	Department of Human Services **CHILDREN, ADULTS & FAMILIES** **CLIENT SERVICES INDEX** **ISSUED BY:** Office of Safety and Permanency for Children **TEMPORARY:** 2-26-07	**NUMBER:** I-G.1.5 **OAR:** 413-120-0000 thru 0080 **SECTION:** G. Adoptions **SUBSECTION:** 1. Adoption Services
SUBJECT: 5. Adoption Placement Selection – OAR		

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REFERENCES

Attachment A, "Materials for Adoption Committee"
"Instructions for Scheduling Central Adoption Committee"
ORS 418.280-418.285
Child Welfare Policy I-G.1.1, Current Caretaker Adoption Planning
Child Welfare Policy I-F.5, Legal Risk Placements

FORMS

CF 963, Required Information for Adoption Workers and Adoptive Parents
CF 250, Adoption Selection Report
CF 409, Adoption Home Study Response Checklist
DHS 2099, Authorization for Use and Disclosure of Information

413-120-0000
Purpose

These administrative rules outline the process and decision- making authority for selecting either an adoptive placement for a child who is in the permanent custody of DHS or a legal risk adoptive placement.

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

413-120-0010
Definitions

(1) "Legal Risk Adoptive Placement" means that DHS believes an adoption is in the best interest of the child; has made a formal decision to free the child for adoption; the child is placed in an approved adoptive home; and the agency intends to approve this placement for adoption if the child becomes legally free for adoption. (Refer to CAF Policy I-F.5," Legal Risk Placements".)

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(2) "Approved Family" is a family that has been selected for a child by a DHS adoption committee and has not been subject to an administrative review, or if subject to a review, has been sustained by that review.

(3) "Central Adoption Committee" means an adoption committee established by the central Adoptions Services Unit using staff selected from DHS, licensed adoption agencies or knowledgeable community partners. Central adoption committees are responsible for decisions regarding adoptive placement selections as specified in these rules that are neither the responsibility of the local nor the SDA Permanency Adoption Committee.

(4) "Local Permanency/Adoption Committee": The local committee responsible for certain permanency and adoptions decisions, as specified in this rule. Members of the Local Permanency/Adoption Committee are determined by the Service Delivery Area and are local staff or staff from other offices in the SDA. Local Permanency/Adoption Committee members shall be individuals not involved in the case.

(5) "General Applicant" is an individual who is not a current caretaker or a relative.

(6) Permanency/Adoption Council": A Council which consists of DHS management, Permanency/Adoption Council staff (which may include legal assistance workers), and community partners. The Permanency/Adoption Council through SDA Permanency/Adoption Committees makes decisions about the appropriateness of adoption as a permanency plan, sibling planning, recruitment issues, adoption disruptions and adoption selections referred by the local office. It also holds permanency staffings to decide whether to move a child out of state. The Adoptions Services Unit Manager has delegated decision-making in these areas to the Councils. The Permanency/Adoption Council is also responsible to facilitate information sharing, peer consultation and support among staff.

(7) "Service Delivery Area Permanency/Adoption Committee": Means the Permanency/Adoption Committee established through the Permanency/Adoption Council which is responsible for decisions regarding adoptive placement selections as specified by this rule that are neither the responsibility of the local office nor the central office. One type of SDA Permanency/Adoption Committee is set by the worker using a pool of qualified permanency/adoption/legal assistance staff designated by the Permanency/Adoption Council. Another type, the Standing SDA Permanency/Adoption Committee, is either a predetermined Council appointed committee of three people, or a committee established by the Permanency/Adoption Council chair. Sibling planning issues are always the responsibility of the Standing Permanency/Adoption Committee.

(8) "Transition " means any activities related to the move of a child(ren) from one home to another for the purpose of adoption.

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

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413-120-0015
Values

(1) The best adoption placement selection decisions are always made as the result of a collaborative process.

(2) Adoption selection is an important decision with a lifelong impact.

