

	<b>Department of Human Services</b> <b>CHILDREN, ADULTS &amp; FAMILIES</b>	<b>NUMBER:</b> I-A.3.3 <b>OAD:</b> 413-010-0081 thru 0086
	<b>CLIENT SERVICES INDEX</b>	<b>SECTION:</b> A. Client Rights
	<b>ISSUED BY:</b> Office of Safety and Permanency for Children  <b>TEMPORARY:</b> 2-06 thru 7-31-06	<b>SUBSECTION:</b> 3. Confidentiality
<b>SUBJECT:</b> 3. Release of Adoption Home Study Reports - OAR		

## 413-010-0081

### General Principles Regarding Release of Adoption Home Study Reports

- (1) These rules (OAR 413-010-0081 to 413-010-0086) establish the Department of Human Services (Department) procedures for the release of adoption home study reports prepared by the Department. The Department will make these reports available only as provided in these rules.
- (2) Adoption home study reports are needed to ensure that children who are in the legal custody of the Department are placed in the care of families who will provide permanency, safety, attachment, and well being. In addition, adoption home study reports prepared by the Department are sometimes used to assist the persons who are the subject of the report to be considered for the placement of children who are in the custody of a public agency in another state or under the jurisdiction of a juvenile court in another state.
- (3) Interpretation of these rules is guided by the following principles:
  - (a) Children deserve to be placed into adoptive families in a timely manner to meet their needs for permanency, safety, attachment, and well being.
  - (b) When the Indian Child Welfare Act, 25 USC sections 1901–1935 (1978), applies to a child, the child’s tribe will be invited to participate in the selection of the adoptive family. The level of tribal involvement in the selection process may vary from case to case. Tribes that choose to be involved in the selection process need information about the prospective adoptive families.
  - (c) The Department, CASAs, children’s tribes, and children’s attorneys, who may have different statutory obligations, work to assure that children in the custody of the Department who have adoption as their permanency plan are placed into adoptive families who can meet their need for permanency, safety, attachment, and well being.
  - (d) To ensure that the Department can achieve suitable matches with adoptive families for children who are in the legal custody of the Department and have no current caretaker or potential relative adoptive resources, the Department must make recruitment efforts tailored to the

individual needs of the child.

- (e) The Department values the information contributed about the child by CASAs, children's tribes, and children's attorneys during the process of selecting an adoptive family.
- (f) Prospective adoptive families provide sensitive, personal information to the Department while it prepares adoption home study reports.
- (g) The Department must compare the needs of families for privacy with the need for CASAs, children's attorneys, and children's tribes to represent children.

Stat. Auth.: ORS 409.050, 418.005

Stats Implemented: ORS 409.225, 418.005, 419A.255, 419B.035

#### **413-010-0082**

##### **Definitions**

As used in OAR 413-010-0081 to 413-010-0086:

- (1) An "adoption committee" is a committee responsible for decisions regarding adoptive placement selections. Adoption committees include staff from the Department, licensed adoption agencies, and community partners knowledgeable about the adoptive placement selection for children. Each of the following is considered an *adoption committee*:
  - (a) A Central Office Adoption Committee.
  - (b) A Local Permanency/Adoption Committee.
  - (c) Preliminary and subsequent Current Caretaker Committees.
  - (d) A Permanency/Adoption Council.
- (2) "CASA" means Court Appointed Special Advocate, a volunteer who is appointed by the court, is a party to the juvenile proceeding, and is an advocate for the child pursuant to ORS 419A.170.
- (3) The "adoption home study report" (report) is a document containing an assessment of a family as an adoptive resource, used to determine the suitability of the family to adopt a child in the Department's custody, in the custody of a public child welfare agency in another state, or under the jurisdiction of a juvenile court in another state. The report is used as a tool to determine a match between

the family and a child. The requirements for an adoption home study report are found in OAR 413-120-0200.

- (4) "Third party information" is information provided to the Department by persons other than immediate household members of the prospective adoptive family and includes information from references, employers, and adult children of the prospective adoptive parents, as well as reports from health and mental health professionals.
- (5) "CET" is a DHS employee who provides consultation, education, and training services to DHS child welfare staff.

Stat. Auth.: ORS 409.050, 418.005

Stats Implemented: ORS 409.225, 418.005, 419A.255, 419B.035

#### **413-010-0083**

##### **Release and Review of Adoption Home Study Reports**

- (1) An adoption home study report may be released only to:
  - (a) A child's CASA, child's tribe, and a child's attorney as provided in these rules (OAR 413-010-0081 to 413-010-0086).
  - (b) A public or private adoption agency:
    - (A) A report may be released to a public or private adoption agency if the agency is considering the family who is the subject of the report for adoption of a child in the custody of a public child welfare agency or under the jurisdiction of a juvenile court, regardless of whether the child is under the supervision of the public agency or a private agency providing supervision on behalf of the public agency, if the agency submits a written request for the report and the Department has an authorization for disclosure of the report signed by family members who are the subject of the report.
    - (B) The Department will redact information as provided in OAR 413-010-0084 from the report before releasing the report to a private or public adoption agency if the Department does not have an authorization signed by family members who are the subject of the report for disclosure of the entire report.
- (2) Requests by the family who is the subject of a report.

- (a) An adoption home study report may be reviewed for accuracy by the family who is the subject of the report if the family makes a written request for the report.
- (b) When a family who is the subject of a report requests to review the report, the DHS worker, CET, or supervisor will prepare a copy of the report with third party information removed and make that copy of the report available to the family within a reasonable time for the family to review.
- (c) The Department may not release a copy of the report to the family who is the subject of the report.

