



Office of Children's Services  
Empowering communities to serve youth

# "Can CSA Pay?"...

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Can CSA Pay?

# Today's Session

- Does it seem like sometimes CSA can pay for a service, but other times CSA can't pay for the same service for a different child or family?
- Decision tree to help us think critically and logically to make and document decisions
  - *How statutory provisions affect service and funding decisions*
  - *What other factors (e.g., other partner child-serving agency requirements/policy and their responsibilities) influence CSA*

# State-Local Policies

- This workshop will provide information on what state policies and laws allow
- Local CPMTs may make policies which affect what your locality will pay for under CSA or require specific actions to be taken prior to use of CSA funds (e.g., clinical evaluation before paying for inpatient substance abuse for a parent)
- But...sometimes people think what they have in local policy IS the state policy or law and it's not (e.g., could be outdated, could have been in place so long everyone assumes it's "state policy")
  - So, if there's a question, ask OCS!!



It's not a puzzle...

# It's not magic...



# It's not a maze...



# Can CSA Pay?

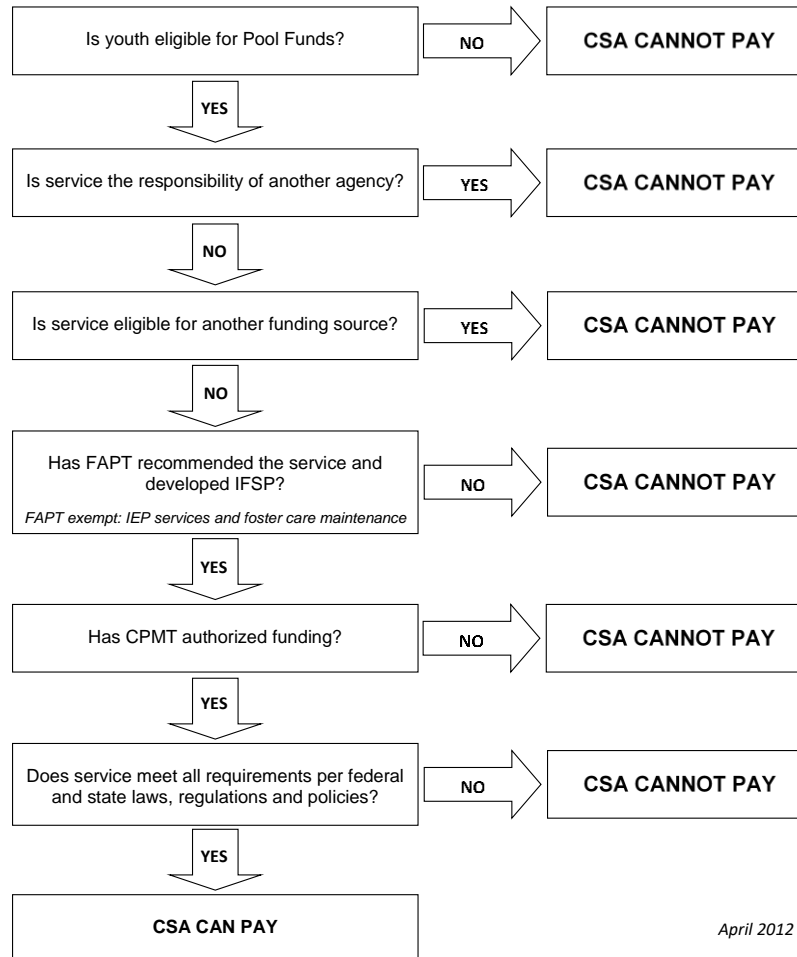
- The answer to this question is not “guess work” or magic
- It is based upon the requirements established by the Children's Services Act
- Apply the requirements to determine the answer





