

<b>Policy Title:</b>	Substitute Care Eligibility – OAR			
<b>Policy Number:</b>	I-B.2.3.3 413-030-0200 thru 0220		<b>Effective Date:</b>	01-07-2003

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

History

### Reference(s):

- ORS 418.015
- 418.315
- ORS 418.312
- ORS 419B.165
- ORS 419B.331
- ORS 419B.337
- P.L. 95-608, ICWA
- Public Law 105-89, Adoption and Safe Families Act
- Refugee Act: 1980
- Title IV-E
- Child Welfare Policy I-B.1.3 Voluntary Custody Agreements/Child Placement Agreement  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-b13.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-b13.pdf)
- Child Welfare Policy I-B.1.4 Guardian and Legal Custodian Consent  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-b14.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-b14.pdf)
- Child Welfare Policy I-B.2.3.5 Independent Living Programs  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-b235.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-b235.pdf)
- Child Welfare Policy I-E.6.1 Title IV-E-FC and General Assistance  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-e61.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e61.pdf)
- Child Welfare Policy I-E.6.2 Title XIX and General Assistance Medical Eligibility  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-e62.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e62.pdf)

### Form(s) that apply:

- CF 304, Service Application
- CF 0333d, Family Support Services Case Plan – In Home (Available in FACIS)
- CF 0333e, Family Support Services Case Plan – Substitute Care (Available in FACIS)
- CF 496, DCS Referral for Non-Adversarial Support Agreement  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0496.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0496.doc)
- CF 498, Parental Request for Continuation of Voluntary Agreement  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0498.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0498.doc)

- CF 499, Voluntary Placement Agreement  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0499.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0499.doc)
- CF 1005 Voluntary Custody Agreement  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE1005.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE1005.doc)
- DHS 415H Medical Resource Report Form  
<http://dhsforms.hr.state.or.us/Forms/Served/DE0415H.pdf>
- CF 75, ILP Funding Eligibility Checklist  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0075.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0075.doc)

## **Rules:**

### **Purpose**

#### **413-030-0200**

(1) These rules, OAR 413-030-0200 through 0220, emphasize that the child's safety is the paramount concern in determining Substitute Care eligibility.

(2) The Department is responsible for determining if a child in the legal custody of the Department will be placed or continued in substitute care placement in accordance with statutes, administrative rules, agency procedures and placement practice guidelines. These rules, OAR 413-030-0200 through 0220, specify the minimum criteria for the substitute care classification and placement under any type of substitute care program licensed or certified by the Department. Additional criteria are outlined in rules for specific substitute care programs. See OAR 413-080-0000 through 0030 Shelter Care (CAF Policy I-E.4.1); OAR 413-080-0100 Family Foster Care (CAF Policy I-E.4.2); Foster Family Group Homes (CAF Policy I-E.4.2.1); OAR 413-080-0200 through 0270 Residential Services (CAF Policy I-E.4.3); and OAR 413-030-0400 through 0455 Independent Living Programs (CAF Policy I-B.2.3.5).

**Statutory Authority: ORS 418.005**

**Stats. Implemented: Title IV-E, PL 95-608, ORS 418.015,.315, 419B.331-.349, PL 105-89**

### **Definitions**

#### **413-030-0205**

(1) "The Department" means the Department of Human Services (DHS).

(2) "CAF" means Children, Adults and Families (CAF).

(3) "SDA" means Service Delivery Area (SDA). A geographic region of one or more counties served by the Department and managed by an SDA Manager.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: Title IV-E, PL 95-608, ORS 418.015,.315, 419B.331-.349, PL 105-89**

### **Eligibility criteria for substitute care placement**

#### **413-030-0210**

For a child to be eligible for initial and continuing substitute care placement(s), the Department shall meet the following criteria:

(1) Legal Basis. The Department must have a current legal basis for placement:

- (a)** Temporary custody under ORS 419.B.165; or
- (b)** Legal custody of the child through a juvenile court order; or
- (c)** A voluntary custody agreement in accordance with OAR 413-020-0100 through 0170 (CAF Policy I-B.1.4); or
- (d)** A voluntary child placement agreement in accordance with OAR 413-020-0000 through 0050 (CAF I-B.1.3); or
- (e)** Permanent custody based on a permanent commitment or release and surrender agreement of a parent; or
- (f)** Verification that the child is an unaccompanied refugee minor.

**(2)** The child must be under 18 years of age at the time the child is placed in the Department's legal custody and placement services are first initiated.

**(3) Reasonable Efforts.** Except in those cases with a Voluntary Custody Agreement or Child Placement Agreement, the Department will make reasonable efforts to prevent or eliminate the need for removal of the child and to alleviate the barriers that keep the child from returning home. This includes an assessment of appropriate treatment and supportive services and providing such services when available through the Department or by referral to other community resources. To aid the court or Citizen Review Board (CRB) in making the findings required by this section, the Department shall present documentation to the court or CRB showing its reasonable efforts or, if the Indian Child Welfare Act applies, active efforts to prevent or eliminate the need for removal of the child and services provided to safely return the child to the home. The department shall seek a reasonable efforts judicial determination within 60 days of a child's removal from the home, or a determination that due to aggravated circumstances reasonable efforts were not required to prevent the child's removal from their home. If the court does not make the reasonable efforts determination within 60 days, the child shall not be eligible for Title IV-E foster care maintenance payments program throughout the duration of that child's stay in substitute care. Refer to OAR 413-100-0240 Title IV-E-FC and General Assistance (CAF Policy I-E.6.1).

**(4)** The child requires substitute care placement because there is no parent or guardian available and able to provide safe care for the child even with the assistance of available supportive resources, and no relative is willing and appropriate to assume full responsibility for the child.

**(5)** Placement is needed for one of the following reasons:

- (a)** The parent(s) or guardians are not available to care for the child due to death, abandonment, desertion, incarceration, institutionalization, or catastrophic illness; or
- (b)** The child is at significant risk of abuse or neglect; or
- (c)** The child is in the permanent custody of the Department for adoption planning; or
- (d)** The child has a severe disabling condition requiring skilled care that the

family cannot provide even with the assistance of community resources but the Department can provide the care the child requires in an available substitute care resource; or

(e) The child's behavior is a serious danger to the child, the child's family or the community but the child can, without threat to self or others, be managed in an available and appropriate substitute care resource.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: Title IV-E, PL 95-608, ORS 418.015,.315, 419B.331-.349, SB 689 (1997).**

## **Eligibility after age 18**

### **413-030-0220**

(1) Eligibility for substitute care services shall cease at age 18 unless the person continues to meet both the eligibility criteria outlined earlier in OAR 413-030-0210 and in this section of the rules. Under the following conditions the Department may continue to provide placement services up to the maximum age of 21 years if the person is:

(a) Actively striving to complete the requirements for high school graduation and achieving satisfactorily in a full-time program of high school attendance, GED classes or a combination of classes and employment; or

(b) Enrolled in a special education program as called for in an Individual Educational Plan (IEP); or

(c) An unaccompanied refugee minor; or

(d) The person's situation has been reviewed and approved in writing for an exception to these rules by the SDA Manager or designee.

(2) In no instance shall a person receive substitute care services from the Department after the youth's 21st birthday.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: Title IV-E, PL 95-608, ORS 418.015-.315, 419B.331-.349**

## **Contact(s):**

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

## **Policy History**

- 12/29/95
- 10/06/99
- 07/25/00
- 07/01/01