	Department of Human Services **CHILDREN, ADULTS & FAMILY** **RESOURCE MANAGEMENT MANUAL II** **ISSUED BY:** Office of Safety and Permanency for Children **EFFECTIVE DATE:** August 1, 2003	**NUMBER:** II-B.1 **OAR:** 413-200-0301 thru 0401 **SECTION:** B. Safety Standards **SUBSECTION:**
SUBJECT: 1. Safety Standards for Foster Care, Relative Care and Adoptive Families Oregon Administrative Rules		

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Responsible Manager: Manager, Foster Care

Approval: _____
Administrator,
Office of Safety and
Permanency for Children

Interpretation: Manager, Foster Care

REFERENCES:
ORS 418.517, Psychotropic Medications
ORS 418.625 to 418.645, Foster Home Certification and Supervision
ORS 419A.004, General Provisions Definitions
ORS 419B.192, Placement of Child
P.L. 105-89, Adoption and Safe Family Act of 1997
Title IV-E Social Security Act
Child Welfare Policy I-A.5.1, Grievance Review
Child Welfare Policy I-E.2.1, Placement of Indian Children
Child Welfare Policy I-E.3.1, Placement Matching
Child Welfare Policy I-E.3.5, Visitation/Child Family Contact
Child Welfare Policy, I-G.1.4, Criminal History
Child Welfare Policy I-C.3.1, Supportive Remedial Day Care

STATEMENT OF PURPOSE

413-200-0301 (1) The primary mission of the Oregon State Office for Services to Children and Families (SOSCF) is to ensure the safety and well being of Oregon's children. The agency does this by working in partnership with families and communities.

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(2) SOSCF strives to maintain children with their families. However, some children who temporarily or permanently must be removed from their own homes because of abuse, neglect, or abandonment are placed in the legal custody of SOSCF by the juvenile court. These children require placement with relative families, foster families, and adoptive families. SOSCF considers relative, foster and adoptive families to be strong positive resources for the State of Oregon, and works closely with the families to help the children in care. In addition, some children with complex medical or behavioral disorders who require out of home placement to meet their special needs, are voluntarily placed in the legal custody of SOSCF by their parents.

(3) These administrative rules state the requirements and expectations for families seeking to receive a certificate of approval or adoption approval, to provide care to the children named in (2) above. These rules apply to all families serving children who are in voluntary or protective custody of SOSCF. These rules also outline the requirements for SOSCF branches and staff that work with the relative, foster and adoptive families.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.625

AUTHORIZATION

413-200-0305 (1) Title IV-E Sec. 471 (a)(10) 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) Oregon revised statutes (ORS) 418.005 - 418.640 give SOSCF the authority and responsibility to approve homes for children in custody of SOSCF. ORS 418.005-418.640 further authorize SOSCF to develop rules to approve homes.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005

DEFINITIONS

413-200-0306 (1) "Adoption Approval" means the SOSCF branch has completed an adoption home study with a positive recommendation.

(2) "Adoption Applicant" is a person who applies for adoption approval.

(3) "Adoption Assistance Agreement" is a written agreement, signed by the adoptive parents and SOSCF, that provides financial and/or medical assistance to

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adoptive parents to help with the cost of adopting children.

(4) "Agreement/Contract" is a written document between SOSCF and a person who provides 24 hour care of children, which states the expectations of each.

(5) "Alternate Caregiver" is a person who provides care and supervision for a child in the custody of SOSCF during the time that the approved Foster Parent / Relative Caregiver is absent.

(6) "Applicant" is a person who applies for a certificate of approval for relative care, or foster care.

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

(8) "Caregiver Employee" is any person that a Foster Parent / Relative Caregiver pays to provide services to children placed in the home, including but not limited to, supervision of child(ren), tutoring, recreation, relief care, health care, or household chores.

(9) "Case Plan" is a goal-oriented, time-limited, individualized plan for a child and the child's family that SOSCF and the family develop to promote the child's safety, permanency and well-being.

(10) "Certificate of Approval" is a certificate for a period not to exceed one year that SOSCF or an agency licensed by SOSCF issues to approve the operation of a relative care or foster care family home.

(11) "Child" is a person under 18 years of age, or a youth between 18 and 21 years of age in SOSCF custody.

(12) "Child Placing Agency" is any person or organization licensed by SOSCF that receives children for placement into relative care, foster care, adoptive homes or residential group care facilities. This term is abbreviated in the text as "agency." SOSCF is an "agency".

(13)"Children in Care" or **"Children in Placement"** are children in the custody of SOSCF and/or supervised by a child placing agency, who are placed in a selected adoptive home or in a home that has an SOSCF certificate of approval to operate a

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relative care or foster care home.

(14) "Contract/Agreement" is a written document between SOSCF and a person who provides 24 hour care of children, which states the expectations of each.

(15) "Criminal Records Check" is the process that obtains background information from the Oregon State Police through the Law Enforcement Data System (LEDS) or other law enforcement agencies or courts, including records of arrests, convictions and disposition of criminal charges including dismissal, sentence, confinement, release or probation.

(16) "Denial of a Certificate of Approval" is the refusal of the agency to issue or renew a certificate of approval to operate a kinship, foster or adoptive home for children because the agency has determined that the home is not in compliance with one or more of these administrative rules.

(17) "Discipline" is an educational process that caregivers use to help children 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.

