

Policy Title:	Trust Accounts – OAR			
Policy Number:	III-B.5 413-310-0400 thru 0510		Effective Date:	12-29-95

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

History

Reference(s):

- ORS 416.820, 416.030, 418.032, 419B.400 through .406

Form(s) that apply:

- CF 198, Trust Action

Rules:

413-310-0400

Purpose

These rules describe how the Department establishes and maintains trust accounts for children who are in its custody. The Department is authorized by ORS 416.030, 416.820, 418.032, and 419B.400 through 419B.406 to accept and disburse funds on behalf of children who have been placed in custody of the Department. The Department maintains a Trust Account in which all money for a child is deposited. Money received may be court ordered, voluntary, donations, Social Security Administration, Supplemental Security Income (SSI), Veterans' benefits, Railroad benefits, Indian benefits or any other source available for the child.

Stat. Auth.: ORS 416.820, 418.032, 419B.400-.406

Stats. Implemented: ORS 416.820, 418.032, 419B.400-.406

413-310-0410

Definitions

- (1) "Application": Process of matching the cost of care with a child's Trust and Agency Maintenance Account, withdrawing available money up to the cost of care, and transferring the money to the Department's Other Funds account.
- (2) "Care": Services provided to meet the needs of a child, i.e. food, shelter, clothing, medical care, schooling, protection, supervision, etc.

- (3) "Collected Support Arrearage": The amount of child support arrearage collected by the Department of Justice, Division of Child Support (DCS), or, the Department of Revenue which is passed on to the Department for posting to the child's Trust Account.
- (4) "Collectible Unreimbursed Assistance (CUA)": The unpaid portion of child support established by court order or administrative order by DCS to be paid by the obligor as child support.
- (5) "Financial Accountings": A detailed accounting of all money spent by the Department on a child's behalf and the amount of Trust and Agency money, by funding source, reimbursed to the Department for these items.
- (6) "Legal Custody": A person or agency has legal authority:
 - (a) To have physical custody and control of a child;
 - (b) To supply the child with food, clothing, shelter, and other necessities;
 - (c) To provide the child with care, education, and discipline; and
 - (d) To authorize medical, dental, psychiatric, psychological, hygienic, or other remedial care or treatment for the child, and in an emergency, where the child's safety appears urgently to require it, to authorize surgery or other extraordinary care.

Legal custody includes temporary custody of a child under an order of temporary custody or commitment from a juvenile court pursuant to ORS 419.B.231 through 491B.237 and 419B.328 through 419B.337.

- (7) "Paid Placement": The home or facility utilized by the Department to provide care for a child where there is a cost to the agency.
- (8) "Pre-Adoptive Status": Trial placement of a child with a prospective adoptive applicant.
- (9) "Child Support Program (CSP)": A section within the Division of Child Support, Department of Justice responsible for receiving and recording support money paid by an obligor and the transferring these money to the proper representative payee.
- (10) "Special Account Money": A sub-section of a child's Trust Account to receive money intended for a child's extra personal needs. This money may come from family, friends, the student's own earnings, etc.
- (11) "Support Arrearages": The amount of unpaid support which has been established by court order or voluntary agreement for the purpose of maintaining a child(ren).
- (12) "Division of Child Support (DCS)": A division in the Department of Justice responsible for enforcing the support obligation of parents whose children are receiving public assistance.
- (13) "Termination of Custody": Relinquishment of Department custody as a result of a court order, emancipation through attaining legal age, marriage, retraction of voluntary commitment or legal adoption.

- (14) "Unreimbursed Assistance (UA)": The total expenditures made by the state on behalf of a child less any amount reimbursed from the child's Trust Account.
Stat. Auth.: ORS 416.820, 418.032, 419B.400-.406
Stats. Implemented: ORS 416.820, 418.032, 419B.400-.406

413-310-0420

Policy

A Trust Account will be established automatically when a child is placed in Department custody. This account will include both a maintenance and a special sub account in which all revenue received on a child's behalf will be recorded.

