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The following definitions apply to OAR chapter 413, division 110.

(1) "Adoptive resource" means an individual or individuals selected by the Department, another public child welfare agency, or a licensed adoption agency as the adoptive family for a child where no administrative review was requested within the timeframe allowed for such a request, or if a review was requested, the selection has been sustained by that review and the review is complete.

(2) "Appropriateness of adoption" means the determination that a child can be successfully freed, placed, and maintained in an adoptive placement and that adoption is in the best interest of the child.

(3) "Approved family" means a family that has been selected for a child in accordance with OAR 413-120-0010 to 413-120-0060.

(4) "Birth parent" means the woman or man who holds a legally recognized parental relationship to the child.

(5) "Child" means a person under 18 years of age.

(6) "Committee facilitator" means a Department staff member appointed as a member of the committee to facilitate a permanency or adoption committee meeting.

(7) "Compelling reason" means a reason meeting specific criteria and documented in the case plan by the local Department staff for not to file a petition to terminate parental rights of the parents of a child where the Department would otherwise be required to do so under state and federal law.

(8) "Date child entered substitute care": Oregon statute and federal law use the date the child is found to be within the jurisdiction of the court under ORS 419B.100 or 60 days from date of removal, whichever is earlier. The Department uses the date of the child's initial substitute care placement for calculating Citizens Review Board reviews, court, or permanency hearings intervals.

(9) "Department" means the Department of Human Services, Child Welfare.

(10) "Indian child" means any unmarried person who is under age 18 and either:

(a) Is a member or citizen of an Indian tribe; or

(b) Is eligible for membership or citizenship in an Indian tribe and is the biological child of a member or citizen of an Indian tribe.
(11) "Legal risk placement" means a placement that occurs when the Department believes that
an adoption is in the best interests of the child; that the child is placed in an approved
adoptive home; and the agency intends to approve this placement for adoption if the child
becomes legally free for adoption.

(12) "Local Office Permanency/Adoption Committee" means the branch committee
responsible for certain permanency and adoptions decisions, as specified in these rules.
Members are selected by the local office from among the staff of the Department's field
offices. The members must not be involved in the case to be heard.

(13) "Permanency/Adoption Council" (Council) means a council consisting of field
management staff, permanency and adoption staff, and community partners from several
districts, except that the Council in District 2 consists only of representatives from
Multnomah County. A Council makes decisions for children whose county of jurisdiction
is within their geographic area about appropriateness of adoption as a permanency plan,
sibling planning, recruitment, adoption disruptions, and adoption selections referred by
the local office. It also may provide permanency staffings to decide whether to place a
child with an out-of-state relative resource prior to receipt by the Department of an
approved adoption home study.

(14) "Permanency/Adoption Council Committee" (Committee) means a committee established
by the Permanency/Adoption Council that is responsible for decisions regarding adoptive
placement selections that are not the responsibility of the local office or the Department's
Adoption Services Unit. The district manager or designee responsible for the local office
may delegate a decision to the Committee. Each Committee must include at least three
members not involved in the case to be heard by the Committee. There are two types:

(a) An ad-hoc committee selected by the child's worker. This committee consists of
three people drawn from a pool of qualified permanency and adoption staff
designated by the Council.

(b) The Standing Permanency/Adoption Committee. This committee is a standing
committee of three persons appointed by the Council or the Council chair.
Responsibilities of this committee include making decisions, such as those
relating to sibling placement planning or current caretaker placement decisions,
delegated by the Local Office Permanency/Adoption Committee to the Council.

(15) "Permanency committee" means a group of individuals who are responsible for making a
recommendation regarding a permanency plan or a potential permanency resource when
the child or young adult likely is not returning to his or her parent.

(16) "Permanency plan" means a written course of action for achieving safe and lasting family
resources for the child. Although the plan may change as more information becomes
available, the goal is to develop safe and permanent family resources with the parents,
relatives, or other people who will assume legal responsibility for the child during the
remaining years of dependency and be accessible and supportive to the child in
adulthood.

