

**Families**

<b>Policy Title:</b>	Standards for Certification of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources – OAR		
<b>Policy Number:</b>	II-B.1 413-200-0301 thru 0396		<b>Effective Date:</b> 12/28/11 thru 9/30/15

Approved By: on file

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Policy	Forms, etc.	Definitions	References	Contact	History
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**Reference(s):**

- ORS Chapter 183
- ORS 339.030
- ORS 418.005
- ORS 418.325
- ORS 418.640
- ORS 419B.005
- Title IV-E, section 471(a)(10) of the Social Security Act
- Title 42 USC 671(a)
- I-A.5.2, Contested Case Hearings  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-a52.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-a52.pdf)
- I-B.1, Monitoring Child Safety  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-b1.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-b1.pdf)
- I-B.1.4, Guardian and Legal Custodian Consents  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-b14.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-b14.pdf)
- I-B.1.6, CANS Screening and Enhanced Supervision  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-b16.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-b16.pdf)
- I-E.2.1, Placement of Indian Children  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-e21.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e21.pdf)
- I-E.3.3.1, Psychotropic Medication Management  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-e331.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e331.pdf)
- I-E.8, Educational Services for a Child in Substitute Care  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-e8.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e8.pdf)

- I-G.1.4, Criminal Background Check Requirements for Relative Caregivers, Foster Parents, Adoptive Parents, and Other Persons in Household  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-g14.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-g14.pdf)
- II-B.1.1, Responsibilities for Certification and Supervision of Foster Parents, Relative Caregivers and Approval of Potential Adoptive Resources  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_2/ii-b11.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_2/ii-b11.pdf)

### **Form(s) that apply:**

- CF 117, Request for Management Approval for Specific Rules
- CF 979, Safety Assessment – Home and Surroundings  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0979.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0979.doc)
- CF 1002W, Withdrawal of Application for Regular Foster Care or Child Specific Certificate of Approval  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE1002w.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE1002w.doc)
- CF 1011F, Consent for Criminal Records & Fingerprint Check (Use up old stock)
- CF 1255, Application Reference  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE1255.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE1255.doc)
- CF 1260A, Application for Approval to Care for a Child in DHS Custody  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE1260a.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE1260a.doc)
- DHS 1011D, Criminal History Exception Request  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE1011d.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE1011d.doc)
- CF 1083, Foster Home Individual Child Medication Log  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE1083.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE1083.doc)

### **Rules:**

#### **413-200-0301 Purpose of Certification Standards**

- (1) The purpose of these rules (OAR 413-200-0301 to 413-200-0396) is to describe the criteria for approval as:
  - (a) A certified family; or
  - (b) A potential adoptive resource.
- (2) These rules apply to any individual who:
  - (a) Has applied to become a certified family or potential adoptive resource;
  - (b) Is currently a certified family; or

- (c) Has applied to have the Certificate of Approval renewed.
- (3) In these rules, unless otherwise indicated, a child or young adult refers to a child or young adult in the care or custody of the Department.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005-418.640

### **413-200-0305 Authorization**

- (1) Title IV-E, section 471 (a)(10) of the Social Security Act, requires the State of Oregon to establish a state authority responsible for establishing and maintaining standards for foster family homes and child care institutions.
- (2) ORS 418.005 to 418.648 give the Department the authority and responsibility to approve homes for children and young adults in the care or custody of the Department. ORS 418.005 to 418.648 further authorize the Department to develop rules to approve these homes.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

### **413-200-0306 Definitions**

The following definitions apply to these rules (OAR 413-200-0301 to 413-200-0396):

- (1) "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.
- (2) "Applicant" means an individual or individuals who apply:
  - (a) To become or remain a certified family; or
  - (b) For approval as a potential adoptive resource.
- (3) "Babysitting" means the provision of temporary, occasional care for a child or young adult that is:
  - (a) Ten consecutive hours or less; and

- (b) Not overnight care.
- (4) "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of gathering information on the needs and strengths of a child or young adult used for one or more of the following purposes:
- (a) Identifying case planning, service planning, and supervision needs of the child or young adult in substitute care with a certified family;
  - (b) Determining the level of care payment while in substitute care with a certified family; and
  - (c) Determining the level of care payment included in an adoption assistance agreement or guardianship assistance agreement.
- (5) "Carbon monoxide alarm" means a device that:
- (a) Detects carbon monoxide; and
  - (b) Produces a distinctive audible alert when carbon monoxide is detected.
- (6) "Certificate of Approval" means a document that the Department issues to approve the operation of a certified relative caregiver home or foster home.
- (7) "Certified family" means an individual or individuals who hold a Certificate of Approval from the Department to operate a home to provide care, in the home in which they reside, to a child or young adult in the care or custody of the Department.
- (8) "Certifier" means a Child Welfare employee who:
- (a) Conducts assessments of applicants interested in providing relative or foster care to a child or young adult in the care or custody of the Department or assessments of a potential adoptive resource;
  - (b) Determines whether or not to recommend approval of the operation of a relative caregiver or foster home or approval of a potential adoptive resource; and
  - (c) Monitors the compliance of a relative caregiver or foster care home with Child Welfare certification rules.
- (9) "Child" means an individual under 18 years of age.

