

**AGENCY PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT  
FOSTER CARE AND ADOPTION ASSISTANCE  
STATE/TRIBE OF \_\_\_\_\_**

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
ADMINISTRATION FOR CHILDREN AND FAMILIES  
CHILDREN'S BUREAU  
June 2015

**SECTION 1. ORGANIZATION**

- A. DESIGNATION AND AUTHORITY OF STATE/TRIBAL AGENCY
- B. STATE/TRIBAL AGENCY STRUCTURE AND FUNCTION
- C. STATE OR SERVICE AREA WIDE OPERATIONS
- D. COORDINATION WITH TITLES IV-A AND IV-B PROGRAMS
- E. CHILD SUPPORT ENFORCEMENT FOR CERTAIN CHILDREN IN FOSTER CARE
- F. TRANSFER OF A CHILD TO A TRIBAL AGENCY

**SECTION 2. FOSTER CARE MAINTENANCE PAYMENTS**

- A. ELIGIBILITY
- B. VOLUNTARY PLACEMENTS (OPTION)
- C. PAYMENTS

- D. CASE REVIEW SYSTEM
- E. MEDICAL AND SOCIAL SERVICES
- F. SPECIFIC GOALS IN STATE/TRIBAL LAW
- G. PREVENTIVE AND REUNIFICATION SERVICES
- H. TERMINATION OF PARENTAL RIGHTS
- I. DATE CHILD CONSIDERED TO HAVE ENTERED FOSTER CARE
- J. DOCUMENTATION OF JUDICIAL DETERMINATION
- K. TRIAL HOME VISITS
- L. TRAINING
- M. DEFINITION OF CHILD
- N. ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT
- O. ABSENCES FROM CARE
- P. RIGHTS

**SECTION 3. ADOPTION ASSISTANCE PAYMENTS**

- A. ELIGIBILITY
- B. PAYMENTS - AMOUNTS AND CONDITIONS
- C. ADOPTION ASSISTANCE AGREEMENT
- D. MEDICAID AND SOCIAL SERVICES
- E. ELIGIBILITY FOR ADOPTION INCENTIVE FUNDING
- F. ADOPTION TAX CREDIT
- G. DEFINITION OF CHILD

**SECTION 4. GENERAL PROGRAM REQUIREMENTS**

- A. STANDARDS FOR FOSTER FAMILY HOMES AND CHILD CARE INSTITUTIONS
- B. REVIEW OF PAYMENTS AND LICENSING STANDARDS
- C. FAIR HEARINGS
- D. INDEPENDENT AUDIT
- E. CHILD ABUSE AND NEGLECT
- F. TIMELY INTERSTATE PLACEMENT OF CHILDREN

- G. REMOVAL OF BARRIERS TO INTERETHNIC ADOPTION
- H. KINSHIP CARE
- I. SIBLING PLACEMENT
- J. SAFETY REQUIREMENTS
- K. INTERJURISDICTIONAL ADOPTIONS
- L. QUALITY STANDARDS
- M. COMPULSORY SCHOOL ATTENDANCE
- N. VERIFICATION OF CITIZENSHIP OR IMMIGRATION STATUS
- O. DEFINITIONS

P. SEX TRAFFICKING VICTIMS AND MISSING CHILDREN

**SECTION 5. GENERAL PROVISIONS**

- A. PERSONNEL ADMINISTRATION
- B. SAFEGUARDING INFORMATION
- C. REPORTING
- D. MONITORING
- E. APPLICABILITY OF DEPARTMENT-WIDE REGULATIONS
- F. AVAILABILITY OF PLANS
- G. OPPORTUNITY FOR PUBLIC INSPECTION OF CFSR MATERIALS
- H. NEGOTIATION WITH INDIAN TRIBES

**SECTION 6. GUARDIANSHIP ASSISTANCE PROGRAM OPTION**

- A. ELIGIBILITY
- B. PAYMENTS
- C. AGREEMENTS
- D. SAFETY
- E. MEDICAID AND SOCIAL SERVICES
- F. TITLE IV-E GUARDIANSHIP ASSISTANCE PROGRAM PLAN REQUIREMENTS
- G. DEFINITION OF CHILD

**SECTION 7. TRIBE OPERATED IV-E PROGRAM REQUIREMENTS**

- A. GENERAL PROGRAM REQUIREMENTS
- B. SERVICE AREA AND POPULATIONS
- C. NUNC PRO TUNC AND FOSTER CARE ELIGIBILITY REQUIREMENTS
- D. LICENSING STANDARDS FOR TRIBAL FOSTER FAMILY HOMES AND CHILD CARE INSTITUTIONS

**ATTACHMENT I: CERTIFICATION**

**ATTACHMENT II: ATTORNEY GENERAL/APPROPRIATE TRIBAL OFFICIAL'S CERTIFICATION**

**ATTACHMENT III: TITLE IV-E ADOPTION ASSISTANCE PROGRAM SAVINGS REPORTING ASSURANCES**

**ATTACHMENT IV: TRIBAL ASSURANCES**

**ATTACHMENT V: 479B TRIBAL CERTIFICATIONS**

**ATTACHMENT VI: 475(8) STATE/TRIBAL CERTIFICATION**

**ATTACHMENT VII: STATE/TRIBAL CERTIFICATION: PERSONNEL ADMINISTRATION**

**PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT**

**FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE**

**STATE/TRIBE OF \_\_\_\_\_**

As a condition of the receipt of Federal funds under title IV-E of the Social Security Act (hereinafter, the Act), the

\_\_\_\_\_  
(Name of State/Tribal Agency)

submits here a plan for the programs to provide, in appropriate cases, foster care and adoption assistance, and if the State/Tribal agency elects, guardianship assistance, under title IV-E of the Act and hereby agrees to administer the programs in accordance with the provisions of this plan, title IV-E of the Act, and all applicable Federal regulations and other official issuances of the Department.

The official text of laws, regulations and official issuances governs, and the State/Tribal agency acknowledges its responsibility to adhere to them regardless of the fact that, for purposes of simplicity, the specific provisions printed herein are sometimes paraphrases of, or excerpts and incomplete quotations from, the full text. Statutory citations refer to provisions in title IV-E of the Social Security Act. Regulatory citations refer to provisions in 45 CFR Parts 1355 and 1356.

The State/Tribal agency understands that if and when title IV-E is amended or regulations are revised, a new or amended plan for title IV-E that conforms to the revisions must be submitted.

Federal Regulatory/ Statutory References <sup>1</sup>	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<b>SECTION 1. ORGANIZATION</b>	
471(a)(2)	<p>A. DESIGNATION AND AUTHORITY OF STATE/TRIBAL AGENCY</p> <p>The State/Tribal agency has been designated to administer or supervise the administration of the programs under this plan. (See Attachment II.) It is also the agency that administers or supervises the administration of the Child Welfare Services Plan under subpart 1 of title IV-B of the Act.</p>	ORS 409.010 Certification – A, B, C
	<p>B. STATE/TRIBAL AGENCY STRUCTURE AND FUNCTION</p> <p>The State/Tribal agency has available upon request an organizational chart of the agency and a description of the functions of each of its organizational units as they relate to the administration or supervising the administration of the title IV-E foster care maintenance, adoption assistance, and (at IV-E agency option) guardianship assistance programs.</p>	Title IV-B State Plan

<sup>1</sup> Statutory references refer to the Social Security Act. Regulatory references refer to Title 45 of the Code of Federal Regulations (CFR).

Federal Regulatory/ Statutory References <sup>1</sup>	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
471(a)(3)	<p>C. STATE OR TRIBAL SERVICE AREA WIDE OPERATIONS</p> <p>The title IV-E plan for foster care, adoption assistance, and guardianship assistance if elected by the State/Tribal agency, is in effect in all political subdivisions and Tribal service areas.</p> <p>(Tribes, see also section 7)</p>	Certification – Attachment B
471(a)(4)	<p>D. COORDINATION WITH TITLES IV-A AND IV-B PROGRAMS</p> <p>The title IV-E program is coordinated at the local level with the programs at the State/Tribal or local level assisted under titles IV-A, IV-B and XX of the Act and under all appropriate provisions of Federal law.</p>	<p>ORS 418.485 ORS 418.490 ORS 409.010 Certification – Attachment B</p>
471(a)(17)	<p>E. CHILD SUPPORT ENFORCEMENT FOR CERTAIN CHILDREN IN FOSTER CARE</p> <p>The State/Tribal agency takes all appropriate steps, including cooperative efforts with the State/Tribal agencies administering the plans approved under titles IV-A and -D, to secure an assignment to the State/ Tribe</p>	OAR 413-100-0830

Federal Regulatory/ Statutory References <sup>1</sup>	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	of any rights to support on behalf of each child receiving foster care maintenance payments under title IV-E.	
1356.67	<p>F. TRANSFER OF A CHILD TO A TRIBAL AGENCY</p> <p>(Not applicable to Tribes)</p> <p>The State agency has established and maintains procedures for the transfer of responsibility for the placement and care of a child under a State title IV-E plan to a Tribal title IV-E agency or an Indian Tribe with a title IV-E agreement. At a minimum, the State agency transfer procedures:</p> <ol style="list-style-type: none"> <li>1. Are established and maintained in consultation with Indian Tribes;</li> <li>2. Do not affect a child’s eligibility, receipt of services, or payment under title IV-E or the medical assistance program operated under title XIX;</li> </ol>	<p>Child Welfare Procedure Manual; Chapter I, Section 8- Indian Child Welfare and Working with Native Families</p>



Federal Regulatory/ Statutory References <sup>1</sup>	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>3. Establish eligibility for title IV-E at the time of transfer, if an eligibility determination is not already completed; and</p> <p>4. Provide for essential documents and information necessary to continue a child’s eligibility under title IV-E and Medicaid programs under title XIX to the Tribal title IV-E agency or an Indian Tribe with a title IV-E agreement, including but not limited to the following:</p> <ul style="list-style-type: none"> <li>a) All judicial determinations to the effect that continuation in the home from which the child was removed would be contrary to the welfare of the child and that reasonable efforts described in section 471(a)(15) of the Act have been made;</li> <li>b) Other documentation the State agency has that relates to the child’s title IV-E eligibility under sections 472 and 473 of the Act;</li> <li>c) Information and documentation available to the agency regarding the child’s eligibility or potential eligibility for other Federal benefits;</li> <li>d) The case plan developed pursuant to section 475(1) and 475A of the Act, including health and</li> </ul>	

Federal Regulatory/ Statutory References <sup>1</sup>	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>education records of the child pursuant to section 475(1)(C) of the Act; and</p> <p>e) Information and documentation of the child’s placement settings, including a copy of the most recent provider’s license or approval.</p>	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p><b>SECTION 2. FOSTER CARE MAINTENANCE PAYMENTS</b></p>	
471(a)(1)	<p>A. ELIGIBILITY (Tribes, also see section 7 of this pre-print)</p> <p>1. Payments are provided for each child:</p>	<p>OAR 413-100-0000 thru 413-100-0345</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
472(a)(1)&(2)	<p>a. who meets the requirements of section 406(a) of the Act (as in effect 7/16/96), is removed from the home of a relative specified in section 406(a), and is placed in foster care if:</p> <ul style="list-style-type: none"> <li>i. the removal and foster care placement met, and continues to meet the requirements of paragraph (2) in section 472(a) of the Act; and</li> <li>ii. the child, while in the home, would have met the Aid to Families with Dependent Children (AFDC) program eligibility requirement of paragraph (3) in section 472(a) of the Act;</li> </ul>	<p>OAR 413-100-0135</p> <p>OAR 413-100-0240</p> <p>OAR 413-100-0130</p> <p>OAR 413-100-0170</p>
472(a)(2)(A) 1356.21(c)	<p>b. whose removal and foster care placement are in accordance with:</p> <ul style="list-style-type: none"> <li>i. a voluntary placement agreement entered into by the child's parent or legal guardian, who is the relative referred to in paragraph (1) of section 472(a) of the Act; or</li> <li>ii. a judicial determination to the effect that continuation of residence in the home from which</li> </ul>	<p>ORS 418.312</p> <p>OAR 413-020-0085 (i)</p> <p>OAR 413-100-0135(2)(a)</p> <p>OAR 413-100-0240 (5)(a)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>removed would be contrary to the welfare, or that the placement would be in the best interest, of the child and that reasonable efforts of the type described in section 471(a)(15) for a child were made. The contrary to the welfare determination will be made in the first court ruling that sanctions (even temporarily) the removal of a child from home. If the determination regarding contrary to the welfare is not made in the first court ruling pertaining to removal from the home, the child will not be eligible for title IV-E foster care maintenance payments for the duration of that stay in foster care;</p>	<p>OAR 413-100-0250</p>
<p>472(a)(2)(B)&amp;(C)  472(a)(2)(B)(i) 472(a)(2)(B)(ii)</p>	<p>c. whose placement and care in a foster family home, with a parent residing in a licensed residential family-based treatment facility for substance abuse, but only to the extent permitted under 472(j), or child care institution (as defined in section 472(c) of the Act) is the responsibility of either:</p> <ul style="list-style-type: none"> <li>i. the State agency administering the approved title IV-E plan;</li> </ul>	<p>OAR 413-100-0000  OAR 413-100-0010 (10)(18) and (32)  OAR 413-100-0070(1)  OAR 413-100-0135(2)(b)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<ul style="list-style-type: none"> <li>ii. any other public agency with whom the State/Tribal agency administering or supervising the administration of the approved title IV-E plan has made an agreement which is still in effect; or</li> <li>iii. a Tribe that has a plan approved under section 471 in accordance with 479B; and</li> </ul>	<p>OAR 413-100-0000  Note: Oregon does not claim IV-E funding for children placed with a parent in a licensed residential family-based treatment facility.  OAR 413-100-0005 (4), (8), (13), (18) and (26)  OAR 413-070-1080  OAR 413-100-0060  OAR 413-100-0075  OAR 413-100-0135  ORS 190.110  Agreements on file with HHS for Indian Tribal Organizations with current Title IV-E Agreements:</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>• Confederated Tribes of Warm Springs</li> <li>• Confederated Tribes of Grand Ronde</li> <li>• Coquille Indian Tribe</li> <li>• Confederated Tribes of Siletz Indians</li> <li>• Confederated Tribes of the Umatilla Indian Reservation</li> <li>• The Klamath Tribes</li> </ul> <p>Agreements on file with HHS for other Juvenile Departments:</p> <ul style="list-style-type: none"> <li>• Multnomah County</li> <li>• Douglas County</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>• Clackamas County</li> <li>• Washington County</li> <li>• Marion County</li> <li>• Jackson County</li> <li>• Lane County</li> <li>• Yamhill County</li> <li>• Oregon Youth Authority</li> </ul>
<p>472(a)(3)(A)(i)</p> <p>472(a)(3)(A)(ii)(I)</p> <p>472(a)(3)(A)(ii)(II)</p> <p>472(a)(3)(B)</p> <p>472(j)(1)</p>	<p>d. who:</p> <p>i. Either:</p> <p>A. received AFDC, in the home referred to in section 472(a)(1), under the State plan approved under section 402 of the Act (as in effect 7/16/96) in or for the month in which either a voluntary placement agreement was entered into or court proceedings leading to the judicial determination, referred to in section 472(a)(2)(A) of the Act, were initiated;</p>	<p>OAR 413-100-0020(14)</p> <p>OAR 413-100-0130</p> <p>OAR 413-100-0130</p> <p>OAR 413-100-0120(36)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>B. would have received AFDC, in the home, in or for such month referred to in the above clause if application for such aid had been made; or</p> <p>C. had been living with a relative specified in section 406(a) of the Act (as in effect 7/16/96) within six months prior to the month in which a voluntary placement agreement was entered into or court proceedings leading to the judicial determination, referred to in section 472(a)(2)(A) of the Act, were initiated, and would have received AFDC in or for such month if the child had been living in the home with such relative and an application had been made for AFDC under title IV-A of the Act; and</p> <p>ii. had resources (determined under section 402(a)(7)(B) of the Act as in effect 7/16/96) that had a combined value of not more than \$10,000 consistent with section 472(a)(3)(B) of the Act; or</p> <p>iii. Is not required to meet the AFDC requirements in 472(a)(3) of the Act because the child is placed with a parent residing in a licensed residential family-based substance abuse treatment facility (Tribes, see section 7</p>	<p>OAR 413-100-0135(1)</p> <p>OAR 413-100-0170</p> <p>Note: Oregon does not claim IV-E funding for children placed with a parent in a licensed residential family-based treatment facility.</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	for related requirements in section 479B(c)(1)(C)(ii)(II) of the Act.)	
1356.21(k)	<p>2. Removal.</p> <p>a. For the purposes of meeting the requirements of section 472(a)(2)(A)(1) of the Act, a removal from the home must occur pursuant to:</p> <ul style="list-style-type: none"> <li>i. a voluntary placement agreement entered into by a parent or relative which leads to a physical or constructive removal (i.e., a non-physical or paper removal of custody) of the child from the home; or</li> <li>ii. a judicial order for a physical or constructive removal of the child from a parent or specified relative.</li> </ul>	<p>OAR 413-100-0135(2)</p> <p>OAR 413-100-0135(2)(a)</p> <p>OAR 413-100-0135(2)(b)</p>
1356.21(k)	b. A removal has not occurred in situations where legal custody is removed from the parent or relative and the child remains with the same relative in that home under supervision by the State/Tribal agency.	OAR 413-100-0135
1356.21(k)	c. A child is considered constructively removed on the date of the first judicial order removing custody, even temporarily, from the appropriate specified relative or	OAR 413-100-0020(9)

