DHS Policy
Oregon Department of Human Services

Children, Adults and Families

Prior Version

Policy Title:	Another Planned Permanent Living Arrangement – *Temporary* OAR				
Policy Number:	I-E.3.6.3 413-070-0520 thru 0565			Effective Date:	7-01-10 thru 12-28-10

Approved By: *on file* Date Approved: 7-01-10

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Reference(s):

- Title IV-E Indian Child Welfare Act
- Refugee Act of 1980
- PL 105-89, Adoption and Safe Families Act (ASFA)
- Fostering Connections to Success and Increasing Adoptions Acts of 2008
- 45 CFR Parts 1355, 1356 and 1357, 1/25/2000
- Child Welfare Policy I-A.4.5, Rights of Relatives
- Child Welfare Policy I-B.2.3.5, Youth Transitions
- Child Welfare Policy I-B.3.2.1, Substitute Care Case Reviews
- Child Welfare Policy I-E.1.1, Search for and Engagement of Relatives
- Child Welfare Policy I-E.2.1, Placement of Indian Children
- Child Welfare Policy I-E.2.2 Placement of Refugee Children

Form(s) that apply:

- CF 1014, Permanent Foster Care Placement Agreement

Rules:

413-070-0520
Purpose

The Department must develop, document, and implement a *permanency plan* for every *child* placed in the Department's *legal custody* for *substitute care* placement. The Department has four permanency plans from which to choose for a *child*. The four permanency plans, in order of preference, are: reunification with a *parent*; adoption, including adoption by a child's relative; legal guardianship, including guardianship with a child's relative; and APPLA. The purpose of these rules, OAR 413-070-0520 to 413-070-0565, is to describe the responsibilities of the Department in case planning for the appropriate use of APPLA.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005

413-070-0524
Definitions

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The following definitions apply to these rules, OAR 413-070-0520 to 413-070-0565:

(1) "APPLA" means Another Planned Permanent Living Arrangement, a *permanency plan* for a stable secure living arrangement for a *child* that includes building relationships with significant people in the child's life that may continue after *substitute care*. APPLA is the least preferred *permanency plan* of the four *permanency plan* options for a *child* and is appropriate only in very limited circumstances.

(a) "Planned" means the arrangement is intended, designed, and deliberate.

(b) "Permanent" means enduring and stable.

(2) "Caregiver relationship" means a relationship between a person and a *child* 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.

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

(c) The *child* depended on the relationship to meet the child's needs.

(d) A *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) "Case plan" means a written, goal oriented, time limited individualized plan for the *child* and the child's family, developed by the Department and the parents or legal guardians, to achieve the child's safety, permanency, and well being.

(4) "Certifier" means a Department employee who conducts assessments of applicants interested in providing relative or *foster care* to a *child* or *young adult* in the care or custody of the Department, determines whether to recommend approval of the operation of a relative care or foster home, and monitors the compliance of a relative care or foster care home with Child Welfare certification standards.

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

(6) "Committee facilitator" means a Department staff member appointed to facilitate a permanency or adoption committee meeting. The facilitator is a member of the committee and is responsible for ensuring all of the following:

(a) The meeting is held according to the requirements of Oregon Administrative Rules.

(b) Individuals who are not committee members and are invited to and attend the meeting are:

(A) Informed of the responsibilities of the committee and the confidentiality of information presented during the meeting;

(B) Allowed to present information appropriate for consideration in the permanency or adoption recommendation for the child and his or her siblings; and

(C) Excused in a timely manner.

(c) Thorough and accurate documentation of the committee recommendations.

(7) "Compelling reason" means a convincing and persuasive justification why an action or decision would not be in a child's best interests.

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

(9) "Designee" means an individual whom the designator directly and immediately supervises, or an individual with equal or greater management responsibility than the designator.

(10) "Foster parent" means a person who operates a home that has been approved by the Department to provide care for unrelated children or young adults who are placed in the home by the Department.

(11) "Independent living housing subsidy" means a payment to assist in covering the cost of room, board, or other monthly expenses made to an eligible individual who is in the care and custody of the Department and living independently.

(12) "Indian child" means any unmarried person under 18 years of age who is either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(13) "Legal custody" means a legal relationship between a person, agency, or institution and a *child* that imposes on the person, agency, or institution the duties and authority of the child's legal custodian.

