

<b>Policy Title:</b>	Identification and Consideration of Potential Adoption Resources - <b>Temporary</b>		
<b>Policy Number:</b>	I-G.1.2 413-120-0700 thru 413-120-0760		<b>Effective Date:</b> 7-01-10 to 12-28-10

Approved By: *on file*

Date Approved: 7-01-10

Policy

Procedures

Forms, etc.

Definitions

References

Contact

History

### Reference(s):

- 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-E.1.1, Working with Relatives Towards Permanency for Children  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-e11.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e11.pdf)
- Child Welfare Policy I-E.2.1, Placement of Indian Children  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-e21.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e21.pdf)
- Child Welfare Policy I-F.2, Determining the Appropriateness of Adoption as a Permanency Plan  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-f2.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-f2.pdf)
- Child Welfare Policy I-G.1.1, Foster Parent Request for Consideration as Current Caretaker  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-g11.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-g11.pdf)
- Child Welfare Policy I-G.1.5, The Adoption Selection  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-g15.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-g15.pdf)

### Form(s) that apply:

- None referenced.

### Rules:

**413-120-0700**

#### **Purpose**

These rules, OAR 413-120-0700 to 413-120-0760, describe the responsibilities of the

Department to ---

- (1) Identify potential adoptive resources to be considered for a child or identified sibling group for whom adoption is the permanency plan; and
- (2) Establish the priority in which the potential adoptive resources will be assessed and considered.

Stat. Auth.: ORS 109.309, 418.005, 418.285, 419B.090, 419B.192

Stats. Implemented: ORS 109.309, 418.005, 418.285, 419B.090, 419B.192

## **413-120-0710**

### **Definitions**

The following definitions apply to these rules, OAR 413-120-0700 to 413-120-0760:

- (1) "Adoption Committee" means either a Central Office Adoption Committee or a Local Adoption Committee.
- (2) "Adoption home study" means a document which includes an assessment of a potential adoptive resource to determine the suitability of the potential adoptive resource to make a lifelong permanent commitment to adopt a child in the Department's custody, in the custody of a public welfare agency in another state, or under the jurisdiction of a juvenile court in another state.
- (3) "Adoption worker" means an individual assigned by the Department or another public or private agency to complete an adoption home study and represent the family in the adoption selection process.
- (4) "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.
- (5) "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.
- (6) "Child" means a person under 18 years of age.
- (7) "Current Caretaker" means a foster parent who:
  - (a) Is currently caring for a child in the legal custody of the Department who has a permanency plan or concurrent permanency plan of adoption;
  - (b) Has cared for the child for at least the past 12 consecutive months; and
  - (c) Has been approved for consideration by the Department as a potential adoptive resource for the child and when appropriate, his or her siblings who are also in substitute care but have not lived with the foster parent for 12 consecutive months.

- (8) "Department" means the Department of Human Services, Child Welfare.
- (9) "Designee" means an individual whom the designator directly and immediately supervises, or an individual with equal or greater management responsibility than the designator.
- (10) "Emotionally significant relationship" means a child's connection to a parent or other caregiver that endures over time, establishes an interpersonal connection, and aids in the development of a sense of self.
- (11) "Foster parent" means a person who operates a home that has been approved by the Department to provide care for unrelated children or young adults who are placed in the home by the Department.
- (12) "General applicant" means an individual who ---
- (a) Is not a relative, current caretaker or a sibling's current guardian, relative, current caretaker, or adoptive resource with whom the sibling is current living; and
  - (b) Has submitted a complete application to adopt a child.
- (13) "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.
- (14) "Legal assistance specialist" means a Central Office Adoption Program staff member who provides consultation on the technical and legal processes to achieve a permanency plan for a child in the legal custody of the Department.
- (15) "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, who have no current personal or professional relationship to the child or potential placement resource. The three individuals:
    - (A) Must include individuals who are Department Staff, one of whom has been appointed as a Committee Facilitator; and
    - (B) May include one or two individuals who are community partners.
  - (b) The three permanency committee members approved under subsection (a) of this section must:
    - (A) Be knowledgeable of 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.

- (16) "RCWAC" means the Refugee Child Welfare Advisory Committee.
- (17) "Recruitment" means the actions and activities of the Department to identify an appropriate adoptive resource for a child.
- (18) "Relative" has the meaning given that term in OAR 413-070-0063.
- (19) "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.

