



Office of Children's Services
Empowering communities to serve youth

CHINS and CSA Parental Agreements

New Coordinator Academy

May 11, 2022

Carol Wilson

Office of Children's Services

Why do we have CSA Parental Agreements?

- CSA Parental Agreements were created as a way to solve a problem.
- Problem: How do we help parents of children with severe emotional/behavioral problems access residential treatment without requiring parents to go to court, work with the LDSS, or even relinquish custody?
- Children with emotional/behavioral needs were considered either not eligible for CSA or non-mandated.



Problem

- An earlier solution allowed in the COV was the “Non-Custodial Foster Care Agreement” which allowed the parent to retain legal custody but have the child be placed in the physical custody of the LDSS
- Filing a petition and court involvement including review were still required
 - For all practical purposes, and from a federal standpoint, the child was in foster care
 - Statutory language “permitted” non-custodials, which localities interpreted to mean they did not have to offer this option

Problem

- Issue of custody relinquishment came to the attention of the General Assembly and Office of the Attorney General
- OAG opinion rendered which condemned practice of custody relinquishment
- Opinion allowed for other entities such as multidisciplinary teams to determine CHINS

Solution—But how to put in practice?

- Interagency Guidelines were developed based on the AG's opinion under the direction of the State Executive Council, the policy and oversight body for CSA.
- The *Interagency Guidelines for the Provision of Foster Care Services to Specific Children in Need of Services* including the:
 - CHINS Eligibility Checklist; and the
 - CSA Parental Agreement



Why CHINS?

- Why was a determination of CHINS so important?
- How did the CHINS determination help resolve the custody relinquishment issue?



