Prior Version

Policy Title:	Adoption Placement Selection – OAR				
Policy Number:	I-G.1.5 413-120-0000 thru 0060			Effective Date:	9-19-11

Approved By: *on file* Date Approved: 9-15-11

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, Search for and Engagement of Relatives Towards Permanency for Children
  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
- Child Welfare Policy I-F.2, Determining the Appropriateness of Adoption as a Permanency Plan for a Child
  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 a Current Caretaker
  http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-g11.pdf
- Child Welfare Policy I-G.1.2, Identification and Consideration of Potential Adoptive Resources
  http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-g12.pdf
- Child Welfare Policy I-G.1.10, Supervision and Support of an Adoptive Placement
  http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-g110.pdf
- Child Welfare Policy II-B.1, Certification Standards for Foster Parents, Relative Caregivers, and Pre-Adoptive Parents
  http://www.dhs.state.or.us/policy/childwelfare/manual_2/ii-b1.pdf

Form(s) that apply:

- DHS 2099, Authorization for Use and Disclosure of Information
  http://dhsforms.hr.state.or.us/Forms/Served/DE2099.pdf

Rules:

Prior Version

413-120-0000
Purpose

These rules (OAR 413-120-0000 to 413-120-0060) describe the Department's responsibilities when making an *adoption placement selection* for a *child* or *sibling* group who --

(1) Is in the custody of the Department; and

(2) In the case of a *sibling* group, the Department is planning to place together for the purposes of adoption.

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 418.280, 418.285

413-120-0010
Definitions

The following definitions apply to OAR 413-120-0000 to 413-120-0060:

(1) "Adoption committee" means a group of individuals convened by Department staff to make recommendations to an adoption decision specialist (ADS) regarding adoptive resources for a *child*.

(2) "Adoption home study" means a written report documenting the result of an assessment conducted by the Department, a licensed adoption agency, or another public agency to evaluate the suitability of an individual or individuals to adopt and 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 the *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 was sustained by that review and the review is complete.

(5) "ADS" means an Adoption Decision Specialist, who is a Department employee appointed by the Adoption Program Manager to attend an *adoption committee* and make an *adoption placement selection* for a *child*.

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

(7) "Committee facilitator" means a Department staff member appointed as a member of the committee to facilitate a *permanency committee* or *adoption committee* meeting.

(8) "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.

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

(10) "Foster parent" means a person 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.

(11) "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*.

(12) "Indian child" means any unmarried person who is under age 18 and is either --

(a) A member of an Indian tribe; or

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

(13) "Permanency committee" means a group of individuals who are responsible for making a recommendation regarding a permanency plan or a potential permanency resource when the *child* or young adult likely is not returning to his or her parent.

(14) "RCWAC" means the Refugee Child Welfare Advisory Committee.

(15) "Refugee child" means, as defined under ORS 418.925, a person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion.

(a) As used in this section, "persecution" means that harm or suffering will be inflicted upon the person to punish the person for possessing a particular belief

Prior Version

or characteristic. "Persecution" does not include harm and suffering that is inflicted on persons generally by reason of civil or military strife in a country.

(b) As used in this section, "fear of persecution" means an apprehension or awareness, based on external objective facts, that the person will suffer persecution upon return to the person's country.

(16) "Relative" means:

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

(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 relationship with the spouse prior to the *child* or young adult entering substitute care.

(F) For the purposes of an international adoption, relative means an individual described in paragraphs (A) to (D) of this subsection.

(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 described in OAR 413-100-0020(27)(c) or former stepparent if the *child* or young adult had a relationship with the former stepparent prior to the *child* or young adult entering substitute care; a stepbrother; or a stepsister.

Prior Version

(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 entering substitute care.

(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, 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.

(d) An individual, although not related by blood, adoption, or marriage identified as:

(A) A member of the family by the *child* or young adult or the family of the *child* or young adult; and

(B) An individual who had an emotionally significant relationship with the *child* or young adult or the family of the *child* or young adult prior to the time the Department placed the *child* in substitute care.

(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 child's adoptive or biological parent 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 and only when the requirements of all of the following subparagraphs are met:

(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 legal custody of the Department who has a permanency plan or concurrent permanent plan of guardianship;

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

(iv) The Department has approved the *foster parent* for consideration

Prior Version

as a guardian.

(17) "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.

(18) "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.

