



Office of Children's Services
Empowering communities to serve youth

Working Together-CSA & Adoption Assistance

June 14, 2019

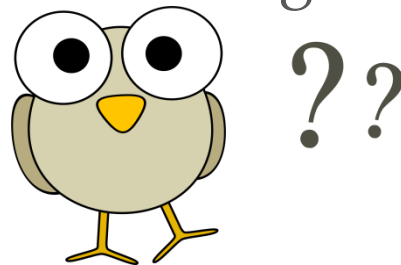
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for the James River Community Collaborative

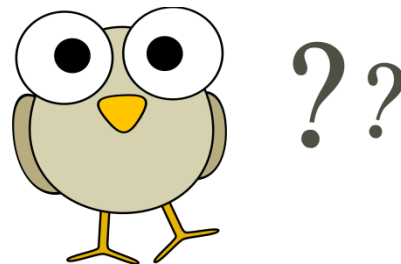
Questions...Questions....

- What is the role of the Family Assessment and Planning Team (FAPT) in adoption assistance (AA) cases?
- Are children receiving adoption assistance automatically eligible and mandated for services under the Children's Services Act (CSA)?
- How are eligibility and services affected if the child has an IEP?
- What do you do if the child's family now resides in a locality other than the one holding the AA agreement?



Questions....questions....

- Who is responsible for case management?
- What is CSA's role in serving children with adoption assistance from other states who now reside in Virginia?
- What about Virginia children receiving AA who now live in other states?



All Good Questions!!!!

- Complexity of Adoption Assistance cases require understanding:
 - VDSS Adoption Policy
 - DMAS Medicaid Requirements
 - VDOE Special Education Regulations and Policy
 - CSA Eligibility, Law and Policy

Within each of these, if there are two localities involved, it's important to understand the role of the:

- Locality holding the AA agreement
- Locality where the family resides

One Pre-adoptive Question

- VDSS policy change effective 6/1/2015 for a foster child placed in pre-adoptive placement
 - Once Adoption Assistance agreement is signed (not Adoption Placement agreement) all costs for maintenance and services are paid through IV-E and state adoption assistance funds, not IV-E or CSA foster care funds, even though the child remains in foster care and in the custody of the LDSS until finalization

Pre-adoptive Question

- Prior to this change IV-E and state CSA foster care funds were used to support maintenance and services until the finalization of the adoption when custody was granted to the adoptive parents
- Children were still considered to be “in” foster care placement and thus eligible for IV-E and CSA foster care funds

Pre-adoptive Question

- What that means on a practical level...for example, once the Adoption Assistance agreement is signed ...
 - If child care is not part of the AA Agreement, then the cost of child care is not covered. CSA cannot pay.
 - CSA cannot pay for “administration, support and supervision” if the child is in a TFC home.
 - VDSS policy decision, not a CSA policy decision, but effectively excluded CSA from providing services for children in pre-adoptive placement once the AA agreement is signed

Post-adoption

- More often, issues arise for FAPT when working with families post-adoption when parents are seeking residential treatment for the child
- Virginia Department of Social Services (VDSS) policy requires the involvement of the local FAPT for the family to access adoption assistance funds
- What is the role of CSA with these families?

Role of FAPT

- VDSS Adoption Policy (Section 2.16.6) requires that FAPT as a multidisciplinary team:
 - “Determine less restrictive alternatives are not appropriate in meeting the child’s special needs at this time
 - Recommends that time-limited residential treatment is the most appropriate, least restrictive, and most effective service in meeting the child’s special needs.
 - Recommends services and/or supports to successfully transition and return the child home at the earliest appropriate time consistent with the child’s special needs.”



Role of FAPT

- FAPT may review children and families who are receiving AA as they would any other child in the community
- Unlike foster children, children receiving Adoption Assistance are not automatically eligible and mandated for CSA
- May become eligible for CSA as a Child in Need of Services (CHINS), and receive either foster care prevention services or placement out of home; or as a student with an IEP for private educational placement

Role of FAPT in this Situation

- Not to determine CSA eligibility
- Serves as a multi-disciplinary team to assess if local resources have been accessed prior to placement in Psychiatric Residential Treatment Facility (PRTF)
 - Requirement that FAPT in the locality of the family's residence review the case
 - Representative of locality holding the agreement should participate
 - If FAPT does not recommend residential treatment, then AA special services payments may not be used for costs of residential treatment

Once recommendation is made, FAPT in the locality of residence is no longer required to review case

Next...DMAS

- In the situation where the FAPT recommends residential treatment for the child receiving AA:
 - Often, child has Medicaid coverage, if not will likely be eligible after 30 days of residential treatment based on child's income (parent may have insurance for first 30 days)
- Referral to Magellan and IACCT made to obtain Medicaid coverage of residential treatment
- For discussion of how CSA and IACCT interact, see [Guidance for CPMTs re IACCT Admin Memo 16 08 Attachment](#)



DMAS...Education

- Medicaid covers room, board and treatment, but not educational services
- Who pays for educational services? (CSA or AA)
- Four scenarios:
 - Child is not a “student with disabilities” (does not have an IEP)
 - Child has an IEP for public school
 - Child has an IEP for private day
 - Child has an IEP for residential treatment



Educational Terminology

- FAPE-Free and Appropriate Education (for students with disabilities) is defined as...
 - “Special Education” and “Related Services”
 - Special Education “means specially designed instruction, at no cost to the parent(s), to meet the unique needs of a child with a disability” including
 - “Speech-language pathology services or any other related service, if the service is considered special education rather than a related service under state standards;
 - Vocational education; and travel training”

Educational Terminology

- “Related Services
 - means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education and includes speech-language pathology and audiology services; interpreting services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; early identification and assessment of disabilities in children; counseling services, including rehabilitation counseling; orientation and mobility services; and medical services for diagnostic or evaluation purposes...”