CHINS Creates a Path to CSA Eligibility



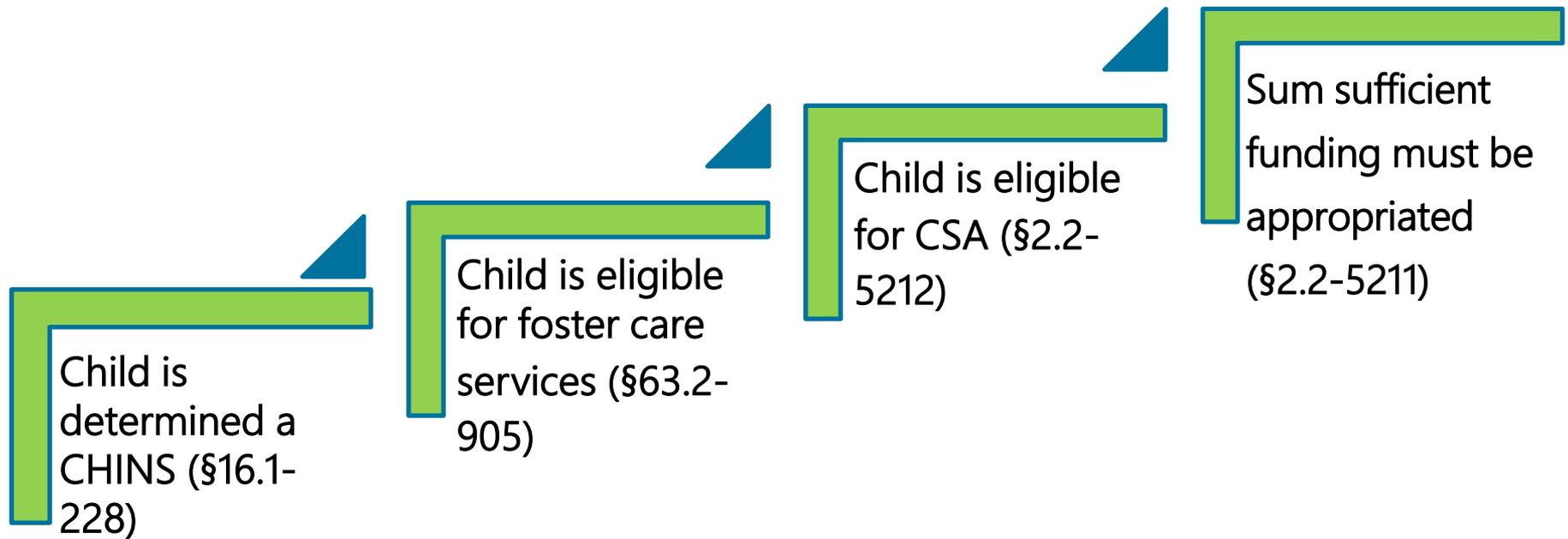
CSA Eligibility-Foster Care Services



COV §63.2-905

- Foster care services are the provision of a full range of casework, treatment, and community services, including but not limited to independent living services, for a planned period of time to a child who is abused or neglected as defined in § [63.2-100](#) or in need of services as defined in § [16.1-228](#) and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board or the public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board or licensed child placing agency, or (iv) is living with a relative participating in the Federal-Funded Kinship Guardianship Assistance program set forth in § [63.2-1305](#) and developed consistent with 42 U.S.C. § 673 or the State-Funded Kinship Guardianship Assistance Program set forth in § [63.2-1306](#). Foster care services also include the provision and restoration of independent living services to a person who is over the age of 18 years but who has not yet reached the age of 21 years, in accordance with § [63.2-905.1](#).

Steps to CSA Eligibility as a CHINS



CHINS Checklist

- Provides an alternative to Court determination of CHINS
- FAPT may determine that a child is "in need of services" using the Eligibility Checklist for documentation
- All four criteria must be met



Criteria #1

- Child must meet the statutory definition of a "...child in need of services, specifically "the child's behavior, conduct or condition must present or result in a serious threat to the well being and physical safety of the child, or the well being and physical safety of another person if the child is under the age of 14..." (COV §16.1-228)
- Court or FAPT may make this determination.

Criteria #2 (COV §2.2-5211 A.1, A.2)

1. The child or youth has emotional or behavior problems that:
 - a. Have persisted over a significant period of time or, though only in evidence for a short period of time, are of such a critical nature that intervention is warranted;
 - b. Are significantly disabling and are present in several community settings, such as at home, in school or with peers; and
 - c. Require services or resources that are unavailable or inaccessible, or that are beyond the normal agency services or routine collaborative processes across agencies, or require coordinated interventions by at least two agencies.

2. The child or youth has emotional or behavior problems, or both, and currently is in, or is at imminent risk of entering, purchased residential care. In addition, the child or youth requires services or resources that are beyond normal agency services or routine collaborative processes across agencies, and requires coordinated services by at least two agencies.

Criteria #2

- Specific factors which must be present for a child to be determined eligible such as:
 - level of severity of the need
 - whether the need is chronic or if acute,
 - is of such significance that it must be quickly addressed,
 - if requires coordinated intervention by two or more agencies
 - the immediacy of the need for residential treatment.
- The statutory language and Checklist guide the FAPT to look at combinations of these factors to determine eligibility.
- This criteria is not intended to restrict or “rule-out” children but to identify those with complex and significant needs who will require a multidisciplinary approach to interventions and services.

Criteria #3

- Criteria 3 addresses:
 - how services will be delivered, whether in the community with the child remaining at home, such as intensive in-home, or if out of home treatment in a residential setting is needed
 - For each setting, the team must establish and document *how* services will preserve or strengthen the family unit while ensuring the safety of the child and others.

Criteria #4

Criterion #4 addresses the

- importance of maintaining the family as a unit, whether it is in the community or through an out-of-home placement.
- Both the Children's Services Act and the Attorney General's Opinion stress the importance of maintaining the family as a functioning entity.
 - Requires a fair assessment of the family's commitment to the child. Parents are often going through a crisis at the point the CHINS Checklist is being completed and may not feel that they can manage the child at home at that point. They may even say they don't want the child in the home. Those types of feelings should not be interpreted to mean the family is not committed to the child or will refuse for the child to return home. It is important for FAPT to consider not simply what is happening now, but what efforts the family has already made to seek treatment for their child.

CHINS Checklist

- Checklist is completed by FAPT; if child meets all four criteria.
- Child is eligible for either:
 - *Services in the community (prevention of foster care)*
 - CSA Parental Agreement is NOT needed.
 - OR
 - *Services outside of the home in a treatment setting such as residential, group home, or treatment foster care*
 - CSA Parental Agreement is needed.

Practice Time

- In the next two scenarios, you will determine if the child meets the criteria on the CHINS Checklist.
- But, remember, this is merely an exercise. CSA eligibility is determined solely by FAPT. No one individual may make this decision.

