

Policy Title:	Adoption Applications – OAR		
Policy Number:	I-G.1.3 413-120-0190 thru 0240		Effective Date: 11/03/08

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

History

Reference(s):

- ORS 418.280 and 418.285
- Child Welfare Policy II-B.1, Safety Standards for Foster Care, Relative Care, and Adoption Families
- Child Welfare Policy I-E.2.1, Placement of Indian Children
- Child Welfare Policy I-G.1.3.1, Child Welfare and Partner Agency Employee Adoption Home Study

Form(s) that apply:

- CF 1011, Consent for Criminal History Check
- CF 1255, Applicant Reference
- CF 1257A, Medical Report A
- CF 1257B, Medical Report B
- CF 1258, Mental Health Information
- CF 1260 A, Application to Care for a Child in Child Welfare Custody
- CF 1266, Adoptive Family Information and Placement Preference
- CF 1269, Progressive Family Assessment
- CF 1291, Family Financial Report

Rules:

413-120-0190

Purpose

These rules (OAR 413-120-0190 to 413-120-0240) provide policy guidance to an adoptive applicant on the requirements the applicant must meet to adopt a child in the custody of the Department. These rules clarify what constitutes a completed adoption home study packet and outline the application and approval process.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.280, 418.285

413-120-0195

Definitions

The following definitions apply to OAR 413-120-0190 to 413-120-0240:

- (1) "Contracted private agency" means a private adoption agency licensed by the Department and holding a contract with the Department to do adoption home studies.
- (2) "Current caregiver" means an individual currently having physical custody of a child and meeting one of the following requirements:
 - (a) The individual 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 individual who currently has physical custody is the sole suitable relative. The district manager or designee may grant the exception if it is in the best interest of the child. The determination that the exception is in the best interest of the child must be explained in the case file.
 - (b) The individual 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 be granted if the local office has completed a diligent search for relatives and determined there is no suitable relative. The district manager or designee may grant the exception if it is in the best interest of the child. The determination that the exception is in the best interest of the child must be explained in the case file.
- (3) "Department" means the Department of Human Services, Child Welfare.
- (4) "District" means a Department service delivery area - a geographic region of one or more counties served by the Department and managed by a district manager.
- (5) "Employee" means, unless otherwise specified, a temporary, trial service, or permanent employee of the Department or a partner agency.
- (6) "Foundations training" means Foundations of Relative Care, Foster Care, and Pre-Adoptive Care training provided by the Department.
- (7) "Partner agency" means all Department divisions and offices, and where the local Department office is co-housed or located in close proximity with a non-Department state, county, city, or private not-for-profit agency, means those offices as well. Refer to OAR 413-120-0270 for more details about making this determination.
- (8) "Special need" means a trait or impairment specific to a child that requires extraordinary care or attention.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.280, 418.285

413-120-0200

Policy on Adoption Applications

- (1) The Department places a child in its care for the purposes of adoption. The Department will refer an individual who is not interested in adopting a child in the custody of the Department to a contracted private agency. An applicant to adopt a child from the Department must satisfy the requirements of each of the following subsections. The applicant must:
 - (a) Be at least 21 years of age, unless a Department program manager or designee has approved an applicant between the ages of 18 through 20 years, to become a relative caregiver. An applicant who is an "Indian" (as defined by the Indian Child Welfare Act and Department Policy I-E.2.1, Placement of Indian Children (OAR 413-070-0100 through 413-070-0260)) may be 18 years of age or above.
 - (b) Meet the adoptive home approval requirements in Department Policy II-B.1, Certification Standards for Foster Parents, Relative Caregivers, and Pre-Adoptive Parents (OAR 413-200-0301 through 413-200-0396).
 - (c) As well as all adult members of the applicant's household, consent to a criminal offender information records check and be found suitable for adoption approval pursuant to OAR 413-120-0400 through 413-120-0470.
 - (d) Be able to provide for the safety of the child, including protection from all individuals and situations that brought the child into the care of the Department. The Department must assess the applicant for safety by means including, but not limited to, a criminal records check in accordance with OAR 413-120-0200 to 413-120-0470 and a family history, including a child abuse and domestic violence history.
 - (e) Be able to acknowledge and meet the individual special needs of the child;
 - (f) Provide evidence of the capacity to accept and raise an adopted child as the applicant's own child to maturity.
 - (g) Successfully complete Foundations training provided by the Department or an equivalent training from a licensed child-caring agency approved by the Department. This training prepares the applicant for adoption by covering the topics in paragraphs (A) through (G) of this subsection. With supervisory approval, the adoption worker may develop an individual training plan with the applicant based on an assessment of the previous training or experience of the applicant.
 - (A) The effects of abuse (physical, sexual, emotional) and neglect on a child;
 - (B) The effects of drugs and alcohol on a child;
 - (C) The effects of moves and transition on a child;
 - (D) The significance of the birth family, including grief and loss issues;
 - (E) Openness in adoption;

