



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 413
DEPARTMENT OF HUMAN SERVICES
CHILD WELFARE PROGRAMS

FILED

10/30/2025 5:13 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Relative Certification, Bill of Rights, Adoption, and Criminal History Background Check rules are being updated.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/21/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/17/2025

TIME: 10:30 AM - 11:00 AM

OFFICER: Eric Warner

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 971-277-2343

CONFERENCE ID: 789188885

SPECIAL INSTRUCTIONS:

Attendees will need to join the meeting by Microsoft Teams or phone. If you wish to provide comment, please be signed in or call in by no later than 15 minutes after the start time. Join by Microsoft Teams -Meeting ID: 2654841258727

Passcode: Wa7qR9oo or call in: +1-971-277-2343, Phone Conference ID: 789188885#

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NEED FOR THE RULE(S)

In November 2023 federal rules changed to allow for specific certification process for relative caregivers. These changes allow for a more specific/targeted approach to working with relative caregivers to better support families and have successful placements. Oregon was selected by a national consulting group to be a demonstration site in implementing these changes. The intent of these rule and process changes is to support children who must be removed from their parents to remain with their families. These rule changes provide a different engagement with relatives and

support for the placement.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

There was a change to federal rules, but there is not a required statutory change.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The new federal rule allows Oregon to create a more flexible and supportive certification process for relatives who care for children in foster care. Because children of color are more likely to be placed with relatives, these changes help keep families together and reduce barriers that have historically made it harder for relatives—especially in communities of color—to become certified caregivers. This supports more stable placements and promotes racial equity in the child welfare system.

FISCAL AND ECONOMIC IMPACT:

The Department estimates that there will not be any fiscal impact to state agencies, clients, the public or businesses, including small businesses.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The Department estimates there will not be any cost of compliance to state agencies, units of local governments, or members of the public. (2) The Department estimates these rules will not have any effect on small business. (a) No small businesses are affected by this adoption; (b) The Department estimates there will not be any cost expected for reporting, record keeping, or administrative activities or cost to comply with the rules. (c) There is no cost of professional services, equipment supplies, labor and increased administration required for small businesses to comply with the rule(s).

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules, however, are invited to provide input during the public comment period.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

413-010-0180, 413-040-0222, 413-040-0268, 413-120-0000, 413-120-0016, 413-120-0020, 413-120-0021, 413-120-0035, 413-120-0053, 413-120-0057, 413-120-0060, 413-120-0115, 413-120-0142, 413-120-0145, 413-120-0155, 413-120-0160, 413-120-0165, 413-120-0170, 413-120-0175, 413-120-0190, 413-120-0220, 413-120-0222, 413-120-0225, 413-120-0240, 413-120-0243, 413-120-0246, 413-120-0400, 413-120-0440, 413-120-0450, 413-120-0455, 413-120-0457, 413-120-0460, 413-120-0620, 413-120-0625, 413-120-0628, 413-120-0630, 413-120-0635, 413-120-0700, 413-120-0730, 413-120-0735, 413-120-0750, 413-120-0760, 413-120-0800, 413-120-0830, 413-120-0840, 413-120-0860, 413-120-0870, 413-120-0925, 413-120-0940, 413-120-0960, 413-200-0260, 413-200-0270, 413-200-0272, 413-200-0274, 413-200-0275, 413-200-0276, 413-200-0278, 413-200-0281, 413-200-0283, 413-200-0285, 413-200-0287, 413-200-0308, 413-200-0314, 413-200-0335, 413-200-0379, 413-200-0383, 413-200-0394, 413-200-0396, 413-203-0000, 413-203-0005, 413-203-0010, 413-203-0015, 413-203-0020, 413-

203-0025, 413-203-0030, 413-203-0035, 413-203-0040, 413-203-0045, 413-203-0050, 413-203-0055, 413-203-0065, 413-203-0070, 413-203-0075, 413-203-0080, 413-203-0085, 413-203-0090, 413-203-0095, 413-203-0100, 413-203-0105, 413-203-0110, 413-203-0120, 413-203-0125, 413-203-0135, 413-203-0145

AMEND: 413-010-0180

RULE SUMMARY: OAR 413-010-0180 sets forth the “Rights of Children and Young Adults in the Legal Custody of the Department” and is being amended to apply additional language for the rights of young people while in the care or custody of the Department.

CHANGES TO RULE:

413-010-0180

Rights of Children and Young Adults in the Legal Custody of the Department ¶

(1) Every child and young adult in the legal custody of the Department has rights, including but not limited to the right:¶

- (a) To be placed in the least restrictive environment that appropriately meets individual needs;¶
- (b) To be provided basic needs such as adequate food, clothing, and shelter;¶
- (c) To receive appropriate care, supervision, and discipline, and to be taught to act responsibly and respect the rights of others;¶
- (d) To be provided routine and necessary medical, dental, and mental health care and treatment;¶
- (e) To be provided with free and appropriate public education;¶
- (f) To be protected from ~~physical and sexual abuse, emotional abuse, neglect, and exploitation~~ all forms of abuse and neglect;¶
- (g) To be provided services designed for reunification with the parent or guardian except when there is clear evidence that the parent or guardian may not protect the child's or young adult's welfare;¶
- (h) To be provided services to develop a safe permanent alternative to the family, when family resources are not available;¶
- (i) To be accorded the least restrictive legal status that is consistent with the need for protection; ~~¶~~
- ~~(j) To have the Department present its position on best interests to the court; and ¶~~
- ~~(k) To attend court hearings and speak directly to the judge;¶~~
- ~~(j) To have unimpeded and unmonitored contact with their attorney;¶~~
- ~~(m) To be informed they may have a personal representative present for an interview with the Department whether as a witness, victim, or subject individual;¶~~
- ~~(n) To receive respect, be nurtured, and attend activities in accordance with their background, religious heritage, race, and culture within reasonable guidelines as set by the case plan, the visitation plan, and the court;¶~~
- ~~(k) To visit and communicate with a parent or guardian, siblings, members of their family, and other significant people within reasonable guidelines as set by the case plan, the visitation plan, and the court;¶~~
- ~~(l) To be involved, in accordance with their age and ability and with the law, in making major decisions that affect their life, to participate in the development of their case plan, permanency plan, and comprehensive transition plan and to discuss their views about the plans with the judge;¶~~
- ~~(m) To receive encouragement and be afforded reasonable opportunities to participate in extracurricular, cultural, and personal enrichment activities consistent with their age and developmental level; and¶~~
- ~~(n) To earn and keep their own money and to receive guidance in managing resources to prepare their for living independently, including receiving assistance from the Department to establish a savings account as provided in ORS 418.708.¶~~
- ~~(s) To maintain and have access to personal belongings.¶~~

~~(t) To transport belongings in an appropriate carrier when entering, exiting, or transitioning within foster care. ¶~~

(2) This section establishes the Oregon Foster Children's Bill of Rights. In addition to the rights listed in section (1) of this rule, every child and young adult in the legal custody of the Department who is or was in substitute care or is awaiting placement has the following rights, as provided in ORS 418.201:¶

- (a) To have the ability to make oral and written complaints about care, placement, or services that are unsatisfactory or inappropriate, and to be provided with information about a formal process for making complaints without fear of retaliation, harassment, or punishment.¶
- (b) To be notified of, and provided with transportation to, court hearings and reviews by local citizen review boards pertaining to the child's or young adult's case when the matters to be considered or decided upon at the hearings and reviews are appropriate for the child or young adult, taking into account the age and developmental stage of the child or young adult.¶

- (c) To be provided with written contact information of specific individuals whom the child or young adult may contact regarding complaints, concerns, or violations of rights, that is updated as necessary and kept current.¶
- (d) When the child or young adult is 14 years of age or older, to be provided with written information within 60 days of the date of any placement or any change in placement, regarding:¶
 - (A) How to establish a bank account in the child's or young adult's name as allowed under state law;¶
 - (B) How to acquire a driver license as allowed under state law;¶
 - (C) How to remain in foster care after reaching 18 years of age;¶
 - (D) The availability of a tuition and fee waiver for a current or former foster child under ORS 351.293;¶
 - (E) How to obtain a copy of the child's or young adult's credit report, if any;¶
 - (F) How to obtain medical, dental, vision, mental health services, or other treatment, including services and treatments available without parental consent under state law; and¶
 - (G) A transition toolkit, including a comprehensive transition plan.¶
- (e) With respect to a child's or young adult's rights under the federal and state constitutions, laws, including case law, rules, and regulations:¶
 - (A) To receive a document setting forth such rights that is age and developmentally appropriate within 60 days of the date of any placement or any change in placement;¶
 - (B) To have a document setting forth such rights that is age and developmentally appropriate posted at the residences of all resource parents, child-caring agencies, and independent resident facilities; and¶
 - (C) To have an annual review of such rights that is age and developmentally appropriate while the child or young adult is in substitute care.¶
- (f) To be provided with current contact information within 60 days of placement or change in placement, for adults who are responsible for the care of the child or young adult and who are involved in the child's or young adult's case, including but not limited to caseworkers, caseworker supervisors, attorneys, foster youth advocates and supporters, court appointed special advocates, local citizen review boards, and employees of the Department that provide certification of resource parents, child-caring agencies, and independent resident facilities.¶
- (g) To have a hotline phone number that is available to the child or young adult at all times for the purposes of enabling the child or young adult to make complaints and assert grievances regarding the child's or young adult's care, safety, or well-being.¶
- (3) This section establishes the Oregon Foster Children's Sibling Bill of Rights. A sibling who is a foster child has rights, including but not limited to the right: ¶
 - (a) To obtain substitute care placements with siblings (pursuant to OAR 413-070-0600 to 413-070-0645), whenever it is safe and appropriate;¶
 - (b) To regularly visit and maintain contact with siblings who are placed in substitute care, and those who are not, whenever it is safe and appropriate. This contact includes but is not limited to face-to face, telephonic, letters and electronic communication;¶
 - (c) To have a sibling visit and contact plan that has been developed as a result of the active engagement and participation of siblings, updated at least annually, and complied with as part of any substitute care placement;¶
 - (d) To be provided with an explanation in an age-appropriate manner if placement or contact with a sibling is denied or prohibited;¶
 - (e) To be provided with transportation to visit and maintain contact with siblings; ¶
 - (f) To be placed with a resource parent or relative resource parent who has been provided with training on the importance of sibling relationships; ¶
 - (g) To be assigned to a caseworker who has been provided with training on the importance of sibling relationships;¶
 - (h) For contact with siblings to be encouraged, maintained, and facilitated in any adoptive or guardianship placement, whenever such contact is safe and appropriate;¶
 - (i) To have more private or less restrictive communication with siblings as compared to communications with others who are not siblings, whenever it is safe and appropriate; ¶
 - (j) To be immediately and timely notified of the birth of a sibling, placement, or placement change of a sibling who is in the legal custody of the Department, as is safe and appropriate; and¶
 - (k) To be immediately and timely notified of a catastrophic event or an emergency affecting a sibling, ~~as is safe and appropriate in a developmentally appropriate and trauma responsible manner~~; ¶
 - (L) To request that the foster child's attorney advocate on behalf of the foster child for contact and visits with siblings; ¶
 - (A) While the foster child is in foster care;¶
 - (B) When the court is considering whether to order visitation between the foster child and the foster child's siblings under ORS 419B.367; and¶
 - (C) When decisions are made regarding post-adoption or post-guardianship contact between the foster child and the foster child's siblings.¶

(4) With respect to the rights in section (3) of this rule, a foster child has the right: ¶

(a) To receive a document setting forth such rights, and a verbal explanation of those rights, that are age and developmentally appropriate and trauma responsive, within 60 days of the date of any placement or change in placement; ¶

(b) To have unrestricted access to the document described in (4)(a) of this rule at all placements, including but not limited to, the residence of all resource parents and child-caring agencies at which the foster child receives care; ¶

(c) To have the document described in (4)(a) of this rule on each occasion the child's case plan is considered and reviewed pursuant to OAR 413-040-0100; ¶

(d) To be informed by the Department of the rights in section (3) of this rule at least annually and upon the child or young adult's request; and ¶

(e) To have these rights apply regardless of whether the parental rights of one or more of the foster child's parents have been terminated. ¶

(5) A child or young adult in the legal custody of the Department may have other rights not specified in this rule as appropriate to the child's or young adult's age and developmental stage.

Statutory/Other Authority: ORS 418.005, ORS 418.202

Statutes/Other Implemented: ORS 418.005, ORS 418.200, ORS 418.202, ORS 418.201, ORS 418.606-418.609

AMEND: 413-040-0222

RULE SUMMARY: OAR 413-040-0222 sets for the the “Delay, Denial, Termination, Reversal of ICPC Placement Approval, Appeal” and is being amended to reflect changes from the newly formed relative certification ruleset (Division 203).

CHANGES TO RULE:

413-040-0222

Delay, Denial, Termination, Reversal of ICPC Placement Approval, Appeal

- (1) The Department will not delay or deny placement of a child who is in the custody of the Department solely because the available ICPC approved family resides outside the state of Oregon.¶
- (2) An approved adoptive resource (as defined in OAR 413-200-0260) who alleges that the denial of an adoption placement was based on the adoptive resource residing outside Oregon has the right to a contested case hearing as provided in ORS 183.310 to 183.550 and OAR 413-010-0500. ¶
- (3) For denial, termination, revocation or appeal of a child-specific certificate of approval for a relative caregiver or foster parent, refer to OAR 413-200-0296 and OAR 413-203-0040.¶
- (4) Denial of ICPC placement or reversal of an approval.¶
 - (a) Reasons for denial or reversal of ICPC placement approval. A placement request may be denied, or approval may be reversed when:¶
 - (A) The certification requirements of OAR chapter 413, division 200 or division 203 are not met;¶
 - (B) The adoptive resource certification requirements of OAR 413-200-0274 are not met;¶
 - (C) The applicant fails to timely respond to a written request from the Oregon ICPC office;¶
 - (D) The applicant withdraws his or her application; or¶
 - (E) The child's specific needs cannot be met if the child is placed in the home.¶
 - (b) Appeal. There is no right to appeal from a denial of an ICPC placement. Following a denial, the sending state may submit a new request if the issues that led to the denial have been corrected.¶
- (5) The Oregon ICPC office may deny or return the home study or parent home study request without processing it if any of the following apply:¶
 - (a) The prospective placement resource is noncompliant with the sending state's case plan.¶
 - (b) The prospective placement resource fails to respond to a written request for contact from the Department within 30 days of the request.¶
 - (c) There is an open CPS assessment on a prospective placement resource.¶
 - (d) The referral packet is incomplete.¶
 - (e) The sending state is nonresponsive to information requests.¶
 - (f) The prospective placement resource has an outstanding warrant for arrest.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 417.200-417.260

413-040-0268

- (1) All incoming ICPC requests for a home study and placement of a child or young adult in Oregon must be processed by the Oregon ICPC office.¶
- (2) Young adults. The Oregon ICPC office will accept requests for placement of a young adult unless the young adult is living independently. ¶
- (3) Parent home study.¶
 - (a) The Department will conduct a parent home study after receiving the request from the Oregon ICPC office.¶
 - (b) As part of the parent home study, the Department will have face-to-face contact with each member of the household.¶
 - (c) The Department will ensure completion of child abuse history background and criminal history background checks for each adult member of the household.¶
 - (d) Fingerprinting requirements for a parent home study. The Department will ensure completion of a fingerprint-based criminal records check of national crime information databases ~~on~~for each adult member of the household if:¶
 - ~~(A) An adult member of the household lived outside of the state within five years of the date of the request; or~~¶
 - ~~(B) An adult member of the household disclosed criminal history or if criminal history is found during~~The Department will assess finances and housing for the Department background check.¶
 - ~~(e) The Department will verify income and the stability of the housing arrangement and assess the condition's ability to meet the safety and wellbeing needs of the homechild.~~¶
 - (f) Each parent must be compliant with the case and service plans from the sending state.¶
 - (g) The Department will consider the needs of the child or young adult when determining whether the placement will be approved.¶
- (4) Home study for a non-parent home.¶
 - (a) When the Department completes the home study, a relative ~~caregiver, foster resource parent must meet the requirements of OAR 413-203-0000 to 413-203-0145, while a non-related resource~~ family or potential adoptive family must meet the requirements of OAR 413-200-0301 to 413-200-0396, and a potential adoptive family must also meet the requirements of OAR 413-120-0190 to 413-120-0246.¶
 - (b) When an agency licensed in Oregon completes the home study, the requirements of OAR 413-215-0313 to ~~413-215-0331~~ 413-215-0331 apply to a foster family, and the requirements of OAR ~~413-215-0451 to 413-215-0461~~ 413-215-0451 to 413-215-0461 apply to an adoptive family.¶
 - (c) In addition to meeting the standards in subsection (a) or (b) of this section, the placement also must meet the specific needs of each child.¶
- (5) After the study is completed, the local branch office or agency must provide the study to the Oregon ICPC office. The branch office must not provide the study to the party or agency that requested it unless authorized to do so by the Oregon ICPC office. The study must include a recommendation regarding placement.¶
- (6) The Oregon ICPC compact administrator, deputy compact administrator or designee must review the study and will either approve or not approve the placement based on information contained in the home study.¶
- (7) Responsibilities of the Department. When the Department is notified of the child or young adult's placement into Oregon, the Department will notify the supervising agency of the placement and to begin supervision.¶
- (8) Following placement of the child or young adult, supervision by the Oregon local branch office or agency licensed in Oregon includes a monthly contact with the child or young adult and caregiver, as described in OAR 413-080-0055 or 413-215-0466 (6), as applicable.¶
- (9) The supervising agency must submit progress reports at minimum every 90 days to the Oregon ICPC office as requested by the sending state on the form 100A. Each progress report must include all of the following:¶
 - (a) The date and location of each face-to-face contact with the child or young adult.¶
 - (b) A summary of the child or young adult's current circumstances.¶
 - (c) If the child or young adult is attending school, a summary of the child or young adult's academic performance.¶
 - (d) A summary of the child or young adult's current health status.¶
 - (e) An assessment of current caretakers. ¶
 - (f) A description of any unmet needs. ¶
 - (g) If applicable, the supervising worker's recommendation for continuation of the placement or for closure of the case.¶

(10) The Department will accept any report of abuse of a child or young adult placed in Oregon pursuant to an approved placement under Article III(d) of the ICPC and will act in the same manner as it would to a report of abuse or neglect of any other child or young adult residing in Oregon, pursuant to OAR chapter 413, division 015.

¶

(a) The Department must promptly notify the sending state if there is a report of abuse or neglect. The local branch office must ensure that the Oregon ICPC office is also notified of the report. ¶

(b) If a child or young adult is moved to another home, the Department must promptly notify the sending state. ¶

(c) The Department must work with the out-of-state office to develop a plan that will meet the child's safety and well-being needs. ¶

(11) The Department will assess possible placement resources and provide supervision for a placement only after accepting an ICPC request.

Statutory/Other Authority: ORS 409.050, ORS 418.005

Statutes/Other Implemented: ORS 409.010, ORS 417.200-417.260, ORS 418.005

RULE SUMMARY: OAR 413-120-0000 sets for the "Definitions" for Division 120 and is being amended to update the definition of relative to be in compliance with Senate Bill 163 and the Uniform Parentage Act.

Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0000
Definitions ¶¶

Unless the context indicates otherwise, the following definitions apply to OAR Chapter 413, Division 120:¶¶

- (1) "Adoption" means a legal or administrative process that establishes a permanent legal parent-child relationship between a child and an adult who is not already the child's legal parent and terminates the legal parent-child relationship between the adopted child and any former parent. ¶¶
- (2) "Adoption agency" means an organization providing the services under any one of the following subsections:¶¶
 - (a) Identifying a child for adoption and arranging an adoption.¶¶
 - (b) Securing the necessary consent to relinquishment of parental rights and to adoption.¶¶
 - (c) Performing a background study on a child or a home study on a ~~prospective~~potential adoptive ~~parent~~resource and reporting on such a study.¶¶
 - (d) Making determinations of the best interests of a child and the appropriateness of adoption placement for a child.¶¶
 - (e) Monitoring a case after placement until final adoption.¶¶
 - (f) When necessary because of disruption before final adoption, assuming custody and providing child care or other social services for a child pending an alternative placement.¶¶
- (3) "Adoption committee" means a group of individuals convened by Department staff to make recommendations to an Adoption Decision Specialist (ADS) regarding adoptive resources for a child.¶¶
- (4) "Adoption decree" means a decree which a court issues, pursuant to a petition for adoption, setting forth the facts of the case and ordering that from the date of the decree the child, to all legal intents and purpose, is the child of the petitioner. ¶¶
- (5) "Adoption home study" means a written report documenting the result of an assessment conducted by the Department, a licensed adoption agency, or another public agency to evaluate the suitability of an individual or individuals to adopt and make a lifelong permanent commitment to a child or children.¶¶
- (6) "Adoption placement selection" means a decision made by the Department that an individual or individuals have been identified as the adoptive resource for the child.¶¶
- (7) "Adoptive resource" means an individual or individuals selected by the Department, another public child welfare agency, or a licensed adoption agency as the adoptive ~~family~~parent or parents for a child where no administrative review was requested within the timeframe allowed for such a request or, if a review was requested, the selection was sustained by that review and the review is complete.¶¶
- (8) "Adoption transition" means activities related to the placement of a child or sibling group under consideration in the home of the ~~family~~selected as the adoptive resource.¶¶
- (9) "ADS" means an Adoption Decision Specialist, who is a Department employee appointed by the ~~Adoption~~Child Permanency Program Manager to attend an adoption committee and make an adoption placement selection for a child.¶¶
- (10) "Applicant" means any individual who applies:¶¶
 - (a) To become or remain a ~~certified~~resource family~~parent~~;¶¶
 - (b) To change certification type; or¶¶
 - (c) For approval through the Department as a potential adoptive resource.¶¶
- (11) "Authorized designee" means a Department employee who is designated and authorized by the Department to receive and process criminal records check request forms from subject individuals, receive criminal records information from the Background Check Unit, and make fitness determinations as described in these rules.¶¶
- (12) "Battery" means the use of physical force to injure, damage, or abuse or to cause offensive physical contact. ¶¶
- (13) "Birth Relatives" means birth parents, grandparents, siblings and other members of the child's birth family, pursuant to ORS 109.305.¶¶
- (14) "Central authority" means the entity designated as such by a Convention country that is authorized to

discharge the duties imposed on Convention countries. ¶

(15) "Central authority functions" means any duty required to be carried out by a central authority or foreign authorized entity under the Convention. ¶

(16) ~~"Certified resource family" means an individual or individuals who hold a Certificate of Approval from the Department to operate a home to provide care, in the home in which they reside, to a child or young adult in the care or custody of the Department. ¶~~

(17) "Child" means a person under 18 years of age. ¶

(18) ~~"Child care" means the supervision of a child in the care or custody of the Department by a licensed, approved, or listed provider when care is required due to the employment or educational program of the certified resource family-parent. ¶~~

(19) ~~"Child welfare mediator" means a neutral third party who meets or exceeds Department qualifications to provide mediation services for mediation participants in the cooperative adoption mediation process, and has a legal assistance mediation contract with the Department. ¶~~

(20) ~~"Committee facilitator" means a Department staff member appointed as a member of the committee to facilitate a permanency committee or adoption committee meeting. ¶~~

(21) ~~"Concurrent permanent plan" means the alternate permanency plan whenever the child has been placed in substitute care when the goal of the permanency plan is to return the child to the parents. The "concurrent permanent plan" is developed simultaneously with the plan to return the child to the parents or legal guardians. ¶~~

(22) ~~"Consent to the Adoption": The "Consent to the Adoption" documents that the adoptive parents resource has been investigated and approved by the Department and gives permission for the adoption. ¶~~

(23) ~~"Contested case hearing" means a hearing conducted under ORS chapter 183 and applicable administrative rules. ¶~~

(24) ~~"Convention" means the Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoptions, concluded at The Hague, the Netherlands, on May 29, 1993, which went into effect in the United States on April 1, 2008. ¶~~

(25) ~~"Convention adoption" means an adoption of a child who is a habitual resident in a Convention country by an individual in another Convention country when the child has been, is being, or will be moved between the two Convention countries for the purpose of adoption. ¶~~

(26) ~~"Convention country" means a country that is a party to the Convention. ¶~~

(27) ~~"Cooperative adoption mediation" or "Mediation" means a process in which a trained neutral third party assists parties in voluntarily reaching mutually acceptable resolution of issues, as well as assisting the parties in establishing relationships built on mutual trust and respect. Throughout these rules, "cooperative adoption mediation" will be referred to as "mediation". ¶~~

(28) ~~"Criminal Offender Information" means records, including fingerprints and photographs, received, compiled and disseminated by the Oregon Department of State Police (OSP) , or by other states, for purposes of identifying criminal offenders and alleged offenders, and maintained as part of an individual's records of arrests, the nature and disposition of criminal charges, sentencing, confinement, but does not include the retention by OSP or records of transfer of inmates between penal institutions or other correctional facilities, and release. It also includes the OSP Computerized Criminal History System. ¶~~

(29) ~~"Criminal records check" means obtaining and reviewing criminal records as required by these rules and includes any or all of the following: ¶~~

(a) An Oregon criminal records check where criminal offender information is obtained from the Oregon State Police (OSP) using the Law Enforcement Data System (LEDS). The Oregon criminal records check may also include a review of other criminal records information obtained from other sources. ¶

(b) A national criminal records check where records are obtained from the Federal Bureau of Investigation (FBI). The national criminal records check may also include a review of other criminal records information. ¶

(c) A state-specific criminal records check where records are obtained from law enforcement agencies, courts, or other criminal records information sources located in, or regarding, a state or jurisdiction outside Oregon. ¶

(30) ~~"Current caretaker" means a foster resource parent who: ¶~~

(a) Is currently caring for a child in the care or custody of the Department and has a permanency plan or concurrent permanent plan of adoption; and ¶

(b) Has cared for the child or at least one sibling of the child for at least 12 months or for one-half of the child's or sibling's life if the child or sibling is younger than two years of age. Time spent caring for the child or sibling under this definition is calculated cumulatively. ¶

(31) ~~"Department" means the Oregon Department of Human Services, Child Welfare. ¶~~

(32) ~~"Disruption" means an approval by the Child Permanency Program Manager or decision by the designated adoptive resource to end an adoption process after adoption selection, placement, and designation but before the adoption is legally finalized. ¶~~

(33) ~~"Fitness determination" means the decision made by an authorized designee, with regard to information~~

obtained through a criminal records check, to either approve or deny a subject individual under these rules. ¶

(343) "Foreign authorized entity" means a foreign central authority or an accredited entity authorized by the foreign country to perform central authority functions in Convention adoption cases. ¶

(35) ~~"Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department. ¶~~

(364) "General applicant" means an individual who: ¶

(a) Is neither a relative or current caretaker; and ¶

(b) Has submitted a completed application to ~~adopt a child~~ be approved as a potential adoptive resource. ¶

(375) "Hague adoption certificate" means a certificate issued by the Secretary of State in an outgoing Convention adoption certifying that the child has been adopted in the United States in conformity with the Convention and IAA. ¶

(386) "Hague custody declaration" means a declaration issued by the Secretary of State in an outgoing Convention adoption declaring that custody of the child for purposes of adoption has been granted in the United States in conformity with the Convention and IAA. ¶

(397) "Home Study" means a written evaluation of the prospective potential adoptive parent resource's suitability to adopt and parent a child who may be placed for adoption. The "home study" is completed prior to the filing of a petition to adopt, in accordance with the Department's reporting format and standards, and states whether or not the prospective adoptive ~~parents resource~~ meets the minimum standards for adoptive homes as set forth in OAR 413-120-0190 to 413-120-0246. ¶

(4038) "Home study" means a document containing an analysis of the ability of the applicant or relative applicant to provide safe and appropriate care of a child or young adult. For OAR 413-120-0190 to 413-120-0246 "Home study" means a written evaluation of the prospective potential adoptive parent resource's suitability to adopt and parent a child who may be placed for adoption. The "home study" is completed prior to the filing of a petition to adopt, in accordance with the Department's reporting format and standards, and states whether or not the prospective potential adoptive parents resource meets the minimum standards for adoptive homes. ¶

(4139) "IAA" means the Intercountry Adoption Act of 2000, Public Law 106-279, 42 USC 14901 to 14954. ¶

(420) "ICPC" means the Interstate Compact on the Placement of Children (see ORS 417.200). ¶

(431) "ICWA" or "the Act" means the Indian Child Welfare Act of 1978, 25 U.S.C. §§1901-63. ¶

(442) "Incoming Convention adoption" means a case in which a child who is a resident of another Convention country has been, is being, or will be moved to the United States for placement and adoption. ¶

(453) "Indian child" means any unmarried person who is under age 18 and either: ¶

(a) Is a member or citizen of an Indian tribe; or ¶

(b) Is eligible for membership or citizenship in an Indian tribe and is the biological child of a member or citizen of an Indian tribe. ¶

(464) "Legal Assistance Mediation Program" means, for the purpose of these rules, services contracted through the Department Legal Assistance program to assist the birth family relatives and the identified adoptive family resource to participate in a cooperative adoption process that may result in a Post Adoption Communication Agreement (PACA). ¶

(475) "Legal Assistance Referral" means an attorney-client privileged document used to prepare the termination of parental rights petition and or trial preparation work. ¶

(486) "Legal assistance specialist (LAS)" means a central office Department staff who provides a vital link in the execution of the technical and legal processes of the alternative permanent plans for children whose best interests are not served by returning to their families of origin. ¶

(497) "Legalization" means the process of giving an adoptive placement legal validity. ¶

(5048) "Mediation communications" means, as defined in ORS 36.110(8): ¶

(a) All communications that are made, in the course of or in connection with a mediation, to a mediator, a mediation program or a party to, or any other person present at, the mediation proceedings; and ¶

(b) All memoranda, work products, documents and other materials, including any draft mediation agreement, that are prepared for or submitted in the course of or in connection with a mediation or by a mediator, a mediation program or a party to, or any other person present at, mediation proceedings. ¶

(5149) "Mediation participants" means persons who will be working directly with the mediator in the cooperative adoption mediation process and who will be responsible for the creation and implementation of any PACA that results. ¶

(520) "Member of the Household" means adult, young adult or child living in the home of an applicant ~~or certified resource family, including the applicant, relative resource parent, or relative resource parent~~. ¶

(531) "OSP" means the Oregon State Police. ¶

(542) "Other criminal records information" means information obtained and used in the criminal records check process that is not criminal offender information from OSP. "Other criminal records information" includes but is not limited to police investigations and records, information from local or regional criminal records information

systems, justice records, court records, information from the Oregon Judicial Information Network, sexual offender registration records, warrants, Oregon Department of Corrections records, Oregon Department of Transportation's Driver and Motor Vehicle Services Division information, information provided on the background check requests, disclosures by a subject individual, and any other information from any jurisdiction obtained by or provided to the Department for the purpose of conducting a fitness determination.¶

(553) "Outgoing Convention adoption" means a case in which a child in the United States has been, is being, or will be moved to another Convention country for placement and adoption.¶

(564) "Parent" means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, ORS 416.400 to 416.610, or by a juvenile court. In cases involving an Indian child under the ICWA, parent means any biological parent of an Indian child, or any Indian who has lawfully adopted an Indian child, including adoptions under tribal law or custom. It does not include an unwed biological father where paternity has not been acknowledged or established. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father.¶

(55) "Parties" means those participants whose signatures are necessary for the PACA to be implemented and are subject to enforcement of ORS 109.305. ¶

(576) "Permanency committee" means a group of individuals who are responsible for making a recommendation regarding a permanency plan or a potential permanency resource when the child or young adult likely is not returning to his or her parent.¶

(587) "Permanency plan" means a written course of action for achieving safe and lasting family resources for the child. Although the plan may change as more information becomes available, the goal is to develop safe and permanent family resources with the parents, relatives, or other individuals who will assume legal responsibility for the child during the remaining years of dependency and be accessible and supportive to the child in adulthood.¶

(598) "Petition for Adoption" means a petition, filed in circuit court by any person, for leave to adopt another person. ¶

(6059) "Placement Report" means a comprehensive written report and recommendation to the court prepared after the filing of a petition and after the child is placed for the purpose of adoption. The report is completed in accordance with the Department's prescribed reporting format and includes information about the child's background and placement; medical and genetic history; birth parents' history; status and adjustment of the child in the adoptive home; and status and adjustment of the child's prospective adoptive parents resource. ¶

(610) "Post-adoption communication" means the manner and frequency of contact and communication between the birth family relatives and the child and/or the birth family relatives and the adoptive family resource.¶

(621) "Post Adoption Communication Agreement (PACA)" means a written agreement for post-adoptive communication, signed by birth parents and adoptive parents and is based on an informed decision-making process by the mediation participants. The content of the agreement is based on the best interest of the child.¶

(632) "Post-placement supervision" means the supervision of a child following placement with an adoptive resource.¶

(643) "Prospective adoptive parents" means the parents, family members, or other people who reside in the residence, or the physical home location of the family, who have been studied and approved by a foreign authorized entity to adopt a child in the legal and physical custody of the Department and with whom the Department has made an official decision to place the child in the family home for the purpose of adoption.¶

(654) "RCWAC" means the Refugee Child Welfare Advisory Committee.¶

(665) "Receiving Convention country" means a Convention country in which a child who is the subject of an outgoing adoption will be placed for the purpose of adoption.¶

(676) "Refugee child" has the meaning given that term under ORS 418.925.¶

(687) "Relative" means any of the following:¶

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:¶

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.¶

(B) Any half-blood genetic relative of preceding generations denoted by the prefixes of grand, great, or great-great. Individuals with one common biological genetic parent are half-blood relatives.¶

(C) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.¶

(D) A spouse of anyone listed in paragraphs (A) to (C) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.¶

(b) An individual with one of the following relationships to the child or young adult:¶

- (A) A sibling, also to include an individual with a sibling relationship to the child or young adult through a ~~putative father~~ alleged genetic parent.¶
- (B) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.¶
- (C) An individual defined as a relative of a refugee child or young adult under OAR 413-070-0300 to 413-070-0380.¶
- (D) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a ~~stepbrother; or a stepsister~~ sibling.¶
- (E) A registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.¶
- (F) The adoptive parent or an individual who has been designated as the adoptive resource of a sibling of the child or young adult.¶
- (G) An unrelated ~~legal or biological father or mother~~ parent of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated ~~legal or biological father or mother~~ parent.¶
- (c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult ~~by blood, genetically or by~~ adoption; or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (C) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.¶
- (d) An individual meeting the requirements of at least one of the following:¶
- (A) An individual not related to the child, young adult, or parent ~~by blood, genetically or by~~ adoption; or marriage:¶
- (i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and¶
- (ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.¶
- (B) An individual who has a ~~blood~~ genetic relationship to the child or young adult as described in paragraphs (A) to (C) of subsection (a) of this section through the ~~birth~~ genetic parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or ~~birth~~ genetic parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.¶
- (e) For eligibility for the guardianship assistance program:¶
- (A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the ~~adoptive or biological~~ parent of the child has been terminated by divorce or death.¶
- (B) A ~~foster~~ resource parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:¶
- (i) There is a compelling reason why adoption is not an achievable permanency plan;¶
- (ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;¶
- (iii) The foster parent has cared for the child for at least 12 of the past 24 months; and¶
- (iv) The Department or tribe has approved the foster parent for consideration as a guardian.¶
- (698) "Relative Applicant" means any individual who is defined as a "relative" under OAR 413-120-0000 who applies:¶
- (a) To become a Relative Resource Parent;¶
- (b) For approval through the Department as a potential relative adoptive resource; or¶
- (c) ~~For approval through the Department as a potential relative guardian.~~¶
- (70) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related child or young adult who is placed in the home by the Department.¶
- (7169) "Relative Resource Parent" means a person defined as a "relative" under OAR 413-070-0000 who operates a home approved by the Department to provide care for a related child ~~or young adult placed in the home by~~ in the care or custody of the Department.¶
- (720) "Resource parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated child ~~or young adult placed in the home by~~ in the care or custody of the Department.¶
- (731) "Respite care" means a ~~formal planned~~ arrangement to relieve a ~~certified family's~~ resource parent or relative resource parent of their responsibilities by an individual person temporarily assuming responsibility for the care or supervision of a child ~~or young adult in the home of the respite provider or certified family in the home of the relative resource parent or resource parent.~~¶
- (742) "Secretary of State" means the Secretary of the United States Department of State, the central authority for

the United States. ¶

(753) "Sibling" means one of two or more children or young adults who are related, or would be related but for a termination or other disruption of parental rights, in one of the following ways:¶

(a) By blood or adoption through a common parent;¶

(b) Through the marriage of the legal or biological parents of the children or young adults; or¶

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.¶

(764) "Substitute care" means the out-of-home placement of a child ~~or young adult~~ who is in the ~~legal or physical care or~~ custody and care of the Department.¶

(775) "Substitute caregiver" means a relative ~~caregiver, foster~~ resource parent, resource parent, or provider who is authorized to provide care to a child ~~or young adult~~ who is in the ~~legal or physical care or~~ custody of the Department.¶

(786) "Subject individual" means an individual on whom the Department may conduct a criminal records check and from whom the Department may require fingerprints and other information for the purpose of conducting a criminal records check.¶

(797) "U.S. State Department" means the United States Department of State. ¶

(780) "Violence" means the use of physical force to injure, damage, or abuse. ¶

(8179) "Weighing test" means the process in which an authorized designee considers available information to make a fitness determination when a subject individual has a criminal conviction.¶

~~(82) "Young adult" means an individual aged 18 through 20 years.~~

Statutory/Other Authority: ORS 409.050, ORS 418.005

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.280, ORS 418.285, ORS 419A.004

AMEND: 413-120-0016

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0016

Confidentiality ¶¶

(1) To be considered as a potential adoptive resource, each applicant who is the subject of an adoption home study must provide a signed, valid release of information to release the adoption home study and associated documents to be considered in the adoption placement selection.¶¶

(2) When the Department considers written information in addition to the adoption home study concerning a potential adoptive resource during the adoption placement selection, the adoption worker must:¶¶

(a) Notify the potential adoptive resource of the additional written information; and¶¶

(b) Have the potential adoptive resource sign a release of information for the additional written information to be considered in the adoption placement selection.¶¶

(3) The Child Permanency Program Manager, at ~~his or her~~their discretion, may determine that any written information released under section (1) or (2) of this rule must be a summary or redacted copy when:¶¶

(a) An individual who is a subject of the adoption home study or additional information has requested that information be redacted or summarized; or¶¶

(b) There is a conflict of interest as described in OAR 413-120-0222.¶¶

(4) Any written information released under section (1), (2) or (3) of this rule must:¶¶

(a) Be kept confidential by the recipients;¶¶

(b) Be used only for the purpose of making the recommendation and selection of a child's adoptive resource;¶¶

(c) Not be redisclosed verbally or in writing;¶¶

(d) Not be copied; and¶¶

(e) Be returned to the Department when the adoption placement selection has been made.

