

Search for and Engagement of a child or young adult's relatives
This is a new set of rules.

413-070-0001

Purpose

- (1) The purpose of these rules (OAR 413-070-0001 to 413-070-0010) is to describe the Department's responsibility to conduct a relative search when a child or young adult is unsafe or is likely to be in the care or custody of the Department, The relative search is conducted for the following purposes:
 - (a) Relative engagement in managing the child's safety;
 - (b) Relative caregivers to provide substitute care; and
 - (c) Relative engagement in achieving child safety, permanency and well-being by maintaining a relationship and connection with the child or young adult.

Definitions

- (1) “Child” means a person under 18 years of age.
- (2) “Department” means the Department of Human Services, Child Welfare.
- (3) “Foster Parent” means an individual 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.
- (4) “Indian child” is any unmarried person under age eighteen who is either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.
- (5) “Permanency Committee” means a group of three persons, who are responsible for making a decision regarding a child’s permanency plan when a child likely cannot or will not return to their parent.
 - (a) The committee must:
 - (A) Include two Department staff and may include a community partner, all of whom are approved by the District Manager or designee; and
 - (B) Have an identified chairperson approved by the District Manager or designee.
 - (b) The members must:
 - (A) Be knowledgeable of permanency issues;
 - (B) Have no personal or professional relationship to the child or prospective placement resource; and
 - (C) Represent multiple child welfare offices.
- (6) “Provider” means a person approved by a licensed private child-caring agency to provide care for a child or young adult, or an employee of a licensed private child-caring agency approved to provide care for a child or young adult.
- (7) “Relative” means an individual of specified degree who had a legal relationship with the child at the time the child entered care:
 - (a) Any blood relative or half blood relative, including persons of preceding generations denoted by the prefixes of grand, great or greatgreat 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(16);

- (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(16);
 - (c) Stepparent or former step parent or the Registered Domestic Partner or former Registered Domestic Partner of the child's parent who have parented the child prior to the child entering foster care;
 - (d) Adoptive parents of the sibling of the child or persons who have been designated the adoptive resource for a sibling of the child, and the adult biological and adopted children of the adoptive or designated adoptive parents; and
 - (e) Registered domestic partners or ex-registered partners who have parented the child prior to the child entering foster care.
- (8) "Relative Search" means the efforts of the Department to identify, locate, and document the contact with a child's relatives regarding his or her interest in providing a child or young adult in substitute care with temporary or permanent placement, engagement in safety management, and achieving child safety and well-being by maintaining a relationship and connection with the child or young adult.
- (9) "Registered domestic partner" means an individual joined in a civil contract entered into in person between two individuals of the same sex who are at least 18 years of age, who are otherwise capable and at least one of whom is a resident of Oregon.
- (10) "Safety service provider" means an individual who has agreed to work with the Department and to provide intentional contacts and interactions with one or members of a family assisting with managing the safety of a child.
- (10) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.
- (11) "Sibling" means one of two or more children or young adults related:
- (a) By blood or adoption through a common legal parent;
 - (b) Through the marriage of the children's or young adult's legal or biological parents; or
 - (c) Through a legal or biological parent who is the Registered Domestic Partner of the child's legal or biological parent.

- (12) “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.

413-000-0003

Legal Obligation regarding placement preference

- (1) The Department must search for a child or young adult’s relatives to fulfill federal law and statutory obligations to place with relatives as a first preference for substitute care.
- (2) When a child or young adult must be placed in substitute care and cannot place with a relative at the time of initial placement the Department determines the substitute care placement in the order of preference described in Child Welfare Policy I-E.3.1, Placement Matching, OAR 413-070-0625.
- (3) If a child or young adult is placed in substitute care and has a sibling who is currently in or also needs substitute care, The Department must make diligent efforts to place siblings together.

413-000-0004

Responsibility to identify relatives

- (1) The Department must begin the identification of the child's relatives during:
 - (a) The CPS assessment when persons other than the parent are required to manage child safety, or
 - (b) The determination of service needs for family support services as described in Child Welfare Policy I-B.2.3.1, Family Support Services, OAR 413-030-0000 through 413-030-0030.
- (2) The Department must communicate with the following individuals to gather information on relatives who can assist in managing child safety or provide substitute care:
 - (a) The child's parents or legal guardians;
 - (b) The child, whenever possible;
 - (c) Known extended family members;
 - (d) Others identified in Child Welfare Policy I-E.2.2. Placement of Refugee Children, OAR 413-070-0320, when the child is a refugee; and
 - (e) The tribe, when the child is an Indian Child.

