



Office of Children's Services
Empowering communities to serve youth

CSA 102 CSA Eligibility and Funding

The Children's Services Act Conference
"CSA at 25: Honoring the Journey"

Presented by Carol Wilson, Program
Consultant

State Pool Funding



The Beginning

Why did CSA come into existence?

- Department of Planning and Budget (DPB) 1990 study found:
 - 14,000 cases held by local Departments of Social Services (DSS), Court Services Units (CSU), Community Services Boards (CSB) and school divisions
 - 4,993 individual children and families
 - 22% annual cost increase in serving these children and families (emphasis on residential care)
- System of care model promoted by federal Substance Abuse and Mental Health Services Administration (SAMHSA) coming into its own

System of Care-CSA Values and Principles

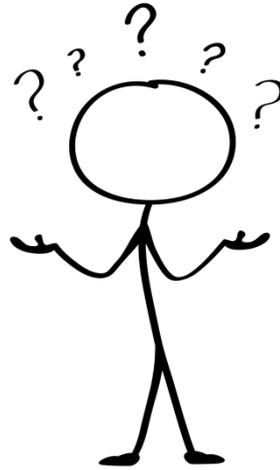
- Community-based
- Multidisciplinary planning (interagency collaboration)
- Strengths based
- Individualized child and family specific services
- Family focused
- Eligibility
- **Braided/Blended/Flexible funding**
- Least restrictive environment
- State/Local Collaboration
- Continuous Quality Improvement

State Funding Pool

- **Blended funding**
 - Seven existing funding streams with varying match rates were combined into one central "State Pool"
 - Department of Social Services (DSS)
 - Department of Education (DOE)
 - Department of Juvenile Justice (DJJ)
 - Behavioral Health and Developmental Services (DBHDS)



Sources of State Pool Funding



CHILD

DOE

Private Tuition Assistance

DOE

Interagency Assistance Fund for Placements of SWD

DSS

State and Local Foster Care

DSS

Foster Care Block Grant (Services)

DJJ

286 Special Placement Funds

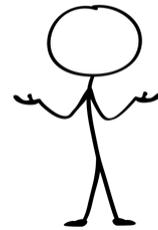
DJJ

239 Special Placement Funds

DBHDS

Bed Purchase Funds for Adolescents

Sources of State Pool Funding



CHILD

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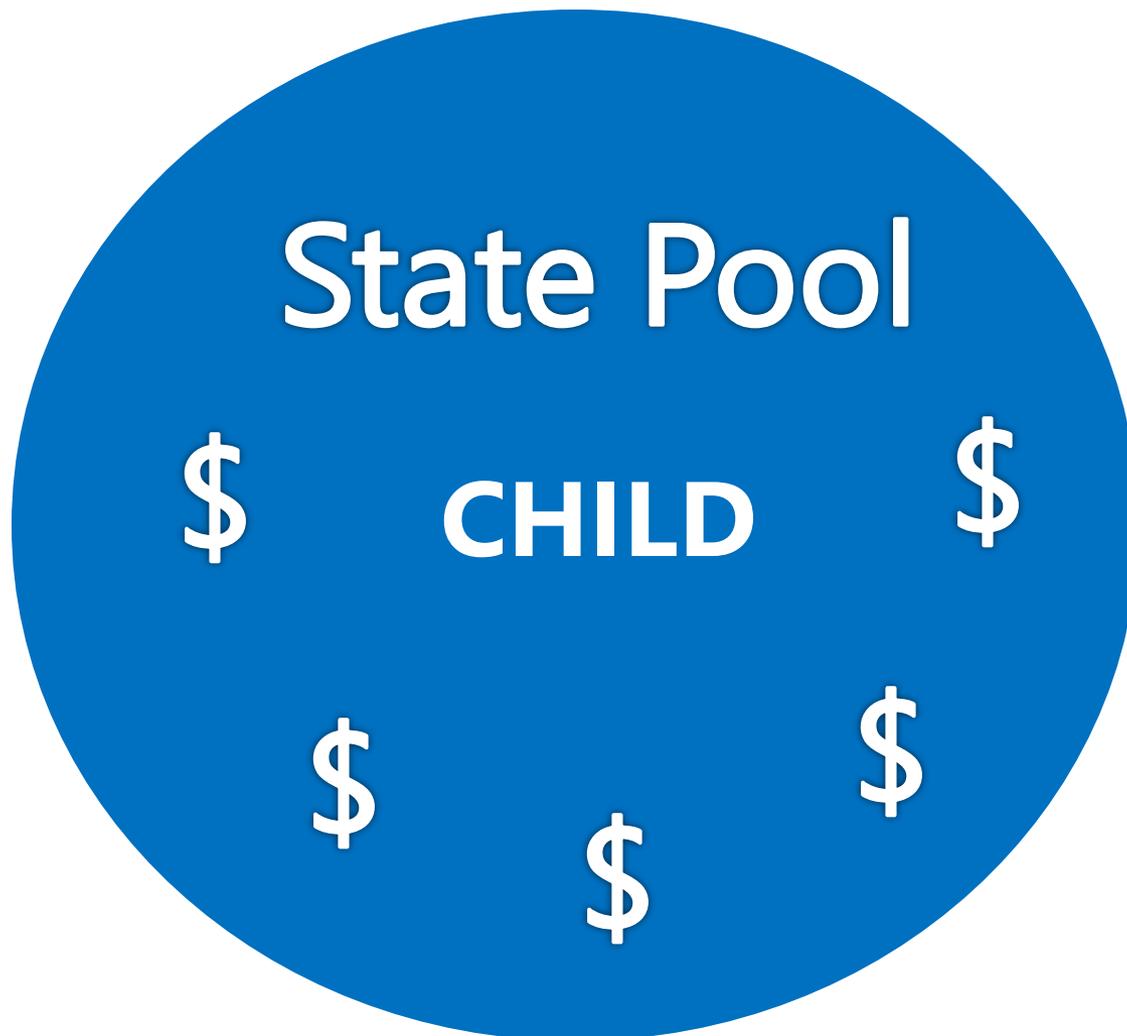
DJJ

