Chapter 411

1989 EDITION

Adult and Family Services; General Assistance

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DEFINITIONS

411.010 Definitions. As used in this chapter and in other statutes providing for assistance and services to needy persons, unless the context or a specially applicable statutory definition requires otherwise:

(1) "Division" means the Adult and Family Services Division.

(2) "General assistance" means assistance or service of any character provided to needy persons not otherwise provided for to the extent of such need and the availability of funds, including medical, surgical and hospital or other remedial care and costs of burials of needy persons.

(3) "Public assistance" means all types of assistance including old-age assistance, aid to dependent children, aid to the blind, general assistance, aid to the permanently and totally disabled, medical assistance and such other functions as may be delegated to the administrator by or in accordance with the provisions of federal and state laws. [Amended by 1961 c.620 §1, 1963 c 599 §1, 1965 c 556 §15; 1969 c 597 §228; 1971 c 779 §7, 1973 c 464 §1]

Note: Section 4, chapter 713, Oregon Laws 1989, provides

Sec. 4. Notwithstanding ORS 411 010 and 413 029, the funds appropriated by this Act shall not be used to meet the costs of burials

ADULT AND FAMILY SERVICES ADMINISTRATION

411.040 Adult and Family Services Division. The Adult and Family Services Division is established. The division consists of the Assistant Director for Adult and Family Services, employees of the division necessary to carry out the functions of the division and the Public Welfare Review Commission established under ORS 411.125. [1969 c 597 §227, 1983 c 740 §140]

411.050 [Amended by 1969 c.314 §34; repealed by 1969 c 597 §281]

411.060 Division as state agency for public assistance. Subject to ORS 417.300 and 417.305, the Department of Human Resources through the Adult and Family Services Division shall administer and supervise all public assistance programs and adopt and enforce such rules as are necessary to assure full compliance with the terms of federal and state laws. [Amended by 1969 c.597 §229, 1971 c.319 §8; subsection (2) enacted as 1971 c.779 §72, 1977 c 267 §17, 1989 c 834 §15]

411.062 When bilingual services required. (1) When the caseload of a division branch office consists of 35 or more non-English speaking households which share the same language, the division shall provide at that branch office written materials in that language and access to a bilingual assistance worker or caseworker fluent in both that language and English.

(2) As used in this section:

(a) A "non-English speaking household" is a household that does not have an adult member who is fluent in English.

(b) "Written materials" includes all forms, notices and other documents which the division provides to any English-speaking client for the establishment, maintenance and explanation of eligibility for public assistance.

(3) The Personnel Division of the Executive Department shall recruit qualified individuals and shall maintain lists of such individuals for purposes of meeting the requirements of this section and ORS 411.064. [1979 c 834 §2]

Note: ORS 411 062 was enacted into law by the Legislative Assembly and was added to or made a part of ORS chapter 411 but was not added to any series therein by legislative action See Preface to Oregon Revised Statutes for further explanation.

411.064 Implementation of bilingual services. In carrying out its duties pursuant to this section and ORS 411.062, the Adult and Family Services Division may fill the required positions through attrition of staff employed by the division on October 3, 1979. [1979 c 834 §3]

Note: ORS 411 064 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 411 or any series therein by legislative action See Preface to Oregon Revised Statutes for further explanation

411.070 State-wide standards for public assistance. The Adult and Family Services Division shall by rules and regulations fix state-wide uniform standards for all public assistance programs and effect uniform observance thereof throughout the state. In establishing state-wide standards for public assistance, the Adult and Family Services Division, within the limits of available funds, shall take into consideration all basic requirements for a standard of living compatible with decency and health, including food, shelter, clothing, fuel, public utilities, telecommunications utilities, medical care and other essential items and, upon the basis of investigations of the facts, shall provide budgetary guides for determining minimum costs of meeting such requirements. [Amended by 1955 c.613 §1; 1969 c 597 §229a, 1971 c.779 §8; 1987 c.447 §129]

411.080 [Amended by 1969 c 597 §230; repealed by 1971 c.319 §11]

411.090 Reports. The Adult and Family Services Division shall make such reports and in such detail in relation to its receipts and disbursements of funds and its actions and transactions at such times as may be required by the Governor and by the Federal

Government or any of its agencies. [Amended by 1969 c.597 §231]

411.095 Procedure for hearings, rules, orders. (1) Where the Adult and Family Services Division conducts a hearing pursuant to ORS 416.010 to 416.270, 416.310 to 416.340 and 416.510 to 416.830 and 416.990 or the Adult and Family Services Division proposes to refuse, suspend or revoke a grant of general assistance or a grant of public assistance, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.550.

(2) When emergency assistance or the continuation of assistance pending a hearing on the reduction, suspension or termination of public assistance is denied, and the applicant for or recipient of public assistance requests a hearing on the denial, an expedited hearing on the denial shall be held within five working days after the request. A written decision shall be issued within three working days after the hearing is held.

(3) Adoption of rules, conduct of hearings and issuance of orders and judicial review of rules and orders shall be in accordance with ORS 183.310 to 183.550. [1971 c.734 §41; 1987 c 3 §9]

411.100 [Repealed by 1971 c 779 §78]

411.105 Applicant's declaration of eligibility; report on change in circumstance; recovery of amounts improperly paid. (1) At the time of making application every person applying for public assistance shall declare to the Adult and Family Services Division any circumstance which directly affects the eligibility to receive assistance or the amount of assistance available to the person. Upon the receipt of property or income or upon any other change in circumstances which directly affects the eligibility of the recipient to receive assistance or the amount of assistance available to the recipient, the applicant, recipient or other person in the assistance household shall immediately notify the Adult and Family Services Division of the receipt or possession of such property or income, or other change in circumstances. The division shall recover from the recipient the amount of assistance improperly disbursed by reason of failure to comply with the provision of this section.

(2) The division may recover any general or public assistance which has been paid to any recipient when that recipient is presently receiving or subsequently receives supplemental security income. The amount of recovery shall be limited to the total amount of supplemental security income that was received for the same time period that the general or public assistance was being paid.

(3) Nothing in subsection (1) or (2) of this section shall be construed as to prevent the division from entering into a compromise agreement for recovery of assistance improperly disbursed, if the division determines that the administration and collection costs involved would exceed the amount that can reasonably be expected to be recovered. [1969 c 68 §3; 1975 c.178 §1, 1977 c.194 §1]

411.110 [Repealed by 1969 c 68 §1 (411.111 enacted in lieu of 411.110)]

411.111 Review of records to determine continued eligibility; personnel. For the purpose of eliminating from the public assistance rolls all persons for any reason not entitled to the benefits being granted, any application for or grant of public assistance is subject to investigation, certification, review and reconsideration from time to time and as frequently as is required by the rules and regulations of the division, and is subject to change or cancellation when the circumstances are not verified or have changed sufficiently to warrant such action; and for this purpose the division may employ and fix the compensation of such persons as it finds necessary and advisable. [1969 c 68 §2 (enacted in lieu of 411.110)]

411.113 Division to determine eligibility; county boards' access to information. The Adult and Family Services Division shall determine eligibility for all public assistance. County public welfare boards shall have access to information regarding persons receiving public assistance. [1971 c.779 §73]

411.114 Agreement with Federal Government for determination of eligibility and payment to recipients under certain public assistance categories. The Adult and Family Services Division may enter into agreements with the Federal Government under which the Federal Government, on behalf of the division, will determine eligibility and make cash payments to recipients of old-age assistance, aid to the blind and aid to the disabled entitled thereto under rules adopted by the division. [1973 c 651 §2]

411.115 [1957 c.572 §1; 1961 c.620 §2, 1965 c.556 §16, 1971 c.779 §9; repealed by 1975 c.180 §1 (411.116 enacted in lieu of 411.115)]

411.116 Rules for providing social services to individuals. In addition to its other powers, the Adult and Family Services Division may adopt rules consistent with federal and state law and regulations for the purpose of providing social services, including protection, to those individuals in need of, or who request such services. Those individuals include, but are not limited to the following:

(1) Persons who are recipients of all categories of public assistance.

(2) Former or potential recipients of public assistance including, but not limited to, those individuals receiving Supplemental Security Income from the Federal Government.

(3) Persons who request information and referrals regarding community, medical and social resources. The information shall be available without regard to an individual's eligibility for public assistance, but the information shall not violate any state or federal law or rule regarding confidentiality. [1975 c.180 §2 (enacted in lieu of 411.115)]

411.120 Authorized expenditures for public assistance. The division may, subject to the allotment system provided for in ORS 291.234 to 291.260, expend such sums as are required to be expended in this state to provide public assistance. Expenditures for public assistance include, but are not limited to, expenditures for the following purposes:

(1) Assistance to needy persons and their dependents.

(2) Old-age assistance, including services to applicants for and recipients of old-age assistance to help them attain self-care.

(3) Assistance to needy blind persons, including services to applicants for and recipients of aid to the blind to help them attain self-support and self-care.

(4) Assistance to dependent children, including services to relatives with whom dependent children applying for or receiving aid for dependent children are living in order to help such relatives attain the maximum self-support or self-care consistent with the maintenance of continuing parental care and protection or in order to maintain and strengthen family life for such children.

(5) Assistance to the permanently and totally disabled as defined in ORS 412.510, including services to the permanently and totally disabled as defined in ORS 412.510 to help them attain self-support and self-care.

(6) Medical assistance, including deductions, cost sharing, enrollment fees, premiums, or similar charges imposed with respect to hospital insurance benefits or supplementary health insurance benefits, as established by federal law.

(7) Carrying out the provisions of law for child welfare purposes.

(8) Scholarships or grants for qualified welfare recipients to provide them education and vocational, technical or other helpful training, payable to a publicly supported educational, vocational or training institution on behalf of the recipient.

(9) Such purposes as the division is otherwise authorized to expend funds, including the administration expenses of the division. [Amended by 1957 c.648 §1; 1961 c.600 §4; 1961 c.620 §3, 1965 c.556 §17; 1967 c.588 §3; 1969 c.123 §1, 1969 c.203 §1; 1971 c.779 §10]

411.122 Division to make day care payments directly to providers. The Adult and Family Services Division shall provide day care payments directly to day care providers for eligible families. [1989 c.1047 §1]

Note: 411.122 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 411 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

411.125 Public Welfare Review Commission; appointment; duties. (1) There is established a Public Welfare Review Commission of 15 members. The members shall be appointed by the Governor for a term of two years. Eight members shall be appointed, at least one from each congressional district, from county public welfare boards; five members shall be recipients or former recipients of the aid or services of the Adult and Family Services Division; two members shall be appointed as representatives of the state agencies or public or private organizations interested in public welfare. The commission shall receive compensation and expenses as provided in ORS 292.495.

