

Policy Title:	Standards for Certification of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources – OAR		
Policy Number:	II-B.1 413-200-0301 thru 0396		Effective Date: 12-28-11

Approved By: *on file*

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Policy

Forms, etc.

Definitions

References

Contact

History

Reference(s):

- ORS Chapter 183
- ORS 339.030
- ORS 418.005
- ORS 418.325
- ORS 418.640
- ORS 419B.005
- Title IV-E, section 471(a)(10) of the Social Security Act
- Title 42 USC 671(a)
- I-A.5.2, Contested Case Hearings
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-a52.pdf
- I-B.1, Monitoring Child Safety
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-b1.pdf
- I-B.1.4, Guardian and Legal Custodian Consents
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-b14.pdf
- I-B.1.6, CANS Screening and Enhanced Supervision
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-b16.pdf
- I-E.2.1, Placement of Indian Children
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e21.pdf
- I-E.3.3.1, Psychotropic Medication Management
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e331.pdf
- I-E.8, Educational Services for a Child in Substitute Care
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e8.pdf
- I-G.1.4, Criminal Background Check Requirements for Relative Caregivers, Foster Parents, Adoptive Parents, and Other Persons in Household
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-g14.pdf
- II-B.1.1, Responsibilities for Certification and Supervision of Foster Parents, Relative Caregivers and Approval of Potential Adoptive Resources
http://www.dhs.state.or.us/policy/childwelfare/manual_2/ii-b11.pdf

Form(s) that apply:

- CF 117, Request for Management Approval for Specific Rules
<http://dhsforms.hr.state.or.us/Forms/Served/CE0117.pdf>
- CF 979, Safety Assessment – Home and Surroundings
<http://dhsforms.hr.state.or.us/Forms/Served/CE0979.pdf>
- CF 1002W, Withdrawal of Application for Regular Foster Care or Child Specific Certificate of Approval
<http://dhsforms.hr.state.or.us/Forms/Served/CE1002w.pdf>
- CF 1011F, Consent for Criminal Records & Fingerprint Check
- CF 1255, Application Reference
<http://dhsforms.hr.state.or.us/Forms/Served/CE1255.pdf>
- CF 1260A, Application for Approval to Care for a Child in DHS Custody
<http://dhsforms.hr.state.or.us/Forms/Served/CE1260a.pdf>
- DHS 1011D, Criminal History Exception Request
<http://dhsforms.hr.state.or.us/Forms/Served/de1011d.pdf>
- CF 1083, Foster Home Individual Child Medication Log
<http://dhsforms.hr.state.or.us/Forms/Served/CE1083.pdf>

Rules:

413-200-0301

Purpose of Certification Standards

- (1) The purpose of these rules (OAR 413-200-0301 to 413-200-0396) is to describe the criteria for approval as:
 - (a) A *certified family*, or
 - (b) A potential *adoptive resource*.
- (2) These rules apply to any individual who:
 - (a) Has applied to become a *certified family* or potential *adoptive resource*;
 - (b) Is currently a *certified family*, or
 - (c) Has applied to have the *Certificate of Approval* renewed.
- (3) In these rules, unless otherwise indicated, a *child* or *young adult* refers to a *child* or *young adult* in the care or custody of the Department.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005-418.640

413-200-0305

Authorization

- (1) Title IV-E, section 471 (a)(10) of the Social Security Act, requires the State of Oregon to establish a state authority responsible for establishing and maintaining standards for foster family homes and child care institutions.
- (2) ORS 418.005 to 418.648 give the Department the authority and responsibility to approve homes for children and young adults in the care or custody of the Department. ORS 418.005 to 418.648 further authorize the Department to develop rules to approve these homes.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0306

Definitions

The following definitions apply to these rules (OAR 413-200-0301 to 413-200-0396):

- (1) "Adoptive resource" means an individual or individuals selected by the Department, another public child welfare agency, or a licensed adoption agency as the adoptive family for a *child* where no administrative review was requested within the timeframe allowed for such a request, or if a review was requested, the selection has been sustained by that review and the review is complete.
- (2) "Applicant" means an individual or individuals who apply:
 - (a) To become or remain a *certified family*, or
 - (b) For approval as a potential *adoptive resource*.
- (3) "Babysitting" means the provision of temporary, occasional care for a *child* or *young adult* that is:
 - (a) Ten consecutive hours or less; and
 - (b) Not overnight care.
- (4) "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* used for one or more of the following purposes:
 - (a) Identifying case planning, service planning, and supervision needs of the *child* or *young adult* in substitute care with a *certified family*;
 - (b) Determining the *level of care payment* while in substitute care with a *certified family*; and
 - (c) Determining the *level of care payment* included in an adoption assistance agreement or guardianship assistance agreement.

- (5) "Carbon monoxide alarm" means a device that:
- (a) Detects carbon monoxide; and
 - (b) Produces a distinctive audible alert when carbon monoxide is detected.
- (6) "Certificate of Approval" means a document that the Department issues to approve the operation of a certified *relative caregiver* home or foster home.
- (7) "Certified family" means an individual or individuals who hold a *Certificate of Approval* from the Department to operate a home to provide care, in the home in which they reside, to a *child* or *young adult* in the care or custody of the Department.
- (8) "Certifier" means a Child Welfare employee who:
- (a) Conducts assessments of applicants interested in providing relative or foster care to a *child* or *young adult* in the care or custody of the Department or assessments of a potential *adoptive resource*;
 - (b) Determines whether or not to recommend approval of the operation of a relative caregiver or foster home or approval of a potential *adoptive resource*; and
 - (c) Monitors the compliance of a relative caregiver or foster care home with Child Welfare certification rules.
- (9) "Child" means an individual under 18 years of age.
- (10) "Child-Specific Certificate of Approval" means a document authorizing an individual or individuals to operate a home to provide care for a specific *child* or *young adult* in the care or custody of the Department.
- (11) "Co-habiting" means the act of two adults, unmarried to each other, living together in an intimate relationship as if married.
- (12) "Criminal records check" means the process for obtaining and reviewing an individual's criminal offender information and may include a fingerprint-based criminal offender records check of national crime information databases.
- (13) "Denial" means the refusal of the Department to issue or renew a *Certificate of Approval* to operate a *relative caregiver* home or foster home to provide care for a *child* or *young adult* in the care or custody of the Department.
- (14) "Department" means the Department of Human Services, Child Welfare.
- (15) "Discipline" means a training process a *certified family* uses to help a *child* or *young adult* develop the self control and self direction necessary to assume responsibilities, make daily living decisions, and learn to conform to accepted levels of social behavior.

