

	Department of Human Services CHILDREN, ADULTS & FAMILIES CLIENT SERVICES INDEX	NUMBER: I-F.6 OAR: 413-110-0100 thru 0140
	ISSUED BY: Office of Safety and Permanency for Children FINAL: 5-01-06	SECTION: F. Pre-Adoption Services
		SUBSECTION:
SUBJECT: Sibling Placement Planning in Adoption – OAR		

REFERENCES:

ORS 419B.005
 I-G.1.1, Relative or Current Caretaker Adoption Planning

413-110-0100

Purpose

These administrative rules, OAR 413-110-0100 to 413-110-0140, provide the Department's guidelines on initiating and maintaining sibling relationships between children for whom adoption is the plan.

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

413-110-0110

Definitions

The following definitions apply to OAR 413-110-0100 to 413-110-0140:

- (1) A "Permanency/Adoption Council" (Council) is a council consisting of field-management staff, permanency and adoption staff, and community partners from several Service Delivery Areas (SDA), except that the Council in SDA 2 consists only of representatives from Multnomah County. A Council makes decisions for children ---whose county of jurisdiction is within the geographic area of the Council --- about appropriateness of adoption as a permanency plan, sibling planning, recruitment, adoption disruptions, and adoption selections referred by the local office. The Council also may provide permanency staffings to decide whether to place a child with an out-of-state relative resource prior to receipt by the Department of an approved adoption home study.
- (2) Permanency/Adoption Council Committee.

- (a) A "Permanency/Adoption Council Committee" (Committee) is a committee established by the Permanency/Adoption Council that is responsible for decisions regarding adoptive placement selections that are not the responsibility of the local office or the Department's Adoption Services Unit. The SDA manager or designee responsible for the local office may delegate a decision to the Committee. Each Committee must include at least three members not involved in the case to be heard by the Committee.
 - (b) There are two types of Permanency/Adoption Council Committees:
 - (A) An ad hoc committee selected by the child's worker. This committee consists of three people drawn from a pool of qualified permanency and adoption staff designated by the Council.
 - (B) The Standing Permanency/Adoption Committee. This committee is a standing committee of three persons appointed by the Council or the Council chair. Responsibilities of this committee include making decisions, such as those relating to sibling placement planning or current caretaker placement decisions, delegated by the Local Office Permanency/Adoption Committee to the Council.
- (3) "Siblings" are children with at least one biological parent in common.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-110-0120

Values

- (1) The Department values the preservation of the relationships of *siblings* (defined in OAR 413-110-0110) when in the best interests of the children, recognizing these relationships as the family relationships that can be the longest lasting.
- (2) The Department values the placement of *siblings* with the same substitute care provider or adoptive family whenever possible and when it is in the best interests of the children to do so.
- (3) If separation of *siblings* occurs in foster care, the Department views the separation as temporary and will work to reunite separated *siblings* when it is in the best interests of the children to do so.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-110-0130**Procedure for Placing Siblings Who are in the Custody of the Department for Whom the Department has Identified Adoption as the Primary or Concurrent Permanency Plan**

- (1) For purposes of this rule, an adoptive placement decision includes a preliminary current caretaker decision.
- (2) The Department will attempt to place *siblings* (defined in OAR 413-110-0110) for whom adoption is the plan in the same adoptive family when it is in the children's best interests. Early separation of *siblings* in substitute care can decrease the probability of the *siblings* being adopted by the same family. When *siblings* have been separated in substitute care, the Department takes appropriate action to remove barriers to reunification of the *siblings* to reunite them in foster or adoptive placement as soon as possible when in the best interests of the *siblings* to do so, including the following steps at a minimum:
 - (a) The child's worker must review all attempts to reunite *siblings* and document in the case file the reasons why the attempts were not successful.
 - (b) If *siblings* are placed separately in substitute care, the Department will make efforts to ensure that the children have the opportunity for initiating and continuing contact when it is in their best interests to do so. The worker must document the visitation plan for *siblings* in the case file.
- (3) When *siblings* do not move toward adoption simultaneously, the Department will attempt to give them an opportunity to maintain sibling relationships when it is in their best interests to do so by, for example:
 - (a) Providing counseling or other services to *siblings* to assist them in developing more healthy relationships with each other;
 - (b) Developing safety plans to increase safety between *siblings* when they are together, if there is a concern about the safety of *siblings* when they are together;
 - (c) Providing training or other resources to care providers or adoptive parents to facilitate safety and more healthy relationships with *siblings* if there is a reasonable concern about safety or the ability of *siblings* to relate to each other;
 - (d) Allowing a sibling to join another in an adoptive home; or

