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PERMANENT ADMINISTRATIVE RULES

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I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on Upon filing, by the
Department of Human Services, Child Welfare Programs 413

Agency and Division Administrative Rules Chapter Number
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To become effective Upon filing. Rulemaking Notice was published in the September 2015 Oregon Bulletin.

RULE CAPTION

Adopting, amending, and repealing rules relating to children and young adults in substitute care

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

413-200-0260, 413-200-0275, 413-200-0298, 413-200-0356

AMEND:

413-200-0270, 413-200-0272, 413-200-0274, 413-200-0276, 413-200-0278, 413-200-0281, 413-200-0283, 413-200-0285, 413-200-0287, 413-200-0289, 413-200-0292, 413-200-0294, 413-200-0296, 413-200-0301, 413-200-0305, 413-200-0306, 413-200-0308, 413-200-0314, 413-200-0335, 413-200-0348, 413-200-0352, 413-200-0354, 413-200-0358, 413-200-0362, 413-200-0371, 413-200-0377, 413-200-0379, 413-200-0383, 413-200-0386, 413-200-0388, 413-200-0390, 413-200-0393, 413-200-0394, 413-200-0396, 413-200-0404, 413-200-0414, 413-200-0419, 413-200-0424

REPEAL:

413-200-0395, 413-200-0409

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:

409.050, 411.060, 411.070, 418.005

Other Authority:

Preventing Sex Trafficking and Strengthening Families Act of 2014

Statutes Implemented:

409.010, 409.050, 411.060, 411.070, 418.005, 418.015

RULE SUMMARY

The Department of Human Services, Office of Child Welfare Programs, is amending rules in division 200 relating to substitute care certification standards and responsibilities. The amendments do the following:

- Establish the "reasonable and prudent parent" standard to guide caregivers in making decisions about whether to allow foster youth to engage in typical and appropriate childhood activities:
 - o Require training in applying the reasonable and prudent parent standard (OAR 413-200-0274)
 - o Require applicants to possess the ability to apply the reasonable and prudent parent standard (OAR 413-200-0308)
 - o Adopt a new rule to require certified families to support the child or young adult in his or her interests to participate in age-appropriate or developmentally appropriate activities and apply the reasonable and prudent parent standard when determining whether to allow a child or young adult in substitute care to participate in extracurricular, enrichment, cultural, and social activities (OAR 413-200-0356)

- Adopt an overarching definitions rule (OAR 413-200-0260) for division 200 which consolidates existing definitions and adds new terms:
 - o Age-appropriate or developmentally appropriate activities
 - o Babysitting (new)
 - o Child care (new)
 - o Criminal records check (expanded)
 - o Day care facility (new)
 - o Disqualifying condition (new)
 - o Impending danger safety threat (new)
 - o Listed DHS child care provider (new)
 - o Other person in the household (new)
 - o Present danger safety threat (new)
 - o Reasonable and prudent parent standard (new)
 - o Subject individual (new and incomplete)
 - o Temporary Certificate of Approval
- Replace "expedited Child-Specific Certificate of Approval" with "Temporary Certificate of Approval" throughout.
- Amend OAR 413-200-0281 to require a criminal records check and a fingerprint-based criminal offender records check, and fitness determination for child care providers who are not day care providers.
- Amend OAR 413-200-0283 to add requirement to follow the requirements of OAR 413-200-0404 to 413-200-0424 during and at the conclusion of a CPS assessment regarding a certified family.
- Amend OAR 413-200-0285 to require certifier to determine if the placement support plan should be updated or ended.
- Amend OAR 413-200-0287 to further delineate the activities that must be completed by a supervisor prior to renewal of a certificate of approval. Provides that a certificate does not expire if the department does not complete its assessment on a timely application.
- Amend OAR 413-200-0289 to delineate supervisor responsibilities regarding a request by a certified family to change their certification type, and to provide that no child may remain in a home that is not certified or that is having its certification revoked.
- Amend 413-200-0292 adds language about what to do when a member of the household is the perpetrator or potential perpetrator of abuse or neglect, further delineates supervisor responsibilities regarding a recertification of a previously certified family.
- Amend OAR 413-200-0294 to clarify that when requested by the certified family, inactive referral status ends: At the request of the certified family, or when the Certificate of Approval terminates or expires, unless the Department has renewed the certificate.
- Adopt OAR 413-200-0298 relating to the confidentiality of applicant and certified family information.
- Amend OAR 413-200-0352 to require certified families to immediately report when a child or young adult placed with the family is missing.
- Restructure rules throughout the division and adds new rules to highlight the differences between the assessment processes and make the rule easier to read.
- Make additional updates throughout division 200 consistent with current Department practice.

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Definitions

413-200-0260

Definitions

THIS IS A NEW RULE

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) "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* with respect to the cognitive, emotional, physical, and behavioral capacities of the child.
- (3) "Applicant" means any individual who applies:
 - (a) For a *Certificate of Approval*, *Child-Specific Certificate of Approval*, *Temporary Certificate of Approval*, to renew certification, or for a change of status; or
 - (b) For approval through the Department as a potential *adoptive resource*.
- (4) "Babysitting" means the provision of temporary care for a *child* or *young adult* that is:
 - (a) Ten consecutive hours or less; and

- (b) Not overnight care.
- (5) "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of gathering information on the needs and strengths of a *child or young adult* used for one or more of the following purposes:
 - (a) Identifying case planning, service planning, and supervision needs of the child or young adult in substitute care with a certified family;
 - (b) Determining the level of care payment while in substitute care with a certified family; and
 - (c) Determining the *level of care payment* included in an adoption assistance agreement or guardianship assistance agreement.
- (6) "Certificate of Approval" means a document the Department issues to a *certified family* to approve the operation of a home to provide care for a *child or young adult* in the care or custody of the Department.
- (7) "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.
- (8) "Certified family" means an individual or individuals who hold a current *Certificate of Approval* from the Department to operate a home to provide care, in the home in which the individual or individuals reside, to a *child or young adult* in the care or custody of the Department.
- (9) "Certifier" means a Department employee who:
 - (a) Conducts assessments of applicants and homes;
 - (b) Determines whether or not to recommend approval of a potential *adoptive resource* or that a *Certificate of Approval* be approved or renewed; and
 - (c) Monitors the compliance of a certified family and home with OAR 413-200-0301 to 413-200-0396.
- (11) "Child" means a person under 18 years of age.

- (12) "Child care" means regularly scheduled care, supervision, and guidance of a *child* by an individual other than the parent, guardian, foster parent, or relative caregiver during any time that the parent, guardian, foster parent, or relative caregiver works or attends school.
- (13) "Child protective services assessment" (CPS assessment) means an investigation into a report of child abuse pursuant to ORS 419B.020, that includes activities and interventions to identify and analyze threats to child safety, determine if there is reasonable cause to believe child abuse or neglect occurred, and assure child safety through protective action plans, initial safety plans, or ongoing safety planning.
- (14) "Child protective services supervisor" (CPS supervisor) means an employee of the Department trained in child protective services and designated as a supervisor.
- (15) "Child protective services worker" (CPS worker) means an employee of the Department who has completed the mandatory Department training for child protective service workers.
- (16) "Child-Specific Certificate of Approval" means a document the Department issues to a *certified family* to approve the operation of a home to provide care for a specific *child* or *young adult* in the care or custody of the Department and for whom the Department determines a placement is needed.
- (17) "Co-habiting" means the act of two adults, unmarried to each other, living together in an intimate relationship as if married.
- (18) "Consulting foster parent or relative caregiver" means an individual who maintains or has held a Certificate of Approval to operate a foster or *relative caregiver* home, received Department approved training on the role of a "consulting foster parent or relative caregiver", and agrees to serve in this role.
- (19) "Criminal records check" means obtaining and reviewing criminal records as required by these rules and includes any or all of the following:
- (a) An Oregon criminal records check where criminal offender information is obtained from the Oregon State Police (OSP) using the Law Enforcement Data System (LEDS). The Oregon criminal records check may also include a review of other criminal records information obtained from other sources.
- (b) A national criminal records check where records are obtained from the Federal Bureau of Investigation (FBI) through the use of fingerprint cards sent to OSP and

other identifying information. 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.

(20) "Day 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 twelve 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 that is exempt from Office of Child Care licensing and that receives subsidy payments for child care on behalf of clients of the Department of Human Services.

(21) "Denial" means the refusal of the Department to approve an application for certification and issue or renew a certification.

(22) "Department" means the Department of Human Services, Child Welfare.

(23) "Discipline" means a training process to help a *child* or *young adult* 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.

(24) "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.

(25) "Electronic monitoring" means the use of video monitoring or listening devices to monitor or record the behavior of a *child* or *young adult*. "Electronic monitoring" does not include:

- (a) Door monitors;
 - (b) Window alarms;
 - (c) Motion detectors;
 - (d) Audio or video baby monitors used for a child five years and under; or
 - (e) Monitors approved by a medical provider for medical purposes.
- (26) "Enhanced supervision" means the additional support, direction, observation, and guidance necessary to promote and assure the safety and well-being of a *child* or *young adult* when the *child* or *young adult* qualifies for a *level of care payment*.
- (27) "Foster parent" means a person who operates a home that has been approved by the Department to provide care for an unrelated *child* or young adult placed in the home by the Department.
- (28) "Home study" means a document containing an analysis of the ability of the *applicant* to provide safe and appropriate care of a *child* or young adult.
- (29) "Impending danger safety threat" means a family behavior, condition, or circumstance that meets all five safety threshold criteria. A threat to a *child* that 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.
- (30) "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* or young adult with a certified family.
- (31) "Initial contact" means the first face-to-face contact between a CPS worker and a family. The initial contact includes face-to-face contact with the alleged *child* victim, his or her siblings, parent or caregiver, other children and adults living in the home; accessing the home environment; and gathering sufficient information on the family conditions and functioning to determine if present danger safety threats or impending danger safety threats exist.
- (32) "Level of care payment" means the payment provided to an approved or certified family, a guardian, a pre-adoptive family, or an adoptive family based on the need for *enhanced*

supervision of the *child* or *young adult* as determined by applying the CANS algorithm to the results of the CANS screening.

- (33) "Listed DHS child care program provider" means a child care provider who has been approved by DHS Self-Sufficiency Program to provide child care to DHS clients.
- (34) "Member of the household" means any adult or *child* living in the home, including the applicant and any caregiving employee or volunteer.
- (36) "Personal care services plan" means a written plan to provide personal care services for the *child* or *young adult* 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.
- (37) "Physical restraint" means the act of restricting the voluntary movement of a *child* or *young adult* as an emergency measure in order to manage and protect the *child*, *young adult*, or others from injury when no alternate actions are sufficient to manage the behavior of the *child* or *young adult*. "Physical restraint" does not include temporarily holding a *child* or *young adult* to assist him or her or assure his or her safety, such as preventing a *child* from running onto a busy street.
- (38) "Placement support plan" means a documented set of actions or resources that is developed to assist a relative caregiver or foster parent to maintain conditions that provide safety and well-being for a *child* or *young adult* in the home.
- (39) "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.
- (40) "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.

- (41) "Punishment" means the intentional infliction of emotional or physical pain or suffering.
- (42) "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 or young adult while encouraging the emotional and developmental growth of the child or young adult, that a substitute care provider shall use when determining whether to allow a child or young adult in substitute care to participate in extracurricular, enrichment, cultural, and social activities.
- (43) "Referral" means a report that has been assigned for the purpose of CPS assessment.
- (44) "Relative caregiver" 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 or young adult placed in the home by the Department.
- (45) "Report" means an allegation of child abuse or neglect provided to the Department that the screener evaluates to determine if it constitutes a report of child abuse or neglect as defined in ORS 419B.005.
- (46) "Respite care" means a formal planned arrangement to relieve a certified family's responsibilities by a person temporarily assuming responsibility for the care and supervision of a child or young adult in the home of the person or certified family. "Respite care" must be less than 14 consecutive days.
- (47) "Revocation" means an administrative act by the Department that rescinds an existing Certificate of Approval, Child-Specific Certificate of Approval, or Temporary Certificate of Approval.
- (48) "Screener" means a Department employee with training required to provide screening services.
- (50) "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.
- (51) "Temporary Certificate of Approval" means a document the Department issues to a certified family to approve the operation of a home to provide care for a specific child or young adult in the care and 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).

(52) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 409.050, 418.005, 418.015, 418.027, 418.285, 418.315, 418.470, 418.625 - 418.648

Responsibilities for Certification and Supervision of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources

413-200-0270

Purpose

(Amended 12/28/11)

- (1) The purpose of ~~these rules~~ (OAR 413-200-0270 to 413-200-029~~86~~) is to describe the activities of the Department related to:
 - (a) ~~The e~~Certification of a *relative caregiver* or *foster parent*, and ~~the~~ assessment of a potential adoptive resource;
 - (b) Monitoring ~~a compliance of a certified family's compliance~~ with the ~~C~~certification ~~S~~standards ~~in OAR 413-200-0301 to 413-200-0396~~; and
 - (c) ~~Recertification~~ Renewal of a *certified family* and reopening of a previously certified family.
- (2) Regardless of the nature of the relationship between ~~a family~~ an applicant and a *child* or *young adult*, ~~a family~~ an applicant must be assessed and certified ~~a Certificate of Approval must be issued~~ prior to placement of the *child* or *young adult* in the home.
- (3) ~~In these rules, unless~~ Unless otherwise indicated, a *child* or *young adult* refers to ~~a child or young adult~~ an individual in the care or custody of the Department.
- (4) The following do not apply to a potential adoptive resource: OAR 413-200-0276, 413-200-0278, 413-200-0281, 413-200-0283, 413-200-0285, 413-200-0287, 413-200-0289, 413-200-0292, 413-200-0294, and 413-200-0296 ~~do not apply to a potential adoptive resource~~.

Stat. Auth.: ORS 409.050, 418.005, 418.016, 418.640, 418.642

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.016, 418.027, 418.285, 418.315, 418.470, 418.625 - 418.6458

413-200-0272

Definitions—Responsibilities for Assessment and Certification

(Amended 12/28/11)

THIS RULE IS REVISED IN ITS ENTIRETY

The following definitions apply to OAR 413-200-0270 to 413-200-0296:

- (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) ~~"Applicant" means an individual or individuals who apply:~~
 - (a) ~~To become or remain a *certified family*;~~
 - (b) ~~For approval as a potential *adoptive resource*.~~
- (3) ~~"Certificate of Approval" means a document that the Department issues to approve the operation of a certified *relative caregiver* home or foster home.~~
- (4) ~~"Certified family" means an individual or individuals who hold a *Certificate of Approval* from the Department to operate a home to provide care, in the home in which they reside, to a *child* or *young adult* in the care or custody of the Department.~~
- (5) ~~"Certifier" means a Child Welfare employee who:~~
 - (a) ~~Conducts assessments of applicants interested in providing relative or foster care to a *child* or *young adult* in the care or custody of the Department or conducts assessments of a potential *adoptive resource*;~~
 - (b) ~~Determines whether or not to recommend approval of the operation of a *relative caregiver* or foster home or approval of a potential *adoptive resource*; and~~
 - (c) ~~Monitors the compliance of a *caregiver* or foster care home with Child Welfare certification rules.~~
- (6) ~~"Child" means a person under 18 years of age.~~
- (7) ~~"Child-Specific Certificate of Approval" means a document authorizing an individual or individuals to operate a home to provide care for a specific *child* or *young adult* in the care or custody of the Department.~~

- (8) ~~"Co-habiting" means the act of two adults, unmarried to each other, living together in an intimate relationship as if married.~~
- (9) ~~"Criminal records check" means the process for obtaining and reviewing an individual's criminal offender information and may include a fingerprint-based criminal offender records check of national crime information databases.~~
- (10) ~~"Denial" means the refusal of the Department to issue an initial or renew a *Certificate of Approval* to operate a *relative caregiver* home or foster home to provide care for a *child* or *young adult* in the care or custody of the Department.~~
- (11) ~~"Department" means the Department of Human Services, Child Welfare.~~
- (12) ~~"Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated *child* or *young adult* placed in the home by the Department.~~
- (13) ~~"Home study" means a document containing an analysis of the ability of the *applicant* to provide safe and appropriate care of a *child* or *young adult*.~~
- (14) ~~"Inactive Referral Status" means a period of time, not to exceed 12 months, during which neither the Department nor any other agency will place an additional *child* or *young adult* with a *certified family*.~~
- (15) ~~"Member of the household" means any adult or *child* living in the home, including any caregiving employee or volunteer who may reside in the home.~~
- (16) ~~"Placement support plan" means a documented set of actions or resources that is developed to assist a *relative caregiver* or *foster parent* to maintain conditions that provide safety and well-being for a *child* or *young adult* in the home.~~
- (17) ~~"Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related *child* or *young adult* placed in the home by the Department.~~
- (18) ~~"Respite care" means a formal planned arrangement to relieve a certified family's responsibilities by an individual temporarily assuming responsibility for the care and supervision of a *child* or *young adult* in the home of the respite provider or *certified family*. "Respite care" must be less than 14 consecutive days.~~
- (19) ~~"Revocation" means an administrative act by the Department that rescinds an existing *Certificate of Approval*.~~
- (20) ~~"Young adult" means an individual aged 18 through 20 years.~~

- (1) Except as provided in sections (2) and (3) of this rule, the Department must conduct an assessment to determine if the *applicant* and the home of the *applicant* meet the standards in OAR 413-200-0301 to 413-200-0396 as follows:
- (a) For the approval of a potential *adoptive resource* or issuance of a *Certificate of Approval* or *Child-Specific Certificate of Approval*, the Department must conduct the activities described in OAR 413-200-0274. ~~The *Certificate of Approval* and *Child-Specific Certificate of Approval* expires two years from the date of issuance unless OAR 413-200-0276(2)(b), OAR 413-200-0287(7), or OAR 413-200-0296(6) applies.~~
 - (b) For issuance of a *Temporary Certificate of Approval*, the Department must conduct the activities described in 413-200-0275. A *Temporary Certificate of Approval* expires 180 days from the date of issuance unless an extension is granted, and may only be issued to a qualified *applicant* seeking to provide care only for specific children or young adults in the care or custody of the Department.
 - (c) For issuance of a *Certificate of Approval* or *Child-Specific Certificate of Approval* to a certified family that has been issued a *Temporary Certificate of Approval*, the Department must conduct the activities described in OAR 413-200-0276. In this circumstance, the *Certificate of Approval* or *Child-Specific Certificate of Approval* expires two years from the date of issuance of the *Temporary Certificate of Approval*.
- (2) The Department is not required to assess an *applicant* and may deny the application if:
- (a) The *applicant* has had a previous application for certification denied or if certification has been revoked during the five years prior to the date on the application;
 - (b) The *applicant* is seeking to care for a specific *child* or *young adult* who is not in the care or custody of the Department;
 - (c) The *applicant* is seeking to care for a specific *child* or *young adult* the Department has determined does not require placement change; or
 - (d) The *applicant* is seeking to care for a specific *child* or *young adult* for whom the Department has not received a request for a home study under the Interstate Compact for the Placement of Children (ICPC).
- (3) The Department is not required to assess an *applicant* who has an accepted assessment or home study from a licensed adoption agency under OAR 413-120-0830(4).

