

OREGON DEPARTMENT OF HUMAN SERVICES
OFFICE OF CHILD WELFARE PROGRAMS

CHAPTER 413
DIVISION 310

FINANCIAL MANAGEMENT

Amended 01/01/2024

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Erroneous Payments Based on Error or Fraud

413-310-0200

Purpose

(Amended 09/06/2000)

These rules describe SOSCF's procedures for handling payments made by SOSCF which are in error or result from fraudulent acts committed by service providers and subcontractors of service providers contracting with SOSCF, persons working under personal service contracts with SOSCF, or SOSCF employees.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 293.235 -293.245

413-310-0210

Definitions

(Amended 09/06/2000)

- (1) "Fraud": Intentional acts, claims, statements, or payments resulting in misrepresentation and/or willful withholding of material facts for the purpose of deceiving.
- (2) "Unintentional Error": Errors in payments or billings made without intent to deceive.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 293.235 - 293.245 & 42 CFR 433

413-310-0220

Unintentional Error

(Amended 09/06/2020)

In instances of unintentional error, SOSCF will report the details of the inappropriate payment to SOSCF Collections Unit for review. The Collections Unit will establish an account receivable and collect from future payments or prepare a billing invoice.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 293.235 - 293.245 & 293.265

413-310-0230

Fraud or Willful Deception

(Amended 06/09/2000)

- (1) Any employee who becomes aware of what appears to be a payment based on incorrect or fraudulent information shall notify his/her supervisor immediately. The worker and supervisor having responsibility for payment will determine whether the payment was based on incorrect information.

- (2) If it appears that fraud may be involved, a referral for investigation will be immediately forwarded to the SOSCF Assistant Administrator of Management Operations who will notify the Administrator.
- (3) In instances involving potential fraud, it is not appropriate to follow the chain of command since that can interfere with the investigation.
- (4) If the investigation of the referral can best be accomplished by an audit, the Assistant Administrator of Management Operations will refer all or part of the investigation to the SOSCF Management Operations Audit Unit.
- (5) The client, claimant, or payee shall not be contacted unless directed by Management Operations or a law enforcement agency to do so.
- (6) The Audit Unit will begin the investigation immediately. If sufficient documentation establishes fraud, referral will be made to the appropriate agencies.
- (7) The Audit Unit investigation is intended to either clear any suspicion of wrongful action or, if needed, result in subsequent referral for recovery of improperly expended funds and possible prosecution.
- (8) At all times the civil rights and personal liberties of a person who is suspected of fraudulent activities or willful deception to obtain services or payments will be protected.
- (9) When incorrect information has been provided which affects the payment or when a client or provider is unwilling to resolve the incorrect payment problem, the division may terminate services, or terminate the contract. The decision whether to terminate service or the contract will be made by the regional administrator or assistant administrator responsible for the program.

Stat. Auth.: ORS [418.005](#)

Stats. Implemented: ORS 293.235 - 293.245

413-310-0235

Referral to Other Agencies

(Amended 06/09/2000)

- (1) The Chief Financial Officer of the Department of Human Services (DHS) Financial Services Section will be responsible for coordinating the investigation of fraud committed by an agency employee or designated non-state employee who has been entrusted with the custody of funds or property or has been an accomplice to financial fraud.
- (2) SOSCF Assistant Administrator of Management Operations will be responsible for coordination of the investigation of fraud committed by an individual or organization external to the agency, such as a client. Examples include fraudulent reporting and eligibility fraud.

(3) Those coordinating the investigation are responsible for notifying the following parties, as appropriate:

- (a) The Director of DHS;
- (b) DHS Collections Unit (to collect from future payments or prepare invoice for contracted providers);
- (c) DHS Communications (to handle all media inquiries);
- (d) DHS Human Resources/Organization Development (when SOSCF employees are involved);
- (e) DHS Internal Audit Director;
- (f) Department of Justice (for administrative recovery);
- (g) Department of Justice Medicaid Fraud Unit (for funds established by Title XIX of the Social Security Act);
- (h) Oregon State Police (when criminal intent is suspected);
- (i) Secretary of State Audits Division (within 30 days of the beginning of the investigation);
- (j) Department of Administrative Services Risk Management (within 30 days of the beginning of the investigation).

