

	Department of Human Services CHILDREN, ADULTS & FAMILIES CLIENT SERVICES MANUAL I ISSUED BY: Program Operations EFFECTIVE DATE: July 12, 1999	NUMBER: I-E.3.1 OAR: 413-070-0600 thru 0650
		SECTION: E. Substitute Care
		SUBSECTION: 3. Placement Expectations
SUBJECT: 1. Placement Matching - Oregon Administrative Rule		

Responsible Manager: Manager, Transitional Resources Unit Approval: _____
Assistant Administrator, Program Operations

Interpretation: Manager, Transitional Resources Unit

- REFERENCES:**
- Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act
 - Public Law 105-89, Adoption and Safe Families Act
 - Child Welfare Policy I-A.4.1, Rights of Children
 - Child Welfare Policy I-A.4.2, Protecting Rights of Children (Interrogations, Interviews and Polygraph Tests)
 - Child Welfare Policy I-A.4.5, Rights of Relatives
 - Child Welfare Policy I-A.4.6, Rights of Persons Who Have a Child-Parent Relationship
 - Child Welfare Policy I-B.2.2, Child Protective Services Assessment
 - Child Welfare Policy I-B.5, Placement Procedures for AIDS and HIV-Infected Clients
 - Child Welfare Policy I-B.5.1, HIV Testing of Children in Child Welfare Custody and HIV Confidentiality
 - Child Welfare Policy I-E.2, Multiethnic Placements
 - Child Welfare Policy I-E.2.1, Placement of Indian Children
 - Child Welfare Policy I-I.2, Narrative Recording

Child Welfare Policy II-G.1, Private Child Caring Agency Licensing Standards
ORS 109.119, Intervenor Representation
ORS 419.115, Parties to Proceedings
ORS 419B.192, Placement of Child; preference given to relatives and certain other persons
ORS 419B.349, Court Authority to Review Placement

PURPOSE

413-070-0600 The purpose of these administrative rules is twofold:

(1) To establish guidelines for assessing a child's needs when substitute care is necessary; and,

(2) To identify the most appropriate, available substitute care provider who can meet these needs.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

GOAL

413-070-0610 When substitute care is necessary, each child's substitute care provider should be selected in order to meet the child's immediate and long term needs and to minimize the likelihood that the child will have to be moved. Preference shall be given to placement with relatives and persons who have a child-parent relationship with the child (as defined in ORS 109.119). The placement selected should be the least restrictive, most family-like setting available that meets the child's safety, attachment and treatment needs, and minimizes the trauma associated with substitute care placement. Whenever appropriate, placements shall be in close proximity to the child's family, with the child's siblings, with appropriate relatives and shall support the child's culture and family identity. Placement information shall be documented in the 147 series.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

DEFINITIONS

413-070-0620 The following definitions apply to OAR 413-070-0600 through **413-070-0650**

(1) "**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 State Office for Services to Children and Families.

(2) "**Substitute Care**" means an out-of-home placement of a child(ren) in the legal custody and care of the State Office for Services to Children and Families with someone other than their parent or legal guardian.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

IDENTIFYING AND ASSESSING THE CHILD'S NEEDS

413-070-0630 (1) At the first contact, and continuously throughout the child's involvement with the agency, the caseworker shall determine the child's needs through consultation with the family and those known to the child, (e.g. neighbors, foster parents, treatment providers, and school staff) as well as through direct interaction with the child.

(2) There are many needs that may influence a placement decision. Each child's unique and individualized needs will be used in making a placement. Among the needs to consider is the child's need:

- (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) To be nurtured and supported;
- (f) To maintain cultural and religious heritage;

(g) When developmentally disabled, to have the child's case co-managed with a Developmental Disabilities case manager as designated in the SOSCF Interagency Agreement with the Mental Health and Developmental Disability Services Division.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

IDENTIFYING THE PROVIDER MOST ABLE TO MEET THE CHILD'S NEEDS

413-070-0640 Each child has unique needs and the selection of a substitute care provider must take each of the child's needs into consideration.

