

Maurita Johnson, Deputy Director of Child Welfare Programs

**Authorized Signature**

**Number:** CW-PT-14-003

**Issue Date:** 1/15/14

**Topic:** Other

**Transmitting (check the box that best applies):**

- New policy
- Policy change
- Policy clarification
- Executive letter
- Administrative Rule
- Manual update
- Other: Form updates

**Applies to (check all that apply):**

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

Policy/rule title:	Rights of Relatives Visits and Other Types of Child and Family Contact		
Policy/rule number(s):	I-A.4.5, OAR 413-010-0300 thru 413-010-0340 I-E.3.5, Visits and Other Types of Child and Family Contact, 413-070-0800 thru 413-070-0880	Release no:	
Effective date:	1/1/14	Expiration:	N/A

References:	<p>House Bill 3249 (2013) and revised ORS 419B.875, effective 1/1/14</p> <p><a href="https://olis.leg.state.or.us/liz/2013R1/Downloads/MeasureDocument/HB3249/Enrolled">https://olis.leg.state.or.us/liz/2013R1/Downloads/MeasureDocument/HB3249/Enrolled</a></p> <p>Procedure manual</p> <ul style="list-style-type: none"> <li>• Chapter 4: Services to Children, Section 3: Working with Relatives, D. Initial and ongoing contact with a relative <a href="http://www.dhs.state.or.us/caf/safety_model/procedure_manual/ch04/ch4-section3.pdf">http://www.dhs.state.or.us/caf/safety_model/procedure_manual/ch04/ch4-section3.pdf</a></li> <li>• Chapter 8: Working with the Courts and External Partners, Section 1: The Courts <a href="http://www.dhs.state.or.us/caf/safety_model/procedure_manual/ch08/ch8-section1.pdf">http://www.dhs.state.or.us/caf/safety_model/procedure_manual/ch08/ch8-section1.pdf</a></li> <li>• Chapter 8: Working with the Courts and External Partners, Section 7: Other Legal Matters, D. Rights of Grandparents <a href="http://www.dhs.state.or.us/caf/safety_model/procedure_manual/ch08/ch8-section7.pdf">http://www.dhs.state.or.us/caf/safety_model/procedure_manual/ch08/ch8-section7.pdf</a></li> </ul> <p>Forms</p> <ul style="list-style-type: none"> <li>• Notice of Court Hearing, CF 148</li> <li>• Relative Response form, CF 448</li> <li>• Options for Relatives brochure, DHS 9360</li> </ul> <p><u>Note:</u> The Options for Relatives brochure satisfies the requirement to provide notice to grandparents and other adult relatives under Rights of Relatives, I-A.4.5, OAR 413-010-0320(5) and federal law. Caseworkers are strongly encouraged to give this brochure to all grandparents and adult relatives.</p>
Web Address:	<p>New rules effective 1/1/14:</p> <p>Rights of Relatives (I-A.4.5): <a href="http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-a45.pdf">http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-a45.pdf</a></p> <p>Visits and Other Types of Child and Family Contact (I-E.3.5): <a href="http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e35.pdf">http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e35.pdf</a></p>

### **Discussion/interpretation:**

Effective Jan. 1, 2014, the law changed regarding grandparent rights as a result of House Bill 3249 (2013). The new law amended ORS 419B.875 and adopted a new provision. It:

- 1) Requires the Department to make diligent efforts to identify and obtain contact information for grandparents of a child in the Department's custody and give the grandparents notice of hearings concerning the child. Grandparents no longer have to request notice of hearings in writing and provide a mailing address.
- 2) Gives the grandparents the opportunity to be heard at hearing.
- 3) Provides that grandparents may ask for court-ordered visitation or other contact with the child. The court may grant the grandparent's request if the court finds:
  - a) An ongoing relationship existed between the grandparent and the ward that included regular visits or other contact or communication; or despite the grandparent's efforts, no ongoing relationship existed between the grandparent and the ward due to circumstances beyond the grandparent's control;
  - b) Ordering visitation or other contact will support and not interfere with the development and implementation of a permanency or concurrent permanent plan for the ward;
  - c) Ordering visitation or other contact will not reduce the frequency or the quality of a parent's visitation or other contact;
  - d) If the court determines consultation with the ward is appropriate, the ward has been consulted and agrees that the court should allow the grandparent's request in whole or in part;
  - e) Ordering visitation or other contact is in the ward's best interests; and
  - f) Ordering visitation or other contact would not unreasonably burden the resources of DHS.

The new law defines "grandparent" as the legal parent of the child's legal parent. The rules, procedures, and forms listed above have been updated to reflect the changes in the law.

### **Implementation/transition instructions:**

- Staff is expected to apply the new law as of Jan. 1, 2014, and should be familiar with the rules and procedure manual changes.
- The CF0148 Notice of Court Hearing that is on the forms server ([https://aix-xweb1p.state.or.us/es\\_xweb/FORMS/](https://aix-xweb1p.state.or.us/es_xweb/FORMS/)) should be used as of 1/1/14. The OR-Kids version of the form has been disabled and is no longer available for use.
- Staff should be providing the "Options for Relatives" brochure to all grandparents and adult relatives.

**Training/communication plan:** Central Office staff has been talking about these changes at various quarterly meetings over the last several months.

**Local/branch action required:** Review the changes and ensure staff is following the new requirements related to grandparent notice of hearings.

**Central office action required:** Ongoing consultation and participation in quarterly meetings.

**Field/stakeholder review:**  Yes  No

**If yes, reviewed by:** Policy Council reviewed the rules, procedure manual changes, and form revisions. The rules were reviewed by a Rulemaking Advisory Committee and subject to a public notice and comment period.

**Filing Instructions:**

*If you have any questions about this policy, contact:*

<b>Contact(s):</b>	Kathy Prouty, Child Permaneny Program Manager		
<b>Phone:</b>	503-947-5358	<b>Fax:</b>	503-945-6633
<b>E-mail:</b>	<a href="mailto:kathy.prouty@state.or.us">kathy.prouty@state.or.us</a>		