

Lois Ann Day, Director

Authorized Signature

Number: CW-AR-12-003
Issue Date: 06/01/2012

Topic: Foster Care

Due Date: 06/01/2012

Subject: Child Support Referrals - *RESENDING FOR CLARIFICATION*

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 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): DHS - Child Welfare Workers and Supervisors |

Reason for Action:

Child Welfare's Federal Advocacy & Integrity Unit (FAIU, formerly Federal Compliance Unit) have been in the process of evaluating Child Welfare's Child Support Program. The evaluation began on January 1, 2011 due to a change in management. Unfortunately, the completion of the evaluation was stalled due to the impending and actual implementation of OR-Kids. The evaluation determined the following:

- Child Welfare referred every child to the Division of Child Support (DCS) when a child was placed in a paid foster care placement.
- The Federal Regulation does not require Child Welfare to refer every case to DCS. In fact, the guidance from the Children's Bureau based on the Social Security Act, section 471(a)(17) is:
"To determine if a case is "appropriate" to refer to [DCS], Child Welfare should evaluate it on an individual bases, considering the best interests of the child and the circumstances of the family. For example, is the parent working towards reunification with the child, consistent with the case plan? Would the referral impede the parent's ability to reunify with the child?"
- Approximately 40% of the children referred to DCS had returned home within six months and it takes DCS at least six months to establish a child support order.
- Payment was only received on approximately 30% of the child support orders established. 18% of those were two party cases, which is a child support order already established between the parents and DHS became the payee of the existing child support order.

- DCS is assessed penalties from the federal government if their percentage of child support orders that receive no payment each year is above the national standard. The 70% of Child Welfare cases where payment is never received impacts the State's overall percentage, therefore increasing the penalties which impacts the State's overall budget.

It is clear Child Welfare's Child Support program needs to change based on the results of the evaluation. Unfortunately, the issues surrounding the implementation of OR-Kids and the interface that no longer works between Child Welfare and DCS, as well as a significant restructure of DCS' State Recovery Central Unit (SRCU), the changes have to be implemented in stages:

1. A clean up of all the Child Welfare cases that had been referred to DCS prior to the interface failing. This means any case regardless of whether a child support order was established or not. If a child support order has been established and no payment has been received or if the amount of payment received does not meet the minimum requirement, DCS will review to determine if the referral was appropriate. Based on DCS' review, the DCS staff may need to email the caseworker and ask them three questions (see below).
2. FAIU will be changing the Child Support Referral policy (I-E.7.1). Procedures and some form of training will be created and provided to Child Welfare Staff.
3. A new interface program will be designed that meets the new Child Support program requirements.

Action Required:

Child Welfare case workers will be receiving increased emails from the DCS staff regarding existing foster care cases, asking the following questions:

1. Is reunification still the plan?
2. Is the parent trying to comply (engage) with the agency in order to successfully reunify?
3. Do you believe if DCS were to establish a child support order or enforce an existing order, it would negatively affect or impede the reunification plans?

Following is guidance and information to **CONSIDER** when you (The Caseworker) answer "Question 3". As stated above, federal regulations expect Child Welfare to determine when it is "appropriate" to refer a child welfare case to DCS.

- When answering the question it is important that you address each parent's issues independently.
- Specific information regarding the parent and the child does not have to be provided in the response to DCS' questions. A simple "yes" or "no" to each of them is sufficient.

- If you have any questions regarding how to answer the questions, please contact Dianne Olson or Ramona Kline-Mayes (contact information below).

Work History: Is the parent currently working? Does the parent have prior work history? Does parent have job skills and currently seeking employment (i.e. Jobs Plus program)? Are they getting unemployment? Based on your answer to these questions, what do you think the parent's financial stability will be if they had to pay child support?

Drug & Alcohol Issues: Is the parent involved with any type of treatment (inpatient, out patient, support groups, etc.)? Are they having success? Are they actively participating? Do you see the parent successfully gaining employment and a child support order would not negatively impact stability?

Housing: Do they currently have or are they seeking stable housing? If so, think about the additional expense of rent and then the possibility of child support? Can they maintain housing?

Mental Health issues: Does the parent have a diagnosed mental health issue that does or will prevent employment?

Disability: Even if parent doesn't qualify for Social Security Benefits or APD services, does the parent have the capacity to maintain significant employment to where a child support order will impact stability?

If reunification is no longer the plan and you believe the parent has enough employment stability to pursue child support, it is appropriate to inform the DCS worker or central office to do so. It is important to include the approximate date when permanency will occur. This information will help DCS know whether to pursue child support. If the permanency plan will be accomplished within 6 months, it is not cost effective to pursue establishing a child support order because it takes that much time to finish the child support process.

Field/Stakeholder review: Yes No

If yes, reviewed by:

If you have any questions about this action request, contact:

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|--------------------|--|-------------|--|
| Contact(s): | Dianne Olson - (503) 945-6865 Ramona Kline-Mayes - (503) 945-5661 | | |
| Phone: | | Fax: | |
| E-mail: | Dianne.Olson@state.or.us Ramona.Kline-Mayes@state.or.us | | |