DEPARTMENT OF HUMAN SERVICES
OFFICE OF CHILD WELFARE PROGRAMS

CHAPTER 413
DIVISION 30

CASE MANAGEMENT – PROGRAM ELIGIBILITY

Effective 10/06/15

TABLE OF CONTENTS

Definitions **2**

Family Support Services **5**

Substitute Care Eligibility **15**

Adoption Program Eligibility **18**

Youth Transitions **20**

Definitions

413-030-0000
Definitions
(Amended 10/06/15)

The following definitions apply to OAR chapter 413, division 30:

(1) "APPLA" means Another Planned Permanent Living Arrangement, a *permanency plan* for a stable secure living arrangement for a *child* who has reached the age of 16 or *young adult* that includes building relationships with significant people in the *child* or young adult's life that may continue after *substitute care*. APPLA is the least preferred *permanency plan* of the five *permanency plans* for a *child* or *young adult* and is appropriate only after the permanency plans of reunification, adoption, guardianship, and placement with a fit and willing relative have been determined not in the best interest of a *child* or *young adult*.

(a) "Planned" means the arrangement is intended, designed, and deliberate.

(b) "Permanent" means enduring and stable.

(2) "Case plan" means a written, goal-oriented, time-limited individualized plan for the *child* and the child's family, developed by the Department and the parents or guardians, to achieve the child's safety, permanency, and well-being.

(3) "Chafee housing" means a payment to assist in covering the costs of room and board made to an eligible individual between 18 and 20 years of age who was discharged from the care and custody of the Department or one of the federally recognized tribes on or after reaching 18 years of age.

(4) "Child" means a person under 18 years of age.

(5) "Department" means the Department of Human Services, Child Welfare.

(6) "Expert evaluation" means a written assessment prepared by a professional with specialized knowledge of a particular subject matter such as physical health, psychological health, mental health, sexual deviancy, substance abuse, and domestic violence. The assessment provides information regarding an individual's functioning in the area of the professional's specialized knowledge and when the expert is evaluating a *parent* or *guardian*, whether the individual's functioning impacts his or her protective capacity.

(7) "Family support services case plan" means a goal-oriented, time-limited, individualized plan for a *child* and the child's family or a *former foster child*. The Department and the family or *former foster child* jointly develop a "family support services case plan" that

addresses the service goals and the identified needs of the *child* and the child's family or the *former foster child*.

(8) "Former foster child" means a person under 21 years of age who was in *substitute care* at or after 16 years of age, including *substitute care* provided by federally recognized tribes, and had been in *substitute care* for at least 180 cumulative days after 14 years of age.

(9) "GED" means a General Educational Development certificate issued pursuant to ORS 351.768.

(10) "Guardian" means an individual who has been granted guardianship of a *child* through a judgment of the court.

(11) "ILP" means the Independent Living Program services provided by the Department to an eligible foster child or *former foster child*.

(12) "Independent living housing subsidy" means a payment to assist in covering the cost of room, board, or other monthly expenses made to an eligible individual who is at least 16 years of age and is in the care and custody of the Department and living independently.

(13) "Legal custody" means a legal relationship between a person, agency, or institution and a *child* that imposes on the person, agency, or institution the duties and authority of the child's legal custodian.

(14) "Parent" means the biological or adoptive mother or the legal father of the *child*. A legal father is a man who has adopted the *child* or whose paternity has been established or declared under ORS 109.070, ORS 416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the *child* by assuming or attempting to assume responsibilities normally associated with parenthood unless a court finds that the putative father is not the legal father.

(15) "Permanency plan" means a written course of action for achieving safe and lasting family resources for the *child* or *young adult*. Although the plan may change as more information becomes available, the goal is to develop safe and permanent resources with the parents, relatives, or other people who may assume responsibility for the *child* or *young adult* during the remaining years of dependency and be accessible and supportive to the *child* in adulthood.

(16) "Registered domestic partner" means an individual joined in a domestic partnership that is registered by a county clerk in accordance with ORS 106.300 to 106.340.

(17) "Service Agreement" means a written document between the Department and a *parent*, *guardian*, or *former foster child* that identifies one or more of the service goals in a *family support services case plan*, and the services and activities that are necessary for the *parent*, *guardian*, or *former foster child* to achieve the goal.

(18) "Service goal" means the observable, sustained change in behavior, condition, or circumstance that, when accomplished, achieves the desired effect.

(19) "Short term services" mean actions or activities that are limited in duration to a maximum of 180 days.

(20) "Sibling" means one of two or more children or young adults who are related, or would be related but for a termination or other disruption of parental rights, in one of the following ways:

(a) By blood or adoption through a common *parent*;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the *registered domestic partner* of the legal or biological parent.

(21) "Substitute care" means the out-of-home placement of a *child* or *young adult* who is in the legal or physical custody and care of the Department.

(22) "Substitute caregiver" means a relative caregiver, foster parent, or provider authorized to provide care to a *child* or *young adult* in the legal or physical custody of the Department.

