



Office of Children's Services
Empowering communities to serve youth

How do I know? Eligibility for the Children's Services Act (CSA) and "Can CSA Pay?"

And Still We Rise
CSA State Conference 2021

Presented by Carol Wilson
OCS Program Consultant

Purpose(s) of Today's Workshop (2)

- Who is eligible for CSA and why?
 - Basis of eligibility
 - Different populations
 - Mandated and non-mandated (**protected**)
 - Factors that affect eligibility



Also in Today's Workshop...

- Second focus will be on “Can CSA pay for _____?”
- How do you know when CSA can pay for a service?
Why isn't there a list?
- Decision tree to help us think critically and logically to make and document decisions
 - *How statutory provisions affect service and funding decisions*
 - *How other factors (e.g., other partner child-serving agency requirements/policy and their responsibilities) influence CSA*

Brief Background...The Beginning

Why did CSA come into existence?

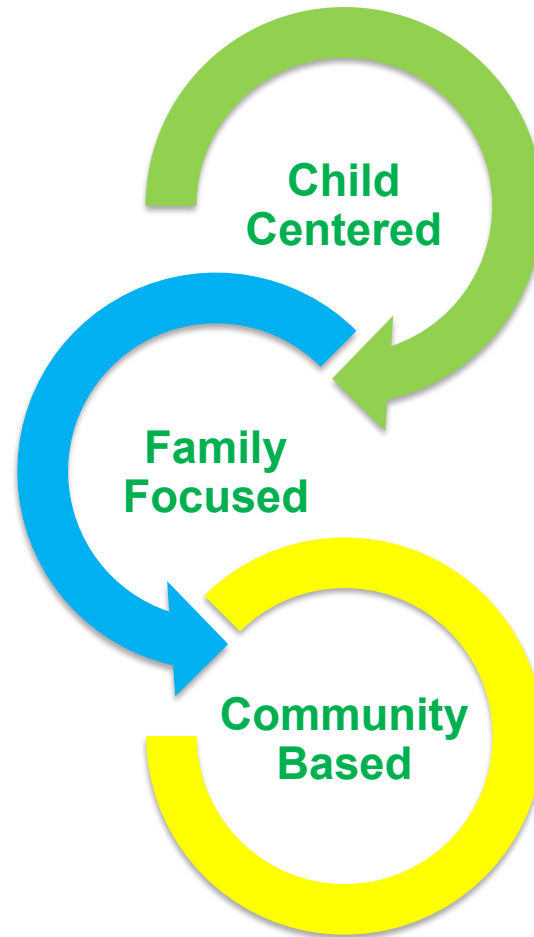
- Department of Planning and Budget (DPB) 1990 study found:
 - 14,000 cases held by local Departments of Social Services (DSS), Court Services Units (CSU), Community Services Boards (CSB) and school divisions
 - 4,993 individual children and families
 - 22% annual cost increase in serving these children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

Creating CSA

- Legislation was passed by the Virginia General Assembly creating the “Comprehensive Services Act for At-Risk Youth and their Families”, enacted in 1993.
- For clarity, CSA was renamed the “Children’s Services Act” in 2015.

CSA

Mission of CSA



Creating CSA

- Established a state supervised, locally administered and operated System of Care for services to children and families
 - Governed by state law and SEC policies
 - SOC model consistent with Virginia's model of local government administration
 - Created the structures and functions to operate the CSA system of care
 - Family Assessment and Planning Team (FAPT)
 - Community Policy and Management Team (CPMT)

