

	STATE OFFICE for SERVICES to CHILDREN and FAMILIES CLIENT SERVICES MANUAL I ISSUED BY: Management Operations EFFECTIVE DATE: January 2, 1996	NUMBER: I-B.3.2.1
		SECTION: B. Case Management
		SUBSECTION: 3. Service Planning; 2. Placement Planning Reviews
SUBJECT: 1. Substitute Care Placement Reviews		

Interpretation: Financial Resources Unit

Approval: Marjorie Lowe
Assistant Administrator,
Management Operations

REFERENCES: PL 96-272
ORS 419B.440-476, 419C.623-656
TITLE IV-E Requirements
CF 400, "Case Record Survey"

PURPOSE

413-040-100 These rules outline the required review process to place and maintain a child who is in the legal custody of the State Office for Services to Children and Families (SOSCF) and is not placed with a parent.

Statutory Authority: HB2004

**Stats. Implemented: PL96-272; Title IV-E, ORS 419A.090-122;
419B.440-.476; 419C.623-.656**

DEFINITIONS

413-040-110 (1) "Least Restrictive Substitute Care" means the most family-like setting available.

(2) "Local Citizens' Review Board" is a board of not less than three nor more than five members appointed by the juvenile court to review the cases of all children in the custody of SOSCF and placed in an out-of-home placement (ORS 419A.090-.094 et seq).

(3) "Release and Surrender Agreement" is a voluntary agreement used to transfer guardianship and control of a child from a parent to SOSCF, to allow SOSCF to place a child for adoption and to consent to an adoption. The release and surrender agreement does not terminate the parents' rights, nor relieve the parent of legal responsibility to support the child, nor terminate the child's right of inheritance. However, the agreement gives SOSCF guardianship responsibility for the child until age eighteen, unless the child is legally adopted, or the parent revokes the agreement, or the court of competent jurisdiction relieves SOSCF of guardianship responsibility.

(4) "Substitute Care" for purposes of 96-272 substitute care refers to a child(ren) in the legal custody and care of the State Office for Services to Children and Families and who is in an out of home placement with someone other than their birth parent or legal guardian.

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(5) "Termination of Parental Rights" means that pursuant to ORS 419B.500 through 419B.530 or the statutes of another state, a court of competent jurisdiction has entered an order terminating the rights of the parent or parents. The date of the termination order determines the effective date of the termination even if an appeal of that order has been filed (ORS 419.A.200).

Statutory Authority: HB2004

Stats. Implemented: PL96-272; Title IV-E, ORS 419A.090-.122; 419B.440-.476; 419C.623-.656

POLICY

BRANCH SUBSTITUTE CARE COMMITTEE

413-040-120 (1) Each SOSCF branch will have a Substitute Care Committee consisting of a panel of appropriate persons, one of whom is not in line of supervision to the case. Community members, foster care providers, and juvenile department staff will also be included in the committee. Every effort will be made to include a minority person(s) as a standing member of the Committee. Each committee will include at least one non-SOSCF member, such as a juvenile department staff member, foster care providers or other service providers. Parents and extended family may be invited and encouraged to participate whenever possible and appropriate.

(2) The Branch Substitute Care Review Committee will:

(a) Review within 30 days every child that is initially placed, returned to, or placed in more restrictive substitute care;

(b) Complete the six-month administrative reviews for all cases in counties that do not have a Local Citizens' Review Board;

(c) Complete administrative reviews in addition to the review of the Local Citizens' Review Board if required by the branch manager.

(3) Substitute Care Committee Responsibilities. The Committee will:

(a) Assist in developing a plan using information provided by the family's worker, the child's parents, the child and other staff and providers who offer information and observations;

(b) Determine and approve the appropriateness of and necessity for the foster care placement and that the plan is workable;

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(c) Make a recommendation as to the most appropriate level of placement and availability of resources in close proximity to the child's parents. The committee will then document its recommendations.