(2) The commission shall advise and consult with the assistant director in carrying out the functions of the division and shall, through its chairman, have access to information regarding persons receiving assistance and other relevant information about programs of the Adult and Family Services Division. [1969 c.597 §228b, 1971 c.779 §71, 1981 c.545 §8]

411.130 Quarterly allocation of funds for each category of public assistance. The division, taking into consideration the total amount of funds available for public assistance in Oregon during the biennial period beginning July 1 of each odd-numbered year, the estimated number of beneficiaries in each category thereof, current and estimated costs of essential needs to maintain a standard of living during such period compatible with decency and health and such other matters as it may deem pertinent, shall estimate and allocate the funds available for each category of public assistance on a monthly basis subject to the quarterly revisions. Changes in such allocations, if any, shall be uniform and, as nearly as practicable and considering the above factors, proportionately equal in each such category. The monthly amounts so found estimated and allocated shall be deemed to be the funds available for each category for public assistance in Oregon.

411.135 Cooperation with Federal Government in research and training personnel. In addition to its other powers, the Adult and Family Services Division may:

(1) Enter into agreements with, join with or accept grants from, the Federal Government for cooperative research and demon-

stration projects for public welfare purposes, including, but not limited to, any project which:

(a) Relates to the prevention and reduction of dependency.

(b) Aids in effecting coordination of planning between private and public welfare agencies of the state.

(c) Improves the administration and effectiveness of programs carried on or assisted by the Adult and Family Services Division.

(d) Determines the cost of providing medical assistance to the medically needy and evaluates service delivery systems.

(2) With the cooperation and the financial assistance of the Federal Government, train personnel employed or preparing for employment in the division. The training may be carried out in any manner, including but not limited to:

(a) Directly by the division.

(b) Indirectly through grants to public or other nonprofit institutions of learning or through grants of fellowships.

(c) Any other manner for which federal aid in support of the training is available.

(3) Subject to the allotment system provided for in ORS 291.234 to 291.260, expend the sums required to be expended for the programs and projects described in subsections (1) and (2) of this section. [1957 c 569 §1, 1961 c 600 §5, 1969 c.597 §232; 1971 c 779 §11, 1975 c.509 §1]

411.137 Contributions by state and counties for medical assistance demonstration projects under ORS 411.135. Exclusive of all sums of money contributed by the Federal Government for medical assistance and administration under ORS 411.135 (1)(d) the State of Oregon shall contribute 40 percentum and the several counties of the state in which demonstration projects are operating shall each contribute 60 percentum of all sums, including administrative costs, required to be expended for such purposes in and for such respective counties. [1975 c.509 §8]

411.140 [Amended by 1961 c.517 §1; repealed by 1971 c 779 §78]

411.145 County public welfare boards; appointment; term; expenses. (1) A county public welfare board of not fewer than five nor more than seven members is created within each county. The members shall be appointed by the governing body of the county, on the basis of recognized interest in and knowledge of the field of public assistance. Members of the governing body may be appointed to the board.

(2) Members shall be appointed for a term of four years. Before the expiration of the term of a member of the county public welfare board, the governing body shall appoint the successor of the member to assume the duties of the member on July 1 next following. In case of a vacancy for any cause, the governing body shall make an appointment to be immediately effective for the unexpired term. Any member of the county public welfare board may be removed by the governing body at any time for cause. The governing body shall name the chairman of the county public welfare board.

(3) Members appointed shall receive no compensation for their services but shall be allowed the actual and necessary expenses incurred by them in attending any meeting of the Adult and Family Services Division when such attendance is authorized by the administrator of the division. The expenses authorized pursuant to this subsection shall be paid by the division out of the Public Welfare Account. [1971 c 779 §69]

411.150 [Repealed by 1971 c 779 §78]

411.155 Duties of county public welfare boards. The county public welfare board shall:

(1) Receive information and complaints from local citizens and may at its discretion transmit such complaints to the Adult and Family Services Division on matters relating to public assistance programs. The Adult and Family Services Division shall, if requested, investigate and report on its findings pursuant to any complaint presented to it by a county public welfare board.

(2) Evaluate the effectiveness of public welfare programs in relation to local needs, determine the need and develop locally sponsored programs to augment public welfare programs, interpret public welfare programs and inform the public.

(3) Confer with local welfare offices on selection of special local programs, budget, eligibility for assistance, and other matters which will assist local offices in effectively serving local needs.

(4) Recommend changes, if any are needed, in the program or delivery of services to improve the Adult and Family Services Division's response to local problems. [1971 c.779 §70]

411.160 [Amended by 1967 c 454 §46; 1967 c 561 §3, 1967 s s c.12 §1, repealed by 1969 c.45 §10]

411.170 [Amended by 1963 c.143 §1, repealed by 1969 c 45 §11]

411.180 [Amended by 1963 c 143 §2; repealed by 1969 c.45 §11]

411.190 [Amended by 1955 c.443 §1; 1961 c 657 §1; 1967 c 240 §1; repealed by 1969 c 45 §11]

411.200 [Repealed by 1969 c 45 §10]

411.210 [Amended by 1967 c 240 §2, repealed by 1969 c.45 §10]

411.220 Deposit of funds received for public assistance purposes; appropriation thereof. (1) The division shall deposit in the State Treasury to the credit of the General Fund all the amounts received by it from the United States Government or its agencies or from any other source for public assistance purposes. All such funds, together with any remaining balances of funds received for the purposes of public assistance of any type, hereby are appropriated for expenditure by the division for the type of public assistance for which such funds were granted to or received by, the state or, appropriated by the state, as the case may be.

(2) All moneys received from refunds, cancellations or recoveries resulting from public assistance payments made from state funds, as differentiated from federal or county funds, shall be paid into the State Treasury and credited to the Public Welfare Account and hereby are appropriated for expenditure by the division for public assistance purposes. [Subsections (2) and (3) enacted as 1953 c.458 §§2, 4, 1961 c.600 §6, 1961 c.620 §4; 1969 c.45 §1, 1969 c.203 §2]

411.222 [1955 c.380 §§1, 3; repealed by 1957 c.531 §3]

411.230 Payment of claims. Warrants shall be drawn by the Executive Department in favor of the Adult and Family Services Division for the aggregate amounts of public assistance or refunds to counties duly certified by the division to be due to any person or county in such amount as may be set forth in such certification. The division shall cause to be deposited all such warrants in payment of public assistance or refunds to counties in the State Treasury in a suspense checking account for distribution to those entitled thereto and may draw its checks on the State Treasury in favor of the persons, firms, corporations, associations or counties entitled thereto under such rules as it shall promulgate so as to include in single combined payments for specified periods all moneys allotted to particular payees from various sources for said period. [Amended by 1967 c.454 §47, 1971 c.80 §5]

411.240 Public Welfare Account. (1) There hereby is established in the General Fund of the State Treasury an account to be known as the Public Welfare Account. All moneys in the Public Welfare Account hereby are appropriated for and shall be used by the Adult and Family Services Division for the respective purposes authorized by law. The moneys in the Public Welfare Account and all appropriations for the Adult and Family Services Division shall be subject to allotment made by the Executive Department.

(2) The Adult and Family Services Division shall keep a record of all moneys credited to and deposited in the Public Welfare Account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged.

(3) The unobligated balance in the Public Welfare Account on June 30 of each odd-numbered year shall be determined by the Adult and Family Services Division as of September 30 following the close of each biennium and certified to the Executive Department. The amount certified pursuant to this subsection shall revert to the General Fund and become available for general governmental purposes. [Amended by 1961 c.600 §7, 1963 c.537 §4, 1965 c.440 §3, 1967 c.454 §107]

411.242 Advancements from Public Welfare Account to meet claims payable from federal funds. Pending receipt by the State Treasurer of federal funds for the payment of public assistance, the moneys in the Public Welfare Account appropriated for expenditure by the Adult and Family Services Division for public assistance purposes shall be expended to the extent necessary to meet claims for public assistance which otherwise would be paid from such federal funds. Upon notice that such federal funds have been received by the State Treasurer, the division shall prepare a claim against such funds for the amount advanced from the Public Welfare Account for the purposes of this section and a warrant may be drawn by the Executive Department in favor of the State Treasurer in payment of such claim, for credit to and reimbursement of the Public Welfare Account. [1953 c.410 §1; 1961 c.600 §8; 1967 c.454 §48, 1971 c.80 §6]

411.245 Revolving fund. The revolving fund in the amount of $50,000 established by warrant drawn on the State Treasurer by the Executive Department payable out of the Public Welfare Account in favor of the Adult and Family Services Division is continued. The revolving fund shall be used by the Adult and Family Services Division for the purpose of providing funds to pay current salaries and expenses, emergency public assistance advances and other expenses when it is necessary to make immediate cash payments. The revolving fund shall be deposited with the State Treasurer. For the purpose of providing working cash balances for emergency public assistance advances and other expenses when it is necessary to make immediate cash payments, the Adult and Family Services Division may withdraw from the State Treasury portions of the fund to be used by designated custodians for the purposes authorized by this section. The designated custodians may hold the funds or may deposit the funds in any bank authorized as

a depository of state funds, or may hold part and deposit the remainder. The revolving fund shall be reimbursed by warrants drawn by the Executive Department upon the verified claims of the Adult and Family Services Division and warrants payable out of the Public Welfare Account. [1953 c.460 §1, 1967 c.71 §1; 1967 c 454 §49; 1971 c 80 §7, 1971 c 779 §12]

411.250 [Repealed by 1983 c.537 §7]

411.260 Merit system. All division personnel engaged in the administration of public assistance in compliance with the federal social security laws shall be subject to the merit system prescribed in the State Personnel Relations Law. For the purposes of the State Personnel Relations Law, the Adult and Family Services Division is the appointing authority of all employees in the Adult and Family Services Division. [Amended by 1957 c 570 §1, 1969 c 597 §236, 1971 c.779 §13]

411.270 Appointment of personnel; compensation. The assistant director, in conformity with the State Personnel Relations Law, may appoint and employ such personnel as may be necessary for the Adult and Family Services Division and appoint and fix the compensation of all assistants and employees of the division. [Amended by 1957 c.570 §2, 1969 c 597 §237, 1971 c.779 §14]

411.280 Bonds for employees. The Adult and Family Services Division shall require such bonds and undertakings from persons employed in the Adult and Family Services Division as in its judgment are necessary, provide and prescribe the conditions thereof and pay the premiums therefor. [Amended by 1969 c.597 §238, 1971 c 779 §15]

411.290 [Repealed by 1969 c 597 §281]

411.300 Regulations concerning use and custody of records. (1) The division shall make and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications of the division. The use of such records, papers, files and communications by any other agency or department of government or person to which they may be furnished shall be limited to the purposes for which they are furnished and by the provisions of the law under which they may be furnished.

