

<b>Policy Title:</b>	Sibling Permanency Placement Planning – <i>Temporary</i> OAR		
<b>Policy Number:</b>	I-F.6 413-110-0100 thru 0150		<b>Effective Date:</b> 7-01-10 to 12/28/10

Approved By: *on file*

Date Approved: 7-01-10

Policy

Forms, etc.

Definitions

References

Contact

History

### Reference(s):

- ORS 419B.005
- ORS 419B.192
- I-E.1.1 Search for and Engagement of Relatives
- I-G.1.1, Foster Parent Request for Consideration as a Current Caretaker
- I-G.1.3 Adoption Applications
- I-G.1.5 Adoption Placement Selection

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### Form(s) that apply:

- None referenced.

### Rules:

#### **413-110-0100**

##### **Purpose**

These administrative rules, OAR 413-110-0100 to 413-110-0150, describe the Department's case planning responsibility to maintain and support lifelong sibling relationships for a child in the legal custody of the Department whose permanency plan is guardianship or adoption.

Stat. Auth.: ORS 418.005, 419B.192

Stats. Implemented: ORS 418.005, 419B.192

#### **413-110-0110**

##### **Definitions**

The following definitions apply to these rules, OAR 413-110-0100 to 413-110-0150:

- (1) "Adoptive Resource" means an individual or individuals selected as the adoptive family for a child and the selection has not been subject to an administrative review, or if

subject to a review, has been sustained by that review.

- (2) "Child" means a person under 18 years of age.
- (3) "CASA" means a court appointed special advocate, a volunteer who is appointed by the court, is a party to the juvenile proceeding, and advocates for the child pursuant to ORS 419A.170.
- (4) "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.
- (5) "Department" means the Department of Human Services, Child Welfare.
- (6) "Designee" means an individual whom the designator directly and immediately supervises, or an individual with equal or greater management responsibility than the designator.
- (7) "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.
- (8) "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.
- (9) "RCWAC" means the Refugee Child Welfare Advisory Committee.
- (10) "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, or 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 in order 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.
- (11) "Sibling" means one of two or more children or young adults related:
- (a) By blood or adoption through a common legal parent;
- (b) Through the marriage of the children's or young adults' legal or biological parents; or
- (c) Through a legal or biological parent who is the registered domestic partner of the child's legal or biological parent.

Stats. Implemented: ORS 418.005, 418.925, 418.937, 418.945, 419B.192

#### **413-110-0130**

##### **Consideration of Sibling Placement**

The Department's first priorities for placement of a child in the legal custody of the Department are placement with relatives and with siblings.

- (1) When any child in the legal custody of the Department is separated from one or more siblings in substitute care, the Department must make diligent efforts to place the siblings together in substitute care, so long as it is in the child's best interests, regardless of each child's permanency plan.
  - (a) The caseworker must document the efforts to place siblings together in substitute care in the Department's information system.
  - (b) If siblings are placed separately in substitute care, the Department must ensure that the children have the opportunity for continuing contact unless contact is not in the best interest of the child or one or more of the siblings.
- (2) When a caseworker, in consultation with the caseworker's supervisor, is considering the permanent separation of siblings for whom adoption or guardianship is the permanency plan, the caseworker must schedule a permanency committee.

Stat. Auth.: ORS 418.005, 419B.192

Stats. Implemented: ORS 418.005, 419B.192

#### **413-110-0132**

##### **Consideration of Sibling Separation**

- (1) When a permanency committee has been scheduled under OAR 413-100-0130, the Department must notify and invite all of the following individuals to present information to the permanency committee.
  - (a) The caseworker for the child and for each sibling;
  - (b) The caseworker's supervisor for the child and for each sibling;
  - (c) The attorney for the child and for each sibling;
  - (d) The CASA for the child and for each sibling;
  - (e) When a child is an Indian child, a tribal representative; and
  - (f) When a child is a refugee child, a member of the RCWAC.
- (2) The individuals in section (1) may provide the Department names of other individuals who have significant information regarding the child's or a sibling's needs and request that the Department invite the other individual to present information to the

permanency committee.

