



Office of Children's Services
Empowering communities to serve youth

CSA 201 CSA Basics-Can CSA Pay?

*"Treasuring the Past, Celebrating the Present,
and Shaping the Future"*

Children's Services Act Conference

October 16-18, 2023

Presented by Carol Wilson
Senior Program Consultant, OCS

Recap from CSA 101

- CSA as a System of Care (SOC)
 - Importance of multidisciplinary service planning and provision in local communities
- How funding affects eligibility for CSA
 - Creation of the "state pool"
- Who is eligible for CSA



Who's eligible?



VIRGINIA DEPARTMENT OF
SOCIAL SERVICES

Today's Workshop

- Focus will be on "Can CSA pay for _____?"
- Does it seem like sometimes CSA can pay for a service, but other times CSA can't pay for the same service in what appears to be a similar situation?
- 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*

State and Local Implementation

- CSA is directly governed by:
 - State law
 - Code of Virginia
 - Appropriations Act
 - Policies adopted by the State Executive Council (SEC)
 - Guidance issued by OCS

State and Local Implementation

- CSA “follows” partner agency law, regulations, policy and law
- CSA cannot be used to circumvent another agency's requirements
- Examples?

State-Local Policies

- CSA is state supervised and locally administered
- This workshop will provide information on what state policies and laws allow or require
- Within the parameters of federal and state law and policy, localities may develop and implement local policies governing CSA
 - Leads to variation across localities
 - Uncertainty as to what state policy is
- Check with OCS if unsure what is current state policy



Can CSA Pay?

It's not a puzzle...



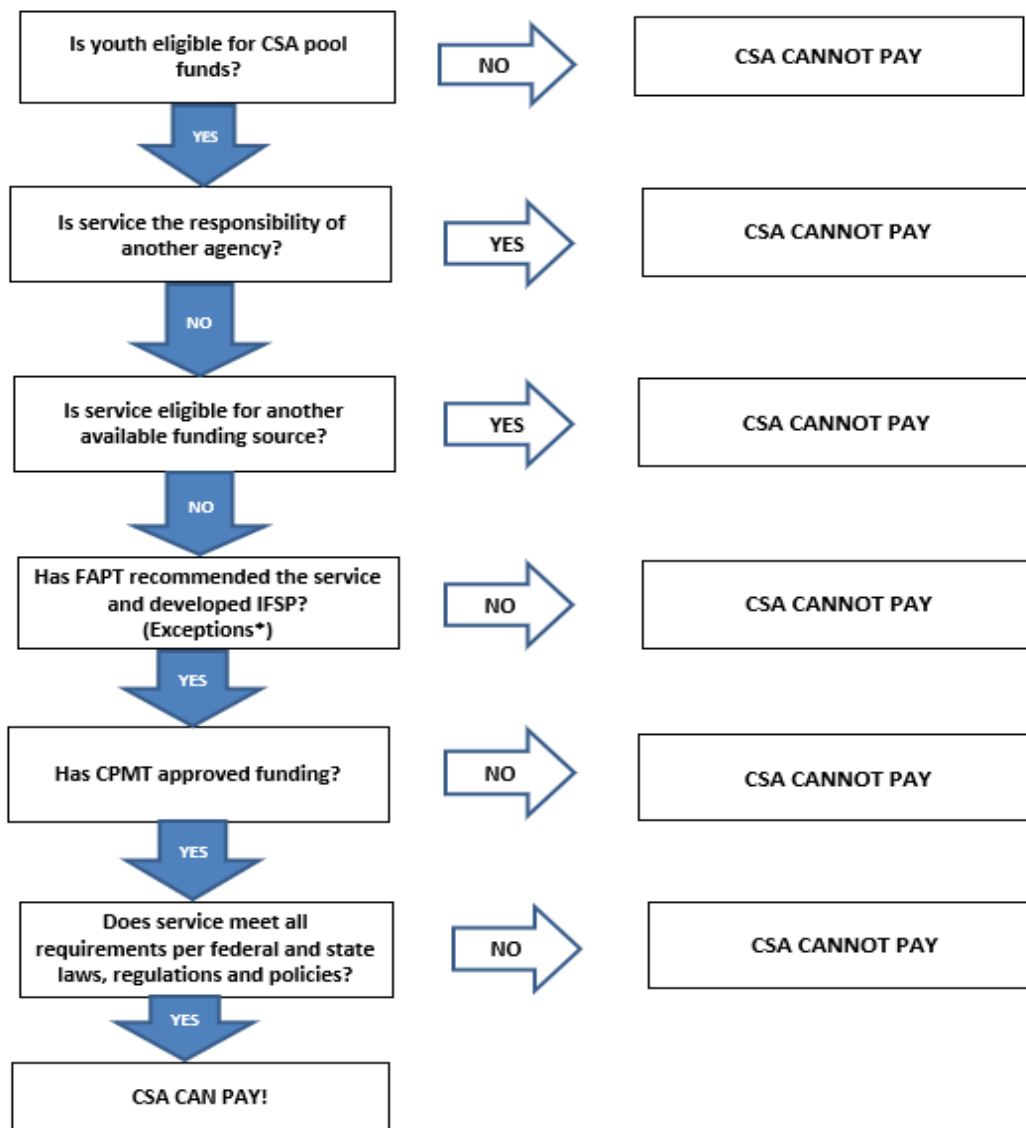
It's not magic...



