

# 18

## FUNDING MAINTENANCE COSTS

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# 18

## FUNDING MAINTENANCE COSTS

### 18.1 Paying for basic maintenance

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#### 18.1.1 Definition of maintenance

Maintenance means payments made on behalf of a child in foster care to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, and reasonable travel for the child to visit with family or other caretakers and to remain in his or her previous school placement. In the case of child care institutions, such term must include the reasonable costs of administration and operation of such institutions as are necessarily required to provide the items described in the preceding sentence.

#### 18.1.2 Sources of funding

Maintenance costs should be paid with:

- A child's own income (i.e., SSI, SSA, or child support).
- Title IV-E funds for eligible children.
- State pool funds for non-title IV-E children.
- Local only funds when the locality is not in compliance with guidance.

### 18.1.3 Rates

Age groupings and uniform monthly maintenance payment rates are as follows:

Effective *July 2016*

<b>Maintenance Payment Rates</b>					
Age of Child	Room and Board	Clothing	Personal care, Recreation, Reading	Monthly Allowance	Total Payment Rate
0 thru 4	<b>\$322</b>	<b>\$59</b>	<b>\$90</b>	<b>\$0</b>	<b>\$471</b>
5 thru 12	<b>\$369</b>	<b>\$76</b>	<b>\$97</b>	<b>\$10</b>	<b>\$552</b>
13 and over	<b>\$448</b>	<b>\$118</b>	<b>\$104</b>	<b>\$30</b>	<b>\$700</b>
<b>Maximum Independent Living Stipend</b>					<b>\$644</b>
<b>Supplemental Clothing Allowance</b>					
Age 0 thru 4					<b>\$315</b>
Age 5 thru 12					<b>\$394</b>
Age 13 and over					<b>\$473</b>

### 18.1.4 General guidance regarding maintenance payments

- Maintenance payments are designed to assist the caregiver in providing for the child’s basic needs as defined in [Section 18.1.1](#). It is not expected that the maintenance rates will cover all the needs of the child. Service needs of children and their families are not included in the definition of maintenance. Therefore, services shall not be paid for with maintenance funds.
- Maintenance is paid directly to the foster parent by the child-placing agency on a monthly basis. The costs of day care and transportation of the child for visitation or to school may be reimbursed to the foster parent if they are paying the cost “up front” or may be paid directly to the individual or organization providing the service directly. Receipts for such costs are required for reimbursement.
- Maintenance payments paid to a child care institution are limited to include only those items that are included in the term “foster care maintenance payments.”
- Duplicate payments for maintenance shall not be made. Title IV-E payments to a placement for room and board are not considered duplicate payments if the child is temporarily absent for 14 or fewer consecutive *days* **and the child returns to the same placement**. An absence may include run away, respite

care, hospitalizations, *family visitation*, or detention (not to include commitment to the Department of Juvenile Justice). *Paying maintenance during the child's absence is intended to ensure that the temporary absence does not result in a placement disruption.*

*During the temporary absence, Should it become apparent, at any point during the 14 days, that the placement has disrupted, the placement should be closed and the maintenance payment should cease. If the intention was for the child to return to the home within 14 days but the child does not, IV-E funds can not be used, but state pool funds may be used to fund the placement for no more than 14 days. For example:*

- *If the youth runs away and the placement indicates that the youth can not return, the placement should be closed and payment should cease at that point.*
- *If the youth runs away and is unexpectedly detained on day 10 of the AWOL episode so will not be able to return to the placement by the 14<sup>th</sup> day, the placement should be closed on day 10 and payments should cease. State pool funds may be used to fund the maintenance for 9 days.*
- *If the child requires psychiatric hospitalization that is expected to last less than 14 days but on day 14 the child has an incident that leads to a longer hospital stay, state pool funds may be used to fund the placement for the 14 days. Also on day 14, the original placement should be closed, and the hospitalization should be entered as a placement in OASIS.*
- *If the child requires psychiatric hospitalization that is expected to last less than 14 days and on day 8 the placement determines that the child cannot return, the placement should be closed, payments should cease, and the hospitalization should be entered as a placement. State pool funds may be used to fund the original placement for 7 days.*
- *If the child goes to visit relatives/parents for periods of time, maintenance can be paid to the placement as long as the absence does not go beyond 14 days and the child returns to the placement.*
- *If the youth has a probation violation and is detained for 10 days but returns to the foster home when he/she is released from detention, maintenance can be paid for the entire absence.*
- Placement begins on the day a child is placed. For payment purposes, the last day of placement is the day before the date of removal. Example: Child is placed on June 1<sup>st</sup>. Child is removed on June 14<sup>th</sup>. Payments are made for placement from June 1 through June 13<sup>th</sup>. Payments begin for the new placement on June 14<sup>th</sup>.

- For those instances where there is an event that increases the amount of maintenance (i.e. birthday change in rate, enhanced maintenance payment), then the new rate shall become effective on the first of the month following the event that caused the increase in maintenance.
- When a child begins or ends a foster care placement or episode; prorating room and board for part of a month is based upon the actual number of days of care provided and the number of days in the month.
- Personal incidentals, *which are included in the basic maintenance payment*, are those costs associated with the personal care of a child such as (but not limited to) items related to personal hygiene, cosmetics, over the counter medications and special dietary foods; infant and toddler supplies, including high chairs and diapers; and occasional fees related to recreational activities.
- For children in foster care, the LDSS shall not decrease or increase the state-determined basic maintenance rates to foster parents. The VEMAT shall be used to provide enhanced maintenance for increased supervision and support from the foster parent due to a specific child's behavioral, emotional, or physical/personal care requirements.
- When documenting a change in maintenance costs due to a birth date, enhanced payment, etc., the worker should input the information so that it is effective the first day of the month following the actual date that initiated the rate change in OASIS.
- A [Financial Agreement for Local Department of Social Services Approved Providers](#) should be used to document the maintenance and enhanced maintenance amounts. The Agreement should be signed by the *foster and adoptive* parent and the LDSS representative on the day of placement. When the maintenance or enhanced maintenance rate changes, *the LDSS should notify the foster or adoptive parents in writing of the changes and a new Agreement should be developed.*
- ***Children that are placed on a trial home visit are NOT eligible for maintenance payments.***

#### 18.1.5 Maintenance payments from title IV-E Funds

- Temporary absences from an approved placement for reasons of hospitalization, education or training, a vacation, detention (not to include commitment to the Department of Juvenile Justice) or trial home visit do not terminate eligibility for title IV-E.

