

	<b>STATE OFFICE for SERVICES to CHILDREN and FAMILIES</b>  <b>CLIENT SERVICES MANUAL I</b>  <b>ISSUED BY:</b> Management Operations  <b>EFFECTIVE DATE:</b> September 14, 1998	<b>NUMBER:</b> I-E.5.5
		<b>SECTION:</b> E. Substitute Care
		<b>SUBSECTION:</b> 5. Payments
<b>SUBJECT:</b> 5. Payments for Providing Direct Client Legal Services		

Responsible Manager: Title IV-E Waiver Manager

Approval: *Marjorie Lowe*  
Assistant Administrator  
Management Operations

Interpreter: Title IV-E Waiver Manager

**REFERENCES:** SCF Policy # I-B.1.4, Guardian and Legal Custodian Consents  
SCF Policy # I-G.3.1 (413-130-0080), Adoption Assistance  
CF 967, "Guardianship Assistance Legal Fees Agreement"

## PURPOSE

**413-090-0500** These rules establish the conditions under which SOSCF can issue a standard legal fees payment for the cost of providing direct client services in the establishment of court appointed guardianship of children in SOSCF's care and custody.

**Stat. Auth.: ORS 418.005**

**Stats. Implemented: ORS 418.005**

## DEFINITIONS

**413-090-0510 "Vendor Attorneys"** are qualified attorneys, including Legal Aide Programs who have signed a legal fees agreement with SOSCF to accept SOSCF's currently established standard payment, plus reimbursement of any personal costs incurred, for court fees and the filing of mandatory court papers, or for obtaining birth certificates when establishing guardianships for children in SOSCF's care and custody, or to process adoptions.

**Stat. Auth.: ORS 418.005**

**Stats. Implemented: ORS 418.005**

## ELIGIBILITY FOR PAYMENT OF DIRECT CLIENT LEGAL SERVICES

**413-090-0520 (1)** Eligibility for payment of legal fees will be considered when thoughtful and thorough decision-making has established guardianship as a permanency plan and it has been determined that the plan:

(a) Is in the best interests of the child;

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(b) Offers a long-term commitment by the prospective guardian for stable and continuous care of the child until adulthood;

(c) Meets the prospective guardian and the child's wishes;

(d) Meets the child's need for stability and continuity of relationships;

(e) Assures the mental and physical health of all involved;

(f) Assures the guardian's ability to protect and support the child without the agency's help;

(g) Has the parent's consent, or the agency can show good cause such as the parent's incarceration, incapacity, or abandonment of the child;

(h) Assures the prospective guardian can appropriately manage the parent's involvement with the child.

(2) SOSCF may consider making payments for direct client legal services for the establishment of guardianships for children in SOSCF's care and custody when it is documented that:

(a) The family is unable to pay for the services of a private attorney;

(b) No free legal resource is available to the client.

**Stat. Auth.: ORS 418.005**

**Stats. Implemented: ORS 418.005**

## SELECTING AN ATTORNEY

**413-090-0530** Prospective guardians, found eligible for client legal services, may choose an SOSCF "vendor attorney" from the branch list or procure the services of a private attorney.

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## RATE OF PAYMENT FOR LEGAL SERVICES

**413-090-0540** SOSCF will pay the costs of establishing guardianships at SOSCF's currently established standard payment rate, plus reimbursement of any personal costs incurred for court fees and the filing of mandatory court papers. Payment will be made after the guardianship is legally established and the branch receives a copy of the court order from either the:

(a) Vendor attorney; or,

(b) Family for reimbursement of the services of a private attorney up to the amount of the vendor standard payment plus reimbursement of court fees and filing costs.

**Stat. Auth.: ORS 418.005**

**Stats. Implemented: ORS 418.005**

## COURT ORDER CONTENT

**413-090-0550** Ideally, court orders resulting from these legal actions should:

(a) Specifically set forth the permanency plan;

(b) Terminate SCF's involvement/responsibility;

(c) Designate the responsibility of the parent(s) and the guardian. For example, court orders may state that the guardian has the duty to protect, feed, educate, shelter, and care for the child, as well as make decisions about the child's legal residence, the responsibility to enroll the child in school and get the child medical treatment, as well as having authority over the child's estate and assets.

**Stat. Auth.: ORS 418.005**

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