Commissioner Guidance Document Transmittal

Date- July 1, 2019

Manual – Child and Family Services Manual, Chapter F-Adoption

Transmittal # - 282

The purpose of this transmittal is to provide new and revised guidance for Chapter F. Adoption of the Virginia Department of Social Services (VDSS) Child and Family Services Manual. Unless otherwise stated, the provisions included in this transmittal are effective upon release.

Significant changes were made in guidance to reflect the Family First Prevention Services Act of 2018 that temporarily suspended the de-linking of the federal title IV-E income eligibility requirements, previously published in a Family Services Broadcast called Title IV-E Adoption Assistance Change dated March 8, 2018. Changes were made due to legislative action that included a foster parent can petition to adopt without the consent of the agency, holding custody, when the child has resided with the foster parent continuously for at least 18 months, previously published in a Family Services Broadcast called Foster Parent Adoption dated April 12, 2018. In addition, changes were made due to legislative actions including: national criminal background checks will be completed on stepparent adoptions, and the amount of time a child must reside with a close relative prior to adoption was lowered.

Section two has been revised and reorganized by deleting and combining duplicate sections of adoption assistance guidance.

Section five has been revised and reorganized by deleting and combining duplicate sections and rearranging sections to begin with the initial process steps for adoption disclosure.

This transmittal and manual are available on FUSION at http://spark.dss.virginia.gov/divisions/dfs/ap/index.cgi#manuals and on the VDSS website at http://www.dss.virginia.gov/family/ap/index.cgi.

Significant changes to the manual are as follows:

Section	Significant Changes
The Adoption Guidance	Changes *OASIS* to *child welfare information system* throughout the document. Changes adoption negotiator to Assistance Negotiator throughout the document.
2.3.1 Preparing the adoption assistance process	Adds the word "currently" to describe the services and supports the child is receiving.
2.5 Application Process	Clarifies the child's adoptive name is used on the application. If the child's adoptive name is not determined at the time of the application, the child's first name and last name initial of his/her birth name is listed on the application.

2.6 Assessing family circumstances	Eliminates the requirement for the adoptive parents to complete the Worksheet for Assessing and Negotiation Adoption Assistance.
2.6.1 Assessing basic maintenance needs of child	Clarifies "The worksheet may be used as an additional resource."
2.6.2 Assessing additional daily supervision needs of child	Adds "payments" to enhanced maintenance.
2.6.2.1 LDSS responsibilities in conducting a VEMAT	Adds new language stating "if the VEMAT is re-administered prior to the signing of the adoption placement agreement and there is a rate change, the new VEMAT rate will go into effect the first day of the following month for the foster care payment." It clarifies foster care funds will continue to be used until the adoption assistance agreement is in effect. Changes the requirement that the adoption assistance agreement be executed within 90 days to 60 calendar days.
2.6.3 Assessing child care needs	Adds self-employed parents should provide income verifications. Adds the responsibility of the LDSS to verify the parents' employment or school attendance and requirement to send verification to the Assistance Negotiator with the referral. Adds the child care facility may be a licensed or unlicensed but regulated program. Verification of the license, registration, religious exemption, or certification must be sent to the Assistance Negotiator with the referral. Changes part day to before and/or after school and redefines full day to six or more hours (previously five hours). Adds to document maintenance funded child care payments in child welfare information system using the Assistance Screen and list child care as a maintenance separate payment that is not combined with the basic maintenance. Adds to document special services funded child care payments in child welfare information system using the Assistance Screen and list the child care as special services type of payment.

