

<b>Policy Title:</b>	Legalizing the Adoption – OAR			
<b>Policy Number:</b>	I-G.1.12 413-120-0100 thru 0115		<b>Effective Date:</b>	04-01-2004

Approved By: *on file*

Date Approved:

Policy

Procedures

Forms, etc.

Definitions

References

Contact

History

### Reference(s):

- Child Welfare Policy I-G.1.6, Openness and Post-Adoption Communication through Legal Assistance Mediation Services  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-g16.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-g16.pdf)
- ORS 418.295
- ORS 109.307(4)
- ORS 7.211, Sealing of Adoption Records
- ORS 109.425-109.507, Voluntary Registry
- Branch Adoption Records Retention Schedules
- Numbers 93-0039/CHILDR002 and 93-0039/CHILDR003
- Qualified Attorney Vendor List

### Form(s) that apply:

- None referenced.

### Rules:

#### **413-120-0100**

##### **Purpose**

These rules define the process for legalizing an adoptive placement for children in the permanent custody of the Department of Human Services (Department).

**Stat. Auth. ORS 418.005**

**Stats. Implemented: ORS 418.005, 419B.529**

#### **413-120-0105**

##### **Definition**

- (1) "Legalization" is the process of giving an adoptive placement legal validity.
- (2) "Consent to the Adoption": The Consent to the Adoption documents that the adoptive

parents have been investigated and approved by the Department and gives permission for the adoption.

**Stat. Auth. ORS 418.005**

**Stats. Implemented: ORS 418.005, 419B.529**

#### **413-120-0110**

##### **Values**

- (1) Creating a legal child-parent relationship is the final goal of adoption.
- (2) Achieving permanency for the child is important.

**Stat. Auth. ORS 418.005**

**Stats. Implemented: ORS 418.005, 419B.529**

#### **413-120-0115**

##### **Procedures**

- (1) When adoption assistance has been approved, and the adoptive parents decide to use a "qualified vendor" attorney, the Adoption Assistance staff send the family a Qualified Vendor Agreement and the Qualified Vendor Attorney List. The family and the attorney must sign the Qualified Vendor Agreement and return it to the central Adoptions Services Unit. Upon receipt of the adoption decree, the adoption assistance staff will prepare the request to reimburse the attorney in accordance with the Department's contract with the attorney.
- (2) If the adoptive parents choose to use an attorney who is not on the Qualified Vendor Attorney List, the adoption assistance staff will send the adoptive parents a Non Vendor Agreement. The adoptive parents must sign the agreement and return it to the Adoption Services Unit. Upon receipt of the adoption decree, the adoption assistance staff will reimburse the adoptive parents at the same rate as for a vendor attorney. The adoptive parents are responsible for any additional charges billed by the attorney and are responsible to reimburse the attorney for those charges.
- (3) Department employees may not recommend an attorney to serve as counsel for the prospective parents.
- (4) When the central office Adoptions Services Unit has received the request for consent to the adoption and the vendor or non-vendor agreement, the adoption assistance is in place, and the Legal Assistance Specialist has given approval, the Adoptions Services Unit will prepare the consent to be signed by the Adoption Services Manager or another person designated by the Assistant Director for Children, Adults and Families. In addition to the Consent to the Adoption, the Department's Adoption Services Unit will provide the adoptive parents or their attorney with the following documents to be filed with the petition:
  - (a) A certified copy of the court orders or the original release and surrender documents which show that the Department has permanent custody of the child and the authority to consent to the child's adoption.
  - (b) ICWA correspondence, if applicable.

- (c) Statement of verification that the birth parents and the petitioners have been advised of the voluntary adoption registry.
  - (d) Documentation regarding compliance with the Interstate Compact on Placement of Children, if applicable.
  - (e) A copy of a signed legally enforceable Post Adoption Communication Agreement, if available.
  - (f) Affidavits, if applicable.
- (5) After receiving the documents listed in (4), the Department will send the Consent to Adopt to the attorney for the adoptive family. Within 30 calendar days of the date the Department sends the Consent to Adopt, the attorney must file the petition (unless a petition is not required under ORS 419.B529). After the central office Adoptions Services Unit receives a copy of the petition filed with the court, the Department will provide the court with the written court report waiving the 90-day waiting period.
- (6) After the Department sends the Consent to Adopt to the attorney, the attorney prepares the petition if required and files it with the court, and the Department sends the written court report to the court, the attorney must, within 30 days following the court's receipt of the report to the court, prepare a decree and send it to the court or schedule an Adoption Ceremony.
- (7) The court granting the adoption decree will provide the central office Adoption Services Unit with a copy of the adoption decree.
- Stat. Auth.: ORS 418.005**  
**Stats. Implemented: ORS 109.307, 109.309, 109.316, 419B.529**

### Contact(s):

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

### Policy History

- 12/29/95
- 09/17/96
- 05/14/99
- 07/01/01
- 11/25/03 thru 05/21/04