- (16) "Electronic monitoring" means the use of video monitoring or listening devices to monitor or record the behavior of a *child* or *young adult*. "Electronic monitoring" does not include:
- (a) Door monitors;
 - (b) Window alarms;
 - (c) Motion detectors;
 - (d) Audio or video baby monitors used for a *child* five years and under; or
 - (e) Monitors approved by a medical provider for medical purposes.
- (17) "Enhanced supervision" means the additional support, direction, observation, and guidance needed 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*.
- (18) "Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated *child* or *young adult* placed in the home by the Department.
- (19) "Inactive Referral Status" means a period of time, not to exceed 12 months, during which neither the Department nor any other agency will place an additional *child* or *young adult* with a *certified family*.
- (20) "Level of care payment" means the payment provided to an approved or *certified family*, a guardian, a pre-adoptive family, or an adoptive family based on the need for *enhanced supervision* of the *child* or *young adult* as determined by applying the CANS algorithm to the results of the *CANS screening*.
- (21) "Member of the household" means any adult or *child* living in the home, including any caregiving employees and volunteers who may reside in the home.
- (22) "Personal care services plan" means a written plan to provide personal care services for the *child* or *young adult* documenting:
- (a) The determination that the individual is a qualified provider;
 - (b) The frequency or intensity of each personal care service to be provided; and
 - (c) The date personal care services begin.
- (23) "Physical restraint" means the act of restricting the voluntary movement of a *child* or *young adult* as an emergency measure in order to manage and protect the *child*, *young adult*, or others from injury when no alternate actions are sufficient to manage the behavior of the *child* or *young adult*. "Physical restraint" does not include temporarily holding a *child* or *young adult* to assist him or her or assure his or her safety, such as preventing a *child* from running onto a busy street.

- (24) "Psychotropic medication" means medication, the prescribed intent of which is to affect or alter thought processes, mood, or behavior, including but not limited to antipsychotic, antidepressant, and anxiolytic medication and behavior medications. The classification of a medication depends upon its stated intended effect when prescribed because it may have many different effects.
- (25) "Punishment" means the intentional infliction of emotional or physical pain or suffering.
- (26) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related *child* or *young adult* placed in the home by the Department.
- (27) "Respite care" means a formal planned arrangement to relieve a certified family's responsibilities by an individual temporarily assuming responsibility for the care and supervision of the *child* or *young adult* in the home of the respite provider or *certified family*. "Respite care" must be less than 14 consecutive days.
- (28) "Revocation" means an administrative act by the Department that rescinds an existing *Certificate of Approval*.
- (29) "Surrogate" means an individual who has been appointed to safeguard a child's rights in the special education decision-making process. The individual may be appointed pursuant to applicable Department of Education administrative rules and statutes or by the juvenile court.
- (30) "Young adult" means an individual aged 18 through 20 years.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0308

Personal Qualifications of Applicants and Certified Families

- (1) An *applicant* has the burden of proving that he or she possesses the required qualifications to be approved as a *certified family* or as a potential adoptive resource.
- (2) To provide care for a *child* or *young adult*, an *applicant* must be at least 21 years of age unless:
 - (a) Otherwise specified in Child Welfare Policy I-E.2.1, "Placement of Indian Children", OAR 413-070-0100 to 413-070-0260; or
 - (b) A Child Welfare program manager or designee has approved an *applicant* between the ages of 18 through 20 years to become a *relative caregiver*.
- (3) An *applicant* must, as determined by the Department pursuant to OAR 413-200-0274:

- (a) Possess the ability to exercise sound judgment and demonstrate responsible, stable, emotionally mature behavior;
 - (b) Possess the ability to manage the applicant's home and personal life;
 - (c) Maintain conditions in the home that provide safety, health, and well-being for the *child* or *young adult*;
 - (d) Have supportive relationships with adults and children living in the household and with others in the community;
 - (e) Have a lifestyle and personal habits free of criminal activity, and abuse or misuse of alcohol or drugs;
 - (f) Have adequate financial resources to support the household independent of the monthly family foster care payments;
 - (g) Be willing to participate in the home study process that includes a comprehensive inquiry into the applicant's personal and family history and family dynamics;
 - (h) Have the physical and mental capacity to care for a *child* or *young adult*. Upon request, an *applicant* must provide copies of medical reports from a health care professional, or may be required to complete an expert evaluation and authorize the Department to obtain a report from the evaluator; and
 - (i) Ensure that all adult members of the household:
 - (A) Possess the ability to exercise sound judgment and demonstrate responsible, stable, emotionally mature behavior, within the individual's developmental and cognitive abilities;
 - (B) Do not pose a risk to the safety, health, and well-being needs of a *child* or *young adult*;
 - (C) Have a lifestyle and personal habits free of criminal activity, and abuse or misuse of alcohol or drugs; and
 - (D) Cooperate with the Department's assessment of the household.
- (4) To maintain a *Certificate of Approval*, in addition to continuing to meet the personal qualifications in sections (1) to (3) of this rule, a *certified family* must:
- (a) Learn and apply effective childrearing and behavior intervention practices focused on helping a *child* or *young adult* grow, develop, and build positive personal relationships and self-esteem;
 - (b) Incorporate into the family's care-giving practices positive non-punitive *discipline* and ways of helping a *child* or *young adult* build positive personal relationships, self-control, and self-esteem;

