

	<b>Department of Human Services CHILDREN, ADULTS &amp; FAMILIES</b>  <b>CLIENT SERVICES MANUAL I</b> <b>ISSUED BY:</b> Office of Program Performance & Reporting <b>EFFECTIVE DATE:</b> <b>April 1, 2004</b>	<b>NUMBER:</b> I-E.3.6.2 <b>OAR:</b> 413-070-0900 thru 0982
		<b>SECTION:</b> E. Substitute Care 3. Placement Expectations
		<b>SUBSECTION:</b> 6. Achieving Permanency
<b>SUBJECT:</b> 2. Guardianship Assistance - Oregon Administrative Rules		

Responsible Manager: Administrator,  
Office of Program  
Performance and Reporting

Approval: \_\_\_\_\_  
Administrator,  
Office of Program  
Performance and  
Reporting

Interpretation: Title IV-E Waiver Manager and  
Guardianship Assistance Coordinators

**REFERENCES:** Public Law 103-432  
Child Welfare Policy I-E.5.5, Payment for Direct Client Legal  
Services

Title IV-B  
Title IV-E  
Indian Child Welfare Act  
Child Welfare Policy I-E.2.1, Placement of Indian Children  
ORS 125.300 - 125.325  
CF 0970 "Comprehensive Assessment for Guardianship  
Assistance"  
CF 0971 "Guardianship Assistance Agreement"  
CF 0972 "Guardianship Review Report"  
CF 0973 "Guardian Assistance Application, Title IV-E Guardian  
Assistance Determination"  
CF 0974 "Guardian Assistance Application, Family Information"  
CF 0975 "Legal Duties of a Guardian Information"  
CF 0976 "Choices Chart"  
CF 0977 "Annual Guardian's Court Report"  
PAM 9702 "Subsidized Guardianship Brochure"  
"Procedures for Approval for Participation in the Guardianship  
Assistance Demonstration Project"

**413-070-0900**  
**Purpose**

- (1) The State of Oregon, Department of Human Services (the Department) received federal approval in July, 1999 from the Department of Health and Human

Services (HHS), Administration for Children and Families, to operate a Guardianship Assistance demonstration project pursuant to Section 1130 of the Social Security Act (the Act); Titles IV-E and IV-B of the Act; and Public Law 103-432. HHS reserves the right to withdraw the approval for Oregon to operate this project. Tribal participation is described below in OAR 413-070-0917. Under the Title IV-E waiver demonstration project, relatives and foster parents who are providing care for certain children meeting specific eligibility criteria and in the custody of the Department may have an opportunity to assume a complete parenting role by becoming the child's legal guardian. The Guardianship Assistance program, modeled after the Federal Adoption Assistance Program, creates another permanency option for children. Many caretakers making a permanent commitment to children in their care will benefit from the financial and medical assistance offered under the demonstration project.

- (2) The purpose of these rules (OAR 413-070-0900 to 413-070-0982) is to set forth criteria used to determine eligibility for a subsidized guardianship as a permanency planning option for children in substitute care. Adoption is usually the preferred permanent plan when children cannot successfully be reunited with their parents, but this choice is not viable for all. The Department is expanding the choices for children and families to include the establishment of legal custody and guardianship for children for whom adoption does not best serve the permanency needs of the child.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-070-0905**

##### **Definitions**

For the purpose of these rules:

"Guardianship Assistance" means financial or medical benefits to guardian families for costs associated with the needs of the child under their guardianship. Benefits may be in the form of cash or Medicaid coverage or nonrecurring legal costs in establishing the guardianship or Title XIX Personal Care payments.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

**413-070-0910****Values**

- (1) The protection and safety of a child are always the first priorities. Services are child centered and family focused.
- (2) The Department supports permanency for children and recognizes that sometimes neither family reunification nor termination of parental rights and adoption best serve the permanency needs of the child.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

