

	STATE OFFICE for SERVICES to CHILDREN and FAMILIES CLIENT SERVICES MANUAL I ISSUED BY: Program Operations EFFECTIVE DATE: April 29, 1999	NUMBER: I-E.1.1
		SECTION: E. Substitute Care
		SUBSECTION: 1. Placement Services
SUBJECT: 1. Working with Relatives Toward Permanency for Children		

Statutory Authority: ORS 418.005

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

DEFINITIONS

413-070-0063 (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. Because of the potentially limitless opportunities to identify relatives, the child's family has the primary responsibility to identify them, and the branch is responsible for determining when the diligent search is concluded.

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

(3) "First Cousin Once Removed" means the son or daughter of the child's first cousin.

Statutory Authority: ORS 418.005

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

VALUES

413-070-0066 (1) Each child's placement shall be the one that best meets their needs for safety, permanence, and well being.

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

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

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

(5) SOSCF should consider relatives as both temporary and potential permanent resources for children who are unable to live safely with a parent.

(6) Even though a relative may not be able to safely provide care for a child SOSCF should look for ways the relative can be safely and meaningfully involved in the child's life.

Statutory Authority: ORS 418.005

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

MULTI-STEP PROCESS

413-070-0068 Working with relatives is a multi-step process including:

- (1) Identifying the child's needs;
- (2) Searching for relatives;
- (3) Identifying the interest of relatives in providing care;
- (4) Helping families assess the most appropriate role of the relatives in the child's life based on the child's needs and best interests;
- (5) Assessing the suitability of those relatives who express interest in providing care for a child;

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(6) If adoption is the plan for the child, completing an adoption home study on those relatives who are suitable and interested;

(7) If adoption is the plan for the child, referring an appropriate relative(s) to an adoption committee which may or may not select the relative as the adoptive resource; and

(8) Determining what the permanent placement for the child will be.

Statutory Authority: ORS 418.005

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

IDENTIFICATION OF RELATIVES

413-070-0069 At the shelter hearing when a child is placed in the custody of SOSCF, and a diligent search for maternal and paternal relatives has not recently occurred, the SOSCF branch with responsibility for the child shall request the court to order the child's parents to identify relatives for the SOSCF branch. Subsequently, no later than 30 days after a child is placed in the custody of SOSCF, the SOSCF 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)). SOSCF 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 who had a legal relationship with the child at the time the child entered care, 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 419A.004(16);

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(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 419A.004(16);

(c) Stepparent(s) or ex-step parents who had a personal relationship with the child prior to the child entering foster care.

(2) 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

(3) Persons who have been granted intervenor status under ORS 109.119 by the court having jurisdiction over the child on the basis of a child-parent relationship under ORS 109.119.

(4) SOSCF may consider in the same category as a relative a caregiver who has provided care to the child for 15 of the previous 22 months, or if the child came into care at less than 12 months of age, has provided 12 months of consecutive care, if SOSCF determines it to be in the child's best interest per OAR 413-070-0068(1).

(5) SOSCF may consider the biological father of the child's half sibling in the same category as a relative, but is neither required to do so nor to search for him or his relatives.

(6) The rights of a "Stanley-type" putative father (Stanley vs. Illinois, U.S. Supreme Court) do not extend to his relatives. The relatives of a "Stanley-type" putative father are

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not considered relatives per sections (1) through (3) of this rule. The branch is not obligated to search for the relatives of a "Stanley-type" putative father unless he establishes paternity and becomes a legal father.

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

Statutory Authority: ORS 418.005

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

CONDUCTING THE DILIGENT SEARCH

413-070-0072 (1) In conducting the diligent search for the above persons SOSCF 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

(2) SOSCF shall document the diligent search efforts using forms CF 447, "Relative Information" and CF 448, "Permanency Commitment/Waiver", unless exempted by 413-070-0081(5).

(3) Unless superseded by court order, if a parent objects to SOSCF contacting relatives, the SOSCF branch manager of the child's branch shall make a determination

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as to whether relatives should be contacted. In making this determination, the branch manager shall consider, but not be limited to, the following factors:

- (a) Whether the safety of the child or the parent will be jeopardized if relatives are contacted;
- (b) Whether contacting relatives is in the best interest of the child; and
- (c) Whether contacting relatives will substantially limit SOSCF's ability to work with the parent.

