

	Department of Human Services <b>CHILDREN, ADULTS &amp; FAMILIES</b>	<b>NUMBER:</b> I-B.3.1 <b>OAR:</b> 413-040-0000 thru 0071
	<b>CLIENT SERVICES INDEX</b>	<b>SECTION:</b> B. Case Management
	<b>ISSUED BY:</b> Office of Safety and Permanency for Children  <b>FINAL:</b> 10-01-03	<b>SUBSECTION:</b> 3. Service Planning
<b>SUBJECT:</b> 1. Service Plans: Service Agreement or Letter of Expectations and Family Decision Meetings – OAR		

## REFERENCES:

Child Welfare Policy I-A.4.3, Identifying Legally Recognized Parental Relationships  
 Child Welfare Policy I-AB.5, Child Safety Assessment and Safety Planning  
 Child Welfare Policy I-AB.2, Screening  
 Child Welfare Policy I-B.3.1, Information Letter  
 Child Welfare Policy I-B.3.2.1, Substitute Care Placement Reviews  
 Child Welfare Policy I-E.2.1, Placement of Indian Children  
 Child Welfare Policy I-E.2.2, Placement of Refugee Children  
 Child Welfare Policy I-E.3, Placement Expectations  
 Child Welfare Policy I-E.3.6, Achieving Permanency  
 Child Welfare Policy I-I.2, Narrative Recording  
 Child Welfare Policy I-E.1.1, Working with Relatives Toward Placement of Children

Child Welfare Practices for Cases with Domestic Violence (PAM 9200)  
 Family Decision Meeting Guide (PAM 9411)  
 ORS 417.365-375

## 413-040-0000

### Purpose

- (1) The purpose of these rules (OAR 413-040-0000 to 413-040-0076) is to define the minimum requirements for developing and maintaining a service plan. The service planning process requires that the worker and the family identify key problem issues, determine the objectives to be achieved, and agree upon the actions to be taken. "Family" includes the legally recognized parent or guardian and the children who are capable and whose needs require them to participate in the planning process, as well as other family members when required. Exceptions to the involvement of the parents are included in these rules. A service plan must directly address a caregiver's functioning in the parental role as it relates to the child's needs for safety, permanence, and well-being. There must be a logical and clear relationship between the service plan and the

presenting child welfare issues. When a child is a ward of the court, the service agreement or letter of expectations supporting the service plan must be related to the reasons for court jurisdiction.

- (2) Indian Child Welfare Act. If the Department has determined that a child is enrolled or is eligible for enrollment in a federally recognized Indian Tribe, or if a worker knows or has reason to know that a child is or may be an Indian or Alaska Native child, the child welfare policy "Placement of Indian Children," policy I-E.2.1, OAR 413-070-0100 through 413-070-0260 is applicable. Those rules provide detailed information, processes, and procedures for application of ICWA, including determining ICWA eligibility.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

### **413-040-0005**

#### **Definitions**

- (1) "Change Goals" means concrete and specific goals that are measurable and observable and reflect the presence rather than the absence of something. A concrete goal usually involves a measurable change in behavior, which includes thoughts, actions, feelings, and attitudes; a change in the quality or quantity of relationships; or a change in some aspect of the environment. Well formulated change goals will concretely state what will be different when the intervention is complete and the case can be closed.
- (2) "Concurrent Plan" means a plan established as an alternate or backup permanency plan when the goal of the permanency plan is placement with the parents. The concurrent plan is developed simultaneously with the plan to return the child to its parents. Although the concurrent plan may change as more information becomes available, the goal is to develop a safe and permanent resource with family members or other people who will assume legal responsibility for the child during the remaining years of dependency and be accessible and supportive to the child in adulthood.
- (3) "Family Decision Meeting (FDM)" means a family focused intervention facilitated by professional staff that is designed to build and strengthen family supports and the natural care-giving systems for the children. Family decision meetings may include family group conferences, family unity meetings, family mediation, or other professionally recognized interventions that include extended family and rely upon the family to make decisions about planning for its children. The purpose of the family decision meeting is to establish a plan that may include a permanency plan, concurrent permanency plan, placement recommendation or service recommendation and agreements, which provide for the safety, attachment, and permanency needs of the child. Family decision meetings

emphasize the family's unique plans for its children. The family members collaborate, rather than just participate in the meeting. It is also essential that the professionals in the meeting have direct involvement with the child and the family and are not just members of a committee.

