

	Department of Human Services CHILDREN, ADULTS & FAMILIES	NUMBER: I-G.1.1 OAR: 413-120-0500 thru 0550
	CLIENT SERVICES MANUAL I	SECTION: G. Adoption
	ISSUED BY: Office of Safety and Permanency for Children EFFECTIVE DATE: January 1, 2004	SUBSECTION: 1. Adoption Services
SUBJECT: 1. Current Caretaker Adoption Planning - Oregon Administrative Rules		

Responsible Manager: Manager
Adoption Services
Unit

Approval: _____
Assistant Administrator,
Office of Safety & Permanency
for Children

Interpretation: Manager,
Adoption Services Unit

REFERENCES: ORS 418.285 and 418.290
Child Welfare Policy I-A.4.1, Rights of Children
Child Welfare Policy I-A.4.5, Rights of Relatives
Child Welfare Policy I-A.4.6, Rights of Persons Who Have a
Child-Parent Relationship
Child Welfare Policy I-E.1.1, Working with Relatives Toward
Placement of Children
Child Welfare Policy I-G.1.2, Adoption Recruitment
Child Welfare Policy I-G.1.5, Adoption Placement Selection
Child Welfare Policy I-G.3.1, Adoption Assistance
CF 251, "Current Caretaker Report"

413-120-0500
Purpose

These rules (OAR 413-120-0500 to 413-120-0550) establish the process by which a current caretaker of a child who is legally free or being freed for adoption may apply and be given consideration as the adoptive placement resource for the child.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.285 and 418.290

413-120-0510**Definitions**

These terms are defined for use in OAR 413-120-0500 to 413-120-0550:

- (1) A "current caretaker" is a person currently having physical custody of a child who meets one of the following requirements:
 - (a) The person is a relative of the child as defined in OAR 413-070-0069(1)(a) who has had the child in his or her home consecutively for six months or longer. An exception to the durational requirement may be granted if the local office has completed a diligent search for relatives and the person who currently has physical custody is sole suitable relative. The SDA manager or designee may grant the exception if it is in the child's best interests. The determination that the exception is in the child's best interests must be explained in the case file.
 - (b) The person is a non-relative foster parent who has had the child in his or her home consecutively for six months or longer. An exception to the durational requirement may granted if the local office has completed a diligent search for relatives and determined there is no suitable relative. The SDA manager or designee may grant the exception if it is in the child's best interests. The determination that the exception is in the child's best interests must be explained in the case file.
- (2) "Local Office Permanency/Adoption Committee": The branch committee responsible for certain permanency and adoptions decisions, as specified in these rules. Members are selected by the local office from among the staff of the Department's field offices. The members must not be involved in the case to be heard.
- (3) 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 their geographic area about appropriateness of adoption as a permanency plan, sibling planning, recruitment, adoption disruptions, and adoption selections referred by the local office. It 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.
- (4) A "Permanency/Adoption Council Committee" is a committee responsible for decisions regarding adoptions as specified in OAR 413-110-0300 to 413-110-0360

that are not the responsibility of the local office or of the Department's Adoption Services Unit. The two types of Permanency/Adoption Council Committees are:

- (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.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.285 and 418.290

413-120-0520

Values

- (1) Every child has a right to a permanent family.
- (2) Decision making for a child should be guided by the child's best interests and an understanding of the child's current and future needs.
- (3) The psychological and emotional attachments of a child to the current caretaker are of vital consideration in determining the best interests of the child.
- (4) The best adoption placement selection decisions are always made as the result of a collaborative process.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.285 and 418.290

413-120-0530

Determine That Diligent Search Completed

Once the Department makes a formal decision, approved by a legal assistance specialist in the Adoption Services Unit, to proceed to free a child for adoption, or if a petition to terminate parental rights is filed by the child's attorney, and if a current caretaker expresses interest in being a permanent placement resource for the child in his or her

care, the Department determines whether a diligent search for the relatives of the child (see OAR 413-070-0060 to 413-070-0075) has been completed.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-120-0540