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	the date that the voluntary placement agreement is signed by all relevant parties.	OAR 413-100-0135(3)(b)
1356.21(l)	3. Living with a specified relative. For purposes of meeting the requirements for living with a specified relative prior to removal from the home under section 472(a)(2)(A) of the Act and all of the conditions under section 472(a)(3)(A), one of the two following situations will apply:	OAR 413-100-0135(1)
1356.21(l)	a. the child was living with the parent or specified relative, and was AFDC eligible in that home in the month of the voluntary placement agreement or initiation of court proceedings; or	OAR 413-100-0130(2)(a)(A)  OAR 413-100-0135(3)(a)
1356.21(l)	b. the child had been living with the parent or specified relative within six months of the month of the voluntary placement agreement or the initiation of court proceedings, and the child would have been AFDC eligible in that month if s/he had still been living in that home.	OAR 4113-100-0130(2)(b)(A)  OAR 413-100-0135(3)(b)

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
472(f)	<p>B. VOLUNTARY PLACEMENT AGREEMENTS (To be completed if the agency uses VPAs with parents or with youth over age 18)</p> <p>1. Foster care maintenance payments are made in the voluntary placement of a child out of the home by or with the participation of the State/Tribal agency only if:</p>	OAR 413-100-0250
1356.22(a) 472(d)	a. the State/Tribe has fulfilled all of the requirements of section 472 of the Act; sections 422(b)(8) and 475(5) of the Act; and 45 CFR 1356.21(e),(f),(g),(h) and (i) of the Act; and	<p><b>SSA §472:</b> (AFDC Requirements)</p> <p>Policy I-E.6.1 Title IV-E Foster Care, Adoption Assistance and Guardianship Assistance Eligibility</p> <p>OAR 413-100-0020(36) (specified relative)</p> <p>OAR 413-100-0135 (removal)</p> <p>OAR 413-100-0250 (VPA/VCA, 180 days)</p> <p>OAR 413-100-0240 (CTW and RE)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>OAR 413-100-0130 &amp; 0135 (eligibility, 6 months)</p> <p>OAR 413-100-0170 (resources)</p> <p>OAR 413-100-0210 (alien children)</p> <p>OAR 413-100-0060 (maintenance payments)</p> <p>OAR 413-100-0020 (7) (def. Of child care institution)</p> <p>OAR 413-100-0020(19) (Foster Home)</p> <p>OAR 413-100-0110(5) (elig. closure date)</p> <p>OAR 413-100-0160(3) and 413-100-0335 (minor parent)</p> <p>Policy I-E.5.1 Foster Care Payments for a Child or Young Adult</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>Living With a Certified Family or Living Independently  OAR 413-090-0010  Policy I-B.1.3  Voluntary Custody Agreements  OAR 413-020-0010 – 0050 (VCA)</p> <p>Policy I-B.1.3.1  Voluntary Placement Agreements  OAR 413-020-0060 – 0090 (VPA)</p> <p>Policy II-C.1 Licensing Umbrella Rules  OAR 413-215-0001(2)(child care institution)</p> <p>Please refer to page 8 of this document for</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>citations referencing placement and care responsibility.</p> <p>Please refer to attached documents "Administrative Expenses", Administrative Claiming – PACAP", "Procedures for Administrative Claiming" and Candidates for Title IV-E Foster Care"</p> <p>Please refer to the case plan (CF 6788 in OR-Kids and child specific case plan (CF 6723 in OR-Kids) forms.</p> <p><b>SSA §422(b)(8):</b></p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(i. Operating a statewide information system) Please refer to SACWIS documents on file with HHS.</p> <p>(ii. Operating a case review system) Please refer to State Plan, Section 2, D.</p> <p>(iii. Operating a service program designed to help children (I) return child to home (II) place for adoption, guardianship or APPLA)</p> <p>Policy I-B.3.1 Developing and Managing the Case Plan,</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>OAR 413-040-0010 (f)(A)</p> <p>Policy I-E.3.6 Legal Permanency, Concurrent Planning, and Use of Permanency Committee</p> <p>OAR 413-070-0510(1)</p> <p>(iv. Operating a pre- placement preventive services program (B) Policies and Administrative and judicial procedures for children abandoned at birth) ORS 419B.100(1)(e)(A) and ORS 163.535 OAR 413-030-0006</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p><b>SSA §475(5):</b> (Each child has a case plan) OAR 413-040-0005(3)</p> <p>(Please refer to State Plan Section 2, subsection D.)</p> <p>Please refer to the case plan (CF 6788 in OR-Kids) and child specific case plan (CF 6723) in OR-Kids forms.</p> <p>(Administrative Reviews, Permanency Hearings, notification) OAR 413-040-0140, -0150</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(Out of State supervision of placement) Please refer to document "Draft Reg. 11 March 17"</p> <p>(Health and Education Information sent to foster parent) Please refer to distribution lists on the CF 310E (Education Record) and 310H (Health Record) forms (previously submitted) (Note: in this context, "provider" means foster parent, relative caregiver or child caring agency.)</p> <p>(15 of 22 months) OAR 413-110-0240</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(Date Considered to have Entered Foster Care) OAR 413-100-100-0020(11)</p> <p>(Proximity) Please refer to the Child Specific Case Plan form CF 6723 in OR-Kids)</p> <p>Procedure Manual Section 2, Page 6 (E)(2) and Page 9 (H)(5).</p> <p><b>45 CFR 1356.21(e)-(i):</b> (Specified relative, removal, AFDC elig.) OAR 413-100-0020(36)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>OAR 413-100-0130 OAR 413-100-0135 OAR 413-100-0250</p> <p>OAR 413-100-0110(5) (180 day BI)</p> <p>OAR 413-100-0240(judicial findings) OAR 413-100-0170 (Resources)</p> <p>OAR 413-100-0210 (elig. of alien children)</p> <p>OAR 413-100-0060(3) (Maint. Payments)</p> <p>OAR 413-100-0020(19) (foster family home def.)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>OAR 413-100-0160(3) and OAR 413-100-0335 (minor parent)</p> <p>Voluntary Custody Agreements OAR 413-020-0010 thru 0050</p> <p>Voluntary Placement Agreements OAR 413-020-0060 thru 0090</p> <p>Please refer to State Plan Section 2, page 8.</p> <p>Licensing Umbrella Rules OAR 413-215-0001(2)</p> <p>Please refer to previously provided</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>documents            "Procedures for            Administrative            Claiming," "Title IV-E            Administrative            Claiming – PACAP,"            and "Candidates for            Title IV-E Foster Care"            (Admin. Costs)</p> <p>Please refer to the            case plan (CF 6788 in            OR-Kids) and child            specific case plan (CF            6723) in OR-Kids)            forms.</p>
472(f)(1)	b. the assistance of the State/Tribal agency has been requested by the child's parent(s) or legal guardian(s); and	<p>OAR 413-020-0010(1)(2)</p> <p>OAR 413-020-0070</p> <p>OAR 413-020-0110(8)</p>

<b>Federal Regulatory/ Statutory References</b>	<b>Requirement</b>	<b>State/Tribe Regulatory, Statutory, and Policy References and Citations for Each</b>
472(f)(2)	c. there is a written voluntary placement agreement, binding on all parties to the agreement, which specifies at a minimum the legal status of the child and the rights and obligations of the parents or guardians, the child and the State/Tribal agency while the child is in placement.	CF 1005 Voluntary Custody Agreement  CF 498 Parental Request for Continuance of Voluntary Agreement  CF 499 Child Placement Agreement
1356.22(b) 472(e)	2. Federal financial participation is claimed only for voluntary foster care maintenance expenditures made within the first 180 days of the child's placement in foster care unless there has been a judicial determination by a court of competent jurisdiction, within the first 180 days of the date of such placement, to the effect that the continued voluntary placement is in the best interests of the child.	OAR 413-100-0250  OAR 413-020-0040
1356.22(c) 472(g)(1)&(2)	3. The State/Tribal agency has established a uniform procedure or system, consistent with State/Tribal law, for revocation by the parent(s) of a voluntary placement agreement and return of the child.	OAR 413-020-0050  OAR 413-020-0090

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
1355.20(a) 475(4)(A)	<p>C. PAYMENTS</p> <p>1. Foster care maintenance payments for a child in foster care may cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to the child, and reasonable travel to the child's home for visitation with family, or other caretakers and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement. Local travel associated with providing the items listed above is also an allowable expense. In the case of child care institutions, such term must include the reasonable costs of administration and operation of such institutions as are necessarily required to provide the items described in the preceding sentences.</p>	<p>OAR 413-090-0010</p> <p>Title IV-E Foster Care FFP claims include only "maintenance payments". These payments are isolated in the Cost Allocation Plan.</p>
472(b)(1)&(2)	<p>2. Foster care maintenance payments are made only on behalf of an eligible child who is:</p> <p>a. in the foster family home of an individual or family, whether the payments are made to such individual or to</p>	<p>ORS 418.625 (3)</p> <p>OAR 413-100-0060</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>a public or private child placement or child care agency; or</p> <p>b. in a child care institution, whether the payments are made to such institution or to a public or private child placement or child-care agency. Such payments include only those items that are included in the term "foster care maintenance payments" (defined in section 475(4) of the Act). Title IV-E agencies may claim for title IV-E foster care maintenance payments paid on behalf of an eligible child placed in a child care institution for up to two weeks. Title IV-E agencies may continue to claim administrative costs for the duration of the period in the CCI regardless of whether the CCI meets the restrictions in section 472(k) of the Act. After two weeks, title IV-E FCMP for a child placed in a CCI are only available if that CCI is a:</p> <p>i. "qualified residential treatment program" (QRTP), as defined in section 472(k)(4) of the Act and subject to additional requirements described below;</p> <p>ii. a setting specializing in providing prenatal, post-partum, or parenting supports for youth;</p>	<p>OAR 413-100-0060</p> <p>OAR 413-100-0075(1)(b)-(f), (2)(i)</p> <p>OAR 413-095-0000</p> <p>SB 1605 section 11a, b (codified as ORS 419B.354)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<ul style="list-style-type: none"> <li>iii. in the case of a youth who has attained 18 years of age, a supervised setting in which the youth is living independently;</li> <li>iv. a setting providing high-quality residential care and supportive services to children and youth who have been found to be, or are at risk of becoming, sex trafficking victims; or</li> <li>v. a licensed residential family-based treatment facility for substance abuse (subject to additional requirements per section 472(j) of the Act).</li> </ul>	<p>Note: Oregon does not claim IV-E funding for children placed with a parent in a licensed residential family-based treatment facility.</p>
472(i)(1)	<p>3. Administrative costs associated with an otherwise eligible child who is in an unallowable facility or an unapproved or unlicensed relative home, and who is removed in accordance with section 472(a) from the home of a relative specified in section 406(a)(as in effect on July 16, 1996), shall be considered only for expenditures:</p>	<p>Please refer to the documents: "Title IV-E Administrative Claiming" per the Oregon Public Assistance Cost Allocation Plan (PACAP); and "T-Code Reference Sheet and Explanation and</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		Examples for Implementation."
472(i)(1)(A)	a. for a period of not more than the lesser of 12 months or the average length of time it takes to license or approve a home as a foster home, in which the child is in the home of a relative and an application is pending for licensing or approval of the home as a foster family home; or	Please refer to the documents: "Title IV-E Administrative Claiming" per the Oregon Public Assistance Cost Allocation Plan (PACAP); and "Procedures for Administrative Claiming" from the Title IV-E Training Manual.
472(i)(1)(B)	b. for a period of not more than 1 calendar month when a child moves from a facility not eligible for payments under this part into a foster family home or child care institution licensed or approved by the State/Tribe.	Please refer to the document: "Title IV-E Administrative Claiming" per the Oregon Public Assistance Cost

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		Allocation Plan (PACAP).
472(i)(2)	4. Administrative costs associated with a child who is potentially eligible for benefits under the approved title IV-E plan and at imminent risk of removal from the home, shall be considered for expenditures only if:	<p>Please refer to the case plan (CF 6788 in OR-Kids) and child specific case plan (CF 6723) in OR-Kids) forms.</p> <p>Please refer to the document: "Candidates for Title IV-E foster Care" per the Oregon Public Assistance Cost Allocation Plan (PACAP).</p>
472(i)(2)(A)	a. reasonable efforts are being made in accordance with section 471(a)(15) to prevent the need for, or if necessary to pursue, removal of the child from the home; and	Please refer to the document: "Candidates for Title IV-E foster Care" per the Oregon Public

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		Assistance Cost Allocation Plan (PACAP).
472(i)(2)(B)	b. the State/Tribal agency has made, not less often than every 6 months, a determination (or redetermination) as to whether the child remains at imminent risk of removal from the home.	Please refer to the document: "Candidates for Title IV-E foster Care" per the Oregon Public Assistance Cost Allocation Plan (PACAP).
1356.21(j) 475(4)(B)	5. Child of a minor parent in foster care. Foster care maintenance payments made on behalf of a child placed in a foster family home or child care institution, who is the parent of a son or daughter in the same home or institution, must include amounts which are necessary to cover costs incurred on behalf of the child's son or daughter. Said costs must be limited to funds expended on those items described in the definition of foster care maintenance payments.	OAR 413-100-0160(3) and OAR 413-100-0335 (minor parent)
471(a)(16)	D. CASE REVIEW SYSTEM	OAR 413-070-0600 thru 0625

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
<p>475(1) 475(5)(A), (D) and (H) 475A 1356.21(g)</p>	<p>1. Case Plan</p> <p>To meet the case plan requirements of sections 471(a)(16), 475(1), 475(5)(A), (D) and (H), and 475A of the Act, the State/Tribal agency has promulgated policy materials and instructions for use by State/Tribe and local agency staff to determine the appropriateness of and necessity for the foster care placement of the child. The case plan for each child:</p>	<p>OAR 413-070-0630</p> <p>OAR 413-040-0010</p> <p>OAR 413-040-0010 (6)(b)</p>
<p>1356.21(g)(1)</p>	<p>a. is a written document which is a discrete part of the case record, in a format determined by the State/Tribe agency, which is developed jointly with the parent(s) or guardian(s) of the child in foster care;</p>	<p>OAR 413-040-0010</p> <p>Please refer to the case plan (CF 6788 in OR-Kids) and child specific case plan (CF 6723) in OR-Kids forms.</p>
<p>1356.21(g)(2)</p>	<p>b. is developed within a reasonable period, to be established by the State/Tribe agency, but in no event later than 60 days from the child's removal from the home;</p>	<p>OAR 413-040-0010 (7)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>Policy I-I.2 Narrative Recording</p> <p>Please refer to the case plan (CF 6788 in OR-Kids) and child specific case plan (CF 6723) in OR-Kids forms</p>
1356.21(g)(4)	c. includes a description of the services offered and provided to prevent removal of the child from the home and to reunify the family;	<p>OAR 413-040-0010(1) (g)(B)</p> <p>OAR 413-030-0013</p> <p>OAR 413-030-0210(3)</p> <p>OAR 413-060-0140(1)</p>
475(1)(A)	d. includes a description of the type of home or institution in which the child is placed;	OAR 413-040-0010(1) (i)(A)(i)
475(1)(A)	e. includes a discussion of the safety and appropriateness of the placement and how the	OAR 413-040-0010(1) (i)(A)(i)

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	responsible agency plans to carry out the judicial determination made with respect to the child in accordance with section 472(a)(2)(A) of the Act;	
475(1)(B)	f. includes a plan for assuring that the child receives safe and proper care, and services are provided to the parent(s), child and foster parents in order to improve the conditions in the parents' home to facilitate the child's return to his/her own safe home or the permanent placement of the child;	OAR 413-040-0010(1)(g)(i)  OAR 413-080-0059
475(1)(B)	g. includes a plan for assuring that services are provided to the child and foster parents in order to address the needs of the child while in foster care;	OAR 413-040-0006(5)(b)(F)  OAR 413-040-0006(6) OAR 413-040-0010(1)(d)(f)(A)
475(1)(B)	h. includes a discussion of the appropriateness of the services that have been provided to the child under the plan;	OAR 413-040-0010(1)(f)



