

Topic:	Individuals Releasing from Oregon Department of Corrections Facilities
Date Issued/Updated:	June 16, 2022 v1

Overview

Purpose/Rationale: To assist Case Managers in understanding the responsibilities and processes for releases from Oregon Department of Corrections (ODOC) to a residential community placement.

Applicability: CDDP/Brokerages, Incarcerated adults with I/DD within the Oregon Department of Corrections

Description: When an individual, who is determined to be eligible for Intellectual and Developmental Disabilities (IDD) services, is incarcerated in a facility under the supervision of ODOC, the Case Management Entity (CME) is expected to coordinate services upon release from the institution, as requested by the individual. In some instances, the individual may not voluntarily accept services after release, *if this is the case, the efforts to offer services should be clearly documented.*

Referrals to residential services:

If an individual is incarcerated and preparing to be released, choice advising regarding all service options that will be available to the individual should occur. It is advised and recommended that this occurs about six months prior to the release date.

If the individual chooses residential services, as with other residential referrals the Case Management entity (CME) case manager should coordinate with the assigned Designated Referral Contact (DRC) to complete and send updated referral information to qualified providers, initially in the home county of the individual and then expanded regionally and statewide if there are no interested providers locally.

If the individual is receiving case management services from a Brokerage, it is recommended that the DRC with the Brokerage coordinates and communicates regularly with the Community Developmental Disabilities Program (CDDP) to discuss the individual moving into a residential home, discussing risk mitigation strategies and how to make the transition most successful.

It is important to note, that the individual may have had prior Social Security Income (SSI) benefits and/or Medicaid suspended or even closed while the individual is incarcerated. Beginning conversations about coordinating Medicaid and SSI applications while incarcerated, or for applications to occur on the date of release, will benefit coordination of care following release. The ODOC Release Counselor may support this application process for both SSI and

OHP Medicaid.

If the individual does not have SSI or Medicaid re-established while incarcerated, the discussions about supporting the individual with appointments as early as the date of release may be critical with any potential provider.

*** see additional Tips and things to remember for case managers below*

Communicating and coordinating with Parole and Probation:

It is important that **all** referrals to residential services are coordinated with the Community Corrections Parole and Probation Officer assigned. The Parole and Probation officer must approve any placement while the individual is under post release supervision. ODOC will be looking to release the individual back to the county where the individual resided. If the home county has no willing qualified providers available at the time of release, the CME should discuss the options with the Parole Officer, including potential alternative options in other counties. If the Parole Officer agrees that the individual can be placed in another county, they can then make the request to the Parole/Probation office in that county. The Parole Officer may request a waiver to have the individual supervised by another county Community Corrections office. However, the receiving Parole/Probation office must agree to accept the supervision. If accepted, the receiving county would maintain supervision of the individual for duration of the post release supervision and the home CME may then transfer the case management to the receiving county.

Procedure(s) that apply:

When an adult is not yet eligible for services:

If eligibility AND testing for DD eligibility and/or case planning is needed, testing may be done at the facility when a psychologist is identified who agrees to enter the facility and conduct testing before release. This should be coordinated by the CDDP (or Brokerage if coordinating evaluation for case planning) with the assistance of the Correctional Counselor. Once determined eligible for services the CDDP should provide choice advising regarding all service options that may be available for the individual and begin looking at resources to support the individual at release.

When an adult is eligible for services:

Generally, ODOC will contact a CDDP, when an AIC (individual) is approaching six months from a release date, to notify them that there is a adult in custody that will be releasing to their county and has an interest in receiving services. AICs are released to the county of conviction unless otherwise determined and approved by the parole board. ODOC then assigns the AIC a Correctional Counselor who will meet regularly with the AIC to identify any resources/supports within the institution that they may access prior to release. The assigned Correctional Counselor may assist the AIC as needed to complete and submit the application and appropriate releases of information if the AIC does not yet have eligibility established or needs to reapply to have services reopened.