(23) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 418.005

Family Support Services

413-030-0003
Purpose
(Amended 10/01/15)

The purpose of OAR 413-030-0003 to 413-030-0030 is to describe the responsibilities of the Department in providing family support services, including:

(1) Eligibility criteria;

(2) Determination of service needs;

(3) Development of the *family support services case plan*;

(4) Development of Service Agreements;

(5) Caseworker contact and monitoring requirements; and

(6) Timelines for reviewing progress.

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 418.312

413-030-0006
Eligibility for Family Support Services
(Amended 10/01/15)

(1) A *parent*, *guardian*, or *former foster child* may be eligible for family support services if the requirements of one of the following subsections are met:

(a) A *parent* or *guardian* requests out-of-home placement of a *child* due solely to the emotional, behavioral, or mental disorder or developmental or physical disability of the *child*, as described in OAR 413-020-0060 to 413-020-0090.

(b) A *parent* or *guardian* requests that the Department take temporary custody of a *child* due to conditions described in OAR 413-020-0005 to 413-020-0050.

(c) A *former foster child* eligible to receive Independent Living Program (ILP) services requests those services.

(d) A *parent* or *guardian* requests post adoption or post legal guardianship services in connection with an adoption or legal guardianship that occurred through the Department.

(e) A *parent* or *guardian* requests assistance with a *child* in the home, and all of the following paragraphs apply:

(A) Other community resources have been utilized and determined to be ineffective.

(B) Members of the extended family and other responsible adults who are well known to the *child* have been explored or utilized and determined to be unsafe, unavailable, unwilling, or ineffective as support for the family.

(C) The *parent* or *guardian* is temporarily or will be temporarily unable to fulfill parental responsibilities due to a diagnosed medical or mental health condition.

(D) The inability of the *parent* or *guardian* to fulfill parental responsibilities is temporary and immediate; and will be alleviated with *short term services* or *short term services* will transition the family to community services.

(E) A Child Welfare program manager approves the request for voluntary services.

(2) Service eligibility requires the full and ongoing cooperation of the *parent, guardian,* or *former foster child* in:

(a) The determination of need;

(b) The preparation of the *family support services case plan*; and

(c) The monitoring of the *family support services case plan*.

(3) If the Department determines that funds for family support services are unavailable, the Department will not provide services for those who are eligible for services under subsection (1)(e) of this rule.

(4) The Department must provide family support services when a court has ordered the Department to provide services to a pre-adjudicated delinquent.

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 418.312

413-030-0009
Determination of the Service Needs
(Amended 10/01/15)

(1) Within 30 days of receiving the family support services screening information, the caseworker must determine the service needs by completing the following actions:

(a) Provide the *parent, guardian,* or *former foster child* with a Service Application.

(b) Initiate the process to determine the child's ICWA status and notify the Indian child's tribe if ICWA applies. To initiate this process, the caseworker must:

(A) Complete a form CF 1270, Verification of ICWA Eligibility, to assist in determining ICWA eligibility.

(B) Contact the child's tribe when an Indian child's family is requesting placement of the *child* per the requirements of OAR 413-070-0160(1).

(C) Consult with the local Child Welfare ICWA liaison or a supervisor if the caseworker has questions regarding the involvement of a tribe or the ICWA status of the *child*.

(c) Within five working days of receipt of the case, confirm there is no current reported safety threat to the *child* by reviewing the screening information and the child welfare case records for all family members living in the household.

(d) Within ten working days of receipt of the case, make initial face-to-face contact with the *parent, guardian,* or *former foster child* to assess current behaviors, conditions, and circumstances in the family and gather specific information on the needs of the *parent, guardian,* or *former foster child*.

(e) Within ten working days of receipt of the case, when the *child* is in the home of the *parent* or *guardian*, make initial face-to-face contact with the *child* to assess the identified needs of the *child*.

(f) When the *child* is in *substitute care*, make monthly face-to-face contact as required under OAR 413-080-0054.

(g) To determine service needs, the caseworker must, at a minimum, observe:

(A) The *parent, guardian,* or *former foster child* in the home environment;

(B) The *child* or *former foster child* in his or her home or *substitute care* placement; and

(C) The interactions between family members.

(h) Obtain from the *parent, guardian,* or *former foster child* the names of persons who can provide additional information on the needs of the *child, former foster child*, or the family, when appropriate.

(i) Ask the *parent, guardian,* or *former foster child* to sign an authorization to release information to enable the Department to obtain additional information from physicians, mental health providers, school employees, or other service and treatment providers, when appropriate.

(j) After obtaining the authorization to release information, contact service and treatment providers, when appropriate, to understand the past and current services and treatment of the family and the *child* or *former foster child*.

(k) Obtain expert evaluations when appropriate to determine specific service or treatment needs when a condition or behavior requires additional professional information regarding a person's functioning.

(l) Analyze the behaviors, conditions, and circumstances of the family to determine service or treatment needs based upon information gathered from the activities in subsections (a) to (k) of this section.

(m) Document the findings of the activities in subsections (a) to (k) of this section in the Department's electronic information system.

(2) The caseworker must use the information and determination of service and treatment needs to develop an individualized *family support services case plan* that addresses the specific identified needs:

(a) The caseworker must also refer to OAR 413-070-0100 to 413-070-0260 if the *child* is an Indian child.