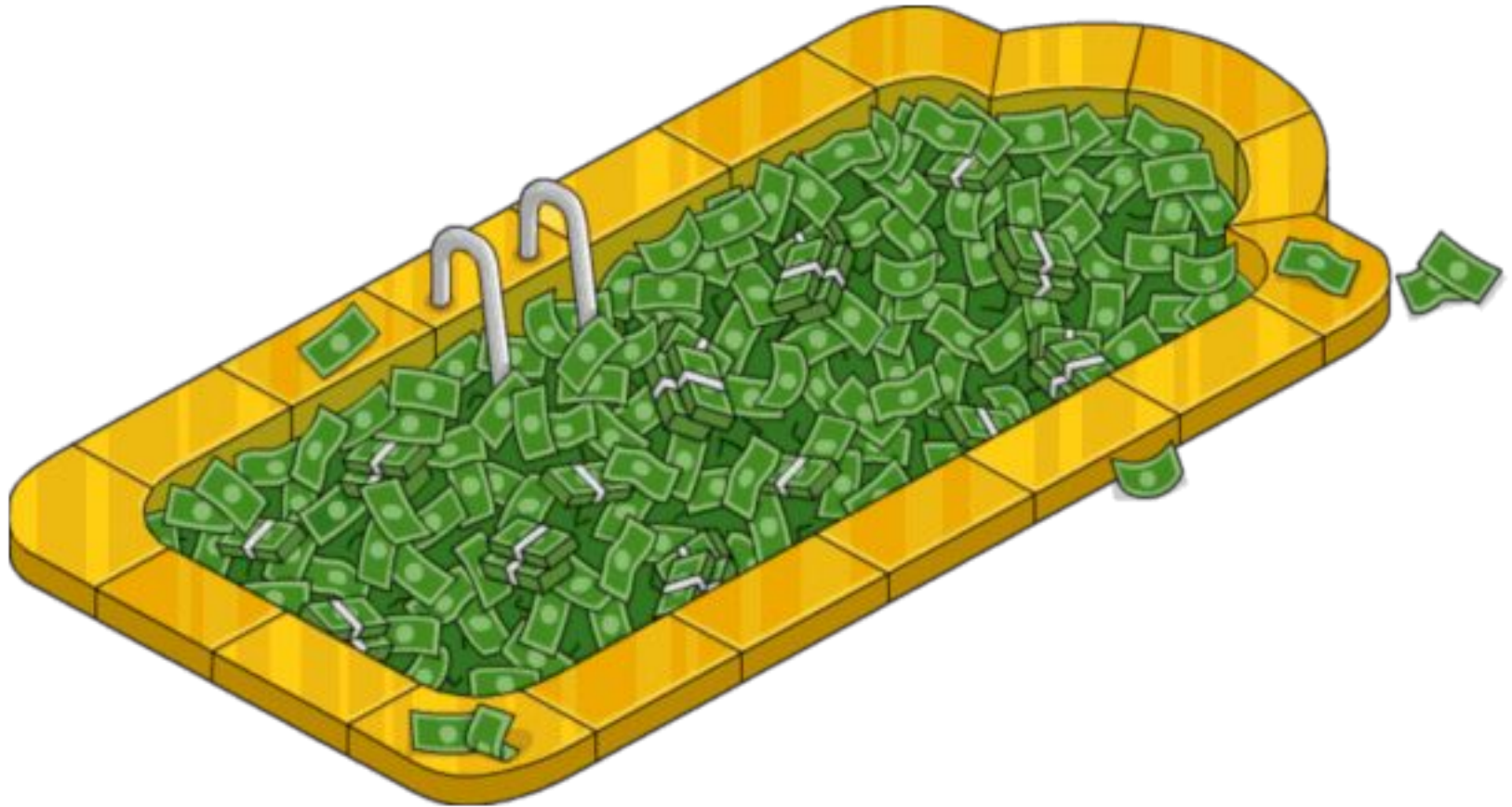
How do I know who's eligible for CSA?





Role of Funding in Establishing the Basis of Eligibility

State Pool Funding

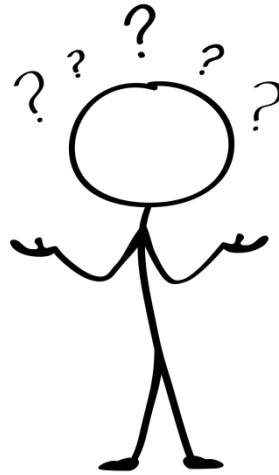


State Funding Pool

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



Sources of State Pool Funding



CHILD

DOE

Private Tuition Assistance

DOE

Interagency Assistance Fund for Placements of SWD

DSS

State and Local Foster Care

DSS

Foster Care Block Grant (Services)

