DHS Policy
Oregon Department of Human Services

Office of Child Welfare Programs

Prior Version

Policy Title:	Placement Matching – OAR				
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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-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 Payment for Family Foster Care, Base Rate, Shelter Care, Enhanced Shelter Care, Level of Care, Chafee Housing, and Independent Living Housing Subsidy
- 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:

Prior Version

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 needs of the *child* or *young adult* 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 caregiver* who can meet the needs of the *child* or *young adult*; and

(3) To describe the requirements for assessing and matching a potential caregiver's ability to meet the current and lifelong needs of the *child* or *young adult* 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) "Adoptive resource" means an individual or individuals selected by the Department, another public child welfare agency, or a licensed adoption agency as the adoptive family for a *child* where no administrative review was requested within the timeframe allowed for such a request, or if a review was requested, the selection has been sustained by that review and the review is complete.

(2) "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of gathering information on a *child* or young adult's needs and strengths used for one or more of the following purposes:

(a) Identifying case planning, service planning, and supervision needs of the *child* or *young adult* in *substitute care* with a certified family;

(b) Determining the level of care payment while in *substitute care* with a certified family; and

(c) Determining the level of care payment included in an adoption assistance agreement or guardianship assistance agreement.

(3) "Caregiver relationship" means a relationship between a person and a *child* or *young adult* that meets the requirements of all of the following subsections:

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

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

(c) The *child* or *young adult* depended on the relationship to meet the needs of the *child* or *young adult*.

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

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

(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" means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) 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) "Provider" means an individual 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*.

(10) "Refugee child" means, as defined under ORS 418.925, 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, sex, sexual orientation, nationality, membership in a particular group, or political opinion, or whose parents entered the United States within the preceding 10

Prior Version

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, sex, sexual orientation, nationality, membership in a particular group, or political opinion.

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

(b) As used in this section, "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.

(11) "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.

(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.

Prior Version

(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.

(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;

Prior Version

(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.

(12) "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* who is placed in the home by the Department.

(13) "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.

(14) "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.

(15) "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.

(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 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 419A.004, 419B.192

413-070-0625
Identifying and Assessing the Needs of the Child or Young Adult When Placement in Substitute Care is Required

(1) To select a *substitute care* placement that will meet the safety, permanency, and well-being needs of the *child* or *young adult*, the caseworker must:

(a) Involve the *parent* or guardian of the *child* or *young adult* and the child or young adult as developmentally appropriate in identifying *substitute care* placement resources whenever possible.

Prior Version

(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 child* 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) A *foster parent* who is certified by the Department, or a *provider* who is approved 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* or young adult 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, when there are one or more siblings, each of the siblings;

(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 physical, emotional, and educational needs of the *child* or *young adult*, including the need of the *child* or *young adult* 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 needs of the *child* or *young adult*.

(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.

Prior Version

(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 *sibling* of the *child* or *young adult*.

(3) Within one month of the placement of the *child* or *young adult* in a *substitute care* setting, the caseworker must reconsider whether the *substitute caregiver* is able to meet the requirements in subsection (1)(f) of this rule and assess whether the following placement considerations are met:

(a) The placement is in close proximity to the parents or guardians of the *child* or *young adult*;

(b) The placement is in close proximity to the community of the *child* or *young adult*;

(c) If in the best interests of the *child* and siblings as set forth in section (2) of this rule, the siblings are together in placement; and

(d) The culture and family identity of the *child* or *young adult* are supported by the placement.

(4) After consultation with the supervisor, 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:

(a) Determine whether remaining in the *substitute care* placement is in the best interests of the *child* or *young adult*;

(b) Work with Department staff to secure another *substitute care* placement for the *child* or *young* adult when appropriate; and

(c) Document the basis for the determination and subsequent actions in the Department's information system.

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 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 *relative caregiver*, *foster parent*, or *provider*:

(a) Meets the placement considerations of OAR 413-070-0625; and

(b) Manages the supervision needs of the *child* or *young adult* as identified in the *CANS screening* and other current assessments or evaluations of the *child* or *young adult*.

Prior Version

(2) The caseworker must assess the ongoing and permanency needs of the *child* or *young adult*:

(a) For physical and emotional safety;

(b) To promote and preserve existing attachments to family;

(c) For continuity and familiarity;

(d) For appropriate educational, developmental, emotional, and physical support;

(e) For stability and permanency; 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*;

(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 physical and mental health as well as educational, behavioral, and developmental progress of the *child* or *young adult*;

(e) Share updated information about the case plan and permanency plan for the *child* or *young adult* with the *substitute caregiver* and as permitted by state or federal law; and

(f) Document the date, time, and location of the contact, observations, and updated information in the Department's information system.

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 419B.192

413-070-0640
Placement Assessment and Matching

(1) The caseworker must assess the extent to which the ongoing needs of the *child* or *young adult* for safety, permanency, and well-being--

(a) Are currently met in *substitute care* at each 90 day case plan review; and

(b) Will be met with a potential *adoptive resource* or potential guardian during the permanency planning process.

Prior Version

(2) *Physical* and emotional safety. To determine the extent to which the placement, potential *adoptive resource*, or potential guardian meets the needs for physical and emotional safety of the *child* or *young adult*, the caseworker must determine whether the following conditions exist in the home.