Stat. Auth.: ORS 416.820, 418.032, 419B.400-.406
Stats. Implemented: ORS 416.820, 418.032, 419B.400-.406

413-310-0430

Maintenance Account

- (1) All money received for the purpose of care of the child and interest earned thereon will be deposited into the child's maintenance account. Money may be received from an individual, state, federal or private agency and is used to support that child while in Department care. The maintenance account will provide sub accounts to segregate money and interest earned by source as follows:
- (a) Court Ordered Support
 - (b) Social Security Administration (SSA)
 - (c) Other Sources
 - (d) Supplemental Security Income (SSI)
- (2) An application will be made against the child's Trust Account for the maintenance costs the Department has expended for that child. Any balance remaining in the account shall be used to offset the cost of other expenses paid by the Department for that child. These expenses include but are not limited to clothing, school expenses, medical needs, etc.
- Stat. Auth.: ORS 416.820, 418.032, 419B.400-.406**
Stats. Implemented: ORS 416.820, 418.032, 419B.400-.406

413-310-0440

Special Account

Money received for a child that has been identified for a specific purpose other than maintenance shall be deposited into the Special Account (i.e., child's earnings, restricted money gifts, inheritances, restricted money brought with the child when entering Department custody, interest earned on the special account money, etc.). All donations not specifically designated for a special purpose will be considered for the care of the child and will be deposited in the child's maintenance account.

Stat. Auth.: ORS 416.820, 418.032, 419B.400-.406
Stats. Implemented: ORS 416.820, 418.032, 419B.400-.406

413-310-0450

Trust Action Trust Disbursement Request, CF 198

- (1) A CF 198 will be used to withdraw funds from the child's Trust Account. Blank CF 198s must be:
 - (a) Maintained under lock and key;
 - (b) Copies of used CF 198s must be kept on file;
 - (c) All voided CF 198's must be sent to Central Office, Accounting Services.
- (2) In cases where the "payee" is not the Department, or being returned to the source, the CF 198 must be signed by the caseworker or the caseworker's supervisor. All other transactions may be signed by the Trust Clerk or other designee. CF 198s which do not have a full signature will not be processed. They will be returned to the sender for proper authorization. (Initials do not constitute a full signature.)
Stat. Auth.: ORS 416.820, 418.032, 419B.400-.406
Stats. Implemented: ORS 416.820, 418.032, 419B.400-.406

413-310-0460

Obtaining Money on a Child's Behalf

- (1) Federal Benefits - (SSA, SSI, RRB, VA, etc.):
 - (a) The local branch office will make application for the Department to become Representative Payee on behalf of a child in substitute care placement. Application for Social Security Administration benefits (SSA), Supplemental Security Income (SSI), Veteran's benefits (VA), Railroad Retirement benefits (RRB), military allotments or other similar recurring benefits must be filed with the payor organization on behalf of the director of the Department using the Department branch address. The signature on the application for these benefits will appear as: "branch manager name", branch manager, for the director, Department of Human Services.

NOTE: The Department shall remain Representative Payee for a child until Department custody is terminated, even if the child does not remain in a paid placement.

- (b) The first check received following application may be a "lump sum" covering several months which may or may not include time that the child is in the custody of the Department. A letter of explanation from the payor organization will accompany or follow this first check. If this information is not received, the branch office shall contact the local benefit office.
- (c) Upon receiving the first regular monthly benefit check, or award letter stating the benefit amount, the branch office shall initiate action to establish a Direct Deposit by completing the appropriate worksheet(s) (CF 297, Social Security Benefits (SSA or SSI); CF 298, Veterans Benefits; or CF 299, Railroad Benefits). Before submitting the worksheet to the cashier in Central Office, the branch office shall enter the benefit information on the IIS system using the ICMC screen. Upon receiving the work sheet, the Central Office cashier will review the transaction to

insure that the correct benefit number, amount and "D" for direct deposit were entered.