DJJ

286 Special Placement Funds

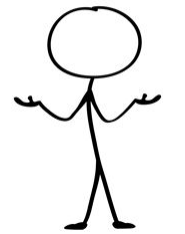
DJJ

239 Special Placement Funds

DBHDS

Bed Purchase Funds for Adolescents

Sources of State Pool Funding



CHILD

DOE

Private Tuition Assistance

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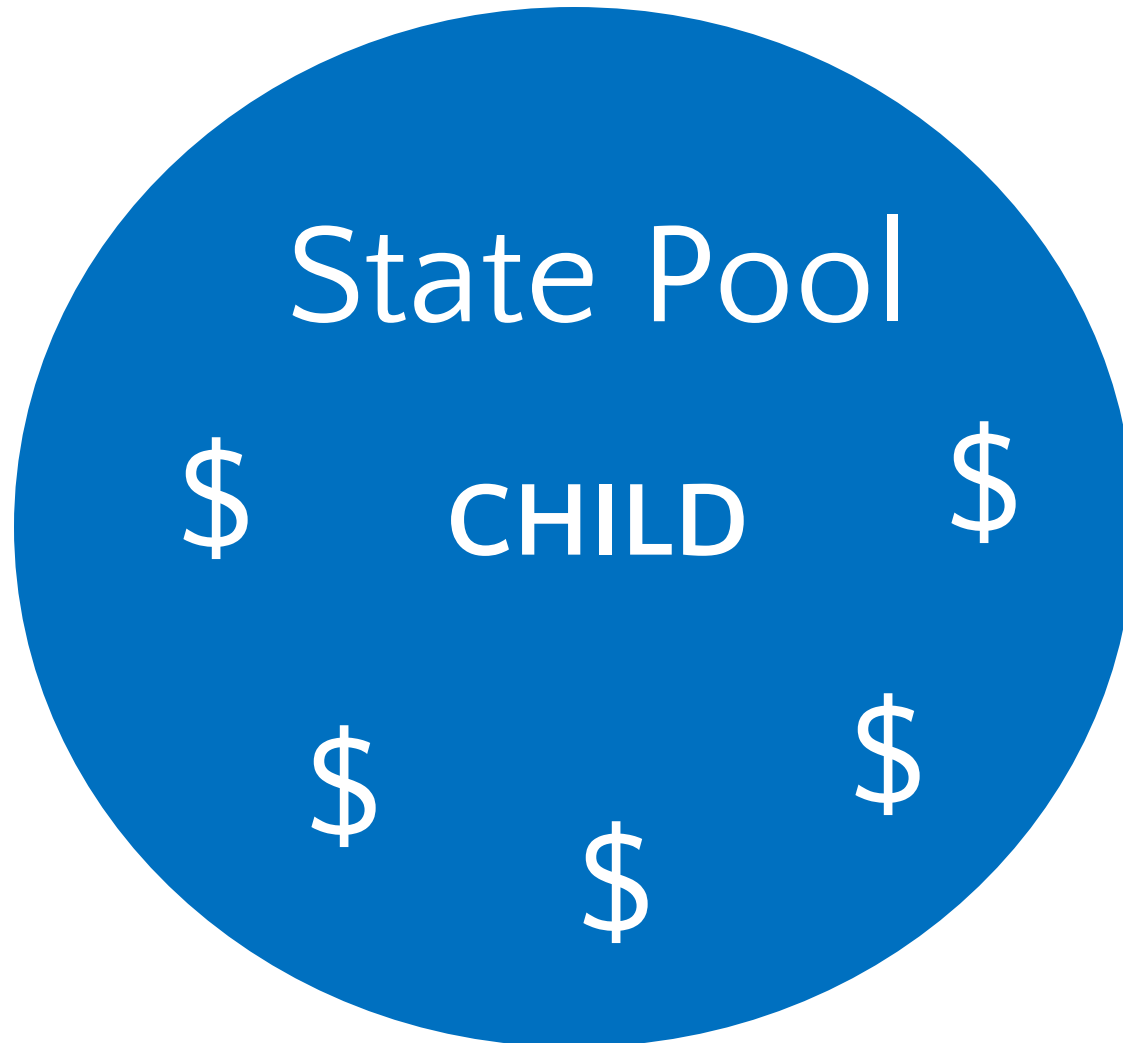
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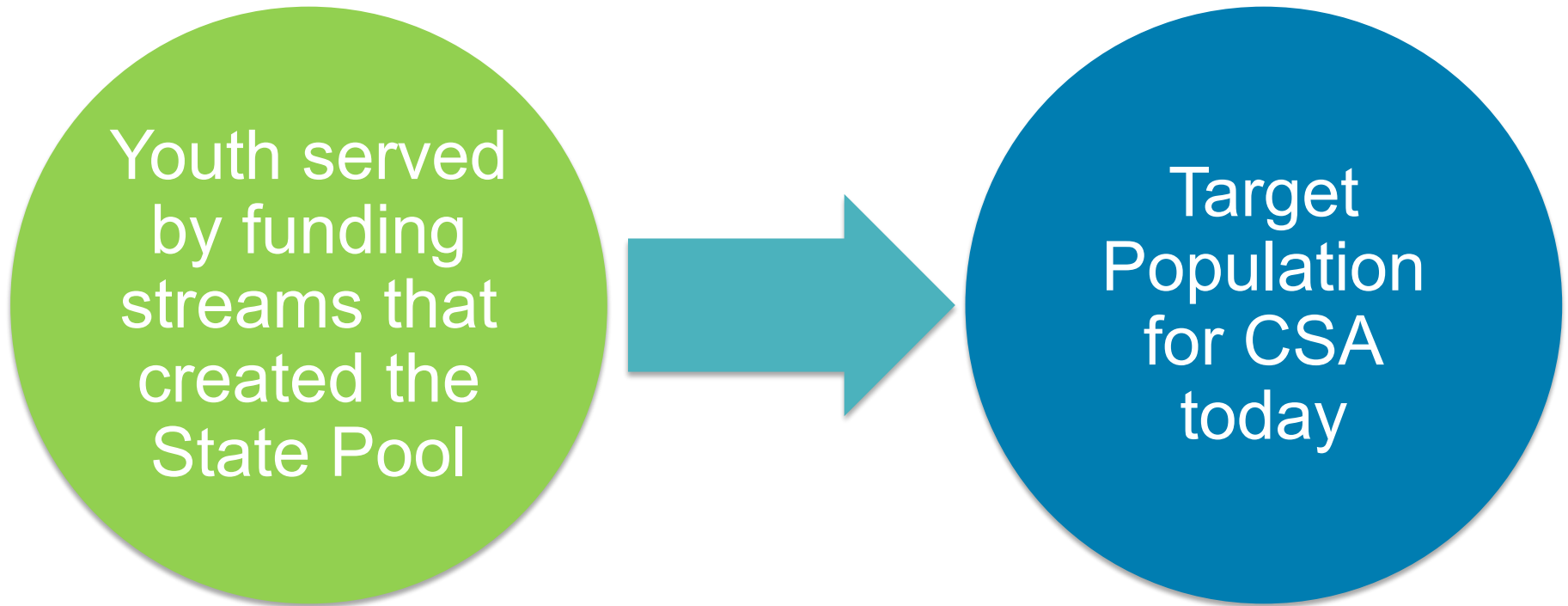
DBHDS