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 293.235

413-310-0240

Employee Responsibility

(Amended 09/06/2000)

- (1) It is the responsibility of each employee of the division to be alert to the possibility of incorrect payments.
- (2) It is the responsibility of all supervisors to insure that each employee is aware of this responsibility and that proper internal controls are enforced to limit agency risk.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 293.235 - 293.245

Uncollectible Accounts Receivable

413-310-0300

Purpose

(Amended 12/29/)

These rules describe the actions which will be taken by the State Office for Services to Children and Families Accounting Services Section when “writing off” accounts receivable balances owed to the agency.

Stat. Auth.: HB 2004

Stats. Implemented: ORS 293.235 & 293.240

413-310-0310

Criteria for Determining Amounts Owed

(Amended 12/29/1995)

- (1) The State Office for Services to Children and Families will follow ORS 293.235, 293.240 and the criteria established by the Secretary of State and the Attorney General of the State of Oregon for determining and certifying accounts owed as uncollectible.
- (2) Accounts to be written off are submitted to the Secretary of State subject to the following requirements:
 - (a) The debt must exceed \$5 plus any interest or penalties thereon;
 - (b) The agency must ascertain, after appropriate inquiry that the debtor has no money or other assets that can be credited to his obligation;
 - (c) The agency must determine that one of the determinations listed in OAR 413-310-0320 is applicable to the debt;
 - (d) The agency will assign the debt to the Department of Revenue upon approval for write-off by the Secretary of State.

Statutory/Other Authority: HB 2004

Statutes/Other Implemented: ORS 293.235 & 293.240

413-310-0320

Determinations for Write Off

(Amended 12/29/1995)

One of the following determinations of uncollectibility must apply to each debt submitted for write off:

- (1) The cost of collection is not economically feasible.
- (2) The debtor is dead and his/her estate has no assets from which money could be collected.
- (3) The debtor is an inactive or dissolved corporation and there are no assets from which money could be collected.
- (4) The debt has been filed and discharged as a result of the debtor's bankruptcy proceeding.
- (5) The SOSCF has not been able to locate the debtor or any of the debtor's assets in Oregon.
- (6) The SOSCF, after repeated attempts, has been unsuccessful in collecting the amount due. Expenditures for further attempts would not be justified.
- (7) The legal adviser to the SOSCF has reported that the debt is legally uncollectible or that collection is not economically feasible.
- (8) The SOSCF has obtained judgment liens and has exerted every effort to collect for the past 10 years without significantly reducing the money due.
- (9) After assigning the account to the Department of Revenue under ORS 293.250, the department has determined the account to be uncollectible or the costs of collection to be economically unfeasible.

Stat. Auth.: HB 2004

Stats. Implemented: ORS 293.235 & 293.240

Recovery of Overpayments

413-310-0350

Request for Family Support Services

(Amended 12/14/2000)

These rules describe SOSCF's procedures for handling the collection of overpayments to contracted providers of child care and treatment services, and for granting Administrative Reviews and hearings in contested cases. Contested case hearings of SOSCF are conducted in accordance with the Attorney General's Model Rules OAR 137-003-0501 and the following, entitled "Model Rules of Procedure for Contested Cases"; Hearing Officer Panel Rules.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 293.250 - 293.260

413-310-0355

Definition

(Amended 12/14/2000)

"Overpayment" is defined for purposes of these rules as a payment for child care or treatment services and for related services to a family made by SOSCF, on behalf of a client, that either is paid to an ineligible provider or that exceeds the amount authorized by terms of the contract, SOSCF policies and rules, or law. An overpayment includes payments where a service provider is paid:

- (1) Beyond an authorization date or contract end date;
- (2) In excess of what is authorized;
- (3) For services not provided;
- (4) For services not meeting policy criteria;
- (5) Under circumstances of Erroneous Payments Based on Error or Fraud described in OAR 413-310-0200 through 0240.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 293.250 - 293.260

413-310-0360

Policy

(Amended 12/14/2000)

