

Policy Title:	Guardianship Assistance – OAR		
Policy Number:	I-E.3.6.2 413-070-0900 thru 0970		Effective Date: 9/28/09

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

History

Reference(s):

- Title IV-E Waiver Terms and Conditions
- Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law (P.L.) 110-351)
- ACYF-CB-PI-08-05
- ACYF-CB-PI-08-007 Program Instruction for P.L. 110-351
- I-A. 5.1 Contested Case Hearings

Form(s) that apply:

- CF 803 – CANS Results (Ages 0 to 5)
- CF 804 – CANS Results (Ages 6 to 20)
- CF 0966 - Consent of Parent to Guardianship
- CF 0967a - Letter to Relative Regarding Use of Vendor Attorney
- CF 0967B - Guardianship Assistance Legal Fee Agreement
- CF 0967C Attorney Agreement to Accept DHS Rate of Reimbursement
- CF 0970 - Assessment for Guardianship Assistance
- CF 0971 - Guardianship Assistance Agreement
- CF 0972 - Guardianship Review Report
- CF 0973 - Guardianship Assistance Application - Title IV-E Determination
- CF 0974 - Guardianship Assistance Application - Family Information
- CF 0975 - Duties of a Guardian
- CF 0977 - Annual Guardian's Court Report
- CF 0976 - Choices Chart
- PAM 9702 - pamphlet on Subsidized Guardianship

Rules:

413-070-0900

Purpose

The purpose of these rules, OAR 413-070-0900 to 413-070-0970, is to describe the Department responsibility to determine eligibility for *guardianship assistance* for a *child* in Oregon. *Guardianship assistance* for a *child* from another state placed with a guardian in Oregon is the responsibility of the sending state.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-070-0905

Definitions

The following definitions apply to OAR 413-070-0900 to 413-070-0970:

- (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) "Certified family" means an individual or individuals who hold a current Certificate of Approval from the Department to provide care, in the home in which he or she resides, to a *child* or young adult in the care or custody of the Department.
- (3) "Child" means a person under 18 years of age.
- (4) "Court" means a Circuit Court for the State of Oregon with jurisdiction to order and monitor a legal guardianship of a *child*.
- (5) "Enhanced supervision" means the additional support, direction, regulation, and guidance provided to a *child* or young adult.
- (6) "Guardianship assistance" means financial assistance or medical benefits to a child's guardian on behalf of an eligible *child* under guardianship. Benefits may be in the form of a monthly *guardianship assistance payment*, Medicaid coverage, and nonrecurring legal costs incurred in establishing the guardianship.
- (7) "Guardianship assistance payment" means a monthly cash payment made by the Department to the guardian on behalf of the eligible *child*.
- (8) "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.

- (9) "Permanency Committee" means a group of three individuals, responsible for making a decision regarding a child's permanency plan when the *child* likely is not returning to his or her *parent*.
- (a) The committee must:
- (A) Include two Department staff and may include a community partner, all of whom are approved by the District Manager or designee; and
 - (B) When the *child* is an ICWA *child*, and a *Permanency Committee* is appropriate, identify an individual from a federally recognized *tribe* as one of the three individuals on the committee; and
 - (C) Have an identified chairperson approved by the District Manager or designee.
- (b) The *Permanency Committee* members must:
- (A) Be knowledgeable of permanency issues;
 - (B) Be knowledgeable of the importance of cultural connections;
 - (C) Have no personal or professional relationship to the *child* or prospective placement resource; and
 - (D) Represent multiple child welfare offices.
- (10) "Qualified alien" means, but is not limited to, a permanent resident, an asylee, or a refugee under 8 USC 1641(b), as described in OAR 413-130-0045.
- (11) "Relative" means a specified *relative* as defined in Child Welfare Policy I-E.6.1, "Title IV-E Foster Care and General Assistance" OAR 413-100-0000 to 413-100-0320.
- (12) "Substitute care" means the out-of-home placement of a *child* or young adult who is in the legal or physical custody and care of the Department.
- (13) "Tribe" means a federally recognized Indian *tribe* in Oregon with a Title IV-E agreement with the Department.
- Stat. Auth.: ORS 418.005**
Stats. Implemented: ORS 418.005

