

Policy Title:	Placement of Refugee Children – OAR		
Policy Number:	I-E.2.2 413-070-0300 thru 0380	Effective Date:	12/29/95

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

History

Reference(s):

- None.

Form(s) that apply:

- None.

Rules:

PURPOSE

413-070-0300 These rules prescribe conditions which must be met for the State Office for Services to Children and Families to remove a refugee child from home and sets criteria for the establishment of a Refugee Child Welfare Advisory Committee.

Statutory Authority: ORS 418.005

Stats. Implemented: Ch. 358, Oregon Laws 1985

DEFINITIONS

413-070-0310 (1) "Affected family members" means natural and legal parents, extended family members, and any person within the fifth degree of consanguinity to the child.

(2) "Agency" means the State Office for Services to Children and Families (SOSCF).

(3) "Child's Home" means the home from which the child is removed under the provisions of ORS 419B.150.

(4) "Extended family" means a "family member ordinarily recognized as a parent by the custom of the refugee child's culture. In the absence of such custom, "extended family" means a person 18 years of age or older who is the refugee child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin or stepparent.

(5) "Fear of persecution" means an apprehension or awareness, based on external objective facts, that the person will suffer persecution upon return to the person's country.

(6) "Parent" means the natural or legal parent of the child. "Parent" does not include unwed fathers where paternity has not been established or acknowledged.

(7) "Persecution" means that harm or suffering will be inflicted upon the person in order to punish the person for possessing a particular belief or characteristic. "Persecution" does not include that harm and suffering that is inflicted on persons generally by reason of civil or military strife in a country.

(8) "RCWAC" means the Refugee Child Welfare Advisory Committee.

(9) "Refugee child" is a person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular group or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, or membership in a particular group or political opinion. A "refugee child" includes a child who has been admitted to the United States as a refugee under the provisions of the Refugee Act of 1980 or the child of a parent who has been admitted to the United States as a refugee under the provisions of the Refugee Act of 1980.

(10) "Refugee Community Resources" is any group, association, partnership, corporation, or legal entity whose purpose is to represent the interests of a particular group or groups of refugees who have the same ethnic or minority heritage.

Statutory Authority: ORS 418.005

Stats. Implemented: Ch. 358, Oregon Laws 1985

PLACEMENT OF REFUGEE CHILDREN

413-070-0320 (1) When it appears to the agency that a child who may be taken into custody under ORS 419B.150 is a refugee child, the agency will make oral inquiry of the child or the parent concerning national origin and ethnic and cultural information relative to the child's status as a refugee child. For purposes of determining the child's status as a refugee child, the agency may consider: information from extended family members, refugee community resources, the RCWAC, federal immigration and refugee agencies and agency records.

(2) The agency shall not remove a refugee child pursuant to 419B.150 unless:

(a) Removal is necessary to prevent imminent serious emotional or physical harm to the child, and

(b) Reasonable efforts to alleviate the harm by provision of remedial or preventive services have failed or are not practical in an emergency situation.

(3) When the agency has taken a refugee child into custody under 419B.150, the agency will make diligent efforts to locate the child's affected family members for the purpose of placing the child according to order of preference whenever possible.

(4) When making any placement decision involving a refugee child under ORS 419B.150, the State Office for Services to Children and Families and the juvenile court shall consider the child's culture and tradition. Unless shown to be inappropriate and inconsistent with the best interests of the child, the agency and juvenile court shall place the child with the following in order of preference:

(a) Biological parents;

(b) Extended family members;

(c) Persons with knowledge and appreciation of the cultural heritage of the child.

(5) A determination not to follow the order of placement preference shall be based on grounds that such placement is inappropriate and inconsistent with the best interests of the child for one or more of the following reasons:

(a) Informed request of either of the biological parents, consistent with the stability, security and individual needs of the refugee child;

(b) The extreme medical, physical or psychological needs of the child.

Statutory Authority: ORS 418.005

Stats. Implemented: Ch. 358, Oregon Laws 1985

NOTICE

413-070-0330 (1) In addition to court notice of a hearing, as is provided in 419B.175(4), the agency will notify all affected family members and the Refugee Child Welfare Committee of the pendency of the petition.

(a) The notice will be written in language understandable to the recipient;

(b) The notice will contain the child's name; complaint or reason a petition was filed; time, place and purpose of the hearing.

PETITION

413-070-0340 (1) Within one working day of the removal of a refugee child, the State Office for Services to Children and Families must file a petition with the juvenile court.