239 Special Placement Funds

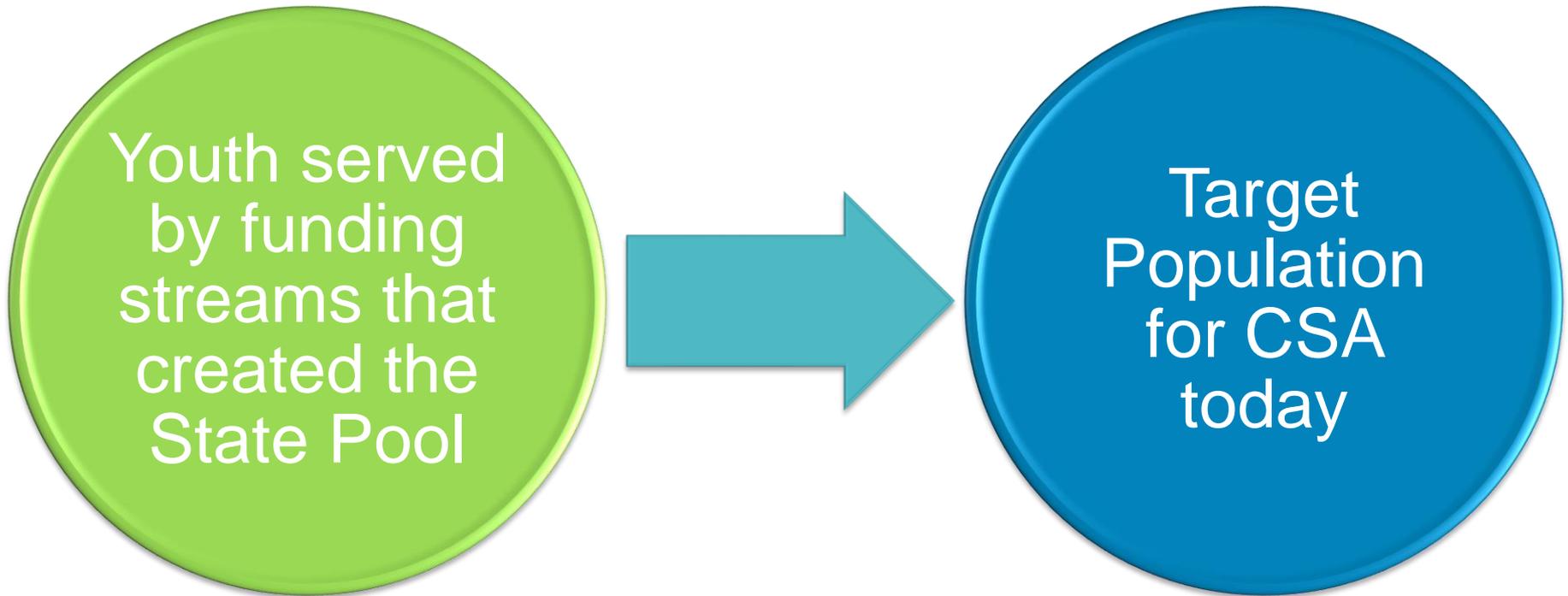
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Bed Purchase Funds for Adolescents

Sources of State Pool Funds



Eligibility for CSA Funds



CSA Eligibility



COV §2.2-5212 defines eligibility for CSA

"In order to be eligible for funding for services through the state pool of funds, a youth, or family with a child, shall meet one or more of the criteria specified in subdivisions 1 through 4 and shall be determined through the use of a uniform assessment instrument and process and by policies of the community policy and management team to have access to these funds.

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.

CSA Eligibility

COV §2.2-5212 (con't.)

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.

3. The child or youth requires placement for purposes of special education in approved private school educational programs.

3. The child or youth requires foster care services as defined in §63.2-905."



Funding for CSA

COV §2.2-5211

Identifies the CSA "Targeted Population" (1-5)

1. Children in private educational placements (private day and residential via IEP)
2. Foster children and youth with an IEP placed in private day
3. Children and youth for whom foster care services as defined in §63.2-905 are being provided
4. Children and youth placed by a J& DR court, in accordance with provisions of §16.1-286 (youth served by the Department of Juvenile Justice)
5. Children and youth committed to DJJ and placed in out of home care

But only 1, 2 and 3 are identified as requiring that "sum-sufficient" funds must be appropriated by the state and local governments.