413-070-0909

Funding of Guardianship Assistance

- (1) Non-relative *guardianship assistance* established under the Title IV-E Waiver Project is funded by Title IV-E waiver funds until the waiver expires or is terminated. At that time the Oregon general fund provides monies for any current and new non-relative guardianship.
- (2) Effective July 1, 2009, newly established *relative caretaker guardianship assistance* is funded with Guardianship Assistance program funds as authorized by the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351).
- (3) Funding of *relative caretaker guardianship assistance* established under the Title IV-E waiver project between January 1, 2009 and June 30, 2009 is transferred from the Title IV-E waiver project to the Guardianship Assistance program as authorized by the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351).

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-070-0915

Child Title IV-E Eligibility for Guardianship Assistance

- (1) A *child* is eligible for *guardianship assistance* if --
 - (a) The Department determines other permanency options, return to a *parent* or adoption, are not in the child's best interest or an existing APPLA plan is determined to no longer be in the child's best interest; and
 - (b) But for receipt of SSI, the *child* was eligible for Title IV-E maintenance payments for the past six consecutive months while residing in the home of the prospective guardian.
- (2) A *child* eligible for *guardianship assistance* remains eligible when the *child* is placed in *substitute care* and subsequently returns to the guardian. The *child* remains eligible for *guardianship assistance* without regard to whether the *child* is deprived of parental support at the time of the child's return to the guardian's care and without regard to the child's eligibility status while in *substitute care*.
- (3) A *child* not eligible for Title IV-E is eligible for *guardianship assistance* if he or she has a sibling who is a Title IV-E eligible *child* in an assisted *guardianship* with the same guardian.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-070-0917

Child Eligibility When in the Care and Custody of a Tribe

In addition to the other Guardianship Assistance program criteria under these rules, OAR 413-070-0900 to 413-070-0970, the following requirements apply to a *child* in the care and custody of a *tribe*:

- (1) A *child* eligible for benefits under Title IV-E in the legal care and custody of a *tribe* is eligible for *guardianship assistance*.
- (2) A *child* receiving a Title IV-E payment in the legal care and custody of a *tribe* and placed with a *certified family* is eligible for *guardianship assistance*.
- (3) A *child* living in a foster home certified by a *tribe* and meeting the standards of the *tribe* for a licensed foster home is eligible for *guardianship assistance*.
- (4) When a *child* is in the legal care and custody of a *tribe* and in a guardianship authorized by the *tribe*, there must be tribal agreement to--
 - (a) Conduct and prepare a written home study, of the Department's design, of the guardian; and
 - (b) Document how continued placement in a guardianship is in the best interests of the *child* and meets the child's needs for safety and permanency.
- (5) If the *tribe* reestablishes custody of a *child* in a guardianship placement established under these rules, OAR 413-070-0900 to 413-070-0970, the *tribe* --
 - (a) Must notify the Department's Adoption and Guardianship Program within 30 days of the change in the child's placement; and
 - (b) Provide the Department's Adoption and Guardianship Program with a copy of the *court* order terminating the guardianship within 30 days of the termination.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-070-0920

Guardianship Placement

- (1) The Department or a participating *tribe* may consider guardianship as the permanency plan for a *child* when all of the following conditions are met:
 - (a) The child is a United States citizen or *qualified alien*.
 - (b) The *child* has been in the Department's or participating tribe's legal custody for a minimum of --
 - (A) Six months, if the prospective guardian is the child's *relative*; or
 - (B) Twelve months, if the prospective guardian is not the child's *relative*.
 - (c) The *child* --
 - (A) Has a stable positive relationship with the prospective guardian;
 - (B) Demonstrates a strong attachment to the prospective guardian;
 - (C) Has lived for six consecutive months in the home of the prospective guardian; and