(14) "Legal guardian" means a person or agency that has the duties and authority of a *parent* with *legal custody* to make decisions concerning a *child*, including but not limited to the following:

(a) Authorize surgery and other extraordinary treatment for the *child*;

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(b) Authorize the *child* to enlist in the armed forces of the United States;

(c) Consent to the adoption of the *child*; and

(d) Make other decisions of substantial legal significance concerning the *child*, but a guardian is not a conservator of the child's property or estate.

(15) "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.

(16) "Permanency committee" means a group of at least three individuals, who are responsible for making a recommendation regarding a child's *permanency plan* when the *child* likely is not returning to his or her *parent*.

(a) A *permanency committee* must include three individuals, approved by the child welfare program manager or designee, none of whom has a current personal or professional relationship to the *child* or potential placement resource. These approved committee members ---

(A) Must include at least one individual who is a Department staff member;

(B) Must include a Department staff member appointed as the *committee facilitator*; and

(C) May include one or two individuals who are community partners.

(b) Each of the three *permanency committee* members approved under subsection (a) of this section must meet the requirements of all of the following paragraphs:

(A) Be knowledgeable about adoption and permanency issues;

(B) Be knowledgeable of the importance of lifelong family attachment and cultural connections; and

(C) Must represent more than one local child welfare office when there are two or more Department staff members on the *permanency committee*.

(17) "Permanency plan" means a written course of action for achieving safe and lasting family resources for the *child*. Although the plan may change as more information becomes available, the goal is to develop safe and permanent family resources with the parents, relatives, or other people who will assume legal responsibility for the *child* during the remaining years of dependency and be accessible and supportive to the *child* in adulthood.

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(18) "Permanent foster care" means the out of home placement of a *child* in which there is a long-term foster care contract between each *substitute caregiver* and the Department approved by the juvenile court under which the *substitute caregiver* commits to raise a *child* in *substitute care* until the age of majority and be accessible to and supportive of the *child* into adulthood, until the court determines that APPLA - *permanent foster care* is no longer the appropriate *permanency plan* for the *child*.

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

(20) "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 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.

(21) "Relative caregiver" means a person who operates a Department approved home providing care for a related *child* or *young adult* placed into the home by the Department.

(22) "Substitute care" means the out-of-home placement of a *child* who is in the legal or physical custody and care of the Department.

(23) "Substitute caregiver" means a *relative caregiver*, *foster parent*, or provider authorized to provide care to a *child* or *young adult* in the legal or physical custody of the Department.

(24) "Young adult" means a person 18 to 20 years of age 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, 418.925, 419A.004(17)
Stats Implemented: ORS 418.005, 418.925, 419A.004(17)

413-070-0532
Types of APPLA

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The caseworker considers one of the following types of APPLA when considering APPLA as a *permanency plan* for a *child*:

(1) APPLA - *permanent foster care*. An APPLA - *permanent foster care* is a plan in which the *child* remains in a *substitute care* placement with a *substitute caregiver* who has:

(a) Committed to the care and well being of the *child*; and

(b) Entered into a *permanent foster care* agreement.

(2) APPLA - permanent connections and support. An APPLA - permanent connections and support plan is a plan in which:

(a) A c*hild* is in *substitute care* living with a *substitute caregiver* or living independently and receiving an *Independent Living housing subsidy* and the plan focus is not only on the child's educational, vocational, health, and treatment needs, but also on the needs of the *child* to develop or maintain relationships with adults, including relatives and persons with a *caregiver relationship*, who can play a significant role in the child's life after the *child* leaves *substitute care*; or

(b) A *child* is in a psychiatric residential facility, Developmental Disabilities placement, or residential treatment facility and is not going to be discharged from the facility while the Department maintains *legal custody* of the *child*.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005, 419A.004(17)

413-070-0536
When APPLA May Be Considered

(1) The Department may consider APPLA as a *permanency plan* for a *child* or *young adult* only if the Department has determined that there is a *compelling reason* that it is not in the best interests of the *child* to implement one of the following preferred permanency plans, listed in order of preference:

(a) Placement with a *parent*;

(b) Placement in an adoptive home which includes permanent placement with a fit and willing relative through the adoption; or

(c) Placement with a *legal guardian* which includes permanent placement with a fit and willing relative as a guardian.