- If the court orders a child's removal from the home and the child is otherwise title IV-E eligible, the child must be physically removed in order to be eligible for title IV-E foster care payment.
- *For young adults who are in congregate care*, title IV-E eligibility may continue beyond the age of 18 if the child is enrolled in a high school or vocational/technical school and expected to complete the high school or vocational/technical program prior to or in the month of his or her 19th birthday. The eligible 18-year-old child is considered to be enrolled full-time, regardless of the number of courses or length of time in school. The child is eligible for the month in which completion of the school program occurs; however, eligibility cannot be extended past that month. The program is considered completed on the last day of final exams or, if exams are not required, the last day of scheduled classes, or the date the graduation ceremony is scheduled to occur. Under no circumstances shall eligibility continue beyond the last day of the month of the child's 19th birthday. If, at any time during the child's 18th year, it is determined that the child will not complete the program of study by the last day of the month of his 19th birthday, the child's IV-E eligibility ends on the last day of that month. *Once the young adult no longer meets the criteria above, he shall be moved out of congregate care prior to the end of the month. The young adult shall then enter the Fostering Futures Program and will be evaluated for title IV-E funding based on the new foster care episode.* It is the responsibility of the service worker to provide notification to the benefit programs specialist of any change of educational status within **three (3) business days**.
- When the local department of social services (LDSS) accepts custody or placement of a child and places the child in a relative home, the agency shall approve the relative home as a foster family home only if they meet foster home provider requirements, and shall pay the relative foster parents maintenance payments per state rates.
- When necessary, the LDSS should use the emergency approval process and variance process to fully approve relative foster parents. Title IV-E payments may be made to a relative provider who is fully approved with certain variances. For more information on emergency approvals, see:
  - Title IV-E Eligibility Manual, [section 1.6.2.1](#); and
  - [The Local Department Foster and Adoptive Family Home Approval Guidance](#)
  - [Title IV-E Eligibility Manual](#)
- The LDSS may use title IV-E to pay enhanced maintenance when foster parents provide care to title IV-E eligible children placed in LDSS homes and

the Virginia Enhanced Maintenance Assessment Tool (VEMAT) is used to determine the need for, and amount of, enhanced maintenance. title IV-E eligible children placed in treatment foster care programs shall be assessed with the VEMAT for enhanced maintenance and if such payment is indicated, all maintenance costs shall be charged against title IV-E for the eligible child. A copy of the VEMAT and all supporting documentation of the child's needs resulting in an enhanced maintenance payment shall be documented in the case record. These additional payments are made from State Pool funds for non-title IV-E children.

See "Rate-Structuring for Enhanced Maintenance" Guidance at:

- [DSS public website](#)

### **18.1.6 Maintenance payments from State Pool Funds**

This is a source of funding, using primarily state and local money, through the *Children's Services Act (CSA)*.

- Costs of maintenance are paid from this source for all foster care children who are not eligible for title IV-E. This includes the basic as well as the enhanced maintenance rate. Enhanced maintenance payments shall be utilized only when the VEMAT is used and the child is determined to have a clearly defined need for increased supervision and support from the foster parents due to the child's behavioral, emotional, or physical/personal care requirements.
- Service needs of children and their families are not included in the definition of maintenance. Therefore, services shall not be paid for with maintenance funds.
- The LDSS shall use procedures established by the Community Policy and Management Team (CPMT) for referring the child to the Family Assessment and Planning Team (FAPT) for services and funding.
- The CPMT may establish policies and procedures for authorizing payments for children who only require foster care maintenance without a full review by the FAPT ([§ 2.2-5209](#)).
- The LDSS shall not decrease or increase the state-determined basic maintenance rates to foster parents.
- State pool funds can only be used for placement in an approved or licensed facility or foster home.



### 18.1.7 SSI and maintenance (title IV-E and State Pool Funds)

- It is the responsibility of the service worker to inform the Social Security Administration (SSA) whether title IV-E benefits are being received for the care of the child:
  - At the time of application for Social Security benefits; or
  - When the LDSS becomes the representative payee for a child who is already receiving SSI.
- SSI benefits shall be reduced dollar for dollar by the amount of title IV-E funds actually received for the child. A title IV-E eligible child does not have to receive a title IV-E payment. The LDSS may choose to receive only the SSI payment to cover the costs of the child's care.
- SSI benefits are not reduced for children whose maintenance is paid from state pool funds.
- If a title IV-E eligible child is in a residential facility where the monthly maintenance rate is greater than the SSI payment, the LDSS should use title IV-E benefits to pay for maintenance. If title IV-E funds are used, the service worker shall immediately, **within two (2) business days**, notify the SSA to suspend the SSI payment. If a child returns to a foster home, the service worker shall evaluate and determine which funding option is most beneficial for the child and inform the SSA of the change in placement and maintenance rate **within two (2) business days** if SSI benefits are to be reinstated.
- When a child enters a Medicaid funded residential facility, the LDSS shall notify the SSA of the placement in order to ensure that the child's SSI benefits are reduced to appropriate levels. In some situations, the child may continue to receive full SSI benefits. For [additional information](#), see Social Security Administration Online.

### 18.1.8 Documenting maintenance payments in OASIS

With the introduction of OASIS 3.12, the funding screen has been tabbed into three separate screens including Basic Maintenance, Additional Maintenance, and IL Stipend.

Eligibility was formerly referred to as Program Category and is the category from which funding is obtained. Foster children will either be IV-E or CSA funded.

The Date Effective is the date a payment began. The End Date is the date when the payment ended.

The Source of Payment is the source from which funding is paid. This could be IV-E, CSA, or Local Funds. The selection of none indicates no monies are being paid out for the child.

The Basic Maintenance Payment is the monthly/*daily* maintenance amount paid to the placement provider to assist the caretaker in providing for the child's basic needs. *This will be a monthly rate for payments to foster home placement providers and a daily rate for congregate care providers.*

The basic maintenance tab is used to record the Eligibility Determination (program category), source of maintenance payment, amount of the basic maintenance payment, effective date and end date for each child in foster care.

Maintenance for a child newly placed in foster care is initially paid from the CSA state pool funding source until the child's eligibility for title IV-E has been determined. If the child is determined to be eligible for IV-E State pool funds expended for maintenance during the determination process shall be reimbursed by title IV-E funds except for any period where the provider was not fully approved.

If the child remains funded by CSA, then CSA shall remain the "eligibility determination" and the "source of maintenance payment" on the Funding screen

The worker should indicate receipt of other resources including: Child Support, SSA, SSI, title IV-A TANF, and other. The worker should indicate if the child is eligible for title XIX (Medicaid) and if the child is eligible for Medicaid Treatment Foster Care or Medicaid Treatment Residential. Even if an LDSS initially pays for a child out of CSA and then reimburses CSA out of SSI, the LDSS should choose the resource that ultimately pays for maintenance as the funding source.

The additional maintenance tab is used to record enhanced maintenance payments or any additional costs paid to a residential facility above and beyond room and board for additional daily supervision. Like the Basic Maintenance tab, the Additional Maintenance tab records the Eligibility Determination (program category), source of additional maintenance payment, amount of the additional maintenance payment, effective date and end date. These payments can be enhanced maintenance as determined by the VEMAT (*monthly rate*) or can be additional residential costs related to supervision of the child (*daily rate*).

The service worker is responsible for updating the funding screen every time the child's source of payment changes.

The child may become temporarily ineligible for title IV-E payments. For example, title IV-E payments cannot be made to a provider which is provisionally approved. However, a provisionally approved placement in which the child is placed may become fully approved again. As of the first date of the month in which the facility is fully approved, title IV-E payments could be made again as long as no other conditions had changed. When title IV-E payments can be made again, no new title

IV-E determination is required. The conditions that make it permissible to use title IV-E funding again shall be documented in the OASIS case record on the contacts screen. Not all conditions are able to be corrected. If the child loses eligibility for payment due to a condition that is not corrected or able to be corrected, no title IV-E funds may be used.

For additional information on what to include in the OASIS Funding screen on this topic, workers are referred to the “Help” section of OASIS.

## **18.2 Paying for enhanced maintenance (VEMAT guidance)**

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### **18.2.1 Rationale and purpose of enhanced maintenance**

Maintenance payments are provided to assist in meeting the basic needs of a child. Enhanced maintenance payments are available when a child has a clearly-defined need that requires the parent to provide increased support and supervision due to the child’s behavioral, emotional, or physical/personal care requirements. *When children first enter foster care, it is expected that their needs may be higher due to the circumstances that led to the child’s removal and the impact of the removal itself. However, as the child stabilizes in the foster home and the child’s needs are met consistently over time, it is expected that the child’s on-going need for support and supervision would decrease, and therefore the VEMAT score would decrease with subsequent reassessments.* Virginia’s practice of providing basic and, when applicable, enhanced maintenance payments to foster or adoptive parents is consistent with federal law and regulation.