- (d) The cashier in Central Office will complete the Authorization for Direct Deposit of Social Security (SF1199) or Civil Services, Railroad Retirement and Veteran's Affairs (SF1199A) and submit it to the bank which will process and forward the forms to the appropriate payor agency for action.
- (e) All federal benefit checks received by the branch office are to be credited into the Maintenance Section subaccount of the appropriate Trust Account and deposited directly into the local bank. SSI benefits are to be recorded as current month receipts and all other Federal Benefits are to be identified as prior months' receipts.

(2) Court Ordered Support (Child Support Program (CSP)):

- (a) Court ordered support payments are generally collected by the Child Support Program (CSP), Division of Child Support, Department of Justice. Money collected through CSP is transmitted daily via computer tape to the Department's IIS Fiscal System. These amounts will appear as a "70" receipt code on the IFDD Screen;
- (b) Each branch must review the Trust Accounts every year to identify children who have had support money collected through CSP to insure that the appropriate application against the cost of care has been made. When Lump Sum arrearage money is received from CSP, and the fiscal subsystem can not make automatic application, the Trust Clerk will be responsible for preparing a CF 198 to reimburse the Department for any unreimbursed cost of care.

(3) Voluntary Payments:

- (a) This includes money sent voluntarily by the family, relative or friends directly to the branch office for support of a child in the Department's custody. This money is to be identified as support for the child and is to be credited to the maintenance account in the child's Trust Account;
- (b) Money may also be sent which is designated for a specific purpose (e.g., to purchase a bicycle for the child, child's earnings, etc.). This money is to be credited to the special account of the child's Trust Account.

(4) Interest:

- (a) Trust Accounts accrue interest monthly based upon earnings made by the State Treasurer's Office on investment of all trust money held;
- (b) Interest is posted to each Trust Account, by source, based upon the daily balance in each account. Interest earned on Maintenance Account Sources is available to reimburse cost of care. Special account interest is available for the child's needs or special purposes as identified by the donor.

Stat. Auth.: ORS 416.820, 418.032, 419B.400-406

Stats. Implemented: ORS 416.820, 418.032, 419B.400-406

413-310-0470

Use of Money Available For a Child

- (1) Maintenance Account:
 - (a) Money in the maintenance account is available to provide for the current needs of the child. The following transactions may be processed against the child's maintenance account.
 - (b) Retroactive Lump Sum Benefits. The Department may use retroactive lump sum benefits either from federal benefits or support to offset the cost of care as follows:
 - (A) Federal benefits may be applied retroactively back to the initial date of paid placement
 - (B) Retroactive support benefits may be applied back to the date of the court order ordering support or date of substitute care placement whichever date is later;
 - (C) For the Department to be reimbursed from arrears maintenance money prior to July 1, 1984, a Financial Accounting as outlined in Section G or H must be completed and a CF 198, payable to the Department must be processed;
 - (D) If the lump sum benefit is not equal to the Department's cost of care, the application is to be applied back as far as possible. If the lump sum benefit is greater than the Department's cost of care, the balance will be left in the maintenance account to cover future costs.

NOTE: The Social Security Administration provides a publication, "Your Duties as a Representative Payee", which is available upon request through your local Social Security office. A copy will be kept in the branch office for reference.

- (c) Trust Fund Applications. Following each check run the amounts paid by the Department for the child's cost of care are automatically compared to the balance in the child's trust maintenance account. If the cost of care exceeds the balance, the entire trust maintenance balance will be applied. If the cost of care is less than the maintenance balance, the cost of care will be deducted from the account with the balance remaining for future use. The application shall not exceed the cost of care.
 - (A) Foster Care: Payments generated from the CF 308, Plan/Service Authorization are made at the end of every month and the application will be for the same month that the payment references. (For Example: A 308 may generate a foster care payment dated 5/31/85 for May 1985 care. The foster care application on 5/31/85 will deduct amounts from the maintenance account to reimburse the Department for May 1985 care.)
 - (B) Purchase of Care Payments: Applications for Purchase of Care payments are made for the prior month. Invoices for purchased services are received for payment at the first of every month. Payment is then made to

the provider for the prior month's care. Money available in the maintenance account is deducted for the month the payment was made. (For Example: Cost of care for May 1985 is billed to the agency on June 1, 1985 and payment is made in June. At that time the cost of May care is compared to the balance in the maintenance account and the application is made to reimburse the Department for May 1985 care.)

