

Oregon Foster Care

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General Information

- **DHS, Foster Care 2005.** This source provides a variety of statistical data about children and youth served by Oregon's foster care system. Specific to teens, the article explains that for the year 2005 teens comprised 28.3% of the foster care population; 4,540 teens were served during the year; over half of the teens who left foster care return to their family of original; 86% of former Oregon foster care youth received scholarships; and 1,248 foster youth received independent living planning services.
<http://dhsforms.hr.state.or.us/Forms/Served/DE9607.pdf>

EDUCATION

- **ORS 339.133:** Determination of residency of students. ORS 339.133(4)-(5) provide that in general a child in foster care is considered to be a resident of the district in which they are placed, however, a child may continue to be considered a resident of the district where he or she attended school previous to the placement, through the highest grade level of his or her school, where the juvenile court determines that this is in the child's best interest.
- **Oregon Student Assistance Commission (OSAC).** The OSAC administers many of the scholarships and education programs available to Oregon college students. They also have a specific webpage which lists the programs and scholarship geared to foster youth and former foster youth. http://www.osac.state.or.us/osac_programs.html#foster To apply for scholarships, students should also visit <http://getcollegefunds.org/> which contains all of the application materials. The scholarship program descriptions are currently being updated but there are several scholarships specifically designed for foster youth and former foster youth including the DHS Scholarship and the Dream Scholarship.
- **Access to Student Assistance Programs in Reach of Everyone (ASPIRE).** ASPIRE, an organization affiliated with OSAC, also has a page providing higher education information for Foster Youth. It also provides links to other resources for foster youth trying to obtain college education. http://www.aspireoregon.org/s_fosteryouth.html
- Rosemary Iavenditti, **Boys and Girls Aid.org, Helping Foster and Adopted Youth Realize Their Dreams.** This article is geared towards advocates for foster youth and provides information about the Chafee Education and Training Voucher Program. The article explains that students may obtain scholarships through OSAC or by accessing the voucher program through their ILP worker. The article also contains responses to frequently asked questions about the Chafee Education and Training Scholarship application process.
http://www.boysandgirlsaid.org/adoption/family_matters/pdfs/FM%20October%20Feature.pdf

- **DHS**, Memorandum on Frequently Asked Questions – Chafee Education and Training Vouchers. This memo provides additional information on vouchers.
http://www.dhs.state.or.us/policy/childwelfare/im/2004/cw_im_04_002.pdf

INCOME

- **OAR 413-100-0180**: Substitute Care – Funding Eligibility, Earned Income of Students. Children under 18 with a GED or high school diploma who are employed must have their earnings considered as income to reduce maintenance payments on their behalf. Earned income is not counted for: a child under 18 who is a full-time student in grade 12 or below, or a child under 18 years of age who is enrolled at least-part time in grade 12 or below and not employed full-time.
- **Juvenile Rights Project**, [A Teen’s Legal Guide to Foster Care in Oregon](#) (October 2006) & [A Survival Guide for Teens Aging Out of Foster Care](#) (updated 2006). Both of these sources provide information about income and employment for youths.
http://www.jrplaw.org/Documents/molly%20teenbook_half%20size_amy_edit.pdf
http://www.jrplaw.org/Documents/survival%20guide%20final%2010_20_06.pdf

