

DEFINITIONS

413-110-0310 (1) “Appropriateness of Adoption”: The determination that a child can be successfully freed, placed and maintained in an adoptive placement and that adoption is in the best interest of the child.

(2) “Approved Family”: A family that has been selected for a child in accordance with SOSCF Policy I-G.1.5, Adoption Placement Selection.

(3) “Branch Permanency/Adoption Committee”: The branch committee responsible for certain permanency and adoptions decisions, as specified in this rule. Members of the branch Permanency/Adoption Council are determined by the branch and are branch staff or staff from other branches. Branch committee members shall be individuals not involved in the case.

(4) “Permanency/Adoption Council”: A Council which consists of SOSCF management, permanency and adoption staff (which may include legal assistance workers), and community partners. Each Quadrant has a Permanency/Adoption Council. The Permanency/Adoption Council through Interbranch Permanency/Adoptions Committees makes decisions about the appropriateness of adoption as a permanency plan, sibling planning, recruitment issues, adoption disruptions and adoption selections referred by the branch. It also holds permanency staffings to decide whether to move a child out of state. The Adoptions Services Unit Manager has delegated decision-making in these areas to the Permanency Adoption Council. The Permanency/Adoption Council is also responsible to facilitate information sharing, peer consultation and support within the Quadrant.

(5) “Interbranch Permanency/Adoption Committee”: Means the permanency/adoption committee(s) established through the Permanency/Adoption Council which are responsible for decisions regarding adoptive placement selections as specified by this rule that are neither the responsibility of the branch nor the central office. One type of Interbranch Permanency/Adoption Committee is set by the worker using a pool of qualified permanency/adoption/legal assistance staff designated by the Permanency/Adoption Council. Another type, the Standing Interbranch Permanency/Adoption Committee, is either a predetermined Council appointed committee of three people, or a committee established by the Permanency/Adoption Council chair. Sibling planning issues are always the responsibility of the Standing Permanency/Adoption Committee.

Statutory Authority: ORS 418.005

Stats Implemented: PL 105-89 (ASFA)

VALUES

413-010-0320 (1) Adoption is a permanency option that should be considered as part of concurrent case planning for all children in substitute care.

(2) The assessment of the appropriateness of adoption as the permanency plan for a child begins at the time of the child's initial placement and continues until a permanent plan is achieved.

(3) If safe placement with a parent is not possible for a child, and the child can be legally freed for adoption and has an appropriate and available adoptive resource who wishes to adopt him/her, it is concluded that adoption is the appropriate permanency plan for the child.

(4) Adoption is not the most appropriate plan for every child.

(5) No child shall be legally freed for adoption without the probability of being placed with an approved family.

(6) Decisions whether adoption is the appropriate permanency plan for the child shall not be made unilaterally.

Statutory Authority: ORS 418.005

Stats. Implemented: PL 105-89 (ASFA)

PROCEDURE TO DETERMINE THE APPROPRIATENESS OF ADOPTION AS A PERMANENCY PLAN

413-110-0330 (1) Prior to legally freeing a child for adoption, a formal decision regarding whether adoption is the appropriate permanency plan for the child shall be made.

(2) Preliminary case planning steps which support consideration whether adoption is the appropriate permanency plan for the child are as follows:

(a) An adoption permanency goal shall be considered concurrently with other permanency goals for all children in substitute care;

(b) When it appears that placement with parents is not a viable goal, or when the child has been in substitute care for six months, the branch shall begin the process to obtain a formal decision regarding whether adoption is the appropriate permanency plan for the child.

(A) Significant barriers to reunification are addressed in SOSCF Policy I-F.3.2.1, Termination of Parental Rights;

(B) The caseworker shall gather information in an effort to determine whether adoption is the appropriate permanency plan for the child.

(c) Information gathering is essential in arriving at an appropriate decision whether adoption is the appropriate permanency plan for the child.

(A) The child's worker shall obtain pertinent information which may include, but is not limited to, psychological evaluations, therapist's assessments, medical, doctor or hospital records, personal care or special rate assessments, individual education plans, early intervention assessments;

(B) The child's worker shall address the following areas:

(i) The child's ability to attach, as may be reflected in psychological evaluations, therapist's assessments, provider and worker observations, other;

(ii) The needs of the child, as may be reflected in medical, psychological, emotional, developmental and genetic assessments;

(iii) Prior or current caretaker or family relationships, which could support or interfere with the child's ability to build new family relationships;

(iv) Information about the child's siblings and half siblings (see SOSCF Policy I-F.6, Sibling Placement Planning in Adoption);

(v) Prospective adoptive resources who have made it known to the agency that they want to be considered as an adoptive placement for this specific child;

(vi) The child's willingness to consent to adoption, if the child is 12 years of age or older.

(3) Formal determination of whether adoption is the appropriate permanency plan for the child shall be made by the branch Permanency/Adoption Committee or an Interbranch Permanency/Adoption Committee when the Legal Assistance Specialist

concur with the Permanency/Adoption Committee or an Interbranch Permanency/Adoption Committee as delineated in (3)(a) through(c) below. When the branch makes the determination, the branch shall assure participation on the Branch Permanency/Adoption Committee by a representative who is external to the branch, either an Adoption Specialist from the central Adoptions Services Unit; a permanency or adoption worker from another branch, or a representative from the Permanency/Adoption Council who is not an employee of the referring branch. (This representative may participate by telephone.)

