

Commissioner Guidance Document Transmittal

Date - February 1, 2022

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

Transmittal # - 299

The purpose of this transmittal is to provide notice of the significant new, revised, and clarified guidance changes for Chapter F. Adoption Program of the VDSS Child and Family Services Manual. Unless otherwise stated, the provisions included in the transmittal are effective upon release.

Changes to the guidance were made reflecting legislation passed through the 2021 session of the Virginia General Assembly that became effective on July 1, 2021. Those updates included:

- Removing the requirement for the circuit court to order a report of investigation on an adult adoption unless there is good cause to require an investigation.
- Added a provision to stepparent adoptions allowing persons with a legitimate interest to file a petition to adopt a child.

Additional updates to the guidance include clarifying eligibility requirements for the adoption assistance program and providing information on the available tax benefits for adoptive parents. Updates have also expounded on ICPC processes for adoption placements, explained ICAMA procedures, provided procedures to follow when an adoption placement disrupts or dissolves, and included guidance on selecting the most appropriate post-adoption service. The manual has also been restructured, moving types of special services from Section 2: Adoption Assistance to Section 4: Post Adoption Services.

When the language in a section appears *italicized*, it indicates new, revised, or clarified guidance. All program tools and timelines have been removed from the appendices and are available on FUSION. Additionally, all electronic links have been updated throughout the chapter.

This transmittal and manual are available on FUSION at [Adoption Guidance](#).

Significant changes to the manual are as follows:

Section(s) Changed	Significant Changes	Reason for Change
Section 2: Adoption Assistance		
Section 2: Adoption Assistance Numbering	The numbering sequence has changed due to relocating sections and subsections, collapsed sections, or new heading titles added within the Adoption Assistance Section.	
2.2 Questions and Clarifications	Adds a new subsection formalizing the process for addressing questions regarding the application of policy or procedures.	Programmatic Information Update
2.4 Promoting Adoption Assistance	Adds a new subsection to include the Federal regulation 45 CFR 1356.40(f) and the Fostering Connections to Success	Programmatic addition, addressing federal regulation 45 CFR 1356.40(f) and

	and Increasing Adoptions Act of 2008 P.L. 110-351 on promoting the adoption assistance program.	P.L. 110-351 on promoting the adoption assistance program.
2.4.1 Adoption and Guardianship Incentive Funds	Adds a subsection for incentive funds and describes how funds can support the timely finalization of adoptions.	Programmatic addition, addressing P.L. 105-89 that created incentive payments for states.
2.5 Adoption Assistance Eligibility	Clarifies guidance regarding completing the Adoption Assistance Screening tool and grants authority to the Regional Assistance Negotiator to verify the accuracy of the tool once it's complete.	Programmatic Information Update
2.5.1 Special Needs Eligibility	<p>Clarifies requirements for the court to make a determination that the child cannot or should not be returned home:</p> <ul style="list-style-type: none"> • Adds language requiring the court to issue a subsequent TPR order within 180 calendar days. • Clarifies that the order must contain a <i>finding</i> that to remain in the home was contrary to the child's welfare. • Adds that in addition to the federal law, adoption assistance is also governed by the laws and regulations of the Commonwealth of Virginia. • Clarifies that criteria related to physical, mental, or emotional conditions must be documented by a qualified licensed professional via relevant medical, psychological, and diagnostic assessments. • Clarifies that criteria related to hereditary tendency, congenital problem, or birth injury leading to a substantial risk of future disability must be documented by the child's birth and recent medical records (within a year) and the birth parent's medical history. • Adds that if one of these three conditions (hereditary tendency, congenital problem, or birth injury) is the child's sole identified special need (including substance exposure) and there is no evidence the child currently has a related disability, the 	Programmatic Information Update

