

<b>Policy Title:</b>	Foster Care Payments for a Child or Young Adult Living With a Certified Family or Living Independently – <b>Temporary</b> OAR		
<b>Policy Number:</b>	I-E.5.1 413-090-0000 thru 0050		<b>Effective Date:</b> 6/30/11 thru 11/03/11

Approved By: *on file*

Date Approved: 6-15-11

Policy

Forms, etc.

Definitions

References

Contact

History

### Reference(s):

- Child Welfare, I-A.5.2 Contested Case Hearings
- Child and Adolescent Needs and Strengths Algorithm, adopted February 9, 2009
- DHS 9601, Child and Adolescent Needs and Strengths (CANS) Ages birth through 5
- DHS 9602, Child and Adolescent Needs and Strengths (CANS) Ages 6 through 20
- Hitting the M.A.R.C., Establishing Foster Care Minimum Adequate Rates for Children
- Oregon Child Care Market Price Study
- ORS 418.005
- Title IV-E State Plan
- USDA Expenditures on Children by Families, Estimated Expenditures on a child by husband-wife families

### 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)

### Rules:

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

#### **Purpose**

These rules, OAR 413-090-0000 to 413-090-0050, describe the responsibilities of the Department for payment of the following costs on behalf of a *child* or *young adult*.

- (1) Foster care maintenance payments to a *certified family*.
- (2) An *independent living housing subsidy* to an eligible *child* or *young adult* who is in the legal custody of the Department, living independently; and

- (3) Payment to 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 payment" means a monthly payment made by the Department to the *pre-adoptive family* or adoptive family on behalf of an eligible *child* or *young adult*.
- (2) "Base rate payment" means a payment to 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 chronological age of the *child* or *young adult*;
  - (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.
- (3) "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of gathering information on a *child* or young adult's needs and strengths used for one or more of the following purposes:
  - (a) Identifying case planning, service planning, and supervision needs of the *child* or *young adult* in substitute care with a *certified family*; and
  - (b) Determining the *level of care payment* while in substitute care with a *certified family*; and
  - (c) Determining the *level of care payment* included in an adoption assistance agreement or *guardianship assistance agreement*.

- (4) "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.
- (5) "Chafee housing payment" 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.
- (6) "Child" means a person under 18 years of age.
- (7) "Department" means the Department of Human Services, Child Welfare.
- (8) "Dependent parent" means a *child* or *young adult* in the legal custody of the Department who is the parent of a *child*.
- (9) "Enhanced shelter care payment" means a limited term payment provided to a *certified family* when a *child* or *young adult* in the care or custody of the Department moves to a certified family's home from a placement with a Behavior Rehabilitation Service provider and there is no current level of care determination applicable to the *child* or *young adult*.
- (10) "Enhanced supervision" means the additional support, direction, observation, and guidance necessary to promote and ensure the safety and well-being of a *child* or *young adult* when the *child* or *young adult* qualifies for a *level of care payment*.
- (11) "Foster care payments" means one or more of the following payments to a *certified family*, authorized at rates established by the Department, for the board and care of a *child* or *young adult* for whom the Department has placement and care responsibility:
- (a) The *base rate payment*;
  - (b) The *level of care payment*, if any;
  - (c) *Shelter care payment* or *enhanced shelter care payment*;
  - (d) Mileage reimbursement, paid at the current Department mileage reimbursement rate paid to child welfare staff, for transportation of a *child* or *young adult* remaining in the same school he or she was attending prior to placement in substitute care; and
  - (e) The board and care of 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.
- (12) "Guardian" means an individual who has been granted guardianship of the *child* through a judgment of the court.
- (13) "Guardianship assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the *guardian* of an eligible *child*

or *young adult* setting forth the assistance the Department is to provide on behalf of the *child* or *young adult*, the responsibilities of the *guardian* and the Department, and the manner in which the agreement and amount of assistance may be modified or terminated.