**413-070-0915****Eligibility**

- (1) Under the Title IV-E waiver, federal terms and conditions, and state legislative approval, the Department operates a guardianship demonstration project providing guardianship assistance to eligible children. Children in foster care for whom the Department is making a IV-E foster care maintenance payment (including children in tribal custody) may participate in the project. Children in foster care are ineligible to participate in the project when responsibility for their substitute care placement or Title XIX maintenance payment rests with the county mental health or developmental disability system.
- (2) Under the terms and conditions of the Guardianship Assistance demonstration project, children and their caretakers must meet the State-established criteria to participate in the demonstration.
- (3) There is no limit to the number of eligible children who may participate in the Guardianship Assistance demonstration project. However, the project is time-limited. Should federal funding end, children found eligible for and receiving Guardianship Assistance prior to the termination of the demonstration project will continue to be eligible for the program, which will be funded without federal participation if necessary.
- (4) The Department offers this permanency option only if other permanency goals, including a return to the parents or adoption, are determined not to be in the child's best interests. The Department represents the guardianship option to

families as one that will normalize and stabilize family life, empower care givers in assuming the complete parenting role, and minimize the level of state intrusion into their lives. For example, because the children will no longer be committed to the custody of the Department, the care givers will no longer be required to get permission from the Department local office to take the child out-of-state for any reason.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-070-0917**

##### **Eligibility For Tribal Participation**

A child eligible for benefits under Title IV-E who is in the legal care and custody of a tribe having a Title IV-E agreement with the Department may be considered for participation in the Title IV-E Guardianship Assistance demonstration project. The following policies apply to tribal children:

- (1) A tribal child of any age in the legal care and custody of the tribe in a related or unrelated certified foster home may be considered for participation in the Guardianship Assistance demonstration project.
- (2) A foster home certified by the tribe that meets tribal standards for a licensed foster home is considered to meet the Department's licensing requirements.
- (3) The tribe must make a separate visit to the home to conduct a specialized guardianship study of the Department's design to assess whether continual placement with the current care giver as the child's legal guardian is in the best interests of the child and meets the child's needs for safety and permanency.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-070-0920**

##### **Policy**

The Department will determine the child's eligibility for Title IV-E foster care maintenance payments commencing the first of the month prior to the month in which

the prospective guardian signs the application for guardianship assistance through the date the application was signed. The Department or a participating tribe may consider a legal guardianship as a permanent plan for a child provided the following conditions are met:

- (1) The child has been in the Department's or the participating tribe's legal custody for more than twelve months. The Department will waive this requirement in certain situations, when a written justification meeting the requirements of OAR 413-110-0330 is prepared by the Department's local office or by the tribe. The justification for an exception must be reviewed and approved by the Department local Branch Permanency/Adoption Committee or tribal committee and the Department local Child Welfare Program Manager or tribal manager. Final approval to waive this requirement must be obtained from the Department's Adoption Services Manager or the manager's designee.
- (2) The child is in foster care and receiving a Title IV-E foster care payment or the child is in foster care and is—
  - (a) A child temporarily ineligible for benefits under Title IV-E because of the receipt of a lump-sum benefit. The child may be eligible for assisted guardianship once the lump sum is expended;
  - (b) A child for whom Title IV-E payments are being made while an SSI application is pending; or
  - (c) A child eligible for Title IV-E foster care payments whose SSI has been terminated.
- (3) The child has a stable and positive relationship with a prospective guardian and has lived for at least six months in the home of the prospective guardian. The Department's Adoption Services Manager may waive the six-month placement requirement for sibling groups if at least one sibling meets all other eligibility criteria for subsidized guardianship.
- (4) The prospective guardian is an approved certified relative or provider or an approved certified foster parent who meets the certification requirements in OAR 413-100-0040.

- (5) The child's prospective guardian is a relative or, if the prospective guardian is not a relative, the child has reached the age of 12. The Department will waive the age requirement for:
- (a) The members of a sibling group placed with a non-relative if at least one sibling is 12 years of age or older and meets all other subsidized guardianship criteria.
  - (b) Children of any age in the legal care and custody of the Confederated Tribes of the Warm Springs Reservation, Confederated Tribes of Grande Ronde, Confederated Tribes of Siletz Indians, or the Coquille Indian Tribe; these tribes have a Title IV-E intergovernmental agreement with the Department.
  - (c) ICWA-identified children in the care and custody of the Department if the tribe supports and approves the plan of guardianship with the current caretaker.
- (6) The child cannot safely return home. This requirement is met if reunification with the child's parents is not possible and the Department has determined through a Branch Permanency/Adoption Committee or Council review that adoption is not an appropriate plan (see OAR 413-110-0300 to 413-110-0360 and OAR 413-110-0200 to 413-110-0252).
- (7) The Department and the prospective guardian agree that the child and the prospective guardian can maintain a stable relationship and function effectively without Department supervision.
- (8) A Department committee has formally assessed the placement and has found that continuation of the placement is in the child's best interests because the placement supports the safety, permanency, and well-being of the child.
- (9) The child has no ongoing care or financial needs beyond basic maintenance and does not require the services of a case manager; the child has needs, but they do not require continued agency funding (for instance needs covered by insurance); or the child has needs that can be met through the guardian's use of community resources and the guardian has agreed to access or continue to use those services.

