A. Services provided by AREVA shall include:

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

1. Maintaining a registry of children awaiting adoption and a registry of approved families waiting for adoption;
2. Preparing and distributing a photo-listing of special needs children awaiting adoption and a photo-listing of families awaiting special needs children;
3. Providing information and referral services for children who have special needs to link agencies with other adoption resources;
4. Providing on-going recruitment for waiting children;
5. Providing consultation and technical assistance to agencies in finding adoptive families for waiting children; and
6. Monitoring agency compliance with:
 - a. Legal requirements for adoption; and
 - . State Board policy on registering children and families.

B. Registration requirements.

1. Registration of children.
 - a. All children shall be registered with AREVA within 60 days of termination of parental rights if:
 - (1) The goal is adoption;
 - (2) The child is legally free for adoption;
 - (3) The local department has the authority to place for adoption; and
 - (4) Adoptive placement has not occurred.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

b. A copy of the court commitment or permanent entrustment agreements shall be submitted by the local department or child placing agency with the child's registration forms.

2. Registration of families.

a. Approved families shall be registered within 60 days after the date of approval if they are expressing interest in adopting children who are:

(1) Six years of age and over;

(2) Members of sibling groups;

(3) Physically, mentally, or emotionally disabled; or

(4) Black, biracial, or members of other minority races.

b. Approved families expressing interest in adopting healthy white children up to the age of six may be registered with AREVA upon request of the family.

C. Photo-listing procedures.

1. Local departments or child placing agencies may request a 60-day deferment from the photo-listing for children

and families when:

a. A family has been identified, including foster parents, and placement is pending;

b. The child or family shall be featured in the photo-listing the month following expiration of the deferment period, unless an adoptive home placement agreement has been signed.

2. An additional 30-day deferment may be granted once at the discretion of AREVA

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

staff.

3. AREVA staff shall make the determination about which children and families to feature in the photo-listing. The decision will be based on the needs of waiting children and on the types of families waiting for placement.

D. Local department and child placing agency responsibilities.

1. The local department or child placing agency shall be responsible for local recruitment of prospective adoptive families.

2. The local department or child placing agency registering the child or family shall inform AREVA immediately of:

a. Changes in the status of the child or family;

b. Placements for adoptive purposes; and

c. Withdrawals of the child or family from AREVA.

3. The local department or child placing agency shall provide families selected for a particular child with full factual information that the agency has on the child and the child's birth family, except that which would reveal the identity of the child's birth family.

The information provided shall include complete medical and psychological reports.

4. The local department or child placing agency shall explore with the family selected for a particular child the family's ability to fully or partially meet financial costs related to any special needs the child may have. If it is determined that the child has special needs and is eligible for subsidy, the agency shall inform the adoptive parent(s) of the child's eligibility for subsidy.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

5. The local department or child placing agency shall obtain the consent of the Commissioner of Social Services prior to placing a child out of state.

E. Resource utilization.

When indicated, AREVA shall consult with the local agency or child placing agency regarding the need to explore additional resources.

1. AREVA staff may recommend referral of a child to a specialized adoption agency.

2. AREVA staff shall routinely register a child with the national adoption exchange after the child has been in the photo-listing for 60 days, unless a placement is pending.

3. AREVA shall be responsible for statewide recruitment of prospective adoptive families.

4. AREVA will automatically feature children on the state's electronic exchange system.

AREVA staff shall make the determination about which children and families to feature.

The decision will be based on the needs of the waiting children and on the types of families waiting for placement.

22 VAC 40-201-160. Adoption Subsidy.

An adoption assistance agreement shall be executed by the local department or child placing agency for all children who have been determined eligible for subsidy.

A. Determining the child's eligibility before legal adoption.

1. Basic eligibility.

The child shall be:

a. Under 18 years of age;

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

b. In the custody of a local department or licensed, private child placing agency at the time the petition for adoption is filed; and

c. Placed by the local department or licensed, private child placing agency with the prospective adoptive family for the purpose of adoption, except for those situations in which the child has resided for 18 months with foster parent(s) who file a petition for adoption under Virginia Code § 63.2-1229.