(b) When a family is eligible for out-of-home placement due to the child's special needs or placement is ordered through the court, the caseworker must also refer to OAR 413-070-0600 to 413-070-0645, 413-020-0060 to 413-020-0090, 413-070-0100 to 413-070-0260 if the *child* is an Indian child, and OAR 413-080-0040 to 413-080-0067.

(c) When a *former foster child* requests *ILP* services, the caseworker must also refer to OAR 413-030-0400 to 413-030-0460 and OAR 413-070-0100 to 413-070-0260 if the *child* is an Indian child.

(d) When a family requests that the Department take voluntary custody of the *child*, the caseworker must also refer to OAR 413-070-0600 to 413-070-0645, 413-020-

0005 to 413-020-0050, 413-070-0100 to 413-070-0260 if the *child* is an Indian child, and 413-080-0040 to 413-080-0067.

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 418.312

413-030-0013
Requirements when Obtaining Medical, Psychological, or Psychiatric Evaluations
(Amended 01/15/13)

(1) The caseworker may secure an *expert evaluation* of the *parent*, *guardian*, or *child*, when appropriate, to determine treatment or service needs or to assist in assessing child safety when there is a specific condition or behavior that requires additional professional information regarding a person's functioning. Examples include, but are not limited to:

(a) The *parent*, *guardian*, or *child* is displaying unusual or bizarre behaviors that are indicative of emotional or behavioral problems;

(b) Physical illness, physical disability, or mental illness;

(c) Suicidal ideation; or

(d) Homicidal ideation.

(2) The caseworker must obtain the consent of the *parent* or *guardian* prior to arranging an *expert evaluation* of the *parent* or *guardian*.

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 418.312

413-030-0016
Requirements for the Family Support Services Case Plan
(Amended 01/15/13)

(1) The caseworker must analyze the information gathered during the determination of service needs to develop a *family support services case plan*. The *family support services case plan* must include all of the following information:

(a) Family composition, which includes identifying information for --

(A) Each *parent* or *guardian*, and the children of the *parent* or *guardian*; or

(B) The *former foster child* who is 18 years or older and his or her *child*, if the *former foster child* is parenting a *child*.

(b) Conditions identified in the screening or intake referral information.

(c) Determination of service need.

(d) Service goals and activities.

(e) Services, related to a *child* in *substitute care*, which include:

(A) Placement information;

(B) Routine and specialized medical, dental, and mental health services;

(C) Education services, including the child's school and any special educational needs; and

(D) A plan for visitation and contact with the parents or guardians.

(f) Services the Department will provide, including:

(A) Case oversight and routine contact with the *parent* or *guardian* and the *child* or the *former foster child*.

(B) When the court has ordered the Department to provide services to a pre-adjudicated delinquent, routine contact with juvenile department staff, parents or guardians, and the *child*.

(C) When the *child* is in *substitute care*, arranging visitation for the parents or guardians and the *child*.

(D) Timely referral, access to, and use of culturally appropriate services and service providers to address the identified needs, to the extent that resources are available.

(E) Timely preparation of reports to the court or other service providers that may be required.

(g) A statement of the conditions for which the Department will close the family support services case.

(h) Review date. The *family support services case plan* is reviewed with the *parent*, *guardian*, or *former foster child* every 90 days; however, the caseworker and the *parent*, *guardian*, or *former foster child* may agree on a review date at any time within the 90-day period.

(2) The persons involved with the Department in the development of the *family support services case plan* must include the *former foster child* or the *parent* or *guardian*; and may include the *child*, other relatives, *substitute caregiver*, and other professionals, as appropriate.

(3) The *family support services case plan* must include the signature of the caseworker and each *parent, guardian,* or *former foster child*.

(4) Approval and distribution of the family support services case plan.

(a) The Child Welfare supervisor must approve and sign the *family support services case plan*.

(b) The caseworker must give a copy of the *family support services case plan* to the parents, guardians, or *former foster child* as soon as possible but no later than seven days after the *family support services case plan* is approved by the supervisor.

(5) Timeline for family support services case plan development.

(a) Except as provided in subsection (b) of this section, the caseworker must develop the *family support services case plan* within 30 days of the completion of the determination of service needs.

(b) The supervisor may authorize an extension of the time for developing the *family support services case plan* when information essential to the development of the *family support services case plan* is not yet available due to circumstances beyond the control of the Department.

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 418.312

413-030-0019
Developing Service Agreements
(Amended 01/15/13)

(1) The caseworker may develop a *Service Agreement* with a *parent, guardian,* or *former foster child* with a *family support services case plan*. The *Service Agreement* is a time-limited agreement that documents the services and action steps that will occur under the agreement.

(2) When used, the *Service Agreement* must include all of the following:

(a) One of the service goals in the *family support services case plan*.

(b) Specific activities or services that will occur to achieve the *service goal*.

(c) Participants and responsibilities.

(d) Anticipated start and completion dates.

(e) Treatment services for the *child* or *former foster child* (if applicable).

(f) Method of measuring progress.

(g) Timeline for review.

