

Lois A. Day, Administrator
Office of Safety & Permanency for Children

Authorized Signature

Number: CW-IM-10-017

Issue Date: 09/15/2010

Topic: Foster Care

Subject: New Federal Requirement regarding Transition Planning

Applies to (check all that apply):

- | | | | |
|-------------------------------------|-------------------------------|-------------------------------------|---|
| <input type="checkbox"/> | All DHS employees | <input type="checkbox"/> | County Mental Health Directors |
| <input type="checkbox"/> | Area Agencies on Aging | <input type="checkbox"/> | Health Services |
| <input checked="" type="checkbox"/> | Children, Adults and Families | <input type="checkbox"/> | Seniors and People with Disabilities |
| <input type="checkbox"/> | County DD Program Managers | <input checked="" type="checkbox"/> | Other (please specify): ILP Providers, Oregon's Federally Recognized Tribes |

Message:

Information: "The President signed the Patient Protection and Affordable Care Act (P.L. 111-148) on March 23, 2010. The law amended 3 sections of titles IV-B and IV-E of the Act to ensure that children receiving independent living services and/or education and training vouchers, and those who are aging out of foster care have information and education about the importance of having a health care power of attorney or health care proxy, and to provide the youth with the option to execute such a document."

Effective Date: October 1, 2010

The Fostering Connections to Success and Increasing Adoptions Act of 2008 amended the case review system to create a requirement that prior to the youth's emancipation from foster care, the caseworker must develop a personalized transition plan as directed by the youth. This was further amended to require that the transition plan, that is conducted during the 90-day period immediately prior to the date on which the child will attain 18 years of age (Benchmark Review), include "information about the importance of designating another individual to make health care treatment decisions on behalf of the child if the child becomes unable to participate in such decisions and the child does not have, or does not want, a relative who would otherwise be authorized under State law to make such decisions, and provides the child with the option to execute a health care power of attorney, health care proxy, or other similar document recognized under State law."

Current Action: Central Office – Foster Care Program, in September, will be notifying by mail all foster youth (over 17 ½ yrs old), caseworkers and foster parents prior to October 1st advising of this information. The letter will be sent along with a detailed color brochure

(http://www.dhs.state.or.us/policy/childwelfare/im/2010/cw_im_10_017att.pdf) from Oregon Health Decisions explaining Oregon's Advance Directive and a toll free number to call for additional materials or more information.

Future Action: Central Office – Foster Care Program is working with the Oregon Health Decisions (non-profit agency) for a training DVD and updated materials that are youth friendly. Policy and Procedures will be updated to include this information sharing with young adults as they develop their Comprehensive Transition Plans addressing Health Care and Supporting Caring Adults.

If you have any questions about this information, contact:

Contact(s):	Carrie van Dijk		
Phone:	503-945-5807	Fax:	503-945-6969
E-mail:	Carrie.vanDijk@state.or.us		