

# 17

## FUNDING MAINTENANCE COSTS

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# 17

## FUNDING MAINTENANCE COSTS

### 17.1 Paying for basic maintenance

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#### 17.1.1 Definition of maintenance

Maintenance means payments made on behalf of a child in foster care to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, and reasonable travel for the child to visit with family or other caretakers and to remain in his or her previous school placement. *In the case of child care institutions, such term must include the reasonable costs of administration and operation of such institutions as are necessarily required to provide the items described in the preceding sentence.*

#### 17.1.2 Sources of funding

Maintenance costs should be paid with:

- A child's own income (i.e., SSI, SSA, or child support).
- Title IV-E funds for eligible children.
- State pool funds for Non-Title IV-E children.
- *Local only funds when the locality is not in compliance with guidance.*

### 17.1.3 Rates

Age groupings and uniform monthly maintenance payment rates are as follows:

Effective July 2009

<b>Maintenance Payment Rates</b>					
Age of Child	Room and Board	Clothing	Personal care, Recreation, Reading	Monthly Allowance	Total Payment Rate
0 thru 4	<b>\$307</b>	<b>\$56</b>	<b>\$85</b>	<b>\$0</b>	<b>\$448</b>
5 thru 12	<b>\$351</b>	<b>\$72</b>	<b>\$92</b>	<b>\$10</b>	<b>\$525</b>
13 and over	<b>\$426</b>	<b>\$113</b>	<b>\$99</b>	<b>\$28</b>	<b>\$666</b>
<b>Independent Living</b>					<b>\$644</b>
<b>Supplemental Clothing Allowance</b>					
Age 0 thru 4					<b>\$300</b>
Age 5 thru 12					<b>\$375</b>
Age 13 and over					<b>\$450</b>

### 17.1.4 General guidance regarding maintenance payments

- Maintenance payments are designed to assist the caregiver in providing for the child’s basic needs as defined in [Section 17.1.1](#). It is not expected that the maintenance rates will cover all the needs of the child. Service needs of children and their families are not included in the definition of maintenance. Therefore, services shall not be paid for with maintenance funds.
- Maintenance is paid directly to the foster parent by the child-placing agency on a monthly basis. The costs of day care and transportation of the child for visitation or to school may be reimbursed to the foster parent if they are paying the cost “up front” or may be paid directly to the individual or organization providing the service directly. Receipts for such costs are required for reimbursement.
- *Maintenance payments paid to a child care institution are limited to include only those items that are included in the term “foster care maintenance payments.”*
- Duplicate payments for maintenance shall not be made. Payments to a foster home for room and board are not considered duplicate payments if the child is temporarily absent for 14 or fewer consecutive days and the child’s

placement continues with the same provider. An absence may include run away, respite care, hospitalizations, trips, vacations or *detention (not to include commitment to the Department of Juvenile Justice)*. If the child's absence exceeds 14 days and the child does not return to the same placement, payments shall be prorated.

- Prorating room and board for part of a month is based upon the actual number of days of care provided and the number of days in the month.
- *Placement begins on the day a child is placed. For payment purposes, the last day of placement is the day before the date of removal. Example: Child is placed on June 1<sup>st</sup>. Child is removed on June 14<sup>th</sup>. Payments are made for placement from June 1 through June 13<sup>th</sup>. Payments begin for the new placement on June 14<sup>th</sup>.*
- *Personal incidentals are those costs associated with the personal care of a child such as (but not limited to) items related to personal hygiene, cosmetics, over the counter medications and special dietary foods; infant and toddler supplies, including high chairs and diapers; and occasional fees related to recreational activities.*

#### 17.1.5 Maintenance payments from Title IV-E Funds

- Temporary absences from an approved placement for reasons of hospitalization, education or training, a vacation, *detention (not to include commitment to the Department of Juvenile Justice)* or trial home visit do not terminate eligibility for Title IV-E.
- Runaway Status: Title IV-E cannot be used to pay for maintenance for more than 14 days for a child on runaway status and the child returns to the same provider.
- If the court orders a child's removal from the home and the child is otherwise Title IV-E eligible, the child must be physically removed in order to be eligible for title IV-E foster care payment.
- *Eligibility may continue beyond the age of 18 if the child is enrolled in a high school or vocational/technical school and expected to complete the high school or vocational/technical program prior to or in the month of his or her 19th birthday. The eligible 18-year-old child is considered to be enrolled full-time, regardless of the number of courses or length of time in school. The child is eligible for the month in which completion of the school program occurs; however, eligibility cannot be extended past that month. The program is considered completed on the last day of final exams or, if exams are not required, the last day of scheduled classes, or the date the graduation ceremony is scheduled to occur. Under no circumstances shall eligibility*

*continue beyond the last day of the month of the child's 19th birthday. If, at any time during the child's 18th year, it is determined that the child will not complete the program of study by the last day of the month of his 19th birthday, the child's IV-E eligibility ends on the last day of that month. It is the responsibility of the service worker to provide notification to the eligibility worker of any change of educational status within **3 business days**.*

- When the local department of social services (LDSS) accepts custody or placement of a child and places the child in a relative home, the agency shall approve the relative home as a foster family home only if they meet foster home provider requirements, and shall pay the relative foster parents maintenance payments per state rates.
- When necessary, the LDSS should use the emergency approval process and variance process to fully approve relative foster parents. *Title IV-E payments may be made to a relative provider who is fully approved with certain variances.* For more information on emergency approvals, see:
  - Title IV-E Eligibility Manual, section 1.6.2.1; and
  - The Local Department Resource, Foster and Adoptive Family Home Approval Guidance
    - [DSS SPARK page](#)
    - [DSS public website](#)
    - [Title IV-E Eligibility Manual](#)
- The LDSS may use Title IV-E to pay enhanced maintenance when foster parents provide care to Title IV-E eligible children placed in LDSS homes and the Virginia Enhanced Maintenance Assessment Tool (VEMAT) is used to determine the need for, and amount of, enhanced maintenance. Title IV-E eligible children placed in treatment foster care programs shall be assessed with the VEMAT for enhanced maintenance and if such payment is indicated, all maintenance costs shall be charged against Title IV-E for the eligible child. A copy of the VEMAT and all supporting documentation of the child's needs resulting in an enhanced maintenance payment shall be documented in the case record. These additional payments are made from State Pool funds for non-Title IV-E children.

See "Rate-Structuring for Enhanced Maintenance" Guidance at:

- [DSS SPARK page](#)
- [DSS public website](#)

### 17.1.6 Maintenance payments from State Pool Funds

This is a source of funding, using primarily state and local money, through the Comprehensive Services Act for At-Risk Youth and Families (CSA).

- Costs of maintenance are paid from this source for all children who are not eligible for Title IV-E. This includes the basic as well as the enhanced maintenance rate for those children where the VEMAT is used and the child is determined to have additional needs requiring an enhanced maintenance payment for the foster parent.
- The LDSS shall use procedures established by the Community Policy and Management Team (CPMT) for referring the child to the Family Assessment and Planning Team (FAPT) for services and funding.
- The CPMT may establish policies and procedures for authorizing payments for children who only require foster care maintenance without a full review by the FAPT ([§ 2.2-5209](#)).
- The LDSS shall not decrease or increase the state-determined basic maintenance rates to foster parents. However, the LDSS may determine additional financial support to foster parents is necessary to maintain the child in the home and provide for his or her needs. Such payments are not determined through administering the VEMAT and are not considered enhanced maintenance. They shall not be paid from Title IV-E funds.
- State pool funds can only be used for placement in an approved or licensed facility or foster home.

