

<b>Policy Title:</b>	Placement Matching – OAR		
<b>Policy Number:</b>	I-E.3.1 413-070-0600 thru 0645		<b>Effective Date:</b> 12-29-2009

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

History

### Reference(s):

- ORS 419.116 Intervention: caregiver relationship; rights of limited participation
- ORS 419B.192 Placement of child; preference given to relatives and certain other persons
- ORS 419B.349 Court Authority to Review Placement
- PL 105-89, Adoption and Safe Families Act
- PL 95-608, Indian Child Welfare Act of 1978
- PL 104-193 Personal Responsibility and Work Opportunity Reconciliation Act
- PL 105-89 Adoption and Safe Families Act
- I-A.4.1 Rights of Children
- I-A.4.5 Rights of Relatives
- I-A.4.6 Rights of Persons Who Have a Child-Parent Relationship
- I-AB.4 Assessment
- I-B.5 Placement Procedures for AIDS and HIV-Infected Clients
- I-B.5.1 HIV Testing of Children in Child Welfare Custody and HIV Confidentiality
- I-E.2 Multiethnic Placements
- I-E.2.1 Placement of Indian Children
- I-E.2.2 Placement of Refugee Children
- I-E.5.1 Maintenance and Treatment Payments
- I-E.5.1.2 Personal Care Services

### Form(s) that apply:

- CF 803 – CANS Results (Ages 0 to 5)
- CF 804 – CANS Results (Ages 6 to 20)
- CF 172 PCSP Personal Care Services Plan

### Rules:

**413-070-0600**

**Purpose**

The purpose of these rules, OAR 413-070-0600 to 413-070-0645, is:

- (1) To describe the requirements for assessing the *child* or young adult's needs when the Department places the *child* or *young adult* in *substitute care* to assure the child's safety;
- (2) To identify the most appropriate available *substitute care provider* who can meet the *child* or young adult's needs; and
- (3) To describe the requirements for assessing the *substitute care* placement's ability to meet the *child* or young adult's need for safety, permanency, and well-being.

**Stat. Auth.: ORS 418.005**

**Stats. Implemented: ORS 418.005, 419B.192**

#### **413-070-0620**

##### **Definitions**

The following definitions apply to OAR 413-070-0600 to 413-070-0645:

- (1) "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of integrating information on a *child* or young adult's needs and strengths for the purposes of case planning, service planning, and determining the supervision needs of the *child* or *young adult*. The Department uses two versions of the CANS Comprehensive Screening Tool, one version for an individual birth through five years old and another version for an individual six through twenty years old.
- (2) "Caregiver relationship" means a relationship between a person and a *child*---that has existed for the 12 months immediately preceding the initiation of a dependency proceeding, for at least six months during a dependency proceeding, or for half of the child's life if the *child* is less than six months of age---and the person had physical custody of the *child* or resided in the same household as the *child*; the person provided the *child* on a daily basis with the love, nurturing and other necessities required to meet the child's psychological and physical needs; and the *child* depended on the relationship to meet the child's needs. "Caregiver relationship" does not include a relationship between a *child* and a person who is an unrelated *foster parent* of the *child* unless the relationship continued for a period of at least twelve consecutive months.
- (3) "Child" means a person under 18 years of age.
- (4) "Department" means the Department of Human Services, Child Welfare.
- (5) "Face-to-face" means an in-person interaction between individuals.
- (6) "Foster parent" means a person 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) "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.

- (8) "Provider" means a person approved by a licensed private child-caring agency to provide care for a *child* or *young adult*, or an employee of a licensed private child-caring agency approved to provide care for a *child* or *young adult*.
- (9) "Relative Caregiver" means a person who operates a home that has been approved by the Department to provide care for a related *child* or *young adult* who is placed in the home by the Department.
- (10) "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 children's or young adults' legal or biological parents; or
  - (c) Through a legal or biological *parent* who is the registered domestic partner of the *child* or young adult's legal or biological *parent*.
- (11) "Substitute care" means an out-of-home placement of a *child* or *young adult* who is in the legal or physical custody and care of the Department.
- (12) "Substitute caregiver" means a *relative caregiver*, *foster parent*, or *provider* who is authorized to provide care to a *child* or *young adult* who is in the legal or physical custody of the Department.
- (13) "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 418.005, 419A.004, 419B.192**

