



Office of Children's Services
Empowering communities to serve youth

Eligibility for CSA

New CSA Coordinator Academy

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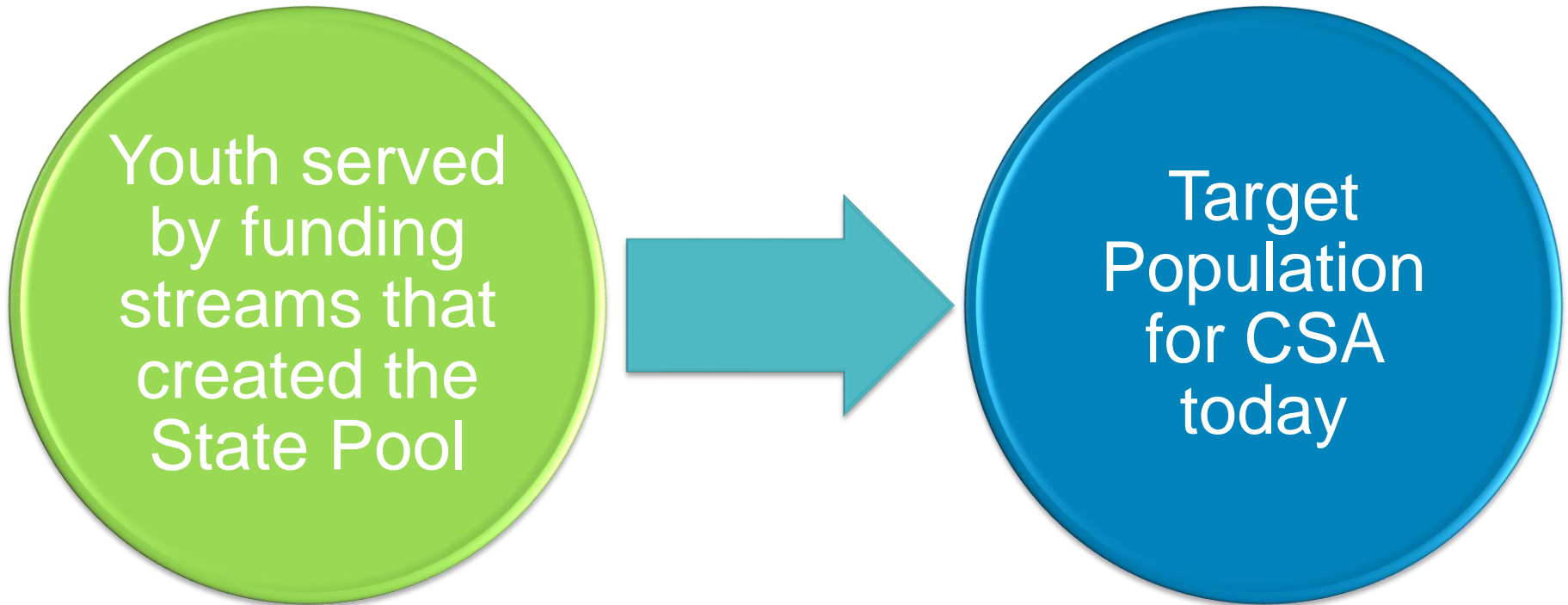
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What'll we talk about today



- Who's eligible for CSA
- How do we know who's eligible for CSA
- "Sum-sufficient" and "protected" funds
- Factors that affect CSA Eligibility
- How to apply what you've learned to help your FAPT determine eligibility for CSA

Eligibility for CSA Funds



Who's eligible?



VIRGINIA DEPARTMENT OF
SOCIAL SERVICES

Eligibility Cheat Sheet

Eligible for CSA	How Determined	Sum-Sufficient/Mandated	Protected/Non-mandated	Age of Youth

How do we know who's eligible for CSA?

- Code of Virginia (COV §§2.2-5211, 2.2-5212)
- Virginia Administrative Regulation (VAC)-does not apply to CSA; however other agencies' regulations may affect CSA
- Appropriations Act (State Budget)
- State Executive Council (SEC) Policy

Broad Categories of Eligibility

- Children and their families receiving “foster care services” as defined in COV §63.2-905
- Children whose IEPs require special education private day or residential placement for educational reasons
- Children receiving special education “WRAP” services
- Children receiving Transitional Educational services
- Youth with emotional/behavioral needs who meet the statutory requirements in COV §2.2-5212, including youth served by DJJ/CSU

Sum Sufficient ("Mandated" Populations)

- "Sum sufficient" means state and local governments **must appropriate** necessary funding to meet relevant mandates for children eligible for:
 - Special Education Private Placements
 - "Foster Care Services" as defined in COV §63.2-905

COV §2.2-5211

Protected Funds (May be referred to as "non-mandated")



- "Protected" funds are a capped allocation of CSA pool funds that may be spent for children who:
 - Meet eligibility requirements regarding emotional/behavioral needs as defined in COV §2.2-5212 A.1 or 2.
 - Typically, these are youth served by the Court Services Unit or the Community Services Board

Types of Foster Care Services (COV §63.2-905)

Foster Care Prevention
(Community based)

Placement through an agreement
with a parent/guardian where the
parent retains legal custody and
the local board or public agency
designated by the CPMT
(CHINS Treatment)

Foster Care
Services

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

Federal Kinship
Guardianship (KinGap)

State Funded Kinship
Subsidy

Who is eligible for "Foster Care Services"?