MANDATED

Funding for CSA

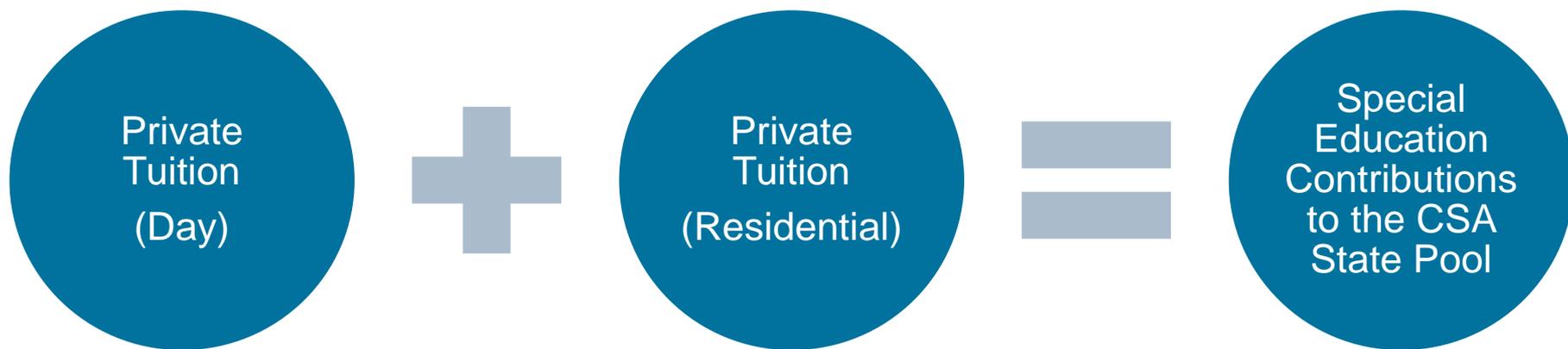
- Child or youth meets eligibility requirements (emotional/behavioral) needs as defined in §2.2-5212 1. and 2.
- Court ordered placements
- Children served by DJJ/CSB that do not meet CHINS criteria but meet eligibility requirements in §2.2-5212 1. and 2.
- Capped allocation for each locality

NON-MANDATED

Funding for CSA

- Each locality receives an allocation of “mandated” and “non-mandated” (“protected”) funding yearly.
- If mandated allocation is insufficient than a supplemental request is made to OCS.
- Localities may opt to not spend their “non-mandated” money (must have local match to spend).
- Each locality receives an allocation of administrative funding (minimum of \$12,500; maximum of \$50,000)

CSA and Special Education



IEP and FAPT

- Federal law does not permit any entity other than the IEP team to make special education decisions for a student with disabilities.
 - CPMT must fund IEP directed private special education and related services for CSA eligible youth (excluding transportation)
 - Local policy guides approval process
 - No co-pay on IEP services
- Child must have a Child and Adolescent Needs and Strengths (CANS) Assessment
- Utilization Management and Utilization Review (UM/UR) completed by the IEP Team
- School division is responsible for transportation

Special Education Wraparound Services

State Executive Council Policy created in January 2011 also allows for the provision of:

“non-residential services in the home and community for a student with a disability when the needs associated with his/her disability extend beyond the school setting and threaten the student’s ability to be maintained in the home, community, or school setting.”

- Tied to keeping a child in the least restrictive environment (home, school, community)
- Services driven by IFSP (not IEP)
- Child must be eligible for special education services
- Money is capped at \$2.2 million – can request reallocation
- Must be used for community based services (not in schools)
- Can be used by children in private placements
- Subject to parental co-pay

"Foster Care Services" = CSA

- Children who are eligible for **"foster care services"** as defined in §63.2-905 are **eligible for CSA**. (§2.2-5212)
- Children who are eligible for "foster care services" as defined in §63.2-905 are **"mandated"** for CSA, meaning **"sum-sufficient"** funding for services must be appropriated by state and local governments. (§2.2-5211)

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, or (iii) has been committed or entrusted to a local board or licensed child placing agency. 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](#).”



Two Categories

Abuse/Neglect

- Eligible for “foster care services” including prevention of foster care placement
- No need to use CHINS checklist to determine eligibility
- No standard checklist to determine eligibility for this population
- Local DSS determines

Child in Need of Services

- Eligible for “foster care services”, including prevention of foster care placement
- Court determines or FAPT uses CHINS Checklist to determine eligibility as CHINS

Three Types of Foster Care Services

Foster Care Prevention

- **Services to prevent or eliminate the need for foster care placement**

Placement Agreement between agency and parent; Parent Retains Legal Custody

- **CSA Parental Agreement**
- **DSS Non-Custodial FC Agreement**

Commitment, Entrustment or Custody to LDSS

- **"Traditional" Foster Care Placement**

CHINS Eligibility

- Problem of custody relinquishment
- Non-custodial foster care agreements
- Issuance of a Opinion of the Attorney General (2006)
- Development of SEC Policy (*"Interagency Guidelines for the Provision of Foster Care Services to Specific Children in Need of Services"*)
 - CHINS Checklist
 - CSA Parental Agreement template

CHINS Eligibility

- Children may be determined to be a child “in need of services” as defined in §16.1-228 in two different ways
 - Disposition of the court
 - FAPT completion of the “CHINS Checklist” finding the child meets the statutory definition and requires specific services
- If child meets the criteria for FAPT CHINS, then services may be provided;
 - In the community (foster care prevention)
 - Through a CSA Parental Agreement (out of home placement for **treatment** reasons)

DSS Non-Custodial Agreement

- LDSS is case manager
- Child is in foster care placement
- Court involvement is required
- Child may be eligible for IV-E
- Eligible for Medicaid

CSA Parental Agreement

- Agency other than LDSS is case manager
- Child is receiving a "foster care service" and is not in foster care placement
- Court involvement is not required
- Child is not eligible for IV-E. May be eligible for Medicaid based on parents' income, or after 30 days, the child's income

Independent Living Services

- Only applies to children who are in LDSS custody on their 18th birthday (prior to July 1, 2016)
- Provided until age 21 to youth who "age out" of foster care with the LDSS
- Available for youth who were in the custody of DSS prior to age 18, but then committed to the Department of Juvenile Justice
 - If released prior to age 18 – may return to foster care
 - If released between the ages of 18-21 – eligible for IL services
- ... 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. (COV § 63.2-905)

