

	<b>STATE OFFICE for SERVICES to CHILDREN and FAMILIES</b>	<b>NUMBER:</b> I-E.3.6
	<b>CLIENT SERVICES MANUAL I</b>	<b>SECTION:</b> E. Substitute Care
	<b>ISSUED BY:</b> Program Operations <b>EFFECTIVE DATE:</b> April 28, 2000	<b>SUBSECTION:</b> 3. Placement Expectations
<b>SUBJECT:</b> 6. Achieving Permanency - Oregon Administrative Rules		

Responsible Manager: Manager, Adoptions      Approval: \_\_\_\_\_  
Assistant Administrator,  
Program Operations

Interpretation: Legal Assistance Specialists,  
Adoptions

**REFERENCES:** Title IV-E  
Indian Child Welfare Act  
PL 105-89, Adoption and Safe Families Act (ASFA)  
45 CFR Parts 1355, 1356 and 1357, 1/25/2000  
SOSCF Policy I-A.4.5, Rights of Relatives  
SOSCF Policy I-E.2.1, Placement of Indian Children  
SB 408  
CF 0305, Code Sheets

**PURPOSE**

**413-070-0500 (1)** As soon as a child is placed in care, SOSCF shall formulate a plan to achieve permanency for the child. Although the plan may change as more information becomes available, the goal is to develop a safe and permanent family resource with the child’s 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.

**(2)** The Adoption and Safe Families Act and Oregon statutes require that SOSCF develop, document and implement a permanency plan, and an alternate plan for every child placed in the legal custody of SOSCF for substitute care placement. These rules define the minimum agency expectations for achieving permanency for every child in substitute care, and clarify the appropriate use of SOSCF’s specialized Legal Assistance Program for children who are likely to be freed for adoptive placement. In the case of an Indian child, SOSCF shall follow the Indian Child Welfare Act and SOSCF Policy I-E.2,1, Placement of Indian Children.

**Statutory Authority: ORS 418.005**  
**Stats Implemented: Title IV-E, P.L.105-89**

**DEFINITIONS**

**413-070-0505 (1) "Alternate Plan":** The term used in statutes to refer to what SOSCF previously called the "Concurrent Permanency Plan" that means a plan established as an alternate or backup permanency plan when the goal of the permanency plan is placement with parent(s). If placement with parent(s) is not possible, SOSCF shall first consider placement with relatives as an alternate plan for the child. Although the alternate permanency plan may change as more information becomes available, the goal is to develop a safe and permanent resource with the parent(s), 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. The child's important attachments will be considered and maintained when in the best interest of the child.

**(2) "Designated Branch Review Body":** The internal SOSCF branch committee, assigned by the branch manager, responsible for reviewing and approving case planning for substitute care placement, for permanency and alternate permanency planning and for adoption planning. Since these duties may be assigned to more than one group, this procedure uses the terminology "designated review body" to describe the respective group responsible for these functions.

**(3) "First Consideration of Relatives":** Oregon law and federal law require that when SOSCF places a child either on a temporary or permanent basis, SOSCF shall first consider relatives as a potential placement resource for the child, as provided in SOSCF Policy I-E.1.1, Working with Relatives towards Permanency for Children.

**(4) "Permanency Plan":** A plan to achieve permanency for the child. Reunification of the child(ren) with the parent(s) is the permanency plan of first choice providing the family can provide safe, adequate care. If placement with a parent(s) is not possible, SOSCF shall first consider relatives as placement 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 parent(s), 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. The child's important attachments will be considered and maintained where in the best interest of the child.

**(5) "Substitute Care":** Refers to a child(ren) in the legal or physical custody and care of the State Office for Services to Children and Families and who is in an out-of-home placement with someone other than their birth parent, legal parent, or legal guardian.

**Statutory Authority: ORS 418.005**

**Stats Implemented: Title IV-E, P.L. 105-89**

## VALUES

**413-070-0510 (1)** Substitute care placement is temporary care for a child who requires protective care or specialized treatment.