- (c) Ensure the *child* or *young adult* is taught age appropriate health and hygiene practices and is given the opportunity to practice good hygiene;
 - (d) Respect and support the Department's efforts to develop and maintain the relationships of the *child* or *young adult* with the birth family, their relatives, and any other significant individual in the life of the *child* or *young adult*;
 - (e) Respect the spiritual beliefs, lifestyles, sexual orientation, gender identity, disabilities, national origin, and cultural identities of each *child* or *young adult*, and provide opportunities to enhance the positive self-concept and understanding of the heritage of the *child* or *young adult*;
 - (f) Work in partnership with the Department to identify the strengths and meet the needs of each *child* or *young adult*;
 - (g) Follow through and comply with prescribed services, activities, supervision plans, personal care services plans, visitation plans, transition plans, and restrictions for each *child* or *young adult* placed in the certified home, as applicable to that *child* or *young adult*; and
 - (h) Use reasonable efforts to prevent anyone from influencing the *child* or *young adult* regarding allegations in a judicial or administrative proceeding in which the family or legal guardian of the *child* or *young adult*, the *child* or *young adult*, or another individual may be involved.
- (5) Except when a *certified family* applies for recertification, an *applicant* must be:
- (a) A citizen of the United States, either through birth or naturalization;
 - (b) Able to verify immigration status; or
 - (c) A relative of the *child* for whom the *applicant* is applying for a *Certificate of Approval* as a *relative caregiver* or approval as a potential *adoptive resource*.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0314

Initial Application Process

- (1) To become a *certified family* or potential *adoptive resource*, the *applicant* must comply with all of the following requirements:
 - (a) Complete a Department application.
 - (b) Provide the names and contact information of at least four references, two of whom may be relatives of the *applicant*, who can attest to the applicant's

character and ability to provide safe and protective care for a *child* or *young adult*.

- (c) Provide names and contact information of at least two individuals with whom the *certified family* is likely to remain in contact if displaced due to a natural disaster.
 - (d) Complete all required paperwork requested by the Department in a timely manner and no later than 90 days after the initial request.
 - (e) Allow Department staff to conduct an in home safety assessment of conditions that appear to exist in the home that affect health, safety, and well-being for the *child* or *young adult* by providing access to each room in the primary residence of the *applicant* and each surrounding building on the property of the *applicant* unless the building or residence is a self-contained, separate entry residence rented to or owned by another individual.
 - (f) Allow Department staff to have face-to-face contact with all members of the applicant's household.
 - (g) Provide social and family history information to the Department.
 - (h) Provide information about any current or previous licenses, certifications, or applications for relative care, foster care, day care, adoption, or any other types of services for vulnerable individuals including adult care giving. Information must include the organization's name and any denials, suspensions, revocations, or terminations.
 - (i) Sign a Department Authorization for Use and Disclosure of Information as requested to allow the Department to complete a thorough background check of the *applicant*.
 - (j) Allow the Department, at its discretion, to gather information regarding the criminal offender information records of any *child*, not in the care or custody of the Department, who lives in the household if there is reason to believe that *child* may pose a risk to children placed in the home.
- (2) Both individuals are required to apply when the two individuals are lawfully married, have a domestic partnership (as defined in ORS 106.310), or are *co-habiting*, unless:
- (a) One individual is in the military and stationed out of the state; or
 - (b) For other unique circumstances in which one individual will not be responsible for any household management or the care of a *child* or *young adult* placed in the home, an exception is approved by the Child Welfare program manager.
- (3) The *applicant* and each adult member of the applicant's household must have face-to-face contact with a Department *certifier* and must provide:
- (a) Information regarding criminal involvement, including arrests and convictions

regarding any *member of the household*;

- (b) Consent to a *criminal records check*, including information compiled and maintained by OSP Bureau of Criminal Identification and a fingerprint-based *criminal records check* of national crime information databases as outlined in Child Welfare Policy, I-G.1.4, "Criminal History", OAR 413-120-0460;
 - (c) Information regarding any previous allegations of child abuse and neglect; and
 - (d) Consent to a child abuse and neglect background check.
- (4) Withdrawal of Application. An *applicant* may voluntarily withdraw the application. The *applicant* must provide the voluntary withdrawal notice --
- (a) On a form provided by the Department;
 - (b) In a written format of his or her choice; or
 - (c) Verbally to a *certifier*, adoption worker, or the supervisor of the *certifier* or adoption worker.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0335

Standards Regarding the Home Environment

The *applicant* or *certified family* must ensure the home and surrounding environment comply with all of the following requirements:

- (1) General Conditions.
 - (a) The home must be the primary residence and the residence where the *child* or *young adult* will reside.
 - (b) The home must have adequate space for each *member of the household*, including space for safe and appropriate sleeping arrangements.
 - (A) Department staff must consider the age, gender, special needs, behavior, and history of abuse or neglect of the *child* or *young adult* in determining appropriate sleeping arrangements.
 - (B) An unrelated *child* or *young adult* in the care or custody of the Department may not share a bed.
 - (c) The home may not use *electronic monitoring*.
 - (d) The *applicant* or *certified family* must have access to a working telephone to

make and receive phone calls.