(18) "Family Foster Home" is a family home, with a certificate of approval to operate a Family Foster Home, which is maintained by a person who lives in the home and provides care, food and lodging in the home under OAR 413-100-0000 / 413-100-0360.

(19) "Foster or Relative Care Applicant" is a person who applies for a certificate or approval to operate a foster or relative care home.

(20) "Foster Parent(s)" is the certified care provider(s) whose name is on the certificate of approval to operate a family foster home, and who resides at the address on the certificate.

(21) "Inactive Referral Status" means that a caregiver is inactive with respect to agencies referring children to the home. A caregiver on Inactive Referral Status continues to care for the children already in the home before the inactive referral status began.

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(22) "Members of a Household" are any adults and children living in the home, including any caregiver employees and volunteers who may reside in the home.

(23) "Monitoring" is SOSCF's observation of Foster Parent / Relative Caregiver and the children placed in the home to evaluate the Foster Parent / Relative Caregiver's and home's continuing compliance with Safety Standards.

(24) "Physical Restraint" means restricting the movement of a child, or confining the movement of a child's body. Refer to OAR 413-020-0200 / 0270.

(25) "Provisional Certificate of Approval" is a certificate of approval which SOSCF issues that authorizes foster or relative care of a child for up to 30 days.

(26) "Psychotropic Medication" is medication, prescribed with the intent to affect or alter thought processes, mood, or behavior, including but not limited to, anti-psychotic, 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.

(27) "Punishment" is the intentional infliction of physical or emotional pain.

(28) "Relative Care" is temporary or permanent care that relatives with a certificate of approval provide to a child in the custody of SOSCF. This is sometimes referred to as "kinship foster care". The families providing care are referred to as "relative care families".

(29) "Relative Caregiver" is the child's relative whose name appears on the Certificate of Approval and who resides at the address on the certificate.

(30) "Relative Family" may include the following:

(a) Any blood relative or half blood relative, including persons of preceding generations denoted by the prefixes of grand, great or great-great, who is related to the child through the biological or adoptive mother or the legal or adoptive father of the child as defined by ORS 419A.004 (17);

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(b) Aunts, uncles, adult first cousins and adult first cousins once removed who are related to the child through the biological or adoptive mother or the legal or adoptive father of the child as defined by ORS 419A.004 (17);

(c) Stepparent(s) or ex-stepparents who have parented the child.

(31) "Relief Care" is a formal planned arrangement to relieve a Foster Parent / Relative Caregiver's responsibilities by a relief caregiver temporarily assuming responsibility for the care and supervision of the child. Relief care is sometimes referred to as Respite Care.

(32) "Restraining Device" is any apparatus or instrument applied or affixed to a person to limit movement.

(33) "Revocation of a Certificate of Approval" is an administrative act that rescinds a certificate of approval if the certifying agency determines that the home does not comply with one or more administrative rules.

(34) "Special Certificate of Approval" is a certificate that permits the Foster Parent / Relative Caregiver to care for only those children named on the certificate.

(35) "Suspension of a Certificate of Approval" is an administrative act that temporarily withdraws a certificate of approval if the certifying agency determines that the home does not comply with one or more of these Safety Standards.

(36) "Volunteer" is any person assisting in a relative care, foster care, or adoptive home without pay, to enrich the care provided to children placed in the home with activities, including but not limited to, supervision, tutoring, recreation, relief care of household chores.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005

DECISIONS ON APPROVAL AND PLACEMENT

413-200-0307 (1) SOSCF has the responsibility to assess a family's appropriateness for relative care, foster care, and adoption. This assessment process involves both family members and the family's residence. To complete the assessment SOSCF employees gather information about the family, its parenting capabilities, and network of support. They also gather information about the safety and capacity of the

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residence.

(2) Although certified relative care and foster care families and approved adoptive families meet these safety standards, it is SOSCF's responsibility to exercise its discretion and judgement and select the home in which to place a specific child.

(3) Foster Parent / Relative Caregiver who accept a child for placement from SOSCF may accept a child for relative care, foster care, or adoptive placement from any other source, with the written approval of the branch responsible for the caregiver's certificate of approval or adoption approval. The written approval must be obtained prior to accepting an additional child unless the placement is on an emergency basis such as weekends, holidays or evenings, where as in such cases the written approval must be obtained within two working days after the placement has occurred.

(4) Foster Parent / Relative Caregiver must not provide adult foster care, or day care without the prior written approval of the branch responsible for the caregiver's certificate of approval or adoption approval.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

PERSONAL QUALIFICATIONS OF APPLICANTS AND FOSTER PARENT / RELATIVE CAREGIVERS

413-200-0308 (1) Applicants and Foster Parent / Relative Caregivers shall be responsible, stable, emotionally mature adults who exercise sound judgement.

(2) Applicants and Foster Parent / Relative Caregivers must have the interest, motivation, and ability to nurture, support, and meet the mental, physical, and emotional needs of children in SOSCF custody.

(3) Applicants and Foster Parent / Relative Caregivers must be willing to receive training, and have the ability to learn and use effective child-rearing practices, which will enable children in the custody of SOSCF to grow, develop, and build positive personal relationships and self esteem.

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(4) Applicants and Foster Parent / Relative Caregivers must demonstrate that they have the knowledge and understanding of positive non-punitive discipline and ways of helping children build positive personal relationships, self control and self esteem.