HEALTH

- **DHS**, Teen Pregnancy Prevention, providing data on teen pregnancy and Oregon’s prevention strategies. <http://www.oregon.gov/DHS/children/teens/tpp/index.shtml>
- **Juvenile Rights Project**, [A Teen’s Legal Guide to Foster Care in Oregon](#) (October 2006). This guide provides resources for teens on a variety of subjects, including pregnancy, and what may occur if a youth has a child while in foster care.
http://www.jrplaw.org/Documents/molly%20teenbook_half%20size_amy_edit.pdf
- **DHS**, Youth Suicide Prevention Program, providing crisis resources and program information. <http://www.oregon.gov/DHS/ph/ipe/yssp/index.shtml>
- **DHS**, Statewide Resources for Youth, providing hotlines for youth assistance on a range of issues including alcohol and drug abuse, domestic violence, and shelter information. http://www.oregon.gov/DHS/children/publications/tpp/youth_res_card01.pdf
- **DHS**, An overview of DHS Teen Services, providing an explanation of the skills teens need, an overview of DHS services, a Teen Services Matrix, and descriptions of individual DHS programs. This source could be used by teens and/or attorneys/caseworkers <http://dhsforms.hr.state.or.us/Forms/Served/DE2301.pdf>
- **Bazelon Center for Mental Health Law**, [Moving On: Analysis of Federal Programs Funding Services to Assist Transition-Age Youth with Serious Mental Health Conditions](#) (2005). This article reviews the various federally funded programs for youth with mental health conditions. The authors conclude that there are significant resources available to this population but also discuss various limitations.
<http://www.bazelon.org/publications/movingon/Analysis.pdf>

STAYING IN FOSTER CARE AFTER AGE 18

- **ORS 418.625**: Definitions. ORS 418.625(3) provides that “‘foster home’ means any home maintained by a person who has under the care of the person in such home any child under the age of 21 years.”

- **ORS 419B.328:** Wardship; duration of wardship. ORS 419B.328(2)(e) provides that wardship may continue until 21 years of age.
- **ORS 419B.337:** Placement in custody of Department of Human Services; findings; child care centers. ORS 419B.337(5) provides that commitment of a ward to the Department of Human Services continues until dismissed by the court or until the ward becomes 21 years of age. ORS 419B.337(6)(a)(A)-(B) provides for dismissal of jurisdiction when a safe alternative to reunification has been implemented for the ward; and the ward is at least 14 years of age but less than 21 years of age and the court finds that the department has meet the case planning requirements of ORS 419B.343 such that the ward is prepared for a successful transition to independent living and has safe and stable housing, or the ward has been committed to the custody of Oregon Youth Authority.
- **ORS 419B.400:** Authority of court to order child support; amount. ORS 419B.400(1) provides that the court may continue to require parental support of a child who is over 18 if that ward is a child attending school as defined is ORS 107.108 (an unmarried child between the ages of 18-21 years of age who is make satisfactory academic progress as defined by the school the child attends and who is enrolled no less than half-time).
- **OAR 413-030-0210:** Eligibility Criteria for Substitute Care Placement. OAR 413-030-0210(2) provides that a child must be under 18 years of age at the time the child is place in the Department’s legal custody and placement services are first initiated.
- **OAR 413-030-0220:** Eligibility After Age 18. OAR 413-030-0220(1) provides that a child who entered care before their 18th birthday may remain in care if: (a) the child is actively striving to complete the requirements for high school graduation and achieving satisfactorily in a full-time program of high school attendance, GED classes or a combination of classes and employment; or (b) enrolled in a special education program as called for in an Individual Education Plan (IEP); or (c) an unaccompanied refugee minor; or (d) the person’s situation has been reviewed and approved in writing for an exception to these rules by the SDA Manager or designee. OAR 413-030-0220(2) provides that no person shall receive substitute care services after his or her 21st birthday.
- **OAR 413-070-0520 to 413-070-0560:** Another Planned Permanent Living Arrangement (APPLA).
 - **OAR 413-070-0520:** Purpose. Under the Adoption and Safe Families Act of 1997 and the Department’s rules, the Department must develop, document and implement a permanency plan for every child in its care. There are five permanency plans: reunification, adoption, guardianship, permanent placement with a fit and willing relative, and APPLA—which encompasses any plan other than the first four.
 - **OAR 413-070-0524:** Definitions. OAR 413-070-0524(2) defines “compelling reason” as “a convincing and persuasive reason why it would not be in the child’s best interests to be returned home, place for adoption, place with a guardian, or placed permanently with a fit and willing relative.”
 - **OAR 413-070-0532:** APPLA, Described. APPLA is a plan for a stable, secure living arrangement, developed for a child, that includes building relationships with significant people in the child’s life that will continue beyond substitute care. APPLA is the least preferred permanency plan for a child.
 - **OAR 413-070-0536:** Uses of APPLA. OAR 413-070-0536(3) provides that the Department may document and the court may determine that there is a compelling

reason that it would not be in the best interests of the child to implement a more preferred permanency plan in circumstances that include, but are not limited to where: the child is an older teen, who rejects all other favored permanency plans, the child's tribe identifies APPLA as the preferred plan for an Indian child, or the adult with whom the child has formed a permanent attachment is unable or unwilling to adopt the child or become the child's guardian.