(3) The caseworker must give a copy of the *Service Agreement* to the parents, guardians, or *former foster child* no later than seven days after the agreement is signed.

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 418.312

413-030-0023
Contact and Monitoring Requirements for a Family Support Services Case Plan
(Amended 01/15/13)

(1) The caseworker must monitor the *family support services case plan* and terminate Department involvement in a timely manner.

(2) The caseworker is responsible for all of the following actions:

(a) Monthly face-to-face contact and communication with each *parent*, *guardian*, or *former foster child* about progress toward achieving service goals unless an exception to *parent* or *guardian* contact as described in OAR 413-080-0054(3)(b) is approved.

(b) Monthly face-to-face contact with the *child* required under OAR 413-080-0054.

(c) Regular contact with service providers a minimum of once every 90 days, including monitoring the services provided through the *family support services case plan*.

(d) Monitoring the visitation and contact plan when the *child* is in *substitute care*.

(e) Monitoring progress toward achieving service goals.

(f) Ensuring completion of the actions and activities that are the responsibility of the Department.

(g) Timely response to issues that may impact the safety of the *child* that become known to the caseworker.

(3) The caseworker must document in the Department's electronic information system:

(a) Observations made by the caseworker during each visit, and behaviors, conditions, or circumstances of the family or *former foster child* that support the continuation of the *family support services case plan*; and

(b) Reports from each service provider on progress of the family, *child*, or *former foster child* in meeting the service goals of the *family support services case plan*.

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 418.312

413-030-0026
Family Support Services Case Plan Review
(Amended 01/15/13)

(1) The *family support services case plan* must be reviewed a minimum of every 90 days. This review must take place in a face-to-face meeting with the parents, guardians, or *former foster child*. The meeting may include the *child*, service providers, attorneys, family members, and the *substitute caregiver* when the *child* is in *substitute care*.

(2) During the *case plan* review, the caseworker assesses and determines the progress that has been made in achieving the service goals of the *case plan*.

(3) If a *parent*, *guardian*, or *former foster child* is not available for the review, the reason must be documented in the Department's electronic information system.

(4) Within 30 calendar days of receiving an *expert evaluation* requested by the Department, the caseworker must consider revising the *family support services case plan* to include the recommendations of the *expert evaluation*. If the caseworker does not implement the recommendations of the *expert evaluation*, the caseworker must document the reasons for not implementing the recommendations.

(5) Subsequent to the face-to-face meeting, the caseworker documents all of the following in the Department's electronic information system:

(a) The services currently provided and the progress of the parents, guardians, or *former foster child* in achieving service goals.

(b) Observations of improved behaviors, conditions, or circumstances that have measurably changed.

(c) Written or verbal reports from the *child*, service providers, attorneys, family members, and the *substitute caregiver* when the *child* is in *substitute care* regarding services currently provided and the progress of the *parent*, *guardian*, or *former foster child* in achieving service goals.

(6) The Child Welfare supervisor approves and documents approval of the *family support services case plan* review.

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 418.312

413-030-0030
Closing a Family Support Services Case Plan
(Amended 01/15/13)

The caseworker closes a *family support services case plan* when:

(1) The *parent*, *guardian*, *former foster child*, or the Department indicates the service objectives have been achieved;

(2) The *parent*, *guardian*, or *former foster child* states that he or she is withdrawing the request for voluntary family support services;

(3) The caseworker has unsuccessfully attempted to contact the *parent*, *guardian*, or *former foster child*, after diligent efforts, as documented in the Department's electronic information system;

(4) The Department, the *parent*, *guardian*, or *former foster child* determines that the *family support services case plan* is no longer appropriate or effective;

(5) The *child*, who had been voluntarily placed in *substitute care* because a *parent* or *guardian* had requested voluntary placement of the *child*, has returned to the home;

(6) The court dismisses a pre-adjudicated delinquent *child* from Department custody; or

(7) Another community service resource accepts responsibility for providing services to the *child*, *former foster child*, or family.

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 418.312

Substitute Care Eligibility

413-030-0200
Purpose
(Amended 10/01/15)

(1) The purpose of OAR 413-030-0200 to 413-030-0220 is to emphasize that the child's safety is the paramount concern in determining *substitute care* eligibility.

(2) The Department is responsible for determining if a *child* in the *legal custody* of the Department will be placed or continued in *substitute care* placement in accordance with statutes, administrative rules, agency procedures, and placement practice guidelines. OAR 413-030-0200 to 413-030-0220 specify the minimum criteria for the *substitute care* classification and placement under any type of *substitute care* program licensed or certified by the Department. Additional criteria are outlined in rules for specific *substitute care* programs.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005, 418.015 – 418.315, 419B.331- 419B.349

413-030-0210
Eligibility Criteria for Substitute Care Placement
(Amended 10/01/15)

For a *child* to be eligible for initial and continuing *substitute care*, the Department must meet the following criteria:

(1) Legal Basis. The Department must have a current legal basis for placement:

(a) Temporary custody under ORS 419B.165;

(b) *Legal custody* of the *child* through a juvenile court order;

(c) A voluntary custody agreement in accordance with OAR 413-020-0005 to 413-020-0005;

(d) A voluntary placement agreement in accordance with OAR 413-020-0060 413-020-0090;

(e) Permanent custody based on a permanent commitment or release and surrender agreement of a *parent*; or

(f) Verification that the *child* is an unaccompanied refugee minor.

