

OFFICE OF THE SECRETARY OF STATE
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ARCHIVES DIVISION
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800 SUMMER STREET NE
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 413
DEPARTMENT OF HUMAN SERVICES
CHILD WELFARE PROGRAMS

FILED
01/29/2021 7:35 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amending Division 200 Resource Family Certification to Update Terminology

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 02/22/2021 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Salem, OR 97301

Filed By:
Jason Ramey
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 02/17/2021

TIME: 11:00 AM - 11:30 AM

OFFICER: Jason Ramey

ADDRESS:

Microsoft Teams or Telephone

Hearing

Salem, OR 97301

SPECIAL INSTRUCTIONS:

In light of the current state of emergency and executive orders issued by Governor Kate Brown in response to Covid-19, this meeting will not be held in person. Attendees will need to join the meeting by Microsoft Teams or phone. If you wish to provide comment, please be signed in or call in by no later than 15 minutes after the start time. Join by Microsoft Teams or call in: +1 971-277-2343,,31142010# United States, Portland
Phone Conference ID: 311 420 10#
Everyone has a right to know about and use ODHS programs and services. ODHS provides assistance such as: sign language and spoken language

interpreters, written materials in other languages, braille, large print, audio and other formats. If you need assistance or have questions, please contact ADA.dhs@dhsosha.state.or.us at least 5 days before the meeting.

NEED FOR THE RULE(S):

The proposed rule changes are necessary to update the Department's language to appropriately connect and serve children, youth, and families.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

N/A

FISCAL AND ECONOMIC IMPACT:

The Department estimates that there will not be a fiscal impact to state agencies, clients, the public or businesses, including small businesses.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The Department estimates there will not be any cost of compliance to state agencies, units of local governments, or members of the public. (2) The Department estimates these rules will not have any effect on small business. (a) No small businesses are affected by this adoption; (b) The Department estimates there will not be a cost in reporting, recordkeeping and administrative activities and cost required to comply with the rule(s). (c) There is no cost of professional services, equipment supplies, labor and increased administration required for small businesses to comply with the rule(s).

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules, however are invited to provide input during the public comment period.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

413-200-0260, 413-200-0270, 413-200-0272, 413-200-0274, 413-200-0275, 413-200-0276, 413-200-0278, 413-200-0281, 413-200-0283, 413-200-0285, 413-200-0287, 413-200-0289, 413-200-0292, 413-200-0294, 413-200-0296, 413-200-0298, 413-200-0301, 413-200-0305, 413-200-0306, 413-200-0308, 413-200-0314, 413-200-0335, 413-200-0348, 413-200-0352, 413-200-0354, 413-200-0356, 413-200-0358, 413-200-0362, 413-200-0371, 413-200-0377, 413-200-0379, 413-200-0383, 413-200-0386, 413-200-0388, 413-200-0390, 413-200-0393, 413-200-0394, 413-200-0396

AMEND: 413-200-0260

RULE SUMMARY: OAR 413-200-0260 sets for the definitions for this section and is being amended to add the terms

"Resource parent", "Relative Resource Parent", and "Certified Resource Family".

CHANGES TO RULE:

413-200-0260

Definitions ¶¶

The following definitions apply to OAR chapter 413, division 200.¶¶

- (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) "Age-appropriate or developmentally appropriate activities" means:¶¶
 - (a) Activities or items that are generally accepted as suitable for children or young adults of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child or young adult, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and¶¶
 - (b) In the case of a specific child or young adult, activities or items that are suitable for the child or young adult based on the developmental stages attained by the child or young adult with respect to the cognitive, emotional, physical, and behavioral capacities of the child or young adult.¶¶
- (3) "Applicant" means any individual who applies:¶¶
 - (a) To become or remain a certified resource family; ¶¶
 - (b) To change certification type; or ¶¶
 - (c) For approval through the Department as a potential adoptive resource.¶¶
- (4) "Babysitting" means the provision of occasional temporary care for a child or young adult in the care or custody of the Department that:¶¶
 - (a) Is ten consecutive hours or less; ¶¶
 - (b) Is not overnight care; and¶¶
 - (c) Does not meet the definition of child care or respite care. ¶¶
- (5) "Certificate of Approval" means a document the Department issues to a certified resource family to approve the operation of a home to provide care for a child or young adult in the care or custody of the Department.¶¶
- (6) "Certification supervisor" means an employee of the Department, designated as a supervisor, supervising staff responsible for certification, training, and monitoring homes certified by the Department.¶¶
- (7) "Certified resource family" means an individual or individuals who hold a current Certificate of Approval from the Department to operate a home to provide care, in the home in which the individual or individuals reside, to a child or young adult in the care or custody of the Department.¶¶
- (8) "Certifier" means a Department employee who:¶¶
 - (a) Conducts assessments of applicants, members of the household, home and surroundings;¶¶
 - (b) Determines whether to recommend approval of a potential applicant ~~for foster care~~ as a resource parent, relative resource parent, or adoptive resource, or that a Temporary Certificate of Approval, Certificate of Approval or Child-Specific Certificate of Approval be approved or renewed; and¶¶
 - (c) Monitors the compliance and ongoing assessment of a certified resource family, home and surroundings with OAR 413-200-0301 to 413-200-0396.¶¶
- (9) "Chemical Restraint" means the administration of medication for the management of uncontrolled behavior. "Chemical restraint" does not include the use of medication for treatment of symptoms of severe emotional disturbances or disorders. ¶¶
- (10) "Child" means a person who: ¶¶
 - (a) Is under 18 years of age; or ¶¶
 - (b) Is under 21 years of age and residing in or receiving care or services at a child- caring agency or proctor foster home.¶¶

(11) "Child care" means the supervision of a child in the care or custody of the Department by a licensed, approved, or listed provider required due to the employment or educational program of the certified resource family. ¶

(12) "Child Care Facility" means each of the following:¶

(a) A Registered Family Child Care Home, which is the residence of a provider who has a current Family Child Care Registration at that address and who provides care in the family living quarters.¶

(b) A Certified Family Child Care Home, which is a child care facility located in a building constructed as a single-family dwelling that has certification to care for a maximum of 16 children at any one time.¶

(c) A Certified Child Care Center, which is certified to care for 13 or more children, or a facility that is certified to care for 12 or fewer children and located in a building constructed as other than a single-family dwelling.¶

(d) A Listed Facility, which is a child care provider who has been approved by the Department Self-Sufficiency Program for child care on behalf of clients of the Department.¶

(13) "Child protective services assessment" (CPS assessment) means an investigation into a report of abuse pursuant to ORS 419B.020 or ORS 418.257 that includes activities and interventions to identify and analyze safety threats, determine if there is reasonable cause to believe abuse occurred, and assure safety through protective action plans, initial safety plans, or ongoing safety planning.¶

(14) "Child protective services worker" (CPS worker) means an employee of the Department who has completed the mandatory Department training for child protective service workers.¶

(15) "Child-Specific Certificate of Approval" means a document the Department issues to a certified resource family to approve the operation of a home to provide care for a specific child or young adult in the care or custody of the Department and for whom the Department determines a placement is needed.¶

(16) "Cohabiting" means the act of two adults, unmarried to each other, living together in an intimate relationship as if married.¶

(17) "Criminal records check" means obtaining and reviewing criminal records as required by these rules and includes any or all of the following:¶

(a) An Oregon criminal records check where criminal offender information is obtained from the Oregon State Police (OSP) using the Law Enforcement Data System (LEDS). The Oregon criminal records check may also include a review of other criminal records information obtained from other sources.¶

(b) A fingerprint based national criminal records check where records are obtained from the Federal Bureau of Investigation (FBI). The national criminal records check may also include a review of other criminal records information.¶

(c) A state-specific criminal records check where records are obtained from law enforcement agencies, courts, or other criminal records information sources located in, or regarding, a state or jurisdiction outside Oregon.¶

(18) "Denial" means the refusal of the Department to approve an application for certification and issue or renew a certification.¶

(19) "Department" means the Oregon Department of Human Services.¶

(20) "Designee" means a person whom the designator directly and immediately supervises, or a person with equal or greater management responsibility than the designator.¶

(21) "Discipline" means a training process a 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.¶

(22) "Disqualifying condition" means any information or circumstance related to a person or to the home that does not meet one or more of the requirements in OAR 413-200-0301 to 413-200-0396.¶

(23) "Enhanced supervision" means the additional support, direction, observation, and guidance necessary to promote and assure the safety and well-being of a child or young adult when the child or young adult qualifies for a level of care payment.¶

~~(24) "Foster parent" means a person 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.¶~~

~~(25) "Foundations" means the series of required trainings, provided by the Department or a licensed child-caring~~

agency to certified resource families and prospective and current applicants for foster care, adoption, and relative care.¶

(265) "Home study" means a document containing an analysis of the ability of the applicant to provide safe and appropriate care of a child or young adult.¶

(276) "Impending danger safety threat" means a family behavior, condition, or circumstance that meets all five safety threshold criteria. When it is occurring, this type of threat is not immediate, obvious, or occurring at the onset of the CPS intervention. This threat is identified and understood more fully by evaluating and understanding individual and family functioning. ¶

(287) "Inactive Referral Status" means a period of time, not to exceed 12 months, during which neither the Department nor any other agency may place an additional child or young adult with a certified resource family.¶

(298) "Member of the household" means any adult, young adult or child living in the home, including the applicant, ~~foster~~resource parent or relative ~~caregiver~~resource parent. ¶

~~(302)~~(29) "Orientation" means the initial training provided by the Department to certified resource families and prospective and current applicants for foster care, adoption, and relative care providing information about the certification and home study process, an overview of the Oregon child welfare system, and expectations of Oregon certified families.¶

(310) "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.¶

(321) "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.¶

(332) "Placement support plan" means a documented set of actions or resources that is developed to assist a certified resource family to maintain conditions that provide safety and well-being for a child or young adult. ¶

(343) "Present danger safety threat" means an immediate, significant, and clearly observable family behavior, condition, or circumstance occurring in the present tense, already endangering or threatening to endanger a child. The family behavior, condition, or circumstance is happening now, and it is currently in the process of actively placing a child in peril.¶

(354) "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.¶

(365) "Reasonable and prudent parent standard" means the standard, characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child or young adult while encouraging the emotional and developmental growth of the child or young adult, that a substitute care provider shall use when determining whether to allow a child or young adult in substitute care to participate in extracurricular, enrichment, cultural, and social activities.¶

(376) "Relative ~~caregiver~~Resource Parent" means a person defined as a "relative" under OAR 413-070-0000 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.¶

(37) "Resource parent" means a person 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. ¶

(38) "Respite care" means a formal planned arrangement to relieve a certified resource family's responsibilities by a person temporarily assuming responsibility for the care and supervision of a child or young adult, in the home of the person or certified resource family.¶

(39) "Revocation" means an administrative act by the Department that rescinds an existing Certificate of Approval, Child-Specific Certificate of Approval, or Temporary Certificate of Approval.¶¶

(40) " Screener" means a Department employee with training required to provide screening services.¶¶

(41) "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.¶¶

(42) "Temporary Certificate of Approval" means a document the Department issues to a certified resource family to approve the operation of a home to provide care for a specific child or young adult in the care and custody of the Department. The "Temporary Certificate of Approval" is valid for up to 180 days unless an extension is granted under OAR 413-200-0276(3).¶¶

(43) "Young adult" means a person aged 18 through 20 years.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.625--~~418.648~~, ORS 409.050, ORS 418.005, ORS 409.010, ORS 418.015, ORS 418.027, ORS 418.285, ORS 418.315, ORS 418.470, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0270

RULE SUMMARY: OAR 413-200-0270 sets forth the purpose of this section and is being amended to add the terms "Relative Resource Parent", "Resource Parent", and "Certified Resource Family".

CHANGES TO RULE:

413-200-0270

Purpose ¶¶

(1) The purpose of OAR 413-200-0270 to 413-200-0298 is to describe the activities of the Department related to:¶¶

(a) Certification of a relative ~~caregiver or foster~~resource parent or resource parent, and assessment of a potential adoptive resource;¶¶

(b) Monitoring compliance of a certified resource family with the certification standards in OAR 413-200-0301 to 413-200-0396; and¶¶

(c) Renewal of a certified resource family and reopening of a previously certified resource family.¶¶

(d) Disclosure of information about an applicant or certified resource family. ¶¶

(2) The following do not apply to a potential adoptive resource: OAR 413-200-0275, 413-200-0276, 413-200-0278, 413-200-0281, 413-200-0283, 413-200-0285, 413-200-0287, 413-200-0289, 413-200-0292, 413-200-0294, and 413-200-0296.

Statutory/Other Authority: ORS 418.642, ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.015, ORS 418.016, ORS 418.027, ORS 418.285, ORS 418.315, ORS 418.470, ORS 418.005, ORS 409.010, ORS 418.625–, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0272

RULE SUMMARY: OAR 413-200-0272 sets forth the responsibilities for assessment and certification and is being amended to add the term certified resource family.

CHANGES TO RULE:

413-200-0272

Responsibilities for Assessment and Certification ¶¶

(1) Except as provided in sections (2) and (3) of this rule, the Department must conduct an assessment to determine if the applicant and the home of the applicant meet the standards in OAR 413-200-0301 to 413-200-0396 as follows:¶¶

(a) For the approval of a potential adoptive resource or issuance of a Certificate of Approval or Child-Specific Certificate of Approval, the Department must conduct the activities described in OAR 413-200-0274. The Certificate of Approval and Child-Specific Certificate of Approval expire two years from the date of issuance unless OAR 413-200-0287(7) or OAR 413-200-0296(6) apply.¶¶

(b) For issuance of a Temporary Certificate of Approval, the Department must conduct the activities described in OAR 413-200-0275. A Temporary Certificate of Approval expires 180 days from the date of issuance unless an extension is granted.¶¶

(c) For issuance of a Certificate of Approval or Child-Specific Certificate of Approval to a certified resource family that has been issued a Temporary Certificate of Approval, the Department must conduct the activities described in OAR 413-200-0276. In this circumstance, the Certificate of Approval or Child-Specific Certificate of Approval expires two years from the date of issuance of the Temporary Certificate of Approval, unless OAR 413-200-0287(7) applies.¶¶

(2) The Department is not required to assess an applicant and may deny the application if:¶¶

(a) The applicant has had a previous application for certification denied or a prior certificate revoked during the five years prior to the date on the application;¶¶

(b) The applicant is seeking to care for a specific child or young adult who is not in the care or custody of the Department;¶¶

(c) The applicant is seeking to care for a specific child or young adult in the care and custody of the Department and the Department has determined that child or young adult does not require placement change. This subsection does not supersede placement priority with a child or young adult's relatives; or¶¶

(d) The applicant is seeking to care for a specific child or young adult for whom the Department has not received a request for a home study under the Interstate Compact for the Placement of Children (ICPC).¶¶

(3) The Department may terminate the assessment process at any time and proceed to issue a proposed and final order denying certification for one or more of the reasons in OAR 413-200-0296 or, if the application is for approval to be a potential adoptive resource, deny the application for the reasons in OAR 413-120-0225.¶¶

(4) Any certificate issued by the Department under OAR 413-200-0270 to 413-200-0298 must include all the following information:¶¶

(a) The certificate type: Temporary Certificate, Child-Specific Certificate of Approval, or Certificate of Approval.¶¶

(b) The name of each applicant approved as the certified resource family.¶¶

(c) The address to which the certificate applies.¶¶

(d) The age range (birth to 20) of any child or young adult the Department may place in the certified resource family's home. ¶¶

(e) The placement capacity of the certified resource family.¶¶

(f) The provider number that the Department has given the home.¶¶

(g) The effective and expiration dates of the certificate.¶¶

(h) The signature of the approving manager.

Statutory/Other Authority: ORS 418.005, ORS 418.640, ORS 409.050

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.625—~~418.645~~, ORS 418.627, ORS 418.630,

ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0274

RULE SUMMARY: OAR 413-200-0274 sets forth the requirements for assessment for approval of an adoptive resource or issuance of a certificate of approval or child-specific certificate of approval and is being amended to add the terms relative resource parent and certified resource family.

