

# Section 5B. Relative families: Considerations and procedures for adoption

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## Priority: Placement of children with relatives and placement of siblings together

One of the department's first order of preference for adoptive placement of a child is placement with relatives and placing siblings together.

## Definitions of relatives, careful identification and prioritization of relatives

The agency's definitions of relatives to a child have become more complex.

Understanding which category that a proposed relative falls under is important, may open doors for some people, and limit opportunities for others in certain circumstances. The definition of "relative" is in OAR 413-070-0000 (74) and may be found at this [link](#). The policy reference is I-G.1.3 Adoption Applications, Adoption Home Studies, and Standards for Adoption.

When there are no current caretakers under consideration as an adoptive resource, relatives are divided into two levels for adoptive preference and consideration:

- Relatives who fall under the categories of (a), (b) and (c) have the highest priority of placement preference for the purpose of adoption. These generally are relatives related through blood, marriage or adoption.
- Relatives who fall under the category of (d) are a second level of priority after relatives (a), (b) and (c). These are relatives generally unrelated through blood, marriage or adoption, but whom the child or family have a pre-existing family-like relationship and identify them as relatives. Birth relatives of a child who has been adopted but returns to substitute care also fall into this category if they or the child identifies them as family.

When there is at least one current caretaker under consideration as an adoptive resource, relatives in all categories have equal preference as an adoptive resource. For example, it would be permissible to include a relative in the (a) category, a relative in the (d) category, and a current caretaker as a first order of preference and have all three considered at adoption committee.

Workers should carefully interpret the definition when considering prospective adoptive resources. Remember, the PARENT is the point of reference for determining whether a person is a relative in

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categories (a) and (c), but the CHILD is the point of reference for determining whether a person is a relative in category (b). Carefully look at the definitions when making a determination as to who qualifies as a relative.

In the category of (d), the child OR a family member of the child must have the emotionally significant relationship prior to the child coming into foster care.

Be clear about understanding every single connection when determining the relationship between the child and a prospective relative resource. For example, consider siblings of parents or grandparents and determine if they are their birth, step or adoptive siblings. Clarify each level of connection and who the child's specific parents, siblings and grandparents are when looking at who may be related to the child.

### **Consideration of relatives of American Indian/Alaska Native (Indian) children**

#### **Procedure**

The caseworker is to:

- Consult I-E.2.1, Placement of Indian Children for a child for whom the provisions of the Indian Child Welfare Act (ICWA) apply. This is the policy [link](#).
- Consult I-G.1.4, Adoption Placement Selection to determine the appropriate adoption selection process. This is the policy [link](#).
- Where no different order of preference has been established by the child's tribe for adoptive placement, the department will, in the absence of the court's determination that good cause to the contrary exists, give preference to placing the child with:
  1. A member of the child's extended family;
  2. Other members of the Indian child's tribe; or
  3. Other Indian families.
- When the caseworker or family has concerns about a prospective resource that falls within ICWA priorities 1–3 listed above, consult with the Central Office ICWA Program and the Child Permanency Program consultants or managers.

For additional information on identification and consideration of adoptive resources for Indian children, please refer to Section 5 A of this procedure manual.

### **Consideration of relatives of refugee children**

When considering relatives as placement resources for adoption of a refugee child, the case worker is to consult:

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- I-E.2.2 Placement of Refugee Children for a child who is a refugee. Here is the policy [link](#).
- I-G.1.5 Adoption Placement Selection to determining the appropriate adoption selection process. Here is the policy [link](#).

### **Considering relatives who wish to adopt**

Relatives and sibling placement resources are one of the preferred placement resources for children who are unable to be cared for by their parents. Children who are covered by the ICWA have other priorities the worker must also follow. Federal and state laws and administrative rules require the consideration of relatives as a potential permanent placement resource for a child. The caseworker is responsible for engaging relatives and considering the relative with the goal of placement when it ensures the safety, well-being, permanency and attachment of the child.

### **Procedure**

- Determine a relative's ability to be a placement resource for the child as early as possible in the case planning process. The child's caseworker discusses with the relatives the need for concurrent planning and relative's wishes to be considered for adoption. If the worker has serious concerns about a family being able to have an approved home study, they should communicate this with the family.
- Consult with the supervisor if the worker has concerns about a relative being able to be approved for adoption.

### **Initiating the assessment of a relative as an adoptive resource for a child or sibling group**

When a relative has been identified as a prospective adoptive resource by the child's extended family or the caseworker in consultation with the supervisor, provide the relative with the applicable information based on where they live. This procedure discusses the following living situations of relatives:

4. In Oregon;
5. In another state;
6. In a foreign country (non-U.S. military);
7. On a military base in a foreign country as a U.S. military member; or
8. In a foreign country as a U.S. military member or working for the U.S. government, but not living on a military base.

Cases involving placement outside the U.S. are complex, so you must use the international case consultant in the Child Permanency Program if the child has a prospective relative resource living outside the United States.

