



Office of Children's Services  
Empowering communities to serve youth

## CSA 201 CSA Basics-Can CSA Pay?

*2019 Children's Services Act Conference  
Resiliency: Achieving the Possible*

Presented by Carol Wilson  
OCS Program Consultant

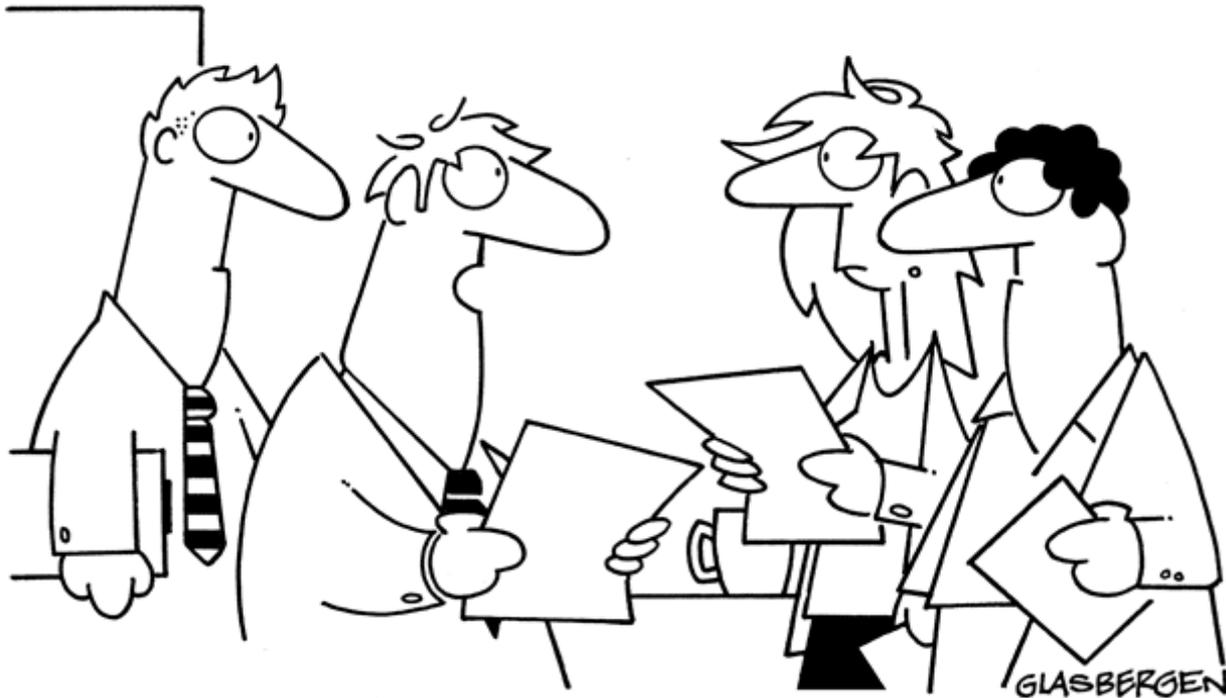
# Recap from CSA 101

- **CSA as a System of Care (SOC)**
  - Importance of multidisciplinary service planning and provision in local communities
- **How funding affects eligibility for CSA**
  - Creation of the "state pool"
- **Who is eligible for CSA**
- **Title IV-E and CSA**



# CSA as a System of Care

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**“If we want to succeed as a team, we need to put aside our own selfish, individual interests and start doing things my way.”**

# State Pool of Funds



# Who's eligible?



VIRGINIA DEPARTMENT OF  
SOCIAL SERVICES

# Today's Workshop

- Focus will be on "Can CSA pay for \_\_\_\_\_?"
- Does it seem like sometimes CSA can pay for a service, but other times CSA can't pay for the same service for a different child or family?
- Decision tree to help us think critically and logically to make and document decisions
  - *How statutory provisions affect service and funding decisions*
  - *How other factors (e.g., other partner child-serving agency requirements/policy and their responsibilities) influence CSA*

# State-Local Policies

- This workshop will provide information on what state policies and laws allow.
- Local CPMTs may make policies which affect what your locality will pay for under CSA or require specific actions to be taken prior to use of CSA funds. (e.g., clinical evaluation before paying for inpatient substance abuse for a parent)
- But...sometimes people think what they have in local policy IS the state policy or law and it's not (e.g., could be outdated, could have been in place so long everyone assumes it's "state policy")
  - So, if there's a question, ask OCS!!

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# Title IV-E and CSA

# What is Title IV-E of the Social Security Act?

- Federal program to provide states with financial assistance in funding maintenance for foster care placements
- Children must be determined eligible based on AFDC rules (pre-1996 program)
- Specific requirements for protection of foster children and to promote permanency

# Two Funding Sources for FC Maintenance in Virginia

- Federal Title IV-E (federal and state)
- Children's Services Act (state and local)
- Purpose of maintenance is to support the foster child's placement in the foster home.