For individuals who are eligible (or when they are eligible), the CME will need to coordinate and arrange for the completion of the Oregon Needs Assessment (ONA) and any other rate assessments while simultaneously planning for the authorization of an Individual Support Plan (ISP) so that services may be authorized or approved as soon as a release occurs.

If ODOC is unsure of a AICs eligibility or where they will be releasing to, they may contact ODDS. Should ODOC notify ODDS that an AIC is approaching six months from release, ODDS will assist the ODOC in connecting with the CDDP.

The CME should be sure to ask the Parole Officer some additional questions during case planning prior to release. Some questions to consider:

- What is the duration of the post release supervision?
- How often is the individual required to make contact with the Parole Officer?
- Is the individual required to register with the State Police?
- Are there any restrictions around being in the proximity of children or known victims?
- Requirements to work with the CDDP on obtaining placement?
- Any other special conditions required for the duration of the supervision?
- If medication coordination is needed, which health plan will the individual have or is there a Coordinated Care Organization that the individual will be enrolled into?

If the case manager has questions about coordination of care upon release, the case manager can contact the ODDS Field Liaison to request assistance or guidance around specific requirements for individual. If the individual is choosing residential services, the CDDP and the provider should have clear knowledge and understanding of the conditions required by the individual, this will assist the provider in supporting the individual to understand the conditions and encourage the individual to meet post-release expectations.

In summary:

1. ODOC reaches out to the CME,
2. ODOC and CME to begin the discussion of release planning,
3. If ODOC needs support in connecting with a CME, they will contact ODDS. ODDS will support ODOC with a connection to the appropriate CME.
4. CME completes Choice Advising, the ONA, SNAP, (ANA if applicable for in-home services) and ISP if applicable

Residential placement coordination:

If the individual chooses to live in a residential setting (foster home or 24-hour group home), the same processes should be followed as any other referral for residential services:

- The individual should receive choice advising on where they would like to live and the services they would like to receive.
 - It is important to know that the Parole Officer supervising the individual must agree on the placement for the duration of the post-release supervision.
 - During supervision the individual is still under the jurisdiction of the correctional system and must adhere to the release conditions and guidance of the assigned

- Parole Officer.
 - The Parole Officer may defer to the DD system but should be invited to be part of the ISP team and should always be consulted when placing or moving the individual while under post-release supervision.
 - At the end of the jurisdiction, choice advising should again be discussed to ensure that the individual's choice is honored.
- DRCs must explore all other available and qualified providers in the county of release. And then statewide if necessary and with permission by the Parole or Probation Officer.

When a Residential provider is identified:

The CME should contact the assigned ODOC Release Counselor who can assist in arranging visits with the new provider called "institutional visits" prior to release and any logistics of the day of release. If possible, the provider may also make arrangements to pick up the individual on release day. If no provider has been identified at the time of release, family members, friends or the case manager may arrange transportation. If transportation issues have been identified prior to release, the Parole officer may assist in identifying transportation support.

- On the day of release there may be appointments that the individual needs to attend as soon as possible:
 - Initial meeting with the Parole Officer (usually same day),
 - Social Security Administration (re-establish benefits) (if application was not coordinated while incarcerated);
 - Oregon Health Plan/ Medicaid (if application was not coordinated while incarcerated);
 - It will be important to request that eligibility is established on the date of release if the appointment is not on the same day. Medicaid may be back-dated up to 90 days.
 - Psychiatric or other provider if medication prescriptions will be needed
 - And in some cases, they may need to register with the State Police Sex Offender Registry.
- In situations where the individual's SSI benefits may be delayed, the provider should be advised of the situation prior to accepting the individual. Any agreement for Room and Board prior to SSA Benefits being available is an agreement between the individual (or representative payee) and the provider.
- CDDP may contact the ODDS Field Liaison at any time during the referral process to discuss concerns or changes to the plan at release.