2. Determining that the child has special needs.

The local department or child-placing agency shall determine that:

a. The child cannot be returned home because parental rights are terminated.

b. The child has individual characteristics which make the child hard to place for adoption due to one or more of the following:

(1) Physical, mental, or emotional condition existing before legal adoption;

(2) Hereditary tendency, congenital problem or birth injury that could lead to a future disability, verified by a medical/psychological statement;

(3) Is six years of age or older;

(4) Is a member of a minority or mixed racial heritage;

(5) Is a member of a sibling group that should not be separated; and

(6) Has significant emotional ties with foster parent(s) with whom the child has resided for at least 12 months; when the adoption is in the best interest of the child and when the subsidy is necessary to consummate the adoption by these foster parents.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

c. Reasonable efforts have been made to place the child with appropriate adoptive parent(s) without subsidy. A reasonable effort:

(1) Shall be made except when it would be against the best interest of the child because of factors such as the existence of significant emotional ties with foster parents;

(2) Shall be considered made if the child has been registered with AREVA and featured in the photo listing.

B. Determining the child's eligibility after legal adoption.

1. The child shall have a physical, mental or emotional condition that was present at the time of adoptive placement; or

2. The need for subsidy results from a hereditary tendency, congenital problem, or birth injury; and

3. In both 1 and 2 there is a medical or psychological diagnosis that is not more than 12 months old.

C. Determining the type of agreement for which the child is eligible. The types of subsidy for which a child can be eligible are:

1. A federal subsidy. This type of subsidy is used for children whose foster care expenses are paid from federal and state funds. A federal subsidy agreement shall be executed for any special needs child who meets eligibility requirements for AFDC or SSI.

2. A state subsidy. This type of subsidy is used for children whose foster care expenses are paid from CSA pool funds.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

3. A conditional subsidy:

a. Shall be provided for any child with special needs, whose foster care expenses are paid from CSA pool funds, when payments and services are not needed at the time of placement but may be needed later. It is granted upon the request of the adoptive parent(s) when a child:

(1) Has a physical, mental or emotional disability at the time of placement;

(2) Has a hereditary tendency, congenital problem or birth injury;

(3) Could develop emotional or other problems resulting from separation from birth parents, placement in foster care, or adoption;

(4) May need help later with daily living expenses.

b. Does not involve money payments or services. It is an agreement that allows the adoptive parent or parents to apply for a state subsidy after the final order of adoption;

c. Commits the local department to providing a state subsidy when the adoptive parent or parents apply, if it is determined that the need is related to one of the conditions described in subdivision 3 a of this subsection;

d. Does not require annual certification.

D. Determining the types of payment to be made. Adoption assistance payments shall be negotiated with the adoptive family taking into consideration the needs of the child and the circumstances of the family. In considering the family's circumstances, income shall not be the sole factor. Family and community resources shall be explored

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

to help defray the costs of adoption assistance. There are three types of payment which shall be made on behalf of a child who is eligible for subsidy. The amount of payments made and services provided shall not exceed what would have been paid or provided had the child remained in foster care. The types of payment include:

1. Maintenance payments:

- a. A maintenance payment shall be approved for all children who are eligible for subsidy, except those for whom a conditional subsidy will be provided, unless the adoptive parent or parents indicate that a payment is not needed or it is determined through negotiation that the payment is not needed.
- b. The amount of the payment shall be negotiated with the adoptive parent(s) taking into consideration the needs of the child and circumstances of the adoptive parents.
- c. Maintenance payments shall not be reduced lower than the amount specified in the initial subsidy agreement, unless requested by the adoptive parents.
- d. Increases in the amount of payment shall be made when the child is receiving the maximum allowable basic maintenance payment and:
 - (1) A child reaches a higher age grouping, as specified in foster care policy for maintenance payments;
 - (2) Statewide increases are approved for foster care maintenance payments.
- e. Payments shall be made directly to the adoptive parent or parents on a monthly basis.
- f. Child care may be purchased with a maintenance payment, if needed by the

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

adoptive parents.