(17) "Relative" has the same meaning as in OAR 413-070-0000.
(18) "Sibling" means one of two or more children or young adults who are related, or would be related but for a termination or other disruption of parental rights, in one of the following ways:

(a) By blood or adoption through a common parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(19) "Substitute care" means an out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005
413-110-0010

Purpose
(Amended 10/26/15)

A child in the legal custody of the Department for whom the Department has determined that adoption is an appropriate permanency plan and who is in the process of being freed for adoption may be placed in an approved adoptive home with the understanding that if the child becomes legally free for adoption, the child will be adopted. In the past, such a placement was described as a "foster-adopt placement" or a "potential adoptive placement." The term for such placements is now "legal risk placement" if the placement meets the requirements specified in these rules, OAR 413-110-0010 to 413-110-0060.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-110-0015

Values
(Adopted 07/01/01)

(1) Any child whose parent or parents are unable to provide a safe and healthy home for the child should be assured the opportunity to become a valued and permanent member of another safe family that understands and responds to the child's needs.

(2) Early identification and development of an alternative to placement with a parent increases the likelihood that the alternate permanency plan can be achieved in a timely manner.

Stat. Auth.: ORS 418.005(1)(a)
Stats. Implemented: ORS 418.005

413-110-0020

Eligibility Criteria for Legal Risk Placement
(Amended 10/26/15)

A child may be placed in a legal risk placement when all of the following conditions have been met:

(1) The child is a ward of the court and is in substitute care and the Department has determined that adoption is an appropriate permanency plan for the child according to the procedures outlined in OAR 413-110-0300 to 413-110-0360.

(2) In accordance with OAR 413-070-0060 to 413-070-0093, the Department has considered all parents and relatives and has either determined none of them is a suitable permanent
placement for the child or has selected one relative who meets the requirements of OAR 413-070-0060 to 413-070-0093 as the resource for a legal risk placement.

(3) The Department's legal assistance specialist has assessed the status of the child and has determined that a plan to free the child for adoption is in the best interests of the child.

(4) The Department has determined, in accordance with OAR 413-110-0300 to 413-110-0360, that adoption is an appropriate permanency plan for the child, and an approved adoptive home has been selected according to the process outlined in OAR 413-120-0010 to 413-120-0060.

(5) The Adoption Services Unit has reviewed and approved the plan.

(6) In the case of an out-of-state placement, prior to approval and designation of the child's legal risk placement:

(a) The Department has notified the court and has obtained its approval of the plan to place the child out of state;

(b) If the out-of-state placement is made through a private agency, the Department has a signed contract with the placing agency in the receiving state; and

(c) The Department has obtained verification that the child will receive medical coverage by the receiving state.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-110-0030
Legal Risk Placement; Effective Date of Designation
(Amended 01/01/04)

(1) The designation date of the child's current caretaker home as a legal risk placement is the date the Department's Adoption Services Unit accepts all required documents.

(2) The designation date of the child's selected adoptive home (non-current caretaker) as a legal risk placement is the date the child is physically placed in the selected home or the date the Adoption Services Unit accepts all applicable documents (see section (1) of this rule), whichever date is later.

Stat. Auth.: ORS 418.005(1)(a)
Stats. Implemented: ORS 418.005
413-110-0040
Home Requirements
(Amended 10/26/15)

(1) The home in which the legal risk placement will be made must be studied and approved as an adoptive home in accordance with OAR 413-120-0190 to 413-120-0246 or, in the case of an out-of-state placement, with OAR 413-040-0200 to 413-040-0330. The home must also meet the requirements of OAR 413-200-0301 to 413-200-0396.

(2) Each adoptive parent considered for a legal risk placement is informed by the Department of the risk of having the child removed and must sign an agreement that provides that:

(a) The adoptive parent understands that the child is not legally free for adoption;

(b) The adoptive parent understands that the Department cannot guarantee that the child will be legally free for adoption in the future;

(c) The adoptive parent wants to adopt the child; and

(d) The adoptive parent understands that the adoptive family will continue to provide temporary care for the child if adoption is not possible.

