Exhibit 15: Oregon

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Useful Links:
Oregon Legislature:
http://www.leg.state.or.us/
Department of Human Services, Children, Adults & Families Division:
Fostering Connections Resources:
http://www.fosteringconnections.org/resources/state_topic?id=0037&topic=kinship-guardianship

Attached Documents:
Relative Guardianship Assistance Program Eligibility Sheet
Adoption & Guardianship Assistance Policy & Rules, OAR #I-E.3.6.2
RELATIVE GUARDIANSHIP ASSISTANCE PROGRAM  
Fostering Connections to Success and Increasing Adoption  
Act of 2008

Effective Date: March 31, 2009

Who: All relatives signing guardianship applications for Title IV-E eligible children on or after March 31, 2009, may receive guardianship assistance under the new policy.

What: The Foster Connections Act of 2008 gives States and Tribes an opportunity to provide kinship guardianship assistance payments to relatives who assume legal guardianship of children for whom they have cared while foster parents. The law also gives states the capacity to claim Federal Fund Participation.

New non-relative guardianships: See chart below for applicable provisions.

Existing/Pending Guardianships: Relative agreements pending or entered into prior to March 31, 2009, may need to have renegotiated agreements in order for the IV-E subsidy to be compliant with the new federal requirements. Non-relative guardianships pending or entered into prior to March 31, 2009, will be continued pursuant to existing policy and Rule dated April 1, 2004.

Primary provisions for new guardianships:

<table>
<thead>
<tr>
<th>Non-Relative</th>
<th>Relative</th>
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<tr>
<td>- Child must be in DHS custody for 12 months</td>
<td>- Basic foster care payment only</td>
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<td>- Child age 14 or older must be consulted regarding the guardianship plan</td>
<td>- Child must be in DHS custody for 6 months</td>
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<tr>
<td>- Case record must document that the child and guardian can maintain a</td>
<td>- Child age 14 or older must be consulted regarding the guardianship</td>
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<td>stable relationship and function effectively</td>
<td>plan</td>
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<td>- Case record must document child and guardian can maintain a stable</td>
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<td>relationship and function effectively</td>
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<td>- Child must be eligible for independent living services and education</td>
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<td>and training vouchers when leaving foster care after age 16 for a</td>
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<td>a relative guardianship</td>
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3/31/2009GuardianshipIMattachment
Policy Title: Guardianship Assistance - OAR
Policy Number: I-E.3.6.2 413-070-0900 thru 0979
Effective Date: 6-15-10

Approved By: On file
Date Approved: 6-15-10

Reference(s):
Title IV-E Waiver Terms and Conditions
http://dhsdesign.hr.state.or.us/branchproj/branchproj-index.htm
Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law (P.L.) 110-351)
ACYF-CB-PI-08-05
ACYF-CB-PI-08-007 Program Instruction for P.L. 110-351
I-A. 5.1 Contested Case Hearings
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-a51.pdf

Form(s) that apply:
CF 0966 - Consent of Parent to Guardianship
http://DHSResources.hr.state.or.us/WORD_DOCS/CE0966.doc
CF 0967a - Letter to Relative Regarding Use of Vendor Attorney
http://DHSResources.hr.state.or.us/WORD_DOCS/CE0967a.doc
CF 0967B - Guardianship Assistance Legal Fee Agreement
http://DHSResources.hr.state.or.us/WORD_DOCS/CE0967b.doc
CF 0967C Attorney Agreement to Accept DHS Rate of Reimbursement
http://DHSResources.hr.state.or.us/WORD_DOCS/CE0967c.doc
CF 0970 - Assessment for Guardianship Assistance
http://DHSResources.hr.state.or.us/WORD_DOCS/CE0970.doc
CF 0971 - Guardianship Assistance Agreement
http://DHSResources.hr.state.or.us/WORD_DOCS/CE0971.doc
CF 0972 - Guardianship Review Report
http://DHSResources.hr.state.or.us/WORD_DOCS/CE0972.doc
CF 0973 - Guardianship Assistance Application - Title IV-E Determination
http://DHSResources.hr.state.or.us/WORD_DOCS/CE0973.doc
CF 0974 - Guardianship Assistance Application - Family Information
CF 0975 - Duties of a Guardian
http://DHSResources.hr.state.or.us/WORD_DOCS/CE0975.doc
Rules:

413-070-0900

Purpose

The purpose of these rules, OAR 413-070-0900 to 413-070-0979, is to describe Department criteria for program eligibility and receipt of guardianship assistance for Title IV-E eligible children in Oregon. Guardianship assistance for a child from another state placed with a guardian in Oregon is the responsibility of the sending state.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-070-0905

Definitions

The following definitions apply to OAR 413-070-0900 to 413-070-0979:

1. "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of integrating information on a child or young adult's needs and strengths for the purposes of case planning, service planning, and determining the supervision needs of the child or young adult. The Department uses two versions of the CANS Comprehensive Screening Tool, one version for an individual birth through five years old and another version for an individual six through twenty years old.

2. "Certified family" means an individual or individuals who hold a current Certificate of Approval from the Department to operate a home to provide care, in the home in which he or she resides, to a child or young adult in the care or custody of the Department.

3. "Child" means a person less than 18 years of age.

4. "Enhanced supervision" means the additional support, direction, observation, regulation, and guidance provided by a certified family to a child or young adult to promote and ensure the safety and well-being of the child or young adult, beyond the level of supervision that typically is required for a child or young adult of the same age.

5. "Guardianship assistance" means financial assistance or medical benefits to a child's guardian on behalf of an eligible child under guardianship. Guardianship assistance may be in the form of a monthly guardianship assistance payment, Medicaid coverage, and nonrecurring legal costs incurred in establishing the guardianship.

6. "Guardianship assistance agreement" means a written agreement between the
Department and the guardian of an eligible child setting forth the assistance the Department is to provide the child, the responsibilities of the guardian and the Department, and the manner in which the agreement and amount of assistance may be modified or terminated.

(7) "Guardianship assistance payment" means a monthly cash payment made by the Department to the guardian on behalf of the eligible child.

(8) "Guardianship Assistance Review Committee" means a committee composed of local and central office staff who have expertise in the area of guardianship.

(9) "Indian child's tribe" means the Indian tribe of which an Indian child is a member or eligible for membership. In the case of an Indian child who is a member of or eligible for membership in more than one Indian tribe, Indian child's tribe means the Indian tribe with which the child has the most significant contacts.

(10) "Nonrecurring expenses" means a one-time payment of up to $2,000, which the Department will make to a guardian with a guardianship assistance agreement to assist with the expenses associated with obtaining legal guardianship of the child. Nonrecurring expenses are the reasonable and necessary fees and may include the cost of a home study, court costs, attorney fees, physical and psychological examinations, and other expenses related directly to the legal guardianship of the child.

(11) "Parent" means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, ORS 416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood unless a court finds that the putative father is not the legal father.

(12) "Participating tribe" means a federally recognized Indian tribe in Oregon with a Title IV-E agreement with the Department.

(13) "Permanency Committee" means a group of three individuals, responsible for making a recommendation regarding a child's permanency plan when the child likely is not returning to his or her parent.

(a) The committee must:

(A) Include two Department staff and may include a community partner, all of whom are approved by the District Manager or designee; and

(B) When the child is an ICWA child, and a Permanency Committee is appropriate, identify an individual from a federally recognized tribe as one of the three individuals on the committee; and

(C) Have an identified chairperson approved by the District Manager or designee.

(b) The Permanency Committee members must:
(A) Be knowledgeable of permanency issues;

(B) Be knowledgeable of the importance of cultural connections;

(C) Have no personal or professional relationship to the *child* or prospective placement resource; and

(D) Represent multiple child welfare offices.

(14) "Qualified alien" means an alien described in 8 USC 1641(b) or (c), and as described in OAR 413-130-0045.

(15) "Registered Domestic Partner" means an individual joined in a domestic partnership that is registered with a county clerk in accordance with ORS 106.300 to 106.340.

(16) "Relative" means:

(a) An individual with one of the following relationships to the *child* or young adult through the child or young adult's *parent*:

(1) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(2) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(3) A *sibling*, also to include an individual with a *sibling* relationship to the *child* through a putative father.

