

	STATE OFFICE for SERVICES to CHILDREN and FAMILIES CLIENT SERVICES MANUAL I ISSUED BY: Program Operations EFFECTIVE DATE: January 2, 1996	NUMBER: I-E.7.1
		SECTION: E. Substitute Care
		SUBSECTION: 7. Child's Resources
SUBJECT: 1. Child Support: SED Referrals		

Interpretation: Executive Assistant,
Program Operations

Approval: 
Assistant Administrator,
Program Operations

REFERENCES: PL 93-647 (Title IVD)
ORS 25.010 - 25.120
ORS 180.320-.370

PURPOSE

413-100-800 These rules explain the mandatory referrals of children in substitute care and juvenile corrections to the Support Enforcement Division (SED) of the Department of Justice.

Statutory Authority: HB2004

Stats. Implemented: PL93.647, ORS25.010 to.120, 180.320 to.370

DEFINITIONS

413-100-810 (1) Obligor means any person who has a court ordered obligation (or who volunteers) to make payments for the support of a child or caretaker parent or other dependent person.

(2) Support Enforcement Division (SED) means a Division in the Department of Justice responsible for enforcing the support obligation of parents whose children are receiving public assistance.

Statutory Authority: HB2004

Stats. Implemented: PL93.647, ORS25.010 to.120, 180.320 to.370

POLICY

INFORMING PARENTS OF FINANCIAL OBLIGATIONS

413-100-820 The State Office for Services to Children and Families worker shall inform the legal parents that they will be referred to Support Enforcement Division (SED), who will contact them to determine the amount of support they will be required to pay and will enforce collection of the support obligation. When there is no legal father, a referral so stating will be sent to SED.

Statutory Authority: HB2004

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REFERRALS TO SED

413-100-830 Unless exempt, the legal parents of all children in the care and custody of the State Office for Services to Children and Families who are in a paid substitute care placement will be referred to SED. Referral information will be reported to SED automatically when substitute care is authorized and this information is entered on the State Office for Services to Children and Families Integrated Information System (IIS). When legal parents are exempt from SED referrals the reason for the exemption must be documented in the case file. Legal parents are exempt from referral when:

(1) The legal parent(s) of the child(ren) are deceased. The State Office for Services to Children and Families will, however, make application for survivors benefits and pursue resources for the child from the parent(s)' estate where appropriate.

(2) The parents' rights have been terminated or voluntarily relinquished and the State Office for Services to Children and Families has permanent custody.

(3) The parent(s) have been exempt for good cause as follows:

(a) Temporary exemption for good cause:

(A) With the approval of the supervisor a child's legal parent(s) may be exempt if the child's parent(s) is receiving counseling from a public or private licensed agency to determine whether to keep or relinquish the child for adoption, a written statement from the agency is required; and

(B) Exemption for good cause shall not be approved for more than three months unless after three months the exemption is reestablished and approved by the supervisor.

(b) Permanent exemption of legal parents may be approved for good cause in the following situations:

(A) When there is documented evidence that the child was conceived as the result of incest or forcible rape if both the mother and the service worker believe that to establish paternity would be detrimental to the child. The mother will be referred unless she meets the criteria for exemption from referral.

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(B) If a child adopted through SOSCF's Adoption Program subsequently requires substitute care program the case will be considered for a permanent exemption:

(i) If the child is approved for an adoption subsidy agreement the subsidy agreement shall be suspended while the child is in care and a permanent exemption from SED referral will be granted;

(ii) Legalized SOSCF adoptions that are not approved for an adoption subsidy agreement will be reviewed on a case-by-case basis. If it appears that the child's current need for placement can be attributed to the child's genetic, developmental or social history prior to adoption and it is in the child's best interest, a permanent exemption may be made. Such an exemption requires the approval of the SOSCF branch manager;

(iii) When it is in the best interest of a child and the agency, the director may approve an exception;

(iv) The foregoing exemptions shall not apply if an order of support from one parent to the other for the care of the subject child already exists.

Statutory Authority: HB2004

Stats. Implemented: PL93.647, ORS25.010 to.120, 180.320 to.370

EXISTING SUPPORT ORDERS

413-100-840 The service worker will determine, if possible, whether there is an existing support order. Information obtained about the existing Support Order (case number, amount, county where the order was issued, Social Security Numbers, and birth dates of legal parents) shall be entered on SOSCF's Integrated Information System (IIS).

Statutory Authority: HB2004

Stats. Implemented: PL93.647, ORS25.010 to.120, 180.320 to.370

NOTIFICATION OF CHANGE

413-100-850 SED will be automatically notified when the information is entered on IIS when any of the following occur:

(1) The child leaves paid placement.

(2) A child begins receiving federal benefits.

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(3) The State Office for Services to Children and Families has permanent custody of the child.

(4) The cost of care changes.

(5) The child's parent(s) are incarcerated or die.

(6) A parent becomes exempt after the original referral (see 413-100-830).

(7) Corrections or changes to the referral.

Statutory Authority: HB2004

Stats. Implemented: PL93.647, ORS25.010 to.120, 180.320 to.370