- (4) The Department may terminate the assessment process at any time and proceed to issue a proposed and final order denying certification for one or more of the reasons in OAR 413-200-0296, OAR 413-200-0395(2), or, if the application is for approval to be a potential *adoptive resource* for the reasons in OAR 413-120-0225(2).
- (5) Any certificate issued under OAR 413-200-0270 to 413-200-0296 must include all of the following information:
- (a) The name of each *applicant* approved as the *certified family*.
 - (b) The address to which the certificate applies.
 - (c) The age range (birth to 20) of the children or young adults for whom the *certified family* is approved to provide care.
 - (d) The maximum number of children or young adults who can be placed in the home.
 - (e) The provider number that the Department has given the home.
 - (f) The effective and expiration dates of the certificate.
 - (g) The signature of the Child Welfare Program Manager or designee.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0274

Responsibilities for Assessment and Certification

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

(Amended 12/28/11)

THIS RULE IS REVISED IN ITS ENTIRETY

- ~~(1) Sections (2) to (5) of this rule cover Department responsibilities for an expedited process for certification of an *applicant* for a *Child Specific Certificate of Approval*. Sections (6) and (7) cover Department responsibilities for certification of all other applicants and assessment of a potential *adoptive resource*.~~

- ~~(2) To complete the expedited process for assessment of an *applicant* for a *Child Specific Certificate of Approval*, the *certifier* must:~~
- ~~(a) Review the completed application.~~
 - ~~(b) Have face to face contact with the *applicant* and each *member of the household*. If a *member of the household* is unavailable when conducting face to face contact for a *Child Specific Certificate of Approval*, the *certifier* must:~~
 - ~~(A) Obtain the approval of the supervisor to delay face to face contact with that *member of the household*; and~~
 - ~~(B) Determine a date and time for the face to face contact within one week of the date the *member of the household* becomes available.~~
 - ~~(c) Explain the certification process.~~
 - ~~(d) Discuss with the *applicant* the role and responsibilities of the Department.~~
 - ~~(e) Assess the applicant's motivation for and interest in caring for the *child* or *young adult*.~~
 - ~~(f) Complete a home visit.~~
 - ~~(A) Observe and assess the safety of the physical environment;~~
 - ~~(B) Walk through every room in the home and each surrounding building; and~~
 - ~~(C) Complete a Safety Assessment of the home.~~
 - ~~(g) 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* or *young adult*.~~
 - ~~(h) Assure completion of a *criminal records check* through LEDS, which includes information compiled and maintained by OSP Bureau of Criminal Identification on each adult *member of the household* and initiate a *criminal records check*, including information compiled and maintained by OSP Bureau of Criminal Identification and a fingerprint based criminal offender records check of national crime information as outlined in Child Welfare Policy I G.1.4, "Criminal History", OAR 413-120-0400 to 413-120-0470.~~
 - ~~(A) Assess the fitness of the *applicant* or *member of the household* pursuant to OAR 413-120-0450 and 413-120-0455; and~~

- ~~(B) — If appropriate, request an exception pursuant to OAR 413-120-0450(7) to complete certification of the *applicant* despite the criminal offender history of an *applicant* or *member of the household*.~~

- ~~(i) — At the Department's discretion and when there is reason to believe a *child*, not in the care or custody of the Department and living in the home, may pose a risk to a *child* or *young adult* placed in the home, initiate a fingerprint-based criminal offender records check of national crime information databases as outlined in Child Welfare Policy I-G.1.4, "Criminal History", OAR 413-120-0400 to 413-120-0470.~~

- ~~(j) — Assure initiation of child abuse history background checks for each adult *member of the household*.~~
 - ~~(A) — A child abuse history background check must be completed in the state of Oregon and requested from any other state where the individual has resided in the last five years;~~

 - ~~(B) — Assess any safety concerns regarding the *applicant* or *member of the household* raised by information learned from the child abuse history background check; and~~

 - ~~(C) — When appropriate, obtain approval from the District Manager or designee on a form approved by the Department to continue certification when a *member of the household* has been identified as the perpetrator or possible perpetrator of abuse or neglect in a Child Protective Services Assessment Founded Disposition, Unable to Determine Disposition, or a similar disposition from another state.~~

- ~~(k) — Within 24 hours, gather information from at least two personal references for the *applicant*.~~

- ~~(l) — Assure the *applicant* possesses a valid driver license and auto insurance if the *applicant* will transport a *child* or *young adult* in the care or custody of the Department.~~

- ~~(m) — Determine, with input from the *applicant*, the gender, ages, and maximum number of children and young adults who may be placed in the home by the Department.~~

- ~~(n) — When appropriate, obtain approval from the Child Welfare program manager or designee on a form approved by the Department when:
 - ~~(A) — The *applicant* or a *member of the household* is an in-home day care provider or foster care provider licensed by another program, unless~~~~

- ~~placement is authorized under an agreement;~~
- ~~(B) — The applicant or a member of the household is an adult foster care or in-home adult day care provider; or~~
- ~~(C) — An applicant applying to become a relative caregiver is 18, 19, or 20 years of age.~~
- ~~(o) — When appropriate, obtain approval from the Child Welfare program manager or designee on a form approved by the Department, when the applicant is assessed as a Child-Specific Certificate of Approval through an office other than the office in the county in which the applicant resides.~~
- ~~(p) — When appropriate, obtain the approval of the Child Welfare program manager when the number of children or young adults placed in the home will exceed the maximum number of children or young adults as described in OAR 413-200-0276.~~
- ~~(q) — After completing the activities in subsections (2)(a) to (p) of this rule, the Department may issue a Child-Specific Certificate of Approval for up to 180 days.~~
- ~~(3) — As soon as possible and no later than the 180 day period beginning the date the Child-Specific Certificate of Approval is issued, the certifier must complete all of the following actions:~~
- ~~(a) — Gather information from at least two additional references. No more than two of the four required references may be provided by the applicant's relatives.~~
- ~~(b) — Contact the caseworker of the child or young adult placed in the home regarding the adjustment of the child or young adult in placement and the certified family's ability to meet the needs of the child or young adult.~~
- ~~(c) — Conduct a home visit at least every 90 days, and when necessary, additional home visits.~~
- ~~(d) — Gather personal, family social history information sufficient to assess the conditions that appear to exist in the home that affect safety, health, and well-being of a child or young adult through a series of questionnaires and interviews completed by applicants, members of the household, and others.~~
- ~~(e) — Assure completion of the fingerprint based criminal records check as described in Child Welfare Policy I-G.1.4, "Criminal History", OAR 413-120-0400 to 413-120-0470.~~
- ~~(f) — Assure completion of the child abuse history background checks for each adult member of the household as required in paragraph (2)(j)(A) of this rule and~~

~~request a child abuse history background check for each adult *member of the household* who has lived in another country in the five years preceding the applicant's dated application for a *Certificate of Approval* from the Department.~~

~~(g) — Verify that the *certified family* —~~

~~(A) — Has completed Orientation within 30 days after the expedited *Child-Specific Certificate of Approval* was issued; and~~

~~(B) — Has a plan —~~

~~(i) — To complete Foundations training before or within 12 months after the date on which the *Certificate of Approval* was issued; or~~

~~(ii) — Has a written, individualized training plan, approved by a supervisor, specific to meeting the needs of the *child or young adult* placed with a *certified family* holding a child-specific certificate. The individualized training plan must:~~

~~(I) — Include training on mental and emotional problems that occur in *child* victims of abuse and neglect, including sexual abuse and rape of a *child*; and~~

~~(II) — Be developed within 90 days after a *Child-Specific Certificate of Approval* has been issued by the Department.~~

~~(h) — Discuss and develop a training plan for each certified adult in the family.~~

~~(i) — Document the assessment of the certified family's ability to provide safety, health, and well-being for the *child or young adult* in a *home study* on a form approved by the Department.~~

~~(4) — After completing the activities in section (3) of this rule, the Department may approve the *certified family* for the two-year certification period and issue a *Child-Specific Certificate of Approval*. The effective date of an approval issued under this section will be the day on which the activities in section (3) of this rule were completed. The expiration date of an approval issued under this section will be two years from the effective date on the first expedited *Child-Specific Certificate of Approval*.~~

~~(5) — When the activities described in subsections (3)(a) to (3)(i) of this rule have not been completed within 180 days:~~

~~(a) — The District Manager or designee may extend the *Child-Specific Certificate of Approval* for no longer than 30 days; or~~

~~(b) — The Foster Care Program Manager or designee may extend the *Child-Specific*~~

~~Certificate of Approval for over 30 days if an activity has not been completed due to circumstances beyond the control of the Department.~~

- ~~(6) — To complete the assessment for the certification of all other applicants other than those being assessed for an expedited *Child-Specific Certificate of Approval*, the certifier must:~~
- ~~(a) — Review the completed application.~~
 - ~~(b) — Have face-to-face contact with the *applicant* and each *member of the household*.~~
 - ~~(c) — Explain the process for certification of a *relative caregiver* or *foster parent* and approval of a potential *adoptive resource*.~~
 - ~~(d) — Discuss with the *applicant* the role and responsibilities of the Department.~~
 - ~~(e) — Assess the applicant's motivation for and interest in caring for a *child* or *young adult*.~~
 - ~~(f) — Complete a minimum of two home visits:
 - ~~(A) — Observe and assess the safety of the physical environment;~~
 - ~~(B) — Walk through every room in the home and each surrounding building; and~~
 - ~~(C) — Complete a Safety Assessment of the home.~~~~
 - ~~(g) — Gather social history information through a series of questionnaires approved by the Department, interviews, and observations in which the Department staff gathers personal information about the *applicant* and the household. Analyze information as it relates to each applicant's personal qualifications and assess the conditions that appear to exist in the home that affect safety, health, and well-being for a *child* or *young adult*.~~
 - ~~(h) — Assure completion of a *criminal records check* including information compiled and maintained by the OSP Bureau of Criminal Identification and a fingerprint-based *criminal records check* of national crime information databases on each *adult member of the household* and, at the Department's discretion, on any *child* under 18, as outlined in Child Welfare Policy I-G.1.4, "Criminal History", OAR 413-120-0400 to 413-120-0470.
 - ~~(A) — Assess the fitness of the *applicant* or *member of the household* pursuant to OAR 413-120-0450 and 413-120-0455; and~~
 - ~~(B) — If appropriate, request an exception pursuant to OAR 413-120-0450(7) to complete certification of the *applicant* despite the criminal offender history of an *applicant* or *member of the household*.~~~~

- ~~(i) — At the Department's discretion and when there is reason to believe a *child*, not in the care or custody of the Department and living in the home, may pose a risk to a *child* or *young adult* placed in the home, initiate a fingerprint-based criminal offender records check of national crime information databases as outlined in Child Welfare Policy I-G.1.4, "Criminal History", OAR 413-120-0400 to 413-120-0470.~~
- ~~(j) — Assure completion of child abuse history background checks for each adult member of the household.~~
 - ~~(A) — If the *applicant* or an 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 applicant's dated application for a *Certificate of Approval* from the Department;~~
 - ~~(B) — If the *applicant* or an adult member of the household has lived outside of the United States in the previous five years, a child abuse history background check must be requested from each country where the individual lived within the five years preceding the applicant's dated application for a *Certificate of Approval* from the Department;~~
 - ~~(C) — Assess any safety concerns regarding the *applicant* or member of the household raised by information learned from the child abuse history background check; and~~
 - ~~(D) — When appropriate, obtain approval from the District Manager or designee on a form approved by the Department to continue certification when a member of the household has been identified as the perpetrator or possible perpetrator of abuse or neglect in a Child Protective Services Assessment Founded Disposition, Unable to Determine Disposition, or a similar disposition from another state.~~
- ~~(k) — Gather information from at least four personal references for the *applicant*, no more than two of which may be provided by the applicant's relatives.~~
- ~~(l) — Obtain authorization from the *applicant* prior to contacting any individual in completing a thorough background check, other than the applicant's adult children and references provided by the *applicant*.~~
- ~~(m) — Assure the *applicant* possesses a valid driver license and auto insurance if the *applicant* will transport a *child* or *young adult*.~~
- ~~(n) — Determine, with input from the *applicant*, the gender, ages, and maximum number of children and young adults who may be placed in the home by the~~

~~Department.~~

- ~~(o) — When appropriate, obtain approval from the Child Welfare program manager or designee on a form approved by the Department under the following circumstances:
 - ~~(A) — The applicant or a member of the household is an in-home day care provider or foster care provider licensed by another child caring agency, unless placement is authorized under an Interagency Agreement;~~
 - ~~(B) — The applicant or a member of the household is an adult foster care or in-home adult day care provider; or~~
 - ~~(C) — An applicant applying to become a relative caregiver is 18, 19, or 20 years of age.~~~~
- ~~(p) — When appropriate, obtain approval from the Child Welfare program manager or designee on a form approved by the Department when the applicant applies for a Certificate of Approval through an office other than the office in the county in which the family resides.~~
- ~~(q) — When appropriate, obtain the approval of the Child Welfare program manager when the number of children or young adults placed in the home will exceed the maximum number of children or young adults as described in OAR 413-200-0276.~~
- ~~(r) — Verify that the applicant has completed Orientation and Foundations training before or within 12 months after the date on which the Certificate of Approval was issued, or has written documentation of completion of equivalent training content from another licensed child caring agency within two years of an applicant's dated application for a Certificate of Approval from the Department.~~
- ~~(s) — Discuss and develop a training plan with each applicant.~~
- ~~(t) — Document the assessment of the applicant's ability to provide safety, health, and well-being for the child or young adult in a home study on a form approved by the Department.~~
- ~~(7) — After completing the activities in section (6) of this rule, the Department may:
 - ~~(a) — Issue a Certificate of Approval for a two-year period for individuals applying to become a certified family; or~~
 - ~~(b) — Send written notice of the status of the application for a potential adoptive resource pursuant to OAR 413-120-0240.~~~~

- (1) To complete an assessment of an *applicant* and approve an *adoptive resource* or issue a *Certificate of Approval* or *Child-Specific Certificate of Approval*, the *certifier* must:
- (a) Review the completed application.
 - (b) Have face-to-face contact with the *applicant* and each member of the household.
 - (c) Explain to the *applicant* the process and requirements for certification of a relative caregiver or foster parent and approval of a potential *adoptive resource*.
 - (d) Discuss with the *applicant* the role and responsibilities of the Department.
 - (e) Assess the applicant's motivation for and interest in caring for a *child* or young adult.
 - (f) Assure the *applicant* possesses a valid driver license and auto insurance if the *applicant* will transport a *child* or young adult.
 - (g) Determine, with input from the *applicant*, the gender, ages, and maximum number of children and young adults who may be placed in the home by the Department.
 - (h) When appropriate, obtain the approval of the Child Welfare Program Manager when the number of children or young adults placed in the home will exceed the maximum number of children or young adults as described in OAR 413-200-0276.
 - (i) When appropriate, obtain approval from the Child Welfare Program Manager or designee on a form approved by the Department under the following circumstances:
 - (A) The *applicant* or a member of the household is an in-home child care provider or a foster care provider licensed by another child-caring agency;
 - (B) The *applicant* or a member of the household is an adult foster care or in-home adult day care provider;
 - (C) An *applicant* applying to become a *relative caregiver* is 18, 19, or 20 years of age.

- (D) An applicant is married, in a domestic partnership, or co-habiting but the spouse or partner is not an applicant.
- (j) When appropriate, obtain approval from the Child Welfare Program Manager or designee on a form approved by the Department when the applicant applies for a Certificate of Approval or Child-Specific Certificate of Approval through a Department office other than the office in the county in which the family resides.
- (k) Complete a minimum of two home visits.

 - (A) Observe and assess the safety of the physical environment;
 - (B) Walk through each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate entry residence rented to or owned by another individual;
 - (C) Complete a safety assessment of the home and surroundings using a form approved by the Department; and
 - (D) Provide an age-appropriate statement of rights under ORS 418.201 and OAR 413-010-0170 to 413-010-0185, "Rights of Children".
- (l) Gather personal, family, and social history information through a series of questionnaires approved by the Department, interviews, and observations in which the Department staff gathers personal information about the applicant and the household. Analyze information as it relates to each applicant's personal qualifications and assess the conditions that appear to exist in the home that affect safety, health, and well-being for a child or young adult.
- (m) Assure completion of a criminal records check and a fingerprint-based criminal records check of national crime information databases on each adult member of the household and, at the Department's discretion, on any child under 18, as outlined in OAR 413-120-0400 to 413-120-0475.

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

- (B) If appropriate, request an exception pursuant to OAR 413-120-0450(7) to complete certification of the *applicant* despite the criminal offender history of an *applicant* or *member of the household*; and
- (C) If the *applicant* or a member of the household has a disqualifying conviction under OAR 413-120-0450(3) or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department will proceed under OAR 413-120-0460 and issue a proposed and final order denying certification.

- (n) At the Department's discretion and when there is reason to believe a *child*, not in the care or custody of the Department and living in the home, may pose a risk to a *child* or *young adult* placed in the home, initiate a fingerprint-based criminal offender records check of national crime information databases as outlined in OAR 413-120-0400 to 413-120-0470.

- (o) Assure completion of child abuse history background checks for each adult member of the household.

 - (A) If the *applicant* or an 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 ~~applicant's~~ date on the application for certification from the Department;
 - (B) If the *applicant* or an adult member of the household has lived outside of the United States in the previous five years, a child abuse history background check must be requested 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 the *applicant* or member of the household raised by information learned from the child abuse history background check; and
 - (D) When the *applicant* or a member of the household has been identified as the perpetrator or possible perpetrator of abuse or neglect in a child protective services assessment founded disposition, unable to determine disposition, or a similar disposition from another state, do all of the following:

- (i) Consult with the certification supervisor about whether to seek approval from the District Manager or designee to continue the certification assessment and regardless of the decision document the information considered on a form approved by the Department;
- (ii) If the decision in (i) above is to proceed with the certification assessment, the District Manager or designee may approve or deny, and documents the decision on a form approved by the Department.
- (p) Gather information from at least four personal references for the *applicant*, no more than two of which may be provided by the applicant's relatives.
- (q) Except as provided in subsection (r), verify the *applicant* has completed Orientation and Foundations training before or within 12 months after the issuance of a certificate under this rule, or has written documentation of completion of equivalent training content from another licensed child-caring agency within two years of the date on the current application for certification from the Department.
- (r) For purposes of a *Child-Specific Certificate of Approval*, as appropriate, verify the *applicant* has a written, individualized training plan, approved by a supervisor, specific to meeting the needs of the child or young adult placed with the certified family. The individualized training plan must:

 - (A) Include training on the mental, emotional, and physical impacts of abuse and neglect, including sexual abuse and rape of a child; and
 - (B) Be developed within 90 days after the Temporary Certificate of Approval is issued by the Department.
- (s) An *applicant* is exempt from subsection (s) of this rule if the *applicant* is applying to become a potential adoption resource and has approval under OAR 413-120-0246.
- (t) Discuss and develop a training plan with each *applicant*, which must include knowledge and skills related to applying the *reasonable and prudent parent standard* for the participation of the child in *age-appropriate and developmentally appropriate activities*.

- (u) Document the assessment of the applicant's ability to provide safety, health, and well-being for the *child* or *young adult* in a *home study* on a form approved by the Department when the recommendation is to issue a certificate of approval.
- (2) If the *certifier* has completed all of the activities in section (1) of this rule and the supervisor has approved the documented assessment of the applicant's qualifications and ability to provide safety, health, and well-being to a *child* or *young adult*, the Department may:
- (a) In the case of an applicant seeking certification, either
- (A) Issue a *Certificate of Approval* or *Child-Specific Certificate of Approval* for a two-year period, as applicable;- or
- (B) Issue a proposed and final order denying certification.
- (b) In the case of an applicant seeking to be an adoptive resource, send written notice of the status of the application pursuant to OAR 413-120-0240.
- (3) The Department must assess an *applicant* and determine whether to approve the application or deny the application within 180 days of Department receipt of a completed application unless:
- (a) The application is withdrawn by the *applicant*; or
- (b) The District Manager or designee extends the assessment period.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645~~8~~

413-200-0275

Expedited Assessment for Issuance of a Temporary Certificate of Approval

THIS IS A NEW RULE

- (1) The Department may only use the assessment described in this rule for the purpose of issuing a *Temporary Certificate of Approval*.

- (2) To complete an assessment of an *applicant* and issue a *Temporary Certificate of Approval*, the *certifier* must:
- (a) Complete the activities in subsections (a) to (j) of section (1) of 413-200-0274.
 - (b) Gather information from at least two personal references for the *applicant* within 24 hours of receipt of a completed application.
 - (c) 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; and
 - (D) Provide a copy of the Oregon Foster Children's Bill of Rights as provided in ORS 418.201 and OAR 413-010-0170 to 413-010-0185.
 - (d) 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* or *young adult*.
 - (e) Assure completion of a *criminal records check* through LEDS on each adult *member of the household* and initiate a fingerprint-based criminal offender records check of national crime information as outlined in OAR 413-120-0400 to 413-120-0475.
 - (A) Assess the fitness of the applicant or member of the household pursuant to OAR 413-120-0450 and 413-120-0455;
 - (B) If appropriate, request an exception pursuant to OAR 413-120-0450(7) to complete certification of the applicant despite the criminal offender history of an applicant or member of the household; and

- (C) If the applicant or a *member of the household* has a disqualifying conviction under OAR 413-120-0450(3) or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department will proceed under OAR 413-120-0460 and issue a proposed and final order denying certification.
- (f) At the Department's discretion and when there is reason to believe a *child*, not in the care or custody of the Department and living in the home, may pose a risk to a *child* or *young adult* placed in the home, initiate a fingerprint-based criminal offender records check of national crime information databases as outlined in OAR 413-120-0400 to 413-120-0475.
- (g) Assure completion ~~initiation~~ of a child abuse history background check in the state of Oregon for each adult *member of the household* and initiate a child abuse history background check from any other state where the individual has resided in the last five years;
- (h) Assess any safety concerns raised by information learned from the child abuse history background check;
- (i) Complete all of the following activities when a *member of the household* has been identified as a perpetrator or possible perpetrator of abuse or neglect in a child protective services assessment founded disposition, unable to determine disposition, or a similar disposition from another state:
- (A) Consult with the certification supervisor about whether to seek approval from the District Manager or designee to continue the certification assessment and regardless of the decision document the information considered on a form approved by the Department;
- (B) If the decision in paragraph (A) of subsection (i) above is to proceed with the certification assessment, the District Manager or designee must approve or deny, and documents the decision on a form approved by the Department.
- (j) Document the assessment of the certified family's ability to provide safety, health, and well-being for the *child* or *young adult* on a form approved by the Department.
- (k) Obtain supervisor review and approval of the assessment of the ability of the *applicant* to provide safety, health, and well-being for the specific *child* or *young adult* in the care or custody of the Department.