- (1) In instances of overpayment as defined above, SOSCF will initiate action to recover money inappropriately paid out.
 - (a) When an overpayment is discovered, notice will be sent to the service provider in writing stating that deductions will be made from future payments and that if the provider is no longer receiving payments from SOSCF, the provider is directed to refund the overpayment. The notice will direct the provider to call a specified person(s) in the DHS Accounting Services office at a listed phone number to establish a repayment schedule or to discuss details of the issue, including contesting the SOSCF claim of overpayment.
 - (b) If the provider is no longer receiving payments from SOSCF, or the overpayment amount is larger than remaining payments, and if satisfactory resolution is not reached through the personal contact described above, a billing process will be initiated.
 - (c) In the billing process, an invoice along with a letter explaining the circumstances of the overpayment and payment options is sent to the service provider. This letter gives 30 days to make repayment in full, or to request to make mutually agreeable

installment payments, or to appeal for a review or hearing as described in paragraphs (3) and (4) below.

- (d) If after the 30 days, a satisfactory response is not received, SOSCF will send a second notice with a copy of the invoice and explanations, again asking for payment in 30 days. If satisfactory response is still not received, SOSCF will send a final notice requesting payment in full by the end of 30 days. The final notice will state that if payment is not received in full by the end of the 30 days, the case will be referred to the Department of Revenue for collection in accordance with ORS 293.250–293.260, or to a private collection agency.
- (2) With the first billing notice (see (1)(b) & (c) above) to the service provider that an overpayment is to be repaid, SOSCF will include information on appealing the SOSCF claim for repayment in an Administrative Review by the SOSCF Administrator or designee, as well as a Contested Case Notice informing the provider of rights to a hearing as described in OAR 137-003-0505, failing resolution in the Administrative Review.
- (3) The service provider will have 30 days following notice of an overpayment (see (1)(a) above) to request an Administrative Review by the SOSCF Administrator or designee. This Administrative Review will be a required step prior to the provider requesting a contested case hearing described in (4) below.
- (4) The service provider will have 30 days following the conclusion of an Administrative Review and issuance of a decision to appeal the finding in a contested case hearing before a hearing officer from the Hearing Officer Panel of the Oregon Employment Department. The proceedings shall be conducted pursuant to OAR 137-003-0501 to 137-003-0700.
- (5) A contractor may request an Administrative Review or a hearing before a hearing officer from the Hearing Officer Panel to contest the finding that an overpayment exists for the following reasons:
 - (a) To contest the finding that an overpayment exists;
 - (b) To contest the extent and amount of the overpayment to be repaid; or
 - (c) To contest the terms for repayment.
- (6) Upon receipt by SOSCF of a formal request for an Administrative Review or for a hearing as described in (3) and (4) above, any withholding of otherwise appropriate contract payments may be discontinued pending the outcome of the review or hearing.

Statutory/Other Authority: ORS [418.005](#)

Statutes/Other Implemented: ORS 293.250 - 293.260

Trust Accounts

413-310-0410

Definitions

(Amended 01/01/2024)

- (1) “Cost of care” means services provided to meet the needs of a child or young adult, which includes, but is not limited to, food, shelter, clothing, medical care, schooling, protection and supervision.
- (2) “Child Support Program (CSP)” means the entities responsible for receiving and recording support money paid by an obligor and the transferring of aid money to the proper representative payee. CSP includes both District Attorney offices and the Division of Child Support under the Department of Justice.
- (3) “Division of Child Support (DCS)” means the division in the Department of Justice responsible for enforcing the child support obligation of parents.
- (4) “Financial Accountings” means a detailed accounting of all money spent by the Department on behalf of a child or young adult and the amount of trust money, by funding source, reimbursed to the Department for these items.
- (5) “Financial Application ” means an electronic information system process of reducing unreimbursed cost of care balance with a child or young adult’s Trust Account Maintenance, interfacing a balanced transaction, which reduces the trust account balance of the child or young adult while also reducing the agency’s unreimbursed cost of care expenditures.
- (6) “Legal Custody” means:
 - (a) A person or the Department has legal authority:
 - (A) To have physical custody and control of a child or young adult;
 - (B) To supply the child or young adult with food, clothing, shelter and other necessities;
 - (C) To provide the child or young adult with care, education and discipline; and
 - (D) To authorize medical, dental, psychiatric, psychological, hygienic or other remedial care or treatment for the child or young adult, and in an emergency, where the safety of the child or young adult appears urgently to require it, to authorize surgery or other extraordinary care.