Bed Purchase Funds for Adolescents

Sources of State Pool Funds



Eligibility for CSA Funds



Statutory Definition of CSA Eligibility



COV §2.2-5212 defines eligibility for CSA

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

1. The child or youth has emotional or behavior problems that:

- a. Have persisted over a significant period of time or, though only in evidence for a short period of time, are of such a critical nature that intervention is warranted;
- b. Are significantly disabling and are present in several community settings, such as at home, in school or with peers; and
- c. Require services or resources that are unavailable or inaccessible, or that are beyond the normal agency services or routine collaborative processes across agencies, or require coordinated interventions by at least two agencies.

Statutory Definition of CSA Eligibility

COV §2.2-5212 (con't.)

2. The child or youth has emotional or behavior problems, or both, and currently is in, or is at imminent risk of entering, purchased residential care. In addition, the child or youth requires services or resources that are beyond normal agency services or routine collaborative processes across agencies, and requires coordinated services by at least two agencies.
3. The child or youth requires placement for purposes of special education in approved private school educational programs.
4. The child or youth requires foster care services as defined in §63.2-905."



Funding for CSA

COV §2.2-5211

Identifies the CSA “Targeted Population” (1-5)

1. Children in private educational placements (private day and residential via IEP)
2. Foster children and youth with an IEP placed in private day
3. Children and youth for whom foster care services as defined in §63.2-905 are being provided
4. Children and youth placed by a J& DR court, in accordance with provisions of §16.1-286 (youth served by the Department of Juvenile Justice)
5. Children and youth committed to DJJ and placed in out of home care
6. Children and youth previously placed pursuant to subdivision 1 in approved private school educational programs for at least six months who will receive transitional services in a public school setting

But only 1, 2, 3 and 6 are identified as requiring that “sum-sufficient” funds to meet relevant federal and state mandates must be appropriated by the state and local governments.

MANDATED

Funding for CSA

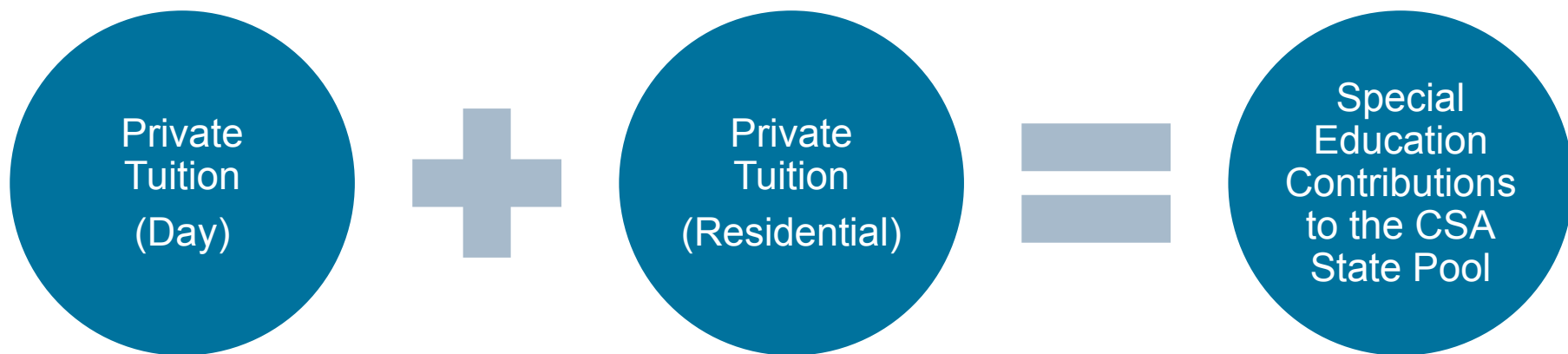
- Child or youth meets eligibility requirements (emotional/behavioral) needs as defined in §2.2-5212 1. and 2.
- Children served by DJJ/CSB that do not meet CHINS criteria but meet eligibility requirements in §2.2-5212 1. and 2.
- Capped allocation for each locality

