

# Section 5C. Foster parent considerations and procedures for adoption

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Many factors contribute to the successful upbringing of adopted children. Children need continuity in relationships for their physical, emotional and social growth and well-being. Connections can be provided by relative and nonrelative families. Psychological and emotional connections of the child to their foster parent or relative caregiver are of vital consideration in determining the best interests of the child. When a child or a sibling group becomes legally free or is becoming legally freed for adoption, their current foster parent (or parents) may be interested in becoming the child or sibling group's adoptive resource. If the foster parent wishing to be considered for adoption meets current caretaker status, they are considered in the first order of preference along with any relatives who may also be interested in consideration. If a foster family does not meet current caretaker status, they may still be considered but only if there are no relatives under consideration. The foster parent who does not meet current caretaker status is considered a general applicant and can be considered at adoption committee with other general applicants. The exception is when the foster parent has been determined to have a significant emotional relationship to the child. Please refer to [OAR 413-070-0500 to 0519](#).

## Current caretaker criteria and considerations and procedures for adoption

A "current caretaker," for the purposes of the adoption process, is a **nonrelative** who meets the following requirements:

- Is currently caring for a child in the legal care and custody of the department and who has a permanency plan or concurrent permanent plan of adoption; and
- Has cared for the child or at least one sibling of the child for at least the past 12 consecutive months or for one-half of the child's or sibling's life if the child or sibling is younger than 2 years of age.

## Caseworker and supervisor's work to consider a current caretaker who wishes to adopt a child or sibling group

### Procedure

When a person meeting the current caretaker status expresses an interest in being considered as a potential adoptive resource, the caseworker and caseworker's supervisor must:

- Review relevant policy:

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1. Child Welfare Policy I-E.1.1, Search for and Engagement of a Child's Relatives, OAR 413-070-0060 to 413-070-0087 at this [link](#);
  2. Child Welfare Policy I-G.1.2, Identification and Consideration of Potential Adoption Resources, OAR 413-120-0700 to 413-120-0760 at this [link](#).
- Review the agency's diligent efforts to identify, contact and place a child with relatives and to place siblings together as required. If the department is in the process of identifying or assessing a relative as defined in OAR 413-070-0000 (74) (a)-(d) who has expressed an interest in being a resource and needs to be or currently is being assessed as a potential adoptive resource, the department waits until the relative has been assessed.
  - Discuss sibling planning issues related to consideration of current caretakers. When there are siblings in different current caretaker homes who have the plan for adoption together, these rules also apply. A foster care resource who meets the current caretaker status for one child meets the current caretaker status for each sibling as well. An example: A child is placed in a foster home and the foster parent has the child in the home for 12 months making them a current caretaker. The child's mother has a new baby who is either placed in the same foster home to be with the sibling or placed in another foster home. Both children's permanent plans become adoption. Regardless of how long the baby has been in foster care, if the current caretaker would like to be considered as an adoptive resource for both children, they are considered in the first order of preference as a current caretaker for both children because the foster parent has had one of the children in the sibling group for at least 12 consecutive months. All current caretakers who have expressed interest in being an adoptive resource for a child or sibling group must be given the opportunity to be considered. They are in the first order of preference along with any relative who also wishes to be considered. The current caretaker must have an approved adoption home study. All current caretakers with an approved adoption home study must be taken to a selection process either with relative resources if there are any, or by themselves. You may not consider a current caretaker with general applicants. Current caretakers are given priority for consideration and you may only move to consider general applicants if you do not have relative or current caretaker resources.

### **Assessing any foster parent who wants to adopt a child or sibling group**

#### **Procedure**

If a foster parent wants to adopt a child or sibling group, you must determine whether they meet current caretaker status. If they meet current caretaker status, they are to be given first consideration along with any relatives who may also want to be considered. If the foster parent who wants to adopt a child or sibling group does not meet current caretaker status, they may be considered as general applicants so long as there are no current caretakers or relatives who wish to be considered.