(2) The Department considers and must develop a *permanency plan* based on the individual safety, well-being, and permanency needs of a *child*.

(3) For purposes of implementing an APPLA *permanency plan*, the Department must document and submit to the court the *compelling reason* that it is not in the best

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interests of the *child* to implement a more preferred *permanency plan* in circumstances that include, but are not limited to the following:

(a) The *child* is an older teen, who has had an explanation and understands the *permanency plan* prior to rejecting all of the more preferred permanency plans.

(b) The child's tribe has identified an APPLA as the preferred plan for an *Indian child*.

(c) The adult with whom the *child* has formed a permanent attachment currently is unable or unwilling to adopt the *child* or become the child's guardian.

(d) A *child* 14 years of age or older is unwilling to consent to adoption.

(4) The examples provided in section (3) of this rule are not intended to eliminate from consideration any more preferred *permanency plan* for a *child* in *substitute care*. Each child's *permanency plan* is based on the best interests and individual needs and circumstances of the *child* and determined on an individual basis. A child's age or disability is never a disqualifier for a more preferred *permanency plan*.

Stat. Auth.: ORS 109.328, 418.005
Stats Implemented: ORS 109.328, 418.005

413-070-0540
Consideration of APPLA as a Child's Permanency Plan

The Department determines that an APPLA is the *permanency plan* for a *child* or *young adult* when all of the following requirements are met:

(1) The caseworker and supervisor review the APPLA plan and document:

(a) The *compelling reason* why each of the more preferred permanency plans is not in the *child* or young adult's best interests; and

(b) The basis that an APPLA plan is the most appropriate *permanency plan* for the *child* or *young adult*.

(2) The caseworker must convene a team of individuals, knowledgeable about the *child* or young adult's needs, to consider an APPLA *permanency plan* for the *child* or *young adult* when it appears that the *child* or *young adult* cannot be reunified with a *parent*, placed for adoption, or placed with a *legal guardian*.

(a) The team must include:

(A) The *child* or *young adult*, unless the *child* or *young adult* refuses or is unable to participate in planning;

(B) The court appointed special advocate, if one has been appointed;

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(C) A *child* or young adult's attorney;

(D) A tribal representative, if the *child* is an ICWA *child*; and

(E) A member of the RCWAC, if the child is a *refugee child*.

(b) In addition the team may include, but is not limited to:

(A) The *child* or young adult's parents (unless their parental rights have been terminated or their participation in the meeting would be harmful to the *child* or *young adult*);

(B) The *child* or young adult's *substitute caregiver*;

(C) The substitute caregiver's *certifier*;

(D) Relatives;

(E) Persons with a *caregiver relationship*; and

(F) Other persons with significant involvement in the *child* or young adult's life.

(3) The team must:

(a) Identify and consider how an APPLA *permanency plan* meets the *child* or young adult's needs and best interests and the requirements of OAR 413-070-0536(1);

(b) Provide the *child* or *young adult* and the *child* or young adult's parents an opportunity to identify available permanency resources;

(c) Consider the parents' acceptance of APPLA as a *permanency plan* and their desire for continued contact with the *child* or *young adult*;

(d) Consider how the *child* or young adult's *substitute caregiver* is able to meet the *child* or young adult's needs, and establish and continue cultural connections; and

(e) Consider each of the more preferred permanency plans described in OAR 413-070-0536(1).

(4) After the team has complied with section (3) of this rule, and when APPLA is the recommended *permanency plan* the team must document the recommended *permanency plan* and how the plan assures the safety and well-being of the *child* or *young adult*, achieves permanency for the *child* or *young adult*, and provides the *child* or *young adult* with support in adulthood. The recommended *permanency plan* may be one of the two APPLA permanency plans only when the plan is the most appropriate *permanency plan* for the *child* or *young adult*, and addresses the *child* or young adult's permanency, safety, and well being needs.

