

# Title IV-E, Foster Care Maintenance Payments Program Juvenile Delinquency Cases in Oregon

## Frequently Asked Questions

**1. Which entities are currently requesting reimbursement under Title IV-E in juvenile delinquency cases?**

The Oregon Youth Authority and the following county juvenile departments are currently participating in the reimbursement program:

Clackamas  
Douglas  
Jackson  
Lane  
Marion  
Multnomah  
Yamhill  
Washington

Since the DHS is the state agency that administers Title IV-E funds in Oregon, the OYA and participating counties have entered into agreements with DHS to participate in the program.

**2. Does a dependency petition have to be filed in order for the youth to be eligible?**

No. Youth who have been removed from the home may qualify if certain federal eligibility requirements are met, and if the child is placed in a foster family home or child-care institution.<sup>1</sup>

The removal of the youth from the home must be pursuant to a (1) voluntary placement agreement or a (2) judicial determination that continuation in the home would be contrary to the welfare of the child and that reasonable efforts were made to prevent placement. In addition, the youth's placement and care must be the responsibility of the DHS or the entity that has an agreement with DHS to administer the program.

**3. What qualifies as a “foster family home” or a “child care institution”?**

A family foster home must be licensed by the state in which it is situated, by the agency that has responsibility for licensing homes of this type. The term “child care institution” means a private child-care institution, or a public institution that accommodates no more than twenty-five children, that is licensed by the state agency that has responsibility for licensing such facilities. *It does not include detention facilities, forestry camps, training schools, or any other facility primarily for the detention of children who are determined to be delinquent.*<sup>2</sup>

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<sup>1</sup> 42 U.S.C. §672. The child must be a “dependent child” as defined in the Act, but for his or her removal from the home of a specified relative and was eligible for Aid to Families with Dependent Children during the month of removal.

<sup>2</sup> 42 U.S.C. §672(c).

**4. *What are the review requirements for courts?***

In order to qualify for and maintain Title IV-E eligibility, Oregon courts will have to review cases of potentially eligible youth and make appropriate findings. Those findings are detailed in the attached chart.

**5. *Do these findings have to be made in cases where detention is ordered?***

The initial “contrary to the welfare” or “best interest” determination must be made at the time of the first court ruling authorizing removal of the youth from the home. If the youth is placed in detention initially, this finding will ensure the youth remains eligible after release, if some alternative placement other than home is required. Expenses incurred while the youth is in detention are not reimbursable.

The court also must order that the placement and care are the responsibility of the OYA or the juvenile department that is requesting reimbursement, and find that reasonable efforts were made to prevent or eliminate removal, within 60 days of the youth’s removal.

**6. *What constitutes a voluntary placement agreement?***

These are cases in which the youth’s parent or guardian signs a voluntary placement agreement to place the child in foster care or in a child care institution.<sup>3</sup> In these cases, the court is required to determine the placement is in the youth’s best interests within the first 180 days of the youth’s placement.

**7. *How will I know when a case is ready for a six month review or a permanency hearing?***

Cases under the supervision of the juvenile department will typically not require review at six months because the youth will be out of care by that time. Youth in OYA custody will constitute the bulk of these reviews. Juvenile Court Programs and the OYA are in discussions about the development of an administrative review process as an alternative to a six month court review. Periodic administrative reviews are allowed under 42 U.S.C. §675(5)(B).

The OYA, through the juvenile probation officer, will request that a permanency hearing be scheduled in applicable cases. There will be very few cases statewide that will require a permanency hearing.

**8. *Which forms should I use?***

Juvenile Court Programs has not developed statewide forms for juvenile delinquency cases, except with respect to aid and assist issues, and a notice of obligation to register as a sex offender.

Existing local forms can be modified to include the required findings. A form of permanency judgment is being developed as a cooperative project between OYA and Juvenile Court Programs, and will be sent to local courts when it is available.

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<sup>3</sup> 42 U.S.C. §672(f).