



Agreement Number 143687

AMENDMENT TO
STATE OF OREGON
INTERGOVERNMENTAL AGREEMENT

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This is amendment number 1 to Agreement Number 143687 between the State of Oregon, acting by and through its Department of Human Services, hereinafter referred to as "DHS" and

Yamhill County District Attorney
Bradley C. Berry
535 E. 5th Avenue
McMinnville, OR 97128
Telephone: (503) 434-7539
Facsimile: (503) 434-5760
berryb@co.yamhill.or.us

(the "District Attorney," or "DA,") acting pursuant to Article VII, Section 17 (original) of the Oregon Constitution.

1. This amendment shall become effective on the date this amendment has been fully executed by every party and, when required, approved by Department of Justice.
2. The Agreement is hereby amended as follows:
 - a. Under section "IV PAYMENTS" on page 3 of 24, the maximum not-to-exceed amount payable is amended to add funding in the amount of **\$28,000**; the *language to be deleted or replaced is struck through; new language is underlined and bold.*

IV. PAYMENTS

- A. The maximum not-to-exceed amount payable to County and District Attorney under this Agreement, which includes any allowable expenses, is ~~\$53,337~~ **\$81,337**. DHS shall not pay County any amount in excess of

B.O. 14-129

the not-to-exceed amount for performing the Work, and shall not pay for Work until this Agreement has been signed by all parties.

- b. Section "II A. AGREEMENT DOCUMENTS" is amended as follows, to add Exhibit A, Part 4:

Exhibit A, Part 4: District Attorney Title IV-E Reimbursement Appendix

- c. As a result of adding Exhibit A, Part 4; the following Attachments have been incorporated into the Agreement:

Attachment A: Oregon District Attorney Title IV-E Claim Form Instructions

Attachment B: Example Title IV-E Claim Form

3. Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. County certifies that the representations, warranties and certifications contained in the original Agreement are true and correct as of the effective date of this amendment and with the same effect as though made at the time of this amendment.

Remainder of page left blank intentionally

4. DISTRICT ATTORNEY AND COUNTY DATA AND CERTIFICATION

A. District Attorney and County Tax Identification. County and District Attorney shall provide County's and District Attorney's federal tax ID number(s) and the additional information set forth below. This information is requested pursuant to ORS 305.385.

Please print or type the following information.

Name (exactly as filed with the IRS) Yamhill County

Address 535 NE 5th St

Telephone: 503-434-7539 Facsimile: 503-434-5760

Federal Tax I.D. 93-6002318

The above information must be provided prior to Agreement approval. DHS may report the information set forth above to the Internal Revenue Service ("IRS") under the name and taxpayer identification number provided.

B. Certification. By signature on this Agreement, the undersigned hereby certifies under penalty of perjury that:

1. The Federal Tax number shown in Section V(A) is County's and District Attorney's correct taxpayer identification and all other information provided in Section V(A) is true and accurate; and
2. County and District Attorney are not subject to backup withholding because:
 - i. County and District Attorney are exempt from backup withholding;
 - ii. County and District Attorney have not been notified by the IRS that either County or District Attorney is subject to backup withholding as a result of a failure to report all interest or dividends; or
 - iii. The IRS has notified County and District Attorney that County and District Attorney are no longer subject to backup withholding.

COUNTY: YOU WILL NOT BE PAID FOR WORK PERFORMED PRIOR TO NECESSARY STATE APPROVALS

5. Signatures.

Yamhill County District Attorney

Approved by:

	<i>Chair, BOC</i>	<i>3/6/14</i>
Authorized Signature	Title	Date

State of Oregon acting by and through its Department of Human Services

By:

Authorized Signature	Title	Date

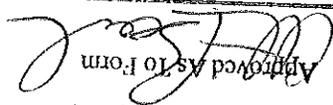
Approved for Legal Sufficiency:

<i>Not Required per OAR 137-045-0030(1)(a)</i>	
Assistant Attorney General	Date

Office of Contracts and Procurement:

Contract Specialist	Date

Yamhill County
County Counsel
Christian Boenisch

by 

Approved As To Form

Accepted by Yamhill County
Board of Commissioners on
3/6/14 by Board Order
14-129

