

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on May 1, 2014 by the Department of Human Services - Self-Sufficiency Programs, Administrative Rules Chapter 461 to become effective May 1, 2014 through October 28, 2014.

<u>Kris Skaro</u>	<u>Human Services Building, 500 Summer St NE - E48, Salem, OR 97301</u>	<u>(503) 945-6067</u>
Rules Coordinator	Address	Telephone

RULE CAPTION

Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients
Not more than 15 words that reasonably identify the subject matter of the agency's intended action.

RULEMAKING ACTION

ADOPT:

AMEND: 461-135-0407

SUSPEND:

ORS 411.060
Stat. Auth.

Other Auth.

ORS 411.060
Stats. Implemented

RULE SUMMARY

OAR 461-135-0407 about eligibility for contracted child care between Oregon Program of Quality (OPQ) providers and the Department, is being amended to add eligibility for children receiving TANF program benefits for placement in a contracted child care slot with an OPQ provider.

Authorized Signer

Robert Trachtenberg
Printed Name Date

A copy of the temporary rules can be accessed at the Self-Sufficiency Programs website:
http://www.dhs.state.or.us/policy/selfsufficiency/ar_search.htm

Note: Temporary rulemakings must be submitted by the 15th day of the month to be included in the next month's *Oregon Bulletin* and online *OAR Compilation* updates.

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Department of Human Services - Self-Sufficiency Programs
Agency and Division

461
Administrative Rules Chapter Number

In the Matter of: Amending OARs

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients

Statutory Authority: ORS 411.060

Other Authority:

Stats. Implemented: ORS 411.060

Need for the Temporary Rule(s):

OAR 461-135-0407 needs to be amended because children receiving TANF benefits are considered children at risk and are often in unstable situations with a high turnover in child care providers. Contracted child care slots allow the child protected eligibility for up to one year with the contracted OPQ program. Protected eligibility allows greater continuity of care, access to high quality child care programs, and may increase family stability and lessen stress due to uninterrupted access to child care. Longer periods of protected eligibility and streamlining eligibility across programs are included in Oregon's federally-approved State Plan for the Child Care and Development Fund.

Documents Relied Upon (and where they are available):

Sections 2.2.6, 2.5.2 and 2.6.2 of the CCDF State Plan at http://cms.oregon.gov/EMPLOY/CCD/Pages/state_plan.aspx

Justification of Temporary Rule(s):

The Department finds that failure to act promptly by amending OAR 461-135-0407 will result in serious prejudice to the public interest, the Department, and families currently in the TANF program. The rule needs to be amended May 1, 2014 to allow families receiving TANF the option to access high quality child care through contracted child care with OPQ programs and to receive protected child care eligibility in order to help increase family stability and positive family outcomes.

Authorized Signer

Robert Trachtenberg

Printed Name

Date

461-135-0407

ERDC; Children in Oregon Program of Quality Contracted Child Care; ERDC and TANF

- (1) ~~Prior~~ **Initial eligibility for the ERDC program (see OAR 461-135-0400) or the TANF program must be met prior** to receiving child care under a contract between an Oregon Program of Quality (OPQ) provider and the Department, ~~an ERDC filing group (see OAR 461-110-0350) must have met the eligibility requirements for the ERDC program (see OAR 461-135-0400).~~
- (2) Each of the following subsections apply when a *child* (see OAR 461-001-0000) in the ERDC ~~or TANF program programs~~ receives child care under a contract between an Oregon Program of Quality (OPQ) provider and the Department.
 - (a) The payment made by the Department on behalf of the *child* is made only to the OPQ provider. The *child* is ineligible for child care payments for care not provided under the contract between the OPQ provider and the Department.
 - (b) Once the Department makes a child care payment for the *child* under the contract, the *child* ~~is presumed to meet the ERDC program eligibility requirements~~ **may not lose child care benefits** until the next August 31, unless any of the following paragraphs apply:
 - (A) The *child* is no longer attending an OPQ contracted provider.
 - ~~(B) The caretaker (see OAR 461-001-0000) of the child has been found ineligible for ERDC program benefits under OAR 461-135-0415 for failure to make a copayment.~~
 - (EB)** The *filing group* (see OAR 461-110-0350) was found eligible because of inaccurate information provided to the Department or because information was withheld from the Department when eligibility was determined.
 - ~~(BC)~~ The *filing group* fails to meet the requirements of the agreement between the client and the OPQ provider.
 - ~~(E) The caretaker of the child is found ineligible for ERDC program benefits under OAR 461-160-0040(6), unless the caretaker is —~~
 - ~~(i) Continuing to actively seek employment (other than self-employment) during the hours the OPQ contracted child care program is operating; and~~
 - ~~(ii) Available to work (other than self-employment) during the operating hours of the OPQ provider.~~

(~~F~~D) The *caretaker* of the *child* voluntarily quits their job or causes their own dismissal, and does not meet the "good cause" criteria set out in OAR 461-135-0070(3).

(~~G~~E) The *caretaker* of the *child* enrolls in school, unless the *caretaker* is --

- (i) Continuing to actively seek employment during the hours the OPQ contracted child care program is operating; and
- (ii) Available to work during the operating hours of the OPQ provider.

(F) **In the ERDC program:**

(i) **The *caretaker* of the *child* has been found ineligible under OAR 461-135-0415 for failure to make a copayment.**

(ii) **The *caretaker* of the *child* is found ineligible due to self-employment (see OAR 461-160-0040(5)), unless during the operating hours of the OPQ contracted provider, the *caretaker* is –**

- a. **Continuing to actively seek employment (other than self-employment); and**
- b. **Available to work (other than self-employment).**

(G) **In the TANF program:**

(i) **The case closes due to disqualification (see OAR 461-130-0330); or**

(ii) **The *caretaker* is not actively participating in an open *case plan* (see OAR 461-001-0025).**

(3) Except as provided in section (4) of this rule, for any month in which a *child* is eligible to be served under a contract covered by this rule, the client's copayment is established under OAR 461-155-0150(12)(a).

(4) For any month in which a *child* in an OPQ contracted slot is eligible for and receiving TANF, the copay is zero.

Stat. Auth.: ORS 409.050, 411.060, 411.116, **412.049**

Stats. Implemented: ORS 409.010, 409.610, 411.060, 411.116, 411.121, 411.122, 411.135, **412.049**