	<p>adoptive parent and the LDSS must enter into a Conditional Adoption Assistance Agreement, with a zero dollar maintenance payment.</p> <ul style="list-style-type: none"> • Clarifies that children in sibling groups do not have to be placed in an adoptive home at the same time; however, they do have to each be placed in the same federal fiscal year and both be in the custody of the LDSS. • Adds that funding for Basic Maintenance, Enhanced Maintenance, and Special Service payments must be directly related to the child’s special need, as identified on the original Adoption Assistance Agreement or Addendum to the Adoption Assistance Agreement forms. 	
2.5.3.1 Applicable Child	<ul style="list-style-type: none"> • Clarifies that if the child was found eligible for adoption assistance in a prior adoption that has been dissolved, there is no requirement for the child to reenter foster care to maintain their title IV-E eligibility status. 	Programmatic updates, clarifying existing information.
2.5.4.2 After the Adoption is Finalized	Clarifies that adoption assistance must only be approved when the condition was present before the adoption was finalized but not diagnosed until after finalization.	Programmatic updates, clarifying existing information.
2.6 Types of Adoption Assistance	Clarifies that adoption assistance payments may include title IV-E or state funded maintenance payments; however, payments must not exceed the foster care payment that the child would have received at the time the initial adoption assistance agreement is signed (63.2-1302).	Programmatic updates, clarifying existing information.

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<p>2.6.1 Non-Recurring Adoption Expenses</p>	<ul style="list-style-type: none"> • Adds that reimbursement for non-recurring expenses may begin as soon as the adoption assistance agreement has been signed (22VAC40-201-161). • Adds that if the adoptive placement disrupts before the adoption finalizes and there is a signed Adoption Assistance Agreement, any fees the prospective adoptive parent incurred in completing the adoption are reimbursable by title IV-E, up to \$2,000. • Adds that non-recurring expenses are per child per adoptive placement. If a placement disrupts prior to finalizing and a new agreement is initiated with a new adoptive parent, the parent is entitled to receive the full \$2,000 to help facilitate the adoption. 	<p>Programmatic Updates</p> <p>– aligns with Federal Code 45 CFR 1356.41, Virginia Code 63.2-1301 D and Virginia Administrative Code 22VAC40-201-161.</p>
<p>2.6.3 Enhanced Maintenance Payments</p>	<ul style="list-style-type: none"> • Clarifies that assessment of a child’s need for additional support and supervision is a process that is ongoing from their initial placement in foster care. • Adds that if over the life of the foster care placement it was determined that the child’s needs did not warrant additional support and supervision, no additional support and supervision will be paid strictly because the child is being adopted. • Adds for children in LDSS custody, an enhanced maintenance payment will not be approved if the child has not received ongoing enhanced maintenance payments over the course of the previous 12 months. (22VAC40-201-161). 	<p>Programmatic Updates</p> <p>– aligns with Federal Code 42 U.S.C. 673 and Virginia Code Section 63.2-1302 and 22VAC40-201-161.</p>

<p>2.6.3.1 Administering the Virginia Enhanced Maintenance Tool (VEMAT)</p>	<ul style="list-style-type: none"> • Adds that the Assistance Negotiator must and is only authorized to approve enhanced maintenance payments that can be supported through relevant documentation from qualified licensed professionals that is no more than one year old. • Adds that if the Assistance Negotiator determines the supporting documentation does not support the VEMAT score, the LDSS will be required to provide additional information within 10 calendar days to support the VEMAT score or complete a new VEMAT. If the requested information is not received within the 10 calendar days, the request for enhanced maintenance will be denied, and the negotiation will proceed with basic maintenance only. • Adds that the LDSS must provide supporting documentation for any new VEMAT that increased the score more than four points on the tool as compared to the most recent and active VEMAT score. • Adds that supporting documentation includes, but is not limited to, ongoing provider treatment logs, monthly and quarterly reports which demonstrate a marked increase in the child’s physical, mental or emotional health and the adoptive parent’s level of support and supervision due to the increase. • Clarifies that a VEMAT must not be administered if the Adoption Assistance Agreement will be signed within six months of a prior VEMAT assessment. • Adds that if the VEMAT is re-administered and there is a rate change, prior to signing the Adoption Assistance Agreement, the new VEMAT rate will go into effect the first day of the following month, using foster care funds (for children 	<p>Programmatic Update – aligns with Federal Code 42 U.S.C. 673 and Virginia Code Section 63.2-1302.</p>
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	<p>in LDSS custody) until the Adoption Assistance Agreement is effective.</p> <ul style="list-style-type: none"> • For children not in LDSS custody, the adoption assistance agreement is effective, once the petition for adoption has been filed, the first day of the following month after all parties have signed or upon finalization of the adoption, whichever occurs first. • Clarifies that the maximum allowable amount for enhanced maintenance payments is based on the child’s VEMAT score, the final payment is based on negotiations between the LDSS, the Assistance Negotiator and the adoptive parent. • The enhanced maintenance payment must only be increased if, during the previous negotiation, the adoptive parents accepted less than the maximum allowable payment. (22VAC40-201-161). 	
<p>2.6.4 Special Service Payments</p>	<ul style="list-style-type: none"> • Defines special service payments as a payment that is used to meet a service need that a child has that cannot be met by the adoptive parents and is not covered under any other program or benefit for which the child would qualify. • Clarifies that unlike the basic and enhanced maintenance payment forms of adoption assistance, funding for special services does take into consideration all of the resources the adoptive parent has at their disposal to include earned and unearned income and the total amount of all adoption assistance payments received (22 VAC 40-201-161 E 2). • Adds that when residential placement is requested and the adoptive parents are receiving an enhanced maintenance payment for providing additional daily support and supervision, the enhanced .maintenance payment will be suspended until the child returns 	<p>Programmatic Updates – developed as part of a workgroup collaboration. Aligns with Virginia Administrative Code 22 VAC 40-201-161 E 2.</p>