- (10) (a) The parents or other persons legally recognized and identified as having a parental relationship with the child have provided written consent to the establishment of a guardianship;
- (b) The Department—
- (A) Has obtained a relinquishment or termination of parental rights;
  - (B) Has provided notice to the legally recognized non-consenting parents of the permanency plan or guardianship;
  - (C) Has conducted a reasonable and prudent search to locate and notify the legally recognized parents; or
  - (D) Has obtained a death certificate.
- (11) A court order terminates the order for Department or tribal care, custody, and supervision in the guardianship order.
- (12) A court sets aside or modifies an order of permanent commitment to the Department, thereby relieving the Department of its responsibility for the child, including the case in which a birth parent has voluntarily relinquished custody so that guardianship may be granted to another individual.
- (13) The child has legal resident status, or is an immigrant or citizen of the United States, and is under the care of a relative caretaker who is residing in this county legally.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-070-0925**

#### **Guardian Family Requirements**

In order for the Department to approve a potential guardian family for Guardianship Assistance, the family must:

- (1) Include a certified foster parent who is providing care to a child being considered for participation in the demonstration project. The foster parent must have a

- strong commitment to the child, be a safe and suitable placement, and meet agency standards for ongoing care of the child as determined by a family study or specialized guardianship assessment.
- (2) Include a foster parent or relative care giver who has demonstrated the commitment and ability necessary to provide a safe, permanent home for the child for at least the past six months as verified through a guardianship assessment.
  - (3) Require no significant ongoing case-work services at the time the guardianship is established and demonstrate an ability to safeguard the welfare of the child, including protection from all persons and situations that brought the child into care.
  - (4) Have a means of financial support and connections to community resources.
  - (5) Agree to comply with the requirements of the Child Support Program, for instance by:
    - (a) Submitting an application for child support services in connection with each of the child's parents.
    - (b) Upon obtaining the right to receive child support, assigning to the Department the right to receive:
      - (A) Current support payments;
      - (B) All support payments that accrue before or after the child is placed with the guardian; and
      - (C) All support payments that are required by a subsequent order of child support.
    - (c) Cooperating with the Division of Child Support and the Department as required by the rules of the Child Support Program.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

**413-070-0930****Guardianship Assistance Payments and Medical Coverage**

- (1) The Guardianship Assistance rate cannot exceed the sum of the child's most recent monthly basic foster care rate and Title XIX personal care rate minus any regular monthly benefit other than child support payments made on behalf of the child. A child residing outside Oregon may receive a payment based on the out-of-state basic foster-care rate.
- (2) The child's eligibility for Title XIX personal care payments and services continues while the child remains eligible, but the amount of the personal care payment is subject to reduction if the need for hours of personal care has decreased.
- (3) The Department will not authorize a special one-time payment or a monthly special care rate other than the Title XIX personal-care payment.
- (4) The guardianship assistance payment is established and paid as follows:
  - (a) The Department considers all sources of income, except child support payments, that are available to the child when determining the monthly assistance rate.
  - (b) The guardian must become payee for any benefits the child receives other than child support payments, except that the guardian may assign to the Department benefits received irregularly by the guardian to avoid adjustments in the Guardianship Assistance benefits.
  - (c) The guardianship assistance payment is calculated by taking the difference between the child's benefit income, which does not include child support payments, and the most recent payment for foster care and personal care payment. For example, if the child receives Social Security benefits, that income is deducted from the total standard basic rate and personal care rate when determining the amount of the guardianship assistance payment.
  - (d) The Guardianship Assistance monthly benefit is contingent upon the guardian's compliance with the requirement to cooperate with the Division of Child Support and in doing what it or the Department deems necessary with respect to child support enforcement services. The Department may

terminate or suspend benefits effective the date the Department determines the guardian has failed to comply.