(3) The potential adoptive parents must complete the Adoption Recruitment Management System (ARMS) form 3010, "Legal Risk Placement Agreement," acknowledging that they understand the uncertainty of the legal risk placement.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-110-0050
Effect on a Release and Surrender
(Adopted 12/29/95)

A Legal Risk Placement shall be considered a placement for the "purpose of adoption" in accordance with ORS 418.270, subsection (4), which specifies when a release and surrender given by a parent or guardian shall be considered irrevocable. These rules shall apply to any release and surrender accepted prior to, concurrent with or subsequent to the Legal Risk Placement.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005
**413-110-0060**

**Termination of Legal Risk Placement Status**

*(Amended 07/01/01)*

When the *child* is legally free to be adopted, the Central Office Adoption Services Unit will change the child's placement status from *Legal Risk Placement* to Adoptive Placement.

Stat. Auth.: ORS 418.005(1)(a)
Stats. Implemented: ORS 418.005
Sibling Adoption Placement Planning

413-110-0100

Purpose
(Amended 10/26/15)

The purpose of OAR 413-110-0100 to 413-110-0150 is to describe the Department's case planning responsibility to maintain and support lifelong sibling relationships for a child in the legal custody of the Department whose permanency plan is adoption.

Stat. Auth.: ORS 418.005, 419B.192
Stats. Implemented: ORS 418.005, 419B.192

413-110-0130

Consideration of Sibling Placement
(Amended 10/26/15)

(1) The Department's first priorities for placement of a child in the legal custody of the Department are placement with relatives and placing siblings together.

(2) When any child in the legal custody of the Department is separated from one or more siblings in substitute care, the Department must make diligent efforts to place the siblings together in substitute care, so long as it is in the best interests of the child, regardless of each child's permanency plan.

   (a) The caseworker must document the efforts to place siblings together in substitute care in the Department’s information system.

   (b) If siblings are placed separately in substitute care, the Department must ensure that the children have the opportunity for regular, ongoing contact unless contact is not in the best interests of the child or one or more of the siblings.

(3) When the Department is considering the permanent separation of one or more siblings through adoption, the caseworker must schedule a permanency committee for a recommendation and decision pursuant to OAR 413-070-0500 to 413-070-0519.

Stat. Auth.: ORS 418.005, 419B.192
Stats. Implemented: ORS 418.005, 419B.192
413-110-0132
Consideration of Sibling Separation
(Amended 09/19/11)

(1) A permanency committee is used to consider the permanent separation of siblings in the legal custody of the Department through adoption, unless an adoptive resource has been selected for one or more siblings.

(2) The permanency committee must consider the best interests of each child in the sibling group under consideration, and each of the following factors when making a recommendation:

(a) The current and lifelong needs of each child and of each sibling in the sibling group under consideration;

(b) The existence of each child's significant emotional ties to each sibling in the sibling group under consideration;

(c) The needs of each child and each sibling in the sibling group under consideration for each of the following:

   (A) Physical and emotional safety;

   (B) Ability to develop and maintain current and lifelong connections with the child's family;

   (C) Continuity and familiarity;

   (D) Appropriate educational, developmental, emotional, and physical support;

   (E) Stability and permanency; and

   (F) Maintaining his or her identity, cultural, religious, and spiritual heritage.

(3) The permanency committee considers all of the information, deliberates, and, when committee members agree, makes a recommendation to the Child Welfare Program Manager or designee including one or more of the following options:

(a) Separation of a child from one or more siblings in the sibling group under consideration is not in the best interest of the child or the siblings, and the caseworker must continue to make efforts to place the siblings together for the purpose of adoption;

(b) Separation of a child from one or more siblings in the sibling group under consideration for the purpose of adoption is in the best interests of the child or the siblings; or
(c) When there are multiple siblings, recommendations with respect to which siblings in the sibling group under consideration should remain together for the purpose of adoption and how those matches are in the best interests of each sibling.

(4) When the permanency committee cannot reach agreement, each permanency committee member makes his or her respective recommendations known to the committee facilitator.

(5) The Child Welfare Program Manager or designee who makes the decision on behalf of the Department must consider all of the following when making the decision:

(a) The considerations in subsections (2)(a)-(c) of this rule;

(b) The information presented to the permanency committee; and

(c) The recommendations of the permanency committee.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005, 419B.192

413-110-0150
Sibling Placement and Permanency Planning
(Amended 10/26/15)

(1) When separation of siblings has occurred as a result of a Department action or decision pursuant to OAR 413-070-0519, the Department's efforts to identify and recruit a potential adoptive resource must include recruitment efforts to identify a potential adoptive resource who can initiate and maintain connections between the child and one or more siblings, unless such a connection is not in the best interests of the child or one or more siblings.