Statutory/Other Authority: ORS 409.050, 418.005

Statutes/Other Implemented: ORS 409.010, 409.225, 418.005, 418.280, 418.285, 418.305, 419A.255

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0020

Adoption Placement Selection Options ¶¶

When a child or sibling group has a permanency plan of adoption, the Department uses one of the three options below to make an adoption placement selection:¶¶

(1) Selection by Caseworker. After considering the input from the child's team and following consultation with the supervisor, the caseworker may make the adoption placement selection for a child or sibling group using the process in OAR 413-120-0021 when the requirements of at least one of the following is met:¶¶

(a) Pursuant to OAR 413-115-0090(3), if the child being considered for adoption alone or as part of a sibling group is an Indian child, and there is a single potential adoptive resource who:¶¶

(A) Has been identified as the placement preference through tribal resolution;¶¶

(B) Complies with the placement preference order prescribed by the ICWA and OAR 413-115-0090(3)(c); or¶¶

(C) Has been identified as the placement preference by the court through a good cause order as required by the ICWA and OAR 413-115-0090(3)(c).¶¶

(b) The child is identified as a refugee child and the adoption placement selection complies with OAR 413-070-0300 to 413-070-0380.¶¶

(c) A relative of the child or sibling group is being considered alone as the potential adoptive resource unless subsections (c), (d), or (e) of section (3) of this rule apply. Prior to making a selection, ensure the Department has conducted a diligent search and there is no other identified relative who has expressed an interest in, or who is being assessed as a potential adoptive resource and there is no current caretaker who has expressed an interest in, or who is being assessed, as a potential adoptive resource.¶¶

(d) A current caretaker of the child or sibling group is being considered alone as a potential adoptive resource unless subsection (c), (d), or (e) of section (3) of this rule applies. Prior to making a selection, ensure the Department has conducted a diligent search and there is no relative who has expressed an interest in, or who is being assessed as, a potential adoptive resource, and there is no other current caretaker who has expressed an interest, or who is being assessed, as a potential adoptive resource.¶¶

(e) The child is under six years of age with no extraordinary needs and each potential adoptive resource is a general applicant, unless subsection (d) of section (2) of this rule or subsection (c), (d), or (e) of section (3) of this rule applies. Prior to making a selection, ensure the Department has conducted a diligent search and there is no relative who has expressed an interest in, or who is being assessed as, a potential adoptive resource, and there is no current caretaker who has expressed an interest, or who is being assessed, as a potential adoptive resource.¶¶

(2) Local Adoption Committee and ADS. The local adoption committee recommends an adoptive resource and the ADS makes the adoption placement selection when section (3) of this rule does not apply and at least one of the following applies:¶¶

(a) The child is six years of age or older.¶¶

(b) The child has extraordinary needs.¶¶

(c) A sibling group is being placed together for the purpose of adoption and each potential adoptive resource is a general applicant.¶¶

(d) The identified potential adoptive resources include the child's current ~~foster~~resource parent, who is not a current caretaker, being considered as a general applicant with other general applicants.¶¶

(3) Central Office Adoption Committee and ADS. The central office adoption committee recommends an adoptive resource, and the ADS makes the adoption placement selection when one of the following applies:¶¶

(a) The potential adoptive resources include:¶¶

(A) More than one relative as defined in OAR 413-120-0000(64)(a)-(c);¶¶

(B) A relative as defined in OAR 413-120-0000(64)(a)-(d) and a current caretaker; or¶¶

(C) A relative, as defined in OAR 413-120-0000(64)(d) for whom an exception to the order of preference has been granted under OAR 413-120-0760.¶¶

(b) The potential adoptive resources include more than one current caretaker being considered for siblings who will be placed together in adoption.¶¶

(c) A ~~DH~~Department staff member is a potential adoptive resource, and the requirements of the QDHS-060-002, "Conflict of Interest Policy" and the "Conflict of Interest Policy Addendum for CAF Employees" apply.¶¶

(d) A non-~~DH~~Department staff member with a potential conflict of interest with the Department is a potential adoptive resource.¶¶

(e) The potential adoptive resource is an individual living outside of the United States.¶¶

(4) The caseworker, following consultation with the supervisor, may request that the adoption placement selection be made by an ADS following an adoption committee recommendation based on the complexities or dynamics of a case. The request must be approved by:¶¶

(a) The Child Welfare Program Manager or designee for the use of a local adoption committee rather than a caseworker selection; or¶¶

(b) The Child Permanency Program Manager, Assistant Child Permanency Program Manager, or designee for the use of a central office adoption committee rather than a local adoption committee.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005, ORS 418.280, ORS 418.285, ORS 419B.192

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0021

Adoption Placement Selection by Caseworker ¶¶

- (1) Before making an adoption placement selection, the child's caseworker must comply with the provisions of OAR 413-120-0700 to 413-120-0760.¶¶
- (2) When the caseworker, after considering the input from the child's team and following consultation with the supervisor, has identified the potential adoptive resources to be considered for adoption placement selection, the caseworker must consult with the adoption worker for each of the identified families to:¶¶
 - (a) Provide the adoption worker with written information, redacted to remove identifying information, about the history and needs of each child under consideration for adoption; and¶¶
 - (b) Discuss the ability of the potential adoptive resource to meet the needs of each child under consideration for adoption.¶¶
- (3) The adoption workers must complete all of the following:¶¶
 - (a) Provide the identified potential adoptive resources with the information described in subsection (2)(a) of this rule.¶¶
 - (b) Describe the adoption placement selection process to the potential adoptive resources to:¶¶
 - (A) Inform them of the individuals who will be reviewing their adoption home study or other information during the adoption placement selection process; and¶¶
 - (B) Assure all appropriate releases of information described in OAR 413-120-0016(1) and (2) have been obtained.¶¶
 - (c) Confirm with the caseworker for each child who is under consideration that the potential adoptive resource is willing and available to be considered for adoption.¶¶
- (4) When the caseworker has been informed that the identified potential adoptive resources are available and appropriate to be considered, the caseworker must set a date for the adoption placement selection and notify the adoption worker for each of the identified potential adoptive resources.¶¶
- (5) At least ten business days before the adoption placement selection, the caseworker must complete all of the following:¶¶
 - (a) Notify the following individuals of the potential adoptive resources to be considered and the date the adoption placement selection will occur:¶¶
 - (A) The CASA;¶¶
 - (B) The child's attorney;¶¶
 - (C) An authorized representative of the child's tribe, if the child is an Indian child; and¶¶
 - (D) A member of the RCWAC, if the child is a refugee child.¶¶
 - (b) Ensure that the individuals identified in subsection (a) of this section are sent copies of the adoption home study and any additional written information released under OAR 413-120-0016 for each potential adoptive resource, unless the individual has notified the caseworker that they do not want a copy of the materials.¶¶
 - (c) Notify the individuals identified in subsection (a) of this section that any input regarding the ability of a potential adoptive resource to meet the current and lifelong needs of the child or sibling group must be received at least two days before the date of the adoption placement selection to assure it will be considered.¶¶
- (6) When the caseworker has provided the notifications in section (5) of this rule, an adoption selection date has been scheduled by the caseworker or committee, and a child's relative or current caretaker now expresses interest in being considered as a potential adoptive resource, the Child Welfare Program Manager must:¶¶
 - (a) If the newly expressed interest is from a relative, review the diligent efforts to identify a child's relatives required under OAR 413-070-0060 to 413-070-0063;¶¶
 - (b) If the newly expressed interest is from a current caretaker, review the efforts to determine if the current caretaker was given adequate and reasonable time to request consideration as the potential adoptive resource;¶¶
 - (c) Consider the impact of a delay in achieving permanency on the best interests of the child; and¶¶
 - (d) Make a determination whether it is in the best interest of the child for an adoption home study to be conducted with a relative or current caretaker despite the delay in achieving permanency.¶¶
- (7) The Child Welfare Program Manager in consultation with the Child Permanency Program Manager makes the determination whether to consider a relative or current caretaker under section (6) of this rule.¶¶

(8) When a Child Welfare Program Manager informs the caseworker of the determination to consider a relative or current caretaker identified under section (6) of this rule, the caseworker must notify each individual in subsection (5)(a) of this rule and the adoption worker for each identified potential adoptive resource that the adoption selection process has been suspended.¶

(9) When the adoption selection process has been suspended, the adoption workers must notify each identified potential adoptive resource that the adoption selection process has been suspended.¶

(10) The timelines in this rule may be changed when the caseworker, the adoption worker for each of the identified potential adoptive resources, and each individual in section (5) of this rule agree on a new timeline.¶

(11) After considering the input from individuals in section (5) of this rule, the caseworker, following consultation with ~~his or her~~ their supervisor - makes the adoption placement selection for a child or sibling group under consideration for adoption when OAR 413-120-0020(1) applies.¶

(12) On the day that the selection is made, the child's caseworker must notify the adoption workers for each of the identified potential adoptive resources who were considered for the adoption placement selection.¶

(13) By the end of the next business day following the adoption placement selection, the child's caseworker must send written notification of the adoption placement selection to each of the following individuals:¶

(a) The CASA;¶

(b) The child's attorney;¶

(c) An authorized representative of the child's tribe, if the child is an Indian child; and¶

(d) A member of the RCWAC, if the child is a refugee child.¶

(14) By the end of the next business day following the adoption placement selection, written notification on a form approved by the Department must be sent to each identified potential adoptive resource of whether they were selected as the adoptive resource by the following individuals:¶

(a) A Department adoption worker; or¶

(b) The child's caseworker when the adoption worker is a private agency employee.¶

(15) Notifications in sections (12) and (13) of this rule must contain information on the Department's review process as described in OAR 413-120-0060, unless the identified potential adoptive resources were all general applicants.¶

(16) Within three days of the adoption placement selection, the caseworker must assure that:¶

(a) The adoption placement selection and the basis for that selection are documented on a Department-approved form; and¶

(b) The ~~Central~~ Office of Adoption ~~Child Permanency~~ Program is notified of the adoption placement selection.¶

(17) Any individual who received a copy of an adoption home study or other written documents during the adoption selection process must return the materials to the Department within seven business days of the notice of the adoption placement selection.

Statutory/Other Authority: ORS 409.050, ORS 418.005

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.280, ORS 418.285, ORS 419B.192

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0035

Invitation to and Notification of Adoption Committee ¶¶

- (1) In preparation for and prior to scheduling an adoption committee, the caseworker for each child and the adoption worker for each potential adoptive resource must comply with the provisions of OAR 413-120-0700 to 413-120-0760.¶¶
- (2) No later than ten business days before the scheduled adoption committee, the Department must send the ADS and each individual identified in OAR 413-120-0025(1), (2), and (3) all of the following:¶¶
- (a) Notification of the date, time, and location of the adoption committee.¶¶
- (b) A copy of each of the adoption home studies and the written information released under OAR 413-120-0016(1) and (2).¶¶
- (c) Written information about the needs of each child under consideration.¶¶
- (d) A notice that confidential information may not be re-released, under OAR 413-120-0016(4).¶¶
- (e) A request to thoroughly review all of the information provided before the date of the adoption committee when the individual will be serving as a committee member.¶¶
- (3) Information in subsections (b) to (e) of section (2) of this rule need not be provided again to the caseworker for each child under consideration for adoption and the adoption worker for each potential adoptive resource.¶¶
- (4) Individuals identified in OAR 413-120-0025(1), (2), and (3) may request that the Department invite individuals to the adoption committee to present information regarding a child's needs.¶¶
- (5) The Department has the discretion to invite the following individuals to attend and present information regarding the child's current and lifelong needs to an adoption committee:¶¶
- (a) The child, on a case by case basis, when the child's caseworker determines the child's attendance is appropriate;¶¶
- (b) The child's current or previous substitute caregiver, unless the individual is being considered as a potential adoptive resource for the child; and¶¶
- (c) Any other individual who has significant information about the current and lifelong needs of the child relevant to the selection of an adoptive resource.¶¶
- (6) Any individual invited to provide information related to the child's needs may present information to the adoption committee in person, by telephone, through electronic communication, or in writing.¶¶
- (7) A potential adoptive resource may provide supplemental information regarding ~~his or her~~their ability to meet the current and lifelong needs of the child or sibling group under consideration for adoption through the adoption worker. An identified potential adoptive resource and ~~his or her~~their legal or personal advocate may not attend an adoption committee.¶¶
- (8) When the notification in section (2) of this rule has been provided and a child's relative or current caretaker now expresses interest in being considered as a potential adoptive resource, the Child Welfare Program Manager must:¶¶
- (a) If the newly expressed interest is from a relative, review the diligent efforts to identify a child's relatives under OAR 413-070-0060 to 413-070-0063;¶¶
- (b) If the newly expressed interest is from a current caretaker, review the efforts to determine if the current caretaker was given adequate and reasonable time to request consideration as the potential adoptive resource;¶¶
- (c) Consider the impact of a delay in achieving permanency on the best interests of the child; and¶¶
- (d) Make a determination whether it is in the best interests of the child for an adoption home study to be conducted with the relative or current caretaker despite the delay in achieving permanency.¶¶
- (9) The Child Welfare Program manager in consultation with the Child Permanency Program manager makes the determination whether to consider a relative or current caretaker under section (8) of this rule.¶¶
- (10) When a Child Welfare Program Manager informs the caseworker of the determination to consider a relative or current caretaker identified under section (8) of this rule, the caseworker must notify each individual identified in OAR 413-120-0025(1), (2), and (3) that the adoption selection process has been suspended.¶¶
- (11) When the adoption selection process has been suspended, the adoption workers must notify each identified potential adoptive resource that the adoption selection process has been suspended.¶¶
- (12) The timelines in this rule may be changed by the committee facilitator when the individuals identified in OAR

413-120-0025(1), (2), and (3) agree on a new timeline.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005, 418.280, 418.285

AMEND: 413-120-0053

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0053

The Adoption Committee ¶¶

- (1) An individual described in OAR 413-120-0025(2) attending an adoption committee must inform the committee facilitator at the beginning of the adoption committee whether the individual intends to serve as an adoption committee member. These individuals may present written or oral information regarding the needs of the child during the adoption committee, whether or not they are serving as adoption committee members.¶¶
- (2) An individual invited to attend the adoption committee under OAR 413-120-0035(5) to present information about the child must:¶¶
- (a) Present written or oral information regarding the needs of the child during the adoption committee; and¶¶
- (b) Respond to clarifying questions from adoption committee members and the ADS; and¶¶
- (c) Leave when excused from the adoption committee, prior to the presentation of the potential adoptive resources.¶¶
- (3) The adoption workers must present information on the knowledge, skills, and abilities of the potential adoptive resource in relation to meeting the current and lifelong needs of the child.¶¶
- (4) After all presentations have been completed:¶¶
- (a) The following individuals must remain at the adoption committee:¶¶
- (A) The adoption committee members;¶¶
- (B) Each adoption worker presenting information regarding a potential adoptive resource; and¶¶
- (C) The ADS.¶¶
- (b) The following individuals may remain at the adoption committee, if they so choose:¶¶
- (A) Department staff or supervisors as described in OAR 413-120-0025(4).¶¶
- (B) Individuals described in OAR 413-120-0025(2) attending an adoption committee who have elected not to serve as committee members.¶¶
- (5) The adoption committee members must:¶¶
- (a) Consider all of the information, deliberate, and make recommendations regarding the adoptive resource most likely to permanently and fully integrate the child into the family and meet the current and lifelong needs of each child for whom potential adoptive resources are being considered.¶¶
- (A) When adoption committee members all agree, the adoption committee may make one or more of the following recommendations:¶¶
- (i) A single potential adoptive resource is the most appropriate.¶¶
- (ii) An order of preference of appropriate adoptive resources.¶¶
- (iii) A potential adoptive resource is not appropriate and should not be considered.¶¶
- (B) When the adoption committee cannot reach agreement, each adoption committee member makes ~~his or her~~ their respective recommendations known to the committee facilitator.¶¶
- (b) At the conclusion of the adoption committee, the committee facilitator must record the recommendations on a form approved by the Department and submit the form to the ADS.¶¶
- (6) All confidential written information provided for the purpose of adoption placement selection to individuals who are not Department staff must be:¶¶
- (a) Retained by the Department at the conclusion of the adoption committee when the individual attended the committee; and¶¶
- (b) Returned to the Department within seven business days when the individual did not attend the committee.
- Statutory/Other Authority: ORS 418.005, 418.280, 418.285
- Statutes/Other Implemented: ORS 418.005, 418.280, 418.285

AMEND: 413-120-0057

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0057

Adoption Placement Selection, Notification, and Documentation ¶¶

(1) Adoption Placement Selection.¶¶

(a) The ADS must make a decision regarding the adoption placement selection no later than the end of the next business day following the scheduled adoption committee.¶¶

(b) The ADS may make one of the following adoption placement selection decisions from the identified potential adoptive resources presented at the adoption committee:¶¶

(A) Select one adoptive resource.¶¶

(B) Select an adoptive resource and identify a second adoptive resource as an alternate in the event that the selected adoptive resource is subsequently found to be unavailable or no longer deemed by the Department to meet the current and lifelong needs of the child under OAR 413-120-0800 to 413-120-0880.¶¶

(C) Select none of the potential adoptive resources.¶¶

(2) Notification of the Adoption Placement Selection.¶¶

(a) The ADS must send written notification to the child's caseworker, the adoption workers, and the committee facilitator of the adoption placement selection, and alternate if one was named, no later than the end of the next business day following the scheduled adoption committee.¶¶

(b) By the end of the next business day following the notice sent in subsection (a) of this section, written notification on a form approved by the Department must be sent as follows:¶¶

(A) Each potential adoptive resource who was presented at the adoption committee must be notified by the following individuals of whether they were selected:¶¶

(i) A Department adoption worker; or¶¶

(ii) The child's caseworker when the adoption worker is not a Department employee.¶¶

(B) The child's attorney, CASA, an authorized representative from the child's tribe, if the child is an Indian child, a member of the RCWAC, and the private adoption agency representing a potential adoptive resource, as applicable, must be notified of the adoption placement selection by the child's caseworker.¶¶

(C) Notices in paragraphs (A) and (B) of this subsection must contain information on the Department's review process as described in OAR 413-120-0060, except when the potential adoptive resources were all general applicants.¶¶

(3) The ADS must send written documentation on a form approved by the Department regarding the adoption placement selection, the alternate when one is named, and the basis for those decisions to the ~~Central Office~~ Adoption Child Permanency Program within two business days following the adoption committee.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005, ORS 418.280, ORS 418.285

AMEND: 413-120-0060

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0060

Review of the Adoption Placement Selection ¶¶

(1) A review may not be requested of an adoption placement selection when each potential adoptive resource was a general applicant.¶¶

(2) Except as provided in section (1) of this rule:¶¶

(a) Each of the following individuals may request a review of the process and the adoption placement selection under OAR 413-120-0021(10) or 413-120-0057(1):¶¶

(A) The child.¶¶

(B) The child's attorney.¶¶

(C) The CASA.¶¶

(D) An authorized representative from the child's tribe, if the child is an Indian child.¶¶

(E) A member of the RCWAC.¶¶

(F) The child's caseworker, with the approval of the caseworker's supervisor and the Child Welfare Program Manager or designee.¶¶

(G) A relative or current caretaker who was considered as the adoptive resource but was not selected.¶¶

(b) A request for review of the process and decision made in the adoption placement selection must be in writing and received by the Child Permanency Program Manager or designee within seven calendar days of the notification of the adoption placement selection under OAR 413-120-0021(12)-(13) or 413-120-0057(2)(b).¶¶

(c) When a request for review has been received, the Child Permanency Program Manager, Assistant Child Permanency Program Manager, or designee must notify the Director of Child Welfare or designee and must send written notice of the request to the following individuals:¶¶

(A) Each of the potential adoptive resources considered by the caseworker or adoption committee and ADS;¶¶

(B) The child's caseworker;¶¶

(C) The adoption worker for each of the potential adoptive resources considered;¶¶

(D) The supervisors of the workers;¶¶

(E) The child's attorney;¶¶

(F) The child's CASA;¶¶

(G) An authorized representative from the child's tribe, if the child is an Indian child;¶¶

(H) A member of the RCWAC, if the child is a refugee child; and¶¶

(I) The local Child Welfare Program Manager.¶¶

(d) The Director of Child Welfare or designee must decide whether to grant a review of the adoption placement selection within 14 calendar days after the notice of the adoption placement selection under OAR 413-120-0021(12)-(13) or 413-120-0057(2)(b). Written notice of the decision whether or not to conduct a review must be sent to the individuals listed in subsection (c) of this section and to the Child Permanency Program Manager. This written notice is not required to be provided within the 14 calendar day timeline for the decision whether to grant a review.¶¶

(e) The Director of Child Welfare or designee may, on ~~his or her~~ his or her initiative and without a request for a review, give notice of intent to review the adoption placement selection when the decision to review is made within seven calendar days following the date of the notice of the adoption placement selection in OAR 413-120-0021(12)-(13) or 413-120-0057(2)(b).¶¶

(f) The Director of Child Welfare or designee may conduct the review by any of the following methods:¶¶

(A) Personally conduct a review of information considered in making the adoption placement selection and may consider additional, relevant information about the child or potential adoptive resource.¶¶

(B) Refer the adoption placement selection to a review committee appointed by and at the discretion of the Director of Child Welfare or designee to:¶¶

(i) Review the information considered in making the original adoption placement selection;¶¶

(ii) Consider additional relevant information about the child or potential adoptive resources; and¶¶

(iii) Issue a recommendation that the Director of Child Welfare or designee affirm or modify the original adoption placement selection of the caseworker or the ADS or recommend a different adoption placement selection.¶¶

(C) Appoint another individual to:¶¶

(i) Review the information considered in making the original adoption placement selection;¶
(ii) Consider additional relevant information about the child or potential adoptive resources; and¶
(iii) Issue a recommendation that the Director of Child Welfare or designee affirm or modify the original adoption placement selection of the caseworker or the ADS, or recommend a different adoption placement selection.¶
(g) The Director of Child Welfare or designee must provide written notification of the decision affirming or changing the original adoption placement selection to the individuals identified in subsection (2)(c) of this rule and the ~~Adoption~~Child Permanency Program Manager.¶
(3) Notwithstanding sections (1) and (2) of this rule, the Director of Child Welfare may reconsider a decision and require the actions in subsection (2)(f) of this rule to occur when the following conditions exist:¶
(a) The time to request review of an adoption placement selection under subsection (2)(b) of this rule has expired;¶
(b) There is no request for review pending; and¶
(c) The deadline set by statute for a person entitled to seek judicial review of an adoption placement selection entered under this rule has not expired.¶
(4) The adoption placement selection made by the Director of Child Welfare or designee under this rule is final.
Statutory/Other Authority: ORS 418.005
Statutes/Other Implemented: ORS 418.005, ORS 418.280, ORS 418.285

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0115

Requirements for Legalizing the Adoption When a Petition is Filed ¶

(1) When adoption assistance has been approved, and the adoptive ~~parents~~resource decides to use a "qualified vendor" attorney, the Adoption Assistance staff send the ~~family~~adoptive resource a Qualified Vendor Agreement and the Qualified Vendor Attorney List. The ~~family~~adoptive resource and the attorney must sign the Qualified Vendor Agreement and return it to the central Adoptions Services Unit. Upon receipt of the adoption decree, the adoption assistance staff will prepare the request to reimburse the attorney in accordance with the Department's contract with the attorney.¶

(2) If the adoptive ~~parents~~resource chooses to use an attorney who is not on the Qualified Vendor Attorney List, the adoption assistance staff will send the adoptive ~~parents~~resource a Non Vendor Agreement. The adoptive ~~parents~~resource must sign the agreement and return it to the ~~Adoption Services Unit~~Central Office Child Permanency Program. Upon receipt of the adoption decree, the adoption assistance staff will reimburse the adoptive ~~parents~~resource at the same rate as for a vendor attorney. The adoptive ~~parents~~resource is responsible for any additional charges billed by the attorney and are responsible to reimburse the attorney for those charges.¶

(3) Department employees may not recommend an attorney to serve as counsel for the ~~prospective parents~~adoptive resource.¶

(4) When the central office Adoptions Services Unit has received the request for consent to the adoption and the vendor or non-vendor agreement, the adoption assistance is in place, and the legal assistance specialist has given approval, the Adoptions Services Unit will prepare the consent to the adoption to be signed by the Child Permanency Program Manager or designee. In addition to the consent to the adoption, the Department's ~~Adoption Services Unit~~Central Office Child Permanency Program will provide the adoptive ~~parents~~resource or their attorney with the following documents to be filed with the petition:¶

(a) A certified copy of the court orders or the original release and surrender documents which show that the Department has permanent custody of the child and the authority to consent to the adoption of the child.¶

(b) ICWA correspondence, if applicable.¶

(c) Statement of verification that the ~~birth~~ parents and the petitioners have been advised of the voluntary adoption registry.¶

(d) Documentation regarding compliance with the Interstate Compact on Placement of Children, if applicable.¶

(e) A copy of a signed legally enforceable Post Adoption Communication Agreement or Cultural Continuity Agreement, if applicable.¶

(f) Affidavits, if applicable.¶

(5) After receiving the documents listed in section (4) of this rule, the Department will send the consent to the adoption to the attorney for the adoptive ~~family~~resource.¶

(a) Within 30 calendar days of the date the Department sends the Consent to the Adoption, the attorney must file the petition that is consistent with the requirements of ORS 109.315 and Oregon Laws 2021. ch. 398, section 8, (unless a petition is not required under ORS 419B.529). ¶

(b) Within 30 days of filing the petition, the attorney must:¶

(A) Provide a copy of the filed petition to the Department. ¶

(B) If there is reason to know the child is an Indian child, file with the court a declaration of compliance with the notice requirements of ORICWA consistent with ORS 109.315 and Oregon Laws 2021. Ch. 398, section 8(5)(d). The declaration must include copies of the notice(s) sent and any return receipts or proof of service the notice must be provided to the following:¶

(i) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership; ¶

(ii) Child's parents, including parents who have relinquished their parental rights, but not parents whose parental rights have been judicially terminated; ¶

(iii) The child's Indian custodian, if applicable; and¶

(iv) The US Bureau of Indian Affairs Regional Director, if the identity or location of the child's parents, Indian custodian or tribe cannot be ascertained.¶

(c) Within 90 days after the Department's Adoptions Services Unit has received a copy of the petition filed with

the court, the Department must:¶

(A) Review the petition and file an ICWA compliance report with the court pursuant to ORS 109.304 to 109.410 and Oregon Laws 2021. ch. 398, section 7(1); and¶

(B) File a written placement report with the court, which may include a waiver of the 90-day waiting period.¶

(d) Within 30 days following the court's receipt of the ICWA compliance report, the petitioner's attorney must prepare a decree and send it to the court or schedule an Adoption Ceremony. ¶

(6) The court granting the adoption decree provides the ~~Central Office Adoption Services Unit~~Child Permanency Program with a copy of the adoption decree.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 109.307, ORS 109.309, ORS 109.316, ORS 419B.529

AMEND: 413-120-0142

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0142

Purpose ¶

ORS 419B.529 sets forth conditions under which a ~~prospective~~ adoptive parent ~~resource~~ is not required to file a petition for adoption. These rules establish ~~DHS~~ the Department's responsibilities in the process for legalizing an adoption through the juvenile court where a petition for adoption is not required.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 419B.529

AMEND: 413-120-0145

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0145

Values ¶

(1) Every child needs and deserves a safe, nurturing, and permanent home.¶

(2) Creating a legal child parent relationship is the final goal of adoption.¶

(3) Expediting legalization of adoption is desirable if the interests of the child and adoptive ~~family~~resource are protected and basic requirements met.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 419B.529

AMEND: 413-120-0155

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0155

Conditions for Not Filing a Petition for Adoption ¶

Pursuant to ORS 419B.529 and notwithstanding ORS 109.309, a ~~prospective~~ adoptive ~~parent~~ resource is not required to file a petition for adoption if all of the following conditions are in place:¶

(1) A juvenile court that is a circuit court has entered an order of permanent commitment of the child to ~~DHS~~ the Department pursuant to ORS 419B.527, or the parent has signed and Department of Human Services Office of Safety and Permanency for Children has accepted a release and surrender to the Department and a certificate of irrevocability and waiver as provided in ORS 418.270 regarding the child.¶

(2) ~~DHS~~ The Department has completed a home study that finds the ~~prospective adoptive parent(s)~~ adoptive resource suitable to adopt the child and consents to the adoption; and¶

(3) The adoptive ~~parent(s)~~ resource elect to legalize the adoption through the juvenile court.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 419B.529

AMEND: 413-120-0160

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0160

Right to Use Expedited Process **II**

The adoption worker shall inform the adoptive parent(s) resource in writing of their right to use this expedited process, using form CF 438, Legalizing the Adoption.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 419B.529

AMEND: 413-120-0165

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0165

Requirements Prior to Proceeding to Legalization of the Adoption ¶¶

When the supervision period is concluded and the ~~Adoption Services Unit~~ Central Office Child Permanency Program receives a request from the adoptive ~~parent(s)~~ resource or their legal representative to proceed with finalization of the adoption in the juvenile court, the ~~Adoption Services Unit~~ Central Office Child Permanency Program shall assure that the following requirements have been met or processes have been completed before proceeding with forwarding the matter to the juvenile court for legalization:¶¶

- (1) The requirements of the ICWA and OAR chapter 413, division 115 have been met.¶¶
- (2) If applicable, the requirements of the Interstate Compact on Placement of Children have been met (OAR 413-040-0200 through 0330).¶¶
- (3) The ~~birth~~ parent(s) and petitioners have been advised of the Voluntary Adoption Registry (OAR 413-130-0300 through 0360).¶¶
- (4) The worker has assessed the child's need for openness in adoption, and if appropriate to the case, has provided information to the adoptive ~~parent(s)~~ resource and facilitated the development of a Post Adoption Communication Agreement (OAR 413-120-0610 through 0650); and¶¶
- (5) The child has been referred to the Adoption Assistance Program; and if the child meets the criteria, a written Adoption Assistance Agreement has been completed, (OAR 413-130-0000 through 0110). If the adoptive ~~parent(s)~~ resource decline to participate in the Adoption Assistance Program, the worker must obtain a statement signed by the adoptive ~~parent(s)~~ resource which says that they have been fully informed of the availability of the Adoption Assistance Program and waive their rights to these benefits now and in the future.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 419B.529

AMEND: 413-120-0170

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0170

Attorney Fees **II**

If Adoption Assistance has been approved, and the adoptive ~~parent(s)~~resource elect to use an attorney to assist with legalization, the adoptive ~~parent(s)~~resource can request reimbursement for reasonable and necessary attorney fees through the Adoption Assistance Program pursuant to OAR 413-130-0080(1), (4), 413-130-0090, and 413-120-0115(1) and (2).

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 419B.529

AMEND: 413-120-0175

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0175

Court Filing Requirements ¶¶

When the requirements of OAR 413-120-0165 have been met, the ~~Adoption Services Unit~~ Central Office Child Permanency Program will send the following to the attorney selected by the adoptive ~~family~~ resource, and the attorney must file with the court:¶¶

- (1) A written consent to the adoption.¶¶
- (2) A placement report requesting the juvenile court to enter a decree of adoption.¶¶
- (3) Indian Child Welfare Act statement, ORS 109.315(1)(h).¶¶
- (4) Statement regarding Voluntary Adoption Registry Notification, ORS 109.35.¶¶
- (5) Documentation regarding compliance with the Interstate Compact on Placement of Children, Article IV, ORS 417.200.¶¶
- (6) Adoption Disclosure Statement, form CF 960.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 419B.529

AMEND: 413-120-0190

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0190

Purpose ¶¶

These rules (OAR 413-120-0190 to 413-120-0246) describe the Department's:¶¶

(1) Adoption application requirements for Oregon residents.¶¶

(a) Applying to adopt a child in the legal custody of the Department.¶¶

(b) Submitting an application to the Department to conduct an adoption home study for a child in the custody of a public child welfare agency in another state after the agency in the other state has submitted an adoptive placement request to the Department in accordance with the ICPC.¶¶

(c) Submitting an application to the Department to conduct an adoption home study for a child in the custody of a public child welfare agency in another country after the agency in the other country has submitted an adoption home study request to the Department and in accordance, when applicable, with Child Welfare Policy I-G.1.14, "Intercountry Adoption Pursuant to the Hague Convention and Intercountry Adoption Act", OAR 413-120-0900 to 413-120-0970.¶¶

(2) Authority regarding adoption applications submitted to the Department.¶¶

(3) Adoption home study criteria for individuals applying to adopt a child in the legal custody of the Department.¶¶

(4) Standards for an adoptive home for a child in the care or custody of the Department.¶¶

(5) Authority to release an adoption home study.

Statutory/Other Authority: ORS 418.005, 418.280, 418.285

Statutes/Other Implemented: ORS 418.005, 418.280, 418.285

AMEND: 413-120-0220

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0220

Adoption Application Requirements ¶¶

(1) A resident of Oregon applying to adopt a child in the legal custody of the Department must submit an application for approval to be a potential adoptive resource to the Department or an application for an adoption home study to the Department or to a licensed adoption agency willing to contract with the Department or willing to allow another licensed adoption agency to contract with the Department for post placement supervision services as outlined in OAR 413-120-0830(2)(c).¶¶

(2) Applications.¶¶

(a) The Department accepts applications for an adoption home study approval to be a potential adoptive resource from Oregon residents applying to adopt a child.¶¶

(A) In the custody of the Department;¶¶

(B) In the custody of a public child welfare agency in another state following receipt of an ICPC request from the agency in the other state; or¶¶

(C) In the custody of a public child welfare agency in another country following a request from the agency in the other country and in accordance, when applicable, with OAR 413-120-0900 to 413-120-0970.¶¶

(b) The Department accepts applications for an adoption home study approval to be a potential adoptive resource for Oregon residents who have previously applied or are currently applying through another adoption agency. The applicant must:¶¶

(A) Sign a release of information allowing ongoing communication with the other adoption agency; and¶¶

(B) Sign a release of information allowing the Department to obtain a copy of the adoption file of the individual.¶¶

(3) An application for approval to be a potential adoptive resource must be submitted to the Department and must include all of the following:¶¶

(a) An adoption application form;¶¶

(b) A signed, valid release of information from each applicant who is a subject of the adoption home study allowing the adoption home study to be released to the individuals and for the purposes described in OAR 413-120-0246(2);¶¶

(c) An Adoptive Family Information and Placement Preference form, unless the Department determines this is not required due to the existing relationship between the child and the applicant;¶¶

(d) Financial information, current within 12 months of application, demonstrating the ability of the applicant to meet the needs of the family and the child to be adopted;¶¶

(e) Medical information current within 24 months of application;¶¶

(f) At the Department's discretion, mental health information;¶¶

(g) At the Department's discretion, copy of marriage certificate, divorce verification, or death certificate of spouse;¶¶

~~(h) Consent to a criminal offender information records check for each applicant and all household members age 18 and older~~
Consent to a criminal offender information records check for each applicant or relative applicant and all household members age 18 and older, except those placed in the home by the Department prior to turning 18, as outlined in OAR 413-120-0400 to 413-120-0475;¶¶

~~(ie)~~ Consent to a child abuse and neglect background check for each adoepplicant or relative applicants and all household members age 18 and older; and¶¶

~~(jf)~~ Names and contact information of references who can attest to the character and ability of the adoepplicant or relative applicant to provide safe and protective care for a child. For Applicants who are non-t relative applicants, must provide four references, two of whom may be relatives of the adoptive applicant. For Relative applicants, must provide two references, both of whom may be relatives of the relative applicant.¶¶

(4g) The Department may require additional information from an adoepplicant the following information and documents at the time of the application or as part of an adoption home study:¶¶

(A) Current financial information, for up to 12 months preceding the date of the application or the date of the adoption home study, demonstrating the ability of the applicant or relative applicant to meet the needs of the family and the child to be adopted;¶¶

(B) Current Medical information, for up to 24 months directly preceding the date of the application or the date of

the adoption home study. ¶

(i) Mental health information including diagnoses and treatment history; ¶

(ii) Copies of medical or mental health reports from a health care professional including a report from an expert evaluation conducted at the Department's request; ¶

(iii) Copy of marriage certificate, divorce verification, or death certificate of spouse; ¶

(4) The Department may require additional information from an applicant or relative applicant to assess the ability of the applicant to meet the standards of an adoptive home. ¶

(5) The adoptive applicant or relative applicant must be at least 18 years of age.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005, ORS 418.280, ORS 418.285

AMEND: 413-120-0222

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0222

Conflict of Interest for Adoptive Applicants ¶

(1) When an ~~adoptive applicant or relative~~ applicant under OAR 413-120-0220 is a Department of Human Services (DHS) staff member, the requirements of ~~DHS~~the Department's Administrative Policy DHS-060-002, "Conflict of Interest Policy" and "Conflict of Interest Policy Addendum for CAF Employees" apply.¶

(2) When an ~~adoptive~~ applicant under OAR 413-120-0220 is not a DHS staff member and the Child Welfare Program Manager determines a potential conflict of interest with the Department exists, section (3) of this rule applies. If the Child Welfare Program Manager is unable to determine if there is a conflict of interest, the ~~Adoption~~Child Permanency Program Manager or designee makes the determination.¶

(3) An ~~adoptive applicant or relative~~ applicant who has a conflict of interest with the Department is referred to one of the following entities for application and completion of the adoption home study:¶

(a) A local child welfare office in another district, upon the approval of the supervisor; or¶

(b) A contracted adoption agency, with the approval of the ~~Adoption~~Child Permanency Program Manager or designee.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005, 418.280, 418.285

AMEND: 413-120-0225

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0225

Conditions that Require Additional Approval or Termination of the Department's Adoption Application Process ¶

(1) Prior to proceeding with an ~~adoption~~ application for approval to be a potential adoptive resource submitted by an individual who has lost permanent custody of a child, there must be an approval by the ~~Adoption~~ Child Permanency Program Manager or designee, at the request of the District Manager or designee. ¶

(2) The Department may terminate the application process and deny an application for approval to be a potential adoptive resource at any time or remove a completed adoption home study from consideration, when one or more of the following subsections applies: ¶

(a) Information regarding the ~~adoption~~ applicant or relative applicant is sufficient to determine the ~~adoption~~ applicant or relative applicant cannot meet adoption home standards described in OAR 413-120-0246. ¶

(b) An ~~adoption~~ applicant or relative applicant's has or had a license or certificate to provide services to children, the elderly, or individuals with disabilities and the license or certificate has previously been or is currently being denied, revoked, or suspended. ¶

(c) The ~~adoption~~ applicant or relative applicant falsifies or omits information. ¶

(d) The ~~adoption~~ applicant or relative applicant does not respond to the inquiries and requests for information within the timelines established by the Department. ¶

(e) The ~~adoption~~ applicant or relative applicant does not submit the required application information under OAR 413-120-0220. ¶

(f) The ~~adoption~~ applicant or relative applicant is selected by another adoption agency to adopt a child. ¶

(3) When the Department terminates the adoption application process, the caseworker must: ¶

(a) Send written notification of the termination to the ~~adoption~~ applicant or relative applicant; and ¶

(b) Document the termination and notification in the Department's information system.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005, 418.280, 418.285

AMEND: 413-120-0240

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0240

Status Notification of Adoption Applications ¶

The Department must send written notice of the status of the application to an individual who has submitted an ~~adoption~~ application for approval to be a potential adoptive resource to the Department when the requirements of any of the following sections apply:¶

(1) The adoption home study is not initiated within 180 calendar days from the date the application is received; or¶

(2) The Department determines that an individual will not be recommended as a potential adoptive resource.