### 17.1.7 SSI and maintenance (Title IV-E and State Pool Funds)

- It is the responsibility of the service worker to inform the Social Security Administration (SSA) whether Title IV-E benefits are being received for the care of the child:
  - At the time of application for Social Security benefits; or
  - When the LDSS becomes the representative payee for a child who is already receiving SSI.
- SSI benefits shall be reduced dollar for dollar by the amount of Title IV-E funds actually received for the child. A Title IV-E eligible child does not have to receive a Title IV-E payment. The LDSS may choose to receive only the SSI payment to cover the costs of the child's care.

- SSI benefits are not reduced for children whose maintenance is paid from state pool funds.
- If a Title IV-E eligible child is in a residential facility where the monthly maintenance rate is greater than the SSI payment, the LDSS should use Title IV-E benefits to pay for maintenance. If Title IV-E funds are used, the service worker shall immediately, **within two (2) business days**, notify the SSA to suspend the SSI payment. If a child returns to a foster home, the service worker shall evaluate and determine which funding option is most beneficial for the child and inform the SSA of the change in placement and maintenance rate **within two (2) business days** if SSI benefits are to be reinstated.
- When a child enters a Medicaid funded residential facility, the LDSS shall notify the SSA of the placement in order to ensure that the child's SSI benefits are reduced to appropriate levels. In some situations, the child may continue to receive full SSI benefits. For [additional information](#), see Social Security Administration Online.

#### 17.1.8 Documenting maintenance payments in OASIS

Maintenance for a child newly placed in foster care is initially paid from the CSA state pool funding source until the child's eligibility for Title IV-E has been determined. The service worker shall select "CSA" as the "program category" and "payment source" on the funding screen in OASIS. If a child is found to be Title IV-E eligible, the case is recoded to "program category" and "payment source" Title IV-E in OASIS. State pool funds expended for maintenance during the determination process shall be reimbursed by Title IV-E funds except for any period where the provider was not fully approved.

If the child remains funded by CSA, then CSA shall remain the "program category". Under "payment source" on the Funding screen, the LDSS checks what the source of payment is for maintenance payments. If the LDSS receives SSI or other resources for the child, the worker should choose "Other Resources" and identify the resource the child receives. Even if an LDSS initially pays for a child out of CSA and then reimburses CSA out of SSI, the LDSS should choose the resource that ultimately pays for maintenance as the funding source.

The service worker is responsible to make changes to the funding screen every time the child's eligibility for Title IV-E changes. When any of the following conditions occur a child is no longer eligible for Title IV-E funding and changes shall be made to the "program category" screen.

- The child is no longer in an allowable placement (e.g., child is in an unapproved or provisionally approved placement; a long-term psychiatric hospital; a wilderness camp or detention facility).



- Child is on a trial home visit
- A court order is not obtained timely or lacks the appropriate “reasonable efforts” language.

A child may become Title IV-E eligible after losing eligibility if the condition that resulted in losing eligibility is rectified. For example, a provisionally approved placement in which a child is placed may become fully approved again. As of the first date of the month in which the facility is fully approved, the child would again be Title IV-E eligible as long as no other conditions had changed. When a child becomes Title IV-E eligible again, the “program category” in OASIS shall be changed to “IV-E” and Title IV-E funds shall be used to pay maintenance costs. When a child becomes eligible for Title IV-E funding, no new Title IV-E determination is required. The conditions that make the child eligible again shall be documented in the OASIS case record on the contacts screen. Not all conditions are able to be corrected. If a child loses eligibility due to a condition that is not corrected or able to be corrected, the child’s “program category” remains CSA in OASIS and no Title IV-E funds may be used.

Maintenance costs shall be entered in the funding screen and the amount shall be changed in the system whenever the total costs change. For foster home maintenance payments, the total amount to enter into the system includes any payments for basic maintenance and enhanced maintenance. For payments made to group homes and residential facilities, the total amount to enter into the system includes the room and board payment which is typically identified as the per diem cost. The per diem cost shall be multiplied by the number of days in the month. No other maintenance payments (e.g., day care, transportation, etc.) are required to be entered. Monthly costs put into OASIS must reflect the amount of maintenance that was paid for that child and for that month.

*When documenting a change in maintenance costs due to a birth date, enhanced payment, etc., the worker should input the information so that it is effective the first day of the month following the actual date that initiated the rate change.*

LDSS that pay a “special services payment” to a family from CSA funds shall enter the basic maintenance payment, but NOT the “special services payment” into the Funding screen.

For additional information on what to include in the OASIS Funding screen on this topic, workers are referred to the “Help” section of OASIS.

## 17.2 Paying for enhanced maintenance (VEMAT guidance)

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### 17.2.1 Rationale and purpose of enhanced maintenance

Maintenance payments are provided to assist in meeting the basic needs of a child. Enhanced maintenance payments are available when a child has a clearly-defined need that requires the parent to provide increased support and supervision due to the child's behavioral, emotional, or physical/personal care requirements. Virginia's practice of providing basic and, when applicable, enhanced maintenance payments to foster or adoptive parents is consistent with federal law and regulation.

The Virginia Children's Services Practice Model and the Comprehensive Services Act emphasize the Commonwealth's focus on a "child-centered, family-focused, community-based" system of care. Providing financial support for children in foster care and adopted from the foster care system is consistent with this emphasis by keeping the unique needs of the child in the forefront of financial support decisions. A child's needs are best met through the unconditional support of caring adults. Supplemental supports may include the provision of services to the child and family, the provision of enhanced maintenance, or both.

For children in foster care, the purpose of the Virginia Enhanced Maintenance Assessment Tool (VEMAT) is to assess the child's behavioral, emotional, and physical/personal care needs to determine if an enhanced maintenance payment is necessary to ensure the safety and well-being of the child. Understanding the needs of the child in each of these domains is not unique to the administration of the VEMAT but is based on and part of the over-all casework process. Administering the VEMAT should be integrated into case management, using the knowledge about the child gained through all interactions between the ongoing service worker, the child, the family, other individuals knowledgeable about the child, and other service providers. This increases the likelihood that the information discussed in the VEMAT meeting is already the subject of ongoing planning. Specifically:

- The monthly face-to-face contact with the child conducted by the service worker for children in foster care and those awaiting finalization of adoption, affords an opportunity for ongoing, quality assessments of the child's adjustment to the home, service and case planning needs, and anticipated needs. Service workers are encouraged to use the [Visitation Guidance Tool](#) on the forms page to make these contacts meaningful. Service workers should also use these contacts to talk with the foster and the adoptive parents about the child, his strengths, changes in behavior, and services being provided to the child and family.
- Regular and frequent contact with the foster or adoptive parent is an opportunity to discuss children's needs, concerns the foster or adoptive parent may have related to the child, and ways in which the parent may

identify and use the child's strengths to improve behavior. These visits should serve as opportunities to provide training and for the worker to proactively consider what the child and foster or adoptive parent may need to ensure the child's safety, maintain the placement *and improve the child's over-all well-being*.

- Service workers' contacts with the LCPA and other service providers through regular communication (e.g., in person, by phone, and through regular progress reports) is also a mechanism for assessing ongoing progress and anticipating other needs of the child which may require either new, or a change in, service provision or a need for additional support for the child to be provided by the foster or adoptive parent.
- For children being adopted, the purpose of the VEMAT is also one of assessing the child's needs, but its role in determining the maintenance component of the adoption assistance payment is different from that of the child who is in foster care. The VEMAT does not determine the final payment but rather is used as the basis for negotiating the adoption assistance maintenance amount. Federal law requires that states consider a range of factors in determining the final adoption assistance payment to be provided to a family. Administering the VEMAT prior to signing the adoption assistance agreement **ONLY** ensures that the adoption assistance maintenance payment does not exceed the maintenance payment the child would have received if still in foster care (Social Security Act - section 473 (a)(3)).