- (5) An eligible child participating in this waiver demonstration receives a full range of services under the Medicaid program, which includes health care services and mental health care services. A child who moves out-of-state is entitled to continue to receive Medicaid services from the Department.
- (6) The effective date of services is the date all parties have signed the guardianship assistance agreement or the date of the court order of guardianship, whichever is later. It is expected that a court order will not be obtained before the case is approved by the Department's central office for Guardianship Assistance.
- (7) If a child receiving guardianship assistance benefits is placed in substitute care, the Department will evaluate the change in circumstances and will adjust the guardianship assistance benefits if appropriate. If the family is involved in the child's treatment, and the plan is for the child to return home, the family may ask to have the guardianship assistance benefits suspended, continued, or adjusted to reflect current expenses. If the child returns to the care of the guardian, the Department reviews the guardianship assistance rates.
- (8) A guardianship assistance payment to a legal guardian who was a Department-certified foster parent for the child prior to becoming a court-designated guardian is inalienable, may not be assigned or transferred, and is exempt from execution, levy, attachment, garnishment, and other legal process under the laws of Oregon.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-070-0935**

##### **The Agreement**

- (1) Before a family may receive guardianship assistance benefits, there must be a written guardianship assistance agreement between the Department and the guardian for the financial support of the child in question. The agreement must:
  - (a) Include the consent of the guardian.

- (b) List the monthly benefit the Department is offering.
- (c) Include the guardian's consent to and acceptance of the monthly cash benefit the Department is offering.
- (d) Include the guardian's understanding that the benefit may not be greater than the basic foster care rate and personal care payment last paid while the child was in foster care; that no retroactive basic rate payment increase may be authorized; and that an increase in assistance payments is effective the first day of the month in which the request for benefits is made.
- (e) Include a statement that the guardian understands that the benefit may be adjusted on an annual basis based upon an agreement between the agency and the guardian.
- (f) Include a provision for a reduction to the guardian assistance payment in the event a legislative or executive branch action affecting the Department's budget or expenditure authority makes it necessary for the Department to implement budget reductions to the Guardian Assistance Program.
- (g) Include the guardian's understanding that the guardian is required to submit an application for child support enforcement services from each of the child's parents.
- (h) Include a statement that the guardian understands that the guardian, upon acquiring the right to receive child support, is required to assign to the Department the right to receive:
  - (A) Current support payments;
  - (B) Support payments that accrue before or after the child was placed with the guardian; and
  - (C) Support payments that are imposed by a subsequent order of child support.

- (i) Include a statement that the guardian understands that the guardian is required to cooperate with the Division of Child Support and the Department as required by the rules of the Child Support Program.
  - (j) Include a statement that the guardian understands that the basic guardianship assistance monthly payment is contingent upon the guardian's cooperation with the requirements of the Child Support Program.
- (2) The agreement also provides that each child for whom the Department is providing a benefit remains eligible for medical assistance when a guardianship is established.
  - (3) The Department maintains the written agreement between the Department and the guardian according to the Department's policy in effect at the time the guardianship is established.
  - (4) The Department reviews each guardianship agreement annually.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-070-0937**

##### **Court Orders**

- (1) At the guardianship hearing the case worker must ask the court to issue a guardianship order. The caretaker is ineligible for foster care payments once guardianship is effective and the Department's custody is terminated.
- (2) Guardianship Assistance may be approved whether the order of guardianship is permanent or temporary and whether it is ordered by the juvenile court or probate court.
- (3) The Department will not approve guardianship assistance if the court establishes guardianship and orders the Department to continue supervision of the child or guardian.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

**413-070-0940****Title IV-E Guardianship Assistance Eligibility**

- (1) The Department administers the Guardianship Assistance program in order to provide continued financial support for children placed with financially needy appointed guardians.
- (2) The guardianship appointment, monthly subsidy, and services continue without court involvement. The Department terminates or suspends, as appropriate, guardianship assistance payments on the day one of the following conditions occurs:
  - (a) The child reaches age 18 or is emancipated, whichever comes first.
  - (b) Child custody or guardianship is awarded to another individual.
  - (c) The child dies.
  - (d) The child marries.
  - (e) The guardian dies or terminates the guardianship.
  - (f) The child is adopted.
  - (g) The child is placed in substitute care.
- (3) The Department may terminate or suspend, as appropriate, guardianship assistance payment if—
  - (a) The child is incarcerated for more than 30 days;
  - (b) The child is out of the home for more than a 30-day period or is no longer living in the home;
  - (c) The guardian is no longer legally responsible for the financial support of the child or the child is no longer receiving financial support from the guardian; or