Fostering Futures

- Effective July 1, 2016-youth in foster care with LDSS who attained age 18 on or after this date are eligible
- May remain in foster care until age 21
- Youth sign a Voluntary Continuing Services and Support Agreement (VCSSA)
- Broad participation criteria
- No group home or residential placements



Age Range for CSA Eligibility

- **Defined by §2.2-5212.B**
 - “child” or “youth” means (i) a person younger than 18 years of age or (ii) any individual through 21 years of age who is otherwise eligible for mandated services of the participating state agencies including special education and foster care services.
 - **Age 18**
 - Foster Care prevention
 - Non-mandated
 - CSA Parental Agreements
 - **Age 21 (Independent Living and Fostering Futures)**
 - **Age 22 or if the youth’s 2nd birthday falls after Sept 30, through the end of the school year for students with disabilities (Special Education Regulation)**

Title IV-E and CSA

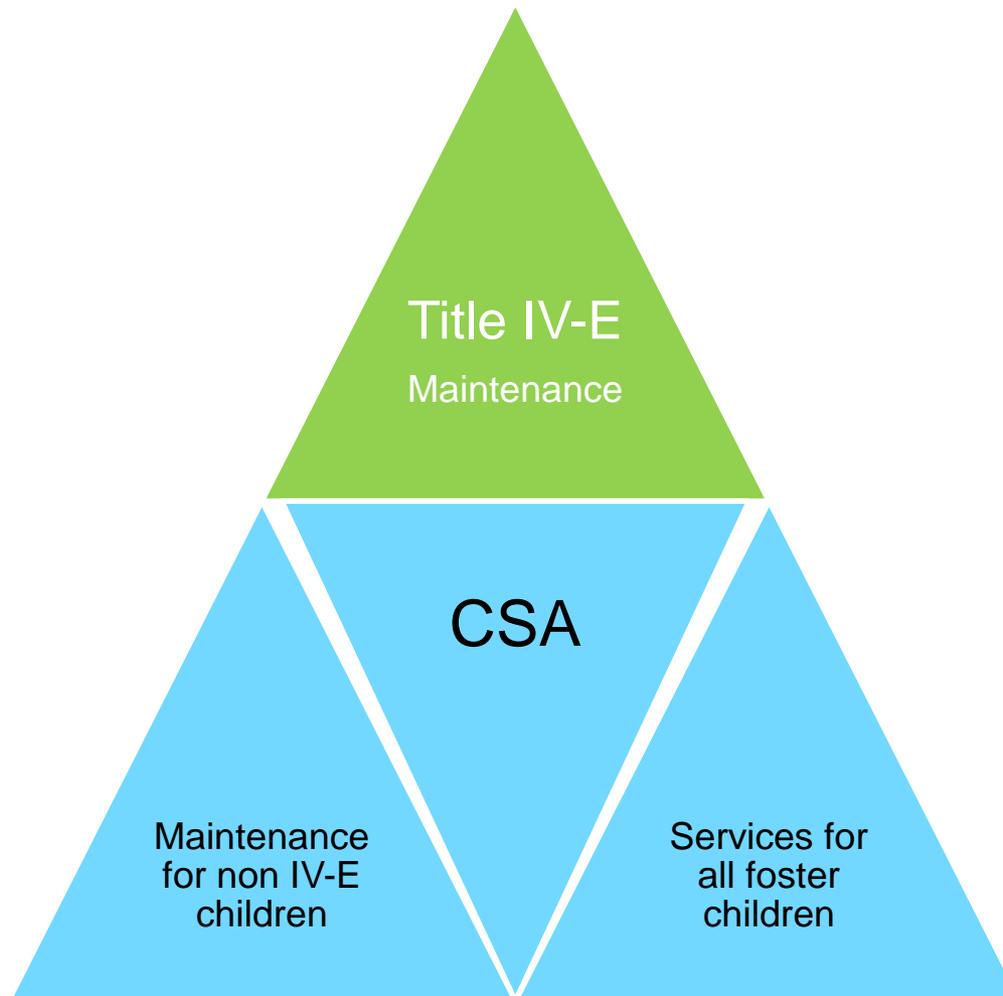
What is Title IV-E?

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

Title IV-E and CSA

- **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

Title IV-E and CSA



Title IV-E and CSA

- Can CSA pay when Title IV-E denies?
- It depends.
- Difference between "maintenance" and "services"
 - Title IV-E only pays for maintenance to support the foster care placement of IV-E eligible children.
 - Title IV-E does not pay for any "services."
 - CSA pays for services for foster children.
 - CSA also pays maintenance for non-IV E eligible children.

Title IV-E and CSA

- **CSA follows the IV-E definition of "maintenance."**
- **So...what if a parent requests assistance with transportation to visit his/her child in residential?**
- **Can CSA pay?**

Title IV-E and CSA

- **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/sibling visits**
 - Transportation for Best Interest Determination (BID) placements

Title IV-E and CSA

Travel for parents to visit children is not covered by "maintenance."

BUT

It is definitely a service that CSA may provide through the FAPT and CPMT.

Title IV-E and CSA

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

Can CSA Pay?

Can CSA Pay?