COUNTY: YOU WILL NOT BE PAID FOR WORK PERFORMED PRIOR TO NECESSARY STATE APPROVALS

5. Signatures.

Yamhill County District Attorney

Approved by:

May P Stein Chair, BOC 3/6/14
 Authorized Signature Title Date

State of Oregon acting by and through its Department of Human Services
By:

sandy.dugan@dhsosha.state.or.us Digitally signed by sandy.dugan@dhsosha.state.or.us
 DN: cn=sandy.dugan@dhsosha.state.or.us
 Date: 2014.03.11 07:30:37 -07'00'
 Authorized Signature Title Date

Approved for Legal Sufficiency:

Not Required per OAR 157-045-0030(1)(a)
 Assistant Attorney General Date

Office of Contracts and Procurement:

Pearl Wray 3.19.14
 Contract Specialist Date

Approved by
 Christian Boehm
 County Counsel
 Yamhill County

Accepted by Yamhill County Board of Commissioners on 3/6/14 by Board Order # 14-129
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DHS IGA County Amendment

Exhibit A, Part 4

District Attorney Title IV-E Reimbursement
Appendix

The purpose of this appendix is to define the requirements District Attorney's (DAs) must follow to obtain Title IV-E reimbursement for allowable legal services for Child Welfare dependency cases.

Legal Services

For the purpose of this agreement, legal services include the following:

- a. Initial disposition and extension or revision of Jurisdictional orders;
- b. Placement of children in out-of-home care, including temporary physical custody, change of placement, revision, and extension orders;
- c. Voluntary placements of children into out-of-home care and conversion of voluntary placements to court-ordered placements;

Legal Services may be performed by attorneys, paralegals, investigators, and clerical or other staff. Within the broad types of legal services identified above, specific legal services may include:

- a. Consulting with Child Welfare case workers;
- b. Determining potential cases for court action;
- c. Receiving and organizing information about cases;
- d. Petitioning the court;
- e. Preparation for court hearings;
- f. Participation in court hearings;
- g. Providing legal notice of hearings;
- h. Issuing subpoenas;
- i. Preparing legal briefs and orders; and
- j. Obtaining signed court orders.

Legal services related to the following DO NOT qualify for Title IV-E reimbursement:

- a. Delinquency cases, juvenile probation, restitution, and placement of children in secure detention or juvenile corrections; and
- b. Criminal prosecution of persons charged with child abuse and neglect.

Allowable Costs

The allowable costs that may be considered for Title IV-E reimbursement:

- a. Salary and fringe benefit costs for attorneys and paralegals in DA offices who work on Child Welfare cases.
- b. Salary and fringe benefits for investigators, witness coordinators, and related staff who work on Child Welfare cases.
- c. Salary and fringe benefits for clerical support staff preparing petitions, court orders, and other documents for Child Welfare cases.

Exhibit A, Part 4

- d. Costs associated with legal actions for Child Welfare cases including filing fees, costs for expert witnesses, and transcription costs.
- e. Costs for travel and training for legal staff who work on Child Welfare cases, including participating in Child Welfare training.
- f. Service and supplies necessary for legal staff who work on Child Welfare cases.
- g. Genetic testing to determine paternity to expedite a court case.

The Title IV-E reimbursement DOES NOT apply to the costs of judges, clerks of courts, guardian's ad litem, public defenders, or other court-related staff who may be involved in Child Welfare legal proceedings for legal services to a child or parent. Court operating expenses and overhead cannot be claimed under the Title IV-E legal services reimbursement.

Amount of Title IV-E Reimbursement

The amount of reimbursement is based on the actual amount of reimbursable costs and percent of time staff spent on Child Welfare dependency cases. Therefore, the exact amount of Title IV-E reimbursement that a DAs office can receive will not be projected but will be on actuals.

The net amount of Title IV-E reimbursement for legal services is based on the federal Title IV-E administrative cost reimbursement rate of 50% multiplied by the percentage of Title IV-E eligible children in out-of-home care in Oregon. This eligibility ratio is also known as the Title IV-E "eligibility rate" and varies from quarter to quarter. The net reimbursement rate could change each quarter depending on the statewide IV-E "eligibility rate" and any changes in federal Title IV-E fiscal policy.