Statutory/Other Authority: ORS 418.005, 418.280, 418.285

Statutes/Other Implemented: ORS 418.005, 418.280, 418.285

AMEND: 413-120-0243

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0243

Prioritization of an Adoption Home Study Application ¶

The Department has discretion to prioritize adoption home study applications received from the following individuals according to the needs of the child or children awaiting adoption rather than the date of receipt of an application;¶

~~(1) An individual applying to adopt a related child.¶~~

~~(2) An individual relative applicant.¶~~

(2) An applicant applying as a current caretaker for a child.¶

~~(3) An individual who is a general applicant when the Department has determined that further general recruitment is not required under OAR 413-120-0750.¶~~

~~(4) An individual who is a general applicant interested in adopting a child with special needs for whom there are few or no available approved homes.¶~~

(5) An individual who is a general applicant other than those described in sections (3) and (4) of this rule.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005, 418.280, 418.285

AMEND: 413-120-0246

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0246

Standards for an Adoptive Home and Release of an Adoption Home Study ¶¶

(1) Except to the extent provided otherwise in section (2) of this rule, to be approved to adopt ~~as a potential adoptive resource for~~ a child in the legal custody of the Department, an individual must complete all of the following:¶¶

(a) Have an adoption home study recommending the applicant or relative applicant as a potential adoptive resource written, amended, or updated within the 12 months prior to the adoption placement selection, completed by:¶¶

(A) The Department under OAR 413-200-0301 to 413-200-0396;¶¶

(B) An Oregon licensed private agency for an Oregon resident when the home study is prepared by a private agency for an Oregon resident under OAR 413-215-0401 to 413-215-0481;¶¶

(C) An out-of-state agency under OAR 413-040-0200 to 413-040-0330; or¶¶

(D) An agency in another country under OAR 413-120-0900 to 413-120-0970.¶¶

(b) Meet the Department's standards for adoptive homes by demonstrating the knowledge, skills, and ability to meet, without agency oversight, the current and lifelong needs of the child for all of the following:¶¶

(A) Physical and emotional safety, attachment and well-being;¶¶

(B) Developing and maintaining safe, long-term connections and contact with the child's family, siblings, relatives and caregivers known to the child or ward and others with whom the child or ward has developed an emotional attachment;¶¶

(C) Continuity and familiarity;¶¶

(D) Appropriate social, educational, developmental, emotional, and physical support;¶¶

(E) Integration into the family;¶¶

(F) Stability and permanency; and¶¶

(G) Maintaining ~~his or her~~ their identity, cultural, religious, and spiritual heritage.¶¶

(c) Provide evidence of successful completion of a training program approved by the Department, unless the ~~Adoption~~ Child Permanency Program Manager has approved an alternate training program.¶¶

(2) In the case of an individual or individuals residing in a state that does not complete an adoption home study prior to a child being placed with the individual or individuals or prior to the child being legally free for adoption:¶¶

(a) The Child Permanency Program may approve a foster home study or a relative study as an adoption home study for the purpose of adoption placement selection only as long as all other requirements of subsections (1)(a), (b), and (c) of this rule are met.¶¶

(b) An approved adoption home study must be completed prior to designation of the child's placement for the purpose of adoption.¶¶

(3) Release of an adoption home study. An adoption home study is considered confidential information and, when released under this rule must have a signed, valid release of information from each applicant or relative applicant who is a subject of the adoption home study.¶¶

(a) The Department may release a copy of the adoption home study to:¶¶

(A) An adoption applicant who is a subject of the adoption home study;¶¶

(B) Individuals involved in the adoption placement selection process, under OAR 413-120-0021 and 413-120-0035;¶¶

(C) The court for the purposes of finalizing an adoption; and¶¶

(D) A public agency upon the written request of an applicant who is a subject of the adoption home study.¶¶

(b) A Child Welfare Program Manager must approve the release of an adoption home study requested for a purpose other than those listed in subsection (a) of this rule.¶¶

(c) An individual receiving a copy of an adoption home study must keep the information contained therein confidential.¶¶

(d) Before releasing an adoption home study, the Department must redact or summarize information, when necessary, to prevent the identification of individuals, other than the applicants, who provided information for the adoption home study.¶¶

(e) When an agency or entity other than the Department completes the adoption home study, the Department

must receive approval from the agency or entity that completed the adoption home study before release.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 418.005, ORS 418.280, ORS 418.285

AMEND: 413-120-0400

RULE SUMMARY: Division 120 Series, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity, reflects relative certification standards and clarification prioritization.

CHANGES TO RULE:

413-120-0400

Purpose ¶¶

(1) These rules (OAR describe the criminal records check requirements for those seeking to become or remain a ~~certified resource parent, relative resource family~~ parent or an applicant seeking approval as an adoptive resource under OAR 413-200-0260 to 413-200-0396, or individuals seeking approval as a member of the household, to provide child care, or to provide respite care. These rules supplement Department of Administrative Services rules, OAR 125-007-0210 to 125-007-0330.¶¶

(2) In these rules, a resource parent, relative resource parent, and ~~certified resource family~~, is a foster parent under ORS 418.016, 418.625, 418.640 and 418.648.¶¶

(3) These rules set forth the criminal convictions which disqualify a subject individual from being approved as a resource parent, relative resource parent, ~~certified resource family~~, a or potential adoptive resource or a member of the household.¶¶

(4) These rules outline the process by which the Department assesses the fitness of a subject individual with a criminal conviction.¶¶

(5) These rules must be used in conjunction with other Oregon administrative rules when determining a subject individual's fitness to be approved as a ~~certified resource family~~ resource parent, relative resource parent, potential adoptive resource., approved as a member of the household, approved to provide child care, or approved to provide respite care.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.016, ORS 181A.195

Statutes/Other Implemented: ORS 418.005, ORS 418.016, ORS 181A.200, ORS 181A.010-181A.245, ORS 409.010

RULE SUMMARY: Division 120 Series, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity, reflects relative certification standards and clarification prioritization.

CHANGES TO RULE:

413-120-0440

Circumstances in Which a Criminal Records Check Must Occur and Types of Records Checks Required ¶¶

(1) The Department must complete a criminal records check through the Law Enforcement Database System (LEDS) and a fingerprint-based criminal records check of national crime information databases by the Federal Bureau of Investigation (FBI) on the following subject individuals:¶¶

(a) An applicant seeking initial approval as a ~~certified~~ resource parent.¶¶

(b) An applicant seeking approval as a relative resource family parent.¶¶

(b) An applicant or relative applicant seeking approval as a potential adoptive resource, unless a criminal records check was previously completed as part of their application for approval as a resource parent or relative resource parent.;¶¶

(c) An adult member of the household of an applicant ~~to become a certified~~ or relative applicant to become a resource parent, relative resource family parent, or potential adoptive resource, except:¶¶

(A) A temporary certificate of approval under OAR 413-200-0275 is allowed after assessing the LEDS results but prior to receiving the FBI results.¶¶

~~(B) A young adult in the care or custody of the Department is not required to have a criminal records check.~~¶¶

~~(C) A member of the household who turns 18 after the issuance of a Relative temporary certificate of Approval or Child Specific Certificate of Approval is not required to have a criminal records check until the certified resource family is being assessed for renewal of certification under OAR 413-203-0020 is allowed after assessing the LEDS results but prior to receiving the FBI results.~~¶¶

~~(D)~~ (C) A member of the household of a potential adoptive resource who turns 18 does not need a FBI fingerprint-based check until the previously approved adoption home study is being amended or updated.¶¶

(d) A potential respite provider or child care provider, not otherwise licensed, listed or approved by a state or county entity with child care licensing authority.¶¶

(A) A respite or child care provider not otherwise licensed, listed or approved by a state or county entity with child care licensing authority, may be approved on a temporary basis after assessing LEDS results, but prior to receiving the FBI results, with an approval by the child welfare program manager or designee, documented on the form approved by the Department.¶¶

(B) A ~~currently certified resource parent or relative~~ resource parent who is a potential respite or child care provider is exempt from criminal background check requirements in this rule.¶¶

(e) Any subject individual who has lived outside of Oregon for more than 60 consecutive days after their last criminal records check.¶¶

(f) A subject individual previously approved as a certified respite provider or as a member of the household must undergo a new criminal records check and fitness determination, including a fingerprint-based check of records maintained by FBI, when applying to adopt a child or to be a ~~certified~~ resource parent or ~~certified~~ relative resource parent.¶¶

(2) The Department must complete a criminal records check through LEDS on the following subject individuals:¶¶

(a) An applicant for renewal of certification¶¶

(b) An adult member of the household, a respite provider, or a child care provider of a ~~certified resource family~~ applicant applying for renewal of certification, who previously had a fingerprint-based FBI background check under OAR 413-120-0400 to OAR 413-120-0475.¶¶

(c) A potential adoptive resource when a previously approved adoption home study is being amended or updated within the 12 months prior to an adoption placement selection as required by OAR 413-120-0246. This does not apply to resource parents and relative resource parents who have submitted an application to be approved as a potential adoptive resource for the child in their home.¶¶

(d) An individual, who is in the Department's care or custody, is placed in the home of a resource parent or relative resource parent after their 18th birthday.¶¶

(A) Notice of the completion of the LEDS check must be provided to the individual.¶¶

(B) Notice of the completion of the LEDS check must be provided to the individual's attorney.¶¶

(3) Notwithstanding subsection 1, a subject individual otherwise required to complete a fingerprint-based FBI

background check who the Department determines is unable to submit fingerprints due to a physical or mental condition that makes compliance unreasonable to the subject individual may be exempted from the fingerprint requirement with a Child Welfare Program Manager approval.¶¶

(a) The approval for the exemption from the fingerprint based criminal history check must be reviewed at each renewal assessment process.¶¶

(b) The subject individual approved for the exemption must obtain a fingerprint-based FBI background check if circumstances have changed and the individual is able to submit fingerprints.¶¶

(4) "Notwithstanding sections (1) and (2) of this rule, if deemed necessary by the Department, the Department may require a criminal records check through LEDS to protect child safety, and a fingerprint-based FBI background check on an individual with direct access to a child ~~or young adult~~."¶¶

(5) A criminal records check under OAR 413-120-0400 to 413-120-0475 may include a review of other criminal records information.¶¶

(6) When it is determined that a previously approved subject individual has new or previously unknown criminal history, the Department must complete a criminal records check through the LEDS and, if appropriate, complete a fingerprint-based FBI background check of national crime information databases and conduct a new fitness determination if applicable.¶¶

(a) Following the discovery of previously unknown criminal history, and pending a new fitness determination, the Department may permit a subject individual to continue to function in the capacity for which the individual was previously approved.¶¶

(b) Pending the completion of the fitness determination, approval of the continued placement of a child ~~or young adult~~ must be made by the Child Welfare Program Manager within 24 hours of the discovery of the new information.¶¶

(7) A subject's juvenile record is not a criminal record for the purposes of OAR 413-120-0400 to 413-120-0475.¶¶

(8) A subject individual may not be denied under these rules for adult criminal records which have been expunged or set aside.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.016, ORS 181A.195

Statutes/Other Implemented: ORS 418.005, ORS 418.016, ORS 181A.200, ORS 409.010, ORS 181A.010 - 181A.245

RULE SUMMARY: Division 120 Series, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity, reflects relative certification standards and clarification prioritization.

CHANGES TO RULE:

413-120-0450

Assessment of Criminal Convictions

- (1) The Department must complete a fitness determination of any applicant with a criminal conviction being assessed as a resource parent, relative resource parent, potential adoptive resource, or any individual being assessed as a member of the household, certified respite care provider, or child care provider unless the subject individual must be denied under OAR 413-120-0450(4) or (5). ¶
- (2) A subject individual for whom a positive fitness determination is made following a criminal records background check, may still be denied approval to be a resource parent, relative resource parent, adoptive resource, member of the household, respite provider or child care provider if the subject individual does not meet other requirements contained in Department rules governing care, foster care relative care, and adoption. ¶
- (3) An authorized designee employed by the Department must make all fitness determinations. ¶
- (4) A subject individual convicted in Oregon or any other jurisdiction of any felony crime listed in subsections (a) to (e) of this section may not be a resource parent, relative resource parent, adoptive resource, member of the household, respite provider or child care provider regardless of how long ago the subject individual was convicted or any other factors or circumstances that exist. An authorized designee may not conduct a weighing test and must deny approval if the conviction is for a felony crime that involves: ¶
- (a) Violence, including rape, sexual assault, and homicide, but not including other physical assault or battery; ¶
- (b) Abuse or neglect of a child; ¶
- (c) Spousal abuse; ¶
- (d) A child as the victim (including child pornography); ¶
- (e) Felony criminal convictions under Oregon law that fall under subsection (4) (a)-(d) and for which the authorized designee must make a negative fitness determination include: ¶
- (A) ORS 162.165 - Escape in the first degree; ¶
- (B) ORS 163.095 - Aggravated murder; ¶
- (C) ORS 163.107 - Murder in the first degree; ¶
- (D) ORS 163.115 - Murder; ¶
- (E) ORS 163.118 - Manslaughter in the first degree; ¶
- (F) ORS 163.125 - Manslaughter in the second degree; ¶
- (G) ORS 163.145 - Criminally negligent homicide; ¶
- (H) ORS 163.149 - Aggravated vehicular homicide; ¶
- (I) ORS 163.160 - Assault in the fourth degree, if classified as a felony, and the victim is a child or the subject individual's spouse; ¶
- (J) ORS 163.165 - Assault in the third degree if the victim is a child or the subject individual's spouse; ¶
- (K) ORS 163.175 - Assault in the second degree if the victim is a child or the subject individual's spouse; ¶
- (L) ORS 163.185 - Assault in the first degree if the victim is a child or the subject individual's spouse; ¶
- (M) ORS 163.192 - Endangering a person protected by a Family Abuse Prevention Act restraining order, if the victim is a child or the subject individual's spouse; ¶
- (N) ORS 163.205 - Criminal mistreatment in the first degree if the victim is a child or the subject individual's spouse; ¶
- (O) ORS 163.207 - Female genital mutilation; ¶
- (P) ORS 163.235 - Kidnapping in the first degree if the victim is a child or the subject individual's spouse; ¶
- (Q) ORS 163.245 - Custodial interference in the second degree if the victim is a child; ¶
- (R) ORS 163.257 - Custodial interference in the first degree if the victim is a child; ¶
- (S) ORS 163.266 - Trafficking in persons if the victim is a child; ¶
- (T) ORS 163.275 - Coercion, if the victim is a child or the subject individual's spouse; ¶
- (U) ORS 163.355 - Rape in the third degree; ¶
- (V) ORS 163.365 - Rape in the second degree; ¶
- (W) ORS 163.375 - Rape in the first degree; ¶
- (X) ORS 163.385 - Sodomy in the third degree; ¶
- (Y) ORS 163.395 - Sodomy in the second degree; ¶

(Z) ORS 163.405 - Sodomy in the first degree;¶
(A)(A) ORS 163.408 - Unlawful sexual penetration in the second degree;¶
(B)(B) ORS 163.413 - Purchasing sex with a minor;¶
(C)(C) ORS 163.411 - Unlawful sexual penetration in the first degree;¶
(D)(D) ORS 163.425 - Sexual abuse in the second degree;¶
(E)(E) ORS 163.427 - Sexual abuse in the first degree;¶
(F)(F) ORS 163.432 - Online sexual corruption of a child in the second degree;¶
(G)(G) ORS 163.433 - Online sexual corruption of a child in the first degree;¶
(H)(H) ORS 163.452 - Custodial sexual misconduct in the first degree;¶
(I)(I) ORS 163.479 - Unlawful contact with a child;¶
(J)(J) ORS 163.525 - Incest, if the victim of the offense is a child;¶
(K)(K) ORS 163.535 - Abandonment of a child;¶
(L)(L) ORS 163.537 - Buying or selling a person under 18 years of age;¶
(M)(M) ORS 163.547 - Child neglect in the first degree;¶
(N)(N) ORS 163.670 - Using a child in display of sexually explicit conduct;¶
(O)(O) ORS 163.684 - Encouraging child sexual abuse in the first degree;¶
(P)(P) ORS 163.686 - Encouraging child sexual abuse in the second degree;¶
(Q)(Q) ORS 163.688 - Possession of materials depicting sexually explicit conduct of a child in the first degree;¶
(R)(R) ORS 163.689 - Possession of materials depicting sexually explicit conduct of a child in the second degree;¶
(S)(S) ORS 163.701 - Invasion of personal privacy in the first degree, if the victim is a child;¶
(T)(T) ORS 164.225 - Burglary in the first degree if the victim is a child or the subject individual's spouse; ¶
(U)(U) ORS 164.405 - Robbery in the second degree if the victim is a child or the subject individual's spouse; ¶
(V)(V) ORS 164.415 - Robbery in the first degree if the victim is a child or the subject individual's spouse;¶
(W)(W) ORS 167.017 - Compelling prostitution, if the victim is a child or the subject individual's spouse;¶
(X)(X) ORS 167.057 - Luring a minor;¶
(Y)(Y) ORS 475C.369 - Administration to another person under 18 years of age; or¶
(Z)(Z) ORS 475C.365 - Causing another person to ingest marijuana, if the victim is a child or the subject individual's spouse.¶

(5) A subject individual convicted of any crime listed in this section within five years preceding the signature of the consent for background check may not be a resource parent, relative resource parent, adoptive resource, member of the household, respite provider or child care provider regardless of any factors or circumstances that exist. An authorized designee may not conduct a weighing test and must deny approval if the felony crime involves:¶

(a) Physical assault, battery;¶
(b) A drug-related offense;¶
(c) Felony criminal convictions which occurred within five years preceding the signature of the consent for background check that fall under subsection (5)(a)-(b) and for which an authorized designee must deny include:¶

(A) ORS 163.160 - Assault in the fourth degree, if classified as a felony.¶
(B) ORS 163.165 - Assault in the third degree.¶
(C) ORS 163.175 - Assault in the second degree.¶
(D) ORS 163.185 - Assault in the first degree.¶
(E) ORS 163.208 - Assaulting a public safety officer.¶
(F) ORS 164.225 - Burglary in the first degree ¶
(G) ORS 164.395 Robbery in the third degree¶
(H) ORS 164.405 - Robbery in the second degree¶
(I) ORS 164.415 - Robbery in the first degree¶
(J) ORS 166.015 - Riot;¶
(K) ORS 166.165 - Bias in the first degree; ¶
(L) ORS 167.212 - Tampering with drug records.¶
(M) ORS 167.262 - Adult using minor in commission of controlled substance offense, if classified as a felony.¶
(N) ORS 475.752 - Prohibited acts generally, if classified as a felony.¶
(O) ORS 475.806 - Unlawful manufacture of hydrocodone.¶
(P) ORS 475.808 - Unlawful manufacture of hydrocodone within 1000 feet of a school.¶
(Q) ORS 475.810 - Unlawful delivery of hydrocodone.¶
(R) ORS 475.812 - Unlawful delivery of hydrocodone within 1000 feet of school.¶
(S) ORS 475.816 - Unlawful manufacture of methadone.¶
(T) ORS 475.818 - Unlawful manufacture of methadone within 1000 feet of a school.¶
(U) ORS 475.820 - Unlawful delivery of methadone.¶
(V) ORS 475.822 - Unlawful delivery of methadone within 1000 feet of a school.¶
(W) ORS 475.824 - Unlawful possession of methadone, if classified as a felony.¶

(X) ORS 475.826 - Unlawful manufacture of oxycodone.¶
 (Y) ORS 475.828 - Unlawful manufacture of oxycodone within 1000 feet of a school.¶
 (Z) ORS 475.830 - Unlawful delivery of oxycodone.¶
 (A)(A) ORS 475.832 - Unlawful delivery of oxycodone within 1000 feet of a school.¶
 (B)(B) ORS 475.846 - Unlawful manufacture of heroin.¶
 (C)(C) ORS 475.848 - Unlawful manufacture of heroin within 1,000 feet of school.¶
 (D)(D) ORS 475.850 - Unlawful delivery of heroin.¶
 (E)(E) ORS 475.852 - Unlawful delivery of heroin within 1,000 feet of school.¶
 (F)(F) ORS 475.854 - Unlawful possession of heroin, if classified as a felony.¶
 (G)(G) ORS 475.858 - Unlawful manufacture of marijuana within 1,000 feet of school.¶
 (H)(H) ORS 475.860 - Unlawful delivery of marijuana, if classified as a felony.¶
 (I)(I) ORS 475.862 - Unlawful delivery of marijuana within 1,000 feet of school.¶
 (J)(J) ORS 475.866 - Unlawful manufacture of 3,4-methylene-dioxymethamphetamine.¶
 (K)(K) ORS 475.868 - Unlawful manufacture of 3,4-methylene-dioxymethamphetamine within 1,000 feet of school.¶
 (L)(L) ORS 475.870 - Unlawful delivery of 3,4-methylenedioxy-methamphetamine if classified as a felony.¶
 (M)(M) ORS 475.872 - Unlawful delivery of 3,4-methylenedioxy-methamphetamine within 1,000 feet of school.¶
 (N)(N) ORS 475.874 - Unlawful possession of 3,4-methylenedioxymethamphetamine.¶
 (O)(O) ORS 475.876 - Unlawful manufacture of cocaine.¶
 (P)(P) ORS 475.878 - Unlawful manufacture of cocaine within 1,000 feet of school.¶
 (Q)(Q) ORS 475.880 - Unlawful delivery of cocaine.¶
 (R)(R) ORS 475.882 - Unlawful delivery of cocaine within 1,000 feet of school.¶
 (S)(S) ORS 475.884 - Unlawful possession of cocaine if classified as a felony.¶
 (T)(T) ORS 475.886 - Unlawful manufacture of methamphetamine.¶
 (U)(U) ORS 475.888 - Unlawful manufacture of methamphetamine within 1,000 feet of school.¶
 (V)(V) ORS 475.890 - Unlawful delivery of methamphetamine.¶
 (W)(W) ORS 475.892 - Unlawful delivery of methamphetamine within 1,000 feet of school.¶
 (X)(X) ORS 475.894 - Unlawful possession of methamphetamine, if classified as a felony.¶
 (Y)(Y) ORS 475.904 - Unlawful manufacture or delivery of controlled substance within 1,000 feet of school.¶
 (Z)(Z) ORS 475.908 - Causing another person to ingest a controlled substance.¶
 (A)(A)(AA) ORS 475.910 - Application of controlled substance to the body of another person, if the controlled substance is in Schedule I, II, III, or IV.¶
 (B)(B)(BB) ORS 475.914 - Prohibited acts for registrants related to Schedule I controlled substances, if classified as a felony.¶
 (C)(C)(CC) ORS 475.962 - Distribution of equipment, solvent, reagent, or precursor substance with intent to facilitate manufacture of controlled substance.¶
 (D)(D)(DD) ORS 475.967 - Possession of precursor substance with intent to manufacture controlled substance.¶
 (E)(E)(EE) ORS 475.977 - Possessing or disposing of methamphetamine manufacturing waste.¶
 (F)(F)(FF) ORS 475C.229 - Prohibition against importing or exporting marijuana items, if classified as a felony.¶
 (G)(G)(GG) ORS 475C.337 - Unlawful possession by person 21 years of age or older, if classified as a felony.¶
 (H)(H)(HH) ORS 475C.341 - Unlawful possession by person under 21 years of age, if classified as a felony.¶
 (I)(I)(II) ORS 475C.346 - Unlawful delivery of marijuana item, if classified as a felony.¶
 (J)(J)(JJ) ORS 475C.349 - Unlawful manufacture of marijuana item, if classified as a felony.¶
 (K)(K)(KK) ORS 475C.357 - Arson incident to manufacture of cannabinoid extract first degree.¶
 (L)(L)(LL) ORS 475C.361 - Arson incident to manufacture of cannabinoid extract second degree.¶
 (M)(M)(MM) ORS 475C.365 - Causing another person to ingest marijuana.¶
 (6) The fitness determination of a subject individual with a felony conviction in subsection (5) which occurred more than 5 years, but less than 10 years, from the date of the criminal records check must be made by the Child Welfare Director or designee. ¶
 (7) The fitness determination of a subject individual with a felony conviction described in subsection (5) which occurred more than 10 years from the date of the criminal background check must be made by the District Manager or Designee.¶
 (8) The fitness determination of a subject individual with a criminal conviction other than described in sections (3), (4), or (5), of this rule may be made by a Program Manager or Designee.
 Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.016, ORS 181A.195
 Statutes/Other Implemented: ORS 418.005, ORS 418.016, ORS 181A.200, ORS 181A.010 - 181A.245, ORS 409.010

AMEND: 413-120-0455

RULE SUMMARY: Division 120 Series, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity, reflects relative certification standards and clarification prioritization.

CHANGES TO RULE:

413-120-0455

Arrests Involving a ~~Certified Resource Family~~ Resource Parent, Relative Resource Parent, Member of the Household, Certified Respite Provider or Child Care Provider ¶

When a ~~certified~~ resource parent, ~~certified~~ relative resource parent, member of the household, certified respite provider or child care provider is arrested the Department must determine if the individual is fit to remain in their caregiving role. ¶

(1) Within 24 hours of the Department learning of the arrest the Child Welfare Program Manager must make a determination whether a child or young adult may continue to be placed in the home, or whether the respite resource parent, relative resource parent, certified respite provider, or child care provider may continue to be approved, based upon information available to the Department. ¶

(2) If the arrest leads to a conviction a determination of the fitness of the individual must be made assessing: ¶

(a) The details of the incident ¶

(b) The social context of the incident ¶

(c) When the subject individual is a relative or has a caregiving relationship with the child or young adult requiring placement, whether the placement may mitigate the trauma due to the existing relationship and whether the placement would provide for the child or young adult's safety, well-being and permanency.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.016

Statutes/Other Implemented: ORS 181.537, ORS 181.010-181.560, ORS 409.010, ORS 418.005, ORS 418.016

AMEND: 413-120-0457

RULE SUMMARY: Division 120 Series, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity, reflects relative certification standards and clarification prioritization.

CHANGES TO RULE:

413-120-0457

Weighing Test ¶

(1) The Department may approve a subject individual convicted of certain crimes if the subject individual demonstrates to the Department:¶

(a) The person possesses the qualifications to be a resource parent, relative resource parent, potential adoptive resource member of the household, child care ~~or provider~~, or certified respite care provider, regardless of having been convicted of a crime; or¶

(b) The disqualification would create emotional harm to the child or young adult and placement of the child or young adult with the person would be a safe place that is in the best interests of the child or young adult.¶

(2) When making a fitness determination with regard to a subject individual with a criminal conviction, the authorized designee must assess information, available to the Department, surrounding the conviction and consider the following factors:¶

(a) When the subject individual is a relative or has a caregiving relationship with the child or young adult requiring placement, whether the placement may mitigate the trauma due to the existing relationship and whether the placement would provide for the child or young adult's safety, well-being and permanency.¶

(b) The impact of cultural or societal forces such as structural racism or poverty and other impacts to marginalized communities, upon the subject individual and whether those forces contributed to the circumstances leading to a conviction;¶

(c) The nature of the crime, including the relevancy of the crime or false statements made by the subject individual about the crime, to the ability to be a ~~certified~~ resource parent, relative resource parent, potential adoptive resource, certified respite provider, or child care provider;¶

(d) The details (or facts) of the incidents that led to the criminal convictions;¶

(e) The details of the conviction, including periods of incarceration and compliance with parole, post-prison supervision, or probation and any subsequent convictions;¶

(f) The timeline and frequency of criminal convictions and criminal involvement not resulting in conviction, including arrests, criminal investigations and unresolved or pending arrests, charges, indictments or outstanding warrants;¶

(g) The age of the subject individual and the passage of time since the conviction and criminal involvement and likelihood of a repetition of offenses or the commission of another crime; and ¶

(h) Information suggesting changes in circumstances or behavior of the subject individual since the conviction showing self-improvement including, but not limited to:¶

(A) The subject individual's experience in caregiving or parenting, engagement in drug, alcohol or mental health treatment, work experience, relevant education or training, community involvement; and ¶

(B) Information from references, community members, employers or other sources with knowledge about the subject individual.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.016

Statutes/Other Implemented: ORS 418.005, ORS 418.016, ORS 181.537, ORS 181.010-181.560, ORS 409.010

AMEND: 413-120-0460

RULE SUMMARY: Division 120 Series, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity, reflects relative certification standards and clarification prioritization.

CHANGES TO RULE:

413-120-0460

Contesting a Fitness Determination ¶¶

(1) If the Department determines that a subject individual cannot be certified or approved as a potential adoptive resource, based on a negative fitness determination, unless the subject individual voluntarily withdraws from the process, the Department must notify the subject individual in writing that the subject individual:¶¶

(a) Has a right to inspect and challenge their Oregon criminal offender information through OSP procedures as adopted per ORS 181.555(3) and OAR 257-010-0035;257-010-0035;¶¶

(b) May challenge the accuracy or completeness of any entry on the subject individual's criminal records provided by the FBI by filing a challenge with the FBI's Criminal Justice Information Services Division; and¶¶

(c) May appeal the Department's determination of unfitness or indicate an intent to challenge information in the OSP or FBI report by requesting a contested case hearing pursuant to ORS chapter 183 and OAR 413-010-0500 to 413-010-0535 provided that the hearing request is postmarked or the Department receives the request within 30 days from the date of mailing the notice.¶¶

(2) Upon the determination of the Department that an applicant to become a certified resource parent, relative resource family parent, or a potential adoptive resource of a child in the care or custody of the Department cannot be approved due to the denial of a member of the household, the certifier or adoption worker must inform:¶¶

(a) The member of the household, who was denied, of the right to inspect and challenge the subject individual's Oregon criminal offender information through OSP procedures as adopted per ORS 181A.230(3) and OAR 257-010-0035 and the person's rights under ORS 181A.240¶¶

(b) The member of the household, who was denied, of the right to challenge the accuracy or completeness of any entry on the subject individual's criminal records provided by the FBI by filing a challenge with the FBI's Criminal Justice Information Services Division; and¶¶

(c) The applicant whose approval is affected by the denial of the member of the household, in writing, that:¶¶

(A) Based on the member of the household's denial, the Department may not certify or approve the applicant as long as the other person in the household remains in the home or provides care to a child or young adult in the home; and¶¶

(B) The applicant may appeal in a contested case hearing the Department's denial, provided that the hearing request is postmarked or the Department receives the request within 30 days from the date of mailing the notice.¶¶

(3) ~~Child Welfare Policy I-A.5.2, "Contested Case Hearings"~~, OAR 413-010-0500 to 413-010-0535 describes the requirements and process for requesting a contested case hearing due to the denial or revocation of a Certificate of Approval or a denial of approval to be an adoptive resource, including denials based on the criminal history, or false statement with regard to criminal history, of an applicant or other person in member of the household.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.016, ORS 181A.195

Statutes/Other Implemented: ORS 418.005, ORS 418.016, ORS 181A.200, ORS 409.010, ORS 181A.010 - 181A.245

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0620

Values ¶

- (1) Support and Safe Communication: Every healthy family requires support. Families created through adoption have different support needs than biological families in that the child is connected to more than one set of parent(s). One important aspect is the need for continued safe connection and communication between biological and adoptive families, to the extent that it is consistent with the health and safety needs of the child.¶
- (2) Collaboration: The child and their families benefit when the significant adults in their lives work collaboratively to identify and respond to the individual needs of the child. The significant adults for a child in foster care may include, but are not limited to: ~~biological parent(s), prospective, potential~~ adoptive parent(s)resource, child welfare workers, CASA, attorneys, and others.¶
- (3) Empowered, Informed Decisions: Families, and individuals within them, are capable of making decisions about their lives. They should be empowered to make those decisions that affect the cooperative nature of an agreement for post adoption communication, whenever possible. In order for their decisions to be effective, they may need to be informed by a wide range of people and sources about a variety of adoption related issues.¶
- (4) Mediation as Tool: Mediation is a process that can play an important role in developing effective communication between those families seeking to participate in a cooperative adoption planning process. Qualified mediators can provide assistance in the cooperative adoption planning process by providing a safe and constructive atmosphere for effective communication.¶
- (5) Voluntary Commitment to Cooperate/Participate: Mediation is most successful when the adoptive ~~parent(s) and biological~~ resource and parent(s) participate voluntarily. Their commitment to a cooperative planning process to support the lifelong safety and well-being of their child is an essential aspect of this success. It is these parent(s) who are the ultimate decision makers about this agreement and are responsible for maintaining the agreement throughout the life of the child.¶
- (6) No Coercion: The cooperative adoption mediation process is meant to be a tool that is used to achieve a result that is in the long-term best interest of the child. It is not meant to be used coercively for unilateral gain.¶
- (7) Flexibility: PACAs should be flexible in responding to the child's maturity and developmental needs, or changes in the lifestyles of the ~~birth parent~~ and adoptive ~~parent(s)~~ resource. Flexibility in these agreements will support the on-going nature of the cooperative relationship that is formed and fostered through the cooperative adoption process.¶
- (8) Benefits of the PACA for the child may include, but are not limited to:¶
- (a) Having knowledge and information about ~~his/their~~ birth family,¶
 - (b) Having an ability to maintain birth family identity,¶
 - (c) Having a good model of effective communication,¶
 - (d) Having a realistic understanding of the circumstances of the birth parent(s),¶
 - (e) Having a sense of well-being fostered by the adoptive ~~and birth~~ resource and parent(s) working collaboratively to support the needs of the child,¶
 - (f) Having a better ability to process important life transitions as the child grows into an adult,¶
 - (g) Having an opportunity to appropriately grieve the loss of the birth family, and¶
 - (h) Having the permission of the ~~birth parent(s)~~ to become a member of the adoptive family.¶
- (9) Benefits of the PACA for the adoptive ~~parent(s)~~ resource may include, but are not limited to:¶
- (a) Having an understanding of who the biological family is;¶
 - (b) Having an exchange of on-going information such as medical and other important life information;¶
 - (c) Supporting the child's need to be connected to the birth family;¶
 - (d) Having the sense of accomplishment that is associated with positive cooperative relationships;¶
 - (e) Helping the child to appropriately grieve the loss of the birth family; and¶
 - (f) Having the permission and the support of the ~~birth parent(s)~~ to help the child to become a member of the adoptive family.¶
- (10) Benefits of the PACA for the birth parent(s) may include, but are not limited to:¶
- (a) Knowing their child is in a safe and secure environment,¶
 - (b) Having a better ability to process loss of a child and the transition to a new adoptive family,¶

- (c) Having an exchange of on-going information such as medical and other important life information,¶
- (d) Having the sense of accomplishment that is associated with positive cooperative relationships,¶
- (e) Being able to get on-going information about the life of the child,¶
- (f) Having a sense of closure related to the loss of the child, and¶
- (g) Having assisted their child to successfully become a member of the adoptive family.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 109.305

AMEND: 413-120-0625

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0625

Roles and Responsibilities ¶

(1) Child's caseworker: The child's caseworker represents the custodian of the child and assesses the appropriateness of mediation for cooperative post adoption planning for the children on their caseload. The child's caseworker consults with the supervisor and LAS, and seeks input from other interested persons. The decision to refer a case to mediation is based on the best interest of the child and whether the child's safety and permanency needs will be met with post-adoption communication. The child's caseworker consults with an adoption worker, if assigned, or the identified adoptive ~~parent(s)~~ resource and the ~~birth-parent(s)~~ about willingness to participate in the cooperative adoption mediation process. The child's caseworker initiates the referral to mediation and is the primary contact for the contract mediator.¶

(2) Adoption worker: The adoption worker connects to the cooperative adoption mediation process, selected adoptive ~~parents~~ resource (including preliminary current caretaker families) of children who may benefit from post-adoption communication. The adoption worker collaborates with the child's worker to identify benefits of the cooperative adoption mediation process and documents safety concerns to be communicated on the Mediation Referral Form.¶

(3) LAS:¶

(a) The LAS ensures that legal assistance mediation or cooperative adoption mediation services are included in the discussions of the plan to legally free the child for adoption (by relinquishment or termination of parental rights). The LAS determines, in consultation with the child's worker and the legal assistance attorney, whether cooperative adoption mediation planning meets the child's best interest post adoptively. If the referral is appropriate the LAS approves the Referral for Mediation (CF 0437). The LAS confers with the child's caseworker when the caseworker determines that the PACA may not meet the safety concerns of the child. The LAS advises the child's caseworker on additional requirements related to Indian children.¶

(b) The outcome of the procedures to terminate parental rights shall not be the basis of ending the cooperative adoption mediation process.¶

(4) Contract Mediator: The contracted mediator for the cooperative adoption mediation process assists mediation participants in clarifying issues and stating expectations. The mediator is a neutral third party who assists the mediation participants in exploring options and empowers the mediation participants to make decisions through the confidential cooperative adoption planning process. The mediator will not make or impose decisions about the final outcome of the PACA.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 109.305

AMEND: 413-120-0628

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0628

Criteria for Using the Cooperative Adoption Mediation Process ¶

(1) The fundamental criteria for referring a child for a cooperative adoption mediation process is the best interest of the child's well-being, permanency and safety. It is the responsibility of the department to determine if a referral for mediation is appropriate in accordance with the criteria of OAR 413-120-0628(1) through (3).¶

(2) Parent(s) who actively chose adoption for their child through voluntary relinquishment of parental rights and who do not present a danger to their child or to an adoptive family resource, may be most appropriate to participate in a cooperative adoption mediation process. However, parent(s) who have an adversarial relationship with the Department may be able to work cooperatively with a mediator and the adoptive family resource in a cooperative adoption mediation process.¶

(3) The decision of a ~~birth~~ parent(s) to relinquish parental rights or a Department decision to proceed to a termination of parental rights trial must be made independent from the Department's decision to refer a case for cooperative adoption mediation. One decision must not be conditioned upon the other.¶

(a) Relinquishment or termination of parental rights resolves the child's legal status;¶

(b) The cooperative adoption mediation process is not a means to avoid a termination of parental rights trial. At no time shall a voluntary relinquishment be conditioned on the willingness of the ~~birth~~ parent(s) and/or adoptive ~~parent(s)~~ resource to enter into a cooperative adoption mediation process;¶

(c) Caseworkers may not guarantee a certain level of openness in adoption nor make any promises regarding the cooperative adoption mediation process to convince a parent(s) to voluntarily relinquish the child for adoption.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 109.305

AMEND: 413-120-0630

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0630

Post Adoption Communication Agreements (PACAs) ¶¶

(1) The cooperative adoption mediation process allows the mediation participants to make an informed and self-determined decision after exploring the full range of options available to them. These decisions may be memorialized in a PACA. Post Adoption Communication Agreements make the most sense in situations where birth parent(s) are working with the agency to plan adoption, and where voluntary relinquishment of parental rights will be the mechanism to legally free the child for adoption rather than termination of parental rights. Parents who actively choose adoption for their child, and who do not present a danger to their child or to an adoptive family resource, are appropriate for a Post Adoption Communication Agreement.¶¶

(2) The PACA must address the safety concerns listed in the Mediation Referral Form.¶¶

(3) The PACA must not condition the terms of agreement upon the decision of the ~~birth parent(s)~~ to relinquish parental rights.¶¶

(4) Informed decision making in mediation involves giving the participants the opportunity to make self-determined decisions after exploring options that may impact the terms of their final agreement. The following characteristics should be considered in forming a PACA:¶¶

(a) It is based on the individual needs of the child and capable of meeting the child's developmental needs over time;¶¶

(b) Reflects the intent of relationship building in order for the adoptive ~~parent(s)~~ resource to meet the needs of the adopted child through growth and development;¶¶

(c) It is clear and can be understood by the mediation participants;¶¶

(d) It addresses how contingencies will be handled. For example: failure to adhere to the terms of the agreement by any mediation participant; requests for informal changes to the terms of the agreement, etc.¶¶

(e) It includes a procedure for modifying the agreement to meet the changes of the child through growth;¶¶

(f) It addresses how costs to support the agreement, such as transportation, counseling, supervision of visits, and letter and picture exchanges will be met.¶¶

[ED. NOTE: Forms referenced are available from the agency.]

