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413-130-0000 Definitions

(Amended 11/1/2018)

The following definitions apply to rules in OAR chapter 413, division 130.

(1) "Adoptee" pursuant to ORS 109.425 means an individual who has been adopted in the State of Oregon.

(2) "Adoption" has the meaning given in OAR 413-120-0000(1).

(3) "Adoption assistance" means assistance provided on behalf of an eligible child or young adult to offset the costs associated with adopting and meeting the ongoing needs of the child or young adult. "Adoption assistance" may be in the form of payments, medical coverage, reimbursement of nonrecurring expenses, or special payments.

(4) "Adoption assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the pre-adoptive family or adoptive family of an eligible child or young adult, setting forth the assistance the Department is to provide on behalf of the child or young adult, the responsibilities of the pre-adoptive family or adoptive family and the Department, and the manner in which the agreement and amount of assistance may be modified or terminated.

(5) "Adoption assistance agreement only" means a written agreement, binding on the parties to the agreement, between the Department and the pre-adoptive family or adoptive family of an eligible child or young adult, when the pre-adoptive family or adoptive family is not receiving an adoption assistance payment or medical coverage at the time of the agreement but may request it at a later date.

(6) "Adoption assistance payment" means a monthly payment made by the Department to the pre-adoptive family or adoptive family on behalf of an eligible child or young adult.

(7) "Adoption Assistance Review Committee" means a committee composed of local and central office Department staff with expertise in the area of adoption.

(8) "Adoptive family" means an individual or individuals who have legalized a parental relationship to the child who joined the family through a judgment of the court.

(9) "Adoptive parent" means an adult who has become a parent of a child through adoption.

(10) "Agency" means a public or private organization licensed or authorized under Oregon laws to place children for adoption.
(11) "Applicable child" has the same meaning as in OAR 413-100-0335.

(12) "Assisted search" means the work carried out to locate and make confidential contact with a sought for individual upon the application of an authorized requester.

(13) "Base rate payment" means a payment to the foster parent or relative caregiver for the costs of providing the child or young adult with the following:

(a) Food, including the special or unique nutritional needs of the child or young adult;
(b) Clothing, including purchase and replacement;
(c) Housing, including maintenance of household utilities, furnishings, and equipment;
(d) Daily supervision, including teaching and directing to ensure safety and well-being at a level appropriate for the age of the child or young adult;
(e) Personal incidentals, including personal care items, entertainment, reading materials, and miscellaneous items; and
(f) Transportation, including gas, oil, and vehicle maintenance and repair costs for local travel associated with providing the items listed above, and transportation to and from extracurricular, child care, recreational, and cultural activities.

(14) "Birth parent" means:

(a) The woman or man who is legally presumed, under the laws of this state, to be the mother or father of genetic origin of a child; and
(b) A putative father of the child if the birth mother alleges he is the father and the putative father, by written affidavit or surrender and release executed within three years of the relinquishment of the child by the birth mother or the termination of parental rights of the birth mother, acknowledges being the biological father of the child.

(15) "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of gathering information on the needs and strengths of a child or young adult:

(a) To identify case planning, service planning, and supervision needs of the child or young adult in substitute care with a certified family;
(b) To determine the level of care payment while in substitute care with a certified family; and
(c) To determine if a child or young adult qualifies for a level of care payment for the purpose of negotiating or renegotiating an adoption assistance or guardianship assistance payment.

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

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

(18) "Enhanced supervision" means the additional support, direction, observation, and guidance necessary to promote and ensure the safety and well-being of a child or young adult when the child or young adult qualifies for a level of care payment.

(19) "Fee" means the maximum fixed amount that the Department or Oregon licensed adoption agency may charge to register, for requests of non-identifying information, and to conduct an assisted search.

(20) "Guardian" means an individual who has been granted guardianship of the child through a judgment of the court.

(21) "Genetic and social history" means a comprehensive report, when obtainable, of the health status and medical history of the birth parents and other individuals related to the child.

(a) The "genetic and social history" may contain as much of the following as is available:

(A) Medical history.

(B) Health status.

(C) Cause of and age at death.

(D) Height, weight, eye and hair color.

(E) Ethnic origins.

(F) Religion, if any.

(b) The "genetic and social history" may include the health status and medical history of:

(A) The birth parents.

(B) A putative father, if any.

(C) Siblings to the birth parents, if any.
(D)   Siblings to a *putative father*, if any.

(E)   Other children of either *birth parent*, if any.

(F)   Other children of a *putative father*, if any.

(G)   Parents of the birth parents.

(H)   Parents of a *putative father*, if any.

(22)  "Health history" means a comprehensive report, when obtainable, of the health status and medical history of the *child* at the time of placement for *adoption*, including neonatal, psychological, physiological, and medical care history.

(23)  "Identifying information" means names and addresses of birth parents, putative fathers, adult *adoptive* and adult *adoptive* genetic siblings.

(24)  "Independent adoption" means any *adoption* where the consent is given by other than the Department or a *licensed adoption agency*.

(25)  "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.

(26)  "Legally free" means that, with respect to a *child*, the legal rights of all parents with legal standing have been judicially terminated, voluntarily relinquished, or otherwise terminated by operation of law, thus allowing for the *child* to be adopted.

(27)  "Level of care payment" means the payment provided to an approved or certified family, based on the need for *enhanced supervision of a child or young adult* determined by applying the CANS algorithm to the results of the CANS screening.

(28)  "Licensed adoption agency" means an:

   (a)   Approved child-caring agency of this state acting by authority of ORS 418.270 and OAR 413-215-0401 to 413-215-0481; and

   (b)   Agency or other organization that is licensed, or otherwise authorized, to provide *adoption* services pursuant to the laws of that state, country, or territory.
"Non-identifying information" means genetic and social history and health history which excludes information identifying any birth parent, birth family, putative father, putative father's family, adoptee, or adoptive parent.

"Nonrecurring adoption assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the pre-adoptive family of an eligible child for a one-time payment to reimburse the adoptive family for the reasonable and necessary expenses incurred in legally finalizing the adoption of a child who has been determined to have special needs.

"Nonrecurring expenses" mean a one-time payment up to $2,000 per child, which the Department will pay to an adoptive family to assist with the reasonable and necessary expenses incurred in legally finalizing the adoption of an eligible child.

"Parent" means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, ORS 416.400 to 416.610, or by a juvenile court. In cases involving an Indian child under the ICWA, parent means any biological parent of an Indian child, or any Indian who has lawfully adopted an Indian child, including adoptions under tribal law or custom. It does not include an unwed biological father where paternity has not been acknowledged or established. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father.