- (b) Legal custody includes temporary custody of a child or young adult under an order of temporary custody or commitment from a juvenile court pursuant to ORS 419B.231 through 491B.237 and 419B.328 through 419B.337.
- (7) "Maintenance Cost" means a payment to the foster parent or relative caregiver for the costs of providing the child or young adult with the following:
 - (a) Food, including the special or unique nutritional needs of the child or young adult;
 - (b) Reasonable clothing, including purchase and replacement;
 - (c) Housing, including maintenance of household utilities, furnishings and equipment;
 - (d) Daily supervision, including teaching and directing to ensure safety and wellbeing at a level appropriate for the chronological age of the child or young adult;
 - (e) Personal incidentals, including personal care items, entertainment, reading materials and miscellaneous items; and
 - (f) Transportation, including gas, oil and vehicle maintenance and repair costs for local travel associated with providing the items listed above and transportation to and from extracurricular, child care, recreational and cultural activities.
- (8) "Oregon 529 Savings Network" means an Oregon state sponsored 529 Plan designed to cover qualified educational expenses.
- (9) "Paid Placement" means the home or facility utilized by the Department to provide care for a child or young adult where there is a cost to the agency.
- (10) "Pass-Through" means the process of forwarding benefits by the Department to a non-paid caretaker.
- (11) "Pre-adoptive family" means an individual or individuals who:
 - (a) Have been selected to be the adoptive family of the child; and
 - (b) Is in the process of legalizing the relationship to the child through the judgment of the court.
- (12) "Representative payee" means an individual or organization selected by the SSA or other federal entity to receive benefits on behalf of a beneficiary.
- (13) Social Security Benefits means benefits authorized by Title II of the Social Security Act, including retirement, survivors', and disability insurance. Title II benefits are based on the earnings of an individual who has paid Federal Insurance Contributions Act (FICA) tax for a specified period of time. The beneficiary's income or assets do not affect eligibility.

- (14) "Special Account Money" means a sub-section of a trust account for a child or young adult to receive money intended for the extra personal needs of a child or young adult.
- (15) "Supplemental Security Income" (SSI) means benefits paid by the SSA under Title XVI to adults and children under age 18 who have limited income and resources and can receive payments based on disability or blindness.
- (16) "Support Arrearages" means the amount of unpaid support which has been established by court order or voluntary agreement for the purpose of maintaining a child or young adult.
- (17) "Termination of Custody" means the relinquishment of Department custody as a result of a court order, emancipation through attaining legal age, marriage, retraction of voluntary commitment or legal adoption.
- (18) "Trial Reunification" means when the agency maintains custody but places the child at home with a potential guardian. Also referred to as a non-paid placement.
- (19) "Oregon Uniform Transfer to Minors Act" (UTMA) allows title to property to be passed to a child by use of custodian.

Stat. Auth.: ORS 416.820, 418.032, 419B.400 - 419B.406, ORS 409.050

Stats. Implemented: ORS 416.820, 418.032, 419B.400 - 419B.406

413-310-0430

Maintenance Account

(Amended 01/01/2024)

Moneys intended for the child's cost of care, may be deposited in the maintenance account. The maintenance account must reflect the earned interest. The SSI benefits must be used to provide a child or young adult with current needs such as food, clothing, housing, medical care, and personal comfort items, or, for reasonably foreseeable needs. The CBU and the child's or young adult teams have the discretion to spend any remaining balances in the account according to the current SSA guidelines of using SSI funds.

- (1) The ability of Department to save a substantial part of the Supplemental Security Income (SSI) benefit may be an indication that the beneficiary's needs are not being met or that the beneficiary may have income or resources that would affect their eligibility for SSI benefits.
- (2) Money deposited in the maintenance account must be segregated by source, including the corresponding interest earned. Money may be received from, but is not limited to an individual, state, federal or private agency and it used to support that child or young adult while in Department custody.
- (3) A financial application must be made against the maintenance account for the maintenance costs the Department has expended for that child or young adult. Any balance remaining in the account must be used for current or future costs paid by the

Department for that child or young adult. These cost of care expenses include, but are not limited to clothing, school expenses and medical needs not covered by Medicaid.