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

413-120-0020
Multilateral Decision-making Required

(1) Except as provided in section (2) of this rule, when a child is determined to be appropriate for a legal risk adoptive placement (see Child Welfare Policy I-F.5, "Legal Risk Placements", OAR 413-110-0000 to 413-110-0060) or a child is legally free for adoption, the child's worker shall refer the child to the appropriate adoption committee for review. After having been provided information about the child and potential adoptive families, an adoption committee composed of three individuals shall carefully review potential adoptive homes for the child. The majority of the designated adoption committee shall select by vote one adoptive family when an appropriate "match" appears to exist. In some instances, the adoption committee may identify a back-up family. If the adoption committee does not select an adoptive family, the adoption committee will make a recommendation on how to proceed.

(2) No adoption committee is required when the Indian Child Welfare Act placement preferences apply, and there is written documentation specifying the tribe's adoptive placement choice.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.280, 418.285, 419B.090

413-120-0030
Adoption Committees

(1) Two types of adoption committees review cases and identify placement selections:

(a) Local or SDA Permanency/Adoption Committees. Local offices or Permanency/Adoption Councils shall be responsible for establishing adoption committees. DHS staff shall follow any written procedures established by Permanency/Adoption Councils or central office Adoption Services Unit

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regarding the composition and operation of the Local or SDA Permanency/Adoption Committees.

If the Local office does not have established procedures for the Local Permanency/Adoption Committee, the SDA branch manager or designee shall designate three committee members not involved in the cases to act as the adoption committee. If the Permanency/Adoption Council does not have established procedures for the SDA Permanency/Adoption Committee, the chair of the Council shall designate three committee members not involved in the cases to act as the SDA Permanency/Adoption Committee.

The chairperson of the adoption committee shall assure that committee meetings are promptly scheduled and that committee concerns/recommendations are recorded on the CF 0250, "Adoption Selection Report," and sent to the central office Adoption Services Unit within three working days of the committee date;

(b) Central Adoption Committees. The central office Adoption Services Unit shall select staff from DHS, licensed adoption agencies or knowledgeable community partners to serve on central adoption committees. The central office Adoption Services Unit is responsible for the staff work associated with the operation of central adoption committees. The chairperson will communicate in writing on the CF 250, "Adoption Selection Report," any committee concerns/recommendations to the central office Adoption Services Unit within three working days of the committee date.

(2) The child's worker shall refer the child and potential adoptive homes to the appropriate adoption committee based on the following criteria:

(a) DHS shall refer children who are being considered for placement with a relative family or families as defined in OAR 413-070-0069 to the appropriate adoption committee as required in OAR 413-070-0093 (2)(a) through (d), (CAF Policy I-E.1.1).

(b) Children under six with minimum special needs being placed without siblings will be referred to the Local Permanency/Adoption Council or an SDA Permanency/Adoption Council committee;

(c) Children six years of age or older, children part of a sibling group, and/or children with significant special needs will be referred to a central adoption committee;

(d) When a current caretaker is being considered along with other resources for a child, the case will be staffed at a central adoption committee, per OAR 413-120-0540(2)(c)(A)(ii)(Policy I-G.1.1)

(e) Per Employee Home Study rules (OAR 413-120-0250 thru 0290, CAF Policy I-G.1.3.1), employees who are being considered as general applicants or current caretakers shall be referred to the Central Adoption Committee.

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

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413-120-0033
Confidentiality

All persons attending adoption committee are bound by Oregon Statute and CAF confidentiality administrative rules, OAR 413-010-0000 through 413-010-0140, Confidentiality of Client Information.

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

413-120-0035
Attendance at Committee

(1) Individuals to Attend Full Committee. The child's worker and adoption workers presenting specific families shall participate in the adoption committee. If these workers are unavailable, their supervisor or designated co-worker shall represent the child or family. When an out-of-state relative is being presented, the local office shall determine who presents.

(2) Individuals to Attend Child Presentation Only: (The child's worker shall inform the committee chairperson of individuals planning to attend.)