Or a maze...



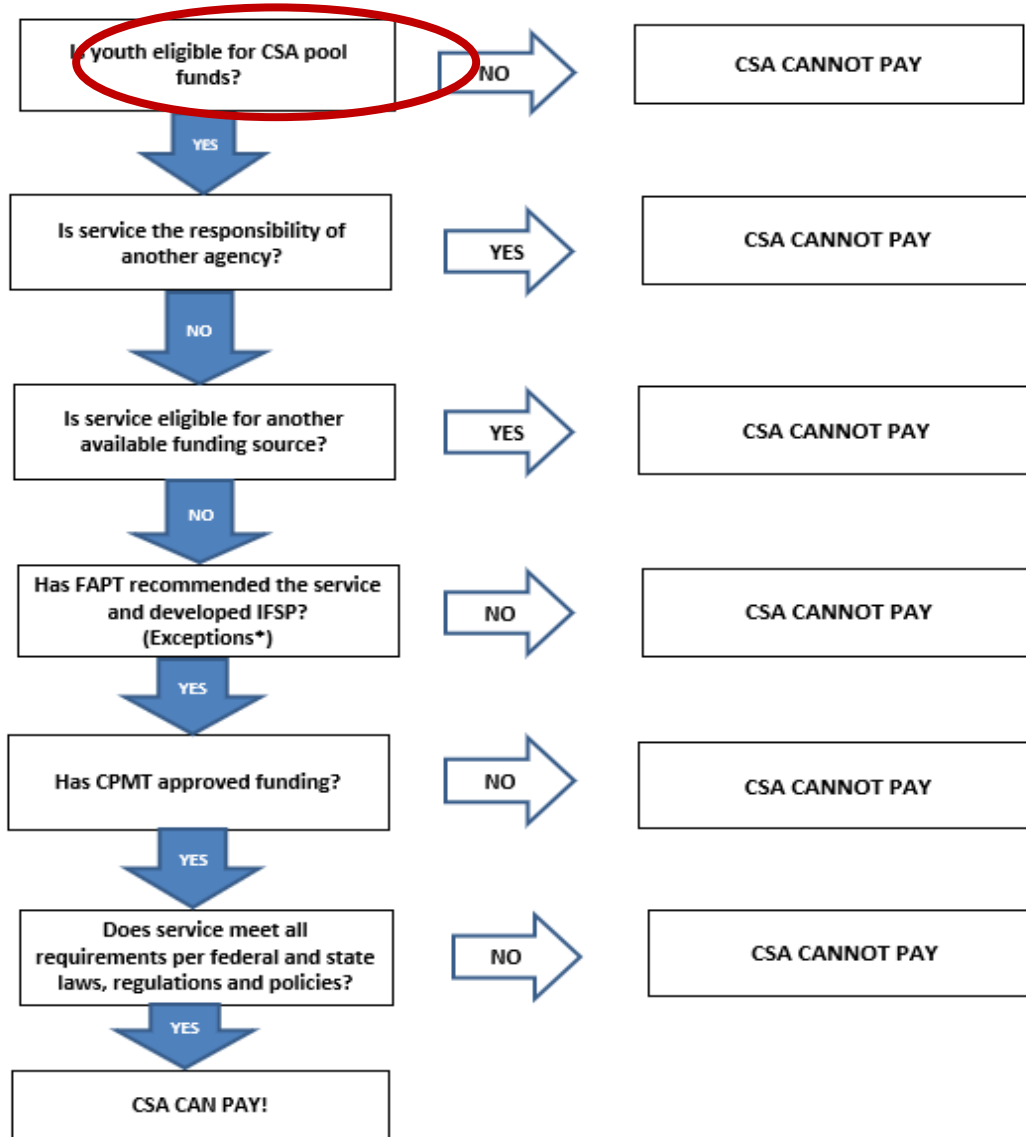
DETERMINING "CAN CSA PAY?" FLOW CHART



**Exceptions-Maintenance-only and IEP-only cases may be exempt from FAPT review if the local CPMT has written policies to that effect.*

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Who's eligible?



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Can CSA Pay?

Is youth eligible for Pool Funds?