- (1) Upon completion of the activities in section (2) of this rule, and based on the assessment, either:
 - (A) Proceed to the assessment described in OAR 413-200-0276;
 - (B) ~~Issue either a Temporary Certificate of Approval; or~~
 - (C) Issue a proposed and final order denying certification

Stat. Auth.: ORS 409.050, 418.005, 418.016, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.016, 418.625 - 418.648

413-200-0276

Responsibility to Determine the Maximum Number of Children or Young Adults in a Certified Family Home Assessment to Move from a Temporary Certificate of Approval to a Certificate of Approval or Child-Specific Certificate of Approval

(Amended 12/28/11)

THIS RULE IS REVISED IN ITS ENTIRETY

- ~~(1) Unless special circumstances exist, a supervisor may not issue a *Certificate of Approval* that, when the home is fully occupied, exceeds the following maximum number of children or young adults living in the home:
 - ~~(a) A total of four children or young adults to one certified adult living in the home;~~
 - ~~(b) A total of seven children or young adults to two certified adults living in the home; or~~
 - ~~(c) A total of two children under the age of three.~~~~
- ~~(2) When making the determination of the maximum number of children or young adults in the home as described in section (1) of this rule, the supervisor includes all children and young adults residing in the home, not only the children or young adults in the care or custody of the Department.~~
- ~~(3) The Child Welfare program manager may approve placing additional children or young adults in the home in special circumstances.
 - ~~(a) Special circumstances include, but are not limited to:
 - ~~(A) Placing siblings together; or~~~~~~

- ~~(B) — Placing a special needs *child* or *young adult* with a family that has demonstrated extraordinary ability in meeting the safety, health, and well-being needs of a *child* or *young adult*.~~
- ~~(b) — In these special circumstances, the *certifier* must assess:~~
 - ~~(A) — The skills, abilities, willingness, and training of the *certified family* related to the quantity of services that are required for each *child* or *young adult*;~~
 - ~~(B) — The skills, abilities, safety, health, and well-being needs of each *child* or *young adult*;~~
 - ~~(C) — The amount of Departmental supervision the *certified family* requires and the certified family's network of support to the *child* or *young adult* related to the needs of the *child* or *young adult*;~~
 - ~~(D) — The maximum safe physical capacity of the home, including sleeping arrangements; and~~
 - ~~(E) — The plan for each individual to escape from the home in case of fire or other emergency.~~
- ~~(4) — The *certifier* must document the assessment described in subsection (3)(b) of this rule on a form approved by the Department and obtain Child Welfare program manager approval prior to permitting the home to exceed the maximum number of children or young adults specified in section (1) of this rule.~~
- ~~(5) — When a Child Welfare program manager approves placing additional children or young adults in a certified home, the *certifier* must:~~
 - ~~(a) — Visit the home every 90 days;~~
 - ~~(b) — Assess during each visit the certified family's compliance with certification standards; and~~
 - ~~(c) — Document the certified family's compliance with certification standards after each visit.~~
- (1) — To complete the assessment of an *applicant* that already has been issued a *Temporary Certificate of Approval* and issue a *Certificate of Approval* or *Child-Specific Certificate of Approval*, the *certifier* must complete the following activities as soon as possible, but no later than 180 days from the date the *Temporary Certificate of Approval* is issued, unless the certificate has been extended under subsection (3) of this rule:

- (a) Gather information from at least two additional references. No more than two of the four required references may be provided by the applicant's relatives.
- (b) Contact the caseworker of the *child* or *young adult* placed in the home and gather information regarding the adjustment of the *child* or *young adult* to the home and the certified family's ability to meet the needs of the *child* or *young adult*.
- (c) Conduct a home visit at least every 90 days, and when necessary, additional home visits. During each visit review and assess the certified family's compliance with certification standards and the conditions that appear to exist in the home that affect safety and well-being for the *child* or young adult; and document the certified family's compliance with the certification standards after each visit.
- (d) Gather personal, family, and social history information sufficient to assess the conditions that appear to exist in the home that affect safety, health, and well-being of a *child* or *young adult* through a series of questionnaires and interviews completed by applicants, members of the household, and others.
- (e) Assure completion of a *criminal records check* and a fingerprint-based *criminal records check* of national crime information databases on each adult *member of the household* and, at the Department's discretion, on any *child* under 18, as outlined in OAR 413-120-0400 to 413-120-0475.
 - (A) Assess the fitness of the *applicant* or *member of the household* pursuant to OAR 413-120-0450 and 413-120-0455;
 - (B) If appropriate, request an exception pursuant to OAR 413-120-0450(7) to complete certification of the *applicant* despite the criminal offender history of an *applicant* or *member of the household*; and
 - (C) If the applicant or a member of the household has a disqualifying conviction under OAR 413-120-0450(3) or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department will proceed under OAR 413-120-0460 and issue a proposed and final order denying certification.
- (f) At the Department's discretion and when there is reason to believe a *child*, not in the care or custody of the Department and living in the home, may pose a risk to a *child* or *young adult* placed in the home, initiate a fingerprint-based criminal

offender records check of national crime information databases as outlined in OAR 413-120-0400 to 413-120-0470.

- (g) Assure completion of the child abuse history background checks for each adult member of the household as required in OAR 413-200-0274(1)(p) and request a child abuse history background check for each adult member of the household who has lived in another country in the five years preceding the date on the current application for certification.

- (h) Verify that the certified family --
 - (A) Has completed Orientation within 30 days after the Temporary Certificate of Approval was issued; and

 - (B) Has a plan --
 - (i) To complete Foundations training before or within 12 months after the date on which the Temporary Certificate of Approval was issued, unless the supervisor waives the training requirement based on the family's documented knowledge and skills in caring for a child or young adult; or

 - (ii) Has a written, individualized training plan, approved by a supervisor, specific to meeting the needs of the child or young adult placed with the certified family. The individualized training plan must:
 - (I) Include training on the mental, emotional, and physical impacts of abuse and neglect, including sexual abuse and rape of a child; and

 - (II) Be developed within 90 days after the Temporary Certificate of Approval is issued by the Department.

- (h) Discuss and develop a training plan under OAR 413-200-0379(6) for each certified adult in the family.

- (i) Document the assessment of the certified family's ability to provide safety, health, and well-being for the child or young adult in a home study on a form approved

by the Department when the recommendation is to issue a *Certificate of Approval* or *Child-Specific Certificate of Approval*.

- (j) Obtain supervisor approval of the documented assessment of the certified family's qualifications and ability to provide safety, health, and well-being for the specific child or young adult in the care or custody of the Department.
- (2) If the certifier has completed all of the activities in section (1) of this rule, the Department may issue a *Certificate of Approval* or *Child-Specific Certificate of Approval*.
 - (a) The *Certificate of Approval* or *Child-Specific Certificate of Approval* becomes effective no sooner than the date of issuance.
 - (b) The *Certificate of Approval* or *Child-Specific Certificate of Approval* expires two years from the date the *Temporary Certificate of Approval* was issued.
- (3) When the activities described in sections (1) and (2) of this rule have not been completed within 180 days:
 - (a) The District Manager or designee may extend the *Temporary Certificate of Approval* on a form approved by the Department for no longer than 30 days; or
 - (b) The Child Well-Being Program Manager or designee may extend the *Temporary Certificate of Approval* for more than 30 days if an activity has not been completed due to circumstances beyond the control of the Department.

Stat. Auth.: ORS 409.050, 418.005, 418.016, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.016, 418.625 - 418.6458

413-200-0278

Responsibilities for Issuing a Certificate of Approval **Responsibility to Determine the Maximum Number of Children or Young Adults in a Certified Family Home**

(Amended 12/28/11)

THIS RULE IS REVISED IN ITS INTIRETY

- (1) ~~The Department must complete the assessment activities described in OAR 413-200-0274, and issue a Certificate of Approval or provide notice of intent to deny a Certificate of Approval within 180 days of receipt of an application to become a foster parent or~~

~~relative caregiver, unless the application is withdrawn or the assessment period is extended by the District Manager or designee.~~

- ~~(2) — The supervisor must —~~
 - ~~(a) — Review all assessment activities;~~
 - ~~(b) — Ensure all safety components of the certification standards are met; and~~
 - ~~(c) — Ensure any required exception or approval as provided in these rules (OAR 413-200-0270 to 413-200-0296) has been obtained prior to the Department issuing a Certificate of Approval.~~
- ~~(3) — A supervisor may approve and the Department may issue the following Certificates of Approval:~~
 - ~~(a) — An expedited Child Specific Certificate of Approval for up to 180 days when all activities required in OAR 413-200-0274(2) have been completed;~~
 - ~~(b) — A two-year Child Specific Certificate of Approval to provide relative caregiver or foster care after all activities required in OAR 413-200-0274(3) have been completed.~~
 - ~~(c) — A Certificate of Approval for two years when all the activities required in OAR 413-200-0274(6) have been completed.~~
- ~~(4) — A Certificate of Approval must include the following information:~~
 - ~~(a) — The name of each primary adult, including married couples, individuals in a domestic partnership (as defined in ORS 106.310), and co-habiting individuals, approved as the certified family;~~
 - ~~(b) — The address to which the certificate applies;~~
 - ~~(c) — The age range (birth to 20) and gender of the children or young adults for whom the certified family is approved to provide care;~~
 - ~~(d) — The maximum number of children or young adults who can be placed in the home;~~
 - ~~(e) — The provider number that the Department has given the home;~~
 - ~~(f) — The effective and expiration dates of the certificate; and~~
 - ~~(g) — The signature of the Child Welfare program manager or designee.~~
- ~~(5) — The Department may at its discretion modify the Certificate of Approval to increase or decrease the maximum number of children or young adults, the age range, or the gender~~

~~of the children or young adults for whom the family is certified within the limits prescribed in OAR 413-200-0276.~~

~~(1) Unless special circumstances exist, a supervisor may not issue a Certificate of Approval that, when the home is fully occupied, exceeds the following maximum number of children or young adults living in the home:~~

~~(a) A total of four children or young adults to one foster parent or relative caregiver living in the home;~~

~~(b) A total of seven children or young adults to two foster parents or relative caregivers living in the home; or~~

~~(c) A total of two children under the age of three.~~

(1) Except as provide in subsection (3) of this rule, a supervisor may not issue a Certificate of Approval, a Child-Specific Certificate of Approval, or a Temporary Certificate of Approval if the fully occupied home would exceed the following maximum number of children or young adults living in the home:

(a) A total of four children or young adults to one foster parent or relative caregiver living in the home;

(b) A total of seven children or young adults to two foster parents or relative caregivers living in the home; or

(c) A total of two children under the age of three.

(2) When counting the children or young adults in a home for purposes of a certification assessment a supervisor includes all children and young adults in the care and custody of the Department who are living in the home, and any other children living in the home.

(3) A Child Welfare Program Manager may approve placing an additional *child* or *young adult* in the home in special circumstances.

(a) Special circumstances include, but are not limited to:

(A) Placing siblings together; or

(B) Placing a *child* or *young adult* with special needs with a family that has demonstrated extraordinary ability in meeting the safety, health, and well-being needs of a *child* or *young adult*.

(b) In these special circumstances, the *certifier* must assess:

(A) The skills and abilities, willingness, and training of the *certified family*

- related to the quantity of services required for each *child* or *young adult*;
- (B) The skills and abilities, safety, health, and well-being needs of each *child* or *young adult*;
 - (C) The amount of Departmental supervision and support the *certified family* requires to meet the needs of each *child* or *young adult*;
 - (D) The maximum safe physical capacity of the home, including sleeping arrangements; and
 - (E) The plan for each individual to escape from the home in case of fire or other emergency.
- (4) The *certifier* must document the assessment described in subsection (b) of section (3) of this rule on a form approved by the Department, including the sustainability of the plan, and obtain Child Welfare Program Manager approval prior to permitting the home to exceed the maximum number of children or young adults specified in section (1) of this rule.
- (5) When a Child Welfare Program Manager approves placing additional children or young adults in a certified home, the *certifier* must:
- (a) Visit the home every 90 days;
 - (b) During each visit, review and assess the certified family's compliance with certification standards as outlined in OAR 413-200-0283 and the conditions that appear to exist in the home that affect safety and well-being for the *child* or *young adult*; and
 - (c) Document compliance of the certified family with the certification standards after each visit.
- (6) The Department may at its discretion modify any certificate issued under OAR 413-200-0270 to 413-200-0296 to increase or decrease the maximum number of children or young adults or the age range of the children or young adults for whom the family is certified within the limits prescribed in this rule.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0281

Respite Care Providers, Child Care and Babysitters

(Amended 12/28/11)

- (1) The *certifier* must undertake all of the following activities when applicable:
 - (a) Discuss with the *certified family* the plan for providing care to a *child* or *young adult*; when the *certified family* will be unavailable to provide care.
 - (b) Assure completion of a criminal records check through LEADS ~~which includes information compiled and maintained by OSP Bureau of Criminal Identification~~ as outlined in ~~Child Welfare Policy I-G.1.4, "Criminal History"~~, OAR 413-120-04600 on any individual the *certified family* has identified ~~to~~ as a prospective *respite care* provider or child care provider unless the provider is a day care facility.
 - (c) Assure the fitness of each prospective *respite care* provider or child care provider having a conviction described in OAR 413-120-0450 or an arrest described in OAR 413-120-0455 is determined by the appropriate authorized designee, in accordance with OAR 413-120-0450, OAR 413-120-0455 and OAR 413-120-0457.
 - (ed) Assure ~~completion~~ initiation of a fingerprint-based criminal offender records check of national crime information databases as outlined in OAR 413-120-0400 to 413-120-0475 whenever:
 - (A) The *criminal records check* conducted under subsection (b) of this section indicates the prospective *respite care* or child care provider has a criminal history; or
 - (B) The prospective *respite care* or child care provider has lived in Oregon less than five years.
 - (e) Assure completion of a fingerprint-based criminal offender records check of national crime information databases described in subsection (d) of this section and, if previously unknown crimes or arrests are discovered, notwithstanding any fitness determination made under subsection (c) of this section, assure that the fitness of the *respite care* provider or child care provider is redetermined by the appropriate authorized designee, in accordance with OAR 413-120-0450, OAR 413-120-0455 and OAR 413-120-0457 based on the new information.
 - (df) Conduct child abuse history background checks on any individual the *certified family* has identified as a prospective *respite care* provider or child care provider unless the provider is a day care facility.

- (g) When respite care or child care will be provided in the home of the respite care or child care provider, assure the activities described in subsections (b) through (fe) of this section are complete for all adults living in the home of the respite care or child care provider.
- (eh) Analyze information gathered under subsections (a) ~~and to (bgf)~~ of this section prior to determining the individual is safe and appropriate to provide *respite care or child care* and approving the individual to provide *respite care or child care*.
- (fi) Document the analysis under subsection (eh) of this section in the ~~certification provider~~ record of the Department's electronic information system.
- (gi) Notify the *certified family* of the approval for the individual identified to provide *respite care or child care* within one business day of the approval.
- (hk) Verify that any *certified family* identified to provide *respite care* for another *certified family* has a current *Certificate of Approval*.
- (il) When the analysis under subsection (eg) of this section results in a determination that the individual is either not a safe or appropriate individual to provide *respite care or child care*, notify the *certified family* that the individual is not authorized to provide *respite care or child care* within one business day of the decision.
- (m) The Department may disapprove -a prospective *respite care* provider or *child care* provider even if the provider has a positive fitness determination.
- (2) If the *respite care* provider or *child care* provider has a disqualifying conviction under OAR 413-120-0450(3) or (4) or the authorized designee makes a negative fitness determination with respect to the *respite care* provider or *child care* provider, the provider may not be approved to provide care.
- (23) The Department has the discretion to request a *criminal records check* of a babysitter.
- (34) When a *certified family* notifies the Department of their intent to provide *respite care* for another *child* or *young adult*, the *certifier* must approve the request prior to the *certified family* providing *respite care*.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0283

Responsibilities to Monitor Certification Compliance

(Amended 12/28/11)

- (1) A *certifier* must conduct the following home visits:
 - (a) A minimum of one home visit every 90 days during the period ~~an expedited *Child Specific a Temporary Certificate of Approval* is effective;~~
 - (b) A minimum of one home visit ~~to any certified family every 180 days~~ every 90 days when a certified family has been approved to exceed the maximum number of children or young adults as prescribed in OAR 413-200-0276(1), as long as the approval is applicable; and
 - (c) A minimum of one home visit ~~to any certified family every 180 days when a certified family has been approved to exceed the maximum number of children or young adults as prescribed in OAR 413-200-0276(1), as long as the approval is applicable.~~
- (2) To monitor a certified family's compliance with ~~Child Welfare Policy II B.1, "Certification Standards for Foster Parents, Relative Caregivers, and Approval of Potential Adoptive Resources",~~ OAR 413-200-0301 to 413-200-0396, a *certifier* must complete the following activities when applicable:
 - (a) Assess the certified family's ability to maintain conditions in the home that provide safety, health, and well-being for the children and young adults whenever it becomes known that the *certified family* wishes to become an in-home child care, an adult foster care, or an in-home adult day care provider, and, when appropriate, obtain approval from the Child Welfare ~~program manager~~Program Manager or designee on a form approved by the Department.
 - (b) Obtain approval from the Child Welfare ~~program manager~~Program Manager or designee on a form approved by the Department ~~prior to placement of the child or young adult~~ whenever it becomes known that another agency wishes to place a *child* or *young adult* in a certified home, prior to placement of the *child* or *young adult*.
 - (c) Assure completion of a *criminal records check* and child abuse history background checks as outlined in OAR 413-120-0400 to 413-120-0475 whenever it becomes known that another adult is living in the household, ~~or the certified family identifies another~~ potential respite care or child care provider, or the Department has reason to believe that a *child*, not in the custody of the Department, who lives in the home, a babysitter, or a person who frequents the home poses a risk to the children or young adults placed in the home.

- (d) ~~Seek~~ Before the home visit required under subsection (1)(b) of this rule, seek input from the caseworkers of each *child* and *young adult* placed or living in the home during the past 180 days and assess the conditions that appear to exist in the home that affect safety, health, and well-being for the *child* or *young adult*;
- (e) Assess the information that the *certifier* learns from the home visit, the *certified family*, members of the household, and caseworkers to determine whether conditions appear to exist in the home that affect safety, health, and well-being for the *child* or *young adult* placed in the home by the Department;
- (f) ~~Review and assess the conditions that appear to exist in the home that affect safety and well-being for the child or young adult when any special circumstances described in OAR 413-200-0276(3)(a) exist; and~~ Complete the activities under OAR 413-200-0276 when a Child Welfare Program Manager has approved placing additional children or young adults in the certified home.
- (g) Document the contacts with the *certified family* and the assessment information obtained under this rule in the certification-provider record of the Department's electronic information system.

(3) During and at the conclusion of a child protective services assessment regarding an allegation of child abuse or neglect in a certified family, follow the requirements of OAR 413-200-0404 to 413-200-0424.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0285

Responsibilities When Developing a Placement Support Plan

(Amended 12/28/11)

- (1) When a *certifier* determines that a *certified family* needs additional support to maintain conditions that provide safety, health, and well-being in the home, the *certifier* must develop a *placement support plan*. A *placement support plan* is appropriate when one or both of the following circumstances apply:
 - (a) The *certified family* needs additional training, ~~or~~ instruction, or skills to improve ~~the care giving practices their ability~~ to meet the needs of ~~the~~ children or young adults placed in the certified family's home.
 - (b) The *certified family* is not in compliance with one or more of the Department's certification standards, and the non-compliance does not result in either a present danger safety threat or an impending danger safety threat to a *child* or young adult.