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 109.305

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0635

Cooperative Adoption Planning Through Legal Assistance Mediation Services ¶¶

- (1) Department will provide information on an ongoing basis to birthparent and adoptive familiesresource, Department staff, and other interested persons in the child's life: Information regarding the value and benefits of cooperative adoption planning; the use of mediation as a tool to achieve a cooperative adoption; and, the roles of all mediation participants in the cooperative adoption process. This concurrent planning education will take place early and often throughout the case. (See Flow Chart Box 1 & 2)¶¶
- (2) The birth-parents, identified adoptive parentsresource, CASA, child, attorneys of record, Citizen Review Boards and other persons interested in the child's need for permanency, safety and well-being may request that the case be referred for cooperative adoption mediation services. (See Flow Chart Box 3.)¶¶
- (3) The Department will obtain input from interested persons, prior to or during the cooperative adoption planning process, regarding the appropriateness of cooperative adoption planning to address the child's permanency, safety and well-being. (See Flow Chart Box 4.)¶¶
- (4) On an ongoing basis, Department staff will explore the willingness of the birth and adoptive parentsresource to engage in the cooperative adoption planning process through mediation. (See Flow Chart Box 5.)¶¶
- (5) A Mediation Referral Form must not be submitted until a committee has the selectedion of the adoptive parents for a child, either at the preliminary current caretaker or adoption committeresource, and until the case has been staffed and approved for mediation by a LAS. See OAR 413-120-0010 to 413-120-0060.¶¶
- (6) To support the development of a cooperative adoption planning process through mediation, the Department has the following responsibilities:¶¶
 - (a) After a Legal Assistance Referral has been approved, the caseworker must consult with the LAS and the assigned legal assistance attorney. Consultation must address whether the birth-parents present a continuing safety threat to their child or adoptive parentsresource, and whether a plan for openness in adoption will meet the needs of the child;¶¶
 - (b) If parents want to plan cooperatively and there is no approval for a legal assistance referral an exception can be made to allow for a referral for mediation using the criteria provided in OAR 413-120-0628.¶¶
 - (c) The child's caseworker must obtain from the birth-parent(s) and from the adoptive parents, if no adoption worker is assigned, a signed DHS 2098MSC 3010 Authorization for Use and Disclosure of Non-Health Information and DHS 2099 Authorization for Use and Disclosure of Health, Sharing, and Use of Individual Information to the mediator;¶¶
 - (d) To request mediation services funded through the Legal Assistance program, the child's caseworker, or in some cases, the adoptive parentsresource's worker must make referrals for cooperative adoption mediation on the CF 0437 Mediation Referral Form. The child's caseworker, in consultation with the adoptive parents worker, if assigned, must list on the Mediation Referral Form, benefits specific to the individual case and safety concerns that, if an agreement is reached, must be met in a written PACA. The form should be prepared with the understanding that the birth-parents and adoptive parentsresource will be receiving a copy of the form.¶¶
 - (e) The child's caseworker, and in some cases, the adoptive parentsresource's worker, must provide to the mediator, on the CF 437b Contact Information Form, information of the mediation participants, and other collateral resources when applicable.¶¶
- (7) In order to allow for informed decision-making by the adoptive parentsresource in the cooperative adoption mediation process, the adoption worker must:¶¶
 - (a) Provide the adoptive parentsresource with the case materials itemized on the Form CF 963;¶¶
 - (b) Review with the adoptive parentsresource the statement of benefits to the child for cooperative adoption planning listed on the Cooperative Adoption Mediation Referral Form CF 0437;¶¶
 - (c) Obtain from the adoptive parentsresource a signed Authorization of Use and Disclosure of Non-Health Information Form DHS 2098 and a signed Authorization for Use and Disclosure of Health, Sharing, and Use of Individual Information Form DHS 2099MSC 3010 authorizing release of information to the mediator;¶¶
 - (d) Be responsible to contact the mediator if the adoption worker is assigned after the cooperative adoption mediation process has already begun.¶¶
- (8) The Cooperative Adoption Mediation Referral form must be forwarded to the central office LAS assigned to

the local Department office for approval of funds disbursement. If funds are approved, Central office staff must notify the mediator that funds have been approved and that the mediation service may begin. (See Flow Chart Box 6.)¶¶

(9) A child welfare mediator contracted to provide cooperative adoption mediation must have the following responsibilities:¶¶

(a) The mediator must keep confidential all mediation communications. (ORS 36.220-25.238);¶¶

(b) The mediator must accept referrals from the Department on the Cooperative Mediation Referral Form CF 0437;¶¶

(c) Within two weeks of receiving the CF 0437, the mediator must contact the child's worker and the adoption worker of the selected adoptive ~~family~~resource for additional information on the case and further discussion of the Department's safety concerns, if needed (See Flow Chart Box 7.);¶¶

(d) After contacting the child's worker and the adoption worker, but within the two week of receiving the CF 0437, the mediator must contact the ~~birth parent(s)~~ and adoptive ~~parent(s)~~resource to begin mediation services;¶¶

(e) The beginning of the mediation process, the mediator must inform the mediation participants about the mediation process, explain their role and responsibilities during the process, provide them with a copy of ORS 109.305, review the mediation referral form with the mediation participants and provide them with a copy, and if the mediation participants choose to continue in mediation, obtain their signature on the Agreement to Mediate Form (See Flow Chart 8a.);¶¶

(f) The mediator must make collateral contact with professionals involved in the case including, but not limited to, children's attorney, CASA, and ~~birth parent~~ and adoptive ~~parent(s)~~resource attorneys. If requested, the mediator must also keep informed, the Assistant Attorney General or Deputy District Attorney assigned to the case;¶¶

(g) If the mediation participants reach agreement and the mediation participants desire it, the mediator must draft a PACA. The PACA must address the mediation participant's issues and the documented safety concerns as set forth in the Mediation Referral Form (See Flow Chart 9.);¶¶

(h) The mediator must provide the draft PACA to the mediation participants and must encourage the mediation participants to review the draft with legal counsel;¶¶

(i) Once the mediation participants have approved the draft, the mediator must provide the child's worker with the proposed PACA for the review and concurrence that it meets the safety needs of the child.¶¶

(10) The Department has the following additional responsibilities:¶¶

(a) The child's caseworker must review the draft PACA solely for the purpose of assessing whether it will meet the safety needs of the child, as set forth in the Mediation Referral Form (See Flow Chart Box 9.);¶¶

(b) If the child's caseworker concludes that the PACA meets the safety needs of the child, the child's caseworker or other agency representative must sign the final PACA. (Flow Chart Box 11(b).)¶¶

(c) If the child's caseworker concludes that the PACA may not meet the safety needs of the child, the child's caseworker must notify the LAS. The LAS must inform the mediation participants in the form of written communication sent to the mediator ("LAS Notice"). The LAS Notice must state the continued safety concerns for the child. (See Flow Chart Box 11(a).)¶¶

(11) A contracted mediator has the following additional responsibilities:¶¶

(a) If the mediator is informed through a LAS Notice (see Flow Chart, Box 11) that the PACA does not meet the safety needs of the child, the mediator must set another mediation session with the mediation participants, and an agency representative, if requested by the mediation participants. The mediator may consult with the child's caseworker for clarification about the LAS Notice before setting the additional mediation session.¶¶

(b) If the additional mediation session results in a revised draft PACA, the mediator will repeat the processes outlined in (9)(g) through 10(c) in this rule.¶¶

(c) After the Department determines that the revised draft PACA meets the safety needs of the child, the mediator must arrange for the mediation participants and an agency representative to sign the agreement (See Flow Chart 11(b));¶¶

(d) If no agreement can be reached, the mediator must send a letter summarizing the situation to Central Office with the final invoice.¶¶

[ED. NOTE: Forms and Flow Charts referenced are available from the agency.]

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 109.305

AMEND: 413-120-0700

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0700

Purpose ¶¶

(1) The purpose of OAR 413-120-0700 to 413-120-0760 is to describe the responsibilities of the Department to:¶¶

(a) Identify the potential adoptive resources for a child or sibling group under consideration for adoption to best meet the current and lifelong needs of each child for safety, attachment, and well-being; ¶¶

(b) Establish an order of preference for assessment and consideration of potential adoptive resources; and ¶¶

(c) Consider a current caretaker or relative ~~caregiver~~applicant request for an adoption home study in order to be considered as a potential adoptive resource. ¶¶

(2) The term "sibling group" means siblings in the care ~~and/or~~ custody of the Department who are under consideration for adoption together.

Statutory/Other Authority: ORS 109.309, ORS 409.050, ORS 418.005

Statutes/Other Implemented: ORS 419B.100, ORS 419B.192, ORS 109.309, ORS 418.005, ORS 409.010, ORS 418.280, ORS 418.285, ORS 418.937, ORS 419B.090, ORS 419A.004

AMEND: 413-120-0730

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0730

Order of Preference for Identification of Potential Adoptive Resources ¶¶

(1) Except as provided in sections (2) and (3) of this rule, when identifying potential adoptive resources for a child or sibling group, the caseworker must consider the needs and the best interest of each child, and assess the knowledge, skills, and abilities of each applicant or relative applicant for approval to be a potential adoptive resource in the following order of preference:¶¶

(a) Except when (c) of this section applies, a relative as defined in OAR 413-120-0000(68)(a)-(c).¶¶

(b) Except when (c) of this section applies, a relative as defined in OAR 413-120-0000(68)(d).¶¶

(c) When a child or sibling group has a current caretaker as defined in OAR 413-120-0000(26), the current caretaker and a relative as defined in OAR 413-120-0000(68)(a)-(d).¶¶

(d) A general applicant.¶¶

(e) When an individual would otherwise meet the definition of current caretaker, except for being a relative as defined in OAR 413-120-0000(68)(d), the individual is considered a current caretaker for purposes of this section.¶¶

(2) For an Indian child, the caseworker must comply with the ICWA and OAR chapter 413, division 115.¶¶

(3) For a refugee child, the caseworker must comply with OAR 413-070-0300 to 413-070-0380.¶¶

(4) When an exception to the order of preference in section (1) of this rule is determined in the best interest of the child, the Child Welfare Program Manager must submit a written request to the Child Permanency Program Manager.¶¶

(5) When a request for exception is received, the Child Permanency Program Manager must submit it to the Director of the Department or designee for review and consideration. Within 30 days of receipt of the written request, the Director of the Department or designee must determine whether to grant the exception.

Statutory/Other Authority: ORS 109.309, ORS 418.005

Statutes/Other Implemented: ORS 418.005, ORS 109.309, ORS 419B.192

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0735

Current Caretaker or Relative ~~Caretaker~~Resource Parent Request for an Adoption Home Study

(1) When a current caretaker or relative ~~caretaker~~resource parent requests a home study to be considered as a potential adoptive resource for a child or sibling group that are under consideration for adoption, prior to the completion of the adoption home study, the Department shall:¶

(a) Convene a staffing that includes:¶

(A) The caseworker for the child; ¶

(B) The assigned courtesy caseworker for the child, if applicable; ¶

(C) The assigned supervisor for each caseworker assigned to the child; ¶

(D) The assigned ~~DH~~Department certifier or ICPC worker for the current caretaker or relative ~~caretaker~~resource parent; and¶

(E) The assigned ~~DH~~Department adoption worker or, if known, ICPC adoption worker, if different from the assigned certifier or ICPC worker.¶

(b) Notify and invite the following individuals to the staffing:¶

(A) The attorney of the child ~~or young adult~~; ¶

(B) The CASA of the child ~~or young adult~~; ¶

(C) A representative of the child's tribe, if the caseworker knows or there is reason to know the child is an Indian child pursuant to OAR 413-115-0060; ¶

(D) A member of the RCWAC, if the child or young adult is a refugee child; and¶

(E) Any other individual who a caseworker, in consultation with a supervisor, believes may provide valuable input regarding the child and the ability of the current caretaker or relative ~~caretaker~~resource parent to meet the current and lifelong needs of the child or sibling group under consideration for adoption.¶

(2) Participants of the staffing must consider the following:¶

(a) The safety, attachment, and well-being needs of the child or sibling group under consideration for adoption and how well the current caretaker or relative ~~caretaker~~resource parent has met those needs;¶

(b) The history of the current caretaker or relative ~~caretaker~~resource parent in meeting the standards of certification pursuant to OAR 413-200-0301 to 413-200-0396;¶

(c) Any child abuse or neglect reports made to the Department that were assigned for assessment, closed at screening, or documented in the Department's electronic information system;¶

(d) Recommendations for continued contact with ~~birth~~ parents, birth ~~family~~relatives, or other significant persons for the child or sibling group under consideration for adoption; and¶

(e) Any other information pertinent to the evaluation of the ability of the current caretaker or relative ~~caretaker~~resource parent to meet the lifelong safety, attachment, and well-being needs of the child or sibling group under consideration.¶

(3) The Department certifier ~~for the family~~ must document in a case note in the provider's file any specific information the staffing participants determine must be explored in the adoption home study for the current caretaker or relative ~~caretaker~~resource parent.¶

(4) If the current caretaker or relative ~~caretaker~~resource parent lives outside of Oregon, the Department must document in the ICPC request for an adoption home study any specific information the staffing participants determine must be explored in the adoption home study for the current caretaker or relative ~~caretaker~~resource parent.

Statutory/Other Authority: ORS 109.309, ORS 409.050, ORS 418.005

Statutes/Other Implemented: ORS 109.309, ORS 409.010, ORS 418.005, ORS 418.280, ORS 418.285, ORS 418.937, ORS 419B.090, ORS 419B.100, ORS 419B.192

AMEND: 413-120-0750

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0750

Recruitment Efforts ¶¶

- (1) The Department must begin recruitment for the child or sibling group in a timely manner that is appropriate to each child's permanency and concurrent permanent plans.¶¶
- (2) The Department may consider up to three general applicants as adoptive resources for a child or sibling group.¶¶
- (3) Except as provided in section (4) of this rule, the Department's recruitment efforts may not consider the race, color, or national origin of a potential adoptive resource or a child.¶¶
- (4) When recruiting potential adoptive resources for an Indian child, the Department must comply with the ICWA and OAR 413-115-0090.¶¶
- (5) When a child is not fully legally free for adoption, the legal assistance specialist must:¶¶
 - (a) Determine when recruitment may begin;¶¶
 - (b) Determine whether recruitment may begin for a child with extraordinary needs before the Department initiates the process to legally free the child for adoption; and¶¶
 - (c) Notify the caseworker to begin recruitment efforts.¶¶
- (6) As part of the identification of general applicants who will be considered in the adoption placement selection process, the child's caseworker must conduct recruitment activities including, at a minimum, ensuring a Waiting Child Bulletin has been posted, for at least 30 days, unless one or more of the following subsections applies:¶¶
 - (a) An exception to this timeline has been approved by the Assistant Child Permanency Program Manager or designee.¶¶
 - (b) The Department has determined, under OAR 413-070-0514, an individual known to the child or sibling group should be assessed as a potential adoptive resource, based upon all of the following:¶¶
 - (A) The best interest of each child.¶¶
 - (B) The strength of the relationship between each child and the individual.¶¶
 - (C) The likelihood the individual will have a positive adoption home study and meet the requirements of OAR 413-120-0246(1).¶¶
 - (D) The demonstrated knowledge, skills, abilities, and commitment of the individual to raise each child.¶¶
 - (E) The capacity of the individual to meet the current and lifelong safety, attachment, and well-being needs of the child as required by OAR 413-070-0640.¶¶
- (7) Recruitment activities under section (6) of this rule are not required when:¶¶
 - (a) The Department has planned for the child or sibling group to be adopted by a relative of at least one of the siblings;¶¶
 - (b) The Department has planned for the child or sibling group to be adopted by a current caretaker; or¶¶
 - (c) In the case of an Indian child, alone or as part of a sibling group, the Department has planned for adoption by an identified potential adoptive resource meeting the order of placement preference in the ICWA and OAR 413-115-0090.¶¶
- (8) The recruitment efforts of the Department for a child or sibling group must be documented in the Department's electronic information system.

Statutory/Other Authority: ORS 109.309, ORS 418.005

Statutes/Other Implemented: ORS 418.005, ORS 109.309, ORS 419B.192

AMEND: 413-120-0760

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0760

Identification of a Child's Potential Adoptive Resources ¶¶

(1) When identifying potential general applicant adoptive resources for a child or sibling group, the caseworker may:¶¶

(a) After discussion with ~~his or her~~their supervisor and on a case-by-case basis, consult with a ~~birth~~parent to identify one to three potential adoptive resources; and¶¶

(b) Provide a ~~birth~~parent with non-identifying information from the adoption home study of a potential adoptive resource who is a general applicant not known to the parent or child.¶¶

(2) When more than one relative is interested in being an adoptive resource for a child or sibling group, the Department must consult with the interested relatives to facilitate agreement on the most appropriate potential adoptive resource.¶¶

(a) When agreement cannot be reached, the Department considers relatives among both maternal and paternal family members who have expressed an interest, and may choose up to three relative applicants for adoption home studies.¶¶

(b) When an adoption home study has been initiated and the ~~potential adoptive resource~~relative applicant is not approved or withdraws, the Child Welfare Program Manager or designee decides whether the Department will initiate adoption home studies with additional relatives based upon:¶¶

(A) The best interest of the child or sibling group; and¶¶

(B) The impact on timeliness to achieving permanency.¶¶

(c) For an Indian child alone or as part of a sibling group, the Department must identify potential adoptive resources and initiate adoption home studies as necessary to comply with the ICWA.¶¶

(3) The child's caseworker must comply with the requirements of all of the following subsections:¶¶

(a) Make reasonable efforts to identify and place the child or sibling group with an adoptive resource in a timely manner.¶¶

(b) Request input about the knowledge, skills, abilities, and commitment a potential adoptive resource needs to best meet the current and lifelong needs of the child from:¶¶

(A) Professionals who have worked closely with the child, when applicable; and¶¶

(B) The child's attorney, CASA, an authorized representative from the Indian child's tribe, a RCWAC representative, and substitute caregiver, when applicable.¶¶

(c) Receive and review adoption home studies in a timely manner.¶¶

(d) Unless section (4) of this rule applies, following consultation with ~~his or her~~their supervisor, identify up to three potential adoptive resources following the order of preference in OAR 413-120-0730 to be considered for adoption placement selection who:¶¶

(A) Meet the standards of an adoptive home in OAR 413-120-0246;¶¶

(B) Have the knowledge, skills, abilities, and commitment to raise each child; and¶¶

(C) Have the capacity to meet the current and lifelong safety, attachment, and well-being needs of the child or sibling group under OAR 413-070-0640.¶¶

(4) Upon the recommendation of a caseworker and supervisor, and when it is determined in the best interest of the child, the Child Welfare Program Manager may submit a written request to the Child Permanency Program Manager for an exception to subsection (d) of section (3) of this rule to increase the number of potential adoptive resources to be considered for adoption placement who are in the order of preference as described in 413-120-0730(1)(c).¶¶

(5) In consultation with the supervisor, the caseworker must determine the appropriate adoption selection process pursuant to OAR 413-120-0020.¶¶

(6) The caseworker must consult with the adoption worker for each of the identified potential adoptive resources pursuant to OAR 413-120-0021(2).¶¶

(7) The caseworker must document the actions taken under this rule in the Department's electronic information system.

Statutory/Other Authority: ORS 109.309, ORS 418.005

Statutes/Other Implemented: ORS 418.005, ORS 109.309, ORS 419B.192

AMEND: 413-120-0800

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0800

Purpose ¶¶

The purpose of OAR 413-120-0800 to 413-120-0880 is to describe;¶¶

(1) Department responsibilities following the selection of an adoptive resource pursuant to OAR 413-120-0010 to 413-120-0060 for:¶¶

(a) Adoption transition and placement of the child with the adoptive resource;¶¶

(b) Supervision of the adoptive placement;¶¶

(c) Support for the child and adoptive family resource after placement; and¶¶

(d) Actions required by the Department when a disruption of an adoptive placement of a child in the legal custody of the Department is likely or has occurred.¶¶

(2) The actions required by the Department when concerns arise regarding the appropriateness of an adoptive resource for a child or children in the legal custody of another public child welfare agency that the Department is supervising.¶¶

(3) The additional requirements for an international adoption of a child in the legal custody of the Department pursuant to OAR 413-120-0900 to 413-120-0970.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005

AMEND: 413-120-0830

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0830

Department Actions Prior to Placement ¶¶

- (1) Prior to the physical placement of a child in the home of the ~~family selected to be the~~ adoptive resource, the caseworker must arrange post-placement supervision and medical coverage for the child.¶¶
- (2) When the ~~family selected to be the~~ adoptive resource is outside the state of Oregon, but in the United States:¶¶
- (a) The court and the receiving state must agree to the adoptive placement prior to the physical placement of a child who is not yet legally free for adoption;¶¶
- (b) Approval as required by ~~Child Welfare Policy I-B.3.4.2, "Interstate Compact on the Placement of Children",~~ OAR 413-040-0200 to 413-040-0330 must be received; and¶¶
- (c) When supervision is to be provided by a private agency, the Department must contract only with an agency willing to:¶¶
- (A) Provide supportive services to the child and adoptive ~~family resource~~;¶¶
- (B) Provide progress reports as required by the Department;¶¶
- (C) Provide a written recommendation regarding the finalization of the adoption; and¶¶
- (D) Accept payment as authorized by the Department.¶¶
- (3) Unless an exception is approved as described in OAR 413-120-0840, adoption transition of a child into the home of a ~~family selected to be the~~ adoptive resource may not begin until:¶¶
- (a) The time period has expired for the written request for review of the adoption placement selection as described in ~~Child Welfare Policy I-G.1.5, "Adoption Placement Selection",~~ OAR 413-120-0060; or¶¶
- (b) In the event the ~~DHS Assistant Director of the Office~~irector of Child Welfare Programs or designee gives notice of the intent to review, until that review is complete.¶¶
- (4) The Department may issue a ~~eChild sSpecific foster care~~Certificate of Approval or a Relative ~~eCertificate to an individual or individuals of Approval to an applicant or relative applicant who have~~s been approved and selected as an adoptive resource when:¶¶
- (a) Department staff have completed an assessment and home study ~~of a relative applicant under OAR 413-2003-0274 for an adoptive applicant~~25, or have completed an assessment and home study of an applicant under ~~OAR 413-200-0274; or~~¶¶
- (b) A child-caring agency licensed under OAR 413-215-0001 to 413-215-0131 and 413-215-0414 to 413-215-0481 as an adoption agency has submitted all of the following to the Department:¶¶
- (A) Verification that the adoptive resource has completed the adoption agency orientation required under OAR 413-215-0446(2) and training required under 413-215-0456;¶¶
- (B) The home study prepared subsequent to the assessment of the ~~family~~adoptive resource described in OAR 413-215-0451;¶¶
- (C) A copy of the checklist verifying the safety of the home and surrounding environment;¶¶
- (D) Documentation verifying the approval of the criminal history and child abuse history checks required under ~~OAR 413-215-0451(2)(c) and (419-420-0100(2); and~~¶¶
- (E) A copy of the Certificate of Approval as a potential adoptive resource.¶¶
- (5) The ~~eChild sSpecific foster care certificate~~Certificate of Approval issued under subsection (4)(a) of this rule has a begin date coinciding with the date of approval of the most recent home study or home study update, and an end date two years from that approval unless the criminal records check required under OAR 413-120-0460 requires an earlier end date. A Relative Certificate of Approval issued under subsection (4)(a) is not required to have an end date.¶¶
- (6) The ~~eChild sSpecific foster care certificate~~Certificate of Approval issued under subsection (4)(b) of this rule is a two-year certificate with a begin date coinciding with the approval of the home study or home study update.¶¶
- (7) When a ~~eChild sSpecific foster care certificate~~Certificate of Approval is issued under section (4)(b) of this rule, the home visits required by a certifier under OAR 413-200-0283(1) are not required. Caseworker contact requirements for monitoring child safety under 413-080-0059 are required.

Statutory/Other Authority: ORS 418.005, 418.640

Statutes/Other Implemented: ORS 418.005, 418.630, 418.640

AMEND: 413-120-0840

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0840

Early Adoption Transition ¶

(1) The child's caseworker, following consultation with the caseworker's supervisor and the approval of the Child Welfare Program Manager, may request physical placement with the ~~family selected to be the~~ adoptive resource before the timelines described in OAR 413-120-0830 when the requirements in all of the following subsections are met:¶

(a) It is in the best interests of the child;¶

(b) There are no indications that a review of the adoption placement selection will be requested; and¶

(c) When the child is to be placed in a state within the United States and outside of Oregon, the requirements under OAR 413-120-0830 have been met regarding a placement in a state other than Oregon.¶

(2) The caseworker must send the written request for early adoption transition, including the basis for the request, to the ~~Adoption Program Manager~~ Child Permanency Program or designee who makes the final decision.¶

(3) The caseworker must document the decision regarding the early adoption transition in the Department's information system.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005

AMEND: 413-120-0860

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0860

Placement and Post-placement Supervision ¶

- (1) The child's caseworker must offer support and services to the adoptive resource to assist in a successful adoption transition of the child into the home of a family selected to be the adoptive resource.¶
- (2) Post-placement supervision must include all of the following:¶
 - (a) Monthly face-to-face contact with the child described in OAR 413-080-0055;¶
 - (b) Assessment of the child's safety and well-being under Child Welfare Policy I-B.1, Monitoring Child Safety, OAR 413-080-0067;¶
 - (c) Providing services and support to assist the adoptive resource in meeting the requirements described in ~~Child Welfare Policy I-G.1.3, "Adoption Applications, Adoption Home Studies, and Standards for Adoption"~~, OAR 413-120-0246(1)(b).¶
 - (d) Providing support to the adoptive resource in the process of the completion and submission of the adoption assistance application, when applicable; and¶
 - (e) Documentation from the supervising worker which includes the supervision reports and a recommendation regarding finalization of the adoption.¶
- (3) When the child is placed through an in-state ~~private child-caring agency~~ licensed as an adoption agency, the Department must provide supervision of the placement and, when applicable, must coordinate support services with the in-state ~~private child-caring agency~~.¶
- (4) When it becomes known to the Department that there are significant changes to the adoptive resource's situation, including changes in the family structure, the Department may require an updated adoption home study prior to making a determination to proceed with finalization of the adoption.¶
- (5) Prior to finalization of the adoption, the Department must ensure that the adoptive resource is made aware of all of the following:¶
 - (a) Available post-legal services;¶
 - (b) The potential eligibility for federal or state adoption tax credits, or both; and¶
 - (c) The ability to seek voluntary supportive services through the Department to stabilize an adoption and promote lifelong permanency for children.¶
- (6) The standard supervision period for an adoptive placement is a minimum of six consecutive months and can include the time the adoptive resource was the child's substitute caregiver. When the child's caseworker and the adoption worker agree that it is in the child's best interests to proceed with finalization before the standard six month period:¶
 - (a) The child's caseworker or adoption worker must request approval from:¶
 - (A) Their supervisor; and¶
 - (B) The ~~Adoption~~ Child Permanency Program Manager or designee.¶
 - (b) The child's caseworker must document in the Department's information system when approval is given for a reduced post-placement supervision time.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005

AMEND: 413-120-0870

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0870

Disruption ¶

(1) After the adoption placement selection has been made pursuant to OAR 413-120-0021 or 413-120-0057, but prior to the physical placement of the child with the ~~family selected as the adoptive resource~~, when circumstances occur or conditions are made known to the Department that give the child's caseworker reason to believe the ~~selected adoptive resource~~ is no longer appropriate for the child or ~~his or her~~ their siblings, the child's caseworker must:¶

(a) Consult with ~~his or her~~ their supervisor;¶

(b) Document the conditions or circumstances of concern; and¶

(c) Request approval from the Adoption Child Permanency Program Manager to reconsider the adoption placement selection.¶

(2) When the caseworker for the child determines that a disruption is likely, the caseworker must consult with each of the following to try to preserve the placement, when it is in the best interest of the child to do so:¶

(a) ~~His or her~~ The caseworker's supervisor;¶

(b) The adoption worker who is supervising the adoptive placement;¶

(c) Members of the child's team identified as individuals who can offer additional information or support, and¶

(d) The ~~family~~ adoptive resource, if possible.¶

(3) When the Department is supervising an adoptive placement of a child in the custody of another public child welfare agency and concerns arise that indicate that the adoptive resource is no longer appropriate for the child or children, the caseworker must ensure contact is made with the responsible ~~entity~~ child welfare agency and coordinate subsequent actions.¶

(4) When the caseworker and supervisor recommend to the Child Welfare Program Manager that the adoptive resource for a child in the care or custody of the Department is no longer appropriate for the child or children, the Child Welfare Program Manager, when in agreement, forwards the request for final approval for a disruption to the Adoption Child Permanency Program Manager.¶

(5) The caseworker must document the disruption in the Department's information system and notify the ~~Central Office Adoption~~ Adoption Child Permanency Program and the central office ICPC unit, if applicable, of the date of the adoption disruption.¶

(6) After the disruption of an adoptive placement of a child in the custody of the Department, the child's caseworker must consult with their supervisor, the child's team, adoption worker, and individuals from the Central Office Child Permanency Program with significant adoption experience to staff the case in order to:¶

(a) Gain a comprehensive understanding of the issues leading to the disruption; and¶

(b) Increase the likelihood for the child's success in another adoptive placement.¶

(7) If an adoption is disrupted, the Department must consider any relative applicant or current caretaker applicant who was not initially selected by the Department as the ~~prospective adoptive placement as an~~ adoptive resource. For purposes of this subsection, "current caretaker" includes the child's current caretaker who was considered and not initially selected at the time of the adoption selection. ¶

(8) If an adoption is disrupted, the department may consider any relative identified as a potential adoptive resource and not considered in the adoption selection process.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 418.005

AMEND: 413-120-0925

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0925

Adoption of a Child Emigrating from the United States (Outgoing Convention Adoption) ¶

(1) The Department may pursue an outgoing Convention adoption provided that:¶

(a) It is in the best interest of the child;¶

(b) The child has not been abducted, sold, or trafficked in connection with the adoption; and¶

(c) The prospective adoptive parent meets all of the following requirements:¶

(A) Is one of the following:¶

(i) A relative as described in OAR 413-120-0000(64)(a)(A), (B) or (C);¶

(ii) A relative as described in OAR 413-120-0000(64)(b)(A) or (G); or¶

(iii) An individual with a relationship to the child or young adult's half-sibling through the half-sibling's legal or biological father or mother as described in subparagraph (i) or (ii) of this paragraph for the purpose of placing the half-siblings together.¶

(B) Has been assessed, approved, and trained; and¶

(C) Has been determined able and willing to permanently provide for the safety, well-being, and special needs of the child.¶

(2) An outgoing Convention adoption may involve a child who meets the requirements of one of the following subsections:¶

(a) The child is, or is eligible to become, a:¶

(A) United States citizen;¶

(B) Legal United States resident; or¶

(C) Dual United States and foreign citizen.¶

(b) The child is undocumented, but the foreign authorized entity of the child's birth country has determined that the Convention applies to the adoption.¶

(3) Adoption planning for a child that may be the subject of an outgoing Convention adoption must comply with other Department rules, including Child Welfare policies: I-AB.4 "CPS Assessment", OAR 413-015-0400 to 413-015-0485; I-F.2 "Determining the Appropriateness of Adoption as a Permanency Plan for a Child", OAR 413-110-0300 to 413-110-0360; I-E.1.1 "Search for and Engagement of Relatives", OAR 413-070-0060 to 413-070-0087; I-F.6 "Sibling Adoption Placement Planning", OAR 413-110-0100 to 413-110-0150; I-G.1.2 Identification and Consideration of Potential Adoptive Resources", OAR 413-120-0700 to 413-120-0760; I-G.1.5 "Adoption Placement Selection", OAR 413-120-0000 to 413-120-0060; and I-G.1.10 "Supervision and Support of an Adoptive Placement", OAR 413-120-0800 to 413-120-0880.¶

(4) Before a child may be placed in a prospective adoptive home in another Convention country the Department must meet the requirements of each of the following subsections:¶

(a) Make a written determination that the child is eligible for adoption, that an outgoing Convention adoption is in the child's best interests, and that placement with the prospective adoptive parents is in the best interests of the child.¶

(b) Complete or obtain a written child background study that includes information about the child's identity; upbringing; adoptability; ethnic, religious, and cultural background; social environment; family history; personal medical history; family medical history; and special needs.¶

(c) Determine that the prospective adoptive parents meet the requirements of paragraph (1)(c)(A) of this rule and document that determination.¶

(d) Work with the foreign authorized entity in the receiving Convention country to determine whether the prospective adoptive parents are suitable, qualified, and eligible to adopt the child. To do so the Department must meet the requirements in each of following paragraphs:¶

(A) Provide a copy of the child's background study to the foreign authorized entity in the receiving Convention country.¶

(B) Obtain from the foreign authorized entity a comprehensive home study on the prospective adoptive parents that is prepared in accordance with the laws of the receiving country; meets the standards established by the Department using the Department's Hague Home Study template; addresses the capacity of the prospective adoptive parents to meet the child's safety, permanency and well-being needs; and includes all of the following:¶

- (i) Information on the prospective adoptive parents, including: identity, eligibility and suitability to adopt, background, family and medical history, social environment, reasons for adoption, ability to undertake an inter-country adoption, and the characteristics of a child for whom they would be qualified to care;¶¶
- (ii) Confirmation that a foreign authorized entity has determined that the prospective adoptive parents are eligible and suitable to adopt and has ensured that the prospective adoptive parents have been counseled as necessary;¶¶
- (iii) The results of a criminal background check; and¶¶
- (iv) Information from competent references for the prospective adoptive parents.¶¶
- (C) Obtain written confirmation from the foreign authorized entity that the prospective adoptive parents have completed a minimum of 10 hours of Department-approved training that includes training on all of the following:¶¶
 - (i) The effects of physical, emotional, and sexual abuse and neglect on a child;¶¶
 - (ii) The effects of drugs and alcohol on a child;¶¶
 - (iii) The effects of relocating a child and transition issues;¶¶
 - (iv) The significance of the birth family, include grief and loss issues;¶¶
 - (v) Openness in adoption;¶¶
 - (vi) Attachment process and attachment difficulties;¶¶
 - (vii) Positive behavior management; and¶¶
 - (viii) The specific needs of the child to be adopted by the prospective adoptive parents.¶¶
- (D) Provide notice to the foreign authorized entity studying the prospective adoptive ~~family~~parents and providing required training to the prospective adoptive parents that the Department does not condone the use of corporal punishment.¶¶
- (E) Obtain from the foreign authorized entity a written, signed Supervision Agreement using the approved Department form that describes the responsibilities of the Department and foreign authorized entity with regard to the child's placement with the prospective adoptive parents and includes each of the following:¶¶
 - (i) Requirements for face-to-face visits with the child and the prospective adoptive parents at least every 30 days. These meetings must occur in the prospective adoptive home at least once every 60 days.¶¶
 - (ii) Requirements for face-to-face visits in the prospective adoptive home with other individuals living in the home who can provide information about the child's safety and well-being, as well as any concerns with the placement.¶¶
 - (iii) Requirements for contact at least once every 30 days with professional persons who have established a relationship to the child who can provide collateral observations regarding the child's functioning and the adoptive placement.¶¶
 - (iv) Minimum standards for written reports to be provided every 90 days on contacts with the child, prospective adoptive ~~family~~parents, other family members, and collateral contacts.¶¶
 - (v) Confirmation that the child will be authorized to enter and reside in the receiving country permanently or on the same basis as the prospective adoptive parents.¶¶
 - (vi) Confirmation that the foreign authorized entity consents to the adoption of the child by the prospective adoptive ~~family~~parents.¶¶
 - (vii) Confirmation that the foreign authorized entity agrees that the child's adoption by the prospective adoptive ~~family~~parents may proceed.¶¶
- (e) After the child is fully legally free for adoption, establish proof of citizenship for the child and apply for applicable passports.¶¶
- (f) Submit to the foreign authorized entity written confirmation of the reasons the Department determined that the proposed adoptive placement is in the best interests of the child.¶¶
- (g) Establish a direct means for the child's collateral contacts in the receiving Convention country to communicate any health or safety concerns about the child to the Department.¶¶
- (h) Counsel and inform the child, as appropriate in light of the child's age and maturity, of the effects of the adoption, consider the child's views regarding the adoption, and document the discussion and how the child's views were considered.¶¶
- (i) If the child's consent to the adoption is required, counsel and inform the child about the effects of granting consent, obtain written consent from the child in a manner that assures the consent is given freely and without any inducement by compensation of any kind, and document the discussion.¶¶
- (j) Determine whether the receiving Convention country requires a Hague custody declaration prior to placement of the child in the home of the prospective adoptive parents, and, if required, apply for and obtain a Hague custody declaration from the U.S. State Department, as provided in OAR 413-120-0970.¶¶
- (k) Assure that the child's move to the receiving Convention country will be made under secure and appropriate circumstances and in the company of the child's prospective adoptive parents, caseworker, or with another adult.¶¶
- (5) Following completion of all of requirements in section (4) of this rule and prior to the child traveling to the receiving Convention country for placement with the prospective adoptive parents, the Department must obtain

an order from the court that makes findings:¶¶

(a) In support of an application for a Hague adoption certificate;¶¶

(b) That the prospective adoptive placement is in the best interests of the child;¶¶

(c) Authorizing the child to travel to the foreign country for placement with the prospective adoptive parents; and¶¶

(d) Authorizing release of the court order for purposes of affecting the child's placement.

Statutory/Other Authority: ORS 418.005, ORS 417.262, ORS 417.265

Statutes/Other Implemented: ORS 418.005, ORS 417.262, ORS 417.265

AMEND: 413-120-0940

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0940

Post-Placement Supervision ¶¶

(1) Notwithstanding the provisions of OAR 413-120-0830 the Department may not consent to an outgoing Convention adoption until at least 6 months after the child has been placed with the prospective adoptive parents. This post-placement supervision period may not be waived.¶¶

(2) The Department must keep the foreign authorized entity fully informed about the adoption process and the steps taken to complete the adoption.¶¶

(3) The Department must comply with the requirements of each of the following subsections:¶¶

(a) Monitor the child's adoption placement by reviewing the 90-day written progress reports received from the foreign authorized entity.¶¶

(b) Assess, based on the information in the 90-day reports, whether the child is adjusting to and being integrated into the prospective adoptive ~~family~~parent's household.¶¶

(c) Complete all necessary steps related to the adoption assistance process, if applicable.¶¶

(4) When it becomes known to the Department that there are significant changes to the situation of the prospective adoptive parents, including changes in family structure, the Department may require an updated adoption home study prior to making a determination to proceed with finalization of the adoption.¶¶

(5) Prior to finalization of the adoption, when the local child welfare office determines the prospective adoptive parents are no longer appropriate for the child, the requirements of OAR 413-120-0870 apply.

Statutory/Other Authority: ORS 417.262, 417.265, 418.005

Statutes/Other Implemented: ORS 417.262, 417.265, 418.005

AMEND: 413-120-0960

RULE SUMMARY: Division 120, which contains adoption rules for the Child Welfare Central Office Child Permanency Program, is being updated to use clearer language that follows the Department's writing standards, meets federal and state laws about child permanency, and supports fairness and equity.

CHANGES TO RULE:

413-120-0960

Disclosure to the ~~Adoptive Family~~ Prospective Adoptive Parents ¶

The Department must provide the prospective adoptive parents in an outgoing Convention adoption all the child summary and medical history in both the original format and translated into the primary language of the prospective adoptive parents.