NO

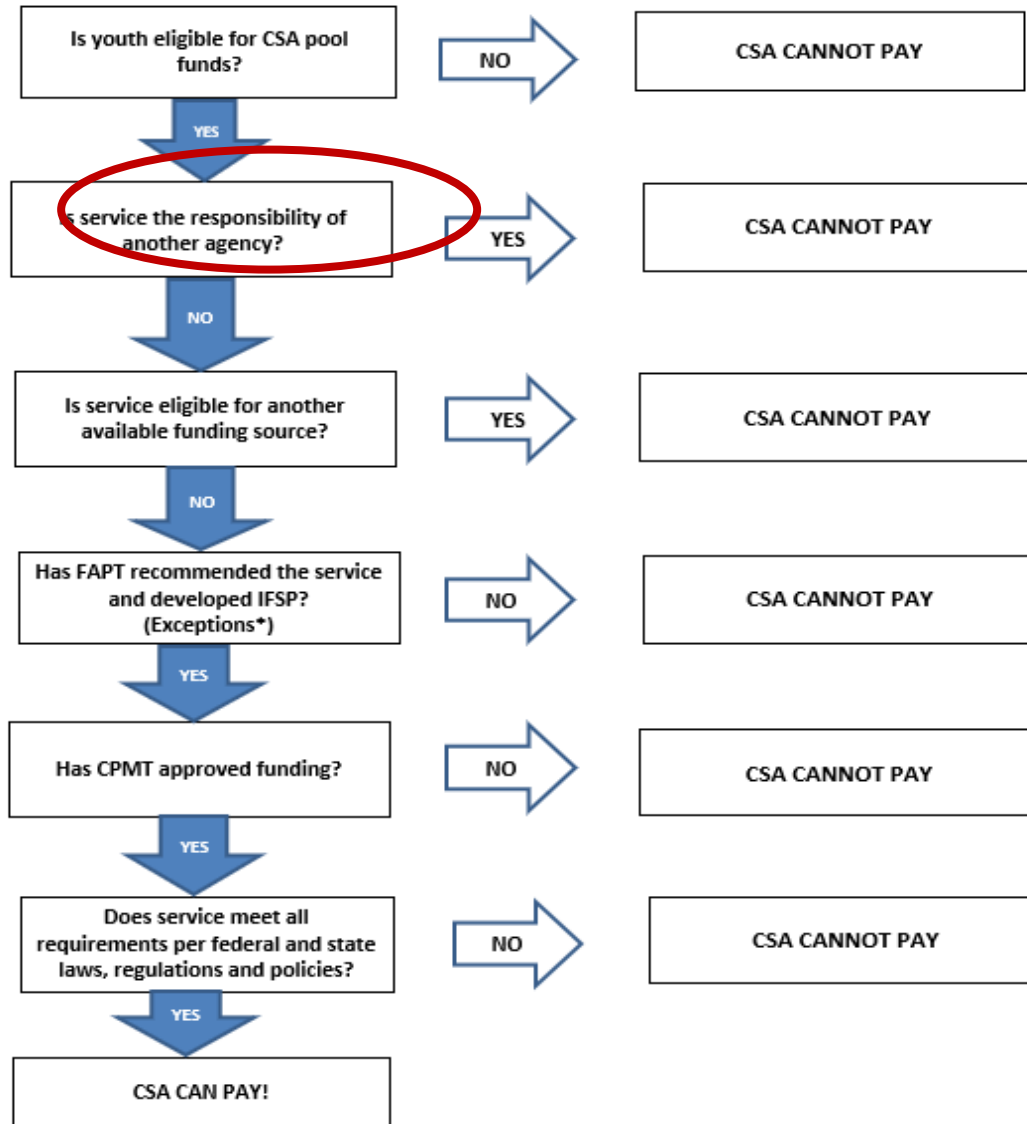
CSA Cannot Pay

YES
(Move to
next
question)

Now what did they
say about
eligibility?



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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*. (Emphasis added)

Responsibility of Another Agency?

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

Can CSA Pay?

Is service the responsibility of
another agency?

(Code of Virginia §2.2-5211D)