413-000-0005

Contacting Relatives

- (1) The Department must contact persons identified through the efforts described in OAR 413-000-0003 as a child or young adult's relatives to:
 - (a) Verify the relationship; and
 - (b) Engage the persons in identification of additional relatives.
- (2) The Department may use the following resources, when necessary, to identify and locate a child or young adult's relatives:
 - (a) State data information systems available to the Department;
 - (b) Recognized internet search engines;
 - (c) Collateral contacts; and
 - (d) Other community resources available to search for the identity and contact information of relatives.
- (3) The Department must document the names, contact information, and type of contact with each identified relative in electronic case notes. The documentation must include each person's response to the interest and ability to serve as a safety service provider, substitute caregiver, or a resource to maintain a relationship with the child or young adult.
- (4) The Department may make a decision to engage a relative in managing child safety and may place a child in substitute care with a relative prior to contacting all known relatives.
- (5) The Department must respond to inquiries from a relative in person or by telephone, if a contact telephone number has been provided or discovered, or, when a telephone number has not been provided, contact them by other means, including by mail if no other means of contact was identified by the relative.
- (6) The Department must:
 - (a) Provide the person with information regarding:
 - (A) Whether the child or young adult is currently residing with a relative;
 - (B) The opportunities and requirements associated with serving as a safe and appropriate resource for engagement in safety management, providing substitute care, and maintaining a relationship with the child or young adult.

- (C) The right to file a motion for intervention in juvenile court when the relative believes a caregiver relationship as defined in ORS 419B.116 (1) exists; and
 - (D) The right to file a motion for limited participation in juvenile court under ORS 419B (7).
- (b) Request the names of other relatives that have not previously been identified.
- (7) The caseworker may utilize a family meeting to engage a child or young adult's relatives in a plan:
- (a) To manage the child or young adult's safety as a safety service provider;
 - (b) To provide substitute care;
 - (c) To provide opportunities for maintaining a relationship with the child or young adult; and
 - (d) To gather additional information regarding other relatives' capacity for engagement with and support of the child or young adult's safety, permanency and well being.
- (8) Whenever the Department is provided the name of a relative not previously known to the Department, the Department must document the name and contact information and must contact and inform the relative as described in sections (5) and (6) of this rule.
- (9) When the Department is unable to locate contact information for an identified relative the Department must document the efforts to locate the relative in electronic case notes.

413-000-0006

Assessment of relative involvement in safety management

- (1) The Department must assess a child or young adult's relatives as safety service providers as described in child welfare policy I-AB.7, OAR 413-XXX-XXXX, Assessment of Safety Service Providers, when there is an identified safety threat, Department intervention is required to manage child safety, and it may be possible to manage safety with an in home safety plan.
- (2) The Department must document each decision regarding the use of a relative as a safety service provider in electronic case notes.

Selection of relatives as a substitute care resource

- (1) The Department must use the placement matching criteria in Child Welfare Policy I-E.3.1, Placement Matching, OAR 413-070-0625 to determine the child or young adult's preferred substitute caregiver.
- (2) The Department has the discretion to use an expedited certification process described in Child Welfare Policy II-B.1.1, Responsibilities for Certification and supervision of Relative Caregivers, Foster Parents, and Pre-adoptive Parents, OAR 413-200-0274 to place the child or young adult with a relative prior to contacting all known relatives.
- (3) The Department must:
 - (a) Notify other relatives who respond to Department efforts to identify relatives, when the child or young adult has been placed with a relative certified to provide substitute care;
 - (b) Seek additional information on each relative's interest in having contact with and supporting the child or young adult;
 - (c) Ensure each relative has received information on the Department's responsibility to assess individuals working with the Department to manage the safety of a child or young adult in substitute care; and
 - (d) May engage a child or young adult's relatives in maintaining contact with the child or young adult.
- (4) When multiple relatives express interest in providing substitute care a certifier must:
 - (a) Contact each relative who has expressed an interest in providing substitute care to explain the requirements of certification;
 - (b) Explain the certification process and the Department's responsibility to select a substitute care resource best able to meet the child or young adult's needs for safety, permanency and well being;
 - (c) Obtain a completed application and the relative's consent for a fingerprint-based criminal offender records check of national crime information when the relative wishes to apply for a certificate of approval;
 - (d) Conduct an initial review of the relative's capacity as a substitute caregiver through a review the relative's records in the Department's electronic child welfare database for any record of child abuse or neglect; and

- (e) Assess the relative's ability to meet the Department's certification standards as described in Child Welfare Policy II-B.1, Certification Standards for Foster Parents, Relative Caregivers, and Pre-Adoptive Parents, OAR 413-200-0301 through 413-200-0396.
- (5) When assessing a child or young adult's relative for substitute care, the Department must consider:
- (a) Whether the relative can meet certification standards as described in Child Welfare Policy II-B.1, Certification Standards for Foster Parents, Relative Caregivers, and Pre-Adoptive Parents, OAR 413-200-0301 through 413-200-0396; and
 - (b) The extent to which the relative is an appropriate placement resource to meet the child or young adult's needs as described in Child Welfare Policy I-E.3.1, Placement Matching OAR 413-070-0625 (1) (d-f).
- (6) The Department is responsible for selecting and placing a child or young adult with the substitute caregiver who best meets the safety, permanency, and well being needs of the child.