- (2) When a *placement support plan* is appropriate to support a *certified family*, the *certifier* must gather information regarding current circumstances from --
 - (a) The *certified family*;
 - (b) The children or young adults placed in the certified family's home, when appropriate;
 - (c) The caseworkers of the children or young adults currently placed in the home; and
 - (d) Other collateral contacts that may have information regarding the characteristics of the care provided in the certified family's home.
- (3) The *certifier* must schedule a meeting with the *certified family* to discuss the current circumstances that require a *placement support plan* and the appropriate supports and services to assist the *certified family*.
- (4) The *certifier* must prepare a written *placement support plan* that specifies:
 - (a) The actions or services in which the *certified family* will participate;
 - (b) The actions or services the Department will provide to support the *certified family* in maintaining conditions that provide safety, health, and well-being for the children or young adults placed in the home by the Department;
 - (c) Agreement that the *certified family* is willing and able to participate in the actions or services;
 - (d) Agreement to review the *placement support plan* on a specified date, which is within at least 90 days; and
 - (e) The anticipated end date of the *placement support plan*.
- (5) A supervisor must approve the *placement support plan*.
- (6) When the *placement support plan* has been approved, the *certifier* must:
 - (a) Provide a copy to the *certified family*;
 - (b) ~~File a copy in the certification file;~~
 - (be) Document the *placement support plan* in the Department's electronic information system; and
 - (cd) Provide written notification to the caseworkers of each *child* or *young adult*

placed in the home of the *placement support plan*.

- ~~(7) The certifier must contact the certified family prior to the anticipated end date of the placement support plan to assure that all activities and services have been completed, or the certified family can meet the needs of the children or young adults placed in the home by the Department and is in compliance with Department certification standards.~~
- (7) The certifier must maintain regular contact with the certified family to monitor the effectiveness of the placement support plan and assure activities and services are in place.
- (8) The certifier must review the placement support plan on or before the date specified in subsection (4)(d) of this rule and determine, in consultation with the certification supervisor, whether the placement support plan should be updated or ended.
- ~~(89) The If the placement support plan is updated or ended, the certifier must document the end of a placement support plan decision in the certification file, in provider case notes provider record, and must notify the caseworkers of each child or young adult placed in the certified family's home.~~

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.315, 418.625 - 418.645~~8~~

413-200-0287

Responsibilities Regarding Assessment for Two-Year Renewal of Certification the Certificate of Approval

(Amended 12/28/11)

- (1) When an application for a certification renewal is received before the current certification expires, the Department must reassess the certified family to determine whether to renew the Certificate of Approval or Child-Specific Certificate of Approval for two additional years.
- (2) The Department may terminate the assessment process at any time and issue a proposed and final order denying the certification renewal for one or more of the reasons in OAR 413-200-0395(2), OAR 413-200-0296, or, if the application is for approval to be a potential adoptive resource, OAR 413-120-0225(2).
- ~~(13) A certified family must be assessed every two years. The Department must complete the assessment and provide written notice of the decision to renew a certificate approval or intent to deny the renewal of the certified family's Certificate of Approval. To complete~~

the assessment and renew a *Certificate of Approval* or *Child-Specific Certificate of Approval*, the certifier must complete all of the following:

- (a) Conduct a minimum of one home-visit to the home of the certified family's home and:
 - (A) Have face-to-face contact with each member of the household.
 - (B) Complete the questionnaires and interviews necessary to complete a home study update.
 - (C) Observe and assess the safety of the physical environment.
 - (D) Walk through each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate entry residence rented to or owned by another individual.
 - (E) Complete a safety assessment of the home and surroundings using a form approved by the Department.
 - (F) Confirm that an age-appropriate statement of rights under ORS 418.201 and OAR 413-010-0170 to 413-010-0185 is posted.
- (b) Review the completed Certified Family Certificate Renewal or Change of Status Application.
- (c) Confirm completion of required hours of training, and develop a training plan for the new certification period.
- (d) Contact and gather information from the caseworkers who have had of children or young adults who have been placed with the *certified family* during the past 180 days.
- (e) Assure completion of criminal records checks on each adult member of the household; and, at the Department's discretion, any child, when there is reason to believe the child may pose a risk to children placed in the home, as described in OAR 413-120-0400 to 413-120-0475. A fingerprint-based criminal offender records check of national crime information databases is not required for an application for renewal of a *Certificate of Approval* or *Child-Specific Certificate of Approval*, unless an applicant or member of the household has lived outside of Oregon for more than 60 consecutive days within the two-year certification period or has been arrested or convicted during the two-year certification period.

- (A) Assess any safety concerns regarding the fitness of the *applicant* or *member of the household* pursuant to OAR 413-120-0450 and 413-120-0455.
 - (B) If appropriate, request an exception pursuant to OAR 413-120-0450(7) to complete certification of the *applicant* despite the new criminal offender history of an *applicant* or *member of the household*.
 - (C) If the *applicant* or a member of the household has a disqualifying conviction under OAR 413-120-0450(3) or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department will proceed under OAR 413-120-0460 and issue a proposed and final order denying certification.
- (f) Assure completion of child abuse history background checks for each adult *member of the household*.
- (A) When the *applicant* or an adult *member of the household* has lived outside the state of Oregon ~~in the previous five years, and an out-of-state child abuse history background check has not been completed for more than 60 consecutive days during the two-year certification period,~~ a child abuse history background check must be requested from each state or country where the individual resided ~~in the five years preceding the applicant's dated application for renewal of a Certificate of Approval from the Department during the two-year certification period.~~
 - (B) Assess any safety concerns regarding the *applicant* or adult *member of the applicant's household* raised by information learned from the child abuse history background check; and -
 - ~~(C) When appropriate, obtain approval from the District Manager or designee, on a form approved by the Department, to proceed with an application when a *member of the household* has been identified as the perpetrator or possible perpetrator of abuse or neglect in a Child Protective Services Assessment Founded Disposition, Unable to Determine Disposition, or a similar disposition from another state.~~
 - (C) When the *applicant* or adult *member of the household* has been identified as the perpetrator or possible perpetrator of abuse or neglect in a child protective services assessment founded disposition, unable to determine disposition, or a similar disposition from another state, do all of the following:

- (i) Consult with the certification supervisor about whether to seek approval from the District Manager or designee to continue the certification assessment and regardless of the decision document the information considered on a form approved by the Department;
 - (ii) If the decision in (i) above is to proceed with the certification assessment, the District Manager or designee may approve or deny, and documents the decision on a form approved by the Department.
- (g) Review and assess whether conditions appear to exist in the home that ~~jeopardize~~ affect the safety, health, or well-being of the *child* or *young adult*.
- (h) Review and analyze the certified family's skills and abilities in maintaining conditions in the home that provide safety, health, and well-being for the *child* or *young adult*, maintaining relationships with the community and the Department, and supporting the case plan of the *child* or *young adult*.
- (i) When recommending renewal of the certification, Uupdate the *home study* on a form approved by the Department, including results of the assessment activities completed in subsections (a) to (hi) of this section, and submit to the supervisor for approval.
- ~~(2) The supervisor reviews the updated *home study* and may approve or deny the *home study*. If the supervisor approves the *home study*, the Department will issue a new two-year *Certificate of Approval*. If the supervisor does not approve the *home study*, the Department will proceed as outlined in OAR 413-200-0296.~~
- (4) Before the Department may renew a certification, a supervisor must:
 - (a) Assure the *certifier* has completed all assessment activities required by subsections (3)(a) to (ij) of this rule and review the *certifier*'s assessment of the certified family; and
 - (b) Review the updated *home study*.
- (5) If the supervisor reviews the *certifier*'s completed assessment activities in subsections (3)(a) to (i) of this rule as documented in the updated *home study* and the supervisor decides to renew the certification based on the certified family's continued qualifications and ability to provide safety, health, and well-being to a *child* or *young adult* as documented in the *home study*, the Department may issue a new *Certificate of Approval* or *Child-Specific Certificate of Approval*, valid for two years.

(6) If the supervisor decides not to renew the certification, the Department must proceed to deny the application as outlined in OAR 413-200-0296(5), unless the certified family voluntarily withdraws their application as provided in OAR 413-200-0314(4). The current certificate continues until its expiration date unless the Department proceeds to revoke the certificate as outlined in OAR 413-200-0296 or the certified family requests to voluntarily terminate the certificate and the Department accepts the family's request.

~~(37)~~ Pursuant to ORS 183.430, if the *certified family* has submitted a timely Renewal Application and the Department does not complete the activities in sections ~~(43)~~ (25) of this rule before the stated expiration date on the certified family's *Certificate of Approval*, the certified family's *Certificate of Approval* may not be deemed to expire until the Department has issued a new *Certificate of Approval* or there is a final order denying renewal.

Stat. Auth.: ORS 409.050, 418.005, 418.016, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.016, 418.625 - 418.645~~8~~

413-200-0289

Responsibilities Regarding ~~Voluntary Termination-Withdrawal~~ of an Application or Termination of an Existing Certification of Approval

(Amended 12/28/11)

(1) When an *applicant* requests to withdraw his or her application for certification a *Certificate of Approval* under OAR 413-200-0314(4), the *certifier* must document his or her communication regarding the applicant's request.

(2) When a *certified family* requests ~~that the Department terminate their~~ certification *Certificate of Approval* or does not wish to renew a *Certificate of Approval*, the *certifier* must ~~document his or her communication regarding the certified family's request.~~

(a) Terminate the certification on a date to be determined by the Department and the *certified family*, notify the *certified family* of the date the certificate was terminated and document the reasons for termination of the certificate; or

(b) If the Department has decided to take action to revoke the certification, determine with a Program Manager or designee whether to accept the request to terminate the certificate or continue with the revocation process, inform the certified family of the Department's decision, and document the Department's decision regarding the certified family's request.

(3) The Department must ~~terminates~~ a *Temporary Certificate of Approval* or *Child-Specific*

Certificate of Approval ~~within~~ 10 business days ~~of~~ after the departure of the *child* or *young adult* from the home of the certified family, unless at least one of the following ~~subsections~~ applies:

- (a) ~~The child-specific *Child-Specific Certificate of Approval* is a two-year certificate and the certified family~~ submits a written request to ~~continue their *Certificate of Approval* as a foster parent~~ change the type of certificate from a *Child-Specific Certificate of Approval* to a *Certificate of Approval* under section (45) of this rule within 10 business days of the departure of the *child* or *young adult* from the home.;
 - (b) ~~The certified family requests to voluntarily terminate the *Temporary Certificate of Approval* or *Child-Specific Certificate of Approval*, and the Department agrees to terminate the certificate; or~~
 - (c) ~~The Department has taken action to revoke a *Temporary Certificate of Approval* or *Child-Specific Certificate of Approval* under OAR 413-200-0296.~~
 - (b) ~~The Department has determined the *child* or *young adult* is removed because the certified family cannot meet the safety, health, and well-being needs of the *child* or *young adult* and has violated one or more rules under Child Welfare Policy II B.1, "Certification Standards for Foster Parents, Relative Caregivers, and Approval of Potential Adoptive Resources", OAR 413-200-0301 to 413-200-0396; or~~
 - (e) ~~OAR 413-200-0395(6) applies.~~
- (4) ~~When the Department has determined that subsection (3)(b) of this rule applies, the Department will notify the certified family of the decision and issue a notice of intent to revoke the *Certificate of Approval* pursuant to OAR 413-200-0395(2).~~
- (54) ~~When a child-specific certified family requests with a *Temporary Certificate of Approval* or *Child-Specific Certificate of Approval* seeks to become certified as a foster parent~~ change the type of certificate to one that does not limit the family to care for a specific *child* or *young adult*, the certifier must:
- (a) Provide the family with a "Certified Family Certificate Renewal or Change of Status Application"; ~~and~~ when the individuals caring for the *child* remain the same as those previously on the *Temporary Certificate of Approval* or *Child-Specific Certificate of Approval*;
 - (b) Assess the family's ability to meet the safety, health, and well-being needs of a ~~non-related~~ non-specific *child* or *young adult* placed in the home pursuant to the requirements of OAR 413-200-0274.;

- (c) Document the assessment in the provider record; and
 - (d) If a fitness determination had previously been made under OAR 413-200-0274, assure completion of a new fitness determination.
- ~~(6) After the *certifier* has completed the assessment pursuant to subsection (5)(b) of this rule, a supervisor will approve the assessment and send a *Certificate of Approval* to the family, or send a notice of intent to deny the application, unless the family has withdrawn their request pursuant to OAR 413-200-0296.~~
- (5) Before the Department may change the type of certificate under section (4) of this rule, a supervisor must:
 - (a) Assure the *certifier* has completed all activities required by section (4) of this rule;
 - (b) Review the certifier's assessment of the *certified family*; and
 - (c) Determine, upon completion of the review in subsection (b) of this section, whether to approve or not approve the certified family's application to change the *Temporary Certificate of Approval* or *Child-Specific Certificate of Approval* to a type of certificate that does not limit the family to care for a specific *child* or *young adult*.
 - (6) If the supervisor decides to approve the certified family's application to change the *Temporary Certificate of Approval* or *Child-Specific Certificate of Approval* to a type of certificate that does not limit the family to care for a specific *child* or *young adult*, the Department must issue a *Certificate of Approval* with the same end date as the current certificate to the family.
 - (7) If the supervisor decides not to approve the certified family's application to change the type of certificate to one that does not limit the family to care for a specific *child* or *young adult*, the Department must proceed to issue a proposed and final order to deny the application as outlined in OAR 413-200-0296(5), unless the certified family voluntarily withdraws the application as provided in OAR 413-200-0314(4).
 - (8) No *child* or *young adult* in the care or custody of the Department may remain in the home if there is not an active certification or the Department has taken an action to revoke certification.

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.315, 418.625 - 418.645~~8~~

413-200-0292

Responsibilities Regarding ~~Re~~certification of a Previously Certified ~~Home~~ Family and When a Certified Family Moves

(Amended 12/28/11)

(1) The Department will conduct an assessment to reopen a previous certification when all of the following apply:

- (a) The certification has been closed less than six months;
- (b) The certification has not been revoked and would not have expired during the months the certification has been closed;
- (c) The individual or group of individuals seeking to reopen the certification is the same individual or group of individuals who held the former certification; and
- (d) The former certified family continues to live in the same residence.

(2) When a former *certified family* requests that the Department reopen the family's previous certification, and the requirements of section (1) of this rule are met, the *certifier* must undertake the following actions:

- (a) Provide the former *certified family* with a Certified Family Certificate Renewal or Change of Status Application.
- (b) Assure completion of criminal records checks on each adult *member of the household*; and, when there is reason to believe a *child*, not in the care or custody of the Department and living in the home, may pose a risk to a *child* or *young adult* placed in the home, initiate a fingerprint-based criminal offender records check of national crime information databases as described OAR 413-120-0400 to 413-120-0475. A fingerprint-based criminal offender records check of national crime information databases is required whenever an *applicant* or *member of the household* has lived outside of Oregon for more than 60 consecutive days or has been arrested or convicted during the two-year certification period.
- (A) Assess any safety concerns regarding the fitness of the *applicant, child, or member of the household* pursuant to OAR 413-120-0450 and 413-120-0455; and

- (B) If appropriate, request an approval pursuant to OAR 413-120-0450(7) to complete the process to reopen a previously *certified family* despite the new criminal offender information history of an *applicant, child, or member of the household.*
- (c) Assure completion of a new child abuse history background check for each adult member of the household.

 - (A) If the *applicant* or an adult *member of the household* has lived outside the state of Oregon or the country since the last time the Department issued a Certificate of Approval, obtain a child abuse history background check from each state where the *applicant* or adult *member of the household* resided and request a child abuse history background check from any country in which they resided.
 - (B) Assess any safety concerns regarding the *applicant* or adult member of the applicant's *household* raised by information learned from the child abuse history background check.
 - (C) When a *member of the household* has been identified as the perpetrator or possible perpetrator of abuse or neglect in a child protective services assessment founded disposition, unable to determine disposition, or a similar disposition from another state, do all of the following:

 - (i) Consult with the certification supervisor about whether to seek approval from the District Manager or designee to continue certification.
 - (ii) Document the information considered on a form approved by the Department.
 - (iii) If the District Manager or designee approves, document the decision on a form approved by the Department.
- (d) Conduct a home visit to identify and assess any changes in the environment or family:

 - (A) Have face-to-face contact with each *applicant* and *other person in household*;
 - (B) Observe and assess the safety of the physical environment;
 - (C) 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;

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

(E) Confirm that an age-appropriate statement of rights under ORS 418.201 and OAR 413-010-0170 to 413-010-0185 is posted.

(e) Document in the provider record of the Department's electronic information system the circumstances under which the Department reopened the certification.

(3) Before the Department may reopen a previously certified family, a supervisor must assure that the *certifier* has completed the actions outlined in subsections (a) to (e) of section (2) of this rule and decide whether to approve or deny the family's request to reopen a certification.

(a) If the supervisor decides to approve the family's request, the Department will reopen the family for the time remaining on the certificate.

(b) If the supervisor decides not to approve the family's request, the Department will proceed to issue a proposed and final order to deny the application as outlined in OAR 413-200-0296(5), unless the previously *certified family* voluntarily withdraws their request.

~~(2) When a *certified family* has been closed for six months or more or the previous *Certificate of Approval* would have expired during the months the home was closed, and the previously *certified family* contacts the Department to become certified again, the *certifier* must:~~

~~(a) Provide to the *certified family* for completion the necessary documents for an initial application for a *Certificate of Approval* to provide care;~~

~~(b) Complete the assessment process as described in OAR 413-200-0274;~~

~~(c) Update the family's *home study* and document any changes in the family's circumstances since the most recent closure of the *Certificate of Approval*; and~~

~~(d) Submit the updated *home study* to the supervisor for approval.~~

~~(3) The supervisor reviews the updated *home study* and may approve or deny the updated *home study*. If the supervisor approves the updated *home study*, the Department will issue a new two-year *Certificate of Approval*. If the supervisor does not approve the *home study*, the Department will proceed as outlined in OAR 413-200-0296.~~

- (4) A family previously certified by the Department must complete Foundations training if the family has not been certified within the last two years unless the supervisor either:
- (a) Approves an individualized training plan for a *certified family* who has been issued a *Child-Specific Certificate of Approval*; or
 - (b) Waives the training requirement based on the family's documented knowledge and skills in caring for a *child* or *young adult* placed in the home by the Department.
- (5) When the *certified family* moves to another residence in the State of Oregon, the Department terminates the certification ~~*Certificate of Approval*~~ automatically. The Department may issue a new certification ~~*Certificate of Approval*~~ for the new residence after the activities described in this section have been completed. Within 10 business days, the *certifier* must complete the following actions:
- ~~(a) Provide the *certified family* a Certified Family Certificate Renewal or Change of Status Application.~~
 - ~~(b) Review the completed Certified Family Certificate Renewal or Change of Status Application.~~
 - (ea) Conduct a home visit.
 - (A) Provide the *certified family* a Certified Family Certificate Renewal or Change of Status Application.
 - (B) Review the completed Certified Family Certificate Renewal or Change of Status Application.
 - (AC) Observe and assess the safety of the physical environment;
 - (BD) Walk through every room in the home and each surrounding building; and
 - (CE) Complete a Ssafety Aassessment of the home and surroundings using a form approved by the Department.
 - (db) Document in the ~~certification file~~ provider record of the Department's electronic information system the circumstances of the family's relocation.
- (6) When a *certified family* has been initially certified by the local Child Welfare office in the county in which the family resides and the family moves to another county, ~~all of the following actions are required:~~
- (a) ~~The issuing Child Welfare office's certification supervisor must notify the~~

~~certification supervisor in a Child Welfare office in the county to which the certified family is moving; The Child Welfare Program Managers or designees in both counties must coordinate the transfer of the record and ongoing Department responsibilities for certification; and~~

~~(b) The certification file and ongoing Department responsibilities are transferred to a Child Welfare office in the county to which the certified family is moving, unless the Child Welfare program manager or designee in the county to which the certified family is moving has approved that Department certification responsibilities remain in the Child Welfare office in the county from which the certified family is moving.~~

~~(eb) A certifier must~~ complete the actions described in section (5) of this rule.

(7) When a *certified family* wishes to move outside the State of Oregon with a *child* or *young adult*, ~~refer to Child Welfare Policy I-B.3.4.2, "Interstate Compact on the Placement of Children",~~ OAR 413-040-0200 to 413-040-0330 apply.