(4) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(5) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by death or divorce. To be considered a *relative* under this paragraph, the *child* or young adult must have had a relationship with the spouse prior to the *child* or young adult entering substitute care.

(6) For the purposes of an international adoption, "relative" means an individual described in paragraphs (A) to (D) of this subsection.

(b) An individual with one of the following relationships to the *child* or young adult:

(1) An individual defined as a relative by the law or customs of the *child* or young adult's tribe if the *child* or young adult is an Indian *child* under the Indian Child Welfare Act or in the legal custody of a tribe.

(2) An individual defined as a relative of a refugee *child* or young adult under Child Welfare Policy I-E.2.2, "Placement of Refugee Children," (OAR 413-070-0300 to OAR 413-070-0380).
(C) A stepparent described in OAR 413-100-0020(27)(c) or a former stepparent if the child or young adult had a relationship with the former stepparent prior to the child or young adult entering substitute care; a stepbrother, or a stepsister.

(D) The registered domestic partner of the child or young adult's parent or former registered domestic partner of the child or young adult's parent if the child or young adult had a relationship with the former domestic partner prior to the child or young adult entering substitute care.

(E) The adoptive parent of a child or young adult's sibling.

(F) The unrelated legal or biological father or mother of a child's half-sibling when the child's half-sibling is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the child or young adult's family, or an individual who self-identifies, related to the child or young adult through the child or young adult's parent by blood, adoption, or marriage to a degree other than an individual specified as a child or young adult's relative in paragraphs (A) to (D) of subsection (a) of this section.

(d) An individual, although not related by blood, adoption, or marriage, identified as:

(A) A member of the family by the child or young adult or the child or young adult's family; and

(B) Who had an emotionally significant relationship with the child or young adult or the child or young adult's family prior to the time the Department placed the child in substitute care.

(e) For the purposes of these rules, OAR 413-070-0900 to 413-070-0979:

(A) A stepparent is considered a parent and is not a relative under these rules unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the child's adoptive or biological parent has been terminated by divorce or death:

(B) A foster parent may be considered a relative under these rules when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child in the legal custody of the Department who has a permanency plan or concurrent permanency plan of guardianship;

(iii) The foster parent has cared for the child for at least the past 12 consecutive months; and

(iv) A Permanency Committee has recommended the foster parent for
consideration as a guardian.

(17) "Sibling" means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;
(b) Through the marriage of the children or young adults’ legal or biological parents; or
(c) Through a legal or biological parent who is the registered domestic partner of the children or young adults’ legal or biological parent.

(18) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-070-0909
Funding of Guardianship Assistance

(1) Non-relative guardianship assistance established under the Title IV-E Waiver Project is funded by Title IV-E waiver funds until the waiver expires or is terminated. At that time the Oregon general fund provides monies for any current and new non-relative guardianship assistance for Title IV-E eligible children.

(2) Effective January 1, 2009, newly established relative caretaker guardianship assistance for Title IV-E children is funded with Guardianship Assistance program funds as authorized by the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351).

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-070-0917
Eligibility: Child

(1) To be eligible for guardianship assistance a child must:

(a) Be a United States citizen or qualified alien.

(b) Have been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child.

(c) Have been eligible for Title IV-E foster care maintenance payments during a six consecutive month period during which the child resided in the home of the prospective guardian who was licensed, certified, or approved as meeting the licensure or certification requirements of a foster family home in the state where the home is located or a participating tribe. The Department determines a child's
eligibility for a Title IV-E maintenance payment under Child Welfare Policy I-E.6.1, "Title IV-E Foster Care and General Assistance" OAR 413-100-0000 to 413-100-0345.

(d) Have been in the Department's or participating tribe's legal custody for a minimum of --

(A) Six months, if the prospective guardian is the child's relative; or

(B) Twelve months, if the prospective guardian is not the child's relative or is a foster parent who meets the definition of a relative under OAR 413-070-0905(16)(e)(B).

(e) Be ---

(A) 10 years of age or older if the prospective guardian is not a relative or is a foster parent who meets the definition of a relative under OAR 413-070-0905(16)(e)(B).

