

TRANSMITTAL for I-F.5

Legal Risk Placement

OAR 413-110-0000/0060

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 413-110-0000) was revised, but no changes were made that affect practice.
2. **Definitions** section (OAR 413-110-0010) was revised in its entirety, but no changes were made that affect practice.
3. **Values** section (OAR 413-110-0015) was not revised.
4. **Eligibility Criteria for Legal Risk Placement** (OAR 413-110-0020) was revised in its entirety, with substantive changes as follows:
 - A. In order to be inclusive of other potential placement resources, such as the child's current caretaker, the last sentence of (2) was changed from "the Legal Risk Placement resource" to "as the resource for a legal risk placement."
 - B. To the existing requirement in (3) that the Legal Assistance Specialist "has assessed the child's status, and has determined that a plan to free the child for adoption is in the best interests of the child."
 - C. (6) was changed to correct an inaccuracy in the old rules in the sequence of notifying the court of the Department's plan to make legal risk placement out of state and seeking the court's approval for it. The sequence now appears as originally intended: notifying the court and seeking its approval before the out of state legal risk placement occurs. (6) also adds a requirement that before out of state legal risk placement can be made, the Department has verified that the child will receive medical coverage by the receiving state.

Legal Risk Placement: Effective Date of Designation (OAR 413-110-0030) was revised in its entirety, with the following substantive changes that affect practice:

- A. Removes the branch office responsibility for submitting a request for a Legal Risk Placement to the Department's Adoption Services Unit, instead now stating in (1) that the "designation date of the child's current caretaker home is the date the Department's Adoption Services Unit accepts [not just receives, but accepts] all required documents," and in (2) that legal risk designation in a non-current caretaker home "is the date the child is physically placed in the selected home or the date the Adoption Services Unit accepts [again, accepts, not just receives] all applicable documents, whichever date is later."

5. Home Requirements (OAR 413-110-0040)

A. Provides language in this section to stress that the placement resource for the child must meet the D.S. Child Welfare Policy II-B.1 "Safety Standards for Foster Care, Relative Care, and Adoptive Families, OAR 413-200-0301 to 413-200-0401.

B. This rule section cites the need for the acknowledgment by the adoptive parents of the legal risk and signing the form 3010 but deletes the requirement that this form be received in the Adoption Services Unit before designation of the placement can occur.