Stat. Auth.: ORS 409.050, 418.005, 418.016, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.016, 418.315, 418.625 - 418.6458

413-200-0294

Responsibilities Regarding Inactive Referral Status

(Amended 12/28/11)

- (1) The *certified family* or the Department may initiate an *Inactive Referral Status*. When a *certified family* is on *Inactive Referral Status*, no additional *child* or *young adult* may be placed in the home.
- (2) A *certified family* may ask the Department to place their home on *Inactive Referral Status* for any reason for up to 12 months. The *Inactive Referral Status* begins ~~immediately upon the~~ date requested ~~of by~~ the certified family.
- (3) When either a *certified family* or the Department ~~indicate~~ initiates an *Inactive Referral Status*, the *certifier* must immediately notify Department staff responsible for placement that the *certified family* is unavailable for placement of a *child* or *young adult* and update the provider record.
- (4) Within 30 days of a *certified family* requesting *Inactive Referral Status*, the *certifier* must send a letter to the *certified family* that documents the inactive status, the reasons for the status, and the ~~requested~~ length of the *Inactive Referral Status*.
- (5) The Department may ~~place a certified family on~~ initiate *Inactive Referral Status* for one or more of the following reasons:

- (a) The special needs of a *child* or *young adult*, who is currently in the home, require so much of the certified family's care and attention that no agency should place an additional *child* or *young adult* in the home.
 - (b) The family or members of the household are experiencing significant family or life stress.
 - ~~(c) The *certified family* does not currently meet one or more of the certification standards.~~
- (6) The Department must place a *certified family* on *Inactive Referral Status* when the Department is assessing an allegation of child abuse or neglect in the home.
- (7) If the Department initiates Inactive Referral Status, the Department must:
- ~~(a) Within 14 business days, ~~of the Department's initiating *Inactive Referral Status*, the certifier must~~ send a letter to the *certified family* that documents the beginning date of *Inactive Referral Status*, the reason for the *Inactive Referral Status*, ~~and any~~ specific certification standards that have been violated, if any, and what action the Department may take if the conditions that warranted the Inactive Referral Status are not resolved within the time frame of the Inactive Referral Status.~~
 - ~~(a) The *certifier* and the *certified family* may collaborate to develop a *placement support plan* to address the concerns precipitating the *Inactive Referral Status*; and~~
 - ~~(b) The certification supervisor reviews and approves the *placement support plan*.~~
 - (b) Provide written notification to the certified family when inactive referral status ends.
 - ~~(c) If inactive referral status was initiated because the certified family does not meet one or more of the certification standards, provide written notification of intent to revoke the *Certificate of Approval*.~~
- (8) Inactive referral status, when requested by the certified family, ends:
- (a) At the request of the certified family; or
 - (b) When the certification terminates or expires, unless the Department has renewed the certificate.

- ~~(8) The Department may revoke a *Certificate of Approval* if a *certified family* is unable to remedy a violation of a certification rule within the time frame of the *Inactive Referral Status*.~~
- ~~(9) When the *certified family* initiates *Inactive Referral Status*, the inactive status ends at the request of the *certified family*.~~
- (9) If the certified family is not able or willing to end the inactive referral status, requested by the certified family, the Department may proceed to revoke the certificate as outlined in OAR 413-200-0296, unless the certified family requests to voluntarily terminate the certificate and the Department accepts the family's request.
- (10) When the Department initiates *Inactive Referral Status*, the Department determines, within the time frame of the *Inactive Referral Status*, when the conditions that warranted the *Inactive Referral Status* have been resolved. The Department may revoke a certification if a *certified family* is unable to remedy a violation of a certification standard rule within the time frame of the Inactive Referral Status.
- (11) When the *Inactive Referral Status* ends at the request of the family or because the conditions that warranted the *inactive referral status* have been resolved, the *certifier* must:
- (a) Document removal of the *Inactive Referral Status* in the certification file provider record of the Department's electronic information system; and
 - (b) Send written notification to the family within 30 days; ~~and~~
 - ~~(c) Notify Department staff responsible for placement that the *certified family* is available for placement of a *child or young adult*.~~

Stat. Auth.: ORS 409.050, 418.005, 418.015, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.315, 418.625 - 418.6458

413-200-0296

Responsibilities Regarding Denial or Revocation of a Certification~~Certificate of Approval~~

(Amended 12/28/11)

- (1) The Department may deny an application for certification if:
- (a) The application is for a specific *child or young adult* who is not in the care or custody of the Department; or

- (b) The applicant fails to provide requested information within 90 days of a written request from the Department.
- (+2) The Department may deny an application for a certification ~~Certificate of Approval~~ or revoke a certification ~~Certificate of Approval~~ when:
- (a) ~~†~~The applicant or certified family does not meet or no longer meets one or more of the certification standardsrules in Child Welfare Policy II-B.1, "Standards for Certification of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources", OAR 413-200-0301 to 413-200-0396.;
- (b) The Department discovers an applicant or certified family has falsified information by act of commission or omission;
- (c) An applicant or certified family 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;
- (d) An adult member of the household is found to have a disqualifying conviction under OAR 413-120-0450(3) or (4) or an authorized designee makes a negative fitness determination with respect to the adult member of the household;
- (e) When an adult member of the household has been identified as the perpetrator or possible perpetrator of abuse or neglect in a child protective services assessment founded disposition, unable to determine disposition, or a similar disposition from another state; or
- (f) The certified family fails to follow through with a placement support plan developed under OAR 413-200-0285.
- ~~(2) The Department must provide the applicant a written notice of the intent to deny a Certificate of Approval, which must state the reason or reasons for the denial and comply with OAR 413-010-0510.~~
- (3) The Department must take action to revoke a certification ~~Certificate of Approval~~ when, at the conclusion of a CPS-child protective services assessment, the Department determines there is an impending danger safety threat in the certified family's home, unless:
- (a) ~~the~~The certified family provides written request to voluntarily requests that the Department terminate the certification~~Certificate of Approval;~~ and provides written documentation of the request to terminate the Certificate of Approval.

- (b) The Department agrees to accept the voluntary termination of the certification ~~Certificate of Approval~~.
- (4) The Department must inform the *certified family* of the Department's decision in section (2) of this rule
- ~~(4) The Department may deny an application or revoke a *Certificate of Approval* if the Department discovers an *applicant* or *certified family* has falsified information (by act of commission or omission) before or after the *Certificate of Approval* has been issued or if a *certified family* fails to provide information or inform the Department of any disqualifying condition that arises after the *Certificate of Approval* has been issued.~~
- (5) If the Department decides to deny an application for a certificate, renewal of a certificate, or a Change of Status, or decides to revoke a certificate, the Department must provide an *applicant* or *certified family* a written notice of intent to deny the application or ~~to~~ revoke ~~a~~ the certificate ~~Certificate of Approval~~, which must state the reasons ~~or reasons~~ for the ~~revocation~~ action and comply with OAR 413-010-0510.
- (6) When the Department has issued a written notice to revoke a certification ~~Certificate of Approval~~ before the stated expiration date on the certificate ~~Certificate of Approval~~, the certificate ~~Certificate of Approval~~ will not ~~be deemed to~~ expire until there is a final order on the notice to revoke the certification ~~Certificate of Approval~~.
- (7) The Department must remove from the home all ~~the~~ children and young adults in the care or custody of the Department upon making the decision to revoke the certified family's certification. ~~Certificate of Approval~~.
- ~~(8) When the Department has revoked a family's *Certificate of Approval* or denied an application for a *Certificate of Approval*, the Department may require a waiting period of up to five years from the date of *revocation* of the family's *Certificate of Approval* before the Department accepts a new application from the family.~~
- (8) The Department may deny an application for certification if, during the five years prior to the date an application is received by the Department, the *applicant* has had a previous application for certification denied or revoked.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.315, 418.625 – 418.645~~8~~

413-200-0298

Confidentiality of Applicant or Certified Family Information

THIS IS A NEW RULE

- (1) The name, address, and other identifying information about a certified family are not open to public inspection and the Department may not disclose the information, except in limited circumstances described in section (2) of this rule.
- (2) The Department may disclose the name, address, or other identifying information about a certified family when:
 - (a) The Department determines disclosure is necessary or advisable to protect the best interest of a *child* or young adult;
 - (b) The Department determines disclosure is necessary to protect the safety of children or other vulnerable persons;
 - (a) The Department determines disclosure is necessary to comply with mandatory abuse reporting laws including, but not limited to, ORS 124.060 (elder abuse), 419B.010 (child abuse), 430.765 (adults with mental illness or developmental disabilities), and 441.640 (residents in long-term care facilities);
 - (b) The Department determines disclosure is necessary for the administration of child welfare laws; or
 - (c) The Department determines disclosure would allow an *applicant* or certified family to receive support, training, education, or other information regarding their role as a certified family.
- (3) The Department may release information about an *applicant* or *certified family* to other individuals or organizations if the *applicant* or *certified family* authorizes the release in writing, unless the information is otherwise protected by state or federal law, such as drug and alcohol information, protected health information, criminal record information, juvenile court records, and information protected by the Public Records Law.

Stat. Auth.: ORS 409.050, 418.005, 418.642

Stats. Implemented: ORS 409.010, 409.050, 418.005, 418.642

Standards for Certification of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources

413-200-0301

Purpose and Applicability of Certification Standards

(Amended 12/28/11)

- (1) The purpose of ~~these rules~~ (OAR 413-200-0301 to 413-200-0396) is to describe the criteria for approval as:
 - (a) A *certified family*; or
 - (b) A potential *adoptive resource*.
- (2) These rules apply to any individual who:
 - (a) Has applied to become a *certified family* or potential *adoptive resource*;
 - (b) Is currently a *certified family*; or
 - (c) Has applied to ~~have the *Certificate* renew a certification~~ *Certificate of Approval renewed*.
- (3) ~~In these rules, unless~~ Unless otherwise indicated, ~~a child~~ or *young adult* refers to ~~a child or young adult~~ an individual in the care or custody of the Department.

Stat. Auth.: ORS 409.050, 418.005, 418.016, 418.640, 418.642

Stats. Implemented: ORS 409.010, 418.005-418.640, 418.015, 418.016, 418.027, 418.285, 418.315, 418.470, 418.625-418.648

413-200-0305

Authorization

(Amended 12/28/11)

- (1) Title IV-E, section 471 (a)(10) of the Social Security Act, requires the State of Oregon to establish a state authority responsible for establishing and maintaining standards for foster family homes and child care institutions.
- (2) ORS 418.005 to 418.648 gives the Department the authority and responsibility to approve homes for children and young adults in the care or custody of the Department. ORS 418.005 ~~to 418.648 further~~ authorizes the Department to develop rules to approve these

homes.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645~~8~~

413-200-0306

Definitions Eligibility for Certified Families and Adoptive Resources

(Amended 12/28/11)

THIS RULE IS REVISED IN ITS ENTIRETY

The following definitions apply to these rules (OAR 413-200-0301 to 413-200-0396):

- ~~(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) — "Applicant" means an individual or individuals who apply:
 - ~~(a) — To become or remain a *certified family*; or~~
 - ~~(b) — For approval as a potential *adoptive resource*.~~~~
- ~~(3) — "Babysitting" means the provision of temporary, occasional care for a *child* or *young adult* that is:
 - ~~(a) — Ten consecutive hours or less; and~~
 - ~~(b) — Not overnight care.~~~~
- ~~(4) — "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of gathering information on the needs and strengths of a *child* or *young adult* used for one or more of the following purposes:
 - ~~(a) — Identifying case planning, service planning, and supervision needs of the *child* or *young adult* in substitute care with a *certified family*;~~
 - ~~(b) — Determining the *level of care payment* while in substitute care with a *certified family*; and~~
 - ~~(c) — Determining the *level of care payment* included in an adoption assistance agreement or guardianship assistance agreement.~~~~

- (5) ~~"Carbon monoxide alarm" means a device that:~~
- (a) ~~Detects carbon monoxide; and~~
 - (b) ~~Produces a distinctive audible alert when carbon monoxide is detected.~~
- (6) ~~"Certificate of Approval" means a document that the Department issues to approve the operation of a certified *relative caregiver* home or foster home.~~
- (7) ~~"Certified family" means an individual or individuals who hold a *Certificate of Approval* from the Department to operate a home to provide care, in the home in which they reside, to a *child* or *young adult* in the care or custody of the Department.~~
- (8) ~~"Certifier" means a Child Welfare employee who:~~
- (a) ~~Conducts assessments of applicants interested in providing relative or foster care to a *child* or *young adult* in the care or custody of the Department or assessments of a potential *adoptive resource*;~~
 - (b) ~~Determines whether or not to recommend approval of the operation of a relative caregiver or foster home or approval of a potential *adoptive resource*; and~~
 - (c) ~~Monitors the compliance of a relative caregiver or foster care home with Child Welfare certification rules.~~
- (9) ~~"Child" means an individual under 18 years of age.~~
- (10) ~~"Child-Specific Certificate of Approval" means a document authorizing an individual or individuals to operate a home to provide care for a specific *child* or *young adult* in the care or custody of the Department.~~
- (11) ~~"Co-habiting" means the act of two adults, unmarried to each other, living together in an intimate relationship as if married.~~
- (12) ~~"Criminal records check" means the process for obtaining and reviewing an individual's criminal offender information and may include a fingerprint-based criminal offender records check of national crime information databases.~~
- (13) ~~"Denial" means the refusal of the Department to issue or renew a *Certificate of Approval* to operate a *relative caregiver* home or foster home to provide care for a *child* or *young adult* in the care or custody of the Department.~~
- (14) ~~"Department" means the Department of Human Services, Child Welfare.~~
- (15) ~~"Discipline" means a training process a *certified family* uses to help a *child* or *young adult* 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.~~

- (16) ~~"Electronic monitoring" means the use of video monitoring or listening devices to monitor or record the behavior of a *child* or *young adult*. "Electronic monitoring" does not include:~~
- ~~(a) — Door monitors;~~
 - ~~(b) — Window alarms;~~
 - ~~(c) — Motion detectors;~~
 - ~~(d) — Audio or video baby monitors used for a *child* five years and under; or~~
 - ~~(e) — Monitors approved by a medical provider for medical purposes.~~
- (17) ~~"Enhanced supervision" means the additional support, direction, observation, and guidance needed to promote and ensure the safety and well-being of a *child* or *young adult* when the *child* or *young adult* qualifies for a *level of care payment*.~~
- (18) ~~"Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated *child* or *young adult* placed in the home by the Department.~~
- (19) ~~"Inactive Referral Status" means a period of time, not to exceed 12 months, during which neither the Department nor any other agency will place an additional *child* or *young adult* with a *certified family*.~~
- (20) ~~"Level of care payment" means the payment provided to an approved or *certified family*, a guardian, a pre-adoptive family, or an adoptive family based on the need for *enhanced supervision* of the *child* or *young adult* as determined by applying the CANS algorithm to the results of the *CANS screening*.~~
- (21) ~~"Member of the household" means any adult or *child* living in the home, including any caregiving employees and volunteers who may reside in the home.~~
- (22) ~~"Personal care services plan" means a written plan to provide personal care services for the *child* or *young adult* 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.~~
- (23) ~~"Physical restraint" means the act of restricting the voluntary movement of a *child* or~~

~~young adult as an emergency measure in order to manage and protect the child, young adult, or others from injury when no alternate actions are sufficient to manage the behavior of the child or young adult. "Physical restraint" does not include temporarily holding a child or young adult to assist him or her or assure his or her safety, such as preventing a child from running onto a busy street.~~

- ~~(24) "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.~~
- ~~(25) "Punishment" means the intentional infliction of emotional or physical pain or suffering.~~
- ~~(26) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related child or young adult placed in the home by the Department.~~
- ~~(27) "Respite care" means a formal planned arrangement to relieve a certified family's responsibilities by an individual temporarily assuming responsibility for the care and supervision of the child or young adult in the home of the respite provider or certified family. "Respite care" must be less than 14 consecutive days.~~
- ~~(28) "Revocation" means an administrative act by the Department that rescinds an existing Certificate of Approval.~~
- ~~(29) "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.~~
- ~~(30) "Young adult" means an individual aged 18 through 20 years.~~

To qualify as a newly certified family or adoptive resource for a child or young adult in the custody of the Department, an individual must:

- (1) Be a United States citizen, a qualified non-citizen, or a relative of the child for whom the individual is seeking to be a relative caregiver or adoptive resource, except when a certified family applies for renewal;
- (2) Be at least 21 years of age, unless:
 - (a) Granted an exception by a Child Welfare program manager or designee, who may approve an applicant between 18 and 20 years of age to become a relative caregiver; or

- (b) Otherwise specified in OARs governing the placement of Indian children, OAR 413-070-0100 to 413-070-0269;
- (3) Submit a completed application on a form, and in the manner, prescribed by the Department;
- (4) Participate in the *applicant* assessment processes prescribed by the Department, and provide additional information requested by the Department to support the assessment; and
- (5) Be determined by the Department to meet the qualifications and standards required by OAR 413-200-0301 to 413-200-0396

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0308

Personal Qualifications of Applicants and Certified Families

(Amended 12/28/11)

- (1) An *applicant* has the burden of proving that he or she possesses the required qualifications to be approved as a *certified family* or as a potential *adoptive resource*.
- ~~(2) To provide care for a *child* or *young adult*, an *applicant* must be at least 21 years of age unless:~~
 - ~~(a) Otherwise specified in Child Welfare Policy I-E.2.1, "Placement of Indian Children", OAR 413-070-0100 to 413-070-0260; or~~
 - ~~(b) A Child Welfare program manager or designee has approved an *applicant* between the ages of 18 through 20 years to become a *relative caregiver*.~~
- (3) An *applicant* must, as determined by the Department pursuant to OAR 413-200-0274 to OAR 413-200-0298:
 - (a) Possess the ability to exercise sound judgment and demonstrate responsible, stable, emotionally mature behavior;
 - (b) Possess the ability to manage the applicant's home and personal life of the applicant;
 - (c) Possess the ability to apply the *reasonable and prudent parent standard* when determining whether to allow a *child* or *young adult* in substitute care to participate in extracurricular, enrichment, cultural, and social activities.

- (d) Maintain conditions in the home that provide safety, health, and well-being for the *child* or *young adult*;
 - (de) Have supportive relationships with adults and children living in the household and with others in the community;
 - (ef) Have a lifestyle and personal habits free of criminal activity, and abuse or misuse of alcohol or drugs;
 - (fg) Have adequate financial resources to support the household independent of the monthly family foster care payments;
 - (gh) Be willing to participate in the ~~home study assessment~~ process that includes a comprehensive inquiry into the ~~applicant's~~ personal and family history of the applicant and his or her family dynamics;
 - (hi) Have the physical and mental capacity to care for a *child* or *young adult*. Upon request, ~~an applicant must be willing to~~ provide copies of medical reports from a health care professional, ~~or may be required and be willing to complete participate in~~ an expert evaluation and authorize the Department to obtain a report from the evaluator; and
 - (ij) ~~Ensure~~Assure that all adult members of the household:
 - (A) Possess the ability to 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* or *young adult*;
 - (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.
- (43) To maintain ~~certification~~Certificate of Approval, in addition to continuing to meet the personal qualifications listed in sections ~~(12) to and~~ (3) of this rule, a *certified family* must:
- (a) Learn and apply effective childrearing and behavior intervention practices focused on helping a *child* or *young adult* grow, develop, and build positive personal relationships and self-esteem;
 - (b) Incorporate into the family's care-giving practices positive non-punitive *discipline* and ways of helping a *child* or *young adult* build positive personal relationships,

self-control, and self-esteem;

- (c) ~~Ensure~~Assure the *child* or *young adult* is taught age appropriate health and hygiene practices and is given the opportunity to practice good hygiene;
 - (d) Assure the *child* or *young adult* has regular, ongoing opportunities to engage in age-appropriate or developmentally appropriate activities, including extracurricular, enrichment, cultural, and social activities.
 - (e) Respect and support the Department's efforts to develop and maintain the relationships of the *child* or *young adult* with the birth family, their relatives, and any other significant individual in the life of the *child* or *young adult*;
 - (ef) Respect the spiritual beliefs, ~~lifestyles~~, sexual orientation, gender identity and gender expression, ~~,~~ disabilities, national origin, and cultural identities of each *child* or *young adult*, and provide opportunities to enhance the positive self-concept and understanding of the heritage of the *child* or *young adult*;
 - (fg) Work in partnership with the Department to identify the strengths and meet the needs of each *child* or *young adult*;
 - (gh) Follow ~~through 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* or *young adult* placed in the certified home with the certified family, as applicable to that *child* or *young adult*; ~~and~~
 - (i) Follow through with any placement support plan; and
 - (hi) Use reasonable efforts to prevent anyone from influencing the *child* or *young adult* regarding allegations in a judicial or administrative proceeding in which the family or legal guardian of the *child* or *young adult*, the *child* or *young adult*, or another individual may be involved.
- ~~(5) — Except when a *certified family* applies for recertification, an *applicant* must be:~~
- ~~(a) — A citizen of the United States, either through birth or naturalization;~~
 - ~~(b) — Able to verify immigration status; or~~
 - ~~(c) — A relative of the *child* for whom the *applicant* is applying for a *Certificate of Approval* as a *relative caregiver* or approval as a *potential adoptive resource*.~~

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.315, 418.625 - 418.645~~8~~

413-200-0314

Initial Application Process to Become a Certified Family or Adoptive Resource

(Amended 12/28/11)

- (1) ~~To become a certified family or potential adoptive resource, the~~ An applicant must comply with all of the following requirements:
 - (a) Complete a Department application.
 - (b) Provide the names and contact information of at least four references, two of whom may be relatives of the *applicant*, who can attest to the applicant's character and ability to provide safe and protective care for a *child* or *young adult*.
 - (c) Provide names and contact information of at least two individuals with whom the ~~certified family applicant~~ is likely to remain in contact if displaced due to a natural disaster.
 - (d) Complete all ~~required~~ paperwork ~~requested and written requests for information~~ required by the Department in a timely manner and no later than 90 days after the initial request.
 - (e) Allow Department staff to conduct an in-home safety assessment of conditions that appear to exist in the home that affect health, safety, and well-being for the *child* or *young adult* by providing access to each room in the primary residence of the *applicant* and each surrounding building and structure on the property of the *applicant* unless the building or residence is a self-contained, separate entry residence rented to or owned by another individual.
 - (f) Allow Department staff to have face-to-face contact with all members of the applicant's household.
 - (g) Provide personal, family, and social ~~and family~~ history information to the Department.
 - (h) Provide information about any current or previous licenses, certifications, or applications for relative care, foster care, day care, adoption, or any other types of services for vulnerable individuals including adult care giving. Information must include the organization's name and any denials, suspensions, revocations, or terminations.
 - (i) Sign a Department Authorization for Use and Disclosure of Information as requested to allow the Department to contact an individual or an organization to complete a thorough background check of the *applicant*.