- (e) The *applicant* or *certified family* must consider the age, special needs, and capabilities of the *child* or *young adult*, and have necessary safeguards and assurances that---
 - (A) Swimming pools, hot tubs, wading pools, ponds, and other water hazards are inaccessible to a *child* or *young adult* unless responsibly supervised, and safeguards comply with state and local ordinances;
 - (B) Outdoor tools and equipment, machinery, chemicals, flammables, and combustibles are stored in a safe manner;
 - (C) Animals are properly cared for and kept in compliance with local ordinances; and
 - (D) The access of a *child* or *young adult* to potentially dangerous animals is restricted.
- (f) The *certified family* must consider the age, special needs, and capabilities of the *child* or *young adult* when determining if an animal is a safe and appropriate pet.
- (g) The *certified family* must receive authorization from the caseworker of the *child* or *young adult* or the caseworker's supervisor prior to the beginning of hunting or target practice by the *child* or *young adult*.
- (h) Hunting and sporting equipment, such as knives, spears, arrows, hunting sling shots, bows, and martial art weapons must be stored in a safe and secure manner inaccessible to a *child* or *young adult*.

(2) Sanitation and Health.

- (a) The home must have the necessary equipment for the safe preparation, storage, serving, and clean-up of food.
- (b) The home must have a safe, properly maintained, and operational heating system. Space heaters must be plugged directly into a wall outlet and must be equipped with tip-over protection.
- (c) The home and furnishings must be clean and in good repair, and the grounds must be maintained.
- (d) There must be no accumulation of garbage or debris.
- (e) The home must have safe and adequate drinking water, and an adequate source of safe water to be used for personal hygiene.
- (f) There must be provision for the safe storage of all medications in the household, and locked storage for psychotropic medications for any *member of the*

household.

- (g) There must be easily accessible first aid supplies, and a reasonable understanding of how to use such supplies.
- (h) Smoking limitations:
 - (A) A *child* or *young adult* may not be exposed to any type of second-hand smoke in the family's home or vehicle; and
 - (B) A *member of the household* may not provide any form of tobacco products to a *child* or *young adult*.

(3) Fire and Carbon Monoxide Safety.

- (a) The home must have all of the following:
 - (A) One working smoke alarm in each bedroom where a *child* or *young adult* sleeps within 24 hours of the time the *applicant* is certified or approved.
 - (B) One working *carbon monoxide alarm* within 15 feet of each bedroom where a *child* or *young adult* sleeps and one on each floor within 24 hours of the time the *applicant* is certified or approved.
 - (C) At least one operable fire extinguisher rated 2-A:10-B-C or higher within 24 hours of the time the *applicant* is certified or approved.
 - (D) One means of emergency exit and one means of rescue from the home.
 - (E) An adequate safeguard around operating fireplaces, wood stoves, or other heating systems which may cause burns to a *child* or *young adult* developmentally unable to reasonably follow safety rules regarding such devices.
 - (F) Operable, quick-release mechanisms on barred windows. No bedroom occupied by a *child* or *young adult* unable to use the quick-release mechanism may have a barred window.
 - (G) A written, comprehensive home evacuation plan, shared with each *child* or *young adult* at the time of placement, and practiced at least every six months. The written, comprehensive home evacuation plan must include a provision for the safe exit of a *child* or *young adult* who is not capable of understanding or participating in the evacuation plan.
 - (H) Doors that lock on the inside operable from the outside of the room, and doors that lock on the outside operable from the inside of the room.
- (b) Each bedroom used by a *child* or *young adult* must have:

- (A) One unrestricted exit;
- (B) At least one secondary means of exit or rescue;
- (C) Alarms required under paragraph (a)(A) of this section; and
- (D) Unrestricted, direct access at all times to hallways, corridors, living rooms, or other such common areas.

(4) Travel and Transportation Safety.

- (a) An *applicant* or *certified family* must have available, and be willing to use, a safe and reliable method of transportation.
- (b) Any *member of the household* transporting a *child* or *young adult* must provide proof of a valid driver license and current insurance, as required by law, on any family-owned motorized vehicle by which a *child* or *young adult* might be transported, when a family has applied for certification and at each re-certification.
- (c) The *applicant* or *certified family* must assure that, as required by current state law:
 - (A) Only a licensed and insured driver transports a *child* or *young adult* in motorized vehicles; and
 - (B) A *child* or *young adult* uses a seat belt or age and size appropriate safety seat when transported in motorized vehicles.
- (d) Written authorization from the Department must be received prior to transporting a *child* or *young adult* out of the State of Oregon or outside the United States.
- (e) A *certified family* must provide the Department a minimum of 30 days notice seeking approval for international travel prior to any international travel with a *child* or *young adult*. In an emergency, the *certified family* must request approval from the Department as soon as the need for international travel becomes known.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0348

Requirements Regarding the Number of Children and Young Adults in the Home

- (1) Except as provided in section (3) of this rule, a *certified family* may not exceed the following maximum number of children and young adults in the home:

- (a) A total of --
 - (A) Four children or young adults when one certified adult lives in the home;
or
 - (B) Seven children or young adults when two certified adults live in the home.
 - (b) Two children under the age of three.
- (2) The limits in section (1) of this rule include all children or young adults residing in the home, not only children or young adults in the care or custody of the Department.
 - (3) Under special circumstances, a Child Welfare program manager may approve placement of a *child* or *young adult* in a *certified family* that exceeds the maximum number of children and young adults in section (1) of this rule.
 - (4) A *certified family* may not accept a *child* or *young adult* for placement from another agency without prior approval of the Child Welfare program manager or designee.
 - (5) A *certified family* may not provide formal or informal adult foster care or child day care without prior approval of the Child Welfare program manager or designee.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0352

Requirements for the Care of Children and Young Adults

A *certified family* must comply with all of the following requirements:

- (1) Work cooperatively with the Department, the *child* or *young adult*, and his or her family to support the case plan and meet the needs of the *child* or *young adult* including but not limited to:
 - (a) Health, dental, and mental health care;
 - (b) Recreational, social, intellectual, and emotional development;
 - (c) Continued contact or connection with family members, siblings, and relatives;
and
 - (d) Adequate and appropriate clothing.
- (2) Include the *child* or *young adult* as part of the *certified family* household.
- (3) Assure that when a *child* or *young adult* leaves the *certified family*, the belongings of the *child* or *young adult*, both those brought with him or her and those obtained while living in the home, remain with the *child* or *young adult*.