Practice Time

Scenario #1 Olivia



Does Olivia meet the CHINS Criteria?

Criterion 1 There is insufficient evidence to support that Olivia meets the definition of a CHINS as stated in Criterion 1. Her behavior, conduct or condition does not at this time present a serious threat to her safety and well-being. She does not pose a threat of harm to anyone else.

Criterion 2

Likewise, Olivia's problems are not considered significantly disabling and do not require coordinated interventions by two or more agencies.

Criteria 3

There is no immediate crisis that seriously threatens her well-being and physical safety or that of another person.

Criteria 4

This is not specifically addressed in the case study.

Practice Time

Scenario #2 Noah



Does Noah meet CHINS criteria?

Criterion 1

Noah's behaviors present a serious threat to his safety and well-being as evidenced by his injury in a fight, his aggression, destructive behaviors and hitting his head against the wall.

Criterion 2:

Noah's problem behaviors have persisted:

....though only in evidence for a short period of time, they are of such a critical nature that intervention is warranted; and

are significantly disabling and are present in several community settings, such as at home, in school or with peers; and

require services which require coordinate intervention by at least two agencies. (Currently school and mental health agency)

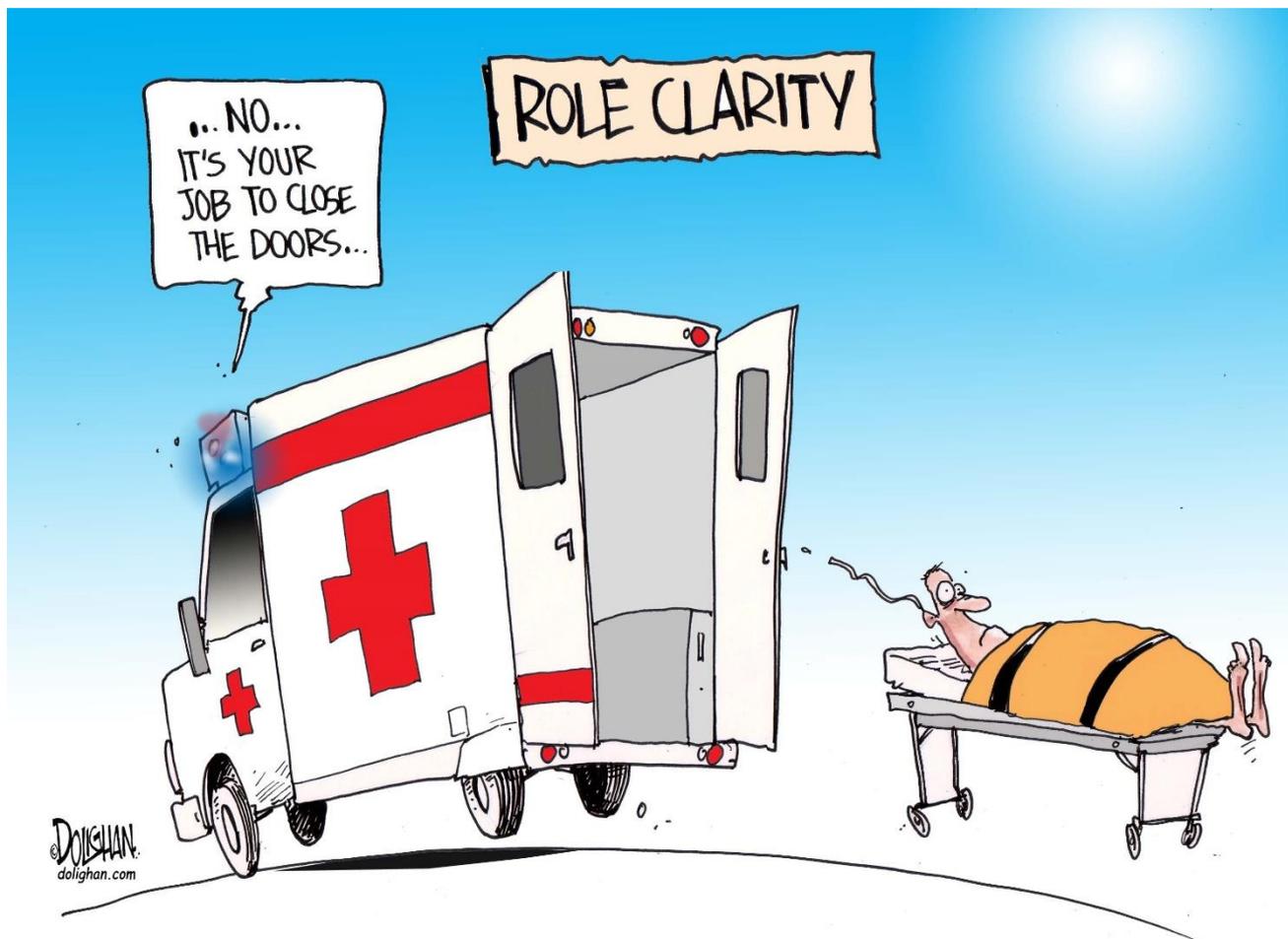
Criterion 3