(a) The child's worker may ask a child's current or previous caretaker(s) to attend committee to assist in the presentation of the child. This is especially important for a child with serious behavior or emotional issues, serious physical or medical issues, or other special circumstances;

(b) The child's worker may invite other professionals involved with the child, such as therapists, child's attorney, contracted caretakers, evaluators or CASA's, to assist in the presentation of the child. The child's caseworker shall notify the child's attorney and Court Appointed Special Advocate (CASA), if any, of the committee. The attorney and CASA shall inform the caseworker as to whether each would like to present at the committee, and if so, the child's caseworker shall invite them to attend or provide information by telephone or in writing. The caseworker shall request the child's attorney and CASA to provide the caseworker with the names of other individuals who may have significant

information regarding the child's needs. The worker shall give these persons the opportunity to provide information in writing or in person to the committee;

(c) Either the child's worker or the chairperson may invite consultants with regard to a child, such as a child development specialist, or a medical expert;

(d) On a case-by-case basis, the child's worker may ask that the child attend a portion of the presentation on the child.

(3) Individuals Who May Attend the Presentation of a Particular Family at Committee. The adoption worker, with prior knowledge of the committee chairperson, may invite a consultant such as a medical expert, to present specific information with regard to a particular family. The adoptive family must sign a DHS 2100, "Disclosure of Information," authorizing the consultant's attendance at this portion of the committee. After the consultant presents information regarding the family, the chairperson shall excuse the consultant from the remainder of the family's presentation.

(4) Limitations on Committee Attendance. The following shall not attend committee:

(a) Prospective adoptive parent(s) and legal or personal advocates for a family under consideration. These individuals may give their input to the committee through written communication;

(b) A current caretaker who is being considered as an adoptive resource along with other resources shall not assist in the presentation of the child.

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

413-120-0040
Potential Families

(1) Refer to Child Welfare Policies I-G.1.1 "Current Caretaker Adoption Planning", OAR 413-120-0500 to 413-120-0540, I-E.1.1 "Working With Relatives Toward Placement of Children", OAR 413-070-0060 to 413-070-0093, and I-E.2.1 "Placement of Indian Children", OAR 413-070-0100 to 413-070-0260 for guidelines when considering relatives, current caretakers, or Indian Child Welfare Act placement preferences. In all other situations, the child's worker shall select appropriate families for committee from completed home studies.

(2) When selecting families from completed home studies for committee, the child's worker shall review and select for presentation a sufficient number of appropriate families in the order the home studies have been date stamped by the Central Office Adoption Services Unit; earliest dates first. The caseworker shall respond to all

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workers submitting home studies. The caseworker may use form CF 409, "Adoption Home Study Response Checklist" or send an e-mail providing the same information.

(3) On a case-by-case basis, where there has been a voluntary relinquishment of parental rights, the child's worker, in consultation with his/her supervisor, may involve the birth parent(s)' in the selection of potential adoptive families to be presented to adoption committee through discussion of non-identifying information from home studies.

(4) The child's attorney or Court Appointed Special Advocate (CASA) may provide information to the child's worker regarding the type of adoptive family which the attorney or CASA thinks might be the most suitable for the child, but it is DHSs responsibility to select the most appropriate adoptive family for the child, and the information in the home study is confidential.

(5) It is the responsibility of the adoption worker to inform potential adoptive families of the entire adoption placement selection process.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.280, 418.285, 419B.090

413-120-0045
Efforts Towards Adoption; No Delay in Placement

(1) In the case of any child for whom the permanency plan is adoption, the worker shall make reasonable efforts to place the child in a timely manner in accordance with the permanency plan. The worker shall document in the permanency plan the steps DHS is taking to find an adoptive family for the child, to place the child with an adoptive family, and to finalize adoption. At a minimum, such documentation shall include child specific recruitment efforts such as the use of state, Region X, and national adoption exchanges, including electronic exchange systems.

