

	<p align="center">STATE OFFICE for SERVICES to CHILDREN and FAMILIES CLIENT SERVICES MANUAL I</p> <p>ISSUED BY: Program Operations EFFECTIVE DATE: December 29, 1995</p>	<p>NUMBER: I-B.1.3 SECTION: B. Case Management SUBSECTION: 1. Legal</p>
<p>SUBJECT: 3. Voluntary Agreements</p>		

Interpretation: Executive Assistant,
Program Operations and
Manager, Resource Development

Approval: _____
Assistant Administrator,
Program Operations

REFERENCES: ORS 418.015
ORS 418.312
PL 95-608
PL 96-272
CF 496, "Referral for Voluntary Child Placement Agreement"
CF 497, "Request for Judicial Determination"
CF 498, "Parental Request for Continuation of Voluntary Placement"
CF 499, "Voluntary Child Placement Agreement"
CF 1005, "Voluntary Custody Agreement"

PURPOSE

413-020-0000 These rules establish the conditions under which a parent or legal guardian may enter into a "Voluntary Placement Agreement" or a "Voluntary Custody Agreement" to have a child (a person under 18 years of age) receive substitute care and treatment from SOSCF.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.015, 418.312

POLICY

TYPES OF AGREEMENTS

413-020-0010 (1) Parents or legal guardians may receive substitute care and treatment for their child from SOSCF by signing a voluntary agreement. The parents or

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legal guardians agree to participate actively in making plans and decisions for the child, to visit and financially support the child to the fullest extent possible, and to work actively toward early and successful family reunification.

(a) "Voluntary Child Placement Agreement" (CF 499). Under this type of agreement, the parents or legal guardians do not give SOSCF legal custody of the child. They retain legal guardian authority, and are obligated to continue to exercise and perform all parental duties and legal responsibilities except those delegated to SOSCF by the signed agreement. Under ORS 418.312, it is appropriate to place a child in substitute care/treatment after a parent/legal guardian signs a "Voluntary Child Placement Agreement" if the following conditions exist:

(A) The sole reason for placement is the need to obtain services for the child's emotional, behavioral or mental disorder or developmental or physical disability; and

(B) The parents/legal guardians are unable to provide for the level of skilled care or treatment that the child requires, but are able and willing to maintain a parental relationship and involvement with the child and assist in the care and treatment of the child; and

(C) The family has not had a history of abuse or neglect, and their child is not an adjudicated delinquent under supervision in the Oregon Youth Authority system.

(b) "Voluntary Custody Agreement" (CF 1005). Under a "Voluntary Custody Agreement," the parent or legal guardian gives SOSCF the legal custody of the child and SOSCF assumes designated parental duties and responsibilities in certain circumstances and conditions as permitted under ORS 418.015, and as stipulated in the signed agreement. Under ORS 418.015, it is appropriate to place a child in substitute care/treatment after a parent/legal

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guardian signs a "Voluntary Custody Agreement" if one of the following conditions exists:

(A) The child cannot remain at home due to a temporary crisis in the family and cannot safely stay with a member of the extended family or another responsible adult who is well known to the child; or

(B) The child needs to be removed temporarily from the home as a result of problems in the relationship between parents and child and a placement of limited duration in conjunction with intensive services, is likely to reunite the family and prevent further family dysfunctioning; or

(C) The parents/legal guardians are unable to fulfill parental responsibilities, maintain a supportive relationship with the child, and be a significant positive influence in the treatment and maintenance services provided to the child, as required by (a) (B) of this rule; or

(D) The child is allegedly abused, neglected or abandoned and the parent or caretaker acknowledges this fact and is acting in the best interest of their child by requesting a placement through signing a "Voluntary Custody Agreement."

(2) The following situations are inappropriate for placement by either a "Voluntary Child Placement Agreement" or a "Voluntary Custody Agreement":

(a) A child is allegedly abused, neglected or abandoned and the age of the child, the family history, or severity of the current abuse indicates that a voluntary custody agreement would not provide the child with adequate protection; or

(b) It is known or suspected that the parents/legal guardians of the child intend to move out-of-state after placement of the child; or

(c) A child refuses to remain at home solely due to parent-child conflict; or

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(d) The parents/legal guardians request removal of the child because of inability to tolerate or control the child's behavior, and the child and family members are unwilling to participate in an intensive services plan focused on reunification of the family; or

(e) The parents/legal guardians have a demonstrated history of failure to work cooperatively with the State Office for Services to Children and Families and/or the persons or private agency providing care and treatment to meet the child's needs.