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475(1)(D) 475(1)(B)	i. where appropriate for a child 14 or over: includes a written description of the programs and services which will help such child prepare for the transition from foster care to successful adulthood. With respect to a child who has attained 14 years of age, any revision or addition to the plan must be developed in consultation with the child and, at the option of the child, with up to 2 members of the case planning team who are chosen by the child and who are not a foster parent of, or caseworker for, the child. A State/Tribal agency may reject an individual selected by a child to be a member of the case planning team at any time if the agency has good cause to believe that the individual would not act in the best interests of the child. One individual selected by a child to be a member of the child's case planning team may be designated to be the child's advisor and as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child;	<p>ORS 419b.343  ORS 419b.476  OAR 413-030-0430  OAR 413-030-0445</p> <p>OAR 413-040-0010(3)(b), (c) and (d)</p> <p>OAR 413-040-0013(4)</p> <p>Procedure manual  Chapter 4, Section 29</p>
475(5)(H)	j. during the 90-day period immediately prior to the date on which the child will attain 18 years of age, or such greater age as the State/Tribal agency may elect under section 475(8)(B)(iii), whether during that period foster care maintenance payments are being made on	<p>OAR 413-030-0445  OAR 413-030-0456</p> <p>Memo:</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>the child's behalf or the child is receiving benefits or services under section 477, a caseworker on the staff of the State/Tribal agency, and, as appropriate, other representatives of the child provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, includes information about the importance of designating another individual to make health care treatment decisions on behalf of the child if the child becomes unable to participate in such decisions and the child does not have, or does not want, a relative who would otherwise be authorized under State/Tribal law to make such decisions, and provides the child with the option to execute a health care power of attorney, health care proxy, or other similar document recognized under State/Tribal law, and is as detailed as the child may elect;</p>	<p>CW-IM-10-010</p> <p>CW Procedure Manual Chapter 4, Section 29</p> <p>Form CF 0069 (a &amp; b) Transition Readiness Plan and Comprehensive Transition Plan</p>
<p>1356.21(g)(5) 475(1)(E)</p>	<p>k. documents the steps to finalize a placement when the case plan goal is or becomes adoption or placement in another permanent home in accordance with sections</p>	<p>ORS 419B.476 ORS 419B.502 ORS 419B.504</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475(5)(E) 475A	475(1)(E), (5)(E), and 475A(a)(1) of the Act. When the case plan goal is adoption, at a minimum such documentation shall include child-specific recruitment efforts such as the use of Tribal, State, regional, and national adoption exchanges including electronic exchange systems to facilitate orderly and timely in-State/Tribal service area and inter-State/Tribal service area placements;	<p>ORS 419B.506 ORS 419B.508</p> <p>OAR 413-070-0520 thru 0565</p> <p>Please refer to the case plan (CF 6788 in OR-Kids) and child specific case plan (CF 6723) in OR-Kids forms</p> <p>OAR 413-070-0500 thru 0515</p> <p>OAR 413-040-0010</p> <p>OAR 413-120-0760</p> <p>OAR 413-110-0240</p>
475(1)(F)	I. For a child with respect to whom the permanency plan is placement with a relative and receipt of kinship	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>guardian assistance payments, the State/Tribal agency shall include in the case plan a description of:</p> <ul style="list-style-type: none"> <li>i. the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;</li> <li>ii. the reasons for any separation of siblings during placement;</li> <li>iii. the reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests;</li> <li>iv. the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;</li> <li>v. the efforts the State/Tribal agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons; and</li> <li>vi. the efforts made by the State/Tribal agency to discuss with the child's parent or parents the kinship</li> </ul>	<p>OAR 413-070-0915 (1)(a)</p> <p>OAR 413-040-0010</p> <p>OAR 413-070-0917(4)</p> <p>CF 0311 G Case Plan Addendum(Subsidized Guardianship)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>guardianship assistance arrangement, or the reasons why the efforts were not made.</p> <p>(See also Section 6 Guardianship Assistance Program Case Plan Requirements.)</p>	
1356.21(g)(3) 475(5)(A)	<p>m. includes a discussion of how the case plan is designed to achieve a safe placement for the child in the least restrictive (most family-like) setting available and in close proximity to the home of the parent(s) when the case plan goal is reunification and a discussion of how the placement is consistent with the best interests and special needs of the child;</p>	<p>ORS 419B.440 ORS 419B.443</p> <p>OAR 413-070-0625(1)(g)</p> <p>OAR 413-040-0010</p>
475(5)(A)(i)	<p>n. if the child has been placed in a foster family home or child-care institution a substantial distance from the home of the parent(s), in a different State, or outside of the Tribal service area, sets forth the reasons why such a placement is in the best interests of the child;</p>	<p>Policy I-I.2 Narrative Recording</p> <p>Please refer to the case plan (CF 6788 in OR-Kids) and child specific case plan (CF 6723) in OR-Kids forms</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475(5)(A)(ii)	o. if the child has been placed in foster care in a State or Tribal service area outside the State or Tribal service area in which the child's parent(s) are located, assures that an agency caseworker on the staff of the State or Tribal agency of the State or Tribal service area in which the home of the parents of the child is located, of the State or Tribal service area in which the child has been placed, or of a private agency under contract with either such State/Tribal agency, visits the child in such foster home or institution no less frequently than every 6 months and submits a report on the visit to the State or Tribal agency of the State or Tribal service area where the home of the child's parent(s) is located;	<p>ORS 419B.443(1)(j)</p> <p>OAR 413-040-0265</p> <p>OAR 413-070-0060</p> <p>OAR 413-080-0067 (3)(c)(G)</p> <p>Please refer to document "Draft Reg. 11 March 17"</p>
475(1)(G)	<p>p. a plan for ensuring the educational stability of the child while in foster care, including--</p> <p>i. assurances that each placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and</p> <p>ii. an assurance that the State/Tribal agency has coordinated with appropriate local educational agencies</p>	<p>OAR 413-100-0915 (1)(2)(3)(4)(10)(11)</p> <p>Please refer to the case plan (CF 6788 in OR-Kids) and child specific case plan (CF 6723) in OR-Kids forms.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>(as defined under section 9101 of the Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of each placement; or</p> <p>iii. if remaining in such school is not in the best interests of the child, assurances by the State/Tribal agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school; and</p>	
475(1)(C)	<p>q. incorporates the health and education records of the child including the most recent information available regarding:</p> <ul style="list-style-type: none"> <li>i. the names and addresses of the child's health and educational providers;</li> <li>ii. the child's grade level performance;</li> <li>iii. the child's school record;</li> <li>iv. a record of the child's immunizations;</li> <li>v. the child's known medical problems;</li> <li>vi. the child's medications; and</li> </ul>	<p>ORS 419B.343</p> <p>Policy I-I.2 Narrative Recording II. (2)(a)(A) &amp; (3)(a)</p> <p>Forms CF310(e) and CF310(h) are available on OR-Kids, the Department's Information System.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	vii. any other relevant health and education information concerning the child determined to be appropriate by the State/Tribal agency.	OAR 413-100-0915(11)
1356.21(f)	2. Case Review  The State/Tribal agency has a case review system which meets the requirements of sections 475(5), 475(6) and 475A of the Act and assures that:	OAR 413-040-0100 – 0170  Policy I-I.2 Narrative Recording II. (2)(b)(C)(D), (3)(b)(C)  Please refer to the case plan (CF 6788 in OR-Kids) and child specific case plan (CF 6723) in OR-Kids forms.
475(5)(B) 475A(c)(4)	a. a review of each child's status is made no less frequently than once every six months either by a court or by an administrative review to:	Please refer to the case plan (CF 6788 in OR-Kids) and child



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<ul style="list-style-type: none"> <li>i. determine the safety of the child, the continuing need for and appropriateness of the placement;</li> <li>ii. determine the extent of compliance with the case plan;</li> <li>iii. determine the extent of progress made toward alleviating or mitigating the causes necessitating the placement; and</li> <li>iv. project a likely date by which the child may be returned and safely maintained at home or placed for adoption or legal guardianship; and</li> <li>v. for a child for whom another planned permanent living arrangement has been determined as the permanency plan, determine the steps the state/tribal agency is taking to ensure the child's foster family home or child care institution is following the reasonable and prudent parent standard and to ascertain whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities; and</li> <li>vi. for a child placed in a qualified residential treatment program, evidence -</li> </ul> <p>demonstrating that ongoing assessment of the strengths and needs of the child continues to</p>	<p>specific case plan (CF 6723) in OR-Kids forms.</p> <p>OAR 413-040-0100 thru 0170</p> <p>Policy I-I.2 Narrative Recording II. (2)(b)(C)(D), (3)(b)(C)</p> <p>OAR 413-070-0536 OAR 413-070-0550(5)(b) and (d) SB 1605 section 18a, b (codified as ORS 419B.443) OAR 413-040-0010(k) OAR 413-070-1090(4) OAR 413-070-1090(5)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>support the determination that the needs of the child cannot be met through placement in a foster family home, that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and that the placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child;</p> <p>documenting the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and</p> <p>documenting the efforts made by the State/Tribal agency to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.</p> <p>In the case of any child who is placed in a qualified residential treatment program for more than 12 consecutive months or 18 nonconsecutive months (or, in the case of a child who has not attained age 13, for more than 6 consecutive or nonconsecutive months), the</p>	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	State/Tribal agency shall maintain for the Secretary’s inspection/review the most recent versions of the evidence and documentation specified at the review hearing and the signed approval of the head of the State/Tribal agency for the continued placement of the child in that setting.	
475(6)	<p>b. if an administrative review is conducted, the following requirements will be met:</p> <ul style="list-style-type: none"> <li>i. the review will be open to the participation of the parents of the child; and</li> <li>ii. the review will be conducted by a panel of appropriate persons, at least one of whom is not responsible for the case management of, or delivery of services to either the child or the parents who are the subject of the review.</li> </ul>	<p>OAR 413-040-0150</p> <p>OAR 413-040-0155 (1) and (2)(a)</p> <p>OAR 413-040-0130</p>
1356.21(h) 475(5)(C)	<p>3. Permanency Hearing</p> <p>a. To meet the requirements of the permanency hearing, the State/Tribe holds permanency hearings for all children under the responsibility for placement and care of the title IV-E/IV-B agency, including children for whom the State/Tribal agency claims Federal</p>	<p>ORS 419B.476</p> <p>OAR 413-040-0140</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	reimbursement for the costs of voluntary foster care maintenance payments.	
1356.21(h) 475(5)(C)	b. The permanency hearing takes place within 12 months of the date the child is considered to have entered foster care (as defined within the meaning of 475(5)(F)) and not less frequently than every 12 months thereafter during the continuation of foster care.	ORS 419B.476  OAR 413-040-0140  OAR 413-110-0240(2)
1356.21(h)(2) 471(a)(15)(E)(i)	c. When a court determines that reasonable efforts to return the child home are not required, a permanency hearing is held within 30 days of that determination, unless the requirements of the permanency hearing are fulfilled at the hearing in which the court determines that reasonable efforts to reunify the child and family are not required.	ORS 419B.340(5)(6) ORS 419B.470 ORS 419B.476  OAR 413-110-0240(2)  OAR 413-100-0240(3)
1356.21(b)(3) 475(5)(C) 471(a)(15)(E)(i)  475A(c)(4)	d. For the purposes of this requirement, a permanency hearing shall determine:  i. the permanency plan for the child that includes whether, and if applicable when, the child will be returned to the parent, or placed for adoption and	For Tribal IV-E agencies, the requirement that APPLA only be available as a permanency plan for a

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>the State/Tribe will file a petition for termination of parental rights, or referred to legal guardianship, or only in the case of a child who has attained 16 years of age (in cases where the State/Tribal agency has documented to the court a compelling reason for determining, as of the date of the hearing, that it would not be in the best interest of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian) placed in another planned permanent living arrangement subject to section 475A(a) of the Act;</p> <p>ii. in the case of a child who will not be returned to the parent, the hearing shall consider in-State/Tribal service area and out-of-State/Tribal service area placement options;</p> <p>iii. in the case of a child placed out of the State/Tribal service area in which the home of the parent(s) of the child is located, the hearing shall determine whether the out-of-State/Tribal service area placement continues to be appropriate and in the best interests of the child;</p>	<p>child age 16 years or older is not required until September 29, 2017.</p> <p>Policy I-B.3.2.1 Substitute Care Placement Reviews OAR 413-040-0140</p> <p>Policy I-B.2.3.5 Youth Transitions OAR 413-030-0445, 0449, 0454</p> <p>Procedure Manual, Chapter 4, Section 29, Youth Transitions</p> <p>ii. ORS 419B.476(2)(b) and (c)</p> <p>ORS 419B.476(5)(f) ORS 419B.476(5)(i)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<ul style="list-style-type: none"> <li>iv. in the case of a child who has attained age 14, the services needed to assist the child to make the transition from foster care to successful adulthood;</li> <li>v. in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to successful adulthood, procedural safeguards shall be applied to assure the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child; and</li> <li>vi. if a child has attained 14 years of age, the permanency plan developed for the child, and any revision or addition to the plan, shall be developed in consultation with the child and, at the option of the child, with not more than 2 members of the permanency planning team who are selected by the child and who are not a foster parent of, or caseworker for, the child, except that the state or tribal agency may reject an individual so selected by the child if the agency has good cause to believe that the individual would not act in the best interests of the child, and 1 individual so</li> </ul>	<p>For Tribal IV-E agencies, the requirement that APPLA only be available as a permanency plan for a child age 16 years or older is not required until September 29, 2017.</p> <p>Policy I-B.3.2.1 Substitute Care Placement Reviews OAR 413-040-0140</p> <p>Policy I-B.2.3.5 Youth Transitions OAR 413-030-0445, 0449, 0454</p> <p>Procedure Manual, Chapter 4, Section 29, Youth Transitions</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>vii. selected by the child may be designated to be the child’s advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent standard to the child; and</p> <p>for a child placed in a qualified residential treatment program, evidence -</p> <p>demonstrating that ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home, that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and that the placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child;</p> <p>documenting the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and</p>	<p>ii. ORS 419B.476(2)(b) and (c)</p> <p>ORS 419B.476(5)(f) ORS 419B.476(5)(i)</p> <p>ORS 419B.476(3)</p> <p>Please refer to these documents:</p> <p>v. “Chief Justice Paul J. De Muniz memo” and “QA on Age Approp. Consultation”</p> <p>DHS Information Memorandum Transmittal CW_IM_08_008</p> <p>Please refer to the case plan (CF 6788 in</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>documenting the efforts made by the State/Tribal agency to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.</p> <p>viii. In the case of any child who is placed in a qualified residential treatment program for more than 12 consecutive months or 18 nonconsecutive months (or, in the case of a child who has not attained age 13, for more than 6 consecutive or nonconsecutive months), the State/Tribal agency shall submit to the Secretary the most recent versions of the evidence and documentation specified at the permanency hearing and the signed approval of the head of the State/Tribal agency for the continued placement of the child in that setting.</p>	<p>OR-Kids) and child specific case plan (CF 6723) in OR-Kids forms.</p> <p>OAR 413-070-0536(1)</p> <p>OAR 413-070-0536(2)</p> <p>OAR 413-030-0445(1)(a)</p> <p>OAR 413-030-0445(3)(c)</p> <p>OAR 413-030-0445(3)(d)</p> <p>OAR 413-030-0454(1)(a)</p> <p>OAR 413-030-0454(4)</p> <p>OAR 413-070-1090(4)-(5)</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475(5)(C)	e. Procedural safeguards are also to be applied with respect to parental rights pertaining to the removal of the child from the home of his/her parents, to a change in the child's placement, and to any determination affecting visitation privileges of parents.	DHS CW Policy – I-A.1 Client Rights  Policy I-E.3.5 Visits and Other Types of Child and Family Contact OAR 413-070-0800 OAR 413-070-0830 OAR 413-070-0855 OAR 413-070-0860
1356.21(h)(3)	f. If the State/Tribal agency concludes, after considering reunification, adoption, legal guardianship, or permanent placement with a fit and willing relative, that the most appropriate permanency plan for a child is placement in another planned permanent living arrangement, the State/Tribal agency will document to the court the compelling reason for the alternate plan in accordance with 475A.	OAR 413-070-0536(1) OAR 413-070-0548
1356.21(h)(4)	g. When an administrative body, appointed or approved by the court, conducts the permanency hearing, the	OAR 413-040-0140(2)

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	procedural safeguards set forth in the definition of permanency hearing will be extended by the administrative body.	*All Permanency Hearings are conducted by the Court in Oregon.
475(5)(D)	<p>4. Health and Education Records</p> <p>a. A child's health and education records are reviewed and updated, and a copy of the record is supplied to the foster parent or foster care provider with whom the child is placed, at the time of each placement of the child in foster care.</p> <p>b. The child's health and education records are supplied to the child at no cost at the time the child leaves foster care if the child is leaving foster care by reason of having attained the age of majority under State/Tribe law.</p>	<p>ORS 419B.343 (4)</p> <p>Policy I-I.2 Narrative Recording</p> <p>OAR 413-030-0460</p> <p>CF 310H and CF 310E – Health and Education Record Forms</p> <p>CF261 Placement Information Form</p> <p>CW Procedure Manual-Chapter IV, Section H and E</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
1356.21(o) 475(5)(G)	<p>5. Notice</p> <p>The State/Tribe provides the foster parent(s) of a child and any pre-adoptive parent or relative providing care for the child with timely notice of and a right to be heard in any proceeding to be held with respect to the child during the time the child is in the care of such foster parent, pre-adoptive parent, or relative caregiver. Notice of and a right to be heard does not require the State/Tribe to make the caregiver a party to the proceeding.</p>	<p>ORS 418.648 ORS 419A.098(3) ORS 419B.875 ORS 419B.473(2)</p> <p>OAR 413-040-0150 (2)</p>
475(5)(I)	<p>6. Annual Credit Reports</p> <p>Each child in foster care under the responsibility of the State/Tribal agency who has attained 14 years of age receives without cost a copy of any consumer report (as defined in section 603(d) of the Fair Credit Reporting Act) pertaining to the child each year until the child is discharged from care, and receives assistance (including, when feasible, from any court-appointed advocate for the child) in interpreting and resolving any inaccuracies in the report.</p>	<p>CW-AR-12-001, issued January 15, 2012</p> <p>CW-IM-13-004, issued September 16, 2013</p> <p>OAR 413-030-0456 (2)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475(5)(I)	<p>7. Official Documents.</p> <p>Each child leaving foster care by reason of having attained 18 years of age or such greater age as the State has elected under 475(8), unless the child has been in foster care for less than 6 months, must be discharged from care with an official or certified copy of the United States birth certificate of the child, a social security card issued by the Commissioner of Social Security, health insurance information, a copy of the child's medical records and a driver's license or identification card issued in accordance with the requirements of section 202 of the REAL ID Act of 2005.</p>	<p>OAR 413-030-0460(2)(b)</p> <p>OAR 413-030-0460(2)(c)</p>
472(h)(1) 473(b)(1) & (b)(2)	<p>E. MEDICAL AND SOCIAL SERVICES</p> <p>1. For purposes of titles XIX and XX, any child with respect to whom foster care maintenance payments are made under this section will be deemed a dependent child as defined in section 406 of the Act (as so in effect 7/16/1996) and shall be deemed to be a recipient of aid to families with dependent children under Part A of this title (as so in effect 7/16/1996). Title XIX and XX services will be available to such child in the State in which the child resides.</p>	<p>Policy I-E.6.2 Title XIX and General Assistance Medical Eligibility OAR 413-100-0400 – 413-100-0610</p> <p>Policy I-C.7 Temporary Assistance to Needy Families</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>2. For the purposes of titles XIX and XX, any eligible child for whom there is a kinship guardianship assistance payment being made under section 473(d) is deemed to be a dependent child as defined in 406 of the Act and is deemed to be a recipient of AFDC under part A of title IV of the Act (as in effect 7/16/96) in the State in which such child resides.</p>	<p>(Emergency Assistance Program)</p> <p>Title XX (SSBG) State Plan</p> <p>Policy I-E.3.6.2 Guardianship Assistance OAR 413-070-0939(11)</p>
471(a)(14)	<p>F. SPECIFIC GOALS IN STATE/TRIBAL LAW</p> <p>1. The State/Tribal agency formulates for each fiscal year, a specific goal as to the maximum number of children (in absolute numbers or as a percentage of all children in foster care receiving assistance under a title IV-E program) who at any given time during the fiscal year will have been in foster care for over 24 months. The specific foster care goals required under section 471(a)(14) of the Act are incorporated into State or Tribal law by statute or administrative regulation with the force of law.</p>	<p>ORS 418.319</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	2. The State/Tribal agency will describe the steps that will be taken to achieve the specific goal established.	
1356.21(b) 471(a)(15)(A)&(B)	<p>G. PREVENTIVE AND REUNIFICATION SERVICES</p> <p>1. Reasonable efforts. The State/Tribal agency makes reasonable efforts to maintain the family unit and prevent the unnecessary removal of a child from his/her home, as long as the child's safety is assured; to effect the safe reunification of the child and family (if temporary out-of-home placement is necessary to ensure the immediate safety of the child); and to make and finalize alternate permanency plans in a timely manner when reunification is not appropriate or possible. In determining reasonable efforts to be made with respect to a child and in making such reasonable efforts, the child's health and safety is the State/Tribal agency's paramount concern.</p>	<p>ORS 419B.150(2)(a) – (c)  ORS 419B.337  ORS 419B.476(2)(a) &amp; (b)</p> <p>Policy I-B.3.2.1  Substitute Care  Placement Reviews  OAR 413-040-0140 (3)(d)(B)(iv)</p>
471(a)(15)(C)	2. If continuation of reasonable efforts as described in section 471(a)(15)(B) of the Act is determined to be inconsistent with the permanency plan for the child, reasonable efforts are made to place the child in a timely manner in accordance with the permanency plan	ORS 419B.476