2. Special service payments:

a. A special service payment is used to help in meeting the child's physical, mental, emotional, or non-routine dental needs. The special service payment shall be directly related to the child's individual characteristic that makes the child hard to place or a physical, mental or emotional condition that existed at the time of placement but was not identified before the final order of adoption.

b. Types of expenses that are appropriate to be paid include:

(1) Medical, surgical, or dental;

(2) Equipment such as prosthetics, braces, crutches, hearing aids, etc;

(3) Individual tutoring or remedial educational sessions, books or equipment;

(4) Psychological and psychiatric evaluations and treatment;

(5) Speech, physical, and occupational therapy;

(6) Premiums for a major medical insurance policy for a child, if the child is not covered by a family policy.

(7) Special services provided directly to the child by the adoptive parents. These are services provided by the parent(s) to meet the special needs of a child. They are distinct from basic maintenance and supervision. The parent(s) shall be qualified by experience or specific training to perform such services. This item may be paid in addition to a maintenance payment.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

c. Special service payments may be provided, at the discretion of the local department, for other services needed to maintain the same level of service that the child received in foster care.

d. A special service payment may be used for children eligible for Title XIX and the Social Services Block Grant (SSBG) to supplement expenses not covered by Medicaid or when SSBG funds are not available or do not provide adequate coverage.

e. Payments for special services are negotiated with the adoptive parent(s) taking into consideration:

(1) The special needs of the child;

(2) Alternative resources available to fully or partially defray the cost of meeting the child's special needs; and

(3) The circumstances of the adoptive family. In considering the family's circumstances, income shall not be the sole factor.

f. Special service payments may be made directly to the providers of service or through the adoptive parents. A bill or receipt shall be submitted before payment. The local department shall not be responsible for bills or receipts submitted later than six months after the end of the month in which the service was rendered.

g. The rate of payment shall not exceed the prevailing community rate.

3. One time only payments:

Adoptive parent(s) shall be reimbursed, upon request, for the nonrecurring expenses of adopting a child with special needs.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

a. Nonrecurring expenses shall include:

(1) Attorney fees directly related to the finalization of the adoption;

(2) Transportation and other expenses incurred by adoptive parent(s) related to placement of the child. Expenses may be paid for more than one visit;

(3) Court costs related to filing an adoption petition; and

(4) Reasonable and necessary fees of adoption child placing agencies.

b. An adoption assistance agreement shall be signed and shall specify the services to be provided under this section.

c. Payment of nonrecurring expenses may begin as soon as the adoption assistance agreement has been signed and the child is placed in the adoptive home. Payment may be made directly to providers of service or to the adoptive parent(s) for expenses they have incurred.

d. A bill or receipt shall be submitted before payment can be made. The local department shall not be responsible for bills or receipts submitted later than six months after the end of the month in which the expense was incurred.

E. Applying for subsidy.

1. Procedures for the child whose eligibility is established before legal adoption.

a. The adoption assistance agreement:

(1) Shall be executed within 90 days of receipt of the application for adoption assistance;

(2) Shall be signed before entry of the final order of adoption;

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

(3) Shall specify the amount of payment and the services to be provided, including Title XIX and SSBG services;

(4) May be adjusted with the concurrence of the adoptive parents, in the event of changes in the needs of the child;

(5) Shall remain in effect regardless of the state of which the adoptive parent(s) are residents at any given time; and

(6) The interests of the child shall be protected through the Interstate Compact on Adoption and Medical Assistance, should the adoptive parent(s) and child move to another state while the agreement is effective.

2. Procedures for the child whose eligibility is established after legal adoption.

The application procedures are the same as for the child whose eligibility is established before adoption except:

a. The application shall be submitted within one year of a diagnosis;

b. The application shall be for a state subsidy.

F. Maintaining responsibility.

1. The adoptive parent or parents shall:

a. Submit annually to the local department or child placing agency an affidavit which certifies that:

(1) The child for whom they are receiving subsidy remains in their care;

(2) They are legally responsible for supporting the child; and, if applicable,

(3) The child's condition requiring subsidy continues to exist.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

b. Submit copies of all bills or receipts for special service payments made directly to the adoptive parents.

