

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 416
OREGON YOUTH AUTHORITY

FILED

01/31/2024 6:03 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amendments updating current terminology, clarifying requirements, and eliminating redundancy.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/20/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

Rule amendments include updating, adding, and deleting definitions; changing exception criteria; respecting adjudicated youth identities; adding executive level review of certain applicants; requiring foster parents to complete specific training annually; respite care use clarification; house chores clarification; response to adjudicated youth substance use; and updated fire safety requirements.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

OYA has reviewed the proposed amendments through an equity lens and anticipates that the proposed changes will not have a negative effect on racial equity in Oregon.

FISCAL AND ECONOMIC IMPACT:

None.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There are no costs of compliance proposed by these rules. OYA does not anticipate a fiscal or economic impact on state agencies, units of government, or members of the public.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules as they are not affected by them.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

External and internal stakeholder groups were consulted. The rules do not appear to have a fiscal impact on state agencies, units of government, or members of the public.

RULES PROPOSED:

416-530-0000, 416-530-0010, 416-530-0020, 416-530-0030, 416-530-0035, 416-530-0040, 416-530-0050, 416-530-0060, 416-530-0070, 416-530-0080, 416-530-0090, 416-530-0100, 416-530-0110, 416-530-0125, 416-530-0130, 416-530-0140, 416-530-0150, 416-530-0160, 416-530-0170, 416-530-0200

AMEND: 416-530-0000

RULE SUMMARY: Replaces "youth offender" with "adjudicated youth" to align with current laws.

CHANGES TO RULE:

416-530-0000

Purpose ¶¶

(1) OYA seeks to ensure community safety, ~~youth offender~~adjudicated youth accountability and ~~youth offender~~adjudicated youth reformation by providing ~~youth offender~~adjudicated youth foster care as an integral part of its continuum of services. OYA provides foster care for ~~youth offenders~~adjudicated youth who are 12 years of age through the age of 24. These rules establish OYA foster care standards for:¶¶

(a) The certification and re-certification process for foster parents;¶¶

(b) The standards that foster parents must meet while providing ~~youth offender~~adjudicated youth foster care services under the OYA Foster Care Program; and¶¶

(c) The process by which a certification to maintain a ~~youth offender~~adjudicated youth foster home may be placed on inactive referral status, terminated, suspended, or revoked.¶¶

(2) These rules apply to applicants seeking OYA certification, certified foster parents and respite providers, and Private Child-caring Agency proctor parents unless otherwise specified.

Statutory/Other Authority: ORS 420A.025, 420.892

Statutes/Other Implemented: ORS 420.888 - 420.892

RULE SUMMARY: Replaces "youth offender" with "adjudicated youth" to align with current laws. Adds additional definitions to clarify rules, and deletes definitions of terms no longer used in the rules.

CHANGES TO RULE:

416-530-0010

Definitions ¶¶

The following definitions apply to terms used in OAR chapter 416, division 530.¶¶

(1) ~~Applicant: A person who applies for youth offender~~ adjudicated youth: A person who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005 for an act committed when the person was under 18 years of age.¶¶

(2) ~~Adjudicated Youth Foster Home certification~~ Certificate: A certificate of approval, issued by OYA, granting approval to operate and maintain an adjudicated youth foster home for youth offenders.¶¶
~~(2) provide respite care.¶¶~~

(3) Adjudicated youth foster home: A home in the community that is maintained and lived in by an OYA-certified foster parent who provides care, supervision, food, and lodging on a 24-hour basis for an adjudicated youth in that home.¶¶

(4) Applicant: A person who applies for an adjudicated youth foster home certification to operate and maintain a foster home for adjudicated youth.¶¶

(5) Case plan: A formal plan with prescribed interventions and documentation requirements and a tool to assist staff in managing cases, setting goals, and reviewing youth offenders' adjudicated youth interventions and progress.¶¶

(6) Certification process: The process of initial application or recertification to operate and maintain a youth offendern adjudicated youth foster home.¶¶

(7) Computerized criminal records check: The access and use of automated or manual files, or associated systems available to OYA as a criminal justice agency through the Law Enforcement Data Systems (LEDS) including online information from the Federal Bureau of Investigation's (FBI) National Crime Information Center (NCIC), the Oregon Department of Human Services Child Welfare Information System (OR-Kids), and the National Law Enforcement Telecommunications System (NLETS).¶¶

(8) Contraband: Any article or thing which a youth offendern adjudicated youth is prohibited by statute, rule, policy, Juvenile Parole/Probation Agreement, or order, from obtaining, possessing, or which the youth offendern adjudicated youth is not specifically authorized to obtain or possess, or which the youth offendern adjudicated youth alters without authorization.¶¶

(9) Criminal records check: The process used by OYA to conduct criminal records background checks on persons pursuant to these rules and OAR chapter 416, division 800, including computerized and fingerprint-based processes.¶¶

(10) Deadly weapon: Any instrument, article or substance specifically designed for, and presently capable of, causing death or serious physical injury.¶¶

(11) Denial: An action by OYA to deny youth offendern adjudicated youth foster home certification or re-certification.¶¶

(12) Discipline: A process by which foster parents and OYA sanction youth offenders adjudicated youth for non-compliance with established rules of the foster home and conditions of probation or parole. Such sanctions assist youth offenders adjudicated youth in developing the self-control and self-direction necessary to assume responsibilities, make appropriate daily living decisions, and learn to live in conformity with accepted levels of social behavior.¶¶

(13) Domestic animals: Any of various animals domesticated so as to live and breed in a tame condition as household pets. Examples of domestic animals include but are not limited to dogs, cats, and horses.¶¶

(14) Foster care maintenance payment: A monthly payment to the foster parent to defray expenses such as the youth offender's room, board, clothing, allowance, personal incidentals, transportation, respite services, educational supplies, and other costs approved by OYA.

Home Agreement: A written agreement between OYA and the foster parent stating mutual expectations of the parties.¶¶

(15) Foster Home Care Certifier (Certifier): The OYA staff member responsible for the recruitment, training, certification, support, and supervision of OYA foster homes.¶¶

(16) Foster parent: A person certified by OYA who demonstrates special competence to supervise youth offenders adjudicated youth with serious social or behavioral maladaptive characteristics in a youth offendern adjudicated youth foster home setting.¶¶

(17) Frequent visitor: A person who regularly visits a foster home more than five hours a week when youth

~~offenders adjudicated youth~~ placed in the foster home are present.¶¶

(158) Home study: An assessment, conducted prior to issuance of a ~~Youth Offender~~ Adjudicated Youth Foster Home Certificate, to determine an applicant's ability and suitability to provide foster care services to ~~youth offenders adjudicated youth~~.¶¶

(169) Inactive referral status: A temporary change in the terms of ~~youth offender~~ the adjudicated youth foster home certification that precludes new referrals of ~~youth offenders adjudicated youth~~ to the home.¶¶

(1720) Information required: All information requested by OYA, including information used to conduct criminal records checks.¶¶

(218) Inhalant delivery system: A device used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device. Does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for any other therapeutic purpose, if the product is marketed and sold solely for the approved purpose.¶¶

(1922) Juvenile ~~Parole/Probation/Parole Officer (JPPO)~~: The OYA case manager who works with the ~~youth offender and the youth offender~~ adjudicated youth and the adjudicated youth's family and the community while the ~~youth offender~~ adjudicated youth is in OYA custody.¶¶

(203) Mechanical restraint: Any apparatus, device, or contraption applied or affixed to a ~~youth offender~~ adjudicated youth to limit movement.¶¶

(214) Member of the household: Any person, other than a ~~youth offender~~ adjudicated youth, who lives in the ~~youth offender~~ adjudicated youth foster home, on the property where the ~~youth offender~~ adjudicated youth foster home is located, is a frequent visitor to the foster home, or who assists in the care provided to a ~~youth offender~~ adjudicated youth in the foster home.¶¶

(225) Multidisciplinary Team (MDT): A group of persons including, but not limited to, OYA staff, the ~~youth offender~~ adjudicated youth's biological and foster family, and service providers responsible for developing, reviewing, and revising comprehensive case plans for ~~youth offender~~ adjudicated youth.¶¶

(26) OYA Reporting Line: The phone number managed by the OYA Professional Standards Office used to report abuse or file a complaint related to OYA youth, staff, volunteers, contractors, or foster parents.¶¶

(237) Psychotropic medications: Medication prescribed with the intent 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.¶¶

(248) Records: Any information in written or electronic form, pictures, photographs, charts, graphs, recordings, or documents pertaining to a ~~youth offender's case~~ adjudicated youth's case.¶¶

(29) Relative foster parent: An OYA foster parent that is related to the adjudicated youth by blood or marriage, excluding the adjudicated youth's biological or adoptive parents.¶¶

(2530) Respite care: A temporary arrangement between a foster parent and an OYA-certified respite provider to allow the foster parent(s) time away from a ~~youth offender~~ adjudicated youth.¶¶

(2631) Respite provider: An individual, at least 21 years of age and certified by OYA as an OYA foster parent, who temporarily assists with supervision of one or more ~~youth offenders when the~~ adjudicated youth when the full-time foster parent is not available or is spending time away from a ~~youth offender~~ adjudicated youth.¶¶

(327) Revocation: An action taken by OYA to rescind a ~~Youth Offender~~ Adjudicated Youth Foster Home Certificate based on non-compliance with statute, administrative rule, or the ~~Youth Offender~~ Adjudicated Youth Foster Home Agreement.¶¶

(2833) Second-hand smoke or vapor: Smoke or vapor that is exhaled by a smoker or inhalant delivery system user, or originates from a product that a person is using to which a second person is exposed, and includes smoke or vapor from a cigarette, cigar, pipe, inhalant delivery system, or other material.¶¶

(2934) Sex trafficking: The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.¶¶

(305) Structured supervision: Supervision and knowledge of the approved whereabouts of a ~~youth offender~~ adjudicated youth by a certified foster parent while the ~~youth offender~~ adjudicated youth engages in daily living activities or recreation.¶¶

(316) Suspension: A temporary withdrawal of a ~~youth offender~~ adjudicated youth foster home certification by OYA pending determination of the foster parent's non-compliance with statute, administrative rule, or the ~~Youth Offender~~ Adjudicated Youth Foster Home Agreement.¶¶

(327) Termination: An action taken by OYA or the foster parent to terminate the ~~Youth Offender~~ Adjudicated Youth Foster Home Agreement.¶¶

(338) Volunteer: Any person who is not a foster parent or member of the household and who assists ~~youth offenders~~ adjudicated youth in the home with activities for no compensation and under foster parent supervision.¶¶

(34) Youth offender: A person who has been found to be within the jurisdiction of the juvenile court under ORS

~~419C.005 for an act committed when the person was under 18 years of age.¶¶~~

~~(35) Vulnerable person: Includes but is not limited to a child, elderly person, person with a disability or person residing in a long-term care facility as defined in ORS 442.015, a residential facility as defined in ORS 443.400, including but not limited to an assisted living facility, or an adult foster home as defined in ORS 443.705.¶¶~~

~~(36) Youth offender: A person who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005 for an act committed when the person was under 18 years of age.¶¶~~

~~(37) Youth Offender Foster Home Agreement: A written agreement between OYA and the foster parent stating mutual expectations of the parties.¶¶~~

~~(38) Youth Offender Foster Home Certificate: A certificate of approval, issued by OYA, granting approval to operate and maintain a youth offender foster home or provide respite care.¶¶~~

~~(39) Youth offender foster home: A home in the community that is maintained and lived in by an OYA-certified foster parent who provides supervision, food, and lodging for a youth offender in that home.¶¶~~

~~(40) Youth Offender Foster Home Agreement: A written agreement between OYA and the foster parent stating mutual expectations of the parties.¶¶~~

~~(41) Youth Offender Foster Home Certificate: A certificate of approval, issued by OYA, granting approval to operate and maintain a youth offender foster home or provide respite care.~~

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 420.888 - 420.892

AMEND: 416-530-0020

RULE SUMMARY: Replaces "youth offender" with "adjudicated youth" to align with current laws.