(2) The caseworker must make efforts to recruit and identify potential adoptive resources who appear to have the knowledge, skills, and abilities to be considered as the potential adoptive resource for other siblings when there are one or more siblings in substitute care who do not yet have a permanency plan of adoption.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005, 419B.192
**Termination of Parental Rights**

**413-110-0200**

**Purpose**

(Amended 01/01/02)

Pursuant to Oregon law related to the termination of parental rights the Child Abuse Prevention and Treatment Act (CAPTA) and the Adoption and Safe Families Act (ASFA) Department of Human Services (DHS) is mandated or authorized to seek termination of a parent's rights in certain cases where a child is in substitute care. These rules first outline under what circumstances DHS must seek the termination of parental rights of parents whose children are in DHS custody, and next under what circumstances it has the discretion to do so.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005, 419B.498 - 419B.530

**413-110-0210**

**Values**

(Amended 01/01/02)

(1) Every child needs and deserves a safe, nurturing and permanent home. Termination of parental rights is one means by which DHS can achieve adoption of a child. Adoption is one of several possible permanent plans.

(2) No child shall be freed for adoption without the probability of being placed in a permanent home.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005, 419B.498 - 419B.530

**413-110-0220**

**Policy**

(Amended 01/01/02)

DHS shall only initiate a termination of parental rights action to free a child for adoption and where DHS has determined that adoption is in the child's best interest, and that other possible permanent plans such as guardianship would not be a more appropriate plan.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005, 419B.498 - 419B.530
413-110-0230
Permanency Plan Review  
(Amended 01/01/02)

DHS shall review the permanency plan for each child in its legal custody after the 6 month review conducted under ORS 419A.106 or any hearing conducted in lieu of such review; but prior to the permanency hearing required by ASFA to determine the appropriateness of the permanency plan. If the permanency hearing is scheduled before the above 6 month review, DHS shall review the permanency plan prior to the permanency hearing even if the review has not occurred. If the child cannot be safely placed with a parent, in determining if adoption is the appropriate concurrent permanent plan:

(1) The local designated review body shall consider whether the plan is in the best interest of the child and whether there is a potential adoptive resource for the child or a resource can be located; and

(2) The Legal Assistance Specialist shall provide consultation to the local staff on whether the plan is consistent with statewide practice and whether the plan complies with the requirements of the DHS Adoption Program.

Stat. Auth.: ORS 418.005  
Stats. Implemented: ORS 418.005, 419B.498 - 419B.530

413-110-0240
Decision to File a Petition to Terminate Parental Rights  
(Amended 01/01/02)

(1) Unless one of the exceptions outlined in section (2) of this rule applies, and is so documented in the case plan, DHS shall file a petition to terminate the parental rights of the parents to a child in DHS custody. The local DHS staff, in consultation with the Legal Assistance Specialist, shall decide whether to file a petition to terminate the parental rights to a child who:

(a) Has been in foster care for 15 of the most recent 22 months as calculated from the date the child entered substitute care; or

(b) Has been determined by the court to be an abandoned child; or

(c) Has a parent who has been found by a court of competent jurisdiction to have:

   (A) Committed murder, of another child of the parent;

   (B) Committed manslaughter, of another child of the parent;

   (C) Aided, abetted, attempted, conspired or solicited to commit murder or voluntary manslaughter of another child of the parent; or
(D) Committed felony assault that results in serious bodily injury to the child or another child of the parent.