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## **Procedure**

1. When a relative is living in Oregon, the caseworker will:
  - a. Document in OR-Kids the date and description of the options discussed with the relative family.
  - b. Send the relative family a letter with instructions on how to proceed with the adoption process if they wish to continue.
  - c. Send a copy of the family's letter to the adoption supervisor of the relative family's local Child Welfare office. Provide the child summary, if available, and any relevant documents that indicate the child's current and possible long-term special needs, such as a psychological evaluation, mental health evaluation, education reports or medical reports. Adoption home studies should be referred by the supervisor of the caseworker to the supervisor of the adoption worker. The caseworker should not directly make a request to an adoption worker to initiate or update an adoption home study.
2. When a relative is living in a state other than Oregon, the caseworker will:
  - a. Consult with the supervisor to discuss strategies for talking with the relative resource. Determine the child's legal status and IV-E eligibility before this discussion. Discuss how the child's medical coverage will be met. Discuss any cultural or language issues or challenges regarding the relatives that may indicate the worker needs to reasonably assist the relative and remove communication barriers. A potential relative will need to be able to engage in the process to learn about the child's needs and participate in a home study assessment. Awareness of cultural considerations can help the worker prepare for talking with the relative. Example: some cultures do not encourage people to assert themselves with authority figures (which a relative can perceive the state to be), so relatives may not be aware they may ask for visits or question the agency's operations on a case. This can come across as unassertive or unmotivated while the relative is behaving respectfully and patiently from their cultural perspective.
  - b. Contact the identified out-of-state relatives to determine if they are able and willing to be a placement resource for the child or children. Discuss adoption placement options with the relative. Clarify that DHS has a process to consider a relative family for the purpose of adoption and there may be other relatives or a foster family that may have come forward to be a resource for the child.
  - c. Document in OR-Kids case file the date of the conversation and a description of the options discussed with the relative family.
  - d. If the family does wish to be considered for placement, inform them a request will be made through ICPC for a home study, and confirm they are willing to complete the study process with the child welfare agency in their state, which will include interviews, home visit(s), criminal history checks and computer-based child welfare history checks.

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- e. Send the interested relative a letter requesting they do the following:
  - A. Contact their own local public child welfare office and follow their local agency's process to complete the adoption home study.
  - B. Engage in training for pre-adoptive families. Most families have access to this training through their local child welfare agency. If they do not have access, the next section discusses options for families who do not have training available through the local child welfare office.
  - C. Give the name of the selected adoption agency if the relative chooses to have a home study by a private adoption agency. Inform the relative that the private adoption agency doing the adoption home study must be licensed in the relative's state of residence and have experience providing services to children with special needs. If the relative selects a private agency, the relative must provide a written verification from the private adoption agency that an adoption home study of the family is in progress. The letter from the relative must be received within 14 days of receipt of the letter from DHS. The agency must be willing to sign a contract with DHS to provide adoption supervision services and a recommendation to finalize after a minimum of six months of placement. The agency must agree to DHS supervision fees and provide quarterly reports of the placement progress.
  - D. Understand if the relative chooses a private agency, the relative is financially responsible for the costs related to the adoption home study. The private agency must provide a copy of the adoption home study to the caseworker. The home study must be completed within 90 days of the written notification of intent to adopt by the relative.
- f. Follow the process outlined in the ICPC Handbook at <https://apps.state.or.us/Forms/Served/de9053.pdf> to request a home study.
- g. Contact the DHS ICPC Office with any questions.
- h. If the relative resides in a state that does not complete an adoption home study before a child is placed with the family or the child being legally free for adoption, consult with the Central Office adoption placement specialist for cases with significant complexities or challenges.
- i. The Child Permanency Program may approve a foster home study or a relative study to be used as an adoption home study for adoption placement selection to promote the child's timeliness to adoption. The study must meet the following criteria:
  - The study must be written, amended or updated within the last 12 months.
  - The information must indicate the family demonstrates the knowledge, skills and ability to meet, without agency oversight, the child's needs for:
    - A. Physical and emotional safety and well-being;
    - B. Developing and maintaining connections to the child's family;

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- C. Continuity and familiarity;
  - D. Appropriate social, educational, developmental, emotional and physical support;
  - E. Integration into the family;
  - F. Stability and permanency; and
  - G. Maintaining their identity, cultural, religious and spiritual heritage.
- j. An adoption home study must be completed before designation of the child's placement for adoption.
  - k. Consult with the Central Office adoption placement specialist if there are additional barriers to obtaining a relative's adoption home study from another state when there are barriers that are not related to the family's ability to be approved.
3. When a relative is living in a foreign country (non-U.S. military) the caseworker will:
- a. Always contact the Central Office international case consultant and the adoption placement specialist in the Child Permanency Program for consultation when making a referral for an adoption home study of a family living outside the United States, including U.S. territories. (Placing with a relative in a U.S. territory has some overlap with the Hague Convention adoption process, but due to the need for case-by-case consultation with the international case consultant, the full process for a U.S. territory case will not be described here.) The international case consultant will notify the Central Office Child Permanency Program's contract coordinator that the case will need an agreement for adoption supervision services in another country after the family is selected.
  - b. Document in OR-Kids case files the discussions with the relative family about their interest and participation in the adoption selection process.
  - c. Contact the foreign country's consulate for direction in obtaining a home study assessment. A child cannot move to the home of a relative outside of the U.S. for the purpose of adoption until the child is legally free.
  - d. When notified by the international case consultant, contact the Child Permanency Program office manager who is the contract coordinator for negotiation of a contract or agreement for adoption placement supervision services. Please note this is a time-consuming process, therefore, contact the office manager as early as possible when an out-of-country family's agency has been identified. Provide requested information so the office manager can submit the agreement to the Department of Justice for approval. Refer to the Chapter 5 Appendix for the form "For placements outside the 50 United States and DC" for information the office manager requires. The agreement must be fully executed before placement can be approved. The worker will have to provide the office manager with the completed collateral contact list, which identifies community members who are likely to have contact with the child if the child moves to the out-of-country family.