- (D) Was Title IV-E eligible during the period of time described in paragraph (C) of this subsection.
- (d) The prospective guardian of the *child* is a *relative* or, if the prospective guardian is not a *relative*, the *child* is 12 years of age or older.
- (e) The *child* cannot safely return home. This requirement is met when --
 - (A) Reunification with a *parent* of the *child* is not possible within a reasonable timeframe;
 - (B) The Department determines that adoption is not an appropriate permanency plan under Child Welfare Policy I-F.2, "Determining the Appropriateness of Adoption as a Permanency Plan for a Child" OAR 413-110-0300 to 413-110-0360 and Child Welfare Policy I-F.3.2.1, "Termination of Parental Rights" OAR 413-110-0200 to 413-110-0252;
 - (C) The Department determines through a *Permanency Committee* review that guardianship is an appropriate permanency plan for the *child*; and
 - (D) The *court* approves a *guardianship* permanency plan for the *child* under Child Welfare Policy I-E.3.6, "Achieving Permanency" OAR 413-070-0500 to 413-070-0517.
- (f) The Department and the prospective guardian agree, and the Department documents in the child's case record, that the *child* and the prospective guardian maintain a stable relationship and function effectively without Department supervision.
- (g) A Department or participating tribe's *Permanency Committee* formally assesses the prospective guardian and finds that guardianship is in the child's best interests because the prospective guardian meets the safety, permanency, and well-being needs of the *child*.
- (h) Each *parent* with legal rights or standing consents to the permanency plan of guardianship or has been given adequate notice under state or tribal law.
- (i) The Department has consulted with the *child*, if 14 years of age or older, regarding guardianship as the permanency plan.
- (j) The *child* is a United States citizen or *qualified alien* and under the care of a prospective guardian.
- (k) If the *child* is a Title IV-E eligible Indian *child*, as defined by the Indian Child Welfare Act (ICWA), and in the care and custody of the Department, the permanency plan for guardianship also is approved by the participating *tribe*.

- (2) The sibling of a Title IV-E eligible *child* may be placed with the same guardian in a guardianship if the Department and prospective guardian agree that the placement is appropriate. The sibling does not have to be placed with the guardian at the same time as the Title IV-E eligible *child*. The sibling does not have to meet the eligibility criteria for *guardianship assistance* to receive a *guardianship assistance payment* or for the legal guardian to be reimbursed for the nonrecurring expenses related to the costs of the legal guardianship.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-070-0925

Approval of Guardianship Assistance

The Department may approve *guardianship assistance* on behalf of an eligible *child* when the requirements of all of the following sections are met. The prospective guardian --

- (1) Is certified under Child Welfare Policy II-B.1 "Certification Standards for Foster Parents, Relative Caregivers, and Pre-Adoptive Parents", OAR 413-200-0301 to 413-200-0396 or meets tribal certification standards.
- (2) Has an updated home study documenting how the prospective guardian meets the child's best interests and needs for safety and permanency.
- (3) Has adequate means of financial support and connections to community resources.
- (4) Agrees to comply with all of the following requirements of the Department of Justice, Division of Child Support (DCS) by:
 - (a) Submitting an application for child support services in connection with each of the child's parents.
 - (b) Assigning to the Department the right to receive --
 - (A) All current support payments; and
 - (B) Any support payment accruing before the *child* is placed with the guardian.
 - (c) Cooperating with DCS 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

Determination of Guardianship Assistance Payments and Medical Benefits

- (1) When *guardianship assistance* is authorized by the Adoption and Guardianship program, the *guardianship assistance* benefits must be negotiated. The amount of the *guardianship assistance payment* may not exceed the amount of the base foster care rate the *child* is eligible to receive while in foster care. The *guardianship assistance payment* must be reduced by other financial benefits received by the *child* with the exception of *child* support and tribal dividend payments.