(2) The agency must include in its petition in addition to the material required under ORS 419B.242 the following:

(a) Specific and detailed account of the circumstances which led the agency to conclude that the child was in imminent danger of serious emotional or physical harm;

(b) Specific actions the agency is taking or has taken to alleviate the need for removal;

(c) Assurance that the agency has complied with placement preferences;

(d) Assurance that the agency is making or has made diligent efforts to locate and give notice to all affected family members and to the Refugee Child Welfare Advisory Committee of the pendency of the petition.

Statutory Authority: ORS 418.005

Stats. Implemented: Ch. 358, Oregon Laws 1985

JUDICIAL DETERMINATION

413-070-0350 No refugee child shall remain out of the child's home for longer than five days unless there has been a judicial determination supported by clear and convincing evidence that:

(1) Preventative or remedial services provided by the State Office for Services to Children and Families have failed to alleviate the need for removal; and

(2) Return to the home will likely result in psychological or physical damage to the child.

Statutory Authority: ORS 418.005

Stats. Implemented: Ch. 358, Oregon Laws 1985

RECORD OF CARE

413-070-0360 (1) The State Office for Services to Children and Families shall maintain a case record for each refugee child in its care containing:

(a) The name, age, former residence, legal status, health records, sex, race and accumulated length of time in foster care;

(b) The name, former residence and health history of each parent and other information relating to the parent's ability to care for the child in the parent's home;

(c) The date of the child's intake and placement in substitute care or adoption and the name, race, occupation and residence of the person with whom the child is placed;

(d) The date of the removal of any child to another home and the reason for removal;

(e) The date of termination of guardianship;

(f) The history of each child until the child reaches 18 years of age, is legally adopted or is discharged according to law;

(g) Documentation of the agency's reasonable efforts to reunite the child with family, compliance with placement order of preference, placement in the least restrictive setting possible and placement close to the child's own home; and

(h) Documentation of the child's status as a refugee child which will include the date and source of information concerning the child's refugee status;

(i) Any required demographic information.

(2) All information contained in the child's case record is confidential.

Statutory Authority: ORS 418.005

Stats. Implemented: Ch. 358, Oregon Laws 1985

ANNUAL REPORT OF CARE

413-070-0370 (1) The State Office for Services to Children and Families shall publish annually a report on refugee children in its care. The report shall include, by county and statewide, information on legal status, living arrangement, age, sex, race, accumulated length of time in foster care and other demographic information deemed appropriate. The report shall also state the extent to which the agency has complied with this Act and shall include descriptions of the methods of compliance.

(2) The annual report shall be sent to all members of the RCWAC no later than 60 days past the end of the calendar year.

Statutory Authority: ORS 418.005

Stats. Implemented: Ch. 358, Oregon Laws 1985

REFUGEE CHILD WELFARE ADVISORY COMMITTEE

413-070-0380 In cooperation with refugee communities, the agency shall establish an advisory committee known as the Refugee Child Welfare Advisory Committee (RCWAC).

(1) **Purpose.** The committee will assist and advise the agency in:

(a) Participation in and review of the agency's implementation of Chapter 358, Oregon Laws 1985;

(b) Identification, development and certification of foster family homes that meet requirements for placement of refugee children with an emphasis on locating refugee homes;

(c) Developing training programs for agency employees to insure the availability of culturally sensitive social work.

(2) **Confidentiality.** Each person appointed to the committee shall be subject to all confidentiality requirements and penalties as if they were an employee of the agency.

(3) Records Access. In addition to access to records of the juvenile court, members of the committee shall have access to agency records which are pertinent to the care of an individual refugee child who is receiving care from the agency under the provisions of this rule.

(4) Cooperative Working Agreement. The agency shall work jointly with the committee in the development and implementation of written operating agreements at the regional level which will specify all local procedures, duties and tasks necessary for the committee to fulfill its purpose described above.

(5) Appointments. A maximum of 14 members will be appointed for a one-year term and will serve at the pleasure of the deputy administrator of SOSCF.

(6) Scheduled Meetings. The full advisory committee shall meet at least once every three months. Special meetings may be held in order to carry out the required tasks of the committee.

(7) Compensation. Members of the advisory committee shall receive no compensation for their services. Members of the advisory committee other than members in full-time public service may be reimbursed by the State Office for Services to Children and Families for their travel and necessary expenses incurred in the performance of their duties according to rates and procedures established by state management service cost reimbursement policy.

Statutory Authority: ORS 418.005

Stats. Implemented: Ch. 358, Oregon Laws 1985

Contact(s):

- **Name:** CAF Reception; **Phone:** 503-945-5600

Policy History

- This is the only history