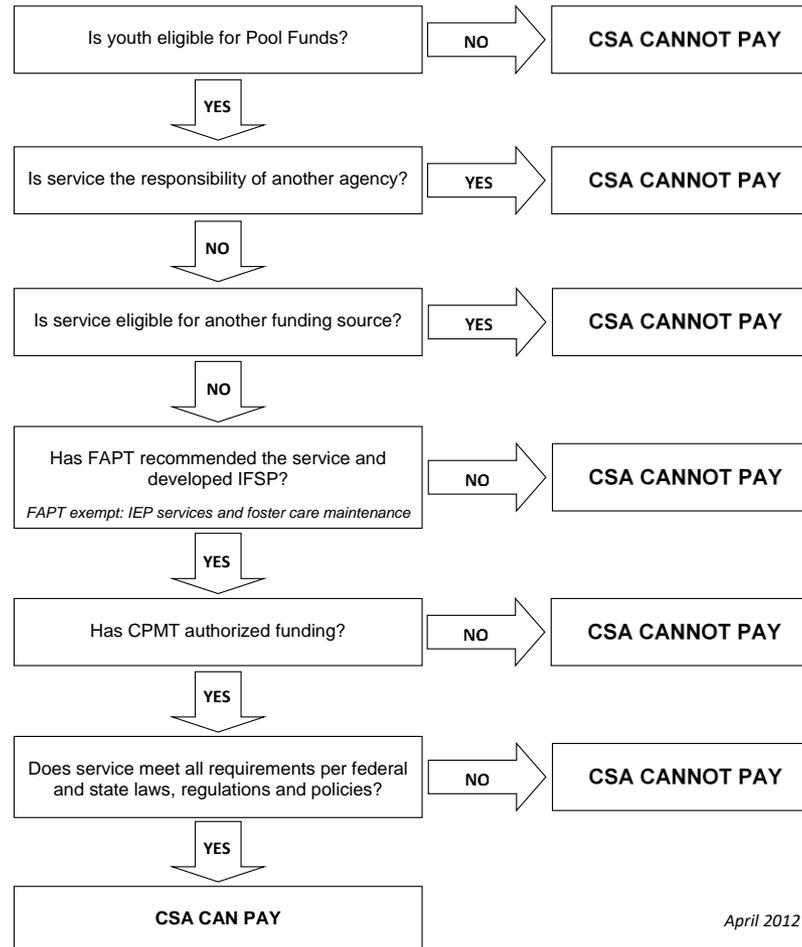
Can CSA Pay?

- 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

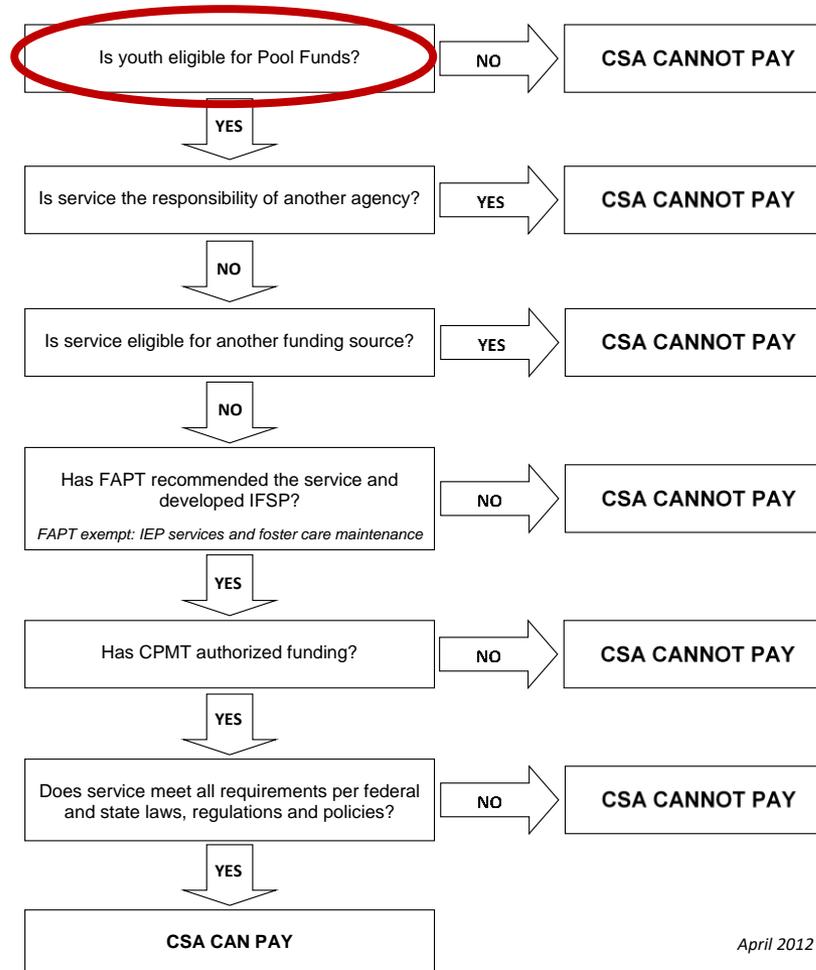


April 2012

Can CSA Pay?



DETERMINING IF CSA CAN PAY



April 2012

Can CSA Pay?

Is youth eligible for Pool Funds?

NO

CSA Cannot Pay

YES
(Move to
next
question)