(2) DHS however, is not required to file a petition to terminate the parental rights to children meeting the criteria of 413-110-0240(1)(a) through (c) if:

   (a) The child is being cared for by a relative and the permanent plan is for the child to remain with that relative;

   (b) DHS has not provided to the family of the child, consistent with the time period in the case plan, the services DHS deemed necessary for the safe return of the child to the child's home, if the plan required reasonable efforts (or active efforts in the case of an Indian child under the Indian Child Welfare Act) to do so; or

   (c) Local DHS staff have documented in the case plan a compelling reason for determining that filing such a petition would not be in the best interests of the child. Compelling reasons may include, but are not limited to:

       (A) A court or Citizens Review Board (CRB) has made a finding at a CRB review, permanency hearing or other hearing that DHS has made "no reasonable efforts" (or "active efforts" in the case of an Indian child under the Indian Child Welfare Act) to make it possible for the child to safely return home, as documented by CRB findings or a court order;

       (B) A court or DHS has determined that:

           (i) The parent has made significant measurable progress and continues to make diligent efforts to complete the requirements of the case plan and reunification is likely within a reasonable time, but the parent needs more than 15 months to complete the requirements of the plan as documented by narrative recording on the CF 147A, CF 147B, or Service Agreement;

           (ii) DHS is working with the non-offending parent to establish a permanent placement as documented by the narrative recording on the CF 147A, CF 147B, or Service Agreement;

           (iii) There is a viable alternative to termination of parental rights that would free the child for adoption within a reasonable time;

           (iv) If the child is an Indian child under the Indian Child Welfare Act (ICWA), the Indian child's tribe opposes adoption and has another plan for permanency for the child, in accordance with the provisions of the ICWA.

   (C) DHS has determined that adoption is not an appropriate plan for the child for reasons that may include, but are not limited to:
(i) A child age 12 years or over or a child less than 12 years of age who is capable of making this decision will not consent to be adopted, and another permanency plan has been identified;

(ii) The parent and child have a significant bond, but the parent is unable to care for the child because of a disability and another permanent plan has been identified;

(iii) The child has a demonstrated inability to be maintained in a family setting as documented by a professional assessment that may include, but is not limited to, a medical, psychiatric or psychological assessment.

(d) If the compelling reason that DHS applied in making the determination that it would not be in the best interest of the child to file a petition to terminate parental rights no longer exists, DHS shall review the decision not to file, to determine if there is another compelling reason not to file the petition, or if it would be in the best interest of the child to proceed with filing.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005, 419B.498 - 419B.530

413-110-0250
Other Situations for Filing a Termination Petition
(Amended 01/01/02)

DHS may file a petition to terminate the rights of a parent whose child is in DHS custody but is not required to do so if:

(1) The parent has engaged in extreme conduct as specified in ORS 419B.502, which includes but is not limited to:

   (a) Rape, sodomy or sex abuse of any child by the parent;

   (b) Intentional starvation or torture of any child by the parent;

   (c) Abuse or neglect by the parent of any child resulting in death or serious physical injury;

   (d) Conduct by the parent to aid or abet another person who, by abuse or neglect, caused the death of any child;

   (e) Conduct by the parent to attempt, solicit or conspire to cause the death of any child;
(f) Previous involuntary terminations of the parent's rights to another child if the conditions giving rise to the previous action have not been ameliorated; or

(g) Conduct by the parent that knowingly exposes any child of the parent to the manufacture of amphetamines.

(2) The parent is unfit due to conduct or condition that is seriously detrimental to the child as specified in ORS 419B.504, which includes but is not limited to:

(a) Emotional illness, mental illness or mental deficiency of the parent of such nature and duration as to render the parent incapable of providing proper care for the child for extended periods of time;

(b) Conduct toward any child of an abusive, cruel or sexual nature;

(c) Addictive or habitual use of intoxicating liquors or controlled substances to the extent that parental ability has been substantially impaired;

(d) Physical neglect of the child;

(e) Lack of effort of the parent to adjust the circumstances of the parent, conduct, or conditions to make the return of the child possible or failure of the parent to effect a lasting adjustment after reasonable efforts by available social agencies for such extended duration of time that it appears reasonable that no lasting adjustment can be effected; or

(f) Criminal conduct that impairs the parent's ability to provide adequate care for the child.

(3) The parent has failed or neglected without reasonable and lawful cause to provide for the basic physical and psychological needs of the child as specified in ORS 419B.506, which includes but is not limited to:

(a) Failure to provide care or pay a reasonable portion of substitute physical care and maintenance if custody is lodged with others.