## 17.2.2 The Virginia Enhanced Maintenance Assessment Tool (VEMAT)

### 17.2.2.1 General guidelines for use of the VEMAT

- The LDSS shall ensure that the VEMAT is administered in a fair and accurate manner in accordance with the guidance throughout this *section and is consistent with the training provided by the Department. **LDSS that do not administer the VEMAT consistent with this guidance are subject to fiscal paybacks using local only funds.***
- LDSS are responsible for *ensuring* the child-specific team *as discussed in this guidance is assembled and used* in the administration of the VEMAT.
- Title IV-E funds shall only be claimed for enhanced maintenance payments when the LDSS uses the VEMAT to determine the need for and amount of enhanced maintenance. *(The only exception is adoption assistance payments for enhanced maintenance determined prior to 2009 and consistent with guidance provided by the Adoption Assistance Review Team).*

- LDSS eligibility workers shall have access to all documentation necessary to ensure that enhanced maintenance paid out of Title IV-E funds complies with federal Title IV-E eligibility requirements and this guidance.
- The VEMAT shall be used by the LDSS for any child placed in public or private TFC homes.
- LDSS may also use the VEMAT for children placed in their non-TFC foster homes. If LDSS choose to use the VEMAT for children in these foster homes, all related requirements as described in subsequent sections of this guidance document shall be followed. *If the LDSS chooses to use the VEMAT for children placed in their non-TFC homes, it shall be used for all eligible children. (That is, the VEMAT shall not be used for some eligible children but not used for others). Eligible means that the child has demonstrated evidence of a behavioral, emotional and/or physical/personal care need that may warrant the receipt of enhanced maintenance.*
- The VEMAT shall be applied consistently for all children regardless of a child's maintenance funding source (e.g., Title IV-E, CSA, etc.). That is, the LDSS shall not apply the VEMAT for children funded under Title IV-E but choose not to use the VEMAT for children funded by CSA.
- Enhanced maintenance payments made to foster parents for a specific child may increase or decrease over time based on changes in the child's needs as reflected by changes in the child's VEMAT score.
- *Enhanced maintenance payments for children in foster care are to be paid exactly as directed by the score on the VEMAT. Enhanced maintenance payments shall not be reduced at the discretion of the LDSS or based on other services the family receives (e.g.; day care).*
- *LDSS should provide a copy of the VEMAT and the amount of enhanced maintenance payments made to the foster parents to the local FAPT team for their consideration in determining funding related to the service needs of the child and family.*
- The VEMAT shall be used for children in an adoptive placement when the initial adoption assistance agreement is to be negotiated and enhanced maintenance payments as determined by the VEMAT are currently being made for the child.

### 17.2.2.2 The VEMAT rating categories structure

The VEMAT consists of a series of items (i.e., characteristics) that are used to identify a child's needs in three (3) domains: emotional care needs, behavioral care needs, and physical/personal care needs.

- Under each domain, four (4) categories exist under which a child's identified characteristics are rated. These categories are "not applicable," "minimal," "moderate," or "severe."
- "Not applicable" means the characteristic either does not occur or occurs occasionally and is responsive to intervention. Evidence that a characteristic exists (e.g., an act of aggression) is not sufficient for the characteristic to be rated in a category above "not applicable."
- "Minimal" means the characteristic occurs occasionally and requires occasional intervention.
- "Moderate" means the characteristic occurs frequently and requires occasional intervention.
- "Severe" means the characteristic occurs frequently and requires frequent intervention.

These rating categories are used as the basis for determining the child's behavioral, emotional, and physical/personal care characteristics in each domain. In determining a rating of not applicable, minimal, moderate, or severe, the child's characteristics in a domain shall:

- Be inappropriate for the child's age group or developmental level. Developmental delays are considered to be any significant lag in a child's physical, cognitive, behavioral, emotional, or social development in comparison to norms.
- Not be due to a short-term condition (e.g., recent move from one placement to another; new prosthetic device; recovery from surgery).
- Include clear documentation of the frequency, duration, and intensity of the characteristic.
- If the child's characteristics do not meet the "minimal," "moderate," or "severe" categorical level, the domain shall be rated as "not applicable."

The frequency, duration, and intensity of a characteristic shall be considered when describing the child's characteristics.

- Frequency is defined as the rate of occurrence or how often an event repeats itself over a set amount of time. A frequent occurrence is the fact of happening often or regularly at short intervals.
- Duration is defined as the period of time that something lasts or exists, continuance or persistence in time, or a period of existence or persistence.
- Intensity is defined as: the strength, power, force, or concentration of something.

To select the category that best describes the child's characteristics in each domain, the team shall consider the frequency, duration, and intensity of the characteristic.

- "Not applicable" means the characteristic either does not occur or occurs occasionally and is responsive to intervention. The frequency of occurrence of the characteristic is low, the duration is short-lived, and the intensity is weak. The child either self-corrects or the need for intervention is infrequent and the child responds promptly to redirection.
- "Minimal" means the characteristic occurs occasionally and requires occasional intervention. The frequency of occurrence of the characteristic is low, the duration is short-lived, and the intensity is weak. The need for intervention is infrequent and the child responds with little opposition to intervention.
- "Moderate" means the characteristics occurs frequently and requires occasional intervention. The frequency of occurrence of the characteristic is high, but the duration is short-lived or the intensity is weak. The need for intervention is infrequent and the child responds with little opposition to intervention.
- "Severe" means the characteristics occurs frequently and requires frequent intervention. The frequency of occurrence of the characteristic is high, the duration is ongoing, and the intensity is strong. The need for intervention is frequent and the child requires additional assistance and time to respond to intervention.

Points are assigned under each domain as applicable. Each domain may score 0 – 4 – 8 – or 12 points based only on the highest category (N/A, mild, moderate, or severe) that receives points.

No more than a total of 12 points may be assessed for each domain with the exception of the physical/personal care domain (see below). The maximum total points that may be assessed across all three domains is 36. The number

of characteristics required to accrue points in each category is listed on the VEMAT.

- The physical/personal care domain alone may result in a total score of 24 or 36 points when:
  - A child presents with characteristics indicating catastrophic physical needs.
  - The child's scores in the emotional and behavioral domains are N/A.
  - Two (24 points) or three (36 points) items are checked as severe in the physical/personal care domain.

The applicability of each item in each category shall be considered, beginning with the mild, then moderate, and finally severe categories. Items are checked based on the description that most closely meets the identified characteristics of the child. If items for the same characteristic are checked in more than one category (e.g., the item for "impulsive, distractible, or hyperactive behavior" is checked in both the minimal and moderate categories), the "mild" category will be disregarded and the automated VEMAT tool will compute the total score per domain based on the highest category checked (see the [VEMAT Users Guide](#) on the DSS internal website).

#### **17.2.2.3 How the VEMAT is administered**

- The VEMAT shall be administered by a child-specific group or team of individuals who know the particular child being assessed.
- The team shall include at a minimum, the caseworker(s), caregiver, and the individual *who completed Departmental training* to administer the VEMAT.
- Other individuals with knowledge of the child shall be invited to participate in the meeting or provide input about the child's needs. This may include family members, other significant individuals in the child's social support network, and other providers.
  - Individuals who do not have first-hand knowledge of the child and cannot contribute to a discussion of the child's strengths and needs, overall functioning, and behavior over time shall not be included in the meeting. The only exception to this is when the VEMAT is completed in the FAPT meeting.