(5) Applicants and Foster Parent / Relative Caregivers shall respect the child's relationship with his/her birth family and siblings and be willing to work in partnership with the agency to attain the goals as listed in the case plan.

(6) Applicants and Foster Parent / Relative Caregivers must have supportive ties with others who might support, comfort and advise them. Supportive ties include but are not limited to; family, friends, neighborhood contacts, churches, and community groups.

(7) Applicants and Foster Parent / Relative Caregivers must demonstrate that they have lifestyles and personal habits free from abuse and/or misuse of alcohol or drugs.

(8) Applicants and Foster Parent / Relative Caregivers shall be at least 21 years or age, unless otherwise specified through OAR 413-070-0100 / 0260, Placement of Indian Children, SOSCF Policy I-E.2.1.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

PROTECTION OF CIVIL RIGHTS

413-200-0309 (1) No person in the United States shall, on the ground of gender, disability, religion, age, race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.

(2) Foster Parents shall respect persons with differing values, lifestyles, philosophies, religions, national origin, and cultural identities and heritage.

INDIAN CHILD WELFARE ACT

413-200-0311 The Indian Child Welfare Act gives federally recognized Indian tribes the authority to select homes for children protected by the Act. Tribes and Alaskan Native Regional Corporations may license, approve or specify a relative care,

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foster care or adoptive home for children protected by the Act. When a tribe requests SOSCF to certify or approve the home, SOSCF staff must use SOSCF standards. Refer to SOSCF Policy I-E.2.1, Placement of Indian Children.

Statutory Authority: ORS 418.005
Stats. Implemented: 25USC¶1901

PHYSICAL ENVIRONMENT

413-200-0335 (1) Homes and Surrounding Property:

(a) The home and surrounding property must be kept free of hazards to children's health and well being;

(b) The home must have safe drinking water and an adequate source of safe water to be used for personal hygiene;

(c) The home shall have a safe and properly maintained operational heating system;

(d) Use of space heaters is limited to electric space heaters equipped with tip-over protection that are plugged directly into the wall. No extension cords are to be used with such heaters. No propane space heaters without approved venting and no kerosene space heaters are to be used in the home.

(e) The Foster Parent / Relative Caregivers must have a working telephone to contact emergency services if necessary and a telephone at which they may be reached.

(2) Exterior Environment:

(a) Play areas and equipment must be safe and suitable for the children in care.

(b) Swimming pools, wading pools, hot tubs and other water hazards must be inaccessible to children in care unless children are responsibly supervised.

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(c) Play equipment, swimming pools, and hot tubs must comply with local safety regulations and ordinances.

(d) Outdoor tools and equipment, machinery, chemicals, flammable or combustibles shall be stored in a safe manner.

(e) Foster Parent / Relative Caregivers must consider the child's age, special needs and capabilities when determining the safety of potential water hazards, outdoor play equipment, or other outdoor tools, chemicals, or potentially dangerous hazards.

(3) Interior Environment:

(a) Foster Parent / Relative Caregivers shall have the necessary equipment for the safe preparation, storage, serving, and cleanup of food.

(b) Foster Parent / Relative Caregivers shall store all medications, toxic cleaning materials, and poisonous chemicals in a way which prevents access to children.

(c) First aid supplies must be in an easily accessible place.

(d) Foster Parent / Relative Caregivers must consider the age and special needs of children in care when considering household storage, and interior organization of the residence.

(4) Bedrooms:

(a) Sleeping arrangements for children in care must be safe and appropriate, based on the child's age, gender, special needs, behavior and history of abuse and neglect.

(b) Each child in care must have a safe and adequate bed in which to sleep.

(c) Bedrooms used by children in care must;

(A) Have windows that open from the inside and allow exit;

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(B) Have two (2) unrestricted exits (doors, windows);

(C) Have any doors with locks on the inside be operable from the outside of the room and not have any locks on the outside of the door which are not operable from inside the room;

(D) Have an operable smoke alarm.

(d) Bedrooms in basements and above the second floor used by children in care must have safe and direct access to the ground.

(5) Animals:

(a) The applicant's and caregiver's animals must be properly cared for and in compliance with local ordinances;

(b) Access to potentially dangerous animals must be restricted for children in care;

(c) Measures must be taken to keep the house and premises free of vermin;

(d) Foster Parent / Relative Caregivers must consider the child's age, special needs and capabilities when determining which animals are safe and appropriate as family pets.
Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

FIREARMS

413-200-0338 (1) Members of the household who are not law enforcement officers shall store all firearms unloaded and in a locked place and all ammunition in a separate locked place. Trigger locks alone are inadequate.

(2) When children in the custody of SOSCF are being transported in a vehicle, unless being transported by a law enforcement officer, the vehicle must have no loaded firearms and ammunition must be kept in a separate locked container.

(3) Members of the household who possess a concealed weapon permit shall:

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(a) Give SOSCF a copy of the permit;

(b) Give SOSCF a written plan to keep concealed weapons secure from children in SOSCF custody when in the home or in vehicles when transporting a child.

(4) Children in the custody of SOSCF who are hunting or involved in target practice:

(a) Must be supervised by a responsible adult using only lawful firearms; and

(b) Must have completed an approved gun safety course (a course with curriculum that is recognized by local law enforcement as appropriate); and

(c) Must have the written permission of the SOSCF caseworker and branch manager/designee.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

FIRE SAFETY

413-200-0341 (1) The home of Foster Parent / Relative Caregivers must have at least one working smoke alarm on each floor of the home. In addition, there must be a working smoke alarm in each bedroom in which a child in care sleeps.