- (14) "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.
- (15) "Level of care payment" means the payment provided to an approved or *certified family*, a *guardian*, a *pre-adoptive family* or an adoptive family based on the need for *enhanced supervision* of the *child* or *young adult* as determined by applying the CANS algorithm to the results of the *CANS screening*.
- (16) "Potential guardian" means an individual who:
- (a) Has been approved by the Department or participating tribe to be a child's *guardian*; and
  - (b) Is in the process of legalizing the relationship to the *child* through the judgment of the court.
- (17) "Pre-adoptive family" means an individual or individuals who:
- (a) Has been selected to be a child's adoptive family; and
  - (b) Is in the process of legalizing the relationship to the *child* through the judgment of the court.
- (18) "Shelter care payment " means a payment provided to a *certified family* during the first 20 days of substitute care for a *child* or *young adult* in the care or custody of the Department.
- (19) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

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

##### **Authorized Payments**

- (1) Family Foster Care.
- (a) *Shelter care payment*. The Department reimburses a *certified family* a *shelter care payment* on behalf of a *child* or *young adult* during the first twenty 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.
- (b) *Base rate payment.* The Department reimburses a *certified family* a *base rate payment* on behalf of a *child* or *young adult* in the Department's physical or legal custody when a *child* or *young adult* is placed in the certified family's home.
- (A) Payment is made on a monthly basis, or prorated for a portion of a month, when the *base rate payment* is for less than all days in the month, and made after the month in which the care has been provided.
  - (B) The *base rate payment* starts the twenty-first day of a child's placement in substitute care and includes the day the *child* or *young adult* enters the home, but excludes the day the *child* or *young adult* leaves the home.
  - (C) The *base rate payment* is:
    - (i) \$639 per month for a *child* five years or younger;
    - (ii) \$728 per month for a *child* 6 through 12 years of age; and
    - (iii) \$823 per month for a *child* or *young adult* 13 through 20 years of age.
  - (D) The Department does not reimburse the *base rate payment* to a *certified family* when reimbursement for *shelter care payment* or *enhanced shelter care payment* applies.
- (c) *Enhanced shelter care payment.* The Department reimburses a *certified family* an *enhanced shelter care payment* rate on behalf of a *child* or *young adult* during the first 20 days of substitute care with a *certified family* after a *child* or *young adult* has been in placement with a Behavior Rehabilitation Service provider and there is no current *level of care payment* determination applicable to the *child* or *young adult*. 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.
- (d) Mileage reimbursement. The Department reimburses a *certified family* for mileage, paid at the current Department mileage reimbursement rate paid to child welfare staff, when the *certified family* must provide transportation for a *child* or *young adult* in order to remain in the same school he or she was attending prior to placement in substitute care.
- (2) *Level of care payment.*

- (a) The Department reimburses a *level of care payment* to a *certified family* on behalf of a *child* or *young adult* when the *CANS screening* results indicate the *child* or *young adult* has *enhanced supervision* needs.
- (b) The initial *level of care payment* to a *certified family* begins:
  - (A) No earlier than the twenty first day of substitute care; or
  - (B) Ninety days prior to the date an initial *CANS screening* was approved for a *child* or *young adult* in substitute care over 111 days.
- (c) A *level of care payment* to a *certified family* may commence the first day following the end of *enhanced shelter care payment*.
- (d) The Foster Care Program Manager may approve commencing the *level of care payment* beyond the timeframes in subsections (b) and (c) of this section when a delay in scheduling, completing, scoring or approving the *CANS screening* results in a potential loss or interruption of a *level of care payment*.
- (e) When the *CANS screening* results indicate the *child* or the *young adult* eligible for adoption assistance or guardianship assistance needs *enhanced supervision*, the Department includes the *level of care payment* in--
  - (A) An adoption assistance agreement with a *pre-adoptive family* or an adoptive family pursuant to Child Welfare Policy I-G.3.1, "Adoption Assistance" OAR 413-130-0000 to 413-130-0130; or
  - (B) A *guardianship assistance agreement* with a *potential guardian* or a *guardian* pursuant to Child Welfare Policy I-E.3.6.2, "Guardianship Assistance", OAR 413-070-0900 to 413-070-0979.
- (f) 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. These ratings are determined using the following exhibits, which by this reference are incorporated into this rule:
  - (A) DHS 9601 - Child and Adolescent Needs and Strengths Comprehensive Screening Tool Ages Birth through Five, adopted January 5, 2009 and revised in June, 2011.
  - (B) DHS 9602 - Child and Adolescent Needs and Strengths Comprehensive Screening Tool Ages Six through Twenty, adopted January 5, 2009 and revised in June 2011.
  - (C) Child and Adolescent Needs and Strengths Algorithm, adopted February 9, 2009.
  - (D) The Department maintains these documents on the Department's website.