# Can CSA Pay?

## DETERMINING IF CSA CAN PAY

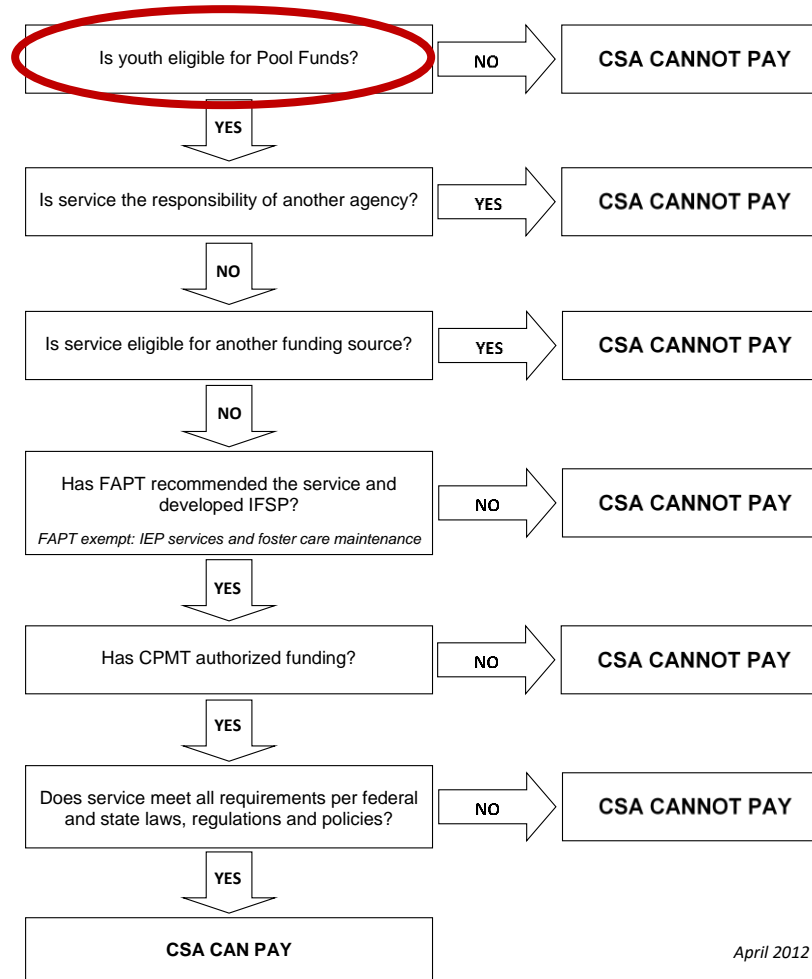


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# Who's eligible?

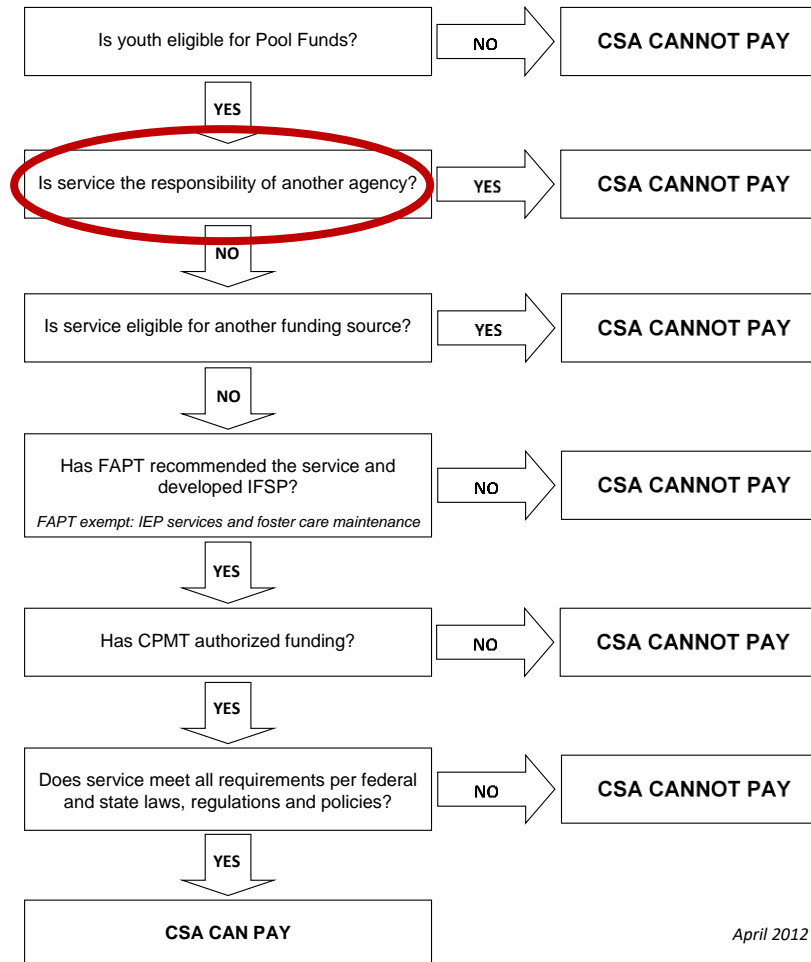


VIRGINIA DEPARTMENT OF  
SOCIAL SERVICES

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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."