(a) The *substitute caregiver*, potential *adoptive resource*, or potential guardian has the skill level or willingness to acquire the skills necessary to meet the physical, emotional, and supervisory needs for the *child* or *young adult*;

(b) The *substitute caregiver*, potential *adoptive resource*, or potential guardian has the skill level to care for this *child* or *young adult* given the age, number, and gender of all other children or young adults in the home;

(c) The behavioral characteristics of children or young adults currently in the placement are such that the *substitute caregiver*, potential *adoptive resource*, or potential guardian can protect the *child* or *young adult* from further victimization and from harming self or others;

(d) The *substitute caregiver*, potential *adoptive resource*, or potential guardian 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*, potential *adoptive resource*, or potential guardian to safely supervise the children or young adults in the home.

(3) Attachment to family. To determine the extent to which the placement, potential *adoptive resource*, or potential guardian meets the need of the *child* or *young adult* to promote and preserve attachment to his or her family, the caseworker must consider whether:

(a) The family of the *child* or *young adult* has expressed a preference in placement;

(b) The *child* or *young adult* has requested a particular placement;

(c) The *relative caregiver*, *foster parent*, *provider*, potential *adoptive resource*, or potential guardian demonstrates the ability --

(A) To promote and support the attachment of the *child* or *young adult* through visitation and other types of contact with the family of the *child* or *young adult*;

(B) To accommodate the placement of the siblings of the *child* or *young adult* in the home;

(C) 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

Prior Version

(D) 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.

Prior Version

(4) Continuity and familiarity. To determine the extent that the placement, potential *adoptive resource*, or potential guardian meets the need of the *child* or *young adult* for continuity and familiarity, the caseworker must consider:

(a) The extent of the pre-existing relationship of the *child* or *young adult* with the *relative caregiver*, *foster parent*, *provider*, potential *adoptive resource*, or potential guardian;

(b) The proximity of the placement to the neighborhood, school, or educational placement of the *child* or *young adult*, and *parent* or guardian; and

(c) Whether the *relative caregiver*, *foster parent*, *provider*, potential *adoptive resource*, or potential guardian can provide a permanent home or facilitate transition to a permanent home for the *child* or *young adult*.

(5) To determine the extent that a particular placement, potential *adoptive resource*, or potential guardian 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*, *provider*, potential *adoptive resource*, or potential guardian demonstrates competency in meeting the specific and unique needs of the *child* or *young adult* or is acquiring the skills necessary to meet specific and unique needs of the *child* or *young adult*;

(b) Whether the ability of the *relative caregiver*, *foster parent*, *provider*, potential *adoptive resource*, or potential guardian to meet the specific and unique needs of the *child* or *young adult* is influenced by the number and type of children in the home; and

(c) Whether the *relative caregiver*, *foster parent*, *provider*, potential *adoptive resource*, or potential guardian 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.

(6) Permanent family relationships. To determine the extent that a potential *adoptive resource* or potential guardian meets the need of the *child* or *young adult* for a current and lifelong family relationship, the caseworker must consider:

(a) Whether the potential *adoptive resource* or potential guardian can permanently integrate the *child* into the family during childhood.

(b) Whether potential *adoptive resource* or potential guardian will be accessible and supportive to the *child* in adulthood.

(7) Stability. To determine the extent to which the placement, potential *adoptive resource*, or potential guardian meets the need of the *child* or *young adult* for stability, the caseworker must consider:

(a) Whether the *relative caregiver*, *foster parent*, *provider*, potential *adoptive resource*, or potential guardian has expressed a desire to provide permanency for a particular *child* or *young adult*;

(b) Whether the ability of the *relative caregiver*, *foster parent*, *provider*, potential *adoptive resource*, or potential guardian to provide support and to nurture the *child* or *young adult* is influenced by the number of children or young adults in the home; and

(c) Whether the capacity of the *relative caregiver*, *foster parent*, *provider*, potential *adoptive resource*, or potential guardian to recognize the needs of the *child* or *young adult*, and build on the strengths of the *child* or *young adult*, is sufficient to meet the long-term or lifelong placement needs of the *child* or *young adult*.

(8) Identity, development, cultural, religious, and spiritual background and connections. To determine whether the placement, potential *adoptive resource*, or potential guardian can support the identity, development, and cultural and religious or spiritual background and connections of the *child* or *young adult*, the caseworker must consider:

(a) Whether the *relative caregiver*, *foster parent*, *provider*, potential *adoptive resource*, or potential guardian has the ability to appreciate, nurture, support, and reinforce the identity, development, cultural, religious and spiritual background and connections of the *child* or *young adult*;

(b) Whether the *relative caregiver*, *foster parent*, *provider*, potential *adoptive resource*, or potential guardian 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;

(c) Whether the *relative caregiver*, *foster parent*, *provider*, potential *adoptive resource*, or potential guardian 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 or is able to adjust to a guardian's home or an adoptive home.

(9) After making the determinations in sections (2) to (8) of this rule, the caseworker must document the extent to which the need of the *child* or *young adult* for safety, permanency, and well-being are or can be met --

(a) In the documentation of the 90-day case plan review when the *child* is in *substitute care*; or

(b) In the documentation of the selection of a guardian or *adoptive resource*.

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 419B.192

Prior Version

413-070-0645
Involving the Substitute Caregiver in the Concurrent Permanency Plan

Prior Version

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 need of the *child* or *young adult* for safety and well-being, and is willing to work with the Department while the concurrent permanent 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):

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