Prior Version

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 418.280, 418.285, 418.937, 419B.100, 419B.192

413-120-0016
Confidentiality

(1) To be considered as a potential *adoptive resource*, each applicant who is the subject of an *adoption home study* must provide a signed, valid release of information to release the *adoption home study* to be considered in the *adoption placement selection*.

(2) When the Department considers information in addition to the *adoption home study* concerning a potential *adoptive resource* during the *adoption placement selection*, the adoption worker must:

(a) Notify the potential *adoptive resource* of the additional written information; and

(b) Have the potential *adoptive resource* sign a release of information for the additional written information to be considered in the *adoption placement selection*.

(3) The Adoption Program Manager, at his or her discretion, may determine that any written information released under section (1) or (2) of this rule must be a summary or redacted copy when:

(a) An individual who is a subject of the *adoption home study* or additional information has requested that information be redacted or summarized; or

(b) There is a conflict of interest as described in Child Welfare Policy I-G.1.3, "Adoption Application, Home Study and Standards for Adoption", OAR 413-120-0222.

(4) Any written information released under section (1), (2) or (3) of this rule must:

(a) Be kept confidential by the recipients;

(b) Be used only for the purpose of making the recommendation and selection of a child's *adoptive resource*;

(c) Not be redisclosed verbally or in writing;

(d) Not be copied; and

(e) Be returned to the Department when the *adoption placement selection* has been made.

Prior Version

Stat. Auth.: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 409.225, 418.005, 418.280, 418.285, 418.305, 419A.255

413-120-0020
Adoption Placement Selection Options

When a *child* has a permanency plan of adoption, the Department uses one of three options to make an *adoption placement selection*:

(1) Selection by Caseworker. After considering the input from the child's team and following consultation with the supervisor, the caseworker may make the *adoption placement selection* for a *child* or *sibling* group under consideration as part of case-planning using the process in OAR 413-120-0021 when the requirements of at least one of the following subsections is met:

(a) The *child* is identified as an *Indian child* and the *adoption placement selection* complies with Child Welfare Policy I-E.2.1, "Placement of Indian Children", OAR 413-070-0100 to 413-070-0260.

(b) The *child* is identified as a *refugee child* and the *adoption placement selection* complies with Child Welfare Policy I-E.2.2, "Placement of Refugee Children", OAR 413-070-0300 to 413-070-0380.

(c) A *relative* of a *child* is being considered alone as the potential *adoptive resource* for a *child* or *sibling* group under consideration, unless subsections (3)(c), (3)(d), or (3)(e) of this rule apply.

(d) The Department has conducted a diligent search and is not assessing, identifying, nor is the Department or another entity conducting an *adoption home study* for any *relative* as a potential *adoptive resource* and, unless subsections (3)(c), (3)(d), or (3)(e) of this rule apply, the requirements of one of the following paragraphs is met:

(A) A *current caretaker* is being considered alone for a *child* or *sibling* group under consideration.

(B) The *child* is under six years of age with no extraordinary needs and each potential *adoptive resource* is a *general applicant*, unless subsection (2)(d) of this rule applies.

(2) Local Adoption Committee and ADS. The local *adoption committee* recommends an *adoptive resource*, and the ADS makes the *adoption placement selection* when section (3) of this rule does not apply and at least one of the following subsections applies:

(a) The *child* is six years of age or older.

(b) The *child* has extraordinary needs.

(c) A *sibling* group is being placed together for the purpose of adoption and each potential *adoptive resource* is a *general applicant*.

(d) The identified potential adoptive resources include the child's current *foster parent* being considered as a *general applicant* with other general applicants.

(3) Central Office Adoption Committee and ADS. The central office *adoption committee* recommends an *adoptive resource*, and the ADS makes the *adoption placement selection* when one of the following subsections applies:

(a) The potential adoptive resources include:

(A) More than one relative as defined in OAR 413-120-0010(16)(a)-(c);

(B) A relative as defined in OAR 413-120-0010(16)(d) and a *current caretaker*;

(C) A *current caretaker* considered under OAR 413-120-0595 and a *general applicant*; or

(D) A *relative*, *current caretaker,* or specific *general applicant* for whom an exception to the order of preference has been granted under OAR 413-120-0760.

(b) The potential adoptive resources include more than one *current caretaker* being considered for siblings who will be placed together in adoption.

(c) A DHS staff member is a potential *adoptive resource*, and the requirements of the DHS-060-002, "Conflict of Interest Policy" and the "Conflict of Interest Policy Addendum for CAF Employees" apply.