- (2) The *guardianship assistance payment* is negotiated prior to the completion of the *guardianship assistance* agreement. The amount of the payment is established and paid as follows:
- (a) The monthly *guardianship assistance payment* is determined by negotiation between the Department and the prospective guardian, taking into consideration relevant factors which include, but are not limited to:
 - (A) The needs of the *child*;
 - (B) The services required to meet the needs of the *child*;
 - (C) The cost of the services required to meet the needs of the *child*;
 - (D) The guardian's ability to provide the services required to meet the needs of the *child*; and
 - (E) The community resources available to the *child* and guardian.
 - (b) Medicaid coverage, private insurance, public education, and all community resources must be considered as resources for the *child* and the guardian when determining the amount of the *guardianship assistance payment*.
 - (c) The Department considers all sources of income, except *child* support and tribal dividend payments, available to the *child* when determining the monthly *guardianship assistance payment*.
- (3) If the *child* is receiving a level of care payment, as indicated by a Child and Adolescent Needs and Strengths assessment under Child Welfare Policy I-E.5.1, "Payment for Foster Care Base Rate, Level of Care, Chafee Housing, and Independent Living Housing Subsidy" OAR 413-090-0000 to 413-090-0050, at the time of negotiation, the full amount of the level of care payment is provided as part of the *guardianship assistance payment* without negotiation.
- (4) Except for child support and tribal dividend payments, the guardian must be the designated payee for any *guardianship assistance* benefit the *child* receives, however the guardian may assign to the Department benefits received irregularly by the guardian on behalf of the *child* to avoid adjustment of the *guardianship assistance* benefits.
- (5) The *guardianship assistance payment* is contingent upon the guardian's continued compliance with the requirements of the Department of Justice, Division of Child Support (see OAR 413-070-0925). The Department may terminate or suspend *guardianship assistance* benefits effective the date the Department determines the guardian has failed to comply with this section of this rule.
- (6) A *child* residing outside of the State of Oregon may receive a *guardianship assistance payment* based on the base foster care rate the *child* would receive if the *child* was in foster care in that state.

- (7) The effective date of the negotiated *guardianship assistance payment* is the later of:
 - (a) The date all parties have signed the *guardianship assistance* agreement (see OAR 413-070-0935); or
 - (b) The date of the *court* order of guardianship.
- (8) If a *child* receiving *guardianship assistance* benefits is placed in *substitute care* and the plan is for the *child* to return to the guardian's home, the Department may adjust, continue, or suspend the *guardianship assistance* benefits to reflect the guardian's continued expenses on behalf of the *child*. If the *child* returns to the care of the guardian, the Department reviews the *guardianship assistance* benefits and adjusts the benefits as appropriate.
- (9) A *guardianship assistance payment* to a guardian who was a Department certified foster parent for the *child* prior to becoming a *court* designated guardian is inalienable, not assignable or transferable, and exempt from execution, levy, attachment, garnishment, and other legal process under the laws of Oregon, as long as the payment can be identified as a *guardianship assistance* program payment and is kept separate from other money in the guardian's possession.
- (10) The Department unilaterally may amend, suspend, or terminate the *guardianship assistance* agreement with notice to the guardian of the intended action when an action by a state or federal *court* or a law adopted through a state or federal legislative or executive branch action necessitates a suspension, termination, or change in *guardianship assistance*.
- (11) The *guardianship assistance payment* does not increase automatically. A guardian may request that the Department consider renegotiation of the *guardianship assistance* agreement up to the amount a *child* in foster care receives. The request must be in writing and must document the circumstances of the guardian and the needs of the *child*.
- (12) The Department may authorize a renegotiated *guardianship assistance payment* increase for the period commencing the first day of the month in which the Department receives the written request.
- (13) The Department may adjust the *guardianship assistance* benefits if a child's income changes. The guardian is responsible for notifying the Department of any change in the child's income within 30 days of the effective date of any such change.
- (14) A *child* eligible for *guardianship assistance* is eligible for medical benefits under Child Welfare Policy I-E.6.2, "Title XIX and General Assistance Medical Eligibility" OAR 413-100-0400 to 413-100-0610.
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-070-0935