(2) DHS shall not delay or deny placement of a child for adoption when an approved family is available outside the State of Oregon.

(3) An individual who alleges denial of adoption approval as a result of residing outside the State of Oregon has the right to a contested case hearing pursuant to the Attorney General's Model and Uniform Rules of Procedure, OAR 137-03-001 through 137-03-093. The purpose of such a hearing is to determine Oregon's compliance or noncompliance with the geographic provisions in (2) of this rule. It is not a remedy for individuals who live outside the jurisdiction with respect to placement decisions made by the state on behalf of the individual child.

(4) DHS shall not delay or deny placement of a child for adoption on the basis of the race, color or national origin of the adoptive parent, or the child, involved. Cultural heritage shall not be used as a proxy for race. The exception is Indian children under the Indian

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Child Welfare Act. If the child is an Indian child, OAR 413-070-0100 thru 0260, CAF Policy I-E-2.1, Placement of Indian Children, applies.

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Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418-280 to 418-285

413-120-0060
Review of Adoption Committee Decision

(1) Committee Decisions are Final. All SOSCF adoption committees' decisions are final and do not qualify for a contested case hearing. Adoption committee decisions, including the current caretaker decision making process, i.e., preliminary and final recommendations, may be reviewed as provided in this rule.

(2) At Deputy Director's Discretion. The Deputy Director for CAF or the Deputy Director's designee may, on his or her initiative, review an adoption committee's decision. If there is no request for review, and if the Deputy Director or Deputy Director's designee decides to review the decision of an adoption committee he or she must decide within 7 calendar days after the decision of the adoption committee. In calculating this time period, the first day of the 7 days is the day after the date of the committee. After deciding to review the committee decision, the Deputy Director or Deputy Director's designee shall give notice to the child's worker, with copies to the supervisor, Service Delivery Area Manager, adoption workers and committee chair.

(3) Scope of Review. The scope of the review when requested by someone other than the Deputy Director is limited to the selection process and the decisions made by the adoption committee.

(4) Who may request a review under this rule:

(a) The child's caseworker;

(b) The child;

(c) The child's attorney;

(d) The Court Appointed Special Advocate (CASA) for the child;

(e) A relative who was considered by but not selected at an Adoption Committee per (6)(b) or (c) of this rule;

(f) A current caretaker who was considered but not selected at an adoption committee per (6)(b),(c),(d) or (e) of this rule;

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(g) An individual who was considered but not selected by an Adoption Committee and who alleges that placement of the child was denied or delayed because of the geographic location of the individual.

(5) Who may not request a review under this rule;

(a) A general applicant who is considered but not selected by an adoption committee;

(b) Any person other than those listed in (4) of this rule.

(6) Cases on which a review may be requested:

(a) The worker requests a review based on the worker's assessment that placement in the selected home will not meet the individual needs of the child;

(b) The adoption committee's choice was between a relative and an unrelated current caretaker as defined in Policy I-G.1.1;

(c) The adoption committee's choice was between two non current caretaker relatives;

(d) The adoption committee's choice was between a current caretaker and a general applicant; or

(e) The adoption committee considered the current caretaker alone but did not select the current caretaker.

(7) If an adoption committee reaches a decision with which the child's worker does not agree, the child's worker shall staff the case with his/her supervisor and designee of the SDA manager. The child's worker, with the approval of the supervisor and designee of the SDA manager, is the only SOSCF staff person who can request a review. If the designee of the SDA manager agrees that further review should occur, she/he shall request a review of the decision by the Deputy Director of CAF or the Deputy Director's designee.

(8) Time Lines. A child's caseworker or person eligible under (4) (a) through (f) of this rule who wishes to request a review of an adoption committee's decision must submit the request to the Adoption Services Unit Manager or designee. In order for the request to be considered, the Adoption Services Unit Manager or designee must receive the request within 7 calendar days after the decision of an adoption committee. In calculating this time period, the first day of the 7 days is the day after the date of the committee.