(d) A non-DHS staff member with a potential conflict of interest with the Department is a potential *adoptive resource*.

(e) The potential *adoptive resource* is an individual living outside the USA, or Child Welfare Policy I-G.1.14, "Intercountry Adoption Pursuant to the Hague

Prior Version

Convention and Intercountry Adoption Act", OAR 413-120-0900 to 413-120-0970 applies.

(4) The caseworker, following consultation with the supervisor, may request that the *adoption placement selection* be made by an ADS following an *adoption committee* recommendation based on the complexities or dynamics of a case. The request must be approved by --

(a) The Child Welfare Program Manager or designee for the use of a local *adoption committee* rather than a caseworker selection; and

(b) The Adoption Program Manager, Assistant Adoption Program Manager, or designee for the use of a central office *adoption committee* rather than a local *adoption committee*.

Prior Version

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005, 418.280, 418.285, 419B.192

413-120-0021
Adoption Placement Selection by Caseworker

(1) Before making an *adoption placement selection*, the child's caseworker must comply with the provisions of Child Welfare Policy I-G.1.2, "Identification and Consideration of Potential Adoptive Resources", OAR 413-120-0700 to 413-120-0760.

(2) When the caseworker, after considering the input from the child's team and following consultation with the supervisor, has identified up to three potential adoptive resources to be considered for *adoption placement selection*, the caseworker must consult with the adoption worker for each of the identified families to --

(a) Provide the adoption worker with written information, redacted to remove identifying information, about the history and needs of each *child* under consideration; and

(b) Discuss the ability of the potential *adoptive resource* to meet the needs of each *child* under consideration.

(3) The adoption workers must complete all of the following:

(a) Provide the identified potential adoptive resources with the information described in subsection (2)(a) of this rule.

(b) Describe the *adoption placement selection* process to the potential adoptive resources to --

(A) Inform them of the individuals who will be reviewing their *adoption home study* or other information during the *adoption placement selection* process; and

(B) Assure all appropriate releases of information described in OAR 413-120-0016(1) and (2) have been obtained.

(c) Confirm with the caseworker for each *child* who is under consideration that the potential *adoptive resource* is willing and available to be considered.

(4) When the caseworker has confirmed that the identified potential adoptive resources are available and appropriate to be considered, the caseworker must set a date for the *adoption placement selection* and notify the adoption worker for each of the identified potential adoptive resources.

(5) At least ten business days before the *adoption placement selection*, the caseworker must complete all of the following:

(a) Notify the following individuals of the up to three potential adoptive resources to be considered and the date the *adoption placement selection* will occur:

(A) The CASA;

(B) The child's attorney;

(C) A tribal representative if the *child* is an *Indian child*; and

(D) A member of the RCWAC, if the *child* is a *refugee child*.

(b) Ensure that the individuals identified in subsection (a) of this section are sent copies of the *adoption home study* and any additional written information released under OAR 413-120-0016 for each potential *adoptive resource*, unless the individual has notified the caseworker that they do not want a copy of the materials.

(c) Notify the individuals identified in subsection (a) of this section that any input regarding the ability of a potential *adoptive resource* to meet the current and lifelong needs of the *child* or *sibling* group must be received at least two days before the date of the *adoption placement selection* to assure it will be considered.

(6) When the caseworker has provided the notifications in section (5) of this rule and a child's *relative* now expresses interest in being considered as a potential *adoptive resource*, the Child Welfare Program Manager or designee must:

(a) Review the diligent efforts to identify a child's relatives required under Child Welfare Policy I-E.1.1, "Search for and Engagement of Relatives", OAR 413-070-0060 to 413-070-0063;

(b) Consider the impact of a delay in achieving permanency on the best interests of the *child*; and

Prior Version

(c) Make a determination whether it is in the child's best interest for an *adoption home study* to be conducted with a *relative* despite the delay in achieving permanency.

(7) When a Child Welfare Program Manager informs the caseworker of the determination to consider a *relative* identified under section (6) of this rule, the caseworker must notify each individual in subsection (5)(a) of this rule and the adoption worker for each identified potential *adoptive resource* that the adoption selection process has been suspended.

(8) When the adoption selection process has been suspended, the adoption workers must notify each identified potential *adoptive resource* that the adoption selection process has been suspended.