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- e. Keep in mind this section discusses initiating an assessment of a relative family for the purpose of adoption. Please refer to the Intercountry Adoption Pursuant to the Hague Convention and Intercountry Adoption Act at this [link](#) for more information on international placement. Remember there must be a Central Office adoption committee process to select the family before the child may move to their new family in another country, as approval of an adoption home study is not necessarily a guarantee of family selection.
4. When a relative is a U.S. citizen serving in the **U.S. military while living on a base outside the United States, the caseworker will:**
    - a. Contact the Central Office international case consultant and the adoption placement specialist in the Adoptions and Permanency Program for consultation when making a referral for an adoption home study of a family living outside the United States. Although these cases are considered domestic adoptions, there are some parallels to placing with relatives in a foreign country. The international case consultant will notify the Central Office Child Welfare contract coordinator that the case will need an agreement for adoption supervision services on a military base if the family is selected.
    - b. Consult with the supervisor to discuss strategies for talking with the relative resource. Determine the child's legal status and IV-E eligibility before this and include eligibility status in discussion with supervisor. Discuss any cultural issues or challenges regarding the relatives that may indicate the worker needs to reasonably assist the relative and remove communication barriers. A potential relative will need to be able to engage in the process to learn about the child's needs and to participate in a home study assessment.
    - c. Contact the identified relatives to determine if they are able and willing to be a placement resource for the child or children. Discuss adoption placement options with the relative. Clarify that DHS has a process to consider a relative for the purpose of adoption and that other relatives may come forward to be a resource for the child.
    - d. Document in OR-Kids case notes the date of the conversations and description of the options discussed with the relative family.
    - e. If the family wishes to be considered for placement, inform them that they are responsible for obtaining a child-specific adoption home study.
    - f. Confirm with the family that they are willing to complete the adoption assessment process, which will include interviews, home visit(s) and background checks completed by the agency doing the adoption home study. A possible option is Adopt Abroad Inc, a licensed nonprofit adoption and home study agency: [www.adopt-abroad.com/index.htm](http://www.adopt-abroad.com/index.htm). Another option is VIDA, a nonprofit international adoption agency: [www.vidaadoptions.org](http://www.vidaadoptions.org). The family should be well-informed of the costs of the home study and adoption.

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The U.S. Department of Defense has an adoption reimbursement program for qualified military families. Reimbursements may cover medical expenses and other fees related to adopting a child. Families may learn more information about reimbursement through the National Military Family Association or by contacting the Personnel Support Unit.

ADOPT US KIDS has information for a family stationed overseas to talk with a military adoption specialist. Contact information is: 303-755-4756 ext. 203 or at [Military-Global@adoptuskids.org](mailto:Military-Global@adoptuskids.org).

- g. Send the interested relative a letter requesting they do the following:
- Confirm in writing their interest in being an adoptive resource for the child. DHS must receive the letter from the relative within 14 days of the relative's receipt of the letter from DHS.
  - Select an agency to do the adoption home study.
  - If Adopt Abroad Inc. or VIDA are not available, another option is to contact their base social services agency for assistance with locating an agency to do the adoption home study and adoptive placement supervision if selected. The selected agency must be willing to sign a contract with DHS to provide adoption supervision services and a recommendation to finalize after a minimum of six months of placement. A private agency must agree to DHS supervision fees and provide quarterly reports of the placement progress
  - Contact the adoption agency of their choice and follow the agency's process to complete the adoption home study in a timely manner. Inform the relative that a private adoption agency doing the adoption home study must be licensed and have experience providing services to children with special needs. If the relative selects a private agency, the relative must provide a written verification from the licensed private adoption agency that an adoption home study of the family is in progress.
  - Engage in training for pre-adoptive families. If the family does not have local access, the next section discusses options for families who do not have training available locally. The family's adoption agency may have available training.
  - Provide the caseworker with the name and location of the selected adoption agency. The relative must understand if they choose a private agency, the relative is financially responsible for the costs related to the adoption home study. The private agency must provide a copy of the adoption home study to the caseworker.
  - Contact their military family advocacy program and their base command for permission to have the child move to the family's home on the base for adoption if the family is selected to be the adoptive resource.
- h. When the family's adoption agency is identified, provide adequate disclosure to the adoption worker of the family about the child so they may integrate it into the adoption assessment.