(9) Decision and Notice of Intent to Review. If the Deputy Director receives a request for a review, the Deputy Director or the Deputy Director's designee must decide whether to

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review the decision of the committee within 7 calendar days after the full time line allowed in number (8) of this rule for the Adoption Services Manager's receipt of the request. After deciding whether to review or not to review the committee decision, the Deputy Director shall give notice to the requestor, with copies to the child's worker, supervisor, SDA manager, or their designees, other adoption workers, and committee chair.

(10) Deputy Director's Actions. If the Deputy Director or the Deputy Director's designee gives Notice of Intent to Review, then the Deputy Director or the Deputy Director's designee may:

(a) Remand the decision to a current caretaker, adoption relative placement and/or other committee which may be but is not limited to the committee which participated in making the permanency decision on behalf of the child, with instructions to gather or review information or consider additional issues, and to issue a new decision; or

(b) Conduct a review of all relevant files and information, and issue a decision affirming or changing the committee's decision, and where appropriate, directing a legal risk placement or adoptive placement; or

(c) Appoint someone to conduct a review of all relevant files and information, and make a recommendation to the Deputy Director or the Deputy Director's designee to affirm or change the committee's decision and where appropriate, recommend a legal risk placement or adoptive placement.

(11) Deputy Director's Decision is Final. The decision upon review by the Deputy Director or the Deputy Director's designee made as a result of the review is final, and does not qualify for a contested case hearing.

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

413-120-0075
Transition to Adoptive Home

(1) Scheduling Transition. The transition into an adoptive placement, including sharing of family information with the child, cannot begin until the time period for the Notice of Intent to Review has passed or, in the event that the Administrator gives Notice of Intent to Review, until the Review is completed.

(2) Requesting Earlier Transition. The worker may initiate the waiver approval process in OAR 413-120-0075 (4) and request permission to begin transition into the adoptive placement under the following circumstances;

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(a) The worker has supervisory approval to do so;

(b) The District Manager or designee has given written approval; and

(c) Due to exceptional circumstances, the waiting period would adversely affect the child. Exceptional circumstances may include but are not limited to the following:

(A) The current caretaker requests early transition due to a compelling reason such as illness, or needs to be relieved of caretaking responsibilities for the child; or

(B) It is in the best interest of the child, for example, the child needs to be in the adoptive home prior to the start of a new academic year or semester; or

(C) The selected adoptive family is a relative with whom the child has a pre-existing close relationship and the relative has requested that transition begin earlier than the required waiting period.

(3) Documentation Required. In addition to the exceptional circumstances which may warrant a waiver of the required waiting period, the following conditions must be in place and demonstrated by written documentation:

(a) Diligent search for potential relative resources has been conducted according to the requirements of OAR 413-070-0072, and suitability assessments of identified relative resources have been completed according to OAR 413-070-0081; and

(b) The current caretaker is in agreement with the request for waiver or reduction of the waiting period; and

(c) No information has been presented at adoption committee that would indicate anyone is likely to contest the committee's decision and it is unlikely a review will be requested; and

(d) In the case of an out-of-state placement, all Interstate Compact on the Placement of Children (ICPC) requirements have been satisfactorily completed, and ICPC has approved the placement; and

(e) In the case of placement through an in-state or out-of-state private agency, all contract requirements have been satisfactorily completed, and a contract is in place.

(4) Waiver Approval Process:

If the District Manager or designee approves, he or she shall submit the written request to the Adoptions Services Manager or designee who shall verify with Central Office records that all the requirements of sections (2) and (3) of this rule have been met. If the waiver is approved, the Deputy Director or designee shall provide written authorization waiving his/her right to review the adoption committee's decision in the case, and stating why DHS is not waiting the required waiting period.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.280, 418.285, 419B.090

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413-120-0080
Legal Consent

The Deputy Director of CAF or the Deputy Director's designee is the person responsible for providing legal consent for the adoption of a child in DHS permanent custody.

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