

DIVISION 70

413-070-0060

Purpose

Both Oregon and federal statutes name relatives as the placement of preference for children. These rules describe how SCF will search for and work with the relatives of children in SCF custody who are in placement to develop relative placements and concurrent permanency plans for these children which consider relatives and certain persons with relationships to the child first before consideration of non-related, recruited resources. It is the consideration of relatives as the placement of choice that is mandated by federal law, not the actual placement with relatives that is required.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 419A.004(16), ORS 419B.192(1) - ORS 419B.192(2) & ORS 109.119(1) - ORS 109.119(7)

413-070-0063

Definitions

(1) **"Diligent Search"** means identifying, locating and contacting relatives regarding their interest in providing a placement for or adopting a child when the child is placed in substitute care and before the child is placed in a potential adoptive home or other permanent placement.

(2) **"Personal Relationship"** means a relationship with substantial continuity which is characterized through interaction, companionship, interplay and mutuality.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 419A.004(16), ORS 419B.192(1) - ORS 419B.192(2) & ORS 109.119(1) - ORS 109.119(7)

413-070-0066

Values

(1) Relatives are important to a child's sense of identity and belonging.

(2) Early identification of a permanent placement resource is in the best interest of the child.

(3) In planning for the placement of a child, SCF should focus on the best interest of the child and treat all persons with respect.

(4) SCF should consider relatives as both temporary and potential permanent resources for children who are unable to return to the homes from which they were removed.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 419A.004(16), ORS 419B.192(1) – ORS 419B.192(2) & ORS 109.119(1) – ORS 109.119(7)

413-070-0069

Identification of Relatives

When a child is placed in the custody of SCF, the SCF branch with responsibility for the child shall begin a diligent search for relatives in order to assist the agency and the family in the formulation of a concurrent permanency plan for the child within 60 days after the shelter hearing (ORS 419B.343(b)). SCF shall search for relatives as specified in sections (1)--(3) of this rule. Relationships described in the following sections are relatedness to the child(ren).

(1) Relatives of specified degree as follows:

(a) Any blood relative or half blood relative, including persons of preceding generations denoted by the prefixes of grand, great or great-great who is related to the child through the biological or adoptive mother or the legal or adoptive father of the child as defined by ORS 419.004(16);

(b) Aunts, uncles, adult first cousins and adult first cousins (once removed) who are related to the child through the biological or adoptive mother or the legal or adoptive father of the child as defined by ORS 419.004(16);

(c) Stepparent(s) or ex-step parents who have parented the child;

(d) Adoptive parents of the sibling of the child or persons who have been designated the adoptive resource for a sibling of the child, and the adult biological children of the adoptive or designated adoptive parents; and

(e) Persons who have been granted intervenor status under ORS 109.119 by the court having jurisdiction over the child.

(2) In the case of an Indian child who is subject to the requirements of the Indian Child Welfare Act, SCF staff shall follow procedures in accordance with SCF policy # I-E.2.1, Placement of Indian Children, (OAR 413-070-0100 through OAR 413-070-0100[26]).

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 419A.004(16), ORS 419B.192(1) – ORS 419B.192(2) & ORS 109.119(1) – ORS 109.119(7)

413-070-0072

Conducting the Diligent Search

(1) In conducting the diligent search for the above persons SCF shall as applicable:

(a) Question the child and the child's parents or guardians about the child's relatives and preferences about the relatives;

(b) Use Family Decision Meetings to ask participants to help identify other relatives of the child;

(c) Contact relatives and request names of other relatives, divulging only the information necessary to help identify additional relatives and assess their interest in accepting placement of the child; and

(d) Consult with:

(A) Persons in other agencies providing services to the child or the child's family;

(B) Other persons who know the child's family.

(2) SCF shall document the diligent search efforts using forms CF 447, "Relative Information" and CF 448, "Permanency Commitment/Waiver".