Stat. Auth.: ORS 109.309, 418.005, 418.285, 418.937, 419B.090, 419B.100, 419B.192  
Stats. Implemented: ORS 109.309, 418.005, 418.285, 418.937, 419B.090, 419B.100, 419B.192

#### **413-120-0720**

##### **Preference for Adoptive Resources**

- (1) The Department's first priority for placement for the purposes of adoption is placement with relatives and siblings.
- (2) The Department makes diligent efforts to give preference to place with relatives and to place siblings together. This priority takes precedence over the placement with a current caretaker or any other potential adoptive resource.
- (3) To be considered as the adoptive placement for a child the potential adoptive resource must be willing to adopt an identified sibling group, unless separation of siblings has been approved by the Department as described in Child Welfare Policy I-F.6, "Sibling Permanency Placement Planning" OAR 413-110-0100 to 413-110-0150.
- (4) When pursuing each potential adoptive resource, the Department must comply with both Child Welfare Policy I-E.1.1, "Search for and Engagement of a Child's Relatives" OAR 413-070-0060 to 413-070-0087 and Child Welfare Policy I-F.6, "Sibling Permanency Placement Planning" OAR 413-110-0100 to 413-110-0150.
- (5) To keep siblings together, a sibling's guardian, relative, current caretaker, or adoptive resource with whom the sibling is currently living may be considered as potential adoptive placements along with relatives of the child, even if the potential adoptive placement is not a relative of the child.

- (6) When more than one relative or sibling resource as described in section (5) of this rule is interested in being an adoptive resource, the Department must seek the input of those interested to facilitate agreement on potential adoptive resources.
  - (a) If agreement cannot be reached, the Department selects up to three families, including maternal and paternal family members and sibling resources, when available, for adoption home studies to be conducted by either the Department or another public or private agency.
  - (b) When a relative or sibling resource selected for an adoption home study is not approved or withdraws as a potential adoptive resource, the child welfare program manager or designee decides whether the Department will initiate adoptive home studies with additional relatives or sibling resources and must consider both of the following:
    - (A) The best interests of the child; and
    - (B) The impact on achieving permanency when pursuing additional studies.
- (7) Prior to pursuing a non-relative or non-sibling resource as described in section (5) of this rule for the purpose of adoption, the caseworker and caseworker's supervisor must review the Department's diligent efforts to identify, contact, and place a child with relatives and to place siblings together as described in section (4) of this rule and have determined there are no pending Department actions to identify or assess a child's relatives or sibling resources.

Stat. Auth.: ORS 109.309, 418.005, 418.285, 419B.090, 419B.192

Stats. Implemented: ORS 109.309, 418.005, 418.285, 419B.090, 419B.192

#### **413-120-0730**

##### **Foster Parents as an Adoptive Resource**

- (1) When a child cannot be placed with a relative or sibling, the Department may consider a foster parent as an adoptive resource as described in Child Welfare Policy I-G.1.1, "Foster Parent Request for Consideration as a Current Caretaker" OAR 413-120-0500 to 413-120-0595.
- (2) On a case by case basis, when a foster parent does not meet the time requirement necessary for consideration as a current caretaker, the foster parent may be eligible for sole consideration as an individual with an emotionally significant relationship as described in OAR 413-120-0740.

Stat. Auth.: ORS 109.309, 418.005, 418.285, 419B.090, 419B.192

Stats. Implemented: ORS 109.309, 418.005, 418.285, 419B.090, 419B.192

#### **413-120-0740**

##### **Determination of an Emotionally Significant Relationship**

- (1) When the child or child's family determines an individual has an emotionally significant

relationship as described in Child Welfare Policy I-E.1.1, "Search for and Engagement of Relatives" OAR 413-070-0060 to 413-070-0087, the individual is considered a relative. For all other individuals, the Department determines whether an emotionally significant relationship exists as described in this rule, however the determination does not result in a relative relationship.

- (2) In making this determination, the Department must consider the unique current and lifelong needs of the child that would best be met by an adoptive resource who has a relationship with the child. Furthermore, this benefit must outweigh the benefit that exists from general recruitment which allows for an expansion of the pool of potential adoptive resources considered for a child.
- (3) When the individual being considered is a current foster parent who does not meet the time requirement necessary for consideration as a current caretaker, the time caring for a child and the subsequent relationship that develops is not by itself an emotionally significant relationship. When determining whether a foster parent will be considered as an adoptive resource the Department must consider and document the reasons described in section (2) of this rule.
- (4) Upon the approval by the Assistant Adoption Program Manager or designee, the caseworker must schedule a permanency committee to consider the recommendation that the individual with an emotionally significant relationship will be considered alone and it is not in the best interests of the child to pursue general recruitment.
- (5) Prior to scheduling the permanency committee, caseworker and the caseworker's supervisor must do both of the following:
  - (a) Review the Department's diligent efforts to identify, contact, and place a child with relatives and to place siblings together as required under Child Welfare Policies I-E.1.1, "Search for and Engagement of Relatives" OAR 413-070-0060 to 413-070-0087 and these rules, OAR 413-120-0700 to 413-120-0760.
  - (b) Confirm that the following Department actions are not pending:
    - (A) Identification of a child's relatives or a sibling's current guardian, relative, current caretaker or adoptive resource with whom the sibling is current living; and
    - (B) Assessment of a relative who has either expressed an interest in and needs to be or is currently being assessed as a permanency resource; or
- (6) When a permanency committee has been scheduled to consider an individual as a person with an emotionally significant relationship, the Department must notify and invite the following individuals to provide information to the permanency committee.
  - (a) The caseworker for the child and for each sibling;
  - (b) The supervisor of the caseworker for the child and for each sibling;
  - (c) The individual's certifier, if applicable;