- There are two categories of children (and their families) who are eligible for "Foster Care Services"
 - Abuse/neglect
 - "Children in need of services" (CHINS)



Fostering Futures

- Available to all youth in foster care with LDSS who attain age 18
- 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*

**Youth who will attain age 18 but will graduate prior to 19th birthday may remain in group home or RTC until graduation*



Two Types of "Kinship" Placements for Foster Children

- Federal Kinship Guardianship (COV §63.2-1305)
 - Must be accessed if possible before State Funded Subsidy
 - Structure and expectations
 - Federally funded for IV-E eligible children
 - CSA funded for non-IV-E eligible children
- State Funded Kinship Subsidy (COV 6 §3.2-1306)
 - Less restrictive; more informal
 - Funded by CSA only

Purpose of Both Types

- Both Federal KinGap and the State Funded Subsidy Program allow for maintenance payments to continue after custody transfers to kinship caregiver
- Provide financial and other support (services through FAPT as needed) to relative caregivers who otherwise would not be able to care for children
- Prevents "stranger" foster care and maintains family unity

Pathway to KinGap and State Funded Subsidy

- Kinship caregivers begin foster parent approval process during a six-month waiver timeframe
- Child is in the custody of the LDSS and eligible for CSA during the six-month approval process
- If kinship caregiver is approved as a foster parent, then formal KinGap Agreement is signed and custody transfers to the relative caregiver
- If kinship caregiver is not approved as foster parent, but LDSS receives exemption, kinship caregiver may be approved for State Funded Subsidy; Agreement is signed and custody transfers to kinship caregiver

Federal Kinship Guardianship Program - July 1, 2018

- Relatives (including fictive kin) must be approved as foster parents
- Goals of Return Home and Adoption must be ruled out
- Foster child must reside in this home at least six months before custody may transfer to relative
- Relative continues to receive maintenance payment including enhanced maintenance (negotiated like adoption assistance) after custody transfer
- 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
- Child is eligible for CSA because of Kinship Guardianship agreement

"State-Funded" Kinship Subsidy-Jan 1, 2022

- Relatives (including fictive kin) may become approved foster parents through the emergency approval process
- State funded program is used ONLY if exemption granted; i.e., relative cannot be approved as a foster parent
- Child must be in foster care for at least 90 days before custody transfer
- Locality that held custody of the child remains responsible for the ongoing agreement until the child ages out or the agreement ends
- Only basic maintenance payments are made
- If services are requested, family may go to FAPT in locality of residence
- Child is eligible for CSA because of State Funded Kinship Subsidy agreement

Factors Affecting CSA Eligibility

Age of child

Residence

Eligible in > 1
categories

Program
requirements of
other agencies
(e.g., IDEA,
Fostering Futures)

CSA policy specific
requirements
(e.g., CANS, SPED
Wrap)

Age of Youth

- Determined by federal and state law or policy
 - Special education (private placements/WRAP)
 - Foster Care Services
 - Foster Care Prevention
 - Foster Care Placement/Non-Custodial
 - CSA Parental Agreements
 - Youth served with “protected” funds
 - Youth with behavioral/emotional needs that do not rise to the level of a CHINS (youth meets criteria in COV §2.2.-5212)
 - Youth served by Court Services Unit

Responsible Locality and Residence

- Locality of legal residence is defined as the locality of legal residence of the child's custodian
 - Where parents/legal guardians reside
 - Youth receiving special education become their own guardians at age 18, unless a parent or other individual has obtained guardianship
 - Local DSS holds custody/entrustment
 - Children and youth in the custody of, or as with Fostering Futures, entrusted to the local DSS

Child Eligible for CSA in More than One Category

- Probably the most common example is a foster child in the custody of an LDSS who is also placed via his IEP into private day.
- Special education guidance document found at <https://www.csa.virginia.gov/Resources/Guidance> provides information on local responsibilities when a foster child is also receiving special education services.

Requirements of Other Agencies

- Federal or state law governing other agencies may affect CSA
 - IDEA, COV and VAC govern special education (examples?)
 - Federal and state law govern foster care
- Specific program requirements may affect CSA eligibility, for example:
 - Fostering Futures-youth must agree to terms of the VCSSA to remain eligible for CSA
 - Foster youth who turn age 18 but will graduate before their 19th birthday do not enroll in Fostering Futures, but remain in regular foster care until graduation

Examples of SEC Policy Requirements

- Special Education WRAP funds require:
 - Community based services only
 - Youth must be determined to be a “student with disabilities” (have an IEP)
 - Service must be related to the child’s disability as stated on the IEP
 - Service will prevent a more restrictive placement
- CANS
 - Youth cannot be determined eligible without Initial CANS (COV §2.2-5212)
 - After, SEC #3.5 policy requires at least yearly administration of the CANS and a Discharge CANS

What about Adoption Assistance?

- Are children receiving adoption assistance eligible for CSA?
 - Simply receiving adoption assistance does not make a child eligible or ineligible for CSA.
 - Family may come to FAPT for a CHINS determination and child may be provided community-based services or placement through a CSA Parental Agreement

What about Adoption Assistance?

- Adoption assistance is a funding stream that may be used to support a residential placement.
- Parents should contact local DSS holding the agreement to add an addendum to cover costs not covered by insurance or Medicaid.
- Examples of services CSA could pay:
 - Group home placements (not allowed with AA funds)
 - Respite (limited respite allowed by AA funds)

Questions?

"Raise your hand" or type into the Question window



Apply what you've learned:

In each of the following situations, we'll determine:

- Is the child or youth eligible for CSA?
- If eligible, in what category? (e.g., special education private day, custody to DSS, CSA Parental Agreement, Fostering Futures....)

Thank you!

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Office of Children's Services

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