2.6.5 Assessing non-recurring adoption expense needs	Adds the amount of the payment made for nonrecurring expenses shall be determined through an agreement between the adopting parents and the LDSS. Clarifies the agreement must indicate the nature and the amount of the nonrecurring expenses to be paid. Clarifies the total costs for all services rendered and paid from nonrecurring expenses may not exceed $2,000.
2.6.6.1 Determining whether adoptive parents can financially afford services	Clarifies the application is used to determine the remaining funds the adoptive parents have available for special services. Clarifies that the LDSS and the adoptive parents discuss any remaining funds they have available that may be used for special services payments.
2.6.6.2.1 Educational Advocate	Replaces using the worksheet to using the application when negotiating the reimbursed amount. The worksheet can be used as an additional resource.
2.6.6.3 Tutoring	Establishes eligibility criteria for tutoring services.
2.8 Screening child for adoption assistance	Clarifies to document the results of the screening in the child welfare information system adoption case.
2.9 Screening child prior to final order of adoption	Adds additional language regarding qualified aliens.
2.9.1 Special Needs Criteria	Section added and following section moved down one section.
2.9.2 Title IV-E applicable child	Adds the LDSS shall screen for adoption assistance using the non-applicable child criteria for children under the age of two during the federal fiscal year (FFY). Adds the criteria for the Family First Prevention Services Act of 2018, which temporarily suspends the de-linking of the AFDC requirements for children under the age of two during the FFY as of January 1, 2018 until June 30, 2024.
2.9.2.1 Title IV-E eligibility for an applicable child	Clarifies that "in addition to the applicable child criteria, the LDSS shall also determine that an applicable child with special needs meets one of the four eligibility requirements." Clarifies that in a Judicial determination, the child, at the time of the initiation of adoption proceedings shall have been in the care of a public or licensed private child placing agency.

	Clarifies in an involuntary removal, the first court order sanctioning the removal, must contain a statement that continuation in the home is "contrary to the welfare" of the child or that removal is in the child's best interest.
	Removes the "received within 60 days" requirement.
	Changes the language from voluntary entrust to Temporary or Permanent Entrustment Agreement.
	Clarifies there are no additional criteria that must be met in order for a child to be eligible for title IV-E adoption assistance if the child's eligibility is based on their minor parent's receipt of foster care while placed with the minor parent in foster care.
	Clarifies there is no requirement that a child must have been removed from home pursuant to a Permanent Entrustment Agreement or as a result of a judicial determination. If the child and minor parent have been separated in foster care prior to the time of the adoption petition, the child's eligibility for title IV-E adoption assistance must be determined based on the child's current and individual circumstances.
2.9.3 Non-applicable eligibility – Aid to Families with Dependent Children	Changes the language for court placed children from "there was not a court order issued within the first 60 days" to "the first court order sanctioning the removal of the child from the home, a judicial determination must be made that remaining in the home would be contrary to the child's welfare."
2.9.4 Screening child for state basic maintenance payments	Adds "To be considered eligible for this screening, the child must meet the age and citizenship criteria in section 2.9 and the special needs criteria in Section 2.9.1.
2.9.5 Eligibility for enhanced maintenance payments	Changes the most recent VEMAT completed date from three months to six months.
2.9.6 Eligibility for special service payments	Section 2.9.4.1 changed to 2.9.6

Adds for special service payments, the child was in the custody of the LDSS or LCPA at the time of the adoptive placement. |
| 2.9.7 Eligibility for non-recurring payments | Changes "must" to "shall" that the adoption assistance agreement terms for non-recurring expenses shall be signed prior to the final order of adoption. |
| 2.10.1 Screening a child for adoption assistance after final order | To determine a child's eligibility for adoption assistance, after the final order of adoption has been entered, the LDSS must first determine if the child meets the definition |

	of special needs as defined in Section 2.9.1, the age and citizenship criteria as defined in Section 2.9, and the additional eligibility requirements to be eligible for adoption assistance.
2.11.1 Role of the Adoption Negotiator	Adds Negotiator acknowledges receipt of referral from the LDSS within 5 calendar days via email. Adds the negotiation is completed within 30 days of receiving the Referral for Negotiations from the LDSS.
2.11.2 Role of LDSS during the negotiation process	Removes the requirement to submit the Worksheet for Assessing and Negotiating Adoption Assistance to the negotiator with the Referral for Negotiation and supporting documentation. Removes "and will move forward." Changes within 30 calendar days to within 14 calendars days of receipt of the Application for Assistance or Request for Addendum Adds gathers documentation which supports any additional daily support and supervision needs the child may have that are payable through an enhanced maintenance payment and for all special service payments requested. Adds supporting documentation must be current within two years of the date of application. Adds "once this information has been obtained, submits a Referral for Negotiations and the application with supporting documentation to the Assistance Negotiator. Adds the LDSS completes the VEMAT prior to submitting the Referral for Assistance and application. The VEMAT score and the amount are required to be entered on both of the abovementioned forms. Changes the LDSS will submit any additional documentation requested by the Assistance Negotiator within the same 30 days to within seven calendar days. Removes Adoption from Report of Negotiation.
2.11.3 Negotiation process	Changes 60 days to 30 days that the negotiation will be completed following the initiation of the adoption negotiation process.