(2) Foster Parent / Relative Caregivers must have and maintain at least one unexpired and operable fire extinguisher in the home. The approved fire extinguisher must be rated 2-A-10BC or higher.

(3) The home of a Foster Parent / Relative Caregivers must have at least two unrestricted exits.

(4) Foster Parent / Relative Caregivers must have a written home evacuation plan and must share it with each child at the time of placement and practice it at least once a year, to make sure all children understand the procedures.

(5) Foster Parent / Relative Caregivers with children who are not capable of understanding or participating in the evacuation plan (infants, physically limited, etc.)

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must include in their written home evacuation plan a plan for the safe exit of these children.

(6) Barred windows used for possible exit in case of fire must be fitted with operable quick release mechanisms.
Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

TRANSPORTATION

413-200-0345 (1) Only licensed and insured drivers shall transport children in the custody of SOSCF in motor vehicles.

(2) Children in care must use seat belts or age and size appropriate safety seats when being transported in motor vehicles. The seat belts and their usage must comply with Oregon State Law (ORS 811.205-225) concerning child safety restraints.
Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

HEALTH

413-200-0346 (1) Foster Parent / Relative Caregivers must work with SOSCF and licensed medical providers to ensure the health care needs of the child are met.

(2) Medication Management:

(a) Foster Parent / Relative Caregivers must give children prescription medications only in accordance with a physician's prescription or authorization.

(b) Foster Parent / Relative Caregivers must record the exact amount, date and time of any prescribed medication administered for a child in care, unless an adoption assistance agreement or permanent foster care agreement is in effect.

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(c) Foster Parent / Relative Caregivers must inform SOSCF within one working day of any psychotropic medications prescribed for a child in placement (refer to OAR 413-070-0400 / 0490, Psychotropic Medication Management, SOSCF Policy I-E.3.3.1).

(3) Smoking:

(a) Foster Parent / Relative Caregivers must not provide tobacco products in any form to children under the age of 18 placed in their home. (It is unlawful for any person under 18 years of age to possess tobacco products in Oregon.)

(b) Children in the custody of SOSCF shall not be exposed to second hand smoke in the Foster Parent / Relative Caregiver's home or vehicle.

(4) Consents must be obtained in certain medical situations. For specific information on consents to medical procedures including HIV testing, refer to OAR 413-040-0400 / 0450, SOSCF Policy I-B.5.1 and for birth control administration refer to OAR 413-060-0000 / 0030, SOSCF Policy I-D.3.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

DISCIPLINE

413-200-0347 (1) Applicants and Foster Parent / Relative Caregivers must demonstrate an understanding of and a willingness to use positive discipline in ways to help a child build positive personal relationships, self control and self-esteem.

(2) Foster Parent / Relative Caregivers must provide discipline, supervision and guidance and must not punish children in the custody of SOSCF. Prohibited punishments include but are not limited to:

(a) Use of any form of physical force or threatened use of any form of physical force upon the child;

(b) Verbal abuse, including derogatory remarks about the child or the child's family, that undermine a child's self-respect;

(c) Any derogatory remarks about the child / or the child's family's physical

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characteristic, skin color, culture, ethnicity, language, sexual orientation, type of hair or traditions;

(d) Denial of visits, telephone, or mail contacts with family members, unless the denial is in accordance with the case plan;

(e) Assignment of extremely strenuous exercise or work;

(f) Use or threatened use of restraining devices;

(g) Punishment or discipline for bed-wetting or punishment or discipline related to toilet training;

(h) Directing a child or permitting a child to punish or discipline another child;

(i) Threat of removal from the relative care or foster care home as punishment;

(j) Use of shower as punishment;

(k) Group punishment for misbehavior of one child; and

(l) Denial of food, clothing, or shelter.

(3) Foster Parent / Relative Caregivers must not subject any child to physical abuse, sexual abuse, sexual exploitation, neglect, emotional abuse, mental injury or threats of harm as defined in ORS 419B.005 and OAR 413-030-0120. Sexual abuse and sexual exploitation include all sexual acts defined in ORS Chapters 163 and 167.

(4) If Foster Parent / Relative Caregivers use time-out separation from others as a consequence for behavior, Foster Parent / Relative Caregivers must provide the time-out in an unlocked, lighted, well-ventilated room of at least 50 square feet within hearing distance of a responsible adult. Foster Parent / Relative Caregivers may use time-out only for the purpose of a short break to allow the child to regain control. The Foster Parent / Relative Caregivers must take into consideration the child's age and emotional development in setting the length of the time out.

(5) Only Foster Parent / Relative Caregivers or agency staff who have been trained to use holding techniques may use physical restraint, except in emergency

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situations, to prevent a child from inflicting immediate and serious harm upon himself/herself or others. Use of physical restraint on a child is prohibited except under circumstances and conditions as defined in OAR 413-020-0200 / 0270. The Foster Parent / Relative Caregivers must report any use of a holding technique to the assigned case worker within 72 hours for case documentation.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

RATIO AND NUMBER OF CHILDREN IN HOME

413-200-0348 (1) The ratio of children in the home to adult Foster Parent / Relative Caregivers must not exceed five children to one adult Foster Parent / Relative Caregivers or eight children for two adult Foster Parent / Relative Caregivers. This includes all children residing in the Foster Parent / Relative Caregivers home.

