

Lois A. Day, Administrator
Office of Safety & Permanency for Children

Number: CW-PT-10-011

Authorized Signature

Issue Date: 10/15/2010

Topic: Adoptions

Transmitting (check the box that best applies):

- New Policy
- Policy Change
- Policy Clarification
- Executive Letter
- Administrative Rule
- Manual Update
- Other: Proposed Permanent Rules Filed

Applies to (check all that apply):

- All DHS employees
- Area Agencies on Aging
- Children, Adults and Families
- County DD Program Managers
- County Mental Health Directors
- Health Services
- Seniors and People with Disabilities
- Other (please specify): Child Welfare

Policy/Rule Title:	<p>I-A.3.3, Release of Adoption Home Study</p> <p>I-E.3.1, Placement Matching</p> <p>I-E.3.6, Legal Permanency, Concurrent Planning, and Use of Permanency Committee</p> <p>I-E.3.6.3, Another Planned Permanent Living Arrangement</p> <p>I-F.6, Sibling Permanency Placement Planning</p> <p>I-G.1.1, Foster Parent Request for Consideration as a Current Caretaker</p> <p>I-G.1.2, Identification and Consideration of Potential Adoption Resources</p> <p>I-G.1.3, Adoption Applications and Standards for Adoption</p> <p>I-E.3.7, Special Immigrant Juvenile Status</p> <p>I-G.1.5, Adoption Placement Selection</p> <p>I-G.1.10, Adoption Placement, Supervision, and Support</p> <p>I-G.1.14, International Adoption Pursuant to the Hague Convention and Intercountry Adoption Act</p> <p>The following rules are being repealed:</p> <p>I-A.4.6 Rights of Persons who have a Parent-Child Relationship</p> <p>I-G.1.3.1, CAF and Partner Agency Employee Adoption Home Studies</p> <p>I-G.1.13, Disruption of Adoptive Placements - Policy</p> <p>I-G.2.1, Minimum Standards for Adoptive Homes</p> <p>I-G.3.2, Post Legal Adoption Services</p>
--------------------	---

Policy/Rule Number(s):	I-A.3.3, OAR 413-010-0081 to 0085 I-E.3.1, OAR 413-070-0600 to 0645 I-E.3.6 OAR 413-070-0500 to 0519 I-E.3.6.3, OAR 413-070-0520 to 0565 I-E.3.7, OAR 413-070-0570 to 413-070-0574 I-F.6, OAR 413-110-0100 to 0150 I-G.1.1, OAR 413-120-0500 to 0595 I-G.1.2, OAR 413-120-0700 to 0760 I-G.1.3, OAR 413-120-0190 to 0246 I-G.1.5, OAR 413-120-0000 to 0060 I-G.1.10, OAR 413-120-0800 to 0880 I-G.1.13 - Policy I-G.1.14 OAR 413-120-0900 to 413-120-0970 The following rules are being repealed: I-A.4.6, OAR 413-101-0360 to 0380 I-G.1.3.1 OAR 413-120-0150 to 0290 I-G.1. 13, Policy I-G.2.1, OAR 413-120-0300 to 0310 I-G.3.2, OAR 413-120-0150 to 0180	Release No:	
Effective Date:	December 28-29, 2010	Expiration:	
References:			

Web Address:

<http://www.dhs.state.or.us/policy/childwelfare/drafts/i-a33.pdf>
<http://www.dhs.state.or.us/policy/childwelfare/drafts/i-e31.pdf>
<http://www.dhs.state.or.us/policy/childwelfare/drafts/i-e36.pdf>
<http://www.dhs.state.or.us/policy/childwelfare/drafts/i-e363.pdf>
<http://www.dhs.state.or.us/policy/childwelfare/drafts/i-e37.pdf>
<http://www.dhs.state.or.us/policy/childwelfare/drafts/i-f6.pdf>
<http://www.dhs.state.or.us/policy/childwelfare/drafts/i-g11.pdf>
<http://www.dhs.state.or.us/policy/childwelfare/drafts/i-g12.pdf>
<http://www.dhs.state.or.us/policy/childwelfare/drafts/i-g13.pdf>
<http://www.dhs.state.or.us/policy/childwelfare/drafts/i-g15.pdf>
<http://www.dhs.state.or.us/policy/childwelfare/drafts/i-g110.pdf>
<http://www.dhs.state.or.us/policy/childwelfare/drafts/i-g114.pdf>
<http://www.dhs.state.or.us/policy/childwelfare/drafts/i-a46.pdf>
<http://www.dhs.state.or.us/policy/childwelfare/drafts/i-g131.pdf>
<http://www.dhs.state.or.us/policy/childwelfare/drafts/i-g21.pdf>
<http://www.dhs.state.or.us/policy/childwelfare/drafts/i-g32.pdf>

Discussion/Interpretation:

On July 1, 2010, the Department filed temporary rules regarding changes in the adoption selection process and permanency planning process. The temporary rules released July 1, 2010 resulted from recommendations from the National Resource Center for Adoption, workgroups with DHS staff and community partners, the Fostering Connections to Success and Increasing Adoptions Act of 2008, and legislative changes over the past two legislative sessions. These rules were written by Adoption Program and Foster Care Program staff to establish and maintain consistency across programs regarding permanency and adoption planning for children in DHS custody. **The temporary rules filed on July 1 remain in effect through December 28, 2010.**

Proposed permanent rules will be posted by October 18, 2010. The Department will schedule a public hearing and provide the public with opportunity to provide the Department with written or oral public comment on the proposed rules.