- The meeting held to score the VEMAT shall be child-specific and focus on the child's demonstrated and documented behavioral, emotional, or physical/personal care needs.
- Teams shall meet in ways that meet the needs of the participants in order to provide input regarding the child's needs. Face-to-face meetings should be held although phone or video conferencing meetings may be used when a face-to-face meeting is not feasible. LDSS are strongly encouraged to be creative and flexible to obtain the most input possible regarding a child's characteristics relevant to the need for enhanced maintenance.
- All individuals participating in the meeting shall be given written notice of the meeting (by email, fax, or letter) five (5) or more business days before the meeting.
  - If sent by email, the email "delivery receipt" option serves as verification that the notice was sent within required time frames.
  - If the foster or adoptive parent is approved and is under the auspices of a LCPA, a copy of the written notice should be sent to the LCPA worker. If sent by email, the "delivery receipt" option should be used as verification that the notice was sent within required timeframes. Notice may also be sent by fax. The fax receipt is verification of compliance with notification time frames.
  - If notice is sent by mail, the LDSS should send such notice a **minimum of seven (7) days** from the date of the meeting to ensure participant notification within required time frames.
  - Service workers are encouraged to call the foster or adoptive parent directly to ensure they are notified of the meeting. Such notification should be documented in the "contacts" section of the OASIS case file.
  - The written notice shall include a description of information the attendees should bring to the meeting, the date, time, and location of the meeting and instructions for rescheduling the meeting if necessary (see sample template [VEMAT Notification Letter](#) on the DSS internal website).
- The VEMAT meeting may be held without the five (5) business days notice only if the caregiver agrees and the rater has all documentation needed to review the child's needs.



- LCPA staff who are closely involved in supervising the care of the child by the TFC parent are key informants regarding the child. Their involvement on the child-specific team is a critical aspect of ensuring that individuals knowledgeable of the child's behavior are involved. LCPA staff's active involvement in the VEMAT meeting should be sought. At a minimum, written input from the LCPA shall be included in the VEMAT meeting.
- Written input should also be collected from service providers or additional individuals who have information on the child's behavioral, emotional, physical, and personal care needs, but who are unable to attend the meeting. Obtaining written input in this manner is not ideal as it limits discussion but, if provided, should be considered along with the information provided by the individuals attending the meeting.
- The use of a team is critical to completing the VEMAT in as unbiased and inclusive manner as possible to facilitate the best possible decision for the child. It is the team's job to describe and discuss the child's characteristics in measureable ways (e.g., frequency, intensity, and duration of the characteristic or behavior; severity, onset, and relevance to the child's age and developmental level).
- When a child is transitioning to a foster home from residential care or is new into the foster care system, the LDSS shall (unless the VEMAT was administered prior to placement change) place the child in the foster home, pay the emergency maintenance amount, and conduct the VEMAT within 60 days of the placement.
  - The emergency payment shall be prorated, starting on the first day the child enters the foster home.
  - The VEMAT shall be conducted within 60 days of the date the child enters the home. Any change in the enhanced maintenance amount shall begin on the first day of the subsequent month. *NOTE: 60 days is interpreted to mean 60 calendar days from the time the child enters the home through the end of the month in which the 60<sup>th</sup> day falls; (e.g. a child's 60<sup>th</sup> calendar day is June 15<sup>th</sup>. The VEMAT, with all required signatures, must be completed no later than June 30<sup>th</sup>).*
  - If the LDSS does not conduct the VEMAT within 60 days, the cost of the emergency enhanced maintenance amount shall *not be covered by Title IV-E or CSA state pool funds.*

*Local-only funds shall be used.* The basic maintenance payment shall continue to be paid by Title IV-E or CSA, based on the child's Title IV-E eligibility status.

- If the VEMAT is not completed due to the foster parent not participating in the VEMAT as agreed upon, no emergency or enhanced maintenance payment shall be payable. *The LDSS shall continue to attempt to arrange for the VEMAT administration and make diligent efforts to work around the issues that prevented the foster parents from participating. Once the VEMAT has been administered, any enhanced maintenance shall go into effect on the first day of the subsequent month. No retroactive payments shall be made.*
- *The emergency VEMAT payment shall only be utilized when a child is first entering care or transitioning from a higher-end placement. When a change in placement is made from one foster home to another regardless of whether or not the home is with the same agency, it is not necessary to complete a new VEMAT unless there has been a significant change in the child's behavior that would indicate a need to reassess for additional enhanced maintenance.*
  - *A change in placement is not considered a reason to make an emergency VEMAT payment.*
- The date scheduled for conducting the VEMAT should be based on the foster parent and the case worker having ample time to experience and understand the child's strengths and needs. Worker's monthly (or more frequent) contacts with the child and observed interactions in the home are critical to the discussion of the child's needs.
- A child's overall functioning should be considered within the context of the child's unique situation. Generally, a child's characteristics should be considered within the recent past (i.e., 30 days), but the child's known patterns of behavior which may not have been observed in the last 30 days should also be addressed. For example, if a behavior has not occurred for three (3) months (no running away while the child was in a locked facility) but it has relevance to the ongoing needs of the child (child has a history of running away), it should be considered in the VEMAT meeting.
- *The completion date of the VEMAT is the date all required signatures are obtained. If any individuals participate by phone, the VEMAT rater shall write that person(s) name on the signature line*

*in the VEMAT and note that they participated by phone. The effective date of payment is the first day of the following month.*

#### 17.2.2.4 Completed VEMAT forms

- The [web-based version of the VEMAT](#) shall be completed for all decisions about enhanced maintenance. VEMAT raters who do not have access to the web-based version may complete a paper copy. The LDSS shall transfer the paper copy results onto the web-based VEMAT **within five (5) business days** of the VEMAT meeting.
- The completed VEMAT may be printed and placed in the child's file. All supporting documentation shall be placed in the child's file.
- *Eligibility workers shall have access to the completed VEMAT tool. A printed copy of the completed VEMAT and all re-administrations shall be included in the eligibility file.*
- A copy of the VEMAT should be provided to the LCPA for children in their homes **within ten (10) business days** of the meeting.
- A completed VEMAT should be "saved," which will then store the tool in the web-based system. Saved VEMATs are retrievable by the LDSS unless the document is "closed." Once a VEMAT is "closed," the completed tool is no longer available for access by the LDSS. Completed VEMATs should remain on the system until the case is closed. For additional information about saving and closing a completed VEMAT, please refer to the [VEMAT User's Guide](#) on the DSS internal website.

#### 17.2.2.5 The VEMAT rater

The VEMAT rater is an individual who has *completed rater training through the Department according to a designated training curriculum.*

VEMAT raters cannot be the child's caseworker, a caregiver, or LCPA staff. LDSS directors should not be VEMAT raters since they are the individuals to whom a request for a review would be made should a caregiver not agree with the VEMAT's findings.

VEMAT raters may be LDSS services staff (e.g., foster care, CPS, adoption, adult services) or members of other public child-serving agencies such as the Community Services Board staff or the CSA Coordinator. Individuals selected as VEMAT raters should possess the following skills and knowledge:

- Ability to facilitate a focused dialogue that uses all available information to identify the child's strengths and needs.
- Understanding of child development and norms for child and youth behavior, as well as the effects of abuse, neglect, and other trauma on childhood development.
- Understanding and discernment of the short and long-term impact of placement in foster care and subsequent events such as: a change in placement, the potential effect of events such as termination of parental rights, visitation with parents and other family members, a change in permanency goal, etc.
- Ability to use such information to determine whether the child's characteristics in each domain are within the expected developmental range; and ability to assume and maintain the role as final arbiter for making decisions about VEMAT ratings.

LDSS are encouraged to train as many qualified individuals as necessary as VEMAT raters and/or to share raters across jurisdictions to ensure that access to a qualified rater is never a barrier to administering the VEMAT.