- (4) "Family Member" means any person related to the child by blood, marriage or adoption, including, but not limited to the parents, grandparents, stepparents, aunts, uncles, sisters, brothers, cousins or great-grandparents, or, in an ICWA case, as defined by the law or custom of the Indian child's tribe. Family member also includes a child 12 years of age or older and a child younger than 12 years of age, when appropriate. This term is defined in ORS 417.371(4)(a).
- (5) "Family Plan" is defined at ORS 417.375 and means the agreed upon services, activities and outcomes developed at the statutory Oregon Family Decision Meeting which may include a permanency plan, concurrent permanency plan, placement recommendations, and service recommendations. The family plan also includes expectations of the parents of the child and other family members; services the Department will provide; time lines for implementation of the plan; benefits of compliance with the plan; consequences of noncompliance with the plan; and a schedule of future meetings if appropriate. This term is defined in ORS 417.375 (1).
- (6) "Letter of Expectations" means a written statement developed by the Department that identifies needs and services and clarifies agency expectations and timelines, without the joint participation or agreement of the parents.
- (7) "Oregon Family Decision Meeting (OFDM)" means the statutory Family Decision Meeting that must be considered after 30 days of out-of home placement. The OFDM is described in ORS 417.365 to 417.375. The purpose of the OFDM is to establish a plan that may include a permanency plan, concurrent permanency plan, placement recommendation, and service recommendation and agreements, which provide for the safety, attachment, and permanency needs of the child.
- (8) "Parent" means a legally recognized mother or father or legal guardian or, in an ICWA case, it means an Indian custodian, which is any person who has legal custody of the Indian child under tribal law or custom or under state law.
- (9) "Permanency Plan" means a plan to achieve permanency for the child. Although the plan may change as more information becomes available, the goal is to develop safe and permanent family resources with the parents, relatives, or other people who will assume legal responsibility for the child during the remaining years of dependency and be accessible and supportive to the child in adulthood.

- (10) "Reasonable Inquiries" as defined in ORS 417.371(4)(b), means efforts that include reviewing the case file for relevant information, contacting the parents or guardians, and contacting additional sources of information that may lead to ascertaining the whereabouts of family members, if necessary.
- (11) "Reunification" means placement with a parent of legal standing.
- (12) "Service Agreement" means a written, signed statement developed jointly by the Department, the legal parents or legal guardians, and other family members when appropriate that identifies change goals based upon strengths and child needs, states clear expectations, identifies permanent and concurrent plans, and establishes services and timeframes.
- (13) "Service Plan" means the services and activities designed to achieve goals for child safety, a permanent home, and child well-being.
- (14) "Substitute Care" means a child in the legal custody and care of the Department of Human Services (Department) who is in a placement with someone other than the child's birth parent, legal parent, or legal guardian.
- (15) "Team Decision Meeting (TDM)" means a facilitated meeting with family, extended family, community members, service providers, and child welfare staff held for the purpose of making child placement related decisions.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-040-0010**

##### **Developing a Service Plan**

- (1) The initial service plan must be developed and carried out through a process that supports family participation and participation of the child's tribe, when applicable, in the development of the plan and services. Family members may include children, the legally recognized parents, adoptive parents, legal guardians, an Indian custodian when applicable, other family members when required, and foster or relative caregivers when appropriate. A family decision meeting is a process recommended to involve the family members in the development of the service plan. Service agreements are required to support both in-home and substitute-care service plans.
- (2) Service plans will include required goals and activities when a child is entitled to rights provided under the Indian Child Welfare Act (see OAR 413-010-0100 through 0260, Child Welfare policy I-E.2.1) or the Refugee Act (see OAR 413-070-0300 through 0380, Child Welfare policy I-E.2.2).