CHANGES TO RULE:

413-200-0274

Assessment for Approval of an Adoptive Resource or Issuance of a Certificate of Approval or Child-Specific Certificate of Approval

(1) To complete an assessment of an applicant and approve a potential adoptive resource or issue a Certificate of Approval or Child-Specific Certificate of Approval, the certifier must:¶

- (a) Review the completed application.¶
- (b) Have face-to-face contact with each applicant and each other member of the household.¶
- (c) Explain to the applicant the process and requirements for certification of a relative ~~caregiver or foster~~ resource parent or resource parent and approval of a potential adoptive resource.¶
- (d) Discuss with the applicant the role and responsibilities of the Department.¶
- (e) Assess the applicant's motivation for and interest in caring for a child or young adult in the care or custody of the Department. ¶
- (f) Assure the applicant possesses a valid driver license and auto insurance if the applicant will operate a motor vehicle with any child or young adult placed in their home by the Department inside the vehicle. ¶
- (g) Evaluate with the applicant, the children and young adults appropriate for placement in the home and the placement capacity.¶
- (h) When appropriate, obtain approval from the Child Welfare Program Manager or designee on a form approved by the Department under any of the following circumstances:¶
 - (A) The home will exceed the maximum placement capacity as described in OAR 413-200-0278.¶
 - (B) An applicant or other member of the household provides child care in the home or is a foster care provider licensed by another child-caring agency.¶
 - (C) An applicant or other member of the household provides foster care or day care to adults in the home.¶
 - (D) The applicant is applying to become a relative ~~caregiver~~ resource parent and is 18, 19, or 20 years of age.¶
 - (E) An applicant is married, in a domestic partnership, or cohabitating but the applicant's spouse or partner is not also an applicant and OAR 413-200-0306(3)(a) or (b) applies. ¶
 - (F) The applicant applies for a Certificate of Approval or Child-Specific Certificate of Approval through a Department office other than the office in the county in which the family resides.¶
- (i) Complete a minimum of two home visits.¶
 - (A) Observe and assess the safety of the physical environment;¶
 - (B) Walk through each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual;¶
 - (C) Complete a safety assessment of the home and surroundings using a form approved by the Department; and¶
 - (D) Provide the home with age-appropriate documents outlining the Oregon Foster Children's Bill of Rights under ORS 418.201 and OAR 413-010-0180, Oregon Foster Children's Sibling Bill of Rights under ORS 418.608 and OAR 413-070-0860 (3). ¶
 - (E) Provide of copy of the Oregon Foster Parent Bill of Rights under ORS 418.648.¶
- (j) Gather personal, family, and social history information through a series of questionnaires approved by the Department, interviews, and observations in which the Department staff gathers personal information about the applicant and each other member of the household. Analyze information as it relates to each applicant's personal qualifications and assess the conditions that appear to exist in the home that affect safety, health, and well-being for a child or young adult.¶
- (k) Assure completion of a criminal records check through LEDS and a fingerprint-based criminal records check of

national crime information databases on each applicant and each other adult member of the household, excluding a young adult in the care and custody of placed in the home, and, at the Department's discretion, on any child not in the care or custody of the Department and living in the home when there is reason to believe the child may pose a risk to a child or young adult in the care or custody of the Department placed in the home as outlined in OAR 413-120-0400 to 413-120-0475.¶¶

(A) Assess the fitness of each applicant and each other member of the household pursuant to OAR 413-120-0450 and 413-120-0455;¶¶

(B) If appropriate, obtain approval pursuant to OAR 413-120-0450 and 413-120-0455 to continue with certification assessment of the applicant despite the criminal offender history of each applicant and each other member of the household; or¶¶

(C) If an applicant or other member of the household has a disqualifying conviction under OAR 413-120-0450 (3) or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department must proceed under OAR 413-120-0460 and OAR 413-200-0296(2) and issue a proposed and final order denying certification, unless the application is withdrawn by the applicant.¶¶

(D) Document the information considered and the decision on a form approved by the Department. ¶¶

(L) Assure completion of child abuse history background checks for each applicant and each other adult member of the household, excluding a young adult in the care and custody of the Department, as follows:¶¶

(A) If an applicant or other adult member of the household excluding a young adult in the care and custody of the Department placed in the home, has lived outside the state of Oregon and within the United States in the previous five years, obtain a child abuse history background check from each state where the individual resided in the five years preceding the date on the application for certification from the Department;¶¶

(B) If an applicant or other adult member of the household, excluding a young adult in the care and custody of the Department placed in the home has lived outside of the United States in the previous five years, request a child abuse history background check from each country where the individual lived within the five years preceding the date on the application for certification from the Department;¶¶

(C) Assess any safety concerns regarding each applicant and each other member of the household raised by information learned from the child abuse history background check in Oregon and if applicable, another state or country; and¶¶

(D) When an applicant or other member of the household excluding a young adult in the care and custody of the Department placed in the home, has been identified as the perpetrator or alleged perpetrator, or respondent of abuse in a child protective services assessment in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition or a similar disposition from another Department division, agency, or state, consult with the certification supervisor about whether to seek approval from the Child Welfare Program Manager to continue with the certification assessment:¶¶

(i) If the decision is to seek approval, the Child Welfare Program Manager must consider the information and the safety concerns and may approve or deny continuing the assessment;¶¶

(ii) If the decision in subparagraph (i) of this paragraph is to deny continuing with the assessment, the Department may terminate the assessment process and, unless the application is withdrawn, proceed to deny the application under OAR 413-200-0296;¶¶

(iii) The information considered, including the safety concerns assessed, and the decision must be documented on a form approved by the Department. ¶¶

(m) Gather information from a minimum of four personal references for the applicant, no more than two of which may be provided by the applicant's relatives.¶¶

(n) Verify each applicant has completed:¶¶

(A) Orientation prior to certification; ¶¶

(B) Foundations training before or within 12 months of certification unless the applicant has written documentation of completion of equivalent training content from the Department or another licensed child-caring agency within two years of the date on the current application that is approved by the supervisor; and¶¶

(C) The Department approved training per OAR 413-120-0246, prior to approval for adoption, when the applicant

has applied for adoption. ¶

(o) For purposes of a Child-Specific Certificate of Approval, as appropriate, verify the applicant has a written, individualized training plan, approved by a supervisor, specific to meeting the needs of the child or young adult placed with the certified resource family. The individualized training plan must:¶

(A) Include training on the mental, emotional, and physical impacts of abuse, including sexual abuse and rape of a child; and¶

(B) Be developed on or prior to issuance of the Child Specific Certificate of Approval.¶

(p) Discuss and develop a training plan with each applicant, which must include knowledge and skills related to applying the reasonable and prudent parent standard for the participation of the child or young adult in age-appropriate or developmentally appropriate activities.¶

(q) Document the assessment of the certified resource family's qualifications and ability to provide safety, health, and well-being for the child or young adult in the care or custody of the Department in a home study on a form approved by the Department when the recommendation is to issue a Certificate of Approval or Child-Specific Certificate of Approval.¶

(2) If the certifier has completed all of the activities in section (1) of this rule and the supervisor has approved the home study, the Department may:¶

(a) In the case of an applicant seeking certification, either:¶

(A) Issue a Certificate of Approval or Child-Specific Certificate of Approval for a two-year period, as applicable; or¶

(B) Issue a Notice of Intent to deny certification, unless the application is withdrawn by the applicant. ¶

(b) In the case of an applicant seeking to be an adoptive resource, send written notice of the status of the application pursuant to OAR 413-120-0240.¶

(3) The Department must assess an applicant and determine whether to approve the application or deny the application within 180 days of Department receipt of a completed application unless:¶

(a) The application is withdrawn by the applicant; ¶

(b) The Child Welfare Program Manager or designee extends the assessment period; ¶

(c) The Department has issued a Temporary Certificate of Approval; or¶

(d) One of the circumstances in OAR 413-200-0272(2) applies.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 417.200-417.260, ORS 418.005, ORS 409.010, ORS 418.625-, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0275

RULE SUMMARY: OAR 413-200-0275 sets forth the requirements for assessment for issuance of a temporary certificate of approval and are being amended to add the term relative resource parent and resource parent.

CHANGES TO RULE:

413-200-0275

Assessment for Issuance of a Temporary Certificate of Approval ¶

- (1) The Department may only use the assessment described in this rule for the purpose of issuing a Temporary Certificate of Approval.¶
- (2) To complete an assessment of an applicant and issue a Temporary Certificate of Approval, the certifier must:¶
 - (a) Review the completed application.¶
 - (b) Have face-to-face contact with each applicant and each other member of the household. If an applicant or other member of the household is unavailable when conducting face-to-face contact for a Temporary Certificate, the certifier must:¶
 - (A) Obtain approval of the supervisor to delay face-to-face contact with an applicant or other member of the household, and document the approval on a form approved by the Department; and¶
 - (B) Determine a date and time for the face-to-face contact within seven calendar days of the date the applicant or other member of the household becomes available.¶
 - (c) Explain to the applicant the process and requirements for certification of a relative ~~caregiver or foster~~ resource parent or resource parent. ¶
 - (d) Discuss with the applicant the role and responsibilities of the Department.¶
 - (e) Assess the applicant's motivation for and interest in caring for a child or young adult.¶
 - (f) Assure the applicant possesses a valid driver license and auto insurance if the applicant will transport a child or young adult in the care or custody of the Department.¶
 - (g) Evaluate with the applicant, the children and young adults appropriate for placement in the home and the placement capacity. ¶
 - (h) When appropriate, obtain approval from the Child Welfare Program Manager or designee on a form approved by the Department for any of the following circumstances:¶
 - (A) The home will exceed the maximum placement capacity as described in OAR 413-200-0278.¶
 - (B) An applicant or other member of the household provides child care in the home or is a foster care provider licensed by another child-caring agency.¶
 - (C) An applicant or other member of the household provides foster care or day care to adults in the home.¶
 - (D) The applicant applying to become a relative ~~caregiver~~ resource parent is 18, 19, or 20 years of age.¶
 - (E) An applicant is married, in a domestic partnership, or cohabitating but the spouse or partner is not an applicant.¶
 - (F) The applicant applies for a Child-Specific Certificate of Approval through a Department office other than the office in the county in which the family resides.¶
 - (i) Gather information from a minimum of two personal references for the applicant. If information from references are not able to be gathered prior to or on the day of issuance of the Temporary Certificate of Approval, then obtain within 24 hours.¶
 - (j) Complete a home visit:¶
 - (A) Observe and assess the safety of the physical environment;¶
 - (B) Walk through each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual;¶
 - (C) Complete a safety assessment of the home and surroundings using a form approved by the Department;¶
 - (D) Provide the home with age-appropriate documents outlining the Oregon Foster Children's Bill of Rights under ORS 418.201 and OAR 413-010-0180 , Oregon Foster Children's Sibling Bill of Rights under ORS 418.608 and

OAR 413-070-0860 (3); and¶

(E) Provide of copy of the Oregon Foster Parent Bill of Rights under ORS 418.648.¶

(k) Gather and analyze information, through interview and observation, as it relates to each applicant's personal qualifications and assess the conditions that appear to exist in the home that affect safety, health, and well-being for a child or young adult in the care or custody of the Department.¶

(L) Assure completion of a criminal records check through LEDS on each applicant and each other adult member of the household, excluding any young adult in the care and custody of the Department placed in the home, and initiate a fingerprint-based criminal offender records check of national crime information as outlined in OAR 413-120-0400 to 413-120-0475. For any child not in the care or custody of the Department and living in the home, when there is reason to believe the child may pose a risk to a child or young adult in the care or custody of the Department placed in the home, the Department may complete a criminal records check as outlined in OAR 413-120-0400 to 413-120-0475.¶

(A) Assess the fitness of each applicant and each other member of the household pursuant to OAR 413-120-0450 and 413-120-0455;¶

(B) If appropriate, obtain approval pursuant to OAR 413-120-0450 and 413-120-0455 to continue with the certification assessment of the applicant despite the criminal offender history of each applicant and each other member of the household; or¶

(C) If an applicant or other member of the household has a disqualifying conviction under OAR 413-120-0450(3) or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department must proceed under OAR 413-120-0460 and 413-200-0296(2) and issue a proposed and final order denying certification, unless the application is withdrawn by the applicant. ¶

(D) Document the information considered and the decision on a form approved by the Department.¶

(m) Assure completion of a child abuse history background check in the state of Oregon for each applicant and each other adult member of the household, excluding any young adult in the care and custody of the Department placed in the home.¶

(A) If an applicant or other adult member of the household, excluding any young adult in the care and custody of the Department placed in the home, has lived outside the state of Oregon and within the United States in the previous five years, initiate a child abuse history background check from each state where the individual resided in the five years preceding the date on the application for certification from the Department;¶

(B) If an applicant or other adult member of the household, excluding any young adult in the care and custody of the Department placed in the home, has lived outside of the United States in the previous five years, initiate the request for a child abuse history background check from each country where the individual lived within the five years preceding the date on the application for certification from the Department;¶

(C) Assess any safety concerns regarding each applicant and each other member of the household raised by information learned from the child abuse history background check in Oregon and if applicable, another state or country; ¶

(D) When an applicant or other member of the household, excluding a child or young adult in the care and custody of the Department, has been identified as the perpetrator or alleged perpetrator, or respondent of abuse in a child protective services assessment in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition for abuse to a child or young adult, or a similar disposition from another Department division, agency, or state, consult with the certification supervisor about whether to seek approval from the Child Welfare Program Manager to continue with the certification assessment:¶

(i) If the decision is to seek approval, the Child Welfare Program Manager must consider the information and the safety concerns and may approve or deny continuing the assessment;¶

(ii) If the decision in subparagraph (i) of this paragraph is to deny continuing with the assessment, the Department may terminate the assessment process and, unless the application is withdrawn, proceed to deny the application under OAR 413-200-0296;¶

(iii) The information considered, including the safety concerns assessed, and the decision must be documented on a form approved by the Department.¶

(n) Obtain supervisor review and approval of the assessment of the qualifications and ability of the applicant to provide safety, health, and well-being for the specific child or young adult in the care or custody of the Department.¶¶

(o) Upon completion of the activities in section (2) of this rule, and based on the assessment:¶¶

(A) Document completion of the activities described above and the assessment of whether the applicant and the home meet the qualifications and standards required in OAR 413-200-0301 to 413-200-0396 and the ability of each applicant to provide safety, health, and well-being for the child or young adult in the care or custody of the Department on a form approved by the Department when the recommendation is to issue a Temporary Certificate of Approval;¶¶

(B) Issue a Notice of Intent to deny certification unless the application is withdrawn by the applicant; or ¶¶

(C) Proceed to further assess as described in OAR 413-200-0276.¶¶

(3) If the Department issues a Temporary Certificate of Approval, it must comply with OAR 413-200-0276.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.016, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 418.016, ORS 409.010, ORS 418.625-, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.647, ORS 418.648

AMEND: 413-200-0276

RULE SUMMARY: OAR 413-200-0276 sets forth the requirements for assessment to move from a temporary certificate of approval to a certificate of approval or child-specific certificate of approval and is being amended to add the terms certified resource family

CHANGES TO RULE:

413-200-0276

Assessment to Move from a Temporary Certificate of Approval to a Certificate of Approval or Child-Specific Certificate of Approval

(1) To complete the assessment of an applicant that already has been issued a Temporary Certificate of Approval and issue a Certificate of Approval or Child-Specific Certificate of Approval, the certifier must complete the following activities as soon as possible, but no later than 180 days from the date the Temporary Certificate of Approval is issued, unless the certificate has been extended under subsection (3) of this rule:¶