	<p>home from the residential placement.</p> <ul style="list-style-type: none">• Adds that funding for all special services, regardless of when the original agreement was signed may be provided for up to a maximum of \$5,000 per calendar year for the total of all approved services; not to include residential treatment services.• Clarifies the service requested must be directly related to the special need identified on the original Adoption Assistance Agreement or the Addendum to an Adoption Assistance Agreement that added a new special need.• Clarifies that receipt of funding for service payments while in foster care does not guarantee approval of a special service payment at the time of adoption. Only after the Assistance Negotiator has had an opportunity to review the current documentation provided in the request will it be possible to determine if funding for the requested special service will be approved.• Adds that funding for new special services will not be considered with new Adoption Assistance Agreements nor within the immediate six months post adoption finalization.• Adds additional requirements to have a special services considered as a part of a new Adoption Assistance Agreement.• Adds that funding for specialized therapy, such as attachment therapy, trauma focused, etc. will not be approved at the time of adoption placement and signing a new Adoption Assistance Agreement or within one year of finalizing the adoption.• Adds that payment for the special service must be at the reasonable, customary and usual rate in the	
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	<p>child’s community as determined by Medicaid; for example therapeutic services will be reimbursed at the Medicaid rate in the child’s place of residence (22VAC40-201-161).</p> <ul style="list-style-type: none"> • Adds that funding for special service payments must be approved prior to the adoptive parent incurring the expense, or will otherwise begin once the Adoption Assistance Agreement or Addendum is effective. 	
2.6.4.2 Terminating Special Service Payments	<ul style="list-style-type: none"> • Adds that funding for special service payments are time limited. Beginning January 1, 2022, for all Adoption Assistance Agreements, regardless of their effective date and any addendums, no special service will be funded by adoption assistance for more than two years over the life of the adoption case. • Defines conditions for when special services funding must be terminated. 	<p>Programmatic Updates – developed as a part of a Special Services workgroup collaborative project to address terms of service and outlined in Virginia Administrative Code 22VAC40-201-161.</p>
2.7 Medical Coverage	<p>Adds the importance of adoptive parents adding children to their health insurance.</p>	<p>Programmatic Information Update</p>
2.7.4 Private Health Insurance	<p>Adds a subsection that parents should be advised to add their adopted child to their private health insurance within 30 days of the adoption finalization, and the provisions of pre-existing conditions.</p>	<p>Programmatic Information Updates</p>
2.8 Supplemental Security Insurance (SSI) and Adoption Assistance	<p>Adds a subsection identifying the process for notifying the Social Security Administration once an adoption has finalized if a child is receiving SSI and adoption assistance.</p>	<p>Programmatic Information Updates</p>
2.8.1 Social Security and an Applicable Child	<p>Adds eligibility requirements for the Applicable Child and procedures to follow post adoption finalization.</p>	<p>Federal updates and additional information provided regarding 42 U.S.C. 673 and guidance from the Social Security Administration.</p>