- (10) "Child-Specific Certificate of Approval" means a document authorizing an individual or individuals to operate a home to provide care for a specific child or young adult in the care or custody of the Department.
- (11) "Co-habiting" means the act of two adults, unmarried to each other, living together in an intimate relationship as if married.
- (12) "Criminal records check" means the process for obtaining and reviewing an individual's criminal offender information and may include a fingerprint-based criminal offender records check of national crime information databases.
- (13) "Denial" means the refusal of the Department to issue or renew a Certificate of Approval to operate a relative caregiver home or foster home to provide care for a child or young adult in the care or custody of the Department.
- (14) "Department" means the Department of Human Services, Child Welfare.
- (15) "Discipline" means a training process a certified family uses to help a child or young adult develop the self control and self direction necessary to assume responsibilities, make daily living decisions, and learn to conform to accepted levels of social behavior.
- (16) "Electronic monitoring" means the use of video monitoring or listening devices to monitor or record the behavior of a child or young adult. "Electronic monitoring" does not include:
- (a) Door monitors;
  - (b) Window alarms;
  - (c) Motion detectors;
  - (d) Audio or video baby monitors used for a child five years and under; or
  - (e) Monitors approved by a medical provider for medical purposes.
- (17) "Enhanced supervision" means the additional support, direction, observation, and guidance needed to promote and ensure the safety and well-being of a child or young adult when the child or young adult qualifies for a level of care payment.
- (18) "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.

- (19) "Inactive Referral Status" means a period of time, not to exceed 12 months, during which neither the Department nor any other agency will place an additional child or young adult with a certified family.
- (20) "Level of care payment" means the payment provided to an approved or certified family, a guardian, a pre-adoptive family, or an adoptive family based on the need for enhanced supervision of the child or young adult as determined by applying the CANS algorithm to the results of the CANS screening.
- (21) "Member of the household" means any adult or child living in the home, including any caregiving employees and volunteers who may reside in the home.
- (22) "Personal care services plan" means a written plan to provide personal care services for the child or young adult documenting:
- (a) The determination that the individual is a qualified provider;
  - (b) The frequency or intensity of each personal care service to be provided; and
  - (c) The date personal care services begin.
- (23) "Physical restraint" means the act of restricting the voluntary movement of a child or young adult as an emergency measure in order to manage and protect the child, young adult, or others from injury when no alternate actions are sufficient to manage the behavior of the child or young adult. "Physical restraint" does not include temporarily holding a child or young adult to assist him or her or assure his or her safety, such as preventing a child from running onto a busy street.
- (24) "Psychotropic medication" means medication, the prescribed intent of which is to affect or alter thought processes, mood, or behavior, including but not limited to antipsychotic, antidepressant, and anxiolytic medication and behavior medications. The classification of a medication depends upon its stated intended effect when prescribed because it may have many different effects.
- (25) "Punishment" means the intentional infliction of emotional or physical pain or suffering.
- (26) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related child or young adult placed in the home by the Department.
- (27) "Respite care" means a formal planned arrangement to relieve a certified family's responsibilities by an individual temporarily assuming responsibility for the care and supervision of the child or young adult in the home of the respite provider or certified

family. "Respite care" must be less than 14 consecutive days.

- (28) "Revocation" means an administrative act by the Department that rescinds an existing Certificate of Approval.
- (29) "Surrogate" means an individual who has been appointed to safeguard a child's rights in the special education decision-making process. The individual may be appointed pursuant to applicable Department of Education administrative rules and statutes or by the juvenile court.
- (30) "Young adult" means an individual aged 18 through 20 years.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

#### **413-200-0308 Personal Qualifications of Applicants and Certified Families**

- (1) An applicant has the burden of proving that he or she possesses the required qualifications to be approved as a certified family or as a potential adoptive resource.
- (2) To provide care for a child or young adult, an applicant must be at least 21 years of age unless:
  - (a) Otherwise specified in Child Welfare Policy I-E.2.1, "Placement of Indian Children", OAR 413-070-0100 to 413-070-0260; or
  - (b) A Child Welfare program manager or designee has approved an applicant between the ages of 18 through 20 years to become a relative caregiver.
- (3) An applicant must, as determined by the Department pursuant to OAR 413-200-0274:
  - (a) Possess the ability to exercise sound judgment and demonstrate responsible, stable, emotionally mature behavior;
  - (b) Possess the ability to manage the applicant's home and personal life;
  - (c) Maintain conditions in the home that provide safety, health, and well-being for the child or young adult;
  - (d) Have supportive relationships with adults and children living in the household and with others in the community;

- (e) Have a lifestyle and personal habits free of criminal activity, and abuse or misuse of alcohol or drugs;
  - (f) Have adequate financial resources to support the household independent of the monthly family foster care payments;
  - (g) Be willing to participate in the home study process that includes a comprehensive inquiry into the applicant's personal and family history and family dynamics;
  - (h) Have the physical and mental capacity to care for a child or young adult. Upon request, an applicant must provide copies of medical reports from a health care professional, or may be required to complete an expert evaluation and authorize the Department to obtain a report from the evaluator; and
  - (i) Ensure that all adult members of the household:
    - (A) Possess the ability to exercise sound judgment and demonstrate responsible, stable, emotionally mature behavior, within the individual's developmental and cognitive abilities;
    - (B) Do not pose a risk to the safety, health, and well-being needs of a child or young adult;
    - (C) Have a lifestyle and personal habits free of criminal activity, and abuse or misuse of alcohol or drugs; and
    - (D) Cooperate with the Department's assessment of the household.
- (4) To maintain a Certificate of Approval, in addition to continuing to meet the personal qualifications in sections (1) to (3) of this rule, a certified family must:
- (a) Learn and apply effective childrearing and behavior intervention practices focused on helping a child or young adult grow, develop, and build positive personal relationships and self-esteem;
  - (b) Incorporate into the family's care-giving practices positive non-punitive discipline and ways of helping a child or young adult build positive personal relationships, self-control, and self-esteem;
  - (c) Ensure the child or young adult is taught age appropriate health and hygiene practices and is given the opportunity to practice good hygiene;

