



**STATE OFFICE for SERVICES
to CHILDREN and FAMILIES**

RESOURCE MANAGEMENT MANUAL II
ISSUED BY: Program Operations
EFFECTIVE DATE: September 27, 2000
EXPIRATION DATE: March 23, 2001

NUMBER: II-B.1
OAR: 413-200-0300 / 0405

SECTION: B. Certification
Standards

SUBSECTION:

SUBJECT: 1. Safety Standards for Kinship, Foster and Adoptive Families
Temporary Oregon Administrative Rules

Responsible Manager: Manager,
Foster Care and Family
Based Services Unit

Approval: _____
Assistant Administrator,
Program Operations

Interpretation: Manager,
Foster Care and Family Based Services Unit

REFERENCES: ORS 418.035 to 418.172
ORS 418.517
ORS 418.625 to 418.645
ORS 419A.004
ORS 419B.192
PL 105-89
OAR 413-120-0400 through 413-120-0470, Oregon Computerized
Criminal History Checks and Nationwide Criminal History
Checks through the FBI for Foster Parents and Adoptive
Parents for SOSCF Children
OAR 413-070-0100 through 413-070-0260, Placement of Indian
Children
OAR 413-070-0600 through 413-070-0650, Placement Matching
OAR 413-070-0800 through 413-070-0880, Visitation/Child Family
Contact
OAR 413-010-0400 through 413-010-0490, Grievance Review
CF 117, "Regional Manager Approval"
CF 175, "Provisional Home Study Checklist"
CF 233, "Foster Home Risk Assessment Factors Worksheet"
CF 979, "Annual Safety Checklist Requirements for Foster Home
Certification"
CF 996, "Family Foster Home/Shelter Contract"
CF 1002, "Application for Foster Home Certificate"
CF 1002W, "Withdrawal of Foster Home Certificate Application"
CF 1008, "Certificate of Approval to Maintain a Foster Home for
Children"
CF 1011F, "Consent for Criminal Records and Fingerprint Check"
CF 1260, "Application for Adoption"
CF 6023, "Renewal Home Study"
OMAP 1417, "Medical Care Identification"

STATEMENT OF PURPOSE

413-200-0300 (1) The State Office for Services to Children and Families (SOSCF) works in partnership with families and communities to protect Oregon's children. There are, however, some children who must be temporarily or permanently removed from their own homes due to physical, sexual and/or emotional abuse, as well as parental neglect and abandonment. In addition, children with complex medical impairments and/or behavioral issues may require a temporary or permanent out-of-home placement as a method to assist the family in maintaining a continuing relationship with their children. These children need kinship, foster and adoptive families to help meet their special needs.

(2) Kinship and foster families provide care for children until they can be reunited with their birth families, have another permanent family, or another planned permanent living arrangement. Adoptive families make a permanent, legal commitment to the children they adopt.

(3) These administrative rules state the requirements and expectations for kinship, foster and adoptive families seeking to provide safe care to the children named in (1) above.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005, PL 105-89

AUTHORIZATION

413-200-0305 (1) These rules are authorized by ORS 418.005 through 418.640. These rules set forth requirements that must be met prior to the issuance of a certificate of approval as a kinship, foster or adoptive home by the State Office for Services to Children and Families. Kinship families, foster parents and adoptive parents caring for children in the custody of SOSCF must meet all safety requirements.

(2) Section 471(a)(10) of the Social Security Act requires that Oregon's Title IV-E plan ensures that kinship, foster and adoptive homes be either licensed, certified or approved as meeting State licensing standards.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005, PL 105-89

INDIAN CHILD WELFARE ACT

413-200-0310 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 kinship, foster or adoptive home for children protected by the Act. The tribe is authorized to decide which of these three processes and which standards to use, or whether to request that SOSCF certify the home. When a tribe requests SOSCF to certify or approve the home, SOSCF staff must use SOSCF standards. Indian children placed in relative homes, whether licensed, certified or selected by the tribe, are eligible for foster care payments when SOSCF has legal custody. Preference shall be given for placement with:

- (1) A member of the Indian child's extended family;
- (2) A foster home licensed, approved, or specified by the Indian child's tribe; or
- (3) An Indian foster home licensed or approved by an authorized non-Indian licensing authority.