413-070-0081

Assessment of Suitability

(1) If more than one relative family requests consideration for permanent placement of the child(ren), SCF shall:

(a) Confer with the relative families for the purpose of assisting them within a reasonable timeline set by the branch to come to consensus regarding which relative family would be the most appropriate for placement of the child(ren);

(b) Provide the relatives with specific information on the methods and the criteria SCF will use to assess the suitability of a relative's home for the permanent placement of a child; and

(c) Determine which relative family or families are most appropriate for consideration if the relative families cannot themselves conclude which relative family is the best resource for the child. In making this decision, SCF shall consider which family has the closest existing personal relationship with the child [ORS 419B.192(2)(d)];

(d) Notwithstanding OAR 413-070-0072 or OAR 413-070-0081, SCF is not required to assess for suitability any more than three relative families unless directed to do so by a court order.

(2) As early as possible when appropriate in the case planning process, SCF shall assess the suitability of relatives as alternative permanent resources based on, but not limited to, the following factors:

(a) Their ability to provide for the safety of the child, including protection from all persons and situations which brought the child into care; and

(b) Their ability to commit to the child on a permanent basis; and

(c) Their willingness to cooperate with any restrictions placed on contact between the child and others; and

(d) Their willingness to prevent anyone from influencing the child in regard to the allegations of the case; and

(e) Their ability to support efforts of SCF to implement the permanent plan for the child; and

(f) Their ability to acknowledge and meet the child's individual special needs.

(3) Issues specific to relative placement which the child's branch shall consider during the above assessment include motivation to adopt, household residents, care giving standards, birth parents' interaction with the relative, family legacies, resources and ability to care for the child, ability and willingness of the relative to assist the child to develop or maintain a lasting relationship with his or her siblings, and concurrent permanency planning.

(4) If the SCF branch having responsibility for the child determines that, based on a review of OAR 413-070-0081(2)(a), the safety of the child may be jeopardized in the relative's home, SCF shall document these findings and need not consider the suitability assessment factors detailed in OAR 413-070-0081(2)(b)--(f).

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 419A.004(16), ORS 419B.192(1) – ORS 419B.192(2) & ORS 109.119(1) – ORS 109.119(7)

(1) The SCF branch with responsibility for the child is responsible for the decision that a relative is not a viable resource. At a minimum the child's worker, supervisor and branch manager shall participate in any decision not to place a child with a potential relative resource.

(2) In especially complex or challenging cases, branch staff may use established branch or regional structures that consider permanency issues, as well as the central adoption specialist assigned to the branch, to assist in assessing the issues to arrive at a decision that is in the best interest of the individual child.

(3) If SCF concludes as a result of the suitability assessment that the relative is not a viable resource, SCF shall inform the relative in writing of the specific reasons for not proceeding with the relative as a permanent resource for the child. This letter shall be signed by the branch manager of the branch responsible for the child, with courtesy copies provided to the Adoptions & Permanency Unit Manager and Regional Administration.

(4) When a relative who has an existing personal relationship with the child is not selected as the placement resource, the child's branch should encourage and may facilitate the development of a non-binding agreement for ongoing contact between this relative and the child if such an agreement is in the best interest of the child.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 419A.004(16), ORS 419B.192(1) – ORS 419B.192(2) & ORS 109.119(1) – ORS 109.119(7)

413-070-0093

Conclusion that Relative is a Potential Placement Resource

(1) If adoption is the concurrent permanent plan for the child and if, having considered the factors listed in OAR 413-070-0081(2), OAR 413-070-0084 and OAR 413-070-0087, SCF concludes that the relative is a suitable potential placement resource for the child, SCF shall proceed as follows:

(a) **Oregon Relatives.** The child's worker will document in writing in the case file, the date and options discussed with the Oregon relative family(s). The child's worker will direct the relative family(s) in writing by certified mail with a copy to the relative family(s) local branch adoption supervisor, to:

(A) Contact the relative(s) local SOSCF branch office and follow the branch's process to apply to adopt; or

(B) Obtain a current adoption home study through a licensed private adoption agency and have the private agency provide a copy of that study to the child's worker within 90 days of the date of the written notification of intent; and

(C) Provide written notification to the child's worker, within 14 days of being advised in writing by SOSCF of their options, of their intent to complete an adoption home study, and the name of the agency, public or private, that will be completing the study.

