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PERMANENT ADMINISTRATIVE ORDER

CWP 68-2026

CHAPTER 413
DEPARTMENT OF HUMAN SERVICES
CHILD WELFARE PROGRAMS

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FILING CAPTION: Updating Language to Reflect Recent Court Decision Affecting Oregon's Foster Care Eligibility Rules.

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RULES:
413-200-0260, 413-200-0275, 413-200-0289, 413-200-0308, 413-200-0335, 413-200-0358, 413-200-0379, 413-203-0000, 413-203-0040, 413-203-0070, 413-203-0080, 413-203-0100, 413-205-0000, 413-205-0015, 413-205-0035, 413-205-0050

AMEND: 413-200-0260

RULE TITLE: Definitions

NOTICE FILED DATE: 06/29/2026

RULE SUMMARY: Adding clarification for the statutes that define a "resource parent". Resource parent is Oregon's term for "foster parent".

RULE TEXT:
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) "Cohabitating" 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 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. A “relative resource parent” is a “relative caregiver” as that term is used in ORS chapter 418.
(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. In these rules, a resource parent is a foster parent under ORS 418.016, 418.625, 418.640 and 418.648.
(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: 413-200-0275

RULE TITLE: Assessment for Issuance of a Temporary Certificate of Approval

NOTICE FILED DATE: 06/29/2026

RULE SUMMARY: Adding language about existing relationship as a previously certified respite provider for applicants, updating numbering, and removing language regarding specific circumstances for the issuance of a temporary certificate of approval.

RULE TEXT:
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 applicant's employment with the Department;
(b) The applicant is a former resource parent, relative resource parent, or respite provider for the child;
(c) The applicant is a former certified or licensed resource parent, or relative resource parent, with a skill set or knowledge to meet the needs of the child requiring placement; or
(d) 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.
(2) 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) The applicant has an existing relationship as a previously certified respite provider and will continue to provide respite services to that child pending issuance of the Certificate of Approval or Child Specific Certificate of Approval.
(C) 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.
(D) An applicant or other member of the household provides foster care or day care to adults in the home.
(E) 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.
(F) 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 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 413-208-0000 to 413-208-0035. 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 413-208-0000 to 413-208-0035.
(A) Assess the fitness of each applicant and each other member of the household pursuant to OAR 413-208-0015 and 413-208-0020;
(B) If appropriate, obtain approval pursuant to OAR 413-208-0015 and 413-208-0020 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 413-208-0015(3) or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department must proceed under OAR 413-208-0030 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.
(3) 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

AMEND: 413-200-0289

RULE TITLE: Responsibilities Regarding Withdrawal of an Application, Termination of a Certification

NOTICE FILED DATE: 06/10/2026

RULE SUMMARY: Adding a specific certificate of approval that the Department may terminate under specific circumstances, and updating reference numbering.

RULE TEXT:
(1) When an applicant requests to withdraw their application for certification or adoption under OAR 413-200-0314, the certifier must document their communication regarding the applicant's request.
(2) An application may be considered to be 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.
(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 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 resource parent, notify the resource parent of the date the certificate was terminated and document the reasons for termination of the certificate; or
(b) If the Department intends to revoke the certificate, determine with a Child Welfare Program Manager or designee whether to accept the request to terminate the certificate or continue with the revocation process, inform the resource parent of the Department's decision, and document the Department's decision regarding the resource parent's request.
(5) The Department must terminate a Temporary Certificate of Approval or a Child-Specific Non-Relative Certificate of Approval on the expiration date of the Certificate, or 60 calendar days after the child placed in the home moves from the home of the resource parent, whichever is earlier, 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 from a Child-Specific Non-Relative Certificate of Approval to a Certificate of Approval under section (8) and (9) of this rule within 60 calendar days of the departure of the specific child from the home.
(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;
(d) The Department determines the child placed in the home is removed because the resource parent cannot provide for the safety, health, or well-being needs of the child placed in the home and has violated one or more rules under OAR 413-200-0301 to 413-200-0396; or
(e) OAR 413-200-0296(3) applies.
(6) The Department may terminate a Temporary Certificate of Approval, or a Child Specific Non-Relative Certificate of Approval, 60 calendar days after issuance if the specific child is not placed in the home.
(7) When the Department determines that subsection (5)(d) of this rule applies, the Department must determine whether to revoke the Temporary Certificate of Approval or Child Specific Non-Relative Certificate of Approval.
(a) 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.
(b) If the decision is not to revoke, the Department may terminate the certificate.
(8) When a resource parent with a Temporary Certificate of Approval seeks to change the type of certificate to a Certificate of Approval, and when the individual or individuals who hold the Temporary Certificate of Approval remain the same, the certifier must:
(a) Update the application to reflect the accurate applicant type;
(b) Ensure all activities under OAR 413-200-0274 are complete before issuing a Certificate of Approval; and