Statutory Authority: ORS 418.005

Stats. Implemented: 25USC§1901

SELECTION

413-200-0315 These rules establish parameters for the issuance of a certificate of approval for kinship, foster and adoptive parents. By these rules, SOSCF seeks to ensure that the safety and best interests of children in the custody of SOSCF are served. A certificate of approval is granted based upon the qualifications of the applicants. A kinship, foster or adoptive family may meet safety standards, but it is the responsibility of the State Office for Services to Children and Families to exercise discretion and judgment in the selection of homes for the placement of specific children.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

CONFLICT OF INTEREST

413-200-0320 As explained in SOSCF Policy III-E.4.8.1, "Conflict of Interest", an SOSCF employee may be a kinship, foster or day care provider, or an employee of an agency which contracts with SOSCF, unless the employee's position with SOSCF could influence referral, regulation or funding of such activities. Prior to engaging in such activity, however, the employee must obtain approval from their Assistant Administrator/ Designee and documentation of the approval must be on file in the offices of both the Department of Human Services director and the SOSCF administrator. For Employee Adoption Home Studies, refer to OAR 413-120-0250 to 413-120-0290.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

DEFINITIONS

413-200-0325 (1) "Adoption Approval" means the SOSCF branch has completed an adoption home study with a positive recommendation.

(2) "Agreement" is a written contract stating mutual expectations of a party providing 24 hour care of children and of SOSCF.

(3) "Applicant" is a person who applies for a certificate of approval and lives at the residence where children in the custody of SOSCF will live.

(4) "Caregiver" is the foster parent, adoptive parent or adult kinship family member who is named on the certificate of approval issued by SOSCF to care for children in the custody of SOSCF.

(5) "Case Plan" is the goal-oriented, time-limited, individualized program of action for a child and the child's family developed by the agency and the family for promotion of the child's safety, permanency and well-being.

(6) "Certificate of Approval" is a certificate issued by SOSCF or an agency licensed by SOSCF and signed by the branch manager to operate a kinship or foster home, for a period not to exceed one year.

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

(8) "Child Placing Agency" is any person or organization that receives children for placement into residential group care facilities, family foster homes, kinship homes or adoptive homes. This term is abbreviated in the text as "agency."

(9) "Children in Care" or "Children in Placement" refers to children under the custody and/or supervision of a child placing agency who are placed in a home with a SOSCF certificate of approval or in a selected adoptive home.

(10) "Criminal Offender Information" is information received from the Oregon State Police through the Law Enforcement Data System or other law enforcement agencies or courts, including records of arrests, convictions and disposition of criminal charges including dismissal, sentence, confinement, release or probation.

(11) "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.

(12) "Discipline" is an educational process by which caregivers assist children to develop the self control and self direction necessary to assume responsibilities, make daily living decisions, and learn to live in conformity with accepted levels of social behavior.

(13) "Domestic Animals" are any of various animals adapted to being near humans so as to live and breed in a tame condition. Examples of domestic animals are dogs, cats, and domesticated farm stock.

(14) "Employee" is any person being paid by caregivers to enrich the care provided to children placed in the home by tutoring, or providing recreation, relief care, health care or other services such as household chores.

(15) "Family Foster Home" refers to any family home with a certificate of approval maintained and lived in by a person unrelated to the child who cares for any child unattended by parents or guardians to provide the child with care, food and lodging under the guidelines of Title IV-E. (Refer to OAR 413-100-0000 through 413-100-0360.)

(16) "Foster Care Maintenance Payment" is the monthly payment sent to the caregiver to pay for a child's room, board, clothing, allowance and personal incidentals. (Refer to OAR 413-090-0000 / 0050 and 413-100-0000 / 0360).