(9) The timelines in this rule may be changed when the caseworker, the adoption worker for each of the identified potential adoptive resources, and each individual in section (5) of this rule agree on a new timeline.

(10) After considering the input from individuals in section (5) of this rule, the caseworker -- following consultation with his or her supervisor -- makes the *adoption placement selection* for a *child* or *sibling* group under consideration when OAR 413-120-0020(1) applies.

(11) On the day that the selection is made, the child's caseworker must notify the adoption workers for each of the indentified potential adoptive resources who were considered for the *adoption placement selection*.

(12) By the end of the next business day following the *adoption placement selection*, the child's caseworker must send written notification of the *adoption placement selection* to each of the following individuals:

(a) The CASA;

(b) The child's attorney;

(c) A tribal representative if the *child* or young adult is an *Indian child*; and

(d) A member of the RCWAC, if the *child* is a *refugee child*.

(13) By the end of the next business day following the *adoption placement selection*, written notification on a form approved by the Department must be sent to each identified potential *adoptive resource* of whether or not they were selected as the *adoptive resource* by the following individuals:

(a) A Department adoption worker; or

(b) The child's caseworker when the adoption worker is a private agency employee.

(14) Notifications in sections (12) and (13) of this rule must contain information on the

Prior Version

Department's review process as described in OAR 413-120-0060, unless the identified potential adoptive resources were all general applicants.

(15) Within three days of the *adoption placement selection*, the caseworker must assure that:

(a) The *adoption placement selection* and the basis for that selection are documented on a Department-approved form; and

(b) The central office Adoption Program is notified of the *adoption placement selection*.

(16) Any individual who received a copy of an *adoption home study* or other written documents during the adoption selection process must return the materials to the Department within seven business days of the notice of the *adoption placement selection*.

Prior Version

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005, 418.280, 418.285, 419B.192

413-120-0025
Composition of an Adoption Committee

(1) An *adoption committee* must be composed of the following individuals:

(a) The caseworker of each *child* for whom *adoption placement selection* is being made;

(b) Three individuals appointed by the Child Welfare Program Manager or designee for a local *adoption committee*, and by the Adoption Program Manager, assistant Adoption Program Manager, or designee for a central office *adoption committee*:

(A) The *committee facilitator*, who must be a Department staff person; and

(B) Two other individuals, who may be a community partner or a Department staff person.

(2) The following individuals for each *child* for whom *adoption placement selection* is being made must be notified of the *adoption committee* and may be adoption committee members, if they so choose, under OAR 413-120-0053(1):

(a) The CASA;

(b) The child's attorney;

(c) A tribal representative if the *child* is an *Indian child*; and

(d) A member of the RCWAC, if the *child* is a *refugee child*.

(3) The adoption worker for each identified potential *adoptive resource* must attend the full *adoption committee*.

(4) With the approval of the *committee facilitator*, the following individuals may attend the *adoption committee*:

(a) The supervisor for an individual identified in section (1), (2), or (3) of this rule; and

(b) Department staff, for training or observation purposes.

(5) When the caseworker for a *child* or the adoption worker for a potential *adoptive resource* is unavailable, the responsible agency may substitute another worker or supervisor, who is familiar with the case, to attend the *adoption committee* on their behalf.

(6) Committee members appointed under subsection (1)(b) of this rule must meet the following requirements:

(a) Be knowledgeable of adoption and permanency issues;

(b) Be knowledgeable of the importance of lifelong family and cultural connections; and

(c) Have no personal or current professional relationship to any of the children for whom *adoption placement selection* is being made or to the potential adoptive resources being considered.

(7) The *committee facilitator* appointed under paragraph (1)(b)(A) of this rule must comply with all of the following subsections:

(a) Hold the meeting in accordance with the requirements of Chapter 413 of the Oregon Administrative Rules;

(b) Inform each individual who is present of the responsibilities of the committee;

(c) Have each individual who is present sign a confidentiality agreement for the proceedings of the *adoption committee* meeting;

(d) Ensure the individuals who are invited to attend and present information to the committee as described in OAR 413-120-0035(5) are --

(A) Allowed to present information appropriate for consideration for each *child* for whom *adoption placement selection* is being made; and

(B) Excused in a timely manner.

(e) Give the committee recommendations to the ADS at the end of the *adoption*

Prior Version

committee meeting.