**(2)** Every child needs and deserves a safe, nurturing and permanent home.

**Statutory Authority: ORS 418.005**

**Stats Implemented: Title IV-E, P.L.105-89**

## PROCEDURES

**413-070-0515 (1) Initial Permanency Planning.** SOSCF shall develop a permanency plan and an alternate permanency plan for each child in SOSCF custody within 60 days of the actual placement date of the child into substitute care, (OAR 413-040-0000 through 0045, Service Plans). In developing the permanency plan, the health and safety of the child are of paramount concern. The permanency plan and alternate permanency plan shall each contain a permanency goal.

**(a)** If SOSCF does not pursue termination of parental rights for a child in SOSCF custody, SOSCF must document an exception to the requirement to file a petition to terminate parental rights in the following cases:

**(A)** When a child has been in care for 15 of the past 22 months;

**(B)** Parent convicted of certain crimes;

**(C)** Child abandoned; or

**(D)** At any time the permanency plan changes from "place with parents" to another plan other than adoption.

**(b)** If the goal is placement in another planned permanent living arrangement, SOSCF must document a compelling reason why it is not in the best interests of the child to be placed with a parent, to be referred for termination of parental rights and placed for adoption, to be placed with a relative, or to be placed with a legal guardian.

**(2) Goals for Achieving Permanency.** Each child in substitute care must have an appropriate and current permanency goal recorded in IIS and in the child's service plan. The goals as listed on the IIS Code Sheet, CF 305, are the options permitted by SOSCF policy; these goals must accurately reflect the service plan and the legal status of the child.

**(3) Permanency Plan Reviews:**

**(a)** SOSCF shall review the permanency plan for each child in its legal custody after the 6 month review conducted under ORS 419A.106 or any hearing conducted in lieu of such review but prior to the permanency hearing required by ORS 419B.470(2) to determine the appropriateness of the permanency plan. If the permanency hearing is scheduled before the 6 month review, SOSCF shall review the permanency plan prior to the permanency hearing even if the 6th month review has not occurred, (SOSCF Policy I-F.3.2.1, Termination of Parental Rights, OAR 413-110-0230). The caseworker shall document this review on the 147B.

**(b)** A permanency hearing must be conducted for all children in substitute care within 12 months after the date of the jurisdictional hearing or 14 months after the child was first placed in substitute care, whichever is earlier. Ongoing subsequent permanency hearings must be conducted not less frequently than every 12 months after the initial permanency hearing. Subsequent permanency hearings are also required for all children placed in a permanent foster home or a preadoptive home. Nothing in these rules precludes SOSCF from tracking an earlier date to assure compliance or seeking an earlier review.

**(c)** SOSCF may request that the court conduct a permanency hearing at any time. The court is not required to conduct a permanency hearing for a child in circumstances such as those described below but, based on an assessment of the specific facts of a case, SOSCF may determine that it is appropriate to request a permanency hearing:

**(A)** A child, who was in substitute care, is living with a parent(s) when a permanency hearing is due and remains under the jurisdiction of the court with an open SOSCF case; or

**(B)** A child, for whom no permanency hearing was held because the child had left substitute care and was living with a parent(s) when a permanency hearing was due, has now returned to substitute care.

**(d)** The permanency hearing shall determine the permanency plan for the child that includes whether, and if applicable, when:

**(A)** The child will be placed with the parent(s);

**(B)** SOSCF will file a petition for termination of parental rights and the child will be placed for adoption;

**(C)** The child will be referred for legal guardianship;

**(D)** The child will be placed in another planned permanent living arrangement.

**(e)** If SOSCF plans to place the child in another planned permanent living arrangement, as provided in (3)(d)(D) above, SOSCF must document a compelling reason for determining that it would not be in the best interest of the child to:

**(A)** Be placed with a parent;

**(B)** Be referred for termination of parental rights and placed for adoption;

**(C)** Be placed with a fit and willing relative;

**(D)** Be placed with a legal guardian.

**(4) Reasonable Efforts.** When making reasonable efforts, or active efforts in the case of an Indian child, the child's health and safety are the paramount concerns. SOSCF shall make reasonable efforts, or active efforts, consistent with strengths/needs based practices, to preserve and reunify families, to prevent or eliminate the need for removing the child from the child's parent(s), and to make it possible for the child to safely be placed with a parent. If continuation of reasonable efforts to place with the parent(s) inconsistent with the permanency plan for the child, SOSCF shall make reasonable efforts to place the child in a timely manner in accordance with the permanency plan, and to complete necessary steps to finalize the permanent placement of a child. This includes documentation of efforts to search for and place with relatives, and child specific recruitment efforts to locate an adoptive resource. In the case of an Indian child, SOSCF shall make active efforts to involve the Indian child's tribe in the selection of a permanent plan for the child.

**(a)** If a court determines that one of the following circumstances exists, the juvenile court may make a finding that SOSCF is not required to make reasonable efforts to make it possible for the child to return home:

**(A)** The parent has subjected the child to aggravated circumstances. Aggravated circumstances include, but are not limited to the following:

**(i)** The parent by abuse or neglect has caused the death of any child;

**(ii)** The parent has attempted, solicited or conspired to cause the death of any child;

**(iii)** The parent by abuse or neglect has caused serious physical injury to any child;

**(iv)** The parent has subjected any child to rape, sodomy or sexual abuse;

**(v)** The parent has subjected any child to intentional starvation or torture;

**(vi)** The parent has abandoned the child;

**(vii)** The parent has unlawfully caused the death of the other parent of the child.

**(B)** The parent has been convicted in any jurisdiction of one of the following crimes:

**(i)** Murder, of another child of the parent, which would have been an offense under section 1111(a) of Title 18, United States Code:

**(ii)** Manslaughter in any degree, of another child of the parent, which would have been an offense under section 1112(a) of Title 18, United States Code;

**(iii)** Aiding, abetting, attempting, conspiring or soliciting to commit an offense described in 413-070-0515(4)(a)(B)(i) or (ii); or

**(iv)** Felony assault that results in serious physical injury to the child or another child of the parent;

**(C)** The parent's rights to another child have been terminated involuntarily.

**(b)** If, pursuant to (4)(a) above, the juvenile court makes a finding that SOSCF is not required to make reasonable efforts to prevent or eliminate the need for removal of the child from the home or to make it possible for the child to safely return home, and SOSCF determines that it will not make such efforts:

**(A)** SOSCF shall request the court to conduct a permanency hearing no later than 30 days after the judicial finding in (4)(a);

**(B)** If the court's finding under (4)(a) was based upon proof that the

parent has been convicted of one of the crimes listed in (4)(a)(B), SOSCF shall file a petition for termination of parental rights no later than 60 days after the court's finding that SOSCF is not required to make reasonable efforts to make it possible for the child to safely return home unless:

(i) At the option of SOSCF, the child is being cared for by a relative;

(ii) SOSCF has documented in the case plan, which shall be available for court review, a compelling reason for determining that filing such a petition would not be in the best interests of the child as provided in ORS 419B.498(2); or

(iii) SOSCF has not provided to the family of the child, consistent with the time period in the case plan, services as SOSCF deems necessary for the safe return of the child to the child's home, if reasonable efforts to make it possible for the child to safely return home are required to be made with respect to the child.

(C) SOSCF shall make reasonable efforts to place the child in a timely manner in accordance with the permanency plan, and to complete the required necessary steps to finalize the permanent placement of the child.

**(5) Specialized Legal Assistance (formerly Permanent Planning) Services.**

Specialized legal assistance services are appropriate only if adoption is a realistic alternative to placing the child with a parent. These services shall be used only if the case meets the requirements of SOSCF Policy I-F.3.2.1, Termination of Parental Rights, and in accordance with requirements of SOSCF Policy I-F.3.2, Legal Assistance Program.

**Statutory Authority: ORS 418.005**

**Stats Implemented: Title IV-E, P.L. 105-89**