(4) Not subject any *child* to abuse, as described in ORS 419B.005.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0354

Requirements Regarding the Education of a Child or Young Adult

- (1) The *certified family* must comply with all of the following requirements:
 - (a) Enroll the *child* or *young adult* in his or her school or educational placement, after the school or educational placement has been determined by the Department.
 - (b) Support the *child* or *young adult* in his or her school or educational placement, and respond to inquiries from the school or educational placement.
 - (c) Assure the *child* or *young adult* regularly attends the school or educational placement, and monitor the educational progress of the *child* or *young adult*, including keeping records of:
 - (A) The report cards of the *child* or *young adult*;
 - (B) Any reports received from the teacher, school, or educational placement;
 - (C) Any evaluations received as a result of educational testing or assessment;
 - (D) Disciplinary reports regarding the *child* or *young adult*; and
 - (E) Ongoing progress toward graduation of a *child* or *young adult* no later than age 19.
 - (d) Monitor educational successes, learning style, and potential learning difficulties of the *child* or *young adult*.
 - (e) Work with the caseworker of the *child* or *young adult* when referring the *child* or *young adult* for assessment of a possible disability.
 - (f) Notify the caseworker of the *child* or *young adult* of the certified family's interest in or intent to be appointed as the educational *surrogate* (see OAR 413-100-0506) parent of the *child* or *young adult*.
 - (g) Work with the Department to regularly share information regarding the educational progress of the *child* or *young adult*.
- (2) The *certified family* may be appointed to safeguard a child's rights in the special education decision-making process. This appointment may occur pursuant to Division

581-015 of Oregon Department of Education administrative rules, or by the juvenile court under ORS 419B.220.

- (3) The *certified family* may provide consent for a *child* or *young adult* placed in the home to participate in routine school-related activities, such as school enrollment, field trips within the state of Oregon, routine social events, sporting events, and cultural events.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0358

Requirements Regarding the Discipline of a Child or Young Adult

- (1) The *certified family* must demonstrate a willingness to understand the meaning of the behaviors of the *child* or *young adult*, and have the ability to develop and use appropriate *discipline* strategies to address challenging behaviors.
- (2) When disciplining a *child* or *young adult*, the *certified family* may not do any of the following:
 - (a) Use or threaten physical force.
 - (b) Use threats or intimidation.
 - (c) Withhold food or other items essential to the protection, safety, or well-being of a *child* or *young adult*.
 - (d) *Discipline* all children or young adults in the household for the misbehavior of one *child* or *young adult*.
 - (e) Use any form of *punishment* which includes but is not limited to:
 - (A) The deliberate infliction of physical force causing pain.
 - (B) Verbal abuse including derogatory remarks about the *child* or *young adult*, the family characteristics, physical traits, culture, ethnicity, language, sexual orientation, or traditions of the *child* or *young adult*.
 - (C) Denying a *child* or *young adult* visits, telephone, or other types of contact with an individual authorized in a visit and contact plan.
 - (D) Assigning extremely strenuous exercise or work.
 - (E) Use of or threatened use of restraining devices.
 - (F) Imposing a sanction, penalty, consequence, or reprimand for bed-wetting or during toilet training.

- (G) Directing or permitting a *child* or *young adult* to punish another *child* or *young adult*.
 - (H) Threat of removal from the *certified family* home.
 - (I) Forcing or requiring a *child* or *young adult* to shower or bathe as a sanction, penalty, consequence, or reprimand.
 - (J) Extreme isolation as a means of *punishment* that restricts the ability of a *child* or *young adult* to talk with or associate with others.
 - (K) Locking a *child* or *young adult* in a room or outside of the home.
- (3) The *certified family* may use a time-out only for the purpose of giving the *child* or *young adult* a short break to allow the *child* or *young adult* to calm himself or herself and regain control, and not as a *punishment*. The *certified family* must take into consideration the age and developmental level of the *child* or *young adult* in determining the length of a time-out.
- (4) Pursuant to Child Welfare Policy I-B.1.6, "Enhanced Supervision", OAR 413-020-0200 to 413-020-0255, only an adult in a *certified family* or Department staff, who has been trained to use a *physical restraint*, may do so, unless a *child*, *young adult*, or others are at imminent risk of harm. *Physical restraint* may only be used if good judgment indicates that a *physical restraint* may safely be implemented. Any time a *physical restraint* is used, the *certified family* must follow the reporting requirements in OAR 413-020-0240.
- (5) The *certified family* must notify and request assistance of the Department when the challenging behavior of a *child* or *young adult* may be beyond the ability of the *certified family* to *discipline* in a positive manner.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0362

Requirements Regarding the Medical, Dental, and Mental Health Care of a Child or Young Adult