PROTECTED (Non-Mandated)

Individual Factors that Can Affect Eligibility

- Age of Youth
- Uniform assessment
- Purpose of specific CSA funding (e.g., special education wrap, special education transitional services)
- Partner agency policies

CSA and Special Education



IEP and FAPT

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

Special Education Wraparound Services

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

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

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

Special Education Transitional Services

COV §2.2-5211 B. (July 2021)



6. Children and youth previously placed pursuant to subdivision 1 in approved private school educational programs for at least six months who will receive transitional services in a public school setting. State pool funds shall be allocated for no longer than 12 months for transitional services. Local agencies may contract with a private school education program provider to provide transition services in the public school.

COV §2.2-5211 B.



“...F. As used in this section, "transitional services" includes services delivered in a public school setting directly to students with significant disabilities or intensive support needs to facilitate their transition back to public school after having been served in a private special education day school or residential facility for at least six months. "Transitional services" includes one-on-one aides, speech therapy, occupational therapy, behavioral health services, counseling, applied behavior analysis, specially designed instruction delivered directly to the student, or other services needed to facilitate such transition that are delivered directly to the student in their public school over the 12-month period as identified in the child's individualized education program.”

In Summary...Special Education Eligibility for CSA

- Private Day placement
- Residential placement as the least restrictive environment in which child may be educated
- Special Education Wraparound
- Transitional Services

Umbrella of “Foster Care Services”





“Foster Care Services” = CSA

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





COV Section 63.2-905 Foster Care Services

Foster care services are the provision of a full range of casework, treatment, and community services, including but not limited to independent living services, for a planned period of time **to a child who is abused or neglected as defined in § [63.2-100](#) or in need of services as defined in § [16.1-228](#) and his family** when the child:

- (i) has been identified as needing services to prevent or eliminate the need for foster care placement,
- (ii) has been placed through an agreement between the local board or the public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians,
- (iii) has been committed or entrusted to a local board or licensed child placing agency, or
- (iv) is living with a relative participating in the Federal-Funded Kinship Guardianship Assistance program set forth in § [63.2-1305](#) and developed consistent with 42 U.S.C. § 673 or the State-Funded Kinship Guardianship Assistance Program set forth in § [63.2-1306](#).

Foster care services also include the provision and restoration of independent living services to a person who is over the age of 18 years but who has not yet reached the age of 21 years, in accordance with § [63.2-905.1](#).



Four Types of Foster Care Services

Foster Care Prevention
(Community Based)

Placement through an agreement
between a parent/guardian where the
parent retains custody and the local
board or a public agency designated by
the CPMT (Non-Custodial or CSA
Parental Agreement)
(treatment)

**FOSTER CARE
SERVICES**

Commitment, Entrustment or
Custody to the Local DSS
(includes Fostering Futures)

Kinship Guardianship



CSA Parental Agreements

- Problem of custody relinquishment
- Issuance of a Opinion of the Attorney General (2006)
- Development of State Executive Council (SEC) Policy
(*“Interagency Guidelines for the Provision of Foster Care Services to Specific Children in Need of Services”*)
 - CHINS Checklist
 - CSA Parental Agreement template



CHINS Eligibility

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



Fostering Futures

- Effective July 1, 2016
- Youth in LDSS foster care who attain age 28
- May remain in foster care until age 21
- Youth sign a Voluntary Continuing Services and Support Agreement (VCSSA)
- Broad participation criteria
- No group home or residential placements



Federal Kinship Guardianship Program–July 1, 2018

- Relatives must be approved as foster parents
- Goals of Return Home and Adoption must be ruled out
- Foster child remains in home longer than six months custody may transfer to relative
- Relative receives maintenance payment (negotiated like adoption assistance)
- Local DSS holding maintenance agreement responsible until child ages out or family no longer receives maintenance
- Maintenance paid by IV-E or CSA
- No “special services” payments
- If services are needed, family goes to FAPT in locality of residence



What's Next?

- VDSS will be implementing “state-funded” or state subsidized Kinship Guardianship in this fiscal year.
 - Basic maintenance only
 - Will be eligible for CSA as “State Funded Kinship Guardianship” is defined as a foster care service in the Code of Virginia



Summary...Under the Foster Care Services

- Foster care prevention
- Custody or entrustment to LDSS
- Fostering Futures
- CSA Parental Agreements
- Non-Custodial Foster Care Agreements
- Kinship Guardianship (federal and state)

Age Range for CSA Eligibility

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

Who's Eligible?