- (d) Respect and support the Department's efforts to develop and maintain the relationships of the child or young adult with the birth family, their relatives, and any other significant individual in the life of the child or young adult;
  - (e) Respect the spiritual beliefs, lifestyles, sexual orientation, gender identity, disabilities, national origin, and cultural identities of each child or young adult, and provide opportunities to enhance the positive self-concept and understanding of the heritage of the child or young adult;
  - (f) Work in partnership with the Department to identify the strengths and meet the needs of each child or young adult;
  - (g) Follow through and comply with prescribed services, activities, supervision plans, personal care services plans, visitation plans, transition plans, and restrictions for each child or young adult placed in the certified home, as applicable to that child or young adult; and
  - (h) Use reasonable efforts to prevent anyone from influencing the child or young adult regarding allegations in a judicial or administrative proceeding in which the family or legal guardian of the child or young adult, the child or young adult, or another individual may be involved.
- (5) Except when a certified family applies for recertification, an applicant must be:
- (a) A citizen of the United States, either through birth or naturalization;
  - (b) Able to verify immigration status; or
  - (c) A relative of the child for whom the applicant is applying for a Certificate of Approval as a relative caregiver or approval as a potential adoptive resource.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

### **413-200-0314 Initial Application Process**

- (1) To become a certified family or potential adoptive resource, the applicant must comply with all of the following requirements:
- (a) Complete a Department application.
  - (b) Provide the names and contact information of at least four references, two of whom may be relatives of the applicant, who can attest to the applicant's

character and ability to provide safe and protective care for a child or young adult.

- (c) Provide names and contact information of at least two individuals with whom the certified family is likely to remain in contact if displaced due to a natural disaster.
  - (d) Complete all required paperwork requested by the Department in a timely manner and no later than 90 days after the initial request.
  - (e) Allow Department staff to conduct an in home safety assessment of conditions that appear to exist in the home that affect health, safety, and well-being for the child or young adult by providing access to each room in the primary residence of the applicant and each surrounding building on the property of the applicant unless the building or residence is a self-contained, separate entry residence rented to or owned by another individual.
  - (f) Allow Department staff to have face-to-face contact with all members of the applicant's household.
  - (g) Provide social and family history information to the Department.
  - (h) Provide information about any current or previous licenses, certifications, or applications for relative care, foster care, day care, adoption, or any other types of services for vulnerable individuals including adult care giving. Information must include the organization's name and any denials, suspensions, revocations, or terminations.
  - (i) Sign a Department Authorization for Use and Disclosure of Information as requested to allow the Department to complete a thorough background check of the applicant.
  - (j) Allow the Department, at its discretion, to gather information regarding the criminal offender information records of any child, not in the care or custody of the Department, who lives in the household if there is reason to believe that child may pose a risk to children placed in the home.
- (2) Both individuals are required to apply when the two individuals are lawfully married, have a domestic partnership (as defined in ORS 106.310), or are co-habiting, unless:
- (a) One individual is in the military and stationed out of the state; or

- (b) For other unique circumstances in which one individual will not be responsible for any household management or the care of a child or young adult placed in the home, an exception is approved by the Child Welfare program manager.
- (3) The applicant and each adult member of the applicant's household must have face-to-face contact with a Department certifier and must provide:
- (a) Information regarding criminal involvement, including arrests and convictions regarding any member of the household;
  - (b) Consent to a criminal records check, including information compiled and maintained by OSP Bureau of Criminal Identification and a fingerprint-based criminal records check of national crime information databases as outlined in Child Welfare Policy, I-G.1.4, "Criminal History", OAR 413-120-0460;
  - (c) Information regarding any previous allegations of child abuse and neglect; and
  - (d) Consent to a child abuse and neglect background check.
- (4) Withdrawal of Application. An applicant may voluntarily withdraw the application. The applicant must provide the voluntary withdrawal notice --
- (a) On a form provided by the Department;
  - (b) In a written format of his or her choice; or
  - (c) Verbally to a certifier, adoption worker, or the supervisor of the certifier or adoption worker.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

### **413-200-0335 Standards Regarding the Home Environment**

The applicant or certified family must ensure the home and surrounding environment comply with all of the following requirements:

- (1) General Conditions.
- (a) The home must be the primary residence and the residence where the child or young adult will reside.
  - (b) The home must have adequate space for each member of the household, including space for safe and appropriate sleeping arrangements.