(c) If a fitness determination had previously been made, assure completion of a new fitness determination under OAR 413-208-0015.
(9) When a resource parent with a Child-Specific Non-Relative Certificate of Approval seeks to change the type of certificate to a Certificate of Approval, and when the individual or individuals who hold the Child-Specific Non-Relative Certificate of Approval remain the same the certifier must:
(a) Provide the resource parent with an application change from a Child-Specific Non-Relative Certificate of Approval to a Certificate of Approval;
(b) Assess the family's ability to provide for the safety, health, and well-being needs of a non-specific child in the care or custody of the Department pursuant to the requirements of OAR 413-200-0274 and the resource parent's compliance with OAR 413-200-0301 to 413-200-0396;
(c) Document the assessment in the provider record; and
(d) If a fitness determination had previously been made, assure completion of a new fitness determination under OAR 413-208-0015.
(10) Before the Department may change the type of certificate under sections (8) and (9) of this rule, a certification supervisor must:
(a) Assure the certifier has completed all activities required by section (8) and (9) of this rule;
(b) Review the certifier's assessment of the resource parent; and
(c) Determine, upon completion of the review in subsection (b) of this section, whether to approve or not approve the resource parent's application to change the Child-Specific Non-Relative Certificate of Approval to a type of certificate that does not limit the family to care for a specific child.
(11) If the certification supervisor decides to approve the resource parent's application to change the Child-Specific Non-Relative Certificate of Approval to a type of certificate that does not limit the resource parent to care for a specific child in care, the Department must issue a Certificate of Approval with the same end date as the current certificate to the resource parent.
(12) If the certification supervisor decides not to approve the resource parent's application to change the type of certificate to one that does not limit the family to care for a specific child, the Department must proceed to issue a proposed and final order to deny the application as outlined in OAR 413-200-0296 unless the resource parent voluntarily withdraws the application as provided in OAR 413-200-0314.
(13) No child in the care or custody of the Department may remain in the home if there is not an active certificate or the Department has taken an action to revoke certification, unless a court has ordered the child to remain in the home.

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

AMEND: 413-200-0308

RULE TITLE: Personal Qualifications of Applicants and Resource Parents

NOTICE FILED DATE: 06/10/2026

RULE SUMMARY: Removing respect, accept, and support language pertaining to race, ethnicity and other identities as determined by the recent Ninth Circuit Court decision.

RULE TEXT:
(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; and
(k) 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 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

AMEND: 413-200-0335

REPEAL: Temporary 413-200-0335 from CWP 52-2026

RULE TITLE: Standards Regarding the Home Environment

NOTICE FILED DATE: 06/10/2026

RULE SUMMARY: Adding stronger language regarding safe sleep considerations.

RULE TEXT:
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, and level surface. The use of inclined sleepers and infant loungers for sleep is prohibited and may only be used when the child is closely supervised.
(E) Use of crib bumpers, weighted sleep products, 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.
(F) Notwithstanding subsections (D) and (E) of this rule, an alternative sleep arrangement may be permitted when an infant has a medical condition that warrants such an arrangement, and a licensed, board□certified medical doctor, nurse practitioner, or physician assistant who is responsible for the infant's care recommends the alternative arrangement in writing. The Department may require a second medical opinion and may require the recommending physician to explain the medical basis for their recommendation.
(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 and the Oregon Foster Children's Sibling Bill of Rights provided by the Department. 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 a 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: 413-200-0358

RULE TITLE: Requirements Regarding the Discipline and Treatment of a Child

NOTICE FILED DATE: 06/10/2026

RULE SUMMARY: Clarifying the title language, and enhancing language about what the resource parent must not do to a child in the care or custody of the Department.