YES

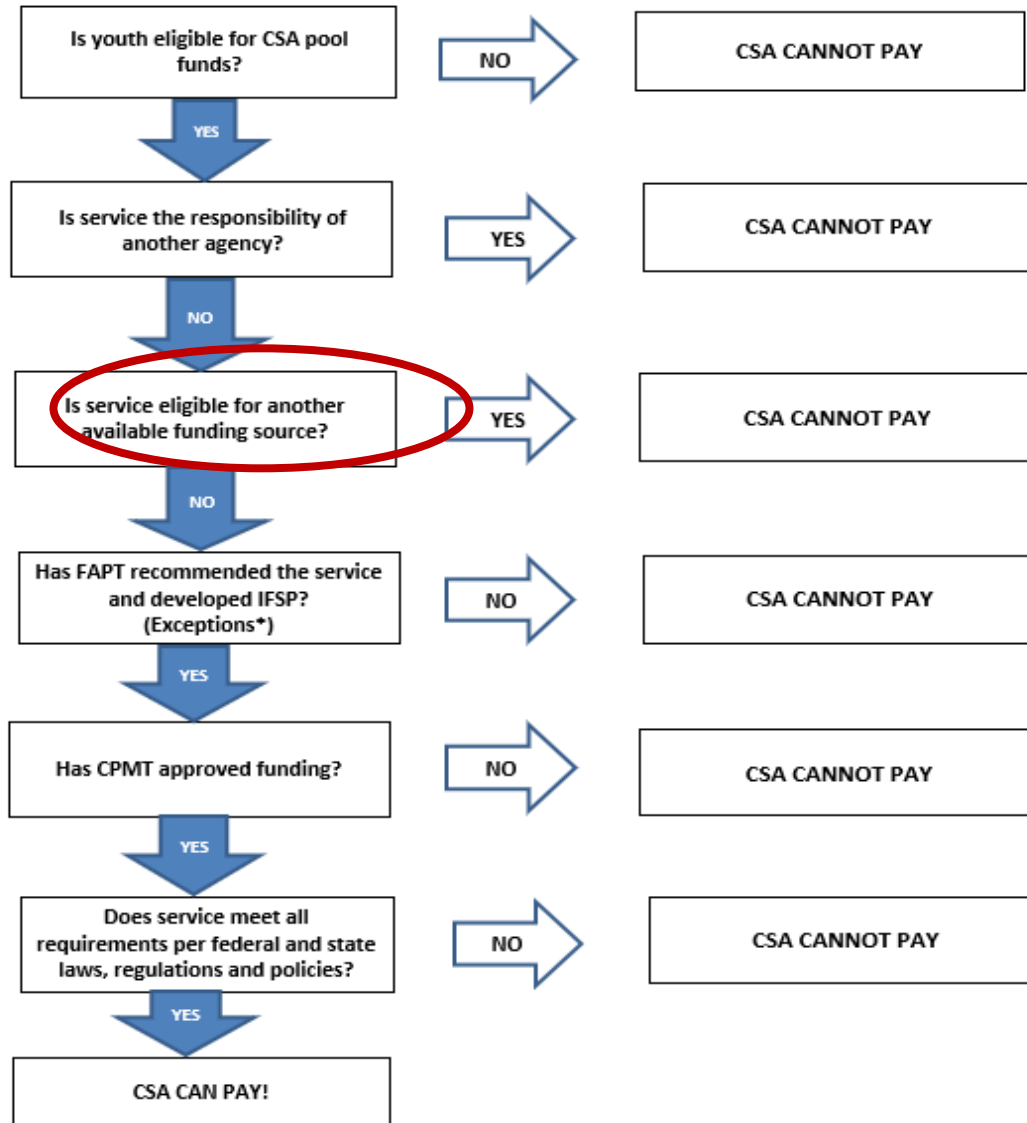
CSA Cannot Pay

NO
(Move to
next
question)

Does this fall within the
routine scope of
responsibility of the
schools, LDSS, DJJ, or the
CSB?



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Examples of Other Funding Sources..

- Title IV-E Foster Care
- Title IV-E Evidence Based Prevention Services
- Promoting Safe and Stable Families (PSSF)
- Chafee IL Services
- Chafee Education Training Voucher (ETV)
- Adoption Assistance
- Mental Health Initiative
- Virginia Juvenile Community Crime Control Act (VJCCCA)
- Transitional Services Fund
- Private Health Insurance

Title IV-E and CSA

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

- Since 1980, Title IV-E has been a Federal program to provide states with financial assistance in funding maintenance for foster care placements
- Children must be determined eligible based on AFDC rules (pre-1996 program)/TANF
- Eligibility is determined by LDSS, usually local Benefits staff or an individual designated to oversee IV-E

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 or "maintain" 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 for child)
 - 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)
 - Childcare 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 mirrors 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 has specific requirements in place to protect children who are involved with the child welfare agency and away from their families
 - Protection from harm, e.g., approval or licensing of foster homes
 - Permanency requirements and timeframes to ensure children do not “languish” in foster care

Maintenance vs. Services

- CSA pays maintenance for non title IV-E children
- CSA pays for services for all foster children
- There are times when IV-E or CSA maintenance cannot cover a specific cost, but it can be considered a CSA service if recommended by FAPT

Example-Services

Travel for parents or other relatives 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.



Example-Services

- Child care is a *maintenance* cost to support the foster home if the foster parents are employed
- Can child care be provided as a *service* through CSA?
 - Social has social or developmental delays-documentation needed
 - Transition home on trial placement (short-term)
 - All CSA requirements apply (on IFSP/service plan, FAPT review, CPMT approval, etc.)

Title IV-E and CSA

- Can CSA pay when Title IV-E denies?
- It depends.
- Two factors:
 1. IV-E foster care does not pay for services; but CSA does 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-Maintenance

- What if a local DSS wants 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

Title IV-E and CSA

- CSA cannot be used to circumvent IV-E requirements
- For example, IV-E will not pay for a foster child's placement in a child care program that is not on the "legally operating" list maintained by VDSS/VDOE
 - Can CSA be used?
 - No. This child care requirement is in place to protect the child in foster care. Use of state funding to circumvent this safety requirement is not permissible.

Title IV-E and the Family First Prevention and Services Act (FFPSA)

- Enacted by Congress in 2018, FFPSA allows for the first time for IV-E funds to be expended on services to prevent foster care placement
- But FFPSA funds can only be used for specific evidence-based services
 - Well Supported or Promising
 - 50% have to be well supported