- (A) Department staff must consider the age, gender, special needs, behavior, and history of abuse or neglect of the child or young adult in determining appropriate sleeping arrangements.
- (B) An unrelated child or young adult in the care or custody of the Department may not share a bed.
- (c) The home may not use electronic monitoring.
- (d) The applicant or certified family must have access to a working telephone to make and receive phone calls.
- (e) The applicant or certified family must consider the age, special needs, and capabilities of the child or young adult, and have necessary safeguards and assurances that---
  - (A) Swimming pools, hot tubs, wading pools, ponds, and other water hazards are inaccessible to a child or young adult unless responsibly supervised, and safeguards comply with state and local ordinances;
  - (B) Outdoor tools and equipment, machinery, chemicals, flammables, and combustibles are stored in a safe manner;
  - (C) Animals are properly cared for and kept in compliance with local ordinances; and
  - (D) The access of a child or young adult to potentially dangerous animals is restricted.
- (f) The certified family must consider the age, special needs, and capabilities of the child or young adult when determining if an animal is a safe and appropriate pet.
- (g) The certified family must receive authorization from the caseworker of the child or young adult or the caseworker's supervisor prior to the beginning of hunting or target practice by the child or young adult.
- (h) Hunting and sporting equipment, such as knives, spears, arrows, hunting sling shots, bows, and martial art weapons must be stored in a safe and secure manner inaccessible to a child or young adult.

(2) Sanitation and Health.

- (a) The home must have the necessary equipment for the safe preparation, storage, serving, and clean-up of food.
  - (b) The home must have a safe, properly maintained, and operational heating system. Space heaters must be plugged directly into a wall outlet and must be equipped with tip-over protection.
  - (c) The home and furnishings must be clean and in good repair, and the grounds must be maintained.
  - (d) There must be no accumulation of garbage or debris.
  - (e) The home must have safe and adequate drinking water, and an adequate source of safe water to be used for personal hygiene.
  - (f) There must be provision for the safe storage of all medications in the household, and locked storage for psychotropic medications for any member of the household.
  - (g) There must be easily accessible first aid supplies, and a reasonable understanding of how to use such supplies.
  - (h) Smoking limitations:
    - (A) A child or young adult may not be exposed to any type of second-hand smoke in the family's home or vehicle; and
    - (B) A member of the household may not provide any form of tobacco products to a child or young adult.
- (3) Fire and Carbon Monoxide Safety.
- (a) The home must have all of the following:
    - (A) One working smoke alarm in each bedroom where a child or young adult sleeps within 24 hours of the time the applicant is certified or approved.
    - (B) One working carbon monoxide alarm within 15 feet of each bedroom where a child or young adult sleeps and one on each floor within 24 hours of the time the applicant is certified or approved.
    - (C) At least one operable fire extinguisher rated 2-A:10-B-C or higher within 24 hours of the time the applicant is certified or approved.
    - (D) One means of emergency exit and one means of rescue from the home.

- (E) An adequate safeguard around operating fireplaces, wood stoves, or other heating systems which may cause burns to a child or young adult developmentally unable to reasonably follow safety rules regarding such devices.
  - (F) Operable, quick-release mechanisms on barred windows. No bedroom occupied by a child or young adult unable to use the quick-release mechanism may have a barred window.
  - (G) A written, comprehensive home evacuation plan, shared with each child or young adult at the time of placement, and practiced at least every six months. The written, comprehensive home evacuation plan must include a provision for the safe exit of a child or young adult who is not capable of understanding or participating in the evacuation plan.
  - (H) Doors that lock on the inside operable from the outside of the room, and doors that lock on the outside operable from the inside of the room.
- (b) Each bedroom used by a child or young adult must have:
- (A) One unrestricted exit;
  - (B) At least one secondary means of exit or rescue;
  - (C) Alarms required under paragraph (a)(A) of this section; and
  - (D) Unrestricted, direct access at all times to hallways, corridors, living rooms, or other such common areas.
- (4) Travel and Transportation Safety.
- (a) An applicant or certified family must have available, and be willing to use, a safe and reliable method of transportation.
  - (b) Any member of the household transporting a child or young adult must provide proof of a valid driver license and current insurance, as required by law, on any family-owned motorized vehicle by which a child or young adult might be transported, when a family has applied for certification and at each recertification.
  - (c) The applicant or certified family must assure that, as required by current state law:

- (A) Only a licensed and insured driver transports a child or young adult in motorized vehicles; and
- (B) A child or young adult uses a seat belt or age and size appropriate safety seat when transported in motorized vehicles.
- (d) Written authorization from the Department must be received prior to transporting a child or young adult out of the State of Oregon or outside the United States.
- (e) A certified family must provide the Department a minimum of 30 days notice seeking approval for international travel prior to any international travel with a child or young adult. In an emergency, the certified family must request approval from the Department as soon as the need for international travel becomes known.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

#### **413-200-0348 Requirements Regarding the Number of Children and Young Adults in the Home**

- (1) Except as provided in section (3) of this rule, a certified family may not exceed the following maximum number of children and young adults in the home:
  - (a) A total of --
    - (A) Four children or young adults when one certified adult lives in the home;  
or
    - (B) Seven children or young adults when two certified adults live in the home.
  - (b) Two children under the age of three.
- (2) The limits in section (1) of this rule include all children or young adults residing in the home, not only children or young adults in the care or custody of the Department.
- (3) Under special circumstances, a Child Welfare program manager may approve placement of a child or young adult in a certified family that exceeds the maximum number of children and young adults in section (1) of this rule.
- (4) A certified family may not accept a child or young adult for placement from another agency without prior approval of the Child Welfare program manager or designee.