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<p>2.8.2 Social Security and State Adoption Assistance</p>	<p>Adds eligibility requirements for the child receiving State adoption assistance and procedures to follow post adoption finalization.</p>	<p>Federal updates and additional information provided regarding 42 U.S.C. 673 and guidance from the Social Security Administration.</p>
<p>2.8.3 Social Security and a Non-Applicable Child</p>	<p>Adds eligibility requirements for the Applicable Child and procedures to follow post adoption finalization.</p>	<p>Federal updates and additional information provided regarding 42 U.S.C. 673 and guidance from the Social Security Administration.</p>
<p>2.9.1 LCPA Adoptions</p>	<ul style="list-style-type: none"> • Adds that if a private LCPA identifies that the child is potentially eligible for adoption assistance, the LCPA makes a referral on behalf of the child and family to the LDSS to request an Application for Assistance. • Establishes a process for LDSS to follow once a referral for adoption assistance is received from a LCPA. • Adds the LCPA must submit a completed Application for Assistance and provide the contents required in the application. 	<p>Programmatic additions, adds a process for applying for adoption assistance and processing requests for these populations per federal mandate 42 U.S.C. 671.</p>
<p>2.9.2 Independent Adoptions</p>	<p>Adds a subsection for information regarding meeting eligibility requirements for adoption assistance in Independent Adoption cases.</p>	<p>Programmatic additions on establishing eligibility for adoption assistance once an application is received.</p>
<p>2.9.3 International Adoptions</p>	<p>Adds a subsection for information Indicating adoption assistance must not be paid International Adoptions.</p>	<p>Programmatic additions on establishing eligibility for adoption assistance once an application is received.</p>
<p>2.9.4 Parental Placement Adoptions</p>	<p>Adds a subsection for information regarding eligibility requirements for parental placement adoptions.</p>	<p>Programmatic additions on establishing eligibility for adoption assistance once an application is received.</p>
<p>2.10 Tax Benefits for Adopting</p>	<p>Adds information from the Fostering Connections to Success and Increasing Adoptions Act of 2008 requiring LDSS to notify adoptive parents of the</p>	<p>Federal mandate added to meet requirements outlined in P.L. 110-351.</p>

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	adoption tax credit; explains the requirement in more detail.	
2.12 Adoption Assistance Application	<ul style="list-style-type: none"> • Adds information that must be shared with the adoptive parent prior to the adoptive parent formally requesting adoption assistance. • Adds instructions on using the Full Disclosure Checklist for Adoptive Families form. • Adds a formal process for applying for adoption assistance. 	Programmatic Information Updates
2.12.1 Reviewing the Application	<ul style="list-style-type: none"> • Reduced the timeframe for reviewing an Application for Assistance from 14 days to seven days. • Adds if the application is subsequently denied the LDSS must send the adoptive parent the Family Services Notice of Action and Right to Appeal form denying the adoption assistance application, indicating the specific reason why. • Adds every adoptive parent must be provided the opportunity to apply for adoption assistance. Only after applying and being denied for adoption assistance can the adoptive parent access their rights to the appeals process. 	Federal mandate addressing the need to act on applications with reasonable promptness 471(a)(12) .
2.13.1.1 When the LDSS Fails to Execute the Agreement Timely	Adds a subsection that includes a process for the LDSS to follow when they fail to execute an Adoption Assistance Agreement timely.	Programmatic Information Updates
2.13.1.2 Non-recurring Adoption Expenses Only	Adds a process for executing an agreement if the child is only eligible to receive non-recurring adoption expenses.	Programmatic Information Updates
2.13.1.3 Deferring Adoption Assistance	<ul style="list-style-type: none"> • Defines the following: <ul style="list-style-type: none"> -Deferred adoption Assistance -High Risk Considerations • Outlines a process for applying for deferred adoption assistance payments, screening for eligibility, and developing an Adoption Assistance Agreement. • Adds that children eligible for title IV-E deferred adoption assistance must be approved for title IV-E Medicaid but with a “zero dollar” 	Programmatic Information Updates