- (a) Gather information from a minimum of two additional references. No more than two of the four required references may be provided by the applicant's relatives.¶
- (b) Seek input from the caseworker of the child or young adult placed in the home and gather information regarding the adjustment of the child or young adult to the home and the certified resource family's ability to meet the needs of the child or young adult.¶
- (c) Conduct a home visit at least every 90 days, and when necessary, additional home visits. During each visit, review and assess the certified resource family's compliance with certification standards and the conditions that appear to exist in the home that affect safety, health and well-being for the child or young adult placed in the home; and document the certified family's compliance with the certification standards after each visit in the Department's electronic system.¶
- (d) Gather personal, family, and social history information sufficient to assess the conditions that appear to exist in the home that affect safety, health, and well-being of a child or young adult through a series of questionnaires and interviews completed by applicants, members of the household, and others.¶
- (e) Assure completion of a criminal records check and a fingerprint-based criminal records check of national crime information databases on each applicant and each other adult member of the household, excluding any young adult in the care and custody of the Department placed in the home, and, at the Department's discretion, on any child, not in the care and custody of the Department and living in the home, when there is reason to believe the child may pose a risk to a child or young adult placed in the home as outlined in OAR 413-120-0400 to 413-120-0475.¶
- (A) Assess the fitness of each applicant and each other member of the household pursuant to OAR 413-120-0450 and 413-120-0455;¶
- (B) If appropriate, request approval, pursuant to OAR 413-120-0450 and 413-120-0455, to complete certification of the applicant despite the criminal offender history of each applicant or other member of the household; and¶
- (C) If an applicant or other member of the household has a disqualifying conviction under OAR 413-120-0450 (3) or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department must proceed under OAR 413-120-0460 and OAR 413-200-0296(2) and issue a proposed and final order denying certification, unless the application is withdrawn by the applicant.¶
- (D) Document the information considered and the decision on a form approved by the Department. ¶
- (f) Assure completion of the child abuse history background checks for each applicant and each other adult member of the household, excluding any young adult in the care and custody of the Department placed in the home, as required in OAR 413-200-0274(1)(I).¶
- (A) Ensure completion of child abuse history background checks when an applicant and each other adult member of the household, excluding any young adult in the care and custody of the Department placed in the home, has lived outside the state of Oregon and within the United States in the previous five years from each state where the individual lived within the five years preceding the date on the application for certification from the Department;¶
- (B) Ensure completion of child abuse history background checks when an applicant and each other adult member

of the household, excluding any young adult in the care and custody of the Department placed in the home, has lived outside the United States in the previous five years, from each country where the individual lived within the five years preceding the date on the application for certification from the Department;¶

(i) Document receipt of any documentation received from each country in the Department's information system;¶

(ii) Document the certification supervisor's approval for efforts made to obtain records from each country in the Department's information system;¶

(C) Assess any safety concerns regarding each applicant and each other member of the household raised by information learned from the child abuse history background check in Oregon and if applicable, another state or country; and¶

(D) When an applicant or other member of the household, excluding any young adult in the care and custody of the Department placed in the home, has been identified as the perpetrator or alleged perpetrator, or respondent of abuse in a child protective services assessment in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition for abuse to a child or a young adult, or a similar disposition from another Department division, agency, or state, consult with the certification supervisor about whether to seek approval from the Child Welfare Program Manager to continue with the certification assessment:¶

(i) If the decision is to seek approval, the Child Welfare Program Manager must consider the information and the safety concerns and may approve or deny continuing the assessment;¶

(ii) If the decision in subparagraph (i) of this paragraph is to deny continuing with the assessment, the Department may terminate the assessment process and, unless the application is withdrawn, proceed to deny the application under OAR 413-200-0296;¶

(iii) The information considered, including the safety concerns assessed, and the decision must be documented on a form approved by the Department. ¶

(g) Verify that the certified resource family:¶

(A) Has completed Orientation within 30 days after the Temporary Certificate of Approval was issued; and¶

(B) Has a plan:¶

(i) To complete Foundations training before or within 12 months after the date on which the Temporary Certificate of Approval was issued, unless the certification supervisor waives the training requirement based on the family's documented knowledge and skills in caring for a child or young adult in the care or custody of the Department; or¶

(ii) Has a written, individualized training plan, approved by a certification supervisor, specific to meeting the needs of the child or young adult placed with the certified resource family. The individualized training plan must:¶

(I) Include training on the mental, emotional, and physical impacts of abuse including sexual abuse and rape of a child; and¶

(II) Be developed within 90 days after the Temporary Certificate of Approval or Child Specific Certificate of Approval is issued by the Department.¶

(h) Discuss and develop a training plan under OAR 413-200-0379(6) for each certified adult in the family.¶

(i) Document the assessment of the certified resource family's qualifications and ability to provide safety, health, and well-being for the child or young adult in the care or custody of the Department in a home study on a form approved by the Department when the recommendation is to issue a Certificate of Approval or Child-Specific Certificate of Approval¶

(j) Obtain approval from the certification supervisor of the home study. ¶

(2) If the certifier has completed all of the activities in section (1) of this rule, the Department may issue a Certificate of Approval or Child-Specific Certificate of Approval.¶

(3) When the activities described in sections (1) and (2) of this rule have not been completed within 180 days:¶

(a) The Certification supervisor may extend the Temporary Certificate of Approval on a form approved by the Department for up to 30 days; and¶

(b) The Child Welfare Program Manager may extend the Temporary Certificate of Approval for more than 30 days.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.016, ORS 418.005, ORS 409.010, ORS 418.625--418.645, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0278

RULE SUMMARY: OAR 413-200-0278 Responsibility to Determine the Maximum Number of Children or Young Adults in a Certified Resource Family Home and is being amended to add the term certified resource family and update language in the rule to be consistent with federal guidance.

CHANGES TO RULE:

413-200-0278

Responsibility to Determine the Maximum Number of Children or Young Adults in a Certified Resource Family Home ¶¶

(1) Except as provide in subsection (3) of this rule, the Department may not issue a Certificate of Approval, a Child-Specific Certificate of Approval, or a Temporary Certificate of Approval if the home would exceed the following maximum capacity: ¶¶

(a) A total of four children or young adults to one certified adult living in the home;¶¶

(b) A total of seven children or young adults, ~~not more than six may be children or young adults in the care or custody of the Department placed in the home, to two certified adults living in the home~~ two certified adults living in the home; ¶¶

(c) A total of two children under the age of three; or¶¶

~~(ed) A total of two~~ 6 children under the age of three or young adults in the care or custody of the Department. ¶¶

(2) When counting the children or young adults under ~~(a)-(c)~~ of this rule, all children are included and all young adults in the care or custody of the Department are included.¶¶

(3) A Child Welfare Program Manager or designee may approve placing an additional child or young adult in the home in special circumstances.¶¶

(a) Special circumstances ~~for (a)-(c)~~ include, but are not limited to:¶¶

(A) To allow a parenting child or young adult to remain with their child; ¶¶

(B) To allow siblings to remain together; ¶¶

(C) To allow a child or young adult to be placed with a relative or with a caregiver who has a relationship with the child or young adult; or¶¶

(D) To allow a family with special training or skills to provide care to a child or young adult with specific needs. ¶¶

(b) Special circumstances for (d) include:¶¶

(A) To allow a parenting child or young adult to remain with their child; ¶¶

(B) To allow siblings to remain together;¶¶

(C) To allow a child or young adult to be placed with a caregiver who has an emotionally significant relationship with the child or young adult. ¶¶

(D) To allow a family with special training or skills to provide care to a child or young adult with a disability. ¶¶

(c) In these special circumstances under (a) and (b), the certifier must assess:¶¶

(A) The skills and abilities, willingness, and training of the certified resource family related to the quantity of services required for each child or young adult to be placed in the home;¶¶

(B) The skills and abilities of the certified resource family to meet the safety, health, and well-being needs of each child or young adult to be placed in the home;¶¶

(C) The amount of supervision and support the certified resource family requires to meet the needs of each child or young adult to be placed in the home;¶¶

(D) The maximum safe physical capacity of the home, including sleeping arrangements; and¶¶

(E) The plan for each individual to escape from the home in case of fire or other emergency.¶¶

(4) The certifier must document the assessment described in subsection (b) of section (3) of this rule on a form approved by the Department, including the sustainability of the plan and any actions the Department may take to ensure continued child safety, health and well-being in the certified home, and obtain Child Welfare Program Manager or designee approval prior to permitting the home to exceed the maximum capacity specified in section (1) of this rule.¶¶

(5) When a Child Welfare Program Manager or designee approves exceeding the maximum capacity in a certified home, the certifier must:¶¶

(a) Visit the home every 90 days as long as the home exceeds the maximum capacity; and¶¶

(b) During each visit, review, assess and document the certified resource family's compliance with certification standards as outlined in OAR 413-200-0283 and the conditions that appear to exist in the home that affect safety, health and well-being for the child or young adult placed in the home.¶¶

(6) The Department may at its discretion modify any certificate issued under OAR 413-200-0270 to 413-200-0298 to increase or decrease the maximum capacity or the age range of the children or young adults for whom the family is certified within the limits prescribed in this rule.

Statutory/Other Authority: ORS 418.005, ORS 418.640, ORS 409.050

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.625–418.645, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0281

RULE SUMMARY: OAR 413-200-0281 sets forth the requirements for Respite Care Providers, Child Care, and Babysitters and is being amended to add the term certified resource family.

CHANGES TO RULE:

413-200-0281

Respite Care Providers, Child Care, and Babysitters ¶¶

(1) The certifier must undertake all of the following activities when applicable:¶¶

(a) Discuss with the certified resource family the plan for providing care to a child or young adult placed in the home when the certified resource family may be unavailable to provide care.¶¶

(b) For any prospective respite care provider or child care provider, assure completion of a criminal records check through LEDS as outlined in OAR 413-120-0400, unless the provider is a child care facility.¶¶

(c) Assure the fitness of each prospective respite care provider or child care provider having a conviction described in OAR 413-120-0450 or an arrest described in OAR 413-120-0455 is determined by the appropriate authorized designee, in accordance with OAR 413-120-0450, OAR 413-120-0455 and OAR 413-120-0457.¶¶

(d) Assure initiation of a fingerprint-based criminal offender records check of national crime information databases as outlined in OAR 413-120-0400 to 413-120-0475 whenever:¶¶

(A) The criminal records check conducted under subsection (b) of this section indicates the prospective respite care or child care provider has a criminal history; or¶¶

(B) The prospective respite care or child care provider has lived in Oregon less than five years.¶¶

(e) Assure completion of a criminal records check as required by OAR 413-120-0440, on each individual the certified resource family has identified as a prospective respite care or child care provider and if applicable:¶¶

(A) Follow the requirements in OAR 413-120-0450 to 413-120-0475; and¶¶

(B) Document the information considered and the results of any fitness determination on a form approved by the Department. ¶¶

(f) For any prospective respite care provider or child care provider, conduct child abuse history background checks, unless the provider is a child care facility.¶¶

(g) Initiate out of state child abuse history background checks if the prospective respite care or child care provider has lived outside the state of Oregon in the previous five years. ¶¶

(h) When a prospective respite provider or child care provider has been identified as the perpetrator or alleged perpetrator, or respondent of abuse in a child protective services assessment in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition for abuse to a child or young adult or a similar disposition from another division of the Department, agency or state, consult with the certification supervisor about whether to seek approval from the Child Welfare Program Manager:¶¶

(A) If the decision is to seek approval, the Child Welfare Program Manager must consider the information and safety concerns and may approve or deny continuing the determination of the respite care or child care provider;¶¶

(B) The decision, and the information assessed, must be documented on a form approved by the Department. ¶¶

(hi) When respite care or child care will be provided in the home of the respite care or child care provider, assure the activities described in subsections (b) through (g) of this section are complete for all adults living in the home of the respite care or child care provider. A respite care provider or child care provider may be conditionally approved by a Child Welfare Program Manager or designee prior to the results from the fingerprint-based criminal offender records check of national crime information databases. The approval must be documented on form approved by the Department. ¶¶

(ij) Analyze information gathered under subsections (a) to (h) of this section prior to determining the individual is safe and appropriate to provide respite care or child care and approving the individual to provide respite care or child care.¶¶

(jk) Document the analysis required under subsection (i) of this section in the Department's electronic information system.¶¶

- (kL) Notify the certified resource family of the determination of whether the individual is authorized to provide respite care or child care. ¶¶
- (Lm) Verify that any certified resource family identified to provide respite care or child care for another certified resource family has a current certification. ¶¶
- (mn) The Department may disapprove a prospective respite care provider or child care provider even if the provider has a positive fitness determination.¶¶
- (2) If the respite care provider or child care provider has a disqualifying conviction under OAR 413-120-0450 (3) or (4) or the authorized designee makes a negative fitness determination with respect to the respite care or child care provider, the provider may not provide care.¶¶
- (3) The Department has the discretion to request a criminal records check of a babysitter.¶¶
- (4) When a certified resource family notifies the Department of their intent to provide respite care for another child or young adult in the care or custody of the Department, the certifier must approve the request prior to the certified resource family providing respite care.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.625--418.645, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0283

RULE SUMMARY: OAR 413-200-0283 sets forth the Responsibilities to Monitor Certification Compliance and is being amended to add the terms certified resource family, resource parent and certified resource parent.

CHANGES TO RULE:

413-200-0283

Responsibilities to Monitor Certification Compliance ¶¶

(1) A certifier must conduct the following home visits:¶¶

(a) A minimum of one home visit every 90 days during the period a Temporary Certificate of Approval is effective;¶¶

(b) A minimum of one home visit every 90 days when a certified resource family has been approved to exceed the maximum capacity as prescribed in OAR 413-200-0278(1), for the duration of the management approval; and¶¶

(c) A minimum of one home visit to any certified resource family every 180 days, which must include: ¶¶

(A) Face to face contact with at least one certified individual, and ¶¶

(B) Verbal contact with both certified individuals. ¶¶

(d) When a certified resource family certification is on Inactive Referral Status and no child or young adult is placed in the home, the 180 day visit requirement may be waived with a Child Welfare Manager or designee approval documented on a form approved by the Department. ¶¶

(2) A certifier must assess a certified resource family's compliance with OAR 413-200-0301 to 413-200-0396 and ability to continue to meet the safety, health and well-being needs for a child or young adult in the care or custody of the Department at each home visit and complete the following activities when applicable: ¶¶

(a) Whenever it becomes known that the certified resource family wishes to become an in-home child care, an adult foster care, or an in-home adult day care provider, seek approval from the Child Welfare Program Manager or designee on a form approved by the Department;¶¶

(b) Whenever it becomes known that another agency wishes to place a child or young adult in a certified home, prior to placement of the child or young adult, seek approval from the Child Welfare Program Manager or designee on a form approved by the Department.¶¶

(c) Whenever it becomes known that another adult, not in the care or custody of the Department, is living in the household or the Department has reason to believe that a child, not in the custody of the Department, who lives in the home, a babysitter, or a person who frequents the home poses a risk to a child or young adult in the care or custody of the Department:¶¶

(A) Assure completion of a criminal records check under OAR 413-120-0400 and follow requirements in OAR 413-120-0450 to OAR 413-120-0475;¶¶

(B) Assure completion of a child abuse history background check and assess any safety concerns as outlined in OAR 413-200-0274(1)(L); and¶¶

(C) Document the information considered and the results of any fitness determination or safety assessment on a form approved by the Department. ¶¶

(d) Whenever it becomes known that a certified resource family or other member of the household, excluding any young adult in the care and custody of the Department placed in the home, has been arrested or convicted of a crime not previously assessed and approved:¶¶

(A) Assure completion of a criminal records check under OAR 413-120-0400 and follow requirements in OAR 413-120-0450 to 413-120-0475 whenever it becomes known that certified resource family or other member of the household excluding any young adult in the care and custody of the Department placed in the home, has been arrested or convicted of a crime not previously assessed and approved.¶¶

(B) Document the information considered and the results of any fitness determination or safety assessment on a form approved by the Department. ¶¶

(e) Seek input from the caseworkers of each child and young adult placed in the home during the past 180 days and assess the conditions that appear to exist in the home that affect safety, health, and well-being for the child or

young adult placed in the home in compliance with OAR 413-200-0301 to 413-200-0396.¶

(f) Assess the information that the certifier learns from the certified resource family, members of the household, caseworkers, and the home visit in section (1) of this rule, to determine whether conditions appear to exist in the home that affect safety, health, and well-being for the child or young adult placed in the home by the Department.¶

(g) Complete the activities under OAR 413-200-0278 when a Child Welfare Program Manager or designee has approved exceeding the maximum capacity specified in OAR 413-200-0278.¶

(h) Document the contacts with the certified resource family and the assessment information obtained under this rule in the provider record of the Department's electronic information system.¶

(3) During and at the conclusion of a child protective services assessment regarding an allegation of child abuse in a certified resource family, follow the requirements of OAR 413-015-0601 to 413-015-0608.¶

(a) When the assigned certifier or certification supervisor is notified that information received by a screener involving a home certified by the Department is referred for a CPS assessment, within one business day after the CPS worker has made initial contact with the certified resource family, the certifier must: ¶

(A) Contact and notify the certified resource family and provide them with the following information: ¶

(i) The certifier is available to answer questions related to certification but must not discuss the specifics of the CPS assessment; ¶

(ii) The certified resource family is immediately placed on inactive referral status pending the completion of the CPS assessment; and¶

(iii) The certified resource family has the option of having a ~~foster~~resource parent or relative ~~caregiver~~resource parent available for support during the assessment. ¶

(B) Document the initiation of a CPS assessment and the placement of the certified resource family on inactive referral status in provider notes in the Department's electronic information system. ¶

(C) Notify Department staff responsible for placement that the certified resource family's home is on inactive referral status. ¶

(b) Within 14 days of the notification required in paragraph (3)(a)(A)(ii) of this rule, the Department must provide written notification to the certified resource family that the home has been placed on inactive referral status and place a copy of the written notification in the certification file.¶

(c) The certifier must provide ongoing information regarding the certified resource family and any individuals living in the home to the assigned CPS worker and the caseworkers of each child or young adult placed in the home by the Department.¶

(d) If the certifier is unavailable, the certification supervisor must ensure that the actions required in subsections (a) through (d) of this section are completed.¶

(e) At the conclusion of the CPS assessment, the certifier and certification supervisor must:¶

(A) Staff the case and review all the information in the CPS assessment;¶

(B) Determine whether the information indicates certification actions described in OAR 413-200-0270 to 413-200-0298 should be taken; and¶

(C) Ensure documentation of the results of the staffing in provider notes in the Department's electronic information system.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.625–418.645, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0285

RULE SUMMARY: OAR 413-200-0285 sets forth responsibilities when developing a placement support plan and is being amended to add the term certified resource family.