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(5) When APPLA - *permanent foster care* is recommended as the most appropriate *permanency plan* for a *child* or *young adult*, the caseworker must meet separately with the *substitute caregiver* and the *child* to:

(a) Assess interest in and commitment to a *permanent foster care* agreement with each *substitute caregiver* as long as APPLA - *permanent foster care* is the *permanency plan* for the *child*; and

(b) Review the requirements, responsibilities, and approval process for the *permanent foster care* agreement with each *substitute caregiver*.

Stat. Auth.: ORS 418.005, 419.937, 419.941, 419A.004(17)
Stats Implemented: ORS 418.005, 419.937, 419.941, 419A.004(17)

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413-070-0548
Contents of an APPLA Case Plan

(1) When the team described in OAR 413-070-0540(2) recommends APPLA as the most preferred *permanency plan*, the caseworker must document how the Department plans to address each subsection of this section in the *child* or young adult's *case plan*. The *case plan* must include the following information:

(a) Family composition, which includes the identifying information of each *parent* (unless parental rights have been terminated), *legal guardian*, and sibling.

(b) Except when parental rights have been terminated, safety threats identified in a CPS assessment under Child Welfare Policy I-AB.4, "CPS Assessment" OAR 413-015-0400 to 413-015-0485.

(c) Except when parental rights have been terminated, the ongoing safety plan as described in Child Welfare Policy I-AB.4, "CPS Assessment" OAR 413-015-0400 to 413-015-0485 and recorded in the Department's information system.

(d) A description of how the Department determined the APPLA is the most appropriate *permanency plan* for the *child* or *young adult*, and each *compelling reason* why the more preferred *permanency plan* options were not selected for the *child* or *young adult*.

(e) A description of how the *child* or young adult's attachments and relationships with each *parent*, sibling, other family member, advocate, *substitute caregiver*, and other person who provides continuity, belonging, stability, support, nurturing, and caring relationships and cultural connections for the *child* may be developed while the *child* is in *substitute care* and maintained when the *child* reaches the age of majority or the juvenile court relieves the Department of *legal custody* of the *child* or *young adult.* When appropriate, the description may include the following:

(A) A description of how each *parent* and sibling of the *child* or *young adult* may participate actively in the life of the *child* or *young adult*;

(B) For each existing relationship the *child* or *young adult* has with a permanent adult caregiver or adult parental figure who is capable of sustaining a significant relationship with the *child* or *young adult*, a description of how the relationship may be maintained;

(C) A description of how relationships with relatives and other persons involved in the *child* or young adult's life may be developed and maintained;

(D) Current placement information including the location of the *child* or *young adult* when the *substitute caregiver* authorizes release of the address, except when doing so would jeopardize the safety of the *child*.

(E) The *child* or young adult's record of visits with his or her parents or siblings.

(f) When applicable, a description of the plan to transition a developmentally delayed *child* to an appropriate program for adults who are developmentally delayed.

(g) The comprehensive transition plan required by Child Welfare Policy I-B.2.3.5, "Youth Transitions" OAR 413-030-0400 to 413-030-0460 for any *child* 14 years of age or older and services that prepare the *child* to transition to adulthood.

(h) A description of the reasonable efforts made by the Department to put the services and structures described in this rule in place to meet the needs of the *child* and to enhance the stability of the child's living arrangement when the *child* is not living with a specified adult.

(i) A description of the services the Department must provide to ensure the emotional, medical, educational, cultural, and physical needs of the *child* or *young adult* are being met, including:

(A) The *child* or young adult's health information , which documents the *child* or young adult's specialized medical, dental, and mental health services; and

(B) The *child* or young adult's education services, including the school or educational placement history of the *child* or *young adult*, high school credits earned for a *child* over 14 years of age or a *young adult*, and any special educational needs.

(j) The services required to prepare the *child* or *young adult* to live in the least restrictive setting possible at the most appropriate time.

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(k) The services that may make it possible to achieve a more preferred *permanency plan* listed in OAR 413-070-0536(1) for the *child* or *young adult*.

(l) The services the Department may continue to make available to the *child* or young adult's parents, upon request, that continue to be in the best interests of the *child* or *young adult*.

