

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES

A Statement of Need and Justification must accompany this form.

I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on

January 1, 2016 by the

Department of Human Services, Office of Self-Sufficiency Programs

461

Agency and Division

Chapter Number

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to become effective January 1, 2016 through June 28, 2015.*

**Temporary rules are effective for a maximum of 180 days including the effective date.*

Rule Caption: *Adding exemption to ERDC reservation list*

AMEND: OAR 461-115-0016

ORS 409.050, 411.060, 411.070

Stat. Auth.

None.

Other Auth.

ORS 409.010, 409.050, 409.610, 411.060, 411.070

Stats. Implemented

Rule Summary

The Department of Human Services, Office of Self-Sufficiency Programs, is adopting temporary changes to OAR 461-115-0016 to exempt participants in the Early Head Start Child Care Partnership provider sites contracted with DHS from the ERDC reservation list. The ERDC reservation list is used to keep the ERDC caseload within the legislatively mandated cap.

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules must accompany this form.

Department of Human Service, Office of Self-Sufficiency Programs

461

Agency and Division

Chapter Number

In the Matter of: *Temporary amendment of OAR 461-115-0016*

Need for the Rules

OAR 461-115-0016 needs to be amended because Oregon has agreed to work with the federal Early Head Start Child Care Partnership project which is a three-year initiative to increase access to quality child care programs for parents needing subsidized child care. This agreement would be compromised if participants in the program are subject to the ERDC reservation list. This amendment exempts participants in the Early Head Start Child Care Partnership project from the reservation list.

Documents Relied Upon

None.

Justification of Temporary Rules

The Department finds that failure to act promptly by amending OAR 461-115-0016 will result in serious prejudice to the public interest, the Department, and participants in the Early Head Start Child Care Partnership. Without proceeding by temporary rule, these clients will be subject to the ERDC reservation list which will impact the stability of these families. The Department needs to proceed by temporary rule because the public, the Department, and participants in the Early Head Start Child Care Partnership will immediately benefit because these families will be able to receive subsidized, contracted child care assistance even when the reservation list is activated. This access will increase the opportunity to impact the generational cycle of poverty in a positive way.

Application Process; Reservation List for ERDC

Notwithstanding any other rule in chapter 461 of the Oregon Administrative Rules, in the ERDC program:

- (1) *Eligibility* (see OAR 461-001-0000) is subject to the availability of funds. The Department may implement a Child Care Reservation List whenever the Department determines that sufficient funding is not available to sustain benefits for all of the applicants requesting assistance.
- (2) Except as provided in section (3) of this rule, the following applicants are subject to placement on the Child Care Reservation List when the Child Care Reservation List is in effect:
 - (a) New applicants for ERDC when no member of the ERDC filing group (see OAR [461-110-0310](#) and 461-110-0350) meets the requirements of one or more of the following paragraphs:
 - (A) Received a partial or full month of REF, SFPSS, or TANF program cash benefits from the State of Oregon in at least one of the preceding three months; and no member of the ERDC program filing group may be concurrently receiving TANF program benefits except as allowed under OAR 461-165-0030.
 - (B) Is eligible for and being placed in a current opening in a Head Start program contracted slot under OAR 461-135-0405, ~~or~~ an Oregon Program of Quality contracted slot under OAR 461-135-0407, or an Early Head Start Child Care Partnership contracted slot.
 - (C) The *caretaker* (see OAR 461-001-0000) is currently working with Child Welfare as part of a CPS assessment or open case, an ongoing safety plan is in place, and Child Welfare has determined the use of child care as part of an ongoing safety plan will:
 - (i) Prevent removal of the *child* (see OAR 461-001-0000) from their home;
 - (ii) Allow a *child* to be returned home; or
 - (iii) Allow for placement of the *child* with a relative or with an adult whom the *child* or the family of the *child* has an established relationship.

- (D) Determined eligible for TA-DVS program benefits (see OAR 461-135-1225) from the State of Oregon in the current month or at least one of the preceding three months.
- (b) Individuals who are reapplying for ERDC after a break in ERDC benefits of two consecutive, calendar months or more.
- (3) Except as allowed under OAR 461-165-0030, no member of an ERDC program filing group may be concurrently receiving TANF program benefits. When concurrent benefits are not allowed, the Department sends a *decision notice* (see OAR 461-001-0000) of ineligibility for the ERDC program and the filing group is not placed on the Child Care Reservation List.
- (4) When the Child Care Reservation List is in effect, the Department must place all applicants who are subject to the Child Care Reservation List under section (2) of this rule on the Child Care Reservation List for future selection. The Department sends these applicants a *decision notice* of ineligibility for the ERDC program.
- (5) Each month, on the basis of an estimate of available funds, an appropriate number of individuals from the Child Care Reservation List are randomly selected and invited to apply for ERDC.
- (6) After an individual is selected from the Child Care Reservation List, the individual must contact the Department to establish a *date of request* (see OAR 461-115-0030) no later than 30 days after the date on the selection letter. The individual may request child care benefits from the Department:
 - (a) Without completing a new application, when the previous application is within 45 days of its *date of request*; or
 - (b) By submitting a new application for child care benefits to the Department.
- (7) The processing time frame for the ERDC application is the same as that specified in OAR 461-115-0190, except that:
 - (a) An individual who requests benefits after the 30 day deadline to apply (see section (6) of this rule) will be returned to the Child Care Reservation List.
 - (b) If the Department does not receive a request for benefits within the deadline to apply, the individual is dropped from the Child Care Reservation List.

Stat. Auth.: ORS 409.050, 411.060, 411.116

Stats. Implemented: ORS 409.010, 409.050, 409.610, 411.060, 411.116, 411.121, 411.122, 411.135