- (1) In addressing the health care for a *child* or *young adult*, the *certified family* must:
- (a) Work collaboratively with the Department in managing the health care needs of a *child* or *young adult*, which may include involving a parent of the *child* or *young adult* in medical, dental, and mental health appointments;
 - (b) Regularly exchange medical, dental, and mental health information of the *child* or *young adult* with the Department;
 - (c) Work collaboratively with providers in managing the medical, dental, and mental

health needs of a *child* or *young adult*; and

- (d) Maintain documentation of each *child* or *young adult*, including:
 - (A) Medical, dental, and mental health appointments;
 - (B) Medical, dental, and mental health information;
 - (C) Medical, dental, and mental health appointment follow-up reports; and
 - (D) Immunization records.
- (2) A *certified family* must comply with the Department's direction on obtaining medical, dental, and mental health care for a *child* or *young adult*.
- (3) A *certified family* may consent to routine examinations and laboratory tests.
- (4) A *certified family* must allow vaccination and immunization of a *child* or *young adult* in accordance with the Department's case plan.
- (5) Except as provided in section (6) of this rule, the *certified family* must contact the caseworker of a *child* or *young adult* to obtain appropriate prior consent from the Department before a *child* or *young adult* receives any medical care or undergoes a procedure, other than routine medical care.
- (6) In an emergency, a *certified family* must notify the Department as soon as possible when emergency care is needed.
- (7) Medication management requirements.
 - (a) The *certified family* must comply with all of the following requirements:
 - (A) Administer prescription medications to a *child* or *young adult* only in accordance with the written prescription or authorization.
 - (B) Record the dosage, date, and time that each medication is administered to a *child* or *young adult* on a form approved by the Department. If medication is given in a location other than the certified home, such as at school or in daycare, the medication log of the institution or program must be attached to the Department form. The medication form, with any attachments, must be submitted monthly to the caseworker of the *child* or *young adult*.
 - (C) Take the medication log to each medical appointment and share with the medical provider.
 - (D) Inform the caseworker of the *child* or *young adult* or the supervisor of the caseworker within one business day when a *child* or *young adult* is prescribed a *psychotropic medication* or the dosage of any existing

prescription for *psychotropic medication* is changed.

- (E) Begin administration of any *psychotropic medication* only after consent has been obtained from the Department pursuant to Child Welfare Policy I-E.3.3.1, "Psychotropic Medication Management", OAR 413-070-0400 to 413-070-0490.
 - (F) Maintain the documentation received from the caseworker when a *child* is prescribed a *psychotropic medication* or when the dosage of any existing prescription for a *psychotropic medication* is changed.
- (b) Except as provided in subsection (c) of this section, the *certified family* must store all medications in such a way that the medications are inaccessible to a *child* or *young adult* and must store all psychotropic medications in locked storage.
 - (c) When a *child* or *young adult* is learning to manage his or her own medications, the *certified family*, the *child* or *young adult*, and the caseworker may develop an individualized, written plan for the *child* or *young adult* to access the medication. The *child* or *young adult* may not have access to medication that is not his or her own. The plan must state how the medication will be inaccessible to other children or young adults in the home. The *certified family*, the *child* or *young adult*, and the caseworker keep a copy of the plan.
- (8) The *certified family* must comply with the *personal care services plan* for any *child* or *young adult* placed in the certified family's home and eligible for personal care services pursuant to Child Welfare Policy I-E.5.1.2, "Personal Care Services", OAR 413-090-0100 to 413-090-0210.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0371

Responsibilities and Notification Requirements for Selection and Use of Respite Care Providers and Babysitters

- (1) Respite Providers.
 - (a) The *certified family* is responsible for identifying a safe and responsible *respite care* provider for a *child* or *young adult* placed in the certified family's home and must take into consideration:
 - (A) The age, special needs, attachment, and individual behaviors of each *child* or *young adult*; and
 - (B) The length of time that the *child* or *young adult* will be with the *respite care* provider.

- (b) Responsibilities when identifying a *respite care* provider. The *certified family* must:
 - (A) Select a *respite care* provider who –
 - (i) Is at least 18 years of age;
 - (ii) Is capable of assuming child care and supervision responsibilities, including meeting the safety, health, and well-being needs of each *child* or *young adult* in the certified family's care;
 - (iii) Complies with OAR 413-200-0358; and
 - (iv) Is present with the children or young adults for whom they are providing *respite care* at all times.
 - (B) Provide to the *certifier* the name, address, and telephone number of the prospective *respite care* provider and receive Department approval under OAR 413-200-0281 prior to using the *respite care* provider.

(2) Babysitters.

- (a) The *certified family* must use a responsible person 14 years of age or older for *babysitting*, and must:
 - (A) Assure the babysitter is capable of assuming child care responsibilities required to meet the needs of each *child* or *young adult*, and will be present with the *child* or *young adult* for whom the babysitter is providing care at all times, and
 - (B) Have no reason to suspect that the babysitter --
 - (i) Has any criminal history or child abuse or neglect history; or
 - (ii) Poses any risk to the *child* or *young adult* for whom the babysitter will provide care.
- (b) The *certified family* may not use a babysitter for overnight care.
- (c) Unless requested by the Department, the *certified family* does not need to provide identifying information to the Department to complete a *criminal records check* for a babysitter.

(3) General Provisions for Respite Care and Babysitting.

- (a) The *certified family* must have an available method through which the *certified family* may be contacted in an emergency at any time the *child* or *young adult* is cared for by another individual.

- (b) A *certified family* may use a licensed, registered, or approved childcare center or day care provider for a *child* or *young adult*, and must notify the Department in advance of using the childcare center or day care provider.
- (c) Family and childhood activities.
 - (A) The *certified family* may give consent for a *child* or *young adult* in the Department's care or custody to participate in ordinary childhood activities, such as parties and sleepovers with friends, and organized activities provided by schools, religious or civic organizations, scouts, or similar groups.
 - (B) The *certified family* must verify that the event is safe, adequately supervised, and appropriate for the *child* or *young adult* based upon his or her needs.
 - (C) When the *certified family* has any questions regarding the *child* or *young adult* participating in an activity, the *certified family* must consult with the caseworker of the *child* or *young adult*.
- (d) The *certified family* must notify the caseworker of the *child* or *young adult* and obtain the approval of the caseworker or caseworker's supervisor prior to the *child* or *young adult* being absent from the *certified family* for more than 24 hours.
- (e) The *certified family* must obtain approval from the *certifier* or the certifier's supervisor when the *certified family* plans to provide *respite care* for another *certified family* causing the number of children or young adults in the home to exceed the maximum number of children or young adults on the certified family's *Certificate of Approval*.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0377

Confidentiality

- (1) The *certified family* must exercise good judgment in sharing personal information about the *child* or *young adult* and the family of the *child* or *young adult*. The *certified family* must store documents regarding the *child* or *young adult* and family of the *child* or *young adult* in a way that protects the privacy of the *child* or *young adult* and the family of the *child* or *young adult*.
- (2) The *certified family* may not disclose confidential information regarding a *child* or *young adult* or the family of a *child* or *young adult*, except when necessary to promote or to protect the health and welfare of the *child*, *young adult*, or the community.