CHANGES TO RULE:

416-530-0020

Certification Process ¶

(1) OYA seeks to recruit individuals who meet or exceed the qualifications described in these rules to provide foster care services to ~~youth offenders~~adjudicated youth. OYA further seeks to retain qualified foster parents who continue to provide an important component of the OYA service delivery system to ~~youth offenders~~adjudicated youth. In order to accomplish these objectives and to ensure that ~~youth offenders~~adjudicated youth receive services in a safe, respectful, rehabilitative, and positive atmosphere, OYA has developed a thorough certification process.¶

(2) The certification process is a partnership between the applicant or foster parent and OYA. The process allows for individuals interested in providing ~~youth offender~~adjudicated youth foster care services to ask questions about foster care standards, foster parent qualifications, foster home qualifications, and supervision of ~~youth offenders~~adjudicated youth and it allows OYA to assess the willingness, abilities, and suitability of applicants to provide such foster care services. The process also allows foster parents to review the prior year during the re-certification process and allows OYA to re-assess the foster parent's continued qualification, willingness, and ability to provide services.¶

(3) The granting of a ~~Youth Offender~~n Adjudicated Youth Foster Home Certificate is not a guarantee that ~~youth offenders~~adjudicated youth will be placed in the foster home.¶

(4) OYA has a responsibility to Oregonians to manage its resources within available funds. When the OYA ~~D~~irector or designee determines that funding for these resources is jeopardized or otherwise not available, the OYA ~~D~~irector may suspend recruitment of new foster home resources in areas where the availability of foster homes exceeds the need for placements.¶

(5) Relative foster care applicants: A ~~youth offender~~n adjudicated youth foster home may be maintained by a person related to the ~~youth offender~~adjudicated youth by blood or marriage when financial need can be determined by OYA. OYA must review potential relative foster care applicants to determine if there is a true financial need in order to provide the ~~youth offender~~adjudicated youth room, board, clothing, allowance, personal incidentals, transportation, ~~respite services~~, educational supplies, and other costs approved by OYA. Relative foster parents are bound by the same rules and expectations as foster parents who are not relatives.

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 420.888 - 420.892

AMEND: 416-530-0030

RULE SUMMARY: Replaces "youth offender" with "adjudicated youth" to align with current laws. Minor edits to clarify required information.

CHANGES TO RULE:

416-530-0030

Application Process ¶¶

Applicants for initial certification must:¶¶

(1) Complete and submit all forms required by OYA;¶¶

(2) Participate in home studies as required by OYA; and¶¶

(3) Provide all information required by OYA to verify compliance with these rules, including, but not limited to:¶¶

(a) Name(s), alias, gender, address, birth date, social security number, and Oregon driver's license number of all applicants and members of the household;¶¶

(b) Names and addresses of at least four persons, three of whom are unrelated to the applicant, who have known the applicant for two years or more and who can attest to the applicant's ability to provide care and supervision to ~~youth offenders~~adjudicated youth. If applicants are applying for joint certification, each applicant must provide at least two different references unrelated to the applicant, who have known the applicant for two or more years, and who can attest to the applicant's ability to provide care and supervision to ~~youth offenders~~adjudicated youth. OYA may also contact schools, employers, adult children of the applicant(s), and other persons who can attest to the applicant's ability to provide care and supervision to ~~youth offenders~~adjudicated youth;¶¶

(c) A statement as to whether the applicant or any member of the household has ever operated or currently is operating a licensed or certified care facility or foster home and reasons for the termination or closure of that license or certification;¶¶

(d) Documentation from the applicant and all members of the household regarding all criminal arrests, all charges, and all convictions including juvenile delinquency arrests, adjudications, restraining or protective orders, and charges, the dates of offenses, and the resolution of those matters;¶¶

(e) Documentation from the applicant and all members of the household regarding all allegations, charges, or investigations of abuse or neglect of a vulnerable person or ~~youth offender~~adjudicated youth, with dates, locations, and resolutions of those matters;¶¶

(f) A statement fully disclosing all information or conditions which may disqualify the applicant or applicant's home from certification;¶¶

(g) A signed release of confidential information allowing OYA to release ~~to the~~and exchange information with Oregon Department of Human Services, including but not limited to, about whether there is an ongoing investigation involving the applicant or member of the household, or a finding of substantiated allegations of abuse or neglect by the applicant or member of the household, related to a vulnerable person or ~~youth offender~~adjudicated youth; and¶¶

(h) Proof of sufficient income to meet the needs and ensure the ~~stability and financial security~~stability of the ~~members of the household, independent of the foster care maintenance pay~~reimbursement. OYA ~~will~~must request current financial records which may include copies of pay stubs, W-2 forms, or recent tax returns as proof of income.¶¶

(4) Applicants must participate in a criminal records check process, as defined by these rules and OAR chapter 416, division 800.¶¶

(a) OYA requires a criminal records check, including fingerprints, for applicants and other members of the household 18 years of age and older.¶¶

(b) OYA requires a computerized criminal records check for members of the household 12 through 17 years of age.¶¶

(c) OYA may conduct criminal records checks anytime that OYA deems it necessary for the safety of ~~youth offenders~~adjudicated youth in the home.

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 420.888 - 420.892

AMEND: 416-530-0035

RULE SUMMARY: Replaces "youth offender" with "adjudicated youth" to align with current laws. Clarifies proof of sufficient income information requirements.

CHANGES TO RULE:

416-530-0035

Application Process for Re-certification ¶

A foster parent applying for re-certification must:¶

- (1) Complete and submit all forms required by OYA;¶
- (2) Provide information as requested by OYA to verify compliance with these rules;¶
- (3) Participate in home studies as required by OYA;¶
- (4) Provide documentation from the foster parent and all members of the household regarding all criminal arrests, all charges, restraining orders, and all convictions during the preceding year including juvenile delinquency arrests, adjudications, or charges, the dates of offenses, and the resolution of those matters;¶
- (5) Provide documentation from the foster parent and all members of the household regarding all allegations or charges of abuse or neglect of vulnerable persons and ~~youth offenders~~adjudicated youth, with dates, locations, and resolutions of those matters;¶
- (6) Provide proof of sufficient income to meet the needs and ensure the ~~stability and financial security~~stability of the ~~members of the household, independent of the foster care maintenance payment for the preceding year. OYA will request reimbursement. OYA must request current financial records which may include~~ copies of pay stubs, W-2 forms, or recent tax returns as proof of income; and¶
- (7) Participate in a criminal records check process, as defined by these rules and OAR chapter 416, division 800.¶
 - (a) OYA requires a criminal records check of all members of the household 18 years of age and older.¶
 - (b) The criminal records check of new members of the household must occur prior to the new member of the household establishing the foster home as a residence.¶
 - (c) OYA requires a computerized criminal records check for members of the household 12 through 17 years of age.

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 420.888 - 420.892

RULE SUMMARY: Replaces "youth offender" with "adjudicated youth" to align with current laws. Allows limited considerations of certifications for applicants who had findings of abuse or neglect more than five years prior to application.

CHANGES TO RULE:

416-530-0040

Foster Parent Qualifications ¶¶

Applicants must:¶¶

- (1) Be at least 21 years of age;¶¶
- (2) Meet the qualifications and standards described in these rules and OAR chapter 416, division 800;¶¶
- (3) Certify in writing that the applicant meets the qualifications and standards described in these rules and OAR chapter 416, division 800 and has disclosed all potentially disqualifying information to OYA;¶¶
- (4) Be a citizen or lawful permanent resident of the United States;¶¶
- (5) Demonstrate the following personal qualifications:¶¶
 - (a) Be a responsible, stable, emotionally mature adult who exercises sound judgment and displays the capacity to meet the mental, physical, and emotional needs of ~~youth offenders~~ adjudicated youth placed in foster care;:¶¶
 - (b) Understand the behaviors of ~~youth offenders~~ adjudicated youth;:¶¶
 - (c) Have knowledge and understanding of non-punitive discipline and ways of helping a ~~youth offender~~ adjudicated youth build positive personal relationships, self-control, and self-esteem;:¶¶
 - (d) Have respect for ~~persons with differing~~ an individual's values, lifestyles, philosophies, ~~religious, and cultural identity and sexual orientation, gender identity, religion, and cultural~~ heritage;:¶¶
 - (e) Be able to realistically evaluate which ~~youth offenders~~ adjudicated youth they can accept, work with, and integrate into their family;:¶¶
 - (f) Have ~~a supportive ties with~~ network that could include family, friends, the neighborhood, and the community;: and¶¶
 - (g) Provide appropriate supervision to ensure community safety.¶¶
- (6) Be physically and mentally able to perform the duties of foster care;¶¶
 - (a) OYA may require a medical statement from a physician verifying that the applicant or any member of the household is physically capable of supervising and caring for ~~youth offenders~~ adjudicated youth.¶¶
 - (b) OYA may require the applicant to consent to the release of psychological, medical or physical, drug and alcohol, or other reports and evaluations to OYA for the consideration of the applicant's ability to supervise and care for ~~youth offenders~~ adjudicated youth.¶¶
 - (c) ~~In the case~~ adjudicated youth.¶¶
 - (c) If an applicant has a history of alcohol or substance abuse, the applicant must be able to provide evidence that the applicant has been substance-free and sober for at least two years prior to ~~making application~~ applying for certification.¶¶
- (7) Be free from a professional or personal conflict of interest. If the applicant is an OYA staff or works in a professional capacity which may contribute to a conflict of interest, the application and home study must be approved by the OYA Community Services Assistant Director, or designee; and¶¶
- (8) Not have any documented incidents of abuse or neglect that resulted in a founded or substantiated disposition by the Oregon Department of Human Services (DHS) ~~within the last five years~~. OYA ~~will~~ must conduct ~~OR-Kids, child abuse registry~~ checks at the time of certification and re-certification, at the time a foster home certified by another agency wishes to serve OYA ~~youth offenders~~ adjudicated youth, and when OYA deems it necessary for the safety of ~~youth offenders in the home~~ adjudicated youth in the home. Any founded or substantiated findings of abuse or neglect prior to the last five years must be reviewed by the Foster Care Program Manager and Community Services Assistant Director for considerations of certification. The length of time between findings and application for certification, factors contributing to the findings, mitigating or aggravating circumstances, and applicant references must be considered.