- (C) Trust Application Registers: A trust application Register is received in Central Trust Section daily. This report is reviewed to insure that the applications against the Maintenance Accounts were appropriate and accurate.
- (d) Misapplications. If a payment is made under the wrong case number in error, the application will also be made to the wrong Trust Account. When this happens a reverse application must be made by Central Office. To initiate a reverse application the branch must prepare a memo to the manager of Accounting Services stating the circumstances of the misapplication, month(s) involved, amount(s), incorrect case number, correct case number, name of the payee, payee number and child's name.
- (e) Manual Maintenance Payments. Children in the Department's custody who have been moved from a paid placement to an unpaid placement may have monthly needs met from their Maintenance Account. The caseworker must determine that a financial need exists and document this need in the child's case file. (Also see SSI Regulations - Guidelines - Limitations in E.3. e, f, and g below.) The caseworker must complete a CF 198 any month money is to be forwarded to the non-Department paid home or facility. The maximum amount to be forwarded shall not exceed the month's benefit or the foster care rate established by the Department for the child, whichever is the lesser.

NOTE: Court ordered support may not be used for this purpose.

(2) Special Account:

- (a) Money Received for a Special Purpose. Money deposited in the special account is designated for a specific purpose with the exception of interest earnings prior to 4-1-82. When money is expended for the specified purpose, documentation is to be maintained in the child's case file. Money from the child's special account shall not to be used to offset the cost of care.
 - (A) Money Transferred to the Department With the Child: When a child enters Department custody and brings an amount of money with him/her, it must be deposited in the child's special account unless specified by court order or other documentation that the money is available for maintenance of the child.
 - (B) Inheritance: If a child in Department custody receives an inheritance, and a conservator is not appointed, these funds are to be deposited in the child's special account unless there is evidence that the money is available for the maintenance of the child.

- (b) Restitution. When a child is mandated by a judge to repay for damages caused to a person or property only the child's earnings deposited in his special account may be used.
- (c) Special Account money does not include:
 - (A) Any portion of a child's benefits or support money. Any benefit or support (OAR 413-310-0460) received, which is in excess of the monthly maintenance costs, may not be deposited into the special account. Excess benefits/support must be left in the maintenance account to meet the current, future and past cost of care needs of the child. If any such items are found in the special account, they must be transferred to the maintenance account with any accrued interest.
 - (B) SSI Weatherization. In Late 1979 and early 1980 the Social Security Administration awarded an additional month's benefit to SSI recipients to be used on behalf of the recipient to acquire items in preparation for winter weather. This additional benefit should have been credited into the maintenance account. If the benefit is found to be credited to the special account it must be transferred to the maintenance account with any accrued interest.
 - (C) Interest Earnings (other than special). Prior to April 1982, interest earned on both the maintenance and special account balances was posted to the special account only. When preparing financial or final accountings and it is discovered that interest earned on the maintenance account balance was posted to the special account and the money remains in the special account, that amount of money must be transferred to the maintenance account.

(3) SSI Regulations - Guidelines - Limitations

- (a) Asset Limitation. Eligibility for SSI benefits is to be terminated any time a child's assets (Department Trust Account) reach the following balance on the first day of a calendar month:

Prior to 1-1-85	\$1,500
Beginning 1-1-85	\$1,600
Beginning 1-1-86	\$1,700
Beginning 1-1-87	\$1,800
Beginning 1-1-88	\$1,900
Beginning 1-1-89	\$2,000

Exceptions to the limit are:

- (A) Lump sum benefits received from Social Security Administration for back SSI benefits. The agency is allowed six months to reduce the trust balance below the asset limitation.
- (B) Funds in a separate irrevocable Trust Account.
- (C) Court ordered support (see (d) below)