Prior to conducting the VEMAT meeting, the rater is responsible for verifying that:

- The foster or adoptive parent(s) were invited to the VEMAT meeting according to [Section 17.2.3.3](#) and all efforts were made to provide them with the opportunity to participate.
- All identified individuals were given a written invitation to attend the VEMAT meeting as per [Section 17.2.3.3](#).
- All individuals participating in the VEMAT meeting are present in person or through other agreed upon forms of communication (e.g., phone, etc.).
- Input from all sources knowledgeable regarding the strengths and needs of the child are presented and considered in making the decision in scoring each domain. The VEMAT rater shall, based on the best available evidence regarding the child's characteristics and the corresponding support and supervision required by the foster parent, score each item of the VEMAT.
- *It will be the responsibility of the VEMAT rater to validate documentation from a professional that the foster/adoptive parent is providing or needs to provide enhanced levels of supervision and support due to specific*

*needs of the child. Acceptable documentation will be written information from the treatment providers (e.g., therapist, doctor, teacher, etc.) for the child and foster/adoptive family or from public or private agency service workers. The service worker's documentation should reflect the information obtained in regular and on-going contacts with the child and the foster/adoptive parents.*

When there is disagreement as to the rating of the child's characteristics (i.e., type, frequency, severity), the VEMAT rater shall make a final decision as to how to score the VEMAT based on the information presented. The VEMAT rater's decisions are final and not open to voting by the team or being overridden by any individual or agency.

VEMAT raters may elect to not issue a completed VEMAT by the end of the meeting but shall determine and issue the final score **within five (5) business days**. VEMAT raters shall share a copy of the final VEMAT with the caregiver and review these documents with them if requested.

#### **17.2.2.6 Frequency of administering the VEMAT**

- The initial VEMAT shall be administered within 60 days of a child entering a TFC home or an agency-approved regular foster home where the LDSS has chosen to provide enhanced maintenance payments. *NOTE: 60 days is interpreted to mean 60 calendar days from the time the child enters the home through the end of the month in which the 60<sup>th</sup> day falls; (e.g. a child's 60<sup>th</sup> calendar day is June 15<sup>th</sup>. The VEMAT, with all required signatures, must be completed no later than June 30<sup>th</sup>).*
- Reassessment of the enhanced maintenance payment is accomplished through a re-administration of the VEMAT. Reassessments shall occur *within 12 months of the previously administered VEMAT* and no more frequently than quarterly unless requested by the foster or adoptive parent (see [Section 17.2.2.7](#)). *NOTE: 12 months shall mean 365 calendar days from the time the last VEMAT was administered and signed by all parties, through the end of the month in which the 365<sup>th</sup> day falls; (e.g. a child's 365<sup>th</sup> calendar day is June 15<sup>th</sup>. The VEMAT must be completed no later than June 30<sup>th</sup>). If the LDSS does not conduct the VEMAT within 365 days as defined above, the cost of the enhanced maintenance amount shall not be covered by Title IV-E or CSA state pool funds. Local only funds shall be used. The basic maintenance payment shall continue to be paid by Title IV-E or CSA, based on the child's Title IV-E eligibility status.*
- The LDSS may choose the frequency with which they re-administer the VEMAT. The administration schedule shall be applied consistently across all cases regardless of funding source. However, the LDSS may

select different reassessment frequencies for different enhanced maintenance payment levels (e.g., all cases rated in the severe category may be reassessed quarterly while all cases rated at moderate or mild may be reassessed less often).

- The LDSS shall select the frequency of re-administration of the VEMAT and such information should be provided to the foster parent and the LCPA.
- The LDSS shall not re-administer the VEMAT after the initial adoption assistance agreement is signed unless the adoptive parent requests a review prior to the finalization of the adoption and consistent with requirements in [Section 17.2.2.7](#).

#### **17.2.2.7 Foster parent request for readministration of the VEMAT**

When foster parents believe a child's need for supervision and support is not being sufficiently addressed, the parents may contact the services worker to discuss their concerns about the child's behavior and options for how the behavior may best be addressed (e.g., does the child need a specific service that they are currently not receiving?). The service worker, the parent, and others who may have input regarding the child's needs (e.g., individuals participating in the FAPT, service planning meetings, etc.) are responsible to assess the child's needs and determine how to best meet those needs.

Foster parents may request a reassessment if the child's circumstances have changed in such a manner as to require four (4) or more weeks of *clearly demonstrated increased or decreased need for supervision and support* by the parents. Such change in behavior shall be documented and a request shall be made in writing to the LDSS to have the VEMAT readministered. (The "[Request for VEMAT Administration Due to Change in Child's Behaviors](#)" is available on the DSS public website.

- The LDSS shall re-administer the VEMAT according to guidance in [Section 17.2.2.6](#).
- The VEMAT shall be readministered **within 15 business days** of the foster parents' written request.
- If the VEMAT indicates the enhanced maintenance payment should increase or decrease, any change shall take effect on the first day of the month following the readministered VEMAT.

Adoptive parents who have signed an adoption assistance agreement but have not yet finalized the adoption may request a re-administration of the VEMAT if the child's circumstances have changed in such a manner as to require four or

more weeks of increased supervision and support by the parents. Such change in behavior shall be documented and a request shall be made in writing to the LDSS to have the VEMAT readministered (The "[Request for VEMAT Administration Due to Change in Child's Behaviors](#)" is available on the DSS public website. For additional guidance in using the VEMAT for adoptive families, see the *Child and Family Services Manual, Adoption Guidance, Chapter F, [Section 2](#)* .

### 17.2.3 Completing the VEMAT prior to placement

A VEMAT may be administered for a child prior to his entry into foster care or when transitioning out of residential care to a foster home placement. The VEMAT may be administered prior to the placement when the LDSS has sufficient time and information available to allow for a proper administration of the tool. The identified foster parents shall be invited to the VEMAT meeting. Factors to consider in holding the VEMAT meeting prior to the change in placement include:

- Whether the foster or adoptive parent will be able to attend the VEMAT meeting.
- Whether a current caregiver or someone with direct knowledge of the child's current needs and behavior can be a part of the VEMAT team.

### 17.2.4 Completing the VEMAT after placement

When the VEMAT cannot be administered prior to placement and the child will be placed in a foster or adoptive home, the following procedures shall be followed:

- A VEMAT shall be administered within 60 days of a child being placed on an emergency basis. NOTE: 60 days is interpreted to mean 60 calendar days from the time the child enters the home through the end of the month in which the 60<sup>th</sup> day falls; (e.g. a child's 60<sup>th</sup> calendar day is June 15<sup>th</sup>. The VEMAT must be completed no later than June 30<sup>th</sup>).
- The emergency enhanced maintenance payment is automatically paid for any child placed on an emergency basis and is pro-rated for the first month. The emergency payment begins on the first day of placement.
- If the VEMAT indicates the payment is to be increased or decreased from the emergency payment rate, the change in payment shall begin on the first day of the month following the completion of the VEMAT.
- If the LDSS does not administer the VEMAT within 60 days, the emergency payment shall continue until the VEMAT is completed. However, the emergency payment shall be paid from local-only funds (see [Section 17.2.3.3](#)) beginning on the 61<sup>st</sup> day (or the first day of the month subsequent

*to the month where the 60<sup>th</sup> day occurs*) until the VEMAT is administered and the enhanced maintenance payment goes into effect (which will be the first day of the subsequent month).

- The emergency payment may continue beyond 60 days and (for eligible children) be paid for from Title IV-E funds when the foster parent or adoptive parent is unable to attend due to a conflict that prevents them from attending and diligent efforts to schedule and hold the meeting are documented in the child's case file by the service worker. The extension may only be granted once and for no more than 30 days *from the end of the month in which the 60<sup>th</sup> days occurs*.
- The emergency payment shall continue beyond 60 days and shall be paid out of the appropriate funding source (Title IV-E or CSA) when there is a gap between the day the new VEMAT amount is approved and the beginning of the following month when the new enhanced maintenance rate takes effect.