Allocation of Legal Staff Time

Attorneys and other legal staff must be either dedicated full-time to Child Welfare cases or the specific portion of time for legal staff who works part-time on Child Welfare cases must be identified. DAs must ensure that the amount of legal staff time and other expenses reported for Title IV-E reimbursement corresponds with the amount of legal services performed for Child Welfare dependency cases.

DAs can determine the specific method used to allocate legal staff time and other expenses to the legal services reimbursement. DHS must approve the time reporting methodology used by the DAs office. DHS is responsible for ensuring that the legal staff time allocation method used meets single state audit requirements and other applicable audit requirements.

Sources of Match

The match expenses used to claim Title IV-E reimbursement must be from non-federal public funds and be based on expenditures by a public agency from those public funds. Expenses used to claim Title IV-E reimbursement for legal services cannot be used as match for other federal funding sources.

OREGON DISTRICT ATTORNEY
TITLE IV-E CLAIM FORM INSTRUCTIONS

Oregon District Attorney's (DAs) that have signed a 2013-15 intergovernmental agreement with the Oregon Department of Human Services (DHS) regarding the increased or improved juvenile dependency proceedings are entitled to quarterly Title IV-E reimbursement from DHS. The biennial amounts are based on projected expenditures and may be revised based on actual allowable Title IV-E expenditures throughout the biennium. To claim each quarterly payment, the county must submit a "Title IV-E Claim Form" for the quarter of note.

Instructions for Oregon Department of Justice Juvenile Dependency "Title IV-E Claim Form":

The claim form has been developed in Excel and should be completed electronically, then printed for signature and submitted electronically. **Please submit the completed claim form to DHS** at the address listed on the last page of these instructions. The DA must have and keep documentation to support the information reported on the form. The supporting documentation is subject to review, upon request, by DHS and is subject to audit by state and federal auditors (does not have to be attached to quarterly claim).

The methodology for tracking the percentage of time staff spent on Child Welfare dependency cases must be approved by DHS. It is recommended the time tracking methodology be daily, but no less than weekly.

Please complete the sections of the claim form as follows:

- A. **County Identification and Amount Claimed.** Record the county name and mailing address. Include the date the form is completed, the quarter for which the claim is being submitted, and the amount of the quarterly claim. The quarterly claim amount is calculated automatically after all data has been input. IV of the 2011-13 interagency agreement and represents the maximum amount that will be paid to the county for the quarter.

In order to claim the amount specified in the interagency agreement, the total eligible personnel costs for the quarter must equal or exceed the interagency agreement amount.

- B. **Qualifying children's cases worked.** For each **Qualified Child** who had Work performed on the Child's case during the reporting quarter, record the Child's name and birth date. A **Qualifying Child** is a child who, at the time Work was performed on the child's case, was at any point in the juvenile dependency process between the filing of a dependency petition and entry of a disposition order on the merits on all allegations in that petition. **Work** includes any of the acts to be performed and requirements to be fulfilled by the District Attorney as described in Exhibit A, Part 1, of the agreement. List a Qualified Child only once each quarter, regardless of the number of time Work was performed on the Child's case. If work is performed on a case involving multiple Qualified

OREGON DISTRICT ATTORNEY
TITLE IV-E CLAIM FORM INSTRUCTIONS

Children, list all children on the form. If the District Attorney's office prefers, a separate list of Qualified Children and their birth dates may be attached as long as reference to it is made in the invoice.

- C. **Eligible personnel costs.** Record the name of each employee who worked on the qualifying cases. Record their "Salary and Fringe Benefits" for the quarter and the "Percent of Time Spent on CW Cases" for the quarter worked on the qualifying cases. The "Eligible Cost" field will automatically calculate.

Personnel costs include the salary (including any overtime or other differential) and other personnel expenses such as health insurance, retirement, and other employee benefits paid for the quarter to, or on behalf of, the employee listed. To claim the full amount specified in part IV of the interagency agreement, the total eligible cost for the quarter must equal or exceed the amount specified in the interagency agreement. If the total eligible cost is less than the interagency agreement amount, then the payment to the county will be limited to the total eligible cost amount.

- D. **Other Operating Expenses.** Record the amount of "Other Operating Expenses" for the quarter for each staff person reported in section C above.

