DHS Policy
Oregon Department of Human Services

Office of Child Welfare Programs

Prior Version

Policy Title:	Adoption Applications, Adoption Home Studies, and Standards for Adoption – Temporary OAR			
Policy Number:	I-G.1.3 413-120-0190 thru 0246		Effective Date:	8/04/14 thru 1/31/15

Approved By: *on file* Date Approved:

Reference(s):

- 45 CFR Parts 1355, 1356 and 1357, 1/25/2000
- Child Welfare Policy I-B.3.4.2, Interstate Compact on the Placement of Children
- Child Welfare Policy I-G.1.2, Identification and Consideration of Potential Adoptive Resources
- Child Welfare Policy I-G.1.4, Oregon Computerized Criminal History Checks and Nationwide Criminal History Checks through the FBI for Relative Caregivers, Foster Parents, Other Persons in Household and Adoptive Parents for Children in the Care or Custody of DHS
- Child Welfare Policy I-G.1.5, Adoption Placement Selection
- Child Welfare Policy I-G.1.10, Supervision and Support of an Adoptive Placement
- Child Welfare Policy I-G.1.14, Intercountry Adoption Pursuant to the Hague Convention and Intercountry Adoption Act
- Child Welfare Policy II-B.1, Safety Standards for Foster Care, Relative Care, and Adoption Families
- Child Welfare Policy II-C.1.3, Licensing Adoption Agencies
- DHS Administrative Policy DHS-060-002, "Conflict of Interest Policy"
- DHS Administrative Policy "Conflict of Interest Policy Addendum for CAF Employees"
- Fostering Connections to Success and Increasing Adoptions Acts of 2008
- ORS 418.005
- ORS 418.280 and 418.285
- PL 105-89, Adoption and Safe Families Act (ASFA)
- Refugee Act of 1980
- Title IV-E Indian Child Welfare Act

Form(s) that apply:

- CF 1011, Consent for Criminal History Check
- CF 1255, Foster Care and Adoption Reference: Phone interview

- CF 1257A, Medical Report A
- CF 1257B, Medical Report B
- CF 1258, Mental Health Information
- CF 1260A, Application for Approval by the Department of Human Services to Care for a Child in the Care or Custody of Public Child Welfare
- CF 1266, Adoptive Family Information and Placement Preference
- CF 1291, Family Financial Report

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Rules:

413-120-0190
Purpose

These rules (OAR 413-120-0190 to 413-120-0246) describe the Department's --

(1) Adoption application requirements for Oregon residents.

(a) Applying to adopt a *child* in the legal custody of the Department.

(b) Submitting an application to the Department to conduct an *adoption home study* for a *child* in the custody of a public child welfare agency in another state after the agency in the other state has submitted an adoptive placement request to the Department in accordance with the ICPC.

(c) Submitting an application to the Department to conduct an *adoption home study* for a *child* in the custody of a public child welfare agency in another country after the agency in the other country has submitted an *adoption home study* request to the Department and in accordance, when applicable, with 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.

(2) Authority regarding adoption applications submitted to the Department.

(3) *Adoption home study* criteria for individuals applying to adopt a *child* in the legal custody of the Department.

(4) Standards for an adoptive home for a child in the custody of the Department.

(5) Authority to release an *adoption home study*.

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

413-120-0195
Definitions

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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 a *child*.

(e) Monitoring a case after placement until final adoption.

(f) When necessary because of disruption before final adoption, assuming custody and providing child care or other social services for a *child* pending an alternative placement.

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

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

(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 has been sustained by that review and the review is complete.

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

(6) "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 permanent plan of adoption;

(b) Has cared for the *child* or at least one *sibling* in a sibling group under consideration for at least the past 12 consecutive months; and

(c) Has been identified by the Department as a potential *adoptive resource* for the *child* and when appropriate, the siblings in a sibling group under consideration for adoption in the same adoptive family.

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

(8) "Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated *child* or young adult placed in the home by the Department.

(9) "General applicant" means an individual who:

(a) Is neither a *relative* or *current caretaker*; and

(b) Has submitted a completed application to adopt a *child*.

(10) "ICPC" means the Interstate Compact on the Placement of Children (see ORS 417.200).

(11) "Indian child" means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(12) "Relative" means (each of the following individuals is a "relative"):

(a) An individual with one of the following relationships to the *child* or young adult through the parent of the *child* or young adult unless the relationship has been dissolved by adoption of the *child*, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A *sibling*, also to include an individual with a sibling relationship to the *child* or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the *child* or young adult must have had a

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relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the *child* or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the *child* or young adult if the *child* or young adult is an *Indian child* under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, "Placement of Refugee Children", OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the *child* or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the *child* or young adult or a former registered domestic partner of the parent of the *child* or young adult if the *child* or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a *sibling* of the *child* or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the *child* or young adult when the half-sibling of the *child* or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the *child* or young adult or the family of the *child* or young adult, or an individual who self-identifies, as being related to the *child* or young adult through the parent of the *child* or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the *child*, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) An individual not related to the *child*, *young adult*, or *parent* by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the *child* or *young adult* or by the family of the *child* or *young adult*; and

(ii) Who had an emotionally significant relationship with the *child* or *young adult* or the family of the *child* or *young adult* prior to the most recent episode of Department custody.