2.12.1 Developing the agreement	Adds the child's adoptive name is used on the agreement. If the child's adoptive name is not determined at the time of the agreement, the child's first name and last name initial of his or her birth name is listed on the agreement. This is because the child's birth name is sealed when the adoption is finalized.
2.12.2 Executing the agreement	Clarifies the effective date for special services payments is when all parties sign the agreement.
2.13 Annual affidavit	Adds an annual affidavit does not have to be completed if the initial adoption assistance agreement is for a one-time payment, such as non-recurring expenses. Adds the timeframe of documenting child welfare information system case contacts of the signed affidavit to be within five calendar days.
2.14 Making changes to agreement	Removes tutoring and mentoring from services that can be approved for up to one year.
2.14.4 Assessing relevant components of adoption assistance	Removes the requirement to use the Worksheet for Assessing and Negotiating Adoption Assistance. Adds the LDSS should use the application to assist in the assessment of the financial circumstances of the family.
2.14.5 Executing the addendum	Clarifies the effective date for special services payments is when all parties sign the addendum.
2.14.6 Conducting a VEMAT after signing adoption assistance agreement	Changes section title to Reassessing additional daily support and supervision needs Adds the Negotiator along with the LDSS and parent may negotiate a new monthly enhanced rate.
2.14.7 Assessing conditions warranting continuation beyond 18th birthday	Clarifies the LDSS shall notify the adoptive parents in writing using the Family Services Notice of Action and Rights to Appeal form six months before the youth's 18th birthday that the agreement and subsequent payments will terminate on the youth's 18th birthday.
2.14.9 Requirements for residential treatment services	Adds that recommendations for residential placement must the follow the current approval procedures in place for children in foster care; to include, a Family Assessment and Planning Team meeting, a Family Partnership Meeting, and any required Medicaid approval process.
2.15.1 Beginning payments and services	Adds it is the service worker's responsibility to notify CSA, if necessary, of the funding change.
2.17 Terminating payments and agreements	Adds for termination of payments and agreements, "the LDSS shall provide written notice using the Family Services Notice of Action and Right to Appeal form and utilize regular and certified mail or hand deliver to the

	adoptive parents at least 60 calendar days prior to the termination."
2.17.4 Terminating agreements signed prior to October 2013	Adds guidance on terminating adoption assistance agreements that were signed prior to October 2013.
2.20.2 Assistance screen	Changes the definition of effective date to the first day of the month following the month in which all parties sign and date the agreement.
2.22 Appendix B: Adoption assistance timeline	Removes Day 65 on the timeline when the Report of Adoption Negotiation is complete.
3.1 Introduction	Adds the CPA should continue engaging the birth family even after termination of parental rights.
3.4 Adoption home placement	Adds a child can be placed for adoption, by an LDSS, once parental rights have been terminated and the LDSS has been granted the authority to place and consent to the child's adoption. Defines who can adopt a child in Virginia. Adds licensure requirements for foster and adoptive family homes "Child-placing agencies, both private and public, shall be certified by the Division of Licensing Programs to provide Treatment Foster Care Case Management Services (12 VAC 30-130-920)." References Chapter E., Section 6 of the Foster Care manual regarding Foster and Adoptive family home approval requirements.
3.4.1 Utilizing a team approach	Adds guidance on using a multidisciplinary team to help assess the impact of placement of a child with a particular family under consideration. Defines the purpose of the multi-disciplinary team.
3.4.2 Criteria for selection of a family for the child	Defines criteria that should be considered when selecting a family for a child.
3.4.3 Educating and partnering with adoptive parents	Provides a framework for educating and building partnerships with adoptive parents.
3.4.3.1 Full disclosure of child information	Adds language on providing a full disclosure of information to the adoptive parents regarding the child's background and biological family history.
3.4.4 Selecting the adoptive home	Adds guidance on selecting an adoptive home and provides guidance on the adoption home study addendum.
3.4.5 Preplacement visits	Adds guidance on conducting preplacement visits.
3.4.6 Placing the child	Adds guidance on placing the child in the home.