CHANGES TO RULE:

413-200-0285

Responsibilities When Developing a Placement Support Plan ¶¶

- (1) When a certifier determines that a certified resource family needs additional support to maintain conditions that provide safety, health, and well-being in the home, the certifier may develop a placement support plan. A placement support plan is appropriate when one or both of the following circumstances apply:¶¶
 - (a) The certified resource family needs additional training, instruction, or skills to improve their ability to meet the needs of a child or young adult placed in the home by the Department.¶¶
 - (b) The certified resource family is not in compliance with one or more of the Department's certification standards, and the non-compliance does not result in either a present danger safety threat or an impending danger safety threat to a child or young adult.¶¶
- (2) When a placement support plan is appropriate to support a certified resource family, the certifier must gather information regarding current circumstances from:¶¶
 - (a) The certified resource family;¶¶
 - (b) The child or young adult placed in the certified resource family's home, when appropriate;¶¶
 - (c) The caseworkers of any child or young adult currently placed in the home; and¶¶
 - (d) Other collateral contacts that may have information regarding the characteristics of the care provided in the certified resource family's home.¶¶
- (3) The certifier must schedule a meeting with the certified resource family to discuss the current circumstances which result in a placement support plan and the appropriate supports and services to assist the certified resource family.¶¶
- (4) A placement support plan must be documented and specify all of the following:¶¶
 - (a) The actions or services in which the certified resource family must participate.¶¶
 - (b) The actions or services the Department will provide to support the certified resource family in maintaining conditions that provide safety, health, and well-being for any child or young adult placed in the home by the Department.¶¶
 - (c) Agreement that the certified resource family is willing and able to participate in the actions or services.¶¶
 - (d) Agreement to review the placement support plan on a specified date, which is within at least 90 days.¶¶
 - (e) The anticipated end date of the placement support plan.¶¶
- (5) A certification supervisor must approve the placement support plan.¶¶
- (6) When the placement support plan has been approved, the certifier must:¶¶
 - (a) Provide a copy to the certified resource family;¶¶
 - (b) Document the placement support plan in the Department's electronic information system; and¶¶
 - (c) Provide written notification to the caseworkers of each child or young adult placed in the home by the Department.¶¶
- (7) The certifier must review the placement support plan on or before the date specified in subsection (4)(d) of this rule and determine, in consultation with the certification supervisor, whether the placement support plan should be updated or ended.¶¶
- (8) If the placement support plan is updated or ended, the certifier must document the decision in the provider record and must notify the caseworkers of each child or young adult placed in the home by the Department.¶¶
- (9) If the certified resource family fails to follow through with a placement support plan, the Department may deny an application or revoke a Temporary Certificate of Approval, Child Specific Certificate of Approval, or Certificate of Approval as outlined in OAR 413-200-0296.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.015, ORS 418.315, ORS 418.625-, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0287

RULE SUMMARY: OAR 413-200-0287 sets forth the Assessment for Renewal of Certification requirements and is being amended to add the term certified resource family.

CHANGES TO RULE:

413-200-0287

Assessment for Renewal of Certification ¶

- (1) When an application for a certification renewal is received before the current certificate expires the Department must reassess the certified resource family to determine whether to renew the Certificate of Approval or Child-Specific Certificate of Approval for two additional years.¶
- (2) The Department may terminate the assessment process at any time and deny the application for certification renewal for one or more of the reasons in OAR 413-200-0296 or, if the application is for approval to be a potential adoptive resource, OAR 413-120-0225(2).¶
- (3) To complete the assessment and renew a Certificate of Approval or Child-Specific Certificate of Approval, the certifier must:¶
 - (a) Review the completed Certified Family Certificate Renewal or Change of Status Application.¶
 - (b) Conduct a minimum of one visit to the home of the certified resource family and:¶
 - (A) Have face-to-face contact with each member of the household.¶
 - (B) Complete the questionnaires and interviews necessary to complete a home study update.¶
 - (C) Observe and assess the safety of the physical environment.¶
 - (D) Walk through each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual.¶
 - (E) Complete a safety assessment of the home and surroundings using a form approved by the Department.¶
 - (F) Confirm the home has posted age-appropriate documents outlining the Oregon Foster Children's Bill of Rights under ORS 418.201 and OAR 413-010-0180, and has available to any child or young adult placed in the home the Oregon Foster Children's Sibling Bill of Rights under ORS 418.608 and OAR 413-070-0860(3).¶
 - (c) Confirm completion of required hours of training, ensure the provider record of the Department's electronic information system reflects all completed training, and develop a training plan for the new certification period.¶
 - (d) Assess information from the caseworker of each child or young adult placed by the Department with the certified resource family during the past 180 days.¶
 - (e) Assure completion of criminal records checks on each applicant and each other adult member of the household, excluding a young adult in the care or custody of the Department, previously approved respite provider, previously approved child care provider and, at the Department's discretion, any child not in the care and custody of the Department and living in the home, when there is reason to believe the child may pose a risk to a child or young adult placed in the home by the Department as described in OAR 413-120-0400 to 413-120-0475. A fingerprint-based criminal offender records check of national crime information databases is not required for an application for renewal of a Certificate of Approval or Child-Specific Certificate of Approval, unless an applicant or other adult member of the household has lived outside of Oregon for more than 60 consecutive days within the two-year certification period or has been arrested or convicted during the two-year certification period.¶
 - (A) Assess any safety concerns regarding the fitness of an applicant, other adult member of the household, and previously approved respite provider or child care pursuant to OAR 413-120-0450 and 413-120-0455; and¶
 - (B) If appropriate, request approval pursuant to OAR 413-120-0450 and 413-120-0455 to complete certification of the applicant despite the new criminal offender history of an applicant or other adult member of the household.¶
 - (C) If an applicant or other member of the household has a disqualifying conviction under OAR 413-120-0450 (3) or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department must proceed under OAR 413-120-0460 and issue a proposed and final order denying certification

unless the applicant withdraws application.¶

(D) If the previously approved respite provider or child care provider has a new disqualifying conviction under OAR 413-120-0450(3) or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department must proceed to notify the certified resource family of the determination. ¶

(f) Assure completion of child abuse history background checks for each applicant and each other adult member of the household, excluding any young adult in the care and custody of the Department placed in the home, previously approved respite care provider, and previously approved child care provider.¶

(A) If an applicant or other adult member of the household, excluding a young adult in the care or custody of the Department and placed in the home, previously approved respite care provider, or previously approved child care provider has lived outside the state of Oregon or outside of the United States for more than 60 consecutive days during the two-year certification period, a child abuse history background check must be obtained from each state and requested from each country where the individual resided during the two-year certification period.¶

(B) Assess any safety concerns regarding the applicant, other adult member of the household, excluding a young adult in the care or custody of the Department and placed in the home, previously approved respite care provider, or previously approved child care provider raised by information learned from the child abuse history background check.¶

(C) When an applicant or other adult member of the household, excluding a young adult in the care or custody of the Department and placed in the home, has been identified as the perpetrator or alleged perpetrator, or respondent of abuse in a child protective services assessment in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition for abuse to a child or child or young adult in the care or custody of the Department, or a similar disposition from another division of the Department, agency or state, which has not previously been approved, consult with the certification supervisor about whether to seek approval from the Child Welfare Program Manager to continue with the assessment for renewal:¶

(i) If the decision is to seek approval, the Child Welfare Program Manager must consider the information and safety concerns and may approve or deny continuing the assessment for renewal.¶

(ii) If the decision in subparagraph (i) of this paragraph is to deny continuing with the assessment for renewal, the Department may terminate the assessment process and, unless the application is withdrawn, proceed to deny the application under OAR 413-200-0296.¶

(iii) The information considered, including the safety concerns assessed, and the decision must be documented on a form approved by the Department. ¶

(D) When the previously approved respite or child care provider has been identified as the perpetrator or alleged perpetrator, or respondent of abuse in a child protective services assessment in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition for abuse to a child or a child or young adult in the care or custody of the Department, or a similar disposition from another division of the Department, agency or state, which has not previously been approved, consult with the certification supervisor about whether to seek approval from the Child Welfare Program Manager:¶

(i) If the decision is to seek approval, the Child Welfare Program Manager must consider the information and safety concerns and may approve or deny continuing the assessment of the respite provider;¶

(ii) If the decision in subparagraph (i) of this paragraph is to proceed with approval of the respite or child care provider, notify the certified resource family of the Department's determination.¶

(iii) The information considered, including the safety concerns assessed, and the decision must be documented on a form approved by the Department.¶

(g) Review and assess whether conditions appear to exist in the home that affect the safety, health, or well-being of a child or young adult in the care or custody of the Department.¶

(h) Review and analyze the certified resource family's skills and abilities in maintaining conditions in the home that provide for the safety, health, and well-being and ability to meet the safety, health, and well-being needs for the child or young adult in the care or custody of the Department, maintaining relationships with the community and the Department, supporting the case plan of the child or young adult and the certified resource family's compliance with OAR 413-200-0301 to 413-200-0396. ¶

(i) When recommending renewal of the certification, update the home study on a form approved by the Department, including results of the assessment activities completed in subsections (a) to (h) of this section, and submit to the certification supervisor for approval.¶

(4) Before the Department may renew a certification, a certification supervisor must:¶

(a) Assure the certifier has completed all assessment activities required by subsections (3)(a) to (i) of this rule and review the certifier's assessment of the certified resource family; ¶

(b) Review the home study update; and¶

(c) Determine whether to approve or deny the application for renewal. ¶

(5) When the certification supervisor approves the application for renewal, the Department may issue a new Certificate of Approval or Child-Specific Certificate of Approval, valid for two years from the expiration date of the current Certificate of Approval or Child-Specific Certificate of Approval. ¶

(6) If the certification supervisor decides not to approve the application for renewal, the Department must proceed to deny the application as outlined in OAR 413-200-0296 unless the certified resource family voluntarily withdraws their application as provided in OAR 413-200-0314. The current certificate continues until its expiration date unless the Department proceeds to revoke the certificate as outlined in OAR 413-200-0296 or the certified resource family requests to voluntarily terminate the certificate and the Department accepts the family's request. If the certificate did not expire under section (7) of this rule and the certified resource family withdraws the application, the certificate terminates. ¶

(7) Pursuant to ORS 183.430, if the certified resource family has submitted a timely application and the Department does not complete the activities in sections (3) to (5) of this rule before the stated expiration date on the certified resource family's Certificate of Approval or Child-Specific Certificate of Approval, the certified resource family's Certificate of Approval does not expire until the Department has issued a new Certificate of Approval or Child-Specific Certificate of Approval or there is a final order denying renewal.

Statutory/Other Authority: ORS 418.016, ORS 418.640, ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 418.016, ORS 409.010, ORS 418.005, ORS 418.015, ORS 418.625-, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0289

RULE SUMMARY: OAR 413-200-0289 sets forth the responsibilities regarding withdrawal of an application, termination of a certification and is being amended to add the term certified resource family.

CHANGES TO RULE:

413-200-0289

Responsibilities Regarding Withdrawal of an Application, Termination of a Certification ¶

- (1) When an applicant requests to withdraw his or her application for certification or adoption under OAR 413-200-0314, the certifier must document his or her communication regarding the applicant's request.¶
- (2) An application may be considered to be withdrawn if, during the assessment process, the applicant fails to respond to a written request for contact from the certifier, the adoption worker, or the supervisor of the certifier or adoption worker within 30 days of the request.¶
- (3) When a certified resource family requests the Department terminate their certification, the certifier must:¶
 - (a) Terminate the certificate on a date to be determined by the Department and the certified resource family, notify the certified resource family of the date the certificate was terminated and document the reasons for termination of the certificate; or¶
 - (b) If the Department intends to revoke the certificate, determine with a Child Welfare Program Manager or designee whether to accept the request to terminate the certificate or continue with the revocation process, inform the certified resource family of the Department's decision, and document the Department's decision regarding the certified resource family's request.¶
- (4) The Department must terminate a Temporary Certificate of Approval or a Child-Specific Certificate of Approval on the expiration date of the Certificate, or 60 calendar days after the child or young adult placed in the home moves from the home of the certified resource family, whichever is earlier, unless at least one of the following applies:¶
 - (a) The certified resource family submits a written request to change the type of certificate from a Child-Specific Certificate of Approval to a Certificate of Approval under section (5) of this rule within 60 calendar days of the departure of the specific child or young adult from the home.¶
 - (b) The certified resource family requests to voluntarily terminate the Temporary Certificate of Approval or Child-Specific Certificate of Approval, and the Department agrees to terminate the certificate; ¶
 - (c) The Department determines the child or young adult placed in the home is removed because the certified resource family cannot provide for the safety, health, or well-being needs of the child or young adult placed in the home and has violated one or more rules under OAR 413-200-0301 to 413-200-0396; or ¶
 - (d) OAR 413-200-0296(4) applies.¶
- (5) When the Department determines that subsection (3)(c) of this rule applies, the Department must determine whether to revoke the Temporary Certificate of Approval or Child Specific Certificate of Approval.¶
 - (a) If the decision is to revoke, the Department must issue a notice of intent to revoke the Temporary Certificate of Approval or Child Specific Certificate of Approval. ¶
 - (b) If the decision is not to revoke, the Department may terminate the certificate. ¶
- (6) When a certified resource family with a Temporary Certificate of Approval seeks to change the type of certificate to a Certificate of Approval, and when the individual or individuals who hold the Temporary Certificate of Approval remain the same, the certifier must:¶
 - (a) Update the application to reflect the accurate applicant type;¶
 - (b) Ensure all activities under OAR 413-200-0274 are complete before issuing a Certificate of Approval; and¶
 - (c) If a fitness determination had previously been made, assure completion of a new fitness determination under OAR 413-120-0440(9).¶
- (7) When a certified resource family with a Child-Specific Certificate of Approval seeks to change the type of certificate to a Certificate of Approval, and when the individual or individuals who hold the Child-Specific Certificate of Approval remain the same the certifier must:¶

(a) Provide the family with an application change from a Child-Specific Certificate of Approval to a Certificate of Approval;¶

(b) Assess the family's ability to provide for the safety, health, and well-being needs of a non-specific child or young adult in the care or custody of the Department pursuant to the requirements of OAR 413-200-0274 and the certified resource family's compliance with OAR 413-200-0301 to 413-200-0396;¶

(c) Document the assessment in the provider record; and¶

(d) If a fitness determination had previously been made, assure completion of a new fitness determination under OAR 413-120-0440(9).¶

(8) Before the Department may change the type of certificate under sections (5) and (6) of this rule, a certification supervisor must:¶

(a) Assure the certifier has completed all activities required by section (5) and (6) of this rule;¶

(b) Review the certifier's assessment of the certified resource family; and¶

(c) Determine, upon completion of the review in subsection (b) of this section, whether to approve or not approve the certified resource family's application to change the Child-Specific Certificate of Approval to a type of certificate that does not limit the family to care for a specific child or young adult.¶

(9) If the certification supervisor decides to approve the certified resource family's application to change the Child-Specific Certificate of Approval to a type of certificate that does not limit the family to care for a specific child in care, the Department must issue a Certificate of Approval with the same end date as the current certificate to the family.¶

(10) If the certification supervisor decides not to approve the certified resource family's application to change the type of certificate to one that does not limit the family to care for a specific child or young adult, the Department must proceed to issue a proposed and final order to deny the application as outlined in OAR 413-200-0296 unless the certified resource family voluntarily withdraws the application as provided in OAR 413-200-0314.¶

(11) No child or young adult in the care or custody of the Department may remain in the home if there is not an active certificate or the Department has taken an action to revoke certification, unless a court has ordered the child or young adult to remain in the home.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.015, ORS 418.315, ORS 418.625-, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0292

RULE SUMMARY: OAR 413-200-0292 sets forth the responsibilities regarding a previously certified resource family and when a certified resource family moves and is being amended to add the term Certified Resource Family.

