

# Section 15. Placement with a fit and willing relative

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Placement with a fit and willing relative is a permanency option for a child or young adult only when there are compelling reasons not to pursue the more preferred permanency plans of reunification, adoption or guardianship. While placement with a fit and willing relative is an approved permanency plan, it does not achieve legal permanency, the child remains a ward of the court and in the care and custody of the department, and the plan requires biannual reviews through the CRB and the court.

Compelling reason means a convincing and persuasive reason why it would not be in the best interest of the child or young adult to be reunified with a parent, placed for adoption or placed with a legal guardian. A compelling reason must be supported with very strong, case-specific facts and evidence including justification for the reasons and decisions why each more preferred permanency option is not reasonable, appropriate or possible.

While considering placement with a fit and willing relative as a permanency plan, the caseworker must assess and determine which relatives are able and willing to have a lasting, supportive relationship with the youth extending into the future and well beyond his or her foster care placement. The intent is to secure a lasting, forever commitment from a relative caregiver intended to endure into adulthood and remain a permanent connection and support throughout the child or young adult's life.

### A. When placement with a fit and willing relative can be used

#### Procedure

- Placement with a fit and willing relative as a permanency plan may be considered only when the department has determined it would not be in the child's best interest to implement one of the three more preferable permanency plans. The caseworker and his or her supervisor must fully explore all more preferred permanency options before considering a placement with a fit and willing relative plan and make the determination there are compelling reasons to proceed with this plan.
- The caseworker must consider what the barriers are to achieving a more preferred permanency plan, and what actions the department has taken to address these barriers. The caseworker and his or her supervisor must also determine a thorough relative search has been conducted and ask whether all paternal and maternal relatives have been identified and contacted.

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- It is never appropriate to consider placement with a fit and willing relative if reunification is still an option, or there is no reason why adoption or guardianship could be achieved with either a relative or nonrelative.

Even adoption or guardianship with a nonrelative is a preferable permanency plan than placement with a fit and willing relative. Children deserve legal permanency if at all possible. While still an acceptable permanency plan, placement with a fit and willing relative keeps the child in the foster care system, which is never more desirable than achieving legal permanency.

### **B. Process for approval of a placement with a fit and willing relative plan**

#### **Procedure**

- A child or young adult's team must be involved in any discussion regarding a child or young adult's permanency plan. These discussions should occur throughout the course of the case. When the decision is made to consider implementing a specific concurrent permanency plan, the caseworker must convene a team meeting.
- When placement with a fit and willing relative plan is being considered, before any team meeting, the caseworker should always meet individually with the child or young adult and the potential relative caregiver to assess both the needs of the child or young adult and the caregiver's commitment to the long-term plan. The relationship and commitment should last beyond the child or young adult's legal custody with the department. The caseworker should discuss that intent, the specific requirements of the commitment, the responsibilities required of the relative provider, and the approval process for this plan.
- The following individuals are part of the child's team and must be invited to the team meeting to review the decision to implement the placement with a fit and willing relative plan:
  1. Caseworker;
  2. Parents, unless a supervisor has approved a parent not participate or parental rights are terminated;
  3. Both the parent's and the child's attorney;
  4. The child or young adult;
  5. At the option of a child aged 14 and older, up to two members of the child's team that are not the caseworker or the foster parent;
  6. The relative caregiver under consideration;
  7. Assigned CASA;
  8. Tribe, if applicable;

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9. RCWAC, if applicable; and
  10. Other persons who may hold or have held an important role or significant involvement in the child or young adult's life.
- At the meeting the caseworker must ensure:
    1. All permanency options are discussed including any barriers to why the relative caregiver is not being considered for a more preferred permanency plan of adoption or guardianship.
    2. The child or young adult and his or her parent(s) has the opportunity to talk about their feelings and ideas about the plan, what services would be appropriate to meet the child or young adult's needs, and their desire to maintain contact with the child or young adult.
    3. The relative caregiver has the opportunity to discuss his or her long-term commitment and ability to meet the child or young adult's needs.
    4. At the conclusion of the meeting, if the team concurs, the team will recommend implementing the permanency plan. The caseworker must document the considerations and determinations made during the team meeting in the youth's case plan and in meeting notes or case notes.
  - The team's responsibility is to consider whether placement with a fit and willing relative plan meets the child or young adult's best interest and needs as well as ensuring there are compelling reasons a more preferred permanency option should not be considered.