2. The local department or child placing agency shall:

a. Maintain responsibility for any payment or services identified in the agreement, regardless of where the family resides;

b. Inform prospective adoptive parent(s) of the child's eligibility for subsidy. This shall include a full disclosure of the services and payments for which the child is or may be eligible;

c. Notify adoptive parent or parents who are receiving subsidy that the annual affidavit is due. The notification shall be sent to the adoptive parent or parents two months before the affidavit is due;

d. Inform adoptive parent or parents, in writing, that they have the right to appeal decisions relating to the child's eligibility for subsidy and decisions relating to payments and services to be provided.

G. Terminating the subsidy agreement.

The Adoption Assistance Agreement:

1. Shall be terminated when the child reaches the age of 18 unless the child has:

a. A physical or mental disability; or

b. An educational delay. This shall include educational delays resulting from a child's foster care circumstances. The maintenance payment may be continued for a child who

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

is turning 18 during his senior year of school, if the child is expected to graduate by the end of school year in which he turns 18.

c. If a child has one of the conditions in a and b above, the agreement shall be continued until the child reaches the age of 21;

2. Shall not be terminated before the child's 18th birthday without the consent of the adoptive parent(s) unless;

a. It is determined that the child is no longer receiving financial support from the adoptive parents; or

b. The adoptive parent or parents are no longer legally responsible for the child; or

c. The child's condition requiring subsidy no longer exists.

3. Shall not be terminated if the child's condition improves but could deteriorate again. In this case, the agreement shall be suspended without a payment, rather than terminated.

4. When a child receiving adoption subsidy enters foster care or physical custody becomes the responsibility of the state, the local department may renegotiate the adoption assistance agreement with the adoptive parent(s). Any renegotiated adoption assistance agreement shall receive concurrence from all parties to the agreement.

H. Appeals

1. Adoptive applicants and adoptive parent(s) shall have the right to appeal adoption subsidy/assistance decisions related to:

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

a. The lack of or shortage of subsidy/ adoption assistance because the local department failed to present to adoptive parent(s) relevant facts known by the agency regarding the child prior to adoption finalization;

b. Failure of the local department to inform the parent(s) of the child's eligibility for subsidy/adoption assistance;

c. Local department decisions related to the child's eligibility for subsidy/adoption assistance,

subsidy payments and services, and changing or terminating a subsidy agreement; and

d. Failure of the local department to comply with State laws, policies, and procedures for approving adoptive homes.

2. Appeals shall be processed in accordance with procedures established by the Board.

222 VAC 201-170. Adoptive home study.

The manner in which a family receives a child for adoption shall have no bearing on how the family is assessed for purposes of adoptive placement. The criteria of capacity for parenthood are the same whether the child was placed by a local department, by a child placing agency, by the birth parents, or by a legal guardian. The difference between completing a home study for a child placed by a local department or child placing agency, and for a child placed by birth parent(s) is in the role of the agency, not in the assessment of the adoptive family. In an agency placement, the local department or child placing agency approves or denies adoptive applicants based on agency

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

standards. In a parental placement, the local department or agency is to make a recommendation to the court regarding the suitability of the family to adopt. The recommendation is to be based on an assessment of whether the placement is contrary to the best interest of the child. The assessment is based on information gathered during the home study process.

A. Method of study. The following criteria provide agencies with the minimum requirements for the completion of an adoptive home study. These criteria are based on the current Minimum Standards for Licensed Child Placing Agencies and the department's Agency Approved Provider Standards.

1. Interviews.

a. There shall be a minimum of three interviews. At least one interview must occur in the home of the adoptive family and, in the case of married applicants, shall be a joint interview with husband and wife.

b. In a parental placement, the service worker shall meet at least once with the birth parent(s) and prospective adoptive parent(s) simultaneously.

c. All members of the household shall be interviewed as part of the home study, including children when appropriate.

2. References. Adoptive applicants shall provide at least three references from individuals who are unrelated to them.

3. Criminal and child protective services records.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

a. Adoptive applicants shall identify any criminal convictions and be willing to consent to a criminal records search;

b. Adoptive applicants shall not have been convicted of a felony or misdemeanor which jeopardizes the safety or proper care of the child.

c. Adoptive applicants shall be willing to consent to a search of the Child Protective Services Central Registry.