# Title IV-E Pays Maintenance Costs for IV-E Eligible Children

- **IV-E Maintenance includes:**
  - Basic maintenance payment
  - Enhanced maintenance payment as determined by the VEMAT
  - Clothing allowance for foster child
  - Personal incidentals (not a separate payment)
  - Child care if the foster parent works or to attend specific activities (e.g., court hearing)
  - **Transportation for the child to visit parents**
  - Transportation for Best Interest Determination (BID) placements

# CSA Pays Maintenance Costs for Non-IV-E Children

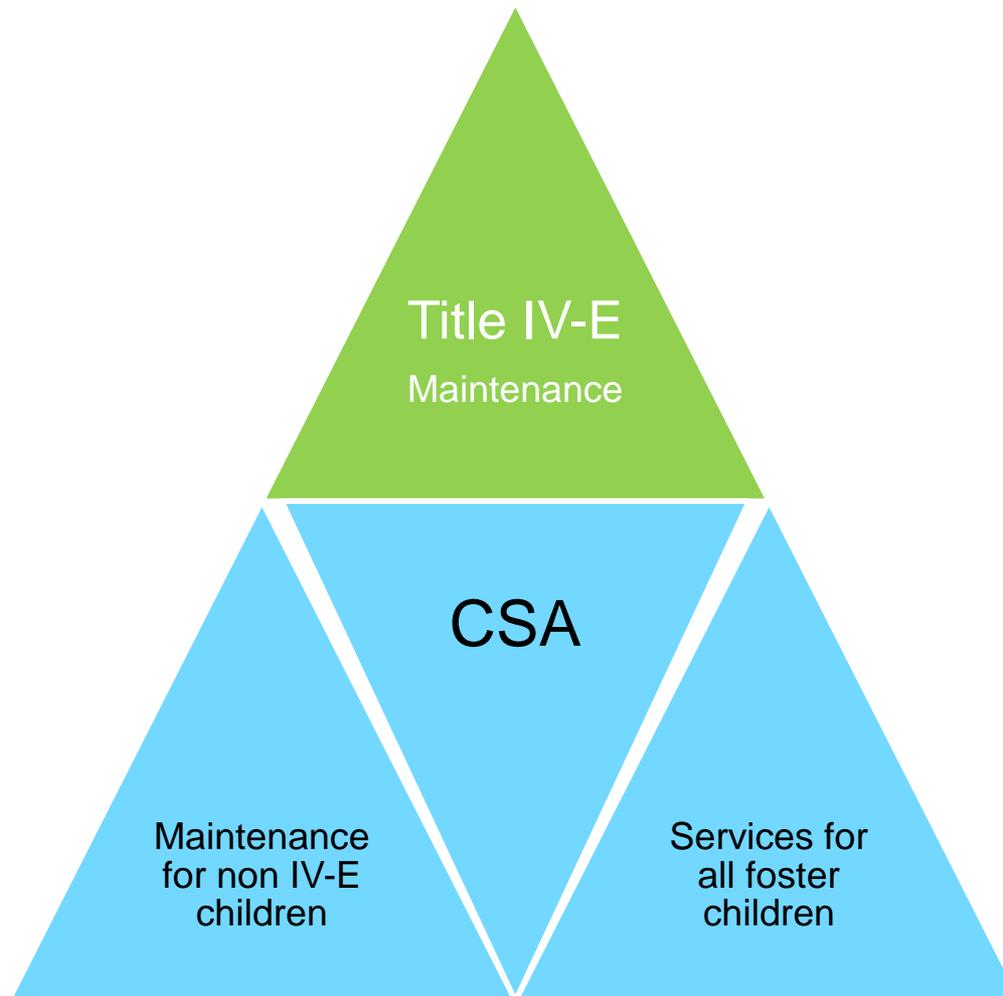
- **CSA Maintenance includes:**
  - Basic maintenance payment
  - Enhanced maintenance payment as determined by the VEMAT
  - Clothing allowance for foster child
  - Personal incidentals (not a separate payment)
  - Child care if the foster parent works or to attend specific activities (e.g., court hearing)
  - **Transportation for the child to visit parents**
  - Transportation for Best Interest Determination (BID) placements



## Title IV-E and CSA

- **CSA follows the IV-E definition of “maintenance” for non-IV-E children.**
- **CSA also supports equal treatment of children in foster care regardless of funding source (local, state or federal).**
- **IV-E “rules” are in place to protect children who are away from their families.**
  - Protection from harm
  - Ensure children do not “languish” in foster care-Permanency requirements/timeframes

# Title IV-E and CSA



## Title IV-E and CSA

- Can CSA pay when Title IV-E denies?
- It depends.
- Two factors:
  1. IV-E does not pay for services; but CSA is responsible to pay for services for foster children.
  2. If IV-E won't pay a maintenance cost because requirements for safety or permanency are not met, or local agency was not timely, CSA cannot pay.