- **OAR 413-070-0540:** Decision-making Process. If none of the other four permanency plans are an option for the child, the child's caseworker must convene a team of individuals knowledgeable about the child's needs to discuss permanency plan for the child. The team must include the child's caseworker, the child's parents (unless their parental rights have been terminated or their participation would be harmful to the child), the child's attorney, the court-appointed special advocate, the child's substitute caregiver, and the child, if appropriate. The team must provide the child and parents an opportunity to identify available permanency resources. Next, the team must discuss and explore the child's needs and best interests; explore and discuss the various permanency options that would meet the needs and best interests of the child; and if considering APPLA, rule out all other more preferred permanency options. If APPLA is selected the Department must develop a permanency plan recommendation that meets the requirements of an APPLA for the child and a list of reasons why implementation of each of the other, more preferred permanency plans is not in the child's best interests. The supervisor of the caseworker must give written approval for the plan if the supervisor determines that: there is a compelling reason why a more preferred permanency plan is not in the child's best interests; and the APPLA developed by the Department is the appropriate plan for the child. The child's caseworker must then schedule a permanency hearing and obtain approval for implementation of the APPLA plan from the court.
- **OAR 413-070-0544:** APPLA Categories. APPLA plans include: Permanent Foster Care, Independence, and Other plans. Independence may be appropriate for an older teen who has left substitute care or is receiving a subsidy, and should focus not only on the child's educational, vocational, and treatment needs, but also on the needs of the child to develop or maintain relationships with adults who can play a significant role in the child's life after the child leaves substitute care. Other APPLA plans may be appropriate for a child in a psychiatric residential facility, developmental disabilities placement, or residential treatment facility who will not be discharged from that facility while the Department maintains legal custody of the child, a child for whom no placement that will commit to permanency can be found; or an older child who does not agree to a permanent foster care agreement or who is already living independently. OAR 413-070-0554(3)(b) provides further description of the requirements for other APPLA plans.
- **OAR 413-070-0548:** Contents of APPLA Plan. An APPLA plan must include: An APPLA service plan as defined in OAR 413-070-0552, a description of how permanent ties will be established and maintained for the child, and a

comprehensive transition plan required by Department Policy I-B, 2.3.5, “Independent Living Programs”, OAR 413-030-0400 to 413-030-0455.

- **OAR 413-070-0552:** APPLA Service Plan. The plan must identify the following: individuals who can provide the child lifelong support, but not permanent placement, a sense of continuity, belonging, and stability, and supportive, caring relationships, services that will ensure that the emotional, medical, educational, cultural, and physical needs of the child are being met, the services that will strengthen and nurture the relationship between the identified support persons and the child, the services that will prepare the child to live in the least restrictive setting possible at the most appropriate time, and the services that will provide the child with a reasonable opportunity to achieve one of the permanency plans listed in OAR 413-070-0536(1) (parent, adoption, guardianship, or permanent placement with a fit and willing relative).
- **OAR 413-070-0556:** APPLA Permanency Plan Reviews. The Department shall review the plan prior to Citizen Review Board reviews (every six months under ORS 419A.106) and prior to permanency hearings (no later than 12 months after child came under jurisdiction of the court or 14 months after the child first came into substitute care, whichever is the earlier, under ORS 419B.470(2)) to determine whether a different plan should be implemented for the child and whether the current placement is the least restrictive setting that meets the health and safety needs of the child.
- **OAR 413-070-0560:** APPLA Permanency Plan Documentation Requirements. The caseworker must document the following: recommendations of the Department described in OAR 413-070-0540(1) and the approval of the supervisor required by OAR 413-070-0540(6) showing why APPLA is the most appropriate permanency option for the child., the efforts of the Department to identify and recruit a permanent placement for the child, how the current placement and services meet the special needs of the child required by OAR 413-080-0060, the compelling reason, as defined in OAR 413-070-0524, why it would not be in the best interests of the child to implement one of the preferred permanency options.
- **American Bar Association**, Center on Children and the Law, Continuing Court Jurisdiction in Support of 18 to 21 Year-Old Foster Youth (2004). This article contains the ABA recommendation that states and territories enact laws to allow youth to stay in care up to age 21. It also provides a legal analysis in support of extending care as well as statistical data on the current state of states’ law on this issue and social issues related to the transition out of foster care. The article is geared towards attorneys, judges, and advocates. <http://www.abanet.org/child/court-jurisdiction.doc>

