



How States are Implementing the Fostering Connections Act

Virginia's At-risk Children

In 2008, 18,195 children and families received services through the Comprehensive Services Act.¹ In 2007, there were 46,511 children reported as possible victims of abuse and neglect in Virginia. Of these reports 6,487 or approximately 14 percent were founded. Virginia's maltreatment rate was 3.8 cases per thousand children in 2006 and decreased to 3.3 per thousand in 2007.²

In 2008, 2,882 children were placed in foster care. A decrease in entries and in lengths of stay coupled with an increase in exits led to an overall reduction that left 6,674 children in care as of December 31, 2008 in contrast to the 7,557 in care as of December 31, 2007. In 2008, children exited care as follows: 787 for reunification, 538 were placed with relatives, 567 were adopted, and 960 aged out or left care for other reasons. Of those remaining in care at the end of 2008, 1,731 were waiting a permanent family through adoption and 375 or 5.5 percent were in relative foster care (kinship) placements.³ Between December 2007 and February 2009, there was a statewide increase of 4.63 percent in family based placements and 25.5 percent decrease in the group (congregate) care population. The decrease in congregate care is attributed to an increased reliance on therapeutic foster care.⁴

Virginia is state supervised and locally administered and attributes these growing improvements to its Children's Services System Transformation strategy known as the Council on Reform (CORE). This initiative was launched in November, 2007 in 13 geographically-diverse localities across the state. CORE localities made strong progress and account for all the statistical improvements. CORE's foundation for change is built on the following six principles: a clear practice model that guides policy as well as practice and contributes to the other five principles; managing by data to improve critical outcomes; family engagement; community based continuum of care; comprehensive training; and resource family development and family finding to keep families together. Virginia state and local leadership are committed to move the Children's Services System Transformation statewide this year.⁵

Virginia's Budget Landscape

Virginia has eliminated 1,500 state jobs through layoff and attritions⁶ and tapped its "Rainy Day" fund for \$490 million.⁷ The projected budget gap for FY 2010 is \$400 million or 5 to 7 percent of the general fund.⁸ The Department of Social Services (DSS) encompasses all program areas which provide social benefits to children and families and includes SNAP and TANF, as well as family and child protective and preventive services. (It does not include Medicaid Assistance.) The DSS anticipates between a 3 and 5 percent cut in funding in the next fiscal year. The overall the DSS shortfall is \$40 million. The DSS lost 80 positions in 2009 with eight positions lost in the children's division. In prior years the DSS had reserve funds to contribute to the general fund but these are now all depleted.⁹ The March 2009, layoffs have had a significant impact on the delivery of the state Independent Living Program. Currently, the DSS Foster Care Independent Living Program (ILP) is soliciting proposals to find the most effective, efficient, and viable method for providing services to this population. These services include, but are not limited to:

- the continued development of the Virginia Youth Advisory Council (VYAC) and
- the initiation of a regional statewide "Educate, Advocate, and Elevate" (EAE) initiative.

P.L. 110-351 State Options¹⁰

Virginia has set up work groups to assess each option and make recommendations. A cost-benefit analysis is critical to determine which options are fiscally feasible for the state to implement. The cost analysis must be

projected for all children in care. Historically when Virginia implements a foster care program it is made available to all children not just those eligible for federal IV-E reimbursement.

Guardianship Assistance Program (GAP) could have significant fiscal impact in Virginia, if implemented. Relatives are used as a permanency option, second only to return to family of origin, but Virginia does not have a guardianship program. Practice is to divert children to relative placements without ever bringing them into foster care. Home studies and background checks are completed to ensure safety, but relative homes are not licensed unless they become a foster home. Families may make application for TANF child support. The work group is expected to make recommendation by December, 2009 regarding the feasibility of subsidized custody program that will meet the federal requirements.

Supports to eligible young adults aged 19, 20, or 21 is an opportunity for Virginia to access federal funds for services that are now provided with state funds. Recognizing these youth are legally adults, Virginia offers continued assistance to a significant number. According to the Independent Living quarterly reports from Local Departments of Social Services (LDSS) an average of 785 youth voluntarily choose to continue receiving independent living services beyond 18. Eligibility is linked to educational programs (completing high school or attending college), vocational programs, and/or a physical or emotional disability. The work group reviewing this option is exploring what changes to current policies are needed to align with the federal program. The Administration for Children and Families (ACF) program instructions will be critical.