(b) Failure to maintain regular visitation or other contact with the child which was designed and implemented in a plan to reunite the child with the parent;

(c) Failure to contact or communicate with the child or with the custodian of the child. In making this determination, the court may disregard incidental visitations, communications or contributions.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005, 419B.498 - 419B.530
Termination of Parental Rights
(Amended 01/01/02)

In some cases, DHS may decide to file a petition to terminate the parental rights of a parent whose child is in DHS custody without making reasonable efforts to make it possible for the child to be safely returned home and without seeking or having the juvenile court make a finding that DHS is not required to make such efforts.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005, 419B.498 - 419B.530
Determining the Appropriateness of Adoption as a Permanency Plan

413-110-0300
Purpose
(Amended 08/06/17)

The purpose of OAR 413-110-0300 to 413-110-0360 is to establish the Department's policies for determining whether adoption is an appropriate plan for a child. In the case of an Indian child, the Department follows OAR chapter 413, division 115.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-010-0320
Values
(Adopted 01/01/04)

(1) Adoption is a permanency option that should be considered as part of concurrent case planning for all children in substitute care.

(2) The assessment of the appropriateness of adoption as the permanency plan for a child begins at the time of the child’s initial placement and continues until a permanent plan is achieved.

(3) If safe placement with a parent is not possible for a child, and the child can be legally freed for adoption and has an appropriate and available adoptive resource who wishes to adopt the child, it is concluded that adoption is an appropriate permanency plan for the child.

(4) Adoption is not the most appropriate plan for every child.

(5) The Department will not initiate proceedings to free a child for adoption unless there is a probability of being placed with an approved family.

(6) Decisions whether adoption is an appropriate permanency plan for the child must be made collaboratively.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005
413-110-0330
Procedure to Determine the Appropriateness of Adoption as a Permanency Plan
(Amended 10/26/15)

(1) Before proceeding to free a child for adoption, the Department must make a formal decision regarding whether adoption is an appropriate permanency plan for the child in accordance with these rules.

(2) The preliminary case-planning steps in the process of determining whether adoption is an appropriate permanency plan for the child are as follows:

(a) An adoption permanency goal must be considered concurrently with other permanency goals for a child in substitute care;

(b) When it appears that placement with a parent is not a viable goal, but not later than six months after the child enters substitute care, the local office must begin the process of obtaining information sufficient to make a formal decision whether adoption is an appropriate permanency plan for the child, for instance:

(A) The child's worker must obtain pertinent information such as psychological evaluations, therapist's assessments, an assessment by a mental health professional when appropriate that includes the attachment and other permanency needs of the child, medical records, personal care or special rate assessments, individual education plans, and early intervention assessments.

(B) The child's worker must address the following areas:

(i) The ability of the child to attach.

(ii) The needs of the child.

(iii) Prior or current caretaker or family relationships that could support or interfere with the ability of the child to build new family relationships.

(iv) Information about the siblings and half siblings of the child (see OAR 413-110-0100 to 413-110-0150).

(v) Prospective adoptive resources who have made it known to the agency that they want to be considered as an adoptive placement for this specific child.

(vi) The willingness of the child to consent to adoption, if the child is 12 years of age or older.

(3) Formal decision making at the local office.
(a) If the child's worker and supervisor believe adoption is an appropriate permanency plan for the child, and the legal assistance specialist concurs, the adoption plan may proceed without review by the Local Office Permanency/Adoption Committee.

(b) When the child's worker and supervisor review a case together and it is not clear that adoption is an appropriate permanency plan for the child, or if there are questions regarding available approved families, the determination whether adoption is an appropriate permanency plan for the child will be made by Local Office Permanency/Adoption Committee. The child's worker is responsible for scheduling a staffing with a Local Office Permanency/Adoption Committee within 60 days of the staffing by the child's worker and supervisor.

(c) If the child's worker and supervisor believe that adoption is not an appropriate permanency plan for the child, they must submit their written recommendation to the district manager or designee. Their recommendation must include the compelling reasons for their assessment that it is not an appropriate permanency plan (see OAR 413-110-0240(2)(c)(D)). If the district manager or designee disagrees with the recommendation or wishes to seek consultation, they must direct the child's worker to refer the determination of appropriateness of adoption to a Permanency/Adoption Council Committee.

