



COMMONWEALTH of VIRGINIA

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Executive Director

OFFICE OF CHILDREN'S SERVICES *Administering the Children's Services Act*

Administrative Memo #16-07

TO: Community Policy and Management Teams (CPMTs)
Children's Services Act (CSA) Coordinators

FROM: Scott Reiner, Executive Director, Office of Children's Services (OCS)
Carl E. Ayers, Director, Division of Family Services (VDSS)

DATE: November 4, 2016

SUBJECT: Licensure and Service Provision in Independent Living Arrangements

Licensure of Independent Living Arrangements

The Virginia Department of Social Services (VDSS) and the Office of Children's Services (OCS) have been made aware of the need to clarify licensure requirements for private providers who offer Independent Living Arrangements (ILA) for former foster youth who are receiving Independent Living (IL) services or are enrolled in Fostering Futures. Often, these arrangements are referred to as "IL apartment programs." This Administrative Memo is being issued concurrently as a VDSS Broadcast.

Regulations ([22VAC40-131-430](#) and [22VAC40-131-440](#)) require that any provider offering IL living arrangements must meet the established licensing requirements for "Youth Placed in Independent Living Arrangements." Providers must meet the standards of a licensed child placing agency (LCPA) and must be authorized to provide "Independent Living Arrangements" described in Article 3.

Many discrete independent living services do not require provision by a licensed entity. Mentoring, life coaching, teaching of skills such as money management, offering assistance with applying for educational or vocational programs or jobs, etc., do not have state licensing requirements. However, licensure as an LCPA to provide Independent Living Arrangements is required. Providers of clinical behavioral health services such as counseling or therapy must also be appropriately licensed. (COV §37.2-405).

Effective no later than July 1, 2017, any unlicensed provider currently offering or providing an IL arrangement or arrangements for former foster youth receiving IL services, or youth enrolled in Fostering Futures, must meet licensing child placing agency requirements to provide independent living arrangements as stipulated by regulation. The services provided must meet the licensing standards. After June 30, 2017, neither Title IV-E nor CSA funds may be used to make maintenance payments for a Fostering Futures participant placed in an unlicensed IL apartment program.

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State CSA funds may not be used to support services which do not meet statutory or regulatory requirements. Therefore CSA funds may be used to support only those supervised apartment independent living arrangements provided by agencies having the authority to do so as described in Article 3 (Independent Living Arrangements) of the regulation ([22VAC40-131-440](#)). Unlicensed providers may contract with localities to provide discrete IL services to youth but may not provide independent living arrangements or “apartment living programs” for former foster youth or youth enrolled in Fostering Futures.

This memo does not limit or restrict any other type of living arrangements or services provided to youth receiving independent living or Fostering Futures services. Youth over the age of 18 may reside in living arrangements of their choice supervised by the local DSS such as in a youth’s home, living with friends or family, a dorm room, apartments with roommates, or elsewhere. Some youth may require more intensive supervision such as would be provided by a LCPA in an apartment program. This clarification applies only to private providers who typically are providing apartment living arrangements and charging a fee for supervision and support of that arrangement.

Service Provision in Independent Living Arrangements

As Fostering Futures is very new, it is recognized that the first year is a period of adjustment and learning regarding how to best serve these youth. It is not necessary to change plans for youth who are already being served; however, the expectation is that more individualization of services will begin occurring. OCS and VDSS are currently in the early stages of planning a workgroup that will develop guidance to better assist providers, local departments of social services, and local CSA teams when providing and purchasing youth-specific services and supervision.

As with any child, youth or family served by CSA, services must be individualized based on the specific needs and strengths of the young adult receiving independent living services or enrolled in Fostering Futures. These services provide the opportunity for agencies to provide support and resources to assist former foster youth as they transition to adulthood. Youth who are in school, are working and struggling to live independently will benefit from financial assistance for life’s essentials, such as housing and food, a supportive person they can call when needed, and help navigating the adult world whether it’s learning how to read bus schedules or applying for a job. Youth in IL arrangements are given the chance to test the waters of adult life with a safety net in case they fall.

Independent living apartment arrangements may vary from minimal contact with the youth (defined in 22VAC40-131-440 as “face-to-face visit with the youth at least one time each month and as often as necessary to protect his interests”) to intensive supervision for youth with more significant emotional/behavioral or other needs. Services and rates should reflect the individual needs of the youth, not a uniform, inclusive per diem rate. The intent of Fostering Futures is not to provide daily or around the clock supervision for the majority of these young adults. Individualized services, including supervision, which target the youth’s needs may be “wrapped around” the young adult and should be purchased “a la carte,” not at a flat per diem rate.

As required for all children and youth served by the Children’s Services Act, local governments and teams “shall assess the strengths and needs of ...youths and families...and identify and determine the complement of services required to meet these unique needs.” (COV §2.2-5208) Providers and local governments are thus encouraged to develop flexible funding packages of services for Fostering Futures youth.

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The Independent Living stipend (\$644 monthly) or the Fostering Futures maintenance payment (\$700) is intended to assist the youth with the costs of housing and food and to begin to learn about money management. The youth may use the IL stipend or maintenance payment to reimburse the provider for partial costs of rent. However, it is important to remember that it is the young adult's decision how the IL stipend or maintenance check will be spent.

Implementation of Fostering Futures is new and offers additional ways to creatively serve youth within the parameters of existing law and regulation. This clarification is intended to assist local governments in establishing a continuum of services for these youth as they transition to adulthood.