(b) **Relatives residing in a state other than Oregon.** Relative families residing in a state other than Oregon shall proceed as follows:

(A) The child's worker shall contact the Interstate Compact on the Placement of Children, Deputy Administrator, prior to discussing adoptive options with relative family(s) to assure compliance with adoptive statutes of other states and contractual adoptive issues;

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 419A.004(16), ORS 419B.192(1) – ORS 419B.192(2) & ORS 109.119(1) – ORS 109.119(7)

413-070-0096

Foster Care Providers as Temporary Resources

Foster care providers are valuable temporary resources for children. Foster parents often develop close mutual attachments with their foster children. Nonetheless, SCF shall consider potential relative resources alone and on their own merits before considering the foster provider as a permanent resource for the child, even if the physical placement of the child with a relative may need to be delayed.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 419A.004(16), ORS 419B.192(1) – ORS 419B.192(2) & ORS 109.119(1) – ORS 109.119(7)

413-070-0098

Intervenor Foster Parent Category

If a foster parent has been granted intervenor status under ORS 109.119 by the court having jurisdiction over the child, SCF shall consider the foster parent as a member of the category described in OAR 413-070-0069(3).

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 419A.004(16), ORS 419B.192(1) – ORS 419B.192(2) & ORS 109.119(1) – ORS 109.119(7)

child for adoption, and a current caretaker expresses interest in being a permanent placement resource for the child in his or her care, SOSCF shall determine whether a diligent search per OAR 413-070-0060 through 413-070-0075 has been completed.

(2) If the diligent search has been completed, and SOSCF determined per OAR 413-070-0060 through 413-070-0098 that there are no viable relative resources, and the current caretaker is not an intervenor, the following procedures shall apply:

(a) The child's worker will schedule a staffing with the designated branch committee following procedures established by the branch or regional administration. This branch committee shall consist of at least three persons: the branch manager or designee, a supervisor and one other branch staff person knowledgeable about permanency and adoptive planning;

(b) The child's worker will present information at the staffing regarding the child and the current caretaker. The foster home certifier will also present information about the current caretaker. Other individuals who have significant information may be invited to provide information;

(c) The designated branch committee will consider the request of the child's current caretaker to be designated the adoptive resource for the child in question. The committee will make only one of the following recommendations:

(A) An adoptive study of the current caretaker be completed or updated. The completed adoption home study will address any concerns identified in the staffing. Upon completion of the adoption home study, the branch will make one of the following recommendations, documenting this recommendation on the CF 251, "Current Caretaker Final Recommendation Report":

(i) The current caretaker will be designated as the adoptive placement of the child;

(ii) The current caretaker will be considered by a central adoption committee along with other studied non-related adoptive families;

(iii) The branch does not find that it is in the best interest of the child to be permanently adopted by the current caretaker, and cannot recommend the current caretaker as the adoptive resource for this child. The decision shall be documented in writing and shall be provided to the current caretaker in a timely fashion.

(B) The branch committee does not find that it is in the best interest of the child to be permanently adopted by the current caretaker and cannot recommend the current caretaker as the adoptive resource for this child. No study will be undertaken by SOSCF. The reasons for this decision shall be documented in writing by a designated member of the branch committee using the CF 251 and provided to any subsequent SOSCF adoption committee that may consider the current caretaker. The decision shall be documented in writing and provided to the current caretaker in a timely fashion.

(d) A current caretaker not approved as an adoptive resource by the branch committee may be presented to a central adoption committee under the following conditions:

(A) The branch will have the discretion to determine by whom and in what form information about the family will be presented to a central adoption committee, (e.g., the family's certifier may attend using the certification home study); or

(B) The current caretaker may obtain, at their own expense, an adoption home study by a state licensed adoption agency and be represented at committee by that agency. They must provide a letter to the child's worker confirming their intention to seek a private adoption study within 10 days of their written notification of the branch's decision. Their adoption home study must be