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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**SSP 31-2017**  
CHAPTER 461  
DEPARTMENT OF HUMAN SERVICES  
SELF-SUFFICIENCY PROGRAMS

**FILED**  
11/22/2017 9:15 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Reservation List Process for ERDC

EFFECTIVE DATE: 11/22/2017 THROUGH 03/31/2018

AGENCY APPROVED DATE: 11/22/2017

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Filed By:  
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NEED FOR THE RULE(S):

OAR 461-115-0016 needs to be amended to better fit the anticipated, ongoing monthly pull of names for the ERDC reservation list by changing the reservation list selection from random selection to first-in, first out. This rule also needs to be amended to remove unnecessary requirements that reference Oregon Program of Quality contracted slots which ended in 2016.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by amending OAR 461-115-0016 will result in serious prejudice to the public interest and the Department. The Department needs to proceed by temporary rule to address budget constraints promptly through readiness to implement the reservation lists for ERDC requests, using an ongoing monthly pull. The earlier random selection process had been a better fit when the list would build over multiple months.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None

AMEND: 461-115-0016

RULE SUMMARY: OAR 461-115-0016 about the reservation list in the ERDC program is being amended to change the reservation list selection from random selection to first-in, first out. This change will better fit the anticipated, ongoing monthly pull of names. This rule is also being amended to remove its reference to Oregon Program of Quality contracted slots which ended in 2016 and no longer affects the reservation list process.

CHANGES TO RULE:

461-115-0016

## Application Process; Reservation List for ERDC ¶¶

Notwithstanding any other rule in OAR chapter 461, 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, ~~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~~ selected on a first-in and first-out basis 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.

Statutory/Other Authority: ~~ORS 409.050, 411.060, 411.116,~~ ORS 329A.500

Statutes/Other Implemented: ~~ORS 409.010, 409.050, 409.610, 411.060, 411.116, 411.121, 411.122, 411.135,~~  
ORS 329A.500