APPLA

Another Planned Permanent Living Arrangement

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Permanency Options

- Return to Parent
- Adoption
- Guardianship
- APPLA

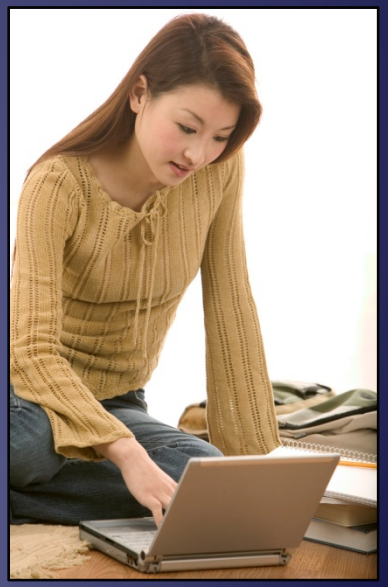
Oregon Administrative Rules

OAR 413-070-0520
thru 413-070-0565

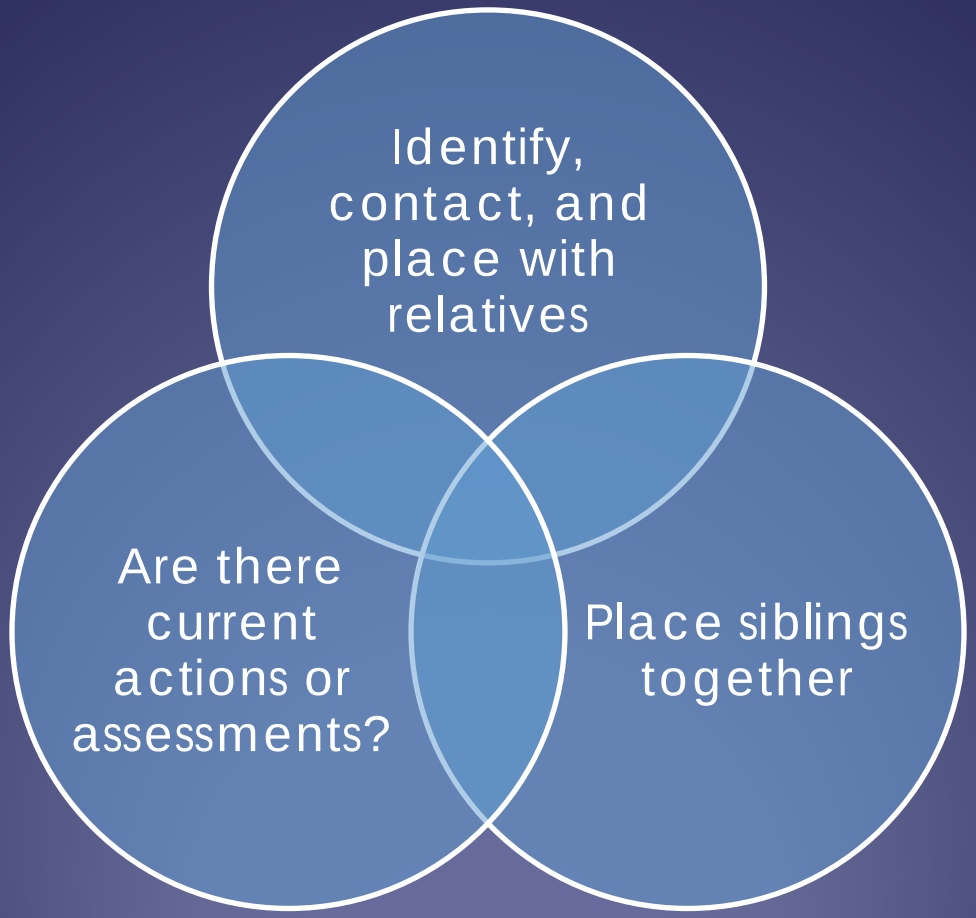
Policy I-E.3.6.3

Types of APPLA

- Permanent Foster Care
- Permanent Connections and Support
  - Emancipation
  - Residential Treatment



