	Department of Human Services **CHILDREN, ADULTS & FAMILIES** **RESOURCE MANAGEMENT INDEX** **ISSUED BY:** Office of Safety and Permanency for Children **TEMPORARY**: 10-01-08	**NUMBER:** II-B.1 **OAR:** 413-200-0301 thru 0396 **SECTION:** B. Foster Home Certification **SUBSECTION:**
SUBJECT: 1. Certification Standards for Foster Parents, Relative Caregivers, and Pre-Adoptive Parents – OAR		

Prior Version

REFERENCES:

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)
OAR 137-003-003(1)
I-A.5.2.1, Contested Case Hearings
I-B.1, Monitoring Child Safety
I-B.1.4, Guardian and Legal Custodian Consents
I-B.1.6, Behavior Intervention
I-E.2.1, Placement of Indian Children
I-E.3.3.1, Psychotropic Medication Management
I-E.8, Educational Services
I-G.1.4, Criminal History
II-B.1.1, Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents and Pre-Adoptive Parents

FORMS

CF 117, Request for Management Approval for Specific Rules
CF 979, Safety Assessment – Home and Surroundings
CF 1002W, Withdrawal of Application for Regular Foster Care or Child Specific Certificate of Approval
CF 1011F, Consent for Criminal Records & Fingerprint Check
CF 1255, Application Reference
CF 1260A, Application for Approval to Care for a Child in DHS Custody
DHS 1011D, Criminal History Exception Request
CF 1083, Foster Home Individual Child Medication Log

413-200-0301
Purpose of Certification Standards

Prior Version

(1) The purpose of these rules (OAR 413-200-0301 to 413-200-0396) is to describe the criteria for becoming a certified relative caregiver, foster parent, or pre-adoptive parent. A certified relative caregiver, foster parent, or pre-adoptive parent will be referred to as a certified family throughout these rules.

(2) These rules apply to any person requesting a Certificate of Approval, any person who has a current Certificate of Approval, or any person who is requesting re-certification to provide immediate, temporary, or permanent care for a child or young adult in the care or custody of the Department. The person may be an adult related to the child, an unrelated adult with an existing relationship to the child, or an adult unrelated and unknown to the child.

(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) 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 - 418.640 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 - 418.640 further authorize the Department to develop rules to approve homes.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

413-200-0306
Definitions

The following definitions apply to OAR 413-200-0301 to 413-200-0396:

(1) "Applicant" means an individual or individuals who apply for a Certificate of Approval to become a certified family.

Prior Version

(2) "Certificate of Approval" means a document that the Department issues to approve the operation of a child-specific relative caregiver home, child-specific foster home, pre-adoptive home, or a regular foster home.

(3) "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.

(4) "Certifier" means a Child Welfare employee who 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, determines whether or not to recommend approval of the operation of a relative care or foster home, and monitors the compliance of a relative care or foster care home with Child Welfare certification rules.

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

(6) "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.

(7) "Criminal records check" means the process for obtaining and reviewing an individual's criminal history information and may include a fingerprint-based criminal offender records check of national crime information databases.

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

(9) "Denial" means the refusal of the Department to issue or renew a Certificate of Approval to operate a home to provide care for a child or young adult in the care or custody of the Department.

(10) "Designee" means a person who the designator directly and immediately supervises, or a person with equal or greater management responsibility than the designator.

(11) "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.

(12) "Foster parent" means a person who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(13) "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. The certified family or the Department may initiate the Inactive Referral Status.

Prior Version

(14) "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.

(15) "Physical restraint" means the act of restricting a child or young adult's voluntary movement as an emergency measure in order to manage and protect the child or young adult or others from injury when no alternate actions are sufficient to manage the child or young adult's behavior. "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.

(16) "Pre-adoptive parent" means an individual with a current Certificate of Approval to operate a home to provide care for a child placed by the Department for purposes of adoption.

(17) "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.

(18) "Relative caregiver" means a person 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.