- (j) Allow the Department, at its discretion, to gather information regarding ~~the criminal offender information records, juvenile court involvement or law enforcement contacts~~ of any *child*, not in the care or custody of the Department, who lives in the household ~~when if~~ there is reason to believe that *child* may pose a risk to children placed in the home ~~and, if requested, authorize disclosure of the records regarding such information to the Department.~~
- (2) Both individuals are required to apply when the two individuals are lawfully married, have a domestic partnership (as defined in ORS 106.310), or are *co-habiting*, unless:
- (a) One individual is in the military and stationed out of the state; or
- (b) ~~For other~~ There are unique circumstances in which one individual will not be responsible for any household management or the care of a *child* or *young adult* placed in the home; ~~an~~ An exception ~~is~~ must be approved by the Child Welfare ~~program manager~~ Program Manager.
- (3) The *applicant* and each adult ~~member of the applicant's household~~ 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 *member of the household*;
- (b) Consent to a *criminal records check*, ~~including information compiled and maintained by OSP Bureau of Criminal Identification and a fingerprint based criminal records check of national crime information databases~~ as outlined in *Child Welfare Policy, I.G.1.4, "Criminal History"*, OAR ~~413-120-0400 to 413-120-047560~~;
- (c) Information regarding any previous allegations of child abuse and neglect; and
- (d) Consent to a child abuse ~~and neglect~~ history background check, as outlined in OAR 413-200-0274.
- (4) ~~Withdrawal of Application. An applicant may voluntarily withdraw the application. The applicant must provide the voluntary withdrawal notice~~ An applicant may voluntarily withdraw the application by:
- (a) ~~On~~ Completing a form provided by the Department;
- (b) ~~In a written~~ Submitting a written request to the Department in a format of his or her choice; or
- (c) ~~Verbally~~ Making a verbal request to a *certifier*, adoption worker, or the supervisor of the *certifier* or adoption worker.

(5) An application will be considered withdrawn if, during the assessment process, the applicant fails to respond to a written request for contact from the certifier, the adoption worker, or the supervisor of the certifier or adoption worker within 30 days of the request.

Stat. Auth.: ORS 409.050, 418.005, 418.016, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.016, 418.315, 418.625 - 418.6485

413-200-0335

Standards Regarding the Home Environment

(Amended 12/28/11)

The applicant or certified family 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 certified family and the residence where the *child* or *young adult* will reside.
- (b) The home must have adequate space, including space for safe and appropriate sleeping arrangements, for each *member of the household*, ~~including space for safe and appropriate sleeping arrangements.~~
 - (A) Department staff must consider the age, gender, special needs, behavior, and history of abuse or neglect of the *child* or *young adult* in determining appropriate sleeping arrangements.
 - (B) An unrelated *child* or *young adult* in the care or custody of the Department may not share a bed.
- (c) The home may not use *electronic monitoring*.
- (d) The certified family must post and comply with the Foster Children's Bill of Rights as required OAR 413-010-0170 to 413-010-0185.
- (de) The applicant or certified family must have access to a working telephone to make and receive phone calls.
- (ef) The applicant or certified family must consider the age, special needs, and capabilities of the *child* or *young adult*, and have necessary safeguards ~~and assurances to assure~~ that---

- (A) Swimming pools, hot tubs, wading pools, ponds, and other water hazards are inaccessible to a *child* or *young adult* unless responsibly supervised, and safeguards comply with state and local ordinances;
 - (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; ~~and~~
 - (D) ~~The a~~ Access of a *child* or *young adult* to potentially dangerous animals is restricted; and
 - (E) Hunting and sporting equipment, such as knives, spears, arrows, hunting sling shots, bows, and martial art weapons are stored in a safe and secure manner inaccessible to a *child* or *young adult*.
- (fg) The *certified family* must consider the age, special needs, and capabilities of the *child* or *young adult* when determining if an animal is a safe and appropriate pet.
- (gh) The *certified family* must receive authorization from the caseworker of the *child* or *young adult* or the caseworker's supervisor prior to the beginning of hunting or target practice by the *child* or *young adult*.
- ~~(h) Hunting and sporting equipment, such as knives, spears, arrows, hunting sling shots, bows, and martial art weapons must be stored in a safe and secure manner inaccessible to a *child* or *young adult*.~~
- (2) Sanitation and Health.
- (a) If there are potential hazards in or around the home, a plan to prevent the exposure of the *child* or *young adult* to the potential hazard must be developed and approved by the certification supervisor.
 - (ab) The home must have the necessary equipment for the safe preparation, storage, serving, and clean-up of food.
 - (bc) 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.
 - (ed) The home and furnishings must be clean and in good repair, and the grounds must be maintained.
 - (de) There must be no accumulation of garbage or debris.

- (ef) The home must have safe and adequate drinking water, and an adequate source of safe water to be used for personal hygiene.
- (fg) There must be provision for the safe storage and administration of all medications in the household, ~~and locked storage for psychotropic medications for any member of the household~~ taking into consideration the child's age, developmental level, and need.
- (gh) There must be easily accessible first aid supplies, and a reasonable understanding of how to use such supplies.
- (hi) Smoking, tobacco and nicotine limitations:
 - (A) A *child* or *young adult* may not be exposed to any type of second-hand smoke in the family's home or vehicle; and
 - (B) A *member of the household* may not provide any form of tobacco, ~~or nicotine, or other product illegal for a minor to possess~~ products to a *child* or *young adult*.
 - (C) All products referenced in paragraph (B) of this subsection must be stored in a safe and secure manner inaccessible to a *child* or *young adult*.

(3) Fire and Carbon Monoxide Safety.

- (a) The home must have all of the following:
 - (A) ~~One~~ A working smoke alarm in each bedroom where a *child* or *young adult* sleeps within 24 hours of the time the *applicant* is certified or approved.
 - (B) ~~One~~ A working carbon monoxide ~~alarm~~ detector within 15 feet of each bedroom where a *child* or *young adult* sleeps and at least one on each floor within 24 hours of the time the *applicant* is certified or approved.
 - (C) At least one operable fire extinguisher rated 2-A:10-B-C or higher within 24 hours of the time the *applicant* is certified or approved.
 - (D) ~~One~~ At least one means of emergency exit and at least one means of rescue from the home.
 - (E) An adequate safeguard around operating fireplaces, wood stoves, or other heating systems ~~which~~ that may cause burns to a *child* or *young adult* developmentally unable to reasonably follow safety rules regarding such devices.

~~(F) Operable, quick release mechanisms on barred windows. No bedroom occupied by a *child* or *young adult* unable to use the quick release mechanism may have a barred window.~~

(GF) A written, comprehensive home evacuation plan, shared with each *child* or *young adult* at the time 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* or *young adult* who is not capable of understanding or participating in the evacuation plan.

~~(HG) Doors Interior doors that lock ~~on the inside must be~~ operable from the outside of the room, and doors that lock on the outside operable from the inside of the room both sides of the door.~~

(b) Each bedroom used by a *child* or *young adult* must have:

(A) ~~One~~ 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; and

(E) Quick release mechanisms on all barred windows.

(4) Travel and Transportation Safety.

(a) An *applicant* or *certified family* must have available, and be willing to use, a safe and reliable method of transportation.

(b) Any *member of the household* transporting a *child* or *young adult* must provide proof of a valid driver license and current insurance, ~~as required by law,~~ on any family-owned motorized vehicle by which a *child* or *young adult* might be transported, when a family has applied for ~~certification and at each re-certification certification or a Certificate of Approval or renewal of certification. Certificate of Approval.~~

(c) The *applicant* or *certified family* must assure that, as required by current state law:

(A) Only a licensed and insured driver transports a *child* or *young adult* in motorized vehicles; and

(B) A *child* or *young adult* uses a seat belt or age and size appropriate safety

seat when transported in motorized vehicles.

- (d) Written authorization from the Department must be received by the certified family prior to transporting a *child* or *young adult* out of the State of Oregon or outside the United States.
- (e) A *certified family* must ~~provide request approval from~~ the Department ~~a minimum of 30 no less than 90 days notice seeking approval for international travel~~ prior to any international travel with a *child* or *young adult*. In an emergency, the *certified family* must request approval from the Department as soon as the need for international travel becomes known.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.315, 418.625 - 418.6485

413-200-0348

Requirements Regarding the Number of Children and Young Adults in the Home

(Amended 12/28/11)

- (1) Except as provided in section (3) of this rule, a *certified family* may not exceed the following maximum number of children and young adults in the home:
 - (a) A total of --
 - (A) Four children or young adults when one ~~certified adult foster parent or relative caregiver~~ lives in the home; or
 - (B) Seven children or young adults when two ~~certified adults foster parents or relative caregivers~~ live in the home.
 - (b) Two children under the age of three.
- (2) The limits in section (1) of this rule include all children ~~or and~~ young adults residing in in the care or custody of the Department who are living in the home, not only children or young adults in the care or custody of the Department and any other children living in the home.
- (3) Under special circumstances, a Child Welfare ~~program manager~~ Program Manager may approve placement of an additional *child* or *young adult* in the home of a certified family that exceeds the maximum number of children and young adults specified in section (1) of this rule.
- (4) A *certified family* may not accept a *child* or *young adult* for placement from another

agency without prior approval of the Child Welfare ~~program manager~~ Program Manager or designee.

- (5) A *certified family* may not provide formal or informal adult foster care or child ~~day~~ care without prior approval of the Child Welfare ~~program manager~~ Program Manager or designee.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.315, 418.625 - 418.6485

413-200-0352

Requirements for the Care of Children and Young Adults

(Amended 12/28/11)

~~A~~ The *certified family* must comply with all of the following requirements related to the care of children and young adults:

- (1) Work cooperatively with the Department, the *child* or *young adult*, and his or her family to support the case plan and meet the needs of the *child* or *young adult* including but not limited to:
 - (a) Health, dental, and mental health care;
 - (b) Recreational, social, intellectual, and Intellectual, emotional, social, and recreational needs, including participation in extracurricular, enrichment, cultural, and social activities development;
 - (c) Continued contact or connection with family members, siblings, and relatives; and
 - (d) Adequate and appropriate clothing.
- (2) Include the *child* or *young adult* as part of the *certified family* household.
- (3) Assure that when a *child* or *young adult* leaves the *certified family*, the belongings of the *child* or *young adult*, both those brought with him or her and those obtained while living in the home, remain with the *child* or *young adult*.
- (4) Not subject any *child* to abuse, as described in ORS 419B.005.
- (5) Not subject any *young adult* to abuse.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.315, 418.625 - 418.6485

413-200-0354

Requirements Regarding the Education of a Child or Young Adult

(Amended 12/28/11)

- (1) The *certified family* must comply with all of the following requirements related to the education of the *child* or *young adult*:
 - (a) Enroll the *child* or *young adult* in his or her school or educational placement; ~~after the school or educational placement has been as~~ determined by the Department, unless the placement has been determined by the *child*'s or *young adult*'s Individualized Education Plan (IEP) team.
 - (b) Enroll the *child* or *young adult* in the Free and Reduced Lunch program, even if the services may not be used.
 - (~~b~~c) Support the *child* or *young adult* in his or her school or educational placement, and respond to inquiries from the school or educational placement.
 - (~~e~~d) Assure the *child* or *young adult* regularly attends the school or educational placement, ~~and~~ monitor the educational progress of the *child* or *young adult*, including keeping records of and share the following information with the caseworker in a timely manner:
 - (A) The report cards of the *child* or *young adult*;
 - (B) Any reports received from the teacher, school, or educational placement;
 - (C) Any evaluations received as a result of educational testing or assessment, including the Individualized Education Plan (IEP) or Individualized Family Service Plan (IFSP);
 - (D) Any excused and unexcused absences;
 - (~~D~~E) Disciplinary reports and notices of restraint or seclusion regarding the *child* or *young adult*; and
 - (~~E~~F) Ongoing progress toward ~~ward~~ high school graduation of a *child* or *young adult*, ~~no later than age 19~~ including number of credits earned.
 - (~~d~~e) Monitor and share with the caseworker in a timely manner the educational successes, learning style, and potential learning difficulties of the *child* or *young adult*.
 - (~~e~~f) Work with the caseworker of the *child* or *young adult* when referring the *child* or *young adult* for assessment of a possible disability.

- ~~(g) Inform the caseworker of and invite the caseworker to Individualized Education Plan (IEP) meetings, school conferences, and other school-related meetings.~~
- ~~(f) Notify the caseworker of the *child* or *young adult* of the certified family's interest in or intent to be appointed as the educational *surrogate* (see OAR 413-100-0506) parent of the *child* or *young adult*.~~
- ~~(g) Work with the Department to regularly share information regarding the educational progress of the *child* or *young adult*.~~
- ~~(2) The *certified family* may be appointed to safeguard a child's rights in the special education decision-making process. This appointment may occur pursuant to Division 581-015 of Oregon Department of Education administrative rules, or by the juvenile court under ORS 419B.220.~~
- ~~(32) The *certified family* may ~~provide~~ consent ~~for a *child* or *young adult* placed in the home to participate in~~ to routine school-related activities, such as school enrollment, storage and administration of a *child* or young adult's medication at school, field trips within the state of Oregon, routine social events, sporting events, and cultural events and extracurricular, enrichment, cultural, and social activities.~~
- ~~(3) When the certified family has been identified as the surrogate, the certified family may consent to evaluation for an Individualized Education Plan (IEP) or 504 plan and special education decisions.~~
- ~~(4) Unless the decision about the diploma type is being made by the *child* or young adult's Individualized Education Plan (IEP) team, the certified family must receive approval from the Department when considering a modified diploma.~~

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.625 - 418.6458

413-200-0356

Requirements Regarding Extracurricular, Enrichment, Cultural, and Social Activities

THIS IS A NEW RULE

- ~~(1) The certified family must:~~
- ~~(a) Support the *child* or *young adult* in his or her interests to participate in *age-appropriate or developmentally appropriate activities*, including extracurricular, enrichment, cultural, and social activities.~~

- (b) ~~Ensure~~Assure the *child* or *young adult* has ongoing opportunities to participate in at least one *age-appropriate* or *developmentally appropriate* activity.
 - (c) Apply the *reasonable and prudent parent standard* when determining whether to allow a *child* or ~~ward~~*young adult* in *substitute care* to participate in extracurricular, enrichment, cultural, and social activities.
 - (d) Periodically update the Department regarding participation by the *child* or *young adult* in extracurricular, enrichment, cultural, and social activities, including any barriers that may keep the *child* or *young adult* from participation ins such activities.
- (2) When applying the *reasonable and prudent parent standard*, the *certified family* must consider:
- (a) The age, maturity, and developmental level of a *child* or *young adult*;
 - (b) The nature and inherent risks of harm; and
 - (c) The best interest of the *child* or *young adult* based on information known by the caregiver.
- (3) The *certified family* must receive training related to applying the *reasonable and prudent parent standard* to decisions such as whether to allow a *child* or *young adult* to engage in extracurricular, enrichment, cultural, and social activities.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.625 - 418.648

413-200-0358

Requirements Regarding the Discipline of a Child or Young Adult

(Amended 12/28/11)

- (1) The *certified family* must demonstrate a willingness to understand the meaning of the behaviors of the *child* or *young adult*, and have the ability to develop and use appropriate *discipline* strategies to address challenging behaviors.
- (2) When disciplining a *child* or *young adult*, the *certified family* may not do any of the following:

 - (a) Use or threaten physical force.
 - (b) Use threats or intimidation.

- (c) Withhold food or other items essential to the protection, safety, or well-being of a *child* or *young adult*.
- (d) *Discipline* all children or young adults in the household for the misbehavior of one *child* or *young adult*.
- (e) Use any form of *punishment*, ~~which includes including~~, but ~~is~~ not limited to:
 - (A) The deliberate infliction of physical force causing pain.
 - (B) Verbal abuse including derogatory remarks about the *child* or *young adult*, or the family characteristics, physical traits, culture, ethnicity, language, sexual orientation, gender identity and expression, or traditions of the *child* or *young adult*.
 - (C) Denying a *child* or *young adult* visits, telephone contact, or other types of contact with an individual authorized in a visit and contact plan.
 - (D) Assigning extremely strenuous exercise or work.
 - (E) Use of or threatened use of restraining devices.
 - (F) Imposing a sanction, penalty, consequence, or reprimand for bed-wetting or during toilet training.
 - (G) Directing or permitting a *child* or *young adult* to punish another *child* or *young adult*.
 - (H) Threat of removal from the *certified family* home.
 - (I) Forcing or requiring a *child* or *young adult* to shower or bathe as a sanction, penalty, consequence, or reprimand.
 - (J) Extreme isolation as a means of *punishment* that restricts the ability of a *child* or *young adult* to talk with or associate with others.
 - (K) Locking a *child* or *young adult* in a room or outside of the home.
- (3) The *certified family* may use a time-out only for the purpose of giving the *child* or *young adult* a short break to ~~allow the child or young adult to calm himself or herself and~~ regain control, and not as a *punishment*. The *certified family* must take into consideration the age and developmental level of the *child* or *young adult* in determining the length of a time-out.
- (4) Pursuant to ~~Child Welfare Policy I B.1.6, "Enhanced Supervision"~~, OAR 413-020-0200 to 413-020-0255, only ~~an adult in a certified family or Department staff~~, Only a foster

parent or relative caregiver who has been trained to use a *physical restraint*, may do so, unless a *child, young adult, or others* are at imminent risk of harm. *Physical restraint* may only be used if good judgment indicates ~~that~~ a *physical restraint* may ~~safely~~ be safely implemented. Any time a *physical restraint* is used, the *certified family* must follow the reporting requirements in OAR 413-020-0236 and 413-020-0240.