VIRGINIA DEPARTMENT OF
SOCIAL SERVICES

Title IV-E and CSA

What is Title IV-E of the Social Security Act?

- Prior to the implementation of the Family First Prevention and Services Act (Family First or FFPSA), IV-E was a Federal program to provide states with financial assistance in funding maintenance for foster care and adoptive placements.

Family First Prevention and Services Act (FFPSA)

- Family First, or FFPSA
 - Federal legislation that amended title IV-E to allow IV-E funds be used for prevention of foster care services
 - Services must be evidence based and listed in the Federal clearinghouse
 - States may seek approval for specific services
 - Following are approved for Virginia
 - Multisystemic Therapy
 - Family Functioning Therapy
 - Parent-Child Interaction Therapy

Family First

- Children who are eligible for Family First are also eligible for CSA under foster care prevention.
- Family First provides a new funding stream for specific approved evidence based services.

IV-E Maintenance

- These next slides will deal only with title IV-E maintenance and its relationship with CSA.
- Children must be determined eligible based on AFDC rules (pre-1996 program)
- Specific requirements for protection of foster children and to promote permanency

Two Funding Sources for FC Maintenance in Virginia

- Federal title IV-E (federal and state)
- Children's Services Act (state and local)
- Purpose of maintenance is to support the foster child's placement in the foster home.



Title IV-E Pays Maintenance Costs for IV-E Eligible Children

- IV-E Maintenance includes:
 - Basic maintenance payment
 - Enhanced maintenance payment as determined by the VEMAT
 - Clothing allowance for foster child
 - Personal incidentals (not a separate payment)
 - Child care if the foster parent works or to attend specific activities (e.g., court hearing)
 - Transportation for the child to visit parents
 - Transportation for Best Interest Determination (BID) placements

CSA Pays Maintenance Costs for Non-IV-E Children

- CSA Maintenance includes:
 - Basic maintenance payment
 - Enhanced maintenance payment as determined by the VEMAT
 - Clothing allowance for foster child
 - Personal incidentals (not a separate payment)
 - Child care if the foster parent works or to attend specific activities (e.g., court hearing)
 - Transportation for the child to visit parents
 - Transportation for Best Interest Determination (BID) placements



Title IV-E and CSA

- CSA follows the IV-E definition of “maintenance” for non-IV-E children.
- CSA supports equal treatment of children in foster care regardless of funding source (local, state or federal).
- IV-E “rules” are in place to protect children who are away from their families.
 - Protection from harm
 - Ensure children do not “languish” in foster care-Permanency requirements/timeframes

Title IV-E and CSA

- Can CSA pay when title IV-E denies?
- It depends.
- Two factors:
 1. IV-E does not pay for services (other than those EBPs under Family First); but CSA is responsible to pay for services for foster children.
 2. If IV-E won't pay a maintenance cost because requirements for safety or permanency are not met, or local agency was not timely, CSA cannot pay.

Example-Services

- IV-E does not pay for any services (e.g., Intensive In-Home, ICC/HFW, counseling, ABA, parent education or mentoring) under maintenance.
- CSA may pay for services such as the above when appropriate. (See Can CSA Pay? decision tree).

Example-Maintenance

- What if a local DSS plans to place a child in an unapproved or unlicensed foster home?
 - IV-E will not pay maintenance.
 - CSA will not pay maintenance.
 - Why?
- Rule is in place to protect the child from possible harm.

Example Maintenance

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

Example-Services

Travel for parents to visit children is not covered by “maintenance” so IV-E will not pay.

BUT

It is definitely a service that CSA may provide through the FAPT and CPMT to promote family reunification.





Can CSA Pay?



State and Local Implementation

- State CSA requirements include:
 - Service plan
 - Mandatory uniform assessment instrument
 - CPMT must develop interagency policies in a variety of areas (fiscal, programmatic, such as Utilization Review)
 - But if not in conflict with state and federal law and policies, localities may develop their own policies (e.g., requiring a clinical evaluation before purchasing substance use treatment)
 - Because of local variation, it's always best to check with OCS!

It's not a puzzle



It's not magic...



Or a maze...



Can CSA Pay?

