DHS Policy
Oregon Department of Human Services

Children, Adults and Families

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Policy Title:	Supervision and Support of an Adoptive Placement – OAR				
Policy Number:	I-G.1.10 413-120-0800 thru 0880			Effective Date:	12/29/10

Approved By: *on file* Date Approved: 12/22/10

Reference(s):

- ORS 418.005
- Title IV-E Indian Child Welfare Act
- Refugee Act of 1980
- PL 105-89, Adoption and Safe Families Act (ASFA)
- Fostering Connections to Success and Increasing Adoptions Acts of 2008
- 45 CFR Parts 1355, 1356 and 1357, 1/25/2000
- Child Welfare Policy I-A.1, Client Rights
- Child Welfare Policy I-B.1, Monitoring Child Safety
- Child Welfare Policy I-B.3.4.2, Interstate Compact on the Placement of Children
- Child Welfare Policy I-G.1.3, Adoption Applications, Adoption Home Studies, and Standards for Adoption
- Child Welfare Policy I-G.1.5, Adoption Placement Selection
- Child Welfare Policy I-G.1.14, Intercountry Adoption Pursuant to the Hague Convention and Intercountry Adoption Act

Form(s) that apply:

- None referenced.

Rules:

413-120-0800
Purpose

These rules (OAR 413-120-0800 to 413-120-0880) describe --

(1) Department responsibilities following the selection of an *adoptive resource* pursuant to Child Welfare Policy I-G.1.5, "Adoption Placement Selection", OAR 413-120-0000 to 413-120-0060 for:

(a) *Adoption transition* and placement of the *child* with the *adoptive resource*;

(b) Supervision of the adoptive placement;

(c) Support for the *child* and adoptive family after placement; and

(d) Actions required by the Department when a *disruption* of an adoptive placement of a *child* in the legal custody of the Department is likely or has occurred.

(2) The actions required by the Department when concerns arise regarding the appropriateness of an *adoptive resource* for a *child* or children in the legal custody of another public child welfare agency that the Department is supervising.

(3) The additional requirements for an international adoption of a *child* in the legal custody of the Department are referenced in Child Welfare Policy I-G.1.14, "Intercountry Adoption Pursuant to the Hague Convention and Intercountry Adoption Act", OAR 413-120-0900 to 413-120-0970.

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

413-120-0810
Definitions

The following definitions apply to OAR 413-120-0800 to 413-120-0880:

(1) "Adoption home study" means a written report documenting the result of an assessment conducted by the Department, a licensed adoption agency, or another public agency to evaluate the suitability of an individual or individuals to adopt and make a lifelong permanent commitment to a *child* or children.

(2) "Adoption placement selection" means a decision made by the Department that an individual or individuals have been identified as the *adoptive resource* for the *child*.

(3) "Adoption transition" means activities related to the placement of a *child* or sibling group under consideration in the home of the family selected as the *adoptive resource*.

(4) "Adoptive resource" means an individual or individuals selected by the Department, another public child welfare agency, or a licensed adoption agency as the adoptive family for a *child* where no administrative review was requested within the timeframe allowed for such a request or, if a review was requested, the selection was sustained by that review and the review is complete.

(5) "Child" means a person under 18 years of age.

(6) "Department" means the Department of Human Services, Child Welfare.

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(7) "Disruption" means the interruption of an adoptive placement prior to the finalization of the adoption in a court of law.

(8) "Legal risk adoptive placement" means a placement with a *substitute caregiver* designated by the Adoption Program as the child's *adoptive resource* after the Department has made a formal decision:

(a) To legally free the *child* for adoption; and

(b) To finalize the adoption with the *adoptive resource* when the *child* becomes legally free.

(9) "Post-placement supervision" means the supervision of a *child* following placement with an *adoptive resource*.

(10) "Substitute caregiver" means a relative caregiver, foster parent, or provider who is authorized to provide care to a *child* or young adult who is in the legal or physical custody of the Department.

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

413-120-0830
Department Actions Prior to Placement

(1) Prior to the physical placement of a *child* in the home of the family selected to be the *adoptive resource*, the caseworker must arrange *post-placement supervision* and medical coverage for the *child*.

(2) When the family selected to be the *adoptive resource* is outside the state of Oregon, but in the United States:

(a) The court and the receiving state must agree to the adoptive placement prior to the physical placement of a *child* who is not yet legally free for adoption;

(b) Approval as required by Child Welfare Policy I-B.3.4.2, "Interstate Compact on the Placement of Children", OAR 413-040-0200 to 413-040-0330 must be received; and

(c) When supervision is to be provided by a private agency, the Department must contract only with an agency willing to --

(A) Provide supportive services to the *child* and adoptive family;

(B) Provide progress reports as required by the Department;

(C) Provide a written recommendation regarding the finalization of the adoption; and

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(D) Accept payment as authorized by the Department.

(3) Unless an exception is approved as described in OAR 413-120-0840, *adoption transition* of a *child* into the home of a family selected to be the *adoptive resource* may not begin until:

(a) The time period has expired for the written request for review of the *adoption placement selection* as described in Child Welfare Policy I-G.1.5, "Adoption Placement Selection", OAR 413-120-0060; or

(b) In the event the DHS Assistant Director of CAF or designee gives notice of the intent to review, until that review is complete.

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

413-120-0835
Adoption Transition

The topic of *adoption transition* is covered in OAR 413-120-0830.

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

413-120-0840
Early Adoption Transition

(1) The child's caseworker, following consultation with the caseworker's supervisor and the approval of the Child Welfare Program Manager, may request physical placement with the family selected to be the *adoptive resource* before the timelines described in OAR 413-120-0830 when the requirements in all of the following subsections are met:

(a) It is in the best interests of the *child*;

(b) There are no indications that a review of the *adoption placement selection* will be requested; and

(c) When the *child* is to be placed in a state within the United States and outside of Oregon, the requirements under OAR 413-120-0830 have been met regarding a placement in a state other than Oregon.

