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|   | <b>STATE OFFICE for SERVICES<br/>to CHILDREN and FAMILIES</b><br>CLIENT SERVICES MANUAL I<br>ISSUED BY: Management Operations<br>EFFECTIVE DATE: December 14, 1999 | NUMBER: I-B.3.2.1  |
|  |  | SECTION: B. Case Management                                      |
|  |  | SUBSECTION: 3. Service Planning<br>2. Placement Planning Reviews |
| <b>SUBJECT:</b> 1. Substitute Care Placement Reviews - Oregon Administrative Rules |  |  |

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Interpretation: Manager,  
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**REFERENCES:** Title IV-E  
 ORS 419B.440-476, 419C.623-656  
 ORS 419B.530, ORS 419A.200  
 Title IV-B  
 CF 400, "Case Record Survey"  
 PL 105-89 The Adoption and Safe Families Act  
 SB 408 (1999)  
 SOSCF Policy, I-E.3.6.1, Permanent Foster Care  
 SOSCF Policy, I-E.3.1, Placement Matching

## PURPOSE

**413-040-0100** 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 placed in substitute care. The required review process includes children on a Voluntary Custody Agreement or Voluntary Child Placement Agreement.

(2) These rules emphasize that child safety is the paramount concern guiding the review process for providing and maintaining services to children in SOSCF custody.

**Statutory Authority: ORS 418.005**

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

## DEFINITIONS

**413-040-0110 (1) "Date Child Entered Substitute Care":** is the earlier of the following: (1) The date court found the child within the jurisdiction of the court (under ORS 419B.100), or (2) 60 days from date of removal. SOSCF shall use the date of the child's actual substitute care placement for tracking Citizen Review Board (CRB)

reviews, court, or Permanency Hearings.

(2) **"Dispositional Hearing"**: The hearing where a child has been found to be within the court's jurisdiction, and made a ward of the court. The court may place the child in the legal custody (commitment to custody) of the State Office for Services to Children and Families for care, placement and supervision.

(3) **"Least Restrictive Substitute Care"**: The most family-like setting available.

(4) **"Local Citizen Review Board"**: A board of not less than three nor more than five members appointed by the Chief Justice of the Supreme Court of the State of Oregon 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).

(5) **"Permanency Hearing"**: The hearing that determines the permanency plan for the child. It is conducted by a juvenile court, another court of competent jurisdiction, or by an authorized tribal court.

(6) **"Release and Surrender Agreement"**: 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 parent's 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.

(7) **"Substitute Care"**: Refers to a child(ren) in the legal or physical 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, legal parent, or legal guardian.

(8) **"Termination of Parental Rights"**: 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: ORS 418.005**

**Stats. Implemented: Title IV; ORS 419A.090-.122; SB408; 419B.440-.476; 419C.623-.656**

**BRANCH SUBSTITUTE CARE COMMITTEE**

**413-040-0120 (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 substitute care, 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 citizen review board;

**(c)** Complete administrative reviews in addition to the review of the local citizen 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;

**(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 citizen review board as the agency deems appropriate. SOSCF will give written notification to the local citizen review 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.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: Title IV; ORS 419A.090-.122; 419B.440-.476;**

**419C.623-.656**

**ADMINISTRATIVE REVIEWS FOR TITLE IV AND ORS 419A.090 ET SEQ**

**413-040-0130 (1)** Administrative reviews will be held on:

(a) All children in the legal or physical custody of SOSCF and placed in paid or unpaid substitute care, including court sanctioned permanent foster care, or a non-finalized adoptive placement;

(b) All children placed in substitute care with a Voluntary Custody Agreement or Voluntary Child Placement Agreements.

**Note:** Exceptions to the administrative review requirements are children in:

(A) The State Hospital; or

(B) Joint Commission on Accreditation of Hospital Organizations (JCAHO) placements; 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

(b) The Branch Substitute Care Committee in the absence of a review by a local citizen review board when the parent(s) is invited, however, this will not relieve SOSCF of the requirements for CRB reviews in those counties where the local citizen review boards operate ; or

(c) A hearing, held no earlier than five months after placement when a Case Review Substitute Care Narrative (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); or

(d) A Permanency Hearing that includes the documentation requirements in section (3) below and 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; or

(e) Any hearing held prior to the date of the next administrative review due date in those counties where Branch Substitute Care Committees operate.