Stat. Auth.: ORS 409.050, 418.005

Stats Implemented: ORS 409.225, 418.005, 419A.255, 419B.035

#### **413-010-0084**

##### **Pre-Release Redaction of Adoption Home Study Report**

- (1) Before releasing an adoption home study report to a child's CASA, child's tribe, or child's attorney, and before releasing a report to a public or private adoption agency without an authorization signed by family members who are the subject of the report, the Department shall redact from the report information that is confidential by federal or state law. Information that must be redacted under this provision includes:
  - (a) Protected health information;
  - (b) Mental health information;
  - (c) Substance abuse information;
  - (d) Criminal record check information; and
  - (e) Social security numbers.
- (2) Before releasing an adoption home study report to a child's CASA, child's tribe, or child's attorney, or releasing a report to a public or private adoption agency without an authorization signed by family members who are the subject of the report, the Department may redact in the report to ensure that the prospective adoptive family cannot be identified as a result of the release of the report. Personal information about the prospective family, the disclosure of which would be unreasonable, will not be disclosed and sensitive information provided by others will be protected. Information that may be redacted under this provision includes:

- (a) The identity of references for the prospective adoptive family;
- (b) Information obtained from adult children of the prospective adoptive family;
- (c) Names of schools, businesses, or other places or things that could help identify a person named in the report or who provided third party information for the report;
- (d) Dates of birth;
- (e) Last names of persons;
- (f) Addresses;
- (g) Personal identification numbers;
- (h) Telephone numbers;
- (i) Personal information that would likely embarrass members of the prospective adoptive family if the identity of the family became known; and
- (j) Other information that could be used to identify a person, such as a job title, nickname, ceremonial title, a well known achievement or subject of notoriety.

Stat. Auth.: ORS 409.050, 418.005

Stats Implemented: ORS 409.225, 418.005, 419A.255, 419B.035

#### **413-010-0085**

#### **Circumstances in Which Release of an Adoption Home Study Report May be Inappropriate and a Summary Should Be Used**

The Department may determine that release of an adoption home study report, even if redacted, is not appropriate. In those circumstances, the Department may instead provide a summary in lieu of the full report. The decision to use a summary will be made on a case-by-case basis by the Department's Central Office Adoptions Manager or designee upon recommendation of the Department's local field office staff. Release of a summary is justified when the Department determines that the interest in protecting information in the report outweighs the benefits to the child of a release of a redacted report, and protection of information cannot be achieved through redaction.

Stat. Auth.: ORS 409.050, 418.005

Stats Implemented: ORS 409.225, 418.005, 419A.255, 419B.035

#### **413-010-0086**

### **Process for Release of Adoption Home Study Report to CASA, Child's Tribe, and Child's Attorney**

The following procedures will be followed to effect the release of an adoption home study report to a child's CASA, child's tribe, and child's attorney:

- (1) The Department will inform the child's CASA or local CASA program director, the child's tribe, and the child's attorney, as applicable, that the Department has selected report(s) to submit to an adoption committee. The information will be provided as soon as practicable after selection of a report that will be considered by an adoption committee but not later than 10 business days before the adoption committee meets to consider the selected families.
- (2) If the child's CASA, child's tribe, or child's attorney want copies of the adoption home study reports on the families that will be considered by the adoption committee, the child's CASA, child's tribe, or child's attorney must make a request to the Department as soon as possible but no later than seven business days prior to the scheduled adoption committee.
- (3) The Department will make the selected reports, which have been redacted as provided in OAR 413-010-0084, or a summary of the report as provided in OAR 413-010-0085, available to the child's CASA through the local CASA program director, to the child's tribe or the child's attorney as soon as possible but no later than seven business days prior to the scheduled adoption committee.
- (4) If the child's worker subsequently selects another adoption home study report to submit to the adoption committee, the worker will notify the child's CASA, child's tribe, and child's attorney as soon as possible that the additional report(s) have been selected, even though the three business day requirement in OAR 413-010-0085(3) cannot be met. If the child's CASA, child's tribe, or child's attorney want a copy of the additional home study, the worker will provide a redacted copy or summary of the report, as provided in OAR 413-010-0084 and 413-010-0085, prior to the committee meeting.
- (5) Prior to the release of a report under these rules (OAR 413-010-0081 to 413-010-0086), the Department will redact the report following the standards in OAR 413-010-0084 and will release only the redacted version unless the provisions of OAR 413-010-0085 apply, in which case the Department will release a summary of the report.

- (6) The redacted report or summary of the report will be released to the child's CASA through the local CASA program director.
- (7) The local CASA program director must retain the report or summary, keep it secure, and allow the child's CASA to review and take notes from the report at the office of the local CASA program.
- (8) The local CASA program director, the child's tribe, and the child's attorney are responsible for securing and monitoring the disclosure of information in an adoption home study report or summary, may not make copies of the report or summary and may not disclose the report, summary, or information in the report or summary to any person not authorized by the Department rules to have the report or summary.
- (9) The child's CASA, local CASA program director, child's tribe, and child's attorney may not redisclose any information contained in the report for any purpose other than discussing the needs of the child with employees of the Department, the child's CASA, CASA's supervisor, the local CASA program director, the statewide CASA program director, the child's tribe, the child's attorney, the court, or the adoption committee.
- (10) The local CASA program director, child's tribe, and child's attorney must return the report or summary to the Department or destroy the report or summary upon completion of the adoption home selection process.

Stat. Auth.: ORS 409.050, 418.005

Stats Implemented: ORS 409.225, 418.005, 419A.255, 419B.035