CHANGES TO RULE:

413-200-0292

Responsibilities Regarding a Previously Certified Resource Family and When a Certified Resource Family Moves ¶

(1) The Department may conduct an assessment to reopen the previous certification when all of the following apply:¶

(a) The certification has been closed less than six months.¶

(b) The certificate would not have expired during the months the certification has been closed.¶

(c) There have been no additions to adult members of the household, and the previously certified resource family remain the same. ¶

(d) The former certified resource family continues to live in the same residence.¶

(e) No new child abuse background exists, other than history which was previously assessed.¶

(f) No new arrests or convictions exist, other than history which was previously assessed.¶

(2) When a former certified resource family requests that the Department reopen the family's previous certification, and the requirements of section (1) of this rule are met, the certifier must undertake the following actions:¶

(a) Provide the former certified resource family with a Certified Family Certificate Renewal or Change of Status Application; and¶

(b) Complete a new LEADS and complete a new fingerprint-based criminal records check of national crime information databases on each applicant and each other adult member of the household, excluding a young adult in the care or custody of the Department and placed in the home. For any child not in the care or custody of the Department and living in the home, when there is reason to believe the child may pose a risk to a child or young adult placed in the home, the Department may complete a criminal records check as outlined in OAR 413-120-0400 to 413-120-0475; ¶

(A) Assess the fitness of each applicant and each other member of the household pursuant to OAR 413-120-0450 and 413-120-0455; ¶

(B) If appropriate, obtain approval pursuant to OAR 413-120-0450 and 413-120-0455 to complete certification of the applicant despite the criminal offender history of each applicant and each other member of the household; or¶

(C) If an applicant or other member of the household has a disqualifying conviction under OAR 413-120-0450 (3) or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department must proceed under OAR 413-120-0460 and OAR 413-200-0296(3) and issue a proposed and final order denying certification, unless the application is withdrawn by the applicant.¶

(D) Document the information considered and the decision on a form approved by the Department. ¶

(c) Assure completion of a new child abuse history background check for each applicant and each other adult member of the household. ¶

(A) If an applicant or other adult member of the household, excluding a young adult in the care or custody of the Department and placed in the home has lived outside the State of Oregon and within the United States in the previous five years, obtain a child abuse history background check from each state where the individual resided in the five years preceding the date on the application for certification from the Department;¶

(B) If an applicant or other adult member of the household, excluding a young adult in the care or custody of the Department and placed in the home has lived outside of the United States in the previous five years, request a child abuse history background check from each country where the individual lived within the five years preceding the date on the application for certification from the Department;¶

- (C) Assess any safety concerns regarding each applicant and each other member of the household raised by information learned from the child abuse history background check in Oregon and if applicable, another state or country; and¶¶
- (D) When an applicant or other member of the household, excluding a young adult in the care or custody of the Department and placed in the home, has been identified as the perpetrator or alleged perpetrator, or respondent of abuse in a child protective services assessment in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition for abuse to a child or young adult, or a similar disposition from another Department division, agency, or state, consult with the certification supervisor about whether to seek approval from the Child Welfare Program Manager to continue with the certification assessment:¶¶
- (i) If the decision is to seek approval, the Child Welfare Program Manager must consider the information and the safety concerns and may approve or deny continuing the assessment;¶¶
- (ii) If the decision in subparagraph (i) of this paragraph is to deny continuing with the assessment, the Department may terminate the assessment process and, unless the application is withdrawn, proceed to deny the application under OAR 413-200-0296;¶¶
- (iii) The information considered, including the safety concerns assessed, and the decision must be documented on a form approved by the Department. ¶¶
- (d) Conduct a home visit to identify and assess any changes in the environment or family:¶¶
- (A) Have face-to-face contact with each applicant and each other member of the household;¶¶
- (B) Observe and assess the safety of the physical environment;¶¶
- (C) Walk through each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual;¶¶
- (D) Complete a safety assessment of the home and surroundings using a form approved by the Department; and¶¶
- (E) Provide the home with age-appropriate documents outlining the Oregon Foster Children's Bill of Rights under ORS 418.201 and OAR 413-010-0180, Oregon Foster Children's Sibling Bill of Rights under ORS 418.608 and OAR 413-070-0860 (3). ¶¶
- (F) Provide of copy of the Oregon Foster Parent Bill of Rights under ORS 418.648.¶¶
- (e) Document in the provider record of the Department's electronic information system the circumstances under which the Department reopened the certification.¶¶
- (3) Before the Department may reopen a previously certified resource family, a certification supervisor must assure that the certifier has completed the actions outlined in subsections (a) to (e) of section (2) of this rule and decide whether to approve or deny the family's request to reopen a certification.¶¶
- (a) If the certification supervisor decides to approve the application, the Department may reopen the family for the time remaining on the certificate.¶¶
- (b) If the certification supervisor decides that the application should be denied, the Department must proceed to issue a proposed and final order to deny the application as outlined in OAR 413-200-0296 unless the application is withdrawn.¶¶
- (4) A family previously certified by the Department must complete Foundations training if the family has not been certified within the last two years unless the certification supervisor either:¶¶
- (a) Approves an individualized training plan for a certified resource family who has been issued a Child-Specific Certificate of Approval; or¶¶
- (b) Waives the training requirement based on the family's documented knowledge and skills in caring for a child or young adult placed in the home by the Department.¶¶
- (5) If subsections (a) or (b) of section (4) of this rule apply, document the approval of an individualized training plan or the waiving of the training requirement on a form approved by the Department.¶¶
- (6) When the certified resource family moves to another residence in the State of Oregon, the Department terminates the certification. The Department may issue a new certification for the new residence after the activities described in this section have been completed. Within 10 business days, the Department must complete the following actions:¶¶

- (a) Conduct a home visit.¶
 - (A) Provide the certified resource family a Certified Family Certificate Renewal or Change of Status Application;¶
 - (B) Review the completed Certified Family Certificate Renewal or Change of Status Application;¶
 - (C) Observe and assess the safety of the physical environment;¶
 - (D) Walk through each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual;¶
 - (E) Complete a safety assessment of the home and surroundings using a form approved by the Department; and¶
 - (F) Assess any concerns regarding the certified resource family's ability to provide for the safety, health, and well-being needs of a child or young adult in the care or custody of the Department. Determine whether the home and certified resource family meet the standards under OAR 413-200-0301 to 413-200-0396 and document those assessment activities in the provider record. ¶
 - (G) Ensure the home has posted age-appropriate documents outlining the Oregon Foster Children's Bill of Rights under ORS 418.201 and OAR 413-010-0180, and that the Oregon Foster Children's Sibling Bill of Rights under ORS 418.608 and OAR 413-070-0860 (3) is available in the home. ¶
 - (b) Document the circumstances of the family's relocation and the Department's decision about certification at the new address in the provider record of the Department's electronic information system.¶
 - (7) When a certified resource family has been initially certified by the local Child Welfare office in the county in which the family resides and the family moves to another county, the following must occur prior to the approval of the new certificate:¶
 - (a) The Child Welfare Program Managers or designees in both counties must coordinate the transfer of the record and ongoing Department responsibilities for certification; and¶
 - (b) A certifier must complete the actions described in section (6) of this rule.¶
 - (8) When a certified resource family intends to move outside the State of Oregon and the child or young adult placed in the home by the Department has been approved to remain with the certified resource family, OAR 413-040-0200 to 413-040-0330 applies.
- Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.016, ORS 418.640
- Statutes/Other Implemented: ORS 418.015, ORS 418.016, ORS 418.315, ORS 418.625--~~418.648~~, ORS 418.005, ORS 409.010, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0294

RULE SUMMARY: OAR 413-200-0294 sets forth the responsibilities regarding inactive referral status and is being amended to add the term Certified Resource Family.

CHANGES TO RULE:

413-200-0294

Responsibilities Regarding Inactive Referral Status ¶¶

- (1) The certified resource family or the Department may initiate an Inactive Referral Status. When a certified resource family is on Inactive Referral Status, no additional child or young adult may be placed in the home.¶¶
- (2) When either a certified resource family or the Department initiates an Inactive Referral Status, the certifier must immediately notify Department staff responsible for placement that the certified resource family is unavailable for placement of a child or young adult and update the provider record. ¶¶
- (3) A certified resource family may ask the Department to place their home on Inactive Referral Status for any reason for up to 12 months. The Inactive Referral Status begins on the date requested by the certified resource family.¶¶
- (4) Within 30 days of a certified resource family requesting Inactive Referral Status, the certifier must send a letter to the certified resource family that documents the inactive status, the reasons for the status, and the length of the Inactive Referral Status.¶¶
- (5) When a certified resource family initiates Inactive Referral Status, if a child or young adult is currently placed in the home by the Department all certification standards and responsibilities remain in effect. If there is no child or young adult currently placed in the home by the Department, the home visit requirements may be waived if approved by a Child Welfare Program Manager or designee. ¶¶
- (6) The Department may initiate Inactive Referral Status for one or more of the following reasons:¶¶
 - (a) The special needs of a child or young adult, currently in the home, require so much of the certified resource family's care and attention that no agency should place an additional child or young adult in the home.¶¶
 - (b) The certified resource family or members of the household are experiencing significant family or life stress.¶¶
 - (c) The certified resource family does not currently meet one or more of the certification standards.¶¶
- (7) The Department must place a certified resource family on Inactive Referral Status:¶¶
 - (a) When the Department is assessing an allegation of child abuse in the home; or¶¶
 - (b) The Department has made a decision to revoke the certified resource family's certificate¶¶
- (8) If the Department initiates inactive referral status, the Department must:¶¶
 - (a) Within 14 business days, send a letter to the certified resource family that documents the beginning date of inactive referral status, the reason for the Inactive Referral Status, specific certification standards that have been violated, if any, and what action the Department may take if the conditions that warranted the inactive referral status are not resolved within the time frame of the inactive referral status; and¶¶
 - (b) Provide written notification to the certified resource family when inactive referral status ends.¶¶
- (9) Inactive referral status, when requested by the certified resource family, ends:¶¶
 - (a) At the request of the certified resource family;¶¶
 - (b) When the certificate terminates or expires, unless the Department is in the process of assessing the certified resource family for renewal of the Certificate of Approval or¶¶
 - (c) No more than 12 months from the initiation of inactive referral status.¶¶
- (10) If the certified resource family is not able or willing to end the inactive referral status, requested by the certified resource family, the Department may proceed to revoke the certificate as outlined in OAR 413-200-0296, unless the certified resource family requests to voluntarily terminate the certificate and the Department accepts the family's request.¶¶
- (11) When the Department initiates Inactive Referral Status, the Department determines, within the time frame of the Inactive Referral Status, when the conditions that warranted the Inactive Referral Status have been resolved. The Department may revoke a certificate if a certified resource family is unable to remedy a violation of

a certification standard within the time frame of the Inactive Referral Status.¶

(12) When the Inactive Referral Status ends at the request of the family or because the conditions that warranted the inactive referral status have been resolved, the certifier must:¶

(a) Document removal of the Inactive Referral Status in the provider record of the Department's electronic information system; and¶

(b) Send written notification to the family within 30 days.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.015, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 418.015, ORS 409.010, ORS 418.315, ORS 418.625-, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0296

RULE SUMMARY: OAR 413-200-0296 sets forth the responsibilities regarding denial or revocation of a certification and is being amended to add the term Certified Resource Family.

CHANGES TO RULE:

413-200-0296

Responsibilities Regarding Denial or Revocation of a Certification ¶¶

(1) The Department may deny an application for certification if:¶¶

(a) Any of the reasons in OAR 413-200-0272 (2) exist;¶¶

(b) The applicant fails to provide requested information within 90 days of a written request from the Department; or¶¶

(c) When an adult member of the household, excluding any young adult in the care and custody of the Department placed in the home, has been identified as the perpetrator alleged perpetrator, or respondent of abuse in a child protective services assessment founded disposition, unable to determine disposition, substantiated, inconclusive or a similar disposition from another agency or state as described in 413-200-0274(1)(l) and 413-200-0275(2)(m).¶¶

(2) The Department may deny an application or revoke a Temporary Certificate of Approval, Child-Specific Certificate of Approval, or Certificate of Approval when:¶¶

(a) The applicant or certified resource family does not meet or no longer meets one or more of the certification standards in OAR 413-200-0301 to 413-200-0396;¶¶

(b) The Department has determined that the applicant or the certified resource family does not meet or cannot continue to provide for the safety, health or well-being needs of a child or young adult in the care or custody of the Department;¶¶

(c) The Department discovers an applicant or certified resource family has falsified information by act of commission or omission;¶¶

(d) An applicant or certified resource family fails to provide information to the Department or fails to inform the Department of any disqualifying condition, including a disqualifying condition that arises after the certification has been issued;¶¶

(e) An applicant or certified resource family is found to have interfered or hindered an investigation of abuse of a child or young adult, including but not limited to the intimidation of witnesses, falsification of records or denial or limitation of interviews with the child or young adult who is the subject of the investigation or with witnesses;¶¶

(f) A certified resource family interferes with the good faith disclosure of information by an employee or volunteer concerning the abuse or mistreatment of a child or young adult placed in the home of the certified resource family, violations of certification requirements, criminal activity in the certified resource family's home, violations of state or federal laws or any practice that threatens the health and safety of a child or young adult placed in the home of the certified resource family to:¶¶

(A) Department of Human Services;¶¶

(B) A law enforcement agency;¶¶

(C) A family member, guardian or other person who is acting on behalf of the child or young adult.¶¶

(g) A member of the household, excluding a child or young adult in the care or custody of the Department placed in the home, or a person who frequents the home is found to have a disqualifying conviction under OAR 413-120-0450(3) or (4) or an authorized designee makes a negative fitness determination;¶¶

(h) The certified resource family fails to follow through with a placement support plan developed under OAR 413-200-0285; or¶¶

(i) The Department determines a child or young adult has been removed because the certified resource family cannot provide for the safety, health, or well-being needs of the child or young adult and violated one or more rules under OAR 413-200-0301 to 413-200-0396.¶¶

(3) When the Department determines that subsection (2)(g) of this rule applies, the Department must determine

whether to revoke the Temporary Certificate of Approval, Child-Specific Certificate of Approval, or Certificate of Approval. If the Department decides to revoke, the Department must issue a notice of intent to revoke the Temporary Certificate of Approval, Child-Specific Certificate of Approval, or Certificate of Approval pursuant to OAR 413-010-0510.¶¶

(4) The Department must take action to revoke a certification when, at the conclusion of a child protective services assessment, the Department determines there is an impending danger safety threat in the certified resource family's home, unless:¶¶

(a) The certified resource family provides a request to voluntarily terminate the certificate; and¶¶

(b) The Department agrees to accept the voluntary termination of the certificate.¶¶

(5) If the Department decides to deny an application for a certificate, renewal of a certificate, or a Change of Status, or decides to revoke a certificate, the Department must provide an applicant or certified resource family a written notice of intent to deny the application or revoke the certificate, which must state the reasons for the action and comply with OAR 413-010-0510.¶¶

(6) When the Department has issued a written notice to revoke a certificate before the stated expiration date on the certificate, the certificate must not expire until there is a final order on the notice to revoke the certificate.¶¶

(7) The Department must remove from the home any child or young adult in the care or custody of the Department upon making the decision to revoke the certified resource family's certification and place the certified resource family on Inactive Referral Status.¶¶

(8) The Department may deny an application for a certificate if, during the five years prior to the date an application is received by the Department, the applicant has had a previous application for certification denied or a prior certificate revoked, from any state, department or agency.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.015, ORS 418.315, ORS 418.625-, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0298

RULE SUMMARY: OAR 413-200-0298 sets forth the requirements for confidentiality of applicant or certified resource family information and is being amended to add the term certified resource family.