(19) "Relief or Respite Care" means:

(a) A formal planned arrangement to relieve a certified family's responsibilities by a person temporarily assuming responsibility for the care and supervision of the child or young adult; or

(b) Assistance provided by a person who comes into the home of the certified family to care for the child or young adult in the care or custody of the Department.

(20) "Revocation" means an administrative act by the Department that rescinds an existing Certificate of Approval.

(21) "Surrogate" means a person who has been appointed to safeguard a child's rights in the special education decision-making process. The person may be appointed pursuant to OAR 581-015-2320 for school-age children, OAR 581-015-2760 for preschool children, or by the juvenile court under ORS 419B.220.

Prior Version

(22) "Young adult" means a person aged 18 through 20 years who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

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 become a certified family.

(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:

(a) Possess an 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 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 foster care payments; and

(g) 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

Prior Version

professional, or may be required to complete an expert evaluation with a report provided to the Department.

(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) Respect and support the child or young adult's relationships with the birth family and other significant persons in the child or young adult's life;

(d) Respect each child or young adult's spiritual beliefs, lifestyles, sexual orientation, disabilities, national origin, cultural identities, and provide opportunities to enhance the child or young adult's heritage;

(e) Work in partnership with the Department to identify the strengths and needs of each child or young adult;

(f) Follow through and comply with prescribed services, activities, and restrictions of each child or young adult in the care or custody of the Department placed in the certified home; and

(g) Use reasonable efforts to prevent anyone from influencing the child or young adult regarding allegations in a judicial or administrative proceeding in which the child or young adult's family or legal guardian, the child or young adult, or other persons may be involved.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

413-200-0314
Process to Apply for a Certificate of Approval

(1) To become a certified family, the applicant must:

(a) Apply for certification in the county of the applicant's residence, except as provided in OAR 413-200-0274(2)(o)(A) and 413-200-0274(4)(o)(A);

Prior Version

(b) Complete a Department application;

(c) Provide the names and contact information of 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, and the names and contact information of at least two persons 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;

(e) Allow Department staff to conduct an in home safety assessment of conditions that appear to exist in the home that provide safety and well-being for the child or young adult;

(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; and

(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, any denials, suspensions, revocations, or terminations.

(2) The applicant and all adult members 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; and

(b) Effective October 1, 2008, must consent to a criminal records check, including information compiled and maintained by the Oregon State Police Bureau of Criminal Identification and a fingerprint-based criminal offender records check of national crime information databases as outlined in Child Welfare Policy, I-G.1.4, "Criminal History", OAR 413-120-0460.

(3) The applicant must allow the Department, at its discretion, to gather information regarding the criminal records of any child under 18 who lives in the household.

(4) The applicant and all adult members of the applicant's household must provide:

(a) Information regarding any previous allegations of child abuse and neglect; and

(b) Consent to a child abuse and neglect background check.

Prior Version

(5) Withdrawal of Application. Applicants who have applied or are applying for a Certificate of Approval may voluntarily withdraw their application to provide care for a child or young adult. The applicant must provide their voluntary withdrawal notice --

(a) On a form provided by the Department;

(b) In a written format of their choice; or

(c) Verbally to a certifier or certifier's supervisor.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

413-200-0335
Certification Standards Regarding the Home Environment

(1) The home and surrounding environment of a certified family must comply with all of the following requirements:

(a) Be the primary residence of the certified family and the residence where the child or young adult resides with the certified family.

(b) Have adequate space for each member of the household, including space for safe and appropriate sleeping arrangements.

(A) A certified family and Department staff must consider a child or young adult's age, gender, special needs, behavior, and history of abuse or neglect in determining appropriate sleeping arrangements.

(B) Unrelated foster children may not share a bed.

(c) Have safe and adequate drinking water and an adequate source of safe water to be used for personal hygiene.

(d) Have access to a working telephone to make and receive phone calls.

