

<b>Policy Title:</b>	Initiating Adoption Planning – Policy		
<b>Policy Number:</b>	I-F.3		<b>Effective Date:</b> 10-01-2003

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

References

Contact

## Reference(s):

- P.L. 105-89 (ASFA)
- Indian Child Welfare Act
- Child Welfare Policy I-E.2.1, Placement of Indian Children  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-e21.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e21.pdf)
- ORS 418.005
- Child Welfare Policy I-F.2, Determining the Appropriateness of Adoption as a Permanency Plan for a Child  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-f2.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-f2.pdf)
- Child Welfare Policy I-B.3.4.2 Interstate Compact on the Placement of Children  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-b342.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-b342.pdf)
- SB 408 (1999)
- ORS 125.060 and 125.065

## Form(s) that apply:

- CF 0246, Genetic and Medical History of Child and Biological Family  
<http://dhsforms.hr.state.or.us/Forms/Served/CE0246.pdf>
- CF 0418, Father's Questionnaire  
<http://dhsforms.hr.state.or.us/Forms/Served/CE0418.pdf>
- CF 0421, Adoption Child Summary  
<http://dhsforms.hr.state.or.us/Forms/Served/CE0421.pdf>
- CF 0422, Adoption Planning Referral
- CF 0423, Adoption Placement Needs  
<http://dhsforms.hr.state.or.us/Forms/Served/CE0423.pdf>
- CF 0424, Legal Assistance Referral  
<http://dhsforms.hr.state.or.us/Forms/Served/CE0424.pdf>

## Policy:

### **Purpose**

This policy establishes criteria for initiating adoption planning and provides procedures for opening an adoption file for a child and preparation and submission of referrals. In the case of an *Indian child*, the Department of Human Services (Department) must follow the *Indian Child*

Welfare Act, OAR 413-070-0100 through 0260 and child welfare policy I-E.2.1, Placement of Indian Children.

## Values

(1) Adoption is the preferred, but not the only, permanency plan for most children in Department custody who are unable to live safely and permanently with their biological or legal parents.

(2) The Department honors the customs of federally recognized Indian Tribes with regard to permanency planning for their children.

## Definitions

(1) **“Approved Family”** means a family that has been selected for a child in accordance with child welfare policy I-G.1.5, Adoption Placement Selection.

(2) **“Indian Child”** means any unmarried person under age eighteen who is either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(3) **“Probate Guardianship”** means the legal means by which the Department obtains the legal authority to consent to adoption when there is no living parent with legal standing.

**Statutory Authority: ORS 418.005**

**Statutes Implemented: PL 105-89, SB 408 (1999)**

## Policy

(1) Adoption plans must be initiated only for a child who meets all five of the following criteria for adoption planning:

(a) Adoption is in the child's best interests;

(b) The child can be legally freed for adoption;

(c) The child can accept new parents, and if age 14 or older, will legally consent to the adoption;

(d) The child can be successfully placed for adoption with an *approved family*;  
and

(e) In the case of an *Indian child*, required communication with the child's tribe(s) and inclusion in permanency planning for the child is ongoing and documented in the child's local Department case record.

(2) In order to free a child for adoption, the assigned Legal Assistance Specialist must carefully review the proposed plan to be certain that the plan is appropriate for the child and that it is reasonable to believe that the plan can be accomplished.

(3) In the case of any child for whom the permanency plan is adoption, the worker must make reasonable efforts to place the child in a timely manner in accordance with the permanency plan; in ICWA cases Active Efforts would apply. The worker must document in the permanency

plan the steps the Department is taking to find an adoptive family for the child, to place the child with an adoptive family, and to finalize the adoption. At a minimum, such documentation must include child specific recruitment efforts such as the use of state, multi-state, or national adoption exchanges including electronic exchange systems. In cases in which the child will be adopted by a current caretaker, or in which it can be established that a “significant relationship” exists between the child and the non-current caretaker adoptive applicant, recruitment is not required. In cases of the determination of “significant relationship”, a decision to not recruit must be approved by the LAS and Adoption Placement Specialist.

**(4)** The Department must not delay or deny placement of a child for adoption when an *approved family* is available outside the jurisdiction of the State of Oregon. If the out-of-state placement is a legal risk placement, the worker must obtain approval from the central office Adoptions unit, Legal Assistance Specialist as required in Child Welfare policy I-F.5, Legal Risk Placements. The Department 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 through a private agency, the Department must have a signed contract with the placing agency in the receiving state. Any placement out-of-state needs to be approved through ICPC I-B. 3.4.2. Prior to placement out-of-state the worker should ensure that the child will be able to access medical coverage in the receiving state.

**(5)** The Department must not delay or deny placement of a child for adoption on the basis of the race, color or national origin of the adoptive parent, or the child involved.