(2) The *child* must be under 18 years of age at the time the *child* is placed in the *legal custody* of the Department and placement services are first initiated.

(3) Reasonable Efforts. Except in those cases with a Voluntary Custody Agreement or Voluntary Placement Agreement, the Department will make reasonable efforts to prevent or eliminate the need for removal of the *child* and to alleviate the barriers that keep the *child* from returning home. This includes an assessment of appropriate treatment and supportive services and providing such services when available through the Department or by referral to other community resources. To aid the court or Citizen Review Board (CRB) in making the findings required by this section, the Department shall present documentation to the court or CRB showing its reasonable efforts or, if the Indian Child Welfare Act applies, active efforts to prevent or eliminate the need for removal of the *child* and services provided to safely return the *child* to the home. The department shall seek a reasonable efforts judicial determination within 60 days of a child's removal from the home, or a determination that due to aggravated circumstances reasonable efforts were not required to prevent the child's removal from the home. If the court does not make the reasonable efforts determination within 60 days, the *child* is not be eligible for Title IV-E foster care maintenance payments program throughout the duration of that child's stay in *substitute care*. Refer to OAR 413-100-0240.

(4) The *child* requires *substitute care* placement because there is no *parent* or *guardian* available and able to provide safe care for the *child* even with the assistance of available supportive resources, and no relative is willing and appropriate to assume full responsibility for the *child*.

(5) Placement is needed for one of the following reasons:

(a) The *parent* or *guardian* is not available to care for the *child* due to death, abandonment, desertion, incarceration, institutionalization, or catastrophic illness;

(b) The *child* is at significant risk of abuse or neglect;

(c) The *child* is in the permanent custody of the Department for adoption planning;

(d) The *child* has a severe disabling condition requiring skilled care that the family cannot provide even with the assistance of community resources but the Department can provide the care the *child* requires in an available *substitute care* resource; or

(e) The child's behavior is a serious danger to the *child*, the child's family, or the community but the *child* can, without threat to self or others, be managed in an available and appropriate *substitute care* resource.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005, 418.015 – 418.315, 419B.331 – 419B.349

413-030-0220
Eligibility after Age 18
(Amended 10/01/15)

(1) Eligibility for *substitute care* services ends at age 18 unless the person continues to meet both the eligibility criteria outlined in OAR 413-030-0210 and this rule. Under the following conditions the Department may continue to provide placement services up to the maximum age of 21 years if the person is:

(a) Actively striving to complete the requirements for high school graduation and achieving satisfactorily in a full-time program of high school attendance, GED classes, or a combination of classes and employment;

(b) Enrolled in a special education program as called for in an Individual Educational Plan (IEP);

(c) An unaccompanied refugee minor; or

(d) The person's situation has been reviewed and approved in writing for an exception to these rules by the District Manager or designee.

(2) The Department may not provide *substitute care* services after the youth's 21st birthday.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005, 418.015 – 418.315, 419B.331 – 419B.349

Adoption Program Eligibility

413-030-0300
Purpose
(Amended 10/01/15)

The purpose of OAR 413-030-0300 to 413-030-0320 is to describe the eligibility criteria for the program classification of adoption. The adoption program classification is used to describe the services provided to a *child* placed in an approved adoptive home for the purpose of adoption. This includes agency adoptive placements and courtesy placement supervision of a *child* placed in Oregon by an out-of-state adoption agency.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 109.305 – 109.310, 418.005, 418.270 – 418.285

413-030-0310
Eligibility for Adoption Program
(Amended 10/01/15)

To be eligible for the program classification of adoption, a *child* must be in a living situation that is officially considered an adoptive placement. The following are considered eligible for the program classification:

(1) Children fully free for adoption and placed in an approved adoptive home are classified as adoption from the time the placement is approved until the adoption is completed or disrupted.

(2) Children receiving courtesy supervision for an adoptive placement initiated in another state through the Interstate Compact.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 109.305 – 109.310, 418.005, 418.270 – 418.285

413-030-0320
Eligibility for the Adoption Program Classification Ends
(Amended 07/01/01)

Eligibility for the adoption program classification ends when:

(1) The Department gives consent for adoption of a *child* in the Department's permanent custody, and the adoption is legalized;

(2) The *child* is removed from an approved adoptive placement;

(3) The adoptive applicants or the Department decides an adoption will not be legalized even though the *child* is not removed from the home; and

(4) When supervision of an adoptive placement provided as a courtesy service for an adoption agency in another state is no longer needed.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 109.305 – 109.310, 418.270 – 418.285

Youth Transitions

413-030-0400
Purpose
(Amended 11/03/09)

The purpose of these rules, OAR 413-030-0400 to 413-030-0460, is to describe the responsibilities of the Department for comprehensive transition planning with and providing services to a *child* or *young adult* to:

(1) Obtain personal and emotional support and promote healthy relationships that can be maintained into adulthood;

(2) Develop the personal life management skills necessary to function independently;

(3) Receive education, training, and services necessary to lead to employment;

(4) Attain academic or vocational education and prepare for post-secondary education or training;

(5) Gain experience in taking responsibility and exercising decision-making control; and

(6) Transition to living independently.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005, 418.475, 419B.343, 419B.476(3)

413-030-0410
Eligibility for Youth Transition Services
(Amended 10/01/15)

A *child* or *young adult* must meet the following eligibility criteria for youth transition services, however a *child* or *young adult* enrolled in an Oregon youth transition service prior to September 1, 2009 is eligible to continue to receive that service until the *child* or *young adult* has achieved independence, reaches 21 years of age, or otherwise is no longer eligible for the specific service.

(1) Life skills training.

(a) A *child* 14 years of age or older who is in *substitute care* through the Department or one of the nine federally recognized Oregon tribes; or

(b) A *former foster child*.

(2) *Independent living housing subsidy.*

(a) The *child* or *young adult* must meet all of the following requirements:

(A) Be 16 years of age or older.

(B) Be in the care and custody of the Department.

(C) Be engaged in 40 hours of productive time per week, including a combined total of 25 hours or more of work or education activities and up to 15 hours of flexible time. Examples include, but are not limited to, volunteer activity, school sports, clubs, or counseling.

(D) Have had at least one prior *substitute care* placement.

(E) Have the approval of the court to participate in the *independent living housing subsidy* service.

(b) If a high school diploma has not been achieved, the *child* or *young adult* must be working actively to achieve a high school diploma or GED.

(c) The *child* or *young adult* must be enrolled concurrently in skill building services.

(d) The *child* or *young adult* may not live with any of his or her parents.

(3) *Chafee housing.*

(a) To be eligible for *Chafee housing* an individual must meet all of the following requirements:

(A) Be 18 years of age or older but not yet 21 years of age.

(B) Have been discharged from the care and custody of the Department or one of the federally recognized tribes on or after reaching 18 years of age.

(C) Be engaged in 40 hours of productive time per week, including a combined total of 25 hours or more of work and education activities.

(D) Have at least four hours of paid employment per week.

(b) If a high school diploma has not been achieved, the individual must be working actively to achieve a high school diploma or GED.

(c) The individual must be enrolled in skill building services.

(d) The individual may not live with any of his or her parents.

(e) The individual may not be eligible for *Chafee housing* when receiving an education and training grant.

(4) Education and training grant.

(a) To be eligible for an education and training grant the *child* or *young adult* must:

(A) Be 14 years of age or older and currently in *substitute care* through the Department or one of the federally recognized tribes; or

(B) Have been dismissed from *substitute care* after reaching 16 years of age and had 180 or more cumulative days of *substitute care*.

(b) The *child* or *young adult* initially must receive the grant prior to reaching 21 years of age.

(c) If the *child* or *young adult* is receiving the grant upon reaching 21 years of age, he or she may continue to receive the grant until he or she reaches 23 years of age.

(d) The *child* or *young adult* may not be eligible for an education and training grant when receiving *Chafee housing*.

(5) Youth Transition Discretionary Funds. A *child* or *young adult* must be eligible for and receiving skill building services as a prerequisite to eligibility for discretionary fund resources.

(6) Services that may be utilized in the transition to independent living, as appropriate and available, when the *child* or *young adult* meets all other eligibility requirements, include, but are not limited to:

(a) Flex funds as described in Child Welfare Policy I-E.5.4, "Flex Fund";

(b) Payments made for special or extraordinary needs as described in OAR 413-090-0300 to 413-090-0380;

(c) Housekeeping services as described in OAR 413-050-0000 to 413-050-0050;

(d) Supportive or remedial day care as described in OAR 413-050-0200 to 413-050-0280;

(e) Other resources provided through the Department of Human Services such as Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families program benefits, vocational rehabilitation, teen pregnancy prevention, Aging and People with Disabilities, or the Office of Developmental Disabilities Services; and

(f) Other state or community health care programs.

(7) The ILP Coordinator may approve an exception to the eligibility requirements of sections (2), (3), or (4) of this rule when there is a time-limited plan for meeting requirements for eligibility and written documentation why the exception is necessary for the *child* or *young adult* to achieve his or her comprehensive transition plan.

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 418.475

413-030-0430
Youth Transition Services Array
(Amended 11/03/09)

The range of services available through the Department to an eligible *child* or *young adult* transitioning to independent living includes:

(1) Skill building services, which may include the following:

(a) Instruction in basic living skills such as money management, home management, consumer skills, legal issues, parenting, health care, access to community resources, employment readiness, transportation, educational assistance, and housing options;

(b) Educational and vocational training support such as high school diploma or GED preparation, post-secondary education and academic support, job readiness, and job search assistance and placement programs;

(c) Training, workshops and conferences, individual and group skills building for improved self-esteem and self-confidence, and interpersonal and social skills training and development; and

(d) Development of community networks and supports to transition successfully to adulthood.

(2) The *independent living housing subsidy*.

(3) *Chafee housing*.