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(B) An individual who has a blood relationship to the *child* or *young adult* as described in paragraphs (a)(A) to (D) of this section through the birth parent of the *child* or *young adult*, but the prior legal relationship has been dissolved by adoption of the *child*, *young adult*, or birth parent, and who is identified as a member of the family by the *child* or *young adult* or who self-identifies as a member of the family.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the *child* has been terminated by divorce or death.

(B) A *foster parent* may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The *foster parent* is currently caring for a *child*, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The *foster parent* has cared for the *child* for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the *foster parent* for consideration as a guardian.

(13) "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 legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(14) "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, 418.280, 418.285

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413-120-0220
Adoption Application Requirements

Prior Version

(1) A resident of Oregon applying to adopt a *child* in the legal custody of the Department must submit an application for an *adoption home study* to the Department or to a licensed *adoption agency* willing to contract with the Department or willing to allow another licensed *adoption agency* to contract with the Department for post placement supervision services as outlined in OAR 413-120-0830(2)(c).

(2) Applications.

(a) The Department accepts applications for an *adoption home study* from Oregon residents applying to adopt a *child*:

(A) In the custody of the Department;

(B) In the custody of a public child welfare agency in another state following receipt of an ICPC request from the agency in the other state; or

(C) In the custody of a public child welfare agency in another country following a request from the agency in the other country and in accordance, when applicable, with 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.

(b) The Department accepts applications for an *adoption home study* for Oregon residents who have previously applied or are currently applying through another *adoption agency*. The applicant must:

(A) Sign a release of information allowing ongoing communication with the other *adoption agency*; and

(B) Sign a release of information allowing the Department to obtain a copy of the adoption file of the individual.

(3) An application submitted to the Department must include all of the following:

(a) An adoption application form;

(b) A signed, valid release of information from each applicant who is a subject of the *adoption home study* allowing the *adoption home study* to be released to the individuals and for the purposes described in OAR 413-120-0246(2);

(c) An Adoptive Family Information and Placement Preference form, unless the Department determines this is not required due to the existing relationship between the *child* and the applicant;

(d) Financial information, current within 12 months of application, demonstrating the ability of the applicant to meet the needs of the family and the *child* to be adopted;

(e) Medical information current within 24 months of application;

(f) When applicable, mental health information;

(g) When applicable, copy of marriage certificate, divorce verification, or death certificate of spouse;

(h) Consent to a criminal offender information records check for each applicant and all household members age 18 and older under Child Welfare Policy I-G.1.4, "Oregon Computerized Criminal History Checks and Nationwide Criminal History Checks through the FBI for Relative Caregivers, Foster Parents, Other Persons in the Household and Adoptive Parents for Children in the Care or Custody of DHS", OAR 413-120-0400 to 413-120-0470;

(i) Consent to a child abuse and neglect background check for each adoptive applicant and all household members age 18 and older; and

(j) Names and contact information of four references, two of whom may be relatives of the adoptive applicant, who can attest to the character and ability of the adoptive applicant to provide safe and protective care for a *child*.

(4) The Department may require additional information from an adoptive applicant to assess the ability of the applicant to meet the standards of an adoptive home.

(5) The adoptive 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* adoptive applicant between the ages of 18 through 20 years; or

(b) The *child* is an *Indian child* and the adoptive applicant is:

(A) A member of the child's extended family;

(B) Another member of the Indian child's tribe; or

(C) Another Indian family.

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

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413-120-0222
Conflict of Interest for Adoptive Applicants

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(1) When an adoptive applicant under OAR 413-120-0220 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.

(2) When an adoptive applicant under OAR 413-120-0220 is not a DHS staff member and the Child Welfare Program Manager determines a potential conflict of interest with the Department exists, section (3) of this rule applies. If the Child Welfare Program Manager is unable to determine if there is a conflict of interest, the Adoption Program Manager or designee makes the determination.

(3) An adoptive applicant who has a conflict of interest with the Department is referred to one of the following entities for application and completion of the *adoption home study*:

(a) A local child welfare office in another district, upon the approval of the supervisor; or

(b) A contracted *adoption agency*, with the approval of the Adoption Program Manager or designee.

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

413-120-0225
Conditions that Require Additional Approval or Termination of the Department's Adoption Application Process

(1) Prior to proceeding with an adoption application submitted by an individual who has lost permanent custody of a *child*, there must be an approval by the Adoption Program Manager or designee, at the request of the District Manager or designee.

(2) The Department may terminate the application process and deny an application at any time or remove a completed *adoption home study* from consideration, when one or more of the following subsections applies:

(a) Information regarding the adoptive applicant is sufficient to determine the adoptive applicant cannot meet adoption home standards described in OAR 413-120-0246.