Statutory/Other Authority: ORS 417.262, 417.265, 418.005

Statutes/Other Implemented: ORS 417.262, 417.265, 418.005

RULE SUMMARY: Division 200, which defines foster home certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-200-0260

Definitions ¶¶

The following definitions apply to OAR Chapter 413, Division 200.¶¶

- (1) "Adoptive resource" means an individual or individuals selected by the Department, another public child welfare agency, or a licensed adoption agency as the adoptive family for a child where no administrative review was requested within the timeframe allowed for such a request, or if a review was requested, the selection has been sustained by that review and the review is complete.¶¶
- (2) "Adult" means an individual 18 years of age or older who is not a child as defined in these rules.¶¶
- (3) "Age-appropriate or developmentally appropriate activities" means:¶¶
 - (a) Activities or items that are generally accepted as suitable for children or young adults of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child or young adult, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and¶¶
 - (b) In the case of a specific child or young adult, activities or items that are suitable for the child or young adult based on the developmental stages attained by the child or young adult with respect to the cognitive, emotional, physical, and behavioral capacities of the child or young adult.¶¶
- (4) "Applicant" means any individual who applies:¶¶
 - (a) To become or remain a certified resource parent;¶¶
 - (b) To change certification type; or¶¶
 - (c) For approval through the Department as a potential adoptive resource.¶¶
- (5) "Certificate of Approval" means a document the Department issues to a certified resource parent to approve the operation of a home to provide care for a child in the care or custody of the Department.¶¶
- (6) "Certification supervisor" means an employee of the Department, designated as a supervisor, supervising staff responsible for certification, training, and monitoring homes certified by the Department.¶¶
- (7) "Certified Respite Care" means respite care provided by a Certified Respite Provider or a resource parent that has been issued a two-year certificate of approval.¶¶
- (8) "Certified Respite Provider" means an individual certified by the Department to provide certified respite care to a child being served in their home through an open child welfare case or a child in the care or custody of the Department.¶¶
- (9) "Certifier" means a Department employee who:¶¶
 - (a) Conducts assessments of applicants, members of the household, home and surroundings;¶¶
 - (b) Determines whether to recommend issuance of a Respite Certificate of Approval, Temporary Certificate of Approval, Certificate of Approval, Relative Temporary Certificate of Approval, Relative Certificate of Approval, Child-Specific Certificate of Approval, or approval as an adoptive resource; and¶¶
 - (c) Monitors the compliance and ongoing assessment of a resource parent, relative resource parent, or certified respite provider, as required by OAR 413-200-0301 to 413-200-0396, OAR 413-203-~~0000~~ to 413-203-0145 and OAR 413-205-0000 to 413-205-0085.¶¶
- (10) Child means a person who:¶¶
 - (a) Is a person under 18 years of age; or ¶¶
 - (b) Is a child in care, as defined in ORS 418.257 as a person under 21 years of age residing in or receiving care or services from:¶¶
 - (A) A child-caring agency or proctor foster home;¶¶
 - (B) A foster home certified by the Department; or¶¶
 - (C) A developmental disabilities residential facility; unless¶¶
 - (D) The care is being provided to the child by child's parent (ORS 418.257).¶¶
- (11) "Child care" means the supervision of a child in the care or custody of the Department by a licensed, approved, or listed provider required due to the employment or educational program of the resource parent.¶¶
- (12) "Child Care Facility" means each of the following:¶¶
 - (a) A Registered Family Child Care Home, which is the residence of a provider who has a current Family Child Care Registration at that address and who provides care in the family living quarters.¶¶

- (b) A Certified Family Child Care Home, which is a child care facility located in a building constructed as a single-family dwelling that has certification to care for a maximum of 16 children at any one time.¶¶
- (c) A Certified Child Care Center, which is certified to care for 13 or more children, or a facility that is certified to care for 12 or fewer children and located in a building constructed as other than a single-family dwelling.¶¶
- (d) A Listed Facility, which is a child care provider who has been approved by the Department Self-Sufficiency Program for child care on behalf of clients of the Department.¶¶
- (13) "Child protective services assessment" (CPS assessment) means an investigation into a report of abuse pursuant to ORS 419B.020 or ORS 418.257 that includes activities and interventions to identify and analyze safety threats, determine if there is reasonable cause to believe abuse occurred, and assure safety through protective action plans, initial safety plans, or ongoing safety planning.¶¶
- (14) "Child-Specific Non-Relative Certificate of Approval" means a document the Department issues to a resource parent to approve the operation of a home to provide care for a specific child in the care or custody of the Department and for whom the Department determines a placement is needed.¶¶
- (15) "Cohabiting" means the act of adults, unmarried to each other, living together in an intimate relationship.¶¶
- (16) "CPS worker" means an employee of Child Welfare who has completed the mandatory Child Welfare training for CPS workers.¶¶
- (17) "Criminal records check" means obtaining and reviewing criminal records as required by these rules and includes any or all of the following:¶¶
- (a) An Oregon criminal records check where criminal offender information is obtained from the Oregon State Police (OSP) using the Law Enforcement Data System (LEDS). The Oregon criminal records check may also include a review of other criminal records information obtained from other sources.¶¶
- (b) A fingerprint based national criminal records check where records are obtained from the Federal Bureau of Investigation (FBI). The national criminal records check may also include a review of other criminal records information.¶¶
- (c) A state-specific criminal records check where records are obtained from law enforcement agencies, courts, or other criminal records information sources located in, or regarding, a state or jurisdiction outside Oregon.¶¶
- (18) "Denial" means "The refusal of the Department to approve an application and issue a Respite Certificate of Approval, Temporary Relative Certificate of Approval, Temporary Certificate of Approval, Certificate of Approval, Child-Specific Non-Relative Certificate of Approval, Relative Certificate of Approval or approve renewal of a Child-Specific Certificate of Approval or Certificate of Approval."¶¶
- (19) "Department" means the Oregon Department of Human Services.¶¶
- (20) "Designee" means a person whom the designator directly and immediately supervises, or a person with equal or greater management responsibility than the designator.¶¶
- (21) "Discipline" means a training process a family uses to help a child develop the self-control and self-direction necessary to assume responsibilities, make daily living decisions, and learn to conform to accepted levels of social behavior.¶¶
- (22) "Disqualifying condition" means any information or circumstance related to a person or to the home that does not meet one or more of the requirements in OAR 413-200-0301 to 413-200-0396.¶¶
- (23) "Home study" means a document containing an analysis of the ability of the applicant to provide safe and appropriate care of a child in the care or custody of the Department.¶¶
- (24) "Impending danger safety threat" means a family behavior, condition, or circumstance that meets all five safety threshold criteria. When it is occurring, this type of threat is not immediate, obvious, or occurring at the onset of the CPS intervention. This threat is identified and understood more fully by evaluating and understanding individual and family functioning.¶¶
- (25) "Inactive Referral Status" means a period of time, not to exceed 12 months, during which neither the Department nor any other agency may place an additional child with a resource parent, relative resource parent, or utilize a certified respite provider.¶¶
- (26) "Informal Respite Care" means respite care provided by an individual known to the resource parent or relative resource parent and/or the child in care when that individual is not a certified respite provider or a resource parent.¶¶
- (27) "Member of the household" means any adult or child living in the home excluding a child in the care or custody of the Department. ¶¶
- (28) "Orientation" means a training provided by the Department to prospective and current resource parents, relative resource parents, potential adoptive resources, and certified respite providers ~~providing~~ that includes information about the certification and approval processes, an overview of the Oregon child welfare system, and expectations of a resource parent, relative resource parent, potential adoptive resource, and certified respite provider.¶¶
- (29) "Personal care services plan" means a written plan to provide personal care services for the child documenting:¶¶

- (a) The determination that the individual is a qualified provider;¶
- (b) The frequency or intensity of each personal care service to be provided; and¶
- (c) The date personal care services begin.¶
- (30) "Placement support plan" means a documented set of actions or resources that is developed to assist a resource parent to maintain conditions that provide safety and well-being for a child in the care or custody of the Department.¶
- (31) "Present danger safety threat" means an immediate, significant, and clearly observable family behavior, condition, or circumstance occurring in the present tense, already endangering or threatening to endanger a child. The family behavior, condition, or circumstance is happening now, and it is currently in the process of actively placing a child in peril.¶
- (32) "Psychotropic medication" means medication, the prescribed intent of which is to affect or alter thought processes, mood, or behavior, including but not limited to antipsychotic, antidepressant, and anxiolytic medication and behavior medications. The classification of a medication depends upon its stated intended effect when prescribed because it may have many different effects.¶
- (33) "Reasonable and prudent parent standard" means the standard, characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while encouraging the emotional and developmental growth of the child, that a substitute care provider must use when determining whether to allow a child in substitute care to participate in extracurricular, enrichment, cultural, and social activities.¶
- (34) "Relative resource parent" means a person defined as a "relative" under OAR 413-070-0000 who operates a home that has been approved by the Department to provide care for a related child placed in the home by the Department.¶
- (35) "Resource parent" means a person who operates a home that has been approved by the Department to provide care for an unrelated child in the care or custody of the Department.¶
- (36) "Respite care" means an arrangement to relieve a family with an open child welfare case or a resource parent of their responsibilities by a person temporarily assuming responsibility for the care and supervision of a child.¶
- (37) "Revocation" means an administrative act by the Department that rescinds an existing Certificate of Approval, Child-Specific Non-Relative Certificate of Approval, Temporary Certificate of Approval, Relative Certificate of Approval, Relative Temporary Certificate of Approval or Respite Certificate of Approval.¶
- (38) "Screener" means a Department employee with training required to provide screening services.¶
- (39) "Surrogate" means an individual who has been appointed to safeguard a child's rights in the special education decision-making process. The individual may be appointed pursuant to applicable Department of Education administrative rules and statutes or by the juvenile court.¶
- (40) "Temporary Certificate of Approval" means a document the Department issues to a resource parent to approve the operation of a home to provide care for a specific child in the care or custody of the Department. The "Temporary Certificate of Approval" is valid for up to 180 days unless an extension is granted under OAR 413-200-0276 (3).

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.625, ORS 409.050, ORS 418.005, ORS 409.010, ORS 418.015, ORS 418.027, ORS 418.285, ORS 418.315, ORS 418.470, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0270

RULE SUMMARY: Division 200, which defines resource home certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-200-0270

Purpose ¶¶

(1) The purpose of OAR 413-200-0270 to 413-200-0298 is to describe the activities of the Department related to:¶¶

(a) Certification of a resource parent, child specific resource parent, and assessment of a potential adoptive resource;¶¶

(b) Monitoring compliance of a resource parent with the certification standards in OAR 413-200-0301 to 413-200-0396; and¶¶

(c) Renewal of a resource parent.¶¶

(d) Disclosure of information about an applicant or resource parent. ¶¶

(2) The following do not apply to an applicant seeking to be a potential adoptive resource: OAR 413-200-0275, 413-200-0276, 413-200-0278, 413-200-0281, 413-200-0283, 413-200-0285, 413-200-0287, ~~413-200-0289~~, 413-200-0292, 413-200-0294, and 413-200-0296.

Statutory/Other Authority: ORS 418.642, ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.015, ORS 418.016, ORS 418.027, ORS 418.285, ORS 418.315, ORS 418.470, ORS 418.005, ORS 409.010, ORS 418.625, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0272

RULE SUMMARY: Division 200, which defines resource home certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-200-0272

Responsibilities for Assessment and Certification ¶¶

(1) Except as provided in sections (2) and (3) of this rule, the Department must conduct an assessment to determine if the applicant and the home of the applicant meet the standards in OAR 413-200-0301 to 413-200-0396 as follows:¶¶

(a) For the approval of a potential adoptive resource or issuance of a Certificate of Approval or Child-Specific Non-Relative Certificate of Approval, the Department must conduct the activities described in OAR 413-200-0274. The Certificate of Approval and Child-Specific Non-Relative Certificate of Approval expire two years from the date of issuance unless OAR 413-200-0287(7) or OAR 413-200-0296(6) apply.¶¶

(b) For issuance of a Temporary Certificate of Approval, the Department must conduct the activities described in OAR 413-200-0275. A Temporary Certificate of Approval expires 180 days from the date of issuance unless an extension is granted.¶¶

(c) For issuance of a Certificate of Approval or Child-Specific Non-Relative Certificate of Approval to a resource parent that has been issued a Temporary Certificate of Approval, the Department must conduct the activities described in OAR 413-200-0276. In this circumstance, the Certificate of Approval or Child-Specific Non-Relative Certificate of Approval expires two years from the date of issuance of the Temporary Certificate of Approval, unless OAR 413-200-0287(7) applies.¶¶

(d) The Department may share information in the home study when permitted or required by law, consistent with ORS 418.642, OAR 413-200-0298 and, if the application is for adoption, ORS 109.319, OAR 413-010-0035(8), 413-120-0016, 413-120-0220, and 413-120-0246. The Department is required to share information about a child in the care or custody of the Department with the parties to the child's juvenile court proceeding. ¶¶

(2) An applicant may not be denied to provide care for a child under these rules:¶¶

(a) For the sole reason that the individual received child welfare services as a child;¶¶

(b) For the sole reason that the individual is a person with a disability; or ¶¶

(c) On the basis of race, religion, national origin, sex, age, marital status, sexual orientation, gender expression or disability.¶¶

(3) The Department is not required to assess an applicant and may deny the application if:¶¶

(a) The applicant has had a previous application for certification denied or a prior certificate revoked during the five years prior to the date on the application;¶¶

(b) The applicant is seeking to care for a specific child who is not in the care or custody of the Department;¶¶

(c) The applicant is seeking to care for a specific child in the care and custody of the Department and the Department has determined that child does not require placement change.¶¶

(d) The applicant is seeking to care for a specific child for whom the Department has not received a request for a home study under the Interstate Compact for the Placement of Children (ICPC).¶¶

(e) Notwithstanding (a) or (c) of this section the Department will assess an applicant if placement of the child with the applicant will meet ~~an ORICWA or the requirements of the Indian Child Welfare Act or the Oregon Indian Child Welfare Act or an order of placement preference~~ that is required by law.¶¶

(4) The Department may terminate the assessment process at any time and proceed to issue a proposed and final order denying certification for one or more of the reasons in OAR 413-200-0296 or, if the application is for approval to be a potential adoptive resource, deny the application for the reasons in OAR 413-120-0225.¶¶

(5) Any certificate issued by the Department under OAR 413-200-0270 to 413-200-0298 must include all the following information:¶¶

(a) The certificate type: Temporary Certificate, Child-Specific Non-Relative Certificate of Approval, or Certificate of Approval.¶¶

(b) The name of each applicant approved as the resource parent.¶¶

(c) The address to which the certificate applies.¶¶

(d) The age range (birth to 20) of any child or the Department may place in the resource parent's home. ¶¶

(e) The placement capacity of the resource parent.¶¶

(f) The provider number that the Department has given the resource parent.¶¶

(g) The effective and expiration dates of the certificate.¶¶

(h) The signature of the approving manager.

Statutory/Other Authority: ORS 418.005, ORS 418.640, ORS 409.050

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.625, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

RULE SUMMARY: Division 200, which defines resource home certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-200-0274

Assessment for Approval of an Adoptive Resource or Issuance of a Certificate of Approval or Child-Specific Non-Relative Certificate of Approval

(1) To complete an assessment of an applicant and approve a potential adoptive resource or issue a Certificate of Approval or Child-Specific Non-Relative Certificate of Approval, the certifier must:¶

- (a) Review the completed application.¶
- (b) Have face-to-face contact with each applicant and each other member of the household.¶
- (c) Explain to the applicant the process and requirements for certification of a resource parent and approval of a potential adoptive resource.¶
- (d) Discuss with the applicant the role and responsibilities of the Department.¶
- (e) Assess the applicant's motivation for and interest in caring for a child in the care or custody of the Department.¶
- (f) Assure the applicant possesses a valid driver license and auto insurance if the applicant will operate a motor vehicle with any child in the care or custody of the Department inside the vehicle. ¶
- (g) Evaluate with the applicant, the children appropriate for placement in the home and the placement capacity.¶
- (h) When appropriate, obtain approval from the Child Welfare Program Manager or designee on a form approved by the Department under any of the following circumstances:¶
 - (A) The home will exceed the maximum placement capacity as described in OAR 413-200-0278.¶
 - (B) An applicant or other member of the household provides child care in the home or is a foster care provider licensed by another child-caring agency.¶
 - (C) An applicant or other member of the household provides foster care or day care to adults in the home.¶
 - (D) An applicant is married, in a domestic partnership, or cohabitating but the applicant's spouse or partner is not also an applicant and OAR 413-200-0306(3)(a) or (b) applies. ¶
 - (E) The applicant applies for a Certificate of Approval or Child-Specific Non-Relative Certificate of Approval through a Department office other than the office in the county in which the family resides.¶
- (i) Complete a minimum of two home visits.¶
 - (A) Observe and assess the safety of the physical environment;¶
 - (B) Walk through each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual;¶
 - (C) Complete a safety assessment of the home and surroundings using a form approved by the Department; and¶
 - (D) Provide the home with age-appropriate documents outlining the Oregon Foster Children's Bill of Rights under ORS 418.201 and OAR 413-010-0180, Oregon Foster Children's Sibling Bill of Rights under ORS 418.608 and OAR 413-070-0860 (3). ¶
- (E) Provide of copy of the Oregon Foster Parent Bill of Rights under ORS 418.648.¶
- (j) Gather personal, family, and social history information through a series of questionnaires approved by the Department, interviews, and observations in which the Department staff gathers personal information about the applicant and each other member of the household. Analyze information as it relates to each applicant's personal qualifications and assess the conditions that appear to exist in the home that affect safety, health, and well-being for a child.¶
- (k) Assure completion of a criminal records check through LEDS and a fingerprint-based criminal records check of national crime information databases on each applicant and each other adult member of the household and at the Department's discretion, on any child not in the care or custody of the Department and living in the home when there is reason to believe the child may pose a risk to a child in the care or custody of the Department as outlined in OAR 413-120-0400 to 413-120-0475.¶
 - (A) Assess the fitness of each applicant and each other member of the household pursuant to OAR 413-120-0450 and 413-120-0455;¶
 - (B) If appropriate, obtain approval pursuant to OAR 413-120-0450 and 413-120-0455 to continue with certification assessment of the applicant despite the criminal offender history of each applicant and each other member of the household; or¶
 - (C) If an applicant or other member of the household has a disqualifying conviction under OAR 413-120-0450 (3)

or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department must proceed under OAR 413-120-0460 and OAR 413-200-0296(2) and issue a proposed and final order denying certification, unless the application is withdrawn by the applicant.¶¶

(D) Document the information considered and the decision on a form approved by the Department. ¶¶

(E) Assure completion of child abuse history background checks for each applicant and each other adult member of the household, as follows:¶¶

(A) If an applicant or other adult member of the household has lived outside the state of Oregon and within the United States in the previous five years, obtain a child abuse history background check from each state where the individual resided in the five years preceding the date on the application for certification from the Department;¶¶

(B) If an applicant or other adult member of the household has lived outside of the United States in the previous five years, request a child abuse history background check from each country where the individual lived within the five years preceding the date on the application for certification from the Department;¶¶

(C) Assess any safety concerns regarding each applicant and each other member of the household raised by information learned from the child abuse history background check in Oregon and if applicable, another state or country; and¶¶

(D) When an applicant or other member of the household excluding a young adult in the care or custody of the Department has been identified as the perpetrator or alleged perpetrator, or respondent of abuse in a child protective services assessment in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition or a similar disposition from another Department division, agency, or state, consult with the certification supervisor about whether to seek approval from the Child Welfare Program Manager to continue with the certification assessment:¶¶

(i) If the decision is to seek approval, the Child Welfare Program Manager must consider the information and the safety concerns and may approve or deny continuing the assessment;¶¶

(ii) If the decision in subparagraph (i) of this paragraph is to deny continuing with the assessment, the Department may terminate the assessment process and, unless the application is withdrawn, proceed to deny the application under OAR 413-200-0296;¶¶

(iii) The information considered, including the safety concerns assessed, and the decision must be documented on a form approved by the Department. ¶¶

(m) Gather information from a minimum of four personal references for the applicant, no more than two of which may be provided by the applicant's relatives.¶¶

(n) Verify each applicant has completed:¶¶

(A) Orientation prior to certification; ¶¶

(B) Department Approved Safe Sleep Training;¶¶

(C) Department required resource parent training before or within 12 months of certification unless the applicant has written documentation of completion of equivalent training content from the Department or another licensed child-caring agency within two years of the date on the current application that is approved by the supervisor; or there is an approved individualized training plan for an individual issued a Child Specific Non-Relative Certificate of Approval; and ¶¶

(D) The Department approved training per OAR 413-120-0246, prior to approval for adoption, when the applicant has applied for adoption. ¶¶

(o) Document the assessment of the resource parent's qualifications and ability to provide safety, health, and well-being for the child in the care or custody of the Department in a home study on a form approved by the Department when the recommendation is to issue a Certificate of Approval or Child-Specific Non-Relative Certificate of Approval or when the recommendation is to approve an applicant as a potential adoptive resource when the standards of OAR 413-120-0246 have been met.¶¶

(2) If the certifier has completed all of the activities in section (1) of this rule and the supervisor has approved the home study, the Department may:¶¶

(a) In the case of an applicant seeking certification, either:¶¶

(A) Issue a Certificate of Approval or Child-Specific Non-Relative Certificate of Approval for a two-year period, as applicable; or¶¶

(B) Issue a Notice of Intent to deny certification, unless the application is withdrawn by the applicant. ¶¶

(b) In the case of an applicant seeking to be an adoptive resource, send written notice of the status of the application pursuant to OAR 413-120-0240.¶¶

(3) The Department must assess an applicant and determine whether to approve the application or deny the application within 180 days of Department receipt of a completed application unless:¶¶

(a) The application is withdrawn by the applicant; ¶¶

(b) The Child Welfare Program Manager or designee extends the assessment period; ¶¶

(c) The Department has issued a Temporary Certificate of Approval; or¶¶

(d) One of the circumstances in OAR 413-200-0272(2) applies.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 417.200-417.260, ORS 418.005, ORS 409.010, ORS 418.625, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

RULE SUMMARY: Division 200, which defines resource home certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-200-0275

Assessment for Issuance of a Temporary Certificate of Approval ¶

The Department may only use the assessment described in this rule for the purpose of issuing a Temporary Certificate of Approval.¶

(1) A Temporary Certificate of Approval may be issued in the following circumstances:¶

(a) The applicant is known to the child or the child's family, outside of the involvement of the Department;¶

(b) The applicant is a former resource parent or respite provider for the child;¶

(c) The applicant is a former certified or licensed resource parent with a skill set or knowledge to meet the needs of the child requiring placement; or¶

(d) The applicant does not meet criteria in (a)-(c) above, but, has a skill set or knowledge to meet the specific needs of the child requiring placement. ¶

(2) If (1)(d) applies:¶

(a) Approval of the Foster Care Program Manager or designee is required; and¶

(b) The applicant is not eligible to be issued a Temporary Certificate of Approval under this subsection if they are currently issued a Relative Temporary Certificate of Approval or a Relative Certificate of Approval. ¶

(3) To complete an assessment of an applicant and issue a Temporary Certificate of Approval, the certifier must:¶

(a) Review the completed application.¶

(b) Have face-to-face contact with each applicant and each other member of the household. If an applicant or other member of the household is unavailable when conducting face-to-face contact for a Temporary Certificate, the certifier must:¶

(A) Obtain approval of the supervisor to delay face-to-face contact with an applicant or other member of the household, and document the approval on a form approved by the Department; and¶

(B) Determine a date and time for the face-to-face contact within seven calendar days of the date the applicant or other member of the household becomes available.¶

(c) Explain to the applicant the process and requirements for certification of a resource parent. ¶

(d) Discuss with the applicant the role and responsibilities of the Department.¶

(e) Assess the applicant's motivation for and interest in caring for a child.¶

(f) Ensure the applicant possesses a valid driver license and auto insurance if the applicant will transport a child in the care or custody of the Department.¶

(g) Evaluate with the applicant, the children appropriate for placement in the home and the placement capacity. ¶

(h) When appropriate, obtain approval from the Child Welfare Program Manager or designee on a form approved by the Department for any of the following circumstances:¶

(A) The home will exceed the maximum placement capacity as described in OAR 413-200-0278.¶

(B) An applicant or other member of the household provides child care in the home or is a foster care provider licensed by another child-caring agency.¶

(C) An applicant or other member of the household provides foster care or day care to adults in the home.¶

(D) An applicant is married, in a domestic partnership, or cohabitating but the spouse or partner is not an applicant, unless the individual is in the military stationed out of state.¶

(E) The applicant applies for a Child-Specific Non-Relative Certificate of Approval through a Department office other than the office in the county in which the family resides.¶

(i) Gather information from a minimum of two personal references for the applicant. If information from references are not able to be gathered prior to or on the day of issuance of the Temporary Certificate of Approval, then obtain within 24 hours.¶

(j) Complete a home visit:¶

(A) Observe and assess the safety of the physical environment;¶

(B) Walk through each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual;¶

(C) Complete a safety assessment of the home and surroundings using a form approved by the Department;¶

(D) Provide the home with age-appropriate documents outlining the Oregon Foster Children's Bill of Rights under

ORS 418.201 and OAR 413-010-0180 , Oregon Foster Children's Sibling Bill of Rights under ORS 418.608 and OAR 413-070-0860 (3); and¶

(E) Provide of copy of the Oregon Foster Parent Bill of Rights under ORS 418.648.¶

(k) Gather and analyze information, through interview and observation, as it relates to each applicant's personal qualifications and assess the conditions that appear to exist in the home that affect safety, health, and well-being for a child in the care or custody of the Department.¶

(L) Assure completion of a criminal records check through LEDS on each applicant and each other adult member of the household, excluding any ~~young adult~~ child in the care or custody of the Department and initiate a fingerprint-based criminal offender records check of national crime information as outlined in OAR 413-120-0400 to 413-120-0475. For any child not in the care or custody of the Department and living in the home, when there is reason to believe the child may pose a risk to a child in the care or custody of the Department, the Department may complete a criminal records check as outlined in OAR 413-120-0400 to 413-120-0475.¶

(A) Assess the fitness of each applicant and each other member of the household pursuant to OAR 413-120-0450 and 413-120-0455;¶

(B) If appropriate, obtain approval pursuant to OAR 413-120-0450 and 413-120-0455 to continue with the certification assessment of the applicant despite the criminal offender history of each applicant and each other member of the household; or¶

(C) If an applicant or other member of the household has a disqualifying conviction under OAR 413-120-0450(3) or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department must proceed under OAR 413-120-0460 and 413-200-0296(2) and issue a proposed and final order denying certification, unless the application is withdrawn by the applicant. ¶

(D) Document the information considered and the decision on a form approved by the Department.¶

(m) Assure completion of a child abuse history background check in the state of Oregon for each applicant and each other adult member of the household.¶

(A) If an applicant or other adult member of the household has lived outside the state of Oregon and within the United States in the previous five years, initiate a child abuse history background check from each state where the individual resided in the five years preceding the date on the application for certification from the Department;¶

(B) If an applicant or other adult member of the household has lived outside of the United States in the previous five years, initiate the request for a child abuse history background check from each country where the individual lived within the five years preceding the date on the application for certification from the Department;¶

(C) Assess any safety concerns regarding each applicant and each other member of the household raised by information learned from the child abuse history background check in Oregon and if applicable, another state or country; ¶

(D) When an applicant or other member of the household, excluding a child in the care or custody of the Department, has been identified as the perpetrator or alleged perpetrator, or respondent of abuse in a child protective services assessment in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition for abuse to a child, or a similar disposition from another Department division, agency, or state, consult with the certification supervisor about whether to seek approval from the Child Welfare Program Manager to continue with the certification assessment:¶

(i) If the decision is to seek approval, the Child Welfare Program Manager must consider the information and the safety concerns and may approve or deny continuing the assessment;¶

(ii) If the decision in subparagraph (i) of this paragraph is to deny continuing with the assessment, the Department may terminate the assessment process and, unless the application is withdrawn, proceed to deny the application under OAR 413-200-0296;¶

(iii) The information considered, including the safety concerns assessed, and the decision must be documented on a form approved by the Department.¶

(n) Obtain supervisor review and approval of the assessment of the qualifications and ability of the applicant to provide safety, health, and well-being for the specific child in the care or custody of the Department.¶

(o) Upon completion of the activities in section (2) of this rule, and based on the assessment:¶

(A) Document completion of the activities described above and the assessment of whether the applicant and the home meet the qualifications and standards required in OAR 413-200-0301 to 413-200-0396 and the ability of each applicant to provide safety, health, and well-being for the child in the care or custody of the Department on a form approved by the Department when the recommendation is to issue a Temporary Certificate of Approval;¶

(B) Issue a Notice of Intent to deny certification unless the application is withdrawn by the applicant; or ¶

(C) Proceed to further assess as described in OAR 413-200-0276.¶

(4) If the Department issues a Temporary Certificate of Approval, it must comply with OAR 413-200-0276.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.016, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 418.016, ORS 409.010, ORS 418.625, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.647, ORS 418.648

RULE SUMMARY: Division 200, which defines resource home certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-200-0276

Assessment to Move from a Temporary Certificate of Approval to a Certificate of Approval or Child-Specific Non-Relative Certificate of Approval

(1) To complete the assessment of an applicant that already has been issued a Temporary Certificate of Approval and issue a Certificate of Approval or Child-Specific Non-Relative Certificate of Approval, the certifier must complete the following activities as soon as possible, but no later than 180 days from the date the Temporary Certificate of Approval is issued, unless the certificate has been extended under subsection (3) of this rule:¶

(a) Gather information from a minimum of two additional references. No more than two of the four required references may be provided by the applicant's relatives.¶

(b) Seek input from the caseworker of the child placed in the home and gather information regarding the adjustment of the child to the home and the resource parent's ability to meet the needs of the child.¶

(c) Conduct a home visit at least every 90 days, and when necessary, additional home visits. During each visit, review and assess the resource parent's compliance with certification standards and the conditions that appear to exist in the home that affect safety, health and well-being for the child placed in the home; and document the resource parent's compliance with the certification standards after each visit in the Department's electronic system.¶

(d) Gather personal, family, and social history information sufficient to assess the conditions that appear to exist in the home that affect safety, health, and well-being of a child through a series of questionnaires and interviews completed by applicants, members of the household, and others.¶

(e) Assure completion of a criminal records check and a fingerprint-based criminal records check of national crime information databases on each applicant and each other adult member of the household and at the Department's discretion, on any child living in the home, when there is reason to believe the child may pose a risk to a child in the care or custody of the Department as outlined in OAR 413-120-0400 to 413-120-0475.¶

(A) Assess the fitness of each applicant and each other member of the household pursuant to OAR 413-120-0450 and 413-120-0455;¶

(B) If appropriate, request approval, pursuant to OAR 413-120-0450 and 413-120-0455, to complete certification of the applicant despite the criminal offender history of each applicant or other member of the household; and¶

(C) If an applicant or other member of the household has a disqualifying conviction under OAR 413-120-0450 (3) or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department must proceed under OAR 413-120-0460 and OAR 413-200-0296(2) and issue a proposed and final order denying certification, unless the application is withdrawn by the applicant.¶

(D) Document the information considered and the decision on a form approved by the Department. ¶

(f) Assure completion of the child abuse history background checks for each applicant and each other adult member of the household, as required in OAR 413-200-0274(1)(I).¶

(A) Ensure completion of child abuse history background checks when an applicant and each other adult member of the household has lived outside the state of Oregon and within the United States in the previous five years from each state where the individual lived within the five years preceding the date on the application for certification from the Department;¶

(B) Ensure completion of child abuse history background checks when an applicant and each other adult member of the household has lived outside the United States in the previous five years, from each country where the individual lived within the five years preceding the date on the application for certification from the Department;¶

(i) Document receipt of any documentation received from each country in the Department's information system;¶

(ii) Document the certification supervisor's approval for efforts made to obtain records from each country in the Department's information system;¶

(C) Assess any safety concerns regarding each applicant and each other adult member of the household raised by information learned from the child abuse history background check in Oregon and if applicable, another state or country; and¶

(D) When an applicant or other member of the household has been identified as the perpetrator or alleged perpetrator, or respondent of abuse in a child protective services assessment in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition for abuse to a child, or a similar disposition from another Department division, agency, or state, consult with the certification supervisor

about whether to seek approval from the Child Welfare Program Manager to continue with the certification assessment:¶¶

(i) If the decision is to seek approval, the Child Welfare Program Manager must consider the information and the safety concerns and may approve or deny continuing the assessment;¶¶

(ii) If the decision in subparagraph (i) of this paragraph is to deny continuing with the assessment, the Department may terminate the assessment process and, unless the application is withdrawn, proceed to deny the application under OAR 413-200-0296;¶¶

(iii) The information considered, including the safety concerns assessed, and the decision must be documented on a form approved by the Department. ¶¶

(g) Verify that the resource parent:¶¶

(A) Has completed Orientation ~~an~~, Mandatory Training, and Department approved Safe Sleep Training within 30 days after the Temporary Certificate of Approval was issued; and¶¶

(B) Has a plan:¶¶

(i) To complete Department required resource parent training before or within 12 months after the date on which the Temporary Certificate of Approval was issued, Department required resource parent training unless the applicant has written documentation of completion of equivalent training content from the Department or another licensed child-caring agency within two years of the date on the current application that is approved by the certification supervisor, or¶¶

(ii) For an individual with a Child-Specific Non-Relative Certificate of Approval, a written, individualized training plan, approved by a certification supervisor, specific to meeting the needs of the child placed with the resource parent. The individualized training plan must:¶¶

(I) Include training on the mental, emotional, and physical impacts of abuse including sexual abuse of a child; and¶¶

(II) Be developed prior to the issuance of a Certificate of Approval.¶¶

(h) Document the assessment of the resource parent's qualifications and ability to provide safety, health, and well-being for the child in the care or custody of the Department in a home study on a form approved by the Department when the recommendation is to issue a Certificate of Approval or Child-Specific Non-Relative Certificate of Approval.¶¶

(i) Obtain approval from the certification supervisor of the home study. ¶¶

(2) If the certifier has completed all of the activities in section (1) of this rule, the Department may issue a Certificate of Approval or Child-Specific Non-Relative Certificate of Approval.¶¶

(3) When the activities described in sections (1) and (2) of this rule have not been completed within 180 days:¶¶

(a) The child welfare program manager or designee may extend the Temporary Certificate of Approval on a form approved by the Department for up to 30 days; and¶¶

(b) The foster care program manager or designee may extend the Temporary Certificate of Approval for more than 30 days.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.016, ORS 418.005, ORS 409.010, ORS 418.625, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

RULE SUMMARY: Division 200, which defines resource home certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-200-0278

Responsibility to Determine the Maximum Number of Children in a Resource Parent Home ¶¶

(1) Except as provided in subsection (3) of this rule, the Department may not issue a Certificate of Approval, a Child-Specific Non-Relative Certificate of Approval, or a Temporary Certificate of Approval if the home would exceed the following maximum capacity: ¶¶

- (a) A total of four children to one resource parent living in the home; ¶¶
- (b) A total of seven children, to two resource parents living in the home; ¶¶
- (c) A total of two children under the age of three; or ¶¶
- (d) A total of six children in the care or custody of the Department. ¶¶

(2) When counting the children under (a)-(c) of this rule, each child living in the home is included. ¶¶

(3) A Child Welfare Program Manager or designee may approve placing an additional child in the home in special circumstances. ¶¶

(a) Special circumstances for (1)(a)-(c) include, but are not limited to: ¶¶

(A) To allow a parenting child to remain with their child; ¶¶

(B) To allow siblings to remain together; ¶¶

(C) To allow a resource parent with special training or skills to provide care to a child with specific needs. ¶¶

(b) Special circumstances for (1)(d) include: ¶¶

(A) To allow a parenting child to remain with their child; ¶¶

(B) To allow siblings to remain together; ¶¶

(C) To allow a child to be placed with a caregiver who has an emotionally significant relationship with the child. ¶¶

(D) To allow a resource parent with special training or skills to provide care to a child with a disability. ¶¶

(c) In these special circumstances under (3)(a) and (b), the certifier must assess: ¶¶

(A) The skills and abilities, willingness, and training of the resource parent related to the quantity of services required for each child to be placed in the home; ¶¶

(B) The skills and abilities of the resource parent to meet the safety, health, and well-being needs of each child to be placed in the home; ¶¶

(C) The amount of support the ~~certified relative~~ resource parent requires to meet the supervision needs of each child in the care or custody of the Department to be placed in the home; ¶¶

(D) The maximum safe physical capacity of the home, including sleeping arrangements; and ¶¶

(E) The plan for each individual to escape from the home in case of fire or other emergency. ¶¶

(4) The certifier must document the assessment described in subsection (b) of section (3) of this rule on a form approved by the Department, including the sustainability of the plan and any actions the Department may take to ensure continued child safety, health and well-being in the home, and obtain Child Welfare Program Manager or designee approval prior to permitting the home to exceed the maximum capacity specified in section (1) of this rule. ¶¶

(5) When a Child Welfare Program Manager or designee approves exceeding the maximum capacity in a certified home, the certifier must: ¶¶

(a) Visit the home every 90 days as long as the home exceeds the maximum capacity; and ¶¶

(b) During each visit, review, assess and document the resource parent's compliance with certification standards as outlined in OAR 413-200-0283 and the conditions that appear to exist in the home that affect safety, health and well-being for the child placed in the home. ¶¶

(6) The Department may at its discretion modify any certificate issued under OAR 413-200-0270 to 413-200-0298 to increase or decrease the maximum capacity or the age range of the children for whom the resource parent is certified within the limits prescribed in this rule.