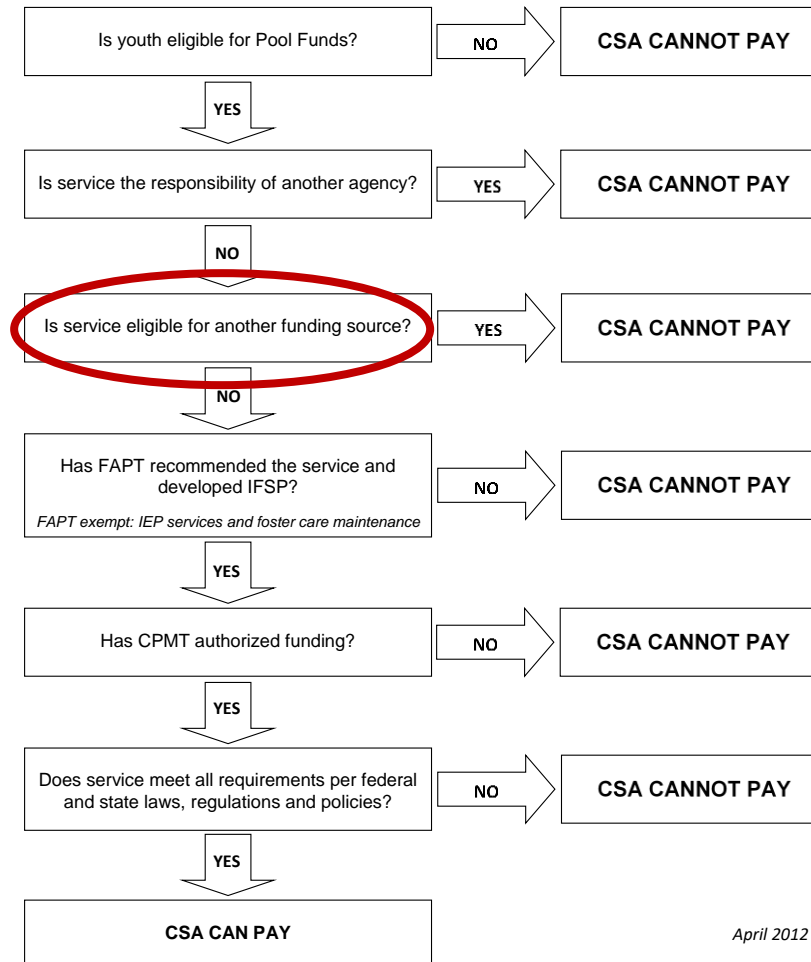
# Responsibility of Another Agency?

- 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 foster children in out of home placement
  - Private day transportation

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# Examples of Other Funding Sources...

- Medicaid
- Title IV-E Foster Care
- Title IV-E Prevention Services (effective July 1, 2021)
- Promoting Safe and Stable Families (PSSF)
- Chafee IL Services
- Chafee ETV
- Adoption Assistance
- Mental Health Initiative
- Virginia Juvenile Community Crime Control Act
- Private Health Insurance



# 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 for maintenance based on AFDC rules (pre-1996 program)/TANF
- Eligibility for maintenance is determined by LDSS, usually local Benefits staff or an individual designated to oversee IV-E