(3) The process of SED Referral for parents using the "Voluntary Child Placement Agreement" is specific for these parents only and must include the following steps:

(a) Worker informs the parent(s) that they may enter into a non-adversarial support agreement (rather than court-ordered support) with SED to discharge their support obligations;

(b) If the parent(s) expresses willingness to enter into a child support with SED, the worker will supply the parent with the form CF 496, "Referral for Voluntary Child Placement Agreement";

(c) Each parent with responsibility for the child will complete the form and return it to the worker. The worker forwards the form, along with a signed copy of the "Voluntary Child Placement Agreement," form CF 499, to:

John Ellis, Assistant Administrator
Department of Justice
Support Enforcement Division
1495 Edgewater NW, Suite 170
Salem, OR 97304

Statutory Authority: ORS 418.005

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Stats. Implemented: ORS 418.015, 418.312

LEGAL CONSENT

413-020-0020 (1) Only a parent who has legal custody or a person who has legal guardianship of a child may sign a "Voluntary Custody Agreement," SOSCF 1005, or a "Voluntary Child Placement Agreement," CF 499, to legally consent to the voluntary placement of the child with the State Office for Services to Children and Families.

(2) An Indian child who is 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 may be accepted into a voluntary placement in accordance with SOSCF's administrative rules on the placement of Indian children. When a child is subject to these rules, the child must be more than 10 days old and the consent must be given before a judge of appropriate jurisdiction. See OAR 413-070-0240 for detailed requirements.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.015, 418.312

TIME-LIMITED PLACEMENTS

413-020-0030 (1) Continuation of a "Voluntary Child Placement Agreement" or "Voluntary Custody Agreement" must be reviewed and approved by both the SOSCF Substitute Care Review Committee and the Juvenile Court within 180 days of the signing of the initial agreement.

(2) With the approval of the SOSCF Substitute Care Review Committee and the Juvenile Court, a new agreement may be signed, and shall be valid for a maximum of one year.

(3) Any child under a voluntary agreement requiring substitute care/treatment beyond 18 months must have SOSCF Administrative and Juvenile Court approval before a new agreement is signed.

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(4) All children who are in a voluntary placement will be scheduled for the same SOSCF and court reviews as a child who is court-committed to the legal custody of the agency. A hearing will be held 18 months from the date of placement and every one year thereafter to determine the appropriateness of the child's continued need for placement. See OAR 413-040-0100 through 413-040-0170, (SOSCF policy # I-B.3.2.1) for Citizen Review Board review requirements.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.015, 418.312

REQUIRED REVIEWS

413-020-0040 (1) The federal regulations under PL 96-272 and ORS 418.312 require that all children placed in substitute care/treatment under a "Voluntary Child Placement Agreement" or a "Voluntary Custody Agreement" must have a Juvenile Court review within 180 days of the child's placement to determine if continuing the substitute care/treatment placement is in the child's best interest.

(2) The SOSCF caseworker will present the following reports and documents to the Juvenile Court for review and action. A copy of:

- (a) The "Initial Court Report and Case Review," CF 147A;
- (b) The "Six Month's Service Plan - Administrative Review," CF 147B;
- (c) The "Voluntary Child Placement Agreement," CF 499, or "Voluntary Custody Agreement," CF 1005;
- (d) The current service agreement between the parent and service worker;

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(e) The "Parental Request for Continuation of Voluntary Placement," CF 498; and

(f) The "Request for Judicial Determination," CF 497.

(3) The SOSCF Administrative Review will evaluate the reasonable efforts made by the family and SOSCF to reunite the child and family, or meet the continuing need for services for the child's disability on a voluntary basis; the parent(s) financial support, visitation, other parental involvement with the child and participation in the child's activities; and whether or not continuing voluntary placement is appropriate.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.015, 418.312

TERMINATION OF VOLUNTARY AGREEMENT

413-020-0050 (1) SOSCF shall release a child from substitute care placement if the parent or guardian who consented to the placement notifies the agency of their desire to terminate the voluntary agreement. The parent or guardian shall confirm in writing the request for termination of the agreement and shall confirm that they have legal custody of the child before the child is released by the agency.

(2) If the parent/legal guardian is not acting in the best interests of the child, or is acting against the professional advice of the care/treatment provider or SOSCF, and the child continues to be dependent for care and support on a public or private child caring agency, SOSCF may petition the court for legal custody of the child.

(3) If a parent/legal guardian has requested the termination of the voluntary agreement and the child is in imminent danger, or there is reason to believe the child's welfare is in jeopardy, the child shall be taken into protective custody and the court petitioned for legal custody.

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(4) Eligible children under the Indian Child Welfare Act, who are in Voluntary Placement with SOSCF, are subject to OAR 413-070-0240. Paragraph (5) specifically states that an Indian child shall immediately be released to a parent/Indian custodian upon withdrawal of a voluntary consent. It also states what notification to the court and other actions are required when return to the parent/Indian custodian would place the child in imminent danger or harm.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.015, 418.312, 419C.080