

Policy Title:	Adoption Applications and Standards for Adoption – Temporary OAR		
Policy Number:	I-G.1.3 413-120-0190 thru 0246		Effective Date: 7/01/10 thru 12/28/10

Approved By: *on file*

Date Approved: 7/01/10

Policy

Forms, etc.

Definitions

References

Contact

History

Reference(s):

- ORS 418.280 and 418.285
- ORS 418.280 and 418.285
- ORS 419B.192
- 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
- Child Welfare Policy I-E.2.1, Placement of Indian Children
- Child Welfare Policy I-F.2, Determining the Appropriateness of Adoption as a Permanency Plan
- Child Welfare Policy I-G.1.1, Foster Parent Request for Consideration as Current Caretaker
- Child Welfare Policy I-G.1.2, Identification and Consideration of Potential Adoption Resources
- Child Welfare Policy I-G.1.5, The Adoption Selection
- Child Welfare Policy I-G.1.10, Adoption Placement, Supervision and Support
- Child Welfare Policy II-B.1, Safety Standards for Foster Care, Relative Care, and Adoption Families

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 1260A, Application to Care for a Child in Child Welfare Custody
- CF 1266, Adoptive Family Information and Placement Preference

- CF 1291, Family Financial Report

Rules:

413-120-0190

Purpose

These rules, OAR 413-120-0190 to 413-120-0246, describe the Department's requirements for an individual to apply for and to receive a home study to adopt a child in the legal custody of the Department, and the standards for an adoptive home. These rules do not apply to the Department's requirements for an international adoption of a child in the legal custody of the Department.

Stat. Auth.: ORS 418.005, 418.280, 418.285

Stats. Implemented: ORS 418.005, 418.280, 418.285

413-120-0195

Definitions

The following definitions apply to OAR 413-120-0190 to 413-120-0246:

- (1) "Adoption agency" means an organization providing the services under any one of the following subsections:
 - (a) Identifying a child for adoption and arranging an adoption.
 - (b) Securing the necessary consent to relinquishment of parental rights and to adoption.
 - (c) Performing a background study on a child or a home study on a prospective adoptive parent and reporting on such a study.
 - (d) Making determinations of the best interests of a child and the appropriateness of adoption placement for the child.
 - (e) Monitoring a case after placement until final adoption.
 - (f) When necessary because of disruption before final adoption, assuming custody and providing childcare or other social services for the child pending an alternative placement.
- (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) "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.

- (4) "Child" means a person under 18 years of age.
- (5) "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 by the Department for consideration as a potential adoptive resource for the child and when appropriate, the child's siblings who are also in substitute care but have not lived with the foster parent for 12 consecutive months.
- (6) "Department" means the Department of Human Services, Child Welfare.
- (7) "Designee" means an individual whom the designator directly and immediately supervises, or an individual with equal or greater management responsibility than the designator.
- (8) "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.
- (9) "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.
- (10) "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.
- (11) "Relative" has the meaning given that term in OAR 413-070-0063.
- (12) "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.
- (13) "SNAC" means special needs adoption coalition, a coalition of private licensed adoption agencies who recruit and screen adoptive applicants, prepare adoption home studies, and counsel families who want to adopt a child.
- (14) "SNAC adoption agency" means a special needs adoption coalition agency licensed by the Department.

413-120-0220
Adoption Home Study Application Process

- (1) A resident of Oregon applying to adopt a child in the legal custody of the Department must submit an application packet for an adoption home study to the Department or to a SNAC adoption agency, which includes all of the following:
 - (a) Application for Approval to Care for a Child in DHS Custody;
 - (b) Signed, valid release of information for the purposes described in Child Welfare Policy I-A.3.3 "Release of an Adoption Home Study", OAR 413-010-0081 to 413-010-0086;
 - (c) Adoptive Family Information and Placement Preference;
 - (d) Financial information, current within 12 months of application, demonstrating the applicant's ability to meet the needs of the family and the child or children to be adopted;
 - (e) Medical information current within 24 months of application;
 - (f) If applicable, mental health information;
 - (g) If applicable, copy of marriage certificate or divorce verification;
 - (h) Consent to a criminal offender information records check, including information compiled and maintained by Oregon State Police Bureau of Criminal Identification and a fingerprint-based criminal offender records check of national crime information databases;
 - (i) Consent to a child abuse and neglect background check; and
 - (j) Four references, two of which may be from a relative.
- (2) In addition to the information required under section (1) of this rule, the Department or a licensed adoption agency may require additional information from an applicant to assess the ability of the applicant to meet the standards of an adoptive home.
- (3) When the applicant is a Department of Human Services (DHS) staff member, the requirements of DHS Administrative Policy DHS-060-002, "Conflict of Interest Policy" and "Conflict of Interest Policy Addendum for CAF Employees" apply.
- (4) When the applicant is not a DHS staff member and has a potential conflict of interest with the Department, the applicant is referred to another district office or, with the approval of the Adoption Program Manager, to a SNAC adoption agency for the application for and completion of the adoption home study. If the caseworker and supervisor are unable to determine whether there is a conflict of interest, the Adoption Program Manager makes the determination.

- (5) The applicant must be at least 21 years of age, unless one of the following subsections applies:
- (a) The Child Welfare Program Manager or designee has approved a relative applicant between the ages of 18 through 20 years; or
 - (b) The applicant is a member of the extended family of an Indian child, as defined under Child Welfare Policy I-E.2.1, "Placement of Indian Children" OAR 413-070-0100 to 413-070-0260.

