Policy Title:	Search for and Engagement of Relatives - OAR				
Policy Number:	I-E.1.1 413-070-0060 thru 0087			Effective Date:	6/03/14

Prior Version

Approved By: *on file* Date Approved:

Reference(s):

- Adoption and Safe Families Act of 1997, P.L. 105-89
- Child Welfare Policy I-A.4.5, Rights of Relatives, OAR 413-010-0300 through 0340
- Child Welfare Policy, I-AB.7, Assessment of Safety Service Providers, OAR 413-015-1200 through 1230
- Child Welfare Policy, I-E.2.2, Placement of Refugee Children, OAR 413-070-0100 through 413-070-0260
- Child Welfare Policy, I-E.3.6.2, Guardianship Assistance, OAR 413-070-0900 through 413-070-0979
- Child Welfare Policy I-E.2.1, Placement of Indian Children
- Indian Child Welfare Act, P.L. 95
- ORS 418.925 through 418.945
- ORS 419B.192
- ORS 109.119
- Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, Sec. 505
- PL 110-351, Fostering Connections to Success and Increasing Adoptions Act of 2008
- Refugee Act of 1980

Form(s) that apply:

- CF 264 Relative Letter to Substitute Caregiver, search for additional relatives
- CF 265 Relative Letter, Child is in Permanent Foster Care
- CF 266, Relative Letter, Child is Placed in Foster Care with a Relative
- CF 267, Relative Letter, Child in Foster Care – Generic Relative Letter
- CF 268, Relative Letter, Connection only, not placement option
- CF 268A, Support Preference Form
- CF 447, Relative Information (Department use only)
- CF 448, Relative Response Form
- CF 449, Relative Contact Information

Rules:

413-070-0060
Purpose

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The purpose of these rules, OAR 413-070-0060 to 413-070-0087, is to describe the Department's responsibility to search for and engage a *child* or young adult's relatives and persons with a *caregiver relationship*. The Department seeks to identify a *child* or young adult's relatives and persons with a *caregiver relationship* for one or more of the following purposes:

(1) To engage in managing the *child* or young adult's safety;

(2) To provide a *substitute care* resource;

(3) To provide a permanent placement resource;

(4) To develop and maintain family relationships and cultural connections with the *child* or *young adult* in *substitute care*; and

(5) To gather family information and family history to plan for meeting the *child* or young adult's needs.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 109.119, 418.005, 419A.004, 419B.192

413-070-0063
Definitions

The following definitions apply to OAR 413-070-0060 to 413-070-0093:

(1) "Caregiver relationship" means a relationship between a person and a *child* that meets the requirements of the following subsections:

(a) The relationship has existed for the 12 months immediately preceding the initiation of a dependency proceeding, at least six months during a dependency proceeding, or half of the child's life if the *child* is less than six months of age.

(b) The person had physical custody of the *child* or resided in the same household as the *child* and provided the *child* on a daily basis with the love, nurturing, and other necessities required to meet the child's psychological and physical needs.

(c) The *child* depended on the relationship to meet the child's needs.

(d) A "caregiver relationship" does not include a relationship between a *child* and a person who is the unrelated *foster parent* of the *child* unless the relationship continued for a period of at least twelve consecutive months.

(2) "Certificate of approval" means a document that the Department issues to approve the operation of a child-specific *relative caregiver* home, child-specific foster home, pre-adoptive home, or a regular foster home.

(3) "Child" means a person under 18 years of age.

(4) "Department" means the Department of Human Services, Child Welfare.

(5) "Designee" means a person who the designator directly and immediately supervises or a person with equal or greater management responsibility than the designator.

(6) "Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated *child* or *young adult* placed in the home by the Department.

(7) "Indian child" is any unmarried person under 18 years of age who is either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(8) "Parent" means the biological or adoptive mother or the legal father of the *child*. A legal father is a man who has adopted the *child* or whose paternity has been established or declared under ORS 109.070, ORS 416.400 to 416.465, or by a juvenile court. In cases involving an *Indian child* under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the *child* by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father.

(9) "Registered domestic partner" means an individual joined in a domestic partnership that has been registered by a county clerk in accordance with ORS 106.300 to 106.340.