The Virginia Children’s Services Practice Model and the CSA emphasize the Commonwealth’s focus on a “child-centered, family-focused, community-based” system of care. Providing financial support for children in foster care and adopted from the foster care system is consistent with this emphasis by keeping the unique needs of the child in the forefront of financial support decisions. A child’s needs are best met through the unconditional support of caring adults. Supplemental supports may include the provision of services to the child and family, the provision of enhanced maintenance, or both.

For children in foster care, the purpose of the Virginia Enhanced Maintenance Assessment Tool (VEMAT) is to assess the child’s behavioral, emotional, and physical/personal care needs to determine if an enhanced maintenance payment is necessary to ensure the safety and well-being of the child. Understanding the needs of the child in each of these domains is not unique to the administration of the VEMAT but is based on and part of the over-all casework process. Administering the VEMAT should be integrated into case management, using the knowledge about the child gained through all interactions between the ongoing service worker, the child, the family, other individuals knowledgeable about the child, and other service providers. This increases the likelihood that the information discussed in the VEMAT meeting is already the subject of ongoing planning. Specifically:

- The monthly face-to-face contact with the child conducted by the service worker for children in foster care and those awaiting finalization of adoption, affords an opportunity for ongoing, quality assessments of the child's adjustment to the home, service and case planning needs, and anticipated needs. Service workers are encouraged to use the [Visitation Guidance Tool](#) to make these contacts meaningful. Service workers should also use these contacts to talk with the foster and the adoptive parents about the child, his strengths, changes in behavior, and services being provided to the child and family.
- Regular and frequent contact with the foster or adoptive parent is an opportunity to discuss children's needs, concerns the foster or adoptive parent may have related to the child, and ways in which the parent may identify and use the child's strengths to improve behavior. These visits should serve as opportunities to provide training and for the worker to proactively consider what the child and foster or adoptive parent may need to ensure the child's safety, maintain the placement and improve the child's over-all well-being.
- Service workers' contacts with the LCPA and other service providers through regular communication (e.g., in person, by phone, and through regular progress reports) is also a mechanism for assessing ongoing progress and anticipating other needs of the child which may require either new, or a change in, service provision or a need for additional support for the child to be provided by the foster or adoptive parent.

For children being adopted and assessed for adoption assistance, see [Section 2](#) of Chapter F, Adoption, in the Child and Family Services Manual.

## **18.2.2 The Virginia Enhanced Maintenance Assessment Tool (VEMAT)**

### **18.2.2.1 General guidelines for use of the VEMAT**

- The LDSS shall ensure that the VEMAT is administered in a fair and accurate manner in accordance with the guidance throughout this section and is consistent with the training provided by the Department. LDSS that do not administer the VEMAT consistent with this guidance are subject to fiscal paybacks using local only funds.
- LDSS are responsible for ensuring the child-specific team as discussed in this guidance is assembled and used in the administration of the VEMAT.
- Title IV-E and state funds shall only be claimed for enhanced maintenance payments when the LDSS uses the VEMAT to determine the need for and amount of enhanced maintenance. (The only exception is adoption assistance payments for enhanced maintenance

determined prior to October 1, 2009. [See Section 2.3.1 of Chapter F, Adoption](#), in the Child and Family Services Manual).

- *LDSS are responsible for maintaining appropriate documentation in the child's case record to support the rating category. Examples include but are not limited to: formal recommendations for interventions from the child's therapist/psychiatrist/psychologist, critical incident reports, foster parent's log of behaviors/interventions, home care plan (physical therapy, occupational therapy, etc.), terms of probation, etc.*
- LDSS benefit programs specialist shall have access to all documentation necessary to ensure that enhanced maintenance paid out of title IV-E funds complies with federal title IV-E eligibility requirements and this guidance. These documents shall include a hard copy of the completed web based VEMAT tool.
- The VEMAT shall be used by the LDSS for any child placed in treatment foster care (TFC) homes.
- LDSS may also use the VEMAT for children placed in their non-TFC homes. If the LDSS chooses to use the VEMAT for children placed in their non-TFC homes, all related requirements as described in subsequent sections of this guidance document shall be followed. The VEMAT shall be used for all eligible children. (That is, the VEMAT shall not be used for some eligible children but not used for others). Eligible means that the child has demonstrated evidence of a behavioral, emotional and/or physical/personal care need that may warrant the receipt of enhanced maintenance.
- *If the LDSS believes that the child is ineligible for enhanced maintenance, this needs to be documented in OASIS.*
- Any time the LDSS makes payments to foster or adoptive parents for additional daily supervision and support for the child, regardless of what the payments are named, the LDSS shall use the VEMAT. If the VEMAT is not used, the LDSS shall use local-only funds for the payments.
- The VEMAT shall be applied consistently for all children regardless of a child's maintenance funding source (e.g., title IV-E, CSA, etc.). That is, the LDSS shall not apply the VEMAT for children funded under title IV-E but choose not to use the VEMAT for children funded by CSA.
- Enhanced maintenance payments made to foster parents for a specific child may increase or decrease over time based on changes in the child's needs as reflected by changes in the child's VEMAT score.

- Enhanced maintenance payments for children in foster care are to be paid exactly as directed by the score on the VEMAT. When administering the VEMAT, the rater and child specific team shall consider the services provided to the child that reduce or eliminate any direct additional supervision or support provided to the child by the foster parent and reduce the enhanced maintenance payment based on these services ([22 VAC 40-221-25](#)).
- Enhanced maintenance payments shall not be reduced at the discretion of the LDSS or based on other services the family receives (e.g., child care services).
- LDSS shall provide a copy of the VEMAT including the amount of enhanced maintenance payments made to the foster parents to the local FAPT.
- *LDSS should notify foster or adoptive parents in writing of any rate changes to VEMAT payments. The Financial Agreement should also be updated to reflect the changes (see [Section 17.1.4](#)).*

#### **18.2.2.2 The VEMAT rating categories structure**

The VEMAT consists of a series of items (i.e., characteristics) that are used to identify a child's needs in three (3) domains: emotional care needs, behavioral care needs, and physical/personal care needs.

- Under each domain, four (4) categories exist under which a child's identified characteristics are rated. These categories are "not applicable," "minimal," "moderate," or "severe."
- "Not applicable" means the characteristic either does not occur or occurs occasionally and is responsive to intervention. Evidence that a characteristic exists (e.g., an act of aggression) is not sufficient for the characteristic to be rated in a category above "not applicable."
- "Minimal" means the characteristic occurs occasionally and requires occasional intervention.
- "Moderate" means the characteristic occurs frequently and requires occasional intervention.
- "Severe" means the characteristic occurs frequently and requires frequent intervention.

These rating categories are used as the basis for determining the child's behavioral, emotional, and physical/personal care characteristics in each

domain. In determining a rating of not applicable, minimal, moderate, or severe, *the team shall consider if the child's characteristics are:*

- Appropriate for the child's age group or developmental level. Developmental delays are considered to be any significant lag in a child's physical, cognitive, behavioral, emotional, or social development in comparison to norms.
- Not be due to a short-term condition (e.g., recent move from one placement to another; new prosthetic device; recovery from surgery).
- *Clearly documented in terms* of the frequency, duration, and intensity of the characteristic *and the need for foster parent intervention.*

The frequency, duration, and intensity of a characteristic shall be considered when describing the child's characteristics.