- (d) The attorney for the child and for each sibling;
  - (e) The CASA for the child and for each sibling;
  - (f) When a child is an Indian child, a tribal representative; and
  - (g) When a child is a refugee child, a member of the RCWAC.
- (7) The individuals invited under section (6) of this rule may provide the Department with the names of other individuals who have significant information related to the child's needs and request that the Department invite the other individuals to present information to the permanency committee.
- (8) Any individual invited to provide information related to the child's needs may present that information to the permanency committee in person, by telephone, through electronic communication, or in writing.
- (9) The permanency committee members may seek additional or clarifying information during the presentations.
- (10) When presentations are completed, the child's attorneys, each CASA, the tribal representative, the member of the RCWAC, and any other individuals invited to provide information are excused from the permanency committee. The caseworkers for the child and each of his or her siblings, caseworkers' supervisors, and other Department staff members remain for the completion of the permanency committee but do not participate in making the committee recommendation.
- (11) The permanency committee must review all of the information presented to the committee and consider all of the following:
- (a) The requirements under section (2) of this rule;
  - (b) Whether any conditions or circumstances exist that may impact the individual's ability to meet the standards of an adoptive home as described in OAR 413-120-0246; and
  - (c) The individual's ability to meet the placement needs of the child and his or her siblings under each of the categories described in OAR 413-070-0630 by reviewing the information available regarding the individual's knowledge, skills, and abilities in meeting the child's current and lifelong needs for all of the following:
    - (A) Physical and emotional safety;
    - (B) Ability to develop and maintain connections to the child's family;
    - (C) Continuity and familiarity;
    - (D) Appropriate educational, developmental, emotional, and physical support;
    - (E) Integrate the child into the family;

- (F) Stability and permanency; and
  - (G) Maintaining his or her identity and cultural and religious heritage.
- (12) The permanency committee, after review and consideration of all information presented during the committee meeting, may request further information is needed prior to a recommendation. When the permanency committee requests additional information is needed prior to making a recommendation, the committee must document all of the following:
- (a) What additional information is needed;
  - (b) A timeline for gathering the additional information; and
  - (c) The date and time when the permanency committee will reconvene to consider the additional information.
- (13) When the permanency committee has considered all the information, the permanency committee makes one of the following recommendations:
- (a) The unique needs of the child and his or her siblings would best be met by an adoptive resource who has a relationship with the child, this benefit outweighs the benefit that exists from general recruitment, and the individual is recommended as a person with an emotionally significant relationship to be considered as the sole potential adoptive resource; or
  - (b) It is in the best interest of the child and his or her siblings for general recruitment to occur for the pool of potential adoptive resources to be expanded, and the individual will not be recommended to be considered as the sole potential adoptive resource.
- (14) The committee facilitator must provide written documentation of the recommendation of the permanency committee to the child welfare program manager or designee within three business days of the permanency committee.
- (15) The child welfare program manager or designee responsible for making the decision on behalf of the Department may attend the permanency committee meeting, listen and ask for clarifying or additional information, but may not have been a participating member of the committee.
- (16) The child welfare program manager or designee must consider the recommendation of the permanency committee and make a decision within three business days of receiving the recommendation from the permanency committee.
- (17) Upon receipt of the child welfare program manager or designee's decision, within one business day, the child's caseworker notifies:
- (a) The individual considered as having the emotionally significant relationship;
  - (b) The CASA for the child and for each sibling, if any;

- (c) The attorney for the child and for each sibling, if any;
- (d) When the child is an Indian child, the tribal representative,; and
- (e) When the child is a refugee child, the member of the RCWAC when the child is a refugee child.

