

Nancy K. Keeling
Authorized Signature

Number: CW_IM_07_012
Issue Date: 06/05/2007

Topic: Foster Care

Subject: Removal of rule regarding storage and transportation of firearms in certified homes

Applies to (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input checked="" type="checkbox"/> Children, Adults and Families | <input type="checkbox"/> Seniors and People with Disabilities |
| <input type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Other (please specify): |

Message: Legislative Counsel and the Department of Justice have advised that OAR 413-200-0335 be rescinded based on ORS 166.170 which vests regulation of safe, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any element related to firearms and components thereof, including ammunition **solely in the Legislative Assembly.** The Department is unable to write rules regulating the storage and transportation of firearms and ammunition as a condition for receiving a certificate of approval to provide foster care.

The Department continues to have responsibility to develop rules for certification of relative, foster and adoptive homes. These rules are determined by the Department to be necessary or advisable to protect the best interest of the children in foster homes and determine that proper care is being given to the children in the certified home. (ORS 418.640)

Certifiers will use the following procedures to assess the safety of an applicant's environment when guns and/or ammunition are present in the home.

1. Inquire whether guns and/or ammunition are present in the home.
2. When guns and/or ammunition are present, assess the applicant's plan to:
 - a. Deny access to guns and/or ammunition to children;
 - b. Minimize the chance of an accident involving guns and/or ammunition occurring in the home; and
 - c. Store guns and/or ammunition in a manner that is inaccessible to children or other unauthorized users.

3. Assess the applicant's plan to talk about gun safety with children placed in the home.
4. If an applicant is willing to do so, ask that the applicant document their plan for gun safety in the home.
5. Document in the home study your assessment of the applicant's ability to maintain conditions in the home that will provide safety for the child. OAR 413-200-0308 (3)(c)

The Department is preparing an informational pamphlet for foster parents on how to best maintain a safe home when firearms are present. Until that pamphlet is completed, the National Rifle Association has published a brochure titled the *"Parents' Guide to Gun Safety,"* which provides useful information on gun safety in the home. It is available through the NRA website, or by email to eddie@nrahq.org or by calling (800) 231-0752.

If you have any questions about this information, contact:

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|--------------------|--|-------------|--------------|
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