	Discusses the need to schedule a Family Partnership Meeting prior to changing the placement.
	Discusses the Best Interest Determination meeting and how to proceed when the child's adoptive home is outside of the current school district.
	References the Interstate Compact on the Placement of Children and steps to take prior to placing a child out of Virginia.
	Provides guidance on signing the Adoptive Home Placement Agreement and the Adoption Assistance Agreement and documenting the signing of both in the child welfare management system.
3.4.7 Post-placement support and supervision	Adds guidance on supervising the adoption placement once the child has transitioned into the adoptive home.
	Clarifies the CPA certifies to the circuit court that the child has lived with the petitioner continuously for six months immediately preceding the filing of the petition and that all visits have been completed.
	Adds that all three visits shall be made with the child.
3.4.8 Visits during probationary period	Moved from Section 3.8. Deleted section 3.8
	Adds guidance on updating the adoption home study addendum if there has been significant changes to the family's situation.
3.4.9 Report of Visitation	Moved from Section 3.8. Deleted Section 3.8.
3.4.10 Removal from adoptive home after signing the placement agreement	Defines conditions which must be met prior to removal of any child from an adoptive home after the Adoptive Home Placement Agreement has been signed.
3.5 Post-Adoption Contract and Communication Agreement (PACCA) to 3.5.10 Modification and enforcement of PACCA	Adds the PACCA guidance from Chapter E. Foster Care guidance.
3.6 Filing the petition to adopt	Adds that the adoptive parents or their legal representative are responsible for filing the petition to adopt.
3.6.1 When to file	Adds "The CPA should ensure the following are completed prior to filing the petition to adopt."

3.6.3 Consent to adopt	Clarifies no petition to adopt shall be granted, unless written consent to the proposed adoption is filed with the petition. Adds the Consent to Adoption form should be used.
3.6.3.1 Who may consent	Adds for foster parent adoption, the CPA that has custody consents to the adoption after the child has resided in the foster parents' home continuously for at least six months. Adds for foster parent adoption, "the CPA who has custody of the child and does not consent, the foster parent can file a petition after the child has resided in the home continuously for at least 18 months and the birth parents' rights have been terminated."
3.6.3.2 Execution of consents	Clarifies the agency who has custody and the right to place the child for adoption shall sign the consent.
3.7.1 What to include	Adds the Report of Investigation shall include a statement by the CPA or local director that all reasonably ascertainable background, medical, and psychological records of the child, including whether the child has been the subject of an investigation as the perpetrator of sexual abuse, have been provided to the prospective adoptive parents. The report shall include a list of all records provided to the adoptive parents.
3.7.3 When to submit the Report of Investigation	Clarifies the CPA shall complete the Report of Investigation within 60 days of the receipt of the petition and Order of Reference.
3.7.4 Distribution of the Report of Investigation	Adds the Entrustment Agreement is sent to VDSS if applicable.
3.8 Adoption Progress Report	Adds the Adoption Progress Report guidance from the Chapter E. Foster Care Manual.
3.9.1 Obtaining an adoption case number	Adds "When the following documents are received by the Adoption Records Specialist from the circuit court, an acknowledgement letter with the adoption case number is sent to the circuit court and the CPA, if applicable. Adds the Adoption Records Specialist needs the signed Order of Reference, interlocutory order, or final order. Adds the CPA should contact the Adoption Records Specialist if they have not received notification of an assigned case number within 15 calendar days.
3.9.2 Materials sent to VDSS Adoption Unit-Adoption Records Specialist	Adds VDSS address to send the adoption case file for preservation.

