

DEPARTMENT OF HUMAN SERVICES
OFFICE OF CHILD WELFARE PROGRAMS

CHAPTER 413
DIVISION 200

FOSTER HOME CERTIFICATION

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TABLE OF CONTENTS

Definitions	2
Responsibilities for Certification and Supervision of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources	9
Standards for Certification of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources.....	40
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	67

Definitions

413-200-0260

Definitions

(Adopted 10/01/15)

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* or *young adult* with respect to the cognitive, emotional, physical, and behavioral capacities of the *child* or *young adult*.
- (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.
- (10) "Child" means a person under 18 years of age.
- (11) "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.
- (12) "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.
- (13) "Child protective services supervisor" (CPS supervisor) means an employee of the Department trained in child protective services and designated as a supervisor.

- (14) "Child protective services worker" (CPS worker) means an employee of the Department who has completed the mandatory Department training for child protective service workers.
- (15) "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.
- (16) "Cohabiting" means the act of two adults, unmarried to each other, living together in an intimate relationship as if married.
- (17) "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.
- (18) "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.
- (19) "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.
- (20) "Denial" means the refusal of the Department to approve an application for certification and issue or renew a certification.
- (21) "Department" means the Department of Human Services, Child Welfare.
- (22) "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.
- (23) "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.
- (24) "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.
- (25) "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*.
- (26) "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.
- (27) "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*.

- (28) "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.
- (29) "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*.
- (30) "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.
- (31) "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*.
- (32) "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.
- (33) "Member of the household" means any adult or *child* living in the home, including the *applicant* and any caregiving employee or volunteer.
- (34) "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.
- (35) "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.
- (36) "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.

- (37) "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.
- (38) "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.
- (39) "Punishment" means the intentional infliction of emotional or physical pain or suffering.
- (40) "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.
- (41) "Referral" means a *report* that has been assigned for the purpose of CPS assessment.
- (42) "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.
- (43) "Report" means an allegation of child abuse or neglect provided to the Department that the *screeener* evaluates to determine if it constitutes a "report" of child abuse or neglect as defined in ORS 419B.005.
- (44) "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.
- (45) "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*.
- (46) "Screeener" means a Department employee with training required to provide screening services.
- (47) "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.

- (48) "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).
- (49) "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 10/01/15)

- (1) The purpose of OAR 413-200-0270 to 413-200-0298 is to describe the activities of the Department related to:
 - (a) Certification of a *relative caregiver* or *foster parent*, and assessment of a potential *adoptive resource*;
 - (b) Monitoring compliance of a *certified family* with the certification standards in OAR 413-200-0301 to 413-200-0396; and
 - (c) Renewal of a *certified family* and reopening of a previously *certified family*.
- (2) Regardless of the nature of the relationship between an *applicant* and a *child* or *young adult*, an *applicant* must be assessed and certified prior to placement of the *child* or *young adult* in the home.
- (3) Unless otherwise indicated, a *child* or *young adult* refers to 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.

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 - 418.648

413-200-0272

Responsibilities for Assessment and Certification

(Amended 10/01/15)

- (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* expire 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 OAR 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 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 413-200-0298 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

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

(Amended 10/01/15)

- (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 any of 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) The *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 cohabitating 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.

- (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 413-120-0475.
- (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 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 subparagraph (i) of this paragraph 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 (s) of this rule, 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 (q) 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* or *young adult* in *age-appropriate or developmentally appropriate activities*.
 - (u) Document the assessment of the ability of the applicant 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 - 418.648

413-200-0275

Assessment for Issuance of a Temporary Certificate of Approval

(Adopted 10/01/15)

- (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 OAR 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 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; and
 - (B) If the decision in paragraph (A) of this subsection is to proceed with the certification assessment, the District Manager or designee must approve or deny, and document 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.
- (L) 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 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

Assessment to Move from a Temporary Certificate of Approval to a Certificate of Approval or Child-Specific Certificate of Approval

(Amended 10/15/15)

- (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 413-120-0475.
- (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)(o) 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.
- (i) Discuss and develop a training plan under OAR 413-200-0379(6) for each certified adult in the family.
- (j) 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*

- (k) 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 - 418.648

413-200-0278

Responsibility to Determine the Maximum Number of Children or Young Adults in a Certified Family Home

(Amended 10/01/15)

- (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 413-200-0298 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 10/01/15)

- (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 LEDS as outlined in OAR 413-120-0400 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*.
 - (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.
 - (d) Assure 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.
 - (f) 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 (f) of this section are complete for all adults living in the home of the *respite care* or *child care* provider.
 - (h) Analyze information gathered under subsections (a) to (g) 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*.
 - (i) Document the analysis under subsection (h) of this section in the provider record of the Department's electronic information system.
 - (j) 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.
 - (k) Verify that any *certified family* identified to provide *respite care* for another *certified family* has a current *Certificate of Approval*.
 - (l) When the analysis under subsection (g) 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.
- (3) The Department has the discretion to request a *criminal records check* of a babysitter.