Stat. Auth.: ORS 109.309, 418.005, 418.285, 419B.090, 419B.192

Stats. Implemented: ORS 109.309, 418.005, 418.285, 419B.090, 419B.192

#### **413-120-0745**

##### **Review of the Child Welfare Program Manager's Decision**

- (1) Any of the following individuals may request a review of a child welfare program manager or designee's decision regarding an individual as a person with an emotionally significant relationship to be considered alone as the potential adoptive resource for a child and his or her siblings.
  - (a) The caseworker for the child and for each sibling, if any;
  - (b) The caseworker's supervisor for the child and for each sibling, if any;
  - (c) The attorney for the child and for each sibling, if any;
  - (d) The CASA for the child and for each sibling, if any;
  - (e) When the child is an Indian child, the tribal representative; and
  - (f) When the child is a refugee child, the member of the RCWAC.
- (2) A request for a review must be submitted in writing to the District Manager within seven calendar days of the notification required in 413-120-0740(17)
- (3) Within 14 calendar days of the notification required in 413-120-0740(17), the District Manager must review the written request, and all written materials submitted to the child welfare program manager. The District Manager may request additional relevant information for consideration during the review.
- (4) Upon completing the review, the District Manager must provide written notice to the individuals identified in section (1) of this rule. The notice must state that either the child welfare program manager's decision is affirmed or reversed.
- (5) The District Manager must document the decision and how the decision is based on the best interests of the child and the criteria described in OAR 413-120-0740(2).
- (6) The decision of the District Manager is final.

Stat. Auth.: ORS 109.309, 418.005, 418.285, 419B.090, 419B.192

Stats. Implemented: ORS 109.309, 418.005, 418.285, 419B.090, 419B.192

## 413-120-0750

### Recruitment Efforts

- (1) The Department's recruitment efforts may not consider the race, color, or national origin of a potential adoptive resource. Except as described in section (2) of this rule, consideration of the cultural heritage of a potential adoptive resource may not be used as a substitute for race.
- (2) When recruiting potential adoptive resources for an Indian child, the Department may consider the cultural heritage of a potential adoptive resource. Identification of a potential adoptive resource for an Indian child is described in Child Welfare Policy I-E.2.1, "Placement of Indian Children" OAR 413-070-0100 to 413-070-0260.
- (3) Prior to recruitment for general applicants, the legal assistance specialist must:
  - (a) Determine when recruitment may begin if a child is not fully free for adoption;
  - (b) When a child has unique current and lifelong needs, determine whether recruitment can begin before the Department initiates the process to free the child for adoption; and
  - (c) Notify the caseworker to begin recruitment efforts.
- (4) When recruitment for general applicants is required, the following must occur:
  - (a) The Department must begin recruitment for the child in a timely manner that is appropriate to the child's permanency and concurrent permanency plans; and
  - (b) The child's caseworker must conduct recruitment activities for at least 30 days prior to identifying the potential adoptive resources to be considered in the adoption selection process.
- (5) Recruitment for general applicants is not required when the child or identified sibling group will be adopted by one of the following:
  - (a) A relative or a sibling's current guardian, relative, current caretaker, or adoptive resource with whom the sibling is currently living;
  - (b) A current caretaker; or
  - (c) An individual with an emotionally significant relationship to the child or any member of the identified sibling group.
- (6) The following must be documented in the Department's information system:
  - (a) The Department's recruitment efforts for a child or identified sibling group.
  - (b) When recruitment is not in the best interest of the child or identified sibling group, the basis for a Department decision not to recruit.

**413-120-0760**

**Identification of a Child's Potential Adoptive Resources**

- (1) The child's caseworker must comply with the requirements of all of the following subsections:
  - (a) Identify adoption home studies for consideration based upon the potential adoptive resource's ability to meet the current and lifelong needs of the child and his or her siblings under each of the following categories:
    - (A) Physical and emotional safety;
    - (B) Ability to develop and maintain connections to the child's family;
    - (C) Continuity and familiarity;
    - (D) Appropriate educational, developmental, emotional, and physical support;
    - (E) Ability of the family to permanently integrate the child into the family;
    - (F) Stability and permanency; and
    - (G) Maintaining the child's identity and cultural and religious heritage.
  - (b) Identify potential adoptive resources that can meet the standards for an adoptive home under OAR 413-120-0246 and can meet the current and lifelong individual needs of the child or identified sibling group.
  - (c) Select up to three potential adoptive resources for consideration at an Adoption Committee when an Adoption Committee recommendation is required. When one or two potential adoptive resources are available and appear to have the ability to meet the current and lifelong needs of a child, the caseworker may not delay the Adoption Committee to allow for consideration of three potential adoptive resources.
  - (d) Make reasonable efforts to identify and place the child with an adoptive resource in a timely manner.
  - (e) Document the efforts made under this section in the Department's information system.
- (2) The child's caseworker may:
  - (a) In consultation with his or her supervisor, involve the birth parent or parents in the selection of each potential adoptive resource, determined on a case-by-case basis; and

- (b) Provide the birth parent or parents with non-identifying information from the home study of a potential adoptive resource, when a potential adoptive resource is a general applicant.

Stat. Auth.: ORS 109.309, 418.005, 418.285, 419B.090, 419B.192

Stats. Implemented: ORS 109.309, 418.005, 418.285, 419B.090, 419B.192

### Procedure(s) that apply:

- None referenced.

### Contact(s):

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### Policy History

- 7/01/01

Prior Version