### **C. Review and approval of a placement with a fit and willing relative plan**

#### **Procedure**

- Within 30 days of the team's recommendation of placement with a fit and willing relative as the child or young adult's permanency plan, the caseworker requests a review by the Permanency Committee. In preparation for the Permanency Committee meeting the caseworker must:
  1. Ensure the child or young adult's team is informed of the date, time and location of the meeting and are invited to present comments in person or in writing to the Permanency Committee for consideration.

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The child or young adult's team must have the opportunity to convene outside the formal Permanency Committee process to discuss the permanency plan because not all team members are allowed to participate in the entire Permanency Committee process. All team members are allowed to attend the first portion to present relevant information to the Permanency Committee, but they must be excused after presenting their information and responding to questions. Only the following team members are allowed to attend the entire Permanency Committee:

- Caseworker;
- Attorney of the child or young adult;
- CASA;
- Tribe, if the child is enrolled or eligible for enrollment with the tribe; and
- A member of RCWAC, if child is a refugee child.

2. Prepare written or presentation materials on the youth's needs, including, but not limited to, those subject areas required in the case plan outlined in Section D.
  3. In the written materials, include an up-to-date child-specific certification home study of the relative caregiver under consideration.
  4. Ensure the relative caregiver is prepared to answer questions and is able to address the long-term needs of the child or young adult.
- The committee will receive and review the information received and make a recommendation whether the proposed placement is the most appropriate permanency plan for the youth. That information must include, but is not limited to, the following:
    1. All prior efforts to achieve a more preferable permanency plan with both relative and nonrelative providers;
    2. Efforts to identify all of the child or young adult's relatives;
    3. What barriers exist for the relative caregiver under consideration to agree to a more preferable permanency plan; and
    4. All current information on how the department is addressing the child or young adult's safety, permanency and well-being needs.
  - The Permanency Committee provides a recommendation to the Child Welfare program manager or designee. When the committee members cannot come to a consensus, the committee facilitator documents each member's recommendation and its basis and provides all the recommendations to the Child Welfare program manager or designee.
  - The Child Welfare program manager or designee makes the decision whether to recommend a placement with a fit and willing relative plan to the court.
  - When the Child Welfare program manager or designee does not approve the placement, the caseworker must go back to the child or young adult's team to gather and document any

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additional information to justify the appropriateness of a placement with a fit and willing relative plan, or begin the actions and activities to achieve a more preferable permanency plan.

## D. Placement with a fit and willing relative case plan

### Procedure

- When placement with a fit and willing relative has been recommended as the preferred permanency plan and will be presented to the court, the caseworker must update the case plan, which must include the following information:
  1. Family composition, which includes the identifying information of each parent (unless parental rights have been terminated), legal guardian and siblings.
  2. The identified impending danger/safety threats identified in the CPS assessment, except when parental rights have been terminated.
  3. The ongoing safety plan, except when parental rights have been terminated.
  4. A description of how the department determined placement with a fit and willing relative is the most appropriate permanency plan for the child or young adult and each compelling reason why the more preferred permanency plan options were not selected for the youth. The caseworker can use, but is not limited to, the documentation gathered through the team meeting to document this information.

Some common compelling reasons for choosing placement with a fit and willing relative over a more preferable permanency plan are:

- Relatives of children or young adult's often want to maintain their status of grandma, grandpa, aunt or uncle, as opposed to mother or father;
- The parent cannot care for the child for reasons beyond his or her control such as mental illness or developmental disability and the child or young adult remains connected;
- The child or young adult is currently opposed to adoption or guardianship as a permanency plan;
- Relatives may rely heavily on the support and services of the department if their relative child has significant special needs they feel they cannot meet on their own. This will be most true with children who have developmentally disabilities and are in the DD foster care system.

5. A description of how the child or young adult's attachments and relationships with each parent, sibling and other family members will be developed while he or she is in a permanent placement with the fit and willing relative.

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6. Current placement information including the location of the youth's substitute caregiver if this individual authorized release of their address, except when doing so would jeopardize the child or young adult's safety.
  7. A record of the child or young adult's visits with his or her parents and siblings.
  8. The comprehensive transition plan required for any youth 14 years of age or older and services that assist his or her transition to adulthood.
  9. A description of the services the department is providing to ensure the emotional, medical, educational, cultural and physical needs of the youth are being met, including:
    - a. His or her health information, which documents the youth's specialized medical, dental and mental health services;
    - b. The youth's education services, including his or her school or educational placement history, high school credits earned when older than 14 years of age, or any special educational needs; and
    - c. The services required to prepare the child or young adult to live in the least restrictive setting possible at the most appropriate time.
  10. The services that may make it possible to achieve a more preferred permanency plan.
  11. The services the department may continue to make available to the child or young adult's parents that are in the best interests of the child or young adult. These types of services can vary widely, from assistance with visitation to services improving protective capacity so a child or young adult may eventually return to the parent's home.
  12. The steps the department has taken to ensure the relative caregiver is applying the reasonable and prudent parent standard, and the child or young adult has regular, ongoing opportunities to engage in age- or developmentally appropriate activities.
- Except when parental rights have been terminated or the department is unable to obtain the signature of the parent or legal guardian, the case plan must include the signature of the caseworker, the supervisor and each parent or legal guardian.
  - Once a relative has been approved as the fit and willing placement resource, a Placement with a Fit and Willing Relative Agreement must be signed by the relative caregiver and the department. This agreement should be attached to the child or young adult's case plan.