RULE TEXT:
(1) The resource parent must demonstrate a willingness to understand the meaning of the child's behaviors and have the ability to develop and use appropriate discipline strategies to address challenging behaviors.
(2) The 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) Make derogatory remarks, messages, or other communications to the child or the child's family regarding the child or the child’s family characteristics or traditions, physical traits, race, culture, ethnicity, language, immigration status, sexual orientation, gender identity and expression, disabilities or spiritual beliefs.
(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 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 resource parent.
(3) A resource parent or relative resource parent may not subject any child to abuse, as described in ORS 419B.005, 418.257 and OAR 413-015-0115.
(4) The 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 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 resource 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 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 resource parent to discipline in a positive manner.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 418.005, ORS 418.640

STATUTES/OTHER IMPLEMENTED: 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

AMEND: 413-200-0379

RULE TITLE: Education and Training for Applicants and Resource Parents

NOTICE FILED DATE: 06/29/2026

RULE SUMMARY: Adding language that clarifies how often resource parents must complete approved trainings.

RULE TEXT:
(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 the Department or 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) Each resource parent must complete 30 hours of approved training each 2 year certification period. 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: 413-203-0000

RULE TITLE: Definitions

NOTICE FILED DATE: 06/29/2026

RULE SUMMARY: Updating language to reflect recent court decision affecting Oregon’s foster care eligibility rules.

RULE TEXT:
(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 a 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) "Cohabitating" 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. "Member of the household" means any adult or child living in the home excluding a child in the care or custody of the Department.
(24) “Orientation” means a training provided by the Department to 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 a resource

parent, relative resource parent, potential adoptive resource, and certified 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 genetic relative of preceding generations denoted by the prefixes of grand, great, or great-great.
(B) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.
(C) 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 an 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 stepsibling.
(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 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 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 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 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 genetic relationship to the child or young adult as described in paragraphs (A) to (C) of subsection (a) of this section through the genetic parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or 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 resource 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 resource parent has cared for the child for at least 12 of the past 24 months; and
(iv) The Department or Tribe has approved the resource 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. A “relative resource parent” is a “relative caregiver” as that term is used in ORS chapter 418.
(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 in the care or custody of the Department. In these rules, a resource parent is a foster parent under ORS 418.016, 418.625, 418.640, and 418.648.
(37) "Respite Care" means an arrangement to relieve a family with an open child welfare case or a 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: 413-203-0040

RULE TITLE: Responsibilities Regarding Withdrawal of an Application, Denial or Termination of a Certificate of Approval

NOTICE FILED DATE: 06/10/2026

RULE SUMMARY: Adding the Relative Certificate of Approval to the list of Certificates the Department may terminate 60 calendar days after issuance if a relative child is not placed in the home.

RULE TEXT:
(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 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 Departments 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 certificate 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 or Relative 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 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 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 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 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 relative resource parent, violations of certification requirements, criminal activity in the 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 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 413-208-0015 or an authorized designee makes a negative fitness determination;
(h) The relative resource parent fails to follow through with a placement support plan.
(i) The Department determines a child has been removed because the 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 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 relative resource parent's certification and place the relative resource parent on Inactive Referral Status.

STATUTORY/OTHER AUTHORITY: ORS 418.005, ORS 409.050

STATUTES/OTHER IMPLEMENTED: ORS 409.050

AMEND: 413-203-0070

RULE TITLE: Requirements to Become and Remain a Certified Relative Resource Parent

NOTICE FILED DATE: 06/10/2026

RULE SUMMARY: Removing respect, accept, and support language pertaining to race, ethnicity and other identities as determined by the recent Ninth Circuit Court decision.

RULE TEXT:
(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 413-208-0000 to 413-208-0035.
(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 disclosure 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 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 authorize information to be shared with and by medical and mental health providers; and
(j) 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.
(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, 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

AMEND: 413-203-0080

REPEAL: Temporary 413-203-0080 from CWP 52-2026

RULE TITLE: Standards Regarding the Home Environment

NOTICE FILED DATE: 06/10/2026

RULE SUMMARY: Updating language to reflect recent court decision affecting Oregon’s foster care eligibility rules.