## Example-Services

**Travel for parents to visit children is not covered by "maintenance" so IV-E will not pay.**

**BUT**

**It is definitely a service that CSA may provide through the FAPT and CPMT to promote family reunification.**



## Example-Services

- **IV-E does not pay for any services (e.g., Intensive In-Home, ICC/HFW, counseling, ABA, parent education/skill building or mentoring).**
- **CSA may pay for services such as the above when appropriate. (See Can CSA Pay? decision tree).**

## Example-Maintenance

- **What if a local DSS wants to place a child in an unapproved or unlicensed foster home?**
  - IV-E will not pay maintenance.
  - CSA will not pay maintenance.
  - Why?
- **Rule is in place to protect the child from possible harm.**

## Example Maintenance

- **What if an Annual Judicial Review (AJR) is not held for a child in a timely manner?**
  - IV-E disallows maintenance payment
- **Can CSA pay?**
  - No. Why?
  - Because the AJR is a mechanism for the court to provide oversight and to plan permanency for the child
  - CSA, like IV-E, will pay going forward once the hearing takes place



## Can CSA Pay?

# State and Local Implementation

- **CSA is governed by:**
  - state law (the Code of Virginia) and
  - policies adopted by the State Executive Council (SEC)
- **CSA is:**
  - state supervised, locally administered:
    - Standard expectations and requirements from state
    - Intentional local flexibility as to how CSA is administered because:
      - Each locality knows its resources and its needs
      - Each locality pays a match on all CSA services

# State and Local Implementation

- **Requirements include:**
  - Service plan
  - Mandatory uniform assessment instrument
  - CPMT must develop interagency policies in a variety of areas (fiscal, programmatic, such as Utilization Review)
  - But if not in conflict with state and federal law and policies, localities may develop their own policies, such as not paying for transportation in certain situations
  - Because of local variation, always best to check with OCS



# Can CSA Pay?

# It's not magic...



# Or a maze...



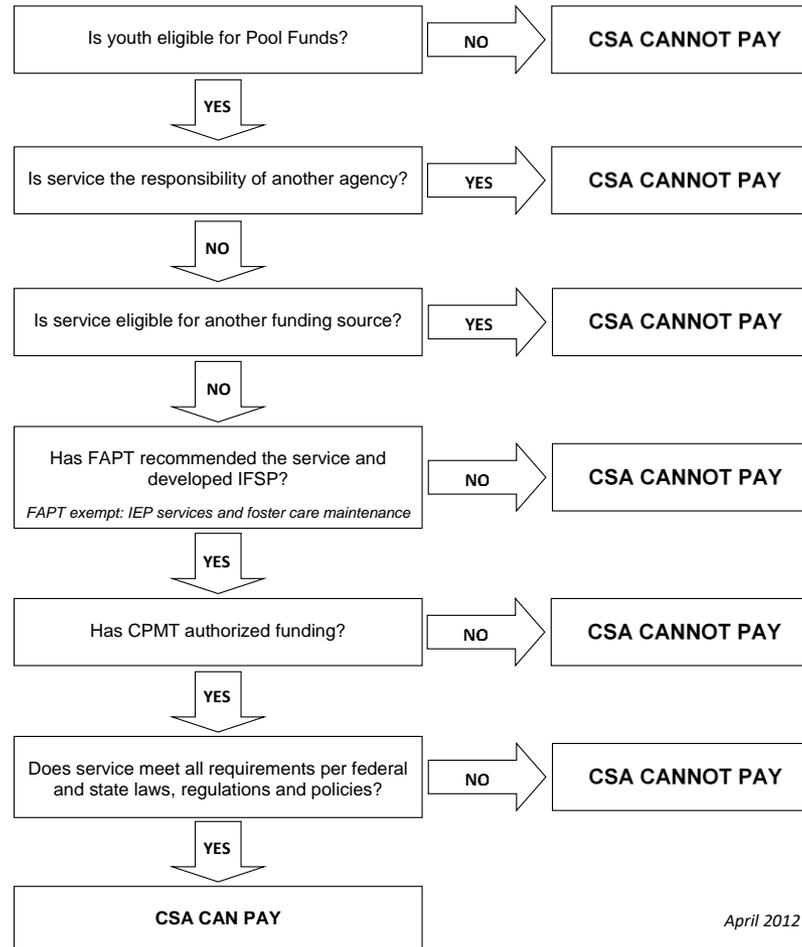
# Can CSA Pay?

- The answer to this question is not guess work or magic
- It is based upon the requirements established by the Children's Services Act.
- Apply the requirements to determine the answer.