**Statutory Authority: ORS 418.005**

**Statutes Implemented: PL 105-89, SB 408 (1999)**

## **Procedures**

**(1) Consideration of Legal Assistance Referral.** The Legal Assistance/Permanency Planning Worker must prepare the referral in accordance with the instructions contained in the Legal Assistance Checklist (CF 0439) in the following manner:

**(a)** The Legal Assistance/Permanency Planning Worker must determine in accordance with Child Welfare policy I-F.2, Determination of Appropriateness of Adoption as a Permanency Plan (OAR 413-110-0300 through 0360), that adoption is the best alternative for the child. The Legal Assistance/Permanency Planning Worker must assure that a child who will be 14 years of age or older at the time of adoption finalization legally consents to being adopted by having the child confirm approval of the plan in writing;

**(b)** The Legal Assistance/Permanency Planning Worker must collect documentation needed to free the child for adoption; and

**(c)** The Legal Assistance/Permanency Planning Worker must complete adoption planning forms.

**(2) Opening an Adoptive File for a Child.** The Legal Assistance/Permanency Planning Worker must prepare a multi-purpose referral package when it is first decided in consultation with the Legal Assistance Consultant to free a child for adoption. The Legal Assistance/ Permanency Planning Worker may use the referral package to initiate the process to free a child for adoption and to initiate actions to select an adoptive home for the child. The Legal Assistance/Permanency Planning Worker may use the referral as follows:

**(a)** To make a Legal Assistance referral for termination of parental rights or *probate*

*guardianship* as defined in this policy;

- (b) To request Release and Surrender documents;
- (c) To initiate recruitment for the child; or
- (d) To provide a permanent adoption record for the child.

### **(3) Documents**

(a) Within 30 days of approval to file a petition for termination of parental rights the following documents are required for Legal Assistance Referral and must be sent to the Central Office Adoptions Unit:

(A) CF 439 Legal Assistance Checklist;

(B) CF422 Adoption Planning Referral (NCR form, do not separate copies);

(C) CF 418 Father(s) Questionnaire;

(D) CF 423 Adoptive Placement Needs;

(E) Original Birth Certificate;

(F) Original CF 1270 Verification of ICWA Eligibility or memo explaining efforts to obtain form; and

(G) Original ICWA Correspondence or green postal card with copy of letter sent to tribe.

(b) Simultaneously to preparing the documents listed in (A) through (G), the local office will submit the following documents which comprise the Legal Assistance Referral, directly to the Assistant Attorney General/Deputy District Attorney:

(A) CF 423 Adoptive Placement Needs;

(B) CF 424 Legal Assistance Referral;

(C) Copy of Birth Certificate; and

(D) Copy of Case Record.

(c) The Adoption Child Summary (CF 421) and the Genetic and Medical History of Child and Biological Family (CF 246) are due to the Adoptions Unit within 30 days after submitting the Legal Assistance Referral.

(d) The Legal Assistance/Permanency Planning supervisor must review the Legal Assistance Referral packet for completeness and must document this review by completing and signing the Legal Assistance Checklist (CF 0439). The supervisor must also review the "Legal Assistance Referral" and submit the packet to the Assistant Attorney General or the Deputy District Attorney.

**(e)** Documents and procedures required for Voluntary Release Referrals:

**(A)** CF 439 Legal Assistance Checklist;

**(B)** CF422 Adoption Planning Referral (NCR form, do not separate copies);

**(C)** CF 418 Father(s) Questionnaire;

**(D)** CF 423 Adoptive Placement Needs;

**(E)** Original Birth Certificate;

**(F)** Original CF 1270 Verification of ICWA Eligibility or memo explaining efforts to obtain form;

**(G)** Original ICWA Correspondence or green postal card with copy of letter sent to tribe;

**(H)** CF 439 Legal Assistance Checklist;

**(I)** CF422 Adoption Planning Referral (NCR form, do not separate copies);

**(J)** CF418 Father(s) Questionnaire; and

**(K)** CF423 Adoptive Placement Needs.

**(f)** All persons with legal rights to the child who are willing to voluntarily release the child, when adoption is in the child's best interests, must complete the release and surrender documents in the following manner:

**(A)** Two signed release and surrender documents and two signed certificates of irrevocability, witnessed, and notarized [WHERE'S THE VERB? WHO WILL DO WHAT? ABOVE INDICATES "IN THE FOLLOWING MANNER"];

**(B)** In unusual circumstances in which release and surrenders and certificates of irrevocability are taken in court, only one original is sent to central office Adoptions Unit and a court certified copy must be retained in the local DHS office.

**(g)** The Adoption Child Summary (CF 421) and the Genetic and Medical History of the Child (CF 246) must be sent to the Adoptions Unit within 30 days after the signing of the Release and Surrender and Irrevocability documents.

**(h)** Documents Required for *Probate Guardianship*:

**(A)** CF 439 Legal Assistance Checklist;

**(B)** CF 422 Adoption Planning Referral (NCR form, do not separate copies);

**(C)** CF 418 Father(s) Questionnaire;

**(D)** CF 423 Adoptive Placement Needs;

(E) Original Birth Certificate;

(F) Original CF 1270 Verification of ICWA Eligibility or memo explaining efforts to obtain form;

(G) Original ICWA Correspondence or green postal card with copy of letter sent to tribe;

(H) Copy of the Death Certificate (mother and or father with legal standing); and

(I) List of persons most closely related to child as defined by *Probate Guardianship* ORS 125.060 and 125.065.

**(i) Filing the Referral Package.** The Termination of Parental Rights and Guardianship Referral Packages are privileged communications with the Department's attorneys and all types of Referrals are confidential information for the child's permanent adoption record.

**Statutory Authority: ORS 418.005**

**Statutes Implemented: PL 105-89, SB 408 (1999)**

### **Contact(s):**

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