- (4) 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 10/01/15)

- (1) A *certifier* must conduct the following home visits:
- (a) A minimum of one home visit every 90 days during the period a *Temporary Certificate of Approval* is effective;
 - (b) A minimum of one home visit every 90 days when a *certified family* has been approved to exceed the maximum number of children or young adults as prescribed in OAR 413-200-0278(1), as long as the approval is applicable; and
 - (c) A minimum of one home visit to any *certified family* every 180 days.
- (2) To monitor a certified family's compliance with 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 or designee on a form approved by the Department.
 - (b) Obtain approval from the Child Welfare Program Manager or designee on a form approved by the Department 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, 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) 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) Complete the activities under OAR 413-200-0278 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 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 10/01/15)

- (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, instruction, or skills to improve their ability to meet the needs of 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 all of the following:
- (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.
 - (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) Document the *placement support plan* in the Department's electronic information system; and
 - (c) 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 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.
- (9) If the *placement support plan* is updated or ended, the *certifier* must document the decision in the 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 - 418.648

413-200-0287

Assessment for Renewal of Certification

(Amended 10/01/15)

- (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 413-200-0296 or, if the application is for approval to be a potential *adoptive resource*, OAR 413-120-0225(2).
- (3) To complete the assessment and renew a *Certificate of Approval* or *Child-Specific Certificate of Approval*, the *certifier* must:
 - (a) Conduct a minimum of one visit to the home of the *certified family* 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 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; and
 - (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 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 during the two-year certification period.

- (B) Assess any safety concerns regarding the *applicant* or adult *member of the household* raised by information learned from the child abuse history background check.
 - (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 subparagraph (i) of this paragraph 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 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, update the *home study* on a form approved by the Department, including results of the assessment activities completed in subsections (a) to (h) of this section, and submit to the supervisor for approval.
- (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 (i) 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.
- (7) 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 (3) to (5) 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 - 418.648

413-200-0289

Responsibilities Regarding Withdrawal of an Application or Termination of a Certification

(Amended 10/01/15)

- (1) When an *applicant* requests to withdraw his or her application for certification 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 the Department terminate their certification, the *certifier* must:
 - (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 terminate a *Temporary Certificate of Approval* or *Child-Specific*

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

- (a) The *certified family* submits a written request to change the type of certificate from a *Child-Specific Certificate of Approval* to a *Certificate of Approval* under section (5) 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.
- (4) When a *certified family* with a *Temporary Certificate of Approval* or *Child-Specific Certificate of Approval* seeks to 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" 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-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.
- (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.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.315, 418.625 - 418.648

413-200-0292

Responsibilities Regarding a Previously Certified Family and When a Certified Family Moves

(Amended 10/01/15)

- (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.
- (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 automatically. The Department may issue a new certification 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) 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.
 - (C) Observe and assess the safety of the physical environment;
 - (D) Walk through every room in the home and each surrounding building; and
 - (E) Complete a safety assessment of the home and surroundings using a form approved by the Department.
 - (b) Document in the 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:
- (a) 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) 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*, 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 - 418.648

413-200-0294

Responsibilities Regarding Inactive Referral Status

(Amended 10/01/15)

- (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 on the date requested by the *certified family*.
- (3) When either a *certified family* or the Department 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 length of the *Inactive Referral Status*.
- (5) The Department may 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.
- (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, send a letter to the *certified family* that documents the beginning date of *Inactive Referral Status*, the reason for the *Inactive Referral Status*, 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*.
 - (b) Provide written notification to the *certified family* when *inactive referral status* ends.
- (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.

- (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 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 provider record of the Department's electronic information system; and
 - (b) Send written notification to the family within 30 days.