# Can CSA Pay?

## DETERMINING IF CSA CAN PAY

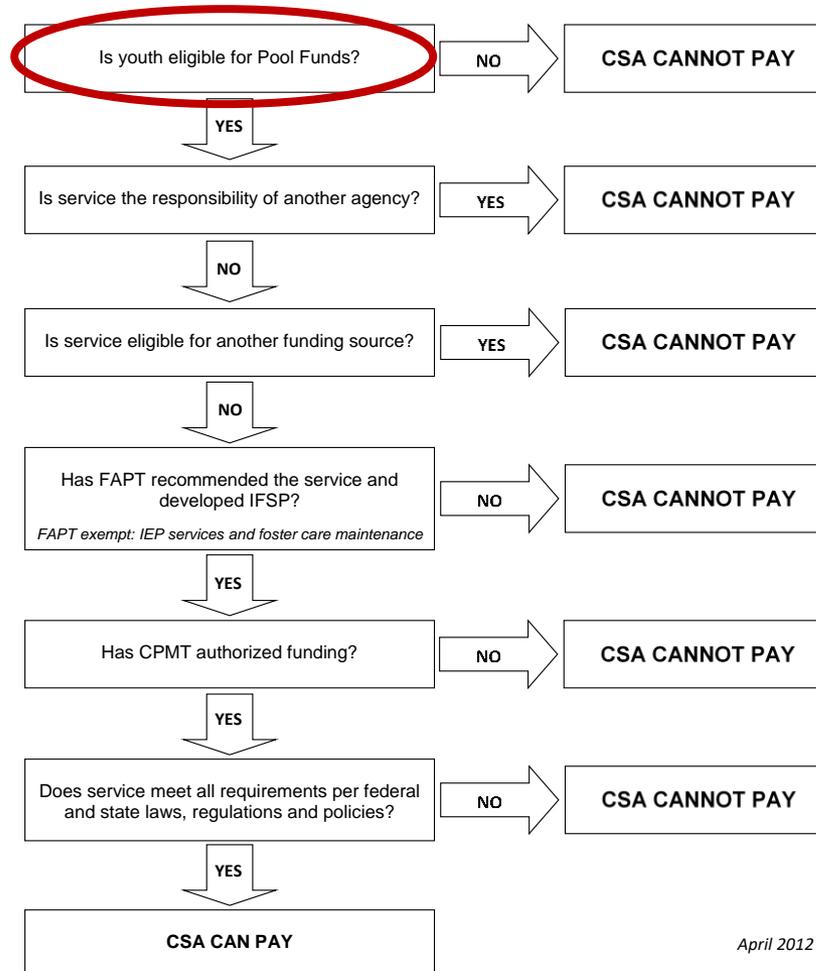


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# Can CSA Pay?



## DETERMINING IF CSA CAN PAY



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# Who's eligible?



VIRGINIA DEPARTMENT OF  
SOCIAL SERVICES

## Can CSA Pay?

Is youth eligible for Pool Funds?

NO

CSA Cannot Pay

**YES**  
(Move to  
next  
question)

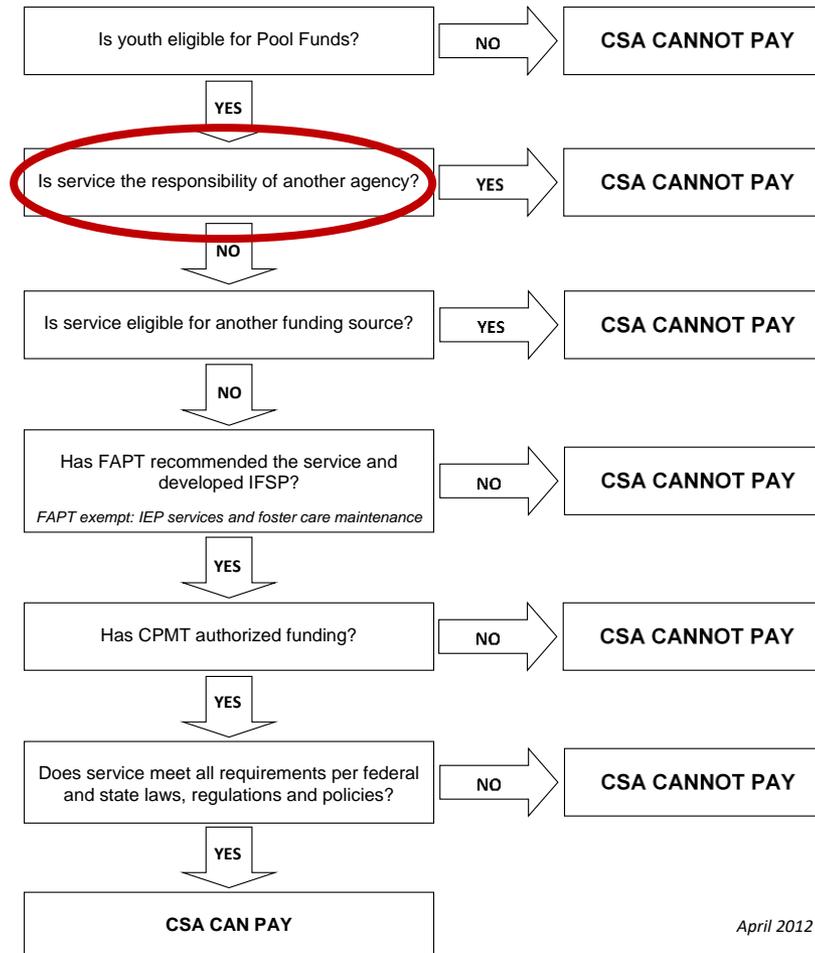
Now what did they  
say about  
eligibility?



# Can CSA Pay?



## DETERMINING IF CSA CAN PAY



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## Can CSA Pay?

Is service the responsibility of  
another agency?

*(Code of Virginia §2.2-5211D)*

YES

CSA Cannot Pay

NO

(Move to  
next  
question)

Does this fall within the  
routine scope of  
responsibility of the  
schools, LDSS, DJJ, or the  
CSB?