(4) In any situation where the branch elects to contact relatives over the objections of the parent(s), SOSCF shall notify the parent(s) that the agency will contact the relative(s).

Statutory Authority: ORS 418.005

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

EXTENT AND TIMELINESS OF THE DILIGENT SEARCH

413-070-0075 (1) The extent of the diligent search shall be reasonable and prudent.

(2) SOSCF shall conduct and conclude the diligent search for relatives of known legal parents by 6 months after the shelter hearing. The branch is responsible for determining when the diligent search is concluded.

(3) SOSCF shall include in a written court report information on the progress and results of the diligent search, and what efforts were made to place the child with a relative per ORS 419B.191.(1).

(4) If another legal parent is identified during the diligent search or after the conclusion of the time frame established in OAR 413-070-0075(2), SOSCF may

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continue to search for relatives of the newly located legal parent beyond the time frame in OAR 413-070-0075(2) if SOSCF determines it is in the best interest of the child.

Statutory Authority: ORS 418.005

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

CONSIDERATION OF RELATIVES AS POTENTIAL PLACEMENT RESOURCES

413-070-0078 SOSCF shall consider relatives as described in OAR 413-070-0069(1)--(3) who have contacted SOSCF or whom SOSCF has identified, and who have demonstrated their interest in placement of a related child or children. Relatives must demonstrate interest in the placement by an appropriate written response within 30 days of the date of the request to SOSCF's inquiries and requests for information relevant to the potential placement. SOSCF may dismiss from consideration as a placement resource any relative who does not respond in writing within 30 days.

Statutory Authority: ORS 418.005

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

ASSESSMENT OF SUITABILITY

413-070-0081 (1) If more than one relative family as defined in 413-070-0069(1) requests consideration for permanent placement of the child(ren), SOSCF 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);

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(b) Provide the relatives with specific information on the methods and the criteria SOSCF 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, SOSCF shall include in its consideration which family has the closest existing personal relationship with the child;

(d) Notwithstanding OAR 413-070-0072 or OAR 413-070-0081, SOSCF is not required to assess for suitability any more than three relative families.

(2) As early as possible when appropriate in the case planning process, SOSCF 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, including but not limited to a criminal record check per OAR 413-120-0200 through 413-120-0470, and a family history including a domestic violence history and a child abuse history; 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 SOSCF to implement the permanent

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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 permanently care for a child, 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) SOSCF shall complete the diligent search and the assessment of suitability within 6 months of the date of the shelter hearing.

(5) If the SOSCF 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, SOSCF shall document these findings and need not consider the suitability assessment factors detailed in OAR 413-070-0081(2)(b)--(f). If SOSCF learns this information prior to sending the CF 448, "Permanency Commitment Waiver," SOSCF shall not send this form to the relative, and need not contact the relative.

(6) A relative who has served as a temporary placement for a child who came into care on an emergency basis will not necessarily be selected as the permanent placement for the child.

(7) To determine the suitability of a relative who resides outside the state of Oregon, the SOSCF branch shall request a foster home study through the Interstate Compact on Placement of Children.

(8) When placing a child with a relative SOSCF shall inform the relative of the availability of relative foster care and other financial resources to support the placement.

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Statutory Authority: ORS 418.005

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

ASSESSMENT ON OWN MERITS

413-070-0084 In the assessment of suitability described in OAR 413-070-0081(2)(a)--(f), SOSCF shall assess relatives on their own merits and never in comparison with any other unrelated potential adoptive family.

Statutory Authority: ORS 418.005

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

CONSIDERATION OF OTHER FACTORS

413-070-0087 (1) Other factors, such as family income, amount of prior contact of family member with the child, geographic location (including location outside of the United States) shall not preclude a finding of suitability. If SOSCF determines that the family is otherwise suitable according to factors in OAR 413-070-0081(2)(a)--(f), SOSCF shall engage the family so that SOSCF and the family can determine whether a potential permanent placement is appropriate. Pursuant to the Adoption and Safe Families Act of 1997 SOSCF shall not delay or deny child placement based on geographic location. SOSCF shall request the assistance of the designated consulate to determine the suitability of families residing outside the United States.