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 420.888 - 420.892

AMEND: 416-530-0050

RULE SUMMARY: Replaces "youth offender" with "adjudicated youth" to align with current laws. Strikes automatic preclusion of certain criminal or other records for foster parents, applicants, or member of households. Clarifies who OYA may contact during a foster parent's background check.

CHANGES TO RULE:

416-530-0050

Certification ¶

(1) The selection of individuals to provide foster care services to ~~youth offenders~~adjudicated youth is based on a number of criteria, not the least of which is the criminal records check on each foster parent, foster parent applicant, and member of the household. ~~Certain criminal or other records will automatically preclude any further certification steps.~~¶

(a) Such records include but are not limited to a founded disposition of abuse or neglect of a vulnerable person documented in a state registry.¶

(b) If an applicant or member of the household has a documented incident that resulted in an "unable to determine" disposition by the Oregon Department of Human Services or by another state agency beyond Oregon, OYA must require the applicant or member of the household prove that the applicant or member of the household does not pose a risk to the safety, health, or well-being of any ~~youth offenders~~adjudicated youth placed in the applicant's home.¶

(c) Applicants denied foster care certification or recertification as a result of a criminal record check ~~will~~must be provided written notice and may request a contested case hearing described in OAR 416 Division 800.¶

(2) OYA may consider other available information when selecting individuals to provide foster care services to ~~youth offenders~~adjudicated youth, including information collected from the application, reference checks, interview results, safety checks of the proposed foster home, and any other information including information about other members of the household. Applicants denied foster care certification or recertification ~~will~~must be provided with written notice and may request a contested case hearing as described in these rules.¶

(3) OYA ~~will determine which applicants undergo a complete certification process and~~must determine which applicants are certified based on how well each applicant meets the requirements set forth in these rules.¶

(4) OYA ~~will~~must review the application and supporting documentation to determine compliance with these rules before ~~making a decision~~deciding to grant or deny an application for certification or re-certification.¶

(5) In addition to the application information, OYA may contact ~~other relevant sources, including, but not limited to, schools, employers, and other persons such as the applicant's adult children~~employers, adult children, and other relevant persons.¶

(6) OYA will make its decision regarding certification within 90 days of the receipt of the application and all supporting documentation. OYA will make its decision regarding re-certification prior to the expiration of the current certification. OYA will not review the application for certification or re-certification unless all materials have been submitted by the applicant and received by OYA.¶

(7) OYA will issue a certificate only after an applicant successfully completes the application and certification process and satisfies all requirements.¶

(8) Certificates must state:¶

(a) The period of time for which it is issued;¶

(b) The name of the foster parents or respite provider;¶

(c) The address of the residence; and¶

(d) The number of ~~youth offenders~~adjudicated youth the home is certified to serve.¶

(9) Upon certification, the foster parent and OYA ~~will~~must enter into a Youth Offender~~n~~ Adjudicated Youth Foster Home Agreement before ~~youth offenders~~adjudicated youth are placed in the foster home.¶

(10) OYA may deny certification or re-certification if:¶

(a) The applicant fails to meet the qualifications in these rules;¶

(b) The applicant falsifies information, either knowingly or inadvertently, by providing inaccurate information or by omitting information; or¶

(c) The applicant or any member of the household fails to meet the requirements of OAR chapter 416, division 800 or these rules.

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 420.888 - 420.892

RULE SUMMARY: Replaces "youth offender" with "adjudicated youth" to align with current laws. Clarifies suspected or known sex trafficking victim reporting information and timeline. Adds requirement for refresher training on specific topics. Clarifies that foster parents may not retain youth information after the youth leaves the foster home. Clarifies respite care days. Requires travel kits provided by OYA for foster adjudicated youth. Clarifies use of chores by foster parents. Adds specific required foster parent response to possible youth substance use. Updates requirement for foster parent to respect adjudicated youth identities.

CHANGES TO RULE:

416-530-0060

Foster Parent Duties and Responsibilities ¶¶

(1) Governance.¶¶

- (a) Foster parents must comply with the standards of these rules and OYA procedures, including rules applicable to applicants.¶¶
- (b) Foster parents must abide by the responsibilities described in the OYA ~~Youth Offender~~ Adjudicated Youth Foster Home Agreement. This agreement ~~will~~ must be signed at the time of initial certification and annually, thereafter.¶¶
- (c) Foster parents must provide care and supervision in accordance with the ~~youth offender~~ adjudicated youth's individual case plan.¶¶
- (d) Foster parents must not leave ~~youth offenders~~ adjudicated youth unsupervised in the foster home, except with prior written approval by the ~~youth offender's JPPO and Foster Home~~ adjudicated youth's JPPO and Certifier specifying circumstances and length of time ~~youth offender~~ the adjudicated youth may be unsupervised.¶¶
- (e) Foster parents must allow OYA access to the home, ~~youth offenders~~ adjudicated youth, and foster care records, for the purpose of ongoing compliance monitoring.¶¶
- (f) If a foster parent receives information that a ~~youth offender has been~~ adjudicated youth has been suspected or identified as a sex trafficking victim, the foster parent must immediately ~~within 24 hours~~ report the information to the Oregon Department of Human Services hotline, law enforcement, the ~~foster care c~~ Certifier, and the ~~youth offender~~ adjudicated youth's JPPO.¶¶

(2) Training.¶¶

- (a) An applicant must complete an OYA-mandated pre-service training before the applicant is approved for certification. The training must include topics on suicide prevention, mandatory abuse reporting, understanding juvenile delinquency, and managing adjudicated youth behavior.¶¶
- (b) Foster parents must have a valid CPR/First Aid certificate. CPR/First Aid courses count toward the annual minimum training requirement.¶¶
- (c) On an annual basis, thereafter, each foster parent must complete ~~a minimum of 10 hours of~~ additional training on topics identified by OYA, including suicide prevention and mandatory abuse reporting. Foster parents must provide adequate proof of completing the annual training to OYA.¶¶
- (d) All training must be provided or approved by OYA and must include educational opportunities designed to enhance the foster parent's knowledge, skills, and abilities to meet the special needs of ~~youth offenders~~.¶¶
- (A) ~~If youth offenders~~ adjudicated youth.¶¶
- (A) ~~If adjudicated youth are in the home and the annual training hours have~~ has not been completed, the ~~youth offender~~ adjudicated youth foster home certification ~~will~~ must be placed on inactive referral status. No additional ~~youth offender~~ adjudicated youth referrals ~~will~~ may be made until the ~~annual training hours are~~ is completed.¶¶
- (B) OYA may suspend a certificate if no ~~youth offenders~~ adjudicated youth are currently in placement and the training requirements have not been met.¶¶

(3) Foster parents ~~will~~ must work with OYA staff, by:¶¶

- (a) Participating in Multidisciplinary Team (MDT) reviews;¶¶
- (b) Implementing changes in care and supervision only as guided by the supervising ~~Juvenile Parole/Probation Officer (JPPO) and the youth offender's case plan;~~¶¶
- (c) ~~Providing a youth offender~~ PPO or Certifier;¶¶
- (c) ~~Providing an adjudicated youth with the opportunity for regular~~ adjudicated youth's JPPO, attorney, and the OYA Reporting Line; and¶¶
- (d) Notifying the ~~Foster Home~~ Certifier, or designee, of changes likely to impact the life and circumstances of the foster family, including but not limited to the following situations:¶¶
- (A) Immediate notification to ~~OYA~~ the Certifier and the adjudicated youth's JPPO of any circumstance involving

the ~~youth offender~~ adjudicated youth, foster parent, or other members of the household which may have a serious impact on the health, safety, physical or emotional well-being of the ~~youth offender~~ adjudicated youth. This includes, but is not limited to, injury, illness, accident, law violation, or unauthorized absence;¶

(B) Immediate notification to the Certifier of any visitor remaining in the home overnight who has not received prior approval by OYA. Foster parents and the ~~Foster Home~~ Certifier ~~will~~ must collaborate to ensure the safety of the ~~youth offender~~ adjudicated youth and visitor(s);¶

(C) Prior notification when a change in address is anticipated. In the case of an emergency (e.g., fire), foster parents must provide this information as soon as possible after the change of address occurs; and¶

(D) Prior notification when a change in the ~~membership~~ composition of the household is anticipated. In the event of an emergency, foster parents must provide this information as soon as possible after the change occurs.¶

(e) Foster parents must have prior written approval from OYA to take a ~~youth offender~~ adjudicated youth out of state.¶

(4) Foster parents ~~will~~ must respect and support the ~~youth offender~~ adjudicated youth's relationship with the ~~youth offender's family~~ adjudicated youth's family or other persons approved by the adjudicated youth's JPPO by:¶

(a) Assisting OYA staff in planning and implementing visits between the ~~youth offender and the youth offender~~ adjudicated youth and the adjudicated youth's family or other approved visitors as indicated by the ~~youth offender's case plan, or youth offender~~ adjudicated youth's case plan, or the adjudicated youth's JPPO;¶

(b) Allowing a ~~youth offender~~ adjudicated youth opportunities to have ~~at least one phone call weekly with the youth offender's family~~ regular phone contact with the adjudicated youth's family or other persons approved by the JPPO; and¶

(c) Informing the JPPO if the ~~youth offender~~ adjudicated youth chooses to decline family visits.¶

(5) ~~Confidentiality~~¶

(a) ~~Youth offender information and records are confidential. Foster parents must maintain information relating to youth offenders~~ Records¶

(a) Foster parents must, for the duration of the adjudicated youth's placement in the foster home, maintain records, including, but not limited to, information relating to a ~~youth's health~~ the adjudicated youth's health (including immunizations), education, and placement progress ~~in a manner sufficient to prevent unauthorized access.~~¶

(b) ~~F.~~¶

(b) All records pertaining to the adjudicated youth belong to OYA. The foster parents must ~~not disclose youth offender~~ make all records available to OYA upon request. The foster parent must provide all records, or to the names of persons involved in the youth offender's case plan, without authorization from OYA.¶

(c) ~~Youth offender~~ adjudicated youth's JPPO or designee within 30 days of the adjudicated youth leaving the foster home, and not retain any originals or copies. Any records may be disclosed only when necessary to provide for the safety and wellbeing of youth offenders and with prior approval of OYA request by foster parents after the records have been returned to OYA must be handled in accordance with OAR chapter 416, division 105.¶

(d) ~~Unauthorized disclosure of youth offender records may lead to suspension of certification.~~¶

(6) ~~Records~~¶

(a) Foster parents must, for the duration of the youth offender's placement ~~Confidentiality~~¶

(a) Adjudicated youth information and records are confidential. Foster parents must maintain information relating the foster home, maintain records, o adjudicated youth including, but not limited to, information relating to the youth offender's health (including immunizations), education, and placement progress.¶

(b) All records pertaining to the youth offender belong to OYA. The foster parent must make all records available to OYA upon request. The f's health, education, and placement progress. Records must be stored in a manner sufficient to prevent unauthorized access.¶

(b) Foster parents ~~must not disclose~~ adjudicatedly provide all records to the youth offender's JPPO or designee when the youth offender leaves the foster home. Any records request by foster parents after the records have been returned to OYA wid youth records without authorization from OYA.¶