(2) The ratio of children under the age of two years old must not exceed two children in one home.

(3) In extraordinary situations, the SOSCF branch manager or designee may provide a signed written approval to exceed the ratios described in subsection (1) and (2). Extraordinary situations include but are not limited to, placing a sibling group or placing with a family that has demonstrated extraordinary ability in meeting the special needs of a child.

(4) Foster Parent / Relative Caregivers with a certificate of approval may care for no more than 8 children, including their own, unless:

(a) The branch manager/designee has signed a written approval for the Foster Parent / Relative Caregivers to care for more than eight (8) children and a specific written plan in the Foster Parent / Relative Caregivers file addresses the need for monitoring;

(b) Each time the agency places a child into a home with eight (8) or more children, the branch manager/designee must consider and document in writing the following before placement occurs or within one business day:

(A) The skills, abilities and training of the Foster Parent / Relative Caregivers related to the degree of service required by the children in care;

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(B) The skills, abilities and service needs of the children in the home;

(C) The amount of supervision available by the Foster Parent / Relative Caregivers and the Foster Parent / Relative Caregiver's network of support to the child related to the child's needs;

(D) The maximum safe physical capacity of the home, including sleeping arrangements;

(E) The adequacy of the home's fire detection and the Foster Parent / Relative Caregiver's plan for each individual to escape the home in case of fire; and

(F) The plan for regular visits to the home by a branch staff person, and the plans for documenting these visits.

(c) Approval for adoptive families under OAR 413-120-0310 (1)(c)(A).

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

EDUCATION AND TRAINING FOR APPLICANTS AND FOSTER PARENT / RELATIVE CAREGIVERS

413-200-0349 (1) Applicants and Foster Parent / Relative Caregivers must attend orientation training prior or within 30 days after placement of the child(ren) in their home.

(2) Each Foster Parent / Relative Caregivers must annually attend a minimum of 10 hours training approved by SOSCF:

(a) Directly related to the needs of the child as stated in the child's case plan; or

(b) To further enhance the Foster Parent / Relative Caregiver's knowledge, skills and abilities in safely caring for children in the custody of SOSCF.

(3) When Foster Parent / Relative Caregivers have particular needs which cannot

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be met by attending 10 hours of training, the Foster Parent / Relative Caregivers may meet the training requirements by completing an individual training plan. This training plan must be related to the areas discussed in subsections (1) and (2) above, and developed in consultation with and approved by the foster home certifier.

(4) Foster Parent / Relative Caregivers who provide only adoption or permanent foster care may complete an individual training plan or attend 10 hours of training.

ALTERNATE CAREGIVERS

413-200-0371 (1) The approved Foster Parent / Relative Caregiver is responsible for determining and selecting safe and responsible temporary alternative caregivers. The Foster Parent / Relative Caregiver must take into consideration the child's age, special needs, attachment, individual behaviors, and the length of time that the child will be with the alternate caregiver.

(2) When the Foster Parent / Relative Caregiver arranges for informal care of the child(ren) in the Department custody for less than 24 hours, including an overnight arrangement, the Foster Parent / Relative Caregiver will assure that the responsible person will be capable of assuming child care responsibilities, and must be present at all times. The Foster Parent / Relative Caregiver still maintains back-up responsibility for the child. Examples of informal arrangements include but are not limited to: short term babysitting and sleep-overs with friends.

(3) When the Foster Parent / Relative Caregiver arranges for the child(ren) in the Department custody to participate in organized overnight activities provided by schools, churches, civic organizations, scouts, or similar groups the Foster Parent / Relative Caregiver will;

(a) request the sponsoring organizations to have policies to assure adult leaders are safe and responsible people.

(b) notify the Department if the overnight activity is longer than 48 hours.

(4) When the Foster Parent / Relative Caregiver arranges for relief care services, the relief care provider must;

(a) be at least 18 years of age,

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(b) have an approved Oregon criminal history check and;

(c) background check (IIS).

(5) When the Foster Parent / Relative Caregiver will be separated from the child for 48 hours or longer, the Foster Parent / Relative Caregiver must notify the Department and the alternate caregiver must;

(a) be at least 18 years of age,

(b) have an approved Oregon criminal history check and;

(c) Department background check (IIS).

(6) When a child in the Department custody is cared for by a child care provider or child care center the provider and/or center must be certified as required by the State Child Care Division (ORS 657A.280), or be approved as a Department Day Care provider, Foster Care or Relative Care provider.

(7) Families with children with an adoption assistance agreement or permanent foster care agreement may develop an alternate caregiver plan with the Department caseworker, so that notification does not have to take place each time an alternative caregiver is involved.

(8) When notifying the Department about alternate caregivers or overnight arrangements the notice must include: dates, name, address, and qualifications of alternate caregiver, and telephone number where the caregiver and alternate caregiver can be reached.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

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FOSTER PARENT / RELATIVE CAREGIVER RELATIONSHIP TO THE CHILD IN CARE

413-200-0375 (1) Foster Parent / Relative Caregiver must work collaboratively with SOSCF and the child and his or her family to:

(a) Meet the child's needs for educational, physical, recreational, social, intellectual, cultural, spiritual, and emotional development;

(b) Help the child(ren) and their families to attain goals listed in the case plan, including visitation. (Refer to OAR 413-070-0800 / 0880, SOSCF Policy I-E.3.5, Visitation/Child-Family Contact);

(c) Use all reasonable efforts, where possible, to prevent anyone from influencing the child in regard to allegations of the case.