(2) No rules or regulations shall be made or administrative practice followed by the Adult and Family Services Division pursuant to subsection (1) of this section which would interfere with the purposes of ORS 411.113, 411.155 and 411.320 to 411.335. [Amended by 1953 c 500 §12, 1971 c.779 §16]

411.310 [Repealed by 1967 c.98 §1]

411.320 Disclosure and use of records limited; contents as a privileged communication. For the protection of applicants for and recipients of public assistance, the Adult and Family Services Division and the county public welfare boards shall not disclose or use the contents of any records, files, papers or communications for purposes other than those directly connected with the administration of the public assistance laws of Oregon, and these records, files, papers and communications are considered confidential subject to the rules and regulations of the Adult and Family Services Division, except as otherwise provided in ORS 411.325 to 411.335. In any judicial proceedings, except proceedings directly connected with the administration of public assistance laws, their contents are considered privileged communications. [1953 c 500 §5, 1971 c.779 §17]

411.325 Monthly reports on recipients in county; public inspection of reports. (1) Except with respect to children in foster homes or other child-caring institutions, the Adult and Family Services Division on or before the 10th day of each month shall cause to be prepared a complete report showing the names of all recipients within each county who are receiving old-age assistance, aid to the blind, aid to the disabled, aid to dependent children or general assistance, together with the amounts paid to each during the preceding month. The address of any such recipient shall be provided upon the specific request of a person who is qualified to inspect such report.

(2) Subject to ORS 411.330 and 411.335, such reports shall be open to public inspection during the regular office hours of the office of the division for the particular county in which the respective recipients reside. [1953 c 500 §6, 1961 c 620 §5, 1963 c 70 §1, 1967 c.502 §16; 1971 c 779 §18]

411.330 Application to inspect reports; register of persons inspecting reports. (1) Each person requesting to inspect a record book under ORS 411.320 to 411.335 and qualified to inspect those books under subsection (2) of this section shall complete and sign with the correct name of the person a form substantially similar to the following before obtaining access to the record books:

REQUEST TO INSPECT MONTHLY RECORDS OF (program) RECIPIENTS

Date _____

I hereby request permission to inspect the (insert name of county) record of the names of persons receiving (insert type of assistance program) during the month of (insert month). I have read and understand the provisions of ORS 411.320 to 411.335 and 411.990 (1).

I will not use any information secured from inspection of the welfare record books

for commercial or political purposes of any nature.

Name _____
Address _____

_____

(2) The right to examine public welfare records under ORS 411.320 to 411.335 may be exercised by any elector of this state.

(3) A register of persons inspecting the record books shall be maintained by the Adult and Family Services Division. [1953 c 500 §§7, 8; 1971 c.779 §19]

411.335 Prohibited use of lists or names. Except as otherwise provided in ORS 411.325 and 411.330, no person or agency shall solicit, disclose, receive, make use of, or authorize, knowingly permit, participate in or acquiesce in the use of, any lists or names for commercial or political purposes of any nature, or for any purpose not directly connected with the administration of the public assistance laws. [1953 c.500 §9]

411.350 Copies of rules to be available in local offices; availability for public inspection. The Adult and Family Services Division shall maintain in each of its offices copies of its rules and regulations which the division is required to file with the Secretary of State. These copies of the rules and regulations shall be available for public use and inspection during regular business hours and shall be compiled and indexed in a manner which will facilitate their use. [1967 c 578 §1; 1971 c.779 §20]

411.375 Public assistance investigations; power to subpoena, administer oaths, take depositions and fix witness fees. (1) In connection with any public assistance investigation or hearing the Assistant Director of Adult and Family Services Division or any examiner, referee or other officer duly appointed to conduct the investigation or hearing may by subpoena compel the attendance and testimony of witnesses and the production of books, accounts, documents and other papers, and may administer oaths, take depositions and fix the fees and mileage of witnesses.

(2) The Adult and Family Services Division shall provide for defraying the expenses of such investigations or hearings, which may be held in any part of the state. [1955 c 364 §1; 1969 c.597 §240]

411.380 Petition for enforcement of subpoena issued under ORS 411.375. (1) In case of the refusal of a witness to attend or testify or produce any papers required by such subpoena, the person designated by the subpoena as the person before whom the testimony is to be given or the papers produced, may petition the circuit court in and for the county in which the investigation or hearing is pending for an order directing the witness to attend and testify or produce the papers before the petitioner.

(2) The petition shall allege that due notice was given of the time and place for the attendance of the witness or the production of the papers, that the witness was subpoenaed in the manner prescribed and that the witness failed and refused to attend, to produce the papers required by the subpoena or to answer questions propounded to the witness in the course of the investigation or hearing. [1955 c.364 §2]

411.385 Court order to show cause issued upon filing of petition for enforcement of subpoena. Upon the filing of such a petition, the court shall enter an order, a copy of which shall be served upon the witness, directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why the witness has not attended and testified or produced the papers as required by the subpoena. [1955 c 364 §3]

411.390 Court may compel appearance of witness before petitioner. (1) If at the hearing provided for in ORS 411.385 it is apparent to the court that the subpoena was regularly issued, the court shall thereupon enter an order that the witness appear before the petitioner at a time and place to be fixed in such order, and testify and produce the required papers.

(2) Failure by the witness to comply with an order made pursuant to subsection (1) of this section shall be dealt with as for contempt of court. [1955 c.364 §4]

411.395 [1961 c.171 §2; repealed by 1969 c 597 §281]

411.405 Agreements with Federal Government on voluntary health insurance program for recipients. The division may enter into agreements with officers and agencies of the Federal Government pursuant to federal law to undertake and perform the functions of carriers with respect to recipients of public assistance in this state enrolled under the voluntary health insurance program, and to the extent provided in such agreements:

(1) To determine rates and amounts of payments to providers of services on a reasonable cost or reasonable charge basis;

(2) To receive, disburse and account for funds in making such payments;

(3) To make such audits of the records of providers of services as may be necessary to assure that proper payments are made; and

(4) To perform such other functions as are necessary to carry out the provisions for the voluntary health insurance program. [1965 c.556 §14]

411.410 [Amended by 1961 c.605 §3; renumbered 416.020]

411.415 Agreements to purchase vocational rehabilitation services. Within the limits of funds available, the Adult and Family Services Division may enter into agreements with the Vocational Rehabilitation Division for the purchase of services from sheltered workshops to provide vocational training, employment opportunities and employment for severely disabled individuals who are current, former, or potential recipients of assistance through the Adult and Family Services Division. [1971 c.617 §3, 1989 c.224 §80]

Note: 411.415 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 411 by legislative action. See Preface to Oregon Revised Statutes for further explanation.

411.420 [Amended by 1957 c.154 §1; 1961 c.605 §4; renumbered 416.030]

411.425 [1953 c.361 §3, 1955 c.501 §1; 1959 c.273 §1, 1961 c.605 §8, renumbered 416.060]

411.428 [Formerly 411.440, renumbered 416.080]

411.430 [Repealed by 1953 c.361 §19]

411.434 [Formerly 411.450; amended by 1955 c.501 §2, renumbered 416.090]

411.438 [Formerly 411.460; renumbered 416.100]

411.440 [Renumbered 411.428 and then 416.080]

411.441 [1959 c.522 §§2, 4, renumbered 416.110]

411.442 [1953 c.361 §§4, 5; 1961 c.605 §9, renumbered 416.120]

411.444 [1953 c.361 §6, 1961 c.605 §10, renumbered 416.130]

411.446 [1953 c.361 §7, 1961 c.605 §11, renumbered 416.140]

411.448 [1953 c.361 §8; 1961 c.605 §17, renumbered 416.170]

411.450 [Renumbered 411.434 and then 416.090]

411.452 [1953 c.361 §9, renumbered 416.180]

411.454 [1953 c.361 §10, renumbered 416.190]

411.456 [1953 c.361 §11, renumbered 416.200]

411.458 [1953 c.361 §12, renumbered 416.210]

411.460 [Renumbered 411.438 and then 416.100]

411.462 [1953 c.361 §13, 1961 c.605 §20; renumbered 416.230]

411.464 [1953 c.361 §15; renumbered 416.240]

411.466 [1953 c.361 §16, renumbered 416.250]

411.470 [Amended by 1953 c.361 §19; renumbered 416.260]

411.474 [1957 c.571 §1; renumbered 416.270]

411.480 [Renumbered 416.310]

411.490 [Amended by 1961 c.104 §1; renumbered 416.320]

411.500 [Renumbered 416.330]

411.510 [Amended by 1961 c.600 §9, renumbered 416.810]

411.520 [Renumbered 416.820]

411.530 [Renumbered 416.830]

411.552 [1959 c.454 §1; 1961 c.620 §8, renumbered 416.510]

411.554 [1959 c.454 §2; renumbered 416.520]

411.556 [1959 c.454 §3, renumbered 416.530]

411.558 [1959 c.454 §4, renumbered 416.540]

411.560 [1959 c.454 §§5, 7, renumbered 416.550]

411.562 [1959 c.454 §6, renumbered 416.560]

411.564 [1959 c.454 §8, renumbered 416.570]

411.566 [1959 c.454 §9, renumbered 416.580]

411.568 [1959 c.454 §11, renumbered 416.590]

411.570 [1959 c.454 §12, renumbered 416.600]

411.572 [1959 c.454 §10, renumbered 416.610]

411.575 Acceptance of gifts and grants for scholarships. (1) In addition to other funds made available for education and training of public assistance recipients, the Children's Services Division may accept gifts and grants from private sources for the purpose of providing the scholarships or grants authorized under ORS 411.580.

(2) The moneys received under subsection (1) of this section shall be deposited in a special account, separate and distinct from the General Fund, to be named the Children's Services Division Scholarship Account which account is established. All moneys in the account and all earnings thereon are continuously appropriated to the Children's Services Division to be used together with any federal funds that may be available to provide scholarships or grants under ORS 411.580.

(3) The amount in the Children's Services Division Scholarship Account that is available after scholarships and grants under ORS 411.580 have been awarded for any period shall be reported to the Oregon Investment Council by the Children's Services Division and shall be considered investment funds within the meaning of ORS 293.701 to 293.776, 293.810 and 293.820 and shall be invested in accordance with the standards of ORS 293.726. All earnings on such investments shall be credited to the Children's Services Division Scholarship Account. [1967 c.588 §2, 1969 c.707 §1; 1971 c.774 §16; 1989 c.966 §46]

411.580 Scholarships for recipients. (1) In addition to any other scholarships or grants provided by law and subject to the availability of funds in the Children's Services Division Scholarship Account, the Children's Services Division may award tuition and fee-exempting scholarships or grants and additional funds for purchase of required books and supplies from other funds, whether from public or private sources, made available for training of recipients toward self-support to those qualified to receive welfare assistance, for enrollment at any publicly supported educational, vocational or training institution in this state.