- (d) The annual report required by OAR 413-070-0945 is not filed with the Department within 30 days of the anniversary date of the court's appointment of the guardians.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-070-0945**

##### **Annual Reviews of Eligibility and Reports to the Court**

- (1) The Department must review a child's eligibility for Guardianship Assistance on an annual basis. In connection with the review, the guardian must file a written report with the court within 30 days after each anniversary of the court appointment of guardianship and must submit a copy of the report to the Department's central office Adoption Services Unit within 30 days after each anniversary date of the court's appointment of guardianship.
- (2) The Department holds the guardianship assistance check if the guardian does not submit to the Department the report required by section (1) of this rule.
- (3) The Department assesses children receiving Guardianship Assistance payments for personal care annually in the local office. The assessment is conducted by a registered nurse. Personal care assessments are not conducted more frequently than annually except under unusual circumstances. Upon receiving a request from the central office Adoption Services Unit, the registered nurse who provides the personal care services must complete and submit to the central office Adoption Services Unit an assessment of the child's current personal care needs.
- (4) The basic Guardianship Assistance rate does not automatically increase. A guardian may request an increase in the child's subsidy up to the current rate of pay for the child's age, or up to the current rate of pay given cost of living increases or other legislatively approved increases for the basic foster care. A retroactive basic rate increase may not be authorized for a period ending prior to the first day of the month in which the request is made.
- (5) The Department may adjust the Guardianship Assistance benefit when income used to calculate the basic Guardianship Assistance monthly payment changes.

- (6) A review of the child's eligibility is not required for 12 months after the guardianship assistance application is signed, and during this time period it is not necessary to confirm that the child continues to be deprived of parental support as long as the child meets all other eligibility requirements to receive Guardianship Assistance.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-070-0950**

##### **Eligibility Retention**

A child eligible for guardianship assistance may remain eligible, if removed from the guardianship, according to the following provisions:

- (1) If a child eligible for guardianship assistance is removed from the guardianship placement and placed in foster care, the Department reviews continued eligibility for Title IV-E foster care based on the child's deprivation of parental support and the child's financial circumstances. The guardian's income is not considered during this review, nor is the guardian obligated to pay child support upon the child's return to substitute care. Eligibility for Title IV-E benefits may be re-established based on the child's original removal from the parental or relative home if the child continues to be deprived of parental support; the child meets personal financial eligibility criteria; and all court-related findings related to an initial removal are met.
- (2) A child previously determined eligible for Guardianship Assistance who subsequently is placed in foster care but is then removed from foster care remains eligible for Guardianship Assistance without regard to whether the child is deprived of parental support at the time of child's return to the guardian's care and without regard to the child's eligibility status while in foster care.
- (3) A child moving from Guardianship Assistance to adoption remains eligible for Title IV-E adoption assistance.
- (4) The Department does not re-establish the dependency of a child placed into guardianship under this demonstration project unless the Department determines there is cause for removal from the guardian's home due to abuse or neglect or unless the Department would otherwise re-establish dependency for reasons

unrelated to the expiration of the waiver or the termination of this demonstration, such as a change in the care giver's circumstances that leaves the care giver unable to care for the child.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-070-0955**

##### **Guardian Responsibilities for Agency Notification**

The guardian of a child receiving Guardianship Assistance benefits must notify the Department central office responsible for guardianship assistance or adoption assistance if:

- (1) A change in circumstances indicates that there is no longer a need for Guardianship Assistance.
- (2) The guardian has a change of address.
- (3) The guardian is planning to move out-of-state.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-070-0960**