(c) Adjudicated youth records may be disclosed only when necessary to provide for the safety and well-be-handled in accordance with OAR chapter 416, division 105 ing of adjudicated youth and with prior approval of OYA.¶

(ed) Foster parents must maintain the ~~youth offender~~ adjudicated youth's confidentiality and may not post the ~~youth offender~~ adjudicated youth's information or pictures ~~hotograph~~ on any social media or electronic outlets, unless authorized by OYA.¶

(7e) ~~Youth offender~~ Unauthorized disclosure of adjudicated youth records may lead to suspension of certification.¶

(7) Adjudicated youth reformation and supervision¶

(a) Foster parents must ~~p.~~¶

(a) Provide structure, accountability, and supervision designed to promote the physical, social, intellectual,

spiritual, and emotional development of youth offenders adjudicated youth, while providing for community protection.¶¶

(b) ~~In accordance with a youth offender's case plan, foster parents must:~~¶¶

~~(A) Treat each youth offender~~ Treat each adjudicated youth with respect and dignity; and¶¶

~~(B) Help the youth offender~~ adjudicated youth develop skills and perform tasks that promote independence and self-sufficiency; and¶¶

~~(C) Ask youth offenders to assume household chores appropriate to the youth offender's age and ability, and commensurate with those expected of the foster parent's own children.~~¶¶

(8) Household composition¶¶

(a) No more than three OYA ~~youth offenders~~ adjudicated youth may reside in any given foster home at one time. In addition, no more than five total children (including the foster parent's own children under the age of 18 or any OYA respite youth) may reside in one foster home.¶¶

(b) Children of foster parents age 18 and older will not be counted toward the limitation of five children in the foster home.¶¶

(c) Members of the household age 18 and older who remain in or return to the home after becoming 18 years of age are subject to a criminal records check, including a fingerprint records check. The foster parent must notify OYA when a member of the household remains in or returns to the home after becoming 18 years of age.¶¶

(d) Foster parents must not care for ~~unrelated adult~~ individuals on a commercial basis, ~~accept children for day care,~~ or accept any person for placement from any source other than OYA ~~without prior OYA written approval.~~¶¶

(9) Respite care¶¶

(a) A respite ~~care~~ provider may not ~~provide care to youth offenders~~ care for adjudicated youth in the respite provider's own home without a current and valid OYA Certificate that specifically authorizes the respite ~~care~~ provider to provide respite care ~~to youth offenders in the respite care provider's~~ in their own home.¶¶

(b) When all foster parents are absent from providing supervision of ~~youth offenders~~ adjudicated youth in a foster home, an OYA-certified respite provider at least 21 years of age, capable of assuming foster care responsibilities, must be present. Other adults at least 21 years of age may provide supervision for three hours or less with prior approval from the foster parent, JPPO and ~~Foster Home~~ Certifier.¶¶

(c) When all foster parents anticipate being absent from providing supervision of ~~youth offenders~~ adjudicated youth for overnight or longer, the foster parents must give OYA advance notice and the foster parents must receive approval from OYA before the foster parents may be absent. The foster parents must provide the following information: the dates of absence; the telephone number where the foster parents can be reached; and the ~~name, telephone number, and home address of the~~ OYA-certified respite provider who will provide care during the foster parent's authorized absence.¶¶

(d) The total number of ~~youth offenders~~ adjudicated youth per foster home may be increased to no more than five to provide foster parents short-term respite from foster care responsibilities.¶¶

(e) Foster parents must receive up to two days of OYA respite care per month. A foster parent may choose to forgo the allotted respite care days during a month and use them at a later date, not to exceed eight consecutive respite care days.¶¶

(f) Any respite care exceeding ~~10~~ eight days per calendar month requires prior review and approval by the OYA ~~Community Resources Manager~~ Foster Care Program Manager. Respite care is considered a dual placement and will follow OYA procedures for dual placements.¶¶

(10) Food and nutrition¶¶

(a) Foster parents must provide each ~~youth offender~~ adjudicated youth three well-balanced meals and appropriate snacks on a daily basis.¶¶

(b) Foster parents must provide each ~~youth offender~~ adjudicated youth daily access to kitchen facilities to prepare meals and snacks.¶¶

(c) Foster parents must accommodate a ~~youth offender~~ adjudicated youth's special and cultural dietary needs, ~~including those ordered by a physician.~~¶¶

(11) Clothing and personal belongings¶¶

(a) Foster parents must provide each ~~youth offender~~ adjudicated youth with clean clothing that ~~is appropriate to the youth offender's age, gender, culture, and individual needs.~~¶¶

~~(b) Youth offenders~~ fits the adjudicated youth's needs.¶¶

~~(b) Adjudicated youth~~ must be allowed to participate in choosing their own clothing.¶¶

~~(c) Youth offenders~~ Adjudicated youth may bring and acquire appropriate personal belongings ~~as approved by the youth offender's JPPO, and within~~. Property must fit within OYA's travel kit requirements unless approved by the JPPO and Certifier. Adjudicated youth personal property must be contained in no more than two duffle bags, one plastic tote, and a toiletry bag. Adjudicated youth personal property must never be stored in garbage bags. The OYA's travel kit requirements will be issued by the JPPO.¶¶

(d) Foster parents must provide a weekly allowance to ~~youth offenders~~ in a fair and consistent manner, and within

OYA's allowance policy guidelines.¶¶

(e) Foster parents must develop house rules that include, but are not limited to, youth offender money and youth offender adjudicated youth, as required in the OYA Foster Parent Agreement. ¶¶

(e) In consultation with the Certifier and the JPPO, foster parents must create a plan to manage adjudicated youth money and adjudicated youth accounts. ¶¶

(f) Foster parents must not co-sign on any adjudicated youth accounts. ¶¶

(fg) Foster parents must provide each youth offender adjudicated youth with individual items necessary for personal hygiene and grooming. Foster parents must also ensure culturally-specific products are available to each youth offender to meet each youth offender adjudicated youth to meet each adjudicated youth's needs. ¶¶

(12) Discipline and guidance ¶¶

(a) Foster parents must w: ¶¶

(a) Work with a youth offender's JPPO On adjudicated youth's JPPO and Certifier to develop a behavior management plan that sets clear expectations, limits, and consequences of behavior through use of adequate and appropriate structure and supervision; ¶¶

(Ab) Foster parents must provide Provide supervision, guidance, and clearly-stated basic rules, a system of incentives and rewards, graduated sanctions and house rules, to hold adjudicated youth accountable; and ¶¶

(c) Upon intake and whenever necessary to hold youth offenders accountable, supervision, and guidance, review household rules with adjudicated youth and provide them with a copy. ¶¶

(Bd) Discipline must be designed to guide youth offenders with Expectations and consequences must be designed to guide adjudicated youth with respect, kindness and understanding, while holding the youth offender adjudicated youth accountable for personal behaviors. ¶¶

(be) No youth offender adjudicated youth or other person(s) in a foster home will be subjected to physical abuse, sexual abuse, sexual exploitation, neglect, emotional abuse, mental injury, threats of harm, forced physical labor as punishment, or restriction from approved contacts as punishment. ¶¶

(13) Chores ¶¶

(a) Foster parents must set expectations for adjudicated youth to clean and care for their personal sleeping and housing areas and contribute toward the cleaning and maintenance of common living areas. These are routine tasks and youth must not receive compensation for such tasks. ¶¶

(b) Household chores must be appropriate to the adjudicated youth's age and ability. ¶¶

(c) Additional jobs or projects offered to an adjudicated youth by a foster parent must be safe, reasonable, not assigned as a punishment, and must abide by the requirements in the Foster Home Agreement. ¶¶

(d) Paid jobs are additional work projects the adjudicated youth and foster parent mutually agree on that are not chores, for which the adjudicated youth receives compensation. ¶¶

(134) Health care ¶¶

(a) Foster parents must work with OYA to ensure that a youth offender n adjudicated youth's physical and mental health care needs are met, including but not limited to: ¶¶

(A) Scheduling appointments and arranging transportation to medical, dental, vision, or counseling appointments, or assisting youth offenders adjudicated youth in doing so if age-appropriate; ¶¶

(B) Ensuring that immunizations are current; ¶¶

(C) Reporting to OYA when a youth offender n adjudicated youth needs corrective or follow-up medical, mental health, vision, or dental care; and arranging necessary care; ¶¶

(D) Arranging for necessary consents from OYA for a youth offender n adjudicated youth's medical treatment that is not routine, including surgery; and ¶¶

(E) Obtaining emergency medical care, when necessary. ¶¶

(b) Medication Administration ¶¶

(A) Foster parents must comply with applicable provisions of OAR chapter 416, division 340. ¶¶

(B) A youth offender pertaining to medication. ¶¶

(B) An adjudicated youth may refuse any medication. When this occurs, the foster parent must document the refusal and immediately notify the youth offender adjudicated youth's JPPO and Certifier. ¶¶

(C) A foster parent may ust administer prescription medications to a youth offender n adjudicated youth only when ordered by a physician. ¶¶

(D) All medications must be stored in locked storage sufficient to prevent unauthorized access. ¶¶

(E) Foster parents must inform a youth offender's JPPO On adjudicated youth's JPPO and Certifier within one working day if any psychotropic medication is prescribed or changed for the youth offender adjudicated youth. ¶¶

(c) If an adjudicated youth is exhibiting behaviors or other indicators that have the appearance of being under the influence of a substance, the foster parent must have the youth medically cleared by medical professional personnel immediately upon discovery. ¶¶

(ed) Medical information ¶¶

(A) Youth offender Adjudicated youth medical information must be kept confidential and in a secure location. ¶¶

(B) Medical information may be shared only in compliance with Oregon Revised Statutes, and OYA administrative rules.¶

(C) Foster parents must provide OYA with copies of ~~youth offender~~adjudicated youth medical information.¶

(145) Religious, cultural, and ethnic heritage. ~~Foster parents must respect the, sexual orientation, and gender identity.~~¶

Foster parents must respect the sexual orientation, gender identity, ethnic heritage, religious choices, cultural identity, and language of a youth offender and the youth offender n adjudicated youth and the adjudicated youth's family by:¶

(a) Providing reasonable and meaningful opportunities for a ~~youth offender~~n adjudicated youth to develop relationships with others of like cultural and ethnic background;¶

(b) Providing a ~~youth offender~~djudicated youth opportunities to ~~attend~~engage in religious ~~service~~activities of the ~~youth offender~~adjudicated youth's choice; and¶

(c) Not requiring a ~~youth offender~~n adjudicated youth to participate in religious activities or events contrary to the ~~youth offender~~adjudicated youth's beliefs.¶

(156) Education¶

(a) Within five school days of placement in the foster home, the foster parent must ~~enroll a youth offender~~start the enrollment process for the adjudicated youth in an appropriate educational or vocational program, as outlined in the ~~youth offender~~adjudicated youth's case plan.¶

(b) Foster parents must be actively involved in a ~~youth offender~~n adjudicated youth's educational or vocational programs.¶

(c) Foster parents must allow a ~~youth offender~~n adjudicated youth adequate time ~~each evening~~ to complete homework in a location conducive to study, and provide assistance as needed.¶