(8) The ADS --

(a) Is appointed by the Adoption Program Manager and must --

(A) Have significant expertise in the areas of adoption and permanency issues;

(B) Have experience with adoption placement planning;

(C) Be knowledgeable of the importance of lifelong family and cultural connections; and

(D) Have no personal or current professional relationship to the *child*, *sibling* group under consideration, or the potential adoptive resources being considered.

(b) Must attend the *adoption committee* and may ask clarifying questions, but does not participate in the deliberations or recommendations of the *adoption committee*.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005, 418.280, 418.285, 419B.192

Prior Version

413-120-0035
Invitation to and Notification of Adoption Committee

(1) In preparation for and prior to scheduling an *adoption committee*, the caseworker for each *child* and the *adoption worker* for each potential *adoptive resource* must comply with the provisions of Child Welfare Policy I-G.1.2, "Identification and Consideration of Potential Adoptive Resources", OAR 413-120-0700 to 413-120-0760.

(2) No later than ten business days before the scheduled *adoption committee*, the Department must send the ADS and each individual identified in OAR 413-120-0025(1), (2), and (3) all of the following:

(a) Notification of the date, time, and location of the *adoption committee*.

(b) A copy of each of the up to three adoption home studies and the written information released under OAR 413-120-0016(1) and (2).

(c) Written information about the needs of each *child* under consideration.

(d) A notice that confidential information may not be re-released, under OAR 413-120-0016(4).

(e) A request to thoroughly review all of the information provided before the date of

the *adoption committee* when the individual will be serving as a committee member.

(3) Information in subsections (2)(b), (2)(c), (2)(d) and (2)(e) of this rule need not be provided again to the caseworker for each *child* under consideration and the adoption worker for each potential adoptive resource.

(4) Individuals identified in OAR 413-120-0025(1), (2), and (3) may request that the Department invite individuals to the *adoption committee* to present information regarding a child's needs.

(5) The Department has the discretion to invite the following individuals to attend and present information regarding the child's current and lifelong needs to an *adoption committee*:

(a) The *child*, on a case by case basis, when the child's caseworker determines the child's attendance is appropriate;

(b) The child's current or previous *substitute caregiver*, unless the individual is being considered as a potential *adoptive resource* for the *child*; and

(c) Any other individual who has significant information about the current and lifelong needs of the *child* relevant to the selection of an *adoptive resource*.

(6) Any individual invited to provide information related to the child's needs may present information to the *adoption committee* in person, by telephone, through electronic communication, or in writing.

(7) A potential *adoptive resource* may provide supplemental information regarding his or her ability to meet the current and lifelong needs of the *child* or *sibling* group under consideration through the *adoption worker*. An identified potential *adoptive resource* and his or her legal or personal advocate may not attend an *adoption committee*.

(8) When the notification in section (2) of this rule has been provided and a child's *relative* now expresses interest in being considered as a potential *adoptive resource*, the Child Welfare Program Manager or designee must:

(a) Review the diligent efforts to identify a child's relatives under Child Welfare Policy I-E.1.1., "Search for and Engagement of Relatives", OAR 413-070-0060 to 413-070-0063;

(b) Consider the impact of a delay in achieving permanency on the best interests of the *child*; and

(c) Make a determination whether it is in the child's best interest for an *adoption home study* to be conducted with the *relative* despite the delay in achieving permanency.

(9) When a Child Welfare Program Manager informs the caseworker of the determination to

Prior Version

consider a *relative* identified under section (8) of this rule, the caseworker must notify each individual identified in OAR 413-120-0025(1), (2), and (3) that the adoption selection process has been suspended.

(10) When the adoption selection process has been suspended, the adoption workers must notify each identified potential *adoptive resource* that the adoption selection process has been suspended.

(11) The timelines in this rule may be changed by the *committee facilitator* when the individuals identified in OAR 413-120-0025(1), (2), and (3) agree on a new timeline.

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

Prior Version

413-120-0053
The Adoption Committee

(1) An individual described in OAR 413-120-0025(2) attending an *adoption committee* must inform the *committee facilitator* at the beginning of the *adoption committee* whether the individual intends to serve as an *adoption committee* member. These individuals may present written or oral information regarding the needs of the *child* during the *adoption committee*, whether or not they are serving as *adoption committee* members.

(2) An individual invited to attend the *adoption committee* under OAR 413-120-0035(5) to present information about the *child* must:

(a) Present written or oral information regarding the needs of the *child* during the *adoption committee*; and

(b) Respond to clarifying questions from *adoption committee* members and the ADS; and

(c) Leave when excused from the *adoption committee*, prior to the presentation of the potential adoptive resources.