Tips and things to remember:

1. **Pre-Release:**

- a. **SSI/OHP Benefits:** The Oregon Health plan (or Medicaid) and Social Security Income or benefits are not available to the individual until they are physically released from the institution. Working with the ODOC Release Counselor to apply for benefits prior to release will be beneficial upon discharge. The ODOC Release Counselor will send the SSI application to reinstate to the Social Security office in the county/city of release.
 - i. If benefits are not approved prior to release, at release the SSA will require the individual's institution identification to confirm identity or other

form of ID, and the release paperwork from the ODOC. OHP eligibility must be assured so that the provider will receive a service payment.

- b. **Service Rate and ISP authorization:** Some upfront work by the CME needs to happen prior to placement or sending referrals to prospective providers. Determining the service payment, using the ONA or SNAP must be completed for rate determination and as part of the residential referral process. These processes contribute to the ISP development which needs to be authorized on or before placement occurs.
 - c. **Medication and prescriptions-** The CME should work with the ODOC Release Counselor in obtaining records from the ODOC when necessary and available including current medication administration and if possible, a prescription for a one-time refill of any medication. If the CME needs support in obtaining ODOC information, including Medication Records they can request assistance from ODDS.
2. **Release without an identified provider:**
- b. After the local provider search is completed, and there are no available providers identified in the county of release the individual may need to access temporary placement through the community corrections in a post-release setting designed for adults releasing from ODOC. This must be coordinated with the correctional release counselor and the assigned Parole Officer from the county of release.
 - a. If the Parole Officer denies a move to another county, then they should be advised that there are no current IDD provider resources in the county of release. The Parole Officer has the final approval as to where the individual resides while under supervision. This means the individual may need to access post-release housing through the Community.

Frequently Asked Questions:

1. **Can a provider require an individual follow a court order?**

No. The conditions of parole are ordered to the individual and are required by the judicial system. The provider and ISP team should make every effort to support the individual to comply with the conditions, but they may not require specific conditions of the individual.

Enforcement of these conditions is the responsibility of the Parole Office. Compliance is the responsibility of the individual. Providers and the CDDP should report any known violations to the Parole Officer. Any new crimes should be reported to law enforcement as soon as possible.

2. **Can a SC require an individual to follow Parole Conditions?**

No. The conditions of parole are ordered to the individual and are required by the judicial system. The provider and ISP team should make every effort to support the individual to comply with the conditions, but they may not require specific conditions of the individual.

Enforcement of these conditions is the responsibility of the Parole Office. Compliance is the responsibility of the individual. Providers and the CDDP should report any known violations to the Parole Officer. Any new crimes should be

reported to law enforcement as soon as possible.

3. What if a provider gives involuntary notice to an individual – who needs to report to whom?

If the individual is still under post-release supervision, the assigned Parole Officer should be advised of the potential loss of placement.

The individual may choose to appeal the involuntary move-out

**NOTE- The Parole Officer cannot compel a provider to continue to serve an individual.

4. Who needs to know if an individual is missing for more time than the ISP permits?

If an individual under post-release supervision is unable to be located, the parole office should be notified as noted in the ISP with the parole officer in agreement.

5. How can I find the individuals Parole or Probation officers contact information?

A case manager can visit: <http://docpub.state.or.us/OOS/intro.jsf> to get the institutional case load contact information needed for the individual.

6. What additional forms should be kept with the ISP if any?

The ISP should reflect the supports provided to the individual to assist in complying with court orders.

EX: Court orders requiring the individual to attend Mental Health treatment 2x weekly during the parole jurisdiction; the ISP should reflect that the provider will offer transportation to the appointment in support of complying with treatment. Should the individual often choose not to attend treatment, the ISP may indicate what guidance and reminders the provider may offer to the individual in order to comply with court ordered conditions. The ISP should indicate any actions the provider should take when the individual chooses to refuse compliance with the court order and what documentation should occur when this happens. It is recommended that there is documentation when the individual refuses or cannot attend.

