

CSA PARENTAL CO-PAYMENT POLICY

A guiding principle of the James City County, City of Poquoson, York County, City of Williamsburg Community Policy and Management Team Consortium (CPMT) is that parents shall be actively involved in the planning and delivery of services for their children. This involvement includes participating financially where appropriate to share in the cost of services at a level consistent with their ability to pay.

In accordance with the Code of Virginia section 2.2-5206 and 2.2-5208, the CPMT adopts the following policy for the parental payment of expenses associated with services using the Children's Services Act (CSA) funding. Those funds include monies from the Commonwealth of Virginia and monies appropriated by the Local Board of Supervisors or City Councils for the CSA and for services associated with the CSA.

OCS policy (4.5.4) effective February 23, 2000 states that the CPMT shall consider the following criteria when determining whether parental contributions are appropriate. Parents of children in out-of-home placements should not be charged a payment for services in addition to the child support order. Instead, for out of home care, the CPMT shall implement policies utilizing the existing state law and OSC policy requiring referral of such cases to the Division of Child Support Enforcement (DCSE). The non custodial parents of children in out of home care are to be referred to the DCSE for the collection of child support. (Statutory Authority 63.2-1910)

Parents of children in in-home care should be charged a standard parental copayment based on the ability of each parent to pay and the cost of the service. Parents and legal guardians of children receiving in-home care are expected to contribute financially to the cost of services. Each local government shall develop policies to assess this fee. Local governments are encouraged to assess a fee based on a locally developed scale.

The verifiable inability to provide parental financial contributions shall not prevent the delivery of services to any child. Parental unwillingness to accept co-responsibility for the provision of services, or unwillingness to cooperate in the delivery of services, may be viewed by the CPMT as being detrimental to the effectiveness of services and may disqualify the family from receiving CSA-funded services.

For purposes of determining monthly gross income as it applies to parental co-payment responsibilities, the following definitions are adopted: "Parent" is defined as biological, adoptive parent, step parent or legal guardian that resides in the same household. "Child" is defined as biological, adopted, or child placed in the legal custody of the "parent" up to age 22; for school purposes only.

The parental co-pay will be considered for each child that is receiving CSA funded services, excluding those services as identified under Exemptions.

The family unit is defined as one or more adults and dependent children in their legal custody residing in the same household. There may be more than one family unit in a household. Separate units are separate families for the purpose of determining parental contribution levels. Examples of separate family units may include, but are not limited to, related adults (other than spouses) living in the same household, an aged parent living with an adult child, a young adult child living with his/her parents and paying room and board expenses.

Exemptions:

A parental financial contribution will be determined unless specifically prohibited by federal or state law or regulation, or has been ordered by the court or by the Division of Child Support Enforcement. James City County, City of Poquoson, York County and City of Williamsburg recognize these exemptions to include:

1. Services included on an Individualized Education Program (IEP), parent(s) are exempt based on federal law.
2. Medicaid funded services, are except based on Medicaid regulations.
3. Children in the custody of the Department of Social Services will be assessed and contributions collected by the Division of Child Support Enforcement (DCSE). This process is initiated by the Department of Social Services and is court ordered. Child Support funds received by the Department of Social Services will be processed as a recovery, and as such, submitted to the Children's Services Act (CSA) office.
4. Services provided to families receiving Temporary Assistance to Needy Families (TANF).

CPMT adopts the following procedure for determining the amount of parental responsibility.

PARENTAL CO-PAY PROCEDURE

In determining the amount of parental payments required, the CPMT will use the gross family income to include all sources of that family income. Said income is to include benefits and compensation from private, state or federal sources , in addition to employment income.

The total gross annual income includes all income received by all members of the family unit (prior to deductions for taxes, insurance, benefits, etc.). It includes but is not limited to salaries (full-time, part-time, primary and secondary employment), Supplemental Security Income, Social Security Income, General Relief, Pension Benefits, Railroad Retirement, Military Retirement, Worker's Compensation, Unemployment Insurance, Child Support, Alimony, and Interest, Dividends or other Payments from annuities, trusts, life insurance policies or other forms of investment. Income of a child(ren) other than the child receiving CSA funding will be excluded.

The amount payable to reimburse the locality shall be a debt owed to the respective locality. Parental payments will not exceed the cost of services approved by the CPMT. The parent will be required to pay for each month of services that are rendered, as set forth in the Co-payment Agreement.