	Updates the list of documents to be included in the record for adoption file preservation.
	Clarifies the CPA should remove staples before sending the adoption file to VDSS for preservation.
	Emphasizes that if the record is not purged prior to sending, it will be returned to the CPA.
	Clarifies what happens to the foster care record at final order of adoption.
3.9.3 Materials maintained at the local department of social services	Clarifies the LDSS shall manage an adoption assistance case record using the Adoption Assistance Case Record Form and the information that should be maintained at the LDSS.
4.1 Introduction	Clarifies the LDSS and LCPA who had placement and care of the child should assist adoptive parents in identifying available supports and making the initial connections.
4.2 Framework	Clarifies that the Virginia Children's Services System Practice Model states that all children need and deserve a permanent family.
	Redefined the framework and moved sections that were no longer applicable to section 4.3.
4.3 Types of post adoption services	Changes contracts with United Methodist to post adoption contracts.
	Clarifies that post adoption support is available to families of all adopted children.
	Adds that the LDSS and LCPA should provide adoptive parents information that will assist them in obtaining post-adoption services at the beginning of the adoption process.
4.4 Adoption dissolution	Defines and expands the definition of adoption dissolution.
4.4.1 Role of LDSS prior to adoption dissolution	Adds that the LDSS should collaborate with the CPS worker during an assessment or investigation.
	Adds that prevention services should be provided to the family prior to adoption dissolution.
	Adds that FAPT occurs in the locality where the family resides.
	Adds that a FPM should occur when potential disruption is recognized.

4.4.2 Role of LDSS during adoption dissolution	Adds that the LDSS should continue engaging the family if the child enters foster care unless termination of parental rights occurs.
4.4.2.1 Opening a foster care case	Adds that the child enters foster care in the locality where the family resides and a new child welfare information system foster care case will be opened.
4.4.2.2 Closing the adoption case	When TPR occurs, the adoption case is closed in child welfare information system.
4.4.3 Adoption assistance	Adds that adoption assistance continues with the child, who no longer lives in the home, and a referral to the Assistance Negotiator should occur.

Adds that if TPR occurs, the family is no longer legally and financially responsible for the child and adoption assistance will be terminated. |
| 4.4.4 Obtaining information after the adoption dissolution | Adds that the adoption record is sealed and can only be disclosed under the circumstances designated in the Code of Virginia §§ 63.2-1246 and 63.2-1247.

Adds that the Commissioner shall release non-identifying information from the adoption record when the LDSS requesting the information is providing services to the child or adoptive parents.

Defines non-identifying information. |
| Changes the Section 5 title to Adoption Disclosure | Changes adoption record to adoption file throughout this section. |
| 5.3 Types of information available for disclosure | Adds that there are two types of information available during the disclosure process: non-identifying and identifying information. |
| 5.3.1 Non-identifying information | Provides examples of trace information.

Adds that all identifying and trace information is redacted from the file when non-identifying information is requested. |
| 5.3.2 Who can request non-identifying information | Adds the verification of death is needed when the adult adoptee requests information on the adoptive parents and they are deceased. |
| 5.3.3.1 Critical medical information | Adds that the birth parent, adoptive parent, or adoptee completes the Adoption File Update form and mails it to VDSS with attached verifications of critical medical information.

Clarifies that when a physical or licensed mental health provider sends a letter stating that it is critical that medical, |

	psychological, or genetic information be conveyed to the other party, the letter must be on the provider's letterhead.
5.3.3.2 Letters	Removed pictures from this section. Adds that the adoptive parent and birth parent agree in writing at the time of the adoption and the whereabouts are known or readily accessible, the CPA can act as intermediary for the purpose of exchanging non-identifying information. Clarifies that only one birth parent and adoptive parent needs to agree in writing to exchange non-identifying information when they meet the criteria.
5.3.4 Identifying information	Adds the definition of good cause. Clarifies that an application is required when requesting identifying information from the adoption file. Adds VDSS address where the application is submitted.
5.4 Adding information to the closed adoption file	Adds that the Adoption File Update form is used when adding information into the adoption file.
5.5 Conducting a disclosure search	Adds that the Commissioner of VDSS shall designate the CPA initially involved in the adoption to attempt to locate and advise the birth family or adoptee of the application using the Letter of Appointment.
5.5.1 Letter of Appointment	Explains the purpose of the Letter of Appointment and what is included in the Letter of Appointment.
5.5.2 Searching for information	Adds CLEAR as an example of a person locator tool. Clarifies that the CPA should contact the adoptee that is requesting a birth family search to assist with gathering information. Adds the question, "Do you know the identity of your birth family", as a guide to assist the CPA in gathering information. Adds the question, "What is our family medical history", as an example of a question the adoptee would like to obtain from the birth family. Adds the Census Finder and Find a Grave websites as examples of databases that can assist in a search.
5.5.3 Requesting an extension	Clarifies conditions for obtaining an extension to complete the search.