(2) In accordance with the child's case plan:

(a) Foster Parent / Relative Caregiver must maintain records of the child's health, and educational and placement progress;

(b) Foster Parent / Relative Caregiver must respect and support the child's relationship with his/her birth family members, including siblings;

(c) Foster Parent / Relative Caregiver must allow children reasonable opportunities to communicate with their family.
Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

FOSTER PARENT / RELATIVE CAREGIVER RELATIONSHIP TO SOSCF

413-200-0376 (1) Applicants and Foster Parent / Relative Caregiver must work in partnership with the agency and must demonstrate the ability to work cooperatively with SOSCF staff.

(2) Foster Parent / Relative Caregiver must notify the agency immediately of any circumstances in their home which reasonably could affect the safety or well-being of a child in care, including but not limited to any injury, illness, emotional or mental health issue, communicable diseases, accidents, or arrest.

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(3) Foster Parent / Relative Caregivers must sign and abide by the responsibilities described in the "Foster Home/Shelter Care Contract" or "Relative Care Agreement" which is signed prior to a child being placed by the agency in the home and annually thereafter.

(4) Foster Parent / Relative Caregiver are mandatory child abuse and neglect reporters under Oregon State law (ORS 419B.005). Upon reasonable cause to believe that abuse or neglect has occurred, all members of the household and any Foster Parent / Relative Caregiver employees, independent contractors or volunteers must report pertinent information to SOSCF.

(5) Foster Parent / Relative Caregiver must not transport children in custody of SOSCF out of the State of Oregon without the written permission of SOSCF, unless an adoption assistance agreement or permanent foster care agreement has been signed.

(6) Foster Parent / Relative Caregiver must not assign or transfer Foster Parent / Relative Caregiver responsibilities to another individual or family except as approved by SOSCF or as required by the alternate caregiver section of these rules.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

CONFIDENTIALITY

413-200-0377 (1) Foster Parent / Relative Caregiver must exercise good judgement in sharing personal information about a child and the child's family. Foster Parent / Relative Caregiver must store documents in a way that protects the privacy of the child and child's family.

(2) Foster Parent / Relative Caregiver must disclose confidential information only when necessary and share only enough information to ensure the safety and well-being of a child or other persons in the home.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

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INFORMATION SOSCF NEEDS TO ASSESS APPLICANTS AND FOSTER PARENT / RELATIVE CAREGIVER

413-200-0381 (1) All applicants for approval must:

(a) Complete necessary application forms;

(b) Participate in the assessment process;

(c) Give SOSCF the information necessary to determine if the applicant and home comply with the applicable rules;

(d) Provide names and addresses of at least four persons as references. One reference may be a relative. The references must be individuals who can attest to the applicant's character and ability to safely care for children in custody of SOSCF;

(e) Provide information about any current or previous licenses, certifications or applications for relative care, foster care, day care or adoption and other types of services for vulnerable individuals including adult caregiving. Information must include any denials, suspensions, revocations or terminations;

(f) Consent to a criminal history check by SOSCF for all members of the household over age 18 as required by SOSCF Policy I-G.1.4. SOSCF may also require a criminal history check for household members under age 18 if it appears necessary to ensure safety of all children in the home;

(g) Provide information about:

(A) All previous or current criminal charges, arrests and/or convictions for adults living in the home;

(B) All previous and/or current criminal and/or juvenile delinquency charges for minor children living in the home;

(C) Any known previous and/or current allegations of abuse or neglect for all members of the household;

(h) Complete a statement of physical and mental health;

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(i) SOSCF may, in the exercise of its discretion, ask applicants to:

(A) Obtain and provide SOSCF a copy of a medical report from a licensed health care professional concerning any medical problems which might interfere with ones ability to care for children.

(B) Complete a mental health, psychiatric, psychological, sex offender and/or drug or alcohol evaluation to be performed by an evaluator approved by SOSCF and provide a copy to SOSCF.

(j) Demonstrate sufficient income to meet their basic needs and to ensure the stability and financial security of the family.

(k) Provide information concerning child support obligations in any state, whether the obligor is current with payments or in arrears, and whether any applicant's wages are being attached or garnished for any reason.

(2) Families that are currently approved for relative care, foster care, or adoption (caregivers) must:

(a) Notify SOSCF about any changes in address, changes in the home in which they live, and any people joining or leaving the household.

(b) Participate in SOSCF's ongoing monitoring of their home and living situation;

(c) Complete the necessary forms for renewal of a certificate or an adoptive study update;

(d) Notify SOSCF, within one working days of any arrests or court convictions for any members of the household;

(e) Report to SOSCF that day any known allegation that any member of the household has committed abuse or neglect;

(f) Notify SOSCF about a change in physical or mental health of a household member which reasonably could affect the ability to meet the needs of safety, health and well being of children in care;

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(g) SOSCF may, in the exercise of its discretion, ask Foster Parent / Relative Caregiver to complete a mental health, psychiatric, psychological, sex offender , and/or drug or alcohol evaluation to be performed by an evaluator approved by SOSCF and provide a copy of this report to SOSCF.