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- i. Verify through the adoption worker before the child moves that the base command has given the relative permission to have the child move to the base if the family is selected.
5. When a relative family is **U.S. military and is living in a foreign country, but does not live on a military base, or is a U.S. citizen working for the U.S. government**, the caseworker will:
- a. Contact the Central Office international case consultant and the adoption placement specialist in the Adoptions and Permanency Program for consultation. These cases have unique characteristics that need individualized consultation for referral for an adoption home study and supervision services.
  - b. Document in OR-Kids case notes the date of the conversations and description of the options discussed with the relative family.
  - c. If the family wishes to be considered for placement, inform them that they are responsible for obtaining a child-specific adoption home study.
  - d. Confirm with the family that they are willing to complete the adoption assessment process, which will include interviews, home visit(s) and background checks completed by the agency doing the adoption home study. Resources for adoption home studies and services vary.
  - e. Send the interested relative a letter requesting they do the following:
    - Confirm in writing their interest in being an adoptive resource for the child. DHS must receive the letter from the relative within 14 days of the relative's receipt of the letter from DHS.
    - Identify how they plan to obtain an adoption home study. If the two agencies discussed above, Adopt Abroad Inc. and VIDA, are not available, another option is to contact their base social services agency for assistance with locating an agency to do the adoption home study and adoptive placement supervision if selected. The agency must be willing to sign a contract with DHS to provide adoption supervision services and a recommendation to finalize after a minimum of six months of placement. The private agency must agree to DHS supervision fees and provide quarterly reports of the placement progress until finalization of the adoption.
    - Contact the adoption agency of their choice and follow the agency's process to complete the adoption home study in a timely manner. Inform the relative that a private adoption agency doing the adoption home study must be licensed and have experience providing services to children with special needs. If the relative selects a private agency, the relative must provide a written verification from the licensed private adoption agency that an adoption home study of the family is in process.
    - Engage in training for pre-adoptive families. The family's adoption agency may have training available. If the family does not have local access, the next section discusses options for families who do not have training available locally.

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- Provide the caseworker with the name and location of the selected adoption agency. The relative must understand if they choose a private agency, the relative is financially responsible for the costs related to the adoption home study. The private agency must provide a copy of the adoption home study to the caseworker.
- f. Provide adequate disclosure to the adoption worker of the family about the child so the worker may integrate discussion about the child into the assessment of the adoptive family as a long-term resource for the child.
- g. Be aware the international case consultant will notify the Central Office Child Permanency Program office manager who is the contract coordinator that the case will need an agreement for adoption supervision services in another country if the family is selected.

### **Transitioning a child to the relative adoptive parent in a foreign country**

Carefully planning the transition of a child is critical to the success of an adoptive parent. The relative may come to the U.S. to help transition the child; this is the best possible transition scenario. However, it is not always feasible or possible for the relative adoptive parent to come to the U.S. for the child. The caseworker transporting the child to the relative adoptive parent should assist in the transition. Refer to Chapter 5 on “Transitioning the child to the adoptive placement” for more information. Consult with the Central Office Child Permanency Program when anticipating any adoptive placements outside of the United States. Many aspects of the move must be coordinated.

### **Procedure when the DHS adoption worker has concerns about the ability to approve a relative**

If the DHS adoption worker begins the adoption home study or update, and during the course of the assessment has concerns about the relative’s ability to be approved, the worker should follow these steps as applicable.

### **Procedure specific to the adoption worker**

- Consult with the supervisor and notify the child’s caseworker that there are significant concerns. The adoption worker and supervisor have discretion to consider the circumstances. For example, a relative applicant may be adopting another relative child and the applicant appears to be able to meet the needs of all children in the home if the children were placed in the relative family for adoption. The adoption worker may assess the family further as directed by the supervisor. The local office staff may choose to consult with the adoption placement specialist or the assistant program manager in the Central Office Child Permanency Program to discuss concerns. This can be one of the most challenging aspects of an adoption worker’s job and seems to be even more difficult when the applicants are relatives or foster parents.

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Maintain an open mind about professional colleagues who conduct certification and adoption home assessments and provide child permanency casework. Recognize the nature of colleagues' specialized knowledge, training and abilities so involved agency professionals may develop accurate and in-depth understanding of the larger picture and engage in a solid team approach. Having an open mind about each other's point of view, sharing information with one another and respecting each other's roles promotes gathering and understanding information to plan for the child's best interest. There may be more challenges when workers are in different offices or counties.

- Discuss concerns about the family with the certifier and their supervisor if the adoption worker is not the same person as the DHS foster care certifier for a foster care certified family. Also notify the Central Office foster care coordinator in the Well-Being Program if concerns are serious. If the case may go toward foster certification denial or revocation, the field staff may discuss the need for the adoption worker or supervisor to contact the Assistant Attorney General.
- If the home study assessment concerns involve clinical issues, the SAFE home study Psychosocial Evaluation, Consortium for Children/SAFE website has articles on specific topics of concern to help workers with mitigation. The Consortium for Children will also provide phone consultation to SAFE-trained foster and adoption workers about assessment of challenging issues. For more information see [www.consortfOR-Kids.org/Home.aspx](http://www.consortfOR-Kids.org/Home.aspx)
- Consult DHS Policy I-G.1.3 Adoption Applications, Adoption Home Studies and Standards for Adoption when there are significant concerns about approval for adoption. Here is the policy [link](#). Remember the denial or revocation of a **foster care certification** are different processes than denial of an adoption application and refer to the appropriate policies as applicable.
- The adoption worker may end the application process and deny an adoption application at any time or remove a completed adoption home study from consideration if family does not meet one or more of the standards in:
  - a. OAR 413-120-0225 (1) and (2), Conditions that Require Additional Approval or Termination of the Department's Adoption Application Process or OAR 413-120-0246 or
  - b. Standards for an Adoptive Home and Release of an Adoption Home Study (1).
- Discuss the information with the CWPM if the adoption worker and supervisor believe the family should be denied approval to adopt. This way, the CWPM has had an opportunity to discuss the issues with staff and if there are any complaints, the CWPM has already been informed. When the applicant has a connection to the child and does not satisfactorily respond to DHS requests for information, the worker should discuss establishing timelines with their supervisor. Sometimes workers are concerned about not being fair to a relative or foster family and they go too long in giving chances. The agency should be reasonable, look at cultural considerations and weigh the consequences of an extended period of trying to assess an applicant. Some families may need more assessment to be approved. For instance, obtaining