- (D) Any SSI money received after reaching the limitation must be returned to the Social Security Administration until the asset limitation is reduced below the limitation and SSI has completed a re-evaluation and reinstated the grant.
 - (b) Trust Accounts with a Balance of \$1,000 or more. To monitor accounts approaching the SSI limitation, Report CPO313FI "Client Trust Account Monitoring Report" is produced monthly for each branch. It lists all trust accounts with a balance of \$1,000. Each of the listed accounts are to be reviewed by the branch for the following:
 - (A) Expenditures made by the Department for which reimbursement was not made;
 - (B) Medical payments made by the Department for the child's medical needs. If medical payments have been made but not charged to the Trust Account, money is to be drawn on the child's account by preparing a CF 198 payable to the Department;

(Contact the central trust clerk for detailed medical expenditures on specific cases.)

 - (C) Child is no longer in Department custody and a final accounting is to be made and money disbursed to the source or the child. (See OAR 413-310-0500, Clearing a Trust Account.)
- (c) Appointment of a Conservator. A conservator should be chosen for any child receiving SSI benefits when a large inheritance is received or when a Trust Account has money in excess of \$1,000.00. A conservator may be a parent, relative, lawyer or other person who will establish an irrevocable trust on the child's behalf. The irrevocable trust must not allow access to any money until the child reaches 18 years of age. Excess money should then be drawn from the Department Trust Account, by preparing a CF 198, payable to the conservator. The Department Trust Account should not be drawn below \$500.
- (d) Support Not Considered Income for SSI. Court ordered support to satisfy the state debt incurred when a child is in a Department paid placement will not be considered income to a child for SSI benefit determinations.
- (e) Placement With a Relative. When a child is placed with a relative and is receiving SSI benefits, the Social Security Administration must be notified by the branch office so benefits can be reduced by 1/3. These reduced benefits may be forwarded by the branch to the relative if required to meet the child's current needs. (See subsection (1)(e) of this rule, Manual Maintenance Payments.)
- (f) Pre-Adoptive Status. When a child is placed in pre-adoptive status, the Social Security Administration must be notified by the branch office so SSI benefits can be reduced by 1/3. Monthly assistance for the amount of the Social Security benefit may be forwarded to the pre-adoptive parent if required to meet the child's current needs. (See subsection (1)(e) of this rule, Manual Maintenance Payments.)

- (g) Placement With Parent. When a child is placed with the parent(s) on a trial basis, Social Security Administration must be notified by the branch office. A complete redetermination of SSI eligibility will be made based upon the parent's income plus any maintenance money which may be sent to the parent through the Department. If the redetermination finds the child eligible for SSI benefits and the money is required to meet the child's current needs, the Department may forward the SSI benefits to the parent(s). (See subsection (1)(e) of this rule Manual Maintenance Payments.)

Stat. Auth.: ORS 416.820, 418.032, 419B.400-.406

Stats. Implemented: ORS 416.820, 418.032, 419B.400-.406

413-310-0480

Transfer of Money Between Maintenance and Special Trust Sub Accounts

- (1) The only instance in which money may be transferred between the maintenance and special subaccounts is when money was credited to the wrong account in error.
- (2) Transfer of funds from one account to another is made by completing a CF 198 and providing an explanation for the transfer in the comments section of the CF 198.

Stat. Auth.: ORS 416.820, 418.032, 419B.400-.406

Stats. Implemented: ORS 416.820, 418.032, 419B.400-.406

413-310-0490

Financial Accounting

Financial accountings are required on all cases where a client was in a paid placement. This is required even if no money was received into the child's Trust Account from any source during placement with the Department. All paid placement cases are referred to DCS, (except for Good Cause), and DCS will pursue collection of support on the Department's behalf.