	<p>maintenance monthly payment. A child determined eligible for state deferred adoption assistance is not eligible for Medicaid.</p> <ul style="list-style-type: none"> • Clarifies the agreement does not require negotiation until a need expressed by the parent for monthly maintenance payments and a diagnosis is made supporting the payment. At that time, the LDSS will follow the procedures outlined in <i>2.14 Negotiating Adoption Assistance</i> to determine the monthly payment. • Adds the foster care basic maintenance rate set forth, at the time of the request, coinciding with the child’s age, will be approved if the child meets eligibility requirements. The child will also be considered for funding for special service payment requests. 	
<p>2.14 Negotiating Adoption Assistance <i>Programmatic Informative Updates</i></p>	<ul style="list-style-type: none"> • Adds that the Adoption Assistance Screening Tool is used to determine if the child is eligible for adoption assistance and it must be verified that it is accurate by the regional Assistance Negotiator. • Adds if the Assistance Negotiator determines the screening tool to be inaccurate, it will be returned to the LDSS. The LDSS must correct the screening tool and the adoptive parent(s) must sign the corrected tool to acknowledge they are aware of any changes made to the tool. • Adds the negotiation process must not proceed until the screening tool has been corrected and it has been resubmitted to the Assistance Negotiator. If the corrected tool is not submitted to the Assistance Negotiator within 10 calendar days, the Application for Assistance must be denied. • Adds the Assistance Negotiator may choose to conduct the negotiation by desk review, telephone, through an online tool (i.e. Zoom or Google Meets) or face-to-face, as 	

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	<p>appropriate per Assistance Negotiator responsibilities.</p> <ul style="list-style-type: none"> • Adds that at the conclusion of negotiations, the Assistance Negotiator will submit the Negotiation Report to the LDSS. Within five calendar days, the LDSS must provide the adoptive family with a Notice of Action and Rights to Appeal informing them in writing of the decision. 	
2.14.4 Assessing Resources to Defray Cost	<p>Adds the LDSS must complete the following: Available Community Resources: Assessing Resources to Defray Adoption Assistance form indicating what applicable resources were explored and the outcomes of exploration.</p>	<p>Programmatic informative updates related to Virginia Administrative Code 22 VAC 40-201-161.</p>
2.15.1 Re-determination/Review	<ul style="list-style-type: none"> • Adds that LDSS does not routinely review Adoption Assistance Agreements. The adoptive family must notify the LDSS immediately to request a review of the Adoption Assistance Agreement if there is a change in the child’s circumstances that would affect the child’s eligibility for continued assistance. • Adds the annual certification period provides an opportunity for the LDSS to reach out to the adoptive family and remind them of post adoption supports and services that are available to them. For additional information regarding renegotiating adoption assistance agreements see Section 4 Post Adoption Services. 	<p>Programmatic informative updates related to Virginia Code Section 63.2-1301 B and Administrative Section 22 VAC 40-201-161.</p>
2.16 Terminating Adoption Assistance	<ul style="list-style-type: none"> • Adds that when adoption assistance payments are terminating, the LDSS must use form Family Services Notice of Action and Right to Appeal to inform families. • Clarifies conditions on which to use the form and the need to inform families of their right to appeal the termination. 	<p>Programmatic information updates addressing Virginia Administrative Code 22 VAC 40-201-161.</p>
2.16.1 Reasons for Terminating Adoption Assistance	<ul style="list-style-type: none"> • Clarifies when federal and state law require that adoption assistance be terminated without concurrence of the adoptive parent. 	<p>Programmatic information updates addressing federal mandates on appeals</p>

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	<ul style="list-style-type: none"> • Adds that adoption assistance payments are not transferrable in situations where the adoptive parents die, or the adoption is dissolved. • Clarifies that the child retains their eligibility for adoption assistance, as long as they continue to meet the definition of special needs. 	and fair hearings in 42 U.S.C. 671 of the Social Security Act, Virginia Code 63.2-1304 , and Administrative Code 22 VAC 40-201-161 .
2.16.3 Timelines for Terminating Adoption Assistance	<ul style="list-style-type: none"> • Establishes a timeline for terminating adoption assistance as the first day of the month following the decision of the LDSS and/or adoptive parent to close the adoption assistance case, upon providing proper notice of action. 	Programmatic Information Update
2.17 Special Adoption Considerations	Creates a new Section	
2.17.1 Therapeutic Case Management	<ul style="list-style-type: none"> • Creates a new subsection • Clarifies that for children receiving services provided by a therapeutic foster care (TFC) agency, once the adoption placement and adoption assistance agreements have been signed, treatment foster care services will end on the day prior to the effective date of the Adoption Assistance Agreement. 	Programmatic Information Update
2.17.2 Interstate Adoption and Adoption Assistance	<ul style="list-style-type: none"> • Creates a new subsection • Adds that if the child is in the custody of a state agency it is the responsibility of the state with the placement and care responsibility of the child prior to the adoption to provide adoption assistance; not the state of residence of the adoptive family. • Adds that if the child is not in the custody of a state agency and the state agency does not have responsibility for placement and care, it is the adoptive parents' state of residence where the adoption assistance application should be made. In this situation, the LDSS in the adoptive parents' place of residence is responsible to process the application, determine whether 	Programmatic Information Updates related to federal mandate 42 U.S.C. 673 on placement and care responsibility and Virginia Code Section 63.2-1000 on the Interstate Compact Placement of Children.