"Participating tribe" means a federally-recognized Indian tribe in Oregon with a Title IV-E agreement with the Department.

"Pre-adoptive family" means an individual or individuals who:

(a) Has been selected to be the adoptive family of the child; and

(b) Is in the process of legalizing the relationship to the child through the judgment of the court.

"Progeny" means the children or descendants of a person and the person's descendants in successive generations.

"Putative father" means a man who, under the laws of this state, is not legally presumed to be the father of genetic origin of a child, but who claims or is alleged to be the father of genetic origin of the child.

"Qualified alien" has the same meaning as in OAR 413-100-0210(2) and 8 USC 1641(b).

"Qualified vendor attorney" means an attorney who has a price agreement with the Department to process the adoption of a child who is eligible for adoption assistance.
(39) "Registry" means a voluntary adoption registry established under ORS 109.450 and maintained by:

(a) An Oregon licensed adoption agency or successor agency; or

(b) The Department for all adoptions not arranged through an Oregon licensed adoption agency.

(40) "Requester" means an individual duly registered on a voluntary adoption registry who requests an assisted search, and who has filed an application and paid the applicable fee.

(42) "Searcher" means one of the following qualified entities that may conduct an assisted search:

(a) The Department;

(b) An Oregon licensed adoption agency; or

(c) A third party individual or entity who has been delegated to or contracted with by the Department or an Oregon licensed adoption agency.

(43) "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.

(44) "Special payment" means a payment for unanticipated short-term costs which are directly related to the special needs of the child or young adult or are essential to the welfare of the child or young adult, and are not covered by another resource available to the adoptive family.

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

(46) "Successor agency" means an agency which has the adoption records of another agency because of the merger of the agencies or because an agency has ceased doing business and has given its adoptions records to the "successor agency" as provided an ORS 109.435(2).
(47) "Voluntary adoption registry" means a voluntary registry operated by the Department or licensed adoption agency:

(a) Where birth parents, putative fathers, and adult adoptees may register their willingness to the release of identifying information to each other;

(b) That provides for the disclosure of identifying information to birth parents and their genetic offspring;

(c) That provides for the transmission of non-identifying health and social and genetic history of specified persons; and

(d) That provides for the disclosure of specific identifying information under certain circumstances to Indian tribes, governmental agencies, or to an individual settling an estate.

(48) "Work Product" means any records, information, or other materials obtained or developed by the Department or licensed adoption agency during the course of the assisted search.

(49) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340
Adoption Assistance

413-130-0010

Purpose
(Amended 10/26/15)

(1) The purpose of OAR 413-130-0010 to 413-130-0130 is to describe the criteria for eligibility and the types of adoption assistance that may be established for--

(a) A child in the legal custody of:

(A) The Department;

(B) A participating tribe; or

(C) A licensed adoption agency in Oregon.

(b) A child relinquished by a parent directly to a pre-adoptive family residing in Oregon.

(2) These rules do not include criteria for program eligibility for adoption assistance for a child placed for adoption in Oregon by another public child welfare agency, as adoption assistance is the responsibility of the sending state.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340

413-130-0015

Funding for Adoption Assistance
(Amended 10/26/15)

(1) The Department makes efforts to establish Title IV-E adoption assistance eligibility under OAR 413-100-0335 to access federal reimbursement for adoption assistance.

(2) A child determined to have special needs under OAR 413-130-0020 who is ineligible for Title IV-E funded adoption assistance is eligible for state funded adoption assistance as described in OAR 413-130-0040(4) - (6). Administration of state funded adoption assistance is dependent upon the availability of such funds.

(3) When all available state funds are obligated, the Department must continue to:
(a) Accept new applications;

(b) Accept requests to adjust an adoption assistance payment; and

(c) Establish a waiting list.

(4) As state funds become available, an adoption assistance payment may be made according to the date that the adoption assistance agreement is signed by all parties. The adoption assistance agreement may be retroactive for up to twelve months only when a foster care base rate payment, level of care payment, or personal care service payment was not made on behalf of the child.

(5) When state funds are unavailable and a new adoption assistance application is received, the pre-adoptive family may sign an adoption assistance agreement only to prevent delay in finalizing the adoption, with the understanding that adoption assistance may be requested at a later date.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340

413-130-0020
Special Needs Determination for Adoption Assistance Eligibility
(Amended 10/26/15)

(1) In order to be eligible for adoption assistance, funded through either federal or state funds, a child must be determined to have special needs.

(2) The Department must make the determination that the child has special needs under each of the following subsections:

(a) The child cannot or should not be returned to the home of his or her parent or parents. This decision is based on one of the following paragraphs:

(A) An order from a court of competent jurisdiction terminating parental rights.

(B) The existence of a petition for termination of parental rights.

(C) A voluntary relinquishment of parental rights for a child under the jurisdiction of the court, in the custody of the Department, or in a subsequent adoption when there was an adoption assistance agreement in place during the prior adoption.
(D) A voluntary relinquishment of parental rights and a judicial determination that remaining in the home of a specified relative as defined in OAR 413-100-0000 would be contrary to the welfare of the child. The request for the judicial determination must be filed within six months of the time the child last lived with the specified relative.

(E) For a child who can be adopted in accordance with state or tribal law without a termination of parental rights or voluntary relinquishment of parental rights, the valid reason why the child cannot or should not be returned to the home of his or her parents.

(F) In the case of an orphan, verification of the death of the parent or parents.

(b) The child has at least one of the following factors or conditions that make adoptive placement difficult to achieve:

(A) A documented medical, physical, mental, or emotional condition or other clinically diagnosed disability, or a documented history of abuse or neglect or other identified predisposing factor that places the child at significant risk for future problems that need treatment;

(B) Is a member of a sibling group that will be placed together and is difficult to place because there are three or more children, or if in a sibling group of two, at least one of the children is six years of age or older;

(C) Is a member of an ethnic, racial, or cultural minority (such as African American, Hispanic, Asian, Indian, or Pacific Islander); or

(D) Is eight years of age or older.

(c) A reasonable but unsuccessful effort to place the child with an appropriate adoptive family for adoption without adoption assistance has been made, unless such an effort is not in the best interest of the child for reasons including placement with a relative or another person with whom the child has an established significant relationship.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340

413-130-0040
Eligibility for an Adoption Assistance Payment
(Amended 10/26/15)

(1) In determining eligibility for an adoption assistance payment, the Department may not impose an income eligibility requirement for the pre-adoptive family or adoptive family.
To be eligible for a Title IV-E funded adoption assistance payment, a child must meet all of the following requirements.

(a) Be a citizen of the United States or a qualified alien as described in OAR 413-100-0210(2), and in 8 USC 1641(b) or (c).