- (3) When a child is in substitute care, child welfare policy "Working with Relatives Toward Placement of Children," policy I-E.1.1 (OAR 413-070-0060 through 413-070-0093), provides guidelines for the involvement of family members in the service plan and the supporting service agreements.
- (4) When a child resides in substitute care and a service agreement cannot be achieved, a letter of expectations is used to support the service plan. The substitute care service agreement or letter of expectations must be related to the reasons for court jurisdiction.
- (5) When the service is directed toward specific behavior problems of a minor, the legally recognized parent, guardian, or Indian custodian must participate in developing and reviewing the services planned except for the following services listed in statute:
  - (a) The diagnosis and treatment of venereal disease of children 12 years of age and older;
  - (b) Referral of minors 15 years of age and older for pregnancy termination;
  - (c) Surrender of parental rights by minors; and
  - (d) Services to minors who are legally emancipated.
- (6) A court may authorize an exception to the involvement of the parents when it determines that reasonable efforts or active efforts, in an ICWA case, to return a child home are not required, as defined in child welfare policy "Achieving Permanency," policy I-E.3.6, OAR 413-070-0515.
- (7) A minimum of one face-to-face client interview will be made in order to develop the service plan. Family members, including a child who is capable, whom the service plan addresses, will be given an opportunity to participate in its development and to discuss the options in participating in the plan.
- (8) A copy of the service plan will be made available to the parents and the Indian child's tribe, if applicable, unless there is an exception to this requirement in section (5) or (6) of this rule.
- (9) When a service plan is in effect, the child welfare caseworker must have face-to-face contact with the child and family at least once every 30 days or more frequently if specified in the service plan, substitute care service agreement, in-home service agreement, or letter of expectations.
- (10) The child welfare caseworker must record and document the contact with the family members in the FACIS form CF 147 (series) narrative recording.

- (11) The child welfare caseworker must identify change goals in the service plans that state what will be different when the plan is completed. The change goals must address the core child welfare issues and focus on achieving concrete results to resolve these issues.
- (12) Service plans must utilize family strengths to help change behaviors, include the family in assessing change over time, and document change to help determine case status with respect to the following areas:
  - (a) **Safety:** The child will be safe in its own home. Recommendations to reunify or maintain a child with its parents must be based on evidence of substantial improvement of parenting capacity, such as achievement of change goals or an increase in protective factors.
  - (b) **Permanency:** The child will have a safe and more stable home through the improvement and stability of its caretaker's parental functioning, whether the child is in the home of its parents or in an alternate placement.
  - (c) **Well-being:** The family will demonstrate enhanced capacity to provide for the child's educational, physical, and mental health needs.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-040-0017**

#### **Reunification and Concurrent Plans**

- (1) When a child is placed in the Department's custody, a service plan must include both a plan for reunification and a concurrent plan. The child welfare caseworker must address the child's important attachments, must maintain these attachments whenever it is possible to do so, and must meet the child's needs for safety, permanency, and well-being.
- (2) Reunification plan. The permanency plan of first choice is to return the child, or to place the child, with a parent of legal standing. The parent must be able to meet the child's needs for safety, permanence, and well-being.
- (3) Concurrent Plan. An alternate permanent placement for the care of a child in the Department's custody must be developed simultaneously with a plan for reunification. This plan is to be available to the child in the event that parental change does not occur sufficiently to provide for the child's needs for safety, attachment, and well-being.

- (4) A child welfare caseworker must revise a service plan whenever there is a substantial change in a change goal or in the planned services.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-040-0021**

##### **Time Frames for Service Plan Development**

- (1) Following preventive or restorative services intake or protective services assessment, a child welfare caseworker must develop a service plan. The service plan must be completed within 30 days after the completion of the intake phase or within 30 days after completion of the child protective services (CPS) written assessment.
- (2) The child welfare caseworker must develop a new or revised service plan with the family within 30 calendar days of the child's return home from substitute care.
- (3) Substitute care services: The child welfare caseworker must develop a service plan within 60 days from the date the child is placed in substitute care.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-040-0027**

##### **Team Decision Meetings (TDMs)**

Team decision meetings (TDMs) are held for placement-related decisions as required by child welfare policy "Child Safety Assessment and Safety Planning," policy I-AB.5, OAR 413-015-0500 through 0510. The goal of a TDM is to develop a plan that protects the child and preserves or reunifies the family. Participants may include immediate and extended family members, representatives from an Indian child's tribe, community members, service providers, child welfare staff, and foster parents if the child is in a substitute care placement. Other potential participants may be identified at the TDM and invited to the OFDM when a child remains in out-of-home care longer than 30 days.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-040-0031**

##### **Family Decision-making Meetings (FDMs)**

- (1) When a child has been in substitute care placement for more than 30 days, the Department will consider using an Oregon Family Decision Meeting (OFDM) to help develop the service plan. Whenever possible, the OFDM should be held

before the child has been in substitute care for 60 days. If the Department determines not to use an OFDM, the rationale of the determination must be documented and recorded on the FACIS form CF 147 (series) narrative recording.