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When a foster parent (current caretaker or general applicant) expresses an interest to be considered as an adoptive resource for a child or sibling group, the caseworker should:

- Initiate a discussion with the foster parent about the impact of adoption on the child and the family. “Foster Parents Considering Adoption” is an article that may offer thought provoking and relevant ideas to both the caseworker and foster parent and may be found at: [www.childwelfare.gov/pubs/f\\_fospar.cfm](http://www.childwelfare.gov/pubs/f_fospar.cfm).
- When a foster parent expresses a desire to be the adoptive resource, provide the foster parent with detailed information about the child. Do not assume because the child has been in the home, the foster parent has all of the child information available to DHS that the foster parent needs to know to make a life-long decision. Provide appropriate disclosure of the child’s history, strengths, special needs and current functioning.
- When a foster parent requests consideration as a potential adoptive resource, the child’s caseworker discusses with the foster parent their ability to meet the child’s short-term and possible long-term needs for safety, permanency, attachment and well-being. The caseworker is also to include their professional assessment of the foster parent’s ability to be a short- and long-term adoptive resource for the child. The child’s worker should be clear with the foster parent if they have any concerns so later discussions of concerns are not a surprise.
- When the caseworker discusses the information directly above with the foster parent, the worker include the differences in benefits between adoption subsidy and foster care reimbursement. Refer to Chapter 5, Section 9 for more information about adoption assistance.

### **Scheduling, arranging and staffing a Permanency Committee to consider a foster parent for adoption**

For the purpose of this section only, relative caregivers are included in the definition of foster parents wishing to be considered for adoption.

#### **Procedure**

If a foster parent wishes to be considered as a potential adoptive resource either as a current caretaker or a general applicant, the caseworker must:

1. Assess with the supervisor, whether the diligent search for relatives is sufficient. The relative diligent search must be documented in the file. This is to determine whether we are following the order of preference for adoption consideration. Discuss with the supervisor the need for a sibling planning decision if there are siblings who may have different potential placement resources for adoption. The caseworker must use the Permanency Committee process to consider the sibling planning decision. Refer to Chapter 5, Section 3 “Sibling planning procedures,” for more information about planning for siblings for adoptive placement.

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2. Schedule a Permanency Committee meeting. The purpose of the Permanency Committee is to discuss the history of the child's placement with the foster care provider. This discussion is to ensure the adoption worker has all relevant information she or he will need to do a comprehensive home study. When using the Permanency Committee for this purpose, there is no recommendation and decision that comes at the end of the Committee staffing. This is a staffing intended to bring forth information from all relevant parties to be used by the adoption worker in completing a well-informed adoption home study.
- Follow the local office or district process to schedule a Permanency Committee meeting. Work with the local staff person who coordinates Permanency Committee scheduling. Provide the materials that need to be included in the committee's information packets to the staff person who makes the committee packets. To request a Permanency Committee:
    1. Provide the following information to the scheduling coordinator:
      - a. Full name and date of birth of the child;
      - b. Name of the foster parent(s) being presented;
      - c. Name of the certifier and, if different than the certifier, the possible adoption worker for the foster family; and
      - d. Additional issues to be considered at the Permanency Committee, if any, such as sibling planning or guardianship consideration of another sibling.
    2. Send the person who will be making the committee information packets a copy of each document to be included. Each information packet contains the following:
      - a. "Adoption Child Summary," if available. If the case worker has not completed the child summary, the Permanency Committee should not be delayed based on this absence, as other documentation will exist regarding the child's history and needs.
      - b. Any other relevant child documentation describing the child's needs, such as psychological evaluations, developmental evaluations, Early Intervention reports, education reports or treatment progress reports. Include the most recent case plan for child.
      - c. Foster family's study, updates to study and any other available relevant information, such as assessments of the family regarding certification, Child Protective Services investigations, psychological evaluations or medical information. The foster family must sign the Consent to Release of Information form MSC 2099 to share this information with the Permanency Committee. The foster family's information will be shared with members of the child's team who are required to receive the information packets before the Permanency Committee. Members to receive packets are: child's attorney, CASA, tribal representative and Refugee Child Welfare Advisory Committee member, as applicable. The Child Welfare program manager (CWPM) will also receive the packet.

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- Follow the relevant policies if the foster parent is also an employee of DHS Child Welfare or Self Sufficiency. Consult the procedure manual's Chapter 5, Section 5, Section E "Child Welfare and partner agencies employee adoptions and exceptions to the conflict of interest DHS policy."

