DHS Policy
Oregon Department of Human Services

Children, Adults and Families

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Policy Title:	Placement Matching – **Temporary** OAR				
Policy Number:	I-E.3.1 413-070-0600 thru 0645			Effective Date:	7-01-09 thru 12-28-09

Approved By: *on file* Date Approved:

Policy | Forms, etc. | Definitions | References | Contact | History

Reference(s):

- Public Law 104-193 Personal Responsibility and Work Opportunity Reconciliation Act
- Public Law 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
- ORS 419.116 Intervention: caregiver relationship; rights of limited participation
- ORS 419B.192 Placement of child; preference given to relatives and certain other persons
- 419B.349 Court Authority to Review Placement
- Public Law 105-89, Adoption and Safe Families Act
- PL 95-608, Indian Child Welfare Act of 1978

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's needs when the Department places the child 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 in meeting 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

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413-070-0620
Definitions

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

(1) "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 six consecutive months.

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

(3) "CANS screening" means the Child and Adolescent Strength and Needs screening, a process of integrating information on a child or young adult's strengths and needs, designed to support case planning, service planning, and supervision needs of a child or young adult.

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

(5) "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.

(6) "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.

(7) "Personal care services" means those functional activities described in OAR 413-090-0120 consisting of mobility, transfers, repositioning, basic personal hygiene, toileting, bowel and bladder care, nutrition, medication and oxygen management, and delegated nursing tasks that a child or young adult requires to live safely in the most independent, least restrictive living situation.

(8) "Personal care services plan" means the written plan of care for a child or young adult that identifies:

(a) The determination that the individual is a qualified provider;

(b) The personal care services that will be provided; and

(c) The date when the provision of services will begin.

(9) "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.

(10) "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.

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

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

(b) Through the marriage of the children's or young adults' legal or biological parents.

(12) "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.

(13) "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.

(14) "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

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(1) To determine a child or young adult's immediate needs when substitute care is required to manage safety, 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) Consider potential substitute care placements that meet the safety and well being needs of the child or young adult 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.

(d) If a child or young adult is placed in substitute care and has a sibling who is currently in or also needs substitute care, make diligent efforts to place siblings together.

(e) Identify which person has the closest existing personal relationship with the child or young adult if more than one person requests to have the child placed with them.

(f) Consider whether the 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) Assure that the substitute care placement is the most home-like, least restrictive

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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.

(i) If the child is an Indian or Refugee child, follow OAR 413-070-0220 and OAR 413-070-0320 regarding placement preferences.

(2) Within 30 days of the child's placement in substitute care, 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's parents or legal guardians;

(b) Is in close proximity to the child's community;

(c) Can keep siblings together; and

(d) Can support the child's culture and family identity.

(3) When the substitute care placement does not meet one or more of the placement considerations in subsection (1)(f) or section (2) of this rule, the caseworker must determine whether remaining in the substitute care placement is in the best interests of the child.

(a) If the caseworker determines that remaining in the current substitute care placement is in the best interests of the child, the child 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, the caseworker must work with Department staff to secure another substitute care placement for the child.

(4) The caseworker must document the section (3) determination in the Department's electronic data system and explain the basis for the determination as it relates to the best interests of the child.

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(1) and (2);

(b) Manages the child or young adult's supervision needs as identified in the CANS

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screening;

(c) Provides the child or young adult's personal care services as outlined in the personal care services plan; and

(d) Is an appropriate and safe substitute care placement if the child or young adult cannot safely return to the home of a parent or legal guardian within a reasonable period of time.

(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 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)(D)(i)-(xii) when the child or young adult is with a relative caregiver or foster home or OAR 413-080-0059(3)(a)(D)(i)-(xi) when the child or young adult is with a provider. In addition, the caseworker must:

(a) Develop and maintain a good working relationship with the child or young adult;

(b) Observe the child or young adult in an age-appropriate and comfortable setting;

(c) Gather updated information on the child or young adult's physical and mental health as well as educational, behavioral, and developmental progress;

(d) Share updated case plan or child-specific information with the child or young adult's foster parent, relative caregiver, or provider and with the child or young adult as appropriate; and

(e) Document the date, time, location, observations, and updated information in the Department's electronic data system.

(4) For purposes of this rule, "face-to-face" is an in-person interaction between individuals.

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

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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 child or young adult will be protected 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 the family, the caseworker must consider whether:

(A) The 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's family;

(ii) To accommodate the placement of siblings in the substitute caregiver's home;

(iii) To accommodate regular contact between siblings when siblings cannot be placed together 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-

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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 placement is appropriate to meet the permanency and well-being needs of the child because of its proximity 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 ability and willingness of the relative caregiver, foster parent, or provider to assist, participate in, and act as an advocate for the child or young adult in his or her education and treatment plan is sufficient to meet the needs of the child or young adult.

(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 relative caregiver, foster parent, or provider is willing to provide care for the child or young adult as long as needed;

(D) 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

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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 individual child or young adult, and help the individual 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) 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:

(a) In the Department's electronic data 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

When the parent or legal guardian has made little or no progress in meeting the conditions for return as described in the case 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;

(2) Provide the relative caregiver or foster parent with the opportunity to have input into a permanency plan; and

(3) Determine whether the relative caregiver, foster parent, provider, or any other person has been granted intervention and has moved to be considered the permanent

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placement resource for the child (ORS 419B.116(9)(b)) at any time after a court has determined at a permanency hearing that the permanent plan for the child or young adult should be something other than return home.

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