- (5) A certified family may not provide formal or informal adult foster care or child day care without prior approval of the Child Welfare program manager or designee.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

### **413-200-0352 Requirements for the Care of Children and Young Adults**

A certified family must comply with all of the following requirements:

- (1) Work cooperatively with the Department, the child or young adult, and his or her family to support the case plan and meet the needs of the child or young adult including but not limited to:
- (a) Health, dental, and mental health care;
  - (b) Recreational, social, intellectual, and emotional development;
  - (c) Continued contact or connection with family members, siblings, and relatives; and
  - (d) Adequate and appropriate clothing.
- (2) Include the child or young adult as part of the certified family household.
- (3) Assure that when a child or young adult leaves the certified family, the belongings of the child or young adult, both those brought with him or her and those obtained while living in the home, remain with the child or young adult.
- (4) Not subject any child to abuse, as described in ORS 419B.005.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

### **413-200-0354 Requirements Regarding the Education of a Child or Young Adult**

- (1) The certified family must comply with all of the following requirements:
- (a) Enroll the child or young adult in his or her school or educational placement, after the school or educational placement has been determined by the Department.

- (b) Support the child or young adult in his or her school or educational placement, and respond to inquiries from the school or educational placement.
  - (c) Assure the child or young adult regularly attends the school or educational placement, and monitor the educational progress of the child or young adult, including keeping records of:
    - (A) The report cards of the child or young adult;
    - (B) Any reports received from the teacher, school, or educational placement;
    - (C) Any evaluations received as a result of educational testing or assessment;
    - (D) Disciplinary reports regarding the child or young adult; and
    - (E) Ongoing progress toward graduation of a child or young adult no later than age 19.
  - (d) Monitor educational successes, learning style, and potential learning difficulties of the child or young adult.
  - (e) Work with the caseworker of the child or young adult when referring the child or young adult for assessment of a possible disability.
  - (f) Notify the caseworker of the child or young adult of the certified family's interest in or intent to be appointed as the educational surrogate (see OAR 413-1000506) parent of the child or young adult.
  - (g) Work with the Department to regularly share information regarding the educational progress of the child or young adult.
- (2) The certified family may be appointed to safeguard a child's rights in the special education decision-making process. This appointment may occur pursuant to Division 581-015 of Oregon Department of Education administrative rules, or by the juvenile court under ORS 419B.220.
- (3) The certified family may provide consent for a child or young adult placed in the home to participate in routine school-related activities, such as school enrollment, field trips within the state of Oregon, routine social events, sporting events, and cultural events.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

## **413-200-0358 Requirements Regarding the Discipline of a Child or Young Adult**

- (1) The certified family must demonstrate a willingness to understand the meaning of the behaviors of the child or young adult, and have the ability to develop and use appropriate discipline strategies to address challenging behaviors.
- (2) When disciplining a child or young adult, the certified family may not do any of the following:
  - (a) Use or threaten physical force.
  - (b) Use threats or intimidation.
  - (c) Withhold food or other items essential to the protection, safety, or well-being of a child or young adult.
  - (d) Discipline all children or young adults in the household for the misbehavior of one child or young adult.
  - (e) Use any form of punishment which includes but is not limited to:
    - (A) The deliberate infliction of physical force causing pain.
    - (B) Verbal abuse including derogatory remarks about the child or young adult, the family characteristics, physical traits, culture, ethnicity, language, sexual orientation, or traditions of the child or young adult.
    - (C) Denying a child or young adult visits, telephone, or other types of contact with an individual authorized in a visit and contact plan.
    - (D) Assigning extremely strenuous exercise or work.
    - (E) Use of or threatened use of restraining devices.
    - (F) Imposing a sanction, penalty, consequence, or reprimand for bed-wetting or during toilet training.
    - (G) Directing or permitting a child or young adult to punish another child or young adult.
    - (H) Threat of removal from the certified family home.
    - (I) Forcing or requiring a child or young adult to shower or bathe as a sanction, penalty, consequence, or reprimand.

- (J) Extreme isolation as a means of punishment that restricts the ability of a child or young adult to talk with or associate with others.
  - (K) Locking a child or young adult in a room or outside of the home.
- (3) The certified family may use a time-out only for the purpose of giving the child or young adult a short break to allow the child or young adult to calm himself or herself and regain control, and not as a punishment. The certified family must take into consideration the age and developmental level of the child or young adult in determining the length of a time-out.
- (4) Pursuant to Child Welfare Policy I-B.1.6, "Enhanced Supervision", OAR 413-020-0200 to 413-020-0255, only an adult in a certified family or Department staff, who has been trained to use a physical restraint, may do so, unless a child, young adult, or others are at imminent risk of harm. Physical restraint may only be used if good judgment indicates that a physical restraint may safely be implemented. Any time a physical restraint is used, the certified family must follow the reporting requirements in OAR 413-020-0240.
- (5) The certified family must notify and request assistance of the Department when the challenging behavior of a child or young adult may be beyond the ability of the certified family to discipline in a positive manner.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

#### **413-200-0362 Requirements Regarding the Medical, Dental, and Mental Health Care of a Child or Young Adult**

- (1) In addressing the health care for a child or young adult, the certified family must:
- (a) Work collaboratively with the Department in managing the health care needs of a child or young adult, which may include involving a parent of the child or young adult in medical, dental, and mental health appointments;
  - (b) Regularly exchange medical, dental, and mental health information of the child or young adult with the Department;
  - (c) Work collaboratively with providers in managing the medical, dental, and mental health needs of a child or young adult; and
  - (d) Maintain documentation of each child or young adult, including:

- (A) Medical, dental, and mental health appointments;
  - (B) Medical, dental, and mental health information;
  - (C) Medical, dental, and mental health appointment follow-up reports; and
  - (D) Immunization records.
- (2) A certified family must comply with the Department's direction on obtaining medical, dental, and mental health care for a child or young adult.
- (3) A certified family may consent to routine examinations and laboratory tests.
- (4) A certified family must allow vaccination and immunization of a child or young adult in accordance with the Department's case plan.
- (5) Except as provided in section (6) of this rule, the certified family must contact the caseworker of a child or young adult to obtain appropriate prior consent from the Department before a child or young adult receives any medical care or undergoes a procedure, other than routine medical care.
- (6) In an emergency, a certified family must notify the Department as soon as possible when emergency care is needed.
- (7) Medication management requirements.
- (a) The certified family must comply with all of the following requirements:
    - (A) Administer prescription medications to a child or young adult only in accordance with the written prescription or authorization.
    - (B) Record the dosage, date, and time that each medication is administered to a child or young adult on a form approved by the Department. If medication is given in a location other than the certified home, such as at school or in daycare, the medication log of the institution or program must be attached to the Department form. The medication form, with any attachments, must be submitted monthly to the caseworker of the child or young adult.
    - (C) Take the medication log to each medical appointment and share with the medical provider.
    - (D) Inform the caseworker of the child or young adult or the supervisor of the caseworker within one business day when a child or young adult is

prescribed a psychotropic medication or the dosage of any existing prescription for psychotropic medication is changed.

- (E) Begin administration of any psychotropic medication only after consent has been obtained from the Department pursuant to Child Welfare Policy I-E.3.3.1, "Psychotropic Medication Management", OAR 413-070-0400 to 413-070-0490.
  - (F) Maintain the documentation received from the caseworker when a child is prescribed a psychotropic medication or when the dosage of any existing prescription for a psychotropic medication is changed.
- (b) Except as provided in subsection (c) of this section, the certified family must store all medications in such a way that the medications are inaccessible to a child or young adult and must store all psychotropic medications in locked storage.
  - (c) When a child or young adult is learning to manage his or her own medications, the certified family, the child or young adult, and the caseworker may develop an individualized, written plan for the child or young adult to access the medication. The child or young adult may not have access to medication that is not his or her own. The plan must state how the medication will be inaccessible to other children or young adults in the home. The certified family, the child or young adult, and the caseworker keep a copy of the plan.
- (8) The certified family must comply with the personal care services plan for any child or young adult placed in the certified family's home and eligible for personal care services pursuant to Child Welfare Policy I-E.5.1.2, "Personal Care Services", OAR 413-090-0100 to 413-090-0210.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

### **413-200-0371 Responsibilities and Notification Requirements for Selection and Use of Respite Care Providers and Babysitters**

#### (1) Respite Providers.

- (a) The certified family is responsible for identifying a safe and responsible respite care provider for a child or young adult placed in the certified family's home and must take into consideration:

- (A) The age, special needs, attachment, and individual behaviors of each child or young adult; and
  - (B) The length of time that the child or young adult will be with the respite care provider.
- (b) Responsibilities when identifying a respite care provider. The certified family must:
- (A) Select a respite care provider who –
    - (i) Is at least 18 years of age;
    - (ii) Is capable of assuming child care and supervision responsibilities, including meeting the safety, health, and well-being needs of each child or young adult in the certified family's care;
    - (iii) Complies with OAR 413-200-0358; and
    - (iv) Is present with the children or young adults for whom they are providing respite care at all times.
  - (B) Provide to the certifier the name, address, and telephone number of the prospective respite care provider and receive Department approval under OAR 413-200-0281 prior to using the respite care provider.

(2) Babysitters.

- (a) The certified family must use a responsible person 14 years of age or older for babysitting, and must:
  - (A) Assure the babysitter is capable of assuming child care responsibilities required to meet the needs of each child or young adult, and will be present with the child or young adult for whom the babysitter is providing care at all times, and
  - (B) Have no reason to suspect that the babysitter --
    - (i) Has any criminal history or child abuse or neglect history; or
    - (ii) Poses any risk to the child or young adult for whom the babysitter will provide care.
- (b) The certified family may not use a babysitter for overnight care.

- (c) Unless requested by the Department, the certified family does not need to provide identifying information to the Department to complete a criminal records check for a babysitter.

(3) General Provisions for Respite Care and Babysitting.

- (a) The certified family must have an available method through which the certified family may be contacted in an emergency at any time the child or young adult is cared for by another individual.
- (b) A certified family may use a licensed, registered, or approved childcare center or day care provider for a child or young adult, and must notify the Department in advance of using the childcare center or day care provider.
- (c) Family and childhood activities.
  - (A) The certified family may give consent for a child or young adult in the Department's care or custody to participate in ordinary childhood activities, such as parties and sleepovers with friends, and organized activities provided by schools, religious or civic organizations, scouts, or similar groups.
  - (B) The certified family must verify that the event is safe, adequately supervised, and appropriate for the child or young adult based upon his or her needs.
  - (C) When the certified family has any questions regarding the child or young adult participating in an activity, the certified family must consult with the caseworker of the child or young adult.
- (d) The certified family must notify the caseworker of the child or young adult and obtain the approval of the caseworker or caseworker's supervisor prior to the child or young adult being absent from the certified family for more than 24 hours.
- (e) The certified family must obtain approval from the certifier or the certifier's supervisor when the certified family plans to provide respite care for another certified family causing the number of children or young adults in the home to exceed the maximum number of children or young adults on the certified family's Certificate of Approval.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