(B) Any age if the prospective guardian is a relative as defined under OAR 413-070-0905(16)(a) to (d).

(C) The Department waives the age requirement when the child is:

(i) A member of a sibling group placed together for guardianship with a non-relative or a foster parent who meets the definition of a relative under OAR 413-070-0905(16)(e)(B) if at least one member of the group is 10 years of age or older and meets all other guardianship assistance eligibility criteria under this rule; or

(ii) An Indian Child Welfare Act (ICWA) identified child in the care and custody of the Department if the Indian child's tribe supports the plan of guardianship with the current caretaker.

(f) Have a stable positive relationship with the prospective guardian.

(g) Demonstrate a strong attachment to the prospective guardian.

(h) The Department or participating tribe determines return to a parent or adoption are not in the child's best interest.

(i) If the child is a Title IV-E eligible Indian child as defined by the ICWA and in the care and custody of the Department, have a permanency plan for guardianship approved by the child's tribe.

(2) The child and any non-Title IV-E eligible sibling may be placed in the same guardianship if the Department or participating tribe and the prospective guardian agree on the appropriateness of the arrangement for the siblings. Guardianship assistance may be provided for the non-Title IV-E eligible sibling if the Title IV-E child meets all guardianship assistance eligibility criteria under this rule.

Stat. Auth.: ORS 418.005
413-070-0919
Eligibility: Child in the Custody and Care of a Participating Tribe

In addition to the other Guardianship Assistance program criteria under these rules, OAR 413-070-0900 to 413-070-0979, the following requirements apply to a child in the care and custody of a participating tribe:

(1) The participating tribe must have a Title IV-E agreement with the Department allowing the tribe to participate in the Guardianship Assistance program.

(2) The participating tribe must:
   (a) Conduct and prepare a written home study of the guardian;
   (b) Document how continued placement with the prospective guardian is in the best interests of the child and meets the child's needs for safety and permanency.
   (c) Notify the Department's Adoption and Guardianship Program within 30 days if the tribe reestablishes custody of a child in a guardianship placement established under these rules, OAR 413-070-0900 to 413-070-0979; and
   (d) When applicable, provide the Department's Adoption and Guardianship Program with a copy of the court order terminating the guardianship within 30 days of the termination.

(3) The child must be placed in a tribal foster home meeting the participating tribe's certification and licensing standards.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-070-0925
Eligibility: Prospective Guardian

(1) The Department may approve a prospective guardian for guardianship assistance when the prospective guardian meets the requirements of all of the following subsections:
   (a) Meets one of the following requirements:
      (A) Has a current Certificate of Approval from the Department under Child Welfare Policy II-B.1, "Certification Standards for Foster Parents, Relative Caregivers, and Pre-Adoptive Parents" OAR 413-200-0301 to 413-200-0396.
      (B) Currently is certified as a foster home by the participating tribe as meeting the tribe's certification and licensing standards; or
      (C) Currently is certified or otherwise approved by the state in which the
prospective guardian resides and approved as a placement for the child under the Interstate Compact on Placement of Children (ICPC).

(b) Agrees with the Department or tribe, and the Department or tribe documents in the child’s case record, that the child and the prospective guardian can maintain a stable relationship and function effectively without Department supervision.

(c) Has an updated home study documenting how the prospective guardian’s skills and abilities meet the child’s best interests and needs for safety and permanency.

(d) Has adequate means of financial support and connections to community resources.

(e) Has a strong commitment to caring permanently for the child for whom the prospective guardian has cared as a foster parent.

(2) The Department may consider a non-related individual as a potential guardian for the child when the individual has an emotionally significant relationship with the child and the requirements of one of the following subsections are met:

(a) In making the determination to consider the non-related individual as a potential guardian for the child, the Department considered and determined that the unique current and life-long needs of the child will best be met by guardianship with the individual who has an emotionally significant relationship with the child.