Stat. Auth.: ORS 416.820, ORS 418.032, ORS 419B.400 - 419B.406 & ORS 409.050

Stats. Implemented: ORS 416.820, ORS 418.032 & ORS 419B.400 - 419B.406

413-310-0440

Special Account

(Amended 01/01/2024)

Money received for a child or young adult that has been identified for a specific purpose other than maintenance must be deposited into a Special Account.

Stat. Auth.: ORS 416.820, ORS 418.032, ORS 419B.400 - 419B.406 & ORS 409.050

Stats. Implemented: ORS 416.820, ORS 418.032 & ORS 419B.400 - 419B.406

413-310-0460

Obtaining Money on Behalf of a Child or Young Adult

(Amended 01/01/2024)

(1) Federal Benefits.

- (a) The Department must file an application for it to become the Representative Payee on behalf of a child or young adult in the legal custody of the Department. Application for Social Security Administration benefits (SSA), Supplemental Security Income (SSI), Veteran's benefits (VA), Railroad Retirement benefits (RRB), or other similar recurring benefits must be filed with the payor organization on behalf of the Department using the local Child Welfare office as a mailing address.
- (b) The Department must remain the Representative Payee for a child or young adult until the Department's custody is dismissed by the courts. A resource parent may not be the payee for a child or young adult benefits while receiving foster care funds to avoid overpayment.

(2) Court Ordered Support, Child Support Program (CSP):

- (a) For specific information regarding when child support is collected for a child or young adult in the care and custody of the Department please refer to OAR 413-100-0800 – 0820.
- (b) Child support received by the Department will be deposited into the Maintenance Trust account and used for the child or young adults' current cost of care or future costs.

(3) Voluntary Payments:

- (a) Money sent voluntarily by the family, relative or friends directly to the Department for support of a child or young adult in the Department's custody must be identified as support for the child or young adult and must be credited to the special account;
- (b) Money that has been designated for a specific purpose must be credited to the special account.

(4) Interest:

- (a) Trust Accounts accrue interest monthly based upon earnings made by the State Treasurer's Office on investment of all trust money held;
- (b) Interest is posted to each Trust Account, by source, based upon the daily balance in each account. Interest earned on Maintenance Account Sources is available for current cost of care. Special account interest is available for the needs of the child or young adult or special purposes as identified by the donor.

Stat. Auth.: ORS 416.820, ORS 418.032, ORS 419B.400 - 419B.406 & ORS 409.050

Stats. Implemented: ORS 416.820, ORS 418.032 & ORS 419B.400 - 419B.406

413-310-0470

Use of Money Available for a Child or Young Adult

(Amended 01/01/2024)

A child's benefits may be deposited in a Maintenance Account or a Special Account. The type of account determines how the money may be used.

(1) Maintenance Account:

- (a) SSI may be deposited in the maintenance account.
- (b) Child support may be deposited in the maintenance account.
- (c) Money in the maintenance account is available to provide for the current needs of the child or young adult as determined by the Children's Benefit Unit (Representative Payee).
- (d) Retroactive Lump Sum Benefits needs to be reduced within nine months from the date of the deposit. The CBU will work with child or young adult's team to determine current or reasonably foreseeable needs. Any remaining benefits must be conserved by using an ABLE account.
- (e) An individual's Personal Incidental Funds (PIF) must be transferred into a special account or paid directly to the child or young adult's current resource parent. The PIF must be used for items chosen by the child or young adult or approved by the

child's team for the child's benefit. A child's personal spending must not be used to purchase items that are the responsibility of ODHS and the resource parent.

- (A) Resource parent must submit all receipts to the agency for any purchase expenditure of PIF made on behalf of the child/young adult that exceed \$10.00. The receipts must be submitted within 30 days of the expenditure.
- (B) If there are any PIF funds left unused when/or if the child/young adult has moved, the resource parent required return the funds to the agency. The payment should be made by mailing a check to the CBU unit.