(d) Foster parents ~~will~~must work with school personnel when issues arise at school, and report to a ~~youth offender's JPPO~~n adjudicated youth's JPPO and Certifier any situation that may require OYA involvement.¶

(167) Recreation¶

(a) Foster parents must ~~provide:~~¶

(a) Provide regular recreational and extracurricular activities appropriate to the age, interests, and abilities of a youth offender n adjudicated youth, as described in OAR chapter 416, division 500.; ¶

(b) ~~Foster parents must a~~Apply a reasonable and prudent parent standards when determining such participation. "Reasonable and prudent parent standards" means the standards, characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a ~~youth offender~~n adjudicated youth while encouraging the emotional and developmental growth of the ~~youth offender~~adjudicated youth, that a foster parent must use when determining whether to allow a ~~youth offender~~n adjudicated youth to participate in recreational and extracurricular activities.; ¶

(c) ~~Foster parents must encourage a youth offender~~Encourage an adjudicated youth to participate in community activities ~~both with the foster family and on the youth offender's own, in accordance with the case plan.~~¶

(d) ~~Foster parents must pon the adjudicated youth's own as approved by the JPPO and Certifier;~~¶

(d) Engage in community activities with adjudicated youth and obtain required approvals from OYA; and¶

(e) Provide opportunities for a youth offender n adjudicated youth to pay restitution and perform community service obligations as directed by the case plan.¶

(178) Restrictions¶

(a) No mechanical restraints, other than properly used car seat belts, may be used on OYA ~~youth offenders~~adjudicated youth by foster parents.¶

(b) Foster parents and members of the household may not provide any form of tobacco, inhalant delivery system, alcohol, marijuana, drug paraphernalia, or illicit drugs to ~~youth offenders, or allow youth offenders~~adjudicated youth, or allow adjudicated youth to consume or use such items or products.¶

(c) ~~Youth offenders~~Adjudicated youth may use private home swimming pools and hot tubs only under supervision of a foster parent or certified respite provider.¶

(d) All alcoholic beverages, ~~marijuana, and mariju~~cannabinoids ~~and~~ paraphernalia, and tobacco products must be stored and locked in a manner sufficient to prevent access by ~~youth offenders~~adjudicated youth.¶

(189) Safety. Foster parents must:¶

(a) Be aware of a ~~youth offender~~n adjudicated youth's location at home and in the community at all times;¶

(b) Have an adequate system for monitoring ~~youth offenders during the night~~adjudicated youth during the night that has been approved by the Certifier;¶

(c) Ensure that keys to locked storage and motorized vehicles are secured at all times;¶

(d) Inspect a youth offender's room n adjudicated youth's room, property, and areas adjudicated youth have access to on a regular basis to prevent the offender adjudicated youth from possessing contraband;¶

(e) Comply with OYA health and safety requirements for the prevention of accidents and injuries;¶

(f) Understand and implement suicide prevention techniques and reporting requirements; and¶

(g) ~~Be knowledgeable about boundaries, inappropriate sexual behavior, monitoring and other aspects of youth offender care at the level appropriate for supervising youth offenders that are placed in the home~~aware of and monitor appropriate and inappropriate adjudicated youth boundaries and sexual behavior.

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 420.888 - 420.892

RULE SUMMARY: Replaces "youth offender" with "adjudicated youth" to align with current laws. Requires foster parents to provide current proof of homeowner's insurance or renter's insurance. Updates fire safety requirements. Clarifies weapon storage requirements. Updates bedroom occupancy of adjudicated youth who have history of inappropriate sexual behavior.

CHANGES TO RULE:

416-530-0070

Standards for the Foster Home ¶¶

(1) General. ¶¶

(a) Schools, recreation, ~~church~~religious activities, medical care, and ~~community facilities~~cultural activities must be accessible ~~from the foster home. The foster home and its premises must be comparable in appearance to other homes in the community in which it is located.~~ to adjudicated youth in the foster home. ¶¶

(b) If care is to be provided to one or more developmentally disabled or physically impaired ~~youth offenders~~adjudicated youth, OYA must consult with the relevant professionals to identify necessary accommodations to the foster home and ask the foster parent to implement the necessary accommodations prior to placement. ¶¶

(A) OYA ~~will~~must coordinate the accommodations to the foster home. ¶¶

(B) If the foster parent refuses to make the necessary accommodations, the ~~youth offender will~~adjudicated youth must not be placed into the foster home. ¶¶

(c) Foster homes must have a working telephone with service. Foster parents must secure an alternative phone service within 24 hours of any disruption of existing phone service and communicate the new telephone number to the ~~Foster Home~~-Certifier. ¶¶

(2) Kitchen. ¶¶

(a) Foster homes must have the equipment necessary for the safe preparation, storage, serving and cleanup of meals. ¶¶

(b) Foster parents must ensure that all cooking and refrigeration equipment is sanitary and in working condition. ¶¶

(c) Foster parents must ensure that meals are prepared and served in a safe and sanitary manner ~~minimizing the possibility of food poisoning or food contamination.~~ ¶¶

(3) Living areas. ¶¶

(a) The foster home must have sufficient living ~~or family room~~ space that is comfortably furnished and accessible to all members of the household, including ~~youth offenders~~adjudicated youth. ¶¶

(b) Foster homes must be well-heated and well-ventilated. ¶¶

(4) Bedrooms. ¶¶

(a) Bedrooms occupied by ~~youth offenders~~adjudicated youth must: ¶¶

(A) Be safe and have adequate living space for each ~~youth offender~~adjudicated youth; ¶¶

(B) Have windows that open and provide sufficient natural light and ventilation; ¶¶

(C) Have a bed for each ~~youth offender~~adjudicated youth, with clean bed linens, blankets (as appropriate to the season), and pillows; and ¶¶

(D) Have a functioning smoke alarms and carbon monoxide detectors, as prescribed in the OYA Foster Home Safety Requirements Checklist. ¶¶

(b) ~~Youth offender(s)~~Adjudicated youth age 18 or older may not share a bedroom with a ~~youth offender~~adjudicated youth under age 18 without the prior approval of the OYA ~~Community Resources~~Foster Care Program Manager. ¶¶

(c) Children or other members of the household of foster parents are prohibited from sharing a bedroom with a ~~youth offender~~. ¶¶

~~(d) The Foster Home~~ adjudicated youth. ¶¶

(d) The Certifier must determine the maximum number of ~~youth offenders~~adjudicated youth allowed to occupy each bedroom based on room size and the availability of adequate personal space for each ~~youth offender~~adjudicated youth. Placement of more than the determined maximum number of ~~youth offenders~~adjudicated youth allowed to occupy each bedroom is prohibited. ¶¶

(e) Each ~~youth offender~~adjudicated youth must be provided with adequate storage space in or near the bedroom ~~the or she~~adjudicated youth occupies for personal belongings and a designated space for hanging clothes. ¶¶

(f) Foster parents must allow flexibility in the decoration of sleeping areas to accommodate the personal tastes and expressions of the ~~youth offenders in care~~. ¶¶

~~(g) Youth offender~~adjudicated youth in care. ¶¶

(g) Adjudicated youth bedroom doors must not have locks.¶¶

~~(h) Youth offenders~~Adjudicated youth with a history of inappropriate sexual behavior or adjudicated for a sexual offense must occupy a bedroom either individually, or in a group of three ~~youth offenders~~adjudicated youth with histories of inappropriate sexual behavior or adjudicated for a sexual offense. The assignment of two ~~youth offenders~~adjudicated youth with histories of inappropriate sexual behavior or adjudicated for a sexual offense to one bedroom must be authorized by the ~~OYA Community Resources Manager, in consultation with OYA Community Services staff~~JPPO, Certifier and the OYA Foster Care Program Manager.¶¶

(i) Adjudicated youth who have a history of inappropriate sexual behavior or have been adjudicated for a sexual offense must not occupy a bedroom with someone who does not have a history of inappropriate sexual behavior or who has not been adjudicated for a sexual offense, unless authorized by the JPPO, Certifier, and the OYA Foster Care Program Manager.¶¶

~~(j) Bedrooms occupied by youth offenders~~adjudicated youth that are located in basements or above the ground floor must have safe and direct emergency exits to the ground.¶¶

(5) Domestic animals.¶¶

(a) Foster parents must restrict access to potentially dangerous animals.¶¶

(b) Only domestic animals allowed by local ordinances may be kept as pets.¶¶

(c) Domestic animals must be properly cared for, supervised, and otherwise maintained in compliance with local ordinances.¶¶

(d) Rabies vaccination for pets must be kept current as required by law. Foster parents must provide proof of rabies vaccination to OYA upon request.¶¶

(6) Deadly weapons.¶¶

(a) Foster parents must immediately notify the ~~Foster Home~~ Certifier anytime a deadly weapon is brought to the foster home.¶¶

(b) Deadly weapons must be stored in a locked compartment behind a locked door behind double locks that prohibits access and is not visible to youth offenders~~visibility to adjudicated youth. For purposes of this rule, a double lock may be a locked compartment within a locked room.~~¶¶

(c) Firearms.¶¶

(A) Any foster parent or member of the household who possesses a concealed weapon permit must:¶¶

~~(i) Give OYA a copy of the permit; and~~¶¶

~~(ii) Give OYA a written plan regarding how the foster parent or member of the household will keep concealed weapons secure from youth offenders.~~¶¶

(B) Firearms must remain unloaded and stored in a locked gun safe or behind double locks that prohibit access and visibility to youth offenders~~adjudicated youth. For purposes of this rule, a double lock may be a locked compartment within a locked room. Ammunition must be stored in a separate locked compartment, separate from any firearm. Trigger locks and glass front display cabinets are not adequate~~permissible.¶¶

(C) Except for law enforcement personnel, no person in any vehicle transporting a youth offender may carry a firearm~~may carry a firearm when adjudicated youth are present.~~¶¶

(7) Safety.¶¶

(a) Swimming pools and hot tubs must be maintained in a safe and clean condition, and must comply with local safety regulations and ordinances.¶¶

(b) Any safety hazard identified by OYA staff or a qualified trade service provider must immediately be remedied by the foster parent.¶¶

(c) An emergency access must be available to any room that has a lock.¶¶

(d) Stairways must be equipped with handrails.¶¶

(e) All hazardous chemicals, cleaning materials, solvents and combustibles, solvents, combustibles, and aerosol containers must be stored in locked storage sufficient to prevent unauthorized access.¶¶

(f) In addition to section (4)(a)(D) of this rule:¶¶

(A) At least one functioning smoke alarm must be placed on each floor of the foster home and installed per manufacturer's instructions;¶¶

(B) At least one carbon monoxide detector must be placed within 15 feet of a youth offender's bedroom~~adjudicated youth's bedroom and installed per manufacturer's instructions;~~ and¶¶

(C) At least one carbon monoxide detector must be placed on each floor of the foster home.¶¶

(g) At least one unexpired and operable class 2-A-10BC or higher rated fire extinguisher must be available and maintained on each floor in each of the foster home.¶¶