(2) Except when parental rights have been terminated or the Department is unable to obtain the signature of the *parent* or *legal guardian*, the *case plan* must include the signature of the caseworker, the supervisor, and each *parent* or *legal guardian* as described in Child Welfare Policy I-B.3.1, "Developing and Managing the Case Plan" OAR 413-040-0000 to 413-040-0032.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005, 419A.004(17)

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413-070-0550
Permanency Committee Recommendation and Department Approval of an APPLA Permanency Plan

(1) The caseworker must schedule a *permanency committee* within 30 days of the recommendation of the team described in OAR 413-070-0540(2).

(2) When a *permanency committee* has been scheduled, the Department must notify and invite all of the following individuals to present information to the *permanency committee*:

(a) The caseworker and caseworker's supervisor;

(b) The *child* or young adult's attorney;

(c) The court appointed special advocate (CASA) for the *child*;

(d) A tribal representative if the *child* is an *Indian child*; and

(e) A member of the RCWAC if the *child* is a *refugee child*.

(3) The individuals in section (2) may provide the Department names of other individuals who have significant information regarding the child's needs and request that the Department invite the other individuals to present information to the *permanency committee*.

(4) Information may be presented by any person invited to the *permanency committee* in person, by telephone, through other electronic communication, or in writing.

(5) The *permanency committee* may seek clarifying and request additional information during the presentations.

(6) When presentations are completed, the child's attorney, CASA, the tribal representative, the member of the RCWAC, and any other individual invited under section (3) of this rule, are excused from the *permanency committee*. The child's caseworker and the caseworker's supervisor remain for the completion of the *permanency committee* but do not participate in making the committee recommendation.

(7) The *permanency committee* must review all information presented to the *permanency committee* and make a recommendation regarding a permanency plan of APPLA for the *child*.

(8) After the *permanency committee*, the *committee facilitator* must provide written documentation of the permanency committee's recommendation to the child welfare program manager or *designee* within three business days of the scheduled *permanency committee*.

(9) The child welfare program manager or *designee* responsible for making the decision on behalf of the Department may attend the committee meeting, listen, and ask for clarifying or additional information, but may not have been a participating member of the committee.

(10) The child welfare program manager or *designee* must:

(a) Consider the recommendations of the *permanency committee*;

(b) Within 3 business days, make a decision whether a *permanency plan* of APPLA is appropriate for the *child* and, if the plan is APPLA-Permanent Foster Care, whether the *substitute caregiver* is appropriate; and

(c) Provide notice of the decision to the caseworker within one business day following a decision under subsection (b) of this section.

(11) The caseworker must notify all of the following individuals within one business day following receipt of the notice received under subsection (9)(c) of this rule:

(a) The *child* or *young adult*,

(b) The *child* or young adult's *substitute caregiver*;

(c) The *child* or young adult's attorney;

(d) The *child* or young adult's CASA;

(e) The tribal representative, when the *child* is an *Indian child*; and

(f) The member of the RCWAC, when the *child* is a *refugee child*.

(12) Any individual receiving notice under section (9) of this rule, as well as the caseworker and caseworker's supervisor, may request a review of the decision made by the child welfare program manager or *designee* by submitting a written request to the District

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Manager within seven calendar days of the notification required under section (10) of this rule.

(13) Within 14 calendar days of the notification required under section (10) of this rule, the District Manager must review the decision of the child welfare program manager or *designee*.

(14) In conducting the review under section (12) of this rule, the District Manager may consider the information submitted to the child welfare program manager or *designee* from the *permanency committee*, and may consider additional relevant information. Upon completing the review, the District Manager must provide written notice to the caseworker of the *child* or *young adult*, the caseworker's supervisor, and any other party who requested the review, that either:

(a) The child welfare program manager or designee's decision is affirmed, and the caseworker is directed to reconvene the team described in OAR 413-070-0540(2) to reconsider the *child* or young adult's permanency options; or

(b) The child welfare program manager or designee's decision is reversed, the APPLA plan is recommended, and the caseworker is directed to proceed with the APPLA plan.