# Responsibility of another agency?

## COV § 2.2-5211 D.

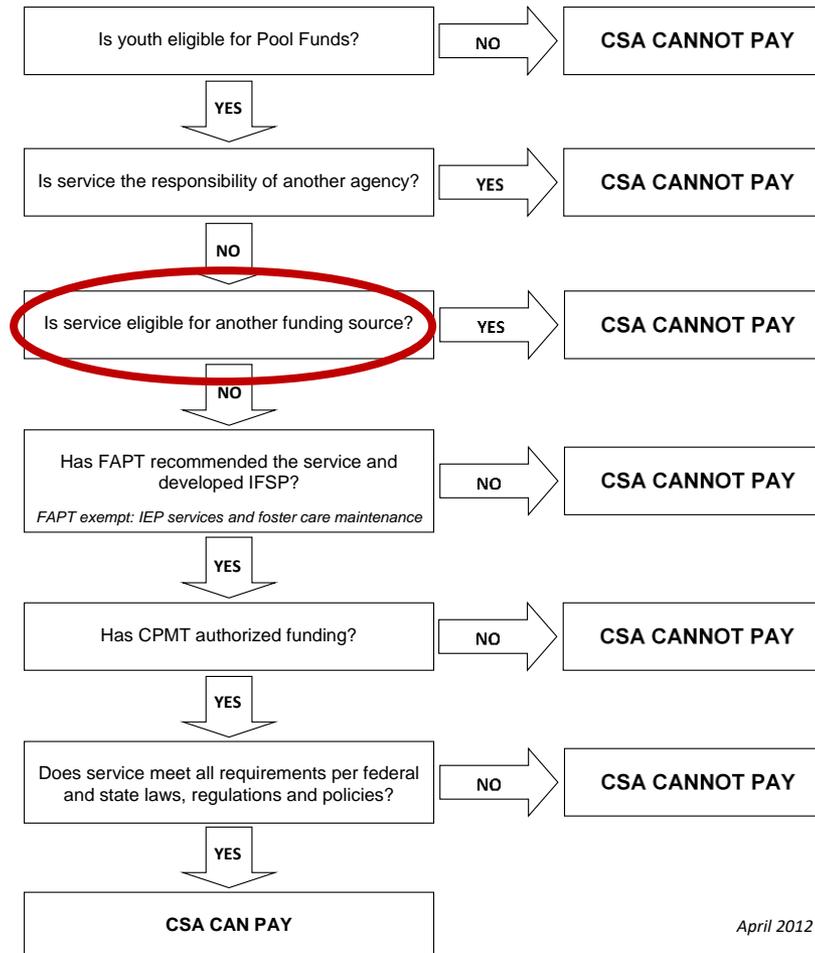
“...However, the community services board, the local school division, local social services agency, court service unit or Department of Juvenile Justice shall continue to be responsible for providing services identified in individual family service plans that are within the agency's scope of responsibility and that are funded separately from the state pool.

Examples?

# Can CSA Pay?



## DETERMINING IF CSA CAN PAY



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## Can CSA Pay?

Is service eligible for another funding source?

*(SEC Policy-4.4 ; Appropriations Act Item 274 E.)*

YES

CSA Cannot Pay

**NO**  
(Move to next question)

Can this service be funded through another funding stream such as Medicaid or DD Waiver?



# Exploring Other Funding Sources

- **Is CSA “funding of last resort?”**
  - No, but CSA cannot be the automatic “default” funder if other resources are available and may be used.
  - CPMTs should planfully determine how they wish to use the various resources available to their agencies and community. Funding streams may be obligated for specific purposes.
  - Prior to using CSA, other funding streams should be explored and used if available and appropriate. Document this process.

# Examples of Other Funding Sources..

- Title IV-E Foster Care
- Promoting Safe and Stable Families
- Chafee IL Services
- Chafee ETV
- Adoption Assistance
- Mental Health Initiative
- Virginia Juvenile Community Crime Control Act
- Transitional Services Fund
- Private Health Insurance

## Other Funding Sources-Appropriations Act Item 282

### Medicaid

**“D. Community Policy and Management Teams shall use Medicaid-funded services whenever they are available for the appropriate treatment of children and youth receiving services under the Children's Services Act. Effective July 1, 2009, pool funds shall not be spent for any service that can be funded through Medicaid for Medicaid-eligible children and youth except when Medicaid-funded services are unavailable or inappropriate for meeting the needs of a child.”**