(b) When the child is a qualified alien and is placed with a pre-adoptive parent who is an unqualified alien, the child must meet the five year residency requirement set forth in The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193.

(c) Be determined eligible for Title IV-E adoption assistance under OAR 413-100-0335.

A licensed adoption agency, participating tribe, or another individual applying to receive adoption assistance on behalf of a child determined to have special needs must make all requested efforts to assist the Department in establishing Title IV-E eligibility.

Except as provided in section (5) of this rule, a child determined to be ineligible for a Title IV-E adoption assistance payment is eligible for a state-funded adoption assistance payment when the child meets all of the following criteria.

(a) Is in the legal custody of:

   (A) The Department;

   (B) A participating tribe; or

   (C) A licensed adoption agency and the child is placed with a family residing in Oregon.

(b) Is not eligible for or receiving adoption assistance for the same child through another state.

(c) Is determined to have special needs in accordance with OAR 413-130-0020.

(d) Meets the requirements in section (6) of this rule.

A child relinquished by a parent directly to a family residing in Oregon who is not eligible for a Title IV-E funded adoption assistance payment is only eligible for a state funded adoption assistance payment when--

(a) A state funded adoption assistance agreement was previously in effect on behalf of the child;
(b) The pre-adoptive family or adoptive family is not eligible for or receiving adoption assistance for the same child through another state;

(c) The child is in a subsequent adoption; and

(d) The child meets the requirements in section (6) of this rule.

(6) In addition to the eligibility requirements in section (4) or (5) of this rule, a child must also be a citizen of the United States to receive a state funded adoption assistance payment when the child is being brought into the United States for the purpose of adoption or being placed outside of the United States, or a territory or possession thereof.

(7) When an adopted child becomes legally free for re-adoption due to the voluntary relinquishment of parental rights, the termination of the rights of the legal parent or parents, or the death of the legal parent or parents:

(a) The child must be determined to have special needs under OAR 413-130-0020 at the time the child again becomes available for adoption; and

(b) The determination of funding eligibility of the adopted child for adoption assistance remains as it was the last time the child was determined eligible for adoption assistance.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340

413-130-0050
Adoption Assistance Application Requirements and Responsibilities
(Amended 11/1/2018)

(1) A licensed adoption agency recommending adoption assistance for a pre-adoptive family must verify and document that recruitment efforts under OAR 413-130-0020(2)(c) were made for the child.

(2) A pre-adoptive family under OAR 413-130-0040(5) may contact the Adoption Assistance and Guardianship Assistance Unit for help in submitting a written adoption assistance application directly to the Department.

(3) A pre-adoptive family of a child in the custody of the Department must notify the Department in writing if they choose not to accept any form of adoption assistance.

(4) An adoption assistance application is considered complete when the Adoption Assistance and Guardianship Assistance Unit has received a signed adoption assistance application form and all supporting documentation.
(5) Except as described in subsections (a) and (b) of this section, the Adoption Assistance and Guardianship Assistance Unit must begin negotiation of the adoption assistance agreement no later than 60 calendar days after receipt of a completed adoption assistance application submitted for a legally free child in the home of an approved pre-adoptive family.

(a) The Adoption Assistance and Guardianship Unit may delay negotiation of the adoption assistance payment for a completed application when the child is due for an updated CANS screening, a new CANS screening is warranted, or a CANS screening is in process or completed but a decision is pending regarding the level of care payment. The unit must begin negotiation no later than 30 calendar days from receipt of the final decision regarding the level of care payment.

(b) The Adoption Assistance and Guardianship Unit may delay negotiation following a request by the caseworker, the pre-adoptive family, or adoptive family when there are extenuating circumstances regarding the child or family. The unit must begin negotiation no later than 30 calendar days from notification that the extenuating circumstance causing the delay has been resolved.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340

413-130-0055
Extension of Adoption Assistance for a Young Adult
(Amended 02/01/14)

(1) The Department may approve an extension of an adoption assistance agreement for an individual under the age of 21 when the individual and meets subsection (a) or (b) of this section.

(a) An initial adoption assistance agreement was entered into on behalf of the child, and at the time of his or her 18th birthday, the child --

(A) Qualifies as an individual with a developmental disability as determined by the Oregon Department of Human Services, Developmental Disabilities Services;

(B) If living in a state other than Oregon, qualifies as an individual with a developmental disability as determined by the equivalent developmental disability program in that state; or

(C) Qualifies for Supplemental Security Income (SSI) as determined by the Social Security Administration.
(b) An initial adoption assistance agreement was entered into on behalf of the child who is age 16 or 17, and upon reaching the age of 18, the child is:

(A) Completing secondary school (or equivalent);
(B) Enrolled in post-secondary or vocational school;
(C) Participating in a program or activity that promotes or removes barriers to employment;
(D) Employed for at least 80 hours a month; or
(E) Determined incapable of any of the above due to a documented medical condition, physical disability, or mental disability.

(2) In order for the extension of adoption assistance under subsection (1)(a) of this rule to be approved on behalf of a young adult, the adoptive family must submit to the Department documentation from the agency making the determination described in paragraphs (1)(a)(A) through (C) of this rule.

(3) In order for the extension of adoption assistance under subsection (1)(b) of this rule to be approved on behalf of a young adult, the adoptive family must submit to the Department documentation verifying the circumstances described in paragraphs (1)(b)(A) through (E) of this rule. Documentation of circumstances described in paragraph (1)(b)(E) of this rule must be from a medical or mental health professional.

(4) The Department must receive the request for extension of the adoption assistance agreement and the documentation described in sections (2) and (3) of this rule:

(a) At least 30 calendar days before the individual's 18th birthday; or
(b) Before a date determined by the Department when the Department approves a request from the adoptive family to submit the documentation after the individual's 18th birthday. The Department must receive the request before the individual's 18th birthday.

(5) If the Department does not receive the documentation as required by sections (2) through (4) of this rule, the Department may not approve an extension of an adoption assistance agreement.

(6) An extension of adoption assistance approved under subsection (1)(a) of this rule will continue until the young adult turns 21 years old.

(7) The Department will review the young adult's eligibility for continued adoption assistance when an extension of adoption assistance has been granted under subsection (1)(b) of this rule:
(a) At least annually; or

(b) When information is received that indicates the young adult may no longer be eligible for adoption assistance or may be eligible for adoption assistance in a different amount.

(8) The adoptive family must notify the Department, orally or in writing, of any changes in circumstances that may make the young adult:

(a) Ineligible for adoption assistance; or

(b) Eligible for adoption assistance in a different amount.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340

413-130-0070
Negotiation and Determination of the Monthly Adoption Assistance Payment
(Amended 11/1/2018)

(1) When adoption assistance is not provided, a pre-adoptive family or adoptive family may enter into an adoption assistance agreement only.