(15) After any review has been completed, within 30 days of the decision to approve an APPLA *permanency plan* under section (9) of this rule, or when a decision made under section (9) of this rule was subject to review and the decision to approve an APPLA *permanency plan* under section (13) of this rule has been made, the caseworker must request a permanency hearing before the court, requesting the court to consider and approve the APPLA plan. At the court hearing the caseworker must:

(a) Recommend that the court issue an order approving the APPLA plan;

(b) Set forth the compelling reasons why it would not be in the best interests of the *child* or *young adult* to return home, be placed for adoption, or be placed with a guardian;

(c) Set forth a timetable for the *child* or young adult's placement in another planned permanent living arrangement;

(d) Set forth the reasonable services the Department may offer each *parent* to meet the best interests of the *child* or *young adult* until a more preferred *permanency plan* is achieved, the *child* reaches the age of majority, reaches independence, or the juvenile court relieves the Department of *legal custody* of the *child* or *young adult*; and

(e) Set forth the type and amount of *parent-child* and *child*-sibling contact and involvement until a more preferred *permanency plan* is achieved, the *child* reaches age of majority, reaches independence, or the juvenile court relieves the Department of *legal custody* of the *child* or *young adult*.

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(f) When the court previously has ordered or the Department recommends that no contact be allowed between *parent* and *child* or *child* and sibling, the caseworker must request that the court issue a standing protective order, including the reasons why no contact is allowed.

(16) When the APPLA plan does not receive approval at any time during the process described in this rule, within 30 days the caseworker must:

(a) Inform the *child* or *young adult*, the *child* or young adult's substitute caregivers, the *child* or young adult's parents, the *child* or young adult's attorney, the child's court appointed special advocate, and other persons with significant involvement in the *child* or young adult's life; and

(b) Reconvene the team described in OAR 413-070-0540(2) to reconsider the *child* or young adult's other permanency options.

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Stat. Auth.: ORS 418.005, 419A.004(17)
Stats Implemented: ORS 418.005, 419A.004(17)

413-070-0552
Ongoing Department Responsibilities

(1) When APPLA is the court approved *permanency plan* for a *child* or *young adult* in the Department's *legal custody*, the *child* or young adult's caseworker must:

(a) Discuss the *child* or young adult's needs with the *substitute caregiver* and the *child or young adult* during face to face and other contacts, and routinely discuss needs, benefits, barriers, and solutions towards achieving a more preferred permanency option;

(b) Have contact with the *child or young adult*, with the *substitute caregiver*, and monitor *child* or *young adult* safety as described in Child Welfare Policy I-B.1, "Monitoring Child Safety" OAR 413-080-0040 to 413-080-0067;

(c) Provide timely assessment and services for identified needs of the *child* or *young adult*, the *child* or young adult's *substitute caregiver*, or the *child* or young adult's parents;

(d) As soon as possible after the *child* reaches 14 years of age initiate comprehensive transition planning as described in Child Welfare Policy I-B.2.3.5, "Youth Transitions" OAR 413-030-0400 to 413-030-0460;

(e) Ensure an annual review of Department efforts to identify and contact a *child* or young adult's relatives and efforts to place with or develop and maintain a *child* or young adult's connection and support with relatives is completed.

(f) Monitor the *case plan* and complete the required *case plan* reviews; and

(g) Submit to the court and to the citizen review board the *case plan* updates required in Child Welfare Policy I-I.2, "Narrative Recording", and, when the APPLA plan is APPLA - *permanent foster care*, submit a copy of the *permanent foster care* agreement.

(2) In addition to the requirements of section (1) of this rule, when the *child* or *young adult* has an approved APPLA - *permanent foster care* plan:

(a) The Department must continue to assess requirements for certification of a foster home pursuant to Child Welfare Policy II-B.1.1, "Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents" OAR 413-200-0270 to 413-200-0296; and

(b) The *substitute caregiver* must--

(A) Maintain a current Certificate of Approval and follow the requirements of the Department pursuant to Child Welfare Policy II-B.1, "Certification Standards for Foster Parents, Relative Caregivers, and Pre-Adoptive Parents" OAR 413-200-0301 to 413-200-0396;

(B) Follow the requirements of the Department regarding a *child* or young adult's education, medical care, mental health care, and other services requested by the Department to meet the needs of the *child* or *young adult*;

(C) Maintain residence in the state of Oregon unless the ICPC referral has been submitted to the receiving state and approval to move has been obtained from the Department and the court prior to the move outside of Oregon; and

(D) Maintain residence in the ICPC approved state if the *substitute caregiver* lives in another state.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005, 419A.004(17)

413-070-0556
APPLA Permanency Plan Reviews

(1) The caseworker must review the APPLA *case plan* at least every six months and the review must occur prior to a review by the court or citizen review board as required by ORS 419B.470 and 419A.106(1) respectively.

