

	<b>STATE OFFICE for SERVICES to CHILDREN and FAMILIES</b>  <b>CLIENT SERVICES MANUAL I</b>  ISSUED BY: Program Operations EFFECTIVE DATE: July 1, 2001	<b>NUMBER:</b> I-F.5 OAR: 413-110-0000 / 0060
		<b>SECTION:</b> F. Pre-Adoption Services
		<b>SUBSECTION:</b>
<b>SUBJECT:</b> 5. Legal Risk Placement - Oregon Administrative Rule		

Interpretation: Manager,  
Permanency & Adoptions

Approval: \_\_\_\_\_  
Assistant Administrator,  
Program Operations

## PURPOSE

**413-110-0000** A child in the legal custody of the State office for Services to Children and Families (SOSCF) for whom SOSCF has determined that adoption is an appropriate permanency plan and is in the process of being freed for adoption may be placed in an approved adoptive home with the understanding that if the child becomes legally free, the child will be adopted. Formerly, such a placement was described as a foster-adopt placement or a potential adoptive placement. The term for such placements is now "Legal Risk Placement" if the placement meets the requirements specified in these rules.

**Statutory Authority: ORS 418.005 (1)(a)**

**Stats. Implemented: ORS 418.005**

## DEFINITIONS

**413-110-0010 (1) "Legal Risk Placement"**: means that the SOSCF believes that an adoption is in the best interest of the child; that the child is placed in an approved adoptive home; and the agency intends to approve this placement for adoption if the child becomes legally free for adoption.

**(2) "Relative"** means a person considered a relative in SOSCF Policy I-E.1.1, Working with Relatives towards Permanency for Child, OAR 413-070-0069, (1) through (7).

**Statutory Authority: ORS 418.005 (1)(a)**

**Stats. Implemented: ORS 418.005**

## VALUES

**413-110-0015 (1)** Any child whose parent or parents are unable to provide a safe and healthy home for the child should be assured the opportunity to become a valued and permanent member of another safe family that understands and responds to the child's needs.

**(2)** Early identification and development of an alternative to placement with a parent increases the likelihood that the alternate permanency plan can be achieved in a timely manner.

**Statutory Authority: ORS 418.005 (1)(a)**  
**Stats. Implemented: ORS 418.005**

## POLICY

### ELIGIBILITY CRITERIA FOR LEGAL RISK PLACEMENT

**413-110-0020** Eligibility for Legal Risk Placement status exists when all of the following conditions have been met:

**(1)** The child is a ward of the court, is in substitute care, and SOSCF has determined that adoption is an appropriate permanency plan for the child according to the procedures outlined in OAR 413-110-0300 through 0360, Determining the Appropriateness of Adoption as a Permanency Plan (SOSCF Policy I-F.2).

**(2)** Per OAR 413-070-0060 through 0098, Working with Relatives Towards Permanency for Children (SOSCF Policy I-E.1.1), SOSCF has considered all parents and relatives and has either determined the relatives not to be a suitable permanent placement for the child, or has selected one relative who meets the requirements of these rules as the Legal Risk Placement resource.

**(3)** The SOSCF Central Adoption Services Unit Legal Assistance Specialist has assessed the child's status, and it has determined that a plan to free the child for adoption is in the best interest of the child.

**(4)** SOSCF has determined in accordance with OAR 413-110-0300 through 0360, Determining the Appropriateness of Adoption as a Permanency Plan (SOSCF Policy I-F.2) that adoption is an appropriate permanency plan for the child and an approved adoptive home has been selected according to the process outlined in SOSCF Policy I-G.1.6, Adoption Placement Selection.

(5) The Central Office Adoption Services Unit has reviewed and approved the plan and has officially designated the placement as a Legal Risk Placement.

(6) In the case of an out-of-state placement, once the legal risk placement is approved and designated, SOSCF shall notify the court and obtain approval of the placement before placing the child out-of-state. If the out of state placement is private, SOSCF must have a signed contract with the placing agency in the receiving state.

**Statutory Authority: ORS 418.005 (1)(a)**

**Stats. Implemented: ORS 418.005**

### **LEGAL RISK PLACEMENT REQUEST**

**413-110-0030** The branch office responsible for case planning for the child must submit a written request for a Legal Risk Placement to the SOSCF Central Office Adoption Services Unit. The request must clearly identify the child's current legal status and the plan to free the child for adoption, and provide information about the child and the child's family that is required by adoption procedures unless the information has already been submitted.

**Statutory Authority: ORS 418.005 (1)(a)**

**Stats. Implemented: ORS 418.005**

### **HOME REQUIREMENTS**

**413-110-0040 (1)** The legal risk placement home must be studied and approved as an adoptive home according to OAR 413-120-0200 through 0230, Adoption Applications or in the case of an out of state placement OAR 413-040-0200 through 0330, Interstate Compact on the Placement of Children. The home must also be certified or approved as a foster home.

(2) Adoptive families considered for a Legal Risk Placement are informed of the risk of having the child removed and sign a legal agreement. In the Legal Risk Placement Agreement, they assure that they are aware that the child is not legally free for adoption, that SOSCF cannot guarantee that this will be accomplished in the future and that they want to adopt the child, but will continue to provide temporary care for the child if adoption is not possible. The potential adoptive parents must complete the Adoption Recruitment Management System (ARMS) 3010, Legal Risk Placement Agreement acknowledging that they understand the uncertainty of the Legal Risk Placement before the Central Adoption Services Unit will grant official designation of such a placement.

(3) Upon signature of the SOSCF Adoption Services Manager on the ARMS 3010, Legal Risk Placement Agreement, the placement is a placement for the purpose of adoption.

**Statutory Authority: ORS 418.005 (1)(a)**

**Stats. Implemented: ORS 418.005**

#### **EFFECT ON A RELEASE AND SURRENDER**

**413-110-0050** A Legal Risk Placement is a placement for the "purpose of adoption" in accordance with ORS 418.270, subsection (4), which specifies when a release and surrender given by a parent or guardian shall be considered irrevocable. These rules shall apply to any release and surrender accepted prior to, concurrent with or subsequent to the Legal Risk Placement.

**Statutory Authority: ORS 418.005 (1)(a)**

**Stats. Implemented: ORS 418.005**

#### **TERMINATION OF LEGAL RISK PLACEMENT STATUS**

**413-110-0060** When the child is legally free to be adopted, the Central Office Adoption Services Unit will change the child's placement status from Legal Risk Placement to Adoptive Placement.

**Statutory Authority: ORS 418.005 (1)(a)**

**Stats. Implemented: ORS 418.005**