- (2) When a decision has been made by the Department and the family to use the OFDM, the Department will conduct and document reasonable inquiries to promptly locate and notify the parents, grandparents, an Indian child's tribe, and any other family member who has had significant, direct contact with the child in the year prior to the substitute care placement. Other participants in the meeting may include other professionals, foster parents, neighbors, and friends of the family as appropriate.
- (3) Family members or an Indian child's tribe who are located after reasonable inquiries will be notified by the Department of the OFDM in a timely manner to allow them the opportunity to prepare for and attend the meeting.
- (4) Other participants will be jointly identified by the parents, legal guardians, Indian custodian of the child, and the Department, and the Department will notify them in a timely manner to allow them the opportunity to prepare for and attend the meeting.
- (5) The located family members may attend the OFDM unless the other participants determine that a family member may threaten or place other participants at risk. A family member who is violent, unpredictable, or abusive or who is an alleged perpetrator of sexual abuse, domestic violence, or severe physical assault is an example of who may be excluded from the OFDM. Family members who are not allowed to participate may address the subjects of the OFDM, including concerns regarding the placement of the child, permanent plan, concurrent plan, and services, by submitting their concerns and interests in writing to the family's social service worker prior to the scheduled meeting.
- (6) The family plan developed at the OFDM may include a permanency plan, concurrent permanency plan, placement recommendations, or service recommendations. The family plan also includes expectations of the parents of the child and other family members; services the Department will provide; time lines for implementation of the plan; benefits of compliance with the plan; consequences of noncompliance with the plan; and a schedule of future meetings if appropriate.
- (7) Any family member or tribal representative participating in an OFDM must sign a written acknowledgment of the content of the family plan developed at the meeting and of their attendance at the meeting.

- (8) The Department will send a copy of the family plan developed at the OFDM within 21 days to family participants including those who participated in writing.
- (9) The Department will incorporate the family plan developed at the OFDM in the service plan to the extent that the plan protects the child, builds on family strengths, and focuses on achieving permanency for the child within a reasonable time. If the family's plan developed at the meeting cannot be incorporated into the service plan, the reasons shall be documented in the FACIS form CF 147 (series) narrative recording.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-040-0037**

##### **Service Agreements or Letter of Expectations**

- (1) The child welfare caseworker must develop a service agreement to support in-home or substitute care service plans. The child welfare caseworker must incorporate the results of a TDM, OFDM, or FDM or other strengths-and-needs-based planning process into the in-home or substitute care service agreement.
- (2) A letter of expectations will be used to support the service plan when a service agreement cannot be achieved for a child in the Department's custody who resides in substitute care.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-040-0042**

##### **In-Home Service Agreement**

- (1) An in-home service agreement must contain the following elements:
  - (a) Change goals that use family strengths to achieve child safety, permanency, and well-being with expected activities and outcomes for parents and other family members;
  - (b) Court-ordered expectations, when applicable;
  - (c) A list of services the Department will provide to the child and family;
  - (d) Time lines for completion of agreed upon activities or accomplishments;
  - (e) Benefits of compliance with the in-home service agreement;

- (f) Potential consequences of non-compliance with the in-home service agreement; and
  - (g) Plan for reviews, updates or modifications.
- (2) The child welfare caseworker and each family member who is a party to the service agreement must sign the in-home service agreement. The child welfare caseworker must give a copy of the in-home service agreement to the parents and the Indian child's tribe, when applicable, preferably at the time the agreement is signed, but no later than seven days after the plan is signed.
- (3) If all required signatures of family members cannot be obtained, the child welfare caseworker must record the efforts that were made to develop the in-home service agreement and describe how the child will be kept safe without a service agreement in the case narrative recording. This inability to achieve an in-home service agreement must be reviewed with the child welfare supervisor.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-040-0047**

##### **Substitute Care Service Agreement**

When a child is placed in substitute care, a child welfare caseworker must develop a substitute care service agreement within 60 days of placement unless one of the criteria listed in OAR 413-040-0037 is met. A substitute care service agreement may be developed as the result of a TDM, OFDM, FDM, or other strengths-and-needs-based planning process to support the service plan.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-040-0052**

##### **Required Elements of a Substitute Care Service Agreement**

- (1) A substitute care services agreement must contain the following elements:
- (a) Change goals that use family strengths to achieve child safety, permanency, and well-being with expected activities and outcomes for parents and other family members;
  - (b) Court-ordered expectations, when applicable;
  - (c) Time lines for completion of agreed upon activities or accomplishments;