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

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.315, 418.625 - 418.648

413-200-0296

Responsibilities Regarding Denial or Revocation of a Certification

(Amended 10/01/15)

- (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 or revoke a certification when:
 - (a) The *applicant* or *certified family* does not meet or no longer meets one or more of the certification standards in 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.
- (3) The Department must take action to revoke a certification when, at the conclusion of a *child protective services assessment*, the Department determines there is an *impending danger safety threat* in the certified family's home, unless:
- (a) The *certified family* provides written request to voluntarily terminate the certification; and
 - (b) The Department agrees to accept the voluntary termination of the certification.
- (4) The Department must inform the *certified family* of the Department's decision in section (2) of this rule
- (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 revoke the certificate, which must state the reasons for the action and comply with OAR 413-010-0510.
- (6) When the Department has issued a written notice to revoke a certification before the stated expiration date on the certificate, the certificate will not expire until there is a final order on the notice to revoke the certification.
- (7) The Department must remove from the home all children and young adults in the care or custody of the Department upon making the decision to revoke the certified family's certification.

- (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 – 418.648

413-200-0298

Confidentiality of Applicant or Certified Family Information

(Adopted 10/01/15)

- (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;
 - (c) 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);
 - (d) The Department determines disclosure is necessary for the administration of child welfare laws; or
 - (e) 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 10/01/15)

- (1) The purpose of 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 renew certification.
- (3) Unless otherwise indicated, *child* or *young adult* refers to 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, 418.015, 418.016, 418.027, 418.285, 418.315, 418.470, 418.625-418.648

413-200-0305

Authorization

(Amended 10/01/15)

- (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 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

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 - 418.648

413-200-0306

Eligibility for Certified Families and Adoptive Resources

(Amended 10/01/15)

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 10/01/15)

- (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) 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 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*;
 - (e) Have supportive relationships with adults and children living in the household and with others in the community;
 - (f) Have a lifestyle and personal habits free of criminal activity, and abuse or misuse of alcohol or drugs;
 - (g) Have adequate financial resources to support the household independent of the monthly family foster care payments;
 - (h) Be willing to participate in the assessment process that includes a comprehensive inquiry into the personal and family history of the *applicant* and his or her family dynamics;
 - (i) Have the physical and mental capacity to care for a *child* or *young adult*. Upon request, be willing to provide copies of medical reports from a health care professional, and be willing to participate in an expert evaluation and authorize the Department to obtain a report from the evaluator; and
 - (j) 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.
- (3) To maintain certification, in addition to continuing to meet the personal qualifications listed in sections (2) 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) 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*;
 - (f) Respect the spiritual beliefs, 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*;
 - (g) Work in partnership with the Department to identify the strengths and meet the needs of each *child* or *young adult*;
 - (h) Follow 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 with the *certified family*, as applicable to that *child* or *young adult*;
 - (i) Follow through with any *placement support plan*; and

- (j) 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.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.315, 418.625 - 418.648

413-200-0314

Initial Application Process to Become a Certified Family or Adoptive Resource

(Amended 10/01/15)

- (1) 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 *applicant* is likely to remain in contact if displaced due to a natural disaster.
 - (d) Complete all paperwork 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 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 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 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 *cohabitating*, unless:
- (a) One individual is in the military and stationed out of the state; or
 - (b) 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 exception must be approved by the Child Welfare Program Manager.
- (3) The *applicant* and each adult *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*, as outlined in OAR 413-120-0400 to 413-120-0475;
 - (c) Information regarding any previous allegations of child abuse and neglect; and
 - (d) Consent to a child abuse history background check, as outlined in OAR 413-200-0274.
- (4) An *applicant* may voluntarily withdraw the application by:
- (a) Completing a form provided by the Department;
 - (b) Submitting a written request to the Department in a format of his or her choice; or
 - (c) 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 - 418.648

413-200-0335

Standards Regarding the Home Environment

(Amended 10/01/15)

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 assure 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*.
 - (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 by OAR 413-010-0170 to 413-010-0185.
- (e) The *applicant* or *certified family* must have access to a working telephone to make and receive phone calls.
- (f) The *applicant* or *certified family* must consider the age, special needs, and capabilities of the *child* or *young adult*, and have necessary safeguards 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;
 - (D) 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*.
- (g) 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.
 - (h) 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*.
- (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*.
 - (b) The home must have the necessary equipment for the safe preparation, storage, serving, and clean-up of food.
 - (c) 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.
 - (d) The home and furnishings must be clean and in good repair, and the grounds must be maintained.
 - (e) There must be no accumulation of garbage or debris.
 - (f) The home must have safe and adequate drinking water, and an adequate source of safe water to be used for personal hygiene.
 - (g) There must be provision for the safe storage and administration of all medications

in the household, taking into consideration the child's age, developmental level, and need.