- (F) The attachment process and attachment difficulties; and
 - (G) Positive behavior management.
- (2) The Department or a contracted private agency must accept applications from couples (married or unmarried) or an individual (married or unmarried).
 - (3) The Department must refer an applicant who is a current or former employee of DHS or a partner agency to a contracted private agency to obtain an adoptive home study. A contracted private agency may not study its own employee or board member, but must refer the applicant to another contracted private agency.
 - (4) An applicant must submit an application to the Department or a contracted private agency on the Application for Approval to Care for a Child in DHS Custody Form, CF 1260A.
 - (5) If the applicant has lost permanent custody of a child through relinquishment or termination of parental rights, the adoption worker and supervisor must staff the case with the Department program manager to determine whether to proceed with the application.
 - (6) The Adoption Home Study packet consists of the following materials:
 - (a) Application for Approval to Care for a Child in DHS Custody, CF 1260A;
 - (b) Adoptive Family Information and Placement Preference, CF 1266;
 - (c) Family Financial Report, CF 1291;
 - (d) Medical Report A, CF 1257A;
 - (e) Medical Report B, CF 1257B;
 - (f) Mental Health Information, CF 1258 (if applicable);
 - (g) Consent for Criminal Records and Fingerprint Check, CF 1011F;
 - (h) Five applicant references, using CF 1255;
 - (i) Progressive Family Assessment, CF 1269, or Progressive Family Assessment Current Caretaker Adoption Study, CF 1269A;
 - (j) Progressive Family Assessment Confidential & Third Party Information, CF 1269B; and
 - (k) Copy of marriage certificate or divorce verification as applicable.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.280, 418.285

413-120-0210

Applicants who have Adoption Certification with a Non-Contracted Public or Private Adoption Agency

- (1) The Department or a contracted private agency may conduct a home study for any individual who has submitted an application for consideration or is currently under the supervision of another public or private adoption agency. The applicant must:
 - (a) Meet all adoptive home certification requirements specified in OAR 413-120-0200;
 - (b) Sign a release of information allowing ongoing communication with the other public or private adoption agency; and
 - (c) Sign a release of information allowing the Department to obtain a copy of the adoption file of the individual.
- (2) The Department may consider an applicant's previous denial, revocation, suspension, or relinquishment of a license or certificate to provide services to children, the elderly, or individuals with disabilities as sufficient reason not to continue with the application process or home study.
- (3) The Department or a contracted private agency may not conduct home studies for any individual who does not meet the requirements of Certification Approval by the Department as defined in OAR 413-200-0314.
- (4) At any time during the application, training, and home study process with the Department or contracted private agency, when the applicant comes under active consideration for a potential adoptive placement by another public or non-contracted private agency, his or her application with the Department or contracted private agency may be placed on hold for up to two years.
- (5) When an applicant is identified as a potential adoptive placement for a child in the care of the Department, the Department must provide placement supervision and support for the purposes of monitoring child safety.
- (6) If the applicant receives placement supervision and support services from a contracted private agency, the applicant is responsible for any and all fees that may be applied by that agency.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.280, 418.285

413-120-0220

Home Studies by the Department

The Department may prioritize applications according to the types of homes most needed for children who are eligible for adoption or becoming eligible for adoption, and may give priority to completing home studies for applicants who are:

- (1) A relative applying to adopt a specific child;
- (2) A current caregiver applying to adopt a specific child; or

- (3) An applicant interested in adopting a child with a special need for whom there are few or no available approved homes;
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.280, 418.285

413-120-0230

The Department Application And Approval Process

- (1) The Department must review received applications.
- (2) When the Department has completed the entire application and home study process, the Department (based on an evaluation of the application and home study information according to the requirements of OAR 413-120-0200(1)) may either approve the home with a positive recommendation, or decline to present the study at an adoption committee and deny the request of the applicant to be an adoptive resource.
- (a) The adoption worker may not present a study at adoption committee without a positive recommendation.
- (b) If the adoption worker has produced a study without a positive recommendation, and the Department program manager determines the worker should present the study to the adoption committee, the Department program manager may request the Adoptions program manager make an exception to the requirement for a positive recommendation.
- (3) If an applicant does not provide timely and appropriate response to the inquiries and requests for information from the Department, the Department may terminate the process and deny the request to be an adoptive resource. An applicant who applies to adopt a specific child must provide documentation and information requested by the Department according to time lines established by the Department, but in no case to exceed 90 days from the date of application.
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.280, 418.285

413-120-0240

Department Notice to Applicant

- (1) If a home study of the applicant is not initiated within one year from the date the application is signed, and the applicant is no longer under consideration, then the Department must send the applicant written notice that the application is no longer under consideration, specifying the reason why the application is no longer under consideration.
- (2) If the Department completes a home study, the Department must send the applicant written notice of the approval or disapproval of the home study, specifying the reason why the application was approved or disapproved.
- (3) If an approved home study is removed from the pool of available homes to be considered for placements, the Department must send the applicant written notice, specifying the reason why the application was removed.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.280, 418.285

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Policy History

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