(e) Have the necessary equipment for the safe preparation, storage, serving, and clean-up of food.

(f) Provide safe storage of all medications in the household, and store psychotropic medications for any member of the household in locked storage.

Prior Version

(g) Have easily accessible first aid supplies, and a reasonable understanding of how to use such supplies.

(h) 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.

(2) In order to maintain a safe environment for a child or young adult, a certified family must:

(a) Comply with state and local ordinances and consider a child or young adult's age, special needs and capabilities, to establish the necessary safeguards around potential water hazards, outdoor play equipment, or other outdoor tools, chemicals, or potentially dangerous hazards.

(b) Assure that:

(A) Swimming pools, wading pools, ponds, hot tubs and other water hazards are inaccessible to a child or young adult unless responsibly supervised;

(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) A child or young adult's access to potentially dangerous animals is restricted.

(c) Consider the child or young adult's age, special needs and capabilities when determining if an animal is a safe and appropriate pet.

(d) Notify and receive authorization from a child or young adult's caseworker or the caseworker's supervisor prior to a child or young adult's beginning hunting or target practice.

(3) In order to protect the safety of a child or young adult in care, a certified family must store hunting and sporting equipment, such as knives, spears, arrows, hunting sling shots, bows, and martial art weapons, in a safe and secure manner, and inaccessible to a child or young adult.

(4) The certified family must comply with all of the following fire safety requirements.

(a) The home of a certified family must:

Prior Version

(A) Have at least one working smoke alarm on each floor and one in each bedroom where a child or young adult sleeps;

(B) Have at least one operable fire extinguisher rated 2-A:10-B-C or higher;

(C) Have at least one means of emergency exit and one means of rescue from the home;

(D) Have a barrier around 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; and

(E) Have operable, quick-release mechanisms on barred windows. No bedroom occupied by a child or young adult, who is unable to use the quick-release mechanism, may have a barred window.

(b) Provide to the Department and display in the home a written comprehensive home evacuation plan, share the plan with each child or young adult at the time of placement, and practice the evacuation plan at least every six months. A certified family must include in the written comprehensive home evacuation plan a provision for the safe exit of a child or young adult who is not capable of understanding or participating in the evacuation plan.

(c) Assure that a bedroom used by a child or young adult has:

(A) One unrestricted exit;

(B) At least one secondary means of exit or rescue;

(C) A working smoke alarm; and

(D) Unrestricted, direct access, at all times, to hallways, corridors, living rooms or other such common areas.

(5) Any door that locks on the inside must be operable from the outside of the room, and any door that locks on the outside must be operable from the inside of the room.

(6) Transportation requirements.

(a) A 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's license and current insurance, as required by law, on any family-owned motorized vehicle by which a child or young adult might be

Prior Version

transported when a family has applied for certification and at each re-certification.

(c) As required by current state law, a certified family must assure that:

(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) A certified family must obtain written authorization from the Department prior to transporting a child or young adult out of the State of Oregon.

(7) Smoking limitations. A certified family must assure that:

(a) A child or young adult is not exposed to any type of second-hand smoke in the certified family's home or vehicle; and

(b) No member of the household provides any form of tobacco products to a child or young adult.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

413-200-0348
Requirements Regarding the Number of Children and Young Adults Placed by the Department

(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.

Prior Version

(3) Under extraordinary 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.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

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

A certified family must:

(1) Work cooperatively with the Department, the child or young adult, and his or her family to meet the child or young adult's needs for educational, physical, recreational, social, intellectual, and emotional development;

(2) Include the child or young adult as part of the family household;

(3) Assure that when a child or young adult leaves the certified home, the child or young adult's belongings, 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;

(5) Not accept a child or young adult for placement from another agency without prior approval of the Child Welfare program manager or designee; and

(6) 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 418.005
Stats. Implemented: ORS 418.005 - 418.640

413-200-0354
Requirements Regarding a Child or Young Adult's Education

(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.

Prior Version

(b) Support the child or young adult in his or her school or educational placement.