(h) Outdoor tools and Foster parents must have each fire extinguisher inspected by a licensed professional annually. An updated inspection tag must be attached to each fire extinguisher. Foster parents must adhere to any further safety and testing measures identified by the licensed professional.¶¶

(i) Dangerous tools, equipment, and machinery must be stored in a manner sufficient to prevent unauthorized access.¶¶

~~(ij) A written home evacuation plan must be available to all youth offenders.~~¶

~~(A) Foster parents must~~The foster parent must have an evacuation plan and verify the plan is practice-d with the evacuation plan with each youth offender~~h~~ adjudicated youth at the time of placement and at least once a year to ensure all youth offenders understand the procedures.¶

~~(B) The evacuation plan, including~~ An evacuation diagram; must be readily accessible and posted in a clearly visible and conspicuous location.¶

~~(jk) The use of space heaters are~~is limited to electric space heaters equipped with tip-over protection, or propane space heaters equipped with approved venting. No extension cords may be used with such heaters or in place of permanent wiring. Kerosene space heaters are not allowed.¶

~~(kl) Foster homes must have two unrestricted emergency exits in case of fire.~~¶

(A) A sliding door or window that can be used to evacuate ~~youth offenders~~adjudicated youth may be considered a usable emergency exit.¶

(B) Barred windows used as possible emergency exit in case of fire must be fitted with operable quick release mechanisms.¶

(8) Sanitation and health.¶

(a) The foster home must be kept clean and free of hazards to the health and physical well-being of the family. All areas of the foster home must meet sanitation criteria as described in OYA Cleanliness ~~Standards~~Checklist.¶

(b) Measures must be taken to keep the house and premises free of vermin.¶

(c) First aid supplies must be stored in an easily accessible place.¶

(d) A continuous supply of safe, clean drinking water must be available.¶

(A) Private water sources and septic tank systems must be kept safe and functioning properly.¶

(B) Private water sources must be tested and approved by an appropriate official upon OYA request.¶

(e) Only pasteurized milk, juices, or powdered milk may be used for ~~youth offender~~adjudicated youth consumption.¶

(f) All plumbing must be kept in working order, and an adequate supply of hot water for bathing and dish washing must be available.¶

(g) Water heaters must be accessible for inspection and equipped with a safety release valve and an overflow pipe that directs water to the floor or to another approved location.¶

(h) The foster home must have a minimum of one bathroom with a flush toilet, one ~~washbasin~~sink with running water, and one bath or shower with hot and cold water.¶

(i) Pending ~~weekly~~regular removal, garbage and refuse must be stored appropriately, with no accumulation of garbage, debris, or rubbish that emits offensive odors.¶

(j) ~~Youth offenders~~Adjudicated youth in the foster home may~~ust~~ not be subjected to second-hand smoke; or vapor.¶

(9) Transportation ~~safety~~and home insurance.¶

(a) All vehicles used to transport ~~youth offenders~~adjudicated youth must have, at a minimum, liability insurance coverage in accordance with Oregon law.¶

(b) Foster parents and other members of the household who transport ~~youth offenders~~adjudicated youth must be licensed and insured drivers, ~~and 21 years of age or older, and provide proof of current coverage.~~¶

(c) At least one foster parent must possess a valid license to drive, or demonstrate options for safe and accessible transportation.¶

(d) The driver must ensure that all passengers use seat belts during the transport.¶

(e) ~~Youth offenders~~Adjudicated youth may not operate a vehicle owned by a foster parent; ~~or member of the household, or volunteer~~ if the vehicle requires a state license to be operated on public roads.¶

(f) ~~Youth offenders~~Adjudicated youth may engage in driver's education provided by public school or driver training delivered by a licensed provider in accordance with the ~~youth offender's case plan~~adjudicated youth's case plan.¶

(g) Foster parents must provide current proof of homeowner's insurance or renter's insurance.

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 420.888 - 420.892

AMEND: 416-530-0080

RULE SUMMARY: Replaces "youth offender" with "adjudicated youth" to align with current laws.

CHANGES TO RULE:

416-530-0080

Exceptions ¶

(1) Any exceptions to OAR 416-530-0000 through 416-530-0090 must be reviewed and approved or denied by the OYA Community Services Assistant Director. ¶

(a) A ~~Foster Home~~ Certifier must submit a written exception request, state the need for the exception, and sign the request. ¶

(b) The OYA Community Services Assistant Director ~~will~~must evaluate each request for an exception on its own merits to determine whether the exception is supported by a written plan adequate to ensure the safety of ~~youth offenders~~adjudicated youth in the placement. Granting an exception does not set a precedent that must be followed by the OYA Community Services Assistant Director when evaluating subsequent requests for exceptions. ¶

(c) In evaluating a request for an exception, the OYA Community Services Assistant Director ~~will~~must consider, among other factors, the ratio of adults to ~~youth offenders~~adjudicated youth; the level of supervision available; the foster parent's skill level; and the needs of other children in the home. ¶

(2) ~~No e~~Exceptions ~~may be made for~~to rules relating to ~~life safety~~significant safety risks are prohibited.

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 420.888 - 420.892

RULE SUMMARY: Replaces "youth offender" with "adjudicated youth" to align with current laws. Aligns hearing timeline with Administrative Procedures Act.

CHANGES TO RULE:

416-530-0090

Denial, Suspension, and Revocation of ~~Youth Offender~~Adjudicated Youth Foster Home Certification or Re-Certification; Inactive Referral Status ¶¶

(1) Denial.¶¶

(a) OYA may deny an application for a ~~youth offender~~adjudicated youth foster home certification or re-certification if an applicant or foster parent fails to meet any of the criteria set forth in these rules, or does any of the following:¶¶

(A) Falsifies an application, either knowingly or inadvertently, by providing inaccurate information or by omitting information;¶¶

(B) Fails to provide information requested by OYA within the time frame set by OYA; or¶¶

(C) Fails to inform OYA of conditions that could disqualify the foster parent or the foster home from certification.¶¶

(b) If OYA proposes to deny an application for a foster home certification or re-certification, OYA ~~will~~must provide the applicant or foster parent with a written Notice of Proposed Denial of ~~Youth Offender~~Adjudicated Youth Foster Home Certification or Re-certification and a proposed Order Denying Certification or Recertification, mailed to the applicant or foster parent by certified or registered mail, or personally served upon the applicant or foster parent, and stating the reason(s) for the proposed denial.¶¶

(c) An applicant or foster parent has 60 days from the date of ~~mailing or~~ service of the Notice of Proposed Denial of ~~Youth Offender~~Adjudicated Youth Foster Home Certification or Re-certification to request a hearing. The request for hearing must be received by OYA within the 60-day period.¶¶

(d) An applicant or foster parent who has been denied certification or re-certification may not re-apply for or hold a foster home certification for a period of five years from the effective date of the Final Order Denying ~~Youth Offender~~Adjudicated Youth Foster Home Certification or Re-certification.¶¶

(2) ~~Emergency~~ Suspension.¶¶

(a) OYA may suspend a ~~youth offender~~adjudicated youth foster home certification without a prior hearing if OYA finds a serious danger to the public health or safety, including the health or safety of a ~~youth offender~~adjudicated youth or the community. In the event of a suspension, ~~youth offenders will~~adjudicated youth must be removed from the foster home and no further referrals will be made to the foster home unless and until the suspension is lifted.¶¶

(b) A foster parent has 90 days from the date of ~~mailing or~~ service of the Notice of Suspension to request a hearing on the emergency suspension. The request for hearing must be received by OYA within the 90-day period.¶¶

(c) The Notice of Suspension must be mailed by certified mail ~~to or personally served on~~ the foster parent.¶¶

(d) If within 10 days from the date of mailing of the Notice of Suspension the foster parent does not enter into a written agreement containing a corrective action plan with OYA, OYA ~~will~~must initiate proceedings to revoke the ~~youth offender~~adjudicated youth foster home certification, as provided in section (3) of this rule. The 10-day period may be extended upon prior written approval of OYA.¶¶

(e) If the suspension will exceed 180 days or the expiration date of the current certification, OYA ~~will~~must terminate the ~~Youth Offender~~Adjudicated Youth Foster Home Agreement with the foster parent until such time as the suspension has been resolved as set out in this rule. The foster parent ~~will~~must be placed on inactive referral status and will not receive ~~youth offender~~adjudicated youth referrals until the matter is resolved.¶¶

(3) Revocation.¶¶

(a) OYA may revoke a ~~youth offender~~adjudicated youth foster home certification after considering any of the following:¶¶

(A) The severity of any alleged violation of these rules;¶¶

(B) The number of similar or related violations;¶¶

(C) Whether the violations, including the alleged violation, were willful or intentional;¶¶

(D) The prior history of violations; or¶¶

(E) Any other mitigating or aggravating circumstance determined by OYA to be relevant to the alleged violation, or to the appropriate response to the alleged violation.¶¶

(b) OYA may revoke a ~~youth offender~~adjudicated youth foster home certification if a foster parent fails to meet any of the criteria set forth in OAR chapter 416, division 530, or does any of the following:¶¶

(A) The foster parent falsified an application, either knowingly or inadvertently, by providing inaccurate

information or by omitting information;¶¶

(B) After certification, the foster parent fails to provide information requested by OYA in the timeframe set by OYA;¶¶

(C) The foster parent fails to inform OYA of conditions that could disqualify the foster parent or the foster home from certification; or¶¶

(D) The foster parent fails to comply with a corrective action plan within the time frame set by OYA and the foster parent remains in violation of any of these rules.¶¶

(c) If OYA initiates revocation proceedings of a ~~youth offender~~ adjudicated youth foster home certification, OYA ~~will~~ must provide a written Notice of Proposed Revocation of ~~Youth Offender~~ An Adjudicated Youth Foster Home Certification and proposed Order Revoking ~~Youth Offender~~ An Adjudicated Youth Foster Home Certification. The Notice of Proposed Revocation and proposed Order ~~will~~ must be mailed, by certified or registered mail, ~~or personally delivered~~, to the foster parent stating the reason(s) for revocation proceedings.¶¶

(d) A foster parent has 10 days from the date of mailing of the Notice of Proposed Revocation of ~~Youth Offender~~ An Adjudicated Youth Foster Home Certification to request a hearing. The request for hearing must be received by OYA within the 10-day period.¶¶

(e) A foster parent whose certificate has been revoked may not reapply for or hold a foster home certification for five years from the effective date of the Final Order Revoking ~~Youth Offender~~ An Adjudicated Youth Foster Home Certification, unless a lesser time or specific condition is stated in the Final Order.¶¶

(4) Inactive Referral Status.¶¶

(a) Inactive referral status, provider-initiated: A foster parent may ask to be placed on inactive referral status for up to 12 months.¶¶

(A) In order for inactive referral status to be granted, there can be no unresolved matters relating to non-compliance with certification rules.¶¶

(B) Prior to a return to active referral status, a foster parent must be in compliance with all certification rules, including training requirements.¶¶

(b) Inactive referral status, OYA-initiated.¶¶

(A) OYA may place a foster parent on inactive referral status due to changes in the foster parent's family or foster home including, but not limited to, death; divorce; a new member joining the household; significant disabling health condition; the arrest of a foster parent or member of the household; initiation of an Oregon Department of Human Services investigation, law enforcement investigation or criminal prosecution of a foster parent or member of the household; or other circumstances that OYA determines will put additional stress or pressure on the family or may pose a serious risk to the health, safety, or physical or emotional well-being of a ~~youth offender~~ adjudicated youth. Prior to placing a foster parent on inactive referral status, OYA ~~will~~ must notify the foster parent in writing of the change in referral status and the expected duration of that change.¶¶

(B) OYA-initiated inactive status may last for up to 180 days, during which time no additional ~~youth offenders~~ adjudicated youth will be placed in the home. OYA may continue the inactive status for more than 180 days under any of the following circumstances:¶¶

(i) OYA and the foster parent do not enter into an agreement that addresses the issues that led to the change to inactive status;¶¶

(ii) The foster parent is not in compliance with all certification rules, including training requirements; or¶¶

(iii) An Oregon Department of Human Services investigation, law enforcement investigation or criminal proceeding involving a foster parent or member of the household has been initiated and has not concluded.¶¶

(5) Contested case hearings. Pursuant to the provisions of ORS 183.341, OYA adopts the Attorney General's Model Rules of Procedure OAR 137-003-0001 to 137-003-0091 and 137-003-0580, effective January 2014~~9~~2, as procedural rules for contested case hearings.

