

	<p><b>Department of Human Services</b>  <b>CHILDREN, ADULTS &amp; FAMILIES</b></p> <p><b>RESOURCE MANAGEMENT MANUAL II</b></p> <p><b>ISSUED BY:</b> Program Operations  <b>EFFECTIVE DATE:</b> January 2, 1996</p>	<p><b>NUMBER:</b> II-A.1</p> <p><b>SECTION:</b> A. Statutory Authority</p> <p><b>SUBSECTION:</b></p>
<p><b>SUBJECT:</b> 1. Statutory Authority - Child Welfare Policy</p>		

**Interpretation:** Executive Assistant,  
Program Operations

**Approval:** Assistant Administrator,  
Program Operations

**REFERENCES:** ORS 183.310 to 183.550  
ORS 418.205 to 418.325  
ORS 418.215  
ORS 418.240  
ORS 418.270 to 418.285  
ORS 418.327  
ORS 418.625 to 418.645  
ORS 418.630  
ORS 418.640  
II-E.2, Residential Schools, OAR 413-210-500 thru 413-210-620  
II-G.1, Private Child-Caring Agency Licensing Standards

**PURPOSE**

By Oregon law SOSCF has the responsibility to certify family foster homes and to license private residential schools and private child caring agencies. In addition, SOSCF approves applicants for adoption. This procedure identifies the Oregon statutes giving SOSCF this authority and responsibility.

**PROCEDURE**

**FOSTER HOME CERTIFICATION**

**(1)** (ORS 418.630) No person shall operate a foster home without a certificate of approval from the State Office for Services to Children and Families.

**(2)** (ORS 418.640 (1)) The State Office for Services to Children and Families shall make such rules and regulations, not inconsistent with ORS 418.625 to 418.645 as it deems necessary or advisable to protect the best interests of children in foster homes and to carry out the content and purpose of ORS 418.625 to 418.645.

**Private Child Caring Agency Licensing**

**(1)** (ORS 418.215 (1)) No private child caring agency shall provide or engage in any care or service described in ORS 418.205 (day treatment, adoption, residential care, foster care or other similar services for children) unless the agency is at the time:

**(a)** Duly incorporated under the corporation laws of any state; and

**(b)** Licensed to provide or engage in the care or service by the State Office for Services to Children and Families under the provisions of ORS 418.205 to 418.325.

**(2)** (ORS 418.240 (1)) All private child caring agencies subject to ORS 418.205 to 418.325 shall obtain from the State Office for Services to Children and Families a license authorizing their work. The agency shall use the criteria mentioned in ORS 418.240 and such rules pursuant thereto as the agency may develop subject to ORS 183.310 to 183.550, as the basis of judgment in granting, withholding, suspending or revoking such licenses.

#### **PRIVATE RESIDENTIAL SCHOOL LICENSING**

**(1)** (ORS 418.327 (1)) Inspections and reviews of private schools or other organizations offering residential programs for children may be conducted by the State Office for Services to Children and Families at times and frequencies of the agency's choosing.

**(2)** (ORS 418.327 (3)) No person or organization shall operate a facility described in subsection (1) of this section without having a current, valid license issued by the State Office for Services to Children and Families.

#### **ADOPTIVE HOMES**

**(1)** ORS 418.285 establishes the authority of SOSCF the same as for a private child-caring agency under ORS 418.270 to 418.280.

**(2)** Below are the statutes that define the authority of private child caring agencies in relation to adoption. SOSCF, as stated above, may exercise the same authority.

**(a)** (ORS 418.280) Placement of children. Private child-caring agencies, in placing children in private families, shall safeguard the welfare of the children by the thorough investigation of each applicant and home and its environment; shall carefully select the child to suit the new relationship and location; shall personally and adequately supervise each home and child until the latter returns to the direct care of the agency or, if permanently placed, receives legal adoption or attains legal age; and shall so far as practicable, place such children in families of the same religious faith as that held by the children or their parents.

**(b)** (ORS 418.270) Surrender of child to private child-caring agency; consent to adoption; time for adoption proceedings; effect of release and surrender. If licensed for such purposes by the State Office for Services to Children and Families, a private child-caring agency may receive children from their parents or legal guardians for special, temporary or continued care. The parents or guardians may sign release or surrenders giving to such agencies guardianship and control of the persons of such children during the period of such care, which may be extended until the children arrive at legal age. Such releases do not surrender the rights of such parents or guardians in respect to the adoption of such children and do not entitle such organization to give consent to the adoption of the children unless the release or surrender expressly recites that it is given for the purpose of adoption. Private child-caring agencies are authorized to place children for adoption or foster care only if authorized by the State Office for Services to Children and Families in the license issued by SOSCF.