(c) Assure the child or young adult regularly attends the school or educational placement and monitor the child or young adult's educational progress, including keeping records of:

(A) The child or young adult's report cards;

(B) Any reports received from the teacher or the school or educational placement;

(C) Any evaluations received as a result of educational testing or assessment; and

(D) Disciplinary reports regarding the child or young adult.

(d) Monitor the child or young adult's educational successes, learning style, and potential learning difficulties.

(e) Work with the child or young adult's caseworker when referring the child or young adult for assessment of a possible disability.

(f) Notify the child or young adult's caseworker of the certified family's interest in or intent to be appointed as the child or young adult's educational surrogate parent ("surrogate" is defined in OAR 413-100-0506).

(g) Work with the Department to regularly share information regarding the child or young adult's educational progress.

(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 OAR 581-015-2320 for school-age children, OAR 581-015-2760 for preschool children, 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 418.005
Stats. Implemented: ORS 418.005 - 418.640

413-200-0358
Requirements Regarding a Child or Young Adult's Discipline

Prior Version

(1) When disciplining a child or young adult, the certified family must not use corporal punishment, verbal abuse, or withholding food or other items essential to a child or young adult's protection, safety, or well-being. Examples of prohibited discipline include, but are not limited to, the following:

(a) Use of or threatened use of any form of physical force.

(b) Verbal abuse including derogatory remarks about the child or young adult, the child or young adult's family characteristics, physical traits, culture, ethnicity, language, sexual orientation, or traditions.

(c) Denying a child or young adult visits, telephone, or other types of contact with persons authorized in a visit and contact plan.

(d) Assigning extremely strenuous exercise or work.

(e) Use of or threatened use of restraining devices.

(f) Punishment for bed-wetting or punishment related to toilet training.

(g) Directing a child or young adult or permitting a child or young adult to punish another child or young adult.

(h) Threat of removal from the certified family home as punishment.

(i) Use of the shower as punishment.

(j) Group punishment for the misbehavior of one child or young adult.

(k) Extreme isolation as a means of punishment that restricts a child or young adult's ability to talk with or associate with others.

(l) Locking a child or young adult in a room.

(2) The certified family must demonstrate a willingness to understand the meaning of the child or young adult's behaviors and the ability to develop and use appropriate strategies to address challenging behaviors. Appropriate strategies may include:

(a) Concentrating on changing only the behavior that is causing the most difficulty for the child or young adult and others;

(b) Emphasizing ways to help the child or young adult develop self-control;

(c) Taking a positive approach to changing challenging behavior;

Prior Version

(d) Selecting and implementing strategies that respect and involve the child or young adult in the change process; and

(e) Being mindful of the child or young adult's age, developmental level, and past experiences with abuse and neglect.

(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 child or young adult's age and developmental level in determining the length of a time-out.

(4) Only an adult in a certified family or Department staff, who has been trained to use a physical restraint, may do so, except in circumstances described in Child Welfare Policy I-B.1.6, "Behavior Intervention", OAR 413-020-0200 to 413-020-0245 when a child, young adult, or others are at imminent risk of danger. Physical restraint (defined in OAR 413-200-0306) must be a safety measure of last resort.

(5) The certified family must notify and request assistance of the Department when the child or young adult's challenging behavior may be beyond the certified family's ability to discipline in a positive manner.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

413-200-0362
Requirements Regarding a Child or Young Adult's Medical Care and Notification Requirements

(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 child or young adult's health care needs;

(b) Regularly exchange the child or young adult's medical information with the Department;

(c) Work collaboratively with medical providers in managing the child or young adult's health care needs; and

(d) Maintain documentation of each child or young adult's:

(A) Medical appointments;

Prior Version

(B) Medical information regarding the child or young adult;

(C) Medical appointment follow-up reports; and

(D) Immunization records.

(2) A certified family must comply with the Department's direction on obtaining medical care for a child or young adult.