(2) Selection of scholarship or grant recipients shall be made by county public welfare board created by ORS 411.145, with the advice and assistance of all publicly supported educational, vocational or training institutions.

(3) Scholarships or grants shall be awarded on the basis of the recipient's apparent ability and willingness to profit from the education or the vocational, technical, or other courses available, to the end that scholarships or grants awarded will benefit both the student and the people of this state.

(4) In order to facilitate the most effective use of funds granted under this section, the Children's Services Division may apply funds available under this section to supportive services, including but not limited to transportation and child care, for scholarship or grant recipients whenever the availability of such services has been eliminated by the exhaustion of funds in the division's job related training program. [1967 c.588 §1; 1969 c 123 §2; 1971 c 227 §1, 1971 c 387 §1, 1971 c.774 §17, 1971 c.779 §21a]

411.590 Domestic worker in residence of public assistance recipient not state employee; exception. A person who is employed as a housekeeper, homemaker or otherwise in the residence of a recipient of public assistance or services, whose compensation is paid in whole or in part by the Adult and Family Services Division, the Senior and Disabled Services Division, the Children's Services Division or an area agency, as defined in ORS 410.040, and is not otherwise employed by the division or agency, shall not for any purposes be deemed to be an employee of the State of Oregon or an area agency whether or not the division or agency selects the person for employment or exercises any direction or control over the person's employment. However, nothing in this section precludes the state or an area agency from being considered the employer of the person for purposes of ORS chapter 657. [1975 c 401 §5, 1981 c.784 §23, 1987 c 780 §1]

411.595 Procedure where waiver of federal requirement involves policy change. (1) As used in this section "policy change" means any change in the operation of public assistance programs that affects recipients adversely in any substantial manner, including but not limited to the denial, reduction, modification or delay of benefits. "Policy change" does not include any procedural change that affects internal management but does not adversely and substantially affect the interest of public assistance recipients.

(2) The division or the Department of Human Resources on behalf of the division may submit applications for waiver of federal statutory or regulatory requirements to the Federal Government or any agency thereof. Following the submission of any application for waiver that involves a policy change, and prior to implementation, the division shall do the following:

(a) Conduct a hearing in accordance with ORS 183.310 to 183.550 regarding the waiver application or application for waiver renewals and the proposed rules;

(b) Prepare a complete summary of the testimony and written comments received at the hearing;

(c) Submit the application for waiver or application for waiver renewals involving a policy change to the legislative review agency, as defined in ORS 291.375, and present the summary of testimony and comments described in this section; and

(d) Give notice of the date of its appearance or the appearance of the Department of Human Resources on its behalf before the Emergency Board or the Joint Committee on Ways and Means in accordance with ORS 183.335, and before the Public Welfare Review Commission. [1983 c 299 §2, 1987 c.3 §14]

MISCELLANEOUS PROVISIONS RELATING TO PUBLIC ASSISTANCE

411.610 Indorsement by others of public assistance checks or warrants payable to deceased recipient; disposition of proceeds. Any check or warrant issued by the division to a recipient of public assistance who subsequently dies may be indorsed in the name of the deceased by the surviving spouse or a next of kin in the order described in ORS 293.490 (3); and payment may be made and the proceeds used without any of the restrictions enumerated in ORS 293.495 (1). [Amended by 1957 c.120 §1; 1981 c.594 §9]

411.620 Recovery of public assistance obtained or disposed of unlawfully. (1) The division may prosecute a civil suit or action against any person who has obtained, for personal benefit or for the benefit of any other person, any amount or type of general assistance or public assistance, as defined in ORS 411.010, or has aided any other person to obtain such general assistance or public assistance, in violation of any provision of ORS 411.630, or in violation of ORS 411.640. In such suit or action the division may recover the amount or value of such general assistance or public assistance so obtained in violation of ORS 411.630, or in violation of ORS 411.640, with interest thereon, together with costs and disbursements incurred therein.

(2) Excepting as to bona fide purchasers for value, the division, the conservator for the recipient or the personal representative

of the estate of a deceased recipient may prosecute a civil suit or action to set aside the transfer, gift or other disposition of any money or property made in violation of any provisions of ORS 411.630, 412.600, 413.200, 414.105 and 416.280 and the Adult and Family Services Division may recover out of such money or property, or otherwise, the amount or value of any general assistance or public assistance obtained as a result of such violation, with interest thereon, together with costs and disbursements incurred therein. [Amended by 1963 c.499 §1, 1971 c.334 §2, 1973 c.661 §1; 1983 c.638 §1]

411.630 Unlawfully obtaining public assistance. (1) No person shall knowingly obtain or attempt to obtain, for the benefit of the person or of any other person, any public assistance, as defined in ORS 411.010, to which the person or such other person is not entitled under state law by means of:

(a) Any false representation or fraudulent device, or

(b) Failure to immediately notify the Adult and Family Services Division of the receipt or possession of property or income, or of any other change of circumstances, which directly affects the eligibility for, or the amount of, such assistance.

(2) No person shall transfer, conceal or dispose of any money or property with the intent:

(a) To enable the person to meet or appear to meet any requirement of eligibility prescribed by state law or by rule or regulation promulgated by the division for a grant or an increase in a grant of any type of general assistance or public assistance, as defined in ORS 411.010; or

(b) Except as to a conveyance by such person to create a tenancy by the entirety, to hinder or prevent the division from recovering any part of any claim which it may have against the person or the estate of the person.

(3) No person shall knowingly aid or abet any person to violate any provision of this section.

(4) No person shall receive, possess or conceal any money or property of an applicant for or recipient of any type of general assistance or public assistance, as defined in ORS 411.010, with the intent to enable such applicant or recipient to meet or appear to meet any requirement of eligibility referred to in paragraph (a) of subsection (2) of this section or, except as to a conveyance by such applicant or recipient to create a tenancy by the entirety, with the intent to hinder or prevent the division from recovering any part of any claim which it may have against such applicant or recipient or the estate of the applicant or recipient. [Amended by 1963 c.499 §2; 1969 c.66 §1; 1971 c.779 §22]

411.632 Relief where assets transferred, removed or secreted. If it reasonably appears that a customer who is a recipient of public assistance has assets in excess of those allowed to a recipient of such assistance under applicable federal and state statutes and regulations, and it reasonably appears that such assets may be transferred, removed, secreted or otherwise disposed, then the department or its divisions may seek appropriate relief under ORCP 83 and 84, or any other provision of law but only to the extent of the liability. The state shall not be required to post a bond in seeking the relief. [1987 c.438 §6]

411.635 Recovery of improperly disbursed public assistance. Public assistance improperly disbursed as a result of recipient conduct that is not in violation of ORS 411.630 may be recouped pursuant to ORS 293.250 or from earnings that the state disregards pursuant to ORS 411.700 and 418.045 as follows:

(1) The division shall notify the recipient that the recipient may elect to limit the recoupment monthly to an amount equal to one-half the amount of disregarded earnings by granting the division a confession of judgment for the amount of the overpayment.

(2) If the recipient does not elect to grant the confession of judgment within 30 days the division may recoup the overpayment from the entire amount of disregarded earnings. The recipient may at any time thereafter elect to limit the monthly recoupment to one-half the disregarded earnings by granting the division a confession of judgment.

(3) The division shall not execute on a confession of judgment until the recipient is no longer receiving public assistance and has either refused to agree to or has defaulted on a reasonable plan to satisfy the judgment.

(4) Nothing in this section limits the authority of the division by rule to exempt from recoupment any portion of disregarded earnings. [1979 c.719 §2]

411.640 Unlawfully receiving public assistance. No person shall receive, either for the benefit of the person or for the benefit of any other person, any amount or type of general assistance or public assistance, as defined in ORS 411.010, to which the person or such other person is not entitled under state law. [1963 c.499 §4]

411.650 Statement required to obtain public assistance. (1) Every person 18 years of age or over who applies for or receives any type of general assistance or public as-

sistance, as defined in ORS 411.010, whether such general assistance or public assistance is applied for or received for the benefit of the person or of another individual, shall execute to the division at the time of making such application, and at such times as may be required by the division in any case, written statements relating to each individual for whose benefit such general assistance or public assistance is applied for or received, and to any person who has a duty to support such individual, or to whom such individual owes a duty of support. Such statements shall include, but need not be limited to, so much of the following information, relating to each such individual or other person, as may be specified or required by the division:

(a) The name of the individual, address, date and place of birth, residence, family relationships, and the composition of the household in which the individual lives;

(b) The financial circumstances of the individual and means of and ability for support of the individual and other individuals, including but not limited to information concerning:

(A) The employment of the individual and the nature and amount of the income of the individual, from whatever source derived;

(B) The tangible and intangible assets of the individual, property and resources of any nature including, but not limited to, money, real and personal property, rights and expectancies as an heir, devisee, legatee, trustee or cestui que trust, and any rights, benefits, claims or choses in action, whether arising in tort or based upon statute, contract, judgment or decree;

(C) The receipt of the individual, transfer or disposal of any assets, property or resources, referred to in subparagraph (B) of this subsection, within three years immediately preceding such application and during any period with respect to which such general assistance or public assistance is granted; and

(D) Such other information as may be required pursuant to state or federal laws applicable to such general assistance or public assistance.

(2) All applications for such general assistance or public assistance and all statements referred to in subsection (1) of this section shall be upon forms prescribed and furnished by the division. Each such statement shall be subscribed by each individual who executes or joins in the execution of such statement.

(3) The spouse of any individual who applies for or receives such general assistance or public assistance may be required by the division to join in the execution of, or separately to execute, any statement referred to in subsection (1) of this section, under oath or affirmation, except during any period in which it appears to the division that:

(a) Such individual and the spouse of the individual are estranged and are living apart;

(b) The spouse is absent from this state or the whereabouts of the spouse is unknown; or

(c) The spouse is physically or mentally incapable of executing such statement or of providing any information referred to in subsection (1) of this section. [1963 c.499 §5, 1965 c.300 §1; 1971 c.799 §23]

411.660 Modification, cancellation or suspension of public assistance. (1) If any person is convicted of a violation of any provision of ORS 411.630, any grant of general assistance or public assistance made wholly or partially to meet the needs of such person shall be modified, canceled or suspended for such time and under such terms and conditions as may be prescribed by or pursuant to rules or regulations of the division.