(10) "Relative" means (each of the following individuals is a "relative"):

(a) An individual with one of the following relationships to the *child* or *young adult* through the *parent* of the *child* or *young adult* unless the relationship has been dissolved by adoption of the *child*, *young adult*, or *parent*:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A *sibling*, also to include an individual with a sibling relationship to the *child* or *young adult* through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

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(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the *child* or *young adult* must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the *child* or *young adult*:

(A) An individual defined as a relative by the law or custom of the tribe of the *child* or *young adult* if the *child* or *young adult* is an *Indian child* under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, "Placement of Refugee Children", OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the *child* or *young adult* had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The *registered domestic partner* of the *parent* of the *child* or *young adult* or a former *registered domestic partner* of the *parent* of the *child* or *young adult* if the *child* or *young adult* had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a *sibling* of the *child* or *young adult*.

(F) The unrelated legal or biological father or mother of a half-sibling of the *child* or *young adult* when the half-sibling of the *child* or *young adult* is living with the unrelated legal or biological father or mother.

(c) An individual identified by the *child* or *young adult* or the family of the *child* or *young adult*, or an individual who self-identifies, as being related to the *child* or *young adult* through the *parent* of the *child* or *young adult* by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the *child*, *young adult*, or *parent*.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) Not related to the *child*, *young adult*, or *parent* by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the *child* or *young adult* or by the family of the *child* or *young adult*; and

(ii) Who had an emotionally significant relationship with the *child* or *young adult* or the family of the *child* or *young adult* prior to the most recent episode of Department custody.

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(B) Who has a blood relationship to the *child* or *young adult* as described in paragraphs (a)(A) to (D) of this section through the birth parent of the *child* or *young adult*, but the prior legal relationship has been dissolved by adoption of the *child*, *young adult*, or *parent*.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a *parent* and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the *child* has been terminated by divorce or death.

(B) A *foster parent* may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The *foster parent* is currently caring for a *child*, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The *foster parent* has cared for the *child* for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the *foster parent* for consideration as a guardian.

(11) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related *child* or *young adult* placed in the home by the Department.

(12) "Relative search" means the efforts of the Department to identify, locate, and document the contact with a *child* or young adult's relatives.

(13) "Safety service provider" means a participant in a protective action plan, initial safety plan, or ongoing safety plan whose actions, assistance, or supervision help a family in managing a child's safety.

(14) "Sibling" means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the *registered domestic partner* of the legal or biological parent of the children or young adults.

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(15) "Substitute care" means the out-of-home placement of a *child* or *young adult* who is in the legal or physical custody and care of the Department.

(16) "Young adult" means a person aged 18 through 20 years who remains in the care and custody of the Department, and lives in *substitute care* or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 109.119, 418.005, 419A.004, 419B.192

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413-070-0066
Legal Obligations Regarding Placement Preference

(1) The Department must conduct a search for a *child* or young adult's relatives:

(a) To assess the relatives' availability as a placement resource;

(b) To make diligent efforts to place a *child* or *young adult* with a *relative* or person with a *caregiver relationship* as the *substitute care* placement resource;

(c) To place the *child* or *young adult* with siblings who are also in *substitute care*, unless placement of the siblings together is not in the best interest of either the *child* or *young adult* or the *child* or young adult's *sibling*; and

(d) When necessary to place a *child* or *young adult* with a *relative* or person with a *caregiver relationship* as a permanent placement resource.

(2) When a *child* or *young adult* must be placed in *substitute care* and the Department is unable to place the *child* or *young adult* with a *relative* at the time of initial placement, the Department must determine the *substitute care* placement in order of preference using the placement matching criteria set forth in Child Welfare Policy I-E.3.1, "Placement Matching" OAR 413-070-0600 to 413-070-0645.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 109.119, 418.005, 419A.004, 419B.192

413-070-0069
Responsibilities to Identify Relatives and Persons with a Caregiver Relationship

(1) The Department must begin the search for relatives or persons with a *caregiver relationship*:

(a) During a CPS assessment when the Department has determined that a *child* is unsafe and an individual other than the *parent* or guardian is required to manage a child's safety; or

(b) When a *parent* or guardian:

(A) Is requesting the voluntary placement of the *child*; or

(B) Is voluntarily giving custody of the *child* to the Department.