(4) Citizen Review Board Recommendations. The State Office for Services to Children and Families will implement recommendations of a local Citizens' Review Board as the agency deems appropriate. SOSCF will give notification to the Board of any recommendations which SOSCF does not intend to implement. This notification will be given within 17 days of receipt of the CRB recommendations. SOSCF will send copies of this notification to parents and foster parents who received the CRB recommendations.

Statutory Authority: HB2004

Stats. Implemented: PL96-272; Title IV-E, ORS 419A.090-.122; 419B.440-.476; 419C.623-.656

ADMINISTRATIVE REVIEWS FOR PL 96-272 AND ORS 419A.090 ET SEQ

413-040-130 (1) Administrative Reviews will be held on:

- (a) All children in the legal custody of SOSCF; and,
- (b) Residing outside of their parental home(s); and,
- (c) Placed in paid or unpaid substitute care or adoptive placement.

Note: Exceptions to the Administrative Review Requirements are children in:

- (A) The State Hospital; or
- (B) Fairview Hospital; or
- (C) Independent Living; or
- (D) A nursing home; or
- (E) The Deaf or Blind School.

(2) An Administrative Review shall be held within six months following the first day of placement in care and every six months thereafter from the date of the last review. The Administrative Review requirement may be met by:

- (a) A Local Citizen Review Board review conducted in accordance with ORS 419A.090 through 419A.128; or

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(b) The Branch Substitute Care Committee in the absence of a review by a Local Citizen Review Board when the parent(s) is invited; or

(c) A hearing, held no earlier than five months after placement when a CF 147B form or a comprehensive court report is presented to the court at the hearing and the court relieves the CRB of its responsibility to review the case pursuant to ORS 419A.106 (1) (b);

(d) A court hearing following the initial dispositional hearing and meeting the requirements for a CRB Administrative Review can substitute for a CRB if held within six months of the scheduled CRB review;

(e) A dispositional hearing held within 60 days prior to the date the Administrative Review is due in those counties where local Citizen Review Boards operate; or up to six months if approved by the court and the Citizen Review Board;

(f) A dispositional hearing held prior to the date the next Administrative Review due date in those counties where Branch Substitute Care Committees operate. Required documentation supporting the six month review will include:

(A) The Substitute Care, Six Month Review (CF 147B form) for narration of case information; and

(B) A signed recommendation of the findings of the Citizens' Review Board (to be attached to the 147B Narrative Section of the case record); or

(C) A court order with language to the effect that a dispositional hearing was held in place of an administrative review.

Statutory Authority: HB2004

**Stats. Implemented: PL96-272; Title IV-E, ORS 419A.090-.122;
419B.440-.476; 419C.623-.656**

DISPOSITIONAL REVIEW HEARINGS BY THE COURT

413-040-140 A dispositional review hearing will be requested by the SOSCF worker and held no earlier than nine months and no later than eighteen months following every child's placement when SOSCF has custody, and every one year thereafter as long as the child remains in substitute care. The dispositional hearing will:

(1) Be conducted by a juvenile court; another court of Competent Jurisdiction; or by an authorized tribal court; and,

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(2) Result in a court order reflecting the appropriateness of the child's continued placement and a determination of the future status of the child (including, but not limited to) whether the child shall:

(a) Be returned to the parent; or

(b) Be continued in substitute care for a specified period; or

(c) Be placed for adoption; or

(d) Be continued in foster care on a permanent or long-term basis because of the child's special needs or circumstances.

(3) Written evidence of a dispositional hearing having taken place will include:

(a) A written report filed by the worker in accordance with ORS 419B.440 through 419B.452, and any additional information required by the court; (with court's approval, the CF 147B may be used to meet reporting requirements of ORS 419B.400 through 419B.452); and,

(b) A dispositional order. A court hearing may be counted as a dispositional review hearing when the following conditions are met:

(A) The child has been in care at least nine months;

(B) An updated CF 147B is presented at the hearing or attached to the court report.