(2) Subsection (1) of this section does not prohibit a grant of general assistance or public assistance to meet the needs of a child under the age of 18 years. [1963 c.499 §6]

411.670 Definitions for ORS 411.670, 411.675 and 411.690. As used in this section and ORS 411.675 and 411.690:

(1) "Claims for payment" includes bills, invoices, electronic transmissions and any other document requesting money in compensation for or reimbursement of needs which have been furnished to any public assistance recipient.

(2) "Need" means any type of care, service, commodity, shelter or living requirement.

(3) "Person" includes individuals, corporations, associations, firms, partnerships, governmental subdivisions and agencies and public and private organizations of any character. [1983 c.609 §2]

411.675 Submitting wrongful claim or payment prohibited. No person shall obtain or attempt to obtain for personal benefit or the benefit of any other person, any payment for furnishing any need to or for the benefit of any public assistance recipient by knowingly:

(1) Submitting or causing to be submitted to the division any false claim for payment;

(2) Submitting or causing to be submitted to the division any claim for payment which has been submitted for payment already unless such claim is clearly labeled as a duplicate;

(3) Submitting or causing to be submitted to the division any claim for payment which is a claim upon which payment has been made by the division or any other source unless clearly labeled as such; or

(4) Accepting any payment from the division for furnishing any need if the need upon which the payment is based has not been provided. [1983 c 609 §3]

411.690 Liability of person wrongfully receiving payment; amount of recovery. (1) Any person who accepts from the division any payment made to such person for furnishing any need to or for the benefit of a public assistance recipient shall be liable to refund or credit the amount of such payment to the division if such person has obtained or subsequently obtains from the recipient or from any source any additional payment received for furnishing the same need to or for the benefit of such recipient. However, the liability of such person shall be limited to the lesser of the following amounts:

(a) The amount of the payment so accepted from the division; or

(b) The amount by which the aggregate sum of all payments so accepted or received by such person exceeds the maximum amount payable for such need from public assistance funds under rules adopted by the division.

(2) Notwithstanding subsection (1) of this section, any person who after having been afforded an opportunity for a hearing pursuant to the portions of ORS 183.310 to 183.550 relating to a contested case, is found to violate ORS 411.675 shall be liable to the division for treble the amount of the payment received as a result of such violation.

(3) The division may prosecute civil actions to recover moneys claimed due under this section and for costs and disbursements incurred in such actions. [1963 c.609 §11; 1977 c 669 §1; 1983 c 609 §4]

411.700 Income and resources that may be disregarded in determining eligibility. (1) In the determination of eligibility and the amount of need with respect to a recipient or applicant of public assistance under ORS chapters 412, 413 and 414, the division may disregard such amounts of income and resources as are required by federal law or rules adopted pursuant thereto or as are authorized by the Legislative Assembly including the following:

(a) Any property tax or rental assistance refund provided by ORS 310.635 or 310.640 or refunds in lieu of such relief shall be disregarded in determining eligibility and need.

(b) Any increase in the amount of assistance that is authorized by section 4, Public Law 93-233 (87 Stat. 953) and which is also being paid on March 5, 1974, shall be disregarded in determining eligibility and need.

(2) Any increase in the amount of assistance provided under Title XVI of the Social Security Act to meet changes in the cost of living that is an increase over that amount being paid on January 1, 1977, pursuant to an Act of Congress and which will first be paid after January 1, 1977, shall be disregarded in determining eligibility and need. [1974 s s c 17 §2; 1975 c 498 §1; 1977 c.841 §11; 1977 c 863 §1a]

411.705 [1975 c.672 §20; repealed by 1977 c 841 §13]

Note: Sections 1 and 2, chapter 689, Oregon Laws 1989, provide

Sec 1. (1) The Oregon State Treasury may enter into agreements with financial institutions, as defined in ORS 706.005, to distribute recurring state payments through the means of direct deposit, electronic funds transfer or other payment mechanisms

(2) Provided that it determines such programs to be feasible, not later than July 1, 1990, the Adult and Family Services Division of the Department of Human Resources shall work with the Oregon State Treasury to institute pilot programs to distribute various state assistance funds through the means of direct deposit, electronic funds transfer or other payment mechanisms The pilot programs shall include distribution of cash grants through programs administered by the Adult and Family Services Division. The division may also enter into other pilot programs providing for the distribution of food stamps and Medicaid benefits.

(3) The Oregon State Treasury may enter into nonexclusive agreements with financial institutions through negotiation, rather than through formal written procurement

(4) Each pilot program instituted under subsection (2) of this section shall include at least one county in this state with a population of at least 50,000 persons

(5) The division shall evaluate the pilot programs referred to in subsection (2) of this section and make recommendations to the regular session of the Sixty-sixth Legislative Assembly The evaluation and report shall consider the following

(a) The cost effectiveness of direct deposit, electronic funds transfer and other payment mechanisms,

(b) The response of clients and other participants in the programs; and

(c) The incidence of a potential for fraud, theft and other problems associated with the programs. [1989 c 689 §1]

Sec. 2. Section 1 of this Act is repealed June 30, 1991. [1989 c 689 §2]

GENERAL ASSISTANCE

411.710 Basis for granting general assistance. (1) General assistance shall be granted in accordance with the rules and regulations of the division and on the basis of need, taking into account the income, resources and maintenance available to the individual from whatever source derived and the necessary expenditures of the individual and the conditions existing in each case.

(2) With respect to health services and needs to be provided in any general assistance programs during any period, and within

the limits of funds available therefor, the division shall determine and fix, subject to such revisions as it may make from time to time:

(a) The types and extent of health services and needs to be provided to applicants and recipients.

(b) State-wide uniform standards to be observed in the provision of health services and needs.

(c) The maximum number of days of health services and needs toward the cost of which general assistance funds will be expended in the care of any applicant or recipient.

(d) Schedules of maximum fees, charges and daily rates to which general assistance funds will be applied toward meeting the costs of providing health services and needs to an applicant or recipient.

(3) The types and extent of health services and needs and the amounts to be paid in meeting the costs thereof, as determined and fixed by the division, shall be the total general assistance available to applicants and recipients for health services and needs and the total amounts from general assistance funds available to vendors in meeting such costs.

(4) Payments of general assistance for medical care and services shall constitute payment in full for all such care and services for which the payments were made. [Amended by 1965 c.556 §18]

411.720 Residence required of applicants for general assistance. No person shall be eligible for general assistance unless the person is a resident of the State of Oregon. [Amended by 1969 c 468 §1]

411.730 Application for general assistance; determination of eligibility and amount of grant. The Adult and Family Services Division shall receive all applications for general assistance, and shall determine in accordance with its rules and regulations the eligibility for and the amount of the assistance which any person shall receive. [Amended by 1955 c.613 §2; 1969 c 68 §4; 1971 c.779 §24]

411.740 General assistance administration. The Adult and Family Services Division shall administer and supervise the administration of general assistance and it shall prescribe the form of and supply all blank applications, reports, affidavits and such other forms as the division deems advisable. [Amended by 1969 c.597 §244; 1971 c.779 §25]

411.750 Cooperation with Federal Government in providing general assistance. The Adult and Family Services Division shall cooperate with the United States Government, departments and agencies of the State of Oregon and the counties of the state in providing general assistance, either direct relief, community work and training, medical and hospital care or other services for needy persons and shall receive, disburse or distribute all sums of money, commodities and other properties from the United States Government, departments or agencies of the State of Oregon and counties of the state for assistance purposes for needy persons. [Amended by 1967 c 130 §1]

411.760 Assistance grants are inalienable. All moneys granted under the provisions of ORS 411.060, 411.070 and 411.710 to 411.730 shall be inalienable by any assignment or transfer and shall be exempt from garnishment, levy or execution under the laws of this state.

411.765 Medical care by insurance or service contracts. In lieu of providing one or more of the medical and remedial care and services available under general assistance by direct payments to providers thereof and in lieu of providing such medical and remedial care and services made available pursuant to ORS 411.710, the Adult and Family Services Division may use available general assistance funds to purchase and pay premiums on policies of insurance, or enter into and pay the expenses on health care service contracts, or medical or hospital service contracts that provide one or more of the medical and remedial care and services available under general assistance. The policy of insurance or the contract by its terms, or the insurer or contractor by written acknowledgment to the division, must guarantee:

(1) To provide medical and remedial care and services of the type, to the extent and according to standards prescribed under ORS 411.710;

(2) To pay providers of medical and remedial care and services the amount due, based on the number of days of care and the fees, charges and costs established under ORS 411.710, except as to medical or hospital service contracts issued by a hospital association which employs a method of accounting or payment on other than a fee-for-service basis;

(3) To provide medical and remedial care and services under policies of insurance or contracts in compliance with all laws, rules and regulations applicable thereto; and

(4) To provide such statistical data, records and reports relating to the provision, administration and costs of providing medical and remedial care and services to the division as may be required by the division for its records, reports and audits. [1969 c.207 §2]

411.770 [Repealed by 1953 c.500 §12]

411.775 Rates on insurance or service contracts; requirements for insurer or contractor. (1) Any payment of available general assistance funds for policies of insurance or service contracts shall be according to such uniform state-wide rates as the Adult and Family Services Division shall have established and which it may revise from time to time as may be necessary or practical.

(2) No premium or other periodic charge on any policy of insurance, health care service contract, or medical or hospital service contract shall be paid from available general assistance funds unless the insurer or contractor issuing such policy or contract is by law authorized to transact business as an insurance company, health care service contractor or hospital association in this state. [1969 c 207 §3]

411.785 Content of contract. The Adult and Family Services Division may enter into nonexclusive contracts under which funds available for general assistance may be administered and disbursed by the contractor to direct providers of medical and remedial care and services available under general assistance in consideration of services rendered and supplies furnished by them in accordance with the provisions of ORS 411.710 to 411.785. Payment shall be made according to the rules of the division pursuant to the number of days and the fees, charges and costs established under ORS 411.710. The contractor must guarantee the division by written acknowledgment:

(1) To make all payments under ORS 411.710 to 411.785 promptly but not later than 30 days after receipt of the proper evidence establishing the validity of the provider's claim.

(2) To provide such data, records and reports to the division as may be required by the division. [1969 c.207 §4]

411.790 Assistance to certain persons receiving employment income. (1) In granting general assistance, the Adult and Family Services Division shall apply a graduated scale that disregards a portion of a person's income, if that income is earned in employment that is part of an approved treatment or rehabilitation program and if the person has been unemployed and receiving general assistance due to chronic mental illness.