(1) In determining the extent to which a particular placement meets the child's needs for physical and emotional safety, the following factors shall be considered:

(a) The substitute care provider's skill level or willingness to acquire the skills necessary to meet the physical, emotional and supervisory needs for each child in the placement;

(b) The age, number, and gender of the children currently in the placement;

(c) The behavioral characteristics of children currently in the placement are such that the child will be protected from further victimization and from harming self, or others;

(d) The substitute care provider's ability to protect the child from inappropriate contact with those who may harm the child; and

(e) The physical lay-out of the home as it affects the provider's ability to supervise the children in the home.

(2) In determining the extent to which a particular placement meets the child's need to preserve existing attachment to the family, the following factors may be considered:

(a) The family's preference in placement;

- (b)** The child's request for a particular type of placement;
- (c)** The substitute care provider's ability to support the child's attachment through visitation and direct work with the family;
- (d)** The substitute care provider's ability to care for the child's siblings who are also in substitute care or the provider's ability to accommodate contact between siblings;
- (e)** The closest existing personal relationship with the child if more than one person requests to have the child placed with them. (ORS 419B.192)
- (f)** The provider's ability to provide mutual care when both the child and parent require placement.
- (3)** In determining the extent to which a particular placement meets the child's need for continuity and familiarity, the following factors shall be considered:
- (a)** The extent of the child's pre-existing relationship to the substitute care provider;
- (b)** The physical proximity of the placement to the child's neighborhood, school and family; and
- (c)** The capacity of the substitute care provider to provide a permanent home or support transition to a permanent home for the child.
- (4)** In determining the extent to which a particular placement meets the child's need for appropriate educational, developmental, emotional and physical support, the following factors shall be considered:
- (a)** The substitute care provider demonstrates competency in meeting the child's specific and unique needs or the substitute care provider's willingness to acquire the skills necessary to meet the child's specific and unique needs;
- (b)** The substitute care provider's ability to meet the child's specific and unique needs considering the number and type of children in the placement; and
- (c)** The substitute care provider's ability and willingness to assist, participate in, and act as an advocate for the child in his or her education and

treatment plan.

(5) In determining the extent to which a particular placement meets the child's need to be nurtured and supported, the following factors shall be considered:

(a) The substitute care provider's desire to care for a particular child based on the provider's skills, experience or knowledge with children under consideration for placement in substitute care;

(b) The substitute care provider's ability to provide support and to be nurturing to the child considering the number of children in placement;

(c) The substitute care provider's willingness to provide care for the child as long as needed;

(d) The substitute care provider's capacity to recognize the child's needs and build on the child's strengths.

(6) In determining whether a placement is in an individual child's best interests, and the ability of a prospective substitute care provider to meet the individual child's cultural background, the following factors shall be considered in conjunction with other factors relevant to the child's best interests. The race, color or national origin of a child or of a prospective substitute care provider cannot be factors used. Nor can the elements below be used to substitute culture for race, color, and national origin:

(a) The substitute care provider's ability to appreciate, nurture, support and reinforce the identity of the child;

(b) The substitute care provider's ability to support the individual child's development, and help the individual child with problems the child may encounter. (Refer to SOSCF policies I-E.2, Multiethnic Placements and I-E.2.1, Placement of Indian Children);

(c) The substitute care provider's ability to communicate effectively with the child; and

(d) The individual child's preference in placement, for older children (e.g. ages 12 - 18 years).

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

EMERGENCY PLACEMENTS

413-070-0650 (1) In an emergency situation when placement of a child into substitute care is necessary because the child's immediate welfare is jeopardized and OAR 413-070-0600 through 413-070-0650 cannot be implemented, the selection of a placement resource shall be based on the determination of the best match between the identified child's special and unique needs and the provider's ability to meet those needs.

(2) The substitute care provider's ability to meet the foster child's needs as outlined in this rule will be evaluated at the time of each initial placement and throughout the child's placement in substitute care.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005