Educational Services (3rd and 4th Scenarios)

- If child receiving AA has a “private day” IEP, CSA is responsible for educational costs, including those required by FAPE, while in residential
 - IEP states that the “least restrictive environment” in which this child can be educated is private day
- If child receiving AA has a “residential IEP” then CSA is responsible for all costs of the placement, including FAPE
 - IEP states that the “least restrictive environment” in which this child can be educated is private residential

Educational Services

- When a child with an IEP is placed in residential for non-educational reasons, the IEP team must meet to determine if the child's educational needs may be met (and how) in that setting
- IEP will state something like "the child's recommended setting is functionally unavailable" and that the child's needs may be met in the residential setting....this is NOT a "residential IEP"

Educational Services (1st Scenario)

- Child does not have an IEP; is not a “student with disabilities”
- No one designated as responsible for “general education” costs

Educational Services (2nd Scenario)

- Child has IEP for Public School
 - Educational costs are divided into “general curriculum” and “special education/related” services for child to access the general curriculum
 - Local school division of parents’ residence is responsible for FAPE (special ed and related services)
 - No one designated as responsible for “general education” costs

In Both of These Situations...

- Parents may request addendum to AA agreement for special services payments to cover educational costs while child is in placement.
 - DMAS/Magellan considers these “non-CSA”.
 - No rate sheet required
 - All documentation should reflect “non-CSA” to avoid local Medicaid match
 - Local DSS provides case management

- FAPT or Court may determine the child to be a “child in need of services” and in need of residential level of care; if so, enters into CSA Parental Agreement to cover educational costs
 - DMAS/Magellan considers as “CSA” cases
 - Local DSS cannot case manage

CSA Eligibility

- Reminder: Child receiving AA is eligible for CSA if child is a “student with disabilities” whose IEP requires private day or residential treatment
- Otherwise child is not eligible for CSA unless FAPT or Court determines the child to be a “child in need of services” who requires services in the community or residential treatment to meet his/her needs, or child meets non-mandated criteria
 - If FAPT takes this step, resources are explored before using CSA. AA is a resource that may cover the costs.

Who Pays for Education?...Things to Consider

Adoption Assistance

- No local match as AA funds are solely state General Fund dollars
- LDSS case manages
- LDSS has knowledge of family and factors specific to special needs adoption
- Family deals with single agency
- No multi-disciplinary input
- Negotiation required
- What is best for the child and family?

CSA Parental Agreement

- Locality pays match (Medicaid/local CSA)
- Agency other than LDSS case manages
- Case managing agency lacking in adoption expertise
- Family works with both DSS and case managing agency
- Multi-disciplinary knowledge and expertise with FAPT
- What is best for the child and family?

Limitations on AA Special Services Payments

- Residential treatment requested must be directly related to the child's documented special needs as specified on the adoption assistance agreement/addendum
- May only be used if FAPT recommends placement
- Adoption assistance special services payments do not cover or may limit certain services, for example
 - Group home placements (not allowed)
 - Respite payments exceeding limit

Complicating Factors



- Sometimes...
 - You don't find out until FAPT, or after FAPT, that the child is receiving AA
 - Who brings the case to FAPT?
 - Belief that the locality of residence is more responsible than the locality of the agreement because if adoption disrupts, the child will come into care in the residence locality
 - Locality holding AA agreement funds special services
 - Children adopted in another state/placed in another state
 - Because of the multiple potential mixes of situations, what applies in one case may not in another

Case Management with Two Localities

- Communication between LDSS which holds the adoption assistance agreement and LDSS in residence locality is critical
- VDSS policy requires LDSS *in the locality of the family's residence* to provide FAPT case management

Do What's Right...



- When you have multiple agency involvement and options, it's easier to shift responsibility
- Focus should be on making a decision in the best interest of the child and family
 - Not on saving or protecting agency resources by saying "it's not our responsibility"

Children Placed Across State Lines

- Important to remember that if a child is being placed out of state for adoption, LDSS (not CSA) is responsible for case management and interstate compact, etc.
- Child residing in Virginia who receives AA from another state
 - Child is resident of Virginia so CSA would generally treat this like any other child and family in the community
 - Could serve as non-mandated or through CSA Parental Agreement; however, resources may be available through the other state (for example; a partial contribution toward per diem, limited stay)
 - Private, out-of-country placements in US

Federal Resource

- Overview of state adoption programs including contact information:

<https://www.childwelfare.gov/topics/adoption/adopt-assistance>