(2) The Department must communicate with the following individuals to identify the *child* or young adult's relatives or persons with a *caregiver relationship*:

(a) The *child* or young adult's parents or legal guardians;

(b) The *child* or *young adult*, whenever possible;

(c) When the *child* or *young adult* is a refugee, other individuals identified in Child Welfare Policy I-E.2.2, "Placement of Refugee Children" OAR 413-070-0300 to 413-070-0380; and

(d) When the *child* or *young adult* is an *Indian child*, the tribe, pursuant to Child Welfare Policy I-E-E.2.1, "Placement of Indian Children" OAR 413-070-0100 to 413-070-0260.

(3) The Department may use, but is not limited to using, the following resources to identify or locate a *child* or young adult's relatives or persons with a *caregiver relationship*:

(a) An individual identified as a *relative* by the *child* or *young adult* or the *child* or young adult's family;

(b) An individual thought or known by the Department to be a *relative* of the *child* or *young adult*;

(c) Oregon data information systems available to the Department;

(d) The internet;

(e) Collateral contacts; and

(f) Other community resources available to search for the identity and contact information of relatives or persons with a *caregiver relationship*.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 109.119, 418.005, 419A.004, 419B.192

413-070-0072
Contact with Relatives or Persons with a Caregiver Relationship

(1) Unless a child welfare program manager or *designee* approves not contacting or a court orders no contact with an identified individual because the contact may compromise a *child* or young adult's or another individual's safety, the Department must make diligent efforts to contact each individual identified under OAR 413-070-0069 as soon as reasonably possible and no later than 30 calendar days after a child's initial --

(a) Removal from the custody of a *parent* or guardian; or

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(b) Placement in *substitute care* through a voluntary placement agreement or voluntary custody agreement.

(2) During the contact required under section (1) of this rule, the Department must:

(a) Provide each grandparent and adult *relative* with notice in the individual's primary language that specifies:

(A) Whether the *child* or *young adult* has been removed from the custody of a *parent* or guardian to manage *child* safety or has been placed in *substitute care* through a voluntary placement agreement or voluntary custody agreement;

(B) Whether the *child* or *young adult* is currently residing with a *relative*;

(C) The opportunities and requirements associated with being assessed as a safe and appropriate *safety service provider*;

(D) The opportunities and requirements associated with being assessed to become a *relative caregiver*; and

(E) The rights of relatives set forth in Child Welfare Policy I-A.4.5, "Rights of Relatives" OAR 413-010-0300 to 413-010-0340, and the statutes governing intervention, limited participation, and post-adoption communication agreements.

(b) Request the names of other relatives not previously identified.

(3) The Department must document in the Department's information system:

(a) The approval not to contact an individual under section (1) of this rule;

(b) The name of each individual with whom the Department attempted or made contact;

(c) The individual's relationship to the *child* or *young adult*;

(d) The type of contact;

(e) Each individual's response to the notice required in subsection (2)(a) of this rule when a response is received; and

(f) The individual's contact information.

(4) The Department may make a decision to engage an individual as a *safety service provider* or may place a *child* in *substitute care* with a *relative* prior to contacting all known relatives.

(5) The Department must respond to inquiries from a *relative* in person or by telephone as soon as reasonably possible and no later than within 15 business days, if a contact telephone number has been provided or discovered, or, when a telephone number has

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not been provided, contact the individual by other means, including by mail or electronic mail if no other means of contact was identified by the *relative*.

(6) The caseworker may utilize any meeting or other contact with the family to identify and engage relatives for the purposes set forth in OAR 413-070-0060.

(7) Whenever the Department is provided the name of a *relative* or person with a *caregiver relationship* previously unknown to the Department through the diligent search efforts, the Department must:

(a) Document the name and contact information in the Department's information system;

(b) Attempt to contact the individual as soon as reasonably possible and no later than within 15 business days; and

(c) Provide notice as set forth in the requirements and limitations of sections (1) and (2) of this rule.

(8) When the Department is unable to locate contact information for an identified *relative* or person with a *caregiver relationship*, the Department must document the efforts to obtain contact information in the Department's information system.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 109.119, 418.005, 419A.004, 419B.192

413-070-0075
Assessment of a Relative or Person with a Caregiver Relationship for Involvement in Safety Management

(1) The Department must assess an individual identified as a *child* or young adult's *relative* or person with a *caregiver relationship* prior to engaging the individual to assist in safety management as a *safety service provider* under Child Welfare Policy I-AB.7, "Assessment of an Individual as a Safety Service Provider" OAR 413-015-1200 to OAR 413-015-1230.

