

Angela Long, Administrator,
Office of Program, Performance and Reporting

Authorized Signature

Number: CW-PT-11-004

Issue Date: 07/01/2011

Topic: Other

Transmitting (check the box that best applies):

- New Policy
 Policy Change
 Policy Clarification
 Executive Letter
 Administrative Rule
 Manual Update
 Other: _____

Applies to (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input checked="" type="checkbox"/> Children, Adults and Families | <input type="checkbox"/> Seniors and People with Disabilities |
| <input type="checkbox"/> County DD Program Managers | <input checked="" type="checkbox"/> Other (please specify): Child Welfare |

Policy/Rule Title:	I-E.6.1 Title IV-E Foster Care, Adoption Assistance and Guardianship Assistance Eligibility (formerly known as Title IV-E Foster Care and General Assistance)		
Policy/Rule Number(s):	OAR 413-100-0000 thru 413-100-0345	Release No:	
Effective Date:	June 30, 2011	Expiration:	when super-seded
References:			
Web Address:	http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e61.pdf		

Discussion/Interpretation: The Title IV-E Foster Care and General Assistance rule has been changed to comply with the changes required due to the enactment of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections), specifically regarding the claiming/paying of Foster Care, Adoption Assistance and Guardianship Assistance up to the age of 21. The following changes have been made to this rule to meet the federal requirements:

Throughout the rules:

Minor changes to wording have been made to add clarification and consistency, where needed.

The term “young adult” has been added where applicable to reflect the extension of

Title IV-E eligibility for young adults, ages 18 through 20, who meet the criteria for extended foster care, guardianship assistance, and after October 1, 2011, adoption assistance.

413-100-0020: Changes have been made to the definitions of “Indian Child” and “Young Adult”.

413-100-0060: Changes were made in subsection 4, Reimbursable Payments, regarding reasonable travel for the child to remain in the school in which the child was enrolled at the time of placement, and for reimbursement of reasonable administrative and operating expenses for a child care institution.

413-100-0080: Revised language to clarify rules around children returning to foster care from a trial home visit or from a return home not considered to be a trial home visit.

413-100-0110: Removed section 6 of this rule, for children remaining in the care and custody of the Department, as the child’s Title IV-E eligibility is no longer closed at the time of transfer to Developmental Disability Services (DDS). Revised section 9 to make the language more consistent with the other sections in this rule.

413-100-0135: Revised to include subsections regarding Removal requirements for a child, ages 0 through 17, and a Young Adult, ages 18 through 20.

413-100-0150: Revised to spell out the acronym OASDI, which represents the Old age, Survivors, and Disability Insurance program of the Social Security Act.

413-100-0160: Revised language in section 4 regarding removal (physical or constructive) from the home of a specified relative who is not a parent of the child.

413-100-0210: The definition of a Qualified Alien in this rule was revised to reflect the current language found in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).

413-100-0230: This rule has been updated to reflect both age and education requirements pursuant to the Fostering Connections Act.

413-100-0280: Redetermination of Deprivation at Relinquishment or Termination of Parental Rights – this rule is now obsolete, due to the removal of AFDC requirements at the time of redetermination of Title IV-E eligibility.

413-100-0335: Adoption Assistance Title IV-E Eligibility Determination - Many changes have been made to this rule pursuant to the new requirements included in Fostering Connections. Section 1 contains information about the eligibility criteria for Title IV-E adoption assistance for a child up through age 17, and for an extension of

adoption assistance payments for a Young Adult age 18 through 20 (age extension for Adoption Assistance is effective 10/1/2011). Sections 5 and 6 have been added to clarify the eligibility criteria for Private Agency and Independent adoptions.

413-100-0345: Major changes have been made to this rule to reflect new requirements included in Fostering Connections. The definition of "Relative" has been removed from this rule, as it is fully defined in Child Welfare Policy I-E.1.1, Search For and Engagement of Relatives, OAR 413-070-0063(10). Section 2 of this rule contains information about the eligibility criteria for Title IV-E guardianship assistance for a child through age 17, and in section 3, for an extension of Title IV-E guardianship assistance payments to Young Adults age 18 through 20.

Please note that this rule will be filed with the Secretary of State's Office as a permanent rule, and then filed again on 6-30-2011, as a temporary rule to make additional changes to OAR 413-100-0135 and 413-100-0150.

Implementation/Transition Instructions:

Supervisors should discuss these rule changes with Caseworkers. Office Managers and Supervisors should discuss these rule changes with their Title IV-E Eligibility Specialists. Major changes have been made to the Title IV-E rules which need to be implemented immediately.

The CAF Federal Compliance Unit (FCU) staff will be holding a series of conference calls throughout the summer, and these rule changes will be discussed during those calls. Title IV-E Specialists should contact their Lead Worker or the Federal Compliance Unit with questions.

Training/Communication Plan:

1. No specific training will be provided to branch staff with the exception of the Title IV-E Specialists and their Supervisors.
2. The Title IV-E Procedure Manual will be updated and information will be posted on the wiki.
3. The Federal Compliance Unit (FCU) is available as needed to provide clarifications or technical assistance.

Local/Branch Action Required: Title IV-E Specialists and Supervisors should review the revised rules, as well as any instructions received from the CAF Federal Compliance Unit. Please refer to the implementation/transition instructions listed above.

Central Office Action Required: The Federal Compliance Unit (FCU) will communicate with Title IV-E Specialists and their Supervisors as needed to provide clarifications or technical assistance. The FCU will be updating the Title IV-E

Procedure Manual and posting materials to the wiki.

The FCU will continue to work with OR-Kids staff as needed.

Field/Stakeholder review: Yes No

If yes, reviewed by:

Filing Instructions:

If you have any questions about this policy, contact:

Contact(s):	Debbie Milligan		
Phone:	503-945-6654	Fax:	503-581-6198
E-mail:	Debbie.milligan@state.or.us		