## Title IV-E Foster Care

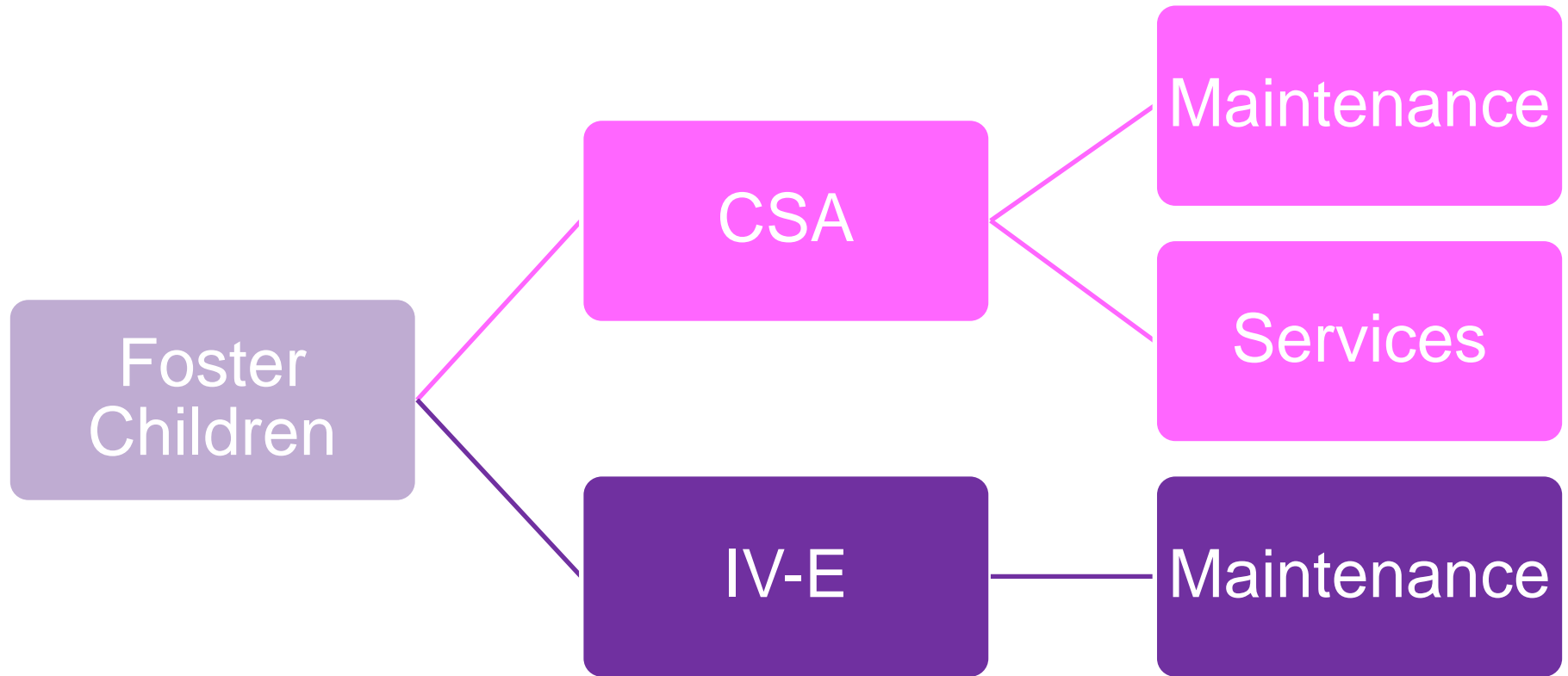
- In addition to meeting AFDC/TANF requirements, states must meet certain expectations that promote safety and permanency for children in foster care, e.g.,
  - Court must find “reasonable efforts” have been met to keep the child at home before removal is granted
  - Yearly court permanency reviews
  - Placements must meet licensure requirements

# 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



# Funding for Children in Foster Care



## 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

- 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



# 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

## 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; but CSA is responsible to pay for services for foster children
  2. If IV-E will not pay a maintenance cost because requirements for safety or permanency are not met, or local agency was not timely, CSA cannot pay



## Title IV-E and CSA

- CSA uses the IV-E definition of “maintenance” and pays maintenance for non-IV-E children
- IV-E “rules” are in place to protect children who are away from their families.
  - Provide protection from harm
  - Ensure children do not remain indefinitely in foster care by implementing permanency requirements/timeframes
- CSA supports equal treatment of children in foster care regardless of funding source (local, state or federal).

## 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-Services

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

# 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
  - LDSS open "In-Home" (Foster Care Prevention) Services case
  - Must meet definition of a Candidate for Foster Care or a Reasonable Candidate
  - VDSS Prevention Plan
  - CANS assessment required

## 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
- Room, board and treatment in Psychiatric Residential Treatment Programs (PRTFs)
- Addiction and Recovery Treatment Services (ARTS)

# Exploring Other Funding Sources

- Is CSA “funding of last resort?”
  - No, CSA is not funding of last resort. There are instances when it is appropriate for CSA to pay even if another funding stream is available.
  - 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.