(b) An adoptive applicant's license or certificate to provide services to children, the elderly, or individuals with disabilities has previously been or is currently being denied, revoked, or suspended.

(c) The adoptive applicant falsifies or omits information.

(d) The adoptive applicant does not respond to the inquiries and requests for information within the timelines established by the Department.

(e) The adoptive applicant does not submit the required application information under OAR 413-120-0220.

(f) The adoptive applicant is selected by another *adoption agency* to adopt a *child*.

(3) When the Department terminates the adoption application process, the caseworker must:

(a) Send written notification of the termination to the adoptive applicant; and

(b) Document the termination and notification in the Department's information system.

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

413-120-0240
Status Notification of Adoption Applications

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

(1) The *adoption home study* is not initiated within 180 calendar days from the date the application is received; or

(2) The Department determines that an individual will not be recommended as a potential *adoptive resource*.

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

413-120-0243
Prioritization of an Adoption Home Study Application

The Department has discretion to prioritize *adoption home study* applications received from the following individuals according to the needs of the *child* or children awaiting adoption rather than the date of receipt of an application;

(1) An individual applying to adopt a related *child*.

(2) An individual applying as a *current caretaker* for a *child*.

(3) An individual who is a *general applicant* when the Department has determined that further general recruitment is not required under Child Welfare Policy I-G.1.2, "Identification and Consideration of Potential Adoption Resources", OAR 413-120-0750.

(4) An individual who is a *general applicant* interested in adopting a *child* with special needs for whom there are few or no available approved homes.

(5) An individual who is a *general applicant* other than those described in sections (3) and (4) of this rule.

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

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413-120-0246
Standards for an Adoptive Home and Release of an Adoption Home Study

(1) Except to the extent provided otherwise in section (2) of this rule, to be approved to adopt a *child* in the legal custody of the Department, an individual must complete all of the following:

(a) Have an *adoption home study* recommending the applicant as a potential *adoptive resource* written, amended, or updated within the 12 months prior to the *adoption placement selection*, completed by --

(A) The Department under 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) An Oregon licensed private agency for an Oregon resident when the home study is prepared by a private agency for an Oregon resident under Child Welfare Policy II-C.1.3, "Licensing Adoption Agencies", OAR 413-215-0401 to 413-215-0481;

(C) An out-of-state agency under Child Welfare Policy I-B.3.4.2, "Interstate Compact on the Placement of Children", OAR 413-040-0200 to 413-040-0330; or

(D) An agency in another country under 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.

(b) Meet the Department's standards for adoptive homes by demonstrating the knowledge, skills, and ability to meet, without agency oversight, the current and lifelong needs of the *child* for all of the following:

(A) Physical and emotional safety and well-being;

(B) Developing and maintaining connections to the child's family;

(C) Continuity and familiarity;

(D) Appropriate social, educational, developmental, emotional, and physical support;

(E) Integration into the family;

(F) Stability and permanency; and

(G) Maintaining his or her identity, cultural, religious, and spiritual heritage.

(c) Provide evidence of successful completion of a training program approved by the Department, unless the Adoption Program Manager has approved an alternate training program.

(2) In the case of an individual or individuals residing in a state that does not complete an *adoption home study* prior to a *child* being placed with the individual or individuals or prior to the *child* being legally free for adoption:

(a) The Child Permanency Program may approve a foster home study or a relative study as an *adoption home study* for the purpose of *adoption placement selection* only as long as all other requirements of subsections (1)(a), (b), and (c) of this rule are met.

(b) An approved *adoption home study* must be completed prior to designation of the child's placement for the purpose of adoption.

(3) Release of an adoption home study. An *adoption home study* is considered confidential information and, when released under this rule must have a signed, valid release of information from each applicant who is a subject of the *adoption home study*.

(a) The Department may release a copy of the *adoption home study* to:

(A) An adoption applicant who is a subject of the *adoption home study*;

(B) Individuals involved in the *adoption placement selection* process, under Child Welfare Policy I-G.1.5, Adoption Placement Selection, OAR 413-120-0021 and OAR 413-120-0035;

(C) The court for the purposes of finalizing an adoption; and

(D) A public agency upon the written request of an applicant who is a subject of the *adoption home study*.

(b) A Child Welfare Program Manager must approve the release of an adoption home study requested for a purpose other than those listed in subsection (a) of this rule.

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(c) An individual receiving a copy of an *adoption home study* must keep the information contained therein confidential.

(d) Before releasing an *adoption home study*, the Department must redact or summarize information, when necessary, to prevent the identification of individuals, other than the applicants, who provided information for the *adoption home study*.

(e) When an agency or entity other than the Department completes the *adoption home study*, the Department must receive approval from the agency or entity that completed the *adoption home study* before release.

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

Prior Version

Contact(s):

- **Name:**, Kathy Prouty; **Phone:** 503-947-5358

Policy History

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