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# PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on

August 1, 2016 by the

Department of Human Services, Office of Child Welfare Programs

413

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**Agency and Division**

**Chapter Number**

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To become effective August 1, 2016. Rulemaking Notice was published in the July 2016 Oregon Bulletin.

**Rule Caption:** *Amending rule about approval and implementation of a guardianship permanency plan*

**AMEND:** 413-070-0670

ORS 409.050, 418.005

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**Stat. Auth.**

None.

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**Other Auth.**

ORS 409.050, 418.005

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**Stats. Implemented**

## Rule Summary

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OAR 413-070-0670 about approval and implementation of a guardianship permanency plan is being amended to require that prior to the court hearing to request the final order of guardianship, the Department must document in the case record that the caseworker, supervising worker, if any, and the certifier for the potential guardian recommends finalization of the guardianship.

## 413-070-0670

### Approval and Implementation of a Guardianship Permanency Plan

(Amended 07/17/15)

- (1) When the Department is considering a change in a child's *permanency plan*, the Department makes the determination pursuant to OAR 413-070-0500 to 413-070-0519, and the child's caseworker schedules a *permanency committee*.
- (2) The *permanency committee* must review all of the information presented to the committee and make recommendations to the Child Welfare Program Manager or *designee* regarding:
  - (a) Whether guardianship is an appropriate *permanency plan* for the *child*; and
  - (b) Whether the *substitute caregiver* can meet the child's needs as described in subsection (3)(c) of this rule and should be considered as a *potential guardian*.
- (3) The Child Welfare Program Manager or *designee* must decide whether guardianship is the appropriate *permanency plan* for the *child* based upon:
  - (a) How a *permanency plan* of guardianship meets the child's needs, and the requirements of OAR 413-070-0660(1) and (2) and OAR 413-070-0665(2) and (3);
  - (b) Whether the Department has provided the *child* and the child's parents an opportunity to identify available permanency;
  - (c) Whether the *substitute caregiver* being considered as the *potential guardian* is able to meet the child's needs pursuant to OAR 413-070-0640.
- (4) Following the Child Welfare Program Manager or *designee* decision to approve guardianship as a *permanency plan*, the caseworker must --
  - (a) Request a permanency hearing before the court within 30 days of the decision.
  - (b) Prior to the court hearing, provide the court with supporting written documentation regarding the Department's position that:
    - (A) Guardianship is in the child's best interest; and
    - (B) Neither placement with parents nor *adoption* is an appropriate plan.

- (5) At the court hearing, the caseworker must:
- (a) Recommend that the court approve changing the child's *permanency plan* to guardianship;
  - (b) Inform the court whether or not the *potential guardian* is applying for *guardianship assistance*; and
  - (c) When *guardianship assistance* is being requested, inform the court that after the Department has negotiated the amount or type of *guardianship assistance* with the *potential guardian*, a subsequent court hearing will be requested to allow the order of guardianship to be entered.

(6) Prior to the court hearing to request the final order of guardianship, the Department must document in the case record that the caseworker, supervising worker, if any, and the certifier for the potential guardian recommend the finalization of the guardianship.

Stat. Auth.: ORS 418.005

Stats Implemented: ORS 418.005