(17) "Foster Parent(s)" is the certified care provider(s) who resides at the address listed on the foster home certificate.

(18) "Inactive Referral Status" is the time when a caregiver is not available to accept a referral for placement in the home.

(19) "Kinship Care" is the temporary or permanent placement of a child who is in the custody of the State Office for Services to Children and Families, into a kinship family which has certificate of approval.

(20) "Kinship Family" includes 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);

(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.

(21) "**Mechanical Restraint**" is any apparatus, device or instrument applied or affixed to a person to limit movement.

(22) "**Members of a Household**" are any adults and children living in the home, including any employees or volunteers assisting in the care provided to children placed in the home, and excluding persons placed through a contractual agreement.

(23) "**Monitoring**" is the observation by SOSCF of caregivers and the placement of children to determine continuing compliance with certification rules.

(24) "**Physical Restraint**" means restricting the movement of a child, or restricting the movement or normal function of a portion of the child's body as described in agency-approved training methods, by forcefully and involuntarily depriving the child of free liberty to move about. (Refer to OAR 413-020-0200 / 0270).

(25) "**Provisional Certificate of Approval**" is a certificate which may be issued by SOSCF for a period of up to 30 days.

(26) "**Psychotropic Medications**" is medication, the prescribed intent of which is 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 duress.

(28) "**Revocation of a Certificate of Approval**" is the action taken to rescind a foster home certificate of approval when the certifying agency determines that the foster home is not in compliance with one or more administrative rules.

(29) "**Special Certificate of Approval**" is a certificate which lists the names of the specific child(ren) for whom the home is approved.

(30) "**Suspension of a Certificate of Approval**" is a temporary withdrawal of the certificate of approval after the certifying agency determines that the foster home is not in compliance with one or more administrative rules.

(31) "**Volunteer**" is any person assisting in a kinship, foster or adoptive home without pay to enrich the care provided to children placed in the home with activities including tutoring, recreation, relief care or other activities such as household chores.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

APPLICANTS AND CAREGIVERS

413-200-0330 (1) All applicants and caregivers with a certificate of approval must:

(a) Participate in the process to receive a certificate of approval and in the ongoing monitoring of their home and living situation;

(b) Give the information required for SOSCF to verify compliance with all applicable rules, including change of address and change in household membership.

(2) Applicant(s) for a certificate of approval or renewal of certificate of approval must:

(a) Fully complete necessary application forms;

(b) Provide names and addresses of at least four persons, three of whom are unrelated, who know them well enough to attest to their character and ability to safely care for children in the custody of SOSCF. SOSCF may contact schools, employers, adult children and other sources as references;

(c) Provide information regarding any prior or current operation, suspension, revocation or termination of a licensed, certified or approved care facility or home for children or adults;

(d) Consent to a fingerprint-based criminal record check by SOSCF (CF 1011F). SOSCF requires a fingerprint-based criminal record check for any person age 18 and over; e.g., employee, volunteer, or other adult having regular contact with children placed in the caregiver's home. SOSCF may require a criminal history check on a member of the household under 18 if there is reason to believe that the member may pose a risk to children placed in the home. A SOSCF fingerprint-based criminal record check is not required on legal parents. SOSCF will issue or renew a certificate of approval only if the applicant(s) is in compliance with OAR 413-120-0400 through 413-120-0470;

(e) Report all criminal charges, arrests or convictions, the dates of offenses, and the resolution of those charges for all employees or volunteers and persons living in the home. Reports of all criminal or juvenile delinquency charges, arrests or convictions, the dates of offenses, and the resolution of those charges shall be listed for a caregiver's minor children living in the home;

(f) Report any allegations of abuse or neglect for all members of the

household and any employees, independent contractors and volunteers;

(g) Notify SOSCF within two working days of any arrest or court conviction;