(a) The review must take place in a face-to-face meeting with the *child* or *young adult*, and may include members of the team described in OAR 413-070-0540(2).

(A) When appropriate, the meeting may include a *parent* or *legal guardian*, unless the *parent* or *legal guardian* is not available for the review. When a *parent* or *legal guardian* is unavailable, the caseworker must document

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the reason the *parent* or *legal guardian* was unavailable and the efforts made to involve the *parent or legal guardian*.

(B) During the meeting the caseworker must consider input received from the *child* or *young adult*, other participants in the meeting, and other information received from service providers, substitute caregivers, a *child* or young adult's attorney, a *child* or young adult's court appointed special advocate, the tribe if the *child* is an ICWA *child,* persons with significant attachments to the *child* or *young adult*, and a *child* or young adult's relatives.

(b) After the meeting described in subsection (a) of this section, the caseworker must document in the case record:

(A) Whether the current placement continues to be the least restrictive setting available to meet the safety and permanency needs of the *child* or *young adult*; or

(B) Whether a more permanent *permanency plan*, such as reunification, adoption, or guardianship is more appropriate for the *child* or *young adult*.

(2) When an APPLA has been approved by the court as the *permanency plan* for a *child or young adult* in the *legal custody* of the Department, the Department must notify the court and request a review or permanency hearing:

(a) Not less frequently than once every 12 months while the *child* or *young adult* remains in *substitute care* in accordance with ORS 419B.470(2).

(b) Unless good cause is shown, at any time upon the request of the Department, a *substitute caregiver* directly responsible for the care of the *child* or *young adult*, a *parent* of the *child* or *young adult*, an attorney for the *child* or *young adult*, a court appointed special advocate, or a citizen review board in accordance with ORS 419B.470(5).

(c) By the citizen review board no less frequently than every six months in accordance with ORS 419A.106(1)(a) unless the court has relieved the citizen review board of its responsibility to review a case in accordance with ORS 419A.106(1)(b).

(d) Within 90 days of a change of *substitute care* placement.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005, 419A.004(17), 419B. 470

413-070-0565
Termination of APPLA

(1) The APPLA - Permanent Connections and Support must be terminated when:

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(a) Court wardship is terminated;

(b) The court relieves the Department of *legal custody* of the *child* or *young adult*; or

(c) The court determines that APPLA - Permanent Connections and Support is no longer the appropriate *permanency plan* for the *child* or *young adult*.

(2) The APPLA - *permanent foster care* plan and agreement must be terminated when:

(a) The *child* reaches the age of majority under ORS 419A.004(17);

(b) Court wardship is terminated;

(c) The court determines that APPLA - *permanent foster care* is no longer the appropriate *permanency plan* for the *child*;

(d) One of the more preferred permanency plans described in OAR 413-070-0536(1) is achieved;

(e) The Department and the *substitute caregiver* mutually consent to termination;

(f) The *foster parent* or *relative caregiver* fails to maintain a current Certificate of Approval in accordance to Child Welfare Policies II-B.1, "Certification Standards for Foster Parents, Relative Caregivers, and Pre-Adoptive Parents" OAR 413-200-0301 to 413-200-0396 and II-B.1.1, "Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents and Pre-Adoptive Parents" OAR 413-200-0270 to 413-200-0296, including when the certificate has been revoked or denied;

(g) The *child* or *young adult* is removed from the *substitute caregiver* by the Department; or

(h) The *child* or *young adult* requests, and the Department approves, termination of the agreement because of serious or extraordinary circumstances.

(3) The Department must provide written notification to the court of any change in the placement of the *child* or *young adult*.

(4) If a *child or young adult* is removed from court approved APPLA - *permanent foster care*, the caseworker must request a permanency hearing within three months after the date of the change in placement to review the *permanency plan* for the *child* or *young adult* under ORS 419B.470(3).

Stat. Auth: ORS 418.005
Stats. Implemented: ORS 419A.004(17), 419B.470

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