(2) The monthly adoption assistance payment:

(a) Is determined through discussion and negotiation between the Department and the pre-adoptive family or adoptive family.

(b) May not exceed the current foster care base rate payment the child or young adult would be eligible to receive in foster care under OAR 413-090-0010(1)(b) combined with, if applicable, the level of care payment determined by the CANS screening conducted under OAR 413-020-0230

(c) Is negotiated between the pre-adoptive family or adoptive family and the Department, taking into consideration relevant factors which include, but are not limited to:

(A) The ordinary and special needs of the child or young adult;

(B) The services and goods required to meet the needs of the child or young adult;

(C) The cost of the services and goods required to meet the needs of the child or young adult;
(D) The circumstances of the pre-adoptive family or adoptive family and their ability to provide the required services and goods for the child or young adult; and

(E) The resources available to the pre-adoptive family or adoptive family such as medical coverage, private health insurance, public education, other income sources and community resources.

(F) An adoption assistance payment may be reduced when other sources of income are received by the pre-adoptive family or adoptive family or the child or young adult.

(d) Is intended to be combined with the resources of the pre-adoptive family or adoptive family to provide for the needs of the child or young adult.

(3) When, during negotiation of the adoption assistance payment, the Adoption Assistance and Guardianship Assistance Coordinator and the pre-adoptive family or adoptive family are unable to reach agreement, the Adoption Assistance and Guardianship Assistance Coordinator or the family may request a review by the Adoption Assistance Review Committee. When a review is requested:

(a) An Adoption Assistance and Guardianship Assistance Coordinator must:

(A) Prepare documentation for the scheduled Adoption Assistance Review Committee;

(B) Notify the pre-adoptive family or adoptive family and the assigned caseworkers of the date of the committee; and

(C) Attend and participate in the Adoption Assistance Review Committee.

(b) The pre-adoptive family or adoptive family may provide written documentation to the Adoption Assistance and Guardianship Assistance Coordinator for the review and consideration by the Adoption Assistance Review Committee.

(c) The adoption worker for the pre-adoptive family or adoptive family and the caseworker for the child or young adult may participate in an Adoption Assistance Review Committee meeting and may present information and respond to questions. The workers may not participate in the deliberations of the Adoption Assistance Review Committee.

(d) The Adoption Assistance Review Committee members must:

(A) Consider written documentation provided by the pre-adoptive family or adoptive family, the adoption worker for the pre-adoptive family or
adoptive family, the caseworker for the child or young adult, and the Adoption Assistance and Guardianship Assistance Coordinator.

(B) Review materials submitted to the Adoption Assistance Review Committee, deliberate, and make one or more recommendations regarding the adoption assistance payment.

(e) At the conclusion of the Adoption Assistance Review Committee, the Adoption Assistance and Guardianship Assistance Coordinator must:

(A) Document the recommendations of the Adoption Assistance Review Committee; and

(B) Submit the documentation to the Post Adoption Services Program Manager or designee within one business day of the Adoption Assistance Review Committee meeting.

(4) The Post Adoption Services Program Manager or designee must complete each of the following actions:

(a) Attend the Adoption Assistance Review Committee and ask any clarifying questions, but not participate in the deliberation or recommendation of the Adoption Assistance Review Committee.

(b) Review and consider:

(A) The materials submitted to the Adoption Assistance Review Committee;

(B) The recommendations of the committee; and

(C) The information presented by the pre-adoptive family or adoptive family under subsection (4)(b) of this rule.

(c) Make a decision within 30 calendar days of receipt of the documentation under paragraph (4)(e)(B) of this rule; and

(d) Provide written notification to the pre-adoptive family or adoptive family and the Adoption Assistance and Guardianship Assistance Coordinator within ten business days of the decision.

(5) When a pre-adoptive family or adoptive family is not satisfied with the final adoption assistance offer from the Department the pre-adoptive family or adoptive family has the right to a contested case hearing under OAR 413-010-0500 to 413-010-0535.

(6) An initial adoption assistance payment begins on a date determined by the Department when all of the following criteria are met:
(a) The child is legally free for adoption;

(b) Unless the child is in the custody of a pre-adoptive family eligible to apply for adoption assistance under OAR 413-130-0040(5) or the Department has approved an adoptive family to apply for adoption assistance under OAR 413-130-0130 -- the Department, participating tribe, or licensed adoption agency has approved the pre-adoptive family as the adoptive placement; and

(c) An adoption assistance agreement has been signed by the pre-adoptive family or adoptive family and by the Department representative.

(7) An adoption assistance payment is issued at the end of each month of eligibility.

(8) An adoption assistance payment made to a pre-adoptive family or an adoptive family by the Department is inalienable, not assignable or transferable, exempt from execution, levy, attachment, garnishment, and any other legal process under the laws of Oregon.

(9) The adoptive family may apply to be the designated payee for any benefit the child or young adult receives if the benefit program allows such application.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340

413-130-0075
Renegotiation of an Adoption Assistance Payment
(Amended 11/1/2018)

(1) The Department, pre-adoptive family, or adoptive family may request renegotiation of an adoption assistance agreement. When the pre-adoptive family or adoptive family has previously signed an adoption assistance agreement only and requests adoption assistance at a later date, it is considered a renegotiation.

(2) A request for renegotiation of the adoption assistance agreement made by a pre-adoptive family or adoptive family must:

(a) Be in writing in a format provided by the Department to the pre-adoptive family or adoptive family;

(b) Document changes in the circumstances of the pre-adoptive family or adoptive family, when applicable;

(c) Document the needs of the child or young adult;
(d) Provide information about the financial expenses of the pre-adoptive family or adoptive family in meeting the needs of the child or young adult; and

(e) If the pre-adoptive family or adoptive family is requesting a CANS screening, provide written documentation of the child's or young adult's current behaviors and functioning that meet the eligibility requirements for a CANS screening referral under OAR 413-020-0230.

(3) Renegotiation of the adoption assistance payment will be conducted using the negotiation process described in OAR 413-130-0070(2) to (5).

(4) A new adoption assistance agreement must be signed by all parties each time the adoption assistance payment changes as a result of renegotiation.

(5) The Department may authorize a renegotiated adoption assistance payment increase or decrease for the period commencing the first day of the month in which the Department receives the documentation required to complete the requested renegotiation, or another date agreed upon by the pre-adoptive family or adoptive family and the Department.