Stat. Auth.: ORS 418.005, 418.280, 418.285
Stats. Implemented: ORS 418.005, 418.280, 418.285

413-120-0225

Conditions that Require Special Staffing, Suspension, or Termination of the Department's Adoption Home Study Application Process

The Department may require a special staffing, suspension, or termination of the adoption home study application process when the conditions in any one of the following sections are met:

- (1) When an individual who has lost permanent custody of a child has submitted an application packet, unless the District Manager or designee has approved proceeding with the adoption application.
- (2) If, at any time during the application, training and home study process, the applicant is considered as an adoptive resource by another public or non-contracted private agency, the Department may discontinue the application process for up to two years.
- (3) The Department may terminate the application process and deny an application at any time when one or more of the following subsections applies:
 - (a) Information regarding the applicant is sufficient to determine the applicant cannot meet adoption home standards described in OAR 413-120-0200;
 - (b) An applicant's license or certificate to provide services to children, the elderly or individuals with disabilities has previously been denied, revoked, or suspended;
 - (c) The applicant falsifies or omits information;
 - (d) The applicant does not respond to the inquiries and requests for information within the timelines established by the Department, but in no case to exceed 90 days from the date of application; or
 - (e) When the applicant does not authorize a signed, valid release of information for the purpose of consideration as an adoptive resource.

Stat. Auth.: ORS 418.005, 418.280, 418.285
Stats. Implemented: ORS 418.005, 418.280, 418.285

413-120-0240

Application Status Notification

The Department must send written notice of the status of the application to an individual who has submitted an adoption application packet when the requirements of any one of the following sections are met:

- (1) The adoption home study is not initiated within 180 calendar days from the date the application is signed;
- (2) The Department has terminated the application process;
- (3) The Department determines whether an adoption home study has been approved or disapproved; or
- (4) An approved adoption home study is removed from the pool of available homes.

Stat. Auth.: ORS 418.005, 418.280, 418.285

Stats. Implemented: ORS 418.005, 418.280, 418.285

413-120-0243

Prioritization of an Adoption Study

- (1) The Department gives priority to considering a child's relatives as a potential adoptive resource and to keeping siblings together.
- (2) For the purposes of keeping siblings together in adoption, the Department may give priority to the relative, guardian, or adoptive resource of a child's sibling when the sibling currently is living in the home of the relative, guardian, or adoptive resource.
- (3) The Department must make diligent efforts to search for individuals identified in sections (1) and (2) of this rule to identify each adoptive resource that can sustain a child's lifelong connections to his or her extended family and culture.
- (4) When the Department is not assessing an individual described in section (1) or (2) of this rule, the Department may complete an adoption home study for an applicant meeting the conditions of at least one of the following subsections:
 - (a) A current caretaker;
 - (b) An applicant interested in adopting a specific child when the Department determines it is in the best interest of the child to consider the applicant;
 - (c) An applicant interested in a child with unique needs for whom an adoptive resource is needed; or
 - (d) An applicant who the Department has determined has an emotionally significant relationship to the child as described in OAR 413-120-0760.

Stat. Auth.: ORS 418.005, 418.280, 418.285

Stats. Implemented: ORS 418.005, 418.280, 418.285

413-120-0246

Standards for an Adoptive Home

To be approved to adopt a child in the legal custody of the Department, an adoptive applicant must:

- (1) Have a home study written, amended, or updated within the 12 months prior to the adoption selection that recommends the adoptive applicant as a potential adoptive resource. The home study demonstrates that the applicant and home meet the requirements of at least one of the following subsections:
 - (a) When the home study is prepared by the Department, Child Welfare Policy II-B.1, "Certification Standards for Foster Parents, Relative Caregivers and Pre-Adoptive Parents" OAR 413-200-0301 to 413-200-0396;
 - (b) When the home study is prepared by a private agency for an Oregon resident, Child Welfare Policy II-C.1.3, "Licensing Adoption Agencies" OAR 413-215-0401 to 413-215-0481; or
 - (c) When the home study is prepared by an out-of-state agency, Child Welfare Policy I-B.3.4.2, "Interstate Compact on the Placement of Children" OAR 413-040-0200 to 413-040-0330. In addition, the Department ---
 - (A) When the home study is prepared by another state's agency, may request additional information.
 - (B) Must contract with a private adoption agency willing to accept payment as authorized by the Department for supervision of the placement.
- (2) Demonstrate the knowledge, skills, and ability to meet, without agency oversight, the current and lifelong needs of the child and his or her siblings for all of the following:
 - (a) Physical and emotional safety;
 - (b) Developing and maintaining connections to the child's family;
 - (c) Continuity and familiarity;
 - (d) Appropriate educational, developmental, emotional and physical support;
 - (e) Integration into the family;
 - (f) Stability and permanency; and
 - (g) Maintaining his or her identity and cultural and religious heritage.
- (3) Provide evidence of successful completion of a training program approved by the Department, unless the Adoption Program Manager has approved an exception.

Stat. Auth.: ORS 418.005, 418.280, 418.285
Stats. Implemented: ORS 418.005, 418.280, 418.285

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Policy History

- 12/29/95 (*not available electronically*)
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