RULE TEXT:
(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 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, and level surface. The use of inclined sleepers and infant loungers for sleep is prohibited and may only be used when the child is closely supervised.
(e) Use of crib bumpers, weighted sleep products, 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.
(f) Notwithstanding subsections (D) and (E) of this rule, an alternative sleep arrangement may be permitted when an infant has a medical condition that warrants such an arrangement, and a licensed, board□certified medical doctor, nurse practitioner, or physician assistant who is responsible for the infant’s care recommends the alternative arrangement in writing. The Department may require a second medical opinion and may require the recommending physician to explain the medical basis for their recommendation.
(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 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 relative resource parent must post and comply with the Foster Children’s Bill of Rights and the Oregon Foster Children's Sibling Bill of Rights as required by OAR 413-010-0170 to 413-010-0185. The Oregon Foster Parent Bill of Rights under ORS 418.648, must be provided to the 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 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 a 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 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 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 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 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 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 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 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 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 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 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

AMEND: 413-203-0100

RULE TITLE: Requirements Regarding the Discipline and Treatment of a Child

NOTICE FILED DATE: 06/10/2026

RULE SUMMARY: Clarifying the title language and enhancing language about what the resource parent must not do to a child in the care or custody of the Department.

RULE TEXT:
(1) The 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 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) Make derogatory remarks, messages, or other communications to the child or the child's family regarding the child or the child's family characteristics or traditions, physical traits, race, culture, ethnicity, language, immigration status, sexual orientation, gender identity and expression, disabilities or spiritual beliefs.
(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 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 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 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

AMEND: 413-205-0000

RULE TITLE: Definitions

NOTICE FILED DATE: 06/10/2026

RULE SUMMARY: Clarifying language for what a "Resource Parent" means.

RULE TEXT:
The following definitions apply to OAR 413, Division 205.
(1) “Adult” means an individual 18 years of age or older who is not a child as defined in these rules.
(2) "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.
(3) "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.
(4) “Certified Respite Care” means respite care provided by a Certified Respite Provider, or relative resource parent, or resource parent that has been issued a two-year certificate of approval.
(5) “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.
(6) "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 parents, 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.
(7) 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).
(8) "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.
(9) "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.
(10) "Child protective services assessment" (or “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.
(11) "Cohabitating" means the act of adults, unmarried to each other, living together in an intimate relationship.
(12) "CPS worker" means an employee of Child Welfare who has completed the mandatory Child Welfare training for CPS workers.
(13) "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.
(14) "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."
(15) "Department" means the Oregon Department of Human Services.
(16) "Designee" means a person whom the designator directly and immediately supervises, or a person with equal or greater management responsibility than the designator.
(17) "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.
(18) "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 413-205-0000 to 413-205-0085.
(19) “Face-to-Face” means an in-person interaction between individuals.
(20) "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.
(21) "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.
(22) "Member of the household" means any adult or child living in the home excluding a child being served in their home through an open child welfare case, or a child in the care or custody of the Department.
(23) “Orientation” means a training provided by the Department to 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 a resource parent, relative resource parent, potential adoptive resource, and certified respite provider.
(24) "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.
(25) "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.
(26) 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. A “relative resource parent” is a “relative caregiver” as that term is used in ORS chapter 418.
(27) "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. In these rules, a resource parent is a foster parent under ORS 418.016, 418.625, 418.640 and 418.648.
(28) "Respite applicant" means a person who applies to become certified as a certified respite provider.
(29) "Respite care" means an arrangement to relieve a family with an open child welfare case or a certified resource family, or relative resource family of their responsibilities by a person temporarily assuming responsibility for the care and supervision of a child.
(30) “Respite Certificate of Approval” means a document the Department issues to a certified respite provider to provide care for a child being served in their home through an open child welfare case or a child in the care or custody of the Department.
(31) “Respite Episode” means a Department authorized period during which respite care services are provided by a certified respite provider, certified resource family, relative resource parent, or informal respite provider to a child being served through an open child welfare case or in the care or custody of the Department.
(32) "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.