(d) Before the Department initiates the permanency plan for adoption, the legal assistance specialist and the local office must agree that the plan is in the best interests of the child and is achievable.

(4) When a Committee determines that adoption is an appropriate permanency plan for the child, the committee representative must record the decision regarding the appropriateness of adoption as a permanency plan and provide a copy of the documentation to the child's worker.

(5) The child's worker must send documentation of a Permanency/Adoption Committee decision to the Adoptions Services Unit to be included in the child's central office file.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-110-0340
When Adoption Is an Appropriate Permanency Plan
(Amended 10/26/15)

(1) When the Department determines that adoption is an appropriate permanency plan for the child, and in legal risk situations the legal assistance specialist has approved placement planning for the child, the child's worker must accomplish the following:
(a) The child's worker begins the process to locate an appropriate approved family while proceeding with efforts to free the child for adoption.

(b) The child's worker requests that either a Local Office Permanency/Adoption Committee or a Permanency/Adoption Council Committee review the decision that adoption is an appropriate permanency plan for the child if the child's worker has not been able to find an appropriate approved family for the child within four months of the initial staffing.

(c) If a child is placed for adoption and the adoption disrupts, the child's worker follows the procedures in OAR 413-120-0870. The child's worker requests that either a Local Office Permanency/Adoption Committee or a Permanency/Adoption Council Committee review the decision determining that adoption is an appropriate permanency plan for the child if the child's worker has not been able to find an appropriate approved family for the child within six months of the disruption date.

(d) If an adoptive placement disrupts and there is question as to whether adoption is currently an appropriate permanency plan for the child, the question is referred by the worker to either a Local Office Permanency/Adoption Committee or a Permanency/Adoption Council Committee within three months of the disruption.

(2) In the case of a child for whom the permanency plan is adoption, the worker must document in the permanency plan the child's specific needs and the steps the Department is taking to find an adoptive family for the child who can respond to those needs, to place the child with an adoptive family, and to finalize adoption. At a minimum, such documentation must include comment on the child-specific recruitment efforts employed by the Department such as the use of state, regional, or national adoption exchanges, including electronic exchange systems, as well as efforts to identify potential adoptive families from the neighborhood and community in which the child resides.

(3) Out-of-state adoptions. The Department will not delay or deny placement of a child for adoption when an approved family is available outside of Oregon. If the out-of-state placement is a legal risk placement, the worker must obtain approval from the legal assistance specialist as required by OAR 413-110-0010 to 413-110-0060. Once the legal risk placement is approved, the worker must notify the court and obtain approval of the plan prior to placing the child out of state. If the out-of-state adoption is supervised by a private agency, the Department will not make the placement of the child into the adoptive home until the Department has a signed contract with the placing agency. Out-of-state adoptions are further regulated by OAR 413-040-0200 to 413-040-0330.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005
413-110-0350
When Adoption Is Not an Appropriate Permanency Plan
(Adopted 01/01/04)

(1) When it is determined that adoption is not the appropriate *permanency plan* for the *child*, and the *compelling reason* for this determination has been documented in the case file, the child's worker must develop and implement an alternate plan.

(2) If there are significant changes, the child's worker may refer the case to either the *Local Office Permanency/Adoption Committee* or the *Permanency/Adoption Council Committee* for a new determination whether adoption is an appropriate *permanency plan* for the *child*. The *appropriateness of adoption* as a *permanency plan* for the *child* can change as the child's circumstances change. When the legal assistance specialist has questions about the *appropriateness of adoption* as the *permanency plan* for the *child*, the legal assistance specialist may ask the local office to recruit for a potential adoptive placement prior to initiating the process to free the *child* for adoption.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-110-0360
Review Process
(Adopted 10/26/15)

When the *Local Office Permanency/Adoption Committee* or the *Permanency/Adoption Council Committee* has staffed a case and reached a decision with which the child's worker disagrees, the child's worker will staff the case with the worker's supervisor and district manager or designee. If the district manager or designee agrees with the child's worker, he or she will request review of the decision by the Adoption Services Unit Manager who may review the committee's decision and make the final decision.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005