(b) When the individual being considered is the current foster parent of the child, the time caring for the child and the subsequent relationship that develops is not sufficient in making the determination under subsection (a) of this section. The Department must consider and document the reasons described in subsection (a) of this section when determining if the foster parent will be considered as a potential guardian for the child.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-070-0929
Determination of Permanency Plan: Guardianship

(1) The Department or a participating tribe may consider guardianship as the permanency plan for a child when all of the following conditions are met:

(a) The Department determines that adoption is not an appropriate permanency plan under Child Welfare Policies I-F.2, "Determining the Appropriateness of Adoption as a Permanency Plan for a Child" OAR 413-110-0300 to 413-110-0360 and I-F.3.2.1, "Termination of Parental Rights" OAR 413-110-0200 to 413-110-0252;

(b) The eligibility requirements in OAR 413-070-0915, 413-070-0917, 413-070-0919, and 413-070-0925 have been met for the purpose of guardianship assistance.

(c) The Department or participating tribe has consulted with the child, if 14 years of
age or older, regarding guardianship as the permanency plan.

(d) The Department and the prospective guardian agree, and the Department documents in the child's case record, that the child and the prospective guardian can maintain a stable relationship and function effectively without Department supervision.

(e) A Permanency Committee has recommended:

(A) Guardianship as an appropriate permanency plan for the child; and

(B) Guardianship is in the child's best interests because the prospective guardian meets the safety, permanency, and well-being needs of the child.


(2) Each parent with legal rights or standing consents to the permanency plan of guardianship or has been given adequate notice of the permanency plan under state or tribal law when the Department or participating tribe requests a court order establishing guardianship.

(3) When guardianship has been approved as a child's permanency plan, and guardianship assistance is being considered, the child's case plan must include:

(a) How the child meets the eligibility requirements described in OAR 413-070-0917.

(b) The steps taken by the Department or participating tribe to determine that it is not appropriate for the child to return home or be adopted.

(c) The efforts made by the Department or participating tribe to discuss with the substitute caregiver adoption rather than guardianship as the preferred permanency plan and why adoption was not chosen.

(d) The efforts made by the Department or participating tribe to discuss the guardianship plan with each parent of the child or the reasons why efforts were not made.

(e) The reasons why permanent placement with a fit and willing guardian through a guardianship assistance arrangement is in the child's best interests.

(f) The efforts made by the Department or participating tribe to discuss with each parent of the child the guardianship assistance arrangement or the reasons why no such efforts were made.

(g) The reasons, if any, that siblings were separated during placement.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005
413-070-0934
Application Requirements

(1) A prospective guardian is not required to apply for guardianship assistance. An applicant may withdraw an application for guardianship assistance at any time before the court establishes the guardianship.

(2) When all applicable program eligibility criteria have been met, a prospective guardian may apply for guardianship assistance by completing and signing a guardianship assistance application and returning it to the local Department child welfare office or participating tribe office providing case management for review and eligibility determination.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-070-0939
Determination of Guardianship Assistance Payments and Medical Benefits

(1) The guardianship assistance benefits are negotiated when the Department's Adoption and Guardianship program approves a guardianship assistance application. The total amount of the guardianship assistance payment may not exceed the amount of the base foster care rate the child is eligible to receive while in foster care and, when applicable, the current level of care payment for enhanced supervision as determined by a CANS screening under Child Welfare Policies I-B.1.6, "Enhanced Supervision" OAR 413-020-0200 to 413-020-0255 and I-E.5.1 "Payment for Foster Care Base Rate, Level of Care, Chafee Housing, and Independent Living Housing Subsidy" OAR 413-090-0000 to 413-090-0050.

(2) The base guardianship assistance payment for a child residing outside of the State of Oregon may not exceed the base foster care rate determined by Child Welfare Policy I-E.5.1, "Payment for Foster Care Base Rate, Level of Care, Chafee Housing, and Independent Living Housing Subsidy" OAR 413-090-0000 to 413-090-0050.

(3) The base guardianship assistance payment is determined through negotiation between the Adoption and Guardianship program and the prospective guardian prior to the completion of the Guardianship Assistance Agreement. The guardianship assistance payment is established and paid as follows:

(a) The monthly guardianship assistance payment negotiation takes into consideration relevant factors which include, but are not limited to:

   (A) The needs of the child;
   (B) The services required to meet the needs of the child;
   (C) The cost of the services required to meet the needs of the child;
   (D) The guardian's ability to provide the services required to meet the needs of the child; and
(E) The community resources available to the child and guardian.