- Frequency is defined as the rate of occurrence or how often an event repeats itself over a set amount of time. A frequent occurrence is the fact of happening often or regularly at short intervals.
- Duration is defined as the period of time that something lasts or exists, continuance or persistence in time, or a period of existence or persistence.
- Intensity is defined as: the strength, power, force, or concentration of something.

To select the category that best describes the child's characteristics in each domain, the team shall consider the frequency, duration, and intensity of the characteristic.

- "Not applicable" means the characteristic either does not occur or occurs occasionally and is responsive to intervention. The frequency of occurrence of the characteristic is low, the duration is short-lived, and the intensity is weak. The child either self-corrects or the need for intervention is infrequent and the child responds promptly to redirection.
- "Minimal" means the characteristic occurs occasionally and requires occasional intervention. The frequency of occurrence of the characteristic is low, the duration is short-lived, and the intensity is weak. The need for intervention is infrequent and the child responds with little opposition to intervention.
- "Moderate" means the characteristics occurs frequently and requires occasional intervention. The frequency of occurrence of the characteristic is high, but the duration is short-lived or the intensity is

weak. The need for intervention is infrequent and the child responds with little opposition to intervention.

- “Severe” means the characteristic occurs frequently and requires frequent intervention. The frequency of occurrence of the characteristic is high, the duration is ongoing, and the intensity is strong. The need for intervention is frequent and the child requires additional assistance and time to respond to intervention.

Points are assigned under each domain as applicable. Each domain may score 0 – 4 – 8 – or 12 points based only on the highest category (N/A, mild, moderate, or severe) that receives points.

No more than a total of 12 points may be assessed for each domain with the exception of the physical/personal care domain (see below). The maximum total points that may be assessed across all three domains is 36. The number of characteristics required to accrue points in each category is listed on the VEMAT.

- The physical/personal care domain alone may result in a total score of 24 or 36 points when:
  - A child presents with characteristics indicating catastrophic physical needs.
  - The child’s scores in the emotional and behavioral domains are N/A.
  - Two (24 points) or three (36 points) items are checked as severe in the physical/personal care domain.

The applicability of each item in each category shall be considered, beginning with the mild, then moderate, and finally severe categories. Items are checked based on the description that most closely meets the identified characteristics of the child. If items for the same characteristic are checked in more than one category (e.g., the item for “impulsive, distractible, or hyperactive behavior” is checked in both the minimal and moderate categories), the “mild” category will be disregarded and the automated VEMAT tool will compute the total score per domain based on the highest category checked (see the [VEMAT Users Guide](#) on the DSS internal website).

### **18.2.2.3 How the VEMAT is administered**

- The VEMAT shall be administered by a child-specific group or team of individuals who know the particular child being assessed.



- The team shall include at a minimum, the caseworker(s), caregiver, and the individual who completed Departmental training to administer the VEMAT.
- *The team shall review current documentation of the child's behaviors to establish the intensity, duration, and frequency of needs that require foster parent intervention above and beyond what is expected for a child that age. [See section 18.2.2.1.](#)*
- Other individuals with knowledge of the child shall be invited to participate in the meeting or provide input about the child's needs. This may include family members, other significant individuals in the child's social support network, and other providers.
  - Individuals who do not have first-hand knowledge of the child and cannot contribute to a discussion of the child's strengths and needs, overall functioning, and behavior over time shall not be included in the meeting. The only exception to this is when the VEMAT is completed in the FAPT meeting.
  - The meeting held to score the VEMAT shall be child-specific and focus on the child's demonstrated and documented behavioral, emotional, or physical/personal care needs.
  - Teams shall meet in ways that meet the needs of the participants in order to provide input regarding the child's needs. Face-to-face meetings should be held although phone or video conferencing meetings may be used when a face-to-face meeting is not feasible. LDSS are strongly encouraged to be creative and flexible to obtain the most input possible regarding a child's characteristics relevant to the need for enhanced maintenance.
  - All individuals participating in the meeting shall be given written notice of the meeting (by email, fax, or letter) five (5) or more business days before the meeting.
    - If sent by email, the email "delivery receipt" option serves as verification that the notice was sent within required time frames.
    - If the foster or adoptive parent is approved and is under the auspices of a LCPA, a copy of the written notice should be sent to the LCPA worker. If sent by email, the "delivery receipt" option should be used as verification that the notice was sent within required timeframes. Notice may also be sent by fax.

The fax receipt is verification of compliance with notification time frames.

- If notice is sent by mail, the LDSS should send such notice a **minimum of seven (7) days** from the date of the meeting to ensure participant notification within required time frames.
  - Service workers are encouraged to call the foster or adoptive parent directly to ensure they are notified of the meeting. Such notification should be documented in the “contacts” section of the OASIS case file.
  - The written notice shall include a description of information the attendees should bring to the meeting, the date, time, and location of the meeting and instructions for rescheduling the meeting if necessary (see sample template [VEMAT Notification Letter](#) on the DSS internal website).
- The VEMAT meeting may be held **without the five (5) business days notice** only if the caregiver agrees and the rater has all documentation needed to review the child’s needs.
  - LCPA staff who are closely involved in supervising the care of the child by the TFC parent are key informants regarding the child. Their involvement on the child-specific team is a critical aspect of ensuring that individuals knowledgeable of the child’s behavior are involved. LCPA staff’s active involvement in the VEMAT meeting should be sought. At a minimum, written input from the LCPA shall be included in the VEMAT meeting.
  - Written input should also be collected from service providers or additional individuals who have information on the child’s behavioral, emotional, physical, and personal care needs, but who are unable to attend the meeting. Obtaining written input in this manner is not ideal as it limits discussion but, if provided, should be considered along with the information provided by the individuals attending the meeting.
  - The use of a team is critical to completing the VEMAT in as unbiased and inclusive manner as possible to facilitate the best possible decision for the child. It is the team’s job to describe and discuss the child’s characteristics in measureable ways (e.g., frequency, intensity, and duration of the characteristic or behavior; severity, onset, and relevance to the child’s age and developmental level).

- When a child is transitioning to a foster home from residential care or is new into the foster care system, the LDSS shall (unless the VEMAT was administered prior to placement change) place the child in the foster home, pay the emergency maintenance amount, and conduct the VEMAT within 60 days of the placement.
  - The emergency payment shall be prorated, starting on the first day the child enters the foster home.
  - The VEMAT shall be conducted within 60 days of the date the child enters the home. Any change in the enhanced maintenance amount shall begin on the first day of the subsequent month. NOTE: 60 days is interpreted to mean 60 calendar days from the time the child enters the home through the end of the month in which the 60<sup>th</sup> day falls (e.g. a child's 60<sup>th</sup> calendar day is June 15<sup>th</sup>. The VEMAT, with all required signatures, must be completed no later than June 30<sup>th</sup>).
    - If the LDSS does not conduct the VEMAT within the stated definition of 60 days (the end of the month in which the 60<sup>th</sup> day falls), local-only funds shall be used from the first of the month following until the VEMAT is completed. The basic maintenance payment shall continue to be paid by title IV-E or CSA, based on the child's title IV-E eligibility status.
    - If the VEMAT is not completed due to the foster parent not participating in the VEMAT as agreed upon, no emergency or enhanced maintenance payment shall be payable. The LDSS shall continue to attempt to arrange for the VEMAT administration and make diligent efforts to work around the issues that prevented the foster parents from participating. Once the VEMAT has been administered, any enhanced maintenance shall go into effect on the first day of the subsequent month. No retroactive payments shall be made.
- The emergency VEMAT payment shall only be utilized when a child is first entering care or transitioning from a higher level-of-care placement. When a change in placement is made from one foster home to another regardless of whether or not the home is with the same agency, it is not necessary to complete a new VEMAT unless there has been a significant change in the child's behavior that would indicate a need to reassess for additional enhanced maintenance.