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	<p>the child meets the definition of special needs, enter into an adoption assistance agreement and pay the assistance.</p> <ul style="list-style-type: none"> • Adds that all interstate placements of children must be made in compliance with the Interstate Compact on the Placement of Children (ICPC or Compact), as described in ICPC Policy Chapter E, for adoption placements. A placement made in violation of the Compact renders the child ineligible for adoption assistance. 	
2.17.3 Adoption by Birth/Legal Parent	<ul style="list-style-type: none"> • Creates a new subsection • Adds a child’s biological or legal parent whose rights were previously terminated who later adopts their biological child is not eligible for adoption assistance. 	Programmatic Information Update
2.17.4 When an Adopted child Reenters Foster Care	<ul style="list-style-type: none"> • Creates a new subsection • Adds that when an adopted child reenters the foster care system after a finalized adoption or if the LDSS is informed the child is not residing with the adoptive parents, the LDSS must immediately inform the LDSS in the jurisdiction responsible for the issuance of the adoption assistance payments. 	Programmatic updates, adding information on federal mandate 42 U.S.C. 673 and 42 U.S.C. 671 on terminating adoption assistance and assignment of rights when children reenter foster care.
2.17.5 Adoption following kinship guardianship placement	<ul style="list-style-type: none"> • Creates a new subsection • Adds information on continued title IV-E eligibility in guardianship placements who wish to pursue adoption of children in their care. 	Program Information Update
2.17.6 Adoption following a dissolved international adoption	<p>Clarifies that a child who is not a citizen or resident of the United States (U.S.) and was adopted outside of the U.S. or brought into the U.S. for the purpose of being adopted may be eligible for adoption assistance if the initial adoption of the child is dissolved and the child is subsequently placed in foster care through the public child welfare system. The child’s circumstances must meet the State’s special needs eligibility requirements.</p>	Program Information Update, adding federal mandates regarding SSA section 473(a) and (c) and 45 CFR 1356.41 .
2.17.7 Changes due to Adoption Disruption	<ul style="list-style-type: none"> • Adds a procedure for the LDSS notifying the Regional Consultant, 	Program Information Update

	<p>Assistance Negotiator, and guardian ad litem in the event of an adoption disruption.</p> <ul style="list-style-type: none"> • Adds that the funding source must be changed from adoption assistance to foster care effective the date of placement disruption and the LDSS must follow procedures for placing a child as set forth in foster care guidance. • Adds that if when the child is subsequently matched with another family, a new Application for Assistance with required documentation must be submitted, a new Adoption Assistance Agreement must be negotiated and a new Adoption case must be opened. • Adds the LDSS must update the child welfare information system by ending the funding in the adoption assistance case and terminating the adoption assistance, documenting the event in the case contacts and closing the case due to <i>Adoption Disruption</i>. 	
<p>2.17.9 Death of Adoptive Parents</p>	<ul style="list-style-type: none"> • Creates a new subsection • Adds information regarding terminating the active Adoption Assistance Agreement in the event of death of the adoptive parents. 	<p>Program Information Update, adding federal mandate 42 U.S.C. 673 on terminating adoption assistance agreements when adoptive parents are deceased and 42 U.S.C. 471 on background check requirements for the new adoptive parents.</p>
<p>2.18 Interstate Compact on Adoption and Medical Assistance (ICAMA)</p>	<ul style="list-style-type: none"> • Creates a new subsection • Explains LDSS responsibility for providing medical care and financial support from the date a child is placed out of the state until adoption finalization. • Explains Medicaid Cobra Reciprocity. • Provides the process for establishing Medicaid for adoptive children moving to other states. 	<p>Program Information Update, adding federal mandate 42 U.S.C. §1396a (10)(A)(i)(I) regarding state Medicaid requirements.</p>