5.6 Redacting the adoption file	Adds that the Application for Disclosure should be used to request non-identifying information. Clarifies that non-identifying information should be provided in paper form. Adds pre-adoptive last name(s) and full names and addresses of birth family and foster families are redacted as they could be trace information that may lead to the identity of the birth family. Clarifies that the year of graduations, birth, deaths, divorces of birth parents and other family members are not redacted. Clarifies that the CPA shall not give information on the adoptive parents unless there is a verification of death if they are deceased.
5.6.1 Releasing non-identifying information	Changes the adoptee to applicant. Adds that verification that non-identifying information was received is documented on the Report of Inquires.
5.7 Report of Inquiries	Clarifies the Report of Inquiries is sent to the VDSS Adoption Unit and what is included in the Report of Inquiries form. Adds that the Report of Inquiries form recommends granting, denying, or dismissing the application and the reason for the recommendation. Adds that when the birth father is unknown and the original birth certificate was requested, the worker should state whether the birth father was named on the birth certificate. Clarifies when the birth parent is comfortable allowing direct contact with the adult birth siblings and the adoptee, the CPA should contact the adult birth siblings for consent. Adds that the CPA should contact the Adoption Disclosure Specialist when there is a special circumstance that may affect the recommendation for disclosure.
5.7.1 Waiting for the final disposition	Adds additional resources during the disclosure process.

5.8 Final Disposition	Adds that identifying information shall not be released unless the Commissioner has granted the disclosure of identifying information. Adds that VDSS must be made party to the petition.
Throughout Section 6	Changed VDSS Permanency Unit to VDSS Adoption Unit. Changed Virginia Putative Father Registry to Virginia Birth Father Registry. Changed brother or sister to sibling.
6.1 Introduction	Clarifies that non-agency placement adoptions occur when the child is not in the custody of a LDSS or LCPA. Adds information about charging fees for non-agency adoption.
6.2.1 Timeline for parental placement adoption	Clarifies that the agency must receive a request for a home study from the court and the agency submits the completed home study to the court.
6.2.2.1.1 Set up case records	Clarifies that the case record should include case narratives.
6.2.2.5 Binding contract	Adds See Section 3.5 for more information about PACCA.
6.2.2.7 Report of Home Study format	Clarifies that when the birth certificate is not available due to a child's recent birth, the agency should use the hospital verification for the child's birth.
6.2.3 Duties of the attorney in parental placement adoption in juvenile court	Adds that CPA references LDSS or LCPA.
6.2.6 Duties for the circuit court in a parental placement adoption after the adoption petition is filed in circuit court	Adds to see Section 3.10.1 for more information on the Report of Adoption form.
6.2.9.4 Make supervisory visits	Adds "supervisory" to clarify the visits should be for regular and ongoing support, monitoring, and counseling of the family, and to document the progress of the placement.
6.2.9.10 Acknowledgment and disposition of case material	Adds to See Section 3.9.2 for more information about sending the adoption file for preservation.
6.3 Close relative adoptions	Defines who is considered a "close relative" in a relative adoption to include the child's adult relatives, including stepparents, stepbrothers, stepsisters, and all other adult relatives of the child by marriage or adoption.
6.3.1 Close relative placement for a child who has been in the home less than two years, 6.3.3	Changes the timeframe from three years to two years for when the child lives with the close relative.

Close relative placement for a child who has been in the home two or more years, and 6.3.7 Duties of the circuit court when the child has resided in the home of the prospective adoption parents continuously for at least two years	
6.3.5.11 Closing the case	Adds to See Section 3.9.2 for more information about sending the adoption file for preservation.
6.3.6 Duties of the attorney	Adds to See Section 3.10.1 for more information about the Report of Adoption form.
6.4 Stepparent adoptions	Adds that a national criminal background check shall be completed on the stepparent at his/her cost. The court shall consider the results of the national background check to determine whether an investigation is completed.

Questions about this transmittal should be directed to the Regional Resource Family Consultants:

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