

Policy Title:	Determining the Appropriateness of Adoption as a Permanency Plan for a Child – OAR		
Policy Number:	I-F.2 413-110-0300 thru 0360		Effective Date: 01-01-2004

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

History

Reference(s):

- Child Welfare Policy I-E.2., Multiethnic Placements
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i_e2.pdf
- Child Welfare Policy I-E.2.1, Placement of Indian Children
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i_e21.pdf
- Child Welfare Policy I-E.3.6, Achieving Permanency
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i_e36.pdf
- Child Welfare Policy I-F.3.2.1, Termination of Parental Rights
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i_f321.pdf
- Child Welfare Policy I-F.6, Sibling Placement Planning in Adoption
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i_f6.pdf
- Child Welfare Policy I-G.1.13, Disruption of an Adoptive Placement
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i_g113.pdf
- Indian Child Welfare Act
- Small Business Job Protection Act of 1996, "Removal of Barriers to Interethnic Adoption" (IEPA)
- Multiethnic Placement Act of 1994, P.L.104-188
- Social Security Act Amendments of 1994, P.L. 103-432
- Adoption and Safe Families Act of 1997, P.L. 105-89
- Title VI of Civil Rights Act of 1964
- ACF-IM-CB-97-04, June 6, 1997
- ACF-IM-CF-98-03, May 11, 1998
- 45 CFR Parts 1355, 1356, and 1357, 1/25/2000

Form(s) that apply:

- None referenced.

Rules:

413-110-0300

Purpose

These rules (OAR 413-110-0300 to 413-110-0360) 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 the Indian Child Welfare Act and the Department's Child Welfare policy I-E.2.1, "Placement of Indian Children," OAR 413-120-0000 to 413-120-0080).

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-110-0310

Definitions

- (1) "Appropriateness of Adoption": 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.
- (2) "Approved Family": A family that has been selected for a child in accordance with the Department's Child Welfare policy I-G.1.5, "Adoption Placement Selection," OAR 413-120-0000 to 413-120-0080) or I-G.1.1, "Current Caretaker Adoption Planning," OAR 413-120-0500 to 413-120-0550.
- (3) "Local Office Permanency/Adoption Committee": 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.
- (4) A "Permanency/Adoption Council" (Council) is a council consisting of field-management staff, permanency and adoption staff, and community partners from several Service Delivery Areas (SDA), except that the council in SDA 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.
- (5)
 - (a) A "Permanency/Adoption Council Committee" (Committee) is 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 SDA 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.
 - (b) There are two types of Permanency/Adoption Council Committees.
 - (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.

Stat. Auth.: ORS 418.005

Stats Implemented: ORS 418.005

413-010-0320

Values

- (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

- (1) Before the Department initiates proceeding to free a child for adoption, it makes 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 such pertinent information as psychological evaluations, therapist's assessments, an assessment by a mental health professional when appropriate that includes the child's attachment and other permanency needs, 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 child's ability to attach.
 - (ii) The needs of the child.
 - (iii) Prior or current caretaker or family relationships that could support or interfere with the child's ability to build new family relationships.
 - (iv) Information about the child's siblings and half siblings (see Child Welfare policy I-F.6, "Sibling Placement Planning in Adoption," OAR 413-110-0100 to 413-110-0140).
 - (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 child's willingness 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 SDA Manager or designee. Their recommendation must include the compelling reasons for their assessment that it is not an appropriate permanency plan (see Child Welfare policy I-F.3.2.1, "Termination of Parental Rights," OAR 413-110-0240(3)(c)(D)). If the SDA 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 child's best interests 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

- (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 Department's Child Welfare policy I-G.1.3, "Disruption of Adoptive Placements." 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 the Department's Child Welfare policy I-F.5, "Legal Risk Placements," OAR 413-110-0000 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 413-040-0320.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-110-0350

When Adoption Is Not an Appropriate Permanency Plan

- (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

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 SDA manager or designee. If the SDA 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

Contact(s):

- **Name:** CAF Reception; **Phone:** 503-945-5600

Policy History

- 04/28/00
- 07/01/01
- 01/01/04