(2) The Department must document each decision regarding the involvement of a *relative* or person with a *caregiver relationship* as a *safety service provider* in the Department's information system.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 109.119, 418.005, 419A.004, 419B.192

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413-070-0078
Consideration of a Relative or Person with a Caregiver Relationship as a Substitute Caregiver

Prior Version

(1) The Department is responsible for the selection of and placement with a substitute caregiver who best meets the safety, permanency, and well-being needs of the *child* or *young adult*.

(2) Whenever possible, the Department must seek the input of the *child* or *young adult* and the *child* or young adult's parents or guardians regarding their preferences of which relatives to assess for the purposes of placement.

(3) When a *relative* or person with a *caregiver relationship* has been identified for consideration as a substitute caregiver, the Department must consider:

(a) The individual's ability to provide safety for the *child* or *young adult*, including the individual's willingness to cooperate with restrictions on contact between the *child* or *young adult* and others and to prevent anyone from influencing the *child* or *young adult* on the allegations of the case;

(b) The individual's ability to meet the *child* or young adult's physical, emotional, and educational needs, including the need to continue in the same school or educational placement;

(c) The individual's ability to support the Department's implementation of the permanent plan;

(d) When more than one individual requests to have the *child* or *young adult* placed with them, which individual has the closest existing relationship with the *child* or *young adult*; and

(e) When a *child* or young adult's siblings are also in need of *substitute care* or continuation in *substitute care*, the individual's ability to provide *substitute care* for the *child* or young adult's siblings.

(4) The Department considers as a *substitute care* resource an individual described in OAR 413-070-0063(10)(a) - (c) prior to considering an individual described in OAR 413-070-0063(10)(d).

(5) The Department may use the expedited certification process under Child Welfare Policy II-B.1.1, "Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents" OAR 413-200-0270 to 413-200-0296 to place the *child* or *young adult* with a *relative* or person with a *caregiver relationship* prior to contacting all known relatives or persons with a *caregiver relationship*.

(6) To begin the assessment of a *relative* or person with a *caregiver relationship* for the purpose of placement, the Department must complete each of the following actions:

(a) Explain to the *relative* or person with a *caregiver relationship* the requirements of certification, the certification process, and the Department's responsibility to select a *substitute care* resource best able to meet the *child* or young adult's needs for safety, permanency and well-being.

(b) Search the Department's information system and review any historic information regarding the individual that may be useful in assessing the individual's ability to provide *substitute care*.

(c) When the *relative* or person with a *caregiver relationship* has an interest in providing *substitute care*, obtain from the individual a signed application for a *certificate of approval* and a signed consent for a fingerprint-based criminal offender records check of national crime information and complete the requirements of each of the following paragraphs:

(A) Conduct a review of the applicant's records in the Department's information system for any record of *child* abuse or neglect, and criminal history as required in OAR 413-200-0274(2)(i) and (j); and

(B) Assess the applicant's ability to meet the Department's certification standards as described in Child Welfare Policy II-B.1, "Certification Standards for Foster Parents, Relative Caregivers, and Pre-Adoptive Parents" OAR 413-200-0301 to 413-200-0396, unless, based on the analysis of the information gathered from the applicant's criminal history or *child* abuse and neglect history, the Department has made a decision to deny a *certificate of approval* based on the applicant's criminal history or *child* abuse or neglect history because --

(i) The applicant has committed a crime for which approval may not be granted as described in OAR 413-120-0450(4);

(ii) An exception, as described in OAR 413-120-0450(7), to the applicant's criminal history will not be granted; or

(iii) Based on the applicant's *child* abuse and neglect history, the Department has made the decision the applicant is not an appropriate placement resource for the *child* or *young adult*.

(7) Prior to preparing a notice of intent to deny a *certificate of approval* under OAR 413-200-0296, contact and inform the applicant of the Department's decision. After the applicant receives the Department's decision and the reasons for the decision --

(a) When the applicant elects to withdraw the application, the certifier must document in the Department's information system that the applicant has withdrawn and the reasons for the Department's decision not to continue with further assessment for the purposes of certification.

(b) When the applicant elects not to withdraw the application, the Department must issue a notice of intent to deny a *certificate of approval* under OAR 413-200-0296.

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(8) The Department must continue efforts to contact other individuals identified in the search efforts described in OAR 413-070-0004 for the purposes of assessment as a substitute caregiver when the initial efforts described in this rule did not result in the identification and certification of a *relative caregiver* for the *child* or *young adult*.