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	including, if appropriate, through an interstate placement, and to complete whatever steps are necessary to finalize the permanent placement of the child.	
1356.21(b)(1)(i)&(ii)	<p>3. Judicial determination of reasonable efforts to prevent a child's removal from the home.</p> <p>a. When a child is removed from his/her home, the judicial determination, as to whether reasonable efforts were made or were not required to prevent the removal, is made no later than 60 days from the date the child is removed from the home.</p> <p>b. If the determination concerning reasonable efforts to prevent the removal is not made as specified above, the child is not eligible under the title IV-E foster care maintenance payments program for the duration of that stay in foster care.</p> <p>(Tribes, see also section 7 for use of nunc pro tunc orders.)</p>	<p>Policy I-E.6.1 Title IV-E Foster Care, Adoption Assistance and Guardianship Assistance Eligibility</p> <p>OAR 413-100-0240(2)</p> <p>Please refer to the case plan (CF 6788 in OR-Kids) and child specific case plan (CF 6723) in OR-Kids) forms.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
1356.21(b)(2)(i)	<p>4. Judicial determination of reasonable efforts to finalize a permanency plan.</p> <p>a. The State/Tribal agency obtains a judicial determination that it has made reasonable efforts to finalize the permanency plan that is in effect (whether the plan is reunification, adoption, legal guardianship, placement with a fit and willing relative, or placement in another planned permanent living arrangement) within 12 months of the date the child is considered to have entered foster care in accordance with the definition at section 1355.20 of the regulations, and at least once every 12 months thereafter while the child is in foster care.</p> <p>(Tribes, see also section 7 for use of nunc pro tunc orders.)</p>	<p>Policy I-E.6.1 Title IV-E Foster Care, Adoption Assistance and Guardianship Assistance Eligibility OAR 413-100-0240(4)</p> <p>Policy I-B.3.2.1 Substitute Care Placement Reviews OAR 413-040-0140</p>
1356.21(b)(2)(ii)	<p>b. If such a judicial determination regarding reasonable efforts to finalize a permanency plan is not made, the child becomes ineligible under title IV-E from the end of the 12th month following the date the child is considered to have entered foster care or the end of the 12th month following the month in which the most recent judicial</p>	<p>Policy I-E.6.1 Title IV-E Foster Care, Adoption Assistance and Guardianship Assistance Eligibility</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>determination of reasonable efforts to finalize a permanency plan was made, and remains ineligible until such a judicial determination is made.</p> <p>(Tribes, see also section 7 for use of nunc pro tunc orders.)</p>	OAR 413-100-0240(4)
1356.21(b)(3) 471(a)(15)(D)	5. Reasonable efforts are not required to prevent a child's removal from home or to reunify the child and family if the State/Tribal agency obtains a judicial determination that such efforts are not required because:	<p>Policy I-E.6.1 Title IV-E Foster Care, Adoption Assistance and Guardianship Assistance Eligibility OAR 413-100-0240(3)</p> <p>Policy I-F.3.2.1 Termination of Parental Rights OAR 413-110-0240</p>
1356.21(b)(3)(i) 471(a)(15)(D)	a. a court of competent jurisdiction has determined that the parent has subjected the child to aggravated circumstances (as defined in State/Tribal law, which definition may include but need not be limited to	<p>ORS 419B.340(5)</p> <p>Policy I-E.6.1 Title IV-E Foster Care, Adoption Assistance</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	abandonment, torture, chronic abuse, and sexual abuse);	and Guardianship Assistance Eligibility OAR 413-100-0240(3)(a)  Policy I-F.3.2.1 Termination of Parental Rights OAR 413-110-0240(4)
1356.21(b)(3)(ii) 471(a)(15)(D)	<p>b. a court of competent jurisdiction has determined that the parent has been convicted of:</p> <ul style="list-style-type: none"> <li>i. murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;</li> <li>ii. voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;</li> </ul>	Policy I-E.6.1 Title IV-E Foster Care, Adoption Assistance and Guardianship Assistance Eligibility OAR 413-100-0240(3)(b)

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<ul style="list-style-type: none"> <li>iii. aiding or abetting, attempting, conspiring, or soliciting to commit such a murder or such a voluntary manslaughter; or</li> <li>iv. a felony assault that results in serious bodily injury to the child or another child of the parent; or</li> </ul>	
1356.21(b)(3)(iii) 471(a)(15)(D)	c. the parental rights of the parent with respect to a sibling have been terminated involuntarily.	<p>ORS 419B.498-504</p> <p>Policy I-E.6.1 Title IV-E Foster Care, Adoption Assistance and Guardianship Assistance Eligibility</p> <p>OAR 413-100-0240(3)(c)</p>
1356.21(b)(4) 471(a)(15)(F)	<p>6. Concurrent planning.</p> <ul style="list-style-type: none"> <li>a. Reasonable efforts to finalize an alternate permanency plan may be made concurrently with reasonable efforts to reunify the child and family.</li> <li>b. Reasonable efforts to place a child for adoption or with a legal guardian, including identifying appropriate</li> </ul>	<p>ORS 419B.476</p> <p>Policy I-F.3.2.1 Termination of Parental Rights</p> <p>OAR 413-110-0240</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	in-State/Tribal service area and out-of-State/Tribal service area placements, may be made concurrently with reasonable efforts to reunify the child and family.	
1356.21(b)(5)	<p>7. Use of the Federal Parent Locator Service.</p> <p>The State/Tribal agency may seek the services of the Federal Parent Locator Service to search for absent parents at any point in order to facilitate a permanency plan.</p>	Policy I-A.4.3 Identifying Legally Recognized Parental Relationships (1)(b)(A)
1356.21(i)(1) 475(5)(E)	<p>H. TERMINATION OF PARENTAL RIGHTS</p> <p>1. The State/Tribe will file a petition (or, if such a petition has been filed by another party, seek to be joined as a party to the petition) to terminate the parental rights of a parent(s):</p>	Policy I-F.3.2.1 Termination of Parental Rights OAR 413-110-0240
1356.21(i)(1)(i)	<p>a. whose child has been in foster care under the responsibility of the State/Tribal agency for 15 of the most recent 22 months. The petition must be filed by the end of the child's 15th month in foster care. In</p>	<p>ORS 419B.498</p> <p>Policy I-E.3.6 Legal Permanency, Concurrent Planning,</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>calculating when to file a petition for termination of parental rights, the State/Tribe:</p> <ul style="list-style-type: none"> <li>i. will calculate the 15 out of the most recent 22 month period from the date the child entered foster care as defined at section 475(5)(F) of the Act;</li> <li>ii. will use a cumulative method of calculation when a child experiences multiple exits from and entries into foster care during the 22 month period;</li> <li>iii. will not include trial home visits or runaway episodes in calculating 15 months in foster care; and</li> <li>iv. only applies section 475(5)(E) of the Act to a child once if the State/Tribe does not file a petition because one of the exceptions applies;</li> </ul>	<p>and Use of Permanency Committee OAR 413-070-0515 (2)</p> <p>Policy I-F.3.2.1 Termination of Parental Rights OAR 413-110-0240</p> <p>Please refer to attached document "Calculation of 15 of 22 Months"</p>
1356.21(i)(1)(ii)	b. whose child has been determined by a court of competent jurisdiction to be an abandoned infant (as defined under State/Tribal law). The petition to terminate parental rights is made within 60 days of the judicial determination that the child is an abandoned infant; or	<p>ORS 419B.340</p> <p>Policy I-F.3.2.1 Termination of Parental Rights OAR 413-110-0240</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
1356.21(i)(1)(iii)	c. who has been convicted of one of the felonies listed above. Under such circumstances, the petition to terminate parental rights is to be made within 60 days of a judicial determination that reasonable efforts to reunify the child and parent are not required.	ORS 419B.340(6)  Policy I-F.3.2.1 Termination of Parental Rights OAR 413-110-0240
1356.21(i)(2)	<p>2. The State/Tribe may elect not to file or join a petition to terminate the parental rights of a parent of this section if:</p> <p>a. at the option of the State/Tribal agency, the child is being cared for by a relative;</p> <p>b. the State/Tribal agency has documented in the case plan (which must be available for court review) a compelling reason for determining that filing such a petition would not be in the best interests of the individual child; or</p> <p>c. the State/Tribal agency has not provided to the family, consistent with the time period in the case plan, services that the State/Tribal agency deems necessary for the safe return of the child to the home, when reasonable efforts to reunify the family are required.</p>	<p>ORS 419B.498 (for 2a-c)</p> <p>Policy I-B.3.2.1 Substitute Care Placement Reviews OAR 413-040-0140</p> <p>Policy I-F.3.2.1 Termination of Parental Rights OAR 413-110-0240 (for 2a-c)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
1356.21(i)(3)	3. When the State/Tribe files or joins a petition to terminate parental rights, it concurrently begins to identify, recruit, process, and approve a qualified adoptive family for the child.	ORS 419B.498
1355.20(a) 475(5)(F)	<p>I. DATE CHILD CONSIDERED TO HAVE ENTERED FOSTER CARE</p> <p>A child will be considered to have entered foster care on the earlier of:</p> <ol style="list-style-type: none"> <li>1. the date of the first judicial finding that the child has been subjected to child abuse or neglect; or</li> <li>2. the date that is 60 days after the date on which the child is removed from the home.</li> </ol>	<p>Policy I-B.3.2.1 Substitute Care Placement Reviews OAR 413-040-0110</p> <p>Policy I-F.3.2.1 Termination of Parental Rights OAR 413-110-0250(2)</p> <p>Policy I-E.6.1 Title IV- E Foster Care, Adoption Assistance and Guardianship Assistance Eligibility</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		OAR 413-100-0020(11)
1356.21(d) 472(a)(1)	<p>J. DOCUMENTATION OF JUDICIAL DETERMINATION</p> <p>The judicial determinations regarding contrary to the welfare, reasonable efforts to prevent removal, and reasonable efforts to finalize the permanency plan in effect, including judicial determinations that reasonable efforts are not required, are explicitly documented and made on a case-by-case basis and so stated in the court order.</p> <p>1. If the reasonable efforts and contrary to the welfare judicial determinations are not included as required in the court orders, a transcript of the court proceedings is the only other documentation accepted to verify that these required determinations have been made.</p> <p>2. Neither affidavits nor nunc pro tunc orders will be accepted as verification documentation in support of reasonable efforts and contrary to the welfare judicial determinations, except as provided in 479B(c)(ii) of the Act and for Tribes. (See section 7.C. of this plan.)</p>	<p>Policy I-E.6.1 Title IV-E Foster Care, Adoption Assistance and Guardianship Assistance Eligibility</p> <p>1. OAR 413-100-0240(1)</p> <p>2. OAR 413-100-0240(6)</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>3. Court orders that reference State/Tribal law to substantiate judicial determinations are not acceptable, even if the law provides that a removal must be based on a judicial determination that remaining in the home would be contrary to the child's welfare or that removal can only be ordered after reasonable efforts have been made, except as applied to Tribes in section 7 of this plan regarding use of nunc pro tunc orders.</p> <p>(Tribes see section 7 for nunc pro tunc orders.)</p>	<p>3. OAR 413-100-0240(7)</p>
<p>1356.21(e)</p>	<p>K. TRIAL HOME VISITS</p> <p>A trial home visit may not exceed six months in duration, unless the court orders a longer trial home visit. If a trial home visit extends beyond six months and has not been authorized by the court, or exceeds the time period the court has deemed appropriate, and the child is subsequently returned to foster care, that placement must then be considered a new placement and title IV-E eligibility must be newly established. Under these circumstances, the judicial determinations</p>	<p>Please refer to documents "Title IV-E Administrative Claiming" per the Oregon Public Assistance Cost Allocation Plan (PACAP), "Title IV-E Replacement Orders"</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	regarding contrary to the welfare and reasonable efforts to prevent removal are required.	
471(a)(24)	<p>L. TRAINING</p> <p>Before a child in foster care is placed with prospective foster parents, the prospective foster parents are adequately prepared with the appropriate knowledge and skills to provide for the needs of the child. As necessary, such preparation is continued after placement of the child, and includes knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally-appropriate activities, including knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural and social activities, including sports, field trips and overnight activities lasting one or more days and involving the signing of permission slips and arranging transportation for the child to and from extracurricular enrichment and social activities.</p>	<p>OAR 413-200-0379</p> <p>OAR 413-200-0274(7)(g)(A)(B)</p> <p>OAR 413-200-0274(7)(h)</p> <p>OAR 413-200-0356(3)</p> <p>OAR 413-200-0260(42)</p>

475(8)	<p>M. DEFINITION OF 'CHILD'</p> <p>For the purposes of the title IV-E foster care program under section 472, the term 'child' means:</p> <ol style="list-style-type: none"> <li>1. an individual who has not attained 18 years of age; or</li> <li>2. at the option of the state/Tribal agency an individual— <ol style="list-style-type: none"> <li>a. who is in foster care under the responsibility of the title IV-E agency</li> <li>b. who has attained 18 years of age but who has not attained 19, 20, or 21 years of age (as elected and indicated by the title IV-E agency), and</li> <li>c. who meets any of the following conditions: <ol style="list-style-type: none"> <li>i. the child is completing secondary education or a program leading to an equivalent credential;</li> <li>ii. the child is enrolled in an institution which provides post-secondary or vocational education;</li> <li>iii. the child is participating in a program or activity designed to promote, or remove barriers to, employment;</li> <li>iv. the child is employed for at least 80 hours per month; or</li> <li>v. the child is incapable of doing any of the above described activities due to a medical condition, which incapability is supported by regularly updated information in the case plan of the child.</li> </ol> </li> </ol> </li> </ol>	<p>OAR 413-100-0020 (3)  OAR 413-100-0020 (27)  OAR 413-100-0230</p>
--------	--	--

475A(a)	<p>N. ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT</p> <p>In the case of any child for whom another planned permanent living arrangement is the permanency plan determined for the child under section 475(5)(C), State/Tribal agency follows case plan and case system review procedures that include:</p> <ol style="list-style-type: none"> <li>1. At each permanency hearing held with respect to the child, the State/Tribal agency documents the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made by the agency to return the child home or secure a placement for the child with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including through efforts that utilize search technology (including social media) to find biological family members for the children.</li> <li>2. At each permanency hearing held with respect to the child, the court or administrative body appointed or approved by the court conducting the hearing on the permanency plan for the child must: <ol style="list-style-type: none"> <li>a. Ask the child about the desired permanency outcome for the child.</li> </ol> </li> </ol>	<p>ORS 419B.449(3)(e)</p> <p>OAR 413-070-550(1)</p> <p>OAR 413-070-550(4)</p> <p>OAR 413-070-550(5)</p>
---------	--	---

	<p>b. Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and provide compelling reasons why it continues to not be in the best interests of the child to—</p> <ul style="list-style-type: none"><li>i. return home;</li><li>ii. be placed for adoption;</li><li>iii. be placed with a legal guardian; or</li><li>iv. be placed with a fit and willing relative.</li></ul> <p>3. At each permanency hearing held with respect to the child, the State/Tribal agency shall document the steps the agency is taking to ensure that—</p> <ul style="list-style-type: none"><li>a. the child’s foster family home or child care institution is following the reasonable and prudent parent standard; and</li><li>b. the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities).</li></ul>	<p>OAR 413-070-0550(5)(d)</p>
--	--	-------------------------------

<p>471(a)(35)(A)</p>	<p>O. ABSENCES FROM CARE</p> <p>The State/Tribal agency has protocols for:</p> <ol style="list-style-type: none"> <li>1. Expeditiously locating any child missing from foster care,</li> <li>2. Determining the primary factors that contributed to the child’s running away or otherwise being absent from care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements,</li> <li>3. Determining the child’s experiences while absent from care, including screening the child to determine if the child is a possible sex trafficking victim, and</li> <li>4. Reporting such related information as required by the Secretary.</li> </ol>	<p>OAR 413-080-0053(1)</p> <p>OAR 413-080-0053(2)</p> <p>OAR 413-015-0211(4)</p>
----------------------	---	--