(2) The division shall continue to provide health services and needs, as described in ORS 411.710 (2), to a person described in subsection (1) of this section for a period of time not to exceed two years after the person ceases to receive general assistance if:

(a) Group health insurance is not available to the person through employment or otherwise; and either

(b) Termination of eligibility for health services and needs would seriously inhibit the person's ability to continue employment; or

(c) The person's earnings are not sufficient to allow the person a reasonable equivalent of the general assistance and health service benefits which would be available to the person in the absence of the earnings.

(3) If the person described in subsection (1) of this section is covered by a group health insurance plan, the division shall continue to provide health services and needs for the limited purpose of paying the costs of treatment for preexisting conditions until such costs are paid in whole or in part by the group health insurance policy.

(4) For purposes of this section, "approved treatment and rehabilitation program" and "chronic mental illness" shall be defined by rule, adopted by the division after consultation with the Mental Health and Developmental Disability Services Division.

(5) For the purposes of general assistance, any work performed by a person while that person is hospitalized in a state or community psychiatric hospital shall not be considered employment.

(6) Nothing in this section is intended to limit the authority of the division to disregard the income of, and extend the period of eligibility for health services and needs to, persons other than those described in subsection (1) of this section. [1981 c.341 §2]

Note: 411.790 was enacted into law and added to ORS chapter 411 by the Legislative Assembly but was not added to or made a part of ORS 411.710 to 411.795 by legislative action. See Preface to Oregon Revised Statutes for further explanation.

411.795 Claim against estate of deceased recipient. (1) The amount of any general assistance paid under this chapter is a claim against the property or any interest therein belonging to and a part of the estate of any deceased recipient or if there be no estate or the estate does not have sufficient assets to satisfy the claim, the estate of the surviving spouse shall be charged for such aid paid to either or both; provided, however, that there shall be no adjustment or recovery of any general assistance correctly paid to or on behalf of any individual under this chapter except after the death of such individual and the surviving spouse of the individual, if any, and only at a time when the individual has no surviving child who is un-

der 21 years of age or is blind or permanently and totally disabled.

(2) Except where there is a surviving spouse, or a surviving child who is under 21 years of age or is blind or permanently and totally disabled, the amount of any general assistance paid under this chapter is a claim against the estate in any guardianship or conservatorship proceedings and may be paid pursuant to ORS 126.353.

(3) Nothing in this section authorizes the recovery of the amount of any aid from the estate or the surviving spouse of a recipient to the extent that the need for aid resulted from a crime committed against the recipient. [1971 c 422 §1, 1975 c.386 §1, 1985 c 522 §1]

Note: 411.795 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 411 by legislative action. See Preface to Oregon Revised Statutes for further explanation

411.800 Energy assistance allowance. (1) Subject to the availability of funds, the Adult and Family Services Division shall include in the payment standard provided under ORS 411.710 to 411.795 and 418.035 to 418.172 an amount to be designated as an energy assistance allowance which shall be specifically excluded from consideration as income for the purpose of determining eligibility for the federal food stamp program. The energy assistance allowance will provide low income households with funds to meet home energy costs. The amount of the energy assistance allowance shall be commensurate with the winter utility standard of the federal food stamp program and shall be included with the payment standard for the same period. However, the energy assistance allowance shall be computed on an annual basis for administrative purposes. The amount shall be determined according to the following schedule:

Households Including One or More Adults In The Grant 1989-1991	Energy Assistance
1	$112
2	114
3	118
4	119
5	119
6	153
7 and over	187

(2) For households which contain no adults in the grant, energy assistance allowances will be prorated based on the number in the household divided by the number in the grant.

(3) Beginning October 1, 1984, the Adult and Family Services Division shall provide, subject to the availability of funds, an energy assistance payment, termed the "Employment Transition Program Payment." It shall be paid only to those qualifying households that have been determined to be ineligible for the aid to dependent children program because their gross income exceeds 185 percent of the state's aid to dependent children need standard provided for in ORS 418.035 to 418.172, and, which after appropriate disregards and deductions, do not qualify for the full energy assistance authorized in subsection (1) of this section. Eligibility for and the amount of this payment shall be based on administrative rules filed by the division. The energy assistance payment shall be specifically excluded from consideration as income for the purpose of determining eligibility for the federal food stamp program. [1980 c.18 §1; 1983 c.2 §2; 1985 c.255 §1, 1985 c.819 §1, 1987 c.71 §1, 1989 c.1001 §1]

Note: Section 1, chapter 3, Oregon Laws 1983, as amended by section 2, chapter 819, Oregon Laws 1985 and section 2, chapter 71, Oregon Laws 1987 and section 2, chapter 1001, Oregon Laws 1989, provides:

Sec. 1. Subject to funds available, the Adult and Family Services Division shall provide low income households with funds to meet home energy costs. Eligibility for payments shall be determined by the federal food stamp program's income and resource standards The energy assistance allowance shall be specifically excluded as income for the purpose of determining eligibility for the federal food stamp program. The amount of energy assistance allowance shall be commensurate with the winter utility standard (six-month standard) of the federal food stamp program However, the energy assistance allowance shall be computed on an annual basis for administrative purposes. The amount shall be determined according to the following schedule.

Number of Persons In The Household 1989-1991	Energy Assistance
1	$112
2	114
3	118
4	119
5	119
6	153
7 and over	187

[1983 c.3 §1; 1985 c 819 §2; 1987 c.71 §2, 1989 c.1001 §2]

411.802 Compensation for in-home care by spouse. If an approved provider providing in-home care to a recipient of public assistance for compensation marries the recipient, the Adult and Family Services Division or the Senior and Disabled Services Division shall consider the care provided as compensable even though provided by a spouse. The standard of compensation under this section shall be the same as the standard applied for in-home care provided by an approved provider not residing in the home of the recipient. [1987 c.629 §2]

411.803 When spouse may be compensated for in-home care. When a married recipient of public assistance provided under ORS chapter 412 or 413 requires in-home care, the Adult and Family Services Division or the Senior and Disabled Services Division, as appropriate, shall provide that such care be compensated even though provided by the spouse, in the manner and to the extent specified by rule of the appropriate division based on the extent of need and the availability of funds therefor. [1985 c.638 §2]

411.805 [1961 c 526 §1, repealed by 1963 c 599 §2 (411 806 enacted in lieu of 411 805)]

FOOD DISTRIBUTION PROGRAMS

411.806 Definitions for ORS 411.806 to 411.845. As used in ORS 411.806 to 411.845, unless the context or a specially applicable statutory definition requires otherwise:

(1) "Administrative costs" means, but is not limited to, costs in connection with:

(a) Shipment, storage, packaging and distribution of food commodities under a food distribution program;

(b) Receiving, safekeeping and distributing food stamps or coupons to recipients under a food stamp plan;

(c) The compensation of personnel while employed in carrying out ORS 411.806 to 411.845; and

(d) Reimbursement of the Federal Government for any loss described in ORS 411.830.

(2) "Food distribution program" means a program under which the Federal Government makes food commodities available to this state or its agencies, or to tribal councils of Indian tribes in this state, for direct distribution to individuals and households certified to be in economic need of and eligible to receive such commodities.

(3) "Food stamp plan" means a plan under which the Federal Government makes food stamps or coupons available to this state or its agencies, or to tribal councils of Indian tribes in this state, for distribution to individuals and households certified to be in economic need of and eligible to receive such food stamps or coupons for the purchase of food commodities from retail food outlets.

(4) "Household" means two or more related or nonrelated individuals who do not reside in an institution.

(5) "Issuing agency" means the Adult and Family Services Division or a county, a tribal council of an Indian tribe or a commercial banking institution or branch thereof, which is authorized by the division, with the approval of the Federal Government, to issue food stamps or coupons to recipients under a food stamp plan.

(6) "Recipient" means an individual or household determined and certified, pursuant to ORS 411.811 or 411.825, to be eligible to receive food commodities under a food distribution program, or to receive food stamps or coupons under a food stamp plan. [1963 c 599 §3 (enacted in lieu of 411 805), 1971 c.779 §26]

411.810 [1961 c 526 §2; repealed by 1963 c 599 §4 (411.811 enacted in lieu of 411 810)]

411.811 Distribution by tribal councils; duties of department with respect to food distribution programs. (1) A tribal council of an Indian tribe may make direct distribution of food commodities to recipients.

(2) With respect to food distribution programs, the Department of Human Resources shall:

(a) Execute agreements necessary to maintain the eligibility of this state to receive food commodities, and to carry into effect ORS 411.806 to 411.845 relating to such programs, including agreements with other agencies of this state, with the Federal Government and its agencies, and with tribal councils of Indian tribes;

(b) Order, ship and store food commodities pending their delivery to tribal councils of Indian tribes or otherwise for direct distribution to recipients;

(c) Determine and require that the storage, distribution and handling of food commodities are made in accordance with state and federal laws, rules, regulations and requirements;

(d) Determine the quantities of food commodities which recipients shall be entitled to receive with respect to any period and geographical area; and

(e) Except as otherwise provided by ORS 411.816, adopt and enforce rules necessary to maintain the eligibility of this state to receive food commodities and to carry into effect ORS 411.806 to 411.845 relating to such programs. [1963 c.599 §5 (enacted in lieu of 411 810), 1971 c 779 §27, 1989 c 942 §1]

411.815 [1961 c 526 §3, repealed by 1963 c 599 §6 (411 816 enacted in lieu of 411 815)]

411.816 Eligibility and benefit level. The Adult and Family Services Division shall adopt rules conforming to federal laws and regulations required to be observed in maintaining the eligibility of this state to receive from the Federal Government, and to issue or distribute to recipients, food stamps or coupons under a food stamp plan. Rules adopted by the division pursuant to this section shall relate to and include, but shall not be limited to:

(1) The classifications of and requirements of eligibility for individuals and households to receive food commodities or food stamps or coupons under such plans or programs. The limitations upon the income and resources of individuals and households established as requirements of eligibility under this section shall not exceed the maximum limitations on income and resources allowable under federal laws, rules and regulations;

(2) The periods during which individuals and households shall be certified or recertified to be eligible to receive food stamps or coupons under such plans;

(3) The numbers and values of food stamps or coupons to be issued or allotted to recipients, with respect to any period, under a food stamp plan, and the amount such recipients shall be required to pay for such food stamps or coupons;

(4) Periodic redetermination and review of the eligibility of recipients to receive food commodities, or the numbers and values of food stamps or coupons issued or allotted to recipients and amounts required to be paid therefor, under such plans or programs;

(5) Cancellation of certifications issued for, and adjustment of the numbers of individuals in any household eligible to receive food commodities or the numbers, values and amounts to be paid by recipients for food stamps or coupons issued or allotted to recipients under such plans or programs for any period in accordance with changes of circumstances in individual cases; and

(6) Procedures to review, on the basis of substantial hardship, request for such adjustments. [1963 c.599 §7 (enacted in lieu of 411.815), 1969 c. 571 §1; 1989 c 942 §2]

411.820 Contribution by state and counties; administrative costs; reimbursement of counties. (1) For payment of expenses incurred in connection with a food stamp plan or a food distribution program, the State of Oregon shall contribute 70 percent and the several counties wherein such plan or program is in effect shall each contribute 30 percent of all sums of the nonfederal share which the Adult and Family Services Division finds have been reasonably incurred or expended in and for such counties pursuant to ORS 411.806 to 411.845. In determining the costs for which the counties shall contribute, all administrative costs exclusive of costs for certification of recipients shall be included.