Requirements for the Guardianship Assistance Agreement

- (1) A *guardianship assistance* applicant must complete and sign an application, and return the application to the local Department office providing case management for review and eligibility determination.
- (2) A guardian is not required to apply for *guardianship assistance* and applying is voluntary. An applicant may withdraw an application at any time before the *court* establishes the guardianship.
- (3) Before a guardian may receive *guardianship assistance*, there must be a written *guardianship assistance* agreement between the Department and the guardian. The *guardianship assistance* agreement must include each of the following:
 - (a) The amount of the *guardianship assistance payment*.
 - (b) The basis and requirements for periodic changes in the *guardianship assistance payment*.
 - (c) The additional services and assistance for which the *child* and guardian are eligible under the agreement.
 - (d) The limitation on Department payments for nonrecurring expenses associated with obtaining legal guardianship of the *child*.
 - (e) The effective date of the agreement.
 - (f) A statement indicating mutual understanding amongst the parties that no retroactive *guardianship assistance payment* may be authorized except as provided under OAR 413-070-0930.
 - (g) A statement indicating that in the event a legislative or executive branch action affecting the Department's budgeting or spending authority makes it necessary for the Department to implement budget reductions to the Guardianship Assistance program, a *guardianship assistance payment* on behalf of the *child* may not be reduced without the agreement of the guardian. However, budget reductions may result in a reduced *guardianship assistance payment* under any new agreement.
 - (h) A statement indicating that the guardian must submit an application for child support enforcement services for each of the child's parents.
 - (i) A statement indicating that the guardian agrees to cooperate with child support enforcement services under OAR 413-070-0925(4).
 - (j) A statement indicating that the guardian understands a *guardianship assistance payment* is contingent upon the guardian's cooperation with the requirements under OAR 413-070-0925(4).
 - (k) A statement indicating that the guardian understands that a *guardianship assistance payment* may be terminated or suspended under OAR 413-070-0930 for failure to comply with OAR 413-070-0925(4), or under OAR 413-070-0940.

- (l) A statement indicating that the *child* for whom the Department is providing the *guardianship assistance payment* remains eligible for medical assistance once the *guardianship* is established.
 - (m) A statement indicating that the guardian understands Oregon law (see ORS 192.520) allows the Department of Human Services' Oregon Health Plan (OHP) and the OHP managed care plans to exchange the following protected health information without the guardian's authorization for the purpose of treatment activities related to the behavioral or physical health of the *child*:
 - (A) The child's name and Medicaid recipient number;
 - (B) The name of the child's hospital or medical provider;
 - (C) The hospital or medical provider's Medicaid number;
 - (D) Each diagnosis for the *child*;
 - (E) Each treatment activity's date of service;
 - (F) Each treatment activity's procedure or revenue code;
 - (G) The quantity of units or services provided; and
 - (H) Information about medication prescription and monitoring.
 - (n) A statement indicating that the guardian agrees to comply with the Guardianship Assistance program reporting requirements under OAR 413-070-0930(13), 413-070-0945(4), and 413-070-0955.
 - (o) A statement indicating that a *guardianship assistance payment* remains in effect without regard to the state of residency of the guardian.
- (4) The Department must provide the guardian with a copy of the *guardianship assistance* agreement.
- (5) The Department may review any *guardianship assistance* agreement at any time.
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-070-0937

Court Order of Guardianship

When the Department determines that guardianship is the appropriate permanency plan for a *child*, the Department establishes a guardianship under ORS 419B.365 or ORS 419B.366 and as provided under ORS 419B.367 to 419B.369.

- (1) The Department may not pursue a *court* order establishing a guardianship until the Department's Adoption and Guardianship Program Office approves a *guardian assistance* application for the *child*.

- (2) A *court* order approves guardianship and terminates Department or tribal care, custody, and supervision of the *child*; or, if the *child* has been committed permanently to the Department, the *court* guardianship order sets aside or modifies the order of permanent commitment, relieving the Department of responsibility for the *child*.
- (3) The guardian is not eligible for a foster care base rate and *enhanced supervision* payments once the guardianship is effective and the Department's custody of the *child* is terminated by *court* order.
- (4) The Department may 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

Suspension or Termination of Guardianship Assistance Benefits

- (1) The Department must terminate or suspend *guardianship assistance* benefits on the day when any one of the following occurs:
 - (a) The *child* reaches 18 years of age 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 *child* is adopted;
 - (f) The *child* is placed in *substitute care* with no plan for the *child* to return to the care of the guardian; or
 - (g) The guardian dies or terminates the guardianship.
- (2) The Department may terminate or suspend a *guardianship assistance payment* when any one of the following occurs:
 - (a) The *child* is incarcerated for more than three consecutive months;
 - (b) The *child* is out of the guardian's 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 Department determines the guardian has failed to comply with the requirements of the Department of Justice, Division of Child Support as required under OAR 413-070-0925(4).