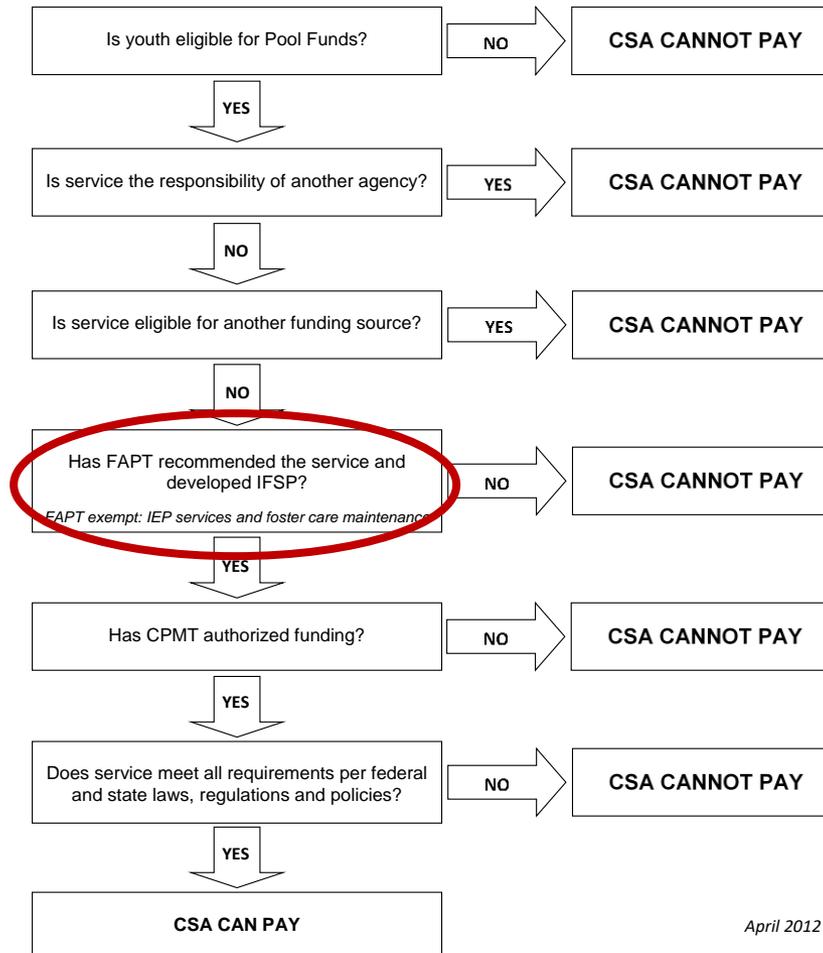
# What Does Medicaid Cover? (Examples)

- **Community based services *such as***
  - Intensive In-home
  - Therapeutic Day Treatment
  - Mental Health Skill Building
- **Treatment costs in group homes**
- **Room, board and treatment in Psychiatric Residential Treatment Programs (PRTFs)**
- **Addiction and Recovery Treatment Services (ARTS)**

# Can CSA Pay?



## DETERMINING IF CSA CAN PAY



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## Can CSA Pay?

Has FAPT recommended the service and developed the IFSP?

*(Code of Virginia § 2.2-5209)*

*IEP*

*Foster Care Maintenance if local CPMT policy permits*



No

CSA Cannot Pay

Yes

(Move to next question)

Was this case reviewed by FAPT? Did FAPT recommend these services in the IFSP?



# FAPT Review

## Code of Virginia §2.2-5209

“...Except for cases involving only the payment of foster care maintenance that shall be at the discretion of the local community policy and management team, *cases for which service plans are developed outside of this family assessment and planning team process or approved collaborative, multidisciplinary team process shall not be eligible for state pool funds.*” *(Italics added)*

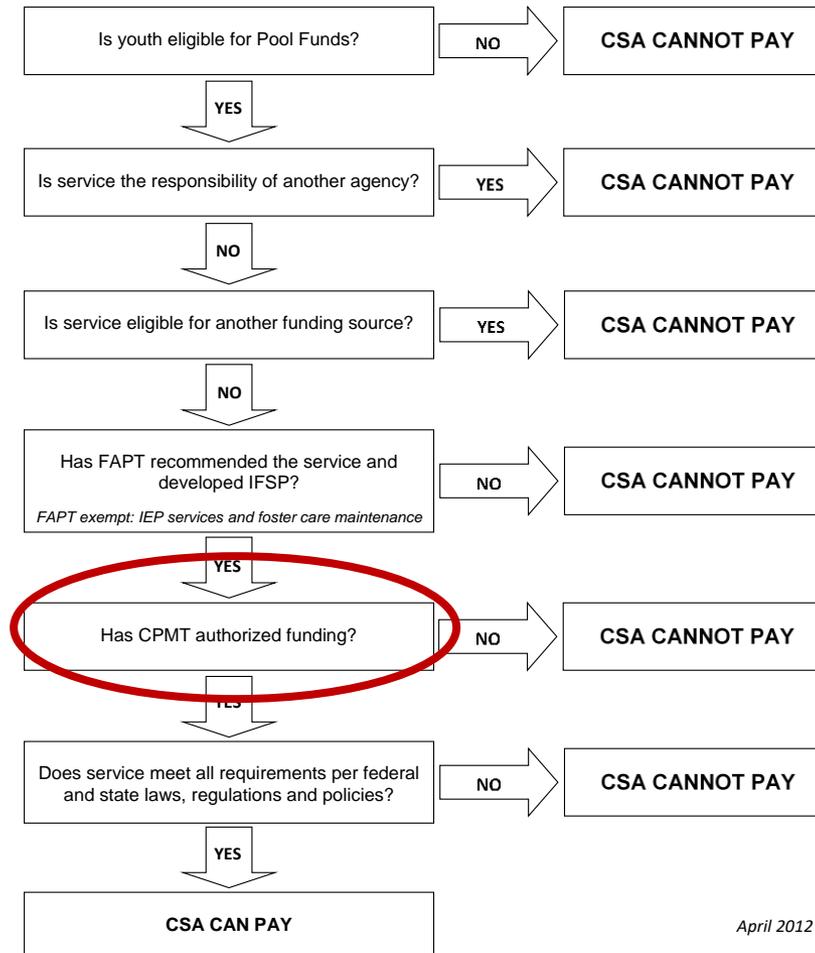
# Exemptions to FAPT Review?

