

<b>Policy Title:</b>	Youth Transitions – OAR		
<b>Policy Number:</b>	I-B.2.3.5 413-030-0400 thru 0460		<b>Effective Date:</b> 1/15/13

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

History

## Reference(s):

- Section 477, Title IV-E of the Social Security Act
- Public Law 106-169, Foster Care Independence Act of 1999, Title I
- 45 CFR Parts 1355, 1356, and 1357
- ORS 418.475

## Form(s) that apply:

- CF 0069 - Transition Readiness Index
- CF 0069a - ILP Comprehensive Transition Plan (T2)
- CF 0069b - ILP Comprehensive Transition Plan (T2)
- CF 0075 - Housing Funding Eligibility Checklist
- CF 0076 - ILP Housing Services Responsibility Agreement
- CF 0077 - ILP Housing Services Budget Worksheet
- CF 0078 - ILP -Youth Transition Funds Request
- CF 0078 - ILP -Youth Transition Funds Request Instructions
- CF 0080 - ILP - Independent Living Program Referral Form
- CF 0080 - ILP - Independent Living Program Referral Instructions
- CF 0080a - ILP OR-Kids Life Skills Serves Information
- CF 0085b - Authorization for Behavior Rehabilitation Services
- CF 0088 - ILP Exception Request Form
- CF 0088 - ILP Exception Request Form Instructions

## Rules:

### **413-030-0400**

#### **Purpose**

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)

### **413-030-0405**

#### **Definitions**

The following definitions apply to these rules (OAR 413-030-0400 to 413-030-0460):

- (1) "APPLA" means Another Planned Permanent Living Arrangement, a *permanency plan* for a stable secure living arrangement for a *child* that includes building relationships with significant people in the child's life that may continue after *substitute care*. APPLA is the least preferred *permanency plan* of the four *permanency plan* options for a *child* and is appropriate only in very limited circumstances.
  - (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) "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.
- (7) "GED" means a General Educational Development certificate issued pursuant to ORS 326.550.
- (8) "Guardian" means an individual who has been granted guardianship of a child through a judgment of the court.
- (9) "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.
- (10) "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.
- (11) "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.
- (12) "Permanency plan" means a written course of action for achieving safe and lasting family resources for the *child* through the parents, relatives, or others who may assume legal responsibility for the *child* during the child's remaining years of dependency and be accessible and supportive to the *child* when the *child* is 18 years of age or older.
- (13) "Registered domestic partner" means an individual joined in a civil contract entered into in person between two individuals of the same sex who are at least 18 years of age, who are otherwise capable and at least one of whom is a resident of Oregon.

- (14) "Sibling" means one of two or more children or young adults related:
- (a) By blood or adoption through a common legal *parent*;
  - (b) Through the marriage of the children's or young adults' legal or biological parents; or
  - (c) Through a legal or biological *parent* who is the *registered domestic partner* of the child's legal or biological parent.
- (15) "Substitute care" means the out-of-home placement of a *child* or *young adult* who is in the legal or physical custody of the Department.
- (16) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.010, 418.005, 418.475

#### **413-030-0410** **Eligibility for Youth Transition Services**

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:
    - (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 and education activities;
    - (D) Have had at least one prior *substitute care* placement; and

- (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; and
    - (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 Child Welfare Policy I-E.5.4, "Payments for Special and/or Extraordinary Needs" OAR 413-090-0300 to 413-090-0380;
  - (c) Housekeeping services as described in Child Welfare Policy I-C.1, "Housekeeping Services" OAR 413-050-0000 to 413-050-0050;
  - (d) Supportive or remedial day care as described in Child Welfare Policy I-C.3.1, "Supportive and Remedial Day Care" 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, Seniors and People with Disabilities Division Developmental Disability 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**

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**

- (1) Development of the comprehensive transition plan. The Department must initiate the development of the comprehensive transition plan for a --
  - (a) *Child* 16 years of age or older and in *substitute care* or a *young adult*;
  - (b) *Child* 14 years of age or older with an APPLA; or

- (c) *Former foster child* who requests services as described in Child Welfare Policy, I-B.2.3.1, "Family Support Services" OAR 413-030-0000 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; and
- (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, other adult important to the *child* or *young adult*, service providers, a court appointed special advocate, representative of a tribe, or the attorney for 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 and community connections; and
  - (g) 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**

- (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 Child Welfare Policy I-B.3.1, "Developing and Managing the Case Plan" 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**

- (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.
  - (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 (1)(c) of this rule 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.

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**

- (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 16 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**

- (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 432.420, 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; and
  - (B) Educational summary and records.
- (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*; and
  - (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.
- (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

### **Contact(s):**

- **Name:** Aj Goins; **Phone:** 503-945-6897

## **Policy History**

- [01/22/02](#)
- [05/06/02](#)
- [09/01/09 thru 11/02/09](#)
- [11/03/09](#)

Prior Version