(3) Applicants and Foster Parent / Relative Caregiver must:

(a) Ensure that people who are regularly in the home but not part of the household have been adequately evaluated to ensure protection of children in care;

(b) Ensure that Foster Parent / Relative Caregiver employees and volunteers who provide care to the child, as a substitute for the Foster Parent / Relative Caregiver, undergo an Oregon criminal history background check as required in these rules;

(c) Cooperate with SOSCF in conducting background checks of people mentioned in (3)(a) and (3)(b), if requested, in order to ensure health and safety of children in care.

(d) Report to SOSCF any known allegations of abuse or neglect by any individual who regularly visits the Foster Parent / Relative Caregiver's household.
Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

ISSUANCE OF CERTIFICATE OF APPROVAL

413-200-0390 (1) Upon completing the assessment process, the certifying worker will complete a written home study, and decide whether to approve or deny the issuance of a certificate of approval. This decision must be made within 180 days after the application is signed. The application may be denied if the information required from the applicant in 413-200-0381 is not submitted within 90 days from the date of signing the application.

(2) SOSCF will not issue a certificate of approval, until Foster Parent / Relative Caregiver's have signed a "Family Foster Home/Shelter Contract" or "Relative Care

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Agreement". Foster Parent / Relative Caregiver must abide by the responsibilities described in the "Family Foster Home/Shelter Contract" or "Relative Care Agreement".

(3) A certificate of approval may be issued for up to 12 months.

(4) The certificate must include:

(a) The name(s) of the Foster Parent / Relative Caregiver(s);

(b) The address to which the certificate applies;

(c) The maximum safe capacity of a home;

(d) The provider number of the home;

(e) The beginning and expiration dates of the certificate; and

(f) The signature of SOSCF branch manager/designee.

(5) The certificate may state:

(a) Any preferences the Foster Parent / Relative Caregiver has including but not limited to the number, gender and age(s) of the children; and

(b) Any special conditions the home may have.

(6) A provisional certificate of approval permits a Foster Parent / Relative Caregiver to care for a child in SOSCF custody before the Foster Parent / Relative Caregiver and/or SOSCF complete the assessment and orientation process.

(a) SOSCF may issue a provisional certificate of approval for up to 30 days.

(b) SOSCF may not issue a provisional certificate until:

(A) the applicant has completed an application

(B) the "Family Foster Home/Shelter Contract" or "Relative Care Agreement" has been signed and

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(C) an SOSCF staff member has completed the following:

(i) Contact with at least two references;

(ii) Verification of compliance with the "Physical Environment", "Firearms", "Fire Safety" and "Transportation Safety" sections of these rules.

(iii) Completion of an Oregon Criminal History check.

(iv) Internal SOSCF background check.

(c) A branch manager or designee must approve a provisional certificate of approval.
Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

ANNUAL REVIEW AND RENEWAL OF THE CERTIFICATE OF APPROVAL FOR FOSTER PARENT / RELATIVE CAREGIVER

413-200-0391 (1) SOSCF must evaluate every approved relative care, foster care, or adoptive family at least once every twelve months.

(2) The purpose of the annual evaluation is to ensure that the family continues to meet the standards in these rules.

(3) To complete the annual evaluation, the certifying worker or adoption worker must update the written home study, and approve or deny continued adoption approval or the reissuance of a certificate of approval. This worker shall deny or reissue a certificate of approval before the certificate of approval expires.
Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

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EXCEPTIONS

413-200-0392 SOSCF will issue a certificate of approval only if the home and applicant(s) meet the requirements in these administrative rules. The fact that the caregivers are related to the child in SOSCF custody does not create an exception to these safety requirements. No exceptions are allowed.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

INACTIVE REFERRAL STATUS

413-200-0393 (1) Inactive Referral Status is a period, not to exceed 12 months, during which no agency will refer additional children to the home for relative care or foster care. The Foster Parent / Relative Caregiver or SOSCF may initiate the Inactive Referral Status.

(a) A Foster Parent / Relative Caregiver may ask SOSCF to place their home on Inactive Referral Status for any reason for up to 12 months.

(b) SOSCF may place a Foster Parent / Relative Caregiver on Inactive Referral Status for the following reasons:

(A) The agency is currently assessing an Allegation of Abuse in the home.

(B) The special needs of the children currently in the home require so much of the Foster Parent / Relative Caregiver's care and attention that an agency should not place additional children in the home.

(C) The Foster Parent / Relative Caregiver has failed to meet his or her individualized training requirements or SOSCF has asked the Foster Parent / Relative Caregiver to obtain additional training to enhance his or her skill in caring for the SOSCF children.

(D) The family or members of the household are experiencing significant family or life stress that may be impairing their ability to provide care. Examples include, but are not limited to: changes in physical or mental health conditions such as separation or divorce and relationship conflicts, marriage, death, birth of a child, adoption, employment difficulties, relocation, law violation, or significant changes in the care

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needs of their own family members (children or adults).

(c) SOSCF will notify the foster parent immediately upon placing them on inactive referral.

(2) Within 30 days of initiating inactive referral status SOSCF shall send a letter to the Foster Parent / Relative Caregiver that confirms the inactive status, and states the reason(s) for the status, and the length of inactive referral status.

