

TRANSMITTAL/PRIMER for I-F2

Determining Appropriateness

OAR 413-110-0300/0360

Training Information

These rules were modified during the fall of 2003, with implementation beginning January 1, 2004. Changes were made throughout these rules to align language with the current DHS/CAF field structure. Other significant changes include:

1. **Purpose** (OAR 413-110-0300) was revised in its entirety, but no changes were made that affect practice.
2. **Definitions** section (OAR 413-110-0310) was revised in its entirety, with some substantive changes, as follows:
 - A. Clarification is made regarding the distinction between a Local Office Permanency/Adoption Committee and a Permanency/Adoption Council Committee.
 - B. Clarification is made regarding the distinction between Permanency/Adoption Council and Permanency/Adoption Council Committee.
 - C. Clarification is made regarding the functional distinction between a Permanency/Adoption Council *Ad Hoc* Committee and a Permanency/Adoption Council Standing Committee.

These definitions were made consistent with those that appear in all of the DHS adoption policies and rules.

3. **Values** section (OAR 413-110-0320) was revised but not substantively.
4. **Procedure to Determine the Appropriateness of Adoption as a Permanency Plan** (OAR 413-110-0330) was revised in its entirety with several substantive changes, as follows:
 - A. Clarification was made regarding the old rules to underscore the movement of decision-making about appropriateness of adoption from the Permanency/Adoption Council. These are outline in (3) (a)(b)(c)(d) and are as follows:
 - (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 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

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.

B. Several time frames are reiterated or tightened, including:

1. (2) (b) changes "when the child has been in substitute care for six months" to "not later than six months after the child enters substitute care."
2. (3) (b) The requirement that the child's worker schedule a staffing with the Local Office Permanency/Adoption Committee be done within 60 days of the worker/supervisor staffing that did not result in a clear determination of the appropriateness of adoption remains unchanged from the old rules.

5. **When Adoption is an Appropriate Permanency Plan** (OAR 413-110-0340) was revised in its entirety with substantive changes, as follows:

- A. (1) (c) Changes from 12 months to 6 months the time within which the child's worker must staff with either the Local Office Permanency/Adoption Committee or the Permanency/Adoption Council Committee the case of a child whose adoption disrupts and for whom a new adoptive resource has not been located. (Note: there is no change in the requirement that within 3 months of disruption, the worker staff the case of a child for whom there is a question whether adoption is still a viable permanency plan. [See (1) (d)]
- B. (3) Clarifies that the court must be notified and give approval before legal risk placement of a child is made out of state.

6. **When Adoption is Not an Appropriate Permanency Plan** (OAR 413-110-0350) was revised in its entirety but no substantive changes that affect practice were made.

7. **Review Process** (OAR 413-110-360) was revised in its entirety to state: 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.