4. Medical examinations. Adoptive applicants shall provide a physician's statement that reflects their current health and that states that they are in satisfactory physical and mental health to enable them to provide adequate care for the child.

B. Assessment of the family. A thorough assessment of the adoptive family is critical in evaluating whether the placement is contrary to the best interest of the child. The adoption home study and assessment should include an in-depth psychological and social history of the adoptive applicants and should consider the characteristics that are presumed, on the basis of present knowledge, to provide the best indication of capacity for adoptive parenthood.

1. The home study shall include, but not be limited to, an assessment of the following criteria, which are based on standards developed by the Child Welfare League of America. The criteria below are to be used as guidelines in assessing the adoptive family during the home study process.

a. The applicant's emotional maturity;

b. Interpersonal relationships quality (including spouse, family, and significant others);

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

c. Family stability;

d. Capacity to parent children in need of family membership;

e. Attitudes toward childlessness (In infant adoptions, the primary motivation to adopt may be infertility. Applicants may want help to understand and cope with feelings about the inability to have a child. When indicated, the agency should assist applicants in obtaining services to help resolve feelings associated with infertility. However, unresolved feelings about childlessness do not necessarily indicate inability to parent a child through adoption.)

f. Reasons for adopting;

g. Respect for a child's connection to the past;

h. Readiness to adopt; and

i. Ability to access community resources.

2. Home and community environment.

a. The degree to which the home environment allows for privacy among family members; adequate play areas; and freedom from health and safety hazards;

b. The accessibility of community resources that may be needed for the child.

3. Financial circumstances of the family. The ability of the family to meet the basic needs of the child and family (food, clothing, shelter, and medical care).

C. Approval period. A home study conducted for purposes of parental placements shall be approved for a period of 12 months from the date of completion of the study.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

22 VAC 40-201-180. Agency Responsibilities for Consent in Non-Agency Adoptive Placements.

In order for the juvenile court to make the legally required determinations before accepting consent, the local department or child placing agency shall:

A. Conduct a home study of the prospective adoptive home in a format determined by the Department; and

B. Provide the court with a report of the home study. Two copies of the home study report shall be sent with the original for the court, at its discretion, to provide to the birth and adoptive parents. The report shall include the following:

1. Information regarding whether the prospective adoptive parent(s) are financially able, morally suitable, and in satisfactory physical and mental health to enable them to care for the child;

2. The physical and mental condition of the child;

3. Information about both birth parents including:

a. Full names and addresses;

b. Why the parent(s) desire to be relieved of the responsibility for the child and what their attitude is toward the proposed adoption;

c. Physical description, age, race, marital status, education, employment, and, if known, physical and mental health.

d. The circumstance under which the child came to live, or will be living, in the home of the prospective adoptive family;

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

e. Fees that have been paid by the prospective adoptive family or in their behalf in the placement and adoption of the child;

f. A statement as to whether the requirements of law related to execution of consent have been met;

g. A statement, if applicable, as to whether the requirements of law related to the ICPC have been met;

h. A statement that the birth parent(s) and the adoptive parent(s) have shared identifying information. The identifying information shall be written, signed and dated by the adoptive parent(s) and the birth parents, and a copy of the document shall be preserved as part of the agency's permanent adoption record. The local department or child placing agency shall make available at any time to both parties a copy of this document. The document shall include but not be limited to full names, addresses, physical, mental, social and psychological information;

i. The local department or child placing agency makes a recommendation to the court regarding the suitability of the family to adopt. When the recommendation is that the placement appears to be contrary to the best interest of the child, the local department or child placing agency shall provide its justification for the recommendation; and

j. Any other matters specified by the court.