- (5) The *certified family* must notify and request assistance of the Department when the challenging behavior of a *child or young adult* may be beyond the ability of the *certified family* to *discipline* in a positive manner.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.~~005015~~, 418.315, 418.625 - 418.~~645648~~

413-200-0362

Requirements Regarding the Medical, Dental, and Mental Health Care of a Child or Young Adult

(Amended 12/28/11)

- (1) In addressing the health care for a *child or young adult*, the *certified family* must:
 - (a) Work collaboratively with the Department in managing the health care needs of ~~a~~ the *child or young adult*, which may include involving a parent of the *child or young adult* in medical, dental, and mental health appointments;
 - (b) Regularly exchange medical, dental, and mental health information of the *child or young adult* with the Department;
 - (c) Work collaboratively with providers in managing the medical, dental, and mental health needs of ~~a~~ the *child or young adult*; and
 - (d) Maintain health care documentation ~~of~~ for each *child or young adult*, including:
 - (A) Medical, dental, and mental health appointments;
 - (B) Medical, dental, and mental health information;
 - (C) Medical, dental, and mental health appointment follow-up reports; and
 - (D) Immunization records.
- (2) A *certified family* must comply with the Department's direction on obtaining medical, dental, and mental health care for a *child or young adult*.
- (3) A *certified family* may consent to routine examinations and laboratory tests.

- (4) A *certified family* must ~~allow~~ follow the Department's direction regarding vaccination and immunization of a *child* or *young adult* in accordance with the ~~Department's~~ case plan.
- (5) Except as provided in section (6) of this rule, the *certified family* must contact the caseworker of a *child* or *young adult* to obtain appropriate prior consent from the Department before a *child* or *young adult* receives any medical care or undergoes a procedure, other than routine medical care.
- (6) In an emergency, a *certified family* must notify the Department as soon as possible when emergency care is needed.
- (7) Medication management requirements.
 - (a) The *certified family* must comply with all of the following requirements related to medication management:
 - (A) Administer prescription medications to a *child* or *young adult* only in accordance with the written prescription or authorization.
 - (B) Record the dosage, date, and time that each medication is administered to a *child* or *young adult* on a form approved by the Department. If medication is given in a location other than the certified home, such as at school or in daycare, the medication log of the institution or program must be attached to the Department form. The medication form, with any attachments, must be submitted monthly to the caseworker of the *child* or *young adult*.
 - (C) Take the medication log to each medical appointment and share with the medical provider.
 - (D) Inform the caseworker of the *child* or *young adult* or the supervisor of the caseworker within one business day when a *child* or *young adult* is prescribed a *psychotropic medication* or the dosage of any existing prescription for *psychotropic medication* is changed, as required by OAR 413-070-0470.
 - (E) Begin administration of any *psychotropic medication* only after consent authorization has been obtained from the Department pursuant to Child Welfare Policy I E.3.3.1, "Psychotropic Medication Management", OAR 413-070-04070 ~~to 413-070-0490~~.
 - (F) Maintain the documentation received from the caseworker when a *child* is prescribed a *psychotropic medication* or when the dosage of any existing prescription for a *psychotropic medication* is changed.

- (b) Except as provided in subsection (c) of this section, the *certified family* must ~~store~~ provide for the safe storage and administration of all medications in such a way that the medications are inaccessible to a child or young adult and must store all psychotropic medications in locked storage the household, taking into consideration the child's age, development level, and needs.
- (c) When a *child* or *young adult* is learning to manage his or her own medications, the *certified family*, the *child* or *young adult*, and the caseworker may develop an individualized, written plan for the *child* or *young adult* to access the medication. The *child* or *young adult* may not have access to medication that is not his or her own. The plan must state how the medication will be inaccessible to other children or young adults in the home. The *certified family*, the *child* or *young adult*, and the caseworker ~~keep~~ must each retain a copy of the plan.
- (8) The *certified family* must comply with the *personal care services plan* for any *child* or *young adult* placed in the certified family's home and eligible for personal care services pursuant to Child Welfare Policy I-E.5.1.2, "Personal Care Services", OAR 413-090-0100 to 413-090-0210.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.015, 418.315, 418.625 - 418. 648

413-200-0371

Responsibilities and Notification Requirements for Selection and Use of Respite Care Providers and Babysitters

(Amended 12/28/11)

- (1) Respite Providers.
- (a) The *certified family* is responsible for identifying a safe and responsible *respite care providers* for a *child* or *young adult* placed in the certified family's home and must take into consideration:
- (A) The age, special needs, attachment, and individual behaviors of each *child* or *young adult*; and
- (B) The length of time that the *child* or *young adult* will be with the *respite care* provider.
- (b) ~~Responsibilities when~~ When identifying ~~a~~ *respite care providers*, ~~The the~~ the *certified family* must:
- (A) Select ~~a~~ *respite care providers* who –

- (i) ~~Is~~ Are at least 18 years of age;
 - (ii) ~~Is~~ Are capable of assuming child care and supervision responsibilities, including meeting the safety, health, and well-being needs of each *child* or *young adult* in the certified family's care; and
 - (iii) ~~Complies~~ Will comply with OAR 413-200-0358 regarding discipline; ~~and~~
 - ~~(iv) — Is present with the children or young adults for whom they are providing respite care at all times.~~
- (B) Provide to the *certifier* the names, addresses, and telephone numbers of the prospective *respite care* providers and receive Department approval under OAR 413-200-0281 prior to using the *respite care* provider.

(2) Babysitters.

- (a) The *certified family* must use a responsible person 14 years of age or older for *babysitting*, and must:
- (A) Assure the babysitter is capable of assuming ~~child care~~ and supervision responsibilities required to meet the needs of each *child* or *young adult*, and will be present with the *child* or *young adult* for whom the babysitter is providing care at all times, and
 - (B) Have no reason to suspect that the babysitter --
 - (i) Has any criminal history or child abuse or neglect history; or
 - (ii) Poses any risk to the *child* or *young adult* for whom the babysitter will provide care.
- ~~(b) — The *certified family* may not use a babysitter for overnight care.~~
- (eb) Unless requested by the Department, the *certified family* does not need to provide identifying information to the Department to complete a *criminal records check* for a babysitter.

(3) General Provisions for Respite Care and Babysitting.

- (a) The *certified family* must have an available method through which the *certified family* may be contacted in an emergency ~~at~~ any time the *child* or *young adult* is cared for by another individual.

(b) A *certified family* may use a licensed, ~~registered, or approved childcare center or~~ day care provider facility for a *child or young adult*, and must notify the Department in advance of using the ~~childcare center or day care provider facility~~.

(c) The certified family must notify the certifier or certifier's supervisor of any plans to provide respite care for another certified family; and obtain approval when the number of children or young adults in the home is expected to exceed the maximum number of children or young adults allowed under the family's Certificate of Approval.

~~(e) Family and childhood activities.~~

~~(A) The *certified family* may give consent for a *child or young adult* in the Department's care or custody to participate in ordinary childhood activities, such as parties and sleepovers with friends, and organized activities provided by schools, religious or civic organizations, scouts, or similar groups.~~

~~(B) The *certified family* must verify that the event is safe, adequately supervised, and appropriate for the *child or young adult* based upon his or her needs.~~

~~(C) When the *certified family* has any questions regarding the *child or young adult* participating in an activity, the *certified family* must consult with the caseworker of the *child or young adult*.~~

~~(d) The *certified family* must notify the caseworker of the *child or young adult* and obtain the approval of the caseworker or caseworker's supervisor prior to the *child or young adult* being absent from the *certified family* for more than 24 hours.~~

~~(e) The *certified family* must obtain approval from the *certifier* or the *certifier's* supervisor when the *certified family* plans to provide *respite care* for another *certified family* causing the number of children or young adults in the home to exceed the maximum number of children or young adults on the *certified family's* *Certificate of Approval*.~~

Stat. Auth.: ORS 409.050, 418.005, 418.016, 418.640

Stats. Implemented: ORS 409.010, 418.~~005~~015, 418.625 - 418.~~645~~648

413-200-0377

Confidentiality

(Amended 12/28/11)

(1) The *certified family* must exercise good judgment in sharing personal information about the *child or young adult* and the family of the *child or young adult*. The *certified family* must store documents ~~regarding the *child or young adult* and family of the *child or young*~~

~~adult~~ in a way that protects the privacy of the *child* or *young adult* and ~~the his or her~~ family ~~of the child or young adult~~.

- (2) The *certified family* may not disclose confidential information regarding a *child* or *young adult* or the family of a *child* or *young adult*, except when necessary to promote or to protect the health and welfare of the *child*, *young adult*, or the community.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0379

Education and Training for Applicants and Certified Families

(Amended 12/28/11)

- (1) An *applicant* must participate in the Department's orientation prior to receiving a *Certificate of Approval* or *Child-Specific Certificate of Approval*, or within 30 days after the placement of a *child* or *young adult* in a home that has been issued a *Temporary Child-Specific Certificate of Approval*.
- (2) Except as provided in sections (3) ~~or~~, (4), or (5) of this rule, each *applicant* and *certified family* must complete Foundations training before or within 12 months after the date on which the ~~certificate~~ *Certificate of Approval* was issued,; or ~~have provide~~ written documentation of completion of equivalent training content from another licensed child-caring agency within two years of an applicant's dated application for *certification* *Certificate of Approval from the Department*.
- (3) A *certified family* is exempt from section (2) of this rule if a written, individualized training plan, specific to the needs of the children or young adults ~~placed with a certified family holding a *Child-Specific Certificate of Approval*~~, has been approved by a supervisor and developed within 90 days after a *Child-Specific Certificate of Approval* or *Temporary Certificate of Approval* has been issued by the Department.
- (4) An *applicant* is exempt from section (2) of this rule if the *applicant* ~~is applying to become a potential adoptive resource and has approval~~ has met the requirements to adopt a *child* under OAR 413-120-0246.
- (5) Foundations training is required if an *applicant* previously certified by the Department has not been certified within the preceding two years unless:
 - (a) Alternative training has been approved under sections (3) or (4) of this rule; or
 - (b) The supervisor waives the training requirement based on the applicant's documented knowledge and skills in caring for a *child* or *young adult* placed in the home by the Department.

- (6) The *certified family* and the *certifier* must develop a training plan for each foster parent or relative caregiver individual certified in the family to complete at least 30 hours of training during each two-year certification period, unless a written individualized training plan is developed for a *certified family* with a *Child-Specific Certificate of Approval*. The written individualized training plan:
- (a) Must be designed to strengthen the certified family's ability of the certified family to meet the safety, health, and well-being needs of the ~~child~~ or young adults placed in the certified family's home;
 - (b) May be less than the required 30 hours required during a certification period; and
 - (c) Must be approved by a certification supervisor.
- (7) ~~Each~~ An applicant ~~and or~~ certified family with limited English proficiency or a hearing or visual impairment, ~~and who is~~ unable to meet the training requirements outlined in sections (1) to (6) of this rule may be provided an individualized training plan prepared by the *certifier* and approved by the certification supervisor.
- (8) The Department may require a *certified family* to ~~complete~~ obtain more than the 30 hours of training for a two-year certification period ~~based~~ depending on the needs of the ~~child~~ or young adults placed in the home ~~and or~~ the knowledge, skills, and abilities of the *certified family*.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.~~005~~105, 418.625 - 418.~~645~~648

413-200-0383

Other Required Notifications

(Amended 12/28/11)

THIS RULE IS REVISED IN ITS ENTIRETY

~~A certified family must notify the certifier or certifier's supervisor of all of the following:~~

- ~~(1) Any individual joining or leaving the household.~~
- ~~(2) Any prospective respite care provider.~~
- ~~(3) Any anticipated change in address.~~
- ~~(4) Any physical or structural change in the home or surrounding property on which they live.~~

- ~~(5) Any arrest or court conviction for any member of the household. This notification must occur within one business day.~~
- ~~(6) Any known allegation of child abuse or neglect perpetrated by any member of the household, or an individual who regularly visits the home. Such notification must occur on the day that the certified family learns of the allegation.~~
- ~~(7) The suspension of a driver license of any adult on the Certificate of Approval or any member of the household.~~
- ~~(8) Any change in the physical health, mental health, or medication of a member of the household that reasonably could affect the ability of the member or the family to meet the needs of safety, health, and well-being of a child or young adult.~~
- ~~(9) Any time any member of the household applies to become an in-home child care provider, an adult foster care, or in-home adult day care provider.~~
- ~~(10) Any time another agency wishes to place a child or young adult in the certified home.~~
- ~~(11) Any time the certified family agrees to provide respite care for another certified family.~~
- ~~(12) Any other circumstance that reasonably could affect the safety, health, or well-being of a child or young adult in the certified family's home.~~
- (1) A certified family must immediately notify the certifier or certifier's supervisor of the following information and events:
 - (a) Any anticipated change in address.
 - (b) Any physical or structural change in the home or surrounding property on which the certified family lives.
 - (c) Any known allegation of child abuse or neglect perpetrated by any member of the household or other person in the household, or any individual who frequents the home of the certified family.
 - (d) Any time another agency wishes to place a child or young adult in the home of the certified family home.
 - (e) Any other circumstance that reasonably could affect the safety, health, or well-being of a child or young adult in the home of the certified family.

- (2) A certified family must notify the *certifier* or certifier's supervisor of the following information and events within one business day of the certified family learning of the information or event:
- (a) Any individual joins or leaves the household, including any individual who frequents the home.
 - (b) The suspension of a driver license of any foster parent, relative caregiver, or any member of the household or other individual in the household.
 - (c) Any change in the physical health, mental health, or medication of a member of the household or other individual in the household that reasonably could affect the safety, health, and well-being of a *child* or young adult.
 - (d) Any time any member of the household or other individual in the household applies to become an in-home child care provider, an adult foster care, or in-home adult day care provider.
 - (e) Any arrest or court conviction for any member of the household or other individual in the household.
- (3) A certified family must notify the caseworker or caseworker's supervisor of any suicidal ideation, significant behavioral changes, or significant injury or illness to a *child* or young adult as soon as the certified family learns of the information.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.~~005~~105, 418-315, 418.625 - 418.~~645~~648

413-200-0386

Requirements Regarding Mandatory Reporting

(Amended 12/28/11)

Any ~~*member of the household*~~ and any certified family's ~~employee, independent contractor, or volunteer who works in the certified family's home,~~ must report ~~the pertinent~~ information required by ORS 419B.015 to the Department upon reasonable cause to believe that any *child* with whom the individual comes in contact has suffered abuse or neglect or that any adult with whom the individual comes in contact has abused or neglected a *child*.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.~~005~~015, 418.315 418.625 - 418.~~645~~648

413-200-0388

Requirements Regarding Visits in the Certified Family's Home

(Amended 12/28/11)

For purposes of assessing the conditions in the home that affect safety, health, and well-being ~~for~~ of the child or young adult, a *certified family* must:

- (1) Allow on-going in-home visits, both scheduled and unscheduled, by Department staff; and
- (2) Allow Department staff unsupervised contact with a *child or young adult*.
- (3) Allow Department staff access to each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate entry residence rented to or owned by another individual.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.~~005~~015, 418.315, 418.625 - 418.~~645~~648

413-200-0390

Requirements Regarding Maintaining the Certificate of Approval

(Amended 12/28/11)

- (1) The Department may ~~conduct an expedited certification and may~~ issue a *Temporary Child-Specific Certificate of Approval* for no more than 180 days when assessment activities described in ~~Child Welfare Policy II-B.1.1, "Responsibilities for Certification and Supervision of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources"~~, OAR 413-200-0275 ~~4(2)(a) to (p)~~ have been completed.
- (2) The Department may issue a ~~full certification and Certificate of Approval~~ or Child-Specific Certificate of Approval for up to two years when all assessment activities in OAR 413-200-0274 ~~(3) or (6)~~ have been completed.
- (3) ~~To remain certified~~ renew a Certificate of Approval or Child-Specific Certificate of Approval for up to two additional years, the *certified family* must submit a completed Application for Renewal or Change of Status, ~~and the Department will assess the certified family every two years. Upon receiving an application, the Department will assess the application under OAR 413-200-0287 and either renew the certification or issue a proposed and final order denying the application.~~
- (4) When the *certified family* has submitted an timely application for ~~re-certification~~ renewal, the current ~~certificate~~ Certificate of Approval will not expire, despite any expiration date, until the Department has ~~issued a new~~ renewed the certification Certificate of Approval

or there is a proposed and final order ~~of denial~~ denying the application.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 015, 418.315, -418.625 - 418.645 648

413-200-0393

Requirements Regarding Inactive Referral Status

(Amended 12/28/11)

- (1) The Certificate of Approval or Child-Specific Certificate of Approval remains in effect and the responsibilities of the Department and the certified family remain in effect during inactive referral status.
- (~~4~~2) A certified family may request that the Department place the home on inactive Rreferral Sstatus for any reason for up to 12 months. The *inactive referral status* begins immediately on the date requested by the certified family and while it is in effect:
 - (a) The Department will place no additional *child* or *young adult* in the home; and
 - (b) The *certified family* may not accept placement of any *child* or *young adult* from another agency.
- (~~3~~2) *Inactive Rreferral Sstatus*, when requested by the *certified family*, ends:
 - (a) At the request of the *certified family*; or
 - (b) When the certification certificate Certificate of Approval terminates or expires and—
 - (A) ~~The family has not timely applied for renewal of the certificate; or~~
 - (B) ~~The Department has not renewed the certificate.~~
- (~~4~~3) The Department may initiate a certified family's *inactive Rreferral Sstatus* under the conditions described in Child Welfare Policy II B.1.1, "Responsibilities for Certification and Supervision of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources", OAR 413-200-0294(~~5~~) or (~~6~~). When the Department initiates *inactive Rreferral Sstatus*, the Department must:
 - (a) Provide written notification to the *certified family* of the *inactive Rreferral Sstatus* within 14 business days after the inactive status is initiated; and
 - (b) Provide written notification to the *certified family* when *inactive Rreferral Sstatus* ends, unless subsection (c) of this section applies.

(c) If inactive referral status was initiated under OAR 413-200-0294 and the certified family does not meet one or more of the certification standards, provide written notification of intent to deny an application or revoke a Certificate of Approval.

(5) The Department may revoke certification if a certified family does not remedy a violation of a certification standard within the time frame of the inactive referral status.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005~~105~~, 418.315, 418.625 - 418.645~~648~~

413-200-0394

Requirements Regarding Termination of a Certificate of Approval

(Amended 12/28/11)

- (1) A certified family may voluntarily request that the Department terminate ~~e-the certification Certificate of Approval~~ and close the home. The certified family must give the Department (ten- business days) notice between the date of the request and the date of the certified family would like the certification to terminate ~~before the Certificate of Approval is terminated~~. The Department must remove any child or young adult in the care or custody of the Department from the home before closing the home.
 - (a) The Department may deny the certified family's request if the Department has decided to revoke the certification.
 - (b) When the Department accepts the certified family's request, the Department will notify the certified family of its decision to accept the voluntary termination and notify the certified family of the date the certification will terminate.
- (2) When a child or young adult leaves a home that has a Child-Specific Certificate of Approval or Temporary Certificate of Approval, ~~the Department certificate~~ terminates ~~the Child-Specific Certificate of Approval within~~ 10 business days ~~of after~~ the departure of the child or young adult, unless at least one of the following ~~subsections~~ applies:
 - (a) The ~~child-specific Child-Specific~~ Child-Specific Certificate of Approval is a two-year certificate and the certified family submits a written request to change the type of certification ~~continue their Certificate of Approval as a foster parent~~ under OAR 413-200-0289(45) within 10 business days of the departure of the child or young adult from the home.
 - (b) The certified family requests to voluntarily terminate their Child-Specific Certificate of Approval or Temporary Certificate of Approval and the Department agrees to terminate the certification.