(2) Special Account:

- (a) All Social Security Benefits under Title II must be deposited in the special account. The department may make distributions from a special account for expenditures related to the personal needs of the child, including:
 - (A) Tuition, tutoring and training, including the costs of application fees, books, equipment and testing.
 - (B) Transportation to work or training or to maintain family connections.
 - (C) Travel for educational or leisurely purposes.
 - (D) Expenses related to the child's transition into adulthood.
 - (E) Technology.
 - (F) Clothing or supplies for special events typical for a person of the child's age and culture.
 - (G) Instruments, books, supplies, fees and equipment to support the child in pursuing hobbies, sports, the arts and other special skills.
 - (H) Acquisition of a vehicle and insurance.
 - (I) Restitution payments imposed on the child or young adult but distribution is limited to the interest earned on the special account moneys.
- (b) Personal Incidental Funds (PIF).
- (c) Money deposited in the special account may be designated for a specific purpose. When money is expended for the specified purpose, documentation must be maintained in the child's case file. Money from the child or young adult's special account must not to be used for cost of care covered by the maintenance account.

- (d) A child or young adult may enter the Department's custody with money in their possession these funds must be deposited in the child's special account.
- (e) Any benefit or support (OAR 413-310-0460) received in excess of the monthly maintenance costs may be deposited into the special account, if the Department determines that to be in the best interest of the child.
- (f) Any distribution from the Special Account must be approved by the Children's Benefit Unit, which will consider what is in the best interests of the child according to Social Security policy.
- (g) Before the Department first uses any of the following options to hold the funds of children in the Department's custody, the Department will discuss with the State Treasurer the relevant fiduciary considerations. The Department will base the decision to use any of the following on what is in the best interests of each child.
 - (A) Achieving a Better Life Experience (ABLE) Accounts: The ABLE Act enables people with disabilities to have savings accounts while receiving benefits.
 - (i) Money deposited in an ABLE Account may be used to pay for disability related expenses, in support of efforts to maintain health, independence and quality of life.
 - (ii) Except as required by federal law, the Department may not seek payment under ORS 416.350 (Recovery of medical assistance) or section 529A(f) of the Internal Revenue Code from amounts in an ABLE account or from amounts transferred from an ABLE account.
 - (iii) Upon the death of the designated beneficiary, funds remaining in the ABLE account, after payment of all outstanding qualified disability expenses, must be used to reimburse the State for Medical Assistance (Medicaid) benefits received by the designated beneficiary, if the State files a claim for reimbursement.
 - (B) Oregon Uniform Transfers to Minors Act is custodial accounts that allows title to property to be passed to a child by use of custodian.
 - (C) "Oregon 529 Savings Network" means an Oregon state sponsored 529 Plan designed to cover qualified educational expenses.
 - (D) A trust that names the child as the sole beneficiary; or
 - (E) Any other privately held account.

(3) Social Security Income:

- (a) Asset Limitation.
 - (A) Eligibility for SSI benefits is to be suspended any time the assets of a child or young adult's Department Trust Account reach the following balance on the first day of a calendar month: beginning 1-1-89 — \$2,000;
 - (B) Exceptions to the limit are:
 - (i) Lump sum benefits received from Social Security Administration for back SSI benefits. The agency is allowed nine months to reduce the trust balance below the asset limitation.
 - (ii) A dedicated account is opened and maintained for certain large past-due benefits covering more than six months of the current SSI benefits for eligible child under 18 only.
 - (iii) Funds in a separate irrevocable Trust Account, including ABLE Accounts.
 - (iv) Court ordered support.
 - (C) Any SSI money received after reaching the limitation must be returned to the Social Security Administration until the asset limitation is reduced below the limitation and SSI has completed a re-evaluation and reinstated the grant.
- (b) The Department must monitor Maintenance or Special Accounts to determine if the child or young adult's trust is reaching the above described limits.
- (c) Support Not Considered Income for SSI. Court ordered support to satisfy the state debt incurred when a child or young adult is in a Department paid placement may not be considered income to a child or young adult for SSI benefit determinations;
- (d) Placement with Parent. When a child is placed with the parent(s) on a trial basis, Social Security Administration must be notified by the Department. A financial redetermination by the Social Security Administration of SSI eligibility will be made based upon the parent's income and resources. If the redetermination finds the child eligible for SSI benefits and the money is required to meet the child's current needs, the Department may pass through the SSI benefits to the parent(s) after reviewing the household income and resources.
- (e) When the Department's custody of the child or young adult is dismissed, the Department will no longer act as the representative payee for the child or young adult and will withdraw its payee application with Social Security Administration.