#### **413-070-0625**

### **Identifying and Assessing the Child or Young Adult's Needs when Placement in Substitute Care is Required**

- (1) To select a *substitute care* placement that will meet a *child* or young adult's safety, permanency, and well-being needs, the caseworker must:
- (a) Involve the *child* or young adult's *parent* or legal guardian in identifying *substitute care* placement resources whenever possible.
  - (b) Assess the ability of each potential *substitute caregiver* to provide safety for the *child* or *young adult*.
  - (c) Assess the potential *substitute care* placements in the order of preference under OAR 413-070-0220 and 413-070-0320, when the *child* or *young adult* is an Indian or refugee *child*.

- (d) Except as provided in subsection (c) of this section, assess the potential *substitute care* placements in the following order of preference:
- (A) A relative of the *child* or *young adult* who can be certified by the Department;
  - (B) A person who has a *caregiver relationship* with the *child* or *young adult* and can be certified by the Department;
  - (C) An unrelated person to whom the *child* or *young adult* has significant attachment or who has significant attachment to the *child* or *young adult*, and can be certified by the Department; or
  - (D) A *foster parent* who is certified by the Department, or a *provider* who is certified through a licensed child-caring agency.
- (e) Consider the use of a family meeting to seek the family's placement preferences if more than one person requests to have the *child* placed with them; and
- (f) Consider whether the potential *substitute care* placement --
- (A) Has the ability to provide safety for the *child* or *young adult* and the siblings when consideration is being given to placing siblings together;
  - (B) Is willing to cooperate with any restrictions placed on contact between the *child* or *young adult*, and others;
  - (C) Has the ability to prevent anyone from influencing the *child* or *young adult* in regard to the allegations of the case;
  - (D) Has the ability to support the efforts of the Department to implement the permanent plan for the *child* or *young adult*, and
  - (E) Has the ability to meet the *child* or young adult's physical, emotional, and educational needs, including the *child* or young adult's need to continue in the same school or educational placement.
- (g) Ensure that the *substitute care* placement is the most home-like, least restrictive available to meet the *child* or young adult's needs.
- (h) Assure that the race, color, or national origin of the *child*, *young adult*, or *substitute care* placement is not a consideration when assessing a *substitute care* placement.
- (2) When a *child* or *young adult* is placed in *substitute care* and has a *sibling* who is currently in or also needs *substitute care*, the caseworker must make diligent efforts to place siblings together unless placing the siblings together is not in the best interests of the *child* or *young adult* or the *child* or young adult's *sibling* and, if the *child* or *young adult* is under the jurisdiction of the juvenile court, the juvenile court makes such a finding.

- (3) Within 30 days of the *child* or young adult's placement in a *substitute care* setting, the caseworker must reconsider whether the *substitute caregiver* is able to meet the considerations in subsection (1)(f) of this rule and assess whether the *substitute caregiver* meets the following placement preferences:
- (a) Is in close proximity to the *child* or young adult's parents or legal guardians;
  - (b) Is in close proximity to the *child* or young adult's community;
  - (c) Can keep siblings together; and
  - (d) Can support the *child* or young adult's culture and family identity.
- (4) When the caseworker determines the *substitute care* placement does not meet one or more of the placement considerations in subsection (1)(f) or section (3) of this rule, the caseworker must determine whether remaining in the *substitute care* placement is in the best interests of the *child* or *young adult*.
- (a) If the caseworker determines that remaining in the current *substitute care* placement is in the best interests of the *child* or *young adult*, the *child* or *young adult* should remain in the placement.
  - (b) If the caseworker determines that remaining in the current *substitute care* placement is not in the best interests of the *child* or *young adult*, the caseworker must work with Department staff to secure another *substitute care* placement for the *child* or *young adult*.
- (5) The caseworker must document the section (4) determination in the Department's information system and explain the basis for the determination as it relates to the best interests of the *child* or *young adult*.

