

# Employees as Substitute Caregivers

Chapter 7, section 11



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# Applying and Serving as a Foster Parent, Respite Care Provider, Guardian, Relative Caregiver or Adoptive Resource while a DHS Child Welfare Employee

The Department of Human Services (DHS or the Department) has determined that a DHS Child Welfare employee may serve as a foster parent, respite care provider, guardian, relative caregiver or adoptive resource. The Department has developed mandatory procedures to mitigate the risk of any actual or perceived conflict of interest. These procedures apply to all DHS employees who work under Child Welfare Programs, including staff who provide oversight for these programs. Child Welfare Programs will also assess Child Welfare employee applicants under the standard processes and rules, including [OAR 413-200-0270 through 413-200-0298](#), Responsibilities for Certification of Foster Parents and Relative Caregivers and Potential Adoptive Resources. Other Department employees must follow standard DHS Human Resource policies and procedures to ensure there is no conflict of interest.

## Application Process

Any DHS employee interested in becoming a resource for a child(ren) or young adult in the care and custody of the Department may apply for any of the below certificates of approval (see [Types of Applicants](#)). The Department must ensure no preferential treatment is given to employees in the assignment of cases, the certification process, monitoring or reporting the employee's activities, and in the placement of children or young adults into an approved and certified home of an employee.

Caseworkers and certifiers will not communicate with employee applicants through their state email, work cellphone or desk phone or at the applicant's office during work hours.

An employee may have or may be perceived to have a conflict of interest when either of the following are true:

- The employee's position allows him or her to have influence, decision-making power, approval ability or any type of authority for case management decisions for a child(ren) or young adult in his or her care; or
- The employee's position within the agency may lead others to provide preferential treatment or consideration to the employee as a caregiver.

To mitigate these potential or perceived conflicts of interest, all Child Welfare employees must comply with the following procedures.

# Types of Applicants

## Relative or Child-Specific

The Department recognizes the value of placing children and young adults in DHS custody with relatives and others with whom they have relationships. When an employee applies to be a relative or child-specific foster parent, the Department will process the application pursuant to [OAR 413-200-0270](#), which includes the option to issue a Temporary Certificate of Approval to make an expedient placement in the home, when appropriate.

## General Applicant or Non-Child Specific

Any employee applying to become a foster parent who does not meet the criteria for a relative or child-specific placement will be studied as a non-child specific applicant (also known as a general applicant) per rule ([OAR 413-200](#)), UNLESS there is an extraordinary circumstance.

Examples of extraordinary circumstances include but are not limited to the following:

- An employee had responsibility or a decision-making role for the case or someone in the family, but that responsibility concluded far enough in the past (determined on a case-by-case basis by the employee's district manager or designee) and is not currently deemed a conflict (or the conflict is waived) by any party to the case.
- A child or young adult needs a placement, and the employee is the only person available to be the placement resource. In this example, the employee must agree to give up any case-management responsibility or decision-making role for the case.
- The employee's involvement in the case was so minor, it is not deemed a conflict of interest (or the conflict is waived) by any party to the case. Examples might include participation in a case staffing for the child or young adult, helping to supervise a visit or two, or having some involvement with a sibling or other member of the family in the past.

Approval to process a Temporary Certificate of Approval must be provided by the employee's district manager or designee. The district manager or designee may only approve to process a Temporary Certificate of Approval for a child welfare employee if it is in the best interest of the child or young adult requiring care.

## Adoption

An employee who seeks to become an adoptive resource must follow the specific adoption home study process outlined in Adoption Applications, Adoption Home Studies, and Standards for Adoption ([OAR 413-120-0190](#)), and meet the requirements in Adoption Application Requirements ([OAR 413-120-0220](#)), in addition to the approval processes described above for General Applicants.

Adoption Placement Selection must also be compliant with [OAR 413-120-0020](#), Adoption Placement Selection Options.