- A change in placement is not considered a reason to make an emergency VEMAT payment.
- The date scheduled for conducting the VEMAT should be based on the foster parent and the case worker having ample time to experience and understand the child's strengths and needs. Worker's monthly (or more frequent) contacts with the child and observed interactions in the home are critical to the discussion of the child's needs.
- A child's overall functioning should be considered within the context of the child's unique situation. Generally, a child's characteristics should be considered within the recent past (i.e., 30 days), but the child's known patterns of behavior which may not have been observed in the last 30 days should also be addressed. For example, if a behavior has not occurred for three (3) months (no running away while the child was in a locked facility) but it has relevance to the ongoing needs of the child (child has a history of running away), it should be considered in the VEMAT meeting.
- The completion date of the VEMAT is the date all required signatures are obtained. If any individuals participate by phone, the VEMAT rater shall write that person(s) name on the signature line in the VEMAT and note that they participated by phone. The effective date of payment is the first day of the following month.

#### 18.2.2.4 Completed VEMAT forms

- The web-based version of the VEMAT shall be completed for all decisions about enhanced maintenance. VEMAT raters who do not have access to the web-based version may complete a paper copy. The LDSS shall transfer the paper copy results onto the web-based VEMAT **within five (5) business days** of the VEMAT meeting.
- The completed VEMAT shall be printed and placed in the child's foster care paper case record. **All supporting documentation shall be placed in the child's paper case record.**
- Benefit programs specialist shall have access to the completed VEMAT tool. Printed copies of the completed web-based version of VEMAT and all re-administrations shall be included in the eligibility file.
- A copy of the VEMAT should be provided to the LCPA for children in their homes **within ten (10) business days** of the meeting.
- A completed VEMAT should be "saved," which will then store the tool in the web-based system. Saved VEMATs are retrievable by the LDSS

unless the document is “closed.” Once a VEMAT is “closed,” the completed tool is no longer available for access by the LDSS. Completed VEMATs should remain on the system until the case is closed. For additional information about saving and closing a completed VEMAT, please refer to the [VEMAT User’s Guide](#) on the DSS internal website.

#### 18.2.2.5 The VEMAT rater

The VEMAT rater is an individual who has completed rater training through the Department according to a designated training curriculum.

VEMAT raters cannot be the child’s caseworker, a caregiver, or LCPA staff. LDSS directors should not be VEMAT raters since they are the individuals to whom a request for a review would be made should a caregiver not agree with the VEMAT’s findings.

VEMAT raters may be LDSS services staff (e.g., foster care, CPS, adoption, adult services) or members of other public child-serving agencies such as the Community Services Board staff or the CSA Coordinator. Individuals selected as VEMAT raters should possess the following skills and knowledge:

- Ability to facilitate a focused dialogue that uses all available information to identify the child’s strengths and needs.
- Understanding of child development and norms for child and youth behavior, as well as the effects of abuse, neglect, and other trauma on childhood development.
- Understanding and discernment of the short and long-term impact of placement in foster care and subsequent events such as: a change in placement, the potential effect of events such as termination of parental rights, visitation with parents and other family members, a change in permanency goal, etc.
- Ability to use such information to determine whether the child’s characteristics in each domain are within the expected developmental range; and ability to assume and maintain the role as final arbiter for making decisions about VEMAT ratings.

LDSS are encouraged to train as many qualified individuals as necessary as VEMAT raters and/or to share raters across jurisdictions to ensure that access to a qualified rater is never a barrier to administering the VEMAT.

Prior to conducting the VEMAT meeting, the rater is responsible for verifying that:

- The foster or adoptive parent(s) were invited to the VEMAT meeting according to [Section 18.2.2.3](#) and all efforts were made to provide them with the opportunity to participate.
- All identified individuals were given a written invitation to attend the VEMAT meeting as per [Section 18.2.2.3](#).
- All individuals participating in the VEMAT meeting are present in person or through other agreed upon forms of communication (e.g., phone, etc.).
- Input from all sources knowledgeable regarding the strengths and needs of the child are presented and considered in making the decision in scoring each domain. The VEMAT rater shall, based on the best available evidence regarding the child's characteristics and the corresponding support and supervision required by the foster parent, score each item of the VEMAT.
- *The team is prepared to provide documentation to support the rating level for each category in terms of minimal, moderate, and severe as it pertains to the level of interventions required by the foster parent. Acceptable documentation includes written information from treatment providers, written documentation from public or private agency service workers, behavior logs maintained by the foster parent, etc. (See [Section 18.2.2.3](#))*

When there is disagreement as to the rating of the child's characteristics (i.e., type, frequency, severity), the VEMAT rater shall make a final decision as to how to score the VEMAT based on the information presented. The VEMAT rater's decisions are final and not open to voting by the team or being overridden by any individual or agency.

VEMAT raters may elect to not issue a completed VEMAT by the end of the meeting but shall determine and issue the final score **within five (5) business days**. VEMAT raters shall share a copy of the final VEMAT with the caregiver and review these documents with them if requested.

#### **18.2.2.6 Frequency of administering the VEMAT**

- The initial VEMAT shall be administered within 60 days of a child entering a TFC home or an agency-approved regular foster home where the LDSS has chosen to provide enhanced maintenance payments. NOTE: 60 days is interpreted to mean 60 calendar days from the time the child enters the home through the end of the month in which the 60<sup>th</sup> day falls; (e.g. a child's 60<sup>th</sup> calendar day is June 15<sup>th</sup>. The VEMAT, with all required signatures, must be completed no later than June 30<sup>th</sup>).

- Reassessment of the enhanced maintenance payment is accomplished through a re-administration of the VEMAT.
  - For VEMAT scores *BELOW 28*, reassessments shall occur within 12 months of the previously administered VEMAT and no more frequently than quarterly unless requested by the foster or adoptive parent (see [Section 18.2.2.7](#)). NOTE: 12 months shall mean 365 calendar days from the time the last VEMAT was administered and signed by all parties, through the end of the month in which the 365<sup>th</sup> day falls; (e.g. a child's 365<sup>th</sup> calendar day is June 15<sup>th</sup>. The VEMAT must be completed no later than June 30<sup>th</sup>). If the LDSS does not conduct the VEMAT within 365 days as defined above, the cost of the enhanced maintenance amount shall not be covered by title IV-E or CSA state pool funds. Local only funds shall be used from the first of the month following the 365<sup>th</sup> day; until the VEMAT is completed and becomes effective: the first day of the month following the month the VEMAT is administered. The basic maintenance payment shall continue to be paid by title IV-E or CSA, based on the child's title IV-E eligibility status.
  - For VEMAT scores *28 and ABOVE*, reassessments shall occur within **three (3) months** of the previously administered VEMAT. NOTE: Three (3) months shall mean 90 calendar days from the time the last VEMAT was administered and signed by all parties, through the end of the month in which the 90<sup>th</sup> day falls; (e.g. a child's 90<sup>th</sup> calendar day is June 15<sup>th</sup>. The VEMAT must be completed no later than June 30<sup>th</sup>). If the LDSS does not conduct the VEMAT within 90 days as defined above, the cost of the enhanced maintenance amount shall not be covered by title IV-E or CSA state pool funds. Local only funds shall be used from the first of the month following the 90<sup>th</sup> day; until the VEMAT is completed and becomes effective: the first day of the month following the month the VEMAT is administered. The basic maintenance payment shall continue to be paid by title IV-E or CSA, based on the child's title IV-E eligibility status.
  - If the child scores 36 solely due to severe medical/physical needs that are not going to improve, the LDSS may administer the VEMAT annually. The child's condition shall be clearly documented by a physician. The documentation should include the extent of the child's needs and that the child's condition is unlikely to improve.
- Beyond the requirement above, the LDSS may choose the frequency with which they re-administer the VEMAT. The administration schedule shall be applied consistently across all cases regardless of funding

source. However, the LDSS may select different reassessment frequencies for different enhanced maintenance payment levels (e.g., all cases rated in the severe category may be reassessed quarterly while all cases rated at moderate or mild may be reassessed less often).

