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| <b>Policy Title:</b>  | Payment for Family Foster Care, Base Rate, Shelter Care, Enhanced Shelter Care, Level of Care, Chafee Housing, and Independent Living Housing Subsidy – OAR |  |                                 |
| <b>Policy Number:</b> | I-E.5.1<br>413-090-0000<br>thru 0050  |  | <b>Effective Date:</b> 12/29/09 |

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

History

### Reference(s):

- ORS 418.005
- USDA Expenditures on Children by Families, Estimated Expenditures on a child by husband-wife families
- Hitting the M.A.R.C., Establishing Foster Care Minimum Adequate Rates for Children
- Oregon Child Care Market Price Study
- Title IV-E State Plan
- I-A.5.2 Contested Case Hearings

### Form(s) that apply:

- CF 802 - CANS SCREENING REFERRAL (Child and Adolescent Needs and Strengths)
- CF 803 – CANS Results (Ages 0 to 5)
- CF 804 – CANS Results (Ages 6 to 20)
- DHS 9601, Child and Adolescent Needs and Strengths (CANS) Ages birth through five
- DHS 9602, Child and Adolescent Needs and Strengths (CANS) Ages 6 through 20

### Rules:

#### **413-090-0000**

#### **Purpose**

These rules, OAR 413-090-0000 to 413-090-0050, describe the responsibilities of the Department for payment of costs on behalf of an *eligible child* or *young adult* placed with a substitute caregiver, including payment to:

- (1) *A foster parent or relative caregiver* for:
  - (a) The foster care base rate;

- (b) The *level of care*, if any;
  - (c) *Shelter care* or *enhanced shelter care*; and
  - (d) The cost of housing the *child* of a *dependent parent*, unless the *dependent parent* receives cash benefits under a program administered by the Department of Human Services under chapter 461 of the Oregon Administrative Rules.
- (2) An *eligible child* or *young adult* who is in the legal custody of the Department, living independently, and receiving an *independent living housing subsidy*.
- (3) An individual eligible for a *Chafee housing* payment.  
**Stat. Auth.: ORS 418.005**  
**Stats. Implemented: ORS 418.005**

**413-090-0005**  
**Definitions**

The following definitions apply to OAR 413-090-0000 to 413-090-0050:

- (1) "Adoption assistance" means financial assistance and medical coverage granted to an adoptive family or pre-adoptive family, on behalf of an eligible adoptive *child*, to offset the costs associated with adopting and meeting the on-going needs of the *child*. *Adoption assistance* may include cash payments, medical coverage, an Agreement Only, reimbursement of nonrecurring expenses, or special payments.
- (2) "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of integrating information on a *child* or young adult's needs and strengths for the purposes of case planning, service planning, and determining the supervision needs of the *child* or *young adult*. The Department uses two versions of the CANS Comprehensive Screening Tool, one version for an individual birth through five years old and another version for an individual six through twenty years old.
- (3) "Certified family" means an individual or individuals who hold a current Certificate of Approval from the Department to operate a home to provide care, in the home in which they reside, to a *child* or *young adult* in the care or custody of the Department.
- (4) "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.
- (5) "Child" means a person under 18 years of age.
- (6) "Department" means the Department of Human Services, Child Welfare.
- (7) "Dependent parent" means a *child* or *young adult* in the legal custody of the Department who is the parent of a *child*.
- (8) "Eligible child" means a *child* or *young adult* in the legal or physical custody of the Department who is receiving a substitute care service.

- (9) "Enhanced shelter care" means care provided to a *child* or *young adult* when his or her placement in a Behavior Rehabilitation Service is no longer needed.
- (10) "Enhanced supervision" means the additional support, direction, observation, and guidance provided by a *certified family* to a *child* or *young adult* to promote and ensure the safety and well-being of a *child* or *young adult*, beyond the level of supervision that typically is required for a *child* or *young adult* of the same age.
- (11) "Foster parent" means a person who operates a home that has been approved by Child Welfare to provide care for an unrelated *child* or *young adult* placed in the home by the Department.
- (12) "Independent living housing subsidy" means a payment to assist in covering the costs of room, board, or other monthly expenses made to an eligible individual who is in the care and custody of the Department and living independently.
- (13) "Level of care" means the payment for *enhanced supervision* needs of a *child* or *young adult* to a *certified family*.
- (14) "Relative caregiver" means a person who operates a home that has been approved by Child Welfare to provide care for a related *child* or *young adult* who is placed in the home by the Department.
- (15) "Shelter care" means care provided to a *child* or *young adult* during the first 20 days of his or her placement in substitute care.
- (16) "Young adult" means a person aged 18 through 20 years, who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