(b) Medicaid coverage, private insurance, public education, and all community resources must be considered as resources for the child and the guardian when determining the amount of the guardianship assistance payment.

(c) The Department considers all sources of income, except tribal dividend payments, available to the child when negotiating the monthly guardianship assistance payment. A child's income from sources such as Social Security and Veterans benefits are considered in determining the guardianship assistance payment, but are not deducted necessarily dollar-for-dollar from the amount of the guardianship assistance payment.

4) When the child is receiving a level of care payment, as indicated by a Child and Adolescent Needs and Strengths (CANS) screening under Child Welfare Policy I-E.5.1, "Payment for Foster Care Base Rate, Level of Care, Chafee Housing, and Independent Living Housing Subsidy" OAR 413-090-0000 to 413-090-0050, at the time of negotiation, the full amount of the level of care payment is provided as part of the guardianship assistance payment.

5) Except for tribal dividend payments, the guardian must be the designated payee for any benefit the child receives, such as Social Security benefits.

6) The guardianship assistance payment begins when:

(a) All parties have signed the guardianship assistance agreement; and

(b) The court has issued an order of guardianship.

7) A guardianship assistance payment to a guardian who was a Department certified foster parent for the child prior to becoming a court designated guardian is inalienable, not assignable or transferable, and exempt from execution, levy, attachment, garnishment, and other legal process under the laws of Oregon, as long as the payment can be identified as a Guardianship Assistance program payment and is kept separate from other money in the guardian's possession.

8) A child eligible for and receiving guardianship assistance with a relative caretaker is eligible for medical benefits in the child's state of residence. If a child is eligible for guardianship assistance, resides in a state other than Oregon with a non-relative guardian, and is not able to obtain medical benefits in his or her state of residence the Department provides medical benefits under Child Welfare Policy I-E.6.2, "Title XIX and General Assistance Medical Eligibility" OAR 413-100-0400 to 413-100-0610.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-070-0944
Special Payments: Legal Expenses

(1) To the extent the total cost of such expenses does not exceed $2,000, the Department will pay for nonrecurring expenses incurred by the guardian in the establishment of an
assisted guardianship of a child.

(2) The Department may not authorize payment for legal services provided --

(a) For the prospective guardian or guardian in connection with a contested case hearing; or

(b) To defend or retain a guardianship upon challenge by another party once a guardianship is established.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-070-0949
Guardianship Assistance Agreement Requirements

(1) Before a guardian may receive guardianship assistance, there must be a negotiated written guardianship assistance agreement between the Department and the guardian signed by all parties prior to the court order establishing the legal guardianship.

(2) The guardianship assistance agreement must include the following:

(a) A statement indicating that a guardianship assistance payment remains in effect without regard to the state of residency of the guardian.

(b) The amount of the guardianship assistance and the manner in which it is to be provided.

(c) The basis and requirements for periodic changes in the guardianship assistance payment, in consultation with the guardian, based on the circumstances of the guardian and the needs of the child.

(d) The additional services and assistance for which the child and guardian are eligible under the agreement and the procedure by which the guardian may apply for such services.

(e) A statement that the Department will pay the nonrecurring expenses associated with obtaining legal guardianship of the child, to the extent the nonrecurring expenses do not exceed $2,000.

(f) A statement indicating the effective date of the guardianship assistance agreement is the date of the court order of guardianship.

(g) A statement that no retroactive guardianship assistance payment may be authorized except as provided under OAR 413-070-0969.

(h) A statement indicating that the guardian understands that a guardianship assistance payment may be terminated or suspended under OAR 413-070-0974.

(i) A statement indicating that the child for whom the Department is providing the guardianship assistance payment remains eligible for medical assistance once
the guardianship is established.

(j) A statement indicating that the guardian understands that the provisions of ORS 192.520 allow the Department of Human Services' Oregon Health Plan (OHP) and the OHP managed care plans to exchange the following protected health information without the guardian's authorization for the purpose of treatment activities related to the behavioral or physical health of the child when the child is the recipient of OHP services:

(A) The child's name and Medicaid recipient number;
(B) The name of the child's hospital or medical provider;
(C) The hospital or medical provider's Medicaid number;
(D) Each diagnosis for the child;
(E) Each treatment activity's date of service;
(F) Each treatment activity's procedure or revenue code;
(G) The quantity of units or services provided; and
(H) Information about medication prescription and monitoring.