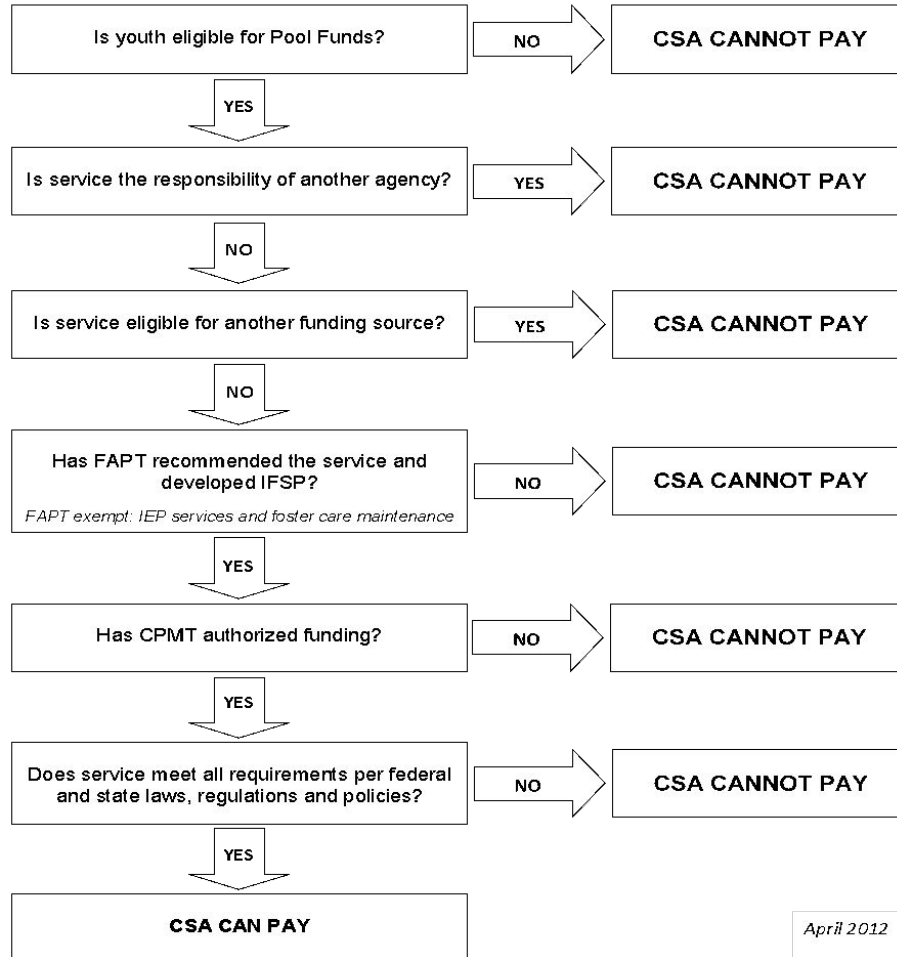
- The answer to this question is not guess work or magic
- It is based upon the requirements established by the Children's Services Act.
- Apply the requirements to determine the answer.



Can CSA Pay?



DETERMINING IF CSA CAN PAY



April 2012

Can CSA Pay?



DETERMINING IF CSA CAN PAY

Is youth eligible for Pool Funds?

YES

Is service the responsibility of another agency?

NO

Is service eligible for another funding source?

NO

Has FAPT recommended the service and developed IFSP?

FAPT exempt: IEP services and foster care maintenance

YES

Has CPMT authorized funding?

YES

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

YES

CSA CAN PAY

April 2012

Who's eligible?



VIRGINIA DEPARTMENT OF
SOCIAL SERVICES

Can CSA Pay?



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Responsibility of Another Agency?

COV § 2.2-5211 D.

“...However, the community services board, the local school division, local social services agency, court service unit or Department of Juvenile Justice shall continue to be responsible for providing services identified in individual family service plans that are within the agency's scope of responsibility and that are funded separately from the state pool.

Responsibility of Another Agency?

- Part of that agency's mission
- Described in that agency's regulations or policy
- Agency receives funding for that function
- Examples?
 - Case Manager visits to families/foster families
 - Case Manager travel to visit children in out of home placement
 - Private day transportation
 - Ankle bracelets

Can CSA Pay?



DETERMINING IF CSA CAN PAY

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CSA CAN PAY

April 2012

Exploring Other Funding Sources

- **Is CSA “funding of last resort?”**
 - No, but CSA cannot be the automatic “default” funder if other resources are available and may be used.
 - CPMTs should planfully determine how they wish to use the various resources available to their agencies and community. Funding streams may be obligated for specific purposes.
 - Prior to using CSA, other funding streams should be explored and used if available and appropriate.

Examples of Other Funding Sources..

- Title IV-E Foster Care Maintenance
- Family First Prevention and Services Act
- Promoting Safe and Stable Families
- Chafee IL Services
- Chafee ETV
- Adoption Assistance
- Mental Health Initiative
- Virginia Juvenile Community Crime Control Act
- Transitional Services Fund
- Private Health Insurance

Other Funding Sources–Appropriations Act Item 282

Medicaid

“D. Community Policy and Management Teams shall use Medicaid-funded services whenever they are available for the appropriate treatment of children and youth receiving services under the Children's Services Act. Effective July 1, 2009, pool funds shall not be spent for any service that can be funded through Medicaid for Medicaid-eligible children and youth except when Medicaid-funded services are unavailable or inappropriate for meeting the needs of a child.”