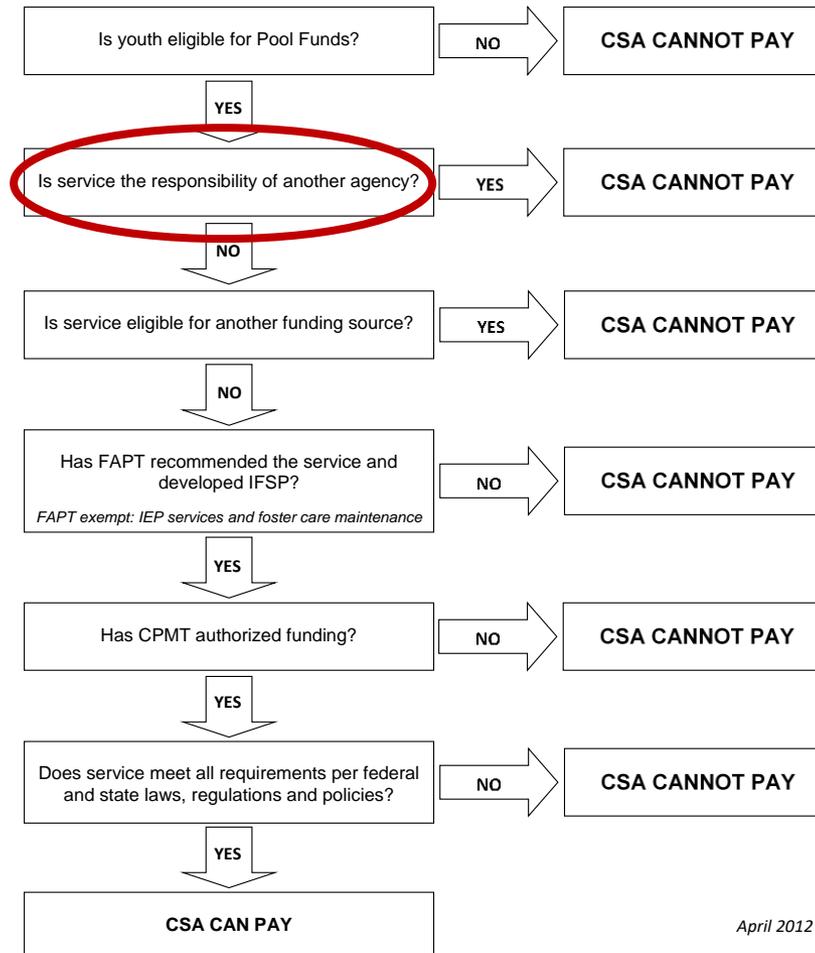
Now what did they
say about
eligibility?



Can CSA Pay?



DETERMINING IF CSA CAN PAY



April 2012

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)

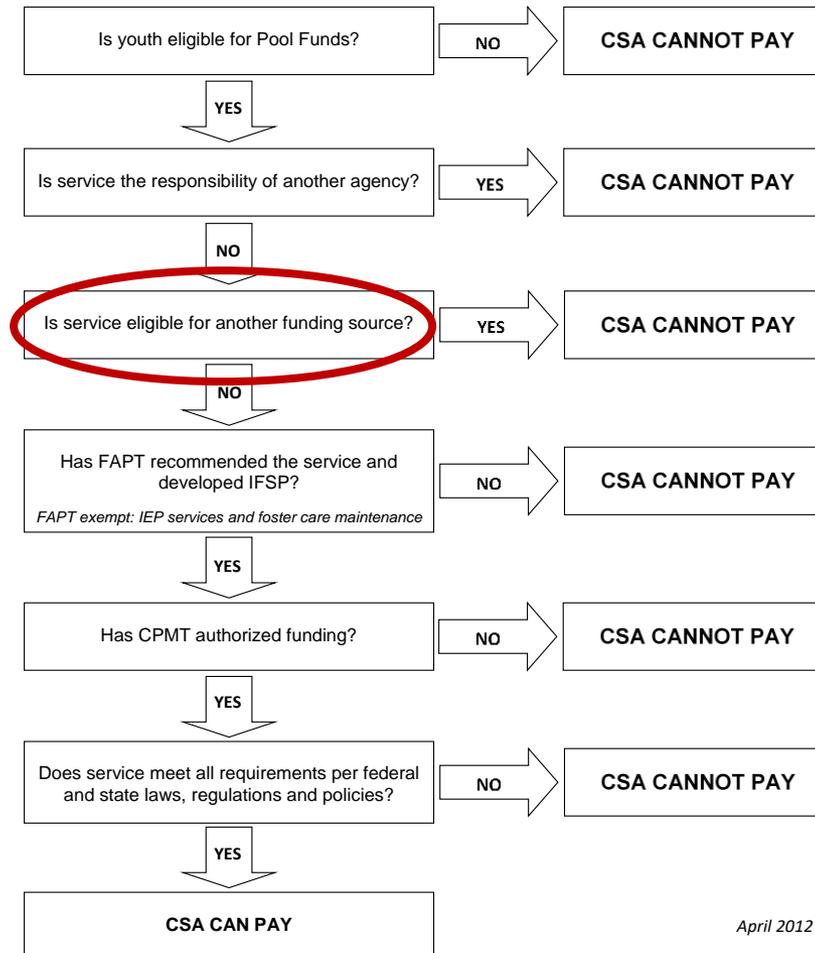
Does this fall within the
routine scope of
responsibility of the
schools, LDSS, DJJ, or the
CSB?



Can CSA Pay?



DETERMINING IF CSA CAN PAY



April 2012

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)