Services are needed to resolve the immediate crisis presented by Noah's behavior which threatens his safety and the family is in need of services to preserve and strengthen their functioning. The team will determine if Noah's behaviors can be addressed in the community.

Criterion 4

Noah's grandparents evidence commitment to and have sought treatment for him. They are hoping this is only a "phase" he is going through.

Case Management



Case Management

- Who will case-manage a child in need of services?
- Agencies at FAPT/CPMT are:
 - Department of Social Services
 - Local school division
 - Court Services Unit
 - Community Services Board
 - Local CSA office

What is in the best interest of the child and family?

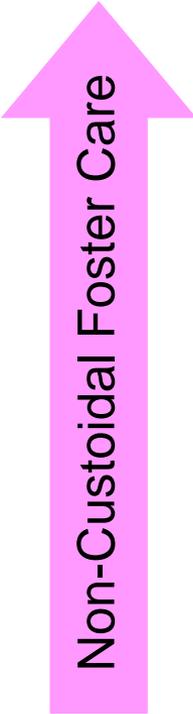
Two options when parent retains legal custody

A diagram consisting of two large, stylized arrows. The left arrow is light purple and points to the left. The right arrow is bright blue and points to the right. The two arrows overlap in the center, with the blue arrow appearing to be layered on top of the purple one. The text "Non-Custodial Foster Care Agreement" is centered within the purple arrow, and "CSA Parental Agreement" is centered within the blue arrow.

Non-Custodial
Foster Care
Agreement

CSA Parental
Agreement

Two Options-Differences



Non-Custodial Foster Care

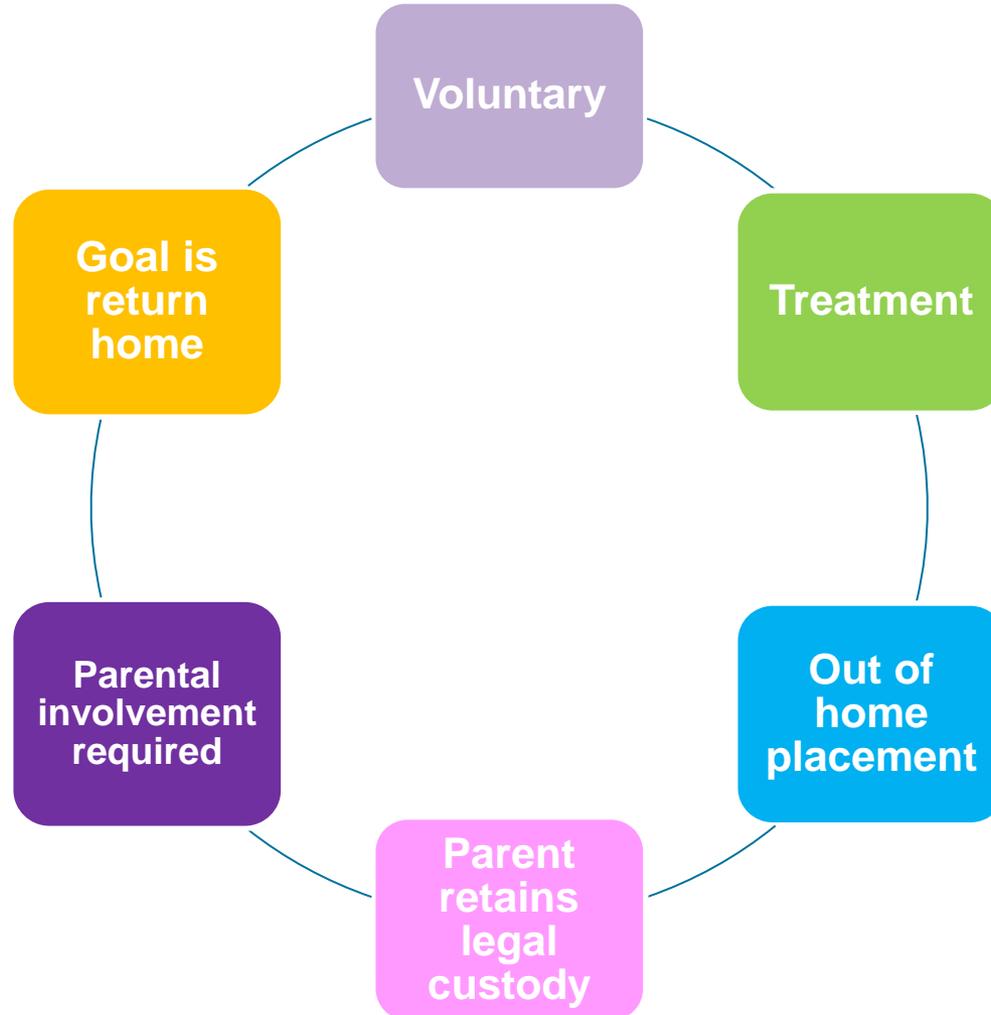
DSS case manages
Child is "in" foster care per federal law.
Court involvement required
Eligible for federal benefits (e.g. Medicaid, IV-E)