- **Maintenance if the CPMT has a written policy to that effect**
- **IEP cases (private placement) if the CPMT has a written policy to that effect**
- **Emergency placements and services (FAPT must review within 14 days)**

# Can CSA Pay?

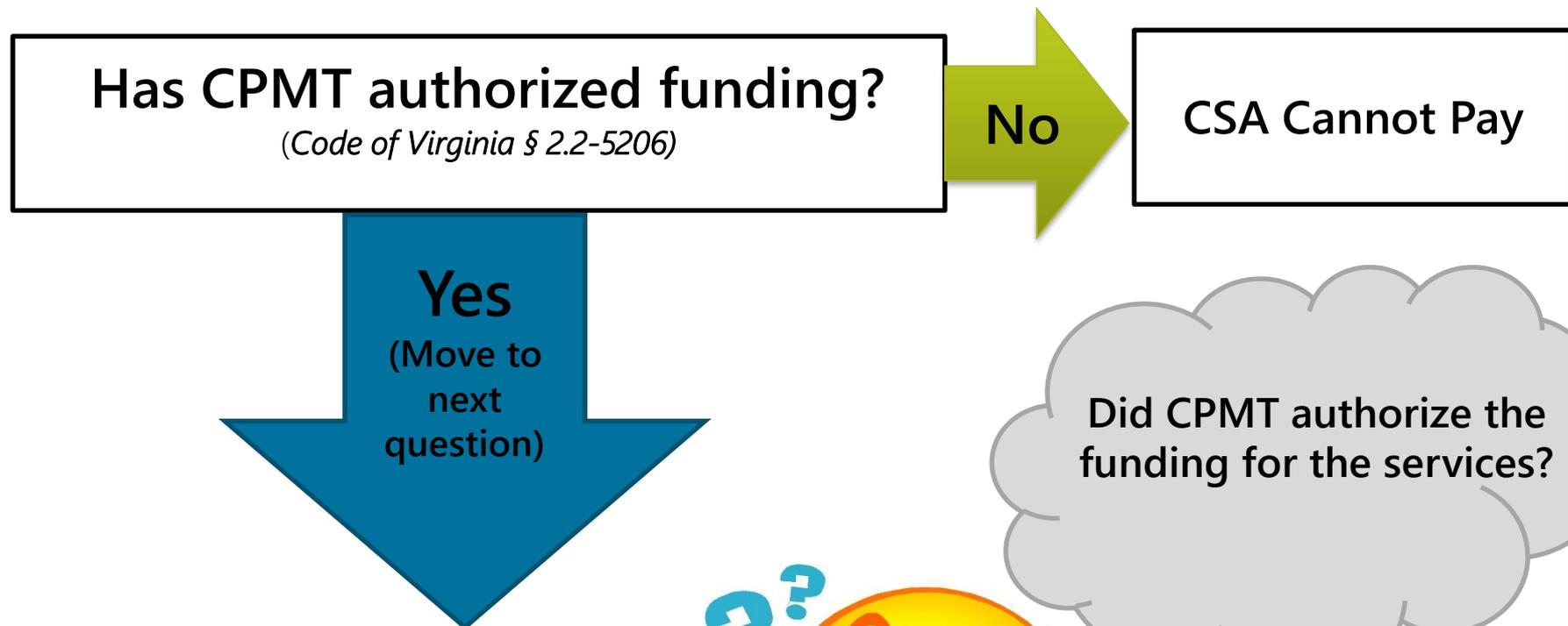


## DETERMINING IF CSA CAN PAY



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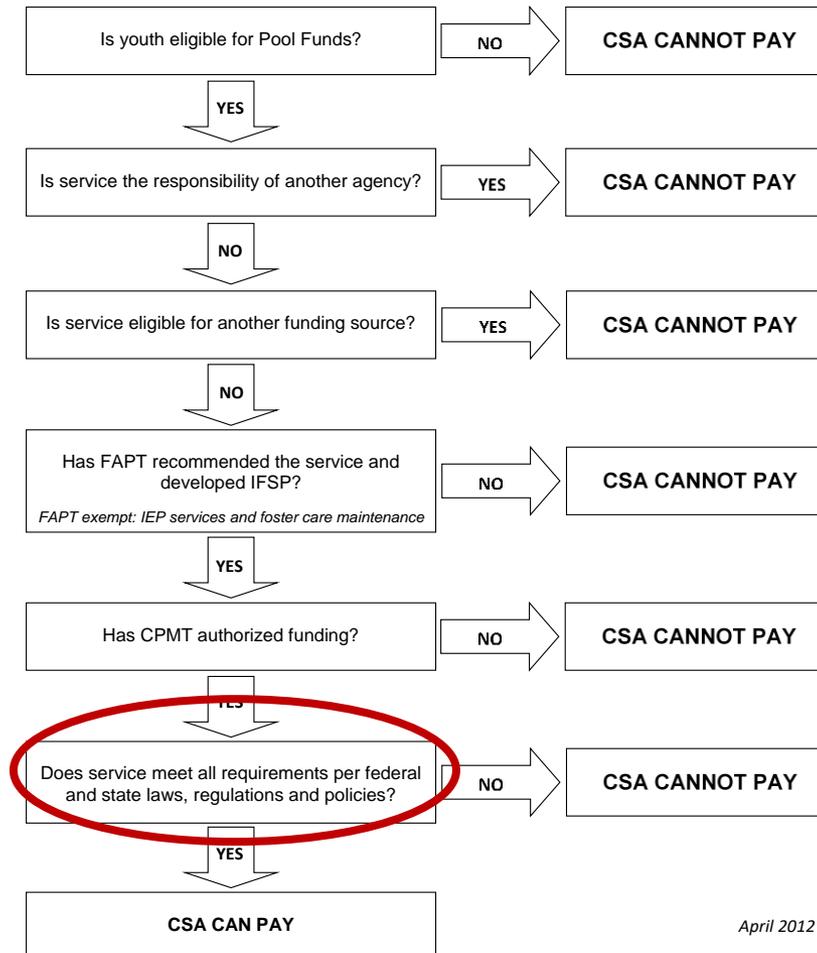
## Can CSA Pay?