(k) A statement indicating that the guardian agrees to comply with the Guardianship Assistance program reporting requirements under OAR 413-070-0964 and 413-070-0969(5).

(3) The Department must provide the guardian with a copy of the guardianship assistance agreement.

(4) The Department may review any guardianship assistance agreement at any time.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-070-0959
Court Order of Guardianship

(1) The Department or participating tribe may not pursue a court order establishing an assisted guardianship until both of the following requirements are met:

(a) The Department's Adoption and Guardianship Program Office approves a guardian assistance application for the child; and
(b) A signed guardianship assistance agreement between the Department and the prospective guardian has been completed.

(2) Guardianship assistance may be provided for legal guardianships established under ORS 419B.365 or ORS 419B.366, as provided under ORS 419B.367 to 419B.369, or as
provided by the statutory code or laws of a participating tribe.

(3) The Department or participating tribe must request a court order establishing the guardianship and directing one of the following:

(a) Termination of Department or tribal care, custody, and supervision of the child; or

(b) If the child has been committed permanently to the Department, set aside or modify the order of permanent commitment, relieving the Department of responsibility for the child.

(4) The guardian is not eligible for foster care payments provided under Child Welfare Policies I-E.5.1, "Payment for Foster Care Base Rate, Level of Care, Chafee Housing, and Independent Living Housing Subsidy" OAR 413-090-0000 to 413-090-0050 and I-E.5.1.2, "Personal Care Services" OAR 413-090-0100 to 413-090-0210 once the guardianship is effective and the Department's or participating tribe's custody of the child is terminated by court order.

(5) The Department may not provide guardianship assistance if the court establishes guardianship and orders the Department or participating tribe to continue supervision of the child or guardian.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-070-0964
Changes That Must be Reported and Annual Report

(1) A guardian receiving a guardianship assistance payment must report immediately, orally or in writing, to the Department's Adoption and Guardianship Program any of the following:

(a) Any change described in OAR 413-070-0974;

(b) A change of address; or

(c) When the guardian is planning to move from his or her state of residency.

(2) The guardian, within 30 days after each annual anniversary of the court appointment of guardianship, must file a written report with the court and submit a copy of the report to the Department's Adoption and Guardianship Program. The report must contain assurances that each school-aged child receiving a guardianship assistance payment is a full-time elementary or secondary school student or is incapable of attending school due to a documented medical condition.

(3) When the court does not require an annual report as part of the appointment of guardianship, the Department requires the guardian to submit an annual report to the Adoption and Guardianship Program.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005
Renegotiation of a Guardianship Assistance Agreement

(1) A guardian may request that the Department consider renegotiation of the guardianship assistance agreement. The request for renegotiation must:

(a) Be in writing;
(b) Document the change in the circumstances of the guardian;
(c) Document the needs of the child; and
(d) Provide information about the financial expenses of the child.

(2) The Department may complete a CANS screening when requested by a guardian as part of the renegotiation when the Department determines that the child is eligible for the screening under the following criteria:

(a) The child must reside within the United States.
(b) If the child previously has never had a CANS screening, the guardian may request an initial assessment at any time.
(c) If the child previously had a CANS screening while in foster care and that assessment resulted in a level of care payment being included in the guardianship assistance payment or a subsequent CANS screening after establishment of the legal guardianship, the guardian may request a re-screening if there have been changes in the child's behavior or functioning as described in OAR 413-020-0230(2)(a).
(d) Each CANS screening is conducted as described in OAR 413-020-0230(3) to (6) as if the child still was in substitute care.
(e) A contested case hearing request is addressed under OAR 413-010-0500(2) as if the child still was in substitute care.

(3) A new guardianship assistance agreement must be signed by all parties prior to a change in benefits each time a child's guardianship assistance is renegotiated.