(h) Be at least 21 years of age. An applicant who is an "Indian", as defined in the Indian Child Welfare Act, may be 18 years of age or older;

(i) Have no physical or mental health condition or communicable disease significant enough to hamper their ability to meet the needs for safety, health and well being of children in their care;

(j) Complete, at the caregiver's expense, a psychiatric, psychological, medical, sex-offender, drug or alcohol evaluation and provide a report to SOSCF, if requested by the branch.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 181.537, 418.005, 25UC11901

PHYSICAL ENVIRONMENT

413-200-0335 (1) General Safety

(a) Caregiver homes must be kept free of hazards to the children's health and well being.

(b) Caregiver homes for children in the custody of SOSCF must:

(A) Have safe drinking water;

(B) Have a safe, adequate heating system;

(C) Have an operable phone or access to a phone;

(D) Take measures to prevent access by children in care to:

(i) Medications;

(ii) Poisonous chemicals, paints and solvents; and

(iii) Household and other cleaning materials.

(c) First aid supplies must be in a place easily accessible to adults.

(2) Domestic Animals

- (a) Access to potentially dangerous animals must be restricted for children in care.
- (b) The caregiver's animals must be healthy and cared for properly.
- (c) Measures must be taken to keep the house and premises free of vermin.

(3) 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.

(4) Interior Environment

- (a) Caregivers shall have the necessary equipment for the safe preparation, storage, serving and cleanup of food.
- (b) Children in care must have a bed in which to sleep that is safe and adequate;
- (c) Caregivers must consider the safety and appropriateness of sleeping arrangements, based on the child's age, gender and any concerns related to the child's behavior and history of abuse or neglect (Refer to OAR 413-070-0600 / 0650).
- (d) Bedrooms used by children in care must:
 - (A) Have windows which open and allow exit;
 - (B) Have any doors with locks on the inside be operable from the outside of the room; and
 - (C) Not have any locks on the outside of the door which are inoperable from inside the room.

(5) Firearm Safety

- (a) Members of the household shall store any ammunition and unloaded

and operable firearms in separate locked places. Trigger locks alone are inadequate as the sole source of locking a weapon.

(b) SOSCF shall be notified within one working day when a firearm is brought to the premises for storage.

(c) When children in the custody of SOSCF are being transported in a vehicle, unless being transported by a law enforcement officer, the vehicle must:

(A) Have no loaded firearms; and

(B) Ammunition must be kept in a separate locked container.

(d) Members of the household, including law enforcement officers, who possess a concealed weapon permit shall:

(A) Provide SOSCF with a copy of the permit;

(B) Provide SOSCF with a written plan to keep concealed weapons secure from children in SOSCF custody when:

(i) In the home; or

(ii) In vehicles when transporting a child.

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

(A) Must be supervised by a responsible adult; and

(B) Must have completed a gun safety course.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

FIRE SAFETY

413-200-0340 (1) The home of a person caring for children in the custody of SOSCF must have working smoke alarms on each floor of the home and one in every room in which a child in care sleeps.

(2) The home of a person caring for children in the custody of SOSCF must have at least one class 2-A-10BC minimum rated fire extinguisher in the house.

(3) The home of a person caring for children in the custody of SOSCF must have

at least two unrestricted exits.

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

(5) Children capable of understanding must know how to exit the home in case of fire.

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

(7) Barred windows used for possible exit in case of fire must be fitted with operable mechanisms.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

TRANSPORTATION SAFETY

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.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005, ORS 811.225

CONFIDENTIALITY

413-200-0350 Caregivers must treat personal information about a child and the child's family in a confidential manner. Confidential information may be disclosed only when necessary to provide for the safety and well-being of a child or other children in the home. The information shared is to be only about the child and only enough information to ensure the child's safety and well-being.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

CAREGIVER RELATIONSHIPS WITH SOSCF

413-200-0355 (1) Caregivers must notify the agency immediately of injury, illness, emotional or mental health issues, communicable diseases, accidents, arrests, or any other circumstances in their home which may have an affect on the health,

safety, physical or emotional well-being of a child in care.