~~(bc) — The Department has determined the *child* or *young adult* is removed because the *certified family* cannot meet the safety, health, and well-being needs of the *child* or *young adult* and has violated one or more rules under Child Welfare Policy II B.1, "Certification Standards for Foster Parents, Relative Caregivers, and Approval of Potential Adoptive Resources", OAR 413-200-0301 to 413-200-0396 decides to revoke a *Child Specific Certificate of Approval*.~~

~~(ecd) OAR 413-200-0395(6) applies. The Department has taken action to revoke the *Child Specific Certificate of Approval* or *Temporary Certificate of Approval*.~~

~~(3) — When the Department has determined that subsection (2)(b) of this rule applies, the Department will notify the *certified family* of the decision and issue a notice of intent to revoke the *Certificate of Approval* pursuant to OAR 413-200-0395(2).~~

(43) When a *certified family* moves to a different residence, the Department will terminate the certification~~*Certificate of Approval*~~ and closes the home. The Department may issue a new certification~~*Certificate of Approval*~~ when the activities described in OAR 413-200-0292(45) have been completed.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010;5 418.~~005~~315, 418.625 - 418.~~645~~648

413-200-0395

Requirements Regarding Denial and Revocation of a Certificate of Approval

(Amended 12/28/11)

THIS RULE IS REPEALED

~~(1) — The Department may deny an application for a *Certificate of Approval* if an *applicant* fails to provide requested information within 90 days of a written request from the Department.~~

~~(2) — The Department may deny an application or revoke a *Certificate of Approval* when:~~

~~(a) — The *applicant* or *certified family* does not meet one or more of these rules (OAR 413-200-0301 to 413-200-0396);~~

~~(b) — The Department discovers an *applicant* or a *certified family* has falsified information (by act of commission or omission) before or after the *Certificate of Approval* has been issued; or~~

~~(c) — An *applicant* or *certified family* fails to provide information to or inform the~~

~~Department of any disqualifying condition that arises before or after the
Certificate of Approval has been issued.~~

- ~~(3) The Department must provide an applicant to become or remain a certified family a written notice of revocation or denial, which must comply with OAR 413-010-0510 and must state the reason or reasons for the revocation or the denial.~~
- ~~(4) Unless the certified family requests that the Department terminate the Certificate of Approval under OAR 413-200-0394(1), the Department must revoke a Certificate of Approval when a certified family violates one or more of these rules (OAR 413-200-0301 to 413-200-0396) and, at the conclusion of a Child Protective Services assessment, the Department determines that there is a safety threat in the certified family's home.~~
- ~~(5) Upon deciding to revoke a certified family's Certificate of Approval, the Department must remove from the home any child or young adult in the Department's care or custody.~~
- ~~(6) When the Department has issued a notice to revoke a Certificate of Approval, the certificate will not expire despite any expiration date on the Certificate of Approval, until there is a final order to revoke the Certificate of Approval.~~
- ~~(7) When the Department revokes a Certificate of Approval or denies an application to become a certified family, the Department has the discretion to require up to a five-year waiting period before the individual or individuals can reapply to become a relative caregiver or foster parent.~~

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0396

Requirements Regarding Contested Case Hearings

(Amended 12/28/11)

- (1) When the Department denies an application for certification or revokes certification, the applicant or certified family has a right to request a contested case hearing under this rule.
- ~~(2) Except as provided in section (4) of this rule, an An applicant to become a certified family for certification, renewal of a certificate, or a Change of Status may request a contested case hearing to contest the Department's decision to deny a Certificate of Approval when the Department has mailed a proposed and final order written notice denying the application.~~
- ~~(3) A certified family may request a contested case hearing to contest the Department's decision to revoke the when the Department has mailed a proposed and final order revoking certification a Certificate of Approval.~~

- (43) ~~A certified family, or an applicant to become a certified family for certification, renewal of a certificate, or a Change of Status, or applicant for consideration as a potential adoptive resource may~~ requests a contested case hearing, as provided in ~~ORS Chapter 183, by providing a Child Welfare program manager a written request for a hearing within 30 days of the date that the Department mailed the notice of denial or revocation when the Department as mailed a written notice revoking a Certificate of Approval OAR 413-010-0505, and OAR 413-120-0460.~~
- (54) ~~ORS Chapter 183 does not provide a contested case process for an adoptive applicant who is denied approval as a potential adoptive resource. An applicant who is denied approval as a potential adoptive resource does not have a right to request a contested case hearing, and instead OAR 413-120-0225(2) applies.~~
- (65) If the Department does not receive a request for a contested case hearing within 30 days of the date that the Department mailed the ~~proposed and final order notice~~ of denial or revocation, the ~~certified family or applicant to become a certified family~~ has waived the right to a hearing, except as provided in OAR 413-010-0505.
- (76) Department actions when a contested case hearing is timely requested but such request is subsequently withdrawn are outlined in OAR 413-010-0530(4).
- (7) ~~OAR 413-010-0505 describes the requirements to a request for a contested case hearing due to the denial or revocation of a Certificate of Approval.~~

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010015, 418.005315, 418.625 - 418.645648

Department Responsibilities During Screening and Assessment of a Child Abuse or Neglect Report Involving the Home of a Department Certified Foster Parent or Relative Caregiver

413-200-0404

Purpose

~~(Amended 1/03/12)(Amended 10/01/15)~~

- (1) The purpose of ~~these rules~~ (OAR 413-200-0404 to 413-200-0424) is to describe Department responsibilities during the screening and assessment of a *report of child abuse or neglect* involving the home of a Department certified *foster parent* or *relative caregiver*. A *report* involves the home of a Department-certified *foster parent* or *relative caregiver* if the *report* alleges that someone in the home abused or neglected any *child*.
- (2) When a *report* is received involving the home of a Department-certified *foster parent* or *relative caregiver*, these rules, ~~Child Welfare Policies I AB.1 to I AB.7, "Child Protective Services"~~ (OAR 413-015-0100 to 413-015-1230), ~~II B.1, "Standards for Certification of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources"~~ (OAR 413-200-0301 to 413-200-0396), ~~II B.1.1, "Responsibilities for Certification and Supervision of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources"~~ (OAR 413-200-0270 to 413-200-0296), and ~~I B.1, "Monitoring Child Safety"~~ (OAR 413-080-0040 to 413-080-0067) apply.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015, 419B.020

413-200-0409

Definitions

~~(Amended 5/27/14)~~

~~THIS RULE IS REPEALED. See OAR 413-200-0260.~~

~~The following definitions apply to OAR 413-200-0404 to 413-200-0424:~~

- ~~(1) "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.~~
- ~~(2) "Certified family" means an individual or individuals who hold a Certificate of Approval from the Department to operate a home to provide care, in the home in which they reside, to a child or young adult in the care or custody of the Department.~~

- (3) ~~"Certifier" means a Child Welfare employee who conducts assessments of applicants interested in providing relative or foster care to a *child or young adult* in the care or custody of the Department or an adoptive applicant, determines whether or not to recommend approval of the operation of a relative care or foster home or an adoptive applicant, and monitors the compliance of a relative care or foster care home with Child Welfare certification rules.~~
- (4) ~~"Child" means a person under 18 years of age.~~
- (5) ~~"Child protective services assessment" (CPS assessment) means an investigation into a report of child abuse pursuant to ORS 419B.020, that includes activities and interventions to identify and analyze threats to child safety, determine if there is reasonable cause to believe child abuse or neglect occurred, and assure child safety through protective action plans, initial safety plans, or ongoing safety planning.~~
- (6) ~~"Child protective services supervisor" (CPS supervisor) means an employee of the Department trained in child protective services and designated as a supervisor.~~
- (7) ~~"Child protective services worker" (CPS worker) means an employee of the Department who has completed the mandatory Department training for child protective service workers.~~
- (8) ~~"Consulting foster parent or relative caregiver" means an individual who maintains or has held a Certificate of Approval to operate a foster or *relative caregiver* home, received Department approved training on the role of a "consulting foster parent or relative caregiver", and agrees to serve in this role.~~
- (9) ~~"Department" means the Department of Human Services, Child Welfare.~~
- (10) ~~"Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated *child or young adult* placed in the home by the Department.~~
- (11) ~~"Inactive referral status" means a period of time, not to exceed 12 months, during which neither the Department nor any other agency will place an additional *child or young adult* with a *certified family*. The *certified family* or the Department may initiate the "inactive referral status".~~
- (12) ~~"Initial contact" means the first face to face contact between a CPS worker and a family. The initial contact includes face to face contact with the alleged child victim, his or her siblings, parent or caregiver, other children and adults living in the home; accessing the home environment; and gathering sufficient information on the family conditions and functioning to determine if present danger safety threats or impending danger safety threats exist.~~
- (13) ~~"Referral" means a *report* that has been assigned for the purpose of CPS assessment.~~

- (14) ~~"Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related *child* or *young adult* placed in the home by the Department.~~
- (15) ~~"Report" means an allegation of child abuse or neglect provided to the Department that the *screener* evaluates to determine if it constitutes a report of child abuse or neglect as defined in ORS 419B.005.~~
- (16) ~~"Screener" means a Department employee with training required to provide screening services.~~
- (17) ~~"Young adult" means a person aged 18 through 20 years.~~

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015, 419B.020

413-200-0414

Department Actions During Screening

(Amended 12/24/14)

- (1) Screener Actions.
- (a) When a *screener* receives information involving the home of a *certified family*, the *screener* must--
- (A) Refer to and follow ~~Child Welfare Policy I-AB.2, "Screening"~~, OAR 413-015-0200 to 413-015-0225 to gather and share information;
- (B) Consult with the *CPS supervisor* before determining the Department's response;
- (C) Notify the assigned caseworker of each *child* or *young adult* placed in the home, each assigned caseworker's supervisor, the assigned *certifier*, and the certifier's supervisor of all information received; and
- (D) If the information is closed at screening as described in ~~Child Welfare Policy I-AB.2, "Screening"~~, OAR 413-015-0210(4):
- (i) Document the information in provider case notes in the Department's information system; and
- (ii) Notify the individuals listed in paragraph (C) of this subsection that the information was closed at screening.

- (b) When a *screener* receives information alleging abuse or neglect of a *young adult* living in the home of a *certified family*, the *screener* must provide the information to the young adult's caseworker; and
 - (A) Provide the information to the Department's Aging and People with Disabilities Division local office, Community Developmental Disabilities Program, or Community Mental Health Program when the *young adult* is an individual with a diagnosed physical, developmental, or mental disability, respectively; or
 - (B) Provide the information to law enforcement.
- (2) Certifier Actions. When the assigned *certifier* is notified by a *screener* that information involving the home of a *certified family* was closed at screening, the *certifier* must examine the information received and follow [Child Welfare Policy II-B.1.1., "Responsibilities for Certification and Supervision of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources"](#) (OAR 413-200-0270 to 413-200-0296).
- (3) Assigned Caseworker Actions.
 - (a) When a *report* of information alleging abuse or neglect of a *young adult* has been shared with the Department's Aging and People with Disabilities Division local office, Community Developmental Disabilities Program, or Community Mental Health Program because the *young adult* is an individual with a diagnosed physical, developmental, or mental disability, the young adult's caseworker must coordinate the Department's response.
 - (b) When a *report* of information alleging abuse or neglect of a *young adult* has been shared with law enforcement, the young adult's caseworker must coordinate the Department's response with law enforcement.
 - (c) When a *report* is received alleging that a *child* or *young adult* in substitute care in the home of a *certified family* may have been subjected to abuse or neglect, and the *screener* determines that the *report* constitutes a *report of child* abuse or neglect as defined in ORS 419B.005, within three business days of the Department's receipt of the *report*, the caseworker of the *child* or *young adult* in substitute care who is the alleged victim must notify the following individuals that a *report* was received:
 - (A) The attorney for the *child* or *young adult*;
 - (B) The court appointed special advocate (CASA) for the *child* or *young adult*;
 - (C) The parents of the *child* or *young adult*;

- (D) Any attorney representing the parents of the *child* or *young adult*; and
 - (E) If the disclosure is authorized by ORS 419B.035, others who are involved in the case plan as necessary.
- (d) The notification of the parents of the *child* or *young adult* and any attorney representing the parents of the *child* or *young adult* in paragraphs (3)(c)(C) and (D) of this rule is not required if the notification may interfere with an investigation or assessment or jeopardize the safety of the *child* or *young adult*. The *CPS supervisor*, or the supervisor of a caseworker of the *child* or *young adult* may authorize an exception to the requirement to provide notification based on documentation that supports this conclusion.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015, 419B.020

413-200-0419

Department Actions During the CPS Assessment

(Amended 1/03/12)

- (1) CPS Worker and CPS Supervisor Actions.
 - (a) If the *report* involving the home of a *certified family* is referred for a *CPS assessment*, the assigned *CPS worker* must convene a staffing before making *initial contact* unless the timing of the staffing will compromise *child* safety. The purpose of the staffing is:
 - (A) To determine and coordinate the response to the *referral*;
 - (B) To notify the *certifier* assigned to the home, the caseworkers assigned to each *child* or *young adult* placed in the home, and their respective supervisors of the *referral*; and
 - (C) To share information known by the Department regarding the children or young adults placed in the home and the *certified family*.
 - (b) The *CPS worker* must ensure/assure that the following people are invited to the staffing:
 - (A) The assigned *certifier* or the *certification supervisor*; and
 - (B) The assigned caseworker of each *child* or *young adult* in the home or each caseworker's supervisor.
 - (c) The *CPS supervisor* or his or her designee must:

- (A) ~~Ensure~~Assure that the staffing discussed in subsection (a) of this section occurs prior to the *initial contact* unless the timing of the staffing will compromise *child* safety;
 - (B) Determine whether the Child Welfare ~~Program Manager~~Program Manager, CPS Consultant, and Foster Care Coordinator should be invited to the staffing; and
 - (C) If the staffing does not occur prior to the *initial contact*, ~~ensure~~assure the staffing occurs the next business day and that all persons identified in subsection (b) of this section share information known by the Department regarding children or young adults placed in the home, the *certified family*, and any other individuals living in the home.
- (d) The *CPS worker* must complete the following activities during the *CPS assessment*:
- (A) At *initial contact*, in addition to the requirements in ~~Child Welfare Policy I AB.4, "CPS Assessment"~~, OAR 413-015-0400 to 413-015-0485, provide the *certified family* with the appropriate "What you need to know about a Child Protective Service Assessment" pamphlet;
 - (B) Consult with a *CPS supervisor* before making the decision to remove any *child* or *young adult* from the home;
 - (C) Provide on-going information to the assigned *certifier* and to the caseworkers of each *child* or *young adult* placed in the home on the status of the *CPS assessment*; and
 - (D) Complete the *CPS assessment*.
- (2) Certifier and Certification Supervisor Actions. When the assigned *certifier* is notified that information received by a *screener* involving the home of a *certified family* is referred for a *CPS assessment*--
- (a) Within one business day after the *CPS worker* has made *initial contact*, the *certifier* must contact and notify the *certified family* and provide them with the following information:
 - (A) The *certifier* is available to answer questions related to certification but will not discuss the specifics of the *CPS assessment*;
 - (B) The *certified family* is immediately placed on *inactive referral status* pending the completion of the *CPS assessment*;

- (C) The *certified family* has the option of having a *consulting foster parent or relative caregiver* available for support during the assessment; and
- (D) The names of foster parents and relative caregivers who have agreed to serve as a *consulting foster parent or relative caregiver*.
- (b) Within one business day, the *certifier* must document the initiation of a *CPS assessment* and the placement of the *certified family* on *inactive referral status* in provider case notes in the Department's information system.
- (c) Within one business day, the *certifier* must notify Department staff responsible for placement that the certified family's home is on *inactive referral status*.
- (d) Within 14 days of the notification required in paragraph (2)(a)(B) of this rule, the Department must provide written notification to the *certified family* that the home has been placed on *inactive referral status* and place a copy of the written notification in the certification file.
- (e) The *certifier* must provide ongoing information regarding the *certified family* and any individuals living in the home to the assigned *CPS worker* and the caseworkers of each *child* or *young adult* placed in the home.
- (f) The *certification supervisor* must ensure/assure that the actions required in subsections (a) through (e) of this section are completed if the *certifier* is unavailable.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015, 419B.020

413-200-0424

Department Actions at the Conclusion of the CPS Assessment

(Amended 1/03/12)

(1) CPS Worker and Supervisor Actions.

- (a) In addition to the actions required in Child Welfare Policy I-AB.4, "CPS Assessment", OAR 413-015-0400 to 413-015-0485, the *CPS worker* must convene a staffing within five business days of the completion of the *CPS assessment* to --
 - (A) Share information acquired during the *CPS assessment*, and the results of the *CPS assessment*;
 - (B) Discuss and determine whether any additional actions described in Child Welfare Policy I-AB.4, "CPS Assessment", OAR 413-015-0400 to 413-

015-0485 are appropriate;

- (C) Determine who needs to be notified of the disposition of the *CPS assessment* and determine which staff will be responsible for providing notification;
 - (D) Discuss certification actions that have been taken and whether any additional actions described in ~~Child Welfare Policy II B.1.1, "Responsibilities for Certification and Supervision of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources"~~, OAR 413-200-0270 to 413-200-0296 are appropriate.
- (b) The *CPS worker* must ~~ensure~~assure that the following staff members are invited to the staffing:
- (A) The *CPS supervisor*;
 - (B) The assigned *certifier* or the *certification supervisor*; and
 - (C) The caseworkers assigned to each *child* or *young adult* placed in the home of the *certified family* or their respective supervisors.
- (c) The *CPS supervisor* or his or her designee must:
- (A) ~~Ensure~~Assure that the staffing, discussed in subsection (a) of this section occurs;
 - (B) Determine whether the Child Welfare ~~Program Manager~~Program Manager, CPS Consultant, and Foster Care Coordinator should be invited to the staffing; and
 - (C) Approve notification of the following individuals of the disposition of the *CPS assessment*:
 - (i) The attorney for the *child*;
 - (ii) The court appointed special advocate (CASA) for the *child*;
 - (iii) The parents of the *child*;
 - (iv) Any attorney representing the parents of the *child*; and
 - (v) If the disclosure is authorized by ORS 419B.035, others who are involved in the case plan as necessary.
 - (D) The supervisor may authorize an exception to the notification of the

parents of the *child* and any attorney representing the parents of the *child* required in paragraph (C) of this subsection if the notification may interfere with an investigation or assessment or jeopardize the safety of the *child*.

- (d) At the conclusion of any *CPS assessment*, regardless of the disposition, the *CPS supervisor* must immediately notify the assigned caseworkers, the *certifier*, the CPS Consultant, and the Foster Care Coordinator that the *CPS assessment* has been completed and approved.
- (2) Assigned Caseworker Actions.
- (a) Within ten business days of the Department determining the disposition of a *CPS assessment* involving the alleged abuse of a *child* placed in the home of a *certified family*, the caseworker for the *child* must notify the individuals identified in paragraph (1)(c)(C) of this rule of the disposition unless an exception, described in paragraph (1)(c)(D) of this rule, is authorized by the *CPS supervisor* or his or her designee.
 - (b) Within ten business days of the conclusion of a law enforcement determination involving the alleged abuse of a *young adult* placed in the home of a *certified family*, the caseworker for the *young adult* must notify the individuals identified in paragraph (1)(c)(C) of this rule of the disposition, unless notification may interfere with an investigation or assessment or jeopardize the young adult's safety as authorized by the caseworker's supervisor.
- (3) Certifier and Certification Supervisor Actions.
- (a) At the conclusion of the *CPS assessment*, during or within five business days of the meeting required in subsection (1)(a) of this rule, the *certifier* and *certification supervisor* must:
 - (A) Staff the case and review all the information in the *CPS assessment*;
 - (B) Determine whether the information indicates certification actions described in [Child Welfare Policy II-B.1.1, "Responsibilities for Certification and Supervision of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources"](#), OAR 413-200-0270 to 413-200-0296 should be taken; and
 - (C) Assure documentation of the results of the staffing in provider case notes in the Department's information system.
 - (b) After completing the staffing required in subsection (1)(a) of this rule, if the Department determines --

- (A) That the *Certificate of Approval* for the *certified family* should be revoked, the assigned *certifier* must initiate revocation of the *Certificate of Approval* as described in [Child Welfare Policy II B.1.1, "Responsibilities for Certification and Supervision of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources"](#), OAR 413-200-0296.
- (B) That *inactive referral status* should continue because one or more of the conditions in [Child Welfare Policy II B.1.1, "Responsibilities for Certification and Supervision of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources"](#), OAR 413-200-0294 are present, the assigned *certifier* must summarize the outcome of the assessment and the reasons for continuing *inactive referral status* in a letter delivered to the *certified family* within 10 days of the completed *CPS assessment*. The *certifier* must retain a copy of the letter in the certification file.
- (C) That the certificate will not be revoked after a founded or unable to determine disposition, the assigned *certifier* must:
 - (i) Submit written documentation supporting the continued certification of the *certified family* to the District Manager or Child Welfare ~~Program Manager~~[Program Manager](#) for approval;
 - (ii) Upon receiving approval for continued certification from the District Manager or Child Welfare ~~Program Manager~~[Program Manager](#), remove the *certified family* from *inactive referral status*;
 - (iii) Within ten business days of receiving approval from the District Manager or Child Welfare ~~Program Manager~~[Program Manager](#), send written notification to the *certified family* that the home is no longer on *inactive referral status* and retain a copy of the written notification in the certification file; and
 - (iv) Notify Department staff responsible for placement that the *certified family* is no longer on *inactive referral status*.
- (4) The *CPS worker* or supervisor, and the *certifier* or supervisor must meet with the *certified family* within ten business days of the completion of the *CPS assessment* to explain the disposition and any certification actions that will be taken unless the *certified family* declines the opportunity for a meeting.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015, 419B.020