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mental health records may help mitigate concerns about an applicant. In other cases, families that clearly are not able to be approved should be addressed earlier rather than later. The child's permanency is likely to be delayed unnecessarily if the agency does not end an adoption assessment in a timely way.

- Document concerns thoroughly if continuing the assessment is needed to mitigate concerns.
- Discuss with the certifier the concerns about the family if the foster care certifier is a different person than the DHS adoption worker. Some concerns may be violations of the certification standards.
- Determine who will inform the child's worker, the supervisor and the child's CWPM, if different than the adoption worker's office. This is especially important if the case is controversial or if the child's case worker and adoption worker are in different locations.
- Write a letter to the family notifying them of the agency's decision not to approve the adoption home study. Coordinate letter writing if the family is a certified foster family and the certifier must address a violation of certification standards. (The certifier should contact their Central Office foster care coordinator in the Well Being Program in this case.) The letter to the family addressing denial of adoption approval should be brief and to the point. The adoption worker may quote the applicable policy and refer to the relevant subsections in 413-120-0225, 413-120-0246 or 413-200-0301 to 413-200-0396. Brevity is generally optimal, rather than the lengthy and more detailed point-by-point letters used for foster care revocation, since denial of adoption does not lead to the possibility of a contested case hearing, unless denial is based on the criminal history as discussed below. If the applicant family has concerning issues in addition to the criminal history of the applicant or other adult in the home, be sure to list those concerns in the letter to the family as well so the applicant has a clear understanding of all the categories of issues that prevent them from being approved.

If the applicant is denied based on the criminal history of the applicant or another adult in the home, refer to DHS policy Criminal Background Check Requirements for Relative Caregivers, Foster Parents, Adoptive Parents, and Other Persons in Household, OAR 413-120-0460 (12)-(14) for additional notification information that must be provided to the family. Here is the [policy link](#). In these cases, the agency must inform the applicant about specific rights, unless the applicant voluntarily withdraws from the process. Contact the Child Permanency Program's adoption placement specialist or the assistant manager if there are criminal history issues related to denial for further case-by-case assistance.

In addition, consult Child Welfare Policy I-A.5.2, Contested Case Hearings, OAR 413-010-0500 to 413-010-0535, which describes the requirements and process for requesting a contested case hearing due to a denial or revocation of a Certificate of Approval or a denial of approval to adopt, based on the criminal history or false statement of criminal history, of an applicant or other person in the household. Here is the [policy link](#).

- Meet with the applicants (together if a couple) to discuss the information that has led to the denial. A meeting with both the adoption worker and the supervisor is likely to be more smooth

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and supportive than the adoption worker meeting alone with the family. The message should be the agency staff have concerns about the placement and cannot approve the family for adoption. Avoid giving messages that could be interpreted as division among staff within the agency. Each staff member has their particular role to play in the process of considering relatives and appearing to be at odds within the agency can be harmful to the case moving toward permanency.

- Provide the relative applicant with the written notification of the termination of the process. Ideally, this is done at the meeting with the family, adoption worker and supervisor. If the local office is not able to set a meeting, mail the letter.
- Document the denial or revocation of approval in the provider file in OR-Kids.
- Stop the home study writing process for adoption. The adoption worker is not required to complete the home study if a family cannot be approved to adopt.
- In many cases, DHS may advocate for the possibility of future contact between the child and the relative who is not approved or selected to be the child's placement resource. The adoption worker and caseworker should coordinate about the specific information the agency will convey to the family and who will convey this information to the family. The caseworker may see the relative as able to benefit the child through visits, sending gifts, communicating electronically, providing information for the child's Life Story Book and positively engaging in other ways that are positive to the child. The relative with positive ongoing connections needs to be able to endorse and recognize the child's place in their adoptive family. Be cautious to avoid appearing to make agreements that may not be kept, since the child's adoptive family has an important part in determining post adoption contact.

### **When the child is not legally free for adoption and the relative's state will not write an adoption home study for a relative resource**

#### **Procedure**

Approximately half of the states do not recognize legal risk adoptive placements and will not do adoption home studies for Oregon's legal risk children for whom adoption is the plan.