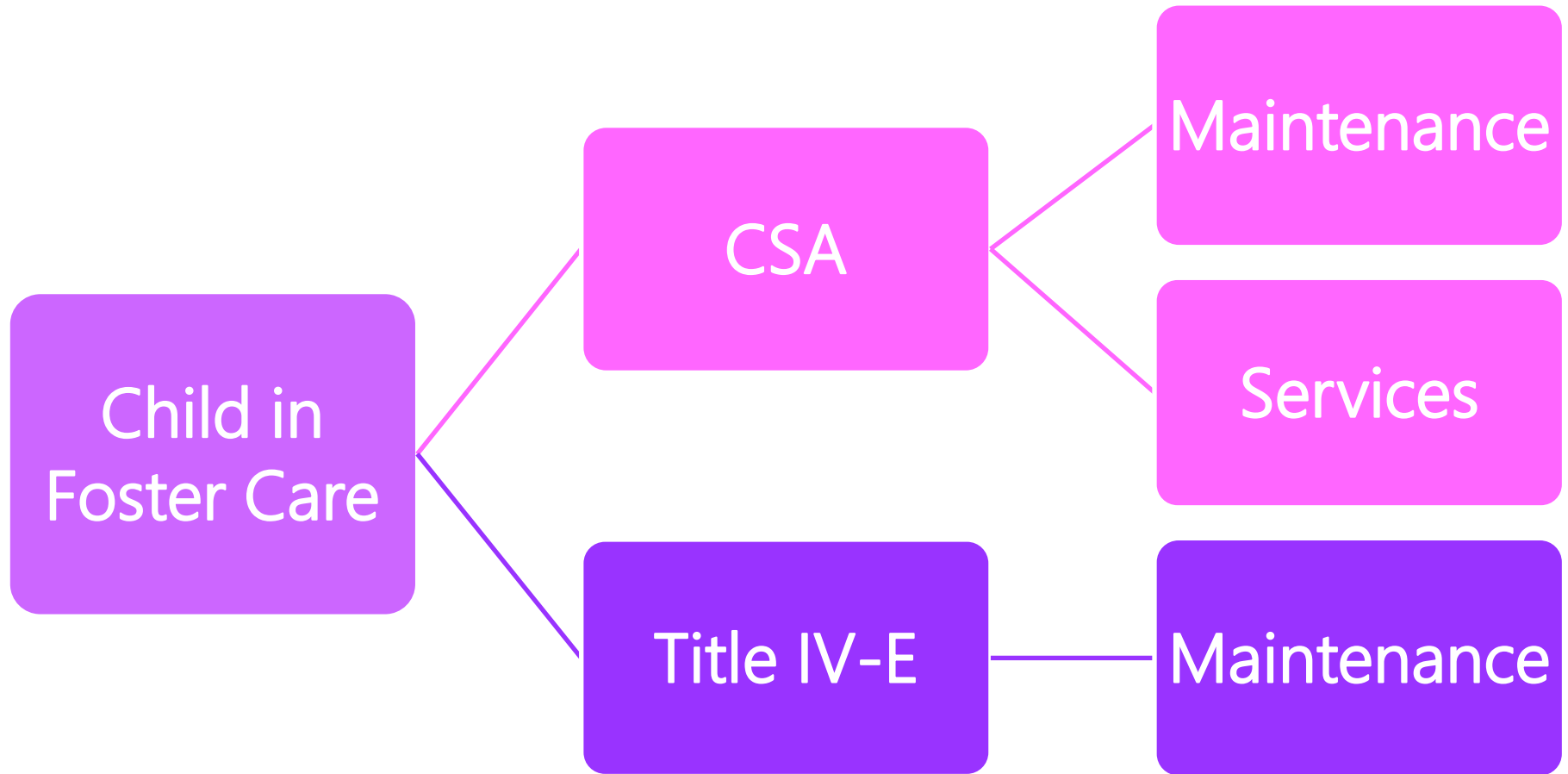
Family First Prevention Services Act (FFPSA)

- States must request federal approval to offer specific evidence-based services; in Virginia those services currently are:
 - Multisystemic Therapy (MST)
 - Functional Family Therapy (FFT)
 - Parent Child Interaction Therapy (PICT)
 - Brief Family Strategic Therapy
 - Home Builders
 - Family Check up
 - Motivational Interviewing

FFPSA (Con't.)

- Eligibility for title IV-E foster care prevention
 - Must meet definition of a Candidate for Foster Care or a Reasonable Candidate
 - VDSS Prevention Plan
 - CANS assessment required

Summary



Exploring Other Funding Sources

- Is CSA “funding of last resort?”
 - NO, but CSA should not 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.

Exploring Other Funding Sources

- FAPT members should be aware of their agency's funding sources and how those sources may be used
- The possibility of other funding should be explored and documented. However, exploration of other funding streams should not delay the provision of services to a child and family. If time is needed to get another funding stream in place, CSA may pay initially (if FAPT recommends) until the other funding stream is accessed

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.*" (emphasis added)

“Unavailable or Inappropriate”?

- “Unavailable” could mean that
 - There is no Medicaid provider of that service is within reasonable travel distance (greater than 50 miles)
 - Medicaid providers of that service have long waiting lists and child/family need intervention right away
- “Inappropriate” means the service does not “fit” the need. For example,
 - Use of IHH for solely abuse/neglect cases
- Locality must document why non-Medicaid provider was used if CSA is accessed for a Medicaid service for a Medicaid eligible 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 (TGHs)
- Room, board and treatment in Psychiatric Residential Treatment Programs (PRTFs)
- Addiction and Recovery Treatment Services (ARTS)

Can CSA Pay?

Is service eligible for another
funding source?

(SEC Policy-4.4 ; Appropriations Act Item 274 E.)