(3) Required documentation supporting the six month review will include:

(a) The Substitute Care Case Review Substitute Care Narrative (CF 147B) for narration of case information; and

(b) A signed recommendation of the findings of the citizen 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 permanency hearing was held in place of an administrative review.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: PL 105-89; Title IV, ORS 419A.090-.122; 419B.440-.476; 419C.623-.656**

## **PERMANENCY HEARINGS BY THE COURT**

**413-040-0140** A Permanency Hearing must be held no later than 12 months after a child enters substitute care, and thereafter, no less frequently than 12 months for as long as the child remains in substitute care. The Permanency Hearing will:

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

(2) Determine the permanency plan for the child that includes whether, and if applicable, when the child will:

(a) Be returned to the parent; or

(b) Be placed for adoption and SOSCF shall file a petition to terminate the parental rights of the parent(s) to a child in SOSCF custody; or

(c) Be referred to legal guardianship; or

(d) Be placed in another planned permanent living arrangement. This will be in cases where SOSCF has documented to the court a compelling reason for

determining that it would not be in the best interest of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian.

(3) Written evidence of a Permanency 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 written court order.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: Title IV; ORS 419A.090-.122; SB 408; 419B.440-.476; 419C.623-.656**

## **PERMANENCY HEARING REQUIREMENTS FOR CHILDREN IN PERMANENT FOSTER CARE**

**413-040-0145 (1)** Permanency hearings cease for children placed in court sanctioned permanent foster care. However, when the first Permanency Hearing has not been held, SOSCF shall request a permanency hearing to substantiate the permanency of the placement with a court order specifically naming the permanent foster parent; furthermore, SOSCF shall ask the court to address other requirements outlined in subsection (h) of SOSCF Policy I-E.3.6.1, Permanent Foster Care. If the child is removed from the court sanctioned permanent foster care placement, the court shall conduct a Permanency Hearing within three months after the date of the change in placement and thereafter not less frequently than every 12 months for as long as the child remains in substitute care. In addition, the CRB reviews shall continue to be held throughout a child's placement in court sanctioned permanent foster care.

(2) SOSCF will notify the court when a placement is disrupted and request the court schedule a hearing within 90 days.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: Title IV; ORS 419A.090-.122; SB 408; 419B.440-.476; 419C.623-.656**

## **PARENTS' RIGHTS (WHEN SOSCF DOES THE ADMINISTRATIVE REVIEW)**

**413-040-0150 (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;
- (c) Parents who have not had their parental rights terminated or have not signed a release and surrender agreement for adoption.
- (d) Indian tribes
- (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 correspondence information to the local citizen review board to assure that parents, substitute care provider(s), and other significant persons will be notified by the board of scheduled review hearings.
- (6) The local SOSCF office shall provide foster parent, preadoptive parent, or relative who is actively providing care for a child, notice of any court hearing concerning the child. The court shall give the caregiver(s) an opportunity to be heard. (1999 Oregon Laws, Chapter 859).

**Statutory Authority: ORS 418.005**

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

## ADMINISTRATIVE REVIEW AND PERMANENCY HEARING REQUIREMENTS FOR EXCEPTIONAL SITUATIONS

**413-040-0160 (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 through Interstate Compact on the Placement of Children (ICPC) for review from the supervising state; and

(B) The Oregon caseworker 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.

(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 Title IV is not required;

(b) Children placed in Joint Commission on Accreditation of Hospital Organizations (JCAHO).

(A) The CRB will conduct a review of a child in a JCAHO placement the first time the child is due for a review;

(B) Subsequent reviews will only be held at the request of a legal party (SOSCF, parents, attorneys, child, CASA) until the child leaves the JCAHO placement and is placed in another substitute care setting;

(c) When a child leaves a JCAHO placement and is placed in substitute care, an administrative review is due within 30 days.

(d) 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.

### **ADDITIONAL REQUIREMENTS FOR VOLUNTARY/CUSTODY AGREEMENTS**

**413-040-0170** Children in placement based on the signing of a Voluntary Custody Agreement or Voluntary Child Placement Agreement, and Title IV-E-FC eligible must, within 180 days of placement, have a judicial determination by court order to the effect that such placement is in the best interests of the child. A finding of reasonable efforts is not required. The judicial determination requirement may be met without a court hearing, e.g. letter to the court which results in a court order. However, if a court hearing does not occur, a CRB review must be held and Permanency Hearings must occur as scheduled.

**Statutory Authority: ORS 418.005**

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