What Does Medicaid Cover? (Examples)

- Community based services *such as*
 - Intensive In-home
 - Therapeutic Day Treatment
 - Mental Health Skill Building
- Treatment costs in group homes
- Room, board and treatment in Psychiatric Residential Treatment Programs (PRTFs)
- Addiction and Recovery Treatment Services (ARTS)

Can CSA Pay?



DETERMINING IF CSA CAN PAY

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YES

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YES

CSA CAN PAY

April 2012

FAPT Review

Code of Virginia §2.2-5209

“...Except for cases involving only the payment of foster care maintenance that shall be at the discretion of the local community policy and management team, *cases for which service plans are developed outside of this family assessment and planning team process or approved collaborative, multidisciplinary team process shall not be eligible for state pool funds.*” (Italics added)

Exemptions to FAPT Review?

- Maintenance if the CPMT has a written policy to that effect
- IEP cases (private placement) if the CPMT has a written policy to that effect
- Emergency placements and services (FAPT must review within 14 days)

Can CSA Pay?



DETERMINING IF CSA CAN PAY

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FAPT exempt: IEP services and foster care maintenance

YES

Has CPMT authorized funding?

YES

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

YES

CSA CAN PAY

April 2012

CPMT Authorization

COV §2.2-5206

“The community policy and management team shall...

9. Authorize and monitor the expenditure of funds by each family assessment and planning team or a collaborative, multidisciplinary team process approved by the Council...”

Can CSA Pay?



DETERMINING IF CSA CAN PAY

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Has FAPT recommended the service and developed IFSP?

FAPT exempt: IEP services and foster care maintenance

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Has CPMT authorized funding?

YES

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YES

CSA CAN PAY

April 2012

Licensed or Approved?

SEC Policy #4.6

Pursuant to COV §2.2-2648, the OCS may deny funding to local governments not in compliance with the provisions of the CSA and federal and state law.

Denials of CSA state matching funds are based on a locality's failure to comply with, or violations of, statutory requirements and policy, whether they are specific to the CSA or are those promulgated by the participating agencies.

CSA Can Pay!!!



- If the decision is made that CSA can pay, document reasons and be confident in your decision making!!
- CSA is intended to provide services to youth and families!!!

Flow Chart

- Is the child eligible for CSA?
- Is the service the responsibility of another agency?
- Is there another available and appropriate funding source?
- Has FAPT recommended the service and developed an IFSP?
- Has CPMT approved the funding?
- Are all entities appropriately licensed and appropriate approvals granted?

Example

- Ariana is a 12 year old foster child in the custody of Locality X. She is currently on a trial placement with her maternal aunt in Florida. However, the aunt is now reporting increasing difficulty with managing Ariana's behavior and wishes to return her to Virginia.
- Can CSA pay for a DSS worker to travel to Florida to get Ariana? Can CSA pay for Ariana's travel?

Example

- Charity is a 3 year old in foster care. The foster family lives in a very rural area and both foster parents are employed. They have asked if they can use a relative, who is a retired nurse, to provide child care.
- Can CSA pay for the relative to provide child care?

Example

- Dominic is a 14 year old whose IEP requires a private day placement. His behavior has grown more aggressive in the last few months, and his parents placed him in a residential program.
- Can CSA pay for the educational costs of the residential placement?

Example

- Deante was determined to be a CHINS by the FAPT and placed into a residential treatment program through a CSA Parental Agreement several months before his 18th birthday. He is doing well in treatment and the anticipated discharge date is two months after he turns 18.
- Can CSA continue to pay after Deante turns 18?

Example

- Jacob and his siblings are in foster care, hoping to be reunited with their mom. She has a significant substance use problem, which is the primary barrier to her being able to take care of the children.
- Can CSA pay for Jacob's mom to receive inpatient substance abuse services?

Example

- Jeremy is a 17 year old youth who after several charges of theft, shoplifting and possession of paraphernalia was placed on probation with the local Court Services Unit. His ACES score is high and the P.O. believes he needs mental health treatment as well as substance use treatment.
- Can CSA pay for the mental health/substance use treatment?

Example

Gabriela is an undocumented youth who entered foster care two years ago. She will turn 18 in December 2021 and plans to participate in Fostering Futures.

Can CSA pay maintenance and for services after she enrolls in Fostering Futures?

Example

- Farouk, age 8, attends public school and has an IEP for speech and language accommodations. He is doing well, but his parents would like for him to participate in an afterschool program that is not related to his educational disability. The school mentioned that CSA might be able to help with the cost.
- Can CSA pay for this afterschool program for Farouk?

Thank you!

Contact Information:

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Office of Children's Services

www.csa.virginia.gov