(3) A certified family may consent to routine medical care for a child or young adult in the Department's custody, including vaccinations, immunizations, routine examinations, and laboratory tests.

(4) Except as provided in section (5) of this rule, the certified family must contact the child or young adult's caseworker 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.

(5) In an emergency, a certified family must notify the child or young adult's caseworker as soon as possible and no later than 24 hours after an injury requiring medical treatment.

(6) 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 all medications are 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 institution or program's medication log must be attached to the Department form. The medication form, with any attachments, must be submitted to the child or young adult's caseworker monthly.

(C) Take the medication form to each medical appointment and share with the medical provider.

(D) Inform the child or young adult's caseworker or his or her supervisor within one working day when a child or young adult is prescribed a psychotropic medication or the dosage of any existing prescription is changed.

Prior Version

(E) 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) 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 collaborate on an individualized, written plan for the child or young adult to access the medication. The child or young adult must 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, and the caseworker will keep a copy of the plan.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

413-200-0371
Responsibilities and Notification Requirements for Selection and Use of Alternate Caregivers

(1) Except as provided in section (2) of this rule, the certified family is responsible for identifying and selecting safe and responsible alternate caregivers for a child or young adult placed in their home, and take into consideration:

(a) Each child or young adult's age, special needs, attachment, and individual behaviors; and

(b) The length of time that the child or young adult will be with the alternate caregivers described in this rule.

(2) The Department may determine that a particular alternate caregiver is inappropriate based upon the needs of the child or young adult.

(3) Responsibilities when Using a Babysitter.

(a) The certified family must use a responsible person 14 years of age or older for short-term intermittent child care, and must:

(A) Have an available method through which they may be contacted in an emergency;

Prior Version

(B) Assure the babysitter is capable of assuming child care responsibilities required to meet the needs of the children in the certified family's home, and will be present at all times; and

(C) Assure the babysitter does not provide overnight care.

(b) A babysitter does not need to complete a criminal history background check.

(4) Responsibilities and notification requirements when using Relief Care or Respite Care.

(a) The certified family must select a relief or respite caregiver who is –

(A) At least 18 years of age;

(B) Capable of assuming child care responsibilities, including meeting any special needs of each child or young adult in the certified family's care; and

(C) Present at all times.

(b) The certified family must:

(A) Have an available method through which they may be contacted in an emergency; and

(B) Provide to the Department the name, address, and telephone number of the relief or respite caregiver for the purpose of the Department's conducting a criminal records check, including information compiled and maintained by Oregon State Police Bureau of Criminal Identification and a fingerprint-based criminal offender records check of national crime information databases as outlined in Child Welfare Policy, I-G.1.4, "Criminal History", OAR 413-120-0460 and child abuse and neglect history check, prior to the person providing relief or respite care.

(c) The certified family must receive Department approval prior to using a relief or respite caregiver.

(5) 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 licensed childcare center or day care provider.

(6) 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

Prior Version

as sleepovers with friends and organized activities provided by schools, churches, 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 the activity, the family must consult with the child or young adult's caseworker.

(7) The certified family must notify the child or young adult's caseworker prior to the child or young adult being absent from the certified family for more than 24 hours.

(8) The certified family is responsible for notifying the certifier or the certifier's supervisor in advance when the certified family plans to provide relief or respite care for another certified family and the number of children or young adults in the home will exceed the maximum number of children or young adults on the certified family's Certificate of Approval.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

413-200-0377
Confidentiality

(1) The certified family must exercise good judgment in sharing personal information about the child or young adult and the child or young adult's family. The certified family must store documents regarding the child or young adult or child or young adult's family in a way that protects the privacy of the child or young adult and the child or young adult's family.

(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 418.005
Stats. Implemented: ORS 418.005 - 418.640

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

Prior Version

(1) All applicants 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) Applicants and certified families must complete the Foundations of Relative Care, Foster Care, and Pre-Adoptive Care (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) Foundations training is required if an applicant previously certified by the Department has not been certified within the last two years unless the supervisor waives the training requirement based on the family's documented knowledge and skills in caring for a child or young adult placed in the home by the Department.