- The LDSS shall select the frequency of re-administration of the VEMAT and such information should be provided to the foster parent and the LCPA.

#### **18.2.2.7 Foster parent request for readministration of the VEMAT**

When foster parents believe a child's need for supervision and support is not being sufficiently addressed, the parents may contact the services worker to discuss their concerns about the child's behavior and options for how the behavior may best be addressed (e.g., does the child need a specific service that they are currently not receiving?). The service worker, the parent, and others who may have input regarding the child's needs (e.g., individuals participating in the FAPT, service planning meetings, etc.) are responsible to assess the child's needs and determine how to best meet those needs.

Foster parents may request a reassessment if the child's circumstances have changed in such a manner as to require four (4) or more weeks of clearly demonstrated increased or decreased need for supervision and support by the parents. Such change in behavior shall be documented and a request shall be made in writing to the LDSS to have the VEMAT readministered. (The "[Request for VEMAT Administration Due to Change in Child's Behaviors](#)" is available on the DSS public website.

- The LDSS shall re-administer the VEMAT according to guidance in [Section 18.2.2.6](#).
- The VEMAT shall be readministered **within 15 calendar days** of the foster parents' written request.
- If the VEMAT indicates the enhanced maintenance payment should increase or decrease, any change shall take effect on the first day of the month following the readministered VEMAT.

#### **18.2.3 Completing the VEMAT prior to placement**

A VEMAT may be administered for a child prior to his entry into foster care or when transitioning out of residential care to a foster home placement. The VEMAT may be administered prior to the placement when the LDSS has sufficient time and information available to allow for a proper administration of the tool. The identified foster parents shall be invited to the VEMAT meeting. Factors to consider in holding the VEMAT meeting prior to the change in placement include:



- Whether the foster or adoptive parent will be able to attend the VEMAT meeting.
- Whether a current caregiver or someone with direct knowledge of the child's current needs and behavior can be a part of the VEMAT team.

#### **18.2.4 Completing the VEMAT after placement**

When the VEMAT cannot be administered prior to placement and the child will be placed in a foster or adoptive home, the following procedures shall be followed:

- A VEMAT shall be administered within 60 days of a child being placed on an emergency basis. NOTE: 60 days is interpreted to mean 60 calendar days from the time the child enters the home through the end of the month in which the 60<sup>th</sup> day falls (e.g. a child's 60<sup>th</sup> calendar day is June 15<sup>th</sup>. The VEMAT must be completed no later than June 30<sup>th</sup>).
- The emergency enhanced maintenance payment is automatically paid for any child placed on an emergency basis and is pro-rated for the first month. The emergency payment begins on the first day of placement.
- If the VEMAT indicates the payment is to be increased or decreased from the emergency payment rate, the change in payment shall begin on the first day of the month following the completion of the VEMAT.
- If the LDSS does not administer the VEMAT within 60 days, the emergency payment shall continue until the VEMAT is completed and becomes effective. The emergency payment shall be paid from local-only funds (see [Section 17.2.2.3](#)) beginning on day 61 until the first day of the month following the month the VEMAT is administered.

#### **18.2.5 Agency responsibilities for supporting foster parents receiving enhanced maintenance**

##### **18.2.5.1 Agency support services**

Agencies shall provide additional support and assistance to foster parents who have children placed in their homes where enhanced maintenance payments are made. Such assistance is critical in avoiding placement disruptions and ensuring that foster parents have the guidance and tools to understand the child's needs and provide appropriate support to the child while ensuring the child's safety. Agency supports that shall be provided include at a minimum:

- Twenty-four-hour, seven-day per week access to an on-call case worker.

- A supervisory-level human services worker shall be available to the case worker 24 hours, seven days per week to provide direction and assistance as necessary.
  - The agency may provide these services directly or may contract with private agencies or individuals to provide these services.
  - Agencies may also share access to an on-call worker and supervisor to meet these criteria.
- Monthly face-to-face contacts with the foster parents by a service worker. The monthly contacts should focus on:
  - The foster parent's relationship with and perceptions of the child in care including such things as:
    - Their attachment to the child.
    - The child's strengths and progress in all life domains.
    - Any concerns the parent has about the child's behavior.
    - Needs or their ability to work with the child.
    - The impact of having the child in their home.
    - The need for additional training, services, or agency support.

Discussion should also occur about the foster and the child's progress toward service plan goals.

- The expectations for how the foster or adoptive parent is to address the needs of the child. This shall include the specific support and supervision activities to be conducted by the foster or adoptive parent that are required to meet the needs of the child.

#### **18.2.5.2 Purchased services**

The LDSS may purchase services for monthly contacts with the foster parent.

LDSS may develop and share contracts with private providers to meet the requirements of this section.

All LDSS or contractual worker contacts with the family shall be documented in OASIS or, when the contact is by a private provider, documented in the child's record maintained by the agency and included in required reports to the LDSS.

The LDSS shall monitor and document the contractor's performance if the LDSS chooses to contract out activities (i.e., conducting monthly face-to-face contacts; providing an appointed on-call service worker that shall be available to make face-to-face contacts if necessary to provide services to the child and the foster family 24 hours per day, seven days a week) ([22 VAC 40-221-30](#)).

### 18.2.5.3 Training

Training shall be discussed with and provided to the foster parent(s) that is unique to their needs and their ability to manage the needs of the child.

If needed training is available as part of an already-established curriculum, (e.g., PRIDE) the foster parent should be directed to attend that training. If needed training requires access to other training sources (e.g., attending specialized training on gavage feeding or autism), the agency shall identify the training source and assist the foster in accessing the training.

- LDSS are encouraged to contact their CRAFFT Coordinator and *Adoption and Family Recruitment* Consultants as sources of support in locating or providing training resources. FACES of Virginia's Families should also be used as a source of training and support.
- The cost of training is an agency responsibility. LDSS may pay the cost of such training through title IV-E training funds when the VDSS has approved the training through the LDSS' title IV-E training plan.

### 18.2.5.4 Documentation

Any contacts made with the on-call worker by the foster parent should be documented in the Contacts screen in OASIS or, when it is a private agency, documented in the child's record maintained by the private agency and included in required reports to the LDSS.

Discussions should occur with the foster parent(s) regarding the need for documenting the child's behavior(s), responses to services, and interventions, including any parental involvement and support. This discussion will result in a joint decision as to the manner in which such documentation shall be completed. Documentation is critical to the agency's ability to accurately assess ongoing service needs, progress, training for the foster and the child's general adjustment.

When the child receives enhanced maintenance, the foster care service plan or Individual Family Service Plan shall include, but is not limited to:

- Measureable goals, objectives, and strategies for the *foster and adoptive* parent and the child placing agency in addressing the identified needs of the child.

- Provisions for providing training to the *foster and adoptive* parent consistent with the identified needs of the child.
- Provisions for services to prevent placement disruption and maintain a stable placement.
- The method developed jointly by the child placing agency and the *foster and adoptive* parent to document the child's progress ([22 VAC 40-221-30](#)).