YES

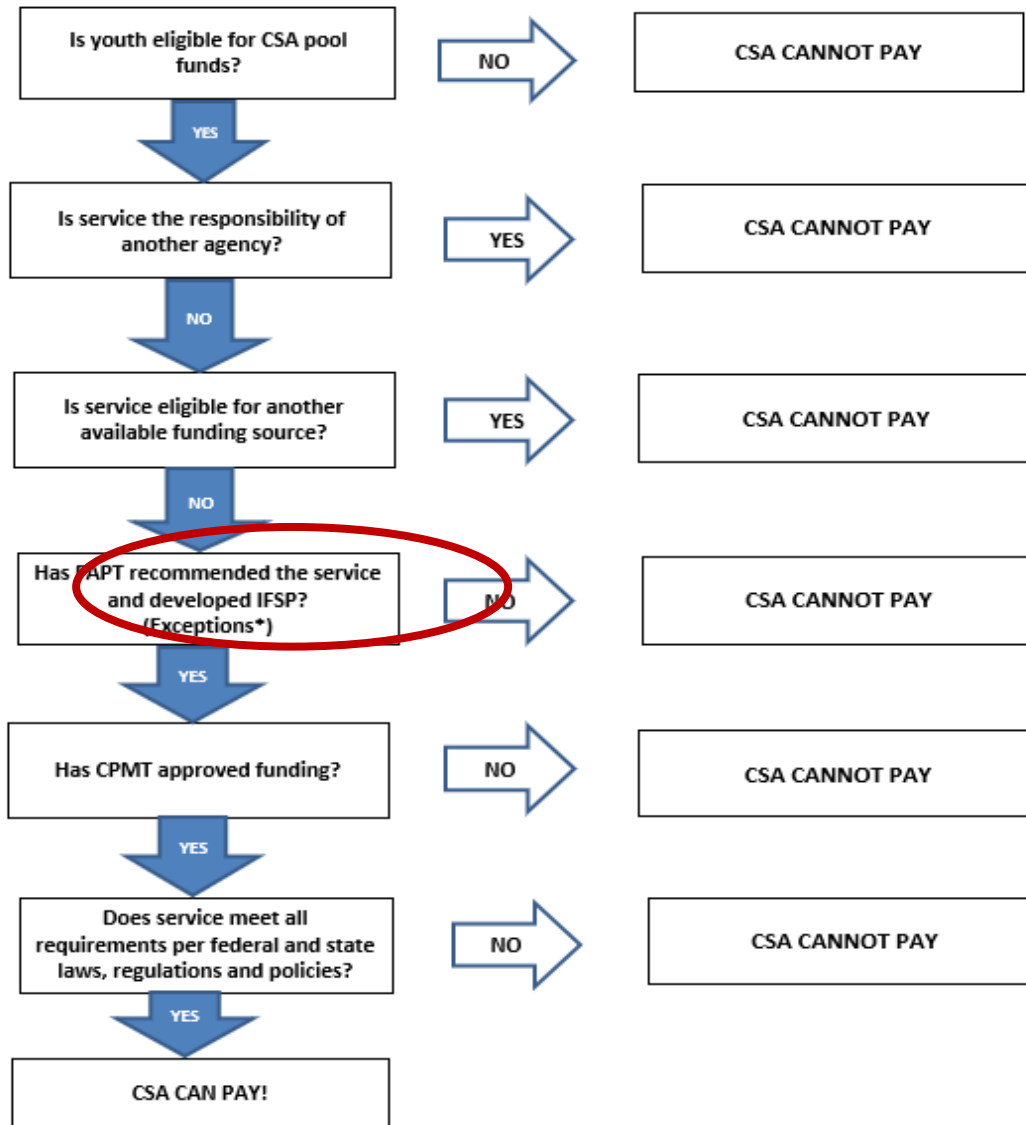
CSA Cannot Pay

NO
(Move to
next
question)

Can this service be
funded through another
funding stream such as
Medicaid or DD Waiver?



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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?

Has FAPT recommended the service and developed the IFSP?

(Code of Virginia § 2.2-5209)