(3) When the Foster Parent / Relative Caregiver initiates Inactive Referral Status, the inactive status ends at the request of the Foster Parent / Relative Caregiver. When SOSCF initiates Inactive Referral Status, SOSCF determines when the conditions that warranted the Inactive Referral Status have been resolved.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

SUSPENSION

413-200-0394 (1) SOSCF may suspend a certificate of approval for violation of any of the rules found in OAR 413-200-0301 / 413-200-0401 or a provision of the "Family Foster Home/Shelter Contract" or "Relative Care Agreement".

(2) SOSCF must remove all the children in the custody of SOSCF from the home before the effective date of the suspension period begins.

(3) A "Notice of Suspension" must be in writing and must state:

(a) What rule(s) has been (have been) violated;

(b) The actions that the Foster Parent / Relative Caregiver must take to comply with the rule(s) violated;

(c) Any SOSCF services available to help the Foster Parent / Relative Caregiver comply; and

(d) The effective date of the suspension.

(4) Within 30 days of the effective date of the suspension, the Foster Parent / Relative Caregiver must give SOSCF a written plan for complying with the rule(s)

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violated or request a Contested Case Hearing.

(5) The Foster Parent / Relative Caregiver's plan must describe the acts that the Foster Parent / Relative Caregiver will perform to comply with the rule(s) violated and the Foster Parent / Relative Caregivers who are named on the certificate must sign it.

(a) If the SOSCF branch manager determines that the written plan is appropriate in light of the Notice of Suspension's statements of the rule(s) violated and actions that the Foster Parent / Relative Caregiver must take to comply with the rules, the branch manager/designee will approve this plan by signing it.

(b) If the SOSCF branch manager/designee does not approve the plan, the branch manager/designee and Foster Parent / Relative Caregiver must try to draft a plan that meets the standard of subsection 5(a), above, and is signed by both the Foster Parent / Relative Caregiver and branch manager/designee.

(6) If a Foster Parent / Relative Caregiver fails to develop an approved plan or request a contested case hearing within 30 days of the effective date of the suspension SOSCF shall revoke the certificate of approval.

(7) When the Foster Parent / Relative Caregiver performs the acts described in the written plan and remedies the rule violation(s) on which the suspension was based, the branch manager will:

(a) Reinstate the certificate of approval for the original term or

(b) Issue a new annual certificate of approval.

(8) If the suspension period ends and the Foster Parent / Relative Caregiver has not complied with the approved written plan, SOSCF shall revoke the certificate of approval.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

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DENIAL AND REVOCATION

413-200-0395 (1) SOSCF may deny a certificate of approval when the applicant does not meet one or more of these rules. SOSCF shall provide the applicant a written notice of denial, which shall state the reason(s) for the denial.

(2) SOSCF will revoke a certificate of approval when a Foster Parent / Relative Caregiver violates one or more of these rules and;

(a) the violation(s) requires SOSCF to act immediately to protect the safety of children or;

(b) the rule violation(s) caused harm.

(3) SOSCF shall provide the Foster Parent / Relative Caregiver a written notice of revocation, which shall state the reason(s) for the revocation.

(4) SOSCF may deny an application or revoke a certificate of approval if SOSCF discovers an Applicant, or Foster Parent / Relative Caregiver falsification (by act of commission or omission) before or after the certificate was issued or if a Foster Parent / Relative Caregiver fails to provide information or inform SOSCF of any disqualifying condition that arises after the certificate of approval was issued.

(5) Applicants whose applications have been denied and Foster Parent / Relative Caregiver whose certificate of approval has been revoked may not reapply for five years, unless a lesser time or specific condition is stated in the denial or revocation notice.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

APPEALS AND CONTESTED CASE HEARINGS

413-200-0396 (1) Relative Care and Foster Care family applicants may request contested case proceedings to challenge the denial of their applications for certificates of approval. Relative Care and Foster Care family caregivers may appeal the suspension and revocations of their certificates of approval, as provided in Chapter 183 of the Oregon Revised Statutes by giving the SOSCF branch manager a written request for a hearing within 30 days of the date that SOSCF mailed the notice of suspension, denial, or revocation. Chapter 183 of the Oregon Revised Statutes, does not provide a

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contested case process for adoptive applicants who are denied approval.

(2) If SOSCF does not receive a request for a contested case hearing within 30 days of the date that SOSCF mailed the notice of suspension, denial or revocation, the caregiver or applicant has waived the right to a hearing.

(3) SOSCF Policy I-A.5.2 outlines the procedures for handling contested case hearings of suspensions, denials, and revocations.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

CONFLICT OF INTEREST FOR SOSCF EMPLOYEES

413-200-0401 (1) All SOSCF employees must avoid conflict of interest in providing relative care, foster care, and adoptive care. SOSCF Policy III-E.4.8.1, Conflict of Interest, must be followed at all times by SOSCF employees. Adoptive Applicants who are SOSCF employees must also follow SOSCF Policy I-G.1.3.1, SOSCF and Partner Agencies Employee Adoption Home Studies.

(2) Any SOSCF employees who want to provide relative care or foster care must obtain written approval of the SOSCF Assistant Administrator of Field Operations or designee prior to beginning the study process. The Assistant Administrator or designee must determine that adequate safeguards are present to prevent conflict of interest before signing the approval. For Employee Adoption Home Studies, refer to SOSCF Policy I-G.1.3.1.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640