- When the child is not legally free and the relative's state will write a foster/kinship study, but not an adoption home study, and no other families are available to be a resource for adoption:
  1. Consult with the supervisor whether to place the child in the relative's home for temporary foster care until an approved adoption home study is written after the child becomes legally free. Considerations about the move include ongoing visits with the birth parents, sibling contact, child's attachment and progress in the foster home, results of the diligent relative search, other relatives being considered, services the child is receiving, court approval needed for placement out-of-state and appropriateness of the relative family to meet the child's needs for safety, permanency and well-being. Maintaining a child in an

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unrelated foster family to obtain intervener status or 12 consecutive months in the home is not a reason to keep a child from a foster care placement with a relative.

2. If the caseworker and supervisor determine the child should move to the out-of-state relative's family for temporary foster care, obtain ICPC and court approval.
  3. Be clear with the relative family that this move is for the purpose of foster care and the agency has another process for adoption assessment and selection. Follow this discussion with a letter to the family outlining the main points, including an emphasis on the temporary aspect of the placement.
  4. If the child cannot move or it is not in the child's best interests at this time, discuss with the supervisor possible methods of maintaining contact between the child and the prospective relative resource. This can be done in a number of ways, please see Chapter 5, Section 5, Subsection B Appendix "Strategies when working with relatives" for additional information.
- When a relative resides in a state that does not complete an adoption home study before a child being placed with the applicant or before the child being legally free for adoption, consult with the supervisor and the Central Office Child Permanency Program's adoption placement specialist or assistant manager. Program staff may approve use of a foster home study or a relative study as an adoption home study for adoption placement selection. This is only when the requirements of subsections (1)(a), (b), and (c) of the OAR 413-120-0246 Standards for an Adoptive Home and Release of an Adoption Home Study this rule are met.

In these cases, an approved adoption home study must be completed before designation of the child's placement for adoption.

### **Referral to the appropriate adoption selection process when a relative is approved**

#### **Procedure**

Refer the child to the appropriate adoption selection process after receiving the approved adoption home studies for a child's relatives.

- When considering only one relative family, refer the child to the caseworker selection process unless the Child Welfare program manager approves of referral to a local adoption committee.
- When more than one relative family is under consideration for a child, refer the decision to a Central Office adoption committee.
- When considering a current caregiver along with a relative family for a child, refer the decision to a Central Office adoption committee.
- When the Child Permanency Program manager granted an exception to the order of preference of adoptive resources, refer the decision to a Central Office adoption committee.

### **Out-of-state relative's local child welfare office does not offer pre-adoption training to relative families**

Oregon DHS requires all parents who adopt children in the custody of DHS participate in training to address adoption issues and children's special needs due to abuse and neglect. Relatives who are studied in another state may or may not be required by their state of residence to go to pre-adoption training. See Chapter 5 Appendix "Out-of-state family's pre-adoption training options" for information about how to proceed if there are questions about the family's training to prepare them for special needs adoption.

### **Presenting an out-of-state relative at adoption committee**

There are two types of adoption selection processes: *caseworker selection* after consultation with their supervisor and members of the child's team and *adoption committee*. An adoption worker in Oregon does not need to be assigned to a family for a caseworker selection process. For an adoption committee, the child's local office arranges for the assignment of an experienced and capable worker, other than the child's caseworker, to present an out-of-state relative family. This may be a DHS worker or a worker from the contracted Special Needs Adoption Coalition (SNAC) agency to present if the local office chooses. A DHS worker must present if the relative family is non-English speaking and lives outside the United States. The worker assigned to present the out-of-state family should be knowledgeable about adoptions and permanency. If the family's presenting adoption worker for the committee is a DHS worker, they cannot present another DHS studied family for the child. If the family's presenting adoption worker is a contracted Special Needs Adoption Coalition (SNAC) agency worker, they may present more than one family at the committee. The family worker assigned will need adequate time to prepare. They will need to talk with the relatives and the adoption worker for the relatives. The worker presenting the out-of-state family may refer to the Procedure Manual's Chapter 5, Section 5 Appendix, "Presenting an out-of-state family" for guidelines to prepare for committee.

### **Consideration given to relatives who come forward or are located later in the adoption process**

If a relative comes forward later in adoption planning, the child's caseworker and supervisor must consider the agency's emphasis on relatives and placement with siblings together as one of the primary adoptive placement resource. The Child Welfare program manager (CWPM) or designee has discretion and is guided by whether it is in the best interests of the child to include a relative as a possible placement resource.

Understanding family dynamics of relatives who come forward later in case planning may help workers prepare and advocate for children when DHS considers these relatives. These are examples of situations when relatives may come forward:

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- Relatives believe the birth parent will have the child returned shortly after the child's move into foster care.
- Relatives may become interested in adoption if the plan changes from foster care to adoption and they realize the child may be lost to the family.
- Relatives understand the birth parent is not likely to be successful in parenting and the recognition of the finality of termination, relinquishment and adoption may prompt them to be interested in adopting.
- Relatives who do not want to be closely involved with the birth parents because of their criminal, drug-related or other difficult behaviors may see foster care as making them vulnerable to the wishes of the birth parents. Staff education about adoption may make mediated agreements for contact seem more feasible for the relative family.
- Younger potential relatives may defer to older relatives or relatives may defer to those who are seen as "closer" to the child. If a relative the extended family puts forward withdraws or is not approved, the other relatives may come forward later to be a resource.
- Relatives may have changes in their circumstances that make them available to adopt.
- Birth parents have clearer understanding of the possibility of termination of their rights, and finally tell the agency about relatives they had not disclosed earlier in the case.