(a) For any child, (unless they are part of a sibling group) the branch will determine whether adoption is the appropriate permanency plan for the child;

(A) If the child's worker and supervisor believe adoption is the appropriate permanency plan for the child, the determination that adoption is the appropriate permanency plan for the child can be made by the branch;

(B) When the child's worker and supervisor together review a case and it is not clear that adoption is the appropriate permanency plan for the child, or if there are questions regarding available approved families, the determination whether adoption is the appropriate permanency plan for the child will be determined by an Interbranch Permanency/Adoption Committee. The child's worker is responsible for scheduling this staffing with an Interbranch Permanency/Adoption Committee within 60 days of the child's worker/supervisor staffing.

(C) If the child's worker and supervisor believe that adoption is not the appropriate permanency plan for the child, they shall submit their written recommendation, approved by the branch manager, to the Branch Permanency/Adoption Committee for the Branch Permanency/Adoption Committee concurrence. Their recommendation must include the compelling reason(s) for their assessment that adoption is not an appropriate permanency plan for the child. (See SOSCF Policy I-F.3.2.1, Termination of Parental Rights, OAR 413-110-0240,(3)(c)(D). If the Branch Permanency/Adoption Committee disagrees, or wishes to seek consultation, the Branch Permanency/Adoption Committee shall request that the child's worker and supervisor contact the Legal Assistance Specialist to review as to whether adoption is the appropriate permanency plan for the child in accord with OAR 413-110-0330(3).

(b) When the determination whether adoption is the appropriate permanency plan for the child is made by an Interbranch Permanency/Adoption

Committee, the committee representative shall record the decision regarding the appropriateness of adoption as a permanency plan and will provide a copy of the documentation to the child's worker;

(c) The child's worker shall send documentation of an Interbranch Permanency/Adoption Committee decision to the central office Adoptions Services Unit to be included in the child's central office file.

Statutory Authority: ORS 418.005

Stats. Implemented: PL 105-89 (ASFA)

WHEN ADOPTION IS AN APPROPRIATE PERMANENCY PLAN

413-110-0340 (1) When it is determined that adoption is the appropriate permanency plan for the child and in legal risk situations the LAS has approved placement planning for the child:

(a) The child's worker shall begin the process to locate an appropriate approved family while proceeding with efforts to free the child for adoption;

(b) The child's worker shall request that either a Branch Permanency/Adoption Committee/Interbranch Permanency/Adoption Committee review their decision regarding whether adoption is the appropriate permanency plan for the child if the child's worker has not been able to find an appropriate approved family for the child within 6 months of the initial staffing.

(c) If a child is placed for adoption and the adoption disrupts, the child's worker shall follow procedures in SOSCF Policy I-G.1.3, Disruption of Adoptive Placements. The child's worker shall request that either a Branch Permanency/Adoption Committee or an Interbranch Permanency/Adoption Committee review their decision regarding whether adoption is the appropriate permanency plan for the child if the child's worker has not been able to find an appropriate approved family for the child within 12 months of the disruption date.

(d) If an adoptive placement disrupts and there is question as to whether adoption is currently the appropriate permanency plan for the child, an adoption staffing shall occur with either a Permanency/Adoption Committee or an Interbranch Permanency/Adoption Committee within 3 months of the disruption. (Refer to SOSCF Policy I-G.1.13, Disruption of Adoptive Placement).

(2) In the case of a child for whom the permanency plan is adoption, the worker shall document in the permanency plan the child's specific needs, the steps SOSCF is

taking to find an adoptive family for the child who can respond to those needs, to place the child with an adoptive family, and to finalize adoption. At a minimum, such documentation shall include child specific recruitment efforts such as the use of state, regional, or national adoption exchanges, including electronic exchange systems.

(3) SOSCF shall not delay or deny placement of a child for adoption when an approved family is available outside the jurisdiction of the state of Oregon. If the out of state placement is legal risk, the worker shall obtain approval from the central office Permanency and Adoptions unit, Legal Assistance Specialist as required per SOSCF Policy I-F.5, Legal Risk Placements. Once the legal risk placement is approved and designated, SOSCF shall notify the court and obtain approval of the plan prior to placing the child out of state. If the out of state adoption is private, SOSCF must have a signed contract with the placing agency in the receiving state.

(4) An individual who alleges denial of adoption approval as a result of residing outside the state of Oregon has the right to a contested case hearing.

(5) SOSCF shall not delay or deny placement of a child for adoption on the basis of the race, color or national origin of the adoptive parent, or the child involved (SOSCF Policy I-E.2, Multiethnic Placements).

Statutory Authority: ORS 418.005

Stats. Implemented: P.L. 105-89 (ASFA)

WHEN ADOPTION IS NOT AN APPROPRIATE PERMANENCY PLAN

413-110- 0350 When it is determined that adoption is not the appropriate permanency plan for the child, and the compelling reason for this determination has been documented in the case file:

(a) The child's worker shall develop and implement an alternate plan;

(b) If there are significant changes, the child's worker may refer the child back to either the Permanency/Adoption Committee or an Interbranch Permanency/Adoption Committee for a redetermination of whether adoption is the appropriate permanency plan for the child. The appropriateness of adoption as a permanency plan for the child can change as the child's circumstances change. When the LAS has questions about the appropriateness of adoption as the permanency plan for the child, the LAS may ask the branch to recruit for a potential adoptive placement prior to initiating the process to legally free the child for adoption.

Statutory Authority: ORS 418.005

Stats. Implemented: P.L. 105-89 (ASFA)

REVIEW PROCESS

413-110-0360 When the Permanency/Adoption Committee or an Interbranch Permanency/Adoption Committee has staffed a case and reached a decision which the child's worker finds difficult to accept, the child's worker may staff the case with his/her supervisor and branch manager. If the branch manager agrees with the child's worker, she/he shall request a review of the decision by the Adoptions Services Unit Manager for a final determination.

Statutory Authority: ORS 418.005

Stats. Implemented: PL 105-89 (ASFA)