### E. Court review

#### **Procedure**

- Within 30 days after the placement plan is approved by the Child Welfare program manager or designee, the caseworker must schedule a permanency hearing in court.
- For the court, the caseworker must document and submit a case plan report as described in Section D.

## **F. Monitoring a placement with a fit and willing relative plan**

- Once a placement with a fit and willing relative plan has been approved by the court, the caseworker continues to meet monthly with the child or young adult. The caseworker must meet with the child or young adult alone. The caseworker is responsible for monitoring the safety of the child or young adult during every visit and should always discuss the child or young adult's personal and service needs and any barriers with those needs being met.
- Because the child or young adult remains in foster care when on a placement with a fit and willing relative plan, the caseworker must develop the comprehensive youth transition plan by the time the child reaches 14 years of age, and must monitor the progress towards achieving the goals of the transition plan. The transition plan may include that the child or young adult will remain into adulthood with the relative provider. For more information on transition planning, refer to Chapter 4, Section 29 of this manual.
- The caseworker should continue to examine the barriers for the relative caregiver to agree to a more preferable permanency plan of adoption or guardianship.

## **G. Placement with a fit and willing relative permanency reviews**

### **Procedure**

- Placement with a fit and willing relative plan is reviewed at a minimum of every six months by the CRB or the court. An internal review must occur before the external review. The internal review requires:
  1. A meeting with the child or young adult and his or her relative caregiver;
  2. Consideration to meet with the child or young adult's team to gather input;
  3. A discussion and determination whether a higher level of permanency might be achieved and if so, what steps need to occur to achieve a higher level of permanency; and
  4. A discussion to determine the child or young adult's progress in achieving the goals of the comprehensive transition plan.

## **H. Termination of placement with a fit and willing relative plan**

### **Procedure**

- Placement with a fit and willing relative case plan must be terminated when:
  1. Court wardship is terminated;
  2. The young adult has reached the age of 21;

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3. The court has relieved the department of legal custody;
  4. The court has determined that placement with a fit and willing relative is no longer appropriate; or
  5. The relative caregiver's certificate of approval cannot be maintained.
- Placement with a fit and willing relative case plan may be terminated when:
    1. One of the more preferred permanency plans is accomplished;
    2. The department and relative caregiver mutually agree to termination;
    3. The child or young adult is removed from the substitute caregiver's home by the department; or
    4. The child or young adult requests termination of the agreement because of serious or extraordinary circumstances.
  - When a placement with a fit and willing relative plan has terminated, the caseworker must notify the court in writing of the changes in the child or young adult's placement and must request a permanency hearing within 90 days after the change in placement so the court can review the permanency plan.
  - When placement with a fit and willing relative plan is terminated but the child or young adult remains in the care and custody of the department, it is critical the caseworker review his or her safety, permanency and well-being needs. It is important to understand the reasons for the disruption and to work with the child or young adult and his or her team to review his or her needs and placement options.

### **The role of the supervisor**

- Determine with the caseworker if the case meets all requirements for a placement with a fit and willing relative plan and ensure the caseworker has provided the child or young adult and his or her relative caregiver the opportunity to fully explore more permanent permanency options.
- When a placement with a fit and willing relative plan is being considered, instruct the caseworker to bring a team together, identify who should be on the team and the function of the team. The supervisor can attend, but attendance is not mandatory.
- Ensure the caseworker has developed a placement with a fit and willing relative case plan that meets all of the youth's needs.
- Ensure the caseworker schedules a Permanency Committee to review a proposed placement with a fit and willing case plan.
- Review the Placement With a Fit and Willing Relative Agreement.
- Regularly review with the caseworker the fit and willing relative plan and the efforts the department is making to achieve a higher level of permanency.

## Forms and references

### Oregon Administrative Rule

- Placement with a Fit and Willing Relative, [OAR 413-070-0990 to 1060](#)

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