### **Procedure**

The caseworker must:

- Determine the place in the child's adoption planning that applies when a relative comes forward or is located. Four junctions provide discretion at the child's local office level as to whether DHS may consider a relative further and each are discussed in detail in their own sections below.

### **When a relative comes forward during the scheduling of the caseworker adoption selection process**

When a child's relative now expresses interest in being considered as a potential adoptive resource and the worker is in the process of scheduling a caseworker selection process, the caseworker, supervisor and CWPM or designee are to consult OAR 413-120-0021 Adoption Placement Selection by Caseworker.

CWPM or designee must:

- Determine if the caseworker has provided the notifications in section (5) of OAR 413-120-0021 at least 10 business days before the adoption selection:
  - a. Notify the CASA, child's attorney, tribal representative and member of Refugee Child Welfare Advisory Committee as applicable, at least 10 business days before the caseworker selection process

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- b. Ensure the individuals listed above are sent copies of the family and child information packets
  - c. Notify these individuals at least two days before the date of the caseworker adoption selection decision that they are able to send input.
- If the above notifications have occurred, review the diligent efforts to identify a child's relatives required under I-E.1.1, Search for and Engagement of Relatives, OAR 413-070-0060 to 413-070-0063.
  - Consider the impact of a delay in achieving permanency on the best interests of the child.
  - Make a determination whether it is in the child's best interest for an adoption home study to be conducted with a relative despite the delay in achieving permanency.

### **When a relative comes forward during scheduling of the adoption committee**

The caseworker, supervisor and CWPM or designee should consult Invitation to and Notification of Adoption Committee OAR 413-120-0035 (2) and (8).

CWPM or designee must:

- Determine if the department has provided the notifications to the caseworker for each child, adoption workers, committee facilitator, neutral committee members, CASA, child's attorney, tribal representative and member of Refugee Child Welfare Advisory Committee in section (2) of Invitation to and Notification of Adoption Committee OAR 413-120-0035 at least 10 business days before the adoption committee as applicable:
  - a. Date, time and location of committee;
  - b. Child information, home studies and family information sent;
  - c. Notification that information may not be re-released; and
  - d. Request to thoroughly review all information provided before the committee when serving as a member
- If the above notifications have occurred, review the diligent efforts to identify a child's relatives required under I-E.1.1, Search for and Engagement of Relatives, OAR 413-070-0060 to 413-070-0063.
- Consider the impact of a delay in achieving permanency on the best interests of the child.
- Make a determination whether it is in the child's best interest for an adoption home study to be conducted with a relative despite the delay in achieving permanency.

### **When an adoption home study has been initiated and the potential adoptive resource is not approved or withdraws**

The caseworker, supervisor and CWPM or designee should consult OAR 413-120-0760 Identification of a Child's Potential Adoptive Resources.

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The CWPM or designee decides whether the department will initiate adoption home studies with additional relatives based upon:

- The best interest of the child and
- The impact on achieving the child's permanency when pursuing an additional home study or studies.

### **Legal and birth relative considerations when a finalized adoption results in the child needing foster care or adoptive placement**

Unfortunately, there are cases when children and parents have a finalized adoption, and the family may choose to end their active parenting of the child or the child may go to substitute care and return to the legal adoptive parents may not be appropriate. When looking at temporary or permanent placement options, as well as other connections and supports for a child, the worker always needs to consider the best interests of the child. This applies when assessing placement or other connections with someone who fits the agency's definition of a relative and with someone who does not fit the relative definition, but may be important people in the child's life.

### **Procedure**

The caseworker must:

- Look for the child's *legal* relatives to conduct a diligent search for relatives. In cases where the child was adopted by a nonrelative, the worker is not required to search for the relatives of a child's birth parents because the relationship with the birth parents was legally severed when the adoption finalized.

The child's worker is required to search for the relatives of a birth parent only when they are related to the adoptive parents. The relative search would only be the maternal or paternal side of the child's birth family because the search is based on relatedness to the child's relatives of the *legal adoptive* parents (not because they are related by blood).

Example: The child is adopted by the paternal grandparents. This makes the paternal grandparents the child's *legal* adoptive parents and therefore, the paternal relatives are the legal relatives of the child. In this case, the child's birth mother's relatives are not legal relatives after the finalization of the child's adoption.

While the caseworker's office is not *required* to search for relatives who have blood relationships, but not legal relationships to the child, the caseworker has *discretion* to consider the child's birth family members if they come forward to be a resource. Based on the child's best interests, the caseworker may also initiate a search for the child's birth family in these cases, after being clear the child's legal relatives are not available to be a prospective adoptive resource.

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- Consider foster placement possibilities with a legal relative. If a worker is not able to place with someone who fits the agency's definition of a relative, the worker can move to considering others who are not legal relatives. Relatives of a birth parent may be viable foster resources, especially if the birth parent's relatives had a relationship with the child.