(2) All county accounts and claims for reimbursement, credit or allowance shall be forwarded by the county court or the board of county commissioners to the division for approval in accordance with subsection (1) of this section. [1961 c 526 §§4, 5; 1963 c.599 §12; 1975 c 179 §1]

411.825 Food stamp plan. (1) Subject to approval of the Adult and Family Services Division, a food stamp plan may be put into effect in any county, in lieu of a food distribution program, if permitted by the Federal Government.

(2) The division shall determine and certify to the eligibility of all individuals and households to receive food stamps or coupons under a food stamp plan.

(3) Issuing agencies under a food stamp plan shall:

(a) Receive, safeguard, inventory and issue to recipients, food stamps or coupons made available from the Federal Government under such plan;

(b) Receive, safeguard and pay to the Federal Government all moneys paid by recipients for such food stamps or coupons; and

(c) Account to the Federal Government for all such food stamps or coupons received by it, together with reconciliations of food stamps or coupons received, inventoried and issued to and paid for by recipients.

(4) In order to carry out the provisions of ORS 411.806 to 411.845, the Adult and Family Services Division is authorized to contract with the United States Postal Service, or any other governmental agencies or private agencies, for distribution of food stamps or coupons. [1963 c 559 §10, 1971 c.779 §28; 1975 c 179 §2]

411.827 Appropriation of sums received from Federal Government. All sums received by the division from the Federal Government to assist in meeting the costs of processing applications from, and of certifying and recertifying, individuals and households under ORS 411.806 to 411.845 are hereby appropriated to the division for expenditure in meeting the costs of processing applications from, and making certifications and recertifications of, individuals and households for the benefits made available pursuant to ORS 411.806 to 411.845. [1963 c 599 §14]

411.830 Payment of losses from program. (1) Any loss for which this state or its agencies or counties may be liable to reimburse the Federal Government, in accordance with federal laws or regulations applicable to food stamp plans or food distribution programs, and which results from improper shipment, storage, handling, receipt or disposal of food commodities or food stamps or coupons, from improper certification of any person, or from the criminal or tortious act of any person, shall be paid from funds appropriated to the division for the purposes of ORS 411.806 to 411.845. The county in which

such plan or program is in effect, and with respect to which such loss is incurred, shall pay to the division 30 percent of the amount payable to the Federal Government under this section except that the county shall not be responsible for loss if food stamps are issued in the county by direct mailing to recipients.

(2) Subsection (1) of this section shall not relieve any person of any civil or criminal liability to this state. [1963 c.599 §15; 1981 c 858 §1]

411.835 Residence requirement. Individuals and households are not eligible to receive food stamps or coupons under a food stamp plan or to receive food commodities under a food distribution program, unless they reside in a county in which such plan or program is in effect. [1963 c 599 §9]

411.837 Compliance with state and federal laws required. Counties, state institutions and agencies, issuing agencies, retail food outlets, wholesale food concerns, banks and all persons who participate in or administer any part of a food stamp plan shall comply with all state and federal laws, rules and regulations applicable to such plans. [1963 c 599 §11]

411.840 Unlawfully using stamps or commodities. (1) No person shall knowingly obtain or attempt to obtain, or aid or abet another person in obtaining or attempting to obtain, any food commodity under a food distribution program or any food stamp or coupon under a food stamp plan, to which the person or such other person is not entitled to receive or use under ORS 411.806 to 411.845, or under any rule or regulation promulgated pursuant to ORS 411.806 to 411.845.

(2) No person shall knowingly give, sell, trade or otherwise dispose of to another person not entitled to receive or use the same pursuant to ORS 411.806 to 411.845, or pursuant to any rule or regulation promulgated pursuant to ORS 411.806 to 411.845:

(a) Any food commodity received under a food distribution program;

(b) Any food stamp or coupon received under a food stamp plan; or

(c) Any food commodity received wholly or partially in exchange for a food stamp or coupon received under a food stamp plan. [1963 c 599 §16]

411.845 Prosecution; costs; accounting. (1) If any person obtains, gives, sells, trades or otherwise disposes of any food commodity or any food stamp or coupon in violation of ORS 411.840, the district attorney shall prosecute, for and in the name of the State of Oregon, a civil action or suit to recover from such person:

(a) The food commodity or food stamp or coupons so obtained by such person;

(b) The reasonable value of the food commodity so obtained, given, sold, traded or otherwise disposed of by such person; or

(c) The face value of the food stamp or coupon so obtained, given, sold, traded or otherwise disposed of by such person, less any sum paid to the issuing agency for such food stamp or coupon.

(2) In any suit or action prosecuted under subsection (1) of this section, the state is entitled to recover interest and its costs and disbursements incurred in such suit or action.

(3) Food commodities, food stamps or coupons, and moneys recovered by the state under this section shall be accounted for or paid to the federal, state and county governments, or their respective agencies, as their respective interests therein may appear. [1963 c 599 §17]

COMMUNITY WORK AND TRAINING PROGRAMS

411.855 Definitions for ORS 411.855 to 411.870. For the purposes of ORS 411.855 to 411.870:

(1) "Community work and training program" means a program of a constructive nature designed to conserve work skills and to develop new skills of applicants and recipients of public assistance, pursuant to a plan jointly entered into by the division and a public entity or private nonprofit organization under which such public entity or private nonprofit organization undertakes to provide work or training to applicants or recipients of public assistance, who are required to participate without compensation in such program, and to provide supervision and control over such work or training.

(2) "Private nonprofit organization" means any organization which provides a service available to the general public where funding is based wholly or in part by donations from the general public and in which no part of the income of which is distributable to its members, directors or officers.

(3) "Public entity" means any agency of the federal or state government, county, city, town, public corporation or political subdivision in this state, including the Adult and Family Services Division with respect to work or training in the division. [1961 c 631 §1; 1965 c 291 §1, 1967 c 130 §2; 1969 c 597 §245, 1971 c 779 §29, 1979 c 99 §1]

411.860 Work relief programs authorized for general assistance applicants or recipients. Subject to rules and regulations promulgated by the division, each employable applicant or recipient of general assistance

may be required to participate without compensation in a community work and training program, as a condition to a grant of general assistance for the benefit of the applicant or recipient or those to whom the applicant or recipient owes a legal duty of support, and for periods of time limited by the amount of such assistance, in cash or in kind, provided through such grant. However, no applicant or recipient of general assistance shall be required or permitted to perform labor or services without compensation in a community work and training program if such labor or services can be performed by an employee of the public entity as a part of the regular duties of the employee. [1961 c.631 §2, 1965 c.291 §2, 1967 c.130 §3]

411.865 Denial of general assistance to applicants or recipients; causes. The application for or grant of general assistance to any employable individual required to participate in a community work and training program may be denied or suspended for such time as may be fixed under rule or regulation of the Adult and Family Services Division, if such individual without good cause:

(1) Fails to participate satisfactorily in such community work and training program to which the individual may be assigned;

(2) Fails to report for a community work and training program when and as directed by the division or by the supervisor of the individual therein;

(3) Abandons or repeatedly is absent from such work or training;

(4) Is insubordinate to the supervisor of the individual therein;

(5) Fails therein to take due precaution for the safety of the individual or others, or to use safety clothing or equipment made available to the individual;

(6) Is guilty of misconduct connected with such work or training; or

(7) If, within 30 days prior to such application, the individual was rendered ineligible for general assistance in another county, or the grant of general assistance in another county was suspended, for any of the causes stated in subsections (1) to (6) of this section. [1961 c.631 §3; 1967 c.130 §4, 1971 c.779 §30]

411.870 Approval of programs. All community work and training programs shall be subject to approval of the Adult and Family Services Division. The division shall promulgate and enforce rules and regulations necessary to carry into effect ORS 411.855 to 411.870. [1961 c.631 §4; 1967 c.130 §5]

411.875 Status of applicants, recipients, beneficiaries and trainees under community work and training program. Persons who are applicants, recipients, beneficiaries or trainees in community work and training programs as defined by ORS 411.855, and persons who are volunteers during their participation in such programs:

(1) Are not serving in positions in the services of a public entity as defined by ORS 411.855 for the purposes of any civil service law or of any retirement system of such public entity.

(2) Are not employees as defined in ORS 657.015.

(3) Are workers covered under the state system of workers' compensation if the applicant, recipient, beneficiary or trainee is not otherwise covered by a program of insurance offering similar coverage. [1967 c.130 §8]

DISPLACED HOMEMAKERS

411.900 Definitions for ORS 411.900 to 411.910. As used in ORS 411.900 to 411.910 unless the context requires otherwise:

(1) "Director" means the Director of Human Resources.

(2) "Displaced homemaker" means an individual who:

(a) Has not worked in the labor force for a substantial number of years but has, during those years, worked in the home, providing unpaid household services for family members;

(b) Has been dependent on public assistance or on the income of another family member but is no longer supported by that income, or is receiving public assistance on account of dependent children in the home, especially where such assistance will be terminated within one year as a result of the youngest child reaching the age of 18; or

(c) Is currently unemployed and is experiencing difficulty in obtaining employment or is currently underemployed as defined in the Comprehensive Employment and Training Act, Section 675.4 (1979), and is experiencing difficulty in upgrading employment. [1977 c.150 §1; 1979 c.572 §1]

Note: 411.900 to 411.910 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 411 by legislative action. See *Preface to Oregon Revised Statutes for further explanation*

411.905 Director of Human Resources to establish programs; scope of activities. The Director of Human Resources shall establish multipurpose service programs for displaced homemakers to be staffed to the maximum extent feasible by displaced homemakers. The programs shall include, but are not limited to:

(1) Job placement, counseling and development services designed for a displaced

homemaker entering the job market after a number of years as a homemaker outside of the labor force;

(2) Job training services developed in cooperation with public and private employers to train displaced homemakers for available jobs in the public and private sectors, taking into account the skills and job experiences of a homemaker and to assist displaced homemakers in gaining admission to existing public and private job training programs;

(3) Health education and counseling services with respect to general principles of preventative health care, health care consumer education particularly selection of physicians and health care services, family health care and nutrition education, addiction to drugs, controlled substances or alcohol and other related health care matters;

(4) Financial management services which provide information and assistance on insurance, taxes, estate and probate problems, mortgages, loans and other related financial matters;

(5) Coordination of program services and existing community services which may benefit the displaced homemaker; and

(6) Information and referral services which will assist the displaced homemaker to identify and access resources designed to facilitate the development of independence and economic self-sufficiency in the client. [1977 c 150 §2, 1979 c 572 §2, 1979 c 744 §19; 1987 c 158 §72]

Note: See note under 411 900

411.910 Contracts with public and private agencies to carry out programs. (1) In carrying out the duties described in ORS 411.905, the Director of Human Resources may enter into contracts with and make grants to public and private agencies for the purpose of establishing and operating multipurpose service programs.