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 183.341, 183.430, 420.888 - 420.892

AMEND: 416-530-0100

RULE SUMMARY: Replaces "youth offender" with "adjudicated youth" to align with current laws.

CHANGES TO RULE:

416-530-0100

Certification Standards for Private ~~Youth Care~~ Child-Caring Agencies: Purpose ~~I~~

These rules set forth standards specific to OYA's relationship with Private Child-caring Agencies that contract with OYA and offer residential care programs in a foster home model, hereafter called "adjudicated youth proctor homes."

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 420.888 - 420.892

AMEND: 416-530-0110

RULE SUMMARY: Updates definitions to align with current laws. Deletes definitions that are not used in the rules.

CHANGES TO RULE:

416-530-0110

Certification Standards for Private ~~Youth Care~~ Child-caring Agencies: Definitions-

(1) Adjudicated youth proctor home: A home in the community that is maintained and lived in by a proctor parent who provides care, supervision, food, and lodging on a 24-hour basis for an adjudicated youth in that home certified by OYA and the Private Child-caring Agency, as defined by OAR chapter 416, divisions 335, 530, 550 and 800.

(2) Child-caring Agency: An agency or organization providing residential care including, but not limited to, foster care or residential treatment for children; outdoor youth programs, or other similar services for children, as defined in OAR chapter 410, division 170.

(23) Private Child-caring Agency employee: An individual applying for a position with a Private Child-caring Agency or having a position and being considered for an assignment within a Private Child-caring Agency.

(3) Proctor home: A home in the community that is co-certified by a Child-caring Agency that is not owned, operated, or administered by OYA and a Private Child-caring Agency and supervised by the Private Child-caring Agency.

(4) Proctor parent: A person co-certified by OYA and a Private Child-caring Agency in accordance with the provisions of OAR 416-530-0100 through 416-530-0170 and employed by the Private Child-caring Agency.

(5) Proctor parent agreement: Any governmental agency or unit.

(4) Private Child-caring Agency employee: An individual applying for a position written agreement between the a Private Child-caring Agency and the proctor parent stating mutual expectations of the parties.

(6) Private Child-caring Agency Volunteer: An individual working or having a position and being considered for an assignment for within a Private Child-caring Agency, or applying for or requesting to work on assignments for a Private Child-caring Agency on an unpaid basis.

(7).

(5) Proctor parent: A person co-certified by OYA and a Private Child-caring Agency: A Child-caring Agency that is not owned, operated, or administered by any governmental agency or unit.

(8) Youth offender proctor care: Includes care, food, and lodging provided on a 24-hour basis for y in accordance with the provisions of OAR 416-530-0100 through offenders in a home approved by OYA and the Private Child-caring Agency, as defined by OAR chapter 416, divisions 335, 530, 550 and 800 416-530-0170 and employed by the Private Child-caring Agency.

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 420.888 - 420.892

AMEND: 416-530-0125

RULE SUMMARY: Aligns terminology with current laws (e.g., adjudicated youth, child-caring agency).

CHANGES TO RULE:

416-530-0125

Certification Standards for Private ~~Youth Care~~ Child-caring Agencies: Certificate of Approval ¶

(1) Proctor parents are recruited, trained, paid, and supported ~~in their efforts~~ by a Private Child-caring Agency and monitored by a Private Child-caring Agency's professional staff. Proctor parents are co-certified by OYA and the Private Child-caring Agency.¶

(2) A Private Child-caring Agency must not place ~~youth offenders in an~~ adjudicated youth in an adjudicated youth proctor home without a current, valid ~~youth offender~~ adjudicated youth proctor home certification issued by OYA.¶

(3) In addition to compliance with OAR chapter 416, division 530, Private Child-caring Agencies and their adjudicated youth proctor homes must comply with the following provisions:¶

(a) Licensing standards of the Oregon Department of Human Services, or other agency recognized by the state of Oregon to issue a license for services.¶

(b) Contractual agreements between the Private Child-caring Agency and OYA.¶

(c) Intergovernmental agreements between OYA and other agencies, as applicable.¶

(d) ~~A~~ Upon request by OYA, applicants must submit to OYA a signed release of confidential information allowing OYA to release to the Oregon Department of Human Services and the ~~Child-Care~~ child-caring Agency information, including but not limited to, whether there is an ongoing investigation involving the applicant or member of the household, or a finding of substantiated allegations of abuse or neglect by the applicant or member of the household, related to a vulnerable person or ~~youth offender~~ adjudicated youth.¶

(e) In order to ascertain and obtain compliance with the standards of OAR chapter 416, division 530, OYA may examine the records and files of the Private Child-caring Agency, inspect ~~and observe~~ the physical premises of the ~~proctor home, and interview youth offenders~~ adjudicated youth proctor home and property, and interview adjudicated youth, Private Child-caring Agency employees, proctor parents, and persons in the community.¶

(4) Private Child-caring Agencies may not employ or use employees or volunteers whose presence may jeopardize the health, safety, or welfare of ~~youth offenders~~ adjudicated youth. When making a determination about a person's suitability to work with ~~youth offenders~~ adjudicated youth, the Private Child-caring Agency must follow the provisions of OAR chapter 416, division 800 and all other information described in OAR chapter 416, division 530 to judge the person's fitness to work with ~~youth offenders~~ adjudicated youth.¶

(5) If the applicant meets the requirements of OAR chapter 416, division 530, OYA will issue a ~~Youth Offender~~ Adjudicated Youth Foster Home Certificate to operate an adjudicated youth proctor home under contract with a Private Child-caring Agency.¶

(a) This certificate ~~will~~ must specify the type of care to be provided by the proctor parent, the address of the premises to which the certification applies, the name of the Private Child-caring Agency under which the certification is valid, and other information deemed necessary by OYA.¶

(b) ~~Youth offender~~ Adjudicated youth foster home certification ~~will~~ must automatically terminate in these situations:¶

(A) Upon the closure of the Private Child-caring Agency;¶

(B) When the agreement between the Private Child-caring Agency and the proctor parent is terminated; or¶

(C) When the contract between OYA and the Private Child-caring Agency is terminated.¶

(c) The Private Child-caring Agency must immediately notify OYA in writing if either (A) or (B) above occurs.¶

(6) The Private Child-caring Agency is responsible for ensuring that the adjudicated youth proctor home and proctor parents continue to meet the standards set out in these rules, and correct deficiencies when they are noted by OYA. OYA will determine final approval or disapproval of any exceptions to these rules.¶

(7) If an adjudicated youth proctor home fails to comply with these rules, OYA may deny an application, place the home on inactive referral status, or suspend or revoke the ~~youth offender~~ adjudicated youth proctor home certification, in accordance with the provisions of OAR 416-530-0090. The proctor parent may appeal this decision in accordance with the provisions of OAR 416-530-0090.

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 420A.010, 420.888 - 420.892

AMEND: 416-530-0130

RULE SUMMARY: Updates terminology to align with current laws. Strikes limit of total number of adjudicated youth that may be in proctor home.

CHANGES TO RULE:

416-530-0130

Certification Standards for Private ~~Youth Care~~Child-caring Agencies: General Provisions for Proctor Parents ¶

(1) The Private Child-caring Agency must ensure that its proctor parents meet the standards set out in these rules and OAR chapter 416, division 800.¶

(2) The Private Child-caring Agency must provide ~~or cause to be provided~~ structured supervision ~~twenty-four (24)~~ hours per day, seven days a week, to ~~youth offenders placed in~~adjudicated youth placed in adjudicated youth proctor homes. The Private Child-caring Agency must provide specific proctor parent support services that enhance a proctor parent's ability to successfully meet the supervision needs of ~~youth offenders placed by OYA.¶~~

~~(3) The Private Child-caring Agency must ensure that no more than three OYA youth offenders reside in any given proctor home at one time. In addition, no more than five total children, including adjudicated youth the proctor parent's own children, may reside in one proctor home.~~placed by OYA.¶

~~(4)~~ Under no circumstances may OYA ~~youth offenders~~adjudicated youth reside with youth served under the Private Child-caring Agency's other programs, including private pay placements and placements of youth from out-of-state, except for ~~youth offenders~~adjudicated youth placed through Interstate Compact with courtesy supervision provided by OYA.¶

~~(5) The total number of youth offenders per home may be increased to no more than five, to provide proctor parents a short-term respite from proctor care responsibilities.~~

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 420A.010, 420.888 - 420.892

AMEND: 416-530-0140

RULE SUMMARY: Aligns terminology with current laws.

CHANGES TO RULE:

416-530-0140

Certification Standards for Private ~~Youth Care Agencies: Youth Offender~~ Child-caring Agencies: Adjudicated Youth Proctor Home Requirements-¶

(1) The Private Child-caring Agency must ensure that its ~~youth-offender~~ adjudicated youth proctor homes meet the standards of OAR chapter 416, divisions 335, 500, 530 and 800.¶

(2) The Private Child-caring Agency must develop and maintain written agreements with proctor parents ~~providing proctor care~~. These agreements must be approved by OYA prior to placement of OYA ~~youth-offenders in adjudicated youth in the adjudicated you~~the proctor home and must address the following: supervision responsibilities and reporting requirements.¶

(a) Supervision responsibilities¶

(A) Proctor parents may, with the Private Child-caring Agency's prior written consent, schedule 48 hours per month of time away from ~~youth-offender~~ adjudicated youth care responsibility.¶

(B) At least one certified proctor parent or certified respite provider must be on premises at all times that youth ~~offenders~~ adjudicated are present in the home.¶

(b) Reporting requirements¶

(A) Proctor parents must maintain daily required documentation and submit reports to Private Child-caring Agency as required on each ~~youth-offender~~ adjudicated youth in placement.¶

(B) Proctor parents with whom ~~youth-offenders~~ adjudicated youth are placed must contact Private Child-caring Agency staff immediately in the case of emergencies.