475A(b)	<p>P. RIGHTS</p> <p>The State/Tribe must include in the case plan for any child in foster care who has attained 14 years of age:</p> <ol style="list-style-type: none"> <li>1. A document that describes the rights of the child with respect to education, health visitation, and court participation, the right to be provided with the documents specified in section 475(5)(I) in accordance with that section, and the right to stay safe and avoid exploitation; and</li> <li>2. a signed acknowledgement by the child that the child has been provided with a copy of the documentation and that the rights contained in the document have been explained to the child in an age-appropriate way.</li> </ol>	<p>OAR 413-040-0010(j)</p> <p>OAR 413-010-0185</p>
---------	---	--

475A(c)	<p>Q. PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.</p> <p>1. In the case of any child who is placed in a qualified residential treatment program (as defined in section 472(k)(4)), case plan for the child and the case system review procedure for the child must:</p> <p>a. Assess the strengths and needs of the child within 30 days of the start of each placement, using an age-appropriate, evidence-based, validated, functional assessment tool approved by the Secretary;</p> <p>b. Determine whether the needs of the child can be met with family members or through placement in a foster family home or, if not, which setting from among the settings specified in section 472(k)(2) would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and</p> <p>c. Develop a list of child-specific short- and long-term mental and behavioral health goals.</p> <p>2. The state/tribal agency shall assemble a family and permanency team for the child in accordance with the requirements 475A(c). The qualified individual conducting the assessment shall work in conjunction with the family of, and permanency team for, the child while conducting and making the assessment. The family and permanency team shall consist of all appropriate biological family members, relative, and fictive kin of the</p>	<p>SB 1605, section 13a, b (codified as 419B.358)</p> <p>OAR 413-070-1090(2)</p> <p>OAR 413-070-1090(2)(a)(B) Procedure Manual Ch. 5, Sec 7</p> <p>OAR 413-070-1090(2)(a)(C)</p> <p>OAR 413-070-1090(2)(a)(D)</p> <p>OAR 413-070-1090(1), (2)</p> <p>OAR 413-040-0010(k)</p> <p>OAR 413-040-0010(k)(A)</p>
---------	--	--



	<p>child, as well as, as appropriate, professionals who are a resource to the family of the child, such as teachers, medical or mental health providers who have treated the child, or clergy. In the case of a child who has attained age 14, the family and permanency team shall include the members of the permanency planning team for the child that are selected by the child in accordance with section 475(5)(C)(iv).</p> <p>3. The State/Tribal agency shall document in the child's case plan—</p> <p>a. the reasonable and good faith effort of the agency to identify and include all the individuals described above on the child’s family and permanency team;</p> <p>b. all contact information for members of the family and permanency team, as well as contact information for other family members and fictive kin who are not part of the family and permanency team;</p> <p>c. evidence that meetings of the family and permanency team, including meetings relating to the assessment required 475A(c), are held at a time and place convenient for family;</p> <p>d. if reunification is the goal, evidence demonstrating that the parent from whom the child was removed provided input on the members of the family and permanency team;</p>	<p>OAR 413-040-0010(k)(B)</p> <p>OAR 413-040-0010(k)(C)</p> <p>OAR 413-040-0010(k)(D)</p> <p>OAR 413-040-0010(k)(E)</p> <p>OAR 413-040-0010(k)(F)</p> <p>OAR 413-070-1090(2)(b)(C)</p> <p>OAR 413-040-0010(1)(k)(G)</p> <p>OAR 413-070-1090(2)(b)</p> <p>OAR 413-040-0010(1)(k)</p> <p>OAR 413-070-0000(70)</p>
--	--	---

	<p>e. evidence that the assessment required 475A(c)(A) is determined in conjunction with the family and permanency team; and</p> <p>f. the placement preferences of the family and permanency team relative to the assessment that recognizes children should be placed with their siblings unless there is a finding by the court that such placement is contrary to their best interest; and</p> <p>g. if the placement preferences of the family and permanency team and child are not the placement setting recommended by the qualified individual conducting the assessment, the reasons why the preferences of the team and of the child were not recommended.</p> <p>4. If the qualified individual conducting the assessment determines that a child should not be placed in a foster family home, the qualified individual shall specify in writing the reasons why the needs of the child cannot be met by the family of the child or in a foster family home. A shortage or lack of foster family homes shall not be an acceptable reason for determining that the needs of the child cannot be met in a foster family home. The qualified individual also shall specify in writing why the recommended placement in a qualified residential treatment program is the setting that will provide the child with the most effective and appropriate level of care in the least restrictive environment and how that placement is consistent with the short- and long-term</p>	<p>OAR 413-070-1090(3)</p> <p>Senate Bill 1605 section 14b</p> <p>OAR 413-040-0010(k)</p> <p>OAR 413-070-1090(2)(b)(A)-(B)</p>
--	---	--

goals for the child, as specified in the permanency plan for the child.

5. 'qualified individual' means a trained professional or licensed clinician who is not an employee of the State/Tribal agency and who is not connected to, or affiliated with, any placement setting in which children are placed by the State/Tribal agency. The agency may request that the Secretary waive this requirement in a matter prescribed by the Secretary (See Attachment XI).

6. Within 60 days of the start of each placement in a qualified residential treatment program, a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or an administrative body appointed or approved by the court, independently, shall consider the assessment, determination, and documentation made by the qualified individual conducting the assessment, determine whether the needs of the child can be met through placement in a foster family home or, if not, whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and approve or disapprove the placement.

7. The case plan shall include documentation of any determination by a qualified individual that a child should not be placed in a foster family home, and the

	<p>reasons why the needs of the child cannot be met by the family of the child or in a foster family home, and documentation of the determination and approval or disapproval of the placement in a qualified residential treatment program by a court or administrative body.</p>	
	<p><b>SECTION 3. ADOPTION ASSISTANCE PAYMENTS</b></p>	
	<p>A. I. ELIGIBILITY – Applicable Child (Effective October 1, 2009)</p>	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
473(e)	<p>1. Beginning in fiscal year 2010, an applicable child is:</p> <p>a. a child for whom an adoption assistance agreement is entered into under section 473 during any fiscal year described in 473(e)(1)(B) if the child attained the applicable age pursuant to that paragraph for that fiscal year before the end of that fiscal year; or</p> <p>b. a child of any age on the date on which an adoption assistance agreement is entered into on behalf of the child under section 473 if the child has been in foster care under the responsibility of the State/Tribal agency for at least 60 consecutive months and meets the requirements of paragraph 473(a)(2)(A)(ii); or</p> <p>c. a child of any age on the date on which an adoption assistance agreement is entered into on behalf of the child under this section without regard to whether the child is described in 473(e)(2)(A) if the child:</p> <p style="padding-left: 40px;">i. is a sibling of a child who is an applicable child for the fiscal year under paragraphs 473(e)(1) or (2); and</p>	<p>Policy I-E.6.1 Title IV-E Foster Care, Adoption Assistance and Guardianship Assistance Eligibility OAR 413-100-0335 (1), (2)(d)(A &amp; C)</p> <p>Policy I-E.6.1 Title IV-E Foster Care, Adoption Assistance and Guardianship Assistance Eligibility</p> <p>OAR 413-100-0335 (2)(d)(A-C) &amp; (2)(e) and Exhibit 1.</p> <p>c. OAR 413-100-0335(e)(A) (2)(d)(A-C) &amp; (e)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>ii. is to be placed in the same adoption placement as their sibling who is an applicable child for the fiscal year; and</p> <p>iii. meets the requirements of 473 (a)(2)(A)(ii).</p>	<p>OAR 413-100-0335 Exhibit 1 Applicable Child – Age</p> <p>Please refer to the form 1040 Adoption Assistance Agreement</p>
473(c)(2)	2. Adoption assistance payments may be made to parents to adopt a child with special needs. In the case of a child who is an applicable child for a fiscal year as defined in 473(e), the child shall not be considered a child with special needs unless:	Policy I-G.3.1 Adoption Assistance OAR 413-130-0020
473(c)(2)(A)	a. the State/Tribal agency has determined, pursuant to established criteria, that the child cannot or should not be returned to the home of his parents; and	Policy I-G.3.1 Adoption Assistance OAR 413-130-0020(2)(a)
473(c)(2)(B)	<p>b. either:</p> <p>i. the State/Tribal agency has determined that there exists with respect to the child a specific factor or condition (such as ethnic background,</p>	Policy I-G.3.1 Adoption Assistance

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption assistance under this section and medical assistance under title XIX; or</p> <p>ii. the child meets all medical or disability requirements of title XVI with respect to eligibility for supplemental security income benefits; and</p>	<p>i. OAR 413-130-0020(2)(b)</p> <p>ii. OAR 413-100-0335(2)(b)</p>
473(c)(2)(C)	<p>c. the State/Tribal agency has determined that, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of the parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance under this section or medical assistance under title XIX.</p>	<p>OAR 413-130-0020(2)(c)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
<p>473(a)(1)(A) 473(a)(2)(A)(ii)</p>	<p>3. In the case of a child who is an applicable child for the fiscal year as defined in 473(e), adoption assistance payments may be made if the child has been determined by the State/Tribal agency pursuant to section 473(c) to be a child with special needs and:</p> <p>a. the time of initiation of adoption proceedings the child was in the care of a public or licensed private child placement agency or Indian Tribal Organization pursuant to—</p> <p style="padding-left: 40px;">i. an involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; or</p> <p style="padding-left: 40px;">ii. a voluntary placement agreement or voluntary relinquishment; or</p> <p>b. meets all medical or disability requirements of title XVI with respect to eligibility for supplemental security income benefits; or</p>	<p>OAR 413-100-0335(e)</p> <p>OAR 413-130-0020</p> <p>OAR 413-130-0020(1) and (2)(a)</p> <p>OAR 413-130-0020(1)(d) OAR 413-130-0040(3)(a)(b)</p> <p>OAR 413-130-0100(1) OAR 413-130-0040(3)(b)</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>c. was residing in a foster family home or child care institution with the child's minor parent, and the child's minor parent was in such foster family home or child care institution pursuant to—</p> <ul style="list-style-type: none"> <li>i. an involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; or</li> <li>ii. a voluntary placement agreement or voluntary relinquishment; and</li> </ul> <p>d. has been determined by the State/Tribal agency, pursuant to subsection 473(c)(2), to be a child with special needs.</p>	<p>OAR 413-100-0335(4)(b)</p> <p>OAR 413-130-0040(3)(b)</p> <p>OAR 413-130-0020(1) OAR 413-130-0040(3)(b)</p> <p>OAR 413-130-0020(1)(d) OAR 413-130-0040(3)(a)(b)</p> <p>OAR 413-130-0020(1)</p>
473(a)(2)(C)(ii)	4. In the case of a child who is an applicable child for the fiscal year as so defined in 473(e), the child will be treated as meeting the requirements to receive adoption assistance payments if the child:	<p>a. OAR 413-130-0020</p> <p>OAR 413-100-0335</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>a. meets the requirements of 473(a)(2)(A)(ii)(II); and</p> <p>b. is determined eligible for adoption assistance payments under this part with respect to a prior adoption (or who would have been determined eligible for such payments had the Adoption and Safe Families Act of 1997 been in effect at the time that such determination would have been made); and</p> <p>c. is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died.</p>	<p>b. OAR 413-100-0335(4)(d) OAR 413-100-0335(2)(d)(A-B)</p> <p>c. Policy I-G.3.1 Adoption Assistance OAR 413-130-0040(7)</p> <p>OAR 413-100-0335(4)(d)</p>
	<p>A. II. ELIGIBILITY – Non-applicable Child (Currently effective, but beginning October 1, 2009, decreases based on the criteria in 473(e) until October 1, 2017, at which time this authority ends)</p>	<p>OAR 413-100-0335 (2)</p>
<p>473(a)(1)(A) 473(c)(1)</p>	<p>1. Adoption assistance payments may be made to parents who adopt a child with special needs. In the case of a child who is not an applicable child, as defined in 473(e), for a fiscal year, the child shall not be considered a child with special needs unless:</p>	<p>OAR 413-130-0020</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
473(c)(1)(A)	a. the State/Tribal agency has determined the child cannot or should not be returned to the home of his or her parents; and	OAR 413-130-0020(2)(a)
473(c)(1)(B)	b. the State/Tribal agency has first determined that a specific factor or condition exists with respect to the child (such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental or emotional disabilities) because of which it is reasonable to conclude that such child cannot be placed for adoption without providing adoption assistance or medical assistance under title XIX; and	OAR 413-130-0020(2)(b)
473(c)(1)(B)	c. a reasonable, but unsuccessful, effort has been made to place the child without providing assistance except where it would be against the best interests of the child due to such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child.	OAR 413-130-0020(3)

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
473(a)(2)(A) 473(a)(2)(A)(i) 473(a)(2)(A)(i)(II)	2. In the case of a child who is not an applicable child for the fiscal year as defined in 473(e), adoption assistance payments may be made if the child has been determined by the State/Tribal agency pursuant to section 473(c) to be a child with special needs and:	OAR 413-100-0335(2)(a-d)
473(a)(2)(A)(i)(I)(aa)	<p>a. was removed from the home of a relative specified in section 406(a) of the Act (as in effect on July 16, 1996) and placed in foster care in accordance with a voluntary placement agreement with respect to which Federal payments are provided under section 474 (or section 403, as in effect on July 16, 1996), or in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and</p> <p>i. received AFDC, in that relative's home, under the State plan approved under section 402 of the Act (as in effect 7/16/96), or would have received AFDC under such plan had application been made, in or for the month the voluntary placement agreement was entered into or court proceedings leading to the judicial determination referred to in section 473(a)(2)(A)(i) were initiated; or</p>	<p>OAR 413-130-0040(2)(c)            OAR 413-130-0020</p> <p>OAR 413-100-0130</p> <p>Specified Relative:            OAR 413-100-0135</p> <p>VPA &amp; Judicial: OAR 413-100-0240</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>ii. had been living with a relative specified in section 406(a) of the Act within six months before the month in which a voluntary placement agreement was entered into or court proceedings leading to the judicial determination referred to in section 473(a)(2)(A)(i), were initiated and would have received AFDC in that relative's home under the State plan approved under section 402 of the Act for that month, if in that month the child had been living with such relative and application had been made;</p> <p>(Tribes, see also section 7 (AFDC))</p>	<p>OAR 413-100-0130 and 0135</p>
473(a)(2)(A)(i)(I)(bb)	<p>b. meets all the requirements of title XVI of the Act with respect to eligibility for supplemental security income benefits; or</p>	<p>OAR 413-100-0335(2)(b)</p>
473(a)(2)(A)(i)(I)(cc)	<p>c. is a child whose costs in a foster family home or child-care institution are covered by the foster care maintenance payments being made with respect to the minor parent of the child as provided in section 475(4)(B).</p>	<p>OAR 413-100-0335(4)(c)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
473(a)(2)(C)(i)	<p>3. In the case of a child who is not an applicable child for the fiscal year as defined in 473(e), the child will be treated as meeting the requirements to receive adoption assistance payments if the child:</p> <p>a. meets the requirements of section 473(a)(2)(A)(i)(II); and</p> <p>b. is determined eligible for adoption assistance payments under 473 of the Act with respect to a prior adoption; and</p> <p>c. is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died; and</p> <p>d. fails to meet the requirements of section 473(a)(2)(A)(i) but will meet such requirements if the child is treated as if the child is in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments under section 473 of the Act and the prior adoption is treated as never having occurred.</p>	<p>a. OAR 413-100-0335(4)</p> <p>b, c and d: OAR 413-100-0335(4)(d)</p> <p>OAR 413-130-0040</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	A. III. ELIGIBILITY – General	
473(a)(1)(B)	1. Adoption assistance payments are made to adoptive parents who have entered into an adoption assistance agreement (see subsection C of this plan) with the title IV-E agency.	OAR 413-130-0070 OAR 413-130-0110(7)(e)
473(a)(2)(D)	2. In determining the eligibility for adoption assistance payments of a child in a legal guardianship arrangement described in section 471(a)(28), the placement of the child with the relative guardian involved and any kinship guardianship assistance payments made on behalf of the child shall be considered never to have been made.	OAR 413-100-0335(4)
473(a)(1)(B)(i)	<p>B. PAYMENTS – AMOUNTS AND CONDITIONS</p> <p>1. Payments will be made for non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a child with special needs, directly through the State/Tribal agency or through another public or nonprofit private agency, in amounts determined through an agreement with the adoptive parents; and</p>	OAR 413-130-0077