The proposed permanent rules reflect the changes made in July and include a stronger emphasis on the efforts required to place children with relatives and to keep siblings together, as well as efforts to maintain and support family connections in permanency planning. In addition, there were changes to the process through which a foster parent can be considered as a current caretaker and potential adoptive resource, a renewed focus on considering both current and lifelong needs of children, and changes to committee and placement selection processes to both allow for more inclusiveness for persons knowledgeable and interested in children's interests, while also affirming the

Department's role in decision making.

The proposed permanent rules also reflect changes resulting from feedback to the Department received from DHS staff, through a dedicated email response address and through the Policy Council. A Rules Advisory Committee, composed of field and program staff and community partners, was convened in August, 2010 to review and provide input on the temporary rules.

Staff should specifically review and note the following proposed changes:

1. The composition and functioning of the Permanency Committee has been incorporated into I-E.3.6, and all the circumstances in which a permanency committee is used are referenced to this one rule set.
2. In the adoption selection process described in I-G.1.5, Adoption Placement Selection, and the consideration of potential adoptive resources described in I-G.1.2, Identification and Consideration of Potential Adoption Resources, the Department will allow consideration of a foster parent who will be considered as a current caretaker and a potential adoptive resource along with a child's relative defined in subsection D of the relative definition (a relative identified by the family but not related by blood, marriage, or adoption).
3. Standardized placement matching criteria is described in the I-E.3.1, Placement Matching rules for both temporary and permanent placement assessment of the child's caregiver.

Staff Feedback Requested

All staff should read and review the proposed permanent rules.

Staff can access the proposed permanent rules at the Draft DHS policy index at <http://www.dhs.state.or.us/policy/childwelfare/drafts/drafts.htm>.

Staff can email comments directly to Adoption-Rule.Comments@state.or.us. Please reference the specific rule set (i.e., I-E.3.1) or specific rule number (i.e., OAR 413-012-0510) when providing your comments.

The last day for receipt of comment is November 24, 2010.

Implementation/Transition Instructions:

Once public comment is received and considered, the Department will make further changes to the proposed rules, based on feedback received during the public comment period, prior to the effective dates noted below.

The following proposed permanent rules will become effective on December 28, 2010:

I-G.1.14 Inter-country Adoption Pursuant to the Hague Convention and Inter-country Adoption Act

I-E.3.7 Special Immigrant Juvenile Status

The following proposed permanent rules will become effective on December 29, 2010:

I-A.3.3 Release of Adoption Home Study

I-E.3.1 Placement Matching

I-E.3.6 Legal Permanency, Concurrent Planning and Use of a Permanency Committee

I-E.3.6.3 Another Planned Permanency Living Arrangement

I-F.6 Sibling Permanency Placement Planning

I-G.1.1 Foster Parent Request for Consideration as a Current Caretaker

I-G.1.2 Identification and Consideration of Potential Adoption Resources

I-G.1.3 Adoption Applications, Adoption Home Studies, and Standards for Adoption

I-G.1.5 Adoption Placement Selection

I-G.1.10 Supervision and Support of an Adoptive Placement

The following rules will be repealed on December 29, 2010:

I-A.4.6 Rights of Persons Who Have a Child-Parent Relationship

I-G.1.3.1 CAF and Partner Agency Employee Adoption Home Studies (currently suspended)

I-G.1.13 Disruption of Adoptive Placements (currently suspended)

I-G.2.1 Minimum Standards for Adoptive Homes (currently suspended)

I-G.3.2 Post Legal Adoption Services (currently suspended)

Training/Communication Plan:

Department staff will continue to provide training during routinely scheduled meetings and during the upcoming Supervisor Conference.

Additional training is being developed through the Child Welfare Partnership and in conjunction with the CAF Training Unit for ongoing web-based training modules.

Local/Branch Action Required:

Read and understand the proposed permanent rules. Provide feedback to Central Office. Staff can email comments directly to Adoption-Rule.Comments@state.or.us.

Central Office Action Required:

Receive and consider feedback from branch offices. Consult with the AAG on proposed permanent rules. Attend the public hearing and consider comments received through the public comment period.

Field/Stakeholder review: Yes No

If yes, reviewed by: Policy Council and RAC provided input on the proposed permanent rules.

Filing Instructions:

If you have any questions about this policy, contact:

Contact(s):	Gail Schelle, Assistant Manager, Adoption Program Carla Crane, Assistant Manager, Adoption Program AJ Goins, Assistant Manager, Foster Care Program		
Phone:	(503) 945-5997 (503) 945-5998 (503) 945-6897	Fax:	503-945-6633
E-mail:	Carla.Crane@state.or.us Gail.A.Schelle@state.or.us A.j.goins@state.or.us		