- (h) There must be easily accessible first aid supplies, and a reasonable understanding of how to use such supplies.
- (i) 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, nicotine, or other product illegal for a minor to possess 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) 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) A working carbon monoxide 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) 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 that may cause burns to a *child* or *young adult* developmentally unable to reasonably follow safety rules regarding such devices.
 - (F) 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.

- (G) Interior doors that lock must be operable from both sides of the door.
- (b) Each bedroom used by a *child* or *young adult* must have:
 - (A) 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;
 - (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 on any family-owned motorized vehicle by which a *child* or *young adult* might be transported, when a family has applied for certification or renewal of certification.
 - (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 request approval from the Department no less than 90 days 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 - 418.648

413-200-0348

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

(Amended 10/01/15)

- (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 *foster parent* or *relative caregiver* lives in the home; or
 - (B) Seven children or young adults when two 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 and young adults in the care or custody of the Department who are living in the home and any other children living in the home.
- (3) Under special circumstances, a Child Welfare 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 or designee.
- (5) A *certified family* may not provide formal or informal adult foster care or child care without prior approval of the Child Welfare Program Manager or designee.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.315, 418.625 - 418.648

413-200-0352

Requirements for the Care of Children and Young Adults

(Amended 09/29/16)

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) Intellectual, emotional, social, and recreational needs, including participation in extracurricular, enrichment, cultural, and social activities;
 - (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) When a *child* or *young adult* placed with a *certified family* is missing, immediately report information about the missing *child* or *young adult* to the following:
 - (a) Law enforcement;
 - (b) The National Center for Missing and Exploited Children; and
 - (c) The Department.
 - (5) Not subject any *child* to abuse, as described in ORS 419B.005.
 - (6) 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 - 418.648

413-200-0354

Requirements Regarding the Education of a Child or Young Adult

(Amended 10/01/15)

- (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 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.
 - (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.
 - (d) Assure the *child* or *young adult* regularly attends the school or educational placement, monitor the educational progress of the *child* or *young adult*, and share all of 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.
 - (E) Disciplinary reports and notices of restraint or seclusion regarding the *child* or *young adult*.
 - (F) Ongoing progress toward high school graduation of a *child* or *young adult*, including number of credits earned.
 - (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*.
 - (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.
- (2) The *certified family* may consent 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, 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 - 418.648

413-200-0356

Requirements Regarding Extracurricular, Enrichment, Cultural, and Social Activities

(Adopted 10/01/15)

- (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) 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 *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 in 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 10/01/15)

- (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*, including, but 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 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 OAR 413-020-0200 to 413-020-0255, 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 a *physical restraint* may 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, 418.015, 418.315, 418.625 - 418.648

413-200-0362

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

(Amended 10/01/15)

- (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 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 the *child* or *young adult*; and
- (d) Maintain health care documentation 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 follow the Department's direction regarding vaccination and immunization of a *child* or *young adult* in accordance with the 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 authorization has been obtained from the Department pursuant to OAR 413-070-0470.
 - (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 provide for the safe storage and administration of all medications in 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 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 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 10/01/15)

- (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) When identifying *respite care* providers, the *certified family* must:
 - (A) Select *respite care* providers who –
 - (i) Are at least 18 years of age;
 - (ii) 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) Will comply with OAR 413-200-0358 regarding *discipline*.
 - (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 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) 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 any time the *child* or *young adult* is cared for by another individual.
- (b) A *certified family* may use a licensed *day care facility* for a *child* or *young adult*, and must notify the Department in advance of using the *day care 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*.

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

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

413-200-0377

Confidentiality

(Amended 10/01/15)

- (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 in a way that protects the privacy of the *child* or *young adult* and his or her family.
- (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 10/01/15)

- (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 Certificate of Approval*.

- (2) Except as provided in sections (3), (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 was issued, or 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.
- (3) A *certified family* is exempt from section (2) of this rule if a written, individualized training plan, specific to the needs of the *child* or *young adult* 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* 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* 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 ability of the *certified family* to meet the safety, health, and well-being needs of the *child* or *young adult*;
 - (b) May be less than the required 30 hours required during a certification period; and
 - (c) Must be approved by a *certification supervisor*.
- (7) An *applicant* or *certified family* with limited English proficiency or a hearing or visual impairment, 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 more than the 30 hours of training for a two-year certification period based on the needs of the *child* or *young adult* placed in the home and the knowledge, skills, and abilities of the *certified family*.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.105, 418.625 - 418.648

413-200-0383

Other Required Notifications

(Amended 10/01/15)

- (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, 418.105, 418.315, 418.625 - 418.648