### **17.2.5 Agency responsibilities for supporting foster and adoptive parents receiving enhanced maintenance**

#### **17.2.5.1 Agency support services**

Agencies shall provide additional support and assistance to foster parents and adoptive parents (who have negotiated and signed an adoption assistance agreement but the adoption is not yet finalized) who have children placed in their homes where enhanced maintenance payments are made. Such assistance is critical in avoiding placement disruptions and ensuring that foster and adoptive parents have the guidance and tools to understand the child's needs and provide appropriate support to the child while ensuring the child's safety. Agency supports that shall be provided include at a minimum:

- Twenty-four-hour, seven-day per week access to an on-call case worker.
- A supervisory-level human services worker shall be available to the case worker 24 hours, seven days per week to provide direction and assistance as necessary.
  - The agency may provide these services directly or may contract with private agencies or individuals to provide these services.
  - Agencies may also share access to an on-call worker and supervisor to meet these criteria.
- Monthly face-to-face contacts with the foster parents by a service worker. The monthly contacts should focus on:



- The foster or adoptive parent's relationship with and perceptions of the child in care including such things as:
  - Their attachment to the child.
  - The child's strengths and progress in all life domains.
  - Any concerns the parent has about the child's behavior.
  - Needs or their ability to work with the child.
  - The impact of having the child in their home.
  - The need for additional training, services, or agency support.

Discussion should also occur about the foster or adoptive parents and the child's progress toward service plan goals.

- The expectations for how the foster or adoptive parent is to address the needs of the child. This shall include the specific support and supervision activities to be conducted by the foster or adoptive parent that are required to meet the needs of the child.

#### **17.2.5.2 Purchased services**

The LDSS may purchase services for monthly contacts with the foster parent.

LDSS may develop and share contracts with private providers to meet the requirements of this section.

All LDSS or contractual worker contacts with the family should be documented in OASIS or, when the contact is by a private provider, documented in the child's record maintained by the agency and included in required reports to the LDSS.

#### **17.2.5.3 Training**

Training shall be discussed with and provided to the foster or adoptive family that is unique to their needs and their ability to manage the needs of the child.

If needed training is available as part of an already-established curriculum, (e.g., PRIDE) the foster or adoptive parent should be directed to attend that training. If needed training requires access to other training sources (e.g., attending specialized training on gavage feeding or autism), the agency shall identify the training source and assist the foster or adoptive parent in accessing the training.

- LDSS are encouraged to contact their CRAFFT Coordinator and Resource Family Consultants as sources of support in locating or providing training resources. FACES of Virginia's Families should also be used as a source of training and support.
- The cost of training is an agency responsibility. LDSS may pay the cost of such training through Title IV-E training funds when the VDSS has approved the training through the LDSS' Title IV-E training plan.

#### **17.2.5.4 Documentation**

Any contacts made with the on-call worker by the foster or adoptive parent should be documented in the Contacts screen in OASIS or, when it is a private agency, documented in the child's record maintained by the private agency and included in required reports to the LDSS.

Discussions should occur with foster or adoptive parents regarding the need for documenting the child's behavior(s), responses to services, and interventions, including any parental involvement and support. This discussion will result in a joint decision as to the manner in which such documentation shall be completed. Documentation is critical to the agency's ability to accurately assess ongoing service needs, progress, training for the foster or adoptive parent, and the child's general adjustment.

Documentation of the goals, services, and other strategies for supporting the foster and adoptive family shall be included in the LDSS service plan or Individual and Family Service Planning document.

### **17.2.6 Responsibilities of foster and adoptive parents receiving enhanced maintenance**

#### **17.2.6.1 Responsibilities of foster parents**

Foster parents receiving enhanced maintenance payments have accepted children into their family whose needs will require a greater level of adult supervision and support than other children, either initially or long-term. Foster parents accept these children into their homes with the expectation that they will provide the type of environment and support necessary for the child to:

- Remain in the home until permanency for the child is achieved.
- Progress in their overall development including academic achievement.
- Have their medical, dental, and mental health care needs met.

As a partner in helping meet these needs for the child, foster parents are expected to provide a great deal of the support and supervision required for a child to remain safe and have the opportunity to build on their strengths and progress in their development. Other partners such as the school, therapists, mentors, in-home providers, service workers, and others will help support the child in addressing areas of need. As a result, it is necessary for the LDSS to identify the specific requirements for support and supervision expected from the foster parent, which may include but are not limited to:

- Participate in and cooperate with the LDSS in developing the service plan, attend Family Partnership Meetings as requested, and attend any meetings the private agency, local education association, or other providers may hold.
- Discuss with the agency and follow through on all services provided to them or expected of them in order to ensure the child's well-being and progress, maintain the child's safe placement, and support reunification when appropriate for the child.
- Assume responsibility for managing the daily supervision and supportive tasks a child may need including but not limited to:
  - Transporting the child to appointments, *visits with birth family members and other previous custodians, school, after-school activities, etc.*
  - *Supervising* visitation with family and siblings *when appropriate as determined by the case worker.*
  - Attending and participating in court hearings, therapy, or other appointments with the child.
    - The LDSS should take into consideration time and distance when requiring foster parents to transport and participate in appointments and therapy with the child. LDSS and LCPA staff may assist in these parental activities but should do so as an occasional support to the family and not as a matter of rule.
  - Following up on any services for the child such as in-home physical therapy exercises, additional educational assistance, implementing in-home strategies designed to remediate problems or promote progress in a child's development, and documenting progress on such strategies and their goals.
- Communicate to the agency any and all difficulties in understanding or managing the needs of the child and any training needs that would be

helpful in improving their ability to parent the child and effectively meet the child's needs.

- Contact the agency and request assistance when they experience difficulty managing the child and need support in order to safely maintain the child in their home. Foster parents should always contact the agency prior to a situation reaching a critical level and avoid requesting the removal of the child from their home.
- Accurately and consistently monitor and document the child's behavior(s) and the parent's involvement and support in a manner that has been decided on with direction from the agency. (See [Section 17.2.5.4](#) for the agency worker's role in assisting in documentation.)
- Participate in all VEMAT meetings or, when unable to attend a scheduled meeting, work with the LDSS to promptly reschedule the meeting.
- Consistently meet all foster home approval requirements.

#### **17.2.6.2 Responsibilities of adoptive parents prior to finalization of the adoption**

Adoptive parents (who have negotiated and signed an adoption assistance agreement but where the adoption is not yet finalized) receiving enhanced maintenance payments have made the commitment to adopt a child into their family whose needs may require a greater level of adult supervision and support than other children either short or long-term. Adoptive parents make this commitment with the expectation that they will provide the type of environment and support necessary for the child to:

- Explore and adjust to his or her new family in ways that are safe and comfortable for the child and meet the child's needs.
- Continue progressing in their overall development including academic achievement.
- Become a member of the family through a final order of adoption.

As a partner in helping meet these needs for the child, adoptive parents are expected to provide the support and supervision required for their child to remain safe and have the opportunity to build on their strengths and progress in their development. Other partners such as the school, therapists, mentors, in-home providers, service workers, and others will help support the child in addressing areas of need. As a result, it is necessary for the LDSS to identify

the specific requirements for support and supervision expected from the adoptive parent which may include but are not limited to:

- Participate in and cooperate with the LDSS and/or LCPA in meetings or visits to achieve the child's goal of adoption.
- Discuss with the agency(ies) and follow through on services necessary for them or the child in order to maintain the child's safety, well-being, and preparation for adoption.
- Assume responsibility for managing the daily supervision and supportive tasks a child may need.
- Discuss with the agency any difficulties in understanding or managing the needs of the child and any training needs or other supports that would be helpful in improving their ability to parent the child and effectively meet the child's needs.
- Actively participate in furthering the adoption finalization process.

#### **17.2.7 Discontinuing or suspending enhanced maintenance payments**

Enhanced maintenance payments may be suspended or discontinued by the LDSS when:

- The foster parent does not follow through on all requirements as documented in the service plan or any additional requirements that are identified by the LDSS or other providers as important to the safety and well-being of the child.
- The foster parent does not participate in the VEMAT meeting as agreed upon.

Prior to suspending or discontinuing the enhanced maintenance payment, the LDSS should discuss any concerns with the foster parent in an attempt to rectify the conditions that are of concern. LDSS or LCPAs that suspend or discontinue the enhanced maintenance payment should evaluate the safety needs of the child and whether continued placement in the home is in the child's best interests.