<p>2.19.1 Criteria for Continuing Beyond 18th Birthday</p>	<p>Adds information for when youth are no longer cooperating or participating in educational or therapeutic services.</p>	<p>Program Information Update, clarifying federal mandate 42 U.S.C. 675, allowing adoption assistance payments to resume if a youth meets criteria at a later time.</p>
<p>2.19.2 Fostering Futures Eligibility Criteria</p>	<p>Clarifies that the youth does not have to be currently receiving or seeking medical treatment under Fostering Futures program eligibility requirements.</p>	<p>Program Information Update, added federal mandate on P.L. 110-351, regarding fostering futures eligibility.</p>
<p>Section 4: Post Adoption Services</p>		
<p>Section 4: Post Adoption Services</p>	<p>Due to various sections and subsections being relocated and/or collapsed, or new heading titles being added within the Post Adoption Section, the numbering sequence has changed.</p>	<p>Programmatic Information Updates</p>
<p>4.1 Introduction</p>	<p>Adds a subsection; providing a framework for providing post adoption services.</p>	<p>Programmatic Information Updates</p>
<p>4.2 Post Adoption Support and Preservation</p>	<p>Adds a subsection; discussing the ongoing needs children and families have once adoptions have finalized.</p>	<p>Programmatic Information Updates</p>
<p>4.3 Types of Supportive Services</p>	<p>Describes several types of service models available for post adoption.</p>	<p>Programmatic Information Updates</p>
<p>4.3.2 Post-Adoption Consortium</p>	<p>Creates a new subsection adding information on the Post Adoption Consortium.</p>	<p>Programmatic Information Updates</p>
<p>4.3.3 Prevention Services</p>	<p>Creates a new subsection adding information on Prevention Services.</p>	<p>Programmatic Information Updates</p>
<p>4.3.4 In-Home Services</p>	<p>Creates a new subsection adding information on In-Home Services.</p>	<p>Programmatic Information Updates</p>
<p>4.3.5 Promoting Safe and Stable Families <i>Programmatic Information Updates</i></p>	<p>Creates a new subsection adding information on Promoting Safe and Stable Families.</p>	<p>Programmatic Information Updates</p>
<p>4.3.6 Children’s Services Act</p>	<p>Creates a new subsection adding information on Children’s Services Act.</p>	<p>Programmatic Information Updates</p>
<p>4.3.7 Funding Special Services</p>	<ul style="list-style-type: none"> • Creates a new subsection, adding information on funding requests related to special services. • Limits new special service requests, including continuations of current requests to a maximum of two years. 	<p>Programmatic Information Updates, made as part of a workgroup on special service payments.</p>

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4.4.4 Child Care	Changes the requirement from full or part time child care to an age based requirement.	Programmatic Information Updates, made as part of a workgroup on special service payments.
4.4.4.1 Maintenance Funded Child Care	<ul style="list-style-type: none"> • Increases the age range from 0 - 4 to 0 – 6, (or kindergarten enrollment, whichever is sooner) for the \$600 monthly supplemental rate. • The monthly supplemental payment rate cannot exceed \$300 for children 7 – 12 years of age. • Adds the supplemental rate is based on the child’s age and family need, not the child’s school instructional modality (i.e. virtual or in-person learning). • Adds language allowing adoptive parents to continue receiving child care funding if they lose employment or their educational or training program ends. The funding can be continued for a maximum of six months. 	Programmatic Information Updates, made as part of a workgroup on special service payments.
4.4.4.2 Special Services Funded Child Care	<ul style="list-style-type: none"> • Clarifies what special needs constitute special services child care. • Adds that if the child’s needs can be met in a regular child care setting then maintenance funded child care must be approved. • Adds an exception to address cases where the child is eligible to receive specialized child care and there is no approved licensed therapeutic provider available or the provider is unable to meet the child’s needs due to age restrictions. 	Programmatic Information Updates, made as part of a workgroup on special service payments.
4.4.5.3 Negotiating Psychiatric Treatment Services	<ul style="list-style-type: none"> • Adds that when residential placement is requested and the adoptive parents are receiving an enhanced maintenance payment for providing additional daily support and supervision, the enhanced maintenance payment will be suspended until the child returns home from the residential placement. 	Programmatic Information Updates, made as part of a workgroup on special service payments.