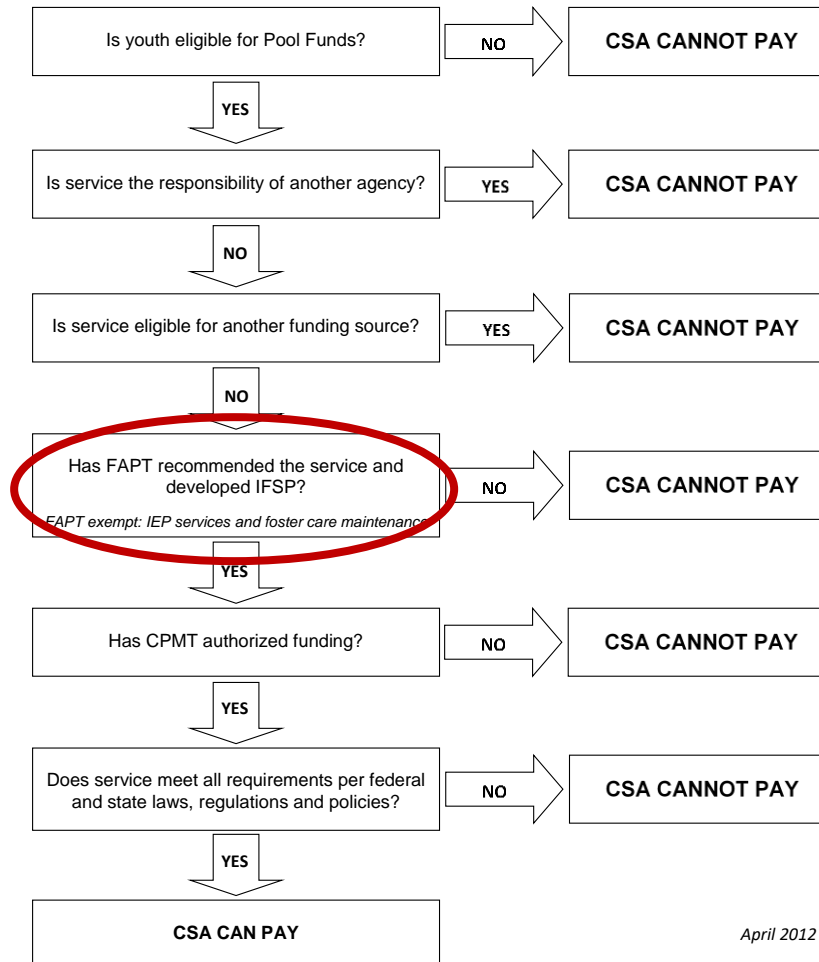
# Exploring Other Funding Sources

- FAPT members should be aware of their agency's funding sources and how those sources may be used for discussion at FAPT.
- The possibility of other funding should be explored and documented. However, exploration of other funding streams may not delay the provision of services to a child and family. If time is needed, CSA may pay initially and then the other funding stream accessed.

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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)

