

# Section 5E. Child Welfare conflict of interest and employee adoptions and exceptions to the conflict of interest DHS policy

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This section discusses potential conflict of interest in adoption application and consideration of:

## Definitions of relatives, careful identification and prioritization of relatives

- Specific categories of DHS employees; or
- Partners for whom there may be a potential conflict with DHS and who do not fall into the category of DHS employees described above; and
- The applicant described above wishes to adopt a child in the custody of:
  1. DHS; or
  2. Another public child welfare agency and for whom there is an Interstate Compact on the Placement of Children (ICPC) request for an adoption home study.

## Determining conflict of interest for partners and DHS employees who apply to adopt and referral for home study assessment

### Procedure

- Determine whether there is a potential conflict of interest for an adoption home study application. There are potential conflicts of interest with two categories of individuals submitting adoption applications to adopt children in the custody of DHS or another public child welfare agency:
  1. Partners (non-DHS employees): The Child Welfare program manager (CWPM) determines a potential conflict of interest with a DHS partner applying to adopt. If the CWPM is unable to determine if there is a conflict of interest, the Child Permanency Program manager or designee makes the determination about a partner applicant.
  2. DHS employees: DHS staff members who are employees of Child Welfare or Self-Sufficiency Services have a potential conflict of interest as adoptive applicants.
- When an applicant has a conflict of interest in a category above, refer the applicant to one of the following for the adoption home study assessment:

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1. A local Child Welfare office in another district, with approval of the supervisor; or
2. A contracted adoption agency, with the approval of the Central Office Child Permanency Program manager or designee.
  - a. Provide the private contracted adoption agency with a description of the child's strengths and needs, including the type of adoptive family most likely to be able to meet the child's needs.
  - b. Provide the Adoption Child Summary and any other documentation that describes the child's special needs, such as developmental, psychological evaluations, early intervention evaluations, mental health assessments or physician's reports.

### **Conflict of interest procedure for specific DHS employees**

The administration has determined there is an inherent conflict of interest in being both a DHS employee in Child Welfare and Self-Sufficiency positions (the DHS organization formerly known as Children Adults and Families) and an adoptive parent for children in DHS custody. Therefore, unless it is in the child's best interest and an exception is granted, employees shall not be adoptive parents for children in the custody of the department.

DHS employees of Child Welfare and Self-Sufficiency Services must obtain approval to adopt a child in the custody of DHS. The employee has the primary responsibility to initiate and follow through with these conflict of interest policies. The adoption worker and caseworker should also become familiar with the relevant policies. The department's approval must be complete by the time of the adoption selection process.

The administration has not made the exception for DHS Child Welfare and Self-Sufficiency Services employees who wish to apply as general applicants for children in the custody of the department. The administration has granted exceptions when:

- The child is a relative of the employee;
- The employee is the substitute caregiver for the child; OR
- The employee has a significant pre-existing relationship with the child.

When applicable, read the following policies related to DHS employee conflict of interest:

- Conflict of Interest Policy Addendum for CAF Employees  
[www.dhs.state.or.us/policy/admin/hr/060\\_002\\_add.htm](http://www.dhs.state.or.us/policy/admin/hr/060_002_add.htm)
- DHS-060-002-02, Conflict of Interest Procedure for CAF Employees regarding Respite Care, Relative Caregiver, Employee Foster Parent, Adoptive Parent, and Legal Guardian  
[www.dhs.state.or.us/policy/admin/hr/060\\_002\\_02.htm](http://www.dhs.state.or.us/policy/admin/hr/060_002_02.htm)
- DHS-060-002, Conflict of Interest Policy  
[www.dhs.state.or.us/policy/admin/hr/060\\_002.htm](http://www.dhs.state.or.us/policy/admin/hr/060_002.htm)
- DHS-060-002-01, Conflict of Interest Procedure  
[www.dhs.state.or.us/policy/admin/hr/060\\_002\\_01.htm](http://www.dhs.state.or.us/policy/admin/hr/060_002_01.htm)

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## **Procedure**

The employee of DHS Child Welfare or Self-Sufficiency Services applying to adopt a child in the custody of DHS must:

- Request an exception by completing the form DHS 0103, Exception Request for Review and Determination: <https://apps.state.or.us/Forms/Served/de0103.doc>
- Track the form to make sure it follows the required approvals. The exception request will be reviewed for approval by at least the employee's supervisor, the district manager, the Central Office Child Welfare and Self-Sufficiency executive manager of field services and the assigned senior human resources manager and may include others. Approved exception requests will receive management oversight and will be considered an exception to the department's official position on conflicts of interest.
- Upon receipt, inform the caseworker and adoption worker of the outcome of the request.