- (e) Arranging contact between *siblings* when they are placed in separate adoptive homes.
- (4) When the Department has identified adoption as the primary or alternative permanency plan for a child, the child's worker must attempt to determine the whereabouts of the child's *siblings*, including those who may have already been placed for adoption.
- (5) If the Department learns that the child has a sibling placed in an adoptive home (finalized or designated), the child's worker must attempt to determine whether the sibling's adoptive family is interested in being considered as an adoptive resource for the child. If the adoptive family of the child's sibling is interested in adopting the child, the Department will instruct the family regarding the process to obtain an adoption study, and if such a study approves the family for adoption, the Department will consider them as a potential adoptive resource for the child along with other potential relative resources. The child's worker must provide the adoptive family of the child's sibling with written information regarding the child's history and special needs, the adoption study process, the time lines required for completion, and must document this in the case file record, as required in OAR 413-070-0093.
- (6) When the Department begins recruitment for potential general adoption applicant families for a child for whom adoption is being planned and the child has one or more *siblings* who may need an adoptive placement in the future (for instance, the child's birth mother is pregnant or a sibling of the child has been placed in substitute care but adoption is not yet the primary or permanency plan for the sibling), the child's worker must recruit for potential adoptive families who may be able to adopt any or all of these *siblings*.
- (7) A sibling planning staffing (sections (8) and (9) of this rule) is not required in each of the following situations:
 - (a) If an adoptive placement decision has already been made for one or more *siblings*, and the remaining *siblings* are being planned for adoptive placement together.
 - (b) If one or more *siblings* have a plan for adoption together and the remaining one or more *siblings* have a plan other than adoption.
- (8) When the Department considers separate adoptive homes as placements for *siblings* for whom adoption is being planned and for whom no adoptive placement selection has yet been made, the child's worker must:
 - (a) Consider the following factors for each child in determining whether it is in the child's best interests to be separated from his or her *siblings* who will also be adopted:

- (A) Significant family data
 - (B) Attachments
 - (C) Medical condition
 - (D) Psychological evaluations
 - (E) Treatment needs
 - (F) Behavior
 - (G) Age
 - (H) Relationships of the sibling with each other
 - (I) Information from any person with significant information about the child, for instance the following:
 - (i) The child's therapist
 - (ii) The child's attorney
 - (iii) The child's CASA
 - (iv) The child's tribe, if ICWA applies
 - (v) The child's caregiver
 - (J) The results of three months' of intensive efforts to recruit general applicant families interested in adopting *siblings* together
 - (K) Any other relevant information
- (b) Discuss a possible sibling separation with his or her supervisor or the SDA manager or designee.
- (9) If section (8) of this rule applies and if after consideration of the factors in subsection (8)(a) of this rule, the child's worker and supervisor concur that separation of the *siblings* for whom adoption is being planned is in the best interests of one or more of the *siblings*, the child's worker must staff the case with a standing committee of the Permanency/Adoption Council and invite the child's attorney, the child's CASA, the child's caregivers, and the child's tribe (if ICWA applies) to the child-presentation portion of the staffing.

- (10) When a standing committee has made a decision to place *siblings* in separate adoptive homes, the Department's efforts to recruit adoptive families must include searches for families who can maintain some contact between the *siblings*, if the contact is in their best interests.
- (11) Even if not required by this rule, a worker may request a staffing for consultation regarding sibling issues beyond planning for *siblings* for adoptive placement.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-110-0140

Appeal Process

When a standing committee has staffed a case and reached a decision with which the child's worker disagrees, the child's worker must staff the case with his or her supervisor and the SDA Manager or designee. If the SDA Manager or designee agrees with the child's worker, the SDA manager or designee must request a review of the decision by the Adoption Services Unit Manager. A request to review the decision of a standing committee must be received by the Adoption Services Unit Manager within 10 calendar days following the day the standing committee makes the decision. The Adoption Services Unit Manager will review the committee's decision and make the final decision whether to allow separation of the siblings.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005