(2) Caregivers must sign and abide by the responsibilities described in the "Foster Home/Shelter Care Contract" or "Kinship Care Agreement" which is signed prior to a child being placed by the agency in the home and annually thereafter. Refer to OAR 413-010-0400 / 0490, SOSCF Policy I-A.5.1, Grievance Review, to review any action or decision of the agency which violates a condition or term of the contract.

(3) Upon reasonable cause to believe that abuse or neglect has occurred, all members of the household and any employees, independent contractors or volunteers must report pertinent information to SOSCF.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

ACCEPTING CHILDREN FOR CARE

413-200-0360 Caregivers who accept a child for placement from SOSCF may not provide care for anyone from any other source, unless prior written approval has been issued by the SOSCF branch responsible for the caregiver's certificate of approval.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

TRAINING

413-200-0365 (1) Caregivers must attend orientation training within 30 days of placement of children in their home.

(2) Caregivers must annually attend 10 hours of training approved by SOSCF:

(a) Directly related to the needs of the child as stated in the child's case plan (Refer to OAR 413-040-0000 / 0045, SOSCF Policy I-B.3.1); or

(b) To further enhance the caregiver's knowledge, skills and abilities in safely caring for children in the custody of SOSCF.

(3) This training must be designed to assist the caregiver in:

(a) Understanding the mental and emotional problems that occur in child victims of abuse and neglect, including sexual abuse and rape of a child; and

(b) Managing the behaviors that may result from such problems.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

ALTERNATE CAREGIVERS

413-200-0370 (1) Caregivers must arrange for safe and responsible child care.

(2) When the caregiver(s) is planning to be absent overnight, the caregiver must notify SOSCF of the name of the alternate caregiver. The alternate caregiver must be at least 18 years of age, capable of assuming child care responsibilities, and must be present at all times.

(3) When the caregiver(s) will be absent for 48 hours or longer, the alternate caregiver must have an approved Oregon criminal history check and the child placing agency must be given notice. Notice must include:

(a) Dates of absence;

(b) Telephone number where the caregiver can be reached; and

(c) Name, telephone number, address and qualifications of the alternate caregiver.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

CAREGIVER RELATIONSHIP TO THE CHILD IN CARE

413-200-0375 (1) Caregivers must work collaboratively with SOSCF and the child and his or her family to:

(a) Help children in their care and the families of those children 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);

(b) Prevent anyone from influencing the child in regard to allegations of the case; and

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

(2) In accordance with the case plan:

(a) Caregivers shall respect and support the child's relationship with his/her birth family members, including siblings;

(b) Caregivers shall allow children reasonable opportunities to communicate with their birth family; and

(c) Caregivers will maintain records on the child's health, medications, immunizations, and educational and placement progress for the duration of the child's placement.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

HEALTH ISSUES

413-200-0380 (1) Caregivers must work with SOSCF and licensed medical providers to ensure the health care needs of the child are met.

(2) Medication Management:

(a) Caregivers must give children prescription medications only in accordance with a physician's prescription or authorization;

(b) Caregivers must record the exact amount of any prescribed medication administered for a child in care;

(c) Caregivers must inform the agency within one working day of any psychotropic medications prescribed for a child in placement (refer to OAR 413-070-0400 / 0490, Psychotropic Medication Management).

(3) Smoking:

(a) 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.)

(b) Children in the custody of SOSCF shall not be exposed to second hand smoke in the caregiver's home.

(4) Consents for medical care must be obtained in certain 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 birth control administration refer to OAR 413-060-010 / 0030, SOSCF Policy I-C.3.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 163.575, 418.517

DISCIPLINE

413-200-0385 (1) Caregivers will demonstrate an understanding of, and a willingness to use, non-punitive discipline and ways of helping a child build positive personal relationships and self-esteem.