(3) The adoption workers must present information on the knowledge, skills, and abilities of the potential *adoptive resource* in relation to meeting the current and lifelong needs of the *child*.

(4) After all presentations have been completed:

(a) The following individuals must remain at the *adoption committee*:

(A) The *adoption committee* members;

(B) Each adoption worker presenting information regarding a potential *adoptive resource*; and

(C) The ADS.

(b) The following individuals may remain at the *adoption committee*, if they so choose:

(A) Department staff or supervisors as described in OAR 413-120-0025(4).

(B) Individuals described in OAR 413-120-0025(2) attending an *adoption committee* who have elected not to serve as committee members.

(5) The *adoption committee* members must:

(a) Consider all of the information, deliberate, and make recommendations regarding the *adoptive resource* most likely to permanently and fully integrate the *child* into the family and meet the current and lifelong needs of each *child* for whom potential adoptive resources are being considered.

(A) When *adoption committee* members all agree, the *adoption committee* may make one or more of the following recommendations:

(i) A single potential *adoptive resource* is the most appropriate.

(ii) An order of preference of appropriate adoptive resources.

(iii) A potential *adoptive resource* is not appropriate and should not be considered.

(B) When the *adoption committee* cannot reach agreement, each *adoption committee* member makes his or her respective recommendations known to the *committee facilitator*.

(b) At the conclusion of the *adoption committee*, the *committee facilitator* must record the recommendations on a form approved by the Department and submit the form to the ADS.

(6) All confidential written information provided for the purpose of *adoption placement selection* to individuals who are not Department staff must be:

(a) Retained by the Department at the conclusion of the *adoption committee* when the individual attended the committee; and

(b) Returned to the Department within seven business days when the individual did not attend the committee.

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

413-120-0057

Prior Version

Adoption Placement Selection, Notification, and Documentation

(1) Adoption Placement Selection.

(a) The ADS must make a decision regarding the *adoption placement selection* no later than the end of the next business day following the scheduled *adoption committee*.

(b) The ADS may make one of the following *adoption placement selection* decisions from the identified potential adoptive resources presented at the adoption committee:

(A) Select one *adoptive resource*.

(B) Select an *adoptive resource* and identify a second *adoptive resource* as an alternate in the event that the selected *adoptive resource* is subsequently found to be unavailable or no longer deemed by the Department to meet the current and lifelong needs of the *child* under Child Welfare Policy I-G.1.10, "Supervision and Support of an Adoptive Placement", OAR 413-120-0800 to 413-120-0880.

(C) Select none of the potential adoptive resources.

(2) Notification of the Adoption Placement Selection.

(a) The ADS must send written notification to the child's caseworker, the adoption workers, and the *committee facilitator* of the *adoption placement selection*, and alternate if one was named, no later than the end of the next business day following the scheduled *adoption committee*.

(b) By the end of the next business day following the notice sent in subsection (a) of this section, written notification on a form approved by the Department must be sent as follows:

(A) Each potential *adoptive resource* who was presented at the *adoption committee* must be notified by the following individuals of whether or not they were selected:

(i) A Department adoption worker; or

(ii) The child's caseworker when the adoption worker is a private agency employee.

(B) The child's attorney, CASA, tribal representative, a member of the RCWAC, and the private adoption agency representing a potential *adoptive resource*, as applicable, must be notified of the *adoption placement selection* by the child's caseworker.

(C) Notices in paragraphs (A) and (B) of this subsection must contain

Prior Version

information on the Department's review process as described in OAR 413-120-0060, except when the potential adoptive resources were all general applicants.

(3) The ADS must send written documentation on a form approved by the Department regarding the *adoption placement selection*, the alternate when one is named, and the basis for those decisions to the central office Adoption Program within two business days following the *adoption committee*.

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

Prior Version

413-120-0060
Review of the Adoption Placement Selection

(1) A review may not be requested of an *adoption placement selection* when each potential *adoptive resource* was a *general applicant*.

(2) Except as provided in section (1) of this rule:

(a) Each of the following individuals may request a review of the process and the *adoption placement selection* under OAR 413-120-0021(10) or 413-120-0057(1):

(A) The *child*.

(B) The child's attorney.

(C) The CASA.