- (1) Priority for Completing Financial Accountings:
- (a) Requests from Central Office:
- (A) Challenged tax withholdings (within 3 workdays);
- (B) Potential Lawsuits and/or DCS Requests (within 10 workdays);
- (C) Other (within 15 work days).
- (b) Transfer of Cases from One Branch to Another (within 30 days);
- (c) Current Closures (within 90 days);
- (d) Prior Closures:
- (A) Closures since 3-1-82 (all);
- (B) Closures prior to 3-1-82 (accounts with cash balance only).
- (e) Current Active.

- (2) Restriction on Cost-of-Care Computations. When preparing a financial accounting for a child who was placed in Hillcrest, MacLaren, or the camps, the cost of care will not be considered for time prior to April 1, 1982, unless there was a court order requiring support at time the child was placed in Hillcrest, MacLaren, or a camp.
- (3) Distribution of Financial Accountings:
 - (a) Retain one copy in the branch preparing the financial accounting;
 - (b) Forward original to the Central Trust Unit;
 - (c) Forward one copy to the branch or training school to which the case is transferred.
- (4) Financial Records Retention, Pre-adoption or Adoption Status:
 - (a) For children in foster adoption or pre-adoption status or whose adoption has been finalized, it is necessary to retain all financial records until the financial accounting has been completed.
 - (b) When the adoption is finalized, all financial documents must be removed from the record and held in a separate file in the branch. This file is to be retained for seven (7) years after the Trust Account reaches zero (0).

Stat. Auth.: ORS 416.820, 418.032, 419B.400-.406

Stats. Implemented: ORS 416.820, 418.032, 419B.400-.406

413-310-0500

Clearing a Trust Account

- (1) When a child whose custody from the Department is terminated, the funds available in the Trust Account shall be disbursed and the account "zeroed out" using the following guidelines.
- (2) Prepare Closing Financial Accounting. In order to insure proper disbursement of Trust Account balances when a child leaves the Department's custody, a closing financial accounting must be prepared. Starting with the first month and working forward, monthly expenditures will be reimbursed with maintenance money in the following priority:
 - (a) Court ordered support;
 - (b) Social Security;
 - (c) Other:
 - (A) Voluntary support;
 - (B) Veterans;
 - (C) SAIF;
 - (D) Civil Service Annuities;

- (E) Military Allotments;
 - (F) Railroad;
 - (G) Other.
- (d) SSI.
- (3) If a child has had interim financial accountings prepared, the closing financial accounting will only have to cover the period of time not covered by the interim accountings.
- (4) Maintenance Account. Where there is any balance in the Maintenance Account it must be analyzed to determine whether the balance represents money received while the child was in care and whether it should have been used to offset the cost of care:
- (a) Manual Application for Cost of Care:
 - (A) If it is determined that part or all of the Maintenance Account balance should have been used to offset the cost of care, a CF 198 shall be prepared made payable to Department FC (Foster Care) or PC (Purchase of Care). If PC (Purchase of Care) include provider number and explain in Comments section of the CF 198 the period of time covered and amount of money applicable to each provider.
 - (B) If a balance still remains, the Department shall be reimbursed for any medical expenditures which were made on behalf of the child. (See OAR 413-301-0470.)
 - (b) Manual Disbursing of Maintenance Account Balance. When it is determined that part or all of the balance in the Maintenance Account does not belong to the Department for cost of care, determine the source of the income and proceed as follows:
 - (A) SSA and SSI. Conserved funds are to be disbursed back to the payor organization when Department custody of the child terminates.
 - (i) Payor Organization: The Trust Clerk shall determine the type of Social Security funds and prepare a letter or CF 296 showing money received, disbursed, and the amount to be refunded. Include child's name, claim number, and explanation of the refund. The Trust Clerk should then complete the CF 198 payable to the Social Security Administration, in care of "Claim Number". Send the letter and the CF 198 to Central Office Trust Section. When the check is issued, the Department will send the letter and check to the appropriate agency.
 - (ii) Child or His/Her Guardian: The Department may not disburse excess benefits from SSI or SSA to the child or guardian without written authorization from the organization. If an extreme financial hardship will be placed upon the child or guardian, the branch office

should contact the local benefactor organization by telephone or letter stating the circumstances, claim number, child's name, and amount of excess benefits. When written authorization is received to release benefits to the child or child's guardian the branch office will then initiate a CF 198, payable to the appropriate person. Send a copy of the written authorization and the CF 198 to the Department Central Trust Clerk.