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
473(a)(1)(B)(ii)	2. In any case where the child meets the requirements of section 473(a)(2) of the Act, the State/Tribal agency may make adoption assistance payments to adoptive parents, directly through the State/Tribal agency or through another public or nonprofit private agency, in amounts so determined through an adoption assistance agreement (see Section 3, item C of this plan).	OAR 413-130-0040
473(a)(3)	3. The amount of such payment: <ul style="list-style-type: none"> <li>a. will take into consideration the circumstances of the adopting parents and the needs of the child being adopted;</li> <li>b. may be adjusted periodically with the concurrence of the adoptive parents to reflect changing circumstances; and</li> <li>c. may not exceed the foster care maintenance payment which would have been paid during the period if the child with respect to whom the adoption assistance payment is made had been in a foster family home.</li> </ul>	<ul style="list-style-type: none"> <li>a. OAR 413-130-0070</li> <li>b. OAR 413-130-0075</li> <li>c. OAR 413-130-0070 (3)(b); and (7)(b)</li> </ul>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
1356.40(c)	4. In determining eligibility for adoption assistance payments, there is no income eligibility requirement (means test) for the adoptive parents.	OAR 413-130-0040(1)
473(a)(4)	<p>5. Payments are terminated when the State/Tribal agency determines that:</p> <p>a. the child has attained the age of 18, or such greater age as the State/Tribal agency may elect under section 475(8)(B)(iii); or</p> <p>b. the child has attained 21 years of age, if the state/Tribal agency determines that the child has a mental or physical disability which warrants the continuation of assistance to age 21; or</p> <p>c. the parents are no longer legally responsible for the support of the child who has not yet attained 18 years of age; or</p> <p>d. the adoptive parents are no longer providing any support to the child.</p>	<p>a. OAR 413-130-0125(6)</p> <p>A. OAR 413-130-0125(5) and (6)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
473(a)(4)	6. The adoptive parents are required to inform the State/Tribal agency of circumstances that would make them ineligible for adoption assistance payments or eligible for adoption assistance payments in a different amount.	OAR 413-130-0110(6)
473(a)(7)	<p>7. No payment may be made to parents with respect to any applicable child for a fiscal year that:</p> <ul style="list-style-type: none"> <li>a. would be considered a child with special needs under 473(c)(2);</li> <li>b. is not a citizen or resident of the United States; and</li> <li>c. was adopted outside of the United States or was brought into the United States for the purpose of being adopted.</li> </ul> <p>8. A child that is not a citizen or resident of the US and was adopted outside of the US or brought into the US for the purpose of being adopted may be eligible for adoption assistance payments if the initial adoption of the child by parents is a failure and the child is subsequently placed into foster care.</p>	<p>a. b. and c. OAR 413-100-0335(3)</p> <p>OAR 413-130-0040(2)(a-c)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475(3)	<p>C. ADOPTION ASSISTANCE AGREEMENT</p> <p>1. An adoption assistance agreement is a written agreement, binding on all parties, between the State/Tribal agency, other relevant agencies, and the prospective adoptive parents.</p>	OAR 413-130-0010(2)
1356.40(b)	2. The adoption assistance agreement meets the requirements of section 475(3) of the Act as stated below:	OAR 413-130-0110
1356.40(b)(1)	a. is signed by the adoptive parents and a representative of the State/Tribal agency and is in effect before adoption assistance payments are made under title IV-E, but no later than the finalization of the adoption;	OAR 413-130-0110(1)
1356.40(b)(2) 475(3)	b. specifies the duration of the agreement;	OAR 413-130-0110(2)(b)
1356.40(b)(3)	c. specifies the amount of the adoption assistance payments (if any) and the nature and amount of any	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	other payments, services and assistance to be provided (including non-recurring adoption expenses in agreements for expenditures incurred by the parents);	OAR 413-130-0110(2)(e)
473(b)	d. specifies the child's eligibility for title XIX and title XX;	OAR 413-130-0110(2)(c)
475(3)(B)	e. specifies that the agreement remains in effect regardless of the State or Tribal service area of residence of the adoptive parents;	OAR 413-130-0110(2)(a)
475(3)	f. contains provisions for the protection of the interests of the child in case the adoptive parents and child should move to another State or out of the Tribal service area while the agreement is in effect; and	OAR 413-130-0110(2)(a) and (3)
1356.40(d)	g. if a needed service specified in the agreement is not available in the new State or Tribal service area of residence, the State/Tribal agency making the original adoption assistance payment remains financially responsible for providing the specified service(s).	OAR 413-130-0110(3)

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
473(b)(1-4)	<p>D. MEDICAID AND SOCIAL SERVICES</p> <p>1. For the purposes of titles XIX and XX, any eligible child for whom there is an adoption assistance agreement in effect under section 473(a)(2) (whether or not adoption assistance payments are being made) is deemed to be a dependent child as defined in 406 of the Act and is deemed to be a recipient of AFDC under part A of title IV of the Act (as in effect 7/16/96) in the State in which such child resides.</p>	OAR 413-130-0100(1)
471(a)(21)(A)&(B)	<p>2. The State/Tribe will provide health insurance coverage (through one or more State/Tribal medical assistance programs), with the same type and kind of benefits as those which would be provided for children under title XIX, or a comparable medical plan, for any child who has been determined to be a child with special needs, for whom there is in effect an adoption assistance agreement between the State/Tribal agency and an adoptive parent or parents, and who the State/Tribal agency has determined cannot be placed with an adoptive parent or parents without medical assistance due to special needs for medical, mental health or rehabilitative care.</p>	OAR 413-130-0100

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
471(a)(21)(C)&(D)	3. In the event that the State/Tribe provides such coverage through a State/Tribe medical assistance program other than the program under title XIX, and the State/Tribe exceeds its funding for services under such other program, any such child is deemed to be receiving aid or assistance under the State/Tribal agency plan under this part for purposes of section 1902(a)(10)(a)(i)(1); and in determining cost-sharing requirements, the State/Tribal agency will take into consideration the circumstances of the adopting parent or parents and the needs of the child being adopted to the extent coverage is provided through a State/Tribal medical assistance program, consistent with the rules under such program.	N/A
473A(b)(3)	E. ELIGIBILITY FOR ADOPTION INCENTIVE FUNDING (Not applicable to Tribes.)  States that are eligible for adoption incentive funds must Be in compliance with the data requirements in section 473A(b)(2) of the Act; and2. Provide health insurance coverage to any child with special needs (as determined	DHS is in compliance with data requirements, as confirmed that all data elements are reported on AFCARS, therefore

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	under section 473(c)) for whom there is in effect an adoption assistance agreement.	<p>captured in DHS SACWIS</p> <p>413-100-0400(2) 413-100-0420(2) 413-100-0435</p>
471(a)(33)	<p>F. ADOPTION TAX CREDIT</p> <p>The State/Tribal agency informs every individual who is adopting or whom the State/Tribal agency is made aware is considering adopting, a child who is in foster care under the responsibility of the State/Tribal agency of the potential eligibility for a Federal tax credit under section 23 of the Internal Revenue Code of 1986.</p>	OAR 413-120-0860(5)(b)
475(8)	<p>G. DEFINITION OF 'CHILD'</p> <p>For the purposes of the title IV-E adoption assistance program under section 473, the term 'child' means:</p> <ol style="list-style-type: none"> <li>1. an individual who has not attained 18 years of age; or</li> </ol>	<p>OAR 413-130-0010 (11) OAR 413-130-0010 (27) OAR 413-130-0055</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>2. at the option of the State/Tribal agency an individual</p> <ul style="list-style-type: none"> <li>a. with respect to whom an adoption assistance agreement is in effect under section 473 if the individual had attained age 16 before the adoption assistance agreement became effective;</li> <li>b. who has attained the age of 18, but has not attained 19, 20, or 21 years of age, as the title IV-E agency may elect; and</li> <li>c. who meets any of the following conditions: <ul style="list-style-type: none"> <li>i. the child is completing secondary education or a program leading to an equivalent credential;</li> <li>ii. the child is enrolled in an institution which provides post-secondary or vocational education;</li> <li>iii. the child is participating in a program or activity designed to</li> </ul> </li> </ul>	



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>promote, or remove barriers to, employment;</p> <p>iv. the child is employed for at least 80 hours per month; or</p> <p>v. the child is incapable of doing any of the above described activities due to a medical condition.</p>	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<b>SECTION 4. GENERAL PROGRAM REQUIREMENTS</b>	
471(a)(10)	A. STANDARDS FOR FOSTER FAMILY HOMES AND CHILD CARE INSTITUTIONS	OAR 413-200-0301 thru 0396

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>The agency has established or designated a State/Tribal authority(ies) which is responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights and which shall permit use of the reasonable and prudent parenting standard.</p> <p>The standards so established are applied by the State/Tribe to any foster family home or child-care institution receiving funds under titles IV-E or IV-B. The standards shall require, as a condition of each contract entered into by a child care institution to provide foster care, the presence on-site of at least 1 official who, with respect to any child placed at the child care institution, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally-appropriate activities, and who is provided with training in how to use and apply the reasonable and prudent parent standard in the same</p>	<p>OAR 413-200-0270 thru 0296</p> <p>Note: Oregon does not waive safety standards, but approvals are sometimes made for short delays in meeting certain non-safety related certification requirements for relative caregivers. Please refer to OAR 413-200-0274(2).</p> <p>OAR 413-020-0140(2)(e)</p> <p>OAR 413-200-0308(2)(c)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>manner as prospective foster parents are provided the training pursuant to paragraph 471(a)(24).</p> <p>The standards for foster family homes and child care institutions shall include policies related to the liability of foster parents and private entities under contract by the State involving the application of the reasonable and prudent parent standard, to ensure appropriate liability for caregivers when a child participates in an approved activity and the caregiver approving the activity acts in accordance with the reasonable and prudent parent standard.</p> <p>The State/Tribal agency may provide waivers of such standards only on a case-by-case basis for non-safety standards (as determined by the State/Tribe) in relative foster family homes for specific children in care.</p> <p>(Tribes, see section 7)</p>	<p>OAR 413-200-0308(3)(d)</p> <p>OAR 413-200-0353</p> <p>OAR 413-215-0313(1)(d)</p> <p>OAR 413-215-0326(1)(c)</p> <p>OAR 413-215-0371(4)</p> <p>OAR 413-215-0391(1)(g)</p> <p>OAR 413-215-0554</p> <p>OAR 413-215-0556(4)</p> <p>OAR 413-215-0561(5)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		OAR 413-215-0576(g)
1355.20(a) 472(c)(1)	<p>1. Foster family home means, for the purpose of title IV-E eligibility, the home of an individual or family:</p> <p>licensed or approved as meeting-the standards established for the licensing or approval; and</p> <p>a. that is licensed or approved by the State or Tribal service area in which it is situated as a foster family home (or with respect to foster family homes on or near Indian reservations, by the tribal licensing or approval authority(ies)), that as meets-the standards established for the licensing or approval; and</p> <p>b. in which a child in foster care has been placed in the care of an individual, who resides with the child and who has been licensed or approved by the State/Tribal agency to be a foster parent that the agency deems capable of adhering to the reasonable and prudent parent standard; that provides 24-hour substitute care for children placed</p>	<p>OAR 413-200-0270 OAR 413-200-0272</p> <p>OAR 413-100-0005 (13)</p> <p>OAR 413-200-0278(1), (3)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>away from their parents or other caretakers; and that provides the care for not more than six children in foster care.</p> <p>c. in which the number of foster children that may be cared for in a foster family home may not exceed six, except at the option of the State/Tribal agency, for any of the following reasons:</p> <p>(i) To allow a parenting youth in foster care to remain with the child of the parenting youth.</p> <p>(ii) To allow siblings to remain together.</p> <p>(iii) To allow a child with an established meaningful relationship with the family to remain with the family.</p> <p>(iv) To allow a family with special training or skills to provide care to a child who has a severe disability.</p> <p>Foster family homes that are approved must be held to the same standards as foster family homes that are licensed. Anything less than full licensure or approval is</p>	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	insufficient for meeting title IV-E eligibility requirements. (Tribes, see also section 7)	
1355.20(a)(2) 472(c)(2)	<p>2. Child care institution means a private child care institution, or a public child care institution which accommodates no more than 25 children, and is licensed by the State/Tribe in which it is situated or has been approved by the agency of such State or tribal licensing authority (with respect to child care institutions on or near Indian reservations) responsible for licensing or approval of institutions of this type as meeting the standards established for such licensing except, in the case of a child who has attained 18 years of age, the term includes a supervised setting in which the individual is living independently.</p> <p>This definition must not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.</p> <p>In addition to these requirements, a qualified residential treatment program must be accredited by any of the independent, not-for-profit organizations listed at</p>	<p>ORS 418.205(2)(a)</p> <p>OAR 413-100-0020(4)</p> <p>OAR 413-100-0060(1)(e)</p> <p>See Chapter 5, Section 15 of the Child Welfare Procedure Manual: "Placement of youth in an approved supervised independent living arrangement."</p> <p>SB 1605 section 12a, b (codified as ORS 419B.356)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>472(k)(4)(G) of the Act or any other independent, not-for-profit accrediting organization of a similar type and kind as those already identified in the Act approved by the Secretary (see Attachment XI).</p> <p>(Tribes, see also section 7 for requirements related to 471(a)(10).)</p>	<p>OAR 413-095-0000(2)</p>
<p>1356.21(m)(1)&amp;(2) 471(a)(11)</p>	<p><b>B. REVIEW OF PAYMENTS AND LICENSING STANDARDS</b></p> <p>The agency reviews at reasonable, specific, time-limited periods established by the State/Tribe:</p> <ol style="list-style-type: none"> <li>1. the amount of the payment made for foster care maintenance and adoption assistance to assure their continued appropriateness; and</li> <li>2. the licensing or approval standards for child care institutions and foster family homes.</li> </ol>	<p>OAR 413-100-0060</p> <p>Please refer to documents CF 9601 "CANS Manual 0-5" and CF 9602 "CANS Manual 6-20"</p> <p>OAR 413-130-0020, 0030, 0040 and 0075</p> <p>OAR 413-020-0230 OAR 413-090-0010 OAR 413-090-0021</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		Policy III-A.11 Model Rules for Rulemaking (3)
471(a)(12)	<p>C. FAIR HEARINGS</p> <p>The State/Tribal agency has a system for granting an opportunity for a fair hearing (before the State/Tribal agency) to any individual whose claim for benefits under this plan is denied or not acted upon with reasonable promptness.</p>	<p>OAR 413-010-0500 thru 413-010-0535</p> <p>OAR 413-100-0345</p>
471(a)(13)	<p>D. INDEPENDENT AUDIT</p> <p>The State/Tribal agency will arrange for a periodic and independently conducted audit, no less frequently than once every three years, of the titles IV-E and IV-B programs.</p>	<p>ORS 297.210</p> <p>Please refer to documents "OMB Circular A-133", A-133 Compliance Supplement "CFDA 93.645 Child Welfare Services – State Grants", and "DHS Programs Audited by SOS (Secretary of</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		State) During Statewide Compliance”
471(a)(9)(A)	<p>E. CHILD ABUSE AND NEGLECT</p> <p>The State/Tribal agency will report to an appropriate agency or official known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child receiving aid under titles IV-B or IV-E under circumstances that indicate that the child's health or welfare is threatened</p>	<p>ORS 419B.005  ORS 419B.010  ORS 419B.020  OAR 413-200-0386  OAR 413-200-0414  OAR 413-015-0205  OAR 413-015-0305  OAR 413-215-0316</p>
471(a)(25)&(26)	<p>F. TIMELY INTERSTATE PLACEMENT OF CHILDREN</p> <p>1. The State/Tribal agency shall have in effect procedures for the orderly and timely interstate placement of children which provides that:</p> <p>a. within 60 days after the State/Tribe receives from another State or Tribe a request to conduct a study of a home environment for purposes of assessing the safety</p>	<p>ORS 417.200</p> <p>OAR OARs 413-040-0200 to 413-040-0330</p> <p>DHS Handbook on Interstate Compact and the Placement of</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>and suitability of placing a child in the home, the State or Tribe shall, directly or by contract:</p> <ul style="list-style-type: none"> <li>i. conduct and complete the study; and</li> <li>ii. return to the other State or Tribe a report on the results of the study which shall address the extent to which placement in the home would meet the needs of the child;</li> </ul> <p>b. the State or Tribe is not required to complete within the applicable time period the parts of the home study involving the education and training of the prospective foster or adoptive parents;</p> <p>c. the State or Tribe shall treat any such report that is received from another State or Tribe (or from a private agency under contract with another State/Tribe) as meeting any requirements imposed by the State or Tribe for the completion of a home study before placing a child in the home, unless, within 14 days after receipt of the report, the State or Tribe determines, based on grounds that are specific to the content of the report, that making</p>	<p>Children (DHS 9053) revised 6/2008, Page 24 <u>b.</u> DHS Handbook on Interstate Compact and the Placement of Children, <u>page 24 and Policy II-B.1 Certification Standards for Foster Parents, Relative Caregivers, and pre-Adoptive Parents OAR 413-200-0379(1) and (2)</u>  <i>Please Note: Page 24 of the ICPC handbook specifies that ICPC home studies are completed in the same manner as any other certification or adoption home studies done by</i></p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>a decision in reliance on the report would be contrary to the welfare of the child; and</p> <p>d. the State or Tribe shall not impose any restriction on the ability of an agency administering, or supervising the administration of, a State or Tribal program operated under a plan approved under this part to contract with a private agency for the conduct of such a home study.</p>	<p><i>Oregon DHS and refers the reader to OAR 413-200-0379. ORS 413-200-0379 describes when training must be completed (prior to or within a specific amount of time after certification and placement of the child).</i></p> <p>c. ICPC Handbook Page 9- ICPC Process (8)</p> <p>d. ORS 279A.050 ORS 279B.065 ORS 279B.070</p>
471(a)(18)(A)&(B)	G. REMOVAL OF BARRIERS TO INTERETHNIC ADOPTION	OAR 413-070-0020 (4)