413-000-0008

Relative Placement Review

- (1) The Department must review the child or young adult's substitute care placement and assess:
 - (a) The reasons why a child or young adult has not been placed with a relative;
 - (b) Current efforts to identify relatives able to provide substitute care;
 - (c) When the child or young adult's placement is with a relative, whether the placement is with the relative able to best meet the child or young adult's needs for safety and well being as described in I-E.3.1 Placement Matching, OAR 413-070-0613 through 413-070-0640; and
 - (d) When the child or young adult's placement does not meet the child or young adult's needs for safety and well being, must identify an appropriate placement resource using the preferences described in 413-000-0003 (2) and (3).
- (2) The review of the Department's efforts to place with a relative must occur:
 - (a) Within 30 days of the child or young adult's first placement in substitute care;
 - (b) When the child or young adult's family, through a family meeting, has recommended substitute care permanency or concurrent permanency resources other than the current substitute caregiver and the family's plan has been incorporated into the Department's case plan;
 - (c) When it appears that a child or young adult is likely to experience or experiences a placement disruption; and
 - (d) During every regular case review described in Child Welfare Policy I-B.3.1, Developing and Managing the Case Plan, OAR 413-040-0000 thru 0032; unless
 - (e) The child welfare program manager has determined there are compelling reasons the placement with a foster parent is in the best interests of the child or young adult and the court concurs the placement with the foster parent is in the best interests of the child or young adult.

413-000-0009

Adoption or Guardianship Decisions with Relatives

- (1) The Department must schedule a Permanency Committee to consider the permanency needs of the child or young adult and select a relative as a permanent placement resource when the child or young adult will not return to the parent and when:
 - (a) More than one relative has identified an interest in as a permanent placement resource and both are currently certified or can be certified by the Department or as a provider; and
 - (b) The child's relatives and the Department have not agreed to the permanent placement resource; unless
 - (c) A child welfare program manager has determined the placement with a foster parent is in the best interests of the child or young adult.
- (2) The Permanency Committee will:
 - (a) Receive comments in person or in writing from the caseworker, child's attorney, the child's tribal representative, Court Appointed Special Advocate, and the child, when appropriate;
 - (b) Review the needs of the child or young adult;
 - (c) Offer each relative who is currently providing or can be certified to provide substitute care the opportunity to present information regarding the relative's ability to provide safe and stable care for the child or young adult without the other interested relative present during that portion of the meeting.
- (3) During the Permanency Committee meeting the members will:
 - (a) Review information from the caseworker regarding the strengths and needs of the child or young adult, including any preferences the child or young adult may have for placement;
 - (b) Review information presented by the certifier to consider each relative's ability to meet the permanency needs of the child or young adult;
 - (c) Review comments in person or in writing from the child's attorney and Court Appointed Special Advocate; and
 - (d) Consider the information each relative presents in person, in writing or by phone conference call. A relative is only present for their own presentation.
 - (e) Committee members may ask clarifying questions and seek additional information from each relative; and
 - (f) All relatives will be excused from the meeting prior to the Permanency Committee's discussion and decision-making.

- (4) Permanency Committee members recommend the permanent placement resource for the child or young adult. After a decision has been made, each relative will receive, in writing:
- (a) The Permanency Committee's recommended permanent placement resource best suited to meet the child's need for a safe and stable permanent resource;
 - (b) Information on other opportunities to maintain contact with and support of the child or young adult when the relative was not recommended as the permanent placement resource by the Permanency Committee; and
 - (c) The process for a review of the Permanency Committee decision.
- (5) A relative considered but not recommended for further consideration as a permanent placement resource may request a review of the Permanency Committee's decision by submitting a written request for review of the decision within 30 days of the receipt of the Permanency Committee's decisions.
- (a) When a request for a review of the Permanency Committee's decision is received, the Adoption Manager will review all written information presented to the Permanency Committee, the recommendations of the Permanency Committee and any additional information the relative wishes to present to the Adoption Manager.
 - (b) All materials for review must be received by the Adoption Manager within 14 working days of the request for review.
 - (c) The Adoption Manager has 14 days to review all submitted materials and may meet with or contact the relative for clarification of any information presented to the Permanency Committee or submitted by the relative.
 - (d) Subsequent to the Adoption Manager's review and consideration of all the information, the Adoption Manager:
 - (A) Will concur with the decision of the Permanency Committee; or
 - (B) Provide the Permanency Committee with all the information considered during the review and require the Permanency Committee to reconsider the permanent placement resources available to the child or young adult; and
 - (C) May meet with or otherwise communicate with the relatives to explain the decision.
 - (e) The Adoption Manager must provide each relative affected by the decision with written documentation of the decision within five working days of that decision.

- (7) The Department must report to the court the efforts made to place a child or young adult with his or her relatives.

DRAFT for REVIEW ONLY

Opportunity to maintain connection and support

- (1) The Department may provide a child or young adult's relatives with opportunities to maintain connection and support of a child or young adult in substitute care in order to:
 - (a) Reduce the trauma of the child or young adult's separation from his or her parent or guardian; and
 - (b) Engage a child or young adult's relatives in supporting the child or young adult's well being.
- (2) The child's caseworker assesses opportunities to maintain connection and support of a child or young adult based on the relative's ability to:
 - (a) Support the Department's intervention in the family to manage the child or young adult's safety;
 - (b) Cooperate with any restrictions on the child or young adult's contact with others;
 - (f) Prevent influencing the child or young adult on the allegations in the case; and
 - (e) Support the child or young adult's case plan.