- (f) If the child moves to a paid placement from a trial reunification, the Department will end pass-through payments and resume deposit of the funds into a maintenance account.

(4) Social Security Benefits:

- (a) Social Security benefits authorized by Title II of the Social Security Act, including retirement, survivors', and disability insurance.
- (b) SSB will be used for the child determined by the child's team and CBU.

(5) Placement:

- (a) Placement with Parent or Non-Paid Provider. When a child is placed with their parent(s) or a non-paid provider on a trial reunification basis, the Social Security Administration must be notified by the Department. The Department will pass through the monthly SSB amount to the parent or non-paid provider until custody is dismissed or the child comes back into a paid placement.
- (b) When the Department's custody of the child is dismissed, the Department will no longer act as the representative payee for the child or young adult and will withdraw its payee application with Social Security Administration.
- (c) If the child moves to a paid placement from a trial reunification, the Department will end pass-through payments and resume depositing of funds into a special account.
- (d) Young Adult. When a child turns 18, it is at the discretion of CBU and the young adult's team to determine if the conserved SSB funds should be sent to the young adult directly or to the Social Security Administration.

Stat. Auth.: ORS 416.820, ORS 418.032, ORS 419B.400 - 419B.406 & ORS 409.050

Stats. Implemented: ORS 416.820, ORS 418.032 & ORS 419B.400 - 419B.406

413-310-0480

Transfer of Money Between Maintenance and Special Trust Accounts

(Amended 01/01/2024)

Money may be transferred between the maintenance and special accounts with appropriate managerial approval.

Stat. Auth.: ORS 416.820, ORS 418.032, ORS 419B.400 - 419B.406 & ORS 409.050

Stats. Implemented: ORS 416.820, ORS 418.032 & ORS 419B.400 - 419B.406

413-310-0490
Financial Accounting
(Amended 04/01/2022)

- (1) Financial accountings are required on all cases where a client was in a paid placement. This is required even if no money was received into the child's Trust Account from any source during placement with the Department.
- (2) Financial records retention, pre-adoptive family or adoption status:
 - (a) For children in in a pre-adoptive family or whose adoption has been finalized, retain all financial records until the financial accounting has been completed.
 - (b) When the adoption is finalized, all financial documents must be removed from the record and held in a separate file. This file is to be retained per the Department retention schedule.

Stat. Auth.: ORS 416.820, ORS 418.032, ORS 419B.400 - 419B.406 & ORS 409.050
Stats. Implemented: ORS 416.820, ORS 418.032 & ORS 419B.400 - 419B.406

413-310-0500
Clearing a Trust Account
(Amended 01/01/2024)

- (1) When a child or young adult whose custody from the Department is terminated, the funds available in the Trust Account must be disbursed and the account is inactivated.
- (2) Maintenance Account. Where there is any balance in the Maintenance Account, the Department must determine whether the balance represents money received while the child or young adult was in care and whether it should have been used to offset the cost of care.
- (3) If a child or young adult has had interim financial accountings prepared, the closing financial accounting will only have to cover the period not covered by the interim accountings.
- (4) A child or young adult may request further explanation of application and the final accounting by notifying the Children's Benefit Unit.

Stat. Auth.: ORS 416.820, ORS 418.032, ORS 419B.400 - 419B.406 & ORS 409.050
Stats. Implemented: ORS 416.820, ORS 418.032 & ORS 419B.400 - 419B.406

413-310-0510

Unclaimed Trust Account Balances

(Amended 04/01/2022)

In accordance with the Uniform Disposition of Unclaimed Property Act of 1957 (ORS 98.302–98.436) the Department must:

- (1) Identify each account which has been “unclaimed” and abandoned two years from the date Department custody was terminated.
- (2) Every year from June 30 until November 1, unclaimed Trust Account balances will be cleared and disbursed to the Department of State Lands.
- (3) If the notice is returned because the child or young adult has moved leaving no forwarding address or the 30 days has elapsed without a response, the Department must resolve the balance by sending the balance to the Department of State Lands.

Stat. Auth.: ORS 416.820, ORS 418.032, ORS 419B.400 - 419B.406 & ORS 409.050

Stats. Implemented: ORS 416.820, ORS 418.032 & ORS 419B.400 - 419B.4