# Can CSA Pay?



## DETERMINING IF CSA CAN PAY



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## Can CSA Pay?

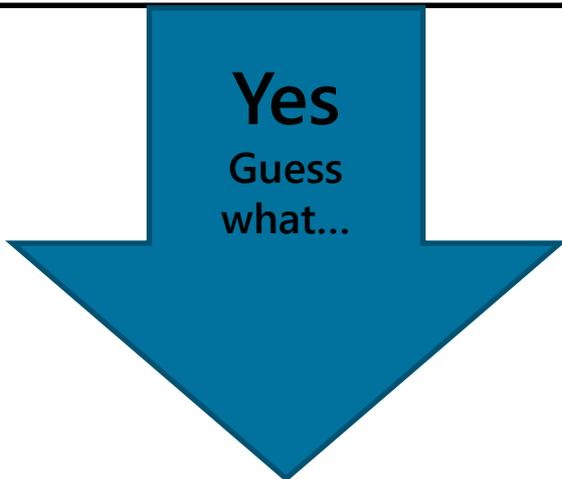
Does service meet all requirements per federal and state laws, regulations and policies?

*(Code of Virginia § 2.2-2648)*



CSA Cannot Pay

**Yes**  
Guess what...



Is the service/placement required to be licensed?  
If so, is the service provider licensed?



# CSA Can Pay!!!



- If the decision is made that CSA can pay, document reasons and be confident in your decision making!!
- CSA is intended to provide services to youth and families!!!

# Group 1

- 1. Can CSA pay for school transportation for a foster child who is in a private day school per his IEP? What if the youth is in Fostering Futures (over 18) and in private day per his IEP?**
- 2. Can CSA pay for plane fare for a local DSS worker to pick up foster children in Jamaica from a disrupted relative placement? What about the children's travel?**
- 3. Can CSA pay for unapproved or unlicensed child care for foster children? What about children living with their families receiving child care as a FCP service?**

## **Group 2**

- 1. Can CSA pay for foster parents to transport foster youth in residential for a pre-placement visit to the foster home?**
- 2. Can CSA pay placement costs for a foster child placed in a non-Medicaid group home?**
- 3. Can CSA pay for inpatient substance abuse services for the mother of a child in foster care to promote reunification? What if the child has not been removed and it's a foster care prevention case?**

## **Group 3**

- 1. Can CSA pay back rent (not a DSS/CSA case) but mother says she and children will be homeless without assistance?**
- 2. Can CSA pay back rent/rental deposits or utilities for a family with an ongoing CPS case to prevent the children from coming into foster care?**
- 3. Can CSA pay for BID transportation for a IV-E eligible child?**

## Group 4

- 1. Can CSA pay for a group home placement for a CHINS youth who receives adoption assistance?**
- 2. Can CSA pay educational costs when a parent places a child in residential for non-educational reasons if the child has a private day IEP?**
- 3. Can CSA pay for services for the parent of a child in foster care who lives in another jurisdiction?**

## Group 5

1. Can CSA pay for mentoring *for the sibling* of a child identified as a "child in need of services" and placed in residential?
2. Can CSA pay maintenance and for services for undocumented youth who are enrolled in Fostering Futures?
3. Can CSA pay for services to a child and family in the Kinship Guardianship program? What if the family no longer lives in the locality that is making the maintenance payments?

## Group 6

- 1. Can CSA pay for court testimony of a child's therapist in an Termination of Parental Rights case?**
- 2. Can CSA ever pay maintenance for a Fostering Futures youth in a group home?**
- 3. Can CSA pay for ABA for a child with a public school IEP?**
- 4. Can CSA pay for a residential placement for a child placed though an international adoption?**

## Group 7

- 1. Can CSA pay for speech and language therapy written in the IEP of a child attending public school?**
- 2. Can CSA pay for supervised visits of foster children with their birth families?**
- 3. Can CSA pay for tattoo removal for a foster youth who is trying to leave a gang?**

# Thank you!

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