Support eligible youth who exit care to guardianship or adoption after age 16. Virginia already supports adoptions to 21 by continuing subsidy payments and providing educational supports. While it is unlikely in the present economy that a guardianship program will be established, the possibility is being explored by a work group.

VA Tribes

There are no federally recognized tribes in Virginia. There is a consortium of tribes that has been seeking federal recognition. Virginia works with tribal concerns as they arise. When a child enters foster care, tribal culture and connections are addressed. If the child belongs to a Virginia tribe or may have Virginia Indian heritage, the advice of the Virginia Council on Indians is sought. If a child has American Indian or Alaskan Eskimo heritage and belongs to a tribe located outside Virginia, the Bureau of Indian Affairs, Department of Interior and the Children's Bureau are consulted and the tribe must be contacted. There are no tribal children in Virginia foster care at this time.

P.L. 110-351 Mandatory Provisions

Virginia has not requested ACF delay any of the mandatory provisions but is waiting for ACF guidance to determine if any policy changes are needed. No regulations that would require state law changes are anticipated. Changes as necessary will be made in the State Plan.

Relative notification is incorporated in a comprehensive state policy that aligns with the federal statute. A child's relative must be notified within 30 days of the child's placement in foster care. The notification must include: a request for assistance in locating other family members who are willing to be involved in the child's life and who may be considered as possible placements for the child; an invitation to family members to discuss the possibility of becoming a foster/adoptive or resource family for the child; and contact information for the agency staff responsible for response. Diligent efforts are required to locate and assess relatives as a foster home placement. After an appropriate caregiver is located, continued notifications are required if such notifications are in the best interest of the child, including planned placement changes or relocation of foster parents.

Educational stability requirements in the state meet the federal guidelines and are implemented in practice.¹¹ Legislation was passed by 2005 General Assembly mandating the LDSS and local school districts to consider if it is in the best interest of the child to continue attending his/her current school when his/her foster care placement changes.¹²

A plan for oversight and coordination of health care services for children in foster care is being developed by the Virginia Health Plan Advisory Committee (Committee) and will be implemented as required. The Committee is comprised of: representatives from: the Virginia Departments of Social Services, Medical Assistance

Services (DMAS), Health, Behavioral Health and Developmental Services, and Education; LDSS; Virginia Treatment and Training Center (VTTC) for children); Virginia's Foster, Adoptive, and Kinship Parent Association; a pediatrician; psychologist, social worker and other health care specialists working with children.

The Committee is addressing issues related to: the screening, monitoring, treatment and continuity of health care services, including dental and behavioral health needs; oversight of prescription medications; active consultation and involvement of physicians and other appropriate professionals; and the updating and appropriate sharing of health care information. Currently, health information is stored in the state's Online Automated Services Information Systems (OASIS) and with individual health care providers. Data cannot be shared between agencies due to the lack of a common client identifier. DMAS and DSS continue work to development a "Health Passport" which would allow children's health records to be stored in a central data bank and appropriately shared.

State law requires the provision of a full range of casework, treatment and community-based services for a planned period of time to children and their families when a child has been identified as abused, neglected, or in need of services. State policy encourages LDSS to use the Early Periodic Screening and Diagnostic Treatment (EPSDT) and multiple disciplinary Family Assessment and Planning Teams (FAPTs) that include health professionals. FAPTs have statutory responsible for identifying and providing for the service needs of children, including health care needs. EPSDT screenings and FAPT service recommendations result in service plans that include requirements related to the health care needs of children. The EPSDT specialist in the DMAS provides statewide consultation when an approved provider cannot be located in the child's community. LDSS staff monitor implementation of the service plan and the plan is modified as needed.

Sibling connections are addressed in statute, regulations and policies that align with the federal requirements. The 2008 General Assembly amended the Code of Virginia (*the Code*) to strengthen sibling rights and visitation in statute. *The Code* requires all reasonable steps be taken to place siblings together in the same foster home, and when siblings are placed in separate foster homes, a plan must be developed to encourage frequent and regular visitation or communication between the siblings, unless such visitation is not in the best interest of the child. Courts are authorized to grant visitation rights to siblings of any child in foster care. State policy reinforces the legislation and further requires that the visitation plan identify who is responsible for ensuring the visitation or communication occurs and justifying any limitations. Communications may include face to face visits, telephone calls, or email correspondence.