PREPARATION FOR INDEPENDENT LIVING

- **ORS 419B.343:** Recommendations and information of committing court; case planning. ORS 419B.343(3) provides that any time after the ward attains 14 years of age or no later than when the ward turns 16 years of age, the department shall ensure that case planning addresses the ward’s needs and goals for a successful transition to independent living, including needs and goals related to housing, physical and mental health, education, employment, community connections, and supportive relationships.

- **ORS 419B.476:** Conduct of hearing; powers and duties of court; order; appeal. ORS 419B.476(3)(a)-(b) requires that when a ward is 14 or older and has a comprehensive plan or is 16 years of age or older, the court must review the comprehensive plan for the ward’s transition to independent living at permanency hearings and make determinations about whether the plan is adequate.
- **OARs 413-030-0400 to 413-030-0455:** Independent Living Programs.
 - **OAR 413-030-0400:** Purpose. The rules in this section incorporate the requirements of the Chafee Foster Care Independence Program.
 - **OAR 413-030-0405:** Definitions. OAR 413-030-0405(6) Oregon defines “Former Foster Youth” as youth who were in foster care after the age of 14 and remained in care for an accumulative 180 days or longer. Youth who meet these requirements are eligible to be served by the federal grant under Chafee for independent living services for former foster youth.
 - **OAR 413-030-0410:** Eligibility for Services. Generally, youth are eligible for services if they are a youth 14 years of age or older who is currently in foster care, or a youth who was previously in foster care after age 14 for 180 consecutive days. Youth who were enrolled in a formal Oregon ILP which began providing services prior to the effective date of the current rules (Jan. 22, 2002) shall continue to be eligible for services until their plan for independence is completed or until they reach the age of 21. Individual programs may also have additional eligibility requirements.
 - **OAR 413-030-0415:** Goals of the Independent Living Program. The program goals are to assist foster care youth in obtaining personal and emotional support and promoting healthy interactions with dedicated adults; making the transition to self sufficiency; receiving the education, training, and services necessary to obtain employment; attaining academic and/or vocational education, and preparing for post-secondary training and education. The program also aims to assist eligible former foster youth between the ages of 18-21 with support and services.
 - **OAR 413-030-0420:** Values and Guiding Principles. Services, programs, case planning, funding options, and persons working with youth will: involve youth in making decisions that affect their life; involve youth in planning, developing, and providing services whenever possible; recognize and value a youth’s strengths and seek ways to support them; promote a youth’s development in a plan-ful way rather than identify and seek to “fix” a youth’s problems through crisis services; and honor and promote the diversity of the youth and adults involved.
 - **OAR 413-030-0425:** Program Overview. In order to obtain the most efficient, lasting, and comprehensive programs and services for foster care youth each of the program areas must: involve the youth in planning for their independence; involve the youth’s relatives, foster parents, mentors and/or significant others including the youth’s biological parents (when appropriate) in the development of the youth’s plan for independence; and coordinate with other federal, state, and local agencies providing services to youths. DHS-CAF implements 3 distinct ILPs—Skills Training, Chafee Housing Services, and Independent Living Subsidy Program).