### **Notification and invitations to the Permanency Committee to staff a foster parent who wishes to be considered as a potential adoptive resource**

#### **Procedure**

- Contact the child's attorney, the Court Appointed Special Advocate (CASA) and the child's tribe when applicable. If the child is a refugee, also request a Refugee Child Welfare Advisory Committee (RCWAC) member. The worker makes the request to the international case consultant in Central Office. Inform these prospective committee members of the date and location of the Permanency Committee. They are invited to participate as members of the Permanency Committee if they choose to do so. They may also attend to give information and opinions without being in the role of committee members.
- The caseworker, certifier and adoption worker must also attend this Permanency Committee.
- Document in the case record the above-mentioned persons were informed of the committee date, time and location.
- When the child's attorney, CASA, tribe or RCWAC member choose to present information during the child presentation portion of the committee agenda, they may do so in person, by phone or by a letter provided to the committee about the child's needs. If they plan to provide a letter, the caseworker should encourage them to send the letter to the worker before the committee so the letter can be included in the committee packet materials.
- Invite the foster parent to provide information to the committee. Prepare them for the committee purpose and the types of questions they may be asked. Let them know it is normal for foster parents to feel emotional or nervous at the meeting and they may want to be prepared for that possibility. Foster parents are excused before the committee deliberates and discusses the case further.
- Invite any other individual from the child's team who the caseworker, in consultation with their supervisor, believes can provide important information to the committee. This may include the child's therapist, mentor, teacher, involved birth family member or other person aware of the child's special needs. These particular members of the child's team are invited to attend the child presentation portion of the committee only and are excused after answering any questions from the committee and CWPM or designee. Other individuals who have been invited to share relevant information about the child or the current caretaker are then given an opportunity to speak to the Permanency Committee.
- Notify the facilitator of the committee of people who have been invited to help present the child information.

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## Permanency Committee and caseworker role at the committee

### Procedure

The caseworker is a member of the Permanency Committee, not just a presenter. In addition to asking questions of other presenters, deliberating and discussing the child's placement history with the foster parent, the worker provides information about the child and the foster parent. The worker should be well prepared to:

- Bring the child's case file.
- Present information about the child's history, progress in foster care, strengths, challenges, and current and possible long-term special needs.
- Present information about the foster family, along with the family's foster care certifier, including the following:
  1. Strengths as a foster family;
  2. Concerns, including a full history of any screening referrals, whether assigned or closed at screening, and any certification issues present during the placement history;
  3. How the family is meeting the child's needs. (A cause for significant concern is a foster parent who does not take the child to health or mental health evaluations or appointments as needed.);
  4. Other children in the home;
  5. Financial information; and
  6. Whether the family will continue foster care for other children after the family is designated as the adoptive family for the child. There should be no hard rules about this, but consideration of the child's perception, the changes in who lives in the home and the child's attachment is needed.
- Make any clarifications if needed so the committee has the most well-rounded and thorough information possible.
- Prompt the committee facilitator, if necessary, to make sure there is a discussion that explains to the foster parent the difference between adoption assistance and foster care reimbursements.

## Permanency Committee and foster family's certifier/adoption worker role at the committee

### Procedure

The certifier/adoption worker for the foster family has an important role at the Permanency Committee as a presenter. The certifier/adoption worker does not act as a committee member. The

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certification/adoption worker should be well prepared to:

- Present information about the foster family, including the following:
  1. Strengths as a foster family;
  2. Concerns about the foster family as a current and long-term resource for the child, including any certification concerns present during the child's placement;
  3. How the family is meeting the child's needs;
  4. Other children in the home;
  5. Financial information; and
  6. Whether the family will continue foster care for other children after the family is designated as the adoptive family for the child. There should be no hard rules about this, but consideration of the child's perception, the changes in who lives in the home, and the child's attachment is needed.
- Make any clarifications if needed so the committee has the most thorough information possible.
- Prompt the committee facilitator, if necessary, to make sure that there is a discussion that explains to the foster parent the difference between adoption assistance and foster care reimbursements.

### **Permanency Committee discussion**

The Permanency Committee members discuss the information learned during the committee meeting. As there is no decision made at the end of the Permanency Committee, the discussion should focus on what the adoption worker needs to know about the family for whom they will be conducting the study. Everyone on the committee but particularly the adoption worker must have all the information needed to conduct a thorough home study that mitigates any concerns, if there were any brought up during the meeting.

### **Certification/adoption worker responsibilities if the foster parent does not follow through with the requirements for the adoption home study assessment**

#### **Procedure**

If the foster parent is not making reasonably adequate progress on the home study assessment process, the family's assigned certification/adoption worker should:

- Prioritize the child's needs for permanency in an adequate timeframe.
- Consult with their supervisor about the issues of concern. In especially challenging cases, consult with the adoption placement specialist in the Central Office Child Permanency Program.
- Discuss with the child's caseworker the problematic issues so they may also be apprised of the situation.