Transition plans for children aging out of foster care is a major component of the Children's Services System Transformation. The 2008 General Assembly amendments to the *Code* define "independent living services" as a component of foster care and require LDSS and licensed child placing agencies (LCPA) to address the independent living needs of youth beginning at age 14. The service plan must describe the child's needs and goals in the areas of counseling, education, housing, employment, the development of money management skills, and access to essential documents, along with other specific independent living services that will be provided. Section 63.2-905.1 requires LDSS and LCPA to provide for the resumption of independent living services for any youth who leaves foster care at age 18 and subsequently returns within 60 days to request such services. Virginia is exploring extending this period to 6 months.

LDSS are primarily responsible for providing independent living services to youth, ages 14 to 21 years old. The local Comprehensive Services Act (CSA) teams are responsible for planning and funding additional services for youth not covered by the Chafee Foster Care Independence Program (CFCIP) funds. Together, LDSS and CSA teams ensure that youth in foster care are provided with the services needed to enhance their transition into adulthood. Youth who are receiving independent living services may continue to receive Medicaid coverage until the age of 21.

Family Connections Grants

Virginia is not planning to apply for any grants as a state. At this time its strategy to improve outcomes for the children and families served is to implement the Children's Services System Transformation statewide. This effort has the support of the General Assembly and the Annie E. Casey Foundation for the next two years. Virginia does not have the capacity to start additional programs without diminishing this endeavor. Family Group Decision Making is part of the transformation initiative that became effective June 30, 2009. Virginia does not have any

kinship navigator, formal intensive family finding or substance abuse family treatment programs and will support the localities and non profits applications for these grants. There are two groups applying for kinship navigator. Substance abuse family treatment has been identified as a need in the southwest part of the state and a group intends to apply for that grant.

Opportunities & Challenges

If Virginia implements the GAP, it will be challenging to ensure that relatives meet the required foster parent standards. Guidance is needed regarding what non safety standards can be waived. When making relative placements, Virginia waives housing standards such as square footage, but also on a selected basis, waives criminal histories that do not present a current threat. Virginia would welcome technical assistance that would provide consultation regarding implementation of the options to its work groups. Virginia is interested in learning how other states are approaching implementation. There may be opportunity for Virginia to draw down federal reimbursement for services it is providing to older youth with state funds.

Conclusion

Though Virginia has all the mandatory provisions and other innovative programs in place, sustainability is an issue in the current economic climate that threatens staffing levels and programs. Funding expansion or flexibility that would allow the development of more extensive preventive service programs would be beneficial to Virginia service programs and improve outcomes for the children and families served.

¹ Virginia Children's Services System Transformation. Retrieve June 17, 2009 from <http://vafamilyconnections.com/>.

² Virginia Performs retrieved June 18, 2009 from <http://vaperforms.virginia.gov/indicators/healthFamily/childAbuse.php> .

³ Ibid.

⁴ Ibid.

⁵ Virginia Children's Services System Transformation. Retrieve June 17, 2009 from <http://vafamilyconnections.com/>

⁶ Nation Conference of State Legislature. Issues and Research >Budget/Taxes> Employee Actions. *FY2010 Actions & Proposals to Balance the Budget: Employee Actions, Furlough and Layoffs* retrieved June 19, 2009 from <http://www.ncsl.org/?tabid=17244>.

⁷ Nation Conference of State Legislature. Issues and Research >Budget/Taxes> Tapped Rainy Day or Other Funds. *FY2010 Actions & Proposals to Balance the Budget: Tapped Rainy Day Funds or Other Funds* retrieved June 19, 2009 from <http://www.ncsl.org/?tabid=17244>

⁸ Nation Conference of State Legislature. Issues and Research >Budget/Taxes>Across the Board Budget Cuts and Other Actions. *FY2010 Actions & Proposals to Balance the Budget Across the Board Budget Cuts & Miscellaneous Other Cuts* retrieved June 19, 2009 from <http://www.ncsl.org/?tabid=17198>.

⁹ Telephone Conference with Betty Jo Zarris, Assistant Director, Division of Family Services, VA Department of Social Services on June 12, 2009

¹⁰ Ibid.

¹¹ Virginia Statewide Assessment (Well-Being Outcomes) on SPARK page 137.

¹² Telephone Conference with Betty Jo Zarris, Assistant Director, Division of Family Services, VA Department of Social Services on June 12, 2009