The CPMT will administer the parental payment as follows:

- Prior to presenting the case to the Family Assessment and Planning Team (FAPT), the parent will provide a completed CSA Co-Payment Screening form to the CSA Coordinator. Income will be documented by the most recent 60 days' worth of pay stubs, W-2, and/or benefits statements to support stated household income.
- The CSA Coordinator determines the expected parental financial responsibility based upon the payment schedule adopted by the CPMT, and notifies parents. A parent who wishes to appeal the parental co-pay obligation will notify the CSA Coordinator in writing within 30 days of notification of the established co-payment. Written notification must include the reason for the request, along with the supporting documentation of hardship. The CPMT Chair will review the request and make a final determination.
- Any request for changes to the monthly co-payments must be approved by the CPMT Chair and shall require the execution of a new CPMT Co-payment Agreement. A copy of any revised Co-payment Agreements shall be provided to the CSA Coordinator. Co-payments will be reassessed annually or at any time there is a significant change in household composition, income or services.
- Invoices for parental co-payments will be initiated and processed by the CSA office. Payments will be made payable to the locality and shall be remitted to the CSA Office for processing. All parental co-payments are due 15 days from the date of invoice. Copayments will be prorated for the month services are initiated and terminated based on the number of days in that month.

- Once the CSA Coordinator becomes aware of the delinquent account, they will contact the parent or responsible party concerning their delinquent account and their intent to pay. The CSA Coordinator will also inform the parent or responsible party that a due process hearing for termination of services will be scheduled before the CPMT when the payment is 45 days late.
- If CPMT determines to terminate the services at the time of the due process hearing, the CSA Coordinator will notify the service provider in writing that contracted services are to be terminated. A copy of this notice to the service provider will be sent to the parent or responsible party.
- Once a parental co-pay account is 90 days past due and/or services have been terminated due to non-payment, the CPMT will determine if legal action will be taken against the parent in an effort to recoup monies owed. No further CSA-funded services will be provided until the delinquent account has been satisfied.
- One time per year in the month of December, the CSA Office will compile a list of delinquent accounts and information will be submitted to the appropriate party in the locality for filing tax intercepts by January 1. Parent/guardian will be notified of this process by a statement on their monthly bill at least two months prior to the initiation of the tax intercept procedure.

OCS REFERRAL PROCEDURE

- When a collection action cannot be referred to DCSE, the CSA Coordinator, on behalf of the CPMT, may complete a referral application to the OCS.
- Such claim for payment by the OCS shall be made through the Department of Law's Division of Debt Collection in the Office of the Attorney General.
- The original application will be forwarded to the OCS office and a copy retained in the CSA record.
- All funds collected by OCS will be sent to the respective local DSS agency serving in the capacity as CSA fiscal agent, and all funds received will be processed as a refund to CSA to help offset the service costs to the locality.

CSA Parental Agreements

CSA Parental Agreements are agreements made between an agency designated by the CPMT other than the local department of social services and a parent or guardian who retains legal custody.

The purpose of a CSA parental agreement is to provide mental health treatment for a child with emotional/behavioral disorders when all other avenues or resources have been exhausted.

The components of a CSA parental agreement are as follows:

- A formal agreement outlining expectations must be signed annually;
- Only out of home treatment placements are appropriate (residential, group home, or Treatment Foster Care (TFC));
- The child is under the age of 18 at the time of placement;
- The agreement is voluntary;
- Either party may terminate the agreement with notice as stated in the agreement;
- It is not used in cases where abuse or neglect has occurred or is an issue;
- Child is receiving “foster care services” with a CHINS designation
- The case is not entered into LDSS OASIS system
- The child is not eligible for Title IV-E
- May be referred to Child Support Enforcement or for CSA parental contribution
- If CSA funds are used, all CSA requirements such as screening for Medicaid eligibility, FAPT review, administration of the CANs, and utilization review must be met;
- Agency other than the local LDSS serves as the case manager
- The parent retains legal custody;
- The parent placed the child, not the agency
- The parent is required to be involved in planning and treatment; and
- The plan is to return the child home as soon as possible.

DCSE REFERRAL PROCEDURE

- The CSA Coordinator should complete the DCSE referral application at the time the parental agreement is signed by the parent(s). A separate DCSE application is required for each parent. A DCSE application will be completed on all parents regardless of their income status, consistent with the Code of Virginia in 63.2-1910. A notation must be made on each application that the referral is for a Children’s Services Act case.
- Short-term parental placements for assessment and diagnostic purposes with duration of less than 90 days will be assessed for a parental co-pay in lieu of referral to DCSE.

- The original application for each parent will be forwarded to the regional DCSE office and a copy retained in the CSA record.
- All child support funds collected by DCSE will be sent to the respective local DSS agency serving in the capacity as CSA fiscal agent, and all funds received will be processed as a refund to CSA to help offset the child's placement costs to the locality.
- When the child is discharged from the CSA-funded parental agreement placement, where the child has remained in the legal custody of the parent; the CSA Coordinator will notify DCSE in writing of the discharge date and request termination of the parental support obligation as of that date.
- Only child support payments received after the discharge of placement by the agency and recorded for the time period that the child was in placement shall be held by the agency and processed as a refund to CSA to help offset the child's placement costs to the locality.

Additional Information on the Department of Child Support Enforcement(DCSE) processes may be found at the following links:

[How is the amount of support determined?](#)

[What enforcement actions can be taken?](#)