Agency other than LDSS case manages
Child is receiving a foster care service per COV
Court involvement not required
Not eligible for IV-E
May be eligible for Medicaid



CSA Parental Agreement

Two Options - Similarities



CSA Parental Agreement

- CSA Parental Agreement is a contract between the parents/guardians and the agency designated by the CPMT. The CPMT has fiscal responsibility.
- Terms include the rights and responsibilities of the parent/guardian, what is expected of the agency, financial terms and length of agreement
- Voluntary agreement



CSA Parental Agreement

- Parent changes residence to another locality-what happens?
- Parent moves out of state-what happens?



CSA Parental Agreements

- Only used for short-term out of home placements for treatment of emotional/behavioral needs
- May not be used for other types of placements such as respite
- Placements may be in:
 - Residential facilities (PRTFs)
 - Group homes
 - Treatment Foster Care (use cautiously)

Length of Stay

- Length of Stay
 - Short- term! Set target date. If child is still in need of treatment on that date, review plan.
 - Placement may not last indefinitely.
 - CSA requires utilization review.

Inappropriate Use

- CSA Parental Agreements are not appropriate if child and family are receiving services because of abuse and/or neglect.
 - Voluntary; parent retains custody
 - No court involvement required
 - Cannot be used as an alternative to foster care placement when abuse/neglect is present
- CSA Parental Agreements are not a substitute for foster care placement.
 - Focus is treatment, not protection or permanency
 - Child does not have same federal and state protections as a child in foster care

Role of the Court

- CSA Parental Agreements were created to provide an alternative to court involvement for parents who sought a placement for mental health treatment for a child.
- There is no statutory requirement for a "child in need of services" as determined by the FAPT to be involved with the court.
- CSA Parental Agreements do not include or address the role of the court.

Role of the Court

- But, a court may:
 - Determine a child to be CHINS
 - Exercise the dispositional alternative of ordering a placement agreement between LDSS (Non-Custodial) or agency designated by the CPMT where the parent retains legal custody (CSA Parental Agreement)

Use of the **voluntary** CSA Parental Agreement is not consistent with **court-order** of treatment.

Court Involvement

- Because it was not developed for this purpose, the CSA Parental Agreement template may not be a good fit for situations where the court orders a placement through an agreement between an agency designated by the CPMT and the parent, where the parent retains legal custody.



Problems

- Problems arise when CSA Parental Agreements are not used appropriately:
 - Court is involved
 - Child is in need of permanency
 - No target date set for termination
 - No agreement on what constitutes successful completion of treatment
 - Used for child not in intended population (i.e., significant behavioral/emotional needs)
 - Parent moves to another locality or state

Questions?