Printed copies of all three exhibits may be obtained by contacting the Department of Human Services, Children, Adults and Families, ATTN: Level of Care Manager, 500 Summer Street NE, E93, Salem, OR 97301.

- (g) The *level of care payment* is:
- (A) \$212 per month for Level 1 (moderate needs).
  - (B) \$414 per month for Level 2 (intermediate needs).
  - (C) \$850 per month for Level 3 (advanced needs).
- (3) The Department reimburses a *certified family* an applicable *base rate payment* for a *child* of a *dependent parent* when both are living with the *certified family* unless the *dependent parent* receives a TANF grant under programs administered by the Department of Human Services under chapter 461 of the Oregon Administrative Rules or has other means of financial support.
- (4) The Department reimburses a *Chafee housing payment* or an *independent living housing subsidy* to an eligible individual up to a maximum of \$600 per month of eligibility pursuant to Child Welfare Policy I-B.2.3.5, "Youth Transitions", OAR 413-030-0400 to 413-030-0460.
- (5) 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.
- (6) 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, 418.340

Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340, 418.470, 418.625

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

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

- (1) When the Department conducts a *CANS screening* for a *child* or *young adult* in substitute care under subsection (1)(b) of OAR 413-020-0230 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* as follows:
- (a) When a *level of care payment* increases, change in payment begins the first day of the month in which the increased *level of care payment* was approved.
  - (b) When a *level of care payment* decreases, change in payment begins the first day of the month following the month in which the decreased *level of care payment* was approved unless continuing benefits have been requested through a request for a contested case hearing.

- (2) When the Department determines, denies, adjusts or terminates a *level of care payment* to a *child* or *young adult* living with a *certified family*, the Department follows Child Welfare Policy I-A.5.2, "Contested Case Hearings" OAR 413-010-0500 to 413-010-0535.
- (3) A *CANS screening* may be conducted for a *child* or *young adult* living with a *potential guardian*, a *guardian*, a *pre-adoptive family*, or an adoptive family when a referral is received pursuant to OAR 413-020-0230(3).

Stat. Auth.: ORS 418.005, 418.340

Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340

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

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

- (1) The Department may continue the *base rate payment* and any *level of care payment* to the *certified family* 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 *certified family*, and
  - (b) No other *certified family* is receiving a *base rate payment* or *level of care payment* for the *child* or *young adult* during the period of the absence.
- (2) Hospitalization. The Department may continue the *base rate payment* and *level of care payment* to the *certified family* when the *child* or *young adult* requires hospitalization for medical treatment and the *certified family* 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, 418.340

Stats Implemented: ORS 418.005, 418.330, 418.335, 418.340

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

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

When a *child* is free for adoption and placed in an approved or certified family's home designated by the Department's Adoption Program Manager as the child's *pre-adoptive family*, the Department pays *base rate payment* and any *level of care payment* to the *pre-adoptive family* until the *adoption assistance payment* commences. See Child Welfare Policy I-G.3.1, "Adoption Assistance", OAR 413-130-0000 to 413-130-0130 for the adoption assistance eligibility requirements of the Adoption Assistance Program.

Stat. Auth.: ORS 418.005, 418.340

Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340

## 413-090-0050

### Out-of-State Payment to a Certified Family Moving to Another State

- (1) A *certified family* who receives Department approval to move out-of-state with a *child* that the Department has placed in the home may continue to receive base rate and level of care for that *child* or *young adult* 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 *base rate payment* and *level of care payment* 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 *base rate payment* and *level of care payment* rates.

Stat. Auth.: ORS 418.005, 418.340

Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340

### Contact(s):

- **Name:** Kevin George; **Phone:** 503-945-5987

### 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](#)
- [08/12/09 thru 12/28/09](#)
- [09/01/09 thru 12/28/09](#)
- [09/25/09 thru 12/28/09](#)
- [12/29/09](#)