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<p>4.5 Providing Post-Adoption Services</p>	<ul style="list-style-type: none"> • Adds the LDSS must provide to and review with the adoptive parent the Full Disclosure Checklist for Adoptive Families, to ensure they have been properly prepared for adopting a child from foster care and are aware of post adoption supports and services. • Adds that all youth adopted from Virginia’s foster care system, age 16 or older, with a special need identified on an Adoption Assistance Agreement must be provided with the Proof of Foster Care – Special Needs Adoption form. 	<p>Programmatic Information Updates</p>
<p>4.5.1 LDSS Responsibilities</p>	<p>Identifies LDSS Responsibilities to families after the adoption finalizes.</p>	<p>Programmatic Information Updates</p>
<p>4.5.3 Assessment</p>	<p>Adds a process for assessing families who are in need of post-adoption services.</p>	<p>Programmatic Information Updates</p>
<p>4.7 Postsecondary Education and Training</p>	<p>Adds a subsection on resources that will help to defray the post-secondary educational cost.</p> <p>Added additional subsections:</p> <ul style="list-style-type: none"> • 4.7.1 Education Training Voucher Program • Foster My Future / Chafee Services • Independent Living Services (IL) • Defraying the Cost of College 	<p>Programmatic Information Updates</p>
<p>4.8 Renegotiating Adoption Assistance</p>	<p>Provides examples of when Adoption Assistance Agreements can be renegotiated.</p>	<p>Programmatic Information Updates</p>
<p>4.10.1 Role of the LDSS Prior Adoption Dissolution</p>	<p>Adds the team must consider what services may salvage the adoption, supports the family may need and if the relinquishment of the child directly to the LDSS would be most appropriate, to consider placement with all immediate relatives.</p>	<p>Programmatic Information Updates.</p>
<p>Section 5 Adoption Disclosure</p>		
<p>5.1 Introduction</p>	<ul style="list-style-type: none"> • Adds a description for Adoption Disclosure: Adoption Disclosure is defined as the release of an official copy of the contents contained in the sealed adoption case file. • Clarifies in addition to providing disclosure services, the Department, 	

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	through CPAs acting as confidential intermediaries, also provide search and reunion services and can seek to obtain critical family medical information.	
5.2 Confidentiality	Adds a section on confidentiality of adoption records.	Programmatic Information Updates
5.3 Types of Information Available for Disclosure	<ul style="list-style-type: none"> • Gives a description of both identifying and non-identifying information. • Adds a list of important ideas to remember when conducting a search. 	Programmatic Information Updates
5.3.3 Special Types of Non-Identifying Information	Adds a third type of “special type” of non-identifying information that can be requested – medical information requested from a birth parent.	Programmatic Information Updates
5.3.3.1 Request for Updated Family Medical History Only	Adds a process for adoptees to be able to request family medical information to be updated without going through a legal process.	Programmatic Information Updates
5.5 Search and Reunion Services	Creates a subsection adding a description for Search and Reunion Services.	Programmatic Information Updates
5.6.3.1 Overdue Disclosure Cases	Adds a subsection for processing overdue cases.	Programmatic Information Updates
5.7.1 Releasing Non-Identifying	<ul style="list-style-type: none"> • Changes the requirement from having to pick documents up in person to permitting certified restricted delivery for non-identifying information. • Maintains the option, if the additional support is needed, for the applicant to receive non-identifying information from a mental health professional or social services agency. 	Programmatic Information Updates
Section 6 Non-Agency Placement Adoptions		
6.4 Stepparent Adoptions	Expands stepparent adoption provisions adding persons with legitimate interest to the section.	2021 Legislative Updates – SB1321 Expanding Stepparent Adoption
6.5.1 Specifics for Adult Adoption	Changes the requirements for conducting a Report of Investigation from the circuit court “shall” order to “may at its discretion and based on good cause, eliminate the requirement” to complete the Report of Investigation.	2021 Legislative Updates – SB1957 Giving the circuit court discretion to require a Report of Investigation in adult adoptions

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Questions related to adoption assistance should be directed to the Regional Assistance Negotiator:

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Commissioner