**Stat. Auth.: ORS 418.005**

**Stats. Implemented: ORS 418.005**

#### **413-090-0010**

##### **Eligibility for Payments**

- (1) Family Foster Care.
- (a) The Department reimburses a *foster parent* or *relative caregiver* a base rate on behalf of an *eligible child* or *young adult* in the Department's physical or legal custody and placed in the *foster parent* or relative caregiver's home. Payment for the base rate is made on a monthly basis, or prorated for a portion of a month, after the month in which the care has been provided. The reimbursement period includes the day the *child* or *young adult* enters the home, but excludes the day the *child* or *young adult* leaves the home.
- (b) The base rate payment is:
- (A) \$639 per month for a *child* five years or younger;
- (B) \$728 per month for a *child* 6 through 12 years of age; and

- (C) \$823 per month for a *child* or *young adult* 13 through 20 years of age.
- (c) The base rate is designed to reimburse the *foster parent* or *relative caregiver* for the costs of providing the *child* or *young adult* with the following:
- (A) Food -- including the cost to cover a *child* or young adult's special or unique nutritional needs;
  - (B) Clothing -- including purchase and replacement;
  - (C) Housing -- including maintenance of household utilities, furnishings, and equipment;
  - (D) Daily supervision -- including teaching and directing to ensure safety and well-being at a level which is appropriate based on the *child* or young adult's chronological age;
  - (E) Personal incidentals -- including personal care items, entertainment, reading materials, and miscellaneous items; and
  - (F) The cost of providing transportation -- including local travel associated with expenditure for gas and oil, and vehicle maintenance and repair associated with transportation to and from extracurricular, child care, recreational, and cultural activities.
- (2) *Shelter care*. The Department reimburses a *foster parent* or *relative caregiver* a *shelter care* rate on behalf of an *eligible child* or *young adult* during the first 20 days of substitute care after the Department has obtained physical or legal custody of the *child* or *young adult*. The daily *shelter care* payment is:
- (a) \$24.60 for a *child* five years or younger;
  - (b) \$28.00 for a *child* 6 through 12 years of age; and
  - (c) \$31.60 for a *child* or *young adult* 13 through 20 years of age.
- (3) *Enhanced shelter care*. The Department reimburses a *foster parent* or *relative caregiver* an *enhanced shelter care* rate on behalf of an *eligible child* or *young adult* during the first 20 days of substitute care in the first foster care or *relative caregiver* home after a *child* or *young adult* has resided in a residential treatment placement unless an *enhanced supervision level of care* has been determined. The daily *enhanced shelter care* payment is:
- (a) \$29.40 for a *child* five years or younger;
  - (b) \$33.50 for a *child* 6 through 12 years of age; and
  - (c) \$37.90 for a *child* or *young adult* 13 through 20 years of age.
- (4) *Level of care*. The Department reimburses a *foster parent* or *relative caregiver* on behalf of an *eligible child* or *young adult* when the *CANS screening* results indicate the *child* or *young adult* needs *enhanced supervision*. A *CANS screener* rates each element of a

*child* or young adult's behavior and functioning through the *CANS screening* on a scale of zero to three and the ratings determine whether a *child* or *young adult* meets the criteria for one of three levels of care. The levels of care are set forth as Exhibit 1. The *CANS* manuals used to conduct the *CANS screening* are maintained by the Department. The Department maintains the current manuals, DHS 9601 and 9602, on the Department's website: <http://dhsforms.hr.state.or.us/forms/databases/findforms.htm>, or, for a hard copy, contact the Office of Safety and Permanency for Children.

- (a) The payment for Level 1 (moderate needs) is \$212 per month.
  - (b) The payment for Level 2 (intermediate needs) \$414 per month.
  - (c) The payment for Level 3 (advanced needs) is \$850 per month.
- (5) The Department reimburses a *foster parent* or *relative caregiver* for room and board at the applicable base rate in subsection (1)(b) of this rule for the *child* of a *dependent parent* unless the *dependent parent* receives benefits under programs administered by the Department of Human Services under chapter 461 of the Oregon Administrative Rules or has other means of financial support.
  - (6) The Department reimburses an eligible individual a *Chafee housing* or an *independent living housing subsidy* payment up to a maximum of \$600 per month of eligibility.
  - (7) Payments prohibited. The Department may not authorize payment for the care of a *child* or *young adult* to more than one *certified family* per day.
  - (8) A payment by the Department under this rule is inalienable by any assignment or transfer and exempt from execution, levy, attachment, and garnishment under the laws of the state of Oregon.