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
1355.38(a)(2)	<p>1. A State/Tribal agency or any other entity in the State/Tribe that receives funds from the Federal Government and is involved in adoption or foster care placements may not:</p> <p>a. deny to any person the opportunity to become an adoptive or foster parent, on the basis of race, color, or national origin of the person, or of the child involved; or</p> <p>b. delay or deny the placement of a child for adoption or into foster care, on the basis of race, color, or national origin of the adoptive or foster parent or the child involved; and</p> <p>c. maintain any statute, regulation, policy, procedure or practice that, on its face, is a violation as defined in sections 471(a)(18)(A) and (B)).</p>	<p>OAR 413-070-0022(1) OAR 413-070-0027(1)</p>
1355.38(a)(5)	<p>2. Compliance with the Indian Child Welfare Act of 1978 (Pub.L.95-608) does not constitute a violation of section 471(a)(18).</p>	<p>413-070-0100 thru 413-070-0260</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
471(a)(19)	<p>H. KINSHIP CARE</p> <p>1. The State/Tribal agency considers giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant State/Tribal child protection standards.</p>	<p>OAR 413-070-0060</p> <p>OAR 413-070-0625 (1)(d)(A)</p> <p>OAR 413-120-0400 – 413-120-0470</p>
471(a)(29) 475(7)	<p>2. Within thirty days after the removal of a child from the custody of the parent or parents of the child, the State/Tribal agency shall exercise due diligence to identify and provide notice to the following relatives: all adult grandparents, all parents of a sibling of the child, where such parent has legal custody of such sibling, and other adult relatives of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family violence, that:</p> <p>a. specifies that the child has been or is being removed from the custody of the parent or parents of the child;</p> <p>b. explains the options the relative has under Federal, State, and local law or Tribal law to participate in the care</p>	<p>OAR 413-070-072</p> <p>Brochure: Options for Relatives DHS 9360</p> <p>Relative Notification Letters CF264, CF265, CF266, CF267 and CF268</p> <p>2.d, OAR 413-070-0949</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>and placement of the child, including any options that may be lost by failing to respond to the notice;</p> <p>c. describes the requirements under paragraph 471(a)(10) to become a foster family home and the additional services and supports that are available for the children placed in such a home; and</p> <p>d. if the State/Tribal agency has elected to operate a kinship guardianship assistance program, describes how the relative guardian of the child may subsequently enter into an agreement with the State/Tribal agency under 473(d) to receive the payments.</p> <p>3. The legal guardianship means a judicially created relationship between the child and relative which is intended to be permanent and self-sustaining as evidenced by the transfer to the relative of the following parental rights with respect to the child:</p> <p>a. protection;</p> <p>b. education;</p> <p>c. care and control of the person;</p>	<p>OAR 413-070-0069 and 413-070-0072</p> <p>Secretary of State Certificate and Order for Filing Temporary Administrative Rules</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>d. custody of the person; and</p> <p>e. decision making.</p>	
471(a)(31)	<p>I. SIBLING PLACEMENT</p> <p>The State/Tribal agency shall make reasonable efforts to:</p> <ol style="list-style-type: none"> <li>1. place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the State documents that such a joint placement would be contrary to the safety or well-being of any of the siblings; and</li> <li>2. in the case of siblings removed from their home who are not so jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless that State/Tribal agency documents that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.</li> </ol>	<p>OAR 413-070-0625(1) OAR 413-070-0640</p> <p>OAR 413-070-0830, 0855</p> <p>OAR 413-070-0066 (1)(c) OAR 413-070-0063 (b)(e)</p> <p>OAR 413-070-0665</p> <p>OAR 413-010-0340 (2) OAR 413-120-0720 OAR 413-110-0130 ORS 419b.192</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>CW Action Request - CW-AR-10-006</p> <p>Sibling Visitation Practice *Also see Procedure Manual, Section 4.26 Family Visitation and Contact</p>
471(a)(20)(A)	<p>J. SAFETY REQUIREMENTS</p> <p>1. Safety requirements for foster care, and adoptive home providers.</p> <p>a. The State/Tribal agency provides procedures for criminal records checks (including finger-print-based checks of national crime information databases (as defined in section 534(e)(3)(a) of title 28, United States Code) for any prospective foster and adoptive parent before the parent may be finally approved for placement of a child regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child.</p>	<p>OAR 413-215-0321 (3)(d) OAR 413-215-0321 (3)(c)</p> <p>OAR 413-120-0460 (6)(a)</p> <p>OAR 413-070-0274 OAR 413-200-0274 (2)(i) and (3)(d)</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
1356.30(b) 471(a)(20)(A)(i)	<p>b. The State/Tribe does not approve or license any prospective foster or adoptive parent, nor does the State/Tribal agency claim FFP for any foster care maintenance or adoption assistance payment made on behalf of a child placed in a foster home operated under the auspices of a child placing agency or on behalf of a child placed in an adoptive home through a private adoption agency, if the State/Tribal agency finds that, in any case involving a child on whose behalf such payments are to be made in which a criminal records check conducted in accordance with paragraph (a) of this section, a court of competent jurisdiction has determined that the prospective foster or adoptive parent has been convicted of a felony involving:</p> <ul style="list-style-type: none"> <li>i. child abuse or neglect;</li> <li>ii. spousal abuse;</li> <li>iii. a crime against a child or children (including child pornography); or</li> <li>iv. a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.</li> </ul>	<p>OAR 413-215-0321 (3)(d) OAR 413-215-0321 (3)(c)  OAR 413-120-0450 (4)(a)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
1356.30(c) 471(a)(20)(A)(ii)	<p>c. The State/Tribe does not approve or license any prospective foster or adoptive parent, nor claim FFP for any foster care maintenance or adoption assistance payment made on behalf of a child placed in a foster family home operated under the auspices of a child placing agency or on behalf of a child placed in an adoptive home through a private adoption agency, if the State/Tribal agency finds, in any case involving a child on whose behalf such payments are to be made in which a criminal records check conducted in accordance with paragraph (a) of this section, that a court of competent jurisdiction has determined that the prospective foster or adoptive parent has, within the last five years, been convicted of a felony involving:</p> <ul style="list-style-type: none"> <li>i. physical assault;</li> <li>ii. battery; or</li> <li>iii. a drug-related offense.</li> </ul>	<p>OAR 413-215-0400 – 413-120-0470</p> <p>OAR 413-120-0450 (4)(c)</p> <p>OAR 413-070-0274</p>
1356.30(f)	<p>d. In order for a child to be eligible for title IV-E funding, the licensing file for a child care institution must contain documentation which verifies that safety considerations</p>	<p>OAR 413-215-0061 (1)(a)</p> <p>Please refer to the documents</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	with respect to the staff of the institution have been addressed.	<p>“Residential care checklist revised 10-08” and “Foster care site visit checklist 10-08”</p> <p>OAR 413-200-0274</p>
471(a)(20)(B)	<p>e. The State/Tribal agency shall check any child abuse and neglect registry for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child:</p> <p>i. the State/Tribal agency shall check any child abuse and neglect registry it maintains for such information;</p> <p>ii. the State/Tribal agency shall request any other State/Tribe in which any such prospective parent or other adult has resided in the preceding 5 years, to check any</p>	<p>OAR 413-215-0061 (1)(a)</p> <p>OAR 413-070-0274 OAR 413-200-0274 (2)(j) and (3)(e)</p> <p>DHS Information Memorandum Transmittal CW_IM_07_018.pdf</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>child abuse and neglect registry maintained by such other State or Tribe for such information; and</p> <p>iii. the State/Tribal agency shall comply with any such request to check its child abuse and neglect registry that is received from another State or Tribe.</p>	
471(a)(23)(A)&(B)	<p><b>K. INTERJURISDICTIONAL ADOPTIONS</b></p> <p>The State/Tribal agency will not:</p> <ol style="list-style-type: none"> <li>1. deny or delay the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child; or</li> <li>2. fail to grant an opportunity for a fair hearing, as described in section 471(a)(12), to an individual whose allegation of a violation of part (1) of this subsection is denied by the State/Tribal agency or not acted upon by the State/Tribal agency with reasonable promptness.</li> </ol>	<p>OAR 413-100-0040</p> <p>OAR 413-070-0010 thru 0033</p> <p>OAR 413-110-0300 thru 0360</p> <p>OAR 413-010-0500 - 0535</p>
471(a)(22)	<b>L. QUALITY STANDARDS</b>	

<b>Federal Regulatory/ Statutory References</b>	<b>Requirement</b>	<b>State/Tribe Regulatory, Statutory, and Policy References and Citations for Each</b>
	1. The State/Tribal agency has developed and implemented standards to ensure that children in foster care placements in public or private agencies are provided quality services that protect the safety and health of the children.	OAR 413-200-0301 thru 0396  OAR 413-200-0270
471(a)(24)	2. The State/Tribal agency will ensure that prospective foster parents are adequately trained with the appropriate knowledge and skills to provide for the needs of the child and that the preparation will be continued, as necessary, after the placement of the child and that the preparation shall include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally-appropriate activities, including knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting 1 or more days, and to decisions involving the signing of permission slips and	OAR 413-200-0274 (3)(e)(B) and (f)  413-200-0301 thru 0396  OAR 413-200- 0274(1)(t)

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	arranging of transportation for the child to and from extracurricular, enrichment, and social activities.	
471(a)(30)	<p>M. COMPULSORY SCHOOL ATTENDANCE</p> <p>The State/Tribal agency has a system for assuring that each child who has attained the minimum age for compulsory school attendance under State/Tribal law and with respect to whom there is eligibility for a payment under the plan is a full-time elementary or secondary school student or has completed secondary school, and for purposes of this paragraph, the term `elementary or secondary school student' means, with respect to a child, that the child is--</p> <ol style="list-style-type: none"> <li>1. enrolled (or in the process of enrolling) in an institution which provides elementary or secondary education, as determined under the law of the State or other jurisdiction in which the institution is located;</li> <li>2. instructed in elementary or secondary education at home in accordance with a home school law of the State or other jurisdiction in which the home is located;</li> </ol>	<p>OAR 413-100-0915</p> <p>Form CF310E Child's Educational Services</p> <p>Action Request - CW-AR-10-007</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>3. in an independent study elementary or secondary education program in accordance with the law of the State or other jurisdiction in which the program is located, which is administered by the local school or school district; or</p> <p>4. incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is supported by regularly updated information in the case plan of the child.</p>	
471(a)(27)	<p>N. VERIFICATION OF CITIZENSHIP OR IMMIGRATION STATUS</p> <p>1. The State/Tribal agency will have in effect procedures for verifying the citizenship or immigration status of any child in foster care under the responsibility of the State/Tribal agency under title IV-E or part B, and without regard to whether foster care maintenance payments are made under section 472 on behalf of the child.</p>	Please refer to the document: "Procedures to Verify Citizenship or Immigration Status"
472(a)(4)	2. For the purposes of meeting the requirements of the section 401(a) of the Personal Responsibility and Work	Please refer to the document:

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	Opportunity Reconciliation Act of 1996 (PRWORA), children must meet the definition of "qualified alien" (as defined in section 431(b) of PRWORA) to be eligible for Federal foster care maintenance or adoption assistance (except that children receiving adoption assistance pursuant to agreements signed before August 22, 1996 may continue to receive such assistance).	"Procedures to Verify Citizenship or Immigration Status"
475(9), (10), (11) and (12)	<p>O. DEFINITIONS</p> <p>For the purposes of the titles IV-B and IV-E of the Act:</p> <ol style="list-style-type: none"> <li>1. The term 'sex trafficking victim' means a victim of- <ol style="list-style-type: none"> <li>a. sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000); or</li> <li>b. a severe form of trafficking in persons described in section 103(9)(A) of such Act.</li> </ol> </li> <li>2. The term 'reasonable and prudent parent standard' means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining</li> </ol>	<p>OAR 413-070-0000(4)</p> <p>OAR 413-070-0000(75)</p> <p>OAR 413-070-0000(84)</p> <p>OAR 413-080-0050(25)</p> <p>OAR 413-080-0050(26)</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>whether to allow a child in foster care under the responsibility of the State/Tribe to participate in extracurricular, enrichment, cultural, and social activities. In this context, 'caregiver' means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.</p> <p>3. The term 'age or developmentally-appropriate' means—</p> <p>a. activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and</p> <p>b. in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.</p>	<p>OAR 413-080-0050(27)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>4. The term 'sibling' means individual who satisfies at least one of the following conditions with respect to a child:</p> <p>a. The individual is considered by state/tribal law to be a sibling of the child.</p> <p>b. The individual would have been considered a sibling of the child under State/Tribal law but for a termination or other disruption of parental rights, such as the death of a parent.</p>	<p>ORS 419A.004</p> <p>OAR 413-070-0063(10) &amp; (14)</p>
471(a)(9)(C)	<p>P. SEX TRAFFICKING VICTIMS AND MISSING CHILDREN</p> <p>1. The State/Tribal agency has developed, in consultation with State and local law enforcement, juvenile justice, health care providers, education agencies, and organizations with experience in dealing with at-risk youth, policies and procedures (including relevant training for caseworkers) for identifying, documenting in agency records, and determining appropriate services for:</p> <p>a. any child or youth over whom the State/Tribal agency has responsibility for placement, care, or supervision and who the agency has reasonable cause to believe is, or is</p>	<p>OAR 413-080-0053(1)</p> <p>OAR 413-080-0053(2)</p> <p>OAR 413-080-0054</p> <p>OAR 413-015-0211(4)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>at risk or being, a sex trafficking victim (including children for whom an agency has an open case file but who have not been removed from the home, children who have run away from foster care and who have not attained 18 years of age or such older age as the State has elected under section 475(8) of the Act, and youth who are not in foster care but are receiving services under section 477 of the Act); and</p> <p>b. at the option of the State/Tribal agency, any individual who has not attained 26 years of age, without regard to whether the individual is or was in foster care under the responsibility of the agency;</p>	
471(a)(35)(B)	<p>2. For each child and youth described in 471(a)(9)(C)(i)(I) of the Act, the State/Tribal agency shall report immediately, and in no case later than 24 hours after receiving, information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, and to the National Center for Missing and Exploited Children.</p>	<p>OAR 413-080-0053 OAR 413-080-0062</p>

<b>Federal Regulatory/ Statutory References</b>	<b>Requirement</b>	<b>State/Tribe Regulatory, Statutory, and Policy References and Citations for Each</b>
471(34)(A)	3. For each child or youth described in 471(a)(9)(C)(i)(I), the state/tribal agency shall report immediately, and in no case later than 24 hours after receiving information on children or youth who have been identified as being a sex trafficking victim, to local law enforcement.	OAR 413-080-0053 OAR 413-080-0062

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<b>SECTION 5. GENERAL PROVISIONS</b>	
471(a)(5)	<p>A. PERSONNEL ADMINISTRATION</p> <p>The State/Tribal agency will, in administration of its programs under this part, certify in Attachment VII that it established and will maintain personnel standards on a merit basis as found necessary by the Secretary for proper and efficient operation of the programs.</p>	<p>see Attachment VII</p> <p>ORS 243.305-315</p> <p>Policy DHS-060-013 Harassment Free Workplace</p>
471(a)(8)	<p>B. SAFEGUARDING INFORMATION</p> <p>1. Subject to section 471(c), the State/Tribal agency has safeguards restricting use of or disclosure of information concerning individuals assisted under this plan to purposes directly connected with:</p>	<p>ORS 419A.255</p>
471(a)(8)(A)	<p>a. the administration of the title IV-E plan or any of the plans or programs under Parts A, B or D of title IV or under titles I, V, X, XIV, XVI (as in effect in Puerto Rico, Guam, and the Virgin Islands), XIX or XX, or the</p>	<p>ORS 419A.255</p> <p>Policy I-A.3.1 Procedures for</p>

<b>Federal Regulatory/ Statutory References</b>	<b>Requirement</b>	<b>State/Tribe Regulatory, Statutory, and Policy References and Citations for Each</b>
	supplemental security income program under title XVI; and	Maintaining Confidentiality  Policy I-A.3.2 Confidentiality of Client Information
471(a)(8)(B)	b. any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any such plan or program; and	ORS 419A.255  OAR 413-010-0010 thru 413-010-0240
471(a)(8)(C)	c. the administration of any other Federal or federally assisted program which provides assistance (in-cash or in-kind) or services directly to individuals on the basis of need; and	ORS 419A.255  OAR 413-010-0010 thru 413-010-0240
471(a)(8)(D)	d. any audit or similar activity conducted in connection with the administration of any such plan or program by any governmental agency authorized by law to conduct such audit or activity;	ORS 419A.255  OAR 413-010-0010 thru 413-010-0240
471(a)(9)(A)	e. the disclosure of information pursuant to 471(a)(9)(A) to appropriate authorities with respect to known or suspected child abuse or neglect; .	ORS 419A.255

<b>Federal Regulatory/ Statutory References</b>	<b>Requirement</b>	<b>State/Tribe Regulatory, Statutory, and Policy References and Citations for Each</b>
471(a)(34)(A) and 471(a)(35)(B)	<p>f. the disclosure of information pursuant to 471(a)(34)(A) to the appropriate authorities with respect to children or youth identified in 471(a)(9)(C)(i)(I) of the Act who have been identified as being a sex trafficking victim; and</p> <p>g. the disclosure of information pursuant to 471(a)(35)(B) to appropriate authorities with respect to children identified in 471(a)(9)(C)(i)(I) of the Act who are missing or abducted.</p>	419A.255
471(a)(8)(E)	<p>2. The safeguards provided will prohibit disclosure to:</p> <p>a. any individuals or entities not included in paragraph 1 above; and</p> <p>b. any committee or legislative body (other than an agency referred to in section 471(a)(8)(D) with respect to an activity referred to in such clause) of any information which identifies by name or address any applicant for or recipient of assistance under title IV-E of the Act.</p>	<p>ORS 419A.255</p> <p>OAR 413-010-0010 thru 0240</p>
471(a)(20)(B)(iii)	3. The State/Tribal agency shall have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry	413-120-4044 thru 413-120-0475

<b>Federal Regulatory/ Statutory References</b>	<b>Requirement</b>	<b>State/Tribe Regulatory, Statutory, and Policy References and Citations for Each</b>
	maintained by the State/Tribe, and to prevent any such information obtained pursuant to section 471(a)(20)(B) from being used for a purpose other than the conducting of background checks in foster and adoptive placement cases.	Please refer to the attached document: "DHS Information Memorandum Transmittal" CW_IM_07_018.pdf
471(c)	4. In the use of child welfare records in court proceedings, section 471(a)(8) of the Act shall not be construed to limit the flexibility of a State/Tribe in determining policies relating to public access to court proceedings to determine child abuse and neglect or other court hearings held pursuant to title IV-B or title IV-E of the Act, except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and family.	ORS 419B.310
471(a)(6)	<p>C. REPORTING</p> <p>The State/Tribal agency makes reports in such form and containing such information on the title IV-E program as are required by the Secretary of the Department of Health and Human Services (HHS), and the State/Tribal agency will comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports.</p>	<p>Oregon will submit reports to the HHS Secretary as requested.</p> <p>ORS 418.005(c)</p>