3. Does the provider have to keep any additional documentation related to court proceedings?

Parole conditions and any court orders for the individual should be retained in the individual's records.

4. Does the individual still retain choice when choosing services?

While a person is under jurisdiction of the community corrections, they should still be offered choice of services, however the Parole Officer may have the final say of where the person resides while on supervision, determining the risk to the community if present. In most instances, a conversation with the Parole Officer can help clarify that the individual having choice in the placement can be a benefit in a successful transition back into the community and supports the overall success of the transition from the ODOC.

For some ODOC releases additional conditions may apply:

Sex Offender registration at release from ODOC.

1. Best practices would be to support the individual in registering and then keeping

documentation about registration in the individuals' file along with recommendations and requirements specific to serving individuals with court ordered restrictions.

2. Retain all legal documentation in the individuals file for future reference and case planning.
3. Conditions on individuals (Sex Offender treatment, community service, Parole and Probation reporting etc.) and the legal expectations need to be documented clearly.
 - a. Persons who may have a history of sex offences but are not adjudicated may also attend treatments but may not be required to do so.
 - b. If the person wishes to attend treatment it must be their choice and not a condition of residence.
4. Treatment should be outlined in the ISP, including how to support the individual in getting to treatment, who will pay for treatment (OHP vs. Parole/probation vs. individual out of pocket, vs. ODDS exceptional payment).
 - a. Providers should not be paying for treatment or therapy
5. Pay close attention to the jurisdiction dates. The dates of the legal requirements may end the requirement during the middle of an ISP period. Necessary changes to the plan should reflect the new/or lack of further legal requirement.

Information regarding registered sex offender requirements and how this impacts service planning: (i.e., legal restrictions for individuals required to register but the court order has expired)

1. In the State of Oregon, many convicted sex offenders must register with the Oregon State Police Sex Offender Registration Unit. This information is provided to the public for general public safety and awareness.
2. Sex offenders in Oregon are classified in one of the following levels:
 - a. (1) A level one sex offender who presents the lowest risk of reoffending and requires a limited range of notification.
 - b. (2) A level two sex offender who presents a moderate risk of reoffending and requires a moderate range of notification
 - c. (3) A level three sex offender who presents the highest risk of reoffending and requires the widest range of notification.

Timelines for registration:

Offenders must register within 10 days following discharge, release on parole, post-prison supervision or other supervised or conditional release

1. Additional reporting requirements:
 - a. Within 10 days (up to 10 days before and up to 10 days after) the offender's date of birth.
 - b. Within 10 days of any address change (includes a move out of state).
 - c. Within 10 days of starting employment or vocation at an institute of higher education.
 - d. Within 10 days of stopping/changing employment or vocation at an institute of higher education.
 - e. Within 10 days of starting enrollment/attendance at an institute of higher education.
 - f. Within 10 days of stopping/changing enrollment/attendance vocation at an institute of higher education.
 - g. No later than 10 days of arrival in Oregon if offender has just moved to Oregon

Form(s) that apply:

Adult Residential Services Referral (form de4123)
Referral Checklist (form 2720)
Release of Information

Definition(s):

AIC- Adult in Custody. Only applicable while in the institution.

Community Corrections- County Parole and Probation Offices within the County of release responsible for post release supervision and reporting to the Parole Board.

Offender Registration- Applicable to AICs releasing with requirements to register with the Oregon State Police Sex Offender Registry.

Reference(s):

Oregon State Police Sex Offender Registry Section
Phone: (503)-934-1258 Sexoffender.Questions@osp.oregon.gov

Department of Corrections – Oregon Offender Search
<http://docpub.state.or.us/OOS/intro.jsf>

Contact(s):

Name: ODDS Field liaison

Phone: Email: ODDS.FieldLiaison@dhsosha.state.or.us