CHANGES TO RULE:

413-200-0298

Confidentiality of Applicant or Certified Resource Family Information ¶¶

(1) This rule describes how the Department may exercise its authority to disclose information it gathers about an applicant or a certified resource family.¶¶

(2) The name, address, and other identifying information about a certified resource family are confidential under ORS. 418.642 and not open to public inspection. Except as provided in these rules, the Department may not disclose identifying information.¶¶

(3) Unless prohibited by federal or state law, the Department may disclose the name, address, or other identifying information about a ~~foster parent or relative caregiver~~ when: ¶¶

~~(a) A foster parent or relative caregiver~~ certified resource family when: ¶¶

~~(a) A certified resource family~~ requests information about the ~~foster parent or relative caregiver~~;¶¶

~~(b) A foster parent or relative caregiver~~ certified resource family;¶¶

~~(b) A certified resource family~~ authorizes disclosure about the ~~foster parent or relative caregiver~~ certified resource family;¶¶

(c) A court order requires disclosure;¶¶

(d) The Department determines disclosure is necessary or advisable to protect the best interest of a child or young adult; or¶¶

(e) The Department determines disclosure is necessary for the administration of child welfare laws, which may include, but is not limited to, the following circumstances:¶¶

(A) Disclosure to employees of the Secretary of State's Office, the Department of Health and Human Services, and the Department which requires information to complete audits, program reviews or other investigations of child welfare programs administered by the Department;¶¶

(B) Disclosure to law enforcement officers and district attorney's offices that require information for child abuse assessments, criminal investigations, or other civil or criminal proceedings connected with administering the Department's child welfare programs;¶¶

(C) Disclosure to the Office of Administrative Hearings or an Administrative Law Judge as part of an administrative action initiated by the Department;¶¶

(D) Disclosure to the juvenile court or a party to a juvenile court case concerning a child or young adult to enable the court or the party to protect the best interests of the child or young adult;¶¶

(E) Disclosure to comply with the requirements of mandatory abuse reporting laws including, but not limited to: ORS 124.060 (elder abuse), 419B.010 (child abuse), 430.765 (adults with mental illness or developmental disabilities), and 441.640 (residents in long-term care facilities);¶¶

(F) Disclosure for the purposes of providing support, training, education or other information about the role of a certified resource family.¶¶

(4) Unless prohibited by federal or state law, the Department may disclose information about an applicant or certified resource family when:¶¶

(a) Disclosure is required or authorized by federal or state laws, including the Oregon Public Records Law;¶¶

(b) An applicant has requested information about the applicant;¶¶

(c) An applicant authorizes disclosure of information about the applicant;¶¶

(d) A court order requires disclosure;¶¶

(e) Disclosure is necessary or advisable to protect the best interests of a child or young adult; or¶¶

(f) Disclosure is necessary for the administration of child welfare laws, as outlined in subsection (3)(e) of this rule.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.642

Statutes/Other Implemented: ORS 409.050, ORS 418.005, ORS 409.010, ORS 418.642

AMEND: 413-200-0301

RULE SUMMARY: OAR 413-200-0301 sets forth the Purpose and Applicability of Certification Standards and is being amended to add the term Certified Resource Family.

CHANGES TO RULE:

413-200-0301

Purpose and Applicability of Certification Standards ¶

(1) The purpose of OAR 413-200-0301 to 413-200-0396 is to describe the criteria for approval as:¶

(a) A certified resource family; or¶

(b) A potential adoptive resource.¶

(2) These rules apply to any individual who:¶

(a) Has applied to become a certified resource family or potential adoptive resource;¶

(b) Is currently a certified resource family; or¶

(c) Has applied to renew certification.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.016, ORS 418.640, ORS 418.642

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.015, ORS 418.016, ORS 418.027, ORS 418.285, ORS 418.315, ORS 418.470, ORS 418.625-, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0305

RULE SUMMARY: OAR 413-200-0305 sets forth the authorization and is being amended to clarify what the Resource Parent, Relative Resource Parent, and Certified Resource Family pertains to.

CHANGES TO RULE:

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 caring institutions.¶

(2) ORS 418.005 gives the Department the authority and responsibility to approve homes for a child and young adult in the care or custody of the Department. ORS 418.005 authorizes the Department to develop rules to approve these homes.¶

(3) In these rules, Resource Parent, Relative Resource Parent, and Certified Resource Family, pertain to the homes defined under ORS 418.005.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.625-, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0306

RULE SUMMARY: OAR 413-200-0306 sets forth the Eligibility for Certified Resource Families and Adoptive Resources and is being amended to add the terms certified resource parent and relative resource parent.

CHANGES TO RULE:

413-200-0306

Eligibility for Certified Resource Families and Adoptive Resources ¶¶

To qualify as a newly certified resource family or adoptive resource for a child or young adult in the care or custody of the Department, an individual must:¶¶

(1) Be at least 21 years of age, unless:¶¶

(a) Granted an approval by a Child Welfare Program Manager or designee, who may approve an applicant between 18 and 20 years of age to become a relative ~~caregiver~~resource parent; or¶¶

(b) Placement of the child or young adult with the individual meets the placement preferences in the Indian Child Welfare Act and OAR 413-115-0090.¶¶

(2) Submit a completed application on a form, and in the manner, prescribed by the Department.¶¶

(3) When two individuals are lawfully married, have a domestic partnership (as defined in ORS 106.310), or are cohabitating, both individuals are required to apply, unless:¶¶

(a) One individual is in the military and stationed out of the state; or¶¶

(b) There are unique circumstances in which one individual will have limited responsibility for limited household management or care of a child or young adult placed in the home. This must be approved by the Child Welfare Program Manager.¶¶

(4) Participate in the applicant assessment processes prescribed by the Department, and provide additional information requested by the Department to support the assessment; and¶¶

(5) Be determined by the Department to meet the qualifications and standards required by OAR 413-200-0301 to 413-200-0396.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.625–418.645, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0308

RULE SUMMARY: OAR 413-200-0308 sets forth the Personal Qualifications of Applicants and Certified Resource Families and is being amended to add the term Certified Resource Family.

CHANGES TO RULE:

413-200-0308

Personal Qualifications of Applicants and Certified Resource Families ¶

- (1) Applicants have the burden of proving they possess the required qualifications to be approved as a certified resource family or as a potential adoptive resource.¶
- (2) Applicants must, as determined by the Department pursuant to OAR 413-200-0274 to OAR 413-200-0298:¶
 - (a) Exercise sound judgment and demonstrate responsible, stable, emotionally mature behavior;¶
 - (b) Manage the home and personal life;¶
 - (c) Possess the ability to apply the reasonable and prudent parent standard when determining whether to allow a child or young adult in the care or custody of the Department to participate in extracurricular, enrichment, cultural, and social activities;¶
 - (d) Maintain conditions in the home that provide for the safety, health, and well-being for the child or young adult in the care or custody of the Department and be able to meet the safety, health, and well-being needs for that child or young adult;¶
 - (e) Have supportive relationships with adults and children living in the household and with others in the community;¶
 - (f) Have a lifestyle and personal habits free of criminal activity, and abuse or misuse of alcohol or drugs;¶
 - (g) Have adequate financial resources to support the household; financial resources are not limited to income from employment. ¶
 - (h) Be willing to participate in the assessment process that includes a comprehensive inquiry into the personal and family history including family dynamics;¶
 - (i) Have the physical and mental capacity to care for a child or young adult in the care or custody of the Department. Upon request, be willing to provide copies of medical reports from a health care professional, and be willing to participate in an expert evaluation and authorize the Department to obtain a report from the evaluator; ¶
 - (j) Demonstrate an ability to learn and apply effective childrearing and behavior intervention practices focused on helping a child or young adult in the care and custody of the Department grow, develop, and build positive personal relationships and self-esteem; ¶
 - (k) Respect, accept and support the race, spiritual beliefs, sexual orientation, gender identity and gender expression, disabilities, national origin, cultural identities, immigration status and socioeconomic status of a child or young adult in the care or custody of the Department, and provide opportunities to enhance the positive self-concept and understanding of the child or young adult's heritage; and¶
 - (L) Assure that all members of the household, excluding a child or young adult in the care or custody of the Department: ¶
 - (A) 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 in the care or custody of the Department;¶
 - (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.¶
- (3) To maintain certification, in addition to continuing to meet the personal qualifications listed in sections (2) of this rule, a certified resource family must:¶
 - (a) Incorporate into the family's care-giving practices positive non-punitive discipline and ways of helping a child or young adult placed with the certified resource family build positive personal relationships, self-control, and

self-esteem;¶

(b) Ensure the child or young adult placed with the certified resource family is taught age appropriate health and hygiene practices and is given the opportunity to practice good hygiene;¶

(c) Ensure the child or young adult placed with the certified resource family has regular, ongoing opportunities to engage in age-appropriate or developmentally-appropriate activities, including extracurricular, enrichment, cultural, and social activities;¶

(d) Respect and support the Department's efforts to develop and maintain the relationships of the child or young adult placed with the certified resource family with their birth family, their siblings, their relatives, and any other significant individual in the life of the child or young adult;¶

(e) Work in partnership with the Department to identify the strengths and meet the needs of each child or young adult placed with the certified resource family;¶

(f) Follow Department direction and comply with prescribed services and activities in the case plan, including, but not limited to supervision plans, personal care services plans, visitation plans, transition plans, and restrictions for - each child or young adult placed with the certified resource family, as applicable to that child or young adult;¶

(g) Follow through with any placement support plan; and¶

(h) Use reasonable efforts to prevent anyone from influencing any 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 or another individual may be involved.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.015, ORS 418.315, ORS 418.625-, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0314

RULE SUMMARY: OAR 413-200-0314 sets forth the Initial Application Process to Become a Certified Resource Family or Adoptive Resource and is being amended to add Certified Resource Family to the title.

CHANGES TO RULE:

413-200-0314

Initial Application Process to Become a Certified Resource Family or Adoptive Resource ¶¶

(1) An applicant must comply with all of the following requirements:¶¶

(a) Complete a Department application.¶¶

(b) Complete all paperwork and written requests for information required by the Department in a timely manner and no later than 90 days after the initial request.¶¶

(c) 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 a child or young adult in the care or custody of the Department by providing access to each room in the primary residence of the applicant and each surrounding building and structure 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.¶¶

(d) Allow Department staff to have face-to-face contact with all members of the applicant's household.¶¶

(e) Provide personal, family, and social history information to Department.¶¶

(f) Provide information about any current or previous licenses, certifications, or applications for relative care, foster care, child care, adoption, or any other types of services for vulnerable individuals including adult caregiving. Information must include the organization's name and any denials, suspensions, revocations, or terminations.¶¶

(g) Sign Department Authorizations for Use and Disclosure of Information as requested to allow the Department to contact an individual or an organization to complete a thorough background check of the applicant.¶¶

(h) Allow the Department, at its discretion, to gather information regarding juvenile court involvement or law enforcement contacts of any child, not in the care or custody of the Department, who lives in the household when the Department determines there is reason to believe that the child may pose a risk to a child or young adult in the care or custody of the Department and, if requested, authorize disclosure of the records regarding such information to the Department.¶¶

(2) Each applicant and each other adult member of the 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 applicant or other member of the household;¶¶

(b) Consent to a criminal records check, as outlined in OAR 413-120-0400 to 413-120-0475;¶¶

(c) Information regarding any previous allegations of child abuse; and¶¶

(d) Consent to a child abuse history background check, as outlined in OAR 413-200-0274.¶¶

(e) Upon request, sign a Department Authorization for Use and Disclosure of Information. ¶¶

(f) Upon request, authorize the Department to contact and obtain information from an individual or organization in order to complete a thorough background check of the applicant and, if applicable, authorize the Department to disclose that information as necessary during the certification process, including disclosure to the Office of Administrative Hearings or the juvenile court. ¶¶

(3) An applicant may voluntarily withdraw the application by:¶¶

(a) Completing a form provided by the Department;¶¶

(b) Submitting a written request to the Department in a format of the applicant's choice; or¶¶

(c) Making a verbal request to a certifier, adoption worker, or the supervisor of the certifier or adoption worker.¶¶

(4) An application may be considered withdrawn if, during the assessment process, the applicant fails to respond to a written request for contact from the certifier, the adoption worker, or the supervisor of the certifier or adoption worker within 30 days of the request.¶¶

(5) If an applicant moves to a new address, the application is considered withdrawn.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.016, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 418.016, ORS 409.010, ORS 418.315, ORS 418.625-, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0335

RULE SUMMARY: OAR 413-200-0335 sets forth the Standards Regarding the Home Environment and is being amended to add the term Certified Resource Family.