### **413-200-0377 Confidentiality**

- (1) The certified family must exercise good judgment in sharing personal information about the child or young adult and the family of the child or young adult. The certified family must store documents regarding the child or young adult and family of the child or young adult in a way that protects the privacy of the child or young adult and the family of the child or young adult.
- (2) The certified family may not disclose confidential information regarding a child or young adult or the family of a child or young adult, except when necessary to promote or to protect the health and welfare of the child, young adult, or the community.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

### **413-200-0379 Education and Training for Applicants and Certified Families**

- (1) An applicant must participate in the Department's orientation prior to receiving a Certificate of Approval, or within 30 days after the placement of a child or young adult in a home that has been issued a Child-Specific Certificate of Approval.
- (2) Except as provided in sections (3) or (4) of this rule, each applicant and certified family must complete Foundations training before or within 12 months after the date on which the Certificate of Approval was issued,; or have written documentation of completion of equivalent training content from another licensed child-caring agency within two years of an applicant's dated application for a Certificate of Approval from the Department.
- (3) A certified family is exempt from section (2) of this rule if a written, individualized training plan, specific to the needs of the children or young adults placed with a certified family holding a Child-Specific Certificate of Approval, has been approved by a supervisor and developed within 90 days after a Child-Specific Certificate of Approval has been issued by the Department.
- (4) An applicant is exempt from section (2) of this rule if the applicant is applying to become a potential adoptive resource and has approval under OAR 413-120-0246.
- (5) Foundations training is required if an applicant previously certified by the Department has not been certified within the preceding two years unless:

- (a) Alternative training has been approved under sections (3) or (4) of this rule; or
  - (b) The supervisor waives the training requirement based on the applicant's documented knowledge and skills in caring for a child or young adult placed in the home by the Department.
- (6) The certified family and the certifier must develop a training plan for each individual certified in the family to complete at least 30 hours of training during each two-year certification period, unless a written individualized training plan is developed for a certified family with a Child-Specific Certificate of Approval. The written individualized training plan:
- (a) Must be designed to strengthen the certified family's ability to meet the safety, health, and well-being needs of the children or young adults placed in the certified family's home;
  - (b) May be less than the required 30 hours required during a certification period; and
  - (c) Must be approved by a certification supervisor.
- (7) Each applicant and certified family with limited English proficiency or a hearing or visual impairment, and unable to meet the training requirements outlined in sections (1) to (6) of this rule may be provided an individualized training plan prepared by the certifier and approved by the certification supervisor.
- (8) The Department may require a certified family to obtain more than the 30 hours of training for a two-year certification period depending on the needs of the children or young adults placed in the home or the knowledge, skills, and abilities of the certified family.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

### **413-200-0383 Other Required Notifications**

A certified family must notify the certifier or certifier's supervisor of all of the following:

- (1) Any individual joining or leaving the household.
- (2) Any prospective respite care provider.

- (3) Any anticipated change in address.
- (4) Any physical or structural change in the home or surrounding property on which they live.
- (5) Any arrest or court conviction for any member of the household. This notification must occur within one business day.
- (6) Any known allegation of child abuse or neglect perpetrated by any member of the household, or an individual who regularly visits the home. Such notification must occur on the day that the certified family learns of the allegation.
- (7) The suspension of a driver license of any adult on the Certificate of Approval or any member of the household.
- (8) Any change in the physical health, mental health, or medication of a member of the household that reasonably could affect the ability of the member or the family to meet the needs of safety, health, and well-being of a child or young adult.
- (9) Any time any member of the household applies to become an in-home child care provider, an adult foster care, or in-home adult day care provider.
- (10) Any time another agency wishes to place a child or young adult in the certified home.
- (11) Any time the certified family agrees to provide respite care for another certified family.
- (12) Any other circumstance that reasonably could affect the safety, health, or well-being of a child or young adult in the certified family's home.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

### **413-200-0386 Requirements Regarding Mandatory Reporting**

Any member of the household and any certified family's employee, independent contractor, or volunteer who works in the certified family's home, must report the pertinent information to the Department upon reasonable cause to believe that any child with whom the individual comes in contact has suffered abuse or neglect or that any adult with whom the individual comes in contact has abused or neglected a child.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

### **413-200-0388 Requirements Regarding Visits in the Certified Family's Home**

For purposes of assessing the conditions in the home that affect safety, health, and well-being for the child or young adult, a certified family must:

- (1) Allow on-going in-home visits, both scheduled and unscheduled, by Department staff; and
- (2) Allow Department staff unsupervised contact with a child or young adult.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

### **413-200-0390 Requirements Regarding Maintaining the Certificate of Approval**

- (1) The Department may conduct an expedited certification and may issue a Child-Specific Certificate of Approval for no more than 180 days when assessment activities described in Child Welfare Policy II-B.1.1, "Responsibilities for Certification and Supervision of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources", OAR 413-200-0274(2)(a) to (p) have been completed.
- (2) The Department may issue a full certification and Certificate of Approval for up to two years when all assessment activities in OAR 413-200-0274(6) have been completed.
- (3) To remain certified, the certified family must submit a completed Application for Renewal or Change of Status, and the Department will assess the certified family every two years.
- (4) When the certified family has submitted a timely application for re-certification, the current Certificate of Approval will not expire, despite any expiration date, until the Department has issued a new Certificate of Approval or there is a final order of denial.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

### **413-200-0393 Requirements Regarding Inactive Referral Status**

- (1) A certified family may request that the Department place the home on Inactive Referral Status for any reason for up to 12 months. The inactive referral status begins immediately and while it is in effect:

- (a) The Department will place no additional child or young adult in the home; and
  - (b) The certified family may not accept placement of any child or young adult from another agency.
- (2) Inactive Referral Status, when requested by the certified family, ends:
- (a) At the request of the certified family; or
  - (b) When the certificate expires and --
    - (A) The family has not timely applied for renewal of the certificate; or
    - (B) The Department has not renewed the certificate.
- (3) The Department may initiate a certified family's Inactive Referral Status under the conditions described in Child Welfare Policy II-B.1.1, "Responsibilities for Certification and Supervision of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources", OAR 413-200-0294(5) or (6). When the Department initiates Inactive Referral Status, the Department must:
- (a) Provide written notification to the certified family of the Inactive Referral Status within 14 business days; and
  - (b) Provide written notification to the certified family when Inactive Referral Status ends.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

### **413-200-0394 Requirements Regarding Termination of a Certificate of Approval**

- (1) A certified family may voluntarily request that the Department terminate the Certificate of Approval and close the home. The certified family must give the Department ten days notice before the Certificate of Approval is terminated. The Department must remove any child or young adult in the care or custody of the Department from the home before closing the home.
- (2) When a child or young adult leaves a home that has a Child-Specific Certificate of Approval, the Department terminates the Child-Specific Certificate of Approval within 10 business days of the departure of the child or young adult, unless at least one of the following subsections applies:

- (a) The child-specific certified family submits a written request to continue their Certificate of Approval as a foster parent under OAR 413-200-0289(4) within 10 business days of the departure of the child or young adult from the home.
  - (b) The Department has determined the child or young adult is removed because the certified family cannot meet the safety, health, and well-being needs of the child or young adult and has violated one or more rules under Child Welfare Policy II B.1, "Certification Standards for Foster Parents, Relative Caregivers, and Approval of Potential Adoptive Resources", OAR 413-200-0301 to 413-200-0396.
  - (c) OAR 413-200-0395(6) applies.
- (3) When the Department has determined that subsection (2)(b) of this rule applies, the Department will notify the certified family of the decision and issue a notice of intent to revoke the Certificate of Approval pursuant to OAR 413-200-0395(2).
  - (4) When a certified family moves to a different residence, the Department terminates the Certificate of Approval and closes the home. The Department may issue a new Certificate of Approval when the activities described in OAR 413-200-0292(5) have been completed.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

#### **413-200-0395 Requirements Regarding Denial and Revocation of a Certificate of Approval**

- (1) The Department may deny an application for a Certificate of Approval if an applicant fails to provide requested information within 90 days of a written request from the Department.
- (2) The Department may deny an application or revoke a Certificate of Approval when:
  - (a) The applicant or certified family does not meet one or more of these rules (OAR 413-200-0301 to 413-200-0396);
  - (b) The Department discovers an applicant or a certified family has falsified information (by act of commission or omission) before or after the Certificate of Approval has been issued; or

- (c) An applicant or certified family fails to provide information to or inform the Department of any disqualifying condition that arises before or after the Certificate of Approval has been issued.
- (3) The Department must provide an applicant to become or remain a certified family a written notice of revocation or denial, which must comply with OAR 413-010-0510 and must state the reason or reasons for the revocation or the denial.
- (4) Unless the certified family requests that the Department terminate the Certificate of Approval under OAR 413-200-0394(1), the Department must revoke a Certificate of Approval when a certified family violates one or more of these rules (OAR 413-2000301 to 413-200-0396) and, at the conclusion of a Child Protective Services assessment, the Department determines that there is a safety threat in the certified family's home.
- (5) Upon deciding to revoke a certified family's Certificate of Approval, the Department must remove from the home any child or young adult in the Department's care or custody.
- (6) When the Department has issued a notice to revoke a Certificate of Approval, the certificate will not expire despite any expiration date on the Certificate of Approval, until there is a final order to revoke the Certificate of Approval.
- (7) When the Department revokes a Certificate of Approval or denies an application to become a certified family, the Department has the discretion to require up to a fiveyear waiting period before the individual or individuals can reapply to become a relative caregiver or foster parent.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

#### **413-200-0396 Requirements Regarding Contested Case Hearings**

- (1) Except as provided in section (4) of this rule, an applicant to become a certified family may request a contested case hearing to contest the Department's decision to deny a Certificate of Approval.
- (2) A certified family may request a contested case hearing to contest the Department's decision to revoke the Certificate of Approval.
- (3) A certified family or an applicant to become a certified family requests a contested case hearing, as provided in ORS Chapter 183, by providing a Child Welfare program manager a written request for a hearing within 30 days of the date that the Department mailed the notice of denial or revocation.

- (4) ORS Chapter 183 does not provide a contested case process for an adoptive applicant who is denied approval as a potential adoptive resource.
- (5) If the Department does not receive a request for a contested case hearing within 30 days of the date that the Department mailed the notice of denial or revocation, the certified family or applicant to become a certified family has waived the right to a hearing, except as provided in OAR 413-010-0505.
- (6) Department actions when a contested case hearing is timely requested but such request is subsequently withdrawn are outlined in OAR 413-010-0530(1).
- (7) OAR 413-010-0505 describes the requirements to a request for a contested case hearing due to the denial or revocation of a Certificate of Approval.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

### Contact(s):

- **Name:** Kevin George; **Phone:** 503-945-5987

### Policy History

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- [06/01/07 thru 07/12/07](#)
- [07/13/07 thru 10/31/07](#)
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- [02/02/09](#)