IEP

Foster Care Maintenance if local CPMT policy permits

No

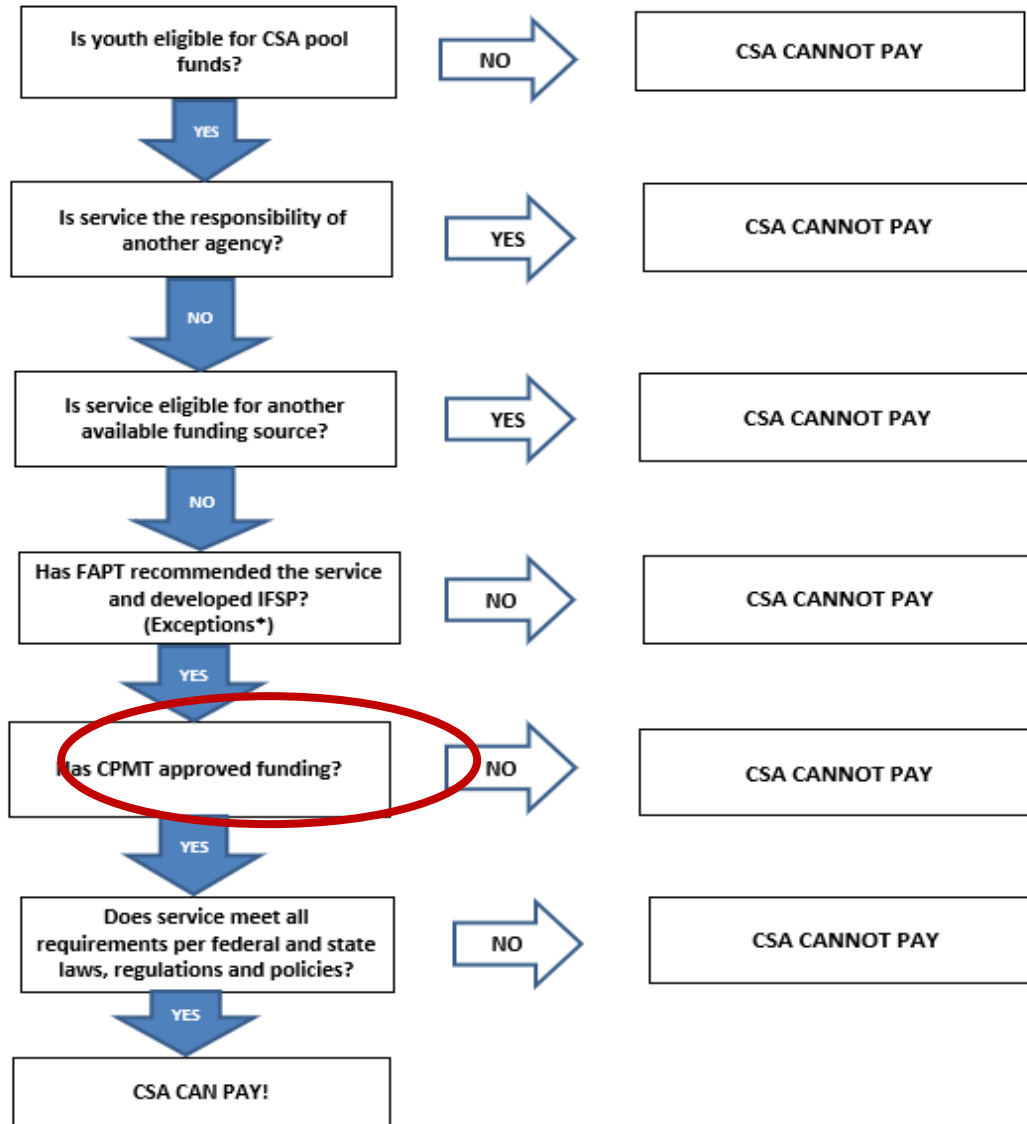
CSA Cannot Pay

Yes
(Move to
next
question)

Was this case reviewed by FAPT? Did FAPT recommend these services in the IFSP?