STATUTORY/OTHER AUTHORITY: ORS 418.005, ORS 409.050, ORS 418.640

STATUTES/OTHER IMPLEMENTED: ORS 418.005, ORS 418.640, ORS 409.010, ORS 418.015, ORS 418.315, 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

AMEND: 413-205-0015

RULE TITLE: Department Responsibilities to Certify a Certified Respite Provider Applicant

NOTICE FILED DATE: 06/10/2026

RULE SUMMARY: Adding language that explains how the Department must assess and determine a respite applicant for approval or denial.

RULE TEXT:
To complete an assessment of an applicant and issue a respite certificate of approval the certifier must complete all of the following:
(1) Review the completed application;
(2) Have face-to-face contact with each respite applicant and each member of the household;
(3) Explain to the respite applicant the process and requirements for a Respite Certificate of Approval;
(4) Discuss with the respite applicant the role and responsibilities of the Department;
(5) Discuss the respite applicant's motivation for and interest in caring for a child in the role as a Certified Respite Provider;
(6) Assure the respite applicant possesses a valid driver license and auto insurance if the respite applicant will operate a motor vehicle with any child being served in their home through an open child welfare case or a child in the care or custody of the Department;
(7) Evaluate with the applicant, the children appropriate for respite in the home and respite care capacity.
(8) 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) An applicant or other member of the household provides child care in the home or is foster care provider licensed by another child-caring agency.
(b) An applicant or other member of the household provides foster care or day care to adults in the home.
(c) The applicant applies to be approved as a certified respite provider through a Department office other than the office in the county in which the family resides.
(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 413-205-0030(3)(b) applies.
(9) 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
(10) Gather information through 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 413-205-0035 and assess the conditions that appear to exist in the home that affect safety, health, and well-being for a child.
(11) Assure completion of 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 each respite applicant and all other adult members of the household;
(12) Assess the fitness of each certified respite applicant and each other member of the household pursuant to OAR 413-208-0000 and 413-208-0035;
(a) If appropriate, obtain approval pursuant to OAR 413-208-0005 and 413-208-0035 to continue with certification assessment of the certified respite applicant despite the criminal offender history of each applicant and each other member of the household; or
(b) If a certified respite applicant or other member of the household has a disqualifying conviction under OAR 413-208-

0015 (4) or (5) or the authorized designee makes a negative fitness determination with respect to the individual, the Department must proceed under OAR 413-205-0025(2) and OAR 413-208-0030, and issue a proposed and final order denying certification, unless the application is withdrawn by the applicant.
(c) Document the information considered and the decision on a form approved by the Department.
(13) Assure completion of a child abuse history background check for each respite 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 respite 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 a respite applicant or other member of the household, has been identified as the perpetrator, alleged perpetrator, or the respondent of abuse 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:
(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 assessment of the Certified Respite applicant.
(B) 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 under OAR 413-205-0025.
(C) The information considered, including the safety concerns assessed, and the decision must be documented on a form approved by the Department.
(14) Verify completion of the required Certified Respite Provider training;
(15) Gather information from a minimum of two personal references for the respite applicant, no more than one of which may be provided by the respite applicant's relatives; and
(16) Document the completion of the activities, on a form approved by the Department.
(17) If the certifier has completed all of the activities of this rule and the supervisor has approved the approval narrative, the Department may in the case of an applicant seeking certification, either:
(a) Issue a Respite Certificate of Approval for a two-year period, or
(b) Issue a Notice of Intent to deny Respite certification, unless the application is withdrawn by the applicant.
(18) The Department must asses a respite applicant and determine whether to approve that application or deny the application within 180 days of Department receipt of a completed application unless the application is withdrawn by the applicant.

STATUTORY/OTHER AUTHORITY: ORS 418.005, ORS 409.050, ORS 418.640

STATUTES/OTHER IMPLEMENTED: ORS 418.005, ORS 409.010, ORS 418.640, 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: 413-205-0035

RULE TITLE: Personal Qualifications of Respite Applicants and Certified Respite Providers

NOTICE FILED DATE: 06/10/2026

RULE SUMMARY: Removing respect, accept, and support language pertaining to race, ethnicity and other identities as determined by the recent Ninth Circuit Court decision.