Scheduling, Arranging, and Staffing the Current Caretaker Committee

- (1) Once a diligent search for relatives has been completed, the child's caseworker schedules a current caretaker committee. The purpose of the committee is to consider the current caretaker's interest in being the adoptive resource for the child.
- (2) The committee must be scheduled within 30 days of the child's worker's request, unless the SDA Manager or designee determines that there is good cause to extend the deadline.
- (3) Except as provided in subsection (a), (b), and (c) of this section, the committee must consist of at least three persons, the SDA manager or designee, a supervisor, and one other staff person from the local office who is knowledgeable about permanency and adoptive planning. Other compositions of the committee are required in the following situations:
 - (a) If the office responsible for the child is not the office serving the county in which the current caretaker resides, the committee must consist of one person approved by the child's local office, one person approved by the current caretaker's local office, and a third person agreed upon by the SDA managers or designees from the two offices.
 - (b) If the current caretaker is a Department employee or an employee of a partner agency, the current caretaker committee must be scheduled as a Central Office adoption committee.
 - (c) The child's caseworker, with the approval of his or her SDA Manager or designee, may schedule the current caretaker committee with a permanency/adoption council committee serving the child's local office.
- (4) The child's caseworker must notify the child's attorney and the Court Appointed Special Advocate (CASA) of the time and location of the current caretaker committee and invite them to the child-presentation portion of the committee. The child's caseworker must notify the child's tribe, if ICWA applies to the child, of the time and location of the current caretaker committee and invite them to the

committee. The child's attorney, CASA, and tribe may present information to the committee in person, in writing, or by phone. The child's attorney, the CASA, and the tribe may provide the caseworker with the names of other individuals who may have significant information regarding the child's needs. These persons may provide information in writing to the committee.

- (5) At the committee, the child's worker presents information regarding the child and the current caretaker, and the foster home certifier presents information about the current caretaker. The committee considers information presented to it in person, by telephone, and in writing.
- (6) If a current caretaker who has not previously requested consideration as a resource asks to be considered after the Department has requested but has not received approval of an adoptive home study on a relative resource, if recruitment has begun for general applicants, or if the date of the adoption committee has been set, the Department may consider the current caretaker if it is in the best interests of the child to do so. In making this decision, the Department will consider—
 - (a) The child's individual needs, including the child's attachment to the current caretaker;
 - (b) The potential of the current caretaker to meet the child's current and lifelong needs; and
 - (c) The effect on the child of the delay in permanency that may occur as a result of the new consideration process.
- (7) The committee may make only one of the following recommendations:
 - (a) That an adoptive study of the current caretaker be completed or updated within 90 days of the date of the current caretaker staffing. An exception to this deadline must be approved in writing by the SDA manager or designee. The completed adoption home study must address all concerns identified in the staffing. If the current caretaker has a current comprehensive foster or kinship home study on file, the adoption study may be abbreviated, addressing issues of concern raised in the designated committee and current and future child-specific issues of permanency and well being.
 - (A) The Department will consider a current caretaker as the adoptive resource for the child, and a current caretaker restaffing is not necessary. Final approval of this recommendation is delegated to the family's adoption worker, the child's worker, and a designated member of the field office's management staff. Any of these three

- persons may request a restaffing by the designated branch committee.
- (B) The Department will consider the current caretaker's completed adoptive home study at the current caretaker committee restaffing.
 - (C) A central adoption committee will consider the current caretaker as well as studied non-related adoptive families except when the current caretaker is a relative. Only other relative families may be considered with the current caretaker relative.
 - (D) The Department will consider a non-relative or related current caretaker with studied relative families. If the non-current caretaker relative elects not to be considered, or the Department is unable to consider the non-current caretaker relative, the current caretaker will be considered alone. A current caretaker restaffing is not necessary. Final approval of this recommendation is delegated to the family's adoption worker, the child's worker, and a designated member of the field office's management staff. Any of these three persons may request a restaffing by the designated field office committee.
 - (E) The Department will consider a non-relative or relative current caretaker with studied relative families. If the non-current caretaker relative elects not to be considered, or the Department is unable to consider the non-current caretaker relative, the Department will consider the current caretaker's completed adoptive home study at the current caretaker committee restaffing.
 - (F) The Department will consider a non-relative current caretaker with studied relative families. If the relative elects not to be considered, or the Department is unable to consider the relative, the current caretaker will be presented at a central adoption committee with the other recruited non-related adoptive families.
- (b) That the committee does not find that the current caretaker is likely to be able to meet the individual needs of the child over time and cannot recommend the current caretaker as the adoptive resource for this child. In this case, no study will be undertaken by the Department. The reasons for this decision must be documented using the form CF 251. The completed form is available to any Department adoption committee that considers the current caretaker. The child's caseworker must immediately notify the current caretaker of the decision, and the Department provides to the current caretaker, in a letter, the decision and the reasons supporting it within three calendar days of the committee meeting.