- **OAR 413-030-0430:** Independent Living Program—Skills Training (ILP-S). The program provides training in basic living skills, educational and vocational training, social and self-esteem training, and development of support networks.
- **OAR 413-030-0435:** Independent Living Program—Chafee Housing Services (ILP-CH). This program provides assistance for funding room and board for youth 18 to 21 who have left foster care and/or in coordination with Transitional Living Programs.
- **OAR 413-030-0440:** Independent Living Subsidy Program (ILSP)—Housing Subsidy. ILSP assists with funding room and board for youths 16-21 years of age who are currently in care or who have had prior foster care service and operates in coordination with ILP-CH and Transitional Living Programs.
- **OAR 413-030-0445:** Referrals for Independent Living Program Services (ILP). Youth in foster care between ages 14 and 16 years of age may be considered for ILP services. Youth who have reached their 16th birthday shall be considered for services, unless the case plan or court order finds that it is not in the youth’s best interests and that documentation of the youth’s case file reflects the reasons for this decision and lists the individuals involved in that decision. Former foster youth who met the eligibility criteria may request voluntary services by completing a Service Application (CF304). If a youth is considered appropriate and eligible for ILP services a referral for services will be made by DHS for a formal written Life Skills Assessment. The details of a Life Skills Assessment are discussed at OAR 413-030-0445(3). The details of a Youth’s Service Plan are discussed at OAR 413-030-0445(4)-(5). Post service assessment is described at OAR 413-030-0445(6).
- **OAR 413-030-0450:** Referrals for Housing Services Programs. ILP-CH services may be provided to former foster youth between 18 and 21 years of age who had care and custody terminated on or after their 18th birthday. ILSP services may be provided to youth who are involved in an Independent Living “skills training” program; are in need of room and board services to complete their plan for independence and are willing to accept personal responsibility for making the transition to adulthood; are involved in a program of education and employment which amounts to full-time activity; and are at least 16 years of age and have had at least one substitute care placement prior to applying for ILSP and have written permission to participate from the juvenile court or a parent or guardian. Housing assistance services may consist of skills training and financial assistance. Payments may be made up to the total amount of the regular foster care rate for adolescents and will be determined through completing a Budget Worksheet (CF77). ILSP assistance shall not exceed 12 months for a youth. Chafee Housing assistance may not exceed \$6,000. Housing funds shall not be used to allow a youth to reside with their biological or legal parent(s). Payment review will be done on at least a quarterly basis and youth are expected to provide receipts of monthly expenses. Failure to provide documentation is grounds for termination, and if a youth is terminated they may not reapply for at least 30 days. OAR 413-030-0450(3) defines appropriate living situations. OAR 413-030-0450(4) defines the enrollment process for the Housing Services Program. OAR 413-030-0450(7) defines budgeting necessary for participation in the Housing Services Program.

- **OAR 413-030-0455: Exceptions—Special Circumstances.** This section explains that the ILP desk may approve funds for discretionary or emergency needs, or an extension of housing services beyond the allowed period of time, in extraordinary circumstances. This section also defines how to make such requests.
- **DHS, Independent Living Programs.**
 - Providing information on services provided by DHS and eligibility. http://www.oregon.gov/DHS/children/fostercare/ind_living/ilp.shtml#services
 - Providing information of contractors for ILPs, by county. http://www.oregon.gov/DHS/children/fostercare/ind_living/contractors.shtml
 - Providing information on the state advisory committee for ILPs, geared towards those who want to participate on the advisory committee. http://www.oregon.gov/DHS/children/fostercare/ind_living/ilpadvbd.shtml
- **Juvenile Rights Project, Resources for Teens, Judges and Advocates.**
 - Molly Allen, Teens Aging Out of Foster Care in Oregon: A Guide to Transition Planning for Caseworkers, Judges and Advocates (updated 2005). This in-depth resource guide provides a summary of: the challenges facing foster youth, federal law and funding, Oregon state law and policies, and a detailed analysis of how to develop and implement a comprehensive transition plan. <http://www.jrplaw.org/Documents/Teens%20Aging%20Out%20of%20Foster%20Care%20in%20Oregon.pdf>
 - A Survival Guide for Teens Aging Out of Foster Care (updated 2006). This guide is written for youth and walks them through their rights while in foster care, including the right to help in planning their transition out of foster care through ILPs and Youth Decision Meetings (YDMs). The guide also discusses what rights a youth acquires at age 18, finding housing, accessing higher education, securing employment, obtaining public assistance, and the consequences of criminal behavior, among other practical topics. The article is current except that the ILP subsidy amount is listed as totally approximately \$449/month and this amount is actually currently as high as \$485/month. See *infra* Rosemary Iavenditti, Helping Foster and Adopted Youth Realize Their Dreams. http://www.jrplaw.org/Documents/survival%20guide%20final%2010_20_06.pdf
 - A Teen's Legal Guide to Foster Care in Oregon (October 2006). This guide, also geared for teens, discusses the rights of teens in foster care, the role of the courts, the adoption process, guardianship, visitation, confidentiality and state record keeping, pregnancy, emancipation planning and independent living services, money, religion, driving, and how to make complaints about care, placement or services. The guide consists of questions and short answers and provides some contact numbers as well as statute and regulation cites. The guide is also uncopyrighted and JRP encourages printing and distribution to teens and advocates. http://www.jrplaw.org/Documents/molly%20teenbook_half%20size_amy_edit.pdf
- **Native American Indian Youth and Family Center, Foster Care Program.** This Portland-based organization provides case management for Native American children