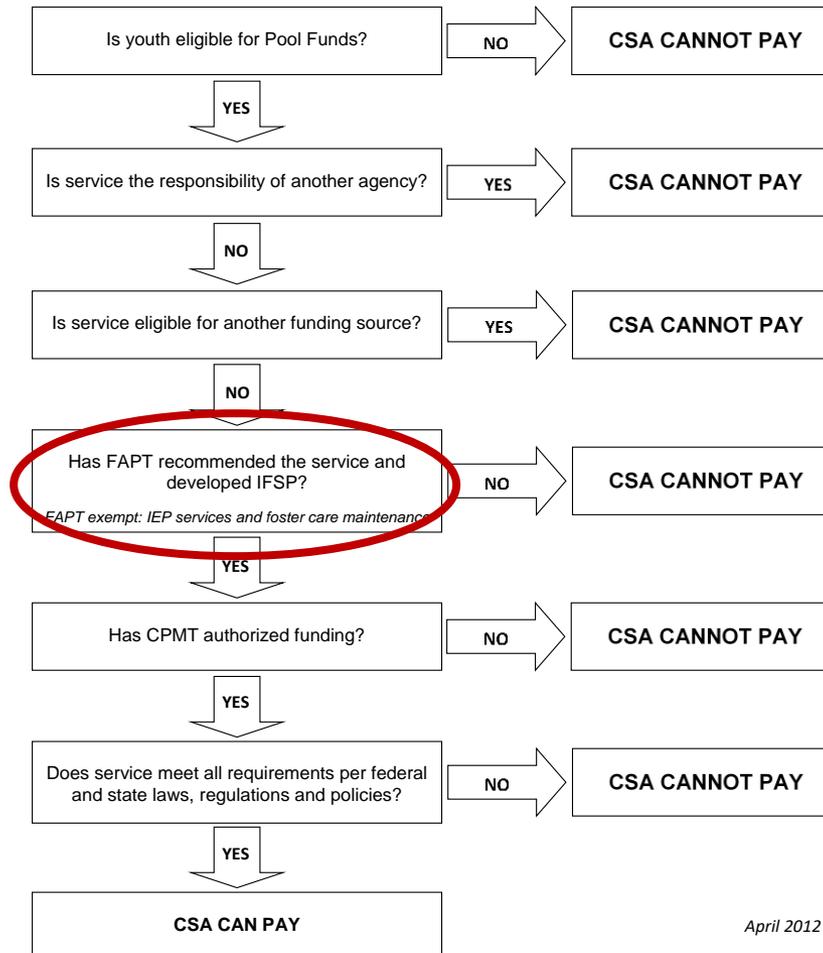
Can this service be
funded through another
funding stream such as
Medicaid or DD Waiver?



Can CSA Pay?



DETERMINING IF CSA CAN PAY



April 2012

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)

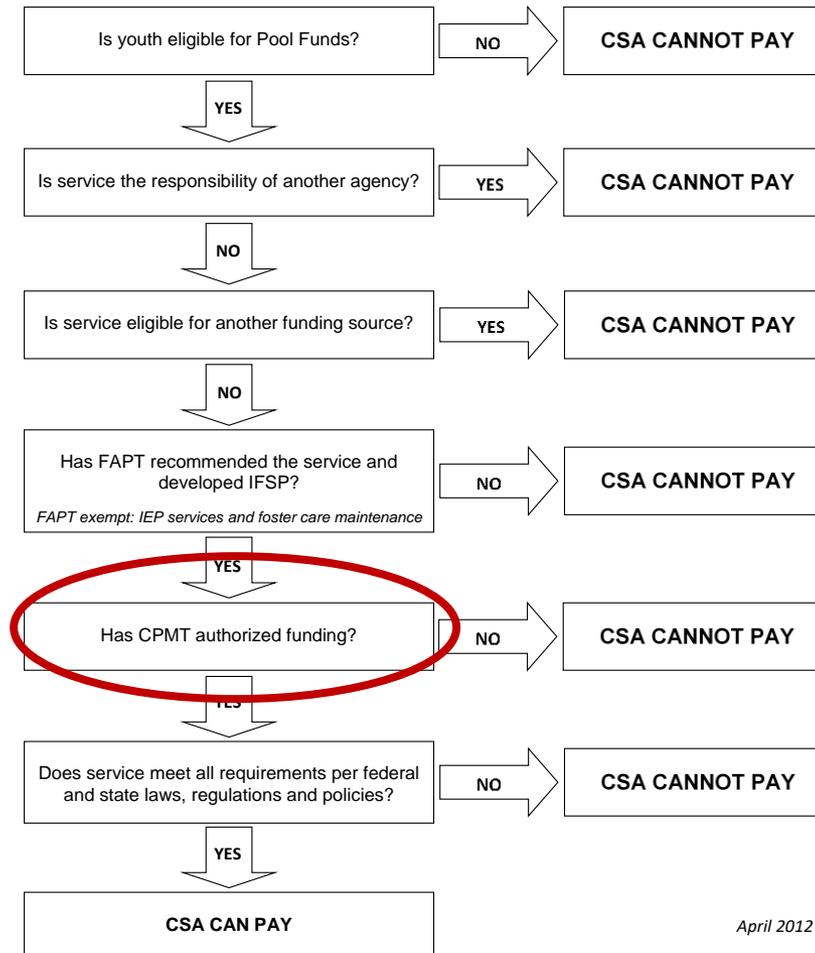
Was this case reviewed by FAPT? Did FAPT recommend these services in the IFSP?



Can CSA Pay?

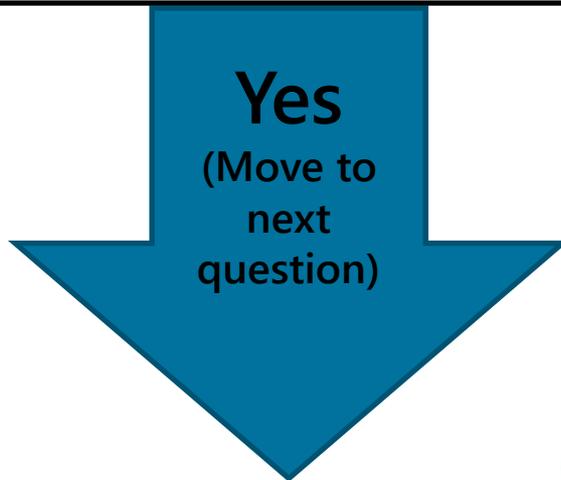
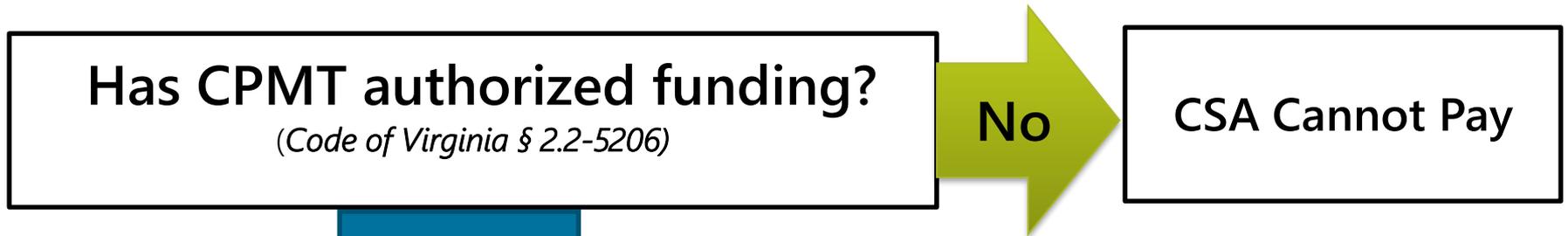