If enhanced maintenance payments are suspended or discontinued, basic maintenance payments shall continue and be paid from the same funding source for which the child is eligible.

Enhanced maintenance payments for the adoptive parent are paid as a result of the adoption assistance negotiation process. Once the adoption placement agreement is signed and the adoption assistance has been negotiated, the LDSS may only discontinue or suspend the enhanced maintenance payment in accordance with

guidance in the *Child and Family Services Manual, Adoption Guidance, Chapter F, Section 2*.

### 17.2.8 Reviews

Reviews of the decision for an enhanced maintenance payment as determined by the VEMAT may be held when the foster or adoptive parent (*prior to finalization*) believes the administration of the VEMAT did not accurately portray the needs of the child or the VEMAT meeting was not held in accordance with this guidance.

If the foster or adoptive parent (*prior to finalization*) elects to request a review of the results of the VEMAT, he shall submit a written request for a the review by the LDSS Director or their designee. The following should be documented on the request form:

- Specific reasons as to why the results of the VEMAT did not accurately capture the needs of the child shall be documented on the [Request for VEMAT Review](#) available on the DSS public website.
- Specific VEMAT meeting protocols that the foster or adoptive (*prior to finalization*) parent believes were not followed and, therefore, justify a new VEMAT, shall be documented on the Request for VEMAT Review form.

Foster or adoptive (*prior to finalization*) parents have **five (5) business days** after receipt of the completed VEMAT form to request a review. The request shall be in writing and directed to the LDSS Director. Completion of the VEMAT means the final score was determined by the rater and the foster or adoptive (*prior to finalization*) parent requested and received a copy of the VEMAT.

- The Director or his designee shall conduct the review. The designee will not be an agency staff member who has direct responsibility for the case.
- The LDSS Director or his designee has **15 business days** after receipt of the written request for a review to conduct the VEMAT administrative review. The LDSS Director or his designee shall:
  - Become familiar with all documentation used to complete the VEMAT.
  - Review any guidance that is germane to the request for a review.
  - Discuss the decision-making process with the VEMAT rater. The discussion should focus on the specific reasons the caregiver identified in the Request for VEMAT Review Form.
  - Determine whether they will also contact other members of the team, including the caregiver, to obtain additional information. If other team members are contacted:

- The discussion should focus only on the issues identified in the Request for VEMAT Review form and should seek to obtain additional clarifying information.
- The confidentiality of individuals and the information shared shall be protected.

The LDSS Director or designee shall require a new VEMAT meeting be held when procedures for scheduling and holding the VEMAT meeting were not followed. This includes:

- Written notice that the VEMAT meeting was not provided to the foster or adoptive parent **at least five (5) business days** prior to the meeting.
- Individuals with first-hand knowledge of the child's strengths and needs and whose presence at and input into the VEMAT meeting was requested by the foster or adoptive (*prior to finalization*) parent were not provided written notice of the meeting **at least five (5) business days** prior to the meeting.
- Available documentation specific to understanding the child's strengths and needs was not allowed to be presented in the meeting by participants.

The LDSS Director or his designee shall either concur with the original decision or shall order a new administration of the VEMAT. When the Director or his designee does not concur with the original decision, the Director or his designee shall not adjust the rate but shall direct that a new VEMAT be completed.

- The LDSS has **ten (10) business days** to re-administer the VEMAT if the Director or his designee decides a new VEMAT is required.
- If the re-administration of the VEMAT indicates there should be a change in the enhanced maintenance rate, the new rate shall be initiated on the first day of the subsequent month.

### 17.2.9 Post-finalized adoptions

Parents who have finalized an adoption may request *a change to the existing adoption assistance agreement based on changes in the child's special needs or the family circumstances* as directed in the Adoption Assistance Guidance.

If the LDSS determines that the maintenance component of the adoption assistance payment should be reassessed, the LDSS may use the VEMAT as a tool to assist in negotiating the change to the maintenance component.

The LDSS has sole discretion in the decision to use the VEMAT for the purpose of assessing and renegotiating the Adoption Assistance Maintenance payment at this time.

#### **17.2.9.1 Conducting the VEMAT**

The LDSS shall coordinate the administration of the VEMAT and ensure that all conditions for conducting the VEMAT are met.

The LDSS shall conduct a VEMAT assessment within 75 days of the LDSS decision to reassess the adoption assistance maintenance payment. Completing the VEMAT within the 75-day time period is consistent with the requirement that applications to renegotiate adoption assistance agreements be processed within 90 days of their receipt by the LDSS.

The VEMAT is conducted according to the same team process as specified in [Section 17.2.2.3](#) of this guidance with the following exception:

- If there is no specific case manager for the family, the LDSS shall ensure that the individual at the LDSS who is assigned to manage adoption assistance requests is included in the VEMAT meeting.

The VEMAT rater shall be an individual as described in [Section 17.2.2.5](#) and shall follow all requirements in administering the VEMAT as identified in all earlier sections of this guidance.

The parents shall cooperate with the LDSS to ensure that all necessary information is available for a comprehensive review of the needs of the child. The parents shall:

- Cooperate with the LDSS staff who may request additional meetings with the family to discuss the child's needs, services that have been provided, progress of the child over time, services that are available and may best meet the child's needs, training, and similar supports for the parents to learn how to better manage or address the child's needs.
- Provide and make available documentation of the child's behavioral, emotional, and/or physical/personal care needs that demonstrate the need for additional supervision and support by the parents. If requested, the parents shall submit a signed consent for release of information for the LDSS to obtain information from individuals or organizations such as the school, therapists, and other service providers. Families that maintain an ongoing post-adoption relationship with the LDSS where the LDSS is knowledgeable of the child's needs may already have the current documentation necessary and may forego obtaining additional documentation.



- Consider the LDSS request to meet with the child to assess the child's current needs. Adoptive parents may choose not to allow contact with the child. Such a decision by the adoptive parent shall not be considered by the LDSS in conducting the VEMAT. The LDSS is not required to try to meet with the child.

If the parent does not provide requested documentation or sign requested releases of information or obtain additional assessments if requested, the LDSS shall not conduct a VEMAT and no additional adoption assistance maintenance payments shall be made.

If the results of the VEMAT indicate that, due to a change in the child's need for supervision and support, a change in the enhanced maintenance payment is allowed (e.g., increase, decrease) and the LDSS and parent have negotiated a new rate, the new rate shall begin on the first day of the subsequent month.

- The Addendum to the Adoption Assistance Agreement shall be completed prior to the new rate taking effect.
- The parent's signature on the Addendum shall serve as documentation that the parent agreed to the change in the adoption assistance payment.

Parents who do not agree with the results of the LDSS's decision regarding the results of the VEMAT may request a review. Parents shall first request a review of the decision by the LDSS Director or his designee pursuant to procedures in [Section 17.2.8](#) of this guidance document.

- The LDSS Director or his designee shall conduct a review and issue a decision according to the procedures in [Section 17.2.8](#).
- If parents do not agree with the decision of the LDSS Director or his designee's review, the parent(s) may file an appeal with the VDSS Fair Hearings and Appeals.

### **17.3 Paying supplemental clothing allowance**

In addition to basic maintenance payments, the supplemental clothing allowance in [Section 17.1.3](#) should be used for:

- Every child each year they are in foster care.
- The child of a foster child.
- A new foster care episode for the child, even if the child was in care previously during the year and received the allowance in the initial foster care episode.

The clothing allowance should pay for needed clothing:

- At initial placement.
- At placement changes.
- For back-to-school.
- As the child grows.
- If items are lost or destroyed.