## **Adoption home study release for an adoption selection process and redaction or summary if needed in a case with potential conflict of interest**

An adoptive applicant must sign a release of information to release the adoption home study in an adoption selection process for a child in the custody of the department. The Central Office Child Permanency Program manager has discretion to determine that any written information released be a summary or redacted copy when:

1. An applicant requests their home study or other information be redacted or summarized; or
2. There is a conflict of interest, such as an employee or partner conflict identified by the Child Welfare program manager, Child Permanency Program manager or designee.

If concerned about an applicant's private information being shared in an adoption selection process, a caseworker, adoption worker or applicant may request additional protections for the applicant's private information.

## **Procedure**

The caseworker, adoption worker or applicant makes a request to the Central Office Child Permanency Program manager for a summary or redaction to be provided for the department's adoption selection process. The request may be verbal, though written is preferable, especially from DHS staff. Include in the request:

- Name of family being considered;
- Name of child or children for whom an adoption selection process is being planned;
- Description of the potential conflict of interest;

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- Description of type of information to be summarized or redacted and why (please be brief); and
- Indicate if there is a date set for the adoption selection process.

### Referring adoption selection to Central Office Adoption Committee

After the adoption home study is complete, the caseworker refers a case to a Central Office Adoption Committee for the adoption selection decision when a potential adoptive resource to be considered is:

- A DHS staff member and the requirements of the DHS-060-002, Conflict of Interest Policy and the Conflict of Interest Policy Addendum for CAF Employees apply. These employees are DHS Child Welfare or Self-Sufficiency Services employees; or
- A non-DHS staff member with a potential conflict of interest with the agency.

### The supervisor's role

- Assist a staff member as applicable who wishes to adopt to understand the adoption process for department employees in Child Welfare and Self-Sufficiency.
- Help the adoption worker determine where to refer a partner for whom there may be a conflict of interest who wishes to adopt a child in the department's custody.
- Be familiar with DHS-060-002, Conflict of Interest Policy and the Conflict of Interest Policy Addendum for CAF Employees and the conditions under which an exception to the policy may be made.
- Be familiar with the adoption application and selection policies related to conflict of interest and confidentiality.

## Forms and references

### Legal references

### DHS policies

- Conflict of Interest Policy Addendum for CAF Employees  
[www.dhs.state.or.us/policy/admin/hr/060\\_002\\_add.htm](http://www.dhs.state.or.us/policy/admin/hr/060_002_add.htm)
- DHS-060-002-02, Conflict of Interest Procedure for CAF Employees regarding Respite Care, Relative Caregiver, Employee Foster Parent, Adoptive Parent, and Legal Guardian  
[www.dhs.state.or.us/policy/admin/hr/060\\_002\\_02.htm](http://www.dhs.state.or.us/policy/admin/hr/060_002_02.htm)
- DHS-060-002, Conflict of Interest Policy  
[www.dhs.state.or.us/policy/admin/hr/060\\_002.htm](http://www.dhs.state.or.us/policy/admin/hr/060_002.htm)
- DHS-060-002-01, Conflict of Interest Procedure  
[www.dhs.state.or.us/policy/admin/hr/060\\_002\\_01.htm](http://www.dhs.state.or.us/policy/admin/hr/060_002_01.htm)

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## Child Welfare policies

- Adoption Placement Selection, [OAR 413-120-0000 to 0060](#)
- DHS 060—002-02, Conflict of Interest Procedure for CAF Employees regarding Respite Care, Relative Caregiver, Employee Foster Parent, Adoptive Parent, and Legal Guardian  
[www.dhs.state.or.us/policy/admin/hr/060\\_002.htm](http://www.dhs.state.or.us/policy/admin/hr/060_002.htm)
- Interstate Compact on the Placement of Children, [OAR 413-040-0200 to 0330](#)
- Adoption Applications, Adoption Home Studies, and Standards for Adoption, [OAR 413-120-0190 to 0246](#)

## Forms

- DHS 0103, Exception Request for Review and Determination form  
<https://apps.state.or.us/Forms/Served/de0103.doc>

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