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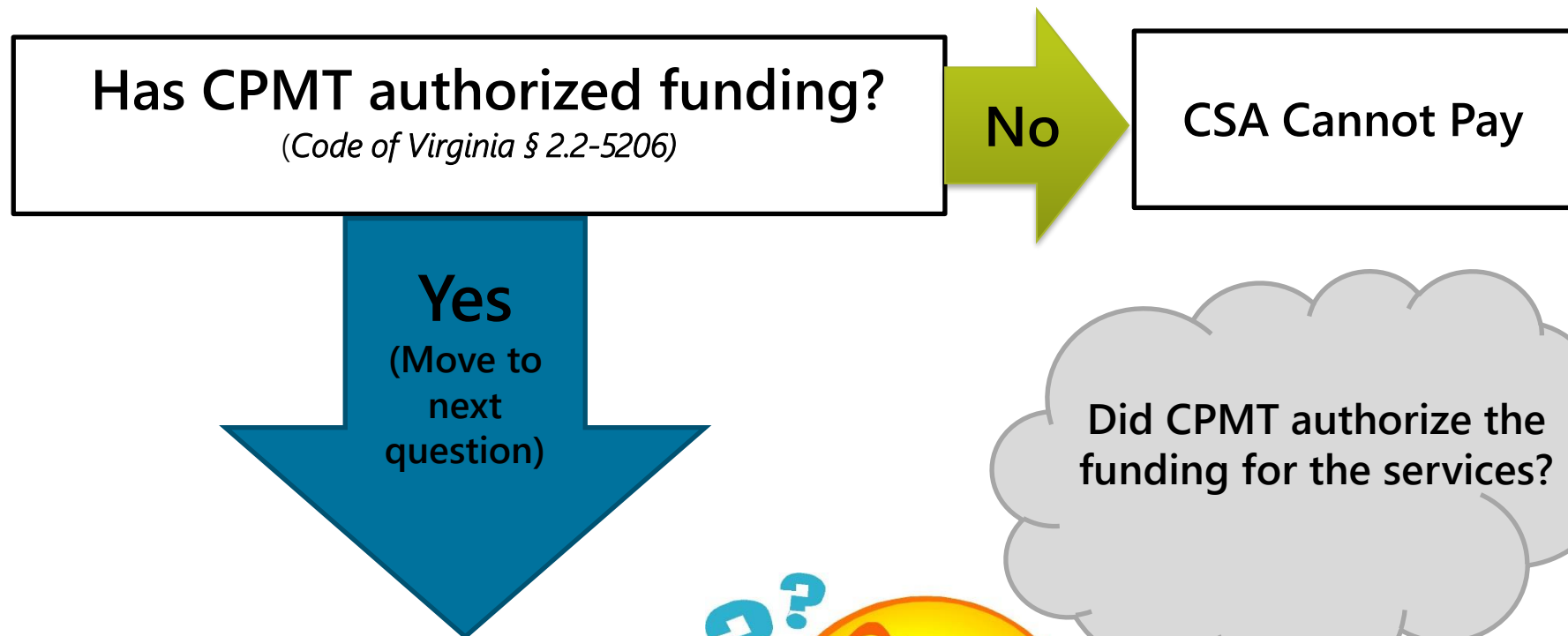
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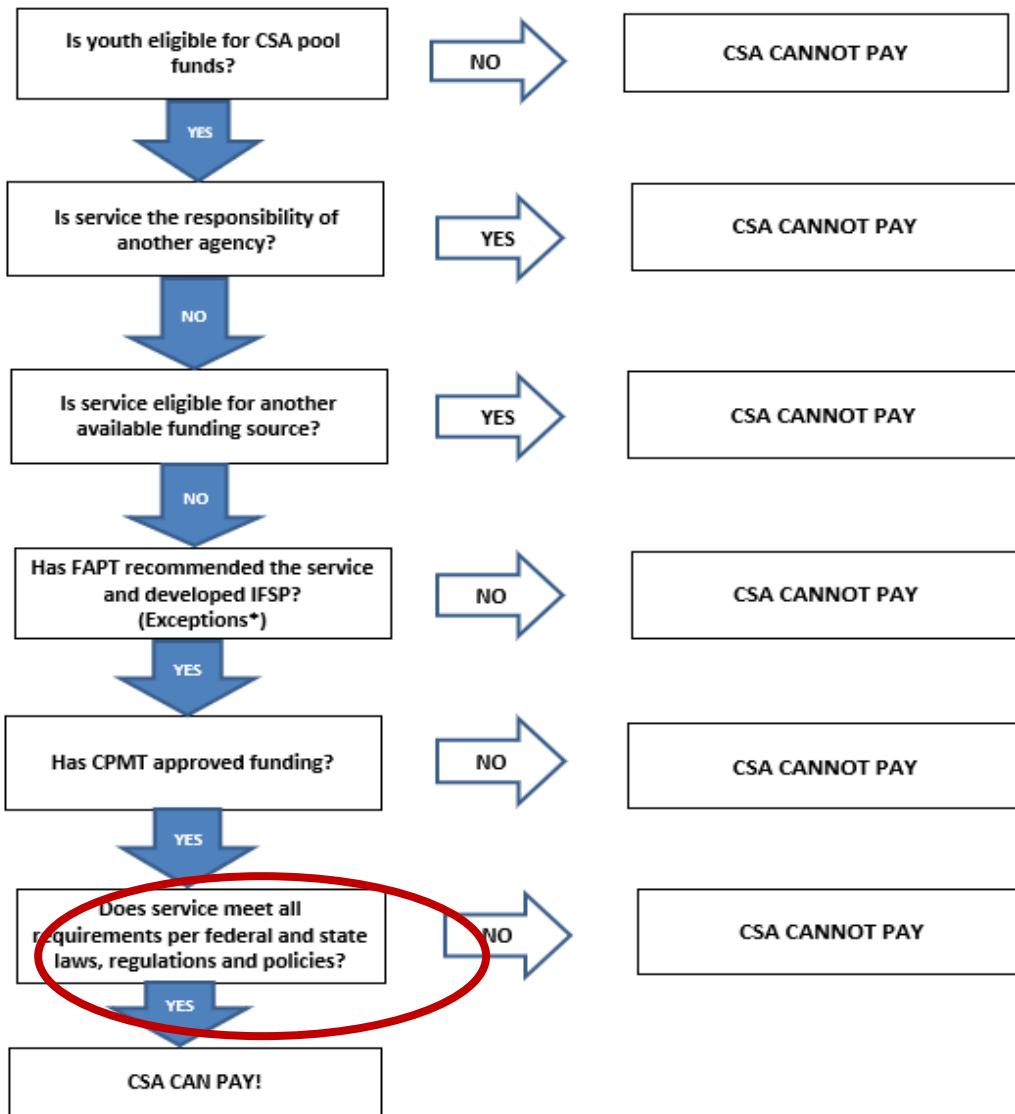
CPMT Authorization of Funding

- The COV §2.2-5206 (9) requires that the CPMT “shall 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?



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Requirements of Law, Regulation and Policy

- Services must be appropriately licensed or approved
- State Executive Council (SEC) policy re: Denial of Funds
 - If a service requires licensure in VA, then it must be licensed for CSA funds to be accessed
- CSA policy must be consistent with other partner agency policies; CSA cannot be used to circumvent their requirements
 - For example, child care must be on the VDSS/VDOE “legally operating” list for IV-E or CSA to be used

Can CSA Pay?

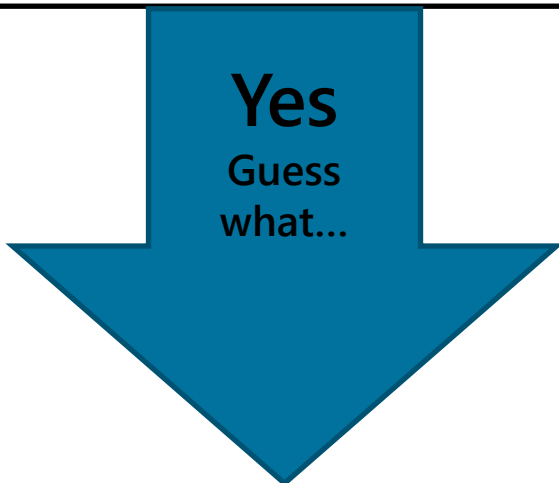
Does service meet all requirements per federal and state laws, regulations and policies?

(Code of Virginia § 2.2-2648)



CSA Cannot Pay

Yes
Guess what...



Is the service/placement required to be licensed?
If so, is the service provider licensed?



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!!!



Thank you!

Contact Information

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