(4) The certified family and the Department certifier must develop a training plan for each person certified in the family to complete at least 30 hours of training during each two-year certification period.

(5) Applicants and certified families who have limited English proficiency or a hearing or visual impairment, and cannot meet the training requirements outlined in sections (1) to (3) of this rule may be provided an individualized training plan prepared by the certifier and approved by the Children, Adults and Families Division, Foster Care Program Office.

(6) 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 child or young adult placed in their home or the knowledge, skills, and abilities of the certified family.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

413-200-0383
Other Required Notifications

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

(1) Any person joining or leaving the household.

(2) Any new relief or respite care provider.

(3) Any anticipated change in address.

Prior Version

(4) Any physical or structural changes in the home in which they live.

(5) Any arrests or court convictions for any member of the household. This notification must occur within one working 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's license of any adult on the Certificate of Approval or any member of the household.

(8) Any change in the physical or mental health of a member of the household that reasonably could affect the member's or the family's ability 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, in order to obtain the approval of the Department prior to providing such care.

(10) Any time another agency wishes to place a child or young adult in the certified home, in order to obtain the approval of the Department prior to providing such care.

(11) Any time the certified family agrees to provide relief or respite care for another certified family.

(12) Any other circumstance that could reasonably affect the safety or well-being of a child or young adult in the certified family's home.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

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 person comes in contact has suffered abuse or neglect or that any adult with whom the person comes in contact has abused or neglected a child.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

Prior Version

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

For purposes of assessing the conditions in the home that provide safety 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 418.005
Stats. Implemented: ORS 418.005 - 418.640

413-200-0390
Requirements Regarding the Certificate of Approval

(1) An applicant may receive a Child-Specific Certificate of Approval for up to 90 days when assessment activities described in Child Welfare Policy II-B.1.1, "Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents", OAR 413-200-0274(2)(a) – (p) have been completed; and, when all assessment activities have been completed, may receive a Certificate of Approval for up to two years.

(2) A certified family must apply every two years to be re-certified as a foster parent or relative caregiver.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

413-200-0393
Requirements Regarding Inactive Referral Status

(1) A certified family may request that the Department place their 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.

Prior Version

(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, "Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents and Pre-Adoptive Parents", 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 fourteen working days; and

(b) Provide written notification to the certified family when inactive referral status ends.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

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 and closes the home.

(3) 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 418.005

Stats. Implemented: ORS 418.005 - 418.640

Prior Version

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 after the Certificate of Approval has been issued.

(3) The Department must provide the certified family a written notice of revocation or denial, which must state the reason or reasons for the revocation or the denial.

(4) The Department must revoke a Certificate of Approval when a certified family violates one or more of these rules (OAR 413-200-0301 to 413-200-0396) and, at the conclusion of a CPS assessment, the Department determines that a child or young adult is unsafe and the certified family cannot or will not protect the child or young adult.

(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 revokes a certified family's Certificate of Approval or denies an application, the Department has the discretion to require up to a five-year waiting period before the individual or family can reapply as a relative caregiver or foster parent.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640

Prior Version

413-200-0396
Requirements Regarding Contested Case Hearings

(1) Except as provided in section (4) of this rule, an applicant may request a contested case hearing to contest the Department's decision to deny the approval of the application for 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) The applicant or 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 adoptive applicants who are denied approval as an 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 has waived the right to a hearing, except as provided in OAR 137-003-0003(1).

(6) When a contested case hearing is timely requested but such request is subsequently withdrawn, the Department will document in the certification file the circumstance of the withdrawal.

(7) Child Welfare Policy I-A.5.2.1, "Contested Case Hearings", outlines the procedures for handling a request for a contested case hearing due to the denial or revocation of a Certificate of Approval.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005 - 418.640