(2) If SOSCF concludes that an out-of-state or out-of-country relative family is appropriate for potential permanent placement of the child, SOSCF shall nonetheless not move the child until SOSCF has ceased providing reunification services to the child's family and the court has given approval for the move. If a child cannot be moved due to reunification services being provided to the child's family, the child's relationship with the potential placement resource may be furthered through face-to-face visits, telephone contact, or written correspondence.

Statutory Authority: ORS 418.005

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

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CONCLUSION THAT RELATIVE IS NOT A VIABLE RESOURCE

413-070-0090 (1) The SOSCF 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 office 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 SOSCF concludes as a result of the suitability assessment that the relative is not a viable resource, SOSCF 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.

Statutory Authority: ORS 418.005

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

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CONCLUSION THAT RELATIVE IS A POTENTIAL PLACEMENT RESOURCE

413-070-0093 (1) If SOSCF has begun a formal process to free the child for adoption (submitted a Legal Assistance Referral, or one parent has voluntarily relinquished) and if, having considered the factors listed in OAR 413-070-0081(2), OAR 413-070-0084 and OAR 413-070-0087, SOSCF concludes that the relative is a suitable potential placement resource for the child, SOSCF 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 at their own expense 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;

(B) The child's worker will document in writing, in the case file, the

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date and options discussed with the relative family(s). The child's worker will direct the relative family(s) in writing by certified mail to:

(i) Contact the relative's local state agency office and follow the agency's process to complete an adoption home study; or

(ii) Obtain at their own expense 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. Complete the home study and provide a copy to the child's worker within 90 days of the date of the written notification of intent; and

(iii) 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. In addition, within this same 14 day timeline, if the relative selects a private agency, the relative family must provide written verification from the licensed private agency that an adoption home study is in process.

(C) If the relative family chooses a public agency to complete their home study, the child's worker shall request an adoption home study through Interstate Compact on the Placement of Children within 30 days;

(c) **Relatives Residing Outside the United States.** If the relative(s) reside outside the United States in a location other than a U. S. Military Base, the worker shall contact the closest consular office(s) of the country in which the relative(s) reside.

(2) Notwithstanding any other rule, upon completion of relative family adoption home studies, SOSCF shall refer children who are being considered for placement with a relative family or families to the appropriate adoption committee as follows:

(a) If only one relative family who is not a current caretaker is being

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considered for a child or sibling group, the child(ren) will be referred to a branch adoption committee. At branch discretion, placement selection may be delegated to a central adoption committee;

(b) If a diligent search has occurred and there is a sole relative resource who is the current caretaker for the child or children, the current caretaker selection process shall be used.

(c) If more than one relative family is being considered for any child, the child will be referred to a central adoption committee;

(d) If a caregiver as defined in OAR 413-070-0069(3) or an intervenor is being considered along with a relative family for a child, the child will be referred to a central adoption committee.

(3) Notwithstanding OAR 413-070-0093(1), if during the process of doing the adoption study, SOSCF learns information which indicates that the child's safety or permanency would be jeopardized by placement with the relative, the SOSCF branch manager of the child's branch shall inform the relative in writing of their decision that the relative is not a viable resource per OAR 413-070-0090(1)--(3), with courtesy copies provided to the Permanency and Adoptions Unit Manager and Regional Administration. SOSCF shall not refer the relatives to an adoption committee for consideration.

(4) The local branch may consider additional relatives the branch determines may be appropriate adoptive resources; and

(5) If the branch can clearly document that they have performed a diligent search OAR 413-070-0072 through OAR 413-070-0075 it may refuse to consider relative families as defined in OAR 413-070-0069 who request consideration:

(a) After adoption committee has been set; or

(b) After a positive suitability assessment has occurred on another relative resource even if the home study on that family has not been completed.

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

FOSTER CARE PROVIDERS AS TEMPORARY RESOURCES

413-070-0096 Foster care providers are valuable temporary resources for children. Foster parents often develop close mutual attachments with their foster children. Nonetheless, SOSCF 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.

Statutory Authority: ORS 418.005

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

INTERVENOR FOSTER PARENT CATEGORY

413-070-0098 If a foster parent has been granted intervenor status under ORS 109.119 by the court having jurisdiction over the child, SOSCF shall consider the foster parent as a member of the category described in OAR 413-070-0069(3).

Statutory Authority: ORS 418.005

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