Statutory/Other Authority: ORS 418.005, ORS 418.640, ORS 409.050

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.625, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

RULE SUMMARY: Division 200, which defines resource home certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-200-0281

Informal Respite Care and Child Care ¶¶

(1) The certifier must undertake all of the following activities:¶¶

- (a) Discuss with the resource parent the plan for providing care to a child placed in the home when the resource parent may be unavailable to provide care.¶¶
 - (b) For any prospective informal respite care provider or child care provider, assure completion of a criminal records check as outlined in OAR 413-120-0400 to 413-120-0475, unless the provider is a child care facility.¶¶
 - (c) Document the information considered and the results of any fitness determination on a form approved by the Department.¶¶
 - (d) For any prospective informal respite care provider or child care provider, conduct child abuse history background checks, unless the provider is a child care facility.¶¶
 - (e) Initiate out of state child abuse history background checks if the prospective informal respite care or child care provider has lived outside the state of Oregon in the previous five years.¶¶
 - (f) When a prospective informal respite provider or child care provider has been identified as the perpetrator or alleged perpetrator, or respondent of abuse in a child protective services assessment in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition for abuse to a child or a similar disposition from another division of the Department, agency or state, consult with the certification supervisor about whether to seek approval from the Child Welfare Program Manager:¶¶
 - (A) If the decision is to seek approval, the Child Welfare Program Manager must consider the information and safety concerns and may approve or deny continuing the determination of the informal respite care or child care provider;¶¶
 - (B) The decision, and the information assessed, must be documented on a form approved by the Department.¶¶
 - (g) When informal respite care or child care will be provided in the home of the informal respite care or child care provider, assure the activities described in subsections (b) through (e) of this section are complete for all adults living in the home of the informal respite care or child care provider. An informal respite care provider or child care provider may be conditionally approved by a Child Welfare Program Manager or designee prior to the results from the fingerprint-based criminal offender records check of national crime information databases. The approval must be documented on form approved by the Department.¶¶
 - (h) Analyze information gathered under subsections (a) to (f) of this section prior to determining the individual is safe and appropriate to provide informal respite care or child care or approving the individual to provide informal respite care or child care.¶¶
 - (i) Document the analysis required under subsection (g) of this section in the Department's electronic information system.¶¶
 - (j) Notify the resource parent of the determination of whether the individual is authorized to provide informal respite care or child care.¶¶
 - (k) Verify that any resource parent identified to provide certified respite care or child care for another resource parent has a current certification.¶¶
 - (L) The Department may disapprove a prospective informal respite care provider or child care provider even if the provider has a positive fitness determination.¶¶
- (2) If the informal respite care provider or child care provider has a disqualifying conviction under OAR 413-120-0450 (3) or (4) or the authorized designee makes a negative fitness determination with respect to the informal respite care or child care provider, the provider may not provide care.¶¶
- (3) When a resource parent notifies the Department of their intent to provide certified respite care for another child in the care or custody of the Department, the certifier must approve the request prior to the resource parent providing certified respite care.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.625, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

RULE SUMMARY: Division 200, which defines resource home certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-200-0283

Responsibilities to Monitor Certification Compliance ¶¶

(1) A certifier must conduct the following home visits:¶¶

(a) A minimum of one home visit every 90 days during the period a Temporary Certificate of Approval is effective;¶¶

(b) A minimum of one home visit every 90 days when a resource parent has been approved to exceed the maximum capacity as prescribed in OAR 413-200-0278(1), for the duration of the management approval; and¶¶

~~(c) A minimum of one home visit to any resource parent every 180 days, which must include: ¶¶~~

(A) Face to face contact with at least one certified individual, and ¶¶

(B) Verbal contact with both certified individuals. ¶¶

(2) A certifier must assess a resource parent's compliance with OAR 413-200-0301 to 413-200-0396 and ability to continue to meet the safety, health and well-being needs for a child in the care or custody of the Department at each home visit and complete the following activities when applicable: ¶¶

(a) Whenever it becomes known that the resource parent wishes to become an in-home child care, an adult foster care, or an in-home adult day care provider, seek approval from the Child Welfare Program Manager or designee on a form approved by the Department;¶¶

(b) Whenever it becomes known that another agency wishes to place a child in a certified home, prior to placement of the child, seek approval from the Child Welfare Program Manager or designee on a form approved by the Department.¶¶

(c) Whenever it becomes known that another adult, not in the care or custody of the Department, is living in the household or the Department has reason to believe that a child, not in the custody of the Department, who lives in the home, an alternative care provider, or a person who frequents the home poses a risk to a child in the care or custody of the Department:¶¶

(A) Assure completion of a criminal records check under OAR 413-120-0400 and follow requirements in OAR 413-120-0400 to OAR 413-120-0475;¶¶

(B) Assure completion of a child abuse history background check and assess any safety concerns as outlined in OAR 413-200-0274(1)(L); and¶¶

(C) Document the information considered and the results of any fitness determination or safety assessment on a form approved by the Department. ¶¶

(d) Whenever it becomes known that a resource parent or other member of the household has been arrested, excluding any child in the care or custody of the Department placed in the home, has been arrested or convicted of a crime not previously assessed and approved:¶¶

(A) Assure completion of a criminal records check under OAR 413-120-0400 and follow requirements in OAR 413-120-0400 to 413-120-0475 whenever it becomes known that resource parent or other member of the household excluding any child in the care or custody of the Department has been arrested or convicted of a crime not previously assessed and approved.¶¶

(B) Document the information considered and the results of any fitness determination or safety assessment on a form approved by the Department. ¶¶

(e) Seek input from the caseworkers of each child placed in the home during the past 180 days and assess the conditions that appear to exist in the home that affect safety, health, and well-being for the child placed in the home in compliance with OAR 413-200-0301 to 413-200-0396.¶¶

(f) Assess the information that the certifier learns from the resource parent, members of the household, caseworkers, and the home visit in section (1) of this rule, to determine whether conditions appear to exist in the home that affect safety, health, and well-being for the child placed in the home by the Department.¶¶

(g) Complete the activities under OAR 413-200-0278 when a Child Welfare Program Manager or designee has approved exceeding the maximum capacity specified in OAR 413-200-0278.¶¶

(h) Document the contacts with the resource parent and the assessment information obtained under this rule in the provider record of the Department's electronic information system.¶¶

(3) During and at the conclusion of a child protective services assessment regarding an allegation of child abuse in a resource parent, follow the requirements of OAR 413-015-0601 to 413-015-0608.¶¶

(a) When the assigned certifier or certification supervisor is notified that information received by a screener involving a home certified by the Department is referred for a CPS assessment, within one business day after the CPS worker has made initial contact with the resource parent, the certifier must: ¶

(A) Contact and notify the resource parent and provide them with the following information: ¶

(i) The certifier is available to answer questions related to certification but must not discuss the specifics of the CPS assessment; ¶

(ii) The resource parent is immediately placed on inactive referral status pending the completion of the CPS assessment; and ¶

(iii) The resource parent has the option of having a resource parent or relative resource parent available for support during the assessment. ¶

(B) Document the initiation of a CPS assessment and the placement of the resource parent on inactive referral status in provider notes in the Department's electronic information system. ¶

(C) Notify Department staff responsible for placement that the certified resource parent's home is on inactive referral status. ¶

(b) Within 14 days of the notification required in paragraph (3)(a)(A)(ii) of this rule, the Department must provide written notification to the resource parent that the home has been placed on inactive referral status and place a copy of the written notification in the certification file. ¶

(c) The certifier must provide ongoing information regarding the resource parent and any individuals living in the home to the assigned CPS worker and the caseworkers of each child placed in the home by the Department. ¶

(d) If the certifier is unavailable, the certification supervisor must ensure that the actions required in subsections (a) through (d) of this section are completed. ¶

(e) At the conclusion of the CPS assessment, the certifier and certification supervisor must: ¶

(A) Staff the case and review all the information in the CPS assessment; ¶

(B) Determine whether the information indicates certification actions described in OAR 413-200-0270 to 413-200-0298 should be taken; and ¶

(C) Ensure documentation of the results of the staffing in provider notes in the Department's electronic information system.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.625, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

RULE SUMMARY: Division 200, which defines resource home certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-200-0285

Responsibilities When Developing a Placement Support Plan ¶¶

- (1) When a certifier determines that a resource parent needs additional support to maintain conditions that provide safety, health, and well-being in the home, the certifier may develop a placement support plan. A placement support plan is appropriate when one or both of the following circumstances apply:¶¶
- (a) The resource parent needs additional training, instruction, or skills to improve their ability to meet the needs of a child placed in the home by the Department.¶¶
 - (b) The resource parent is not in compliance with one or more of the Department's certification standards, and the non-compliance does not result in either a present danger safety threat or an impending danger safety threat to a child.¶¶
- (2) When a placement support plan is appropriate to support a resource parent, the certifier must gather information regarding current circumstances from:¶¶
- (a) The resource parent;¶¶
 - (b) The child placed in the resource parent's home, when appropriate;¶¶
 - (c) The caseworkers of any child currently placed in the home; and¶¶
 - (d) Other collateral contacts that may have information regarding the characteristics of the care provided in the resource parent's home.¶¶
- (3) The certifier must schedule a meeting with the resource parent to discuss the current circumstances which result in a placement support plan and the appropriate supports and services to assist the resource parent.¶¶
- (4) A placement support plan must be documented and specify all of the following:¶¶
- (a) The actions or services in which the resource parent must participate.¶¶
 - (b) The actions or services the Department will provide to support the resource parent in maintaining conditions that provide safety, health, and well-being for any child in the care or custody of the Department.¶¶
 - (c) Agreement that the resource parent is willing and able to participate in the actions or services.¶¶
 - (d) Agreement to review the placement support plan on a specified date, which is within at least 90 days.¶¶
 - (e) The anticipated end date of the placement support plan.¶¶
- (5) A certification supervisor must approve the placement support plan.¶¶
- (6) When the placement support plan has been approved, the certifier must:¶¶
- (a) Provide a copy to the resource parent;¶¶
 - (b) Document the placement support plan in the Department's electronic information system; and¶¶
 - (c) Provide written notification to the caseworkers of each child placed in the home by the Department.¶¶
- (7) The certifier must review the placement support plan on or before the date specified in subsection (4)(d) of this rule and determine, in consultation with the certification supervisor, whether the placement support plan should be updated or ended.¶¶
- (8) If the placement support plan is updated or ended, the certifier must document the decision in the provider record and must notify the caseworkers of each child placed in the home ~~by the Department.~~¶¶
- (9) If the resource parent fails to follow through with a placement support plan, the Department may deny an application or revoke a Temporary Certificate of Approval, Child-Specific Non-Relative Certificate of Approval, or Certificate of Approval as outlined in OAR 413-200-0296.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.015, ORS 418.315, ORS 418.625, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

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CHANGES TO RULE:

413-200-0287

Assessment for Renewal of Certification ¶

- (1) When an application for a certification renewal is received before the current certificate expires the Department must reassess the resource parent to determine whether to renew the Certificate of Approval or Child-Specific Non-Relative Certificate of Approval for two additional years.¶
- (2) The Department may terminate the assessment process at any time and deny the application for certification renewal for one or more of the reasons in OAR 413-200-0296 or, if the application is for approval to be a potential adoptive resource, OAR 413-120-0225(2).¶
- (3) To complete the assessment and renew a Certificate of Approval or Child-Specific Non-Relative Certificate of Approval, the certifier must:¶
- (a) Review the completed Application for Renewal or Change of Address.¶
- (b) Conduct a minimum of one visit to the home of the resource parent and:¶
- (A) Have face-to-face contact with each member of the household.¶
- (B) Complete the questionnaires and interviews necessary to complete a home study update.¶
- (C) Observe and assess the safety of the physical environment.¶
- (D) Walk through each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual.¶
- (E) Complete a safety assessment of the home and surroundings using a form approved by the Department.¶
- (F) Confirm the home has posted age-appropriate documents outlining the Oregon Foster Children's Bill of Rights under ORS 418.201 and OAR 413-010-0180, and has available to any child placed in the home the Oregon Foster Children's Sibling Bill of Rights under ORS 418.608 and OAR 413-070-0860(3).¶
- (c) Confirm completion of required hours of training, ensure the provider record of the Department's electronic information system reflects all completed training.¶
- (d) Assess information from the caseworker of each child placed by the Department with the resource parent during the past 1820 days.¶
- (e) Assure completion of criminal records checks on each applicant and each other adult member of the household previously approved informal respite provider, previously approved child care provider and, at the Department's discretion, any child when there is reason to believe the child may pose a risk to a child in the care or custody of the Department as described in OAR 413-120-0400 to 413-120-0460. A fingerprint-based criminal offender records check of national crime information databases is not required for an application for renewal of a Certificate of Approval or Child-Specific Non-Relative Certificate of Approval, unless an applicant or other adult member of the household has lived outside of Oregon for more than 60 consecutive days within the two-year certification period or has been arrested or convicted during the two-year certification period.¶
- (A) Assess any safety concerns regarding the fitness of an applicant, other adult member of the household, and previously approved informal respite provider or child care pursuant to OAR 413-120-0400 and 413-120-0460; and¶
- (B) If appropriate, request approval to complete certification of the applicant despite the new criminal offender history of an applicant or other adult member of the household.¶
- (C) If an applicant or other member of the household has a disqualifying conviction under OAR 413-120-0400 to 413-120-0460 or the authorized designee makes a negative fitness determination with respect to the individual, the Department must issue a proposed and final order denying certification unless the applicant withdraws application.¶
- (D) If the previously approved informal respite provider or child care provider has a new disqualifying conviction under OAR 413-120-0400 to 413-120-460 or the authorized designee makes a negative fitness determination with respect to the individual, the Department must proceed to notify the resource parent of the determination.¶
- (f) Assure completion of child abuse history background checks for each applicant and each other adult member of the household previously approved informal respite care provider, and previously approved child care provider.¶
- (A) If an applicant or other adult member of the household previously approved informal respite care provider, or previously approved child care provider has lived outside the state of Oregon or outside of the United States for

more than 60 consecutive days during the two-year certification period, a child abuse history background check must be obtained from each state and requested from each country where the individual resided during the two-year certification period.¶¶

(B) Assess any safety concerns regarding the applicant, other adult member of the household previously approved informal respite care provider, or previously approved child care provider raised by information learned from the child abuse history background check.¶¶

(C) When an applicant or other adult member of the household has been identified as the perpetrator or alleged perpetrator, or respondent of abuse in a child protective services assessment in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition for abuse to a child, or a similar disposition from another division of the Department, agency or state, which has not previously been approved, consult with the certification supervisor about whether to seek approval from the Child Welfare Program Manager to continue with the assessment for renewal.¶¶

(i) If the decision is to seek approval, the Child Welfare Program Manager must consider the information and safety concerns and may approve or deny continuing the assessment for renewal.¶¶

(ii) If the decision in subparagraph (i) of this paragraph is to deny continuing with the assessment for renewal, the Department may terminate the assessment process and, unless the application is withdrawn, proceed to deny the application under OAR 413-200-0296.¶¶

(iii) The information considered, including the safety concerns assessed, and the decision must be documented on a form approved by the Department.¶¶

(D) When the previously approved informal respite or child care provider has been identified as the perpetrator or alleged perpetrator, or respondent of abuse in a child protective services assessment in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition for abuse to a child, or a similar disposition from another division of the Department, agency or state, which has not previously been approved, consult with the certification supervisor about whether to seek approval from the Child Welfare Program Manager.¶¶

(i) If the decision is to seek approval, the Child Welfare Program Manager must consider the information and safety concerns and may approve or deny continuing the assessment of the informal respite provider.¶¶

(ii) If the decision in subparagraph (i) of this paragraph is to proceed with approval of the informal respite or child care provider, notify the resource parent of the Department's determination.¶¶

(iii) The information considered, including the safety concerns assessed, and the decision must be documented on a form approved by the Department.¶¶

(g) Review and assess whether conditions appear to exist in the home that affect the safety, health, or well-being of a child in the care or custody of the Department.¶¶

(h) Review and analyze the resource parent's skills and abilities in maintaining conditions in the home that provide for the safety, health, and well-being and ability to meet the safety, health, and well-being needs for the child in the care or custody of the Department, maintaining relationships with the community and the Department, supporting the case plan of the child and the resource parent's compliance with OAR 413-200-0301 to 413-200-0396.¶¶

(i) When recommending renewal of the certification, update the home study on a form approved by the Department, including results of the assessment activities completed in subsections (a) to (h) of this section, and submit to the certification supervisor for approval.¶¶

(4) Before the Department may renew a certification, a certification supervisor must:¶¶

(a) Assure the certifier has completed all assessment activities required by subsections (3)(a) to (i) of this rule and review the certifier's assessment of the resource parent;¶¶

(b) Review the home study update; and¶¶

(c) Determine whether to approve or deny the application for renewal.¶¶

(5) When the certification supervisor approves the application for renewal, the Department may issue a new Certificate of Approval or Child-Specific Non-Relative Certificate of Approval, valid for two years from the expiration date of the current Certificate of Approval or Child-Specific Non-Relative Certificate of Approval.¶¶

(6) If the certification supervisor decides not to approve the application for renewal, the Department must proceed to deny the application as outlined in OAR 413-200-0296 unless the resource parent voluntarily withdraws their application as provided in OAR 413-200-0314. The current certificate continues until its expiration date unless the Department proceeds to revoke the certificate as outlined in OAR 413-200-0296 or the resource parent requests to voluntarily terminate the certificate and the Department accepts the parent's request. If the certificate did not expire under section (7) of this rule and the resource parent withdraws the application, the certificate terminates.¶¶

(7) Pursuant to ORS 183.430, if the resource parent has submitted a timely application and the Department does not complete the activities in sections (3) to (5) of this rule before the stated expiration date on the resource parent's Certificate of Approval or Child-Specific Non-Relative Certificate of Approval, the resource parent's

Certificate of Approval does not expire until the Department has issued a new Certificate of Approval or Child-Specific Non-Relative Certificate of Approval or there is a final order denying renewal.
Statutory/Other Authority: ORS 418.016, ORS 418.640, ORS 418.005, ORS 409.050
Statutes/Other Implemented: ORS 418.016, ORS 409.010, ORS 418.005, ORS 418.015, ORS 418.625, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

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CHANGES TO RULE:

413-200-0308

Personal Qualifications of Applicants and Resource Parents ¶¶

- (1) Applicants have the burden of proving they possess the required qualifications to be approved as a resource parent or as a potential adoptive resource.¶¶
- (2) Applicants must, as determined by the Department pursuant to OAR 413-200-0274 to OAR 413-200-0298:¶¶
- (a) Exercise sound judgment and demonstrate responsible, stable, emotionally mature behavior;¶¶
 - (b) Manage the home and personal life;¶¶
 - (c) Possess the ability to apply the reasonable and prudent parent standard when determining whether to allow a child in the care or custody of the Department to participate in extracurricular, enrichment, cultural, and social activities;¶¶
 - (d) Maintain conditions in the home that provide for the safety, health, and well-being for the child in the care or custody of the Department and be able to meet the safety, health, attachment, and well-being needs for that child;¶¶
 - (e) Have supportive relationships with adults and children living in the household and with others in the community;¶¶
 - (f) Have a lifestyle and personal habits free of criminal activity, and abuse or misuse of alcohol or drugs;¶¶
 - (g) Have adequate financial resources to support the household; financial resources are not limited to income from employment. ¶¶
 - (h) Be willing to participate in the assessment process that includes a comprehensive inquiry into the personal and family history including family dynamics;¶¶
 - (i) Have the physical and mental capacity to care for a child in the care or custody of the Department. Upon request, be willing to provide copies of medical reports from a health care professional, and be willing to participate in an expert evaluation and authorize the Department to obtain a report from the evaluator; ¶¶
 - (j) Demonstrate an ability to learn and apply effective childrearing and behavior intervention practices focused on helping a child in the care or custody of the Department grow, develop, and build positive personal relationships and self-esteem; ¶¶
 - (k) Respect, accept and support the race, ethnicity, cultural identities, national origin, immigration status, sexual orientation, gender identity, gender expression, disabilities, spiritual beliefs, and socioeconomic status, of a child in the care or custody of the Department, and provide opportunities to enhance the positive self-concept and understanding of the child's heritage; and¶¶
 - (L) Assure that all members of the household, excluding a child in the care or custody of the Department: ¶¶
- (A) Exercise sound judgment and demonstrate responsible, stable, emotionally mature behavior, within the individual's developmental and cognitive abilities;¶¶
 - (B) Do not pose a risk to the safety, health, and well-being needs of a child in the care or custody of the Department;¶¶
 - (C) Have a lifestyle and personal habits free of criminal activity, and abuse or misuse of alcohol or drugs; and¶¶
 - (D) Cooperate with the Department's assessment of the household.¶¶
- (3) To maintain certification, in addition to continuing to meet the personal qualifications listed in sections (2) of this rule, a resource parent must:¶¶
- (a) Incorporate into the resource parent's care-giving practices positive non-punitive discipline and ways of helping a child placed with the resource parent build positive personal relationships, self-control, and self-esteem;¶¶
 - (b) Ensure the child placed with the resource parent is taught age-appropriate health and hygiene practices and is given the opportunity to practice good hygiene;¶¶
 - (c) Ensure the child placed with the resource parent has regular, ongoing opportunities to engage in age-appropriate or developmentally appropriate activities, including extracurricular, enrichment, cultural, and social activities;¶¶
 - (d) Respect and support the Department's efforts to develop and maintain the relationships of the child placed with the resource parent with their birth family, their siblings, their relatives, and any other significant individual in the life of the child;¶¶

- (e) Work in partnership with the Department to identify the strengths and meet the needs of each child placed with the resource parent;¶¶
 - (f) Follow Department direction and comply with prescribed services and activities in the case plan, including, but not limited to supervision plans, personal care services plans, visitation plans, transition plans, and restrictions for each child placed with the resource parent, as applicable to that child;¶¶
 - (g) Follow through with any placement support plan; and¶¶
 - (h) Use reasonable efforts to prevent anyone from influencing any child regarding allegations in a judicial or administrative proceeding in which the family or legal guardian of the child or another individual may be involved.
- Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640
- Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.015, ORS 418.315, ORS 418.625, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

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CHANGES TO RULE:

413-200-0314

Initial Application Process to Become a Resource Parent or Adoptive Resource ¶

- (1) An applicant must comply with all of the following requirements:¶
- (a) Complete a Department application.¶
 - (b) Complete all paperwork and written requests for information required by the Department in a timely manner and no later than 90 days after the initial request.¶
 - (c) Allow Department staff to conduct an in-home safety assessment of conditions that appear to exist in the home that affect health, safety, and well-being for a child in the care or custody of the Department by providing access to each room in the primary residence of the applicant and each surrounding building and structure on the property of the applicant unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual.¶
 - (d) Allow Department staff to have face-to-face contact with all members of the applicant's household.¶
 - (e) Provide personal, family, and social history information to Department.¶
 - (f) Provide information about any current or previous licenses, certifications, or applications for relative care, foster care, child care, adoption, guardianship, or any other types of services for vulnerable individuals including adult caregiving. Information must include the organization's name and any denials, suspensions, revocations, or terminations.¶
 - (g) Sign Department Authorizations for Use and Disclosure of Information as requested to allow the Department to contact an individual or an organization to complete a thorough background check of the applicant.¶
 - (h) Allow the Department, at its discretion, to gather information regarding juvenile court involvement or law enforcement contacts of any child, not in the care or custody of the Department, who lives in the household when the Department determines there is reason to believe that the child may pose a risk to a child in the care or custody of the Department and, if requested, authorize disclosure of the records regarding such information to the Department.¶
- (2) Each applicant and each other adult member of the household must have face-to-face contact with a Department certifier and must provide:¶
- (a) Information regarding criminal involvement, including arrests and convictions regarding any applicant or other member of the household;¶
 - (b) Consent to a criminal records check, as outlined in OAR 413-120-0400 to 413-120-0475;¶
 - (c) Information regarding any previous allegations of child abuse; and¶
 - (d) Consent to a child abuse history background check, as outlined in OAR 413-200-0274.¶
 - (e) Upon request, sign a Department Authorization for Use and Disclosure of Information. ¶
 - (f) Upon request, authorize the Department to contact and obtain information from an individual or organization in order to complete a thorough background check of the applicant or adult member of the household and, if applicable, authorize the Department to disclose that information as necessary during the certification process, including disclosure to the Office of Administrative Hearings or the juvenile court. ¶
- (3) An applicant may voluntarily withdraw the application by:¶
- (a) Completing a form provided by the Department;¶
 - (b) Submitting a written request to the Department in a format of the applicant's choice; or¶
 - (c) Making a verbal request to a certifier, adoption worker, or the supervisor of the certifier or adoption worker.¶
- (4) An application may be considered withdrawn if, during the assessment process, the applicant fails to respond to a written request for contact from the certifier, the adoption worker, or the supervisor of the certifier or adoption worker within 30 days of the request.¶
- (5) If an applicant moves to a new address, the application is considered withdrawn.
- Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.016, ORS 418.640
- Statutes/Other Implemented: ORS 418.005, ORS 418.016, ORS 409.010, ORS 418.315, ORS 418.625, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

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CHANGES TO RULE:

413-200-0335

Standards Regarding the Home Environment ¶¶

The applicant or resource parent must allow Department staff access to each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual, and ensure the home and surrounding environment comply with all of the following requirements:¶¶

(1) General Conditions:¶¶

- (a) The home must be the primary residence of the applicant or resource parent and the residence where the child placed by the Department must reside.¶¶
- (b) The home must have adequate space, including space for safe and appropriate sleeping arrangements, for each member of the household.¶¶
- (A) Department staff must consider the age, gender, gender expression, and gender identity, culture, special needs, behavior, and history of abuse of the child in the care or custody of the Department, when determining appropriate sleeping arrangements.¶¶
- (B) Each child in the care or custody of the Department must have access to their own bed and may not share a bed with an unrelated person. ¶¶
- (C) Sharing the same sleep surface with a child in the care or custody of the Department under the age of 12 months is prohibited.¶¶
- (D) A child in the care or custody of the Department under the age of 12 months must be placed on their back for sleep and must only sleep on a firm, flat surface.¶¶
- (E) Use of crib bumpers, pillows or other soft materials in the sleeping area of a child in the care or custody of the Department under the age of 12 months is prohibited.¶¶
- (c) To respect the privacy of a child in the care or custody of the Department, the home may not use electronic monitoring. Electronic monitoring means the use of video monitoring or listening devices to monitor or record the behavior of a child. Electronic monitoring does not include:¶¶
 - (A) Door monitors;¶¶
 - (B) Window alarms;¶¶
 - (C) Motion detectors;¶¶
 - (D) Security systems being used for general home security;¶¶
 - (E) Audio or video baby monitors used to monitor a child placed by the Department five years of age and under; or¶¶
 - (F) Monitors recommended by medical or mental health providers for medical purposes or for understanding emotional or behavioral health. Monitors must be approved by the Department. ¶¶
- (d) The resource parent must post and comply with the Foster Children's Bill of Rights as required by OAR 413-010-0170 to 413-010-0185 and have available in the home the Oregon Foster Children's Sibling Bill of Rights. The Oregon Foster Parent Bill of Rights under ORS 418.648, must be provided to the resource parent by the Department. ¶¶
- (e) The applicant or resource parent must have access to a working telephone to make and receive phone calls. The child must have access to a phone and have the ability to call their CASA, attorney or caseworker at any time. ¶¶
- (f) The applicant or resource parent must consider the age, special needs, and capabilities of the child in the care or custody of the Department, and have necessary safeguards to assure that:¶¶
 - (A) Swimming pools, wading pools, ponds, hot tubs and play equipment are maintained to assure safety, kept in working condition, equipped with sufficient safety barriers or devices to prevent injury, and used by a child in foster care with appropriate supervision for the age and development of the child;¶¶
 - (B) Outdoor tools and equipment, machinery, chemicals, flammables, and combustibles are stored in a safe manner;¶¶
 - (C) Animals are properly cared for and kept in compliance with local ordinances;¶¶
 - (D) Access of a child in the care or custody of the Department to potentially dangerous animals is restricted; ¶¶
 - (E) Potentially dangerous hunting and sporting equipment are stored in a safe and secure manner inaccessible to a

child in the care or custody of the Department.¶¶

(2) Firearms must be secured, stored, transferred, and maintained in accordance with state law, including but not limited to ORS 166.392 to 166.403. ¶¶

(a) ORS 166.395 generally requires a firearm in a home with a child to be secured with a trigger or cable lock, or in a locked container, or in a gun room whenever the firearm is not carried by or under the control of the owner or possessor of the firearm or an authorized person, unless the owner of the firearm is a police officer, storage of the firearm is covered by a policy of the law enforcement agency employing the police officer, and the firearm is stored in compliance with the policy. ¶¶

(b) ORS 166.403 requires a person who delivers or transfers a firearm to a child to directly supervise the child's use of the firearm, unless a firearm other than a hand gun is transferred to the child;¶¶

(A) In accordance with ORS 166.470 and, as a result of the transfer, the child is the owner of the firearm; or¶¶

(B) the firearm is temporarily transferred to a child by the child's parent or guardian or by another person with the consent of the child's parent or guardian for the purpose of hunting or target shooting.¶¶

(c) The resource parent must consider the age, special needs, and capabilities of the child in the care or custody of the Department when determining if an animal is a safe and appropriate pet.¶¶

(d) The resource parent must receive authorization from the caseworker of the child or the caseworker's supervisor prior to the beginning of hunting or target practice by the child in the care or custody of the Department.¶¶

(3) Sanitation and Health:¶¶

(a) The home must have the necessary equipment for the safe preparation, storage, serving, and clean-up of food.¶¶

(b) The home must have a safe, properly maintained, and operational heating system. Space heaters must be plugged directly into a wall outlet and must be equipped with tip-over protection.¶¶

(c) The home and furnishings must be clean and in good repair, and the grounds must be maintained.¶¶

(d) There must be no unsafe accumulation of garbage or debris.¶¶

(e) The home must have safe and adequate drinking water, and an adequate source of safe water to be used for personal hygiene.¶¶

(f) The home must have an operating bathroom.¶¶

(g) The resource parent must provide age, cultural and health appropriate hygiene products to the child placed in the home by the Department. ¶¶

(h) There must be provision for the safe storage and administration of all medications in the household, taking into consideration the age, developmental level, and needs of the child in the care or custody of the Department placed in the home. ¶¶

(i) There must be easily accessible first aid supplies in the home, and a reasonable understanding of how to use such supplies.¶¶

(j) Smoking, vaping and other substances:¶¶

(A) A child in the care or custody of the Department placed in the home may not be exposed to any type of second-hand smoke or vapor in the parent's home or vehicle; and¶¶

(B) An applicant or other member of the household may not provide a child in the care or custody of the Department placed in the home any form of the following: alcohol, tobacco, nicotine, marijuana, vaping device, or any illegal substance. ¶¶

(C) All products referenced in paragraph (B) of this subsection must be stored in a safe and secure manner inaccessible to a child in the care or custody of the Department placed in the home.¶¶

(4) Fire and Carbon Monoxide Safety:¶¶

(a) The home must have all of the following:¶¶

(A) Within 24 hours of the time the applicant is certified, all of the following must be present in the home: ¶¶

(i) A working smoke alarm in each bedroom where a child in the care or custody of the Department placed in the home sleeps.¶¶

(ii) At least one working smoke alarm on each floor of the home.¶¶

(iii) A working carbon monoxide detector within 15 feet of each bedroom where a child in the care or custody of the Department placed in the home sleeps. ¶¶

(iv) At least one working carbon monoxide detector on each floor.¶¶

(v) At least one operable fire extinguisher rated 2-A:10-B-C or higher.¶¶

(B) At least one means of emergency exit and at least one additional means of rescue from the home.¶¶

(C) An adequate safeguard around operating fireplaces, wood stoves, or other heating systems that may cause burns to a child in the care or custody of the Department placed in the home who is developmentally unable to reasonably follow safety rules regarding such devices.¶¶

(D) A written, comprehensive home evacuation plan, shared with each child in the care or custody of the Department placed in the home within 24 hours of placement, and practiced at least every six months. The written, comprehensive home evacuation plan must include a provision for the safe exit of a child who is not

capable of understanding or participating in the evacuation plan.¶¶

(E) Operable, quick-release mechanisms on barred windows. If a home does not have operable quick-release mechanisms on all barred windows, the home evacuation plan required in paragraph (D) of this subsection must be approved by the Department.¶¶

(F) Interior doors that lock must be operable from both sides of the door.¶¶

(b) Each bedroom used by a child in the care or custody of the Department placed in the home must have:¶¶

(A) At least one unrestricted exit;¶¶

(B) At least one secondary means of exit or rescue;¶¶

(C) Smoke alarms required under paragraph (a)(A) of this section; and¶¶

(D) Unrestricted, direct access at all times to hallways, corridors, living rooms, or other such common areas.¶¶

(5) Travel and Transportation Safety:¶¶

(a) An applicant or resource parent must have available, and be willing to use, a safe and reliable method of transportation.¶¶

(b) An applicant or other member of the household must provide proof of a valid driver license and current insurance when operating a motor vehicle with a child in the care or custody of the Department as a passenger.¶¶

(c) The applicant or resource parent must assure that, as required by current state law:¶¶

(A) Only a licensed and insured driver transports a child in the care or custody of the Department in motorized vehicles; and¶¶

(B) A child uses a seat belt or age and size appropriate safety seat when transported in motorized vehicles. An instrument of restraint other than a seat belt or age and size appropriate safety seat may not be used during the transportation of a child or in the care or custody of the Department. ¶¶

(d) Written authorization from the Department must be received by the resource parent prior to transporting, or authorizing transport of a child in the care or custody of the Department placed in the home out of the State of Oregon or outside the United States.¶¶

(e) A resource parent must request approval from the Department no less than 90 days prior to any international travel with a child in the care or custody of the Department. In an emergency, the resource parent must request approval from the Department as soon as the need for international travel becomes known.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.315, ORS 418.625, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0379

RULE SUMMARY: Division 200, which defines resource home certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-200-0379

Education and Training for Applicants and Resource Parents ¶

- (1) An applicant must participate in Orientation Mandatory Reporting and Department approved Safe Sleep Training prior to receiving a Certificate of Approval or Child-Specific Non-Relative Certificate of Approval, or within 30 days after the placement of a child in a home that has been issued a Temporary Certificate of Approval.¶
- (2) Each applicant and resource parent must complete required resource parent training before or within 12 months after the date on which the certificate was issued, or provide written documentation of completion of equivalent training content from another licensed child-caring agency within two years of an applicant's dated application for certification if approved by the certification supervisor on a form approved by the Department.¶
- (3) Completion of required resource parent training may be required by the Department prior to issuing a Certificate of Approval. A resource parent with a Child Specific Non-Relative Certificate of Approval is exempt from section (2) of this rule if there is an approval by a certification supervisor on a form approved by the Department for the development of a written, individualized training plan, specific to the needs of the child in the care or custody of the Department placed in the home.¶
- (4) When an applicant applies for adoption, the Department-approved training must be completed prior to approval for adoption per 413-120-0246.¶
- (5) An applicant or resource parent with limited English proficiency or a hearing or visual impairment, who is unable to meet the training requirements outlined in sections of this rule may be provided an individualized training plan and approved by the certification supervisor.¶
- (6) The Department may require a resource parent to complete more than the 30 hours of training for a two-year certification period based on the needs of the child placed in the home and the knowledge, skills, and abilities of the resource parent.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 409.010, ORS 418.105, ORS 418.625, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0383

RULE SUMMARY: Division 200, which defines resource home certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-200-0383

Other Required Notifications ¶¶

(1) A resource parent must immediately notify the certifier or certification supervisor of the following information and events:¶¶

(a) Any anticipated change in address.¶¶

(b) Any anticipated extended absence of a member of ~~the certified household~~ a resource parent, including but not limited to separation, divorce, or travel for work. ¶¶

(c) Any physical or structural change in the home or surrounding property on which the resource parent lives.¶¶

(d) Any known allegation of child abuse perpetrated by the resource parent or any other member of the household, or any individual who frequents the home of the resource parent.¶¶

(e) Any time another agency wishes to place a child in the home of the resource parent.¶¶

(f) Any other circumstance that reasonably could affect the safety, health, or well-being of a child in the home of the resource parent.¶¶

(2) A resource parent must notify the certifier or certification supervisor of the following information and events prior to or within one business day of the resource parent learning of the information or event:¶¶

(a) An individual joins or leaves the household, including an individual who frequents the home.¶¶

(b) The suspension of a driver license of a member of the household.¶¶

(c) Any change in the physical health, mental health, or medication of a member of the household that reasonably could affect the safety, health, and well-being of a child in the care or custody of the Department placed in the home.¶¶

(d) Any time a member of the household intends to provide in-home child care, adult foster care, or in-home adult day care.¶¶

(e) Any arrest or court conviction for a member of the household. ¶¶

(3) A resource parent must notify the caseworker or caseworker's supervisor of any suicidal ideation, significant behavioral changes, injury or illness to a child in the care or custody of the Department placed in the home as soon as the resource parent learns of the information.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 409.010, ORS 418.105, ORS 418.315, ORS 418.625, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0394

RULE SUMMARY: Division 200, which defines resource home certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-200-0394

Requirements Regarding Termination of a Certificate of Approval ¶¶

(1) A resource parent may request that the Department terminate their certificate and close the home. The resource parent must give the Department 10 business days' notice between the date of the request and the date the resource parent would like the certificate to terminate.¶¶

(a) The Department may deny the resource parent's request if the Department has decided to revoke the certificate.¶¶

(b) When the Department accepts the resource parent's request, the Department must notify the resource parent of its decision to accept the voluntary termination and notify the resource parent of the date the certification termination. ¶¶

(2) When a child in the care or custody of the Department placed in the home leaves a home that has a Child-Specific Non-Relative Certificate of Approval or Temporary Certificate of Approval, the certificate terminates 60 calendar days after the departure of the child, unless at least one of the following applies:¶¶

(a) An individual with a Child-Specific Non-Relative Certificate of Approval who intends on providing certified respite to support the child and family during reunification.¶¶

(b) The resource parent submits a written request to change the type of certificate under OAR 413-200-0289(5) or (6) within 60 calendar days of the departure of the child from the home.¶¶

(~~b~~c) The resource parent requests to voluntarily terminate the Temporary Certificate of Approval or Child-Specific Non-Relative Certificate of Approval, and the Department agrees to terminate the certificate.¶¶

(~~e~~d) The Department determines the child is removed because the resource parent cannot meet the safety, health, or well-being needs of the child and has violated one or more rules under OAR 413-200-0301 to 413-200-0396.¶¶

(~~d~~e) OAR 413-200-0296(6) applies.¶¶

(3) When the Department determines that subsection (2)(c) of this rule applies, the Department must determine whether to revoke the Temporary Certificate of Approval or Child Specific Non-Relative Certificate of Approval. If the decision is to revoke, the Department must issue a notice of intent to revoke the Temporary Certificate of Approval or Child Specific Non-Relative Certificate of Approval pursuant to OAR 413-010-0510.¶¶

(4) When a resource parent moves to a different residence, the Department must terminate the certificate. The Department may issue a new certificate when the activities described in OAR 413-200-0292(6) have been completed.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.315, ORS 409.010, ORS 418.625, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0396

RULE SUMMARY: Division 200, which defines resource home certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-200-0396

Requirements Regarding Contested Case Hearings ¶¶

(1) When the Department denies an application for certification or revokes certification, the applicant or resource parent has a right to request a contested case hearing under this rule.¶¶

(2) An applicant for certification, renewal of a certificate, or a Change of Status may request a contested case hearing when the Department has mailed a proposed and final order denying the application.¶¶

(3) A resource parent may request a contested case hearing when the Department has mailed a proposed and final order revoking certification.¶¶

(4) A resource parent, applicant for certification, renewal of a certificate, or a Change of Status, or applicant for consideration as a potential adoptive resource may request a contested case hearing, as provided in OAR 413-010-0505 and OAR 413-120-0460.¶¶

(5) An applicant who is denied approval as a potential adoptive resource for one or more of the reasons in OAR 413-120-0225(2) does not have a right to request a contested case hearing, and instead OAR 413-120-0225(~~2~~3) applies.¶¶

(6) If the Department does not receive a request for a contested case hearing within 30 days of the date the Department mailed the proposed and final order of denial or revocation, the resource parent or applicant has waived the right to a hearing, except as provided in OAR 413-010-0505.¶¶

(7) Department actions when a contested case hearing is timely requested but such request is subsequently withdrawn are outlined in OAR 413-010-0530.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.315, ORS 418.625, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

RULE SUMMARY: OAR 413-203-0000 "Definitions" sets forth the definition for Division 200 and is being amended to update the definition of relative to be in compliance with Senate Bill 163 and the Uniform Parentage Act.