(4) Education and training grants to provide assistance with the costs of a post-secondary education or training program.

(5) Youth Transition discretionary funds to provide limited financial assistance in meeting the transition to adulthood.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-030-0445
Development of the Comprehensive Transition Plan
(Amended 10/01/15)

(1) Development of the comprehensive transition plan. The Department must initiate the development of the comprehensive transition plan for a --

(a) *Child* 14 years of age or older and in *substitute care* or a *young adult*; or

(b) *Former foster child* who requests services as described in OAR 413-030-0003 to 413-030-0030 and would benefit from a comprehensive transition plan.

(2) The Department must ensure the comprehensive transition plan includes --

(a) The completion of a life skills assessment, which includes:

(A) Assessment of the skills and readiness of the *child* or *young adult* through interviews with *substitute caregiver*, *parent* or *guardian*, and any other significant adult; and

(B) Completion of a written independent living assessment in the format required by the Department.

(b) The written life skills assessment must include a description of:

(A) The strengths of the *child* or *young adult*; and

(B) His or her need for ongoing skill development in the following ability areas:

(i) Interaction with and connection to adults who can assist in the transition to independent living;

(ii) Transition successfully to independent living;

(iii) Engagement in educational and vocational interests;

(iv) Management of his or her physical and mental health; and

(v) Achievement of residential stability.

(3) After completing the activities in section (2) of this rule, the Department must convene a planning meeting to develop the comprehensive transition plan. The Department must:

(a) Ensure the *child* or *young adult* plays a central role in planning for and participating in the meeting, when developmentally appropriate;

(b) Involve the *child* or *young adult* in determining who may participate in the planning meeting which may include a *parent* or *guardian*, *substitute caregiver*, service providers, a court appointed special advocate, representative of a tribe, the attorney for the *child* or *young adult* or other adults important to the *child* or *young adult*;

(c) At the option of the *child* or *young adult*, involve the two additional members of the case planning team chosen by the *child* or *young adult* as described in OAR 413-040-0010(3)(c); and

(d) If the *child* or *young adult* makes the request, include any additional members the *child* or *young adult* would like to add to his or her comprehensive youth transition planning meeting when it is determined to be in the best interest of the *child* or *young adult*.

(4) The comprehensive transition plan must identify goals and services in each of the following domains:

(a) Education;

(b) Employment;

(c) Health;

(d) Housing;

(e) Life skills;

(f) Supportive relationships;

(g) Community connections; and

(h) Transportation.

(5) The *child* age 14 or older, *young adult*, or *former foster child* must agree to the comprehensive transition plan and the plan is signed by each person who participated in the planning meeting.

(6) A Department supervisor must review and acknowledge the completion of the comprehensive transition plan in the Department's information system.

(7) When a *child* is placed in another state through the Interstate Compact on the Placement of Children (ICPC), and the Department is unable to complete the comprehensive transition planning process as described in this rule, the Department remains responsible

for working with the receiving state and with the *child* in developing a comprehensive transition plan.

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 418.475, 419B.343, 419B.476

413-030-0449
Review of the Comprehensive Transition Plan
(Amended 10/01/15)

(1) The caseworker must monitor the implementation of the comprehensive transition plan and make reasonable efforts to ensure timely and appropriate services identified in the comprehensive transition plan are made available.

(2) The caseworker is responsible for regular review of the goals and services of the comprehensive transition plan during the following contacts:

(a) Monthly face-to-face contacts as required under OAR 413-080-0054; and

(b) The 90-day *case plan* review required under OAR 413-040-0016.

(3) Subsequent to the review of the comprehensive transition plan under subsection (2)(b) of this rule, the caseworker must document in the Department's information system:

(a) The progress in achieving the comprehensive transition plan goals;

(b) Any barriers and plans to address the barriers;

(c) Any changes in the comprehensive transition plan; and

(d) Notification to service providers of changes to the comprehensive transition plan.

(4) The supervisor must review and approve the documentation of the comprehensive transition plan review as a part of the required *case plan* review.

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 418.475, 419B.343, 419B.476

413-030-0454
Benchmark Review of the Comprehensive Transition Plan
(Amended 10/01/15)

(1) For a *child* with a comprehensive transition plan the caseworker must convene a meeting for the purpose of a benchmark review of the comprehensive transition plan six months prior to the *child* reaching 18 years of age.

(a) The meeting must include the *child*, unless the *child* developmentally is unable to participate, and may include a *parent* or *guardian* of the *child*, *substitute caregiver*, court appointed special advocate, the attorney for the *child*, service providers, and others the *child* determines are important to the meeting including, at the option of the *child*, the two additional members of the case planning team chosen by the *child* as described in OAR 413-040-0010(3)(c).

(b) The *child* plays a central role in the meeting appropriate with his or her developmental ability.