(6) The Department may approve up to twelve months of retroactive payments unless a contested case hearing was requested and a subsequent decision necessitates a payment of more than twelve months. The decision includes any decision by the Department, including:

(a) A final order;

(b) A stipulated final order;

(c) A settlement agreement; or

(d) Any other agreement resulting in withdrawal of the contested case.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340

413-130-0077
Eligibility for Nonrecurring Expenses
(Amended 08/01/14)

A pre-adoptive family is eligible for reimbursement of nonrecurring expenses through Title IV-E funding on behalf of a child determined to have special needs under OAR 413-130-0020 when the child is in the custody of:

(1) The Department, a participating tribe, or a licensed adoption agency; or
(2) An Oregon family following a relinquishment of parental rights by the legal parent directly to the Oregon family.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340

413-130-0080
Payment for Nonrecurring Expenses
(Amended 02/01/14)

(1) An agreement, indicating the nature and amount of nonrecurring expenses, must be signed prior to the final judgment of adoption. Payment for nonrecurring expenses is made when the Department receives the final judgment of adoption.

(2) The Department will reimburse an adoptive family up to $2,000 for each eligible child for approved nonrecurring expenses, including but not limited to:

(a) The cost of a home study;

(b) Court costs;

(c) Legal fees, as authorized by the Department;

(d) Physical and psychological examinations required for the adoption; and

(e) Travel to visit with the adoptive child prior to the placement.

(3) The Department will consider requests for nonrecurring expenses that:

(a) Are submitted with written documentation to the Adoption Assistance and Guardianship Assistance Unit;

(b) Are not in violation of state or federal law; and

(c) Do not duplicate expenses covered by:

(A) The Interstate Compact on Placement of Children (ORS 417.200 - 417.260);

(B) A Department contract with a licensed adoption agency; or

(C) Another resource available to the adoptive family.
(4) When a pre-adoptive family indicates that they will be using a qualified vendor attorney, the Adoption Assistance and Guardianship Assistance Unit must send the pre-adoptive family a list of qualified vendor attorneys.

(5) The pre-adoptive family may select and contact an attorney from the list of qualified vendor attorneys, in which case the pre-adoptive family must:

   (a) Sign the legal fees agreement; and
   
   (b) Send the legal fees agreement to the attorney, who will sign it and return it to the Department for payment after the judgment of adoption is received.

(6) The pre-adoptive family may privately retain an attorney, in which case:

   (a) The adoptive family is responsible for paying the attorney; and
   
   (b) The Department will reimburse the adoptive family reasonable charges equal to the amount allowed for a qualified vendor attorney unless the Adoption Assistance and Guardianship Assistance Coordinator has determined that a higher amount may be considered due to extraordinary circumstances.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340

413-130-0090
Special Payments
(Amended 12/28/11)

(1) A request for a special payment:

   (a) May be made after finalization of the adoption by an adoptive family who has an existing adoption assistance agreement with the Department; and

   (b) Must include documentation from the adoptive family when requested by the Department.

(2) The Department may authorize a special payment for a limited duration, on a case-by-case basis, subject to the availability of resources.

(3) An approved special payment may only be issued to the adoptive family.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340
413-130-0100
Medical Assistance
(Amended 10/26/15)

(1) A child or young adult who is the subject of an adoption assistance agreement funded by Title IV-E funds is categorically eligible for medical assistance through Title XIX and eligible for social services through Title XX.

(2) A child or young adult who is the subject of an adoption assistance agreement funded with state general funds is eligible for medical assistance under OAR 413-100-0400 to 413-100-0610 when:

(a) The child or young adult resides in Oregon; or

(b) The child or young adult resides outside of Oregon but in the United States or a territory or possession thereof and is not able to obtain medical assistance in his or her place of residence.

(3) When the adoptive child or young adult resides outside of Oregon, the Department provides the necessary documentation to the state of residence of the child or young adult through the Interstate Compact on Adoption and Medical Assistance (ICAMA) to assist the pre-adoptive family or adoptive family in obtaining medical assistance for the child or young adult.

(4) Medical assistance is not provided for a child or young adult who resides outside of the United States, a territory or possession thereof.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340

413-130-0110
Administration of Approved Adoption Assistance
(Amended 11/1/2018)

(1) Except as provided in OAR 413-130-0130, in order for the Department to provide adoption assistance on behalf of an eligible child:

(a) An adoption assistance agreement must be signed by each individual who is a party to the agreement and a Department representative; and

(b) The adoption assistance agreement must be in effect before the judgment of adoption.

(2) An adoption assistance agreement must include each of the following:
(a) A statement indicating that an adoption assistance agreement remains in effect regardless of the state or residency of the pre-adoptive family or the adoptive family and the child.

(b) An effective date which, except as provided in OAR 413-130-0130, must be before the date of the judgment of adoption.

(c) Information identifying the eligibility of the child or young adult to receive medical assistance and specifying the eligibility of the child or young adult for Title XIX and XX.

(d) Information that ORS 192.558 allows the Oregon Health Plan (OHP) and OHP managed care plans to exchange the following protected health information without authorization from the pre-adoptive family or adoptive family for the purpose of treatment activities related to behavioral or physical health of the child or young adult when the child or young adult is the recipient of OHP services:

   (A) The name and Medicaid recipient number for the child or young adult;

   (B) The hospital or medical provider for the child or young adult;

   (C) The hospital or medical provider's Medicaid number;

   (D) Each diagnosis for the child or young adult;

   (E) Each treatment activity's date of service;

   (F) Each treatment activity's procedure or revenue code;

   (G) The quantity of units or services provided; and

   (H) Information about medication prescription and monitoring.

(e) Specification of the amount and nature of all adoption assistance to be provided.

(f) A statement informing the pre-adoptive family or adoptive family of the right to a contested case hearing under OAR 413-010-0500 to 413-010-0535.

(3) The Department remains financially responsible for providing the services specified in the adoption assistance agreement if the needed service is not available in the new state or service area of residence, except as described in OAR 413-130-0100(4).

(4) The foster care base rate payment, level of care payment, any level of personal care payment, and medical coverage end when adoption assistance begins. Medical assistance, as determined by the child's eligibility, may continue when requested by the pre-adoptive family or adoptive family.
(5) The Department may require documentation from the *pre-adoptive family* or *adoptive family* verifying that the *child*:

(a) Is enrolled in an elementary or secondary school as determined by the law of the state of residence;

(b) Is home schooled in accordance with the law of the state of residence;

(c) Is enrolled in an independent study program in accordance with the law of the state of residence;

(d) Has completed secondary school; or

(e) Is incapable of attending school due to a documented medical condition, mental disability, or physical disability.