Stat. Auth.: ORS 409.050, 418.005, 418.640

413-200-0379

Education and Training for Applicants and Certified Families

- (1) An *applicant* must participate in the Department's orientation prior to receiving a *Certificate of Approval*, or within 30 days after the placement of a *child* or *young adult* in a home that has been issued a *Child-Specific Certificate of Approval*.
- (2) Except as provided in sections (3) or (4) of this rule, each *applicant* and *certified family* must complete Foundations training before or within 12 months after the date on which the *Certificate of Approval* was issued,; or have written documentation of completion of equivalent training content from another licensed child-caring agency within two years of an applicant's dated application for a *Certificate of Approval* from the Department.
- (3) A *certified family* is exempt from section (2) of this rule if a written, individualized training plan, specific to the needs of the children or young adults placed with a *certified family* holding a *Child-Specific Certificate of Approval*, has been approved by a supervisor and developed within 90 days after a *Child-Specific Certificate of Approval* has been issued by the Department.
- (4) An *applicant* is exempt from section (2) of this rule if the *applicant* is applying to become a potential *adoptive resource* and has approval under OAR 413-120-0246.
- (5) Foundations training is required if an *applicant* previously certified by the Department has not been certified within the preceding two years unless:
 - (a) Alternative training has been approved under sections (3) or (4) of this rule; or
 - (b) The supervisor waives the training requirement based on the applicant's documented knowledge and skills in caring for a *child* or *young adult* placed in the home by the Department.
- (6) The *certified family* and the *certifier* must develop a training plan for each individual certified in the family to complete at least 30 hours of training during each two-year certification period, unless a written individualized training plan is developed for a *certified family* with a *Child-Specific Certificate of Approval*. The written individualized training plan:
 - (a) Must be designed to strengthen the certified family's ability to meet the safety, health, and well-being needs of the children or young adults placed in the certified family's home;
 - (b) May be less than the required 30 hours required during a certification period; and
 - (c) Must be approved by a certification supervisor.

- (7) Each *applicant* and *certified family* with limited English proficiency or a hearing or visual impairment, and unable to meet the training requirements outlined in sections (1) to (6) of this rule may be provided an individualized training plan prepared by the *certifier* and approved by the certification supervisor.
- (8) The Department may require a *certified family* to obtain more than the 30 hours of training for a two-year certification period depending on the needs of the children or young adults placed in the home or the knowledge, skills, and abilities of the *certified family*.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0383

Other Required Notifications

A *certified family* must notify the *certifier* or certifier's supervisor of all of the following:

- (1) Any individual joining or leaving the household.
- (2) Any prospective *respite care* provider.
- (3) Any anticipated change in address.
- (4) Any physical or structural change in the home or surrounding property on which they live.
- (5) Any arrest or court conviction for any *member of the household*. This notification must occur within one business day.
- (6) Any known allegation of child abuse or neglect perpetrated by any *member of the household*, or an individual who regularly visits the home. Such notification must occur on the day that the *certified family* learns of the allegation.
- (7) The suspension of a driver license of any adult on the *Certificate of Approval* or any *member of the household*.
- (8) Any change in the physical health, mental health, or medication of a *member of the household* that reasonably could affect the ability of the member or the family to meet the needs of safety, health, and well-being of a *child* or *young adult*.
- (9) Any time any *member of the household* applies to become an in-home child care provider, an adult foster care, or in-home adult day care provider.
- (10) Any time another agency wishes to place a *child* or *young adult* in the certified home.
- (11) Any time the *certified family* agrees to provide *respite care* for another *certified family*.

- (12) Any other circumstance that reasonably could affect the safety, health, or well-being of a *child* or *young adult* in the certified family's home.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0386

Requirements Regarding Mandatory Reporting

Any *member of the household* and any certified family's employee, independent contractor, or volunteer who works in the certified family's home, must report the pertinent information to the Department upon reasonable cause to believe that any *child* with whom the individual comes in contact has suffered abuse or neglect or that any adult with whom the individual comes in contact has abused or neglected a *child*.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0388

Requirements Regarding Visits in the Certified Family's Home

For purposes of assessing the conditions in the home that affect safety, health, and well-being for the *child* or *young adult*, a *certified family* must:

- (1) Allow on-going in-home visits, both scheduled and unscheduled, by Department staff; and
- (2) Allow Department staff unsupervised contact with a *child* or *young adult*.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0390

Requirements Regarding Maintaining the Certificate of Approval

- (1) The Department may conduct an expedited certification and may issue a *Child-Specific Certificate of Approval* for no more than 180 days when assessment activities described in Child Welfare Policy II-B.1.1, "Responsibilities for Certification and Supervision of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources", OAR 413-200-0274(2)(a) to (p) have been completed.
- (2) The Department may issue a full certification and *Certificate of Approval* for up to two years when all assessment activities in OAR 413-200-0274(6) have been completed.
- (3) To remain certified, the *certified family* must submit a completed Application for Renewal or Change of Status, and the Department will assess the *certified family* every

two years.