(2) The caseworker must send the written request for early *adoption transition*, including the basis for the request, to the Adoption Program Manager or designee who makes the final decision.

(3) The caseworker must document the decision regarding the early *adoption transition* in the Department's information system.

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

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413-120-0850
Legal Risk Adoptive Placement

When the Department determines a placement is a *legal risk adoptive placement*, the Department and the *adoptive resource* must sign a Legal Risk Agreement which indicates all of the following:

(1) The Department cannot guarantee the *child* will become legally freed for adoption.

(2) The Department is actively pursuing a plan to legally free the *child* for adoption.

(3) The *adoptive resource* agrees to provide substitute care to the *child* with the understanding that the *child* may be removed from the home if the *child* does not become legally free for adoption.

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

413-120-0860
Placement and Post-placement Supervision

(1) The child's caseworker must offer support and services to the *adoptive resource* to assist in a successful *adoption transition* of the *child* into the home of a family selected to be the *adoptive resource*.

(2) *Post-placement supervision* must include all of the following:

(a) Face-to-face contact with the *child* under Child Welfare Policy I-B.1, "Monitoring Child Safety", OAR 413-080-0059;

(b) Assessment of the child's safety and well-being under Child Welfare Policy I-B.1, Monitoring Child Safety, OAR 413-080-0067;

(c) Providing services and support to assist the *adoptive resource* in meeting the requirements described in Child Welfare Policy I-G.1.3, "Adoption Applications, Adoption Home Studies, and Standards for Adoption", OAR 413-120-0246(1)(b).

(d) Providing support to the *adoptive resource* in the process of the completion and submission of the adoption assistance application, when applicable; and

(e) Documentation from the supervising worker which includes the supervision reports and a recommendation regarding finalization of the adoption.

(3) When the *child* is placed through an in-state private agency, the Department must provide supervision of the placement and, when applicable, must coordinate support services with the in-state private agency.

(4) When it becomes known to the Department that there are significant changes to the adoptive resource's situation, including changes in the family structure, the Department may require an updated *adoption home study* prior to making a determination to proceed with finalization of the adoption.

(5) Prior to finalization of the adoption, the Department must ensure that the *adoptive resource* is made aware of all of the following:

(a) Available post-legal services;

(b) The potential eligibility for federal or state adoption tax credits, or both; and

(c) The ability to seek voluntary supportive services through the Department to stabilize an adoption and promote lifelong permanency for children.

(6) The standard supervision period for an adoptive placement is a minimum of six consecutive months and can include the time the *adoptive resource* was the child's *substitute caregiver*. When the child's caseworker and the adoption worker agree that it is in the child's best interests to proceed with finalization before the standard six month period:

(a) The child's caseworker or adoption worker must request approval from --

(A) Their supervisor; and

(B) The Adoption Program Manager or designee.

(b) The child's caseworker must document in the Department's information system when approval is given for a reduced *post-placement supervision* time.

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

413-120-0870
Disruption

(1) After the *adoption placement selection* has been made under Child Welfare Policy I-G.1.5, "Adoption Placement Selection", OAR 413-120-0021 or 413-120-0057 but prior to the physical placement of the *child* with the family selected as the *adoptive resource*, when circumstances occur or conditions are made known to the Department that give

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the child's caseworker reason to believe the selected *adoptive resource* is no longer appropriate for the *child* or his or her siblings, the child's caseworker must:

(a) Consult with his or her supervisor;

(b) Document the conditions or circumstances of concern; and

(c) Request approval from the Adoption Program Manager to reconsider the *adoption placement selection*.

(2) When the caseworker for the *child* determines that a *disruption* is likely, the caseworker must consult with each of the following to try to preserve the placement, when it is in the best interest of the *child* to do so:

(a) His or her supervisor;

(b) The adoption worker who is supervising the adoptive placement;

(c) Members of the child's team identified as individuals who can offer additional information or support, and

(d) The family, if possible.

(3) When the Department is supervising an adoptive placement of a *child* in the custody of another public child welfare agency and concerns arise that indicate that the *adoptive resource* is no longer appropriate for the *child* or children, the caseworker must ensure contact is made with the responsible entity and coordinate subsequent actions.

(4) When the caseworker and supervisor recommend to the Child Welfare Program Manager that the *adoptive resource* for a *child* in the custody of the Department is no longer appropriate for the *child* or children, the Child Welfare Program Manager, when in agreement, forwards the request for final approval for a *disruption* to the Adoption Program Manager.

(5) The caseworker must document the *disruption* in the Department's information system and notify the central office Adoption Program and the central office ICPC unit, if applicable, of the date of the adoption *disruption*.

(6) After the *disruption* of an adoptive placement of a *child* in the custody of the Department, the child's caseworker must consult with his or her supervisor, the child's team, and individuals with significant adoption experience to staff the case in order to:

(a) Gain a comprehensive understanding of the issues leading to the *disruption*; and

(b) Increase the likelihood for the child's success in another adoptive placement.

Stat. Auth.: ORS 418.005
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413-120-0880
No Delay in Placement

(1) The Department may not delay placement of a *child* for adoption with an *adoptive resource* based on any criteria listed in the following subsections:

(a) Geographic location; or

(b) Race, color, or national origin of the *child* or the *adoptive resource*.

(2) An *adoptive resource* who believes that the Department violated the prohibition under section (1) of this rule may file a civil rights complaint and request a review under Child Welfare Policy I-A.1, "Client Rights".

Stat. Auth.: ORS 418.005
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Procedure(s) that apply:

- None referenced.

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Policy History

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