Note that members of the child's extended birth family who come forward after the child was adopted by a nonrelative are general applicant resources unless they self-identify or are identified as a relative as described in 413-070-0000 (74) (d). If they meet this definition, they are given consideration before general applicants.

- Recruit for adoptive families when appropriate. Typically, when there are no legal relatives or current caretakers to consider and when considering general applicants, the worker would need to recruit.

### **The supervisor's role**

- Educate workers on the values of relative placements and support workers to skillfully address challenges that relative placements may bring. Help workers make child-focused decisions about placements with relatives.
- If a relative is not able to be an early placement resource, assist the worker to assess the possibilities of other types of connections and contact between the child and relative and their siblings if they are not going to be raised in the same home.
- Help the caseworker determine which relative family or families are most appropriate for consideration for adoption if there are multiple relative resources who come forward and the relative families cannot themselves conclude which relative family is the best resource for the child according to 413-120-0760 Identification of a Child's Potential Adoptive Resources.
- As the supervisor for the caseworker, refer the need for a home study to the relative's local Child Welfare office if the family has selected DHS for their adoption agency. Adoption home studies should be referred by the supervisor of the caseworker to the supervisor of the adoption worker. The caseworker should not directly request an adoption worker initiate an adoption home study of a relative. Adoption worker assignments should be through supervisor-to-supervisor communication.
- Reinforce the caseworker's thinking with an open-minded attitude about their colleagues who conduct certification and adoption home assessments. This will help caseworkers avoid coming to conclusions about colleagues that are erroneous and hinder a solid team approach. This is even more challenging when the workers are in different offices or counties.

Reinforce the caseworker's thinking with an open mind about their colleagues who conduct home study assessments. Both agency professionals involved in the process (caseworker and certification/adoption worker) have important and specialized roles. The different perspectives and information each employee possesses can provide a more in-depth understanding of the child's needs, the

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prospective resource family's strengths and areas of concern. Having an open mind about each other's point of view, sharing information with one another and respecting each other's roles promotes gathering and understanding information to assist in planning for the child's best interest. This is even more challenging when the workers are in different offices or counties.

- Consult with the adoption worker and their supervisor if the adoption worker begins the relative assessment and during the course of the assessment has concerns about the relative's ability to be approved.
- Provide consultation to the caseworker on the type of home study to request from the relative's state, if outside of Oregon, if adoption is the plan and the child is not legally free.
- Ensure the caseworker has addressed disclosure of information about the child to the agency doing the adoption home study as described in procedure. A lack of a child summary is not a reason to delay the referral for the home study or to delay the initiation of a home study by the adoption worker.
- If adoption is the plan and the child is legally free and the prospective relative resource is out-of-state, provide consultation to the caseworker about requesting an adoption home study through ICPC. If the child is not IV-E eligible, the supervisor and caseworker should discuss this with the appropriate ICPC coordinator.
- If the caseworker receives ICPC approval for the relative placement and the child is not legally free, provide consultation to the caseworker about whether to place the child in the home for temporary foster care.
- Direct the worker to consult with the Central Office Child Permanency Program staff when there is a relative outside the U.S. who is being considered for adoption. These are highly complex cases and Central Office and the Department of Justice are able to offer support throughout the planning.
- Consult with the Central Office Child Permanency Program as needed for cases that are particularly complex.

### Forms and references

#### Legal references

##### Federal law

- Adoption and Safe Families Act of 1997, P.L. 105-89
- Fostering Connections to Success and Increasing Adoptions Act of 2008

##### Oregon Revised Statutes

- ORS 419A.004(16), Definition of Parent

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- ORS 419B.192, Placement of Child
- ORS 109.119, Rights of Grandparent, Child-Parent Relationship, Ongoing personal Relationship

### Child Welfare policy

- Search for and Engagement with Relatives, [OAR 413-070-0000 to 0974](#)
- Interstate Compact on the Placement of Children, [OAR 413-040-0200 to 0330](#)  
[www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-b342.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-b342.pdf)
- Placement Matching, [OAR 413-070-0000 to 0974](#)
- Placement of Indian Children, [OAR 413-070-0000 to 0974](#)
- Placement of Refugee Children, [OAR 413-070-0000 to 0974](#)
- Identification and Consideration of Potential Adoptive Resources, [OAR 413-120-0700 to 0760](#)
- Legal Permanency, Concurrent Planning, and Use of a Permanency Committee, [OAR 413-070-0000 to 0974](#)
- Adoption Applications, Adoption Home Studies, and Standards for Adoption, [OAR 413-120-0190 to 0246](#)
- Adoption Placement Selection, [OAR 413-120-0000 to 0060](#)
- Standards for Certification of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources, [OAR 413-200-0301 to 0396](#)
- Criminal Background Check Requirements for Relative Caregivers, Foster Parents, Adoptive Parents, and Other Persons in Household, [OAR 413-120-0400 to 0475](#)
- Contested Case Hearings, [OAR 413-010-0500 to 0535](#)
- Intercountry Adoption Pursuant to the Hague Convention and Intercountry Adoption Act, OAR 413-120-0900 to 0970

### Forms

- CF 447, Relative Information  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0447.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0447.doc)
- CF 963, Required Information for Adoption Workers and Adoptive Family
- ICPC forms on ICPC Staff Tools Page

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