



## **Frequently Asked Questions on the Eligibility Checklist**

of the

*Interagency Guidelines on Foster Care Services for Specific Children in Need of Services  
Funded through the Comprehensive Services Act*

### **1. Does the Family Assessment and Planning Team (FAPT) use the Eligibility Checklist for children who have been determined to be abused or neglected and in need of foster care prevention services?**

No, the Checklist is not needed for these children. The Code of Virginia [COV 63.2-905](#) states there are two categories of children who are eligible for “foster care services”:

- Children who meet the statutory definition of abused/neglected; and
- Children who meet the statutory definition of “Child in Need of Services” (CHINS).

Children who meet the statutory definition of abused/neglected are eligible for all foster care services, including foster care prevention. The CHINS Eligibility Checklist is not needed to determine their eligibility.

### **2. What is the purpose of the Eligibility Checklist?**

The Eligibility Checklist is used to help FAPT determine if a child meets the definition of a Child in Need of Services and is eligible for services under the Guidelines without having to go before the Court to obtain a judicial determination of CHINS.

### **3. How does FAPT use the Eligibility Checklist to determine if a Child is in Need of Services and eligible under the Guidelines?**

A child must meet all four of the criteria. Criterion #1 requires that a child have either the Court determination of CHINS or the FAPT determination that the child meets the statutory definition of CHINS. If the child does not meet the statutory definition in either of those two options, he or she is not eligible and there is no need to continue with the Checklist.

Criterion #2 is the statutory language used to determine a child’s eligibility for CSA (§2.2-5212). If the child’s behavioral or emotional problems reach the standard as described in this criterion, the FAPT checks “does” and moves to the third criterion.

Criterion #3 addresses the type of services most appropriate to meet the child’s needs. All three provisions (“a”, “b”, “c”) must be met. In “c” the child requires **either** foster

care prevention services in the home or the needs are such that he or she requires placement outside of the home through a Parental Agreement or a Non-custodial Foster Care Agreement.

Criterion #4 determines the goal of the family. The goal of the family must be to either maintain the child in the home through the provision of foster care prevention or to return the child home as soon as appropriate if services are provided through a parental agreement. If this statement is not true, the child is not eligible under this criterion.

The FAPT should discuss and document the information and facts that led the team to make its decision. The Interagency Guidelines provide more information (beginning on page 3- ([Interagency Foster Care Guidelines](#)) on the FAPT process in determining a child's eligibility for services under the Guidelines.

**3. If FAPT determines the child meets the criteria as a CHINS and is eligible for services, does the Community Policy and Management Team (CPMT) have to provide a residential placement and enter into a Parental Agreement?**

No. A FAPT may determine that the child's needs can be met in the home and community and offer foster care prevention services. A Parental Agreement is not required.

**4. Why does the Checklist include the two options of "more appropriately" serving a child through the local Department for Social Services (LDSS) or for evaluation in an inpatient treatment facility?**

These options were included as necessary actions to be taken if during the FAPT discussion of the child and family, new information came to light regarding an incident of abuse or neglect, or if the FAPT determined that the child's needs were so severe that he/she posed an imminent threat to himself/herself or others.

**5. How does FAPT determine the appropriate agency to provide case management services for a child determined to be a CHINS and eligible for services under the Guidelines?**

This decision should be based on the needs of the child and family. Which agency will have the most expertise and experience in handling the issues this family faces?

Although this is sometimes a difficult decision because of scarce resources in a community, the members of the FAPT must work together to provide services which are in the best interests of the child.

**6. Why is there a stipulation in the eligibility criteria regarding a child under the age of 14?**

Prior to 2003, the statutory definition of CHINS was “a child whose behavior, conduct or condition presents or results in a serious threat to the well-being or physical safety of the child.” The 2003 General Assembly changed the definition to include “or *ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person.*” This change was prompted by an incident in Northern Virginia where a three year old girl was severely beaten by two boys, ages five and six. [HB1520 2003 session](#) There was no statutory provision of treatment for the boys, which this legislation sought to correct. The presumption is that a youth over the age of 14 who committed a similar act would be charged with a criminal offense.