(B) Support Money:

- (i) If the balance represents support received after the child left custody it will be necessary to determine if those payments are for arrearages covering a period when the child was in care. Arrearages can be verified on the Department's SMUX Screen. If the above information is not understood or is confusing, contact the Department's Central Trust Clerk for assistance.
- (ii) If the Department is not entitled to the current child support, the funds must stay in the account until returned to CSP. This occurs after DCS has been notified by the appropriate branch updating IIS showing that the child is no longer in Department custody. DCS will take the necessary steps to change the court order and CSP will enter the new order redirecting the support into their system. Since the Department is due maintenance money for any costs of care incurred during the last month that the child is in paid placement, the branch must notify the Central Trust Unit of costs outstanding. The Central Trust Unit will then notify CSP of the outstanding costs and they will retrieve the excess support and send it to the new obligee.

(C) Other Support. Money received as voluntary support intended for maintenance of the child in an out-of-home care placement shall be disbursed to the parent/guardian or the child when Department custody of the child is terminated. A letter of explanation shall accompany the money.

(5) Special Account. Balances in the Special Account are to be paid directly to the legal guardian or child as directed by the branch office. A letter of explanation shall be sent to the person(s) designated to receive this money.

Stat. Auth.: ORS 416.820, 418.032, 419B.400-.406

Stats. Implemented: ORS 416.820, 418.032, 419B.400-.406

413-310-0510

Unclaimed Trust Account Balances

(1) In accordance with the Uniform Disposition of Unclaimed Property Act of 1957 (ORS 98.302-98.436) the Department will:

- (a) Identify each account which has been "unclaimed" and abandoned five years from the date Department custody was terminated;

- (b) Every year from June 30 until November 1, unclaimed Trust Account balances will be cleared and disbursed to the Department of State Lands after completing the following:
- (A)
 - (i) Review the account to determine if the balance represents money received while the child was in care and whether it should have been used to offset the cost of care;
 - (ii) If it is determined that the balance should have been used to offset the cost of care, follow instructions under OAR 413-310-0500.
 - (B) Determining whether the balance represents child support or federal benefits, and whether appropriate actions were taken at the time Department custody was terminated per instructions under OAR 413-310-0500, Clearing a Trust Account;
 - (C) When money remains in the Trust Account, a notice must be sent to the client's last known address stating that there is a Trust Account balance with the Department. Allow the client 30 days from the date of the notice to respond.
- (c) If the notice is returned because the child has moved leaving no forwarding address, or the 30 days has elapsed without a response, the branch is to dispose of the balance in the following manner:
- (A) Balances of \$3 or less are to be disposed of by preparing a memorandum entitled "Unclaimed Trust Balances," which includes: the child's name; eligibility; branch; case number; person letter; and date case closed and submitting it to the Department's Central Trust Clerk for processing. These minor balances which result primarily from final interest postings will be reversed from the client's Trust Account and added back to the next Monthly Interest Distribution.
 - (B) Balances over \$3 shall be sent to the Department of State Lands. Prepare a CF 198, payable to "Department of State Lands" in care of the child's name. In comments record date case closed and that this is an unclaimed balance. A Department of State Lands Form 2A listing the details of the accounts being transferred must accompany the 198's and be sent to the Department's Central Trust Clerk. Separate 2 A's are to be prepared for:
 - (i) Accounts which have balances under \$10;
 - (ii) Accounts which have balances of \$10 or more.
 - (C) Department accounting will prepare the Form 1A, 3A, and accumulate the trust checks which are to accompany the Form 2A's to the Department of State Lands.

Stat. Auth.: ORS 416.820, 418.032, 419B.400-.406

Stats. Implemented: ORS 416.820, 418.032, 419B.400-.406

Contact(s):

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

Policy History

- 12/29/95