- (3) The Department may terminate a *guardianship assistance* agreement upon 30 days written notice to the guardian when the guardian is no longer responsible for the *child* or is no longer providing support to the *child*, or in the event of legal or legislative action requiring discontinuance of *guardianship assistance*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-070-0945

Annual Reviews of Eligibility and Required Annual Reporting

- (1) The Department may review eligibility for a *guardianship assistance payment* on at least an annual basis.
- (2) The guardian, within 30 days after each annual anniversary of the *court* appointment of guardianship, must file a written report with the *court* and submit a copy of the report to the Department's Adoption and Guardianship Program.
- (3) When the *court* does not require an annual report as part of the appointment of guardianship, the Department requires the guardian to submit an annual report to the Adoption and Guardianship Program. The Adoption and Guardianship Program must notify the guardian that the *guardianship assistance* may be terminated in the event the guardian fails to submit the required report.
- (4) A review of the child's Title IV-E 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

413-070-0955

Changes That Must be Reported

A guardian receiving a *guardianship assistance payment* must report immediately, orally or in writing, to the Department's Adoption and Guardianship Program any of the changes described in OAR 413-070-0940, a change of address, or that the guardian is planning to move out of the state of Oregon.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-070-0960

Special Payments; Vendor Attorney and Legal Expenses

- (1) To the extent the total cost of such expenses does not exceed \$2,000, the Department may pay for some costs incurred by the guardian in the establishment of a *guardianship* of a *child* under Child Welfare Policy I-E.5.5, "Payments for Providing Direct Client Legal Services" OAR 413-090-0500 to 413-090-0550.
- (2) The Department may authorize payment for reimbursement of or payment for the cost to publish notice to each absent *parent* of the Department's intent to establish guardianship of a *child*.

- (3) The Department may not authorize payment for legal services provided --
- (a) In connection with a contested case; or
 - (b) To defend or retain guardianship upon challenge by another party once a guardianship is established.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-070-0965

Application Requirements

- (1) A *guardianship assistance* applicant must complete and sign an application, and return the application to the local Department office providing case management for review and eligibility determination.
- (2) A guardian is not required to apply for *guardianship assistance* and applying is voluntary. An applicant may withdraw an application at any time before the *court* establishes the guardianship.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-070-0970

Guardianship Social and Support Services

- (1) The Department does not reestablish the dependency of a *child* placed into a guardianship unless the Department:
 - (a) Determines there is cause for removal from the guardian's home due to abuse or neglect; or
 - (b) Would otherwise reestablish dependency for reason such as a change in the guardian's circumstances making the guardian unable to care for the *child* or the death of the guardian.
- (2) The guardian and *child* in a guardianship may request family support services such as crisis intervention, independent living services, determination of other service needs, and treatment from the local Department office as needed.
- (3) A guardian has access to the Oregon Post Adoption Resource Center or other contracted resource center if available.
- (4) Upon the establishment of a guardianship, the caseworker must conduct an exit conference with the guardian, guardian's family, and the *child* and ensure the guardian and guardian's family have contact information for social and support services. The caseworker must advise the guardian family to call Intake Screening to request services in the county in which the family resides. The caseworker must explain that requesting

services does not place the guardianship in jeopardy. In the closing casework narrative, the caseworker must document that the guardian and his or her family have been informed of their rights, including the right to access post-guardianship services.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Contact(s):

- **Name:** CAF Reception; **Phone:** 503-945-5600

Policy History

- [09/14/99 thru 03/12/00](#)
- [03/10/00](#)
- [01/01/02](#)
- [01/09/03](#)
- [01/23/03 thru 06/20/03](#)
- [07/31/03](#)
- [01/01/04 thru 04/28/04](#)
- [04/01/04 thru 04/28/04](#)
- [3/31/09 thru 6/30/09](#)
- [7/1/09 thru 9/27/09](#)
- [12/16/09 thru 6/14/10](#)
- [2/1/10 thru 6/14/10](#)
- [6/15/10](#)
- [6/30/11 thru 9/30/11](#)
- [10/01/11 thru 12/27/11](#)
- [12/28/11](#)
- [5/22/12](#)