C. If the local department or child placing agency suspects there has been an exchange of property, money, services, or any other thing of value in violation of law in the

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

placement or adoption of the child, they shall report such findings to the Commissioner for investigation. The following exceptions apply:

1. Reasonable and customary services provided by a licensed or duly authorized child-placing agency, and fees, based on prevailing community rates, paid for such services;
2. Payment or reimbursement for medical expenses directly related to the birth mother's pregnancy and hospitalization for the birth of the child who is the subject of the adoption proceedings, and for expenses incurred for medical care for the child;
3. Payment or reimbursement to birth parent(s) for transportation necessary to execute consent to the adoption;

D. Usual and customary fees, based on prevailing community rates, for legal services in adoption proceedings; and

E. Payment or reimbursement of reasonable expenses incurred by adoptive parent(s) for transportation in intercountry placements and as necessary for compliance with state and federal law in such placements.

F. If the local department or child placing agency suspects that a person has engaged in any activities of a child-placing agency without legal authority or a license to do so, the local department or child placing agency shall report the findings to the Commissioner for investigation. These activities include:

1. Taking custody of a child for purposes of placing the child for adoption;
2. Studying and approving adoptive homes;
3. Selecting a particular adoptive home for a child;

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

4. Placing a child in an adoptive home; and

5. Providing supervision of the placement to meet legal requirements related to visitation of the child and family.

22 VAC 40-201-190. Fees for Court Services.

A. Services for which a fee is charged.

The services for which the local department shall charge fees are court ordered custody investigations, adoption searches, non-agency placement adoptions, investigation and reports, and visitation and reports.

B. Fees for adoption searches, non-agency placement adoptions, investigations and reports, and visitation and reports shall be determined as follows:

1. Current costs of services provided by agencies.

The Department shall determine the statewide average number of hours needed to provide each service. The statewide average hourly cost of service shall be calculated, considering both direct and indirect costs. The average time required for each service multiplied by the average hourly costs shall be used to determine the total cost of each service. The statewide average cost of service and average number of hours needed to provide each service shall be periodically re-determined.

2. Income and fee schedule.

A fee schedule, based upon family size and income, shall be developed annually using the median income level for Virginia. The fee schedule shall be as follows:

a. Families with 50 % or less of median income shall not be charged a fee.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

b. Families whose income falls between 50 % and 100 % of median income shall be charged an incremental percentage of the maximum fee.

c. Families whose income is above 100 % median income shall be charged the maximum fee.

3. Local departments shall include in reports to the courts the amount of the fee assessed to the petitioners, if any. If a local department finds an unusual circumstance that would affect a petitioner's ability to pay, it shall include this in its report to the court.

D. Collection of fees.

1. In non-agency placement adoptions and adoption searches, the fee shall be collected by the circuit court prior to the entry of any final order and shall be disbursed to the local department which performed the service.

2. The local department shall report any fees collected as expenditures refunded on its financial report. The local department's reimbursement from state and federal funds shall be adjusted to reflect the state and federal share of income collected.

2 VAC 40-201-200. Suspected Violations in the placement and adoption of a child.

When the Commissioner receives a report of suspected violations of § 63.2-1218 of the Code of Virginia, the Commissioner shall, in accordance with § 63.2-1219 of the Code of Virginia:

A. Investigate the suspected violation; and

B. Take appropriate action as follows:

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

1. When the investigation reveals that there may have been a violation of law; the Commissioner shall report his findings to the appropriate attorney for the Commonwealth;

2. When the investigation reveals that the violation occurred in the course of the practice of a profession or occupation licensed or regulated pursuant to Title 54.1 of the Code of Virginia; the Commissioner shall also report his findings to the appropriate regulatory authority for investigation and appropriate disciplinary action; or

3. Pursuant to Virginia Code § 63.2-1711, the Commissioner may file suit with the court of record having chancery jurisdiction, when the investigation reveals that the violation involves engaging in the activities of a child-placing agency without a license.

22 VAC 40-201-210. Training.

A. Local departments shall provide training for all foster care and adoption workers as determined by the Department.

B. Local department foster care and adoption workers and supervisory staff will complete an individual training needs assessment using a method prescribed by the Department.

C. New local department foster care and adoption workers and supervisory staff will attend and complete new worker required training using a curriculum developed by the Department.

PERMANENCY SERVICES-PREVENTION, FOSTER CARE, ADOPTION, AND
INDEPENDENT LIVING

D. Local department foster care and adoption workers and supervisory staff will attend and complete required annual in-service training using a curriculum developed by the Department.