RULE TEXT:
(1) Respite applicants have the burden of proving they possess the required qualifications to be approved as a Certified Respite Provider.
(2) A respite applicant must as determined by the Department pursuant to OAR 413-205-0000 to OAR 413-205-0085:
(a) Exercise sound judgment and demonstrate responsible, stable, emotionally mature behavior;
(b) Manage the home and personal life;
(c) Maintain conditions in the home that provide for the safety, health, and well-being for the child being served in their home through an open child welfare case or a child in the care or custody of the Department and be able to meet the safety, health, and well-being needs for that child;
(d) Have supportive relationships with adults and children living in the household and with others in the community
(e) Have a lifestyle and personal habits free of criminal activity, and abuse or misuse of alcohol or drugs; and
(f) Have the physical and mental capacity to care for a child being served in their home through an open child welfare case, or 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;
(g) Demonstrate an ability to learn and apply effective childrearing and behavior intervention practices focused on helping a child grow, develop, and build positive personal relationships and self-esteem;
(h) Assure that all members of the household, excluding a child being served in their home through an open child welfare care or 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 being served in their home with an open child welfare case or 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 a Respite Certificate of Approval, in addition to continuing to meet the personal qualifications listed in OAR 413-205-0035, a Certified Respite Provider must:
(a) Follow the department direction and that of the certified resource parent, relative resource parent or parent of the child being served in their home through an open child welfare case or in the care and custody of the department regarding care of the child and use positive non-punitive discipline;
(b) Follow agreed upon routines and schedules of the child or as provided by the certified resource parent, relative resource parent, or parent of a child who is being served in their home through an open child welfare case or in the case or custody of the department ; and
(c) Follow the case plan and/or the supervision plan (if applicable) provided by Department staff or the resource parent, relative resource parent or, parent
(d) 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 418.005, ORS 409.050, ORS 418.640, 45 CFR § 84.60, 45 CFR § 84.68, 28 CFR 35.130

STATUTES/OTHER IMPLEMENTED: ORS 418.005, ORS 409.010, ORS 418.640, Section 504 of the Rehabilitation Act, 29 USC § 794, ADA Subchapter II, 42 USC §§ 12131 – 12134, ORS 418.015, ORS 418.315, 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

AMEND: 413-205-0050

RULE TITLE: Requirements Regarding the Discipline and Treatment of a Child

NOTICE FILED DATE: 06/10/2026

RULE SUMMARY: Clarifying the title language and enhancing language about what the resource parent must not do to a child in the care or custody of the Department.

RULE TEXT:
(1) The respite applicant or Certified Respite Provider must demonstrate a willingness to understand the meaning of the child's behaviors and have the ability to develop and use appropriate discipline strategies to address challenging behaviors.
(2) The respite applicant or Certified Respite Provider must not do any of the following 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 receiving care in the home:
(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) Make derogatory remarks, message, or other communications to the child regarding the child's family characteristics or traditions, physical traits, race, culture, ethnicity, language, immigration status, sexual orientation, gender identity and expression, disabilities or spiritual beliefs;
(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 or during toilet training;
(k) Direct or permit a child to punish or discipline another child;
(l) Threaten removal from the Certified Respite Provider’s 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; or
(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 respite provider.
(3) The Certified Respite Provider may use a time-out only for the purpose of giving the child being served in their home through an open child welfare case or a child in the care or custody of the Department receiving care in the home a short break from the situation. The Certified Respite Provider must take into consideration the age and developmental level in determining the length of a time-out and the child must be in a seating from which the child is not prevented from leaving by any means.
(4) The certified respite provider 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.
(5) The Certified Respite Provider must notify and request assistance of the Department when the challenging behavior of a child being served through an open child welfare case or a child in the care or custody of the Department may be beyond the ability of the Certified Respite Provider to discipline in a positive manner while providing respite care.
(6) A certified respite provider may not subject any child to abuse, as described in ORS 419B.005, 418.257 and OAR 413-015-0115.

STATUTORY/OTHER AUTHORITY: ORS 418.005, ORS 409.050, ORS 418.640

STATUTES/OTHER IMPLEMENTED: ORS 418.005, ORS 409.010, ORS 418.640, ORS 418.015, ORS 418.315, 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