(9) When the Department is considering placement with an individual who lives in a state other than Oregon, Child Welfare Policy I-B.3.4.2, "Interstate Compact on the Placement of Children" OAR 413-040-0200 to 413-040-0330 applies.

(10) At each court hearing, the Department must report to the court the diligent efforts the Department has made to place a *child* or *young adult* with relatives and to place siblings together.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 109.119, 418.005, 419A.004, 419B.192

Prior Version

413-070-0081
Review of a Child or Young Adult's Substitute Care Placement

(1) As set forth in section (2) of this rule, the Department must review the diligent efforts to place a *child* or *young adult* with a *relative* or person with a *caregiver relationship* and determine:

(a) Whether the *child* or *young adult* and his or her siblings, if the siblings are also in *substitute care*, have been placed with a *relative* or person with a *caregiver relationship*;

(b) If placement has not occurred already, the current efforts to identify a *relative* or person with a *caregiver relationship* able and willing to provide *substitute care*; and

(c) The additional contact with and assessment of identified relatives necessary to achieve placement with a *relative*.

(2) The Department must review the efforts to place a *child* or *young adult* with a *relative* or person with a *caregiver relationship*:

(a) No more than 30 calendar days from the date of the *child* or young adult's initial placement in *substitute care*;

(b) When the *child* or young adult's family, through a family meeting, has recommended *substitute care*, permanency, or concurrent permanency *relative* resources other than the current substitute caregiver and those *relative* resources have not yet been assessed;

(c) When it appears that a *child* or *young adult* likely is to experience or experiences a change in substitute caregiver;

(d) When the *child* or young adult's substitute caregiver does not meet the *child* or young adult's needs for safety, permanency, and well-being;

(e) During every regular case review described in Child Welfare Policy I-B.3.1, "Developing and Managing the Case Plan" OAR 413-040-0000 to 413-040-0032; and

(f) No more than 30 calendar days prior to a court or administrative review hearing.

(3) When a *child* or *young adult* is placed with a *relative* or person with a *caregiver relationship*, The Department reviews whether the substitute caregiver is able to best meet the *child* or young adult's needs for safety and well-being as described in Child Welfare Policy I-E.3.1, "Placement Matching" OAR 413-070-0613 to 413-070-0640.

(4) The caseworker must document in the Department's information system:

(a) The date of the review required under section (1) of this rule;

(b) The names of each individual who participated in the review:

(c) Whether and how a *child* or young adult's placement with a *relative* or person with a *caregiver relationship* has been met and whether siblings have been placed together;

(d) Recommended actions; and

(e) Any additional actions the Department will take to place a *child* or *young adult*, and his or her siblings, if the siblings are also in *substitute care*, with a *relative* or person with a *caregiver relationship* in a placement resource that meets the child's needs for safety, permanency, and well-being.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 109.119, 418.005, 419A.004, 419B.192

413-070-0087
Opportunity for Ongoing Connection and Support

(1) The caseworker must assess a relative's interest and appropriateness in maintaining family relationships and cultural connections with a *child* or *young adult* when the *relative* is not a placement resource, based on the relative's ability to:

(a) Meet the safety, permanency, and well-being needs of the *child* or *young adult*; and

(b) Provide appropriate ongoing support.

(2) When a *relative* or person with a *caregiver relationship* meets the criteria described in section (1) of this rule, the caseworker must provide the *child* or young adult's *relative*, including a *relative* who resides outside the state of Oregon, with ongoing opportunities to develop and maintain family relationships and cultural connections with the *child* or *young adult* that support the *child* or young adult's safety and well-being while the *child* or *young adult* remains in *substitute care*.

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(3) The parameters of a relative's contact with and support of the *child* are documented in the Department's information system.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 109.119, 418.005, 419A.004, 419B.192

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Procedure(s) that apply:

- Child Welfare Procedure Manual, Chapter 2
- Child Welfare Procedure Manual, Chapter 4
- Child Welfare Procedure Manual, Chapter 7

Contact(s):

- **Name:** Kathy Prouty; **Phone:** 503-947-5358

Policy History

- 10/30/98 thru 04/28/99 *(not available electronically)*
- 04/29/99
- 01/24/01 thru 07/22/01
- 07/01/01
- 07/01/10
- 10/01/10
- 6/30/11 thru 12/27/11
- 12/28/11