<b>Federal Regulatory/ Statutory References</b>	<b>Requirement</b>	<b>State/Tribe Regulatory, Statutory, and Policy References and Citations for Each</b>
471(a)(7)	<p>D. MONITORING</p> <p>The State/Tribal agency monitors and conducts evaluations of activities carried out in the title IV-E program.</p>	<p>The Department of Human Services, Office of Child Welfare Program, routinely conducts reviews of the State's Title IV-E program for program compliance.</p>
1355.30	<p>E. APPLICABILITY OF DEPARTMENT-WIDE REGULATIONS</p> <p>The State/Tribal agency will comply with all of the requirements of applicable regulations.</p>	<p>The State of Oregon Agrees to Comply with all the applicable regulations including the regulations listed in this section</p>
13565.21(c)	<p>F. AVAILABILITY OF PLANS</p> <p>Plans and amendments for titles IV-E and IV-B are made available by the State/Tribal agency for public review and inspection.</p>	<p>Public notice is given to indicate state plans are available for public review and comment. State plans are widely distributed to community partners and</p>

<b>Federal Regulatory/ Statutory References</b>	<b>Requirement</b>	<b>State/Tribe Regulatory, Statutory, and Policy References and Citations for Each</b>
		other human service agencies.
1355.33(b) 1355.33(e) 1355.35(a)	<p>G. OPPORTUNITY FOR PUBLIC INSPECTION OF CFSR MATERIALS</p> <p>(Not applicable to Tribes.)</p> <p>The State agency makes available for public review and inspection all statewide assessments, report of findings, and program improvement plans developed as a result of a full or partial child and family services review.</p>	Public notice is given to indicate state plans are available for public review and comment. State plans are widely distributed to community partners and other human service agencies.
471(a)(32)	<p>H. NEGOTIATION WITH INDIAN TRIBES.</p> <p>(Not applicable to Tribes.)</p> <p>The State negotiates in good faith with any Indian tribe, tribal organization or tribal consortium in the State that requests to develop an agreement with the State to administer all or part of the program on behalf of Indian children who are under the authority of the tribe, organization, or consortium, including foster care maintenance payments on behalf of children who are placed in State or tribally licensed foster family homes, adoption assistance payments, and, if the State has elected to provide such payments, kinship guardianship assistance payments under section 473(d), and tribal</p>	As evidenced by Section 2 (A)(c)(iii), six of Oregon's nine federally recognized tribes currently have Title IV-E Agreements with DHS Child Welfare. DHS participates in quarterly meetings with representatives from each of the nine tribes. If any of the remaining tribes request information about

<b>Federal Regulatory/ Statutory References</b>	<b>Requirement</b>	<b>State/Tribe Regulatory, Statutory, and Policy References and Citations for Each</b>
	access to resources for administration, training, and data collection under title IV-E.	<p>entering into an agreement, DHS would provide the requested information and negotiate the terms of the agreement with the tribe.</p> <p>Please refer to the Title IV-B APSR for FFY 2009, Tribal Agreements.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<b>SECTION 6. GUARDIANSHIP ASSISTANCE PROGRAM OPTION</b>	
473(d)(3)(A) 473(d)(3)(C)	<p>A. ELIGIBILITY</p> <p>1. A child is eligible for a kinship guardianship assistance payment if the State/Tribal agency determines that:</p> <p>a. the child has been--</p> <p style="padding-left: 40px;">i. removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and</p> <p style="padding-left: 40px;">ii. eligible for foster care maintenance payments under section 472 while residing for at least 6 consecutive months in the home of the prospective relative guardian;</p> <p>b. being returned home or adopted are not appropriate permanency options for the child;</p> <p>c. the child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child; and</p>	<p>OAR 413-070-0905, OAR 413-070-0917 OAR 413-070-0949</p> <p>OAR 413-070-0900 OAR 413-070-0917 (1)(c)(B)</p> <p>OAR 413-070-0917 (1)(c)(D)</p> <p>OAR 413-070-0917(1)(c)(C)</p> <p>OAR 413-070-0917 (1)(c)(F)</p> <p>OAR 413-070-0925(1) OAR 413-070-0665(2)</p> <p>OAR 413-070-0665(3)(e)</p>

<b>Federal Regulatory/ Statutory References</b>	<b>Requirement</b>	<b>State/Tribe Regulatory, Statutory, and Policy References and Citations for Each</b>
	<p>d. with respect to a child who has attained 14 years of age, the child has been consulted regarding the kinship guardianship arrangement; or</p> <p>2. The child has been placed with a successor guardian named in the guardianship agreement in accordance with 473(d)(3)(C).</p>	<p>OAR 413-070-0929(1)(c)</p> <p>OAR 413-070-0917(3)(b)</p> <p>OAR 413-070-0917(3)</p>
473(d)(3)(B)	<p>3. Siblings.</p> <p>a. The child and any sibling of the eligible child may be placed in the same kinship guardianship arrangement, in accordance with section 471(a)(31), if the State/Tribal agency and the relative agree on the appropriateness of the arrangement for the siblings; and</p> <p>b. Kinship guardianship assistance payments may be paid on behalf of each sibling so placed.</p>	<p>OAR 413-070-0917(3)(b)</p> <p>OAR 413-070-0917(3)</p>
471(a)(28)	<p>B. PAYMENTS</p> <p>1. The State/Tribal agency provides kinship guardianship assistance payments on behalf of children to grandparents and other relatives who assume legal guardianship of the child for whom they have cared as foster parents and for</p>	<p>OAR 413-070-0909(2)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	whom they have committed to care on a permanent basis, as provided in 473(d).	
473(d)(2)	2. A kinship guardianship assistance payment on behalf of a child shall not exceed the foster care maintenance payment which would have been paid on behalf of the child if the child had remained in a foster family home.	OAR 413-070-0939(3)(b)  OAR 413-090-0010(1)(2) (4) OAR 413-090-0050  Please refer to form "CF 971a (I) (C) Guardianship Assistance Agreement"
473(a)(4)(A)	3. Payments are terminated when the State/Tribal agency determines that:  a. the child has attained the age of 18, or such greater age as the State/Tribal agency may elect under section 475(8)(B)(iii); or  b. the child has attained 21 years of age, and the child has a mental or physical disability which warrants the continuation of assistance to age 21; or	OAR 413-070-0974

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>c. the child has not attained 18 year of age, and the relative guardians are no longer legally responsible for the support of the child; or</p> <p>d. the child is no longer receiving any support from the relative guardians.</p>	
473(a)(4)(B)	4. The relative guardians are required to inform the State/Tribal agency of circumstances that would make them ineligible for guardianship assistance payments or eligible for guardianship assistance payments in a different amount.	OAR 413-070-0974 (3)(g)
473(d)(1)(A)	<p>C. Agreements</p> <p>1. The State/Tribe must:</p> <p>a. negotiate and enter into a written, binding kinship guardianship assistance agreement with the prospective relative guardian of a child who meets the requirements of 473(d); and</p> <p>b. provide the prospective relative guardian with a copy of the agreement.</p>	<p>OAR 413-070-0949 (1)</p> <p>OAR 413-070-0949(3)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
473(d)(1)(B) & 473(d)(1)(C)	<p>2. The agreement must specify, at a minimum-</p> <p>a. the amount of, and manner in which, each kinship guardianship assistance payment will be provided under the agreement, and the manner in which the payment may be adjusted periodically, in consultation with the relative guardian, based on the circumstances of the relative guardian and the needs of the child;</p> <p>b. the additional services and assistance that the child and relative guardian will be eligible for under the agreement;</p> <p>c. the procedure by which the relative guardian may apply for additional services as needed;</p> <p>d. that the State/Tribal agency will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child, to the extent the total cost does not exceed \$2,000; and</p> <p>e. that the agreement shall remain in effect without regard to the State/Tribal service area residency of the relative guardian.</p>	<p>OAR 413-070-0949(2)</p> <p>Please refer to form "CF 971a Guardianship Assistance Agreement"</p> <p>OAR 413-070-0949(2)</p> <p>Please refer to form "CF 971a Guardianship Assistance Agreement"</p> <p>OAR 413-070-0949(2)(k)</p> <p>OAR 413-070-0949(2)(k)</p> <p>Please refer to form "CF 971a (III)(C) Guardianship Assistance Agreement" (please refer to page 3, III C.)</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		OAR 413-070-0949(2)(c) OAR 413-070-0949(2)(a) Please refer to attached form "CF 971a Guardianship Assistance Agreement"
471(a)(20)(C)	D. SAFETY  State/Tribal agency provides procedures for criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), on any relative guardian, and for checks described in 471(a)(20) on any relative guardian and any other adult living in the home of any relative guardian, before the relative guardian may receive kinship guardianship assistance payments on behalf of the child under this plan option.	ORS 418.016 OAR 413-070-0925(1)  OAR 413-200-0314(2)(b) OAR 413-200-0308(3)  OAR 413-120-0460 OAR 413-200-0308(3)
473(b)(1) to (4); 479B(c)(1)(C)(ii)(II)	E. MEDICAID AND SOCIAL SERVICES	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	For the purposes of titles XIX and XX, any eligible child for whom there is a kinship guardianship assistance payment being made under section 473(d) is deemed to be a dependent child as defined in 406 of the Act and is deemed to be a recipient of AFDC under part A of title IV of the Act (as in effect 7/16/96) in the State in which such child resides.	OAR 413-100-0310 OAR 413-100-0320(2)  OAR 413-070-0939(12)(a)  Please refer to form "CF 971a Guardianship Assistance Agreement"
471(a)	<p>F. TITLE IV-E GUARDIANSHIP ASSISTANCE PROGRAM PLAN REQUIREMENTS</p> <p>1. Title IV-E plan requirements 471(a)(2) through (9), (12), (13), (20)(C), (25), (26), and (28) through (32) are applicable to the guardian assistance program.</p>	<p>Policy I-E.6.1 Title IV-E Foster Care, Adoption Assistance and Guardianship Assistance Eligibility</p> <ul style="list-style-type: none"> <li>• 471 (a)(2): Please refer to State Plan Section 1, A. Designation and Authority of State/Tribal Agency</li> <li>• 471(a)(3): Please refer to State Plan Section 1, C. State</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>or Service Area Wide Operations</p> <ul style="list-style-type: none"> <li>• 471(a)(4): Please refer to State Plan Section 1, D. Coordination with title IV-A and IV-B Programs</li> <li>• 471(a)(2-4) Also see: Policy I-E.6.1 Title IV-E Foster Care, Adoption Assistance and Guardianship Assistance Eligibility , OAR 413-100-0010(2)</li> <li>• 471(a)(5): Please refer to State Plan Section 5, A. Personnel Administration</li> <li>• 471(a)(6): Please refer to State Plan Section 5, C. Reporting</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>• 471(a)(7): Please refer to State Plan Section 5, D. Monitoring</li> <li>• 471(a)(8): Please refer to State Plan Section 5, B. Safeguarding Information</li> <li>• 471(a)(9): Please refer to State Plan Section 2, E. Child Abuse and Neglect</li> <li>• 471(a)(12): Please refer to State Plan Section 2, C. Fair Hearings</li> <li>• 471(a)(13): Please refer to State Plan Section 2, D. Independent Audit</li> <li>• 471(a)(20)(C): Policy II-B.1 Certification Standards for Foster Parents, Relative</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>Caregivers, and Pre-Adoptive Parents, OAR 413-200-0314 (2)(b) and Policy I-G. 1.4 Criminal History, OAR 413-120-0460</p> <ul style="list-style-type: none"> <li>• 471(a)(25): Please refer to State Plan Section 2, F. Timely Interstate Placement of Children. Also see: Policy I-B-3.4.2 Interstate Compact on the Placement of Children, OAR 413-040-0200; the ICPC Handbook; and ORS 417.200</li> <li>• 471(a)(26): Please refer to State Plan Section 2, F. Timely Interstate Placement of Children. Also see:</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>Policy I-B-3.4.2 Interstate Compact on the Placement of Children, OAR 413- 040-0260 and the ICPC Handbook, page 24</p> <ul style="list-style-type: none"> <li>• 471(a)(28): Please refer to State Plan Section 6, B. Payments. Also see: Policy I-E.3.6.2 Guardianship Assistance , OAR 413-070-0925</li> <li>• 471(a)(29): Please refer to State Plan Section 2, H. Kinship Care (2 and 3). Also see Draft Policy - Search For and Engagement of a Child or Young Adult’s Relatives and Persons with a</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>Caregiver Relationship, OAR 413-070-0001 – 0010; and draft brochure “Rights of Relatives”.</p> <ul style="list-style-type: none"> <li>• 471(a)(30): Please refer to State Plan Section 2, M. Compulsory School Attendance. Also see: Policy I-E.8 Educational Services , OAR 413-100-0915 (1-4), (10), OAR 413-100-0910 and ORS 419B.343</li> <li>• 471(a)(31): Please refer to State Plan Section 2, I. Sibling Placement. Also see: Policy I-E.3.1 Placement Matching, OAR 413-070-0625(1)d, (1)f, (2)(c – p) (4-6),</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>and Policy I-E.3.5 Visits and Other Types of Family Contact, OAR 413- 070-0830, 0855</p> <ul style="list-style-type: none"> <li>• 471(a)(32): Please refer to State Plan Section 5, H. Negotiation with Tribes. Also see: Policy I-E 3.6.2 Guardianship Assistance, OAR 413-070-0919 and 413-070-0929</li> </ul> <p>Policy I-E.6.1 Title IV-E and General Assistance OAR 413-100-0345</p>
475(1)(F)	2. Case plan requirements.	



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>For a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardian assistance payments, the State/Tribal agency shall include in the case plan a description of:</p> <p>a. the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;</p> <p>b. the reasons for any separation of siblings during placement;</p> <p>c. the reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests;</p> <p>d. the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;</p> <p>e. the efforts the State/Tribal agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons; and</p> <p>f. the efforts made by the State/Tribal agency to discuss with the child's parent or parents the kinship guardianship</p>	<p>OAR 413-070-0917 (2)(b)</p> <p>OAR 413-070-0917 (2)(f)</p> <p>OAR 413-070-0917 (2)(e)</p> <p>OAR 413-070-0917 (2)(a)</p> <p>OAR 413-070-0917 (2)(c)</p> <p>OAR 413-070-0917 (2)(d)</p> <p>Please refer to form "CF 971a Guardianship Assistance Agreement"</p> <p>Please refer to form CF 0311 G Case Plan Addendum (Subsidized Guardianship)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	assistance arrangement, or the reasons why the efforts were not made.	
475(8)	<p>G. DEFINITION OF 'CHILD'</p> <p>For the purposes of the title IV-E guardianship assistance program under section 473(d), the term 'child' means</p> <ol style="list-style-type: none"> <li>1. an individual who has not attained 18 years of age; or</li> <li>2. at the option of the State/Tribal agency an individual <ol style="list-style-type: none"> <li>a. with respect to whom a guardianship assistance agreement is in effect under section 473(d) if the individual had attained age 16 before the guardianship assistance agreement became effective;</li> <li>b. who has attained the age of 18, but has not attained 19, 20 or 21 years of age, as the title IV-E agency may elect; and</li> <li>c. who meets any of the following conditions:</li> </ol> </li> </ol>	<p>OAR 413-070-0905 (3)  OAR 413-070-0905 (25)  OAR 413-070-0917 (3) (a) (B)</p>

<b>Federal Regulatory/ Statutory References</b>	<b>Requirement</b>	<b>State/Tribe Regulatory, Statutory, and Policy References and Citations for Each</b>
	<ul style="list-style-type: none"> <li>i. the child is completing secondary education or a program leading to an equivalent credential;</li> <li>ii. the child is enrolled in an institution which provides post-secondary or vocational education;</li> <li>iii. the child is participating in a program or activity designed to promote, or remove barriers to, employment;</li> <li>iv. the child is employed for at least 80 hours per month; or</li> <li>v. the child is incapable of doing any of the above described activities due to a medical condition.</li> </ul>	

Federal Regulatory/ Statutory References	Requirement	Regulatory, Statutory, and Policy References and Citations for Each
	<b>SECTION 7. TRIBE OPERATED IV-E PROGRAM REQUIREMENTS</b>	This section is N/A
471(a) 479B(b)	<p>A. GENERAL PROGRAM REQUIREMENTS</p> <p>Title IV-E plan requirements 471(a)(1) through (27), (29) through (31), and (33) through (37) are mandatory requirements applicable to Tribes operating a title IV-E program.</p>	
479B(c)(1)(B)	<p>B. SERVICE AREA AND POPULATIONS</p> <p>For purposes of complying with section 471(a)(3), this plan is in effect in all service areas and for all populations served by the Tribe and identified in Attachment V.</p>	
479B(c)(1)(C)(ii)	<p>C. NUNC PRO TUNC AND FOSTER CARE ELIGIBILITY REQUIREMENTS</p> <p>For purposes of determining whether a child whose placement and care are the responsibility of an Indian tribe, tribal organization, or tribal consortium satisfies</p>	

Federal Regulatory/ Statutory References	Requirement	Regulatory, Statutory, and Policy References and Citations for Each
	<p>the requirements of section 472(a), the following shall apply:</p> <ol style="list-style-type: none"> <li>1. Notwithstanding 472(a)(1), Tribes may use affidavits or nunc pro tunc orders as verification documents in support of the reasonable efforts and contrary to the welfare of the child judicial determinations required under that paragraph for the first 12 months for which this plan is in effect.</li> <li>2. The State plan approved under section 402 (as in effect on July 16, 1996) of the State in which the child resides at the time of removal from the home shall apply to the determination of whether the child satisfies section 472(a)(3).</li> </ol>	
479B(c)(2)	<p><b>D. LICENSING STANDARDS FOR TRIBAL FOSTER FAMILY HOMES AND CHILD CARE INSTITUTIONS</b></p> <p>For purposes of complying with section 471(a)(10), an Indian Tribe, Tribal organization, or Tribal consortium shall establish and maintain a tribal authority or authorities which shall be responsible for establishing and maintaining tribal licensing standards for tribal foster family homes and tribal child care institutions.</p>	

<b>Federal Regulatory/ Statutory References</b>	<b>Requirement</b>	<b>Regulatory, Statutory, and Policy References and Citations for Each</b>