- (4) When the *certified family* has submitted a timely application for re-certification, the current *Certificate of Approval* will not expire, despite any expiration date, until the Department has issued a new *Certificate of Approval* or there is a final order of *denial*.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0393

Requirements Regarding Inactive Referral Status

- (1) A *certified family* may request that the Department place the home on *Inactive Referral Status* for any reason for up to 12 months. The inactive referral status begins immediately and while it is in effect:
- (a) The Department will place no additional *child* or *young adult* in the home; and
 - (b) The *certified family* may not accept placement of any *child* or *young adult* from another agency.
- (2) *Inactive Referral Status*, when requested by the *certified family*, ends:
- (a) At the request of the *certified family*; or
 - (b) When the certificate expires and --
 - (A) The family has not timely applied for renewal of the certificate; or
 - (B) The Department has not renewed the certificate.
- (3) The Department may initiate a certified family's *Inactive Referral Status* under the conditions described in Child Welfare Policy II-B.1.1, "Responsibilities for Certification and Supervision of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources", OAR 413-200-0294(5) or (6). When the Department initiates *Inactive Referral Status*, the Department must:
- (a) Provide written notification to the *certified family* of the *Inactive Referral Status* within 14 business days; and
 - (b) Provide written notification to the *certified family* when *Inactive Referral Status* ends.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0394

Requirements Regarding Termination of a Certificate of Approval

- (1) A *certified family* may voluntarily request that the Department terminate the *Certificate of Approval* and close the home. The *certified family* must give the Department ten-days notice before the *Certificate of Approval* is terminated. The Department must remove any *child* or *young adult* in the care or custody of the Department from the home before closing the home.
- (2) When a *child* or *young adult* leaves a home that has a *Child-Specific Certificate of Approval*, the Department terminates the *Child-Specific Certificate of Approval* within 10 business days of the departure of the *child* or *young adult*, unless at least one of the following subsections applies:
 - (a) The child-specific certified family submits a written request to continue their *Certificate of Approval* as a *foster parent* under OAR 413-200-0289(4) within 10 business days of the departure of the *child* or *young adult* from the home.
 - (b) The Department has determined the *child* or *young adult* is removed because the *certified family* cannot meet the safety, health, and well-being needs of the *child* or *young adult* and has violated one or more rules under Child Welfare Policy II B.1, "Certification Standards for Foster Parents, Relative Caregivers, and Approval of Potential Adoptive Resources", OAR 413-200-0301 to 413-200-0396.
 - (c) OAR 413-200-0395(6) applies.
- (3) When the Department has determined that subsection (2)(b) of this rule applies, the Department will notify the *certified family* of the decision and issue a notice of intent to revoke the *Certificate of Approval* pursuant to OAR 413-200-0395(2).
- (4) When a *certified family* moves to a different residence, the Department terminates the *Certificate of Approval* and closes the home. The Department may issue a new *Certificate of Approval* when the activities described in OAR 413-200-0292(5) have been completed.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0395

Requirements Regarding Denial and Revocation of a Certificate of Approval

- (1) The Department may deny an application for a *Certificate of Approval* if an *applicant* fails to provide requested information within 90 days of a written request from the Department.
- (2) The Department may deny an application or revoke a *Certificate of Approval* when:
 - (a) The *applicant* or *certified family* does not meet one or more of these rules (OAR 413-200-0301 to 413-200-0396);

- (b) The Department discovers an *applicant* or a *certified family* has falsified information (by act of commission or omission) before or after the *Certificate of Approval* has been issued; or
 - (c) An *applicant* or *certified family* fails to provide information to or inform the Department of any disqualifying condition that arises before or after the *Certificate of Approval* has been issued.
- (3) The Department must provide an *applicant* to become or remain a *certified family* a written notice of *revocation* or *denial*, which must comply with OAR 413-010-0510 and must state the reason or reasons for the *revocation* or the *denial*.
 - (4) Unless the *certified family* requests that the Department terminate the *Certificate of Approval* under OAR 413-200-0394(1), the Department must revoke a *Certificate of Approval* when a *certified family* violates one or more of these rules (OAR 413-200-0301 to 413-200-0396) and, at the conclusion of a Child Protective Services assessment, the Department determines that there is a safety threat in the certified family's home.
 - (5) Upon deciding to revoke a certified family's *Certificate of Approval*, the Department must remove from the home any *child* or *young adult* in the Department's care or custody.
 - (6) When the Department has issued a notice to revoke a *Certificate of Approval*, the certificate will not expire despite any expiration date on the *Certificate of Approval*, until there is a final order to revoke the *Certificate of Approval*.
 - (7) When the Department revokes a *Certificate of Approval* or denies an application to become a *certified family*, the Department has the discretion to require up to a five-year waiting period before the individual or individuals can reapply to become a *relative caregiver* or *foster parent*.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

413-200-0396

Requirements Regarding Contested Case Hearings

- (1) Except as provided in section (4) of this rule, an *applicant* to become a *certified family* may request a contested case hearing to contest the Department's decision to deny a *Certificate of Approval*.
- (2) A *certified family* may request a contested case hearing to contest the Department's decision to revoke the *Certificate of Approval*.
- (3) A *certified family* or an *applicant* to become a *certified family* requests a contested case hearing, as provided in ORS Chapter 183, by providing a Child Welfare program

manager a written request for a hearing within 30 days of the date that the Department mailed the notice of *denial* or *revocation*.

- (4) ORS Chapter 183 does not provide a contested case process for an adoptive *applicant* who is denied approval as a potential *adoptive resource*.
- (5) If the Department does not receive a request for a contested case hearing within 30 days of the date that the Department mailed the notice of *denial* or *revocation*, the *certified family* or *applicant* to become a *certified family* has waived the right to a hearing, except as provided in OAR 413-010-0505.
- (6) Department actions when a contested case hearing is timely requested but such request is subsequently withdrawn are outlined in OAR 413-010-0530(1).
- (7) OAR 413-010-0505 describes the requirements to a request for a contested case hearing due to the *denial* or *revocation* of a *Certificate of Approval*.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

Contact(s):

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