**Stat. Auth.: ORS 418.005**

**Stats. Implemented: ORS 418.005, 419B.192**

#### **413-070-0630**

#### **Monitoring the Ongoing Substitute Care Placement Needs of the Child or Young Adult**

- (1) The caseworker must monitor the *substitute care* placement of the *child* or *young adult* and determine whether the *foster parent*, *relative caregiver*, or *provider*.
- (a) Meets the placement considerations of OAR 413-070-0625; and
  - (b) Manages the *child* or young adult's supervision needs as identified in the *CANS screening* and other current assessments or evaluations of the *child* or *young adult*.
- (2) The caseworker must assess the ongoing and permanency needs of the *child* or *young adult*.
- (a) For physical and emotional safety;
  - (b) To preserve existing attachments to family;

- (c) For continuity and familiarity;
  - (d) For appropriate educational, developmental, emotional, and physical support;
  - (e) For stability; and
  - (f) For maintaining his or her identity and cultural and religious heritage.
- (3) During the required *face-to-face* contacts with the *child* or *young adult*, the caseworker must:
- (a) Confirm that the *substitute caregiver* can maintain the safety and well-being of the *child* or *young adult*, as described in Child Welfare Policy I-B.1, "Monitoring Child Safety", OAR 413-080-0059(2)(a)(F)(i)-(xii) when the *child* or *young adult* is with a *relative caregiver* or foster home or OAR 413-080-0059(3)(b)(D)(i)-(xi) when the *child* or *young adult* is with a *provider*;
  - (b) Develop and maintain a good working relationship with the *child* or *young adult*;
  - (c) Observe the *child* or *young adult* in an age-appropriate and comfortable setting;
  - (d) Gather updated information on the *child* or young adult's physical and mental health as well as educational, behavioral, and developmental progress;
  - (e) Share updated information about the case plan or the *child* or *young adult* with the *child* or young adult's certified family or *provider* and as permitted by state or federal law; and
  - (f) Document the date, time, location, observations, and updated information in the Department's information system.

**Stat. Auth.: ORS 418.005**

**Stats. Implemented: ORS 418.005, 419B.192**

#### **413-070-0640**

##### **Review of the Substitute Care Placement During Case Plan Review**

- (1) When the *child* or *young adult* is in *substitute care* at the time of each 90 day case plan review, the caseworker must include in the review written documentation of the extent to which the *child* or young adult's *substitute care* placement meets the *child* or young adult's ongoing need for safety, permanency, and well-being.
- (a) To determine the extent to which the placement meets the *child* or young adult's needs for physical and emotional safety, the caseworker must determine whether the following conditions exist in the home.
    - (A) The *substitute caregiver* has the skill level or willingness to acquire the skills necessary to meet the physical, emotional and supervisory needs for each *child* or *young adult* in the placement;

- (B) The *substitute caregiver* has the skill level to care for the age, number, and gender of the children or young adults currently in the placement;
  - (C) The behavioral characteristics of children or young adults currently in the placement are such that the *substitute caregiver* protects the *child* or *young adult* from further victimization and from harming self or others;
  - (D) The *substitute caregiver* has the ability to protect the *child* or *young adult* from inappropriate contact with those who may harm the *child* or *young adult*, and
  - (E) The physical layout of the home permits the *substitute caregiver* to safely supervise the children or young adults in the home.
- (b) To determine the extent to which the placement meets the need of the *child* or *young adult* to preserve existing attachment to his or her family, the caseworker must consider whether:
- (A) The *child* or young adult's family has expressed a preference in placement;
  - (B) The *child* or *young adult* has requested a particular placement;
  - (C) The *relative caregiver*, *foster parent*, or *provider* has demonstrated the ability --
    - (i) To support the attachment of the *child* or *young adult* through visitation and other types of contact with the *child* or young adult's family;
    - (ii) To accommodate the placement of the *child* or young adult's siblings in the substitute caregiver's home;
    - (iii) To accommodate regular contact between the *child* or *young adult* and his or her siblings when the *child* or *young adult* is not placed with his or her siblings and regular contact is in the best interests of the *child* or *young adult*; and
    - (iv) To provide mutual care when both the *child* and *parent* require placement. As used in this rule, "mutual care" means the out-of-home placement of a *parent* and *child* together where one or both are in the legal custody of the Department.
- (c) To determine the extent that the placement meets the need of the *child* or *young adult* for continuity and familiarity, the caseworker must consider:
- (A) The extent of the *child* or young adult's pre-existing relationship with the *relative caregiver*, *foster parent*, or *provider*;
  - (B) The proximity of the placement to the *child* or young adult's neighborhood, school or educational placement, and *parent* or legal guardian; and