- (3) Information may be presented by any individual invited to the permanency committee in person, by telephone, through other electronic communication, or in writing.
- (4) The permanency committee may seek clarifying and request additional information during the presentations.
- (5) When presentations are completed, the children's attorneys, each CASA, the tribal representative, the member of the RCWAC, and any other individual invited under section (2) of this rule, are excused from the permanency committee. The caseworker and caseworker's supervisor for the child and each sibling remain for the completion of the permanency committee but do not participate in making the committee recommendation.
- (6) The permanency committee must review all information presented to the permanency committee and consider all of the following:
  - (a) The current and lifelong needs of the child and of each sibling;
  - (b) The existence of the child's significant emotional ties to each sibling;
  - (c) The child's and each sibling's needs for all of the following:
    - (A) Physical and emotional safety;
    - (B) Ability to develop and maintain current and lifelong connections with the child's family;
    - (C) Continuity and familiarity;
    - (D) Appropriate educational, developmental, emotional, and physical support;
    - (E) Stability; and
    - (F) Maintaining his or her identity and cultural and religious heritage.
- (7) After completing the review under section (6) of this rule, the permanency committee makes one of the following recommendations regarding placement of siblings:
  - (a) Separation of the child from one or more siblings is not in the best interest of the child and the caseworker must continue to make efforts to place the child with siblings for the purpose of adoption or guardianship; or
  - (b) Separation of the child from one or more siblings for the purpose of adoption or guardianship is in the best interests of 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.

Stat. Auth.: ORS 418.005, 418.937, 418.945, 419B.192

Stats. Implemented: ORS 418.005, 418.937, 418.945, 419B.192

#### **413-110-0140**

#### **Decision, Notification, and Review of a Sibling Placement Decision**

- (1) 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 permanent separation of siblings for the purposes of guardianship or adoption is appropriate for the child and the identified siblings; and
  - (c) Provide notice of the decision to the caseworker within one business day following the decision made under subsection (b) of this section.
- (2) The caseworker must notify the following individuals within one business day following receipt of the notice received under subsection (1)(c) of this rule:
  - (a) The attorney for the child and for each sibling;
  - (b) The CASA for the child and for each sibling;
  - (c) When the child is an Indian child, a tribal representative; and
  - (d) When the child is a refugee child, a member of the RCWAC.
- (3) Any individual receiving notice under section (2) 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 Manager within seven calendar days of the notification required in section (2) of this rule.
- (4) Within 14 calendar days of notification required in section (2) of this rule, the District Manager must review the decision of the child welfare program manager.
- (5) In conducting the review, the District Manager may consider the information submitted to the child welfare program manager from the permanency committee, and may consider additional, relevant information. Upon completing the review, the District Manager must provide written notice to each child's caseworker, supervisor, and any

other party who requested the review that either:

- (a) The child welfare program manager or designee's decision is affirmed; or
- (b) The child welfare program manager or designee's decision is reversed and directing the caseworker's further actions to be taken regarding sibling placement planning.

Stat. Auth.: ORS 418.005, 418.937, 418.945, 419B.192

Stats. Implemented: ORS 418.005, 418.937, 418.945, 419B.192

### **413-110-0150**

#### **Sibling Placement and Permanency Planning**

- (1) When separation of siblings has occurred as a result of a Department action or decision pursuant to OAR 413-110-0140(1)(b) or 413-110-0140(5), the Department's efforts to identify a potential guardian or identify and recruit a potential adoptive resource must include recruitment efforts to identify a potential guardian or adoptive resource who can initiate and maintain connections between the child and one or more siblings, unless such a connection is not in the best interests of the child or one or more siblings.
- (2) When one or more of the following circumstances exists, and it is in the best interest of the child, the caseworker must make efforts to identify a potential guardian or identify and recruit an adoptive resource that also may be able to become the guardian of or adoptive resource for the child's siblings:
  - (a) The child's mother is pregnant.
  - (b) The child's siblings, who are also in substitute care, do not yet have a permanency plan of adoption.

Stat. Auth.: ORS 418.005, 419B.192

Stats. Implemented: ORS 418.005, 419B.192

#### **Contact(s):**

- **Name:** Beth Englander, Carla Crane, Gail Schelle
- **Phone:** 503-945-5358, 503-945-5998, 503-945-5997

#### **Policy History**

- 09/17/96
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