From: Mucha, Marsha
Subject: "[External]"Fwd: Legislative Change for Children"s Residential Facilities
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Good Afternoon -

Please see the information below from VDSS.

Thank you,
Marsha Mucha

Marsha Mucha

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Legislative Change for Children's Residential Facilities

Categories: Family Services

During the 2022 Session of the Virginia General Assembly, § 37.2-408.1 (Background check requirements for children's residential facilities (CRF) licensed by the Department of Behavioral Health and Developmental Services (DBHDS) of the Code of Virginia was amended with an emergency enactment clause meaning that the law became effective April 27, 2022. The change allows a CRF licensed by DBHDS to hire an employee, pending the results of a central registry check, provided that the results of the fingerprint-based criminal history background checks are received, and the individual does not work in the CRF or any other location where children placed in such facility are present.

The Family First Prevention Service Act (Family First, 2018) resulted in changes to the law regarding IV-E payments for youth in foster care placed in a CRF. Family First (title IV-E funding) requires that both the criminal record and central registry checks for all adults working in children's residential facilities (CRF) must be received prior to the individual working in the CRF.

Any CRF licensed by DBHDS that desires to be eligible for payments for title IV-E children in foster care must continue to meet the federal and state background check requirements as required by Family First. Noncompliance with state and federal background check requirements could affect the ability of the local departments of social services (LDSS) to pay for placement or maintain a child in a CRF licensed by DBHDS.

To ensure that CRF are following the provisions outlined in SB577, VDSS will be amending the current process for verifying background checks of all CRF employees. CRF will be required to send a verification letter when submitting the quarterly Safety Matrix verifying that the employee did not work at any facility where children were present while their central registry checks were pending. The Safety Matrix has also been updated to capture the first day of onsite work for employees.

VDSS notified impacted providers that they will be held liable for payment if their facility does not follow the state law and they permit employees to work in the CRF or any other location where children are present before receiving all required background checks. VDSS strongly encourages all LDSS and/or local Children's Services Act (CSA) programs to include similar language in their contracts with Providers to require providers to ensure all employees have criminal history and child abuse registry checks prior to working in the CRF or any other location where children are present and if they violate that law the Provider to be held liable for payment. VDSS will notify the LDSS of any known instance where a violation occurs. **The facility will be expected to reimburse the LDSS for any payments made during this time.**

It is important to note that no changes were made to § 63.2-1726 (Background check requirements for children's residential facilities licensed by the Department of Social Services) and all employees, volunteers or others providing services on a regular basis will continue to be prohibited from working or being hired until the qualifying results of both a central registry check and a criminal history background check have been received.

If you have any questions, please contact CRFconfirmation@virginia.gov.

Scott

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