## 18.2.6 Responsibilities of foster parents receiving enhanced maintenance

### 18.2.6.1 Responsibilities of foster parents

Foster parents receiving enhanced maintenance payments have accepted children into their family whose needs will require a greater level of adult supervision and support than other children, either initially or long-term. Foster parents accept these children into their homes with the expectation that they will provide the type of environment and support necessary for the child to:

- Remain in the home until permanency for the child is achieved.
- Progress in their overall development including academic achievement.
- Have their medical, dental, and mental health care needs met.

As a partner in helping meet these needs for the child, foster parents are expected to provide a great deal of the support and supervision required for a child to remain safe and have the opportunity to build on their strengths and progress in their development. Other partners such as the school, therapists, mentors, in-home providers, service workers, and others will help support the child in addressing areas of need. As a result, it is necessary for the LDSS to identify the specific requirements for support and supervision expected from the foster parent, which may include but are not limited to:

- Participate in and cooperate with the LDSS in developing the service plan, attend Family Partnership Meetings as requested, and attend any meetings the private agency, local education association, or other providers may hold.
- Discuss with the agency and follow through on all services provided to them or expected of them in order to ensure the child's well-being and progress, maintain the child's safe placement, and support reunification when appropriate for the child.
- Assume responsibility for managing the daily supervision and supportive tasks a child may need including but not limited to:

- Transporting the child to appointments, visits with birth family members and other previous custodians, school, after-school activities, etc.
- Supervising visitation with family and siblings when appropriate as determined by the case worker.
- Attending and participating in court hearings, therapy, or other appointments with the child.
  - The LDSS should take into consideration time and distance when requiring foster parents to transport and participate in appointments and therapy with the child. LDSS and LCPA staff may assist in these parental activities but should do so as an occasional support to the family and not as a matter of rule.
- Following up on any services for the child such as in-home physical therapy exercises, additional educational assistance, implementing in-home strategies designed to remediate problems or promote progress in a child's development, and documenting progress on such strategies and their goals.
- Communicate to the agency any and all difficulties in understanding or managing the needs of the child and any training needs that would be helpful in improving their ability to parent the child and effectively meet the child's needs.
- Contact the agency and request assistance when they experience difficulty managing the child and need support in order to safely maintain the child in their home. Foster parents should always contact the agency prior to a situation reaching a critical level and avoid requesting the removal of the child from their home.
- Accurately and consistently monitor and document the child's behavior(s) and the parent's involvement and support in a manner that has been decided on with direction from the agency. (See [Section 18.2.5.4](#) for the agency worker's role in assisting in documentation.)
- Participate in all VEMAT meetings or, when unable to attend a scheduled meeting, work with the LDSS to promptly reschedule the meeting.
- Consistently meet all foster home approval requirements.

### 18.2.7 Discontinuing or suspending enhanced maintenance payments

Enhanced maintenance payments may be suspended or discontinued by the LDSS when:

- The foster parent does not follow through on all requirements as documented in the service plan or any additional requirements that are identified by the LDSS or other providers as important to the safety and well-being of the child.
- The foster parent does not participate in the VEMAT meeting as agreed upon.

Prior to suspending or discontinuing the enhanced maintenance payment, the LDSS should discuss any concerns with the foster parent in an attempt to rectify the conditions that are of concern. LDSS or LCPAs that suspend or discontinue the enhanced maintenance payment should evaluate the safety needs of the child and whether continued placement in the home is in the child's best interests.

If enhanced maintenance payments are suspended or discontinued, basic maintenance payments shall continue and be paid from the same funding source for which the child is eligible.

### 18.2.8 Reviews

Reviews of the decision for an enhanced maintenance payment as determined by the VEMAT may be held when the foster parent or the child's GAL, believes the administration of the VEMAT did not accurately portray the needs of the child or the VEMAT meeting was not held in accordance with this guidance.

If the foster parent or GAL elects to request a review of the results of the VEMAT, he shall submit a written request for a review by the LDSS Director or their designee. The following should be documented on the request form:

- Specific reasons as to why the results of the VEMAT did not accurately capture the needs of the child shall be documented on the [Request for VEMAT Review](#) available on the DSS public website.
- Specific VEMAT meeting protocols that the foster parent believes were not followed and, therefore, justify a new VEMAT, shall be documented on the Request for VEMAT Review form.

Foster parents or GAL have **five (5) business days** after receipt of the completed VEMAT form to request a review. The request shall be in writing and directed to the LDSS Director. Completion of the VEMAT means the final score was determined by the rater and the foster parent requested and received a copy of the VEMAT.

- The Director or his designee shall conduct the review. The designee will not be an agency staff member who has direct responsibility for the case.

- The LDSS Director or his designee has **15 business days** after receipt of the written request for a review to conduct the VEMAT administrative review. The LDSS Director or his designee shall:
  - Become familiar with all documentation used to complete the VEMAT.
  - Review any guidance that is germane to the request for a review.
  - Discuss the decision-making process with the VEMAT rater. The discussion should focus on the specific reasons the caregiver identified in the Request for VEMAT Review Form.
  - Determine whether they will also contact other members of the team, including the caregiver, to obtain additional information. If other team members are contacted:
    - The discussion should focus only on the issues identified in the Request for VEMAT Review form and should seek to obtain additional clarifying information.
    - The confidentiality of individuals and the information shared shall be protected.

The LDSS Director or designee shall require a new VEMAT meeting be held when procedures for scheduling and holding the VEMAT meeting were not followed. This includes:

- Written notice that the VEMAT meeting was not provided to the foster parent **at least five (5) business days** prior to the meeting.
- Individuals with first-hand knowledge of the child's strengths and needs and whose presence at and input into the VEMAT meeting was requested by the foster parent were not provided written notice of the meeting **at least five (5) business days** prior to the meeting.
- Available documentation specific to understanding the child's strengths and needs was not allowed to be presented in the meeting by participants.

The LDSS Director or his designee shall either concur with the original decision or shall order a new administration of the VEMAT. When the Director or his designee does not concur with the original decision, the Director or his designee shall not adjust the rate but shall direct that a new VEMAT be completed.

- The LDSS has **ten (10) business days** to re-administer the VEMAT if the Director or his designee decides a new VEMAT is required.

- If the re-administration of the VEMAT indicates there should be a change in the enhanced maintenance rate, the new rate shall be initiated on the first day of the subsequent month.

### **18.3 Paying supplemental clothing allowance**

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In addition to basic maintenance payments, the supplemental clothing allowance in [Section 18.1.3](#) should be used for:

- Every child each year they are in foster care.
- The child of a foster child.
- A new foster care episode for the child, even if the child was in care previously during the year and received the allowance in the initial foster care episode.

The clothing allowance should pay for needed clothing:

- At initial placement.
- At placement changes.
- For back-to-school.
- As the child grows.
- If items are lost or destroyed.

The supplemental clothing allowance shall not exceed the designated rate posted in [Section 18.1.3](#), regardless if the amount was paid for by title IV-E, CSA or a combination of the two. However, if the child outgrows clothing or his clothing is lost or destroyed, an additional supplemental clothing allowance may be approved by the VDSS Regional *Foster Care* Consultant, using the following protocol. The LDSS provides the name, age, and why the emergency amount is needed for the child/youth over and above the supplemental clothing allowance for the year. The regional *Foster Care* Consultant may approve up to \$250.00 additional emergency clothing monies for the year. This process must be documented in writing; an email request with documented approval shall suffice. As clothing is a maintenance cost, this protocol will be followed for children regardless of funding source. The Code of Virginia ([§ 2.2-5209](#)) allows a CPMT the discretion to create policies which exclude maintenance costs from FAPT review. Thus, in localities with these policies, FAPT review is not necessary following the consultant's approval. In localities where the CPMT has not established such policies, the usual FAPT process is followed after the consultant's approval. Lack of documentation for the approval will be considered a fiscal error and local money shall be used.