(D) A tribal representative.

(E) A member of the RCWAC.

(F) The child's caseworker, with the approval of the caseworker's supervisor and the Child Welfare Program Manager or designee.

(G) A *relative* or *current caretaker* who was considered as the *adoptive resource* but was not selected.

(b) A request for review of the process and decision made in the *adoption placement selection* must be in writing and received by the Adoption Program Manager or designee within seven calendar days of the notification of the *adoption placement selection* under OAR 413-120-0021(12)-(13) or OAR 413-120-0057(2)(b).

(c) When a request for review has been received, the Adoption Program Manager or designee must notify the DHS Assistant Director for CAF or designee and must send written notice of the request to the following individuals:

(A) Each of the potential adoptive resources considered by the caseworker or *adoption committee* and ADS;

(B) The child's caseworker;

(C) The adoption worker for each of the potential adoptive resources considered;

(D) The supervisors of the workers;

(E) The child's attorney;

(F) The child's CASA;

(G) The tribe, if the *child* is an *Indian child*;

(H) A member of the RCWAC, if the *child* is a *refugee child*; and

(I) The local Child Welfare Program Manager.

(d) The DHS Assistant Director for CAF or designee must decide whether to grant a review of the *adoption placement selection* within 14 calendar days after the notice of the *adoption placement selection* under OAR 413-120-0021(12)-(13) or OAR 413-120-0057(2)(b). Written notice of the decision whether or not to conduct a review must be sent to the individuals listed in subsection (c) of this section and to the Adoption Program Manager. This written notice is not required to be provided within the 14 calendar day timeline for the decision whether to grant a review.

(e) The DHS Assistant Director for CAF or designee may, on his or her initiative and without a request for a review, give notice of intent to review the *adoption placement selection* when the decision to review is made within seven calendar days following the date of the notice of the *adoption placement selection* in OAR 413-120-0021(12)-(13) or OAR 413-120-0057(2)(b).

(f) The DHS Assistant Director for CAF or designee may conduct the review by any of the following methods:

(A) Personally conduct a review of information considered in making the *adoption placement selection* and may consider additional, relevant information about the child or potential adoptive resource.

(B) Refer the *adoption placement* selection to a review committee appointed by and at the discretion of the DHS Assistant Director for CAF or designee to --

(i) Review the information considered in making the original *adoption placement selection*;

Prior Version

(ii) Consider additional relevant information about the *child* or potential adoptive resources; and

(iii) Issue a recommendation that the DHS Assistant Director for CAF or designee affirm or modify the original *adoption placement selection* of the caseworker or the ADS or recommend a different *adoption placement selection*.

(C) Appoint another individual to --

(i) Review the information considered in making the original *adoption placement selection*;

(ii) Consider additional relevant information about the *child* or potential adoptive resources; and

(iii) Issue a recommendation that the DHS Assistant Director for CAF or designee affirm or modify the original *adoption placement selection* of the caseworker or the ADS, or recommend a different *adoption placement selection*.

(g) The DHS Assistant Director for CAF or designee must provide written notification of the decision affirming or changing the original *adoption placement* selection to the individuals identified in subsection (2)(c) of this rule and the Adoption Program Manager.

(3) Notwithstanding sections (1) and (2) of this rule, the DHS Assistant Director for CAF may reconsider a decision and require the actions in subsection (2)(f) of this rule to occur when the following conditions exist:

(a) The time to request review of an *adoption placement selection* under subsection (2)(b) of this rule has expired;

(b) There is no request for review pending; and

(c) The deadline set by statute for a person entitled to seek judicial review of an *adoption placement selection* entered under this rule has not expired.

(4) The *adoption placement selection* made by the DHS Assistant Director for CAF or designee under this rule is final.

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

Procedure(s) that apply:

- None referenced.

Prior Version

Contact(s):

- **Name:** Kathy Prouty, Carla Crane, Gail Schelle
- **Phone:** 503-947-5358, 503-945-5998, 503-945-5997

Prior Version

Policy History

- 12/29/95
- 09/17/96
- 08/15/97
- 02/10/98
- 08/12/99
- 01/24/01 thru 07/21/01
- 07/01/01
- 01/01/02
- 02/26/07 thru 08/24/07
- 12/12/07 thru 06/09/08
- 08/01/07
- 06/01/08
- 07/01/10 thru 12/28/10
- 12/29/10
- 03/22/11 thru 09/18/11