##### **Vendor Attorney and Legal Payments**

- (1) The Department pays for some costs incurred in the establishment of a court-appointed guardian of a child (see OAR 413-090-0500 to 413-090-0550, "Payments for Providing Direct Client Legal Services").
- (2) The local Department office may authorize payment for reimbursement of or payment for the cost to publish notice of the agency's intent to establish guardianship for absent parents.
- (3) The local Department office may not authorize payment for legal services provided in connection with a contested case.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-070-0965**

##### **Selection Criteria**

- (1) The Department does not impose a means test for prospective guardians with respect to Guardianship Assistance benefits or for the selection of a guardian.
- (2) Participation by a family in the demonstration is not mandatory.
- (3) In the demonstration, members of a sibling group are placed together unless the local Department office explicitly determines that it is not in the best interests of the children to be placed together.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-070-0970**

##### **Guardianship Social Services and Supports**

- (1) The Department provides care takers a range of services before a guardianship is established. The Department provides an orientation to the family to assure that all family members understand the benefits and responsibilities of all participants in the guardianship demonstration project. The orientation may include biological and legal parents when possible, particularly when the intra- and inter-familial tensions between the birth parent and care givers affect the child's and family's well-being.
- (2) Guardians have the same access to local Department services after the guardianship has been established as do adoptive parents, including access to the Oregon Post Adoption Resource Center, or other contracted resource center, and crisis intervention services.
- (3) Upon the establishment of a guardianship, the caseworker must have an exit conference with the guardian family and the child and must ensure the guardian family has phone numbers to call for services, if needed. The caseworker must advise the guardian family to call Intake Screening to request services in the

county in which they reside. The case worker must explain that requesting services does not place the guardianship in jeopardy. In the closing casework narrative, the caseworker must document that the family has been informed of their rights and responsibilities and their right to access to post-guardianship services.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-070-0980**

##### **Budgetary Reductions of Guardianship Assistance**

- (1) If a legislative or executive branch makes it necessary for the Department to reduce funding for the Guardianship Assistance Program, the Department notifies recipients of Guardianship Assistance of the following:
  - (a) The reason for the reduction.
  - (b) The percentage or amount that the Guardianship Assistance will be reduced.
  - (c) The effective date of the reduced Guardianship Assistance payment.
- (2) Reductions to Guardianship Assistance payments:
  - (a) Are applied uniformly to all recipients of Guardianship Assistance.
  - (b) Are not subject to negotiation between the Department and the guardian family.
  - (c) Do not constitute a change in circumstances warranting a change in the recipient's Guardianship Assistance benefits.
- (3) It is the intent of the Department to restore as much as possible any reduction of Guardianship Assistance described in section (1) of this rule. In that event, the Department notifies recipients of Guardianship Assistance of the percentage of or amount of the increase and the effective date of the increase.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

**413-070-0981**  
**Rate Changes**

- (1) Effective February 1, 2003, the monthly payments payable under all Guardianship Assistance agreements in effect on January 31, 2003, are reduced as follows:
- (a) A 7.5 percent reduction to the base rate of Guardianship Assistance payments is applied uniformly to all recipients of Guardianship Assistance. Oregon's new monthly basic rates are:
    - (A) Child's Age -- 0-5 -- 6-12 -- 13-18;
    - (B) Base rate -- \$350 -- \$364 -- \$449.
  - (b) The Personal Care Rate portion of Guardianship Assistance, which provides payment for additional support and supervision of the child, is reduced by ten percent to \$4.15 per hour.
- (2) Effective November 1, 2003, the monthly payments payable under all Guardianship Assistance agreements in effect on October 31, 2003, are changed as follows:
- (a) An 8.108 percent increase to the base rate of Guardianship Assistance payments is applied uniformly to all recipients of Guardianship Assistance. Oregon's new monthly basic rates are:
    - (A) For children under six years of age—\$378.
    - (B) For children who have reached six years of age but are under the age of 13—\$393.
    - (C) For children who have reached 13 years of age but are under the age of 19—\$485.
  - (b) A 2.444 percent increase to the Personal Care Rate portion of Guardianship Assistance, which provides payment for additional support

and supervision of the eligible child. This rate is increased to \$4.61 per hour.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-070-0982**

##### **Fair Hearings**

Guardians, recipients of guardianship assistance, and applicants for guardianship assistance are entitled to the opportunity for hearing as provided in ORS 183.310 to 183.550 concerning disputes that arise in the administration of the subsidized guardianship program.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005