## Respite Care

If a certified foster parent or relative caregiver requests to utilize an employee for the purpose of respite care, the employee must coordinate with the provider's certifier and supervisor. The certifier must document that the decision to use the employee as a respite care provider was made based on a determination that it is in the child's best interest.

There is no application for respite care; however, the certifier must comply with [OAR 413-200-0281](#), Respite Care Providers, Child Care, and Babysitters. Pursuant to this rule, employees will be required to complete a Consent for Criminal Records and Fingerprint Check form (1011F) as well as submit to a child welfare background check as part of the approval process. Once approved, the employee must review the Conflict of Interest Policy ([MSC 060-002](#)) before submitting the completed Conflict of Interest Review and Determination form ([MSC 0104](#)) to his or her immediate supervisor. The supervisor will then submit the completed [MSC 0104](#) to Human Resources. Human Resources will notify the employee of his or her employee versus caregiver/respite responsibilities.

## Submission of Application and Assignment

The employee applicant will request from the certification unit an Application for Approval by the Department of Human Services to Care for a Child in the Care and Custody of Public Child Welfare form ([1260A](#)). The applicant will submit the completed form to the certification unit in the DHS Child Welfare office located nearest to the home of the applicant. Once the branch receives the completed application, the certification supervisor will coordinate with a certification supervisor in the nearest branch outside of the receiving branch for assignment and coordination, if that employee works and resides in the same district.

No preferential treatment is allowed for the applicant. The application must fall in the normal order with all other applications received, and the employee's application and certification oversight must be managed by a branch other than the employee's branch of employment. In counties with only one branch, these applications will need to be routed to a neighboring county for processing.

## Exception

If the district manager or designee determines that another branch within the district can assess the applicant without a conflict of interest, then the assignment and assessment may be determined by the district manager or designee's written approval.

## **Certification Assessment Processes**

Once assigned, the certifier will follow [OAR 413-200-0270 through 413-200-0298](#), Responsibilities for Certification of Foster Parents and Relative Caregivers and Potential Adoptive Resources. All requirements of certification must be adhered to for an employee, including criminal history and child abuse background checks of the employee and others in the home, and the use of the SAFE home study process, including the psychosocial inventory. An employee must also meet all Foundation training requirements, unless an exception is granted under [OAR 413-200-0379](#), Education and Training for Applicants and Certified Families.

### **Upon Approval**

If the agency employee is approved as a certified provider, he or she must review the Conflict of Interest Policy ([MSC 060-002](#)) before submitting the Conflict of Interest Review and Determination form ([MSC 0104](#)) to his or her immediate supervisor. The supervisor will submit the [MSC 0104](#) to Human Resources, and Human Resources will provide proper notification to the employee of his or her Employee versus Caregiver Responsibilities.

### **Denial or Revocation of Certification**

If there is a decision to deny an application or revoke a certification, adherence to [OAR 413-200-0296](#), Responsibilities Regarding Denial or Revocation of a Certification, is mandatory. The certification supervisor and program manager supervising certification must be notified by the certifier, per rule. The certifier and certification supervisor may request an additional staffing with the district manager and foster care program manager or designee prior to requesting DOJ involvement. The decision to deny/revoke a Certificate of Approval must also be reported to Human Resources by district management.

### **Employee vs. Caregiver Responsibilities**

The employee providing foster care must fulfill the caregiving responsibilities for a child or young adult placed in his or her home in the same manner that any other foster parent is required to fulfill these responsibilities.

The employee may not use Department resources for caregiving responsibilities. This includes, but is not limited to, use of state email, state vehicles, or personal use of state equipment or work time.

The employee may not use work time for caregiving responsibilities, such as visits, children's medical appointments, court, attendance at family meetings, consultation with the caseworker, or visits with the certifier. The employee may use vacation, personal leave or sick time as is appropriate and approved by his or her supervisor. It's critical that the employee and his or her

supervisor discuss and clearly delineate employee responsibilities versus caregiver responsibilities.