(4) The Department may authorize a renegotiated guardianship assistance payment increase for the period commencing the first day of the month in which the Department receives the written request.

(5) The Department may adjust the guardianship assistance benefits if a child's income changes. The guardian is responsible for notifying the Department of any change in the child's income within 30 days of the effective date of any such change. A new guardianship assistance agreement must be signed by all parties prior to a change in benefits being made.

(6) If a child receiving guardianship assistance benefits is placed in substitute care and the
plan is for the child to return to the guardian's home, the Department may adjust, continue, or suspend the guardianship assistance benefits to reflect the guardian's continued expenses on behalf of the child. If the child returns to the care of the guardian, the Department reviews the guardianship assistance benefits, adjusts the benefits as appropriate, and provides a new guardianship assistance agreement for the guardian to sign.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-070-0970

Guardianship Social Support Services

(1) The guardian or child in an assisted guardianship may request family support services as described in Child Welfare Policy I-B.2.3.1, "Family Support Services" OAR 413-030-0000 to 413-030-0030 from the Department.

(2) A guardian receiving guardianship assistance on behalf of a child has access to the consultation, training, and library services of the Oregon Post Adoption Resource Center.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-070-0974

Suspension or Termination of Guardianship Assistance Benefits

(1) The Department must terminate or suspend guardianship assistance benefits on the day when any of the following occurs:

(a) The child reaches 18 years of age or is emancipated, whichever comes first.

(b) Child custody or guardianship is awarded to another individual.

(c) The child dies.

(d) The child marries.

(e) The child is adopted.

(f) The child is placed in substitute care with no plan for the child to return to the care of the guardian.

(g) The guardian dies or terminates the guardianship.

(2) The Department may terminate or suspend a guardianship assistance payment when any of the following occurs:

(a) The child is incarcerated for more than three consecutive months.
(b) The child is out of the guardian's home for more than a 30-day period or is no longer living in the home.

(c) The guardian is no longer legally responsible for the financial support of the child or the child is no longer receiving financial support from the guardian.

(3) The Department may terminate a guardianship assistance agreement upon 30 days written notice to the guardian when the guardian is no longer responsible for the child or is no longer providing support to the child, or in the event of legal or legislative action requiring discontinuance of guardianship assistance.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-070-0979
Guardianship Assistance Review Committee and Appeals Procedure

(1) The Guardianship Assistance Review Committee serves as a consultation and review body for the Guardianship Assistance program.

(a) Guardianship Assistance program staff may refer unusual or exceptionally costly benefit requests to the Guardianship Assistance Review Committee for consultation; or

(b) If, during negotiations of guardianship assistance benefits, Guardianship Assistance program staff and the guardian family or prospective guardian family is unable to reach agreement, the matter may be referred to the Guardianship Assistance Review Committee for review at the request of Guardianship Assistance program staff or the guardian family or prospective guardian family.

(2) The guardian family or prospective guardian family and the family's assigned caseworker must provide written documentation for the Committee's consideration.

(3) The caseworker for the prospective guardian family may participate in a Guardianship Assistance Review Committee meeting by telephone.

(4) The Guardianship Assistance Review Committee reviews relevant materials and provides a recommendation regarding the level of benefits to the Department's guardianship assistance coordinator. The Guardianship Assistance Review Committee must consider the special needs of the child and the financial circumstances of the guardian family or prospective guardian family.

(5) If the guardian family or prospective guardian family is unsatisfied with the guardianship assistance offer made by the Guardianship Assistance Review Committee, the family may request further review by the Department's Adoption and Guardianship Program Manager.

(6) A request for further review must be made in writing and received by the Department's Adoption and Guardianship Program Manager within 14 days from the date the Guardianship Assistance Review Committee recommendation is provided to the guardian family or prospective guardian family.
(7) The Adoption and Guardianship Program Manager reviews the material and makes a decision within 60 days from the date of the Guardianship Assistance Review Committee recommendation.

(8) After receipt of the Adoption and Guardianship Program Manager’s decision, the guardian family or prospective guardian family may request a contested case hearing as provided in Child Welfare Policy I-A.5.2, "Contested Case Hearings" OAR 413-010-0500 to 413-010-0535.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

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