DETERMINING IF CSA CAN PAY



April 2012

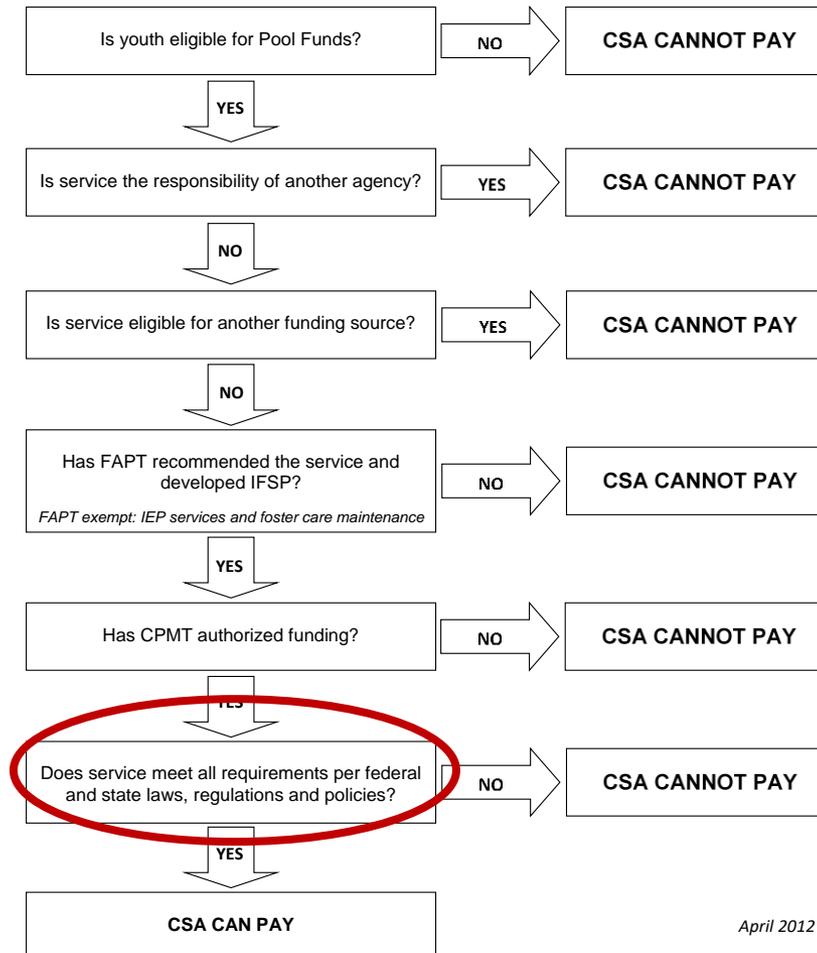
Can CSA Pay?



Can CSA Pay?



DETERMINING IF CSA CAN PAY



April 2012

Can CSA Pay?

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

(Code of Virginia § 2.2-2648)

No

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 Can CSA Pay? Transportation

1. Can CSA pay for foster parents to transport foster youth in residential for pre-placement visit to the foster home?
2. Can CSA pay for plane fare for local DSS worker to pick up children in Montana from a disrupted pre-placement visit?
3. Can CSA pay for a relative (not the parents) to visit a foster child who is in the custody of the LDSS and placed in residential?

Group #2 Can CSA Pay? Utilities/Rent/Services for Parents

1. Can CSA pay back rent (not a CSA case) but mother says she will be homeless without assistance?
2. Can CSA pay 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 inpatient substance abuse services for the mother of a child in foster care to promote reunification?
4. Can CSA pay for services for the parent of a child in foster care who lives in another jurisdiction?

Group #3 Can CSA Pay? Child Care

1. Can CSA pay for child care for a foster child who is at home with parents on a trial placement?
2. Can CSA Pay for a foster child to attend an unlicensed child care program while the foster parent works? IV-E will not pay because the child care program is not licensed. There is no licensed child care in our rural area.
3. Can CSA pay for provisionally licensed child care for foster children?

Group #4 Can CSA Pay? IV-E/Maintenance

- 1. Can CSA pay when IV-E disallows maintenance payments because a child is placed in an unlicensed (or unapproved) foster home?**
- 2. Can CSA pay maintenance if the VEMAT wasn't completed within 60 days of placement?**
- 3. Can CSA pay maintenance for emergency foster care home approvals or is the receipt of the fingerprint check required?**

Group #5 Can CSA Pay?

1. Can CSA pay for modifications to a foster home to accommodate a foster child's disability (i.e., a wheelchair ramp)?
2. "Nick E." Scenario (see separate page)