CHANGES TO RULE:

413-200-0335

Standards Regarding the Home Environment ¶¶

The applicant or certified resource family must allow Department staff access to each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual, and ensure the home and surrounding environment comply with all of the following requirements:¶¶

(1) General Conditions:¶¶

(a) The home must be the primary residence of the applicant or certified resource family and the residence where the child or young adult placed by the Department must reside.¶¶

(b) The home must have adequate space, including space for safe and appropriate sleeping arrangements, for each member of the household.¶¶

(A) Department staff must consider the age, gender, gender expression, and gender identity, culture, special needs, behavior, and history of abuse of the child or young adult in the care or custody of the Department, when determining appropriate sleeping arrangements.¶¶

(B) Each child or young adult in the care or custody of the Department must have access to their own bed and may not share a bed with an unrelated person. ¶¶

(C) Sharing the same sleep surface with a child under the age of 12 months is prohibited.¶¶

(D) A child under the age of 12 months must be placed on their back for sleep.¶¶

(E) Use of crib bumpers, pillows or other soft materials in the sleeping area of a child under the age of 12 months is prohibited.¶¶

(c) To respect the privacy of a child or young adult in the care or custody of the Department, the home may not use electronic monitoring. 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) Security systems being used for general home security;¶¶

(E) Audio or video baby monitors used to monitor a child placed by the Department five years of age and under; or¶¶

(F) Monitors recommended by medical or mental health providers for medical purposes or for understanding emotional or behavioral health. Monitors must be approved by the Department. ¶¶

(d) The certified resource family must post and comply with the Foster Children's Bill of Rights as required by OAR 413-010-0170 to 413-010-0185 and have available in the home the Oregon Foster Children's Sibling Bill of Rights. The Oregon Foster Parent Bill of Rights under ORS 418.648, must be provided to the certified resource family by the Department. ¶¶

(e) The applicant or certified resource family must have access to a working telephone to make and receive phone calls. The child or young adult must have access to a phone and have the ability to call their CASA, attorney or caseworker at any time. ¶¶

(f) The applicant or certified resource family must consider the age, special needs, and capabilities of the child or young adult in the care or custody of the Department, and have necessary safeguards to assure that:¶¶

(A) Swimming pools, wading pools, ponds, hot tubs must be maintained to assure safety, kept in clean condition, equipped with sufficient safety barriers or devices to prevent injury, and used by a child or young adult in foster care with appropriate supervision for the age and development of the child or young adult;¶¶

- (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;¶
- (D) Access of a child or young adult in the care or custody of the Department placed in the home to potentially dangerous animals is restricted; and¶
- (E) Potentially dangerous hunting and sporting equipment are stored in a safe and secure manner inaccessible to a child or young adult in the care or custody of the Department placed in the home.¶
- (g) The certified resource family must consider the age, special needs, and capabilities of the child or young adult in the care or custody of the Department placed in the home when determining if an animal is a safe and appropriate pet.¶
- (h) The certified resource 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 in the care or custody of the Department placed in the home.¶
- (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 unsafe 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) The home must have an operating bathroom.¶
- (g) The certified resource family must provide age, cultural and health appropriate hygiene products to the child or young adult placed in the home by the Department. ¶
- (h) There must be provision for the safe storage and administration of all medications in the household, taking into consideration the age, developmental level, and needs of the child or young adult in the care or custody of the Department placed in the home. ¶
- (i) There must be easily accessible first aid supplies in the home, and a reasonable understanding of how to use such supplies.¶
- (j) Smoking and other substances:¶
- (A) A child or young adult in the care or custody of the Department placed in the home may not be exposed to any type of second-hand smoke in the family's home or vehicle; and¶
- (B) An applicant or other member of the household may not provide a child or young adult in the care or custody of the Department placed in the home any form of the following: alcohol, tobacco, nicotine, marijuana, or any illegal substance. ¶
- (C) All products referenced in paragraph (B) of this subsection must be stored in a safe and secure manner inaccessible to a child or young adult in the care or custody of the Department placed in the home.¶
- (3) Fire and Carbon Monoxide Safety:¶
- (a) The home must have all of the following:¶
- (A) Within 24 hours of the time the applicant is certified, all of the following must be present in the home: ¶
- (i) A working smoke alarm in each bedroom where a child or young adult in the care or custody of the Department placed in the home sleeps.¶
- (ii) At least one working smoke alarm on each floor of the home.¶
- (iii) A working carbon monoxide detector within 15 feet of each bedroom where a child or young adult in the care or custody of the Department placed in the home sleeps. ¶
- (iv) At least one working carbon monoxide detector on each floor.¶
- (v) At least one operable fire extinguisher rated 2-A:10-B-C or higher.¶
- (B) At least one means of emergency exit and at least one additional means of rescue from the home.¶
- (C) An adequate safeguard around operating fireplaces, wood stoves, or other heating systems that may cause

burns to a child or young adult in the care or custody of the Department placed in the home who is developmentally unable to reasonably follow safety rules regarding such devices.¶

(D) A written, comprehensive home evacuation plan, shared with each child or young adult in the care or custody of the Department placed in the home within 24 hours 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.¶

(E) Operable, quick-release mechanisms on barred windows. If a home does not have operable quick-release mechanisms on all barred windows, the home evacuation plan required in paragraph (D) of this subsection must be approved by the Department.¶

(F) Interior doors that lock must be operable from both sides of the door.¶

(b) Each bedroom used by a child or young adult in the care or custody of the Department placed in the home must have:¶

(A) At least one unrestricted exit;¶

(B) At least one secondary means of exit or rescue;¶

(C) Smoke 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 resource family must have available, and be willing to use, a safe and reliable method of transportation.¶

(b) An applicant or other member of the household must provide proof of a valid driver license and current insurance when operating a motor vehicle with a child or young adult in the care or custody of the Department as a passenger.¶

(c) The applicant or certified resource family must assure that, as required by current state law:¶

(A) Only a licensed and insured driver transports a child or young adult in the care or custody of the Department placed in the home 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. An instrument of physical restraint other than a seat belt or age and size appropriate safety seat may not be used during the transportation of a child or young adult in the care or custody of the Department placed in the home. ¶

(d) Written authorization from the Department must be received by the certified resource family prior to transporting, or authorizing transport of a child or young adult in the care or custody of the Department placed in the home out of the State of Oregon or outside the United States.¶

(e) A certified resource family must request approval from the Department no less than 90 days prior to any international travel with a child or young adult in the care or custody of the Department placed in the home. In an emergency, the certified resource family must request approval from the Department as soon as the need for international travel becomes known.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.315, ORS 418.625–, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0348

RULE SUMMARY: OAR 413-200-0348 sets forth the Requirements Regarding the Number of Children and Young Adults in the Home and is being amended to add the term Certified Resource Family. It is also being amended to align the rule to federal guidance.

CHANGES TO RULE:

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 resource family may not exceed the following maximum capacity: ¶¶

(a) A total of four children or young adults to one certified adult living in the home; ¶¶

(b) A total of seven children or young adults to two certified adults living in the home, ~~no more than six may be children or young adults in the care or custody of the Department placed in the home;~~ ¶¶

~~(c) A total of two children under the age of three; or~~ ¶¶

~~(ed) A total of two children under the age of three or young adults in the care or custody of the Department.~~ ¶¶

(2) When counting the children or young adults under ~~(1)(a)-(c)~~ of this rule, all children living in the home are included and all young adults in the care or custody of the Department are included. ¶¶

(3) Under special circumstances, the Department may approve placement of an additional child or young adult in the home of a certified resource family that exceeds the maximum capacity specified in section (1)~~(a)-(c)~~ of this rule if one of the following exceptions apply: ¶¶

(a) To allow a parenting young adult to remain with their child; ¶¶

(b) To allow siblings to remain together; ¶¶

(c) To allow a child or young adult to be placed with a relative or with a caregiver who has a relationship with the child or young adult; or ¶¶

(d) To allow a family with special training or skills to provide care to a child or young adult with specific needs. ¶¶

~~(4) Special circumstances for (1)(d) include:~~ ¶¶

~~(a) To allow a parenting young adult to remain with their child;~~ ¶¶

~~(b) To allow siblings to remain together;~~ ¶¶

~~(c) To allow a child or young adult to be placed with a caregiver who has emotionally significant relationship with the child or young adult.~~ ¶¶

~~(d) To allow a family with special training or skills to provide care to a child or young adult with a disability.~~ ¶¶

(5) A certified resource family may not accept a child or young adult for placement from another agency without prior approval of the Department. ¶¶

~~(5)~~ A certified resource family may not provide formal or informal adult foster care or child care without prior approval of the Department.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.015, ORS 418.315, ORS 418.005, ORS 409.010, ORS 418.625–~~418.645~~, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0352

RULE SUMMARY: OAR 413-200-0352 sets forth the Requirements for the Care of Children and Young Adults and is being amended to add the term Certified Resource Family.

CHANGES TO RULE:

413-200-0352

Requirements for the Care of Children and Young Adults ¶¶

The certified resource family must comply with all of the following requirements related to the care of a child or young adult in the care or custody of the Department placed with the certified resource family. ¶¶

(1) Work cooperatively with the Department, to support the case plan and meet the needs of the child or young adult in the care or custody of the Department placed with the certified resource family including, but not limited to:¶¶

(a) Health, dental, and mental health care;¶¶

(b) Intellectual, emotional, social, and recreational needs, including participation in extracurricular, enrichment, cultural, and social activities;¶¶

(c) Continued contact or connection with family members, siblings, and relatives; and¶¶

(d) Adequate clothing that is age-appropriate and meets the cultural and gender identity and gender expression of the child or young adult. ¶¶

(2) Include the child or young adult in the care or custody of the Department placed with the certified resource family as part of the certified resource family household.¶¶

(3) Assure that, when a child or young adult in the care or custody of the Department leaves the certified resource family, the belongings, both those brought with the child or young adult and those obtained while living in the home, remain with the child or young adult.¶¶

(4) When a child or young adult in the care or custody of the Department placed in the home is missing, immediately report to: ¶¶

(a) Law enforcement;¶¶

(b) The National Center for Missing and Exploited Children; and¶¶

(c) The Department.¶¶

(5) Not subject any child or young adult to abuse, as described in ORS 419B.005 and 418.257.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.015, ORS 418.315, ORS 418.625-, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0354

RULE SUMMARY: OAR 413-200-0354 sets forth the Requirements Regarding the Education of a Child or Young Adult and is being amended to add the term Certified Resource Family.

CHANGES TO RULE:

413-200-0354

Requirements Regarding the Education of a Child or Young Adult ¶

(1) The certified resource family must comply with the following requirements related to the education of the child or young adult in the care or custody of the Department placed in the home unless the young adult is the educational decision maker:¶

(a) Enroll the child or young adult in their school or educational placement when directed by the Department. The Department must authorize enrollment of a child or young adult for any school placement not authorized by the child or young adult's Individualized Education Plan (IEP) team. ¶

(b) Support the child or young adult in their 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, monitor the educational progress of the child or young adult, and share the following information with the caseworker in a timely manner:¶

(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; including the Individualized Education Plan (IEP) or Individualized Family Service Plan (IFSP);¶

(D) If the school has identified suicidal ideation or self-harming behaviors;¶

(E) Any excused and unexcused absences;¶

(F) Disciplinary reports and notices of restraint or seclusion regarding the child or young adult; and¶

(G) Ongoing progress toward high school graduation of a child or young adult, including number of credits earned and diploma type the child or young adult is expected to receive;¶

(d) Monitor and share with the caseworker in a timely manner the 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) Inform the caseworker of and invite the caseworker to Individualized Education Plan (IEP) meetings, school conferences, and other school-related meetings.¶

(2) The certified resource family may consent for the child or young adult to attend school-related activities such as, but not limited to, school enrollment, field trips within the state of Oregon, routine social events, sporting events, photographs, and cultural events. ¶

(3) When the certified resource family has been identified as the parent by the school district, the certified resource family may consent to evaluation for an Individualized Education Plan (IEP), Family Service Plan (IFSP) or 504 plan and special education decisions. ¶

(4) When the child or young adult in the care or custody of the Department placed in the home has been assigned a surrogate parent to make special education decisions, the certified resource family must work in collaboration with the surrogate for an IEP, IFSP, 504 plan special education decisions, and abbreviated school day decisions.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.015, ORS 418.625–, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0356

RULE SUMMARY: OAR 413-200-0356 sets forth the Requirements Regarding Extracurricular, Enrichment, Cultural, and Social Activities and is being amended to add the term Certified Resource Family.

CHANGES TO RULE:

413-200-0356

Requirements Regarding Extracurricular, Enrichment, Cultural, and Social Activities ¶¶

(1) In regard to the child or young adult in the care or custody of the Department placed in the home, the certified resource family must:¶¶

(a) Support the child or young adult in their interests to participate in age-appropriate or developmentally appropriate activities, including extracurricular, enrichment, cultural, and social activities.¶¶

(b) Ensure the child or young adult has ongoing opportunities to participate in at least one age-appropriate or developmentally appropriate activity.¶¶

(c) Apply the reasonable and prudent parent standard, as well consulting with the child or young adult's caseworker when determining whether to allow a child or young adult in substitute care to participate in extracurricular, enrichment, cultural, and social activities.¶¶

(d) Periodically update the Department regarding participation by the child or young adult in extracurricular, enrichment, cultural, and social activities, including any barriers that may keep the child or young adult from participation in such activities.¶¶

(2) When applying the reasonable and prudent parent standard, the certified resource family must consider the age, maturity, and developmental level and best interest of a child or young adult in the care or custody of the Department placed in the home; and the potential harm, if any, of the activity.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.015, ORS 418.625–, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0358

RULE SUMMARY: OAR 413-200-0358 sets forth the Requirements Regarding the Discipline of a Child or Young Adult and is being amended to add the term Certified Resource Family, Resource Parent and Relative Resource Parent.

CHANGES TO RULE:

413-200-0358

Requirements Regarding the Discipline of a Child or Young Adult ¶

- (1) The certified resource family must demonstrate a willingness to understand the meaning of the behaviors and have the ability to develop and use appropriate discipline strategies to address challenging behaviors.¶
- (2) The certified resource family must not do any of the following to a child or young adult in the care or custody of the Department placed in the home:¶
 - (a) Use or threaten physical force.¶
 - (b) Use threats or intimidation.¶
 - (c) Withhold food or other items essential to protection, safety, or well-being.¶
 - (d) Discipline all children or young adults in the household for the misbehavior of one child or young adult.¶
 - (e) Use intentional infliction of physical force causing pain.¶
 - (f) Use derogatory remarks about the child or young adult, or the family characteristics, physical traits, culture, ethnicity, language, immigration status, sexual orientation, gender identity and expression, or traditions of the child or young adult.¶
 - (g) Deny, or threaten to deny, visits, telephone contact, or other types of contact with an individual authorized in a visit and contact plan, including contacts and visits with siblings.¶
 - (h) Assign extremely strenuous exercise or work.¶
 - (i) Use or threaten the use of restraining devices. Restraining devices do not include a vehicle safety restraint such as a seat belt or age and size-appropriate safety seat. ¶
 - (j) Impose a sanction, penalty, consequence, or reprimand for bed-wetting or during toilet training.¶
 - (k) Direct or permit a child or young adult to punish or discipline another child or young adult.¶
 - (L) Threaten removal from the certified resource family home.¶
 - (m) Force or require a shower or bath as a sanction, penalty, consequence, or reprimand.¶
 - (n) Impose extreme isolation that restricts the ability to talk with or associate with others.¶
- (3) The certified resource family may use a time-out only for the purpose of giving the child or young adult in the care or custody of the Department placed in the home a short break from the situation. The certified resource family must take into consideration the age and developmental level in determining the length of a time-out.¶
- (4) Pursuant to OAR 413-020-0200 to 413-020-0255, only a ~~foster~~resource parent or relative ~~caregiver~~resource parent who has been trained to use a physical restraint may do so, unless a child young adult in the care or custody of the Department placed in the home, or others are at imminent risk of harm. Physical restraint may only be used if good judgment indicates a physical restraint may be safely implemented. Any time a physical restraint is used, the certified resource family must follow the reporting requirements in OAR 413-020-0236 and 413-020-0240. Physical restraint does not include an instrument of physical restraint as described in ORS 419A.245.¶
- (5) A chemical restraint may not be used for a child or young adult in the care or custody of the Department placed in the home, unless under the direction of a medical provider for the child in care. ¶
- (6) The certified resource family must notify and request assistance of the Department when the challenging behavior of a child or young adult in the care or custody of the Department placed in the home may be beyond the ability of the certified resource family to discipline in a positive manner.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 409.010, ORS 418. 015, ORS 418.315, ORS 418.625-, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0362

RULE SUMMARY: OAR 413-200-0362 sets forth the Requirements Regarding the Medical, Dental, and Mental Health Care of a Child or Young Adult and is being amended to add the term Certified Resource Parent.

CHANGES TO RULE:

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 in the care or custody of the Department placed in the home, the certified resource family must:¶
- (a) Work collaboratively with the Department in managing the health care needs of the 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 the child or young adult; and¶
 - (d) Maintain health care documentation for 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 resource family must comply with the Department's direction on obtaining medical, dental, and mental health care for a child or young adult in the care or custody of the Department placed in the home.¶
- (3) A certified resource family may consent to routine examinations and laboratory tests.¶
- (4) A certified resource family must follow the Department's direction regarding vaccination and immunization of a child or young adult in the care or custody of the Department placed in the home, in accordance with the case plan.¶
- (5) Except as provided in section (6) of this rule, the certified resource 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 in the care or custody of the Department placed in the home receives any medical care or undergoes a procedure, other than routine medical care.¶
- (6) In an emergency, a certified resource family must notify the Department as soon as possible after accessing emergency care.¶
- (7) Medication management requirements:¶
- (a) The certified resource family must comply with all of the following requirements related to medication management for a child or young adult in the care or custody of the Department placed in the home:¶
 - (A) Over the Counter Medications may be provided to a child or young adult for their labeled purpose within the labeled dosage. ¶
 - (B) Administer prescription medications to a child or young adult only in accordance with the written prescription or authorization.¶
 - (C) Record the dosage, date, and time of all medication administered to a child or young adult on the medication form approved by the Department. When medication is given in a setting other than the certified home, such as at school or in daycare, the medication form from that setting must be attached to the Department form. ¶
 - (D) The medication form, with any attachments, must be submitted monthly to the caseworker.¶
 - (E) Inform the caseworker 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, as required by OAR 413-070-0470.¶
 - (F) Begin administration of any psychotropic medication only after authorization has been obtained from the Department pursuant to OAR 413-070-0470.¶

(G) Maintain the documentation received from the caseworker when a child or young adult is prescribed a psychotropic medication or when the dosage of any existing prescription for a psychotropic medication is changed.¶¶

(b) The certified resource family must provide for the safe storage and administration of all medications in the household, taking into consideration the age, development level, and needs of the child or young adult placed in the home by the Department. ¶¶

(c) When a child or young adult is learning their own medication management, a specific plan may be created for that young adult to have access to their own medication. ¶¶

(8) The certified resource family must comply with the personal care services plan for any child or young adult in the care or custody of the Department placed in the home and eligible for personal care services pursuant to OAR 413-090-0100 to 413-090-0210.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 409.010, ORS 418.015, ORS 418.315, ORS 418.625--418., ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0371

RULE SUMMARY: OAR 413-200-0371 sets forth the Responsibilities and Notification Requirements for Selection and Use of Respite Care Providers Child Care, and Babysitters and is being amended to add the term Certified Resource Family.