and youths in foster care. The organization also runs a program called Pathways to Adulthood: NAYA Family Center's Independent Living Program.

<http://www.nayapdx.org/youth-services/foster-care.php>

- **National Resource Center for Youth Development**, Improving Outcomes for Older Youth: What Judges and Attorneys Need to Know (2004). This article provides some of the same information as the JRP source geared towards attorneys and judges, but its focus is more federal. It covers how to determine a foster youth's needs and focusing on adolescent well-being in the areas of education, health, employment, housing and also addresses the specific needs of subpopulations such as teen parents and youth with disabilities.

<http://www.nrcys.ou.edu/yd/resources/publications/pdfs/improveoutcomes.pdf>

RIGHTS OF CHILDREN IN STATE CARE

- **OAR 413-010-0180**: Policy, Basic Rights of Children in SOSCF's Custody. OAR 413-010-0180(7)-(8) provide that child in legal custody have the right to be provided with services geared towards reunification with their family of origin or, when return to family of origin is not possible, the be provided with services to develop a safe, permanent alternative to the child's own family.

MENTORING PROGRAMS FOR FOSTER YOUTH

- **Powerhouse Website**. This Oregon-based advocacy group seeks to provide "community-based mentoring to youth in foster care to enhance their successful transitions from adolescence to adulthood." The website explains how to become a mentor and contains information about mentor events and resources.

<http://www.powerhouseprogram.org/index.htm>

OTHER RESOURCES

- **Foster Club**, The National Network for Children and Youth in Foster Care. The website provides a wealth of resources for foster youth. It has a website specifically geared towards teens, <http://www.fosterclub.com/fyi3/>, which contains everything from message boards where foster teens can talk with each other to contests that foster youth can enter for cash prizes. The site is geared toward providing information and resources as well as teaching values and building self-confidence.
- **Y.O.U.T.H.** (Youth Offering Unique Tangible Help). This project was developed through a grant from the Bay Area Academy and currently operates only in California. However, the program is extremely inspiring and provides a great example of former foster youth achieving exciting goals. The program allows current and former foster youth to design curriculum and providing training to child welfare workers on how to assist foster youth in transitioning to independence and adulthood. The curriculum has been taught in several states, including Hawaii.
<http://www.youthtrainingproject.org/index.php>
- Sarah J. Geenen & Laurie E. Powers, Portland State University, Transition Planning for Foster Youth, **J. for Vocational Special Needs Educ.**, Win. 2006 at 4. This study compared the IEPs/Individualized Transition Plans of 45 special education children in Oregon foster care with the plans of 45 special education children who were not in foster care and found significant disadvantages for foster care youth with disabilities. The

article discusses these findings in detail and suggests ideas for ameliorating these discrepancies. http://www.specialpopulations.org/Chapters%20Vol%2028-2/JVSNE_Vol28-2_Geenen.pdf