(2) In entering into contracts and making grants for the purpose of establishing and operating multipurpose service programs the director shall establish priorities among qualified public and private agencies on the basis of financial need, geographic distribution, community support and volunteer participation. [1977 c.150 §3, 1979 c.572 §3]

Note: See note under 411 900.

HEALTH CARE COVERAGE

411.950 Duty to obtain health care coverage for unemployed. In order to provide health care coverage, as defined in ORS 657.885, for eligible unemployed individuals, the Department of Human Resources through its divisions, upon approval and funding by the Emergency Board, is authorized:

(1) To establish and administer a program providing health care coverage to the unemployed which meets the requirements of federal law establishing such a program.

(2) To accept moneys deducted by the Employment Division pursuant to ORS 657.880 and moneys made available by federal funds for such purposes.

(3) To use such moneys to provide health care coverage for individuals certified by the Employment Division as eligible, pursuant to ORS 657.880.

(4) Subject to the requirements of federal law, to apply such moneys to the health care coverage selected by eligible individuals.

(5) To enter into contracts with insurers and health care service contractors to provide health care coverage for individuals determined by the Employment Division to be eligible for such coverage pursuant to ORS 657.880.

(6) To enter into contracts with other federal or state agencies as necessary to carry out the provisions of ORS 411.950 to 411.960, 657.880 and 657.885.

(7) To adopt rules to carry out the provisions of ORS 411.950 to 411.960, 657.880 and 657.885. [1983 c 753 §5]

411.955 State not insurer or agent of insurer. (1) The State of Oregon, its agencies, officers and employees do not by ORS 411.950 to 411.960, 657.880 and 657.885 become the insurer of the health care expenses of any individual and shall not be held liable for health care expenses incurred by an individual claiming eligibility for coverage pursuant to ORS 411.950 to 411.960, 657.880 and 657.885, except as provided by contracts entered into pursuant to ORS 411.950 to 411.960, 657.880 and 657.885.

(2) The State of Oregon, its agencies, officers and employees are not the agents of any insurer or health care service contractor with which the state contracts pursuant to ORS 411.950 to 411.960, 657.880 and 657.885. [1983 c.753 §6]

411.960 Determination of insurable group; limits on type, amount and term of coverage. (1) The group to be provided health care coverage pursuant to ORS 411.950 to 411.960, 657.880 and 657.885 shall be as defined by federal law establishing such coverage for the unemployed and as approved by the Emergency Board and shall be deemed an insurable group for purposes of ORS chapter 731.

(2) The type, amount and term of health care coverage to be provided pursuant to ORS 411.950 to 411.960, 657.880 and 657.885 shall be only as provided and funded by federal law establishing such coverage and as

approved by the Emergency Board, notwithstanding any provisions of ORS chapter 743. [1983 c 753 §7]

PUBLIC ASSISTANCE ACCESSIBILITY PROGRAM

411.965 Policy on program accessibility. The Legislative Assembly finds:

(1) That many persons eligible for public assistance programs, especially those with the lowest incomes and the greatest need for assistance, are precluded from receiving benefits because of program inaccessibility;

(2) That program inaccessibility stems from barriers that arise in learning of the availability of benefits, in applying for benefits and in maintaining eligibility once eligibility is established;

(3) That a gap often exists between the reading and literacy skills possessed by potential applicants to programs and the skills demanded for completion of agency application forms and procedures. Most persons eligible for public assistance programs read at below the eighth-grade level and most public assistance forms require more than an eighth-grade reading level;

(4) That simplifying program rules and rewriting forms and brochures to close the "literacy gap" would contribute to decreasing the program error rate and saving program costs; and

(5) That the Adult and Family Services Division would better serve the people of the State of Oregon by making public assistance programs accessible to those low-income persons legally entitled to assistance. [1987 c.3 §2]

411.967 Forms and notices to be in plain language. Every form, notice, brochure or other written material of the Adult and Family Services Division intended for use by persons inquiring about, applicants for or recipients of public assistance shall be written in plain language. A form, notice, or brochure is written in plain language if it substantially complies with all of the following tests:

(1) Uses short sentences and paragraphs;

(2) Uses everyday words readable at an eighth-grade level of reading ability;

(3) Uses simple and active verb forms;

(4) Uses type of readable size;

(5) Uses upper case and lower case letters;

(6) Heads sections and other subdivisions with captions which fairly reflect the content of the section or subdivision and which are in boldface type or otherwise stand out significantly from the text;

(7) Uses layout and spacing which separate the paragraphs and sections of the document from each other and from the borders of the paper;

(8) Is written and organized in a clear and coherent manner;

(9) Is designed to facilitate ease of reading and comprehension; and

(10) Is readable at the sixth-grade level of reading ability except for vocabulary referred to in subsection (2) of this section. [1987 c 3 §3(1)]

411.969 Informational materials for applicants. (1) The division shall publish, make available and publicize to all persons inquiring about, applicants for and recipients of public assistance the following informational materials:

(a) Brochures enumerating and explaining the public assistance programs administered by the division; and

(b) Publications explaining how public assistance programs function, including but not limited to how grants are calculated, how overpayments are calculated, how child support is handled, the effect of earnings on grants, hearing rights and the right of the recipient to see the recipient's file.

(2) All notices of overpayments shall show the calculation of the overpayment and contain an explanation of the calculation. [1987 c 3 §4]

411.972 Receipts for applicants and recipients. The division shall provide written receipts to applicants and recipients for all documents delivered to a branch office by the applicant or recipient upon the request of the applicant or recipient. [1987 c 3 §5]

411.975 Time for issuance of recipient checks; effect of delay. (1) For all recipients who are on the monthly reporting system, the division shall have 10 calendar days from the date the division receives a complete monthly report to issue the recipient's assistance check for that month.

(2) If the division fails to issue a check in a timely manner pursuant to this section, the recipient may request same day issuance of the check from the branch office. The division shall pay the recipient a sum equal to one-tenth of the household's monthly assistance grant if the division fails to issue the check the same day. The payment shall be treated as a resource and not counted as income by the division.

(3) As used in this section, "same day" means that the request is received by the branch office before 12 noon. [1987 c.3 §6]

411.977 Treatment of applicants and recipients; grievance procedure. (1) All

applicants for and recipients of public assistance shall be treated in a courteous, fair and dignified manner by division personnel.

(2) Any applicant or recipient who alleges discourteous, unfair or undignified treatment by division personnel or alleges that incorrect or inadequate information regarding public assistance programs has been provided by division personnel may file a grievance with the division. The division shall publicize the grievance system in each branch office.

(3) The grievance shall be discussed first with the supervisor of the employee against whom the grievance is filed. If the grievance is not resolved, the applicant or recipient may discuss the grievance with the branch manager.

(4) The division shall compile a monthly report summarizing each grievance filed against division personnel and the action taken. The report shall identify each grievance by branch office and indicate the number of grievances filed against individual employees. The report shall protect the anonymity of division personnel. The report shall be presented to the Public Welfare Review Commission and to all county public welfare boards. [1987 c.3 §7]

411.979 Advisory committees. To effectuate the provisions of ORS 411.967, the Adult and Family Services Division shall appoint committees in Portland, Salem and Eugene, composed equally of division personnel and welfare recipients or past recipients. The welfare recipient members of the committees shall be appointed by the division from names submitted to the division by welfare rights organizations active in this state. [1987 c.3 §8]

STUDENT DAY CARE PROGRAM

Note: Sections 3, 4, 5 and 7 of chapter 1047, Oregon Laws 1989, provide:

Sec. 3. It is the intent of the Legislative Assembly to assist in meeting the additional financial needs of undergraduate student parents resulting from child care expenses by establishing a pilot program to provide additional financial aid for low income undergraduate student parents. [1989 c.1047 §3]

Sec. 4. As used in section 5 of this Act, "qualified institution" means any institution described in ORS 348.260 (1) but only for undergraduate programs. [1989 c.1047 §4]

Sec. 5. (1) In addition to any other form of student financial aid authorized by law, under the pilot program the State Scholarship Commission, with the advice of the Commission for Child Care, may award to eligible undergraduate students the cost of day care services, or a portion thereof, for children of eligible students attending any qualified institution.

(2) An eligible applicant for day care is a student.

(a) Who is an Oregon resident defined by State Scholarship Commission rule;

(b) Who is the parent or guardian of a child under 12 years of age who is receiving or is in need of day care;

(c) Who does not have financial capacity adequate to meet the costs of the student's education including reasonable and customary day care costs as established by the Children's Services Division and who either

(A) Meets the requirements for admission to a qualified institution, or

(B) Is enrolled in an undergraduate program in a qualified institution and is making satisfactory progress toward completion of the program.

(3) When necessary to keep within budget limits, institutions with undergraduate students receiving funds under this section shall reduce self-help forms of financial assistance prior to reducing any grant or scholarship assistance in the total aid awarded. [1989 c.1047 §5]

Sec. 7. Sections 3, 4 and 5 of this Act and the amendments to ORS 348.260 by section 6 of this Act are repealed on June 30, 1991. [1989 c.1047 §7]

PENALTIES

411.990 Penalties. (1) Violation of ORS 411.320 to 411.335 is punishable, upon conviction, by a fine of not more than $1,000 or by imprisonment in the county jail for not more than 60 days, or by both.

(2) Violation of any provision of ORS 411.630 or 411.840 is a Class C felony which may be reduced to a Class A misdemeanor in accordance with ORS 161.705.

(3) Violation of ORS 411.675 is a Class C felony.

(4) Criminal prosecution of violators of ORS 411.675 shall be commenced in accordance with ORS 131.125 (5) and (6). [Subsection (2) of 1959 Replacement Part enacted as 1955 c.501 §3, subsection (3) of 1959 Replacement Part enacted as 1953 c.500 §10, part renumbered 416.990, 1963 c.599 §18, 1977 c.669 §2, 1981 c.713 §1, 1983 c.609 §5, 1989 c.831 §2]