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 420A.010, 420.888 - 420.892

AMEND: 416-530-0150

RULE SUMMARY: Clarifies limit of combination of care. Updates terminology.

CHANGES TO RULE:

416-530-0150

Certification Standards for Private ~~Youth Care~~ Child-caring Agencies: Combination of Care ¶

(1) ~~¶ Except as provided in subsection (2) below, the Private Child-caring Agency or its adjudicated youth proctor homes may not combine the care of youth offenders for individuals in OYA custody with boarding, day care, nursing, foster, or convalescent care for adults or children, except as authorized in writing by a commercial basis, or accept any person for placement from any source other than OYA. ¶~~

(2) If such combination of care is approved in writing by OYA, the provisions of interagency agreements must be met in addition to the applicable statutes, administrative rules, and policies of all agencies involved.

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 420A.010, 420.888 - 420.892

AMEND: 416-530-0160

RULE SUMMARY: Updates terminology to align with current laws.

CHANGES TO RULE:

416-530-0160

Certification Standards for Private ~~Youth Care~~ Child-caring Agencies: Enforcement ¶

In order for OYA to monitor for continued compliance with these standards, the Private Child-caring Agency must ensure that OYA has the right of entry, privilege of inspection, and access to staff and all records of the Private Child-caring Agency and the ~~youth offender~~ adjudicated youth proctor home.

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 420A.010, 420.888 - 420.892

AMEND: 416-530-0170

RULE SUMMARY: Updates terminology to align with current laws. Adds an OYA executive level review to exceptions.

CHANGES TO RULE:

416-530-0170

Certification Standards for Private ~~Youth Care~~ Child-caring Agencies: Exceptions ¶¶

(1) Any exceptions to OAR 416-530-0100 through 416-530-0170 must be reviewed and approved or denied by the OYA Community Services Assistant Director.¶¶

(2) A ~~Foster Home~~ Certifier must submit a written exception request, state the need for the exception, and sign the request, and submit it to Foster Care Program Manager for approval. If approved, the exception must be submitted for final approval by the OYA Community Services Assistant Director.¶¶

(3) Each request for an exception must be accompanied by a written plan showing how the safety of the ~~youth offenders~~ adjudicated youth in placement will be ensured while the exception is in effect.¶¶

(4) The OYA Community Services Assistant Director ~~will~~ must evaluate each request for an exception on its own merits to determine whether the exception is supported by a written plan adequate to ensure the safety of ~~youth offenders~~ adjudicated youth in placement. Granting an exception does not set a precedent that must be followed by the OYA Community Services Assistant Director when evaluating subsequent requests for exceptions.¶¶

(5) In evaluating a request for an exception, the OYA Community Services Assistant Director ~~will~~ must consider, among other factors, the ratio of adults to ~~youth offenders~~ adjudicated youth; the level of supervision available; the skill level of the foster parent; and the needs of other children in the home.¶¶

(6) ~~No e~~ Exceptions may be made for to rules relating to life safety significant safety risks are prohibited.

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 420A.010, 420.888 - 420.892

RULE SUMMARY: Updates terminology to align with current laws. Eliminates rule redundancy.

CHANGES TO RULE:

416-530-0200

Certification Standards for Transitional Care Providers

- (1) This rule establishes standards for OYA transitional care providers and their homes that offer specific independent living and transitional services for youth offenders 18 through 24 years of age.¶¶
- (2) Definitions listed under OAR 416-530-0010 apply to this rule with the following additions and modifications:¶¶
- (a) Frequent Visitor: A person who regularly visits a transitional care home more than five hours per week when a youth offender placed in the transitional care home is present.¶¶
- (b) Member of the household: Any person, other than a youth offender, who lives in the transitional care home or on the property where the transitional care home is located, is a frequent visitor to the transitional care home, or assists in the care provided to the youth offender.¶¶
- (c) Respite care: A temporary arrangement between a transitional care provider and an OYA-certified respite care provider to allow the transitional care provider time away from a youth offender.¶¶
- (d) Transitional care respite provider: An individual, certified by OYA, and who temporarily assists with supervision of youth offenders when the transitional care provider is not available.¶¶
- (e) Transitional care home: A Youth Offender Foster Home in the community that is maintained and lived in by an OYA-certified transitional care provider who provides supervision, food, lodging and transitional services for one or more youth offenders 18 through 24 years of age in that home.¶¶
- (f) Transitional care provider: A foster parent certified by OYA who has been authorized by OYA to supervise youth offenders 18 through 24 years of age in a youth offender transitional care home setting.¶¶
- (3) Unless otherwise specified in this rule, the provisions of OAR 416-530-0000 through 416-530-0090 and OAR chapter 416, divisions 335 and 800, apply to transitional care provider, applicants, transitional care providers and transitional care homes.¶¶
- (4) Certification.¶¶
- (a) Foster care certifiers must evaluate each transitional care home and surrounding property to determine which persons qualify as members of the household.¶¶
- (b) Members of the household identified by the foster care certifier must complete criminal records checks pursuant to OAR division 800.¶¶
- (c) Transitional care homes certified according to this rule must receive a certificate specifically providing that the home may provide services to youth offenders 18 through 24 years of age: foster parents who offer specific independent living and transitional services for adjudicated youth 16 through 24 years of age.¶¶
- (2) Unless otherwise specified in this rule, the provisions of OAR 416-530-0000 through 416-530-0090 and OAR chapter 416, divisions 335 and 800, apply to foster parents and foster homes that provide independent living and transitional services.¶¶
- (53) Transitional care provider qualifications.¶¶
- (a) Transitional care providers must be at least 25 years of age due to the age of the youth offenders in transitional care.¶¶
- (b) Transitional care providers must be able to realistically evaluate which youth offenders they can accept and supervise.¶¶
- (c) Transitional care providers must demonstrate competence in supervising youth offenders 18 through 24 years of age and promote the independent living skills of youth offenders as they transition toward independence.¶¶
- (6) A transitional care provider must:¶¶
- (a) Abide by the responsibilities described in the OYA Transitional Care Provider Agreement. This agreement must be signed at the time of initial certification and annually thereafter;¶¶
- (b) Establish a system for a youth offender to notify the youth offender's transitional care provider of the youth offender's whereabouts at all times;¶¶
- (c) Be accessible to youth offenders 24 hours per day so a youth offender may contact the transitional care provider in case of an emergency or other needs; and¶¶
- (d) Respect and support the youth offender's relationship with his or her family by assisting OYA staff and the youth offender in planning and implementing visits between the youth offender and the youth offender's family as indicated by the youth offender's case plan, or the youth offender's JPPO.¶¶
- (7) A transitional care provider must provide structure, accountability, and supervision designed to promote the development of independent living skills as identified in the youth offender's case plan. Qualifications for foster parents providing transitional care. Foster parents providing transitional care must be at least 25 years of age due to the age of the adjudicated youth in transitional care.¶¶

(84) Respite transitional care.¶

(a) A respite care provider who provides care in his or her own home must have a current and valid OYA Certificate that specifically authorizes the individual to provide transitional care and serve youth offenders in his or her home.¶

(b) When transitional care providers When foster parents who provide transitional care are absent from supervising youth offenders an adjudicated youth at home during the day, youth offenders the adjudicated youth may remain in the transitional care foster home unsupervised if approved by the youth offender's JPPO, foster home adjudicated youth's JPPO, Certifier, and the transitional care provider. If a youth offender's JPPO, foster home certifier, or transitional care provider foster parent. If an adjudicated youth's JPPO, Certifier, or foster parent determines that supervision is required, an OYA-certified respite care provider who is at least 25 years of age and capable of assuming transitional care responsibilities must be present to supervise the youth offender adjudicated youth. Any adult who is at least 25 years of age and has obtained prior approval from the transitional care provider, JPPO, and foster home foster parent, JPPO, and Certifier may provide supervision of a youth offender in a transitional care an adjudicated youth in a foster home for three hours or less.¶

(c) When a transitional care provider plans to be absent from supervising youth offenders overnight or longer, the transitional care provider must provide OYA advance notice, and a respite care provider must supervise the youth offenders during the absence. The transitional care provider must provide the following information to OYA when providing OYA with such notice: the dates of absence; the telephone number where the transitional care provider may be reached; and the name, telephone number, and home address of the OYA-certified respite care provider.¶

(9) Food and nutrition. A Food and nutrition. A foster parent who provides transitional care provider must:¶

(a) Provide an appropriate quantity and quality of food. Transitional care providers are not required to provide prepared meals to youth offenders;¶

(b) Assist youth offenders Assist adjudicated youth with meal planning, and may provide meal preparation instruction;¶

(c) Provide youth offenders adjudicated youth daily access to kitchen facilities to prepare meals and snacks; and¶

(d) Assist youth offenders adjudicated youth to meet any special or cultural dietary needs of the youth offenders adjudicated youth, including those ordered by a physician.¶

(10) Clothing and personal belongings. A transitional care provider must:¶

(a) Ensure each youth offender has adequate clothing that is appropriate to the youth offender's age, gender, and individual needs;¶

(b) Help facilitate 6 A foster parent who provides transitional care must help facilitate adjudicated youth offenders's money management skills to prepare for independent living and to meet any court-ordered financial obligations; and.¶

(c) Provide each youth offender with individual, culturally-specific items necessary for personal care and grooming.¶

(11) Foster parents who provide transitional care providers must ensure youth offenders adjudicated youth have access to necessary transportation.¶

(12) Transitional care providers 8 Foster parents who provide transitional care must report to OYA when a youth offender an adjudicated youth needs corrective or follow-up medical, mental health, or dental care, and assist youth offenders adjudicated youth in arranging necessary care.¶

(13) 9 Foster parents who provide transitional care providers must assist youth offenders adjudicated youth in understanding the purpose of medications, medication side effects, and how to manage their medications. Either a transitional care provider or the youth offender foster parent or the adjudicated youth may administer the youth offender adjudicated youth's daily dosage of medication. If the youth offender adjudicated youth self-administers the daily dosage, the transitional care provider foster parent must verify that the youth offender adjudicated youth self-administered the correct dosage. Youth offenders Adjudicated youth placed in transitional care homes may have access to over-the-counter medications with approval from the JPPO.¶

(14) Transitional care providers must assist youth offenders Foster parents who provide transitional care must assist adjudicated youth in pursuing educational and vocational interests and opportunities in accordance with the youth offender adjudicated youth's case plan.¶

(15) 1 Transitional care providers must encourage youth offenders Foster parents who provide transitional care must encourage adjudicated youth to develop and participate in prosocial leisure and community activities.¶

(16) 2 Youth offenders Adjudicated youth in transitional care homes may have unsupervised access to swimming pools and hot tubs if approved by the transitional care provider foster parent and JPPO.¶

(17) 3 Bedroom doors Adjudicated youth in transitional care homes may have locks on their bedroom doors if approved by the foster care certifier. A transitional care provider must have access to any locked room.¶

(18) A youth offender in a transitional care home may have access to domestic cleaning supplies. The transitional care provider must instruct youth offenders in the proper use of such supplies Certifier and JPPO. A foster parent

must have access to any locked room.

Statutory/Other Authority: ORS 420A.025

Statutes/Other Implemented: ORS 420.888 - 420.892