Statutory Authority: HB2004

**Stats. Implemented: PL96-272; Title IV-E, ORS 419A.090-.122;
419B.440-.476; 419C.623-.656**

PARENTS' RIGHTS (WHEN SOSCF DOES THE ADMINISTRATIVE REVIEW)

413-040-150 (1) All legal custodians and parents must be invited and encouraged to participate in the six-month review. Copies of the six-month review must be provided to:

(a) Legal custodial and non-custodial parents;

(b) Parents out-of-state;

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(c) Parents who have not had their parental rights terminated or have not signed a release and surrender agreement for adoption.

(2) Other individuals who will be invited to attend the six-month review are:

(a) Substitute care providers;

(b) Children, when it is determined that the child's attendance would be appropriate and the child wishes to attend;

(c) Attorneys and Court Appointed Special Advocates (CASA).

(3) Case records must contain documentation that written advance notice of the following changes were provided to parents:

(a) Changes in the child's placement;

(b) Changes in visitation.

(4) Parents shall be advised in writing that they have recourse through the following process should they not agree with changes in placement or visitation:

(a) A conference with branch staff; or

(b) An administrative hearing.

(5) The local SOSCF office shall provide information to the Local Citizens' Review Board and the juvenile court to assure that parents and other significant persons will be notified by the board or court of scheduled review hearings.

Statutory Authority: HB2004

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ADMINISTRATIVE REVIEW AND DISPOSITIONAL HEARING REQUIREMENTS FOR EXCEPTIONAL SITUATIONS

413-040-160 (1) Responsibility for CRB Reviews when more than one branch or state is involved with the case. Branches will meet the Administrative Review requirements for children in placements as follows:

(a) For substitute care placements inside and outside of Oregon, the branch having legal jurisdiction is responsible.

(A) Information about the child placed out-of-state will be requested for the review from the supervising state; and

(B) The Oregon social service worker will compile information for the review on family members residing in Oregon and receiving SOSCF services.

(b) For non-finalized adoptive placements on fully free children, the supervising branch is responsible.

(2) Review Requirements for Hospitalized Children and Children on Runaway. Administrative reviews must be held for the following children:

(a) Children returned to care from the State Hospital or Fairview.

(A) The review must be held within 30 days of a child's return to care if the review would have been due during the child's hospitalization, with the exception of;

(B) Children placed directly from the hospital into a nursing home, without a prior substitute care placement. Compliance with PL 96-272 is not required.

(b) Children on the run.

(A) The first scheduled review must be held when the child has been on runaway status less than six months;

(B) Additional reviews are not required if the child remains on the run.

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(3) Dispositional Hearing Requirements for Children Hospitalized, On the Run and in Adoptive Placements.

(a) Hearings must be held on schedule by the branch having legal jurisdiction for children in the following situations:

(A) Children on runaway status of less than six months;

(B) Children in the State Hospital;

(C) Children in official adoptive placements that have not been finalized when the first 18-month hearing has not been held. Placement can be considered as an adoptive placement when there is a letter of designation in the case record from Central Office Adoption Unit declaring the home as an adoptive home;

(D) Children in court-sanctioned permanent foster care placements when the first 18-month hearing has not been held. The permanency of the placement must be substantiated by a court order specifically naming the permanent foster parent.

(b) When an adoptive placement is disrupted, the two-year hearing must be held within 60 days of the disruption if the dispositional hearing was otherwise due during the placement, and;

(A) The child was not moved directly into another adoptive placement; and,

(B) The family decides they will not adopt but intend to keep the child, thereby changing the child's status from adoption to foster care; or,

(C) The finalization of the adoption is delayed beyond a reasonable time or postponed and there is a question about the permanency of the child's placement.

Statutory Authority: HB2004

Stats. Implemented: PL96-272; Title IV-E, ORS 419A.090-.122; 419B.440-.476; 419C.623-.656