- (d) Benefits of compliance with the substitute care service agreement in meeting the goal of the permanency plan or concurrent permanency plan;
  - (e) Potential consequences of non-compliance with the substitute care service agreement in meeting the goal of the permanency plan, including implementation of the concurrent permanency plan;
  - (f) Plans for reviews, updates, and modifications; and
  - (g) Services the Department will provide.
- (2) A signature is required of each family member who is party to the agreement and the caseworker to signify participation in the development of and agreement to the substitute care service agreement.
- (3) The caseworker will give a copy of the substitute care service agreement to the parents and to the Indian child's tribe, if applicable, preferably at the time the agreement is signed, but no later than seven days thereafter. If a required signature on the substitute care service agreement cannot be obtained, the caseworker will document in the case narrative recording what efforts were made to develop the substitute care service agreement and will develop a letter of expectations (see form CF 187, "Narrative Recording Guidelines").

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-040-0057**

##### **Letter of Expectations**

- (1) If the parents are unable or refuse to sign a required substitute care service agreement or to be involved in planning for the child, a letter of expectations will be developed by the Department within 60 days of placement of a child in substitute care.
- (2) The letter of expectations contains the following elements:
- (a) Reasons the letter of expectations is being used rather than a substitute care service agreement;
  - (b) Expected activities and outcomes for the parents and other family members;
  - (c) Court-ordered expectations, when applicable;
  - (d) Services the Department will provide;

- (e) Time lines for responding to expected activities and outcomes;
  - (f) Benefits of compliance with the letter of expectations in meeting the goal of the permanency plan and concurrent permanency plan;
  - (g) Potential consequences of non-compliance in meeting the goal of the permanency plan, including implementation of the concurrent permanency plan;
  - (h) Plans for reviews, updates, or modifications; and
  - (i) Possibilities for developing a future substitute care service agreement.
- (3) The Department will mail the letter of expectations to the parents immediately after its development and will mail a copy to the parents' attorneys and to the child's tribe, if applicable.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-040-0061**

#### **Service Agreement or Letter of Expectations Not Required**

A service agreement or letter of expectations is not required if any of the following conditions is met:

- (1) The Department's plan for the child has been changed to "Achieve Adoption."
- (2) The Department's plan is not to return the child to the care of the parent.
- (3) After a reasonable search by the Department for the parents or a diligent search for the parents in the case of an Indian child, the parents whereabouts are unknown.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-040-0063**

#### **Review Requirements**

- (1) The service plan review will take place in a face-to-face interview with the parents, alternate care givers, or family members. The review covers a review of the objectives of the plan and the components of the service agreement or letter of expectations for cases with children in substitute care. If the parents or

pertinent family members are not available to participate in a service plan review, the reasons for the unavailability will be recorded in the case record.

- (2) The service plan review includes a determination of the progress toward achieving each objective outlined in the service agreement or the letter of expectations. The following areas must also be included in the review:
  - (a) A determination of any further services to be provided by the Department;
  - (b) The reasons for not using an OFDM after the child has been in out-of-home care for 30 days;
  - (c) Child safety: a note of any evidence of improvement or lack of improvement in parental behavior related to the identified risk factors to the child.
  - (d) Recommendations to reunify or maintain the child with its parents, which should be based on evidence of substantial achievement of the change goals that have improved the protective capacity of the child's parents.
  - (e) Permanence: note the stability of the parental functioning and potential for future stability.
  - (f) Well-being: note the capacity of caretakers to provide for the child's identified needs, including educational, physical, health, and mental health needs.
  - (g) Concurrent Permanency Plan: note the activities or steps made to develop and implement the alternate permanency plan.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-040-0071**

##### **Frequency of Reviews**

- (1) The initial service plan, including both the reunification and concurrent plans, must be reviewed and approved by the child welfare supervisor.
- (2) A review of the service plan must be completed by the worker to assist the worker in reviewing all available resources and alternative service strategies and to evaluate whether services should be continued. The review must be completed and submitted to the child welfare supervisor at the following intervals:

- (a) Every three months if there has been no significant progress toward achieving the service plan objectives; or
  - (b) Every six months if there *is* significant progress toward achieving the service plan objectives.
- (3) Supervisors will document completion of a service plan review as follows:
- (a) For the three-month review, by an entry in the case file.
  - (b) For other reviews, by entering "Reviewed" on the respective service plan narrative series and by dating and initialing the entry.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005