- (C) Whether the *relative caregiver, foster parent, or provider* can provide a permanent home or facilitate transition to a permanent home for the *child or young adult*.
- (d) To determine the extent that a particular placement meets the need of the *child or young adult* for appropriate educational, developmental, emotional, and physical support, the caseworker must consider:
  - (A) Whether the *relative caregiver, foster parent, or provider* demonstrates competency in meeting the *child or young adult's* specific and unique needs or is acquiring the skills necessary to meet the *child or young adult's* specific and unique needs;
  - (B) Whether the ability of the *relative caregiver, foster parent, or provider* to meet the *child or young adult's* specific and unique needs is influenced by the number and type of children in the placement; and
  - (C) Whether the *relative caregiver, foster parent, or provider* is willing and able to assist with, participate in, and act as an advocate for the *child or young adult* in his or her education and treatment plan.
- (e) To determine the extent to which the placement meets the need of the *child or young adult* for stability, the caseworker must consider:
  - (A) Whether the *relative caregiver, foster parent, or provider* has expressed a desire to provide permanency for a particular *child or young adult*;
  - (B) Whether the ability of the *relative caregiver, foster parent, or provider* to provide support and to nurture the *child or young adult* is influenced by the number of children or young adults in placement;
  - (C) Whether the capacity of the *relative caregiver, foster parent, or provider* to recognize the *child or young adult's* needs and build on the *child or young adult's* strengths is sufficient to meet the long-term placement needs of the *child or young adult*.
- (f) To determine whether the placement can support the *child or young adult's* identity, development, and cultural and religious background, the caseworker must consider:
  - (A) Whether the *relative caregiver, foster parent, or provider* has the ability to appreciate, nurture, support, and reinforce the identity and cultural and religious background of the *child or young adult*;
  - (B) Whether the *relative caregiver, foster parent, or provider* has the ability to support the development of the *child or young adult*, and help the *child or young adult* with problems that the *child or young adult* may encounter. (Refer to Child Welfare Policies I-E.2, "Multiethnic Placements" OAR 413-070-0000 to 413-070-0033 and I-E.2.1, "Placement of Indian Children" 413-070-0100 to 413-070-0260);

- (C) Whether the *relative caregiver, foster parent, or provider* has the ability to communicate effectively with the *child or young adult*; and
- (D) Whether the *child or young adult* has adjusted to the placement.
- (2) After making the determinations in section (1) of this rule, the caseworker must document the extent to which the *child or young adult's relative caregiver, foster parent, or provider* meets the *child or young adult's* need for safety and well-being and the actions taken when the *child or young adult's* placement does not meet one or more of the *child or young adult's* needs:
- (a) In the Department's information system at the 90-day case plan review; or
- (b) In the case plan (0333a), Child Description, Their Needs and Well Being section, at the six-month case plan review.

**Stat. Auth.: ORS 418.005**

**Stats. Implemented: ORS 418.005, 419B.192**

#### **413-070-0645**

#### **Involving the Substitute Caregiver in the Concurrent Permanency Plan**

The caseworker must:

- (1) Determine whether the *relative caregiver, foster parent, or provider* is willing to continue as the placement resource, has the skills and abilities to meet the *child or young adult's* need for safety and well-being, and is willing to work with the Department while the concurrent permanency plan for the *child or young adult* is implemented by the Department; and
- (2) Provide the *relative caregiver, foster parent, or provider* with the opportunity to have input into a permanency plan.

**Stat. Auth.: ORS 418.005**

**Stats. Implemented: ORS 418.005, 419B.192**

#### **Contact(s):**

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

#### **Policy History**

- 07/12/99
- 03/20/07
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