

Policy Title:	Release of an Adoption Home Study – <i>Temporary</i> OAR		
Policy Number:	I-A.3.3 413-010-0081 thru 0086	Version:	Effective Date: 7/01/10 thru 12/28/10

Approved By: *on file*

Date Approved: 7/01/10

Policy

Procedures

Forms, etc.

Definitions

References

Contact

History

Reference(s):

- ORS 409.225
- ORS 418.945

Form(s) that apply:

- None referenced.

Rules:

413-010-0081

Purpose

These rules, OAR 413-010-0081 to 413-010-0086, describe the responsibilities of the Department when releasing an adoption home study for the purpose of selecting an adoptive resource for a child and the responsibilities of an individual receiving a copy of the adoption home study.

Stat. Auth.: ORS 409.225, 418.005

Stats Implemented: ORS 409.225, 418.005

413-010-0082

Definitions

The following definitions apply to OAR 413-010-0081 to 413-010-0086:

- (1) "Adoption agency" means an organization providing any of the following services:
 - (a) Identifying a child for adoption and arranging an adoption;
 - (b) Securing the necessary consent for relinquishment of parental rights and to adoption;

- (c) Performing a background study on a child or a home study on a prospective adoptive parent and reporting on such a study;
 - (d) Making determinations of the best interests of a child and the appropriateness of adoption placement for the child;
 - (e) Monitoring a case after placement until final adoption;
 - (f) When necessary because of disruption before final adoption, assuming custody and providing childcare or other social services for the child pending an alternative placement.
- (2) "Adoption committee" means either a central office adoption committee or a local adoption committee.
 - (3) "Adoption home study" means a document which includes an assessment of a potential adoptive resource to determine the suitability of the potential adoptive resource to make a lifelong, permanent commitment to adopt a child in the Department's custody, in the custody of a public welfare agency in another state, or under the jurisdiction of a juvenile court in another state.
 - (4) "Adoptive Resource" means an individual or individuals selected as the adoptive family for a child and the selection has not been subject to an administrative review, or if subject to a review, has been sustained by that review.
 - (5) "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.
 - (6) "Child" means a person under 18 years of age.
 - (7) "Department" means the Department of Human Services, Child Welfare.
 - (8) "Designee" means an individual whom the designator directly and immediately supervises, or an individual with equal or greater management responsibility than the designator.
 - (9) "Indian child" means any unmarried person under 18 years of age who is either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.
 - (10) "RCWAC" means the Refugee Child Welfare Advisory Committee.

Stat. Auth.: ORS 418.005, 418.945

Stats Implemented: ORS 418.005, 418.945

413-010-0083

Release and Review of Adoption Home Study Reports

- (1) An adoption home study of a potential adoptive resource for a child in the legal custody of the Department is released only to ---
 - (a) A child's CASA, a child's attorney, an Indian child's tribe, a representative of the RCWAC, and members of the adoption committee when the potential adoptive resource has been selected by an adoption committee to be considered as an adoptive resource or has been selected by a caseworker as the adoptive resource;
 - (b) A public or private adoption agency upon the written request and authorization for release from each individual who is a subject of the adoption home study;
 - (c) The court for purposes of approving an adoption.
- (2) When an adoption home study previously has not been provided to individuals who are the subject of the adoption home study, the adoption home study may be provided to the individuals upon written request. Prior to releasing the adoption home study, the Department must redact the names and identifying information of individuals who have provided information for the adoption home study prior to release.
- (3) An adoption home study released under these rules, OAR 413-120-0081 to 413-120-0086, must have a signed valid release of information from the potential adoptive resource and must be kept confidential as described in OAR 413-120-0033.

Stat. Auth.: ORS 409.050, 409.225, 418.005, 419B.035

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

413-010-0085

Circumstances in Which Release of an Adoption Home Study Report May be Inappropriate

The Adoption Program Manager or designee may determine that prior to release of an adoption home study confidential information can be redacted or a summary of the adoption home study provided.

Stat. Auth.: ORS 409.050, 409.225, 418.005, 419B.035

Stats Implemented: ORS 409.050, 409.225, 418.005, 419B.035

413-010-0086

Release of Adoption Home Study Report to CASA, Child's Tribe, RCWAC representative, and Child's Attorney

When the child's CASA, an Indian child's tribal representative, a RCWAC representative, or the child's attorney has been notified of a scheduled adoption committee and declined to participate as an adoption committee member pursuant to OAR 413-120-0050, he or she ---

- (1) May request a copy of the adoption home studies for the potential adoptive resources selected for consideration by the adoption committee at least seven business days prior to the scheduled adoption committee;

- (2) May provide input for the adoption committee's consideration; and
- (3) Must return all written information to the Department no later than the date of the scheduled adoption committee.

Stat. Auth.: ORS 409.225, 418.005, 419B.035

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

Procedure(s) that apply:

- None referenced.

Contact(s):

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Policy History

- [2/6/06 thru 7/31/06](#)
- [4/13/06 thru 7/31/06](#)
- [08/01/06](#)