- (8) A current caretaker not approved as an adoptive resource by the committee may be presented to a central adoption committee upon request of the current caretaker in accordance with the following procedures:
- (a) In order to be presented, the current caretaker must provide a letter of request to the child's worker within 10 days of the written notification of the local office's decision.
 - (b) The local office has the discretion to determine by whom and in what form information about the family will be presented to a central adoption committee. For example, the family's certifier may attend and may use the certification home study.
 - (c) At the discretion of the local office, the current caretaker may obtain, at no cost to the Department, an adoption home study by a state-licensed private adoption agency holding a contract with the Department for the completion of special needs adoption home studies and may be represented before the committee by the agency. In this case, the caretaker must inform the child's worker by letter within 10 days of the written notification of the committee's decision. To be considered by the committee, the approved adoption home study must be completed and made available to the committee within time lines established by the local office.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.285 and 418.290

413-120-0550

Review of the Local Office Permanency/Adoption Committee Decision Regarding the Current Caretaker

- (1) Limited Review of Committee Decisions. The decisions provided for in these rules are subject to agency review only as provided in this rule. The agency's decision is final and not subject to a contested case hearing unless specifically provided.
- (2) Review at discretion of Assistant Director.
 - (a) The Department's Assistant Director for Children, Adults and Families or designee (Assistant Director) may, on his or her initiative, review an adoption committee's decision. If there is no request for review, and if the Assistant Director decides to review the decision of an adoption committee, he or she must decide to conduct the review within seven calendar days after the decision of the adoption committee is issued, measured from the

date of the committee.

- (b) After deciding to review the committee decision, the Assistant Director gives notice to the child's worker, the worker's supervisor, the Service Delivery Area Manager, the adoption workers, and the committee chair.
- (3) Scope of Review. The review when requested by someone other than the Assistant Director is limited to a review of the process used to select the committee and the decisions made by the adoption committee.
- (4) Only the following people may request a review under this rule:
- (a) The child's caseworker, with approval of the case worker's supervisor and SDA manager or designee.
 - (b) The child.
 - (c) The child's attorney.
 - (d) The Court Appointed Special Advocate (CASA) for the child.
 - (e) A current caretaker who was considered.
 - (f) A person who was considered but not selected who alleges that placement of the child was denied or delayed because of the location of the individual.
- (5) Deadlines. A request to review an adoption committee's decision must be submitted to the Adoption Services Unit Manager or designee and must be received within seven calendar days after the date of the committee.
- (6) Decision and Notice of Intent to Review. If the Assistant Director receives a request for a review, the Assistant Director must decide whether to review the decision of the committee within seven calendar days after the deadline described in section (5) of this rule. After deciding whether to review or not to review the committee decision, the Assistant Director gives notice to the requestor, the child's worker, the worker's supervisor, the SDA manager or designee, other adoption workers, and the committee chair.
- (7) Assistant Director's Actions. If the Assistant Director gives notice of intent to review, he or she may
- (a) Send the decision to an appropriate committee, with instructions to gather or review information or consider additional issues, and to issue a decision;

- (b) Conduct a review of all relevant files and information, issue a decision affirming or changing the committee's decision, and, if appropriate, directing a legal risk placement or adoptive placement; or
 - (c) Appoint an employee of the Department to conduct a review of all relevant files and information, and make a recommendation to the Assistant Director to affirm or change the committee's decision and, where appropriate, recommend a legal risk placement or adoptive placement.
- (8) Assistant Director's Decision is Final. The decision upon review by the Assistant Director is a final order in other than a contested case.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005