DHS Oregon Department of Human Services

Children, Adults and Families

Information Memorandum Transmittal

Lois Ann Day, Administrator
Office of Safety & Permanency for Children
Authorized Signature

Number: CW-IM-11-009
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Topic: Guardianship

Subject: Procedure to establish guardianship as a plan and guardianship assistance

Applies to (check all that apply):

- ☐ All DHS employees
- ☐ Area Agencies on Aging
- ☒ Children, Adults and Families
- ☐ County DD Program Managers
- ☐ County Mental Health Directors
- ☐ Health Services
- ☐ Seniors and People with Disabilities
- ☐ Other (please specify):

Message:
This memo is intended to clarify the process and forms to be used when requesting approval for guardianship as a permanency plan and when submitting an application for guardianship assistance.

Background:

On June 28, 2011 I-E.3.6.1 Guardianship as a Permanency Plan was released as a final rule set.
On June 30, 2011 I-E.3.6.2 Guardianship Assistance was released as a temporary rule set.

This revision of these rules resulted in a review and revision of the process and forms required to establish guardianship as a plan and guardianship assistance. In addition, efforts have been made to streamline the process to establish guardianship assistance. As a result, the following forms are no longer required and are in the process of being removed from the forms server:

CF 0972 Guardianship Assistance Review Report
CF 0970 Assessment for Guardianship Assistance
CF 0966 Consent of Parent to Guardianship

Process regarding Guardianship as a Primary Plan:

A Child Welfare Program Manager or designee must approve changing a primary plan to guardianship prior to the caseworker seeking approval from the court and following a permanency committee. When the court changes the plan to guardianship prior to the permanency committee and Child Welfare Program Manager or designee approval of the plan change, the caseworker still follows the procedure below to ensure the potential guardian is aware of the duties of a guardian and to ensure that the Department supports the plan.

Below is the process a caseworker follows when requesting approval to change the plan to guardianship:

1. Reviews and complies with I-E.3.6.1 Guardianship as a Permanency Plan.

2. Reviews the CF 0975 Duties of a Guardian and CF 0977 Annual Guardians Report – Court with the potential guardians to ensure they are comfortable with the responsibilities involved in being a guardian.

3. Requests a permanency committee to make a recommendation as to why adoption is not an appropriate plan and how guardianship meets the best interests of the child. The permanency committee is scheduled and held in accordance with I-E.3.6 Legal Permanency, Concurrent Planning, and Use of Permanency Committee.

4. Submits to the permanency committee and the Child Welfare Program Manager or designee, the most recent case plan and any additional information regarding the child and family being considered as the potential guardian family.

5. Ensures appropriate releases of information are on file if protected information is being released to the permanency committee regarding the potential guardian family as the permanency committee may include people not employed by DHS.

6. Ensures the CF 0270 Permanency Committee Form is used to capture both the recommendations of the permanency committee and the decision of the Child Welfare Manager or designee regarding both adoption as an appropriate plan and guardianship meeting the best interests of the child. The CF 270 is also being updated and will capture the changes to this process.

7. Requests a permanency hearing before the court within 30 days of the decision in # 6 above, and provides the court with supporting written documentation regarding the Department's position that guardianship is in the child's best interest and neither placement with parents nor adoption is an appropriate plan.

8. Recommends that the court approve changing the child's permanency plan to guardianship; informs the court whether or not the potential guardian is applying for guardianship assistance; and when guardianship assistance is being requested, informs the court that after the Department has negotiated the amount or type of guardianship assistance with the potential guardian, a subsequent court hearing will be requested in order for the order of guardianship to be entered.

Process regarding Guardianship Assistance:

If Guardianship Assistance will be requested, the caseworker also completes the following:

1. Explains to the potential guardian that a guardianship assistance payment is different from a foster care payment and that this will be a lesser, negotiated amount.

2. Reviews I-E.3.6.2 Guardianship Assistance and when all the eligibility requirements have been met, submits the following to Central Office:

a. CF0969b Guardianship Assistance Application
b. CF0973 Title IV-E Guardianship Assistance Program (GAP) Determination and Title XIX Determination

c. Most recent Case Plan
d. CF 0270 Permanency Committee Form
e. CF 0311G Child Welfare Case Plan Addendum
f. Home Study of the potential guardian
g. Most Recent Home Study Update of the potential guardian
h. Most recent CANS assessment, if applicable
i. Current foster care certificate
j. Copy of court order approving guardianship as a permanency plan
k. Birth certificate of the child
l. If the child or potential guardian is born outside of the US, additional documentation regarding residency status
l. Additional reports regarding the child such as psychological, medical, educational, or mental health assessments

3. When the guardianship assistance agreements have been completed, the Guardianship Assistance Coordinator will notify the caseworker in order for the court hearing to establish the guardianship assistance to proceed.

Additional Information:

1. Coordination throughout the process needs to occur with the assigned Assistant Attorney General to ensure appropriate legal steps are followed regarding the establishment of a guardianship.

2. The memo regarding adoption not being in the best interest of the child will no longer be required provided the Child Welfare Program Manager or designee decision clearly documents the compelling reason why **Adoption is not an Appropriate Plan** and how **Guardianship Meets the Best Interest of the Child** on the CF 270 Permanency Form.

3. The CF 0982 Guardianship Assistance Application Packet Checklist is a tool to assist in gathering documents and submitting documents and is being updated to include the revised requirements.

4. The CF 0978 Letter and Report to the Court will be maintained on the forms server as a document to provide to the court to meet the requirement to report to the court regarding suitability of the potential guardian.

5. With the implementation of OR-Kids, the above information will still be required, but will either be created in or be scanned into OR-Kids. Central office will be notified that the guardianship assistance application is ready for processing when the original application with the potential guardian's signature is received in Central Office. This is the only form that will be sent in hard copy format. Prior to requesting guardianship assistance, the caseworker needs to ensure the information has been scanned into OR-Kids or created and updated in OR-Kids.

6. The Procedure Manual will be updated to include this information. In addition, Adoption Assistance and Guardianship Assistance Coordinators are available to provide local trainings. To request a training, please contact Cathy Reeves at (503)945-6633.

If you have any questions about this information, contact:

Contact(s):	Kathy Prouty or Carla Crane		
Phone:	(503)947-5358 or (503)945-5998	**Fax:**	(503)945-6633

E-mail:	Kathy.Prouty@state.or.us Carla.Crane@state.or.us