413-200-0386

Requirements Regarding Mandatory Reporting

(Amended 10/01/15)

Any *certified family* must report 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, 418.015, 418.315 418.625 - 418.648

413-200-0388

Requirements Regarding Visits in the Certified Family's Home

(Amended 10/01/15)

For purposes of assessing the conditions in the home that affect safety, health, and well-being 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, 418.015, 418.315, 418.625 - 418.648

413-200-0390

Requirements Regarding Maintaining the Certificate of Approval

(Amended 10/01/15)

- (1) The Department may issue a *Temporary Certificate of Approval* for no more than 180 days when assessment activities described in OAR 413-200-0275 have been completed.
- (2) The Department may issue a *Certificate of Approval* or *Child-Specific Certificate of Approval* for up to two years when all assessment activities in OAR 413-200-0274 have been completed.
- (3) To 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. 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 application for renewal, the current certificate will not expire, despite any expiration date, until the Department has renewed the certification or there is a proposed and final order denying the application.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.015, 418.315, 418.625 - 418.648

413-200-0393

Requirements Regarding Inactive Referral Status

(Amended 10/01/15)

- (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*.
- (2) A *certified family* may request that the Department place the home on *inactive referral status* for any reason for up to 12 months. The *inactive referral status* begins 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) *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.
- (4) The Department may initiate a certified family's *inactive referral status* under the conditions described in OAR 413-200-0294. When the Department initiates *inactive referral status*, the Department must:
- (a) Provide written notification to the *certified family* of the *inactive referral status* within 14 business days after the inactive status is initiated.
 - (b) Provide written notification to the *certified family* when *inactive referral status* 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, 418.105, 418.315, 418.625 - 418.648

413-200-0394

Requirements Regarding Termination of a Certificate of Approval

(Amended 10/01/15)

- (1) A *certified family* may voluntarily request that the Department terminate certification 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.
 - (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 certificate terminates 10 business days after the departure of the *child* or *young adult*, unless at least one of the following applies:

- (a) The *Child-Specific Certificate of Approval* is a two-year certificate and the *certified family* submits a written request to change the type of certification under OAR 413-200-0289(5) 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.
 - (c) The Department has taken action to revoke the *Child-Specific Certificate of Approval* or *Temporary Certificate of Approval*.
- (3) When a *certified family* moves to a different residence, the Department will terminate the certification. The Department may issue a new certification when the activities described in OAR 413-200-0292(4) have been completed.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.0105 418.315, 418.625 - 418.648

413-200-0396

Requirements Regarding Contested Case Hearings

(Amended 10/01/15)

- (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) An *applicant* for certification, renewal of a certificate, or a Change of Status may request a contested case hearing when the Department has mailed a proposed and final order denying the application.
- (3) A *certified family* may request a contested case hearing when the Department has mailed a proposed and final order revoking certification.
- (4) A *certified family*, *applicant* for certification, renewal of a certificate, or a Change of Status, or *applicant* for consideration as a potential *adoptive resource* may request a contested case hearing, as provided in OAR 413-010-0505 and OAR 413-120-0460
- (5) 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.
- (6) 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 of *denial* or *revocation*, the *certified family* or *applicant* has waived the right to a hearing, except as provided in OAR 413-010-0505.

- (7) Department actions when a contested case hearing is timely requested but such request is subsequently withdrawn are outlined in OAR 413-010-0530.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.015, 418.315, 418.625 - 418.648

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 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, OAR 413-015-0100 to 413-015-1230, OAR 413-200-0301 to 413-200-0396, OAR 413-200-0270 to 413-200-0298, and 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

413-200-0414

Department Actions During Screening

(Amended 10/01/15)

- (1) Screener Actions.
 - (a) When a *screener* receives information involving the home of a *certified family*, the *screener* must--
 - (A) Refer to and follow 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 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 OAR 413-200-0270 to 413-200-0298.
- (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 10/01/15)

- (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 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) 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, 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*, 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 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 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 10/01/15)

- (1) CPS Worker and Supervisor Actions.
 - (a) In addition to the actions required in 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 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 OAR 413-200-0270 to 413-200-0298 are appropriate.
- (b) The *CPS worker* must 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) Assure that the staffing, discussed in subsection (a) of this section occurs;
 - (B) Determine whether the Child Welfare 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 OAR 413-200-0270 to 413-200-0298 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 OAR 413-200-0296.
 - (B) That *inactive referral status* should continue because one or more of the conditions in 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 for approval;
 - (ii) Upon receiving approval for continued certification from the District Manager or Child Welfare 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, 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