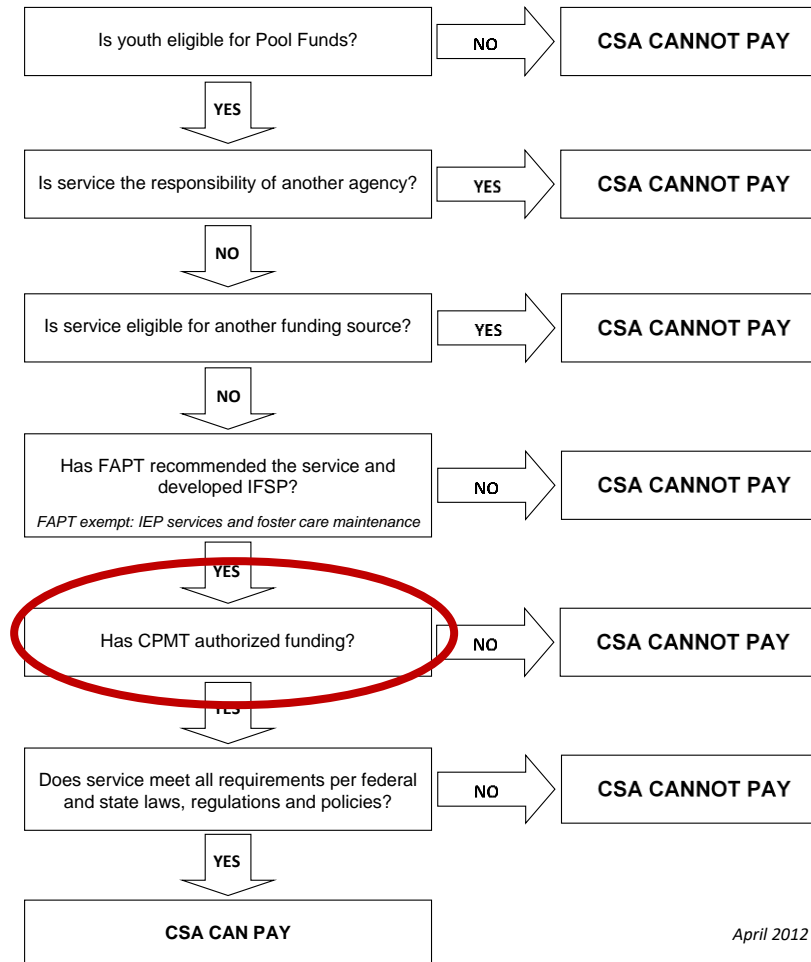
## Exemptions to FAPT Review?

- 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)

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# CPMT Authorization of Funding

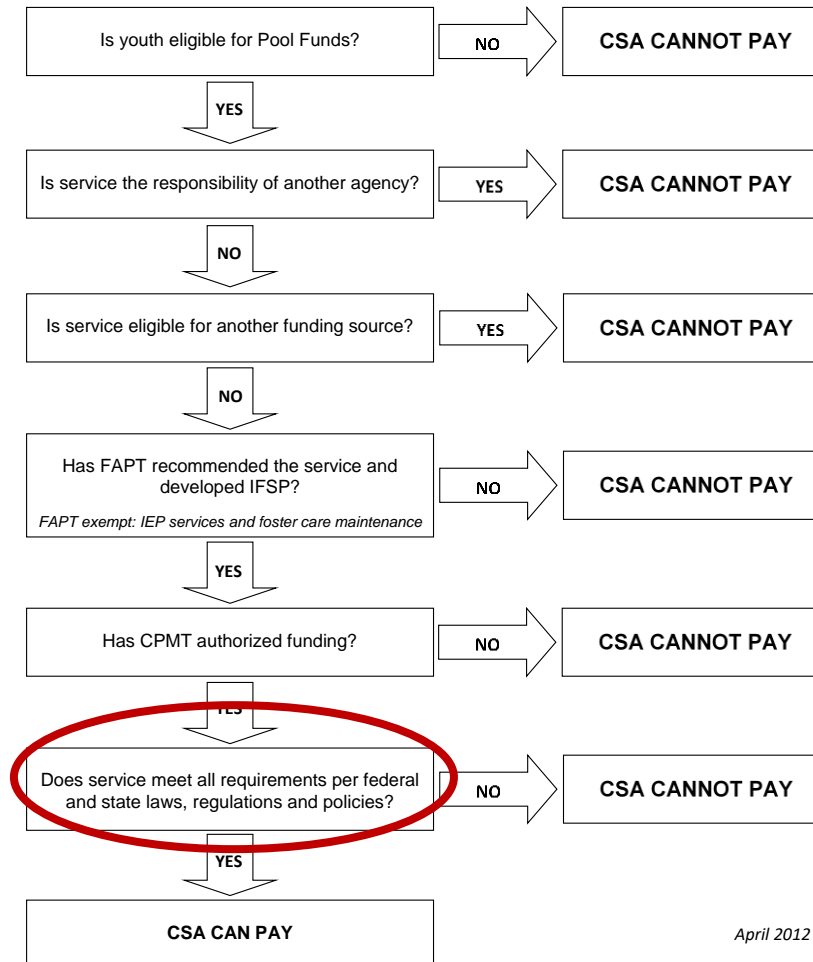
- The COV §2.2-5206 (9) requires that the CPMT “shall authorize and monitor the expenditure of funds by each family assessment and planning team or a collaborative, multidisciplinary team process approved by the Council...”



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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, childcare must be on the VDSS/VDOE “legally operating” list for IV-E or CSA to be used

# 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!

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