*The supplemental clothing allowance shall not exceed the designated rate posted in [Section 17.1.3](#), regardless if the amount was paid for by Title IV-E, CSA or a combination of the two. However, if a child outgrows clothing or his clothing is lost or destroyed, an additional supplemental clothing allowance may be approved by the Permanency Consultants for IV-E eligible children or the FAPT for non IV-E eligible children.*

*It is at the discretion of the LDSS as to how to disburse the supplemental clothing allowance to the children in its custody. However, the supplemental clothing allowance should be utilized within the parameters of the established state and local LASER reimbursement procedures for the state fiscal year. Supplemental clothing allowances should be expended every year by May 31<sup>st</sup>. The date the bill is paid determines the fiscal year in which the payment is counted.*

*The decision as to the appropriateness and reasonableness of the items purchased is the responsibility of the service worker. If the service worker has questions regarding the appropriate use of the supplemental clothing allowance, the service worker should discuss the issue with his or her supervisor and may consult the regional Permanency Consultant for technical assistance.*

*All supplemental clothing allocations shall be verified and tracked through documentation that the funds were used to purchase clothing for the designated child. This may include a purchase order to the store and receipt or a receipt from the store(s) where the foster parent purchased the items. The service worker is responsible for securing documentation from the foster parents and monitoring the clothing amounts paid annually for supplemental clothing for the children in his caseload.*

*The eligibility worker is responsible for determining eligibility for Title IV-E and recommending accurate payments to ensure the allocation does not exceed the limits established by the state.*

*Supplemental clothing allowances apply to all children regardless of funding source.*

*For the IV-E eligible child, supplemental clothing expenditures shall be verified with receipts and any undocumented portion of the supplemental clothing allowance shall be reimbursed with local only funds.*

*For the non IV-E child, supplemental clothing expenditures are monitored as established by the local CMPT and its policies.*

## **17.4 Paying for incidentals**

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Personal incidentals are allowable purchases under the basic foster care maintenance payment when they are reasonable expenses necessary for the child's care. The items or activities are typically purchased on a one-time only or occasional basis for the child to address identified needs or build upon identified strengths. Reasonable and occasional items may include: personal hygiene supplies, over-the-counter medications; high chairs; diapers; and required graduation fees. Limited funeral expenses for a child in care are also allowable (see LASER Manual).

Allowable personal incidentals shall be consistent for children funded through Title IV-E and CSA. The decision shall be made only after careful consideration of the benefits for the child, the reasonableness of the costs, and the determination that alternative funding sources are not available to cover the cost.

## **17.5 Paying expenses by foster parents on behalf of child**

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The procedures required to reimburse foster parents for expenses paid by them on behalf of the foster child are:

- The services shall be pre-authorized.
- Services purchased on behalf of the child may include, but are not limited to, transportation, exclusive of that required for medical care under Title XIX, school fees, and purchases from commercial establishments.

## 17.6 Paying for children supervised by another agency

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- Payment for the costs of maintenance and social services is the responsibility of the agency holding custody of the child or having accepted placement of the child.
- Certification of a child to a state mental health facility does not relieve the LDSS of custody. In this instance, room and board and medical costs are the responsibility of the public facility. Costs of clothing and personal care items shall be paid by the LDSS holding custody and cannot be Title IV-E funds.
- The Department of Juvenile Justice (DJJ) is responsible for the maintenance and care of the child committed to its care. Payments cannot be made by the LDSS for maintenance of the child at the DJJ facility.
- For children placed in out-of-state foster homes:
  - Payment for the *the child's maintenance is at the standard rate for Virginia. When this rate is not acceptable to the other state, payment of the other state's rate, even if over Virginia's rates, shall be made.*
  - The foster homes shall meet standards for care set by the other state.

## 17.7 Contingency Fund

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### 17.7.1 Prior to filing a claim

The agency worker responsible for handling the claim, or the service worker for the foster child shall discuss with the foster child and foster parents the circumstances surrounding the incident involved in the claim.

The following should be addressed with the foster parent:

- Adequacy of foster parent(s) insurance for coverage of valuables
- Adequacy of supervision of foster child's activities
- Precautions taken to prevent damages
- Consequences to child if applicable

### 17.7.2 Who may file a claim

Claims may be made on behalf of foster parents approved by the local board of social services.

Claims made on behalf of foster parents approved by a CPA are not eligible for reimbursement.

Claims are to be submitted to the Virginia Department of Social Services by the local department of social services (LDSS) worker for approval.

Local social services directors or designees must sign off on all claims being submitted for payment.

### 17.7.3 Exclusions related to property damage

- Claims for theft or destruction by a foster child of cash or uninsured jewelry
- Claims for normal wear and tear or property
- Claims for any property other than where the foster child resides
- Claims for stolen guns or ammunition
- Claims for lost clothes or any theft where the foster parent's ownership is not clearly established
- Claims for vandalism or stolen property in excess of a police report estimate of damages
- Claims for lost wages due to injury

### 17.7.4 Filing a claim

- All claims of \$3000 and above must be submitted to the home owner's insurance of the foster parents prior to filing a claim with VDSS.
- The foster parent must notify the LDSS worker within **30 days** of the discovery of the loss or damage.
- Within **7 days** of the report to the LDSS, the foster parents should file a claim with their own insurance.
- The foster parent must provide home owner's insurance information at the initial claim.
- For claims involving destruction, damage, or theft of property, the foster parent must produce evidence the items stolen or damaged were in their possession.
- All damaged or destroyed items must be viewed by the LDSS worker, within **30 days** of discovery of the loss or damage.

- In limited circumstances, if the item cannot be safely stored until viewed by the LDSS worker, the foster parent must produce proof of ownership. Acceptable proof of ownership includes sale receipts, photographs, or verification by the LDSS worker.
- In cases involving theft or intentional damage, LDSS workers and foster parents must determine whether a police report should be filed. Decisions may be based on the need for the personal accountability of the youth. If a police report is filed it should be attached to the claim filed with VDSS.
- The Contingency Fund may pay insurance deductibles of \$500 or less.
- Exceptions to filing a claim with the home owner's insurance of the foster parents are as follows:
  - If a claim is less than the insurance deductible
  - If the home owner's insurance policy of the foster parents excludes damages or theft by residents/occupants of the home (proof of such exclusion must be submitted with claim)
  - If the foster parents only have automobile liability coverage and the damage falls under collision coverage (proof of such exclusion must be submitted with claim)
  - If the foster parents are filing multiple claims with VDSS and the amount of reimbursement for one claim is less than the insurance deductible, a claim for this item need not be filed. The other claims, if higher than the deductible may be submitted.
  - In the above instances, a copy of the insurance policy with information regarding the deductible, exclusions, should be submitted with the claim to VDSS.
- All police report requirements of the home owner's insurance of the foster parent(s) must be met prior to filing a claim with VDSS. A copy of the approval/rejection letter from the homeowner's insurance of the foster parents must be submitted with the claim to VDSS.
- An original signed estimate is required for claims involving repair or replacement of damaged property. A statement regarding the feasibility of repair versus replacement should be included. Additional estimates may be requested at the discretion of the LDSS or VDSS.
- All damages with an estimate of \$1000 or more require a second estimate.

- All medical liability claims must first be filed with the individuals' medical insurance company and accompanied by a physician's invoice and/or billing statement.

#### **17.7.5 Guidelines for filing a claim**

- The following completed forms should be submitted to VDSS within 45 days of the discovery of the loss or damage to the foster parent(s):
  - Foster Care Contingency Claim Form (032-02-0509-00-eng)
  - Department of Social Services W-9 Form (032-06-0016-00-eng)
- All receipts or estimates must be submitted on official letterhead of the business providing the service.
- A statement from foster parent's insurance company regarding their action
- If the foster parent has a valid reason for not applying to their insurance company, a letter of explanation should be included with information submitted to VDSS.

#### **17.7.6 Home Office handling of a claim**

Decisions will be made on completed claim information within 30 days of the request. Any questions or concerns regarding the status of the claim should be made by the LDSS worker contacting the Resource Family Consultant.