(c) At the meeting, the following are determined:

(A) Agreement on the person with decision-making authority for education services for the *child* after the *child* reaches 18 years of age;

(B) Arrangement of sustainable housing, including periods of time the *child* or *young adult* may be on break from college or other residential academic or vocational program after the *child* reaches 18 years of age;

(C) Identification of persons who may provide supportive relationships to the *child* after the *child* reaches 18 years of age;

(D) Identification of community resources available for the special or unique needs of the *child* after the *child* reaches 18 years of age;

(E) A plan for the employment, continued academic or vocational education, or specialized training of the *child* after the *child* reaches 18 years of age;

(F) Agreement on the person with decision-making authority for health and mental health services for the *child* and identification of health, mental health, and dental providers for the *child* after the *child* reaches 18 years of age; and

(G) The plan to meet life skill development needs of the *child* by the time the *child* reaches 18 years of age.

(d) The caseworker must document the determinations made under subsection (c) of this section and the documentation must be signed by the *child*, when

developmentally able to do so, and the caseworker, and may be signed by other persons attending the meeting.

(2) The caseworker's supervisor must review and acknowledge the completion of the benchmark review of the comprehensive transition plan in the Department's information system.

(3) The caseworker must provide a copy of the comprehensive transition plan, including the documentation of the determinations made during the benchmark review of the comprehensive transition plan, to the court at the next scheduled permanency hearing.

(4) Within 90 days prior to the *child's* 18th birthday, the caseworker must review the determinations and plans made during the Benchmark Review with the *child* and, if identified, the two additional members of the case planning team chosen by the *child* as described in OAR 413-040-0010(3)(c). The caseworker reviews the progress made to date and makes any necessary adjustments to the plan.

(5) The caseworker's supervisor must review and acknowledge the completion of the Benchmark Review of the comprehensive transition plan in the Department's electronic information system.

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 418.475, 419B.343, 419B.476

413-030-0456
Health Care Notifications, Credit Reports, and Data Tracking
(Amended 10/01/15)

(1) The Department must notify any *young adult* over 17 years, six months of age in the care or custody of the Department of the following information regarding health care treatment:

(a) The importance of designating another individual to make health care treatment decisions on his or her behalf if he or she becomes unable to participate in such decisions and does not have or does not want a relative who is otherwise authorized under state law to make such decision; and

(b) The option to execute a health care power of attorney, health care proxy, or other similar document recognized under state law.

(2) The Department must ensure any *child* 14 years of age or older and in the care or custody of the Department:

(a) Annually receives a copy of a consumer credit report when one exists; and

(b) Receives some assistance in interpreting the credit report and resolving any inaccuracies in that report.

(3) National Youth in Transition Database (NYTD) Requirements. Beginning October 2010, the Department must collect and track independent living type services and outcome data as follows:

(a) Served population: The Department will report all independent living type services paid for or provided by the Department during the six month reporting periods under the NYTD timelines.

(b) Baseline population: The Department will report outcome data by conducting a survey with every *child* 17 years of age in the care or custody of the Department; and

(c) Follow up populations: The Department will report outcome data by conducting follow up surveys of the young adults surveyed under subsection (b) of this section at ages 19 and 21.

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 418.475, 419B.343, 419B.476

413-030-0460
Requirements at Independence
(Adopted 10/01/15)

(1) At least 60 days prior to the date on which the Department is requesting relief of *legal custody* of a *child* or *young adult* reaching independence, the Department must inform the *child* or *young adult* of:

(a) The date, time, and location of the hearing;

(b) The right to attend the hearing, and the importance of attending; and

(c) The right to request assistance with transportation to and from the hearing.

(2) When the court relieves the Department of the custody of the *child* or *young adult* reaching independence, the Department must provide the *child* or *young adult* with the following written records:

(a) Unless the release is prohibited by law or the law requires the *child* or *young adult* to make a specific request for the records under ORS 432.250 and ORS 109.425 to 109.507, information concerning the case of the *child* or *young adult*, including family and placement history, location and status of each *sibling*, and contact information the *child* or *young adult* may use to seek additional information about his or her case or family history.

(b) Health and education records, including:

(A) Health and immunization records;

(B) Educational summary and records; and

(C) Information on how to identify a Health Care Representative, complete an Oregon Advance Directive, and complete the Former Foster Care Youth Medical Referral Form.

(c) A copy of each of the following, and documentation that each has been provided to the *child* or *young adult* in official form:

(A) The birth certificate of the *child* or *young adult*.

(B) Official proof of the citizenship or residence status of the *child* or *young adult* in a form acceptable to an employer required to verify immigration status.

(C) The social security card, or a copy of the original, of the *child* or *young adult*.

(D) A driver's license or another form of state identification, or a copy of the original, of the *child* or *young adult*;

(E) Where applicable, a death certificate of a *parent* of the *child* or *young adult*.

(F) Written verification of placement in *substitute care* through the Department or one of the federally recognized tribes of the *child* or *young adult* when 14 years of age or older and 18 years of age and younger.

(G) The *child* or young adult's credit report.

(3) When the Department is unable to provide the documentation and information described in section (2) of this rule prior to the court order by which the Department is relieved of *legal custody* of the *child* or *young adult*, the Department must prepare the written records and either deliver them to the *child* or *young adult* or, when the whereabouts of the *child* or *young adult* are unknown, retain the records in the case file of the *child* or *young adult* until requested by the *child* or *young adult*.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005