(6) A *pre-adoptive family* or *adoptive family* must immediately inform the Adoption Assistance and Guardianship Assistance Unit of a change in circumstances that may make them ineligible for adoption assistance or eligible for an adoption assistance payment in a different amount.

(7) An individual who is a party to an adoption assistance agreement may request a change of payee due to a divorce, legal separation, or other judicially recognized modification of custody.

(a) The requesting individual must provide the Department with the current address and telephone number of the current payee.

(b) The Department must notify the current payee that there has been a request to change the payee within 30 calendar days of receipt of a request for a change of payee.

(c) Unless the current payee submits a challenge to the request to change payee within 30 calendar days of the date the Department sends the notice in subsection (b) of this section, the request to change payee will be approved.

(d) If the change of payee is challenged, the Department requires legal documentation describing physical custody of the *child* to make a change in payee.

(e) The new payee must be one of the parties to the adoption assistance agreement.

(8) Overpayment.

(a) If the Department issues an adoption assistance payment on behalf of a *child* or *young adult* after the date the adoption assistance agreement automatically
expires, the Department may seek reimbursement of the overpayment and the pre-adaptive family or the adoptive family must repay the Department.

(b) If the pre-adaptive family or adoptive family fails to comply with any provisions of the adoption assistance agreement, including failing to notify the Department of any of the events or circumstances described in section (6) of this rule and OAR 413-130-0112, the Department may collect any adoption assistance payment or medical assistance which the Department would not have provided had the pre-adaptive family or adoptive family complied with the provisions of the adoption assistance agreement.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340

413-130-0112
Required Communication
(Amended 11/1/2018)

(1) A pre-adaptive family or adoptive family receiving adoption assistance must immediately report, orally or in writing, to the Adoption Assistance and Guardianship Assistance Unit any changes in circumstances of the child or young adult, pre-adaptive family or adoptive family that makes the child or young adult ineligible for adoption assistance including, but not limited to when:

(a) The child or young adult:

(A) Is emancipated;
(B) Dies;
(C) Marries;
(D) Enlists in the military; or
(E) No longer meets the eligibility requirements for extension of adoption assistance under OAR 413-130-0055.

(b) The parental rights of the adoptive parent or, if there is more than one adoptive parent, both adoptive parents to the child or young adult have been terminated or relinquished.

(2) A pre-adaptive family or adoptive family receiving adoption assistance must immediately report, orally or in writing, to the Department's Adoption Assistance and Guardianship Assistance Unit any changes in circumstances of the child or young adult, pre-adaptive family or adoptive family that may make the child or young adult ineligible for adoption assistance.
assistance or eligible for an adoption assistance payment in a different amount including when:

(a) The child or young adult:

(A) Is out of the home of the pre-adoptive family or adoptive parent for more than a thirty-day period or, if more than one adoptive parent, is out of the home of both adoptive parents for more than a thirty-day period;

(B) Has a change in behavior and functioning that meets the eligibility requirements for a CANS screening referral set forth in Oregon Administrative Rules (OAR) 413-020-0230(5).

(C) Is placed in substitute care;

(D) Is no longer receiving financial support from the pre-adoptive family or the adoptive parent or, if there is more than one adoptive parent, both adoptive parents;

(E) Is incarcerated for more than a thirty-day period; or

(F) Has a change in any benefit received.

(b) A pre-adoptive family or an adoptive parent is, or if more than one adoptive parent, both adoptive parents are:

(A) No longer legally responsible for the financial support of the child or young adult;

(B) No longer responsible for the child or young adult; or

(C) No longer providing support to the child or young adult.

(3) A pre-adoptive family or adoptive family receiving an adoption assistance payment must immediately report, orally or in writing, to the Adoption Assistance and Guardianship Assistance Unit the following:

(a) When there is a change of address.

(b) When the pre-adoptive family or adoptive family, child or young adult is planning to move from his or her state of residency.

(c) When there are two adoptive parents and one adoptive parent dies, the surviving adoptive parent must notify the Department.
A pre-adoptive family or adoptive family must respond to inquiries from the Adoption Assistance and Guardianship Assistance Unit within 30 calendar days or as required by the unit.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340

413-130-0125
Review, Adjustment, Suspension, Expiration, and Termination of Adoption Assistance
(Amended 11/1/2018)

(1) The Department may review an adoption assistance agreement and request updated information from the pre-adoptive family or the adoptive family when the Department:

(a) Receives information indicating that the child or young adult may no longer be eligible for adoption assistance or may be eligible for an adoption assistance payment in a different amount, including when the Department receives information regarding any of the circumstances described in OAR 413-130-0112;

(b) Determines, when the child or young adult is not residing in the home of the pre-adoptive family or adoptive family, that a periodic review of the adoption assistance agreement is required;

(c) Receives information that indicates a review is necessary based on a change in the needs of the child or young adult or circumstances of the family;

(d) Receives information that the young adult no longer meets the requirements for continued assistance, if the Department has agreed to extend adoption assistance under OAR 413-130-0055;

(e) Determines that the pre-adoptive family or adoptive family has not complied with the requirements of the adoption assistance agreement; or

(f) Receives information or otherwise becomes aware that the pre-adoptive family or adoptive family is no longer providing support for the child or young adult or is no longer legally responsible for the support of the child.

(2) Department review of an adoption assistance agreement may result in a renegotiation, suspension, adjustment, or termination of the adoption assistance agreement or adoption assistance payments.

(3) The Department may suspend adoption assistance payments upon t10n calendar days written notice to the pre-adoptive family or adoptive family when the Department is unable to establish contact with the pre-adoptive family or adoptive family and
(a) The Department receives information that the pre-adoptive family or adoptive family is no longer providing support for the child or young adult; or

(b) The Department receives information that the pre-adoptive family or adoptive family is no longer legally responsible for the support of the child.

(4) Adoption assistance may be adjusted at any time by mutual agreement between the pre-adoptive family or adoptive family and the Department.

(5) When the adoptive family divorces, legally separates, or is party to a judicially-recognized modification of custody, the Department may request updated information, including financial information, to reflect the change in family circumstances.

(6) When there is an across-the-board reduction or increase in the base rate payment or level of care payment that the child or young adult would be eligible to receive if the child or young adult were in foster care, the Department may, after a case-by-case review and without concurrence of the adoptive family, adjust the adoption assistance payment to an amount that does not exceed the new foster care payment the child or young adult would receive if currently in foster care, as follows:

(a) In the case of a reduction, only those payments that exceed the amount the child or young adult would be eligible for if currently in foster care would be reduced, and the reduction would only be to the amount that the child or young adult would be eligible to receive if currently in foster care.