Other operating expenses includes:

- a. Service and supplies necessary for legal staff who work on Child Welfare cases.
- b. Costs associated with legal actions for Child Welfare cases including filing fees, costs for expert witnesses, and transcription costs.
- c. Costs for travel and training for legal staff who work on Child Welfare cases, including participating in Child Welfare training.
- d. Genetic testing to determine paternity to expedite a court case.

- E. **Total Reimbursable Costs.** The field represents the total costs that will be used to calculate the Title IV-E reimbursement for the quarter.

- F. **DHS Foster Care IV-E Eligibility Rate.** The eligibility rate, as described in the Title IV-E Appendix, will be provided by DHS. The "Eligibility Rate" is automatically multiplied by the "Total Reimbursable Costs" which is then multiplied by the federal financial

- G. **Federal IV-E Administrative Reimbursement Rate.** The federal reimbursement rate for Title IV-E administrative costs is 50%. The federal reimbursement rate of 50% is automatically multiplied by the results of the "Eligibility Rate" multiplied by the "Total Reimbursable Costs". **The results of this calculation will be the total Title IV-E reimbursement for the quarter.**

OREGON DISTRICT ATTORNEY
TITLE IV-E CLAIM FORM INSTRUCTIONS

- H. **Quarterly DOJ Reimbursement Rate.** This is the agreed upon quarterly rate with DOJ for your county.
- I. **Total Reimbursement for Quarter.** This is automatically calculated by adding the DOJ quarterly rate with the Title IV-E reimbursement amount. This total will also automatically fill the cell at the top right portion of the form named "Total Quarterly Reimbursement".
- J. **Certification.** The District Attorney must sign the certification and submit the form to DHS after the close of each calendar quarter. The first quarter for which a claim can be submitted will be the quarter ending September 30, 2013. Claim forms should be submitted within 30 days of the end of the quarter. Include the name of the person responsible for preparing the report and their contact phone number.
- K. **DHS Validation.** For DHS use only.

DHS will verify the county forms, request the funds from the federal government and keep the official documentation from the counties in its files. Upon approval of the claims, DHS will then make the appropriate payments to the participating counties.

The contact from the Oregon Department of Human Services for processing claims with Title IV-E is:

Oregon Department of Human Services

DHS, Office of Child Welfare Program
Attn: Sherril Kuhns
500 Summer Street NE E-69
Salem, OR 97301-1097
Phone: 503-945-6679

EXAMPLE

OREGON DEPARTMENT OF JUSTICE
JUVENILE DEPENDENCY
TITLE IV-E CLAIM FORM

EXAMPLE

A.	County:	EXAMPLE	Report Date:	4/10/2013
	Mailing Address:		Quarter Ended:	3/31/2013
	City, State, Zip:		Total Quarterly Reimbursement	\$ 43,478.25

B.	Qualifying Children's cases worked during quarter:
See attached:	

C.	Employee Name	Salaries and Fringe Benefits	% of Time Spent on CW Cases	Eligible Cost
	DA	\$ 15,000.00	75%	\$ 11,250.00
	DA	\$ 22,000.00		\$ -
	Paralegal	\$ 8,900.00	75%	\$ 6,675.00
	Paralegal	\$ 7,800.00	50%	\$ 3,900.00
	Law Clerk	\$ 7,500.00	75%	\$ 5,625.00
	Support Staff	\$ 6,200.00	25%	\$ 1,550.00
	Support Staff	\$ 2,400.00	100%	\$ 2,400.00
	DA	\$ 21,000.00	50%	\$ 10,500.00
				\$ 41,900.00

D.	Other Operating Expenses		\$ 10,000.00
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E.	Total Reimbursable Costs		\$ 51,900.00
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F.	DHS Foster Care IV-E Eligibility Rate	63.50%	\$ 32,956.50
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G.	Federal IV-E Administrative Reimbursement Rate	50%	\$ 16,478.25
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H.	Quarterly DOJ Reimbursement Rate		\$ 27,000.00
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I.	Total Reimbursement for Quarter (Title IV-E and DOJ)		\$ 43,478.25
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J. Certification:
The District Attorney performed all work for which reimbursement is sought in accordance with Title IV-E Intergovernmental Agreement

Signature:		Prepared by:	
Typed Name:		Name:	
Title:		Contact Phone:	
Signature:			

K.	DHS Validation	
	Sign:	Date:
	Calculation correct:	
	Amount claimed correct:	
	Date paid to County:	