

<b>Policy Title:</b>	Development of Rules, Policies and Procedures – Policy		
<b>Policy Number:</b>	III-A.11.1		<b>Effective Date:</b> 9-01-10

Approved By: *on file*

Date Approved: 9-01-10

Policy

Forms, etc.

Definitions

References

Contact

History

## Reference(s):

- ORS 183.335  
<http://www.leg.state.or.us/ors/183.html>
- ORS 183.405  
<http://www.leg.state.or.us/ors/183.html>
- ORS 418.005  
<http://www.leg.state.or.us/ors/418.html>
- OAR 137-001-0005 to 137-001-0100
- OAR 166-500-0000 to 166-500-0055
- OAR 407-005-0000 to 407-005-0010
- Child Welfare Policy III-A.11, Model Rules for Rulemaking  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_3/iii-a11.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_3/iii-a11.pdf)
- Internal Process Protocol  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_3/iii-a111att.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_3/iii-a111att.pdf)
- DHS-010-001, Communication Format and Transmittal Forms  
[http://www.dhs.state.or.us/policy/admin/exec/010\\_001.htm](http://www.dhs.state.or.us/policy/admin/exec/010_001.htm)
- Rule Advisory Committees Procedure  
<http://www.dhs.state.or.us/policy/childwelfare/procedures/rac.pdf>

## Form(s) that apply:

- None referenced.

## Policy:

## **Purpose**

This policy provides guidelines for adopting, amending, or repealing Child Welfare administrative rules, policies, and procedures.

## Definitions

For the purposes of this policy, III-A.11.1 “Development of Rules, Policies, and Procedures”, the following definitions apply:

- (1) “Child Welfare” means the Department of Human Services, Child Welfare.
- (2) “Department” means the Department of Human Services.

## **Policy**

- (1) Staff must write administrative rules, policies, and procedures that:
  - (a) Reflect Child Welfare values and mission;
  - (b) Comply with federal and state law; and
  - (c) Meet all legal requirements, and comply with the policy and procedures set forth in this policy.
- (2) The CAF Administrative Rule Writer reviews each rule and policy under development to ensure content and format consistency with other Child Welfare rules and policies.
- (3) The Central Office Program Manager responsible for an administrative rule or policy must review all of the Child Welfare rules and policies for which the manager is responsible as required under ORS 183.405.
- (4) Staff must draft administrative rules that:
  - (a) To the extent practicable, follow the drafting guidelines in the most current edition of Appendix B of the Oregon Attorney General's Administrative Law Manual; and
  - (b) Comply with the formatting and filing requirements for administrative rules in division 166-500 of the Oregon Administrative Rules.
- (5) The Department makes rules, policies, and procedures available on the Child Welfare website.
- (6) Staff must use the template attached to Department Director’s Office Policy DHS-010-001, Communication Format and Transmittal Forms to post each rule and policy developed.
- (7) Except as provided in subsection (a) of this section, staff will follow the Internal Process Protocol (available at: [http://www.dhs.state.or.us/policy/childwelfare/manual\\_3/iii-a111att.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_3/iii-a111att.pdf)) that outlines the sequential process for the development and distribution of administrative rules, policies, and procedures.
  - (a) Exceptions to the protocol may be approved by the Assistant Director - CAF, Deputy Assistant Director of Policy and Programs – CAF, or the Child Welfare administrator responsible for the program area seeking the exception as merited under the circumstances and permitted by state law. Situations in which an exception may be approved include, but are not limited to, the following:

- (A) A minor change (such as changing the name of a program, correcting spelling or grammar, or correcting statutory or rule references) is being made to rule, policy, or procedure; or
  - (B) The program requires a proposed rule, policy, or procedure to be implemented sooner than the timeframe for the full process.
- (b) Except as provided in subsections (c) and (d) of this section, when permanently adopting, amending, or repealing administrative rules, staff must comply with both of the following processes for involving a Rules Advisory Committee in the development of administrative rules:
- (A) Department Director's Office Policy DHS-010-012, Rules Advisory Committees (available at: [http://www.dhs.state.or.us/policy/admin/exec/010\\_012.pdf](http://www.dhs.state.or.us/policy/admin/exec/010_012.pdf)); and
  - (B) Child Welfare procedure, Rules Advisory Committees (available at: <http://www.dhs.state.or.us/policy/childwelfare/procedures/rac.pdf>).
- (c) An exception to the requirements of Department Director's Office Policy DHS-010-012 to use a Rules Advisory Committee during the permanent rulemaking process must have the prior approval of the Department Rules Coordinator.
- (d) An exception to the requirements of Child Welfare procedure to use a Rules Advisory Committee during the permanent rulemaking process may be approved by the Assistant Director - CAF, Deputy Assistant Director of Policy and Programs – CAF, or the Child Welfare administrator responsible for the program area seeking the exception.

### Contact(s):

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

### Policy History

- 9/01/06