CHANGES TO RULE:

413-203-0000

Definitions

- (1) "Adoptive Resource" means an individual or individuals selected by the Department, another public child welfare agency, or a licensed adoption agency as the adoptive family for a child where no administrative review was requested within the timeframe allowed for such a request, or if a review was requested, the selection has been sustained by that review and the review is complete.¶¶
- (2) "Adult" means an individual 18 years of age or older who is not a child as defined in these rules.¶¶
- (3) "Age-Appropriate or Developmentally Appropriate Activities" means:¶¶
- (a) Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and¶¶
- (b) In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.¶¶
- (4) "Certification Supervisor" means an employee of the Department, designated as a supervisor, supervising staff responsible for certification, training, and monitoring homes certified by the Department.¶¶
- (5) "Certified Respite Care" means respite care provided by a Certified Respite Provider or a certified resource family that has been issued a certificate of approval. ¶¶
- (6) "Certified Respite Provider" means an individual certified by the Department to provide certified respite care to a child being served in their home through an open child welfare case or a child in the care or custody of the Department.¶¶
- (7) "Certifier" means a Department employee who:¶¶
- (a) Conducts assessments of applicants, members of the household, home and surroundings;¶¶
- (b) Determines whether to recommend issuance of a Respite Certificate of Approval, Temporary Certificate of Approval, Certificate of Approval, Relative Temporary Certificate of Approval, Relative Certificate of Approval, Child-Specific Non-Relative Certificate of Approval, or approval as an potential adoptive resource; and¶¶
- (c) Monitors the compliance and ongoing assessment of a resource parent, relative resource parent, or certified respite provider as required by OAR 413-200-0301 to 413-200-0396, OAR 413-205-0000 to 413-205-0085 and OAR 413-203-0000 to 413-203-0145.¶¶
- (8) "Child" means a person who:¶¶
- (a) Is a person under 18 years of age; or¶¶
- (b) Is a child in care, as defined in ORS 418.257, which is a person under 21 years of age residing in or receiving care or services from:¶¶
- (A) A child-caring agency or proctor foster home;¶¶
- (B) A foster home certified by the Department; or¶¶
- (C) A developmental disabilities residential facility; unless¶¶
- (D) The care is being provided to the child by the child's parent (ORS 418.257).¶¶
- (9) "Child Care" means the supervision of a child in the care or custody of the Department by a licensed, approved, or listed provider required due to the employment or educational program of the certified resource family.¶¶
- (10) "Child Care Facility" means each of the following:¶¶
- (a) A Registered Family Child Care Home, which is the residence of a provider who has a current Family Child Care Registration at that address and who provides care in the family living quarters.¶¶
- (b) A Certified Family Child Care Home, which is a child care facility located in a building constructed as a single-family dwelling that has certification to care for a maximum of 16 children at any one time.¶¶
- (c) A Certified Child Care Center, which is certified to care for 13 or more children, or a facility that is certified to care for 12 or fewer children and located in a building constructed as other than a single-family dwelling.¶¶
- (d) A Listed Facility, which is a child care provider who has been approved by the Department Self-Sufficiency Program for child care on behalf of clients of the Department.¶¶
- (11) "Child Protective Services Assessment" (CPS assessment) means an investigation into a report of abuse pursuant to ORS 419B.020 or ORS 418.257 that includes activities and interventions to identify and analyze safety threats, determine if there is reasonable cause to believe abuse occurred, and assure safety through protective action plans, initial safety plans, or ongoing safety planning. ¶¶
- (12) "Cohabiting" means the act of adults, unmarried to each other, living together in an intimate relationship. ¶¶

(13) "CPS worker" means an employee of Child Welfare who has completed the mandatory Child Welfare training for CPS workers.¶¶

(14) "Criminal Records Check" means obtaining and reviewing criminal records as required by these rules and includes any or all of the following:¶¶

(a) An Oregon criminal records check where criminal offender information is obtained from the Oregon State Police (OSP) using the Law Enforcement Data System (LEDS). The Oregon criminal records check may also include a review of other criminal records information obtained from other sources.¶¶

(b) A fingerprint based national criminal records check where records are obtained from the Federal Bureau of Investigation (FBI). The national criminal records check may also include a review of other criminal records information.¶¶

(c) A state-specific criminal records check where records are obtained from law enforcement agencies, courts, or other criminal records information sources located in, or regarding, a state or jurisdiction outside Oregon.¶¶

(15) "Denial" The refusal of the Department to approve an application and issue a Respite Certificate of Approval, Relative Temporary Certificate of Approval, Temporary Certificate of Approval, Relative Certificate of Approval, Certificate of Approval, Child-Specific Non-Relative Certificate of Approval, Relative Certificate of Approval or approve renewal of a Child-Specific Non-Relative Certificate of Approval or Certificate of Approval. ¶¶

(16) "Department" means the Oregon Department of Human Services.¶¶

(17) "Designee" means a person whom the designator directly and immediately supervises, or a person with equal or greater management responsibility than the designator.¶¶

(18) "Discipline" means a training process a family uses to help a child develop the self-control and self-direction necessary to assume responsibilities, make daily living decisions, and learn to conform to accepted levels of social behavior.¶¶

(19) "Disqualifying Condition" means any information or circumstance related to a person or to the home that does not meet one or more of the requirements in OAR 413-203-0000 to 413-203-0145.¶¶

(20) "Impending Danger Safety Threat" means a family behavior, condition, or circumstance that meets all five safety threshold criteria. When it is occurring, this type of threat is not immediate, obvious, or occurring at the onset of the CPS intervention. This threat is identified and understood more fully by evaluating and understanding individual and family functioning.¶¶

(21) "Inactive Referral Status" means a period of time, not to exceed 12 months, during which neither the Department nor any other agency may place an additional child with a resource parent, relative resource parent, or utilize a certified respite provider.¶¶

(22) "Informal Respite Care" means respite care provided by an individual known to the certified resource parent or relative resource parent and/or the child in care when that individual is not a Certified Respite Provider or a certified resource parent. ¶¶

(23) "Member of the Household" means any adult, or child living in the home.¶¶

(24) "Orientation" means ~~the initial~~ training provided by the Department to ~~a certified resource parent and prospective and current applicants for foster care, adoption, and relative care providing~~ prospective and current resource parents, relative resource parents, potential adoptive resources, and certified respite providers that includes information about the certification and approval processes, an overview of the Oregon child welfare system, and expectations of ~~Oregon a resource parent, relative resource parent, potential adoptive resource, and certified parent~~ respite provider. ¶¶

(25) "Personal Care Services Plan" means a written plan to provide personal care services for the child documenting: ¶¶

(a) The determination that the individual is a qualified provider; ¶¶

(b) The frequency or intensity of each personal care service to be provided; and ¶¶

(c) The date personal care services begin.¶¶

(26) "Placement Support Plan" means a documented set of actions or resources that is developed to assist a certified resource family to maintain conditions that provide safety and well-being for a child.¶¶

(27) "Present danger safety threat" means an immediate, significant, and clearly observable family behavior, condition, or circumstance occurring in the present tense, already endangering or threatening to endanger a child. The family behavior, condition, or circumstance is happening now, and it is currently in the process of actively placing a child in peril.¶¶

(28) "Psychotropic Medication" means medication, the prescribed intent of which is to affect or alter thought processes, mood, or behavior, including but not limited to antipsychotic, antidepressant, and anxiolytic medication and behavior medications. The classification of a medication depends upon its stated intended effect when prescribed because it may have many different effects.¶¶

(29) "Reasonable and prudent parent standard" means the standard, characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while encouraging the emotional and developmental growth of the child, that a substitute care provider must use when determining whether to

allow a child in substitute care to participate in extracurricular, enrichment, cultural, and social activities.¶

(30) "Relative" means any of the following:¶

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:¶

(A) Any ~~blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.~~¶

~~(B) Any half-blood~~genetic relative of preceding generations denoted by the prefixes of grand, great, or great-great. Individuals with one common ~~biological~~genetic parent are ~~half-blood~~ relatives.¶

~~(C)~~ An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.¶

~~(D)~~ A spouse of anyone listed in paragraphs (A) to (C) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.¶

(b) An individual with one of the following relationships to the child or young adult:¶

(A) A sibling, also to include an individual with a sibling relationship to the child or young adult through a ~~putative father~~alleged genetic parent.¶

(B) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.¶

(C) An individual defined as a relative of a refugee child or young adult under OAR 413-070-0300 to 413-070-0380.¶

(D) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a ~~stepbrother; or a stepsister~~sibling.¶

(E) A registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.¶

(F) The adoptive parent or an individual who has been designated as the adoptive resource of a sibling of the child or young adult.¶

(G) An unrelated ~~legal or biological father or mother~~parent of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated ~~legal or biological father or mother~~parent.¶

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult ~~by blood, genetically or by~~ adoption; or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (C) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.¶

(d) An individual meeting the requirements of at least one of the following:¶

(A) An individual not related to the child, young adult, or parent ~~by blood, genetically or by~~ adoption; or marriage:¶

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and¶

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.¶

(B) An individual who has a ~~blood~~genetic relationship to the child or young adult as described in paragraphs (A) to (C) of subsection (a) of this section through the ~~birth~~genetic parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or ~~birth~~genetic parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.¶

(e) For eligibility for the guardianship assistance program:¶

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the parent of the child has been terminated by divorce or death.¶

(B) A resource parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:¶

(i) There is a compelling reason why adoption is not an achievable permanency plan;¶

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;¶

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and¶

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.¶

(31) "Relative Applicant" means any individual who is defined as a "relative" under OAR 413-203-0000 who applies:¶

(a) To become a Relative Resource Parent; or¶

(b) For approval through the Department as a potential relative adoptive resource.¶

(32) "Relative Certificate of Approval" means a document the Department issues to a relative resource parent to

approve the operation of a home to provide care for a relative child and for whom the Department determines a placement is needed. ¶

(33) "Relative Home Study" means a document containing an analysis of the ability of the relative applicant to provide safe and appropriate care of a relative child in the care or custody of the Department. ¶

(34) "Relative Resource Parent" means a person defined as a "relative" under OAR 413-203-0000 who operates a home that has been approved by the Department to provide care for a related child in the care or custody of the Department. ¶

(35) "Relative Temporary Certificate of Approval" means a document the Department issues to a certified relative resource parent to approve the operation of a home to provide care for a relative child in the care or custody of the Department for no longer than 60 days unless extended under OAR 413-203-0025. ¶

(36) "Resource Parent" means a person who operates a home that has been approved by the Department to provide care for an unrelated child placed in the home by the Department. ¶

(37) "Respite Care" means an arrangement to relieve a family with an open child welfare case or a certified resource parent, or relative resource parent of their responsibilities by a person temporarily assuming responsibility for the care and supervision of a child. ¶

(38) "Revocation" means an administrative act by the Department that rescinds an existing Certificate of Approval, Child-Specific Non-Relative Certificate of Approval, Temporary Certificate of Approval, Relative Certificate of Approval, Relative Temporary Certificate of Approval or Respite Certificate of Approval. ¶

(39) " Screener" means a Department employee with training required to provide screening services. ¶

(40) "Skills enhancement" means an educational resource that helps a relative resource parent learn and develop skills to assist them in meeting the needs of the relative child in the care or custody of the Department. ¶

(41) "Surrogate" means an individual who has been appointed to safeguard a child's rights in the special education decision-making process. The individual may be appointed pursuant to applicable Department of Education administrative rules and statutes or by the juvenile court. ¶

(42) "Tangible goods" means child safety items, clothing, furniture, utilities, transportation or anything that may be provided to a family to maintain child safety and to remove barriers to placement or to maintain a placement.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

AMEND: 413-203-0005

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0005

Purpose of the Department's Responsibilities for Relative Certification

(1) The purpose of OAR 413-203-0000 to 413-203-0145 is to describe the activities of the Department related to:¶

(a) Certification of a relative resource parent and assessment of a relative applicant seeking to be a potential adoptive resource.¶

(b) Monitoring compliance of a relative resource parent with the certification standards in OAR 413-203-0000 to 413-203-0145 and¶

(c) Disclosure of information about an relative applicant or ~~certified~~ relative resource parent.¶

(2) When applying the requirements of these rules, the Department prioritizes assessment of relative applicants, and aids in meeting identified needs and overcoming barriers to certification of relative applicants to the extent reasonably possible.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0010

Responsibilities for Assessment and Certification of a Relative Resource Parent

(1) The Department must conduct an assessment to determine if a relative applicant and the home of the relative applicant meets the standards outlined in 413-203-0000 to 413-203-0145. ¶

(a) For issuance of a Relative Temporary Certificate of Approval, the Department must conduct the activities described in OAR 413-203-0020. ¶

(b) For issuance of a Relative Certificate of Approval to a relative resource parent that has been issued a Relative Temporary Certificate of Approval, the Department must conduct the activities described in OAR 413-203-0025. ¶

(c) For issuance of a Relative Certificate of Approval or approval of a potential adoptive resource, the Department must conduct the activities described in OAR 413-203-0020 and 413-203-0025. ¶

(d) The Department may share information in the home study when permitted or required by law, consistent with ORS 418.642, ORS 109.289 OAR 413-010-0035, 413-120-0016, 413-120-0220, and 413-120-0246. The Department is required to share information about a child in the care or custody of the department with the parties to the child's juvenile court proceeding. ¶

(2) A relative applicant may not be denied providing care for a relative child in the care or custody of the Department under these rules: ¶

(a) For the sole reason that the individual received child welfare services as a child; ¶

(b) For the sole reason that the individual is a person with a disability; or ¶

(c) On the basis of race, religion, national origin, sex, age, marital status, sexual orientation, gender expression or disability. ¶

(3) The Department is not required to assess a relative applicant and may deny the application if: ¶

(a) The relative applicant has had a previous application for certification denied or a prior certificate revoked during the five years prior to the date on the application; ¶

(b) The relative applicant is seeking to care for a specific child who is not in the care or custody of the Department; ¶

(c) The relative applicant is seeking to care for a specific child, who is currently placed with a relative, and based on the best interests of the child, the Department is not seeking to move the child. ¶

(d) Notwithstanding (c) of this rule, the Department must assess applicants to be in compliance with ORICWA, and the requirements of the Indian Child Welfare Act or the Oregon statutory Indian Child Welfare Act or an order of preference requirements. ¶

~~(e) The placement preference that is required by law.~~ ¶

(e) The relative applicant is seeking to care for a relative child residing in a state other than Oregon for whom the Department has not received a request for a home study under the Interstate Compact for the Placement of Children (ICPC). ¶

(4) The Department may terminate the assessment process at any time and proceed to issue a proposed and final order denying certification for one or more of the reasons in OAR 413-203-0040 or, if the application is for approval to be a potential adoptive resource, deny the application for the reasons in OAR 413-120-0225. ¶

(5) Any certificate issued by the Department under OAR 413-203-0000 to 413-203-0145 must include all the following information: ¶

(a) The certificate type: Relative Temporary Certificate, or Relative Certificate of Approval. ¶

(b) The name of each certified relative resource parent. ¶

(c) The address to which the certificate applies. ¶

(d) The age range (birth to 20) of any child the Department may place in the certified relative resource parent's home. ¶

(e) The placement capacity of the certified resource parent. ¶

(f) The provider number that the Department has given the home. ¶

(g) The effective date of the certificate. ¶

(h) The signature of the approving manager.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 418.005

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0015

Confidentiality of Information about a Relative Applicant or Relative Resource Parent

(1) This rule describes how the Department may exercise its authority to disclose information about a relative applicant or a relative resource parent.¶¶

(2) The name, address, and other identifying information about a relative resource parent are confidential under ORS 418.642 and not open to public inspection. Except as provided in these rules, the Department may not disclose identifying information.¶¶

(3) Unless prohibited by federal or state law, the Department may disclose the name, address, or other identifying information about a relative resource parent when:¶¶

(a) A relative resource parent requests information about the relative resource parent;¶¶

(b) A relative resource parent authorizes disclosure about the relative resource parent;¶¶

(c) A court order requires disclosure;¶¶

(d) The Department determines disclosure is necessary or advisable to protect the best interest of a child in the care or custody of the department; or¶¶

(e) The Department determines disclosure is necessary for the administration of child welfare laws, which may include, but is not limited to, the following circumstances:¶¶

(A) Disclosure to employees of the Secretary of State's Office, the Department of Health and Human Services, and the Department which requires information to complete audits, program reviews or other investigations of child welfare programs administered by the Department;¶¶

(B) Disclosure to law enforcement officers and district attorney's offices that require information for child abuse assessments, criminal investigations, or other civil or criminal proceedings connected with administering the Department's child welfare programs;¶¶

(C) Disclosure to the Office of Administrative Hearings or an Administrative Law Judge as part of an administrative action initiated by the Department;¶¶

(D) Disclosure to the juvenile court or a party to a juvenile court case concerning a child or to enable the court or the party to protect the best interests of the child;¶¶

(E) Disclosure to comply with the requirements of mandatory abuse reporting laws including, but not limited to: ORS 124.060 (elder abuse), 419B.010 (child abuse), 430.765 (adults with mental illness or developmental disabilities), and 441.640 (residents in long-term care facilities);¶¶

(F) Disclosure for the purposes of providing support, training, education or other information about the role of a relative resource parent. ¶¶

(4) Unless prohibited by federal or state law, the Department may disclose information about an applicant or relative resource parent when:¶¶

(a) Disclosure is required or authorized by federal or state laws, including the Oregon Public Records Law;¶¶

(b) An applicant has requested information about the applicant;¶¶

(c) An applicant authorizes disclosure of information about the applicant;¶¶

(d) A court order requires disclosure;¶¶

(e) Disclosure is necessary or advisable to protect the best interests of a child; or¶¶

(f) Disclosure is necessary for the administration of child welfare laws, as outlined in subsection (3)(e) of this rule.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0020

Assessment for Issuance of a Relative Temporary Certificate of Approval

- (1) To assess a relative applicant for a for a Relative Temporary Certificate of Approval, a certifier must:¶
- (a) Work with the relative as the relative completes the application and other Department required forms.¶
 - (b) Have face-to-face contact with each relative applicant and each other member of the household.¶
 - (c) Obtain approval of the supervisor to delay face-to-face contact with a relative applicant or other member of the household and document the approval on a form approved by the Department; and determine a date and time for the face-to-face contact within seven calendar days of the date the relative applicant or other member of the household becomes available.¶
 - (d) Explain the process and requirements for certification of a relative resource parent.¶
 - (e) Discuss with the relative applicant the role and responsibilities of the Department.¶
 - (f) Ensure the relative applicant possesses a valid driver license and auto insurance if the relative applicant will operate a motor vehicle with any child in the care or custody of the Department inside the vehicle.¶
 - (g) Discuss with the relative applicant what supports may be needed to meet the safety, health and well-being needs of the child. ¶
 - (h) When appropriate, obtain approval from the child welfare program manager or designee on a form approved by the Department for any of the following circumstances: ¶
 - (A) The home will exceed the maximum placement capacity as described in OAR 413-203-0030.¶
 - (B) An applicant or other member of the household provides child care in the home or is a foster care provider licensed by another child-caring agency. ¶
 - (C) A relative applicant or other member of the household provides foster care or day care to adults in the home.¶
 - (D) A relative applicant is married, in a domestic partnership, or cohabitating but the spouse or partner is not an applicant, unless the individual is in the military stationed out of state. ¶
 - (i) There are circumstances in which an individual will have limited responsibility for household management or care of a child in the care or custody of the Department placed in the home.¶
 - (ii) There are circumstances in which the family dynamic is such that it is in the best interest of the child in the care or custody of the Department to allow one individual to be certified.¶
 - (i) Complete a home visit: ¶
 - (A) Observe and assess the safety of the physical environment;¶
 - (B) Walk through each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual;¶
 - (C) Complete a safety assessment of the home and surroundings using a form approved by the Department; ¶
 - (D) Provide the home with age-appropriate documents outlining the Oregon Foster Children's Bill of Rights under ORS 418.201 and OAR 413-010-0180, Oregon Foster Children's Sibling Bill of Rights under ORS 418.608 and OAR 413-070-0860, and inform the relative applicant of the requirement to have the Oregon Foster Children's Bill of Rights posted in their home, and the requirement that Oregon Foster Children's Sibling Bill of Rights be available to a child in the care or custody of the department placed in the home; and¶
 - (E) Provide of copy of the Oregon Foster Parent Bill of Rights under ORS 418.648. ¶
 - (j) Gather and analyze information, through interview and observation, as it relates to each relative applicant's ability and willingness to meet the certification requirements, and assess the conditions that appear to exist in the home that affect safety, health, and well-being for a child in the care or custody of the Department.¶
 - (k) ~~As~~Ensure completion of a criminal records check through LEDS on each relative applicant and each other adult member of the household, and initiate a fingerprint based criminal offender records check of national crime information as outlined in OAR 413-120-0440 to 413-120-0475. The Department may complete a criminal records check for any child living in the home not in the care or custody of the Department, when there is reason to believe they may pose a risk to a child in the care or custody of the Department.¶
 - (A) Assess the fitness of each relative applicant and each other adult member of the household pursuant to OAR 413-120-0440 to 413-120-0475.¶
 - (B) If appropriate, obtain approval pursuant to 413-120-0440 to 413-120-0475 to continue with the certification assessment of the relative applicant despite the criminal offender history of each relative applicant and each other

adult member of the household; or¶¶

(C) If a relative applicant or other adult member of the household has a disqualifying conviction under OAR 413-120-0440 to 413-120-0475 or the authorized designee makes a negative fitness determination with respect to the individual, the Department must proceed to issue a proposed and final order denying certification, unless the application is withdrawn by the relative applicant.¶¶

(D) Document the information considered and the decision on a form approved by the Department.¶¶

(E) Ensure completion of a child abuse history background check in the state of Oregon for each relative applicant and each other adult member of the household. ¶¶

(A) If a relative applicant or other adult member of the household has lived outside the state of Oregon and within the United States in the previous five years, initiate a child abuse history background check from each state where the individual resided in the five years preceding the date on the application for certification from the Department;¶¶

(B) Assess any safety concerns regarding each relative applicant and each other adult member of the household raised by information learned from the child abuse history background check in Oregon and if applicable, another state.¶¶

(C) When a relative applicant or other member of the household has been identified as the perpetrator or alleged perpetrator, or respondent of abuse in a child protective services assessment in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition for abuse to a child, or a similar disposition from another Department division, agency, or state, consult with the certification supervisor about whether to seek approval from the Child Welfare Program Manager to continue with the certification assessment;¶¶

(i) If the decision is to seek approval, the Child Welfare Program Manager must consider the information and the safety concerns and may approve or deny continuing the assessment;¶¶

(ii) If the decision in subparagraph (aC) of this paragraph is to deny continuing with the assessment, the Department may terminate the assessment process and, unless the application is withdrawn, proceed to deny the application under OAR 413-203-0040;¶¶

(iii) The information considered, including the safety concerns assessed, and the decision must be documented on a form approved by the Department.¶¶

(2) The certifier must document the assessment of the requirements described in this rule on a form approved by the Department and submit the assessment to the certification supervisor for:¶¶

(a) Approval of a Relative Temporary Certificate of Approval,¶¶

(b) A determination that further assessment is required, or¶¶

(c) A determination that the relative applicant does not meet the standards set forth in OAR 413-203-0000 to 413-203-0145 and further certification actions are required.¶¶

(3) If (2)(b) or (2)(c) applies, and the child is requiring placement, Foster Care Program Manager or designee approval is required to not issue a Relative Temporary Certificate of Approval.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0025

Assessment to Complete a Relative Certificate of Approval

(1) To Issue a Relative Certificate of Approval to an individual who has not been issued a Relative Temporary Certificate of Approval:¶¶

(a) Complete requirements in 413-203-0020; and¶¶

(b) Complete requirements in 413-203-0025.¶¶

(2) To complete the assessment of a relative applicant that has been issued a Relative Temporary Certificate of Approval and issue a Relative Certificate of Approval, the certifier must complete the following activities as soon as possible, but no later than 60 days from the date the Relative Temporary Certificate of Approval is issued, unless the certificate has been extended under section (23) of this rule.¶¶

(a) Ensure completion of a fingerprint based criminal records check of national crime information databases on each relative applicant and each other adult member of the household, and, at the Department's discretion, any individual under 18 living in the home when there is reason to believe they may pose a risk to a child in the care or custody of the Department placed in the home.¶¶

(A) Complete a weighing test and fitness determination of any new criminal history information obtained pursuant to OAR 413-120-0457¶¶

(B) If appropriate, obtain approval to continue with the certification assessment when an applicant or other adult member of the household has a criminal conviction.¶¶

(C) If a relative applicant or other adult member of the household has a disqualifying conviction under OAR 413-120-0440 to 413-120-0475 or the authorized designee makes a negative fitness determination with respect to the individual, the Department must proceed to issue a proposed and final order denying certification, unless the application is withdrawn by the relative applicant.¶¶

(D) Document the information considered, and the decision, on a form approved by the Department.¶¶

(b) Ensure completion of child abuse history background checks for each relative applicant and each other adult member of the household, as follows:¶¶

(A) If a relative applicant or other adult member of the household has lived outside the state of Oregon obtain a child abuse history background check from each state where the individual resided in the five years preceding the date on the application for certification from the Department.¶¶

(B) Assess any safety concerns raised by information learned from the child abuse history background check in Oregon and if applicable, another state.¶¶

(C) When a relative applicant or other member of the household has been identified as the perpetrator or alleged perpetrator, or respondent of abuse to a child in a child protective services assessment founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition or a similar disposition from another Department division, agency, or state, consult with the certification supervisor about whether to seek approval from the Child Welfare Program Manager to continue with the certification assessment:¶¶

(i) If the decision is to seek approval, the Child Welfare Program Manager must consider the information and the safety concerns and may approve or deny continuing the assessment;¶¶

(ii) If the decision is to deny continuing with the assessment, the Department may terminate the assessment process and, unless the application is withdrawn, proceed to deny the application.¶¶

(iii) Document the information considered, including the safety concerns assessed, and the decision, on a form approved by the Department.¶¶

(c) Verify completion of Relative Orientation, including Mandatory Reporter Training required within 30 days of issuance of a Relative Temporary Certificate of Approval; ¶¶

(d) Verify completion of Safe Sleep Training, if a child 12 months or younger is placed in the home required within 30 days of issuance of a Relative Temporary Certificate of Approval;¶¶

(e) Gather information from a minimum of two personal references for the applicant; and¶¶

(f) Complete a Relative Home Study on a form approved by the Department.¶¶

(2) If the above requirements are not completed within 60 days:¶¶

(a) The Child Welfare Program Manager or designee may approve a 30-day extension of the Relative Temporary Certificate of Approval.¶¶

(b) The Foster Care Program Manager or designee may approve an extension longer than 30 days of the Relative

Temporary Certificate of Approval. ¶

(3) If the certifier has completed all of the activities in section (1) and (2) of this rule and the Relative Home Study has been approved, the Department may issue a Relative Certificate of Approval. ¶

(4) The Department must assess a relative applicant and determine whether to approve the relative application or deny the relative application within 60 days of Department receipt of a completed relative application unless: ¶

(a) The application is withdrawn by the applicant; ¶

(b) The Child Welfare Program Manager or designee extends the assessment period, no greater than an additional 60 days or; ¶

(c) The Department has issued a Relative Temporary Certificate of Approval. ¶

(5) To approve a relative applicant as a potential adoptive resource, the certifier must: ¶

(a) Complete the activities required by OAR 413-203-0020(1); ¶

(b) Complete the activities required by OAR 413-203-0025(2); ¶

(c) Determine the standards of OAR 413-120-0246 have been met; and ¶

(d) Approve an adoption home study. ¶

(6) When evaluating a relative applicant as a potential adoptive resource: ¶

(a) OAR 413-203-0020(1)(c) does not apply; and ¶

(b) the 60-day timelines in OAR 413-203-0025(2), (3) and (5) do not apply.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

AMEND: 413-203-0030

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0030

Requirements Regarding the Maximum Number of Children in the Home

(1) Unless a management approval by the Program Manager or designee is obtained, the Department may not issue a Relative Temporary Certificate of Approval, or Relative Certificate of Approval, if the home would exceed the following maximum capacity:¶¶

(a) A total of four children to one relative resource parent;¶¶

(b) A total of seven children, to two relative resource parents;¶¶

(c) A total of two children under the age of three; or¶¶

(d) A total of six children in the care or custody of the Department.¶¶

(2) When counting the children under 1(a)-(c) of this rule, each child living in the home is included.¶¶

(3) Considerations for a management approval include, but are not limited to:¶¶

(a) To allow a parenting child in the care or custody of the Department to remain with their child;¶¶

(b) To allow siblings to remain together;¶¶

(c) To allow a child to be placed with a relative.¶¶

(4) The certifier must assess:¶¶

(a) The skills, abilities, and willingness of the relative resource parent related to the quantity of services required for each child to be placed in the home;¶¶

(b) The skills and abilities of the relative to meet the safety, health, and well-being needs of each child to be placed in the home;¶¶

(c) The amount of support the ~~certified~~ relative resource parent requires to meet the supervision needs of each child in the care or custody of the Department to be placed in the home;¶¶

(d) The maximum safe physical capacity of the home, including sleeping arrangements; and¶¶

(e) The plan for each individual to escape from the home in case of fire or other emergency.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0035

Responsibilities for On-Going Certification of a Relative Resource Parent

- (1) A certifier must conduct a minimum of one home visit to any relative resource parent every 90 days, which must include:
 - (a) Face to face contact with at least one certified relative resource parent; and
 - (b) Verbal contact with each relative resource parent.
- (c) Document the contacts with the relative resource parent and the information obtained in the provider record of the Department's electronic information system.
- (2) A certifier must collaborate with a relative resource parent in determining the skills enhancement that would benefit the relative resource parent and the relative child placed in their home.
- (3) A certifier must collaborate with a relative resource parent in determining what tangible goods may be required to meet the safety and well-being needs of the relative child placed in their home, and what resources exist to provide those tangible goods.
- (4) A certifier must assess each relative resource parent's compliance with OAR 413-203-0000 to 413-203-0145 and their ability to continue to meet the safety, health, and well-being needs for the child in the care or custody of the Department at each home visit and complete the following activities when applicable:
 - (a) Whenever it becomes known that the relative resource parent plans to become an in-home child care, an adult foster care, or an in-home adult day care provider, seek approval from the Child Welfare Program Manager or designee on a form approved by the Department;
 - (b) Whenever it becomes known that another agency plans to place a child with a relative resource parent, prior to placement of the child, approval from the child welfare program manager or designee is required to be documented on a form approved by the Department.
- (5) If an adult member of the household has not previously had a criminal records and child welfare background check, the certifier must conduct these checks outlined in OAR 413-203-0020 and OAR 413-203-0025.
- (6) Whenever it becomes known that a Relative Resource Parent or other adult member of the household, has been arrested or convicted of a crime not previously assessed and approved:
 - (a) Assure completion of a criminal records check under OAR 413-120-0040 to 413-120-0475.
 - (b) Document the information considered and the results of any fitness determination or safety assessment on a form approved by the Department.
- (7) During, and at the conclusion of a child protective services assessment regarding an allegation of child abuse in a Relative Resource Parent home follow the requirements of OAR 413-015-0601 to 413-015-0608.
- (8) When the assigned certifier or certification supervisor is notified that information received by a screener involving a home certified by the Department is referred for a CPS assessment, within one business day after the CPS worker has made initial contact with the relative resource parent, the certifier must:
 - (a) Contact and notify the relative resource parent and provide them with the following information:
 - (A) The certifier is available to answer questions related to certification but must not discuss the specifics of the CPS assessment;
 - (B) The certified relative resource parent is immediately placed on inactive referral status pending the completion of the CPS assessment; and
 - (C) The certified relative resource parent has the option of having a resource parent or relative resource parent available for support during the assessment.
 - (b) Document the initiation of a CPS assessment and the placement of the certified relative resource parent on inactive referral status in provider notes in the Department's electronic information system.
 - (c) Notify Department staff responsible for placement that the certified relative resource parent's home is on inactive referral status.
 - (d) At the conclusion of the CPS assessment, the certifier and certification supervisor must:
 - (A) Staff the case and review all the information in the CPS assessment;
 - (B) Determine what certification actions should be taken under OAR 413-203-0040; and
 - (C) Ensure documentation of the results of the staffing in provider notes in the Department's electronic information system.
- (9) Placement Support Plan

- (a) When a certifier determines that a relative resource parent needs additional support to maintain conditions that provide safety, health, and well-being in the home, the certifier may develop a placement support plan. A placement support plan is appropriate when one or both of the following circumstances apply:¶¶
- (A) The relative resource parent needs additional training, instruction, or skills to improve their ability to meet the needs of a child placed in the home by the Department.¶¶
 - (B) The relative resource parent is not in compliance with one or more of the Department's certification standards, and the non-compliance does not result in either a present danger safety threat or an impending danger safety threat to a child.¶¶
- (b) When a placement support plan is appropriate to support a relative resource parent, the certifier must gather information regarding current circumstances from:¶¶
- (A) The relative resource parent;¶¶
 - (B) The child placed in the relative resource parent's home, when appropriate;¶¶
 - (C) The caseworkers of any child currently placed in the home; and¶¶
 - (D) Other collateral contacts that may have information regarding the characteristics of the care provided in the relative resource parent's home.¶¶
- (c) The certifier must schedule a meeting with the relative resource parent to discuss the current circumstances which result in a placement support plan and the appropriate supports and services to assist the relative resource parent.¶¶
- (d) A placement support plan must be documented and specify all of the following:¶¶
- (A) The actions or services in which the relative resource parent must participate.¶¶
 - (B) The actions or services the Department will provide to support the relative resource parent in maintaining conditions that provide safety, health, and well-being for any child in the care or custody of the Department.¶¶
 - (C) Agreement that the relative resource parent is willing and able to participate in the actions or services.¶¶
 - (D) Agreement to review the placement support plan on a specified date, which is within at least 90 days.¶¶
 - (E) The anticipated end date of the placement support plan.¶¶
- (e) A certification supervisor must approve the placement support plan.¶¶
- (f) When the placement support plan has been approved, the certifier must:¶¶
- (A) Provide a copy to the relative resource parent;¶¶
 - (B) Document the placement support plan in the Department's electronic information system; and¶¶
 - (C) Provide written notification to the caseworkers of each child placed in the home by the Department.¶¶
- (g) The certifier must review the placement support plan on or before the date specified in subsection (D) of this rule and determine, in consultation with the certification supervisor, whether the placement support plan should be updated or ended.¶¶
- (10) If the placement support plan is updated or ended, the certifier must document the decision in the provider record and must notify the caseworkers of each child placed in the home by the Department.¶¶
- (11) If the relative resource parent fails to follow through with a placement support plan, the Department may deny an application or revoke a Relative Temporary Certificate of Approval or Relative Certificate of Approval.
- Statutory/Other Authority: ORS 418.005, ORS 409.050
- Statutes/Other Implemented: ORS 409.050

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0040

Responsibilities Regarding Withdrawal of an Application, Denial or Termination of a Certificate of Approval

(1) When a relative applicant requests to withdraw their application for certification or adoption under 413-203-0040 the certifier must document the communication regarding the relative applicant's request in the Department's information system. ¶

(2) An application may be considered to be withdrawn if, during the assessment process, the relative applicant fails to respond to a written request for contact from the Department within 30 days of the request. ¶

(3) An application may be considered to be withdrawn if ICPC placement approval has expired or when the sending state notifies the Department the child will not be placed. ¶

(4) When a ~~certified~~ relative resource parent requests the Department terminate their certification, the certifier must: ¶

(a) Terminate the certificate on a date to be determined by the Department and the certified relative resource parent, notify the certified relative resource parent of the date the certificate was terminated and document the reasons for termination of the certificate in the Department's information system. ¶

(b) If the Department intends to revoke the ~~Relative~~ Temporary Certificate of Approval or Relative Certificate of Approval, determine with a Child Welfare Program Manager or designee whether to accept the request to terminate the ~~Relative Certificate of Approval~~ or continue with the revocation process, inform the ~~Relative Resource Parent~~ of the Department's decision, and document the Department's decision regarding the ~~Relative Resource Parent's~~ request. ¶

(5) The Department may terminate a Relative Temporary Certificate of Approval 60 calendar days after issuance if the relative child is not placed in the home. ¶

(6) The Department must terminate a Relative Temporary Certificate of Approval or Relative Certificate of Approval 60 calendar days after the child placed in the home by the Department moves from the home, unless: ¶

(a) The relative resource parent is providing certified respite care to support the child and the child's family during reunification; or ¶

(b) The Department has made the determination to seek revocation of the Relative Temporary Certificate of Approval or Relative Certificate of Approval. ¶

(7) The Department may deny an application when: ¶

(a) The relative applicant fails to provide requested information within 30 days of a written request from the Department; or ¶

(b) When an adult member of the household has been identified as the perpetrator, alleged perpetrator, or respondent of abuse in a child protective services assessment founded disposition, unable to determine disposition, substantiated, inconclusive or a similar disposition from another agency or state. ¶

(8) The Department may deny an application or revoke a Relative Temporary Certificate of Approval or Relative Certificate of Approval when: ¶

(a) The relative applicant or ~~certified~~ relative resource parent does not meet or no longer meets one or more of the certification standards in these rules; ¶

(b) The Department has determined that the relative applicant or the ~~certified~~ relative resource parent does not meet or cannot continue to provide for the safety, health or well-being needs of a child in the care or custody of the Department; ¶

(c) The Department discovers a relative applicant or relative resource parent has falsified information by act of commission or omission; ¶

(d) A relative applicant or ~~certified~~ relative resource parent fails to provide information to the Department or fails to inform the Department of any disqualifying condition, including a disqualifying condition that arises after the certification has been issued; ¶

(e) A relative applicant or certified relative resource parent is found to have interfered or hindered an investigation of abuse of a child, including but not limited to the intimidation of witnesses, falsification of records or denial or limitation of interviews with the child who is the subject of the investigation or with witnesses; ¶

(f) A ~~certified~~ relative resource parent interferes with the good faith disclosure of information by an employee or volunteer concerning the abuse or mistreatment of a child in the care or custody of the Department placed in the home of the ~~certified~~ relative resource parent, violations of certification requirements, criminal activity in the

~~certified~~ relative resource parent's home, violations of state or federal laws or any practice that threatens the health and safety of a child in the care or custody of the Department placed in the home of the ~~certified~~ relative resource parent to:¶

(A) Oregon Department of Human Services;¶

(B) A law enforcement agency;¶

(C) A family member, guardian or other person who is acting on behalf of the child in the care or custody of the Department.¶

(g) An adult member of the household, or a person who frequents the home, is found to have a disqualifying conviction under OAR 413-120-0450 or an authorized designee makes a negative fitness determination;¶

(h) The ~~certified~~ relative resource parent fails to follow through with a placement support plan.¶

(i) The Department determines a child has been removed because the ~~certified~~ relative resource parent cannot provide for the safety, health, or well-being needs of the child and violated one or more rules under OAR 413-203-0000 to 413-203-0145.¶

(9) The Department must take action to revoke a certification when, at the conclusion of a child protective services assessment, the Department determines there is an impending danger safety threat in the ~~certified~~ relative resource parent's home, unless:¶

(a) The certified relative resource parent provides a request to voluntarily terminate the certificate; and¶

(b) The Department agrees to accept the voluntary termination of the certificate.¶

(10) If the Department decides to deny an application for a certificate, or decides to revoke a certificate, the Department must provide a relative applicant or certified relative resource parent a written notice of intent to deny the application or revoke the certificate, which must state the reasons for the action and comply with OAR 413-010-0510.¶

(11) When the Department has issued a written notice to revoke a certificate before the stated expiration date on the certificate, the certificate must not expire until there is a final order on the notice to revoke the certificate.¶

(12) The Department must remove from the home any child in the care or custody of the Department upon making the decision to revoke the ~~R~~relative ~~R~~resource ~~P~~parent's certification and place the ~~R~~relative ~~R~~resource ~~P~~parent on Inactive Referral Status.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0045

Informal Respite Care, Certified Respite Care and Child Care

(1) The certifier must undertake all of the following activities:¶¶

(a) Discuss with the relative resource parent the plan for providing care to a child in the care or custody of the Department placed in the home when the relative resource parent may be unavailable to provide care. ¶¶

(b) For any prospective informal respite care provider or child care provider, ensure completion of a criminal records check as outlined in OAR 413-120-0440 to 413-120-0475 unless the provider is a child care facility.¶¶

(c) Document the information considered and the results of any fitness determination on a form approved by the Department. ¶¶

(d) For any prospective informal respite care provider or child care provider, conduct child abuse history background checks unless the provider is a child care facility. ¶¶

(e) Initiate out of state child abuse history background checks if the prospective informal respite care or child care provider has lived outside the state of Oregon in the previous five years. ¶¶

(f) When a prospective informal respite provider or child care provider has been identified as the perpetrator or alleged perpetrator, or respondent of abuse in a child protective services assessment in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition for abuse to a child, or a similar disposition from another Department division, agency, or state, consult with the certification supervisor about whether to seek approval from the Child Welfare Program Manager to continue with the certification assessment.¶¶

(A) If the decision is to seek approval, the Child Welfare Program Manager must consider the information and safety concerns and may approve or deny continuing the determination of the informal respite care or child care provider;¶¶

(B) The decision, and the information assessed, must be documented on a form approved by the Department. ¶¶

(g) When informal respite care or child care will be provided in the home of the informal respite care or child care provider, assure the activities described in subsections (b) through (f) of this section are complete for all adults living in the home of the informal respite care or child care provider. ¶¶

(h) An informal respite care provider or child care provider may be conditionally approved by a Child Welfare Program Manager or designee prior to the results from the fingerprint-based criminal offender records check of national crime information databases. The approval must be documented on form approved by the Department.¶¶

(i) Analyze information gathered under subsections (a) to (f) of this section prior to determining the individual is safe and appropriate to provide informal respite care or child care and approving the individual to provide informal respite care or child care.¶¶

(j) Document the analysis required under subsection (g) of this section in the Department's electronic information system.¶¶

(k) Notify the relative resource parent of the determination of whether the individual is authorized to provide informal respite care or child care.¶¶

(L) Verify that any relative resource parent identified to provide certified respite care or child care for another resource parent has a current certification.¶¶

(m) The Department may disapprove a prospective informal respite care provider or child care provider even if the provider has a positive fitness determination. ¶¶

(2) If the informal respite care provider or child care provider has a disqualifying conviction under OAR 413-120-0450 or the authorized designee makes a negative fitness determination with respect to the informal respite care or child care provider, the provider may not provide care. ¶¶

(3) A ~~certified~~ relative resource parent must receive Department approval to provide certified respite care for another child in the care or custody of the Department.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

AMEND: 413-203-0050

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0050

Responsibilities Regarding a When a Relative Family Moves

(1) When a ~~certified~~ relative resource parent moves to another residence within Oregon, the Department terminates the certificate and may issue a new certificate after completing the following activities within 10 business days: ¶

(a) Conduct a home visit; ¶

(b) Walk through each room in the residence and buildings on the property to assess the safety of the physical environment; ¶

(c) Complete a safety assessment of the home and surroundings using a form approved by the Department; and ¶

(d) Assess any concerns regarding the relative resource parent's ability to provide for the safety, health, and well-being needs of the child in the care or custody of the Department placed by the Department. Determine whether the home and the relative resource parent meet the standards under OAR 413-203-0000 to 413-203-0145 and document those assessment activities in the Department's electronic information system. ¶

(2) Ensure the home has posted age-appropriate documents outlining the Oregon Foster Children's Bill of Rights under ORS 418.201 and OAR 413-010-0180, and that the Oregon Foster Children's Sibling Bill of Rights under ORS 418.608 and OAR 413-070-0860(3) is available in the home. ¶

(3) When a relative resource parent intends to move outside the State of Oregon and the child placed in the home by the Department has been approved to remain with the relative resource parent, OAR 413-040-0200 to 413-040-0330 applies.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

AMEND: 413-203-0055

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0055

Purpose of Relative Certification Standards

The purpose of OAR 413-203-0055 to 413-203-0145 to describe the criteria for approval of a relative applicant as a relative resource parent, or potential adoptive resource and for continued certification of a relative resource parent. These rules apply to any individual who:¶

(1) Has applied to become a ~~certified~~ relative resource parent, or a potential ~~relative~~ adoptive resource; or¶

(2) Holds a current Relative Temporary Certificate of Approval or Relative Certificate of Approval.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

AMEND: 413-203-0065

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0065

Eligibility for Relative Resource Parents

Requirements to be approved as a Relative Resource Parent:

~~(1) Th or a potential adoptive resource:~~

(1) The relative applicant be a minimum age of 18 years of age.

