

<b>Policy Title:</b>	Rights of Persons Who Have a Child-Parent Relationship – OAR <b>Technical Change</b>		
<b>Policy Number:</b>	I-A.4.6 413-010-0360 thru 0380	<b>Version:</b>	<b>Effective Date:</b> 9/27/10

Approved By: *on file*

Date Approved: 9/27/10

Policy

Forms, etc.

Definitions

References

Contact

History

### Reference(s):

- ORS 109.119
- ORS 418.325

### Form(s) that apply:

- CF 996, Family Foster Home/Shelter Care  
<http://dhsforms.hr.state.or.us/Forms/Served/CE0996.pdf>

### Rules:

#### **413-010-0360**

##### **Purpose**

The Department has established rights for persons who are authorized by the agency to fulfill the day-to-day parental role for children in the legal custody of Department. These rights apply to foster parents and relatives who do not have a legal parental relationship to the child as set forth in SOSCF policy I-A.4.3, Identifying Legally Recognized Parental Relationships.

This statement of rights includes courtesies required by good practice, terms from Department/Foster Parent contracts, expectations of Department adoption procedures and rights established by Oregon statutes. These procedures do not establish permanent rights to a child, as the advisability of such action must be determined on an individual basis, and established through legal action.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 109.119

#### **413-010-0370**

##### **Definition**

(See Glossary)

"Child-Parent Relationship" is a relationship in which a person having physical custody of a child is supplying the child with food, clothing, shelter and incidental necessities, and providing the child with necessary care, education and discipline, and which relationship continued on a day-to-day basis, through interaction, companionship, interplay and mutuality, fulfills the child's physical needs.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 109.119

#### **413-010-0380**

##### **Policy**

- (1) All foster parents and relatives who are authorized to provide care for a child in Department's legal custody are entitled to the following rights:
  - (a) To be fully informed of their rights and responsibilities and of agency policies and court procedures which affect their relationship with the child;
  - (b) To be informed of the child's background and the child's physical and mental functioning in order that appropriate care and protection can be provided;
  - (c) To be involved in the development of the plan for a child placed with them;
  - (d) To receive training available to foster parents, as well as guidance and support to deal appropriately with each child placed with them;
  - (e) To work with the child in accordance with the service plan;
  - (f) To provide information and recommendations about the child's need for placement and permanency to the local Citizen Review Board or the Substitute Care Review Committee;
  - (g) To have information maintained by the agency about them kept as confidential as possible within statutory requirements for public records;
  - (h) To have access to all information maintained by the agency about them within a framework of agency rules and procedures which take into consideration others' rights to privacy, and to correct errors in those records;
  - (i) To receive notice at least 10 working days prior to the removal of a child except in emergency situations or circumstances beyond Child Welfare's control;
  - (j) To be fully informed regarding service grievance procedures (see Child Welfare policy I-A.5.1, Grievance Review);
  - (k) To be assessed to determine their suitability as a potential adoption resource for a child for whom adoption is the goal.

- (2) Under ORS 109.119, a relative or foster parent who has established emotional ties creating a child-parent relationship with a child may qualify to petition or file a motion for intervention with the court in order to request custody, guardianship, right of visitation, or other generally recognized right of a parent or person in loco parentis. However, for foster parents the statute limits this right to situations where the child-parent relationship has continued over a period exceeding 18 months.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 109.119

### **Contact(s):**

- **Name:** CAF Reception; **Phone:** 503-945-5600

### **Policy History**

- 12/29/1995
- 01/02/1996