(b) In the case of an increase, the Department, considering the needs of the child or young adult and the circumstances of the adoptive family, may increase the adoption assistance payment to an amount that does not exceed the new foster care payment the child or young adult would receive if currently in foster care.

(7) If, upon review under section (1) of this rule or an adjustment under section (6) of this rule, the Department intends to adjust an adoption assistance payment without the concurrence of the pre-adoptive family or adoptive family, the Department will provide the pre-adoptive family or adoptive family with written notice as described in OAR 413-010-0500 to 413-010-0535.

(8) Unless terminated under sections (9) or (10) of this rule, the adoption assistance agreement and the Department’s obligation to provide adoption assistance expires automatically on the date any of the following events occur:

(a) When the child:

   (A) Reaches the age of 18 or, when an extension has been granted under OAR 413-130-0055, no later than the date identified in the adoption assistance agreement;
(B) Is emancipated;

(C) Dies;

(D) Marries;

(E) Enlists in the military; or

(F) No longer meets the requirements for continued adoption assistance if the Department has agreed to continue adoption assistance under OAR 413-130-0055.

(b) The parental rights of the adoptive parent or, if there is more than one adoptive parent, both adoptive parents to the child or young adult have been terminated or relinquished.

(c) The adoptive parent dies or, if more than one adoptive parent, both die.

(d) The Department or agency having guardianship or custody of the child removes the child from the home of the pre-adoptive family prior to finalization of the adoption.

(9) Adoption assistance may be suspended at any time by mutual agreement between the Department and the pre-adoptive family or adoptive family.

(10) After a review and on a case-by-case basis, the Department may terminate an adoption assistance agreement upon ten calendar days written notice to the pre-adoptive family or adoptive family when the Department determines that:

(a) The pre-adoptive family or adoptive family is no longer responsible for the child or young adult;

(b) The pre-adoptive family or adoptive family is no longer providing support to the child or young adult; or

(c) The child or young adult is no longer eligible for adoption assistance or is eligible for adoption assistance in a different amount.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340
413-130-0130
Post Judgment of Adoption Applications for Adoption Assistance
(Amended 10/26/15)

(1) An adoptive family asking to apply for adoption assistance after the judgment of adoption must submit a written request to the Adoption Assistance and Guardianship Assistance Unit, 500 Summer Street NE, E-71, Salem, Oregon 97301, based on one or more of the following extenuating circumstances:

(a) Relevant facts regarding the child, the biological family, or background of the child were known, but not shared with the adoptive family prior to legal finalization of the adoption;

(b) Adoption assistance was denied based on an assessment of the financial need of the adoptive family;

(c) The Department determined the child was ineligible for adoption assistance, but information becomes known that indicates a review of the determination is appropriate; or

(d) The Department failed to advise the adoptive family of a special needs child of the availability of adoption assistance.

(2) Upon receipt of the written request, the Department must determine, within 30 calendar days, whether the child meets Title IV-E eligibility requirements.

(3) The Department may review and provide an adoptive family historic information regarding the child to assist in the request and determination regarding eligibility for adoption assistance:

(a) Following receipt of a request from the adoptive parents for non-identifying information from the adoption registry as provided by ORS 109.425 through 109.507;

(b) Following receipt of a court order to review and release records from the sealed adoption file; or

(c) As otherwise allowed under OAR 413-010-0065.

(4) When a child is Title IV-E eligible, a decision is made through a contested case hearing on whether the adoptive family may apply for adoption assistance after the judgment of adoption based on the extenuating circumstances in section (1) of this rule:

(a) The Adoption Assistance and Guardianship Assistance Coordinator must write a summary of the situation and submit a hearing referral and supporting
documentation to the Office of Administrative Hearings within 45 calendar days of receipt of the request in section (1) of this rule.

(b) An adoptive family has the burden of proof to show that extenuating circumstances exist. The Department may provide corroborating facts to both the adoptive family and the administrative law judge.

(c) The contested case hearing is conducted under OAR 413-010-0500 to 413-010-0535.

(5) When a child does not meet Title IV-E eligibility requirements, the Post Adoption Services Program Manager determines if extenuating circumstances under section (1) of this rule exist that justify accepting an adoption assistance application from the adoptive family.

(a) The Adoption Assistance and Guardianship Assistance Coordinator must prepare information for review by the Post Adoption Services Program Manager including information submitted by both the adoptive family and Department records.

(b) A written finding will be sent to the adoptive family within 60 calendar days of the receipt of the request for review.

(c) When the Post Adoption Services Program Manager finds that extenuating circumstances do not exist, the adoptive family may request a contested case hearing under OAR 413-010-0500 to 413-010-0535.

(A) The administrative law judge in the contested case hearing reviews whether the adoptive family may submit an application for adoption assistance.

(B) The approval of the adoption assistance application is a separate determination made by the Department.

(6) When the decision, through a contested case hearing or Post Adoption Services Program Manager review, is that the adoptive family is eligible to apply for adoption assistance on behalf of the child, an adoption assistance application may be signed, effective the date of the written request described in section (1) of this rule. The process for application in OAR 413-130-0050 and negotiation in OAR 413-130-0070 apply.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340
Adoption Search and Registry

413-130-0300
Purpose
(Amended 06/29/16)

The purpose of OAR 413-130-0300 to 413-130-0365 is to describe the responsibilities of the Adoption Search and Registry Program for adoptions that finalized in Oregon and the eligibility requirements that must be met in order to:

(1) Receive non-identifying information from the registry;
(2) Register to allow the release of identifying information; and
(3) Request an assisted search for certain members of an individual’s birth family or the county in which the adoption was finalized.

Statutory Authority: ORS 109.506, 418.005

413-130-0310
Registry Eligibility for Non-Identifying Information
(Amended 06/29/16)

(1) A registry must provide genetic and social history and health history of the adoptee and birth family members, if available, to the following individuals:

(a) An adult adoptee;
(b) An adoptive parent of a child adoptee;
(c) A guardian of a child adoptee;
(d) A birth parent of an adoptee;
(e) Adult progeny of a deceased adoptee;
(f) A spouse of a deceased adoptee, if the spouse is the birth parent or guardian of any child of the adoptee.
(2) An eligible individual must request non-identifying information by submitting a request form provided by the registry and a $45 fee.

Statutory Authority: ORS 109.506, 418.005

413-130-0320
Registry Eligibility for Identifying Information
(Amended 06/29/16)

(1) The adoption registry is a voluntary program in which birth parents, putative fathers, adoptees, and genetic siblings of adoptees may register their willingness to release identifying information to each other.