CHANGES TO RULE:

413-200-0371

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

- (1) Respite Providers: When identifying prospective respite care providers for a child or young adult in the care or custody of the Department placed in the home, the certified resource family must:¶
- (a) Select prospective respite care providers who:¶
 - (A) Are at least 18 years of age;¶
 - (B) Are capable of assuming supervision responsibilities, including meeting the safety, health, and well-being needs; and¶
 - (C) Understand the requirement to comply with OAR 413-200-0358 regarding discipline.¶
 - (b) Provide to the certifier the names, addresses, and telephone numbers of the prospective respite care providers and receive Department approval under OAR 413-200-0281 prior to using the respite care provider.¶
 - (c) Assure that respite care is no longer than 14 consecutive days, unless prior authorization for a greater period of time has been granted by the Department.¶
- (2) Child Care:¶
- (a) A certified resource family may use a child care facility for a child or young adult in the care or custody of the Department placed in the home and must notify the Department in advance of using the child care facility.¶
 - (b) If a prospective child care provider is not a child care facility, the certified resource family must provide to the certifier the names, addresses, and telephone numbers of the prospective child care providers and receive Department approval prior to using the child care provider. The child care provider must be at least 18 years old. ¶
- (3) Babysitters:¶
- (a) The certified resource family must use a responsible person 14 years of age or older for babysitting a child or young adult in the care or custody of the Department placed in the home, and must:¶
 - (A) Ensure the babysitter is capable of assuming care and supervision responsibilities and understand they must be present at all times; and¶
 - (B) Ensure that babysitting does not exceed ten consecutive hours and does not include overnight care.¶
 - (C) Have no reason to suspect that the babysitter:¶
 - (i) Has any criminal history or child abuse history; or¶
 - (ii) Poses any risk to the child or young adult for whom the babysitter will provide care.¶
 - (b) Unless requested by the Department, the certified resource family does not need to provide identifying information to the Department to complete a criminal records check or a child abuse check for a babysitter.¶
- (4) General Provisions for Respite Care, Child Care and Babysitting:¶
- (a) The certified resource family must have an available method through which the certified resource family may be contacted in an emergency. ¶
 - (b) The certified resource family must notify the certifier or certification supervisor of any plans to provide respite care or child care for another certified resource family and obtain certifier approval prior to providing care.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.016, ORS 418.640

Statutes/Other Implemented: ORS 409.010, ORS 418.015, ORS 418.625-, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0377

RULE SUMMARY: OAR 413-200-0377 sets forth the requirements for Confidentiality and is being amended to add the term Certified Resource Parent.

CHANGES TO RULE:

413-200-0377

Confidentiality ¶¶

(1) The certified resource family must exercise good judgment in sharing personal information about a child or young adult in the care or custody of the Department placed in the home and the family of the child or young adult. The certified resource family must store documents in a way that protects the privacy of the child or young adult and his or her family.¶

(2) The certified resource family may not disclose confidential information regarding a child or young adult in the care or custody of the Department placed in the home 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.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.625-, ORS 418.64527, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.647, ORS 418.648

AMEND: 413-200-0379

RULE SUMMARY: OAR 413-200-0379 sets forth the Education and Training for Applicants and Certified Families and is being amended to add the terms Certified Resource Family, Resource Parent, and Relative Resource Parent.

CHANGES TO RULE:

413-200-0379

Education and Training for Applicants and Certified Resource Families ¶

- (1) An applicant must participate in Orientation prior to receiving a Certificate of Approval or Child-Specific Certificate of Approval, or within 30 days after the placement of a child or young adult in a home that has been issued a Temporary Certificate of Approval.¶
- (2) Except as provided in sections (3) to (7) of this rule, each applicant and certified resource family must complete Foundations training before or within 12 months after the date on which the certificate was issued, or provide written documentation of completion of equivalent training content from another licensed child-caring agency within two years of an applicant's dated application for certification if approved as described in section (6) of this rule.¶
- (3) Completion of Foundations training may be required by the Department prior to issuing a Certificate of Approval. ¶
- (4) A certified resource family is exempt from section (2) of this rule if a written, individualized training plan, specific to the needs of the child or young adult in the care or custody of the Department placed in the home, has been approved by a certification supervisor and developed within 90 days after a Child-Specific Certificate of Approval or Temporary Certificate of Approval has been issued by the Department.¶
- (5) When an applicant applies for adoption, the Department-approved training must be completed prior to approval for adoption per 413-120-0246.¶
- (6) 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 certification 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.¶
 - (7) Foundations training is not required if the applicant provides written documentation of completion of equivalent training content from another licensed child-caring agency within two years of an applicant's dated application for certification, and the certification supervisor agrees to waive Foundations training.¶
- (8) The certified resource family and the certifier must develop a training plan for each ~~foster~~resource parent or relative ~~caregiver~~resource parent 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 resource family with a Child-Specific Certificate of Approval. This written individualized training plan:¶
 - (a) Must be designed to strengthen the ability of the certified resource family to meet the safety, health, and well-being needs of the child or young adult in the care or custody of the Department placed in the home;¶
 - (b) May be less than the required 30 hours required during a certification period; and¶
 - (c) Must be approved by a certification supervisor.¶
- (9) An applicant or certified resource family with limited English proficiency or a hearing or visual impairment, who is 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.¶
- (10) The Department may require a certified resource family to complete more than the 30 hours of training for a two-year certification period based on the needs of the child or young adult placed in the home and the knowledge, skills, and abilities of the certified resource family.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 409.010, ORS 418.105, ORS 418.625-, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0383

RULE SUMMARY: OAR 413-200-0383 sets forth the Other Required Notifications and is being amended to add the term Certified Resource Family.

CHANGES TO RULE:

413-200-0383

Other Required Notifications ¶¶

(1) A certified resource family must immediately notify the certifier or certification supervisor of the following information and events:¶¶

(a) Any anticipated change in address.¶¶

(b) Any anticipated extended absence of a member of the certified resource family, including but not limited to separation, divorce, or travel for work. ¶¶

(c) Any physical or structural change in the home or surrounding property on which the certified resource family lives.¶¶

(d) Any known allegation of child abuse perpetrated by the certified resource family or any other member of the household, or any individual who frequents the home of the certified resource family.¶¶

(e) Any time another agency wishes to place a child or young adult in the home of the certified resource family.¶¶

(f) Any other circumstance that reasonably could affect the safety, health, or well-being of a child or young adult in the home of the certified resource family.¶¶

(2) A certified resource family must notify the certifier or certification supervisor of the following information and events prior to or within one business day of the certified resource family learning of the information or event:¶¶

(a) An individual joins or leaves the household, including an individual who frequents the home.¶¶

(b) The suspension of a driver license of a member of the household.¶¶

(c) Any change in the physical health, mental health, or medication of a member of the household that reasonably could affect the safety, health, and well-being of a child or young adult in the care or custody of the Department placed in the home.¶¶

(d) Any time a member of the household intends to provide in-home child care, adult foster care, or in-home adult day care.¶¶

(e) Any arrest or court conviction for a member of the household. ¶¶

(3) A certified resource family must notify the caseworker or caseworker's supervisor of any suicidal ideation, significant behavioral changes, injury or illness to a child or young adult in the care or custody of the Department placed in the home as soon as the certified resource family learns of the information.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 409.010, ORS 418.105, ORS 418.315, ORS 418.625–, ~~ORS 418.627~~, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0386

RULE SUMMARY: OAR 413-200-0386 sets forth the Requirements Regarding Mandatory Reporting and is being amended to add the term Certified Resource Family.

CHANGES TO RULE:

413-200-0386

Requirements Regarding Mandatory Reporting ¶¶

(1) Any certified resource family must report information to the Department upon reasonable cause to believe that any child or young adult 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 or young adult under ORS 419B.005 and 418.257.¶¶

(2) Any certified resource family with a caregiving employee, including a respite care provider or a child care provider who is not a child care facility, or volunteer must provide the caregiving employee or volunteer annual training and written materials on the requirements of mandatory reporting.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.015, ORS 418.315, ORS 418.625–~~418.648~~, ORS 418.257, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0388

RULE SUMMARY: OAR 413-200-0388 sets forth the Requirements Regarding Visits in the Certified Resource Family's Home and is being amended to add the term Certified Resource Family.

CHANGES TO RULE:

413-200-0388

Requirements Regarding Visits in the Certified Resource Family's Home ¶¶

For purposes of assessing the conditions in the home that affect safety, health, and well-being of the child or young adult in the care or custody of the Department placed in the home, a certified resource family must:¶¶

- (1) Allow on-going in-home visits, both scheduled and unscheduled, by Department staff; and¶¶
- (2) Allow Department staff unsupervised contact with the child or young adult in the care or custody of the Department placed in the home.¶¶
- (3) Allow Department staff access to each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual.

Statutory/Other Authority: ORS 418.005, ORS 409.050, ORS 418.640

Statutes/Other Implemented: ORS 409.010, ORS 418.015, ORS 418.315, ORS 418.625-, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0390

RULE SUMMARY: OAR 413-200-0390 sets forth the Requirements Regarding Renewal of the Certificate of Approval and is being amended to add the term Certified Resource Family.

CHANGES TO RULE:

413-200-0390

Requirements Regarding Renewal of the Certificate of Approval ¶

(1) To renew a Certificate of Approval or Child-Specific Certificate of Approval for up to two additional years, the certified resource family must submit a completed Application for Renewal or Change of Status, or an application for Adoption, whichever is applicable. Upon receiving an application, the Department will assess the application under OAR 413-200-0287.¶

(2) When the certified resource family has submitted an application for renewal, the current certificate does not expire, despite any expiration date, until the Department has renewed the certification, the renewal application is withdrawn, or there is a proposed and final order denying the application.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 409.010, ORS 418.015, ORS 418.315, ORS 418.625-, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0393

RULE SUMMARY: OAR 413-200-0393 sets forth the Requirements Regarding Inactive Referral Status and is being amended to add the term Certified Resource Family.

CHANGES TO RULE:

413-200-0393

Requirements Regarding Inactive Referral Status ¶¶

- (1) The Certificate of Approval or Child-Specific Certificate of Approval remains in effect and the responsibilities of the certified resource family remain in effect during inactive referral status.¶¶
- (2) A certified resource 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 on the date requested by the certified resource family and while it is in effect:¶¶
 - (a) The Department must not place an additional child or young adult in the home; and¶¶
 - (b) The certified resource family may not accept placement of any child or young adult from another agency.¶¶
- (3) Inactive referral status, when requested by the certified resource family, ends:¶¶
 - (a) At the request of the certified resource family; or¶¶
 - (b) When the certification terminates or expires, unless the Department is in the process of assessing the certified resource family for renewal of the Certificate of Approval.¶¶
- (4) The Department may initiate a certified resource family's inactive referral status under the conditions described in OAR 413-200-0294. When the Department initiates inactive referral status, the Department must:¶¶
 - (a) Provide written notification to the certified resource family of the inactive referral status within 14 business days after the inactive status is initiated.¶¶
 - (b) Provide written notification to the certified resource family when inactive referral status ends, unless the Department has issued Notice of Intent to Revoke.¶¶
- (5) The Department may revoke certification if a certified resource family does not remedy a violation of a certification standard within the time frame of the inactive referral status.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 409.010, ORS 418.105, ORS 418.315, ORS 418.625-, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0394

RULE SUMMARY: OAR 413-200-0394 sets forth the Requirements Regarding Termination of a Certificate of Approval and is being amended to add the term Certified Resource Family.

CHANGES TO RULE:

413-200-0394

Requirements Regarding Termination of a Certificate of Approval ¶¶

(1) A certified resource family may request that the Department terminate their certificate and close the home. The certified resource family must give the Department 10 business days' notice between the date of the request and the date the certified resource family would like the certificate to terminate.¶¶

(a) The Department may deny the certified resource family's request if the Department has decided to revoke the certificate.¶¶

(b) When the Department accepts the certified resource family's request, the Department must notify the certified resource family of its decision to accept the voluntary termination and notify the certified resource family of the date the certification termination. ¶¶

(2) When a child or young adult in the care or custody of the Department placed in the home leaves a home that has a Child-Specific Certificate of Approval or Temporary Certificate of Approval, the certificate terminates 60 calendar days after the departure of the child or young adult, unless at least one of the following applies:¶¶

(a) The certified resource family submits a written request to change the type of certificate under OAR 413-200-0289(5) or (6) within 60 calendar days of the departure of the child or young adult from the home.¶¶

(b) The certified resource family requests to voluntarily terminate the Temporary Certificate of Approval or Child-Specific Certificate of Approval, and the Department agrees to terminate the certificate.¶¶

(c) The Department determines the child or young adult is removed because the certified resource family cannot meet the safety, health, or well-being needs of the child or young adult and has violated one or more rules under OAR 413-200-0301 to 413-200-0396.¶¶

(d) OAR 413-200-0296(6) applies.¶¶

(3) When the Department determines that subsection (2)(c) of this rule applies, the Department must determine whether to revoke the Temporary Certificate of Approval or Child Specific Certificate of Approval. If the decision is to revoke, the Department must issue a notice of intent to revoke the Temporary Certificate of Approval or Child Specific Certificate of Approval pursuant to OAR 413-010-0510.¶¶

(4) When a certified resource family moves to a different residence, the Department must terminate the certificate. The Department may issue a new certificate when the activities described in OAR 413-200-0292(6) have been completed.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.315, ORS 409.010, ORS 418.625-, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648

AMEND: 413-200-0396

RULE SUMMARY: OAR 413-200-0396 sets forth the Requirements Regarding Contested Case Hearings and is being amended to add the term Certified Resource Family.

CHANGES TO RULE:

413-200-0396

Requirements Regarding Contested Case Hearings ¶

(1) When the Department denies an application for certification or revokes certification, the applicant or certified resource family has a right to request a contested case hearing under this rule.¶

(2) An applicant for certification, renewal of a certificate, or a Change of Status may request a contested case hearing when the Department has mailed a proposed and final order denying the application.¶

(3) A certified resource family may request a contested case hearing when the Department has mailed a proposed and final order revoking certification.¶

(4) A certified resource family, applicant for certification, renewal of a certificate, or a Change of Status, or applicant for consideration as a potential adoptive resource may request a contested case hearing, as provided in OAR 413-010-0505 and OAR 413-120-0460.¶

(5) An applicant who is denied approval as a potential adoptive resource does not have a right to request a contested case hearing, and instead OAR 413-120-0225(2) applies.¶

(6) If the Department does not receive a request for a contested case hearing within 30 days of the date the Department mailed the proposed and final order of denial or revocation, the certified resource family or applicant has waived the right to a hearing, except as provided in OAR 413-010-0505.¶

(7) Department actions when a contested case hearing is timely requested but such request is subsequently withdrawn are outlined in OAR 413-010-0530.

Statutory/Other Authority: ORS 409.050, ORS 418.005, ORS 418.640

Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 418.315, ORS 418.625--~~418.645~~, ORS 418.627, ORS 418.630, ORS 418.635, ORS 418.640, ORS 418.642, ORS 418.643, ORS 418.644, ORS 418.645, ORS 418.647, ORS 418.648