

**AGENCY PLAN AMENDMENT FOR TITLE IV-E OF THE SOCIAL SECURITY ACT  
FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE  
STATE/TRIBE OF Oregon**

U.S. Department of Health and Human Services  
Administration for Children and Families  
Children's Bureau  
**November 2014**

As a condition of the receipt of Federal funds under title IV-E of the Social Security Act (hereinafter, the Act), the State of Oregon (Name of State/Tribal Agency) submits here a plan for the programs to provide, in appropriate cases, foster care and adoption assistance, and if the State/Tribal agency elects, guardianship assistance, under title IV-E of the Act and hereby agrees to administer the programs in accordance with the provisions of this plan, title IV-E of the Act, and all applicable Federal regulations and other official issuances of the Department. The official text of laws, regulations and official issuances governs, and the State/Tribal agency acknowledges its responsibility to adhere to them regardless of the fact that, for purposes of simplicity, the specific provisions printed herein are sometimes paraphrases of, or excerpts and incomplete quotations from, the full text. Statutory citations refer to provisions in title IV-E of the Social Security Act. Regulatory citations refer to provisions in 45 CFR Parts 1355 and 1356. The State/Tribal agency understands that if and when title IV-E is amended or regulations are revised, a new or amended plan for title IV-E that conforms to the revisions must be submitted.

Federal Regulatory/ Statutory References	Requirement	State/Tribal Regulatory, Statutory and Policy References and Citations for Each
	<b>SECTION 4. GENERAL PROGRAM REQUIREMENTS</b>	
471(a)(29) 475(7)	<p>H. KINSHIP CARE</p> <p>2. Within thirty days after the removal of a child from the custody of the parent or parents of the child, the State/Tribal agency shall exercise due diligence to identify and provide notice to the following relatives: all adult grandparents, all parents of a sibling of the child, where such parent has legal custody of such sibling, and other adult relatives of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family violence, that:</p> <p>a. specifies that the child has been or is being removed from the custody of the parent or parents of the child;</p> <p>b. explains the options the relative has under Federal, State, and local law or Tribal law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;</p> <p>c. describes the requirements under paragraph 471(a)(10) to become a foster family home and the additional services and supports that are available for the children placed in such a home; and</p> <p>d. if the State/Tribal agency has elected to operate a kinship guardianship assistance program, describes how the relative guardian of the child may subsequently</p>	<p>Policy i-E.1.1 Search For and Engagement of Relatives</p> <p>OAR 413-070-072</p> <p>Brochure: Options for Relatives DHS 9360</p> <p>Relative Notification Letters CF264, CF265, CF266, CF267 and CF268</p> <p>2.d, Policy I-E.6.2 Guardianship Assistance OAR 413-070-0949</p> <p>OAR 413-070-0069 and 413-070-0072</p> <p>Secretary of State</p>

<b>Federal Regulatory/ Statutory References</b>	<b>Requirement</b>	<b>State/Tribal Regulatory, Statutory and Policy References and Citations for Each</b>
		Certificate and Order for Filing Temporary Administrative Rules
	<p>Enter into an agreement with the State/Tribal agency under 473(d) to receive the payments.</p> <p>3. The legal guardianship means a judicially created relationship between the child and relative which is intended to be permanent and self-sustaining as evidenced by the transfer to the relative of the following parental rights with respect to the child:</p> <ul style="list-style-type: none"> <li>a. protection;</li> <li>b. education;</li> <li>c. care and control of the person;</li> <li>d. custody of the person; and</li> <li>e. decision making.</li> </ul>	

<b>Federal Regulatory/ Statutory References</b>	<b>Requirement</b>	<b>State/Tribal Regulatory, Statutory and Policy References and Citations for Each</b>
475(12)	<p>O. DEFINITION OF 'SIBLING'</p> <p>For the purposes of the title IV-E of the Act, the term 'sibling' means individual who satisfies at least one of the following conditions with respect to a child:</p> <p>(A) The individual is considered by state/tribal law to be a sibling of the child.</p> <p>(B) The individual would have been considered a sibling of the child under state/tribal law but for a termination or other disruption of parental rights, such as the death of a parent.</p>	<p>ORS 419A.004</p> <p>OAR 413-070-0063(10) &amp; (14)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribal Regulatory, Statutory and Policy References and Citations for Each
	<b>SECTION 6: GUARDIANSHIP ASSISTANCE PROGRAM OPTION</b>	
473(d)(3)(A) 473(d)(3)(C)	<p>A. ELIGIBILITY</p> <p>1. A child is eligible for a kinship guardianship assistance payment if the State/Tribal agency determines that:</p> <ul style="list-style-type: none"> <li>a. the child has been-- <ul style="list-style-type: none"> <li>i. removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and</li> <li>ii. eligible for foster care maintenance payments under section 472 while residing for at least 6 consecutive months in the home of the prospective relative guardian;</li> </ul> </li> <li>b. being returned home or adopted are not appropriate permanency options for the child;</li> <li>c. the child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child; and</li> <li>d. with respect to a child who has attained 14 years of age, the child has been consulted regarding the kinship guardianship arrangement; or</li> </ul>	<p>OAR 413-070-0905, 413-070-0917 and 413-070-0949</p> <p>Secretary of State Certificate and Order for Filing Temporary Administrative Rules</p> <p>Policy I-E.3.6.2 Guardianship Assistance</p> <p>OAR 413-070-0900</p> <ul style="list-style-type: none"> <li>i. OAR 413-070-0917 (1)(c) (B)</li> <li>ii. OAR 413-070-0917 (1)(c) (D)</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribal Regulatory, Statutory and Policy References and Citations for Each
		<p>b. OAR 413-070-0917(1)(c) (C)</p> <p>c. OAR 413-070-0917(1)(c) (F) OAR 413-070-0925(1) and OAR 413-070-0665(2)</p> <p>Policy I-E.3.6.1 Guardianship as a Permanency Plan OAR 413-070-0665(3)(e)</p> <p>d. Policy I-E.3.6.2 Guardianship Assistance OAR 413-070-0929(1)(c)</p>
	2. The child has been placed with a successor guardian named in the guardianship agreement in accordance with 473(d)(3)(C).	<p>Policy I-E.3.6.2 Guardianship Assistance a. OAR 413-070-0917(3)(b)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribal Regulatory, Statutory and Policy References and Citations for Each
		b. OAR 413-070-0917(3)
473(d)(3)(B)	<p>3. Siblings.</p> <p>a. The child and any sibling of the eligible child may be placed in the same kinship guardianship arrangement, in accordance with section 471(a)(31), if the State/Tribal agency and the relative agree on the appropriateness of the arrangement for the siblings; and</p> <p>b. Kinship guardianship assistance payments may be paid on behalf of each sibling so placed.</p>	<p>(note the numbering change from "2. Siblings" to "3. Siblings" - there are no substantive changes to this provision.)</p> <p>Policy I-E.3.6.2 Guardianship Assistance</p> <p>a. OAR 413-070-0917(3)(b)</p> <p>b. OAR 413-070-0917(3)</p>