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- Schedule a time, at which the caseworker may also be included if desired, to meet with the caregiver to discuss the need for a timely home study, consider any concerns the foster parent may have and determine if the foster parent is still interested in adopting the child.
- Send the foster family a letter with a brief summary of the discussion, the plan to move forward or not, and the dates when specific tasks must be accomplished if that is what the family stated they wish to do. The dates should be reasonable to the prospective resource and more importantly, to the child for whom permanency may be delayed without diligent staff movement addressing issues of concern regarding the current caretaker as a resource.
- Communicate with the caseworker if concerned about the foster parent not following through with the needed activities of the adoption assessment within the 90-day deadline the family's certification/adoption worker must meet (unless it is extended by the Child Welfare program manager). The adoption application may be delayed for reasons that do not indicate the adoption process should be terminated, such as delays in getting a medical appointment due to a physician's office schedule or a family move. If the adoption worker is concerned the foster parent is not able to meet the standards to be approved for adoption, the worker should discuss this with their supervisor. Denial of adoption home study approval is discussed I-G.1.3 Adoption Applications, Adoption Home Studies, and Standards for Adoption at this [link](#).

### **Disclosure of child information to the foster parent if they are selected as the adoptive resource for the child**

#### **Procedure**

This information is for the caseworker and the certification/adoption worker. This is limited information about disclosure of child information to the selected adoptive family. Therefore, the two workers should refer to the procedure manual Chapter 5, Section 7 "Selecting adoptive families, disclosure of information to and about adoptive families" on sharing information with adoptive families.

- The caseworker provides the materials listed on the Required Information for Adoption Workers and Adoptive Parents form CF 963 to the adoption worker of the current caretaker if selected. If the adoption decision specialist makes the decision after an adoption committee adjourns, the worker for the family and the caseworker discuss how the materials will get to the adoption worker immediately.
- The caseworker and the adoption worker decide who should discuss the possible future ramifications of the child's history (such as genetically transmitted conditions, prenatal exposure to substances, history of neglect, etc.) with the current caretaker. Give the foster parent an opportunity to ask questions, consult with specialists and, if they feel they cannot meet the child's needs, decline to continue as the adoptive family.

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## The supervisor's role

- Consult with and provide guidance to the caseworker about the caseworker's process to proceed to free a child for adoption and the foster parent's request to be an adoptive resource for the child. Discuss the diligent search, the progress of the diligent search and confirm whether a relative is being considered for adoption. Support the worker in considering the child's current and long-term needs when thinking about the foster family.
- Reinforce the agency's emphasis on prioritizing relatives and current caretakers.
- Support and be available to provide guidance to the caseworker as they work with a foster family during the process of being studied and considered as a potential adoptive resource.
- Help the worker determine which adoption selection process should be used.
- Attend the Permanency Committee and/or adoption committee with the caseworker as needed when the worker is inexperienced or the case is highly controversial.
- After the current caretaker adoption home study or update is complete and approved, inform the worker of adoption selection process to use, as well as the notification responsibilities and deadlines related to selection. This is found in:
  1. Adoption Placement Selection I-G.1.5 at this [link](#); and
  2. Chapter 5, Section 7 "Selecting the adoptive family" in the procedure manual.
- Identify the appropriate child information disclosure materials to the current caretaker if they are selected as the adoptive resource. The disclosure materials are indicated on the Required Information for Adoption Workers and Adoptive Parents form 963.
- Consult with the Central Office Child Permanency Program as needed if there are seriously concerning issues or questions along the way.

## Forms and references

### Legal references

### Oregon Revised Statutes

- ORS 418.285
- ORS 418.290

### Child Welfare policy

- Search for and Engagement of Relatives, [OAR 413-070-0000 to 0974](#)
- Identification and Consideration of Potential Adoptive Resources, [OAR 413-120-0700 to 0760](#)
- Adoption Placement Selection, [OAR 413-120-0000 to 0060](#)

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- Legal Permanency, Concurrent Planning, and Use of Permanency Committee, [OAR 413-070-0000 to 0974](#)

### Forms

- CF 251, Current Caretaker Report  
<https://apps.state.or.us/Forms/Served/ce0251.doc>
- Genetic and Medical History of Child and Biological Family in OR-Kids (formerly CF 246)
- Adoption Child Summary in OR-Kids
- CF 963, Required Information for Adoption Workers and Adoptive Parents  
<https://apps.state.or.us/Forms/Served/ce0963.doc>
- CF 1269b, Third Party/Confidential form  
<https://apps.state.or.us/Forms/Served/CE1269b.doc>
- Oregon SAFE Adoption Home Study and Home Study Update from the Consortium for Children, [www.safehomestudy.org/Home.aspx](http://www.safehomestudy.org/Home.aspx)

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