(2) Submission of a completed application on a form, and in the manner prescribed by the Department.

(3) When an individual is lawfully married, in a domestic partnership (as defined in ORS 106.310), or is cohabitating, each individual is required to apply, unless:

(a) An individual is in the military and stationed out of the state; or

(b) There are circumstances in which an individual will have limited responsibility for household management or care of a child in the care or custody Department.

(c) There are circumstances in which the family dynamic is such that it is in the best interest of the child in the care or custody of the Department to allow an individual to be certified.

(d) For (b) and (c) a Child Welfare Program Manager or designee approval is required.

(4) ~~The~~ When a relative applicant is applying to be a potential adoptive resource and the circumstances in (3)(b) and (c) apply, the Child Welfare Permanency Program Manager or designee must approve allowing only one individual to apply.

(4) The relative applicant must participate in the applicant assessment processes prescribed by the Department, and provide additional information requested by the Department to support the assessment; and

(5) The relative applicant must be determined by the Department to meet the qualifications and standards required by OAR 413-203-0000 to 413-203-0145, and for approval as a potential adoptive resource, OAR 413-120-0246.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0070

Requirements to Become and Remain a Certified Relative Resource Parent

(1) A relative applicant must comply with all of the following requirements: ¶

(a) Complete a Department application. ¶

(b) Complete all paperwork and written requests for information required by the Department in a timely manner and no later than 30 days after the initial request. ¶

(c) Allow Department staff to conduct an in-home safety assessment by providing access to each room in the primary residence of the relative applicant and each surrounding building and structure on the property of the relative applicant unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual. ¶

(d) Allow Department staff to have face-to-face contact with all members of the relative applicant's household. ¶

(e) Provide personal, family, and social history information to the Department. ¶

(f) Provide information about any current or previous licenses, certifications, or applications for relative care, foster care, child care, adoption, guardianship, or any other types of services for vulnerable individuals including adult caregiving. Information must include the organization's name and any denials, suspensions, revocations, or terminations. ¶

(g) Allow the Department, at its discretion, to gather information regarding juvenile court involvement or law enforcement contacts of any child who lives in the household when the Department determines there is reason to believe that the child may pose a risk to a child in the care or custody of the Department and, if requested, authorize disclosure of the records regarding such information to the Department. ¶

(2) Each relative applicant and each other adult member of the household must have face-to-face contact with a Department certifier and must provide: ¶

(a) Information regarding criminal involvement, including arrests and convictions regarding any relative applicant or other member of the household; ¶

(b) Consent to a criminal records check as described in OAR 413-120-0400 to 413-120-0475 ¶

(c) Information regarding any previous allegations of child abuse; and ¶

(d) Upon request, authorization for the Department to contact and obtain information from an individual or organization by signing a Department Authorization for Use and Disclosure of Information so the Department may complete a thorough background check of the relative applicant or adult member of the household. If applicable, authorization for the Department to disclose any information obtained as necessary during the certification process, including disclosure to the Office of Administrative Hearings or the juvenile court. ¶

(3) A relative applicant and a relative resource parent must: ¶

(a) Have supportive relationships with adults and children living in the home. ¶

(b) Exercise sound judgment and demonstrate responsible, stable, emotionally mature behavior; ¶

(c) Maintain conditions in the home that provide for the safety, health, and well-being for the child in the care or custody of the Department placed in their home and be able to meet the safety, health, attachment, and well-being needs for that child; ¶

(d) Have a lifestyle and personal habits free of criminal activity, and abuse or misuse of alcohol or drugs; ¶

(e) Allow the department to conduct a home environment check; ¶

(f) Understand and agree to department discipline requirements; ¶

(g) Possess the ability to apply the reasonable and prudent parent standard when determining whether to allow a child in the care or custody of the department to participate in extracurricular, enrichment, cultural, and social activities; ¶

(h) Ensure the child in the care or custody of the department placed with the ~~certified~~ relative resource parent is taught age-appropriate health and hygiene practices and is given the opportunity to practice good hygiene; ¶

(i) Have the physical and mental capacity to care for a child in the care or custody of the department. Upon request, be willing to ~~provide copies of medical reports from a health care professional~~ authorize information to be shared with and by medical and mental health providers; ¶

(j) Respect, accept and support the race, ethnicity, cultural identities, national origin, immigration status, sexual orientation, gender identity, gender expression, disabilities, spiritual beliefs, and socioeconomic status, of a child in the care or custody of the department and provide opportunities to enhance the positive self-concept and

understanding of the heritage of the child in the care or custody of the department; and¶¶

(k) Use reasonable efforts to prevent anyone from influencing any child regarding allegations in a judicial or administrative proceeding in which the family or legal guardian of the child or another individual may be involved.¶¶

~~(L) Possess the ability to apply the reasonable and prudent parent standard when determining whether to allow a child in the care or custody of the department to participate in extracurricular, enrichment, cultural, and social activities;¶¶~~

~~(m) Ensure the child in the care or custody of the department placed with the certified relative resource parent is taught age-appropriate health and hygiene practices and is given the opportunity to practice good hygiene;¶¶~~

~~(n) Have the physical and mental capacity to care for a child in the care or custody of the department. Upon request, be willing to provide copies of medical reports from a health care professional;¶¶~~

(4) A relative applicant may voluntarily withdraw the application by: ¶¶

(a) Completing a form provided by the Department; ¶¶

(b) Submitting a written request to the Department in a format of the relative applicant's choice; or ¶¶

(c) Making a verbal request to the Department. ¶¶

(5) An application may be considered to be withdrawn if, during the assessment process, the relative applicant fails to respond to a written request for contact from the Department within 30 days of the request.¶¶

~~(6) An application is considered withdrawn if a relative applicant moves to a new address prior to issuance of a Relative Temporary Certification of Approval the application is considered withdrawn, or if applying to be a potential adoptive resource, prior to issuance of an adoption home study.~~

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

RULE SUMMARY: OAR 413-203-0080 is being adopted and will set forth the "Standards Regarding the Home Environment" for the implementation of a new pathway to relative certification. This is based on new allowance from the federal government which has chosen Oregon as a pilot state to conduct this new program and provide this option.

CHANGES TO RULE:

413-203-0075

Requirements to Become and Remain a Relative Resource Parent

A relative applicant and a relative resource parent must:

- (1) Have supportive relationships with adults and children living in the home;
- (2) Exercise sound judgment and demonstrate responsible, stable, emotionally mature behavior;
- (3) Maintain conditions in the home that provide for the safety, health, and well-being for the child in the care or custody of the Department placed in their home and be able to meet the safety, health, attachment, and well-being needs for that child;
- (4) Have a lifestyle and personal habits free of criminal activity, and abuse or misuse of alcohol or drugs;
- (5) Allow the department to conduct a home environment check;
- (6) Understand and agree to department discipline requirements;
- (7) Possess the ability to apply the reasonable and prudent parent standard when determining whether to allow a child in the care or custody of the department to participate in extracurricular, enrichment, cultural, and social activities;
- (8) Ensure the child in the care or custody of the department placed with the certified relative resource parent is taught age-appropriate health and hygiene practices and is given the opportunity to practice good hygiene;
- (9) Have the physical and mental capacity to care for a child in the care or custody of the department. Upon request, be willing to provide copies of medical reports from a health care professional;
- (10) Respect, accept and support the race, ethnicity, cultural identities, national origin, immigration status, sexual orientation, gender identity, gender expression, disabilities, spiritual beliefs, and socioeconomic status, of a child in the care or custody of the department and provide opportunities to enhance the positive self-concept and understanding of the heritage of the child in the care or custody of the department; and
- (11) Use reasonable efforts to prevent anyone from influencing any child regarding allegations in a judicial or administrative proceeding in which the family or legal guardian of the child or another individual may be involved;
- (12) Possess the ability to apply the reasonable and prudent parent standard when determining whether to allow a child in the care or custody of the department to participate in extracurricular, enrichment, cultural, and social activities;
- (13) Ensure the child in the care or custody of the department placed with the certified relative resource parent is taught age-appropriate health and hygiene practices and is given the opportunity to practice good hygiene;
- (14) Have the physical and mental capacity to care for a child in the care or custody of the department. Upon request, be willing to provide copies of medical reports from a health care professional;
- (15) Respect, accept and support the race, ethnicity, cultural identities, national origin, immigration status, sexual orientation, gender identity, gender expression, disabilities, spiritual beliefs, and socioeconomic status, of a child in the care or custody of the department and provide opportunities to enhance the positive self-concept and understanding of the heritage of the child in the care or custody of the department; and
- (16) Use reasonable efforts to prevent anyone from influencing any child regarding allegations in a judicial or administrative proceeding in which the family or legal guardian of the child or another individual may be involved.

Statutory/Other Authority: 418.005, 409.050

Statutes/Other Implemented: 409.050

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0080

Standards Regarding the Home Environment

- (1) The home must be the primary residence of the relative applicant or relative resource parent and the residence where the child placed in the home ~~by the Department~~ must reside. ¶
- (2) The home must have adequate space, including space for safe and appropriate sleeping arrangements, for each member of the household. ¶
 - (a) Department staff must consider the age, gender, gender expression, and gender identity, culture, special needs, behavior, and history of abuse of the child in the care or custody of the Department, when determining appropriate sleeping arrangements. ¶
 - (b) Each child in the care or custody of the child must have access to their own bed and may not share a bed with an unrelated person. ¶
 - (c) Sharing the same sleep surface with a child in the care or custody of the Department under the age of 12 months is prohibited. ¶
 - (d) A child in the care or custody of the Department under the age of 12 months must be placed on their back for sleep, and must only sleep on a firm, flat surface. ¶
 - (e) Use of crib bumpers, pillows or other soft materials in the sleeping area of a child in the care or custody of the Department under the age of 12 months is prohibited. ¶
- (3) To respect the privacy of a child in the care or custody of the department the home may not use electronic monitoring. Electronic monitoring means the use of video monitoring or listening devices to monitor or record the behavior of a child in the care or custody of the department. Electronic monitoring does not include:¶
 - (a) Door monitors; ¶
 - (b) Window alarms; ¶
 - (c) Motion detectors;¶
 - (d) Security systems being used for general home security; ¶
 - (e) Audio or video baby monitors used to monitor a child in the care or custody of the department ~~placed by the Department~~ five years of age and under; or¶
 - (f) Monitors recommended by medical or mental health providers for medical purposes or for understanding emotional or behavioral health. Monitors must be approved by the Department. ¶
- (4) The ~~certified~~ relative resource parent must post and comply with the Foster Children's Bill of Rights as required by OAR 413-010-0170 to 413-010-0185 and have available in the home the Oregon Foster Children's Sibling Bill of Rights. The Oregon Foster Parent Bill of Rights under ORS 418.648, must be provided to the ~~certified~~ relative resource parent by the Department. ¶
- (5) The relative applicant or certified relative resource parent must have access to a working telephone to make and receive phone calls. The child in the care or custody of the department placed by the Department must have access to a phone and have the ability to call their CASA, attorney, Foster Care Ombudsman, or caseworker at any time. ¶
- (6) The relative applicant or ~~certified~~ relative resource parent must consider the age, special needs, and capabilities of the child in the care or custody of the department, and have necessary safeguards to assure that: ¶
 - (a) Swimming pools, wading pools, ponds, hot tubs and play equipment are maintained to assure safety, kept in working condition, equipped with sufficient safety barriers or devices to prevent injury, and used by a child in the care or custody of the department placed in the home with appropriate supervision for the age and development of the child in the care or custody of the Department; ¶
 - (b) Outdoor tools and equipment, machinery, chemicals, flammables, and combustibles are stored in a safe manner; ¶
 - (c) Animals are properly cared for; ¶
 - (d) Access of a child in the care or custody of the Department placed in the home to potentially dangerous animals is restricted; ¶
 - (e) Potentially dangerous hunting and sporting equipment are stored in a safe and secure manner inaccessible to a child in the care or custody of the Department placed in the home. ¶
- (7) Firearms must be secured, stored, transferred, and maintained in accordance with state law, including but not limited to ORS 166.392 to 166.403. ¶

- (a) ORS 166.395 generally requires a firearm in a home with a child to be secured with a trigger or cable lock, or in a locked container or in a gun room whenever the firearm is not carried by or under the control of the owner or possessor of the firearm or an authorized person, unless the owner of the firearm is a police officer, storage of the firearm is covered by a policy of the law enforcement agency employing the police officer, and the firearm is stored in compliance with the policy. ¶
- (b) ORS 166.403 requires a person who delivers or transfers a firearm to a child to directly supervise the child's use of the firearm, unless a firearm other than a hand gun is transferred to the child; ¶
- (A) In accordance with ORS 166.470 and, as a result of the transfer, the child is the owner of the firearm; or ¶
- (B) the firearm is temporarily transferred to a child by the child's parent or guardian or by another person with the consent of the child's parent or guardian for the purpose of hunting or target shooting. ¶
- (c) The ~~certified~~ relative resource parent must receive authorization from the caseworker of the child in the care or custody of the Department or the caseworker's supervisor prior to the beginning of hunting or target practice by the child in the care or custody of the Department placed in the home. ¶
- (8) The home must have the necessary equipment for the safe preparation, storage, serving, and clean-up of food. ¶
- (9) The home must have a safe, properly maintained, and operational heating system. Space heaters must be plugged directly into a wall outlet and must be equipped with tip-over protection. ¶
- (10) The home and furnishings must be clean and in good repair, and the grounds must be maintained. ¶
- (11) There must be no unsafe accumulation of garbage or debris. ¶
- (12) The home must have safe and adequate drinking water, and an adequate source of safe water to be used for personal hygiene. ¶
- (13) The home must have an operating bathroom. ¶
- (14) The ~~certified~~ relative resource parent must provide age, cultural and health appropriate hygiene products to the child in the care or custody of the Department placed in the home by the Department. ¶
- (15) There must be provision for the safe storage and administration of all medications in the household, taking into consideration the age, developmental level, and needs of the child in the care or custody of the Department placed in the home. ¶
- (16) There must be easily accessible first aid supplies in the home, and a reasonable understanding of how to use such supplies. ¶
- (17) A child in the care or custody of the Department placed in the home may not be exposed to any type of second-hand smoke or vapor in the certified relative resource parent's home or vehicle; ¶
- (18) An applicant or other member of the household may not provide a child in the care or custody of the Department placed in the home any form of the following: vaping devices, alcohol, tobacco, nicotine, marijuana, or any illegal substance. ¶
- (19) All products referenced in paragraph (18) of this subsection must be stored in a safe and secure manner inaccessible to a child placed in the home. ¶
- (20) The home must have all of the following: ¶
- (a) A working smoke alarm in each bedroom where a child placed in the home in the care or custody of the Department sleeps. ¶
- (b) At least one working smoke alarm on each floor of the home. ¶
- (c) A working carbon monoxide detector within 15 feet of each bedroom where a child placed in the home in the care or custody of the Department sleeps. ¶
- (d) At least one working carbon monoxide detector on each floor. ¶
- (e) At least one operable fire extinguisher rated 2-A:10-B-C or higher. ¶
- (f) At least one means of emergency exit and at least one additional means of rescue from the home. ¶
- (g) An adequate safeguard around operating fireplaces, wood stoves, or other heating systems that may cause burns to a child placed in the home in the care or custody of the Department who is developmentally unable to reasonably follow safety rules regarding such devices. ¶
- (h) A written, comprehensive home evacuation plan, shared with each child placed in the home in the care or custody of the Department within 24 hours of placement, and practiced at least every six months. The written, comprehensive home evacuation plan must include a provision for the safe exit of a child placed in the home by in the care or custody of the Department who is not capable of understanding or participating in the evacuation plan. ¶
- (i) Operable, quick-release mechanisms on barred windows. If a home does not have operable quick-release mechanisms on all barred windows, the home evacuation plan required in paragraph (h) of this subsection must be approved by the Department. ¶
- (j) Interior doors that lock must be operable from both sides of the door. ¶
- (21) Each bedroom used by a child placed in the home in the care or custody of the Department must have: ¶
- (a) At least one unrestricted exit; ¶

(b) At least one secondary means of exit or rescue; ¶

(c) Smoke alarms required under paragraph (a) of this section; and ¶

(d) Unrestricted, direct access at all times to hallways, corridors, living rooms, or other such common areas. ¶

(22) A relative applicant or relative resource parent must have available, and be willing to use, a safe and reliable method of transportation and must provide proof of a valid driver license and current insurance for anyone in the home who be driving a child ~~placed in the home by~~ in the care or custody of the Department. ¶

(23) A relative resource parent must ensure that only a licensed and insured driver transport a child placed in the home by the Department in motorized vehicles and that the child uses a seat belt or age and size appropriate safety seat when transported in motorized vehicles. An instrument of restraint other than a seat belt or age and size appropriate safety seat may not be used during the transportation of a child in the care or custody of the Department. ¶

(24) Written authorization from the Department must be received by the ~~certified~~ relative resource family 90 days prior to transporting, or authorizing transport of a child in the care or custody of the Department out of the State of Oregon or outside the United States.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0085

Care of a Child Placed in the home of a Certified Relative Resource Parent

A ~~certified~~ relative resource parent must: ¶

- (1) Incorporate care-giving practices that are positive and utilize non-punitive discipline and ways of helping a child in the care or custody of the Department placed with the certified relative resource parent build positive personal relationships, self-control, and self-esteem; ¶
- (2) Ensure the child in the care or custody of the Department placed ~~by~~ in the ~~Department~~ home is taught age-appropriate health and hygiene practices and is given the opportunity to practice good hygiene; ¶
- (3) Ensure the child in the care or custody of the Department placed with the ~~certified~~ relative resource parent has regular, ongoing opportunities to engage in age-appropriate or developmentally appropriate activities, including extracurricular, enrichment, cultural, and social activities; ¶
- (4) Respect and support the Department's efforts to develop and maintain the relationships of the child in the care or custody of the Department placed with the ~~certified~~ relative resource parent with their parents, their siblings, their relatives, and any other significant individual in the life of the child in the care or custody of the Department; ¶
- (5) Work in partnership with the Department to identify the strengths and meet the needs of each child in the care or custody of the Department placed with the ~~certified~~ relative resource parent; ¶
- (6) Follow Department direction and comply with prescribed services and activities in the case plan, including, but not limited to supervision plans, personal care services plans, ~~visitation~~ family time plans, transition plans, and restrictions for each child in the care or custody of the Department placed with the ~~certified~~ resource parent; ¶
- (7) Provide adequate clothing that is age-appropriate and meets the cultural and gender identity and gender expression of the child in the care or custody of the Department; ¶
- (8) Follow through with any placement support plan; and ¶
- (9) Use reasonable efforts to prevent anyone from influencing any child regarding allegations in a judicial or administrative proceeding in which the family or legal guardian of the child or another individual may be involved. ¶
- (10) Assure when a child in the care or custody of the Department leaves the ~~certified~~ relative resource parent, the belongings, both those brought with the child and those obtained while living in the home, remain with the child. ¶
- (11) When a child in the care or custody of the Department placed in the home is missing, immediately report to: ¶
 - (a) Law enforcement; ¶
 - (b) The National Center for Missing and Exploited Children; and ¶
 - (c) The Department. ¶
- (12) Not subject any child to abuse, as described in ORS 419B.005 and 418.257.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

AMEND: 413-203-0090

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0090

Requirements Regarding the Education of a Child

(1) The ~~certified~~ relative resource parent must comply with the following requirements related to the education of the child in the care or custody of the Department placed in the home unless the child is the educational decision maker: ¶

(a) Enroll the child in their school or educational placement when directed by the Department. The Department must authorize enrollment of the child for any school placement not authorized by the child's Individualized Education Plan (IEP) team. ¶

(b) Support the child in their school or educational placement and respond to inquiries from the school or educational placement. ¶

(c) Assure the child regularly attends the school or educational placement, monitor the educational progress of the child, and share the following information with the caseworker in a timely manner: ¶

(A) The report cards of the child; ¶

(B) Any reports received from the teacher, school, or educational placement; ¶

(C) Any evaluations received as a result of educational testing or assessment; including the Individualized Education Plan (IEP) or Individualized Family Service Plan (IFSP); ¶

(D) If the school has identified suicidal ideation or self-harming behaviors; ¶

(E) Any excused and unexcused absences; ¶

(F) Disciplinary reports and notices of restraint or seclusion regarding the child; and ¶

(G) Ongoing progress toward high school graduation of the child, including number of credits earned and diploma type the child is expected to receive; ¶

(d) Monitor and share with the caseworker in a timely manner the educational successes, learning style, and potential learning difficulties of the child. ¶

(e) Work with the caseworker of the child when referring the child for assessment of a possible disability. ¶

(f) Inform the caseworker of and invite the caseworker to Individualized Education Plan (IEP) meetings, school conferences, and other school-related meetings. ¶

(2) The ~~certified~~ relative resource parent may consent for the child in the care or custody of the Department to attend school related activities such as, but not limited to, school enrollment, field trips within the state of Oregon, routine social events, sporting events, photographs, and cultural events. ¶

(3) When the ~~certified~~ relative resource parent has been identified as the parent by the school district, the ~~certified~~ relative resource parent may consent to evaluation for an Individualized Education Plan (IEP), Family Service Plan (IFSP) or 504 plan and special education decisions. ¶

(4) When the child in the care or custody of the Department placed in the home has been assigned a surrogate parent to make special education decisions, the certified relative resource parent must work in collaboration with the surrogate for an IEP, IFSP, 504 plan special education decisions, and abbreviated school day decisions.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

AMEND: 413-203-0095

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0095

Requirements Regarding Extracurricular, Enrichment, Cultural, and Social Activities ¶

(1) In regard to the child in the care or custody of the Department placed in the home, the ~~certified~~-relative resource parent must:¶

(a) Support the child in their interests to participate in age-appropriate or developmentally appropriate activities, including extracurricular, enrichment, cultural, and social activities. ¶

(b) Ensure the child has ongoing opportunities to participate in at least one age-appropriate or developmentally appropriate activity. ¶

(c) Apply the reasonable and prudent parent standard, as well consulting with the child's caseworker when determining whether to allow the child in the care or custody of the Department placed in the home to participate in extracurricular, enrichment, cultural, and social activities.¶

(d) Periodically update the Department regarding participation by the child in extracurricular, enrichment, cultural, and social activities, including any barriers that may keep the child from participation in such activities.¶

(2) When applying the reasonable and prudent parent standard, the ~~certified~~-relative resource parent must consider the age, maturity, and developmental level and best interest of a child in the care or custody of the Department placed in the home; and the potential harm, if any, of the activity.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0100

Requirements Regarding the Discipline of a Child

- (1) The ~~certified~~ relative resource parent must demonstrate a willingness to understand the behaviors of a child in the care or custody of the Department and have the ability to develop and use appropriate discipline strategies to address challenging behaviors. ¶
- (2) The ~~certified~~ relative resource parent must not do any of the following to a child in the care or custody of the Department: ¶
- (a) Use or threaten physical force. ¶
 - (b) Use threats or intimidation. ¶
 - (c) Withhold food or other items essential to protection, safety, or well-being. ¶
 - (d) Discipline all children in the household for the misbehavior of one child. ¶
 - (e) Use intentional infliction of physical force causing pain. ¶
 - (f) Use derogatory remarks about the child or the family characteristics, physical traits, culture, ethnicity, language, immigration status, sexual orientation, gender identity and expression, or traditions of the child. ¶
 - (g) Deny, or threaten to deny, visits, telephone contact, or other types of contact with an individual authorized in a visit and contact plan, including contacts and visits with siblings. ¶
 - (h) Assign extremely strenuous exercise or work. ¶
 - (i) Use or threaten the use of a restraint or restraining devices. Restraining devices do not include a vehicle safety restraint such as a seat belt or age and size-appropriate safety seat, when used in accordance with the manufacturer's instructions. ¶
 - (j) Impose a sanction, penalty, consequence, or reprimand for bed-wetting, toileting accidents, or during toilet training. ¶
 - (k) Direct or permit a child to punish or discipline another child. ¶
 - (~~l~~) Threaten removal from the ~~certified~~ relative resource parent home. ¶
 - (m) Force or require a shower or bath as a consequence, or reprimand. ¶
 - (n) Impose extreme isolation that restricts the ability to talk with or associate with others. ¶
 - (o) Lock in a room or outside of the home. ¶
 - (p) Reprimand or discipline in any manner due to the child discussing their child welfare experience, including the child's experience in the home of the ~~certified~~ relative resource parent. ¶
- (3) A relative resource parent may not subject any child to abuse, as described in ORS 419B.005, 418.257 and OAR 413- 015-0115. ¶
- (4) A relative resource parent may use devices such as a high chair, play pen, and crib within the manufacturer guidelines in accordance with the age and developmental level of the child in the care or custody of the Department. ¶
- (5) The relative resource parent may use a time-out only for the purpose of giving the child in the care or custody of the Department placed in the home a short break from the situation. The ~~certified resource~~ relative parent must take into consideration the age and developmental level of the child in determining the length of a time-out and the child must be in a setting from which the child is not prevented from leaving by any means. ¶
- (6) The relative resource parent must notify and request assistance of the Department when the challenging behavior of a child in the care or custody of the Department placed in the home may be beyond the ability of the relative resource parent to discipline in a positive manner.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0105

Requirements Regarding the Medical, Dental, and Mental Health Care of a Child

- (1) In addressing the health care for a child in the care or custody of the Department placed in the home, the relative resource parent must: ¶
 - (a) Work collaboratively with the Department in managing the health care needs of the child which may include involving a parent of the child in medical, dental, and mental health appointments; ¶
 - (b) Regularly exchange medical, dental, and mental health information of the child with the Department; ¶
 - (c) Work collaboratively with providers in managing the medical, dental, and mental health needs of the child; and ¶
 - (d) Maintain health care documentation for each child, including: ¶
 - (A) Medical, dental, and mental health appointments; ¶
 - (B) Medical, dental, and mental health information; ¶
 - (C) Medical, dental, and mental health appointment follow-up reports; and ¶
 - (D) Immunization records. ¶
- (2) A ~~certified~~ relative resource parent must comply with the Department's direction on obtaining medical, dental, and mental health care for a child in the care or custody of the Department placed in the home. ¶
- (3) A ~~certified~~ relative resource parent may consent to routine examinations and laboratory tests. ¶
- (4) A ~~certified~~ relative resource parent must follow the Department's direction regarding vaccination and immunization of a child in the care or custody of the Department placed in the home, in accordance with the case plan. ¶
- (5) Except as provided in section (6) of this rule, the relative resource parent must contact the caseworker of a child to obtain appropriate prior consent from the Department before a child in the care or custody of the Department placed in the home receives any medical care or undergoes a procedure, other than routine medical care. ¶
- (6) In an emergency, a relative resource parent must notify the Department as soon as possible after accessing emergency care. ¶
- (7) A relative resource parent must comply with the following medication management requirements below: ¶
 - (a) Medications must be provided to a child in the care or custody of the Department in the home, only for the medication's labeled purpose, and within the labeled dosage. ¶
 - (b) Prescription medications must be administered to a child in the care or custody of the Department placed in the home, only in accordance with the written prescription or authorization from a medical provider. ¶
 - (c) The dosage, date, and time of all medication administered must be documented on the medication form provided by the Department. When medication is given, at school or child care or similar setting, the medication form from that setting must be attached to the Department form. ¶
 - (d) The medication form, with any attachments, must be submitted monthly to the caseworker. ¶
 - (e) Inform the caseworker or the supervisor of the caseworker within one business day when a child in the care or custody of the Department placed in the home is prescribed a psychotropic medication or the dosage of any existing prescription for psychotropic medication is changed, as required by OAR 413-070-0470. ¶
 - (f) Begin administration of any psychotropic medication only after authorization has been obtained from the Department pursuant to OAR 413-070-0470 ¶
 - (g) Maintain the documentation received from the caseworker when a child in the care or custody of the Department is prescribed a psychotropic medication or when the dosage of any existing prescription for a psychotropic medication is changed. ¶
- (8) The relative resource parent must provide for the safe storage and administration of all medications in the household, taking into consideration the age, development level, and needs of the child in the care or custody of the Department placed in the home. ¶
- (9) When a child in the care or custody of the Department placed in the home is learning their own medication management, a specific plan may be created for that child to have access to their own medication. ¶
- (10) The relative resource parent must comply with the personal care services plan for any child in the care or custody of the Department placed in the home and eligible for personal care services pursuant to OAR 413-090-0100 to 413-090-0210.

Statutory/Other Authority: ORS 418.005, ORS 409.050
Statutes/Other Implemented: ORS 409.050

AMEND: 413-203-0110

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0110

Responsibilities and Notification Requirements for Selection and Use of Respite Care Providers, and Child Care

(1) Informal Respite Providers: When identifying prospective informal respite care providers for a child in the care or custody of the Department placed in the home, the relative resource parent must:¶

(a) Select prospective informal respite care providers who:¶

(A) Are at least 18 years of age;¶

(B) Are capable of assuming supervision responsibilities, including meeting the child's safety, health, and well-being needs; and ¶

(C) Understand the requirement to comply with OAR 413-203-0105 regarding discipline.¶

(b) Provide to the certifier the names, addresses, and telephone numbers of the prospective informal respite care providers and receive Department approval prior to using the informal respite care provider. ¶

(c) Ensure that informal respite care is no longer than 14 consecutive days, unless prior authorization for a greater period of time has been granted by the Department.¶

(2) Child Care:¶

(a) A relative resource parent may use a child care facility for a child in the care or custody of the Department placed in the home and must notify the Department in advance of using the child care facility.¶

(b) If a prospective child care provider is not a child care facility, the relative resource parent must select individuals who:¶

(A) Are at least 18 years of age;¶

(B) Are capable of assuming supervision responsibilities, including meeting the child's safety, health and well-being needs;¶

(C) Understand the requirement to comply with OAR 413-203-0105; and¶

(D) Are not required to be licensed or approved under the Department of Early Learning and Care.¶

(c) A relative resource parent must provide to the certifier the names, addresses, and telephone numbers of the prospective child care providers and receive Department approval prior to using the child care provider.¶

(3) General Provisions for Respite Care and Child Care:¶

(a) The relative resource parent must have an available method through which the relative resource parent may be contacted in an emergency.¶

(b) A ~~certified~~ relative resource parent must receive Department approval to provide certified respite care for another child in the care or custody of the Department.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

AMEND: 413-203-0120

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0120

Confidentiality

(1) The relative resource parent must exercise good judgment in sharing personal information about a child in the care or custody of the Department placed in the home and the family of the child. The relative resource parent must store documents in a way that protects the privacy of the child in the care or custody of the Department and their family.¶

(2) The relative resource parent may not disclose confidential information regarding a child in the care or custody of the Department placed in the home or the family of the child, except when necessary to promote or to protect the health and welfare of the child in the care or custody of the Department placed in the home or the community.¶

(3) Social Media/Image: When utilizing social media, a relative resource parent may not identify any child in the care or custody of the Department placed in the home, and that child's photo may not be tagged.¶

(4) A relative resource parent must follow the Department's direction in disclosure of photos or images to be used outside of subsection (3) of this rule.

Statutory/Other Authority: ORS 409.050, ORS 418.005

Statutes/Other Implemented: ORS 409.050

AMEND: 413-203-0125

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0125

Other Required Notifications

(1) A relative resource parent must immediately notify the certifier or certification supervisor of the following information and events: ¶

(a) Any anticipated change in address. ¶

(b) Any anticipated extended absence of a relative resource parent, including but not limited to separation, divorce, or travel for work. ¶

(c) Any physical or structural change in the home or surrounding property. ¶

(d) Any known allegation of child abuse perpetrated by the relative resource parent or any other member of the household, or any individual who frequents the home of the relative resource parent. ¶

(e) Any time another agency plans to place a child in the home of the certified relative resource parent. ¶

(f) Any other circumstance that reasonably could affect the safety, health, or well-being of a child in the care or custody of the Department placed by the Department in the home. ¶

(2) A relative resource parent must notify the certifier or certification supervisor of the following information and events prior to or within one business day of the relative resource parent learning of the information or event: ¶

(a) An individual joins or leaves the household. ¶

(b) The suspension of a driver license of the relative resource parent or other member of the household if that member is responsible for transporting a child in the care or custody of the Department. ¶

(c) Any change in the physical health, mental health, or medication of a member of the household that reasonably could affect the safety, health, and well-being of a child the care or custody of the Department placed in the home. ¶

(d) Any time the relative resource parent or other member of the household intends to provide in-home child care, adult foster care, or in-home adult day care. ¶

(e) Any arrest or court conviction for a relative resource parent or other member of the household. ¶

(3) A relative resource parent must notify the caseworker or caseworker's supervisor of any suicidal ideation, significant behavioral changes, injury, or illness to a child in the care or custody of the Department placed in the home as soon as the relative resource parent learns of the information.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

AMEND: 413-203-0135

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0135

Requirements Regarding Visits in the Certified Resource Parent's Home

For purposes of assessing the conditions in the home that affect safety, health, and well-being of the child in the care or custody of the Department placed in the home, a ~~certified~~ relative resource parent must:¶

- (1) Allow on-going in-home visits, both scheduled and unscheduled, by Department staff;¶
- (2) Allow Department staff unsupervised contact with the child in the care or custody of the Department placed in the home; and¶
- (3) Allow Department staff access to each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050

AMEND: 413-203-0145

RULE SUMMARY: Division 203, which defines relative certification, is being updated to use clearer language that follows the Department's writing standards, supports the accurate language of the federal relative certification pilot program, and promotes the Department's principles of fairness and equity.

CHANGES TO RULE:

413-203-0145

Requirements Regarding Contested Case Hearings

(1) When the Department denies an application for certification or revokes certification, the relative applicant or relative resource parent has a right to request a contested case hearing under this rule. A relative applicant who is denied approval as a potential adoptive applicant for one or more of the reasons in OAR 413-120-0225(2) does not have a right to request a contested case hearing and, instead OAR 413-120-0225 applies.¶

(2) A relative applicant ~~for certification~~, may request a contested case hearing when the Department has mailed a proposed and final order denying the application. ¶

(3) A relative resource parent may request a contested case hearing when the Department has mailed a proposed and final order revoking certification. ¶

(4) A relative resource parent, or a relative applicant ~~for certification~~, may request a contested case hearing, as provided in OAR 413-020-0500, 413-010-0505 and OAR 413-120-0460. ¶

(5) If the Department does not receive a request for a contested case hearing within 30 days of the date the Department mailed the proposed and final order of denial or revocation, the relative resource parent or relative applicant has waived the right to a hearing, except as provided in OAR 413-010-0505. ¶

(6) Department actions when a contested case hearing is timely requested, but such request is subsequently withdrawn are outlined in OAR 413-010-0530.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.050