(2) Caregivers will provide positive discipline and guidance but must not punish children in the custody of SOSCF. Examples of punishments include, but are not limited to:

(a) Physical force or threat of physical force inflicted in any manner upon the child or subjecting the child to physical discomfort;

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

(c) Denial of food, clothing, or shelter;

(d) Denial of visits, telephone, or mail contacts with family members;

(e) Assignment of extremely strenuous exercise or work;

(f) Use or threatened use of restraining devices;

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

(h) Delegating or permitting punishment of a child by another child;

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

(j) Use of shower as punishment;

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

(l) Derogatory remarks about the child's/family's skin color, culture, ethnicity, language, type of hair or traditions.

(3) 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 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 time-out separation from others is used as a consequence for behavior, caregivers must provide it in an unlocked, lighted, well-ventilated room of at least 50

square feet and within hearing distance of an adult. The time limit must take into consideration the child's age and emotional development. Time-out may be used only for a short duration to allow the child to regain control.

(5) Physical restraints are to be used only by providers or agency staff who have been trained in agency approved techniques, and only in emergency situations to prevent a child from inflicting immediate and serious harm upon himself/herself or others, or property, or to safely transport a child using normally acceptable infant safety products. The caregiver must report any use of a holding technique to the assigned service worker within 72 hours for case documentation. Use of physical restraint on a child is prohibited except under circumstances and conditions as defined in OAR 413-20-0200 / 0270.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.643, 418.005

CERTIFICATE OF APPROVAL TO PROVIDE CARE FOR A CHILD IN THE CUSTODY OF SOSCF

413-200-0390 (1) Upon completion of the application, a decision will be made by the branch manager to approve or deny the issuance of a certificate of approval within 90 days. The application may be denied if the supporting materials required from the applicant are not submitted within 30 days from the date of application.

(2) Upon receipt of an application for certificate of approval and after safety checks are completed, a provisional certificate of approval for up to 30 days may be issued by the branch manager to allow the home or SOSCF to complete the process.

(3) The issuance of a certificate of approval of a home signed by the SOSCF branch manager authorizes a caregiver to provide care in the caregiver's home for children in the custody of SOSCF.

(4) Prior to receiving a certificate of approval, caregivers must sign a "Family Foster Home/Shelter Contract" or "Kinship Care Agreement".

(5) The certificate must:

- (a) State the name(s) of the caregiver(s);
- (b) State the address to which the certificate applies;
- (c) State the maximum safe capacity of a home;
- (d) State the provider number of the home;

- (e) State the beginning and expiration dates of the certificate; and
- (f) Be signed by the SOSCF branch manager/designee.
- (6) The certificate may state:
- (a) Any preferences the caregiver(s) has including, but not limited to the number, gender and age(s) of the children; and
- (b) Any special conditions the home may have.
- (7) The ratio of children in the home to adult caregivers must not exceed five children to one adult caregiver or eight children in the home for two adult caregivers. This includes all children residing in the caregiver's home. The ratio can be exceeded in extraordinary situations, such as to place a sibling group or because a family has demonstrated extraordinary abilities in relation to the special needs of a child. Approval to exceed the ratio must be in writing and signed by the SOSCF regional administrator or designee.
- (8) The ratio of children under the age of two years old must not exceed two children to one adult caregiver. The ratio can be exceeded in extraordinary situations, such as to place a sibling group or because a family has demonstrated extraordinary abilities in relation to the special needs of a child. Approval to exceed the ratio must be in writing and signed by the SOSCF regional administrator or designee.
- (9) Caregivers with a certificate of approval may care for no more than 8 children, including their own, unless:
- (a) A fire marshal or local fire department safety inspection has been completed and a copy of the inspection statement is in the caregiver's file;
- (b) The branch assigns a staff person who must document in the caregiver's file visits to the caregiver's home a minimum of once every 10 working days; and
- (c) There is a specific written plan in the caregiver's file addressing the increased need for supervision.
- (10) When issuing a certificate of approval, the branch must give written consideration to the following:
- (a) The skills, abilities and training of the caregiver related to the degree of service required by the children in care;