**Stat. Auth.: ORS 418.005**

**Stats. Implemented: ORS 418.005, 418.470, 418.625**

[Ed. Note: Exhibit 1 referenced is available from the Department.]

#### **413-090-0021**

##### **Periodic Review of Eligibility for Level of Care Payments**

- (1) When the Department conducts a new *CANS screening* under Child Welfare Policy I-B.1.6, "Enhanced Supervision" OAR 413-020-0200 to OAR 413-020-0255 and the results indicate the *child* or young adult's *level of care* has changed, the Department adjusts the *child* or young adult's *level of care* payment accordingly.
- (2) If the adjustment decreases or terminates the *level of care* payment, the Department follows Child Welfare Policy I-A.5.2, "Contested Case Hearings" OAR 413-010-0500 to 413-010-0535.

**Stat. Auth.: ORS 418.005**

**Stats. Implemented: ORS 418.005**

#### **413-090-0030**

##### **Payment for Temporary Absences from Family Foster Care**

- (1) The Department may continue the base rate and any *level of care* payments to the

*foster parent* or *relative caregiver* during a *child* or young adult's temporary absence from the home for 14 days or less, when:

- (a) The plan is for the *child* or *young adult* to return to the care of the same *foster parent* or *relative caregiver*; and
  - (b) No other *foster parent* or *relative caregiver* is receiving a base rate or *level of care* payment for the *child* or *young adult* during the period of the absence.
- (2) The caseworker may authorize continuation of the base rate or *level of care* payment for up to seven days for a *child* or young adult's temporary absence from the home of the *foster parent* or *relative caregiver* for a home visit, vacation, or special activity or when the *child* or *young adult* is on runaway.
  - (3) The caseworker must obtain authorization for continuation of the base rate or *level of care* payment from the District Manager or designee if the *child* or young adult's temporary absence from the home of the *foster parent* or *relative caregiver* is more than seven days but less than the maximum of fourteen days.
  - (4) Hospitalization. The Department may continue the base rate and any *level of care* payments to the *foster parent* or *relative caregiver* when the *child* or *young adult* requires hospitalization for medical treatment and the *foster parent* or *relative caregiver* continues to exercise caregiving responsibilities in anticipation of the return of the *child* or *young adult*. Hospitalization for medical treatment is not considered a substitute care placement with a duplicate payment.

**Stat. Auth.: ORS 418.005**

**Stats Implemented: ORS 418.005**

#### **413-090-0040**

##### **Payments During Adoptive Supervision**

The Department provides a payment for family foster care base rate and any *enhanced supervision* payment to a *foster parent* or *relative caregiver* after a child is free for adoption and placed in a home designated by the Department's Adoption Program Manager as the child's adoptive placement until *adoption assistance* benefits commence. See Child Welfare Policy I-G.3.1, "Adoption Assistance" OAR 413-130-0000 to 413-130-0130 for the eligibility requirements of the Adoption Assistance Program.

**Stat. Auth.: ORS 418.005**

**Stats. Implemented: ORS 418.005**

#### **413-090-0050**

##### **Family Foster Care and Relative Caregiver Out-of-State Payment**

- (1) A *foster parent* or *relative caregiver* who receives Department approval to move out-of-state with a child that the Department has placed in the home may continue to receive current foster care payments for that child for up to 180 days or until licensed or certified in the receiving state, whichever is earlier.
- (2) The Administrator of the Office of Permanency and Safety for Children or the Foster Care Program Manager may extend the 180 day limit for continuing to receive current foster care payments when the licensure or certification process in the receiving state has not been completed due to circumstances beyond the control of the Department.

- (3) Once the home is licensed or certified in the receiving state, the Department authorizes payment at Oregon's established foster care payment rates.  
**Stat. Auth.: ORS 418.005**  
**Stats. Implemented: ORS 418.005**

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

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

### **Policy History**

- [1/02/96](#)
- [03/05/99](#)
- [09/20/99](#)
- [01/07/03](#)
- [01/31/03 thru 7/30/03](#)
- [07/31/03](#)
- [11/01/03 thru 04/28/04](#)
- [04/01/04](#)
- [10/13/06 thru 04/10/07](#)
- [04/01/07](#)
- [01/01/08 thru 06/27/08](#)
- [06/28/08](#)
- [07/01/09 thru 12/28/09](#)
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- [09/01/09 thru 12/28/09](#)
- [09/25/09 thru 12/28/09](#)
- [6/30/11 thru 12/27/11](#)