The employee must clearly delineate his or her role to others in any case-related meetings such as safety meetings, family decision meetings, committee meetings, court hearings, etc. (For example, stating: “I am here today as the foster parent of the child.”)

## **Placement Matching**

No preferential treatment or special consideration is allowed for general applicant employees during the placement matching process. For example, an employee on an availability list for a baby may not be called first for every baby who enters foster care. Likewise, no one may pressure the employee who is certified into taking a child or young adult into his or her home. The best interests of the child and standard considerations around placement with siblings, being close to home and school, etc. shall continue to remain our primary considerations.

The employee’s certifier is responsible for notifying the certification supervisor or placement desk worker in the county in which the employee intends to provide care of the employee’s availability for placement. If the employee is on “Inactive Referral Status,” the certifier must exercise discretion in sharing that information on a need-to-know basis in order to remove the employee from any availability lists.

## **Confidentiality of Records**

The certification supervisor for the certified employee must ensure the home provider (certification record) in OR-Kids is sensitized as soon as the home inquiry is completed.

The child or young adult’s home branch must ensure the child or young adult’s case is sensitized in OR-Kids as soon as placement with an employee is being considered.

The child’s or young adult’s home branch must ensure that the employee does not have access to the child’s or young adult’s physical case record or any other information that would not otherwise be available to any other foster parent.

When an employee accesses any case record, the employee must have a legitimate business need to access the case. If an employee accesses a case and does not have a legitimate business need, that access is a violation of Department confidentiality policies and may result in disciplinary action.

## **Sensitive Issue Reports**

All sensitive issue reports involving agency employees as caregivers will be handled pursuant to agency policies and include the certified employee's district manager or designee and supervisor.

## **Child Abuse Allegations/Out of Home Care Assessments**

When a screening report involves a certified employee, the screener must immediately consult with a CPS or screening supervisor per [OAR 413-015-0212](#).

Employees must comply with [OAR 413-015-0601 through 413-015-0608](#), Department Responsibilities When a Report Involves a Home Certified by Child Welfare, ODDS or OYA.

When the decision is made to close at screening, pursuant to [OAR 413-015-0604](#), Additional Screening Activities When a Report Involves a Home Certified by Child Welfare, ODDS, or OYA, all of the following staff must be notified of the screening report:

- The employee's certifier
- The child's case worker
- Respective supervisors

When the decision is made to assess, the CPS screening supervisor must:

- Immediately refer the assignment to a program manager or designee in an nearby district to assign for assessment;
- Notify the following DHS staff of the assessment: The employee's supervisor, program manager, district manager, and assigned certifier and certification supervisor;
- Complete and submit a Sensitive Issue Report form ([DHS 0150](#)); and
- Sensitize the employee's CPS case in OR-Kids.

## Human Resource Reporting

Any concerns related to an employee's ability to be a foster parent/respite provider should be staffed with a supervisor. The supervisor will notify the Office of Human Resources if appropriate.

In addition, the supervisor will report to Human Resources the certification decision and any subsequent decision to deny/revoke a Certificate of Approval. Examples of when reporting to Human Resources would be appropriate may include but are not limited to:

- Concerning criminal history that is discovered
- Substance abuse
- Abuse or neglect toward a child or other adult in the home
- Misuse of public money

Examples of when the supervisor would not report certification concerns or a denial/revocation of a certified employee to Human Resources may include but are not limited to:

- The behaviors or conditions of another person in the employee's home
- Conditions or circumstances that are not behavior related, such as a living environment that does not meet certification standards.

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You can get this document in other languages, large print, braille or a format you prefer. Contact the Child Welfare Policy Unit at 503-507-3213 or email [cwpolicyunit@state.or.us](mailto:cwpolicyunit@state.or.us). We accept all relay calls or you can dial 711.