- (b) The skills, abilities and service needs of the children in the home;
- (c) The amount of supervision available by the caregiver and the 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 caregiver's plan for each individual to escape the home in case of fire; and
- (f) The adequacy of the home's fire detection and suppression systems.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.630

INACTIVE REFERRAL STATUS; SUSPENSION, DENIAL OF AN APPLICATION; OR REVOCATION OF A CERTIFICATE OF APPROVAL

413-200-0395 (1) Inactive Referral Status may be initiated by either the caregiver or SOSCF for a period not to exceed 12 months.

(a) No conditions in the home may compromise the safety of children already placed in the home.

(b) Caregivers must be in compliance with all rules prior to again accepting referrals.

(2) Suspension of certificate of approval:

(a) SOSCF may suspend a certificate of approval because of violations of any OAR from 413-200-0300 through 413-200-0405.

(b) SOSCF must remove all the children in the custody of SOSCF from the home during the suspension period.

(c) Notice of suspension must be in writing and must:

(A) List the rule violation;

(B) Include actions necessary to reach compliance; and

(C) List any SOSCF services available to the caregiver to help the

caregiver reach compliance.

(d) Within 30 days of the effective date of the suspension, the caregiver must submit a written corrective action plan to SOSCF.

(A) The corrective action plan must:

(i) List the steps that will be taken to reach compliance; and

(ii) Must be signed and approved by both the caregiver and the SOSCF branch manager.

(B) Failure to submit a corrective action plan or request for a contested case hearing will constitute a withdrawal of a certificate of approval. (Refer SOSCF Policy I-A.5.2, Contested Case Hearings, for the process for handling contested case hearings of denials, suspensions or revocations.)

(e) At the end of the suspension period or when the caregiver complies with the plan to remedy the conditions that led to the suspension, the branch manager may:

(A) Reinstate the certificate of approval for the original term;

(B) Issue a new certificate of approval;

(C) Deny the renewal of the certificate of approval; or

(D) Notify the foster parent(s) of the intent to revoke the certificate of approval.

(3) Revocation or Denial:

(a) The State Office for Services to Children and Families will revoke a certificate of approval or deny an application when child safety concerns warrant an immediate revocation or denial. A notice of revocation or denial shall be in writing and shall state the reasons for revocation. Refer to SOSCF Policy I-A.5.2, Contested Case Hearings, for the process for handling contested case hearings of denials, suspensions or revocations.

(b) Caregivers whose certificate of approval has been revoked or whose application has been denied may not reapply for five years after the date of revocation or denial unless a lesser time is stipulated in the revocation or denial notice.

(c) SOSCF may act to deny an application or revoke a certificate of approval if falsification is discovered prior to or after the certificate was issued, or if a caregiver fails to inform SOSCF of any disqualifying condition that arises after the certificate of approval was issued.

(4) Appeal: Caregivers may appeal the suspension, denial or revocation of their certificate of approval or application under Oregon Revised Statutes, Chapter 183, by making a written request to the branch manager. If SOSCF has not received a request for a hearing within 30 days of the date of mailing or other service of the notice, the caregiver shall have waived the right to a hearing. There are no contested case rights for adoptive applicants who are denied approval.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 183, 418.635

EXCEPTIONS

413-200-0400 SOSCF will issue a certificate of approval, whether or not the caregivers are related to the child in the custody of SOSCF only when the requirements in these administrative rules are met. No exceptions are allowed.

Statutory Authority: ORS 418.005

Stats. Implemented: PL 105-89

REVIEW OF RULES

413-200-0405 The administrative rules for kinship, foster, and adoptive homes will be reviewed on an annual basis by the assistant administrator of Program Operations.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

“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.”

CIVIL RIGHTS ACT OF 1964