(2) The following individuals are eligible to register:

(a) An adult adoptee;

(b) An adoptive parent or guardian of a minor adoptee;

(c) An adoptive parent of a deceased adoptee;

(d) An adult genetic sibling of an adoptee;

(e) A parent or guardian of a minor genetic sibling of an adoptee;

(f) A birth parent;

(g) A parent or adult sibling of a deceased birth parent; or

(h) A putative father. A putative father may register to have his identifying information given to adult adoptee, but the registry may not give identifying information about the adoptee to the putative father.

(3) The registry must allow the adult progeny or the parent or guardian of a minor progeny of the following individuals to register:

(a) A deceased adoptee;

(b) A deceased genetic sibling of an adoptee;

(c) A deceased birth parent of an adoptee.

(4) An eligible individual must register by submitting the following to the applicable registry:
(a) A notarized affidavit on a form provided by the registry;

(b) A copy of his or her birth certificate; and

(c) A $25 fee.

(5) A registrant may cancel the registration at any time with written notice to the registry.

(6) Registration by a parent or guardian of a minor expires when the minor reaches 18 years of age. The adult adoptee must reregister for identifying information to be released to relevant individuals who are registered. The registry program may not charge a fee for reregistration.

(7) The registrant must notify the registry of any change of name or address.

(8) The registry will notify the registrants when a match is identified. A registry may recommend appropriate counseling prior to the release of information to the eligible individual.

Statutory Authority: ORS 109.506, 418.005

413-130-0330
Assisted Search Program Eligibility
(Amended 06/29/16)

(1) The following individuals may request an assisted search for a birth parent, a putative father, a genetic sibling of an adoptee, or the county in which an adoption was finalized:

   (a) An adult adoptee;

   (b) An adoptive parent of a minor adoptee; or

   (c) An adoptive parent of a deceased adoptee.

(2) The following individuals may request an assisted search for an adult adoptee:

   (a) Except as provided in section (4) of this rule, a birth parent if the adult adoptee does not have any minor genetic siblings in the same adoptive family;

   (b) An adult genetic sibling of an adoptee; or
(c) A parent or adult sibling of a deceased birth parent.

(3) Except as provided in section (4) of this rule, a birth parent may request a search for the county in which the adoption was finalized. At the discretion of the Department or agency, a search may be conducted.

(4) A putative father may not request an assisted search.

Statutory Authority: ORS 109.506, 418.005

413-130-0340
Assisted Search Application Requirements
(Amended 06/29/16)

(1) Individuals requesting an assisted search must submit the following:

(a) An application on an approved form to the applicable registry. The Department may disclose the applicable registry if it is unknown by the requester.

(b) Proof of registration for identifying information with the registry; and

(c) A fee of $400 for the first individual and $200 for each additional individual.

(2) Upon receipt of a completed application the registry must do all of the following:

(a) Prepare a search file.

(b) Assign the case to a searcher.

(c) Inform the requester that the case has been opened and provide periodic updates on the status of the search.

(3) Duties of the Searcher.

(a) When an individual is located, the searcher must:

(A) Make a confidential inquiry to determine if the located individual wants to establish contact with the requester;

(B) Inform the located individual about the registry program, explain that participation is voluntary and no identifying information will
be released unless they have registered with the appropriate registry; and

(C) If the requester is searching because there is a serious medical condition in the individual’s immediate family that is, or may be, an inheritable condition and the located individual is biologically related to the ill individual, inform the located individual.

(b) Upon completion of the search, the searcher must:

(A) Notify the registry of the results of the search; and

(B) Return or confidentially dispose of any information obtained in connection with the search.

(4) When notified of the results of a search, the registry must:

(a) Provide registration to a located individual who wants to register;

(b) Notify the requester of the results of the search;

(c) Record the results of the search;

(d) Include any information from the searcher in the search file; and

(e) If the located individual has not returned the registration materials within 90 days, the registry may, where practicable, contact the located individual one time to determine if the located individual still intends to register.

(5) Upon receipt of registration materials from the located individual, the registry must contact both the requester and the located individual to assure that communication is initiated in a way that is acceptable for each individual. The registry must only release contact information that is allowed by each registrant.

(6) The registry must complete the assisted search within 120 days from the date of assignment. If the search is not completed within 120 days, the registry must contact the requester and provide the reason for the delay and a projected completion date.

Statutory Authority: ORS 109.506, 418.005
413-130-0350
Standards of Conduct for a Registry
(Amended 06/29/16)

A registry must do all of the following:

(1) Maintain accurate and complete records of each search.

(2) Keep confidential all adoption file information and all work product developed during an assisted search process.

(3) Only contact adoptees, birth family members, or adoptive family members under the provisions of these rules.

(4) Act within applicable statutory and administrative rules.

(5) Not contact, exert pressure, or in any other way solicit an adoptee, adoptive parent or guardian, birth parent, or putative father to register with the registry except as allowed in relation to an assisted search.

(6) Accept fees not exceeding those described these rules.

Statutory Authority: ORS 109.506, 418.005

413-130-0355
Standards for a Searcher
(Amended 06/29/16)

Individuals or entities who perform assisted searches for a registry must do all of the following:

(1) Keep all information from sealed adoption files and information obtained during an assisted search confidential.

(2) Maintain accurate and complete records of each search.

(3) Work within the boundaries of applicable statutory and administrative rules.

(4) Avoid potential conflicts of interest in conducting a search.

(5) Provide a criminal background check demonstrating no record of criminal convictions related to maintaining the integrity or confidentiality of records or child abuse or other offenses involving minor children.
(6) Sign a statement of confidentiality that outlines potential civil and criminal penalties for any disclosure of file information to any one not expressly authorized in applicable statutes or administrative rules.

Statutory Authority: ORS 109.506, 418.005

413-130-0360
Access to Registry Records
(Amended 06/29/16)

(1) A licensed adoption agency may examine adoption records maintained by the Department as part of an assisted search.

(2) The Department may examine adoption records maintained by a licensed adoption agency as part of an assisted search if the licensed adoption agency so allows.

(3) Original file contents or copies of confidential documents may not be removed from a registry.

(4) A searcher may not inspect any other files of another registry except those directly related to the file of the requester.

Statutory Authority: ORS 109.506, 418.005

413-130-0365
Confidentiality and Maintenance of Records
(Amended 06/29/16)

(1) All information acquired by the registry must be confidential and be disclosed only as provided in these rules or pursuant to a court order.

(2) Registry files including work product from an assisted search must be maintained permanently.

(3) If a licensed adoption agency ceases to do business, the agency must transfer the adoption records to the Department or a successor agency. If files are transferred to a successor agency, the agency must tell the Department who has the files.

Statutory Authority: ORS 109.506, 418.005