It is at the discretion of the LDSS as to how to reimburse the purchaser for the use of the supplemental clothing allowance for the children in its custody. However, the supplemental clothing allowance should be reimbursed or disbursed and claimed within the guidelines of the LASER reimbursement process to be counted in the correct state fiscal year.

LDSS are tax-exempt organizations. It is not necessary for tax to be paid on clothing purchased for children in the custody of the LDSS. LDSS can provide foster parents with tax exempt information or make clothing purchases through agency vouchers or other means. However, when this is not practical, tax paid on clothing purchases is an allowable expense. Tax paid will be calculated as part of the total clothing allowance for that child.

The decision as to the appropriateness and reasonableness of the items purchased is the responsibility of the service worker. If the service worker has questions regarding the appropriate use of the supplemental clothing allowance, the service worker should discuss the issue with his or her supervisor and may consult the regional *Foster Care* Consultant for technical assistance.

All supplemental clothing allocations shall be verified and tracked through documentation that the funds were used to purchase clothing for the designated child. This may include a purchase order to the store and receipt or a receipt from the store(s) where the foster parent purchased the items. The service worker is responsible for securing documentation from the foster parents and monitoring the clothing amounts paid annually for supplemental clothing for the children in his caseload.

The benefit programs specialist is responsible for determining eligibility for title IV-E and recommending accurate payments to ensure the allocation does not exceed the limits established by the state.

Supplemental clothing allowances apply to all children regardless of funding source.

For the IV-E eligible child, supplemental clothing expenditures shall be verified with receipts and any undocumented portion of the supplemental clothing allowance shall be reimbursed with local only funds.

For the non IV-E child, supplemental clothing expenditures are monitored as established by the local CMPT and its policies.

#### **18.4 Paying expenses by foster parents on behalf of child**

The procedures required to reimburse foster parents for expenses paid by them on behalf of the foster child are:

- The services shall be pre-authorized.

- Services purchased on behalf of the child may include, but are not limited to, transportation, exclusive of that required for medical care under title XIX, school fees, and purchases from commercial establishments.

## **18.5 Paying for children supervised by another agency**

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- Payment for the costs of maintenance and social services is the responsibility of the agency holding custody of the child or having accepted placement of the child.
- Certification of a child to a state mental health facility does not relieve the LDSS of custody. In this instance, room and board and medical costs are the responsibility of the public facility. Costs of clothing and personal care items shall be paid by the LDSS holding custody and cannot be title IV-E funds.
- The Department of Juvenile Justice (DJJ) is responsible for the maintenance and care of the child committed to its care. Payments cannot be made by the LDSS for maintenance of the child at the DJJ facility.
- For children placed in out-of-state foster homes:
  - Payment for the child's maintenance is at the standard rate for Virginia. When this rate is not acceptable to the other state, payment of the other state's rate, even if over Virginia's rates, shall be made.
  - The foster homes shall meet standards for care set by the other state.

## **18.6 Contingency Fund**

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### **18.6.1 Prior to filing a claim**

The agency worker responsible for handling the claim, or the service worker for the foster child shall discuss with the foster child and foster parents the circumstances surrounding the incident involved in the claim.

The following should be addressed with the foster parent:

- Adequacy of foster parent(s) insurance for coverage of valuables
- Adequacy of supervision of foster child's activities
- Precautions taken to prevent damages
- Consequences to child if applicable

### 18.6.2 Who may file a claim

Claims may be made on behalf of foster parents approved by the local board of social services.

Claims made on behalf of foster parents approved by a CPA are not eligible for reimbursement.

Claims are to be submitted to the Virginia Department of Social Services by the local department of social services (LDSS) worker for approval.

Local social services directors or designees must sign off on all claims being submitted for payment.

### 18.6.3 Exclusions related to property damage

- Claims for theft or destruction by a foster child of cash or uninsured jewelry
- Claims for normal wear and tear or property
- Claims for any property other than where the foster child resides
- Claims for stolen guns or ammunition
- Claims for lost clothes or any theft where the foster parent's ownership is not clearly established
- Claims for vandalism or stolen property in excess of a police report estimate of damages
- Claims for lost wages due to injury

### 18.6.4 Filing a claim

- All claims of \$3000 and above must be submitted to the home owner's insurance of the foster parents prior to filing a claim with VDSS.
- The foster parent must notify the LDSS worker within **30 days** of the discovery of the loss or damage.
- Within **7 days** of the report to the LDSS, the foster parents should file a claim with their own insurance.
- The foster parent must provide home owner's insurance information at the initial claim.

- For claims involving destruction, damage, or theft of property, the foster parent must produce evidence the items stolen or damaged were in their possession.
- All damaged or destroyed items must be viewed by the LDSS worker, within **30 days** of discovery of the loss or damage.
- In limited circumstances, if the item cannot be safely stored until viewed by the LDSS worker, the foster parent must produce proof of ownership. Acceptable proof of ownership includes sale receipts, photographs, or verification by the LDSS worker.
- In cases involving theft or intentional damage, LDSS workers and foster parents must determine whether a police report should be filed. Decisions may be based on the need for the personal accountability of the youth. If a police report is filed it should be attached to the claim filed with VDSS.
- The Contingency Fund may pay insurance deductibles of \$500 or less.
- Exceptions to filing a claim with the home owner's insurance of the foster parents are as follows:
  - If a claim is less than the insurance deductible
  - If the home owner's insurance policy of the foster parents excludes damages or theft by residents/occupants of the home (proof of such exclusion must be submitted with claim)
  - If the foster parents only have automobile liability coverage and the damage falls under collision coverage (proof of such exclusion must be submitted with claim)
  - If the foster parents are filing multiple claims with VDSS and the amount of reimbursement for one claim is less than the insurance deductible, a claim for this item need not be filed. The other claims, if higher than the deductible may be submitted.
  - In the above instances, a copy of the insurance policy with information regarding the deductible, exclusions, should be submitted with the claim to VDSS.
- All police report requirements of the home owner's insurance of the foster parent(s) must be met prior to filing a claim with VDSS. A copy of the approval/rejection letter from the homeowner's insurance of the foster parents must be submitted with the claim to VDSS.

- An original signed estimate is required for claims involving repair or replacement of damaged property. A statement regarding the feasibility of repair versus replacement should be included. Additional estimates may be requested at the discretion of the LDSS or VDSS.
- All damages with an estimate of \$1000 or more require a second estimate.
- All medical liability claims must first be filed with the individuals' medical insurance company and accompanied by a physician's invoice and/or billing statement.

#### **18.6.5 Guidelines for filing a claim**

- The following completed forms should be submitted to VDSS within 45 days of the discovery of the loss or damage to the foster parent(s):
  - Foster Care Contingency Claim Form (032-02-0509-00-eng)
  - Department of Social Services W-9 Form (032-06-0016-00-eng)
- All receipts or estimates must be submitted on official letterhead of the business providing the service.
- A statement from foster parent's insurance company regarding their action
- If the foster parent has a valid reason for not applying to their insurance company, a letter of explanation should be included with information submitted to VDSS.

#### **18.6.6 Home Office handling of a claim**

Decisions will be made on completed claim information within 30 days of the request. Any questions or concerns regarding the status of the claim should be made by the LDSS worker contacting the *Adoption and Family Recruitment Consultant*.