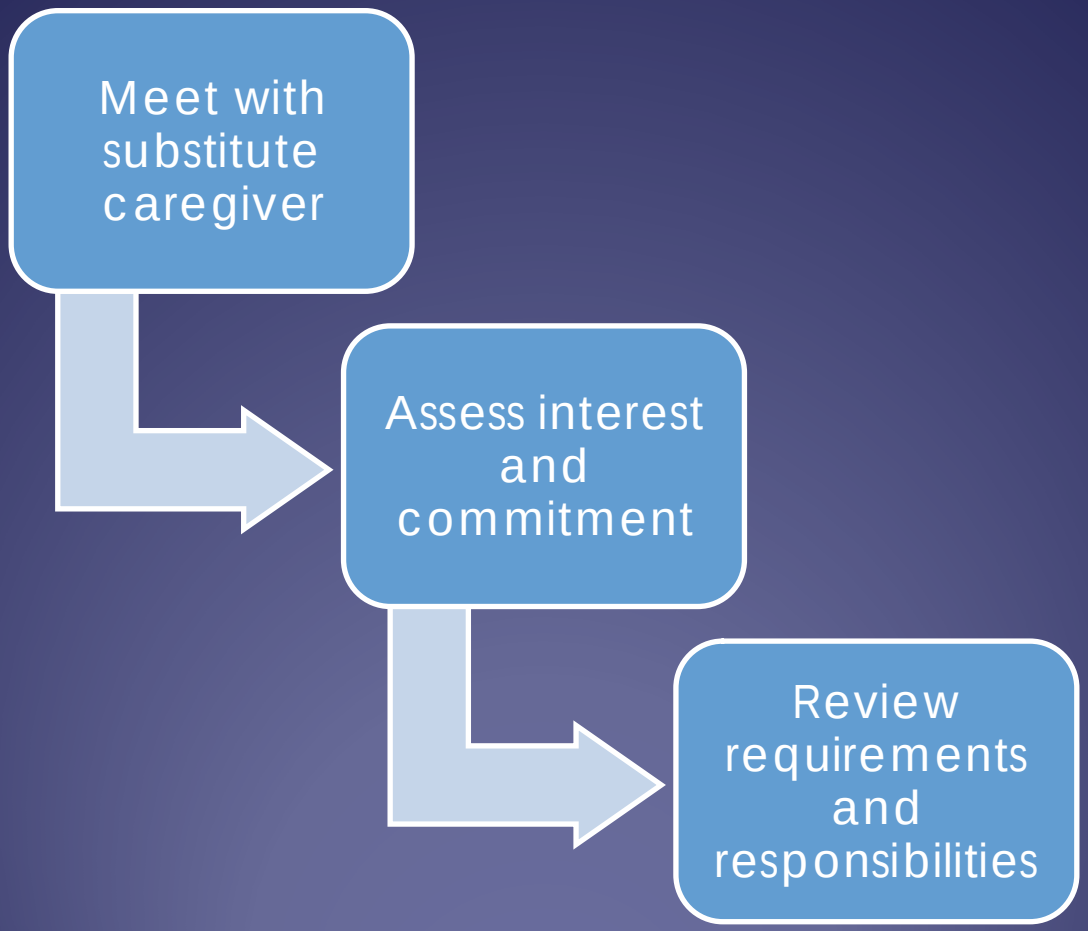
Relatives


Identify, contact, and place with relatives
Are there current actions or assessments?
Place siblings together

Who is a Relative?

- Persons related to the child through the child's parent (legally or biologically)
- Persons related to the child directly
- Distant relatives
- Kith and kin

Caseworker's Steps to APPLA



Caseworker's Steps to APPLA

Meet with Child or Young Adult

Caseworker's Steps to APPLA

Schedules a Permanency Committee

- Safety, Permanency, Well-being
- Permanency resources
- Parents' acceptance
- Placement matching
- More preferred permanency options
- Siblings

Caseworker's Steps to APPLA

Receive Program Manager Approval

Caseworker's Steps to APPLA

Schedule Permanency Hearing within 30 days

Caseworker's Steps to APPLA

Prepares APPLA case plan for court

- Family composition, safety threats, ongoing safety plan, and signatures (if no TPR)
- How APPLA was chosen and each compelling reason not to choose another plan
- Description of how the child/young adult's needs will be met

APPLA Case plan Reviews

- Six Month Administrative Reviews
- Annual Permanency Hearings
- Within 90 days of a change of placement
- When requested by substitute caregiver, legal party, CRB, CASA

Questions

DHS Policy
Oregon Department of Human Services

Children, Adults and Families

Policy Title:	Another Planned Permanent Living Arrangement – OAR				
Policy Number:	I-E.3.6.3 413-070-0520 thru 0565			Effective Date:	9-19-11

Approved By: *on file* Date Approved: 9-15-11

Policy | Procedures | Forms, etc. | Definitions | References | Contact | History

Reference(s):

- Title IV-E Indian Child Welfare Act
- Refugee Act of 1980
- PL 105-89, Adoption and Safe Families Act (ASFA)
- PL 110-351 Fostering Connections to Success and Increasing Adoptions Acts of 2008
- 45 CFR Parts 1355, 1356 and 1357, 1/25/2000
- Child Welfare Policy I-A.4.5, Rights of Relatives
  http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-a45.pdf
- Child Welfare Policy I-B.2.3.5, Youth Transitions
  http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-b235.pdf
- Child Welfare Policy I-E.1.1, Search for and Engagement of Relatives
  http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e11.pdf
- Child Welfare Policy I-E.2.1, Placement of Indian Children
  http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e21.pdf
- Child Welfare Policy I-E.2.2 Placement of Refugee Children
  http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e22.pdf

Form(s) that apply:

- CF 1014, Permanent Foster Care Placement Agreement
  http://dhsresources.hr.state.or.us/WORD_DOCS/CE1014.doc

Rules:

413-070-0520
Purpose

The purpose of these rules (OAR 413-070-0520 to 413-070-0565) is to describe the responsibilities of the Department in case planning and the appropriate use of APPLA as a *permanency plan* for a *child* or *young adult*.

Stat. Auth.: ORS 418.005

Stats Implemented: ORS 418.005

413-070-0524
Definitions

The following definitions apply to these rules, OAR 413-070-0520 to 413-070-0565:

(1) "APPLA" means Another Planned Permanent Living Arrangement, a *permanency plan* for a stable secure living arrangement for a *child* or *young adult* that includes building relationships with significant people in the child's life that may continue after *substitute care*. APPLA is the least preferred *permanency plan* of the four *permanency plan* options for a *child* or *young adult* and is appropriate only in very limited circumstances.

(a) "Planned" means the arrangement is intended, designed, and deliberate.

(b) "Permanent" means enduring and stable.

(2) "Caregiver relationship" means a relationship between a person and a *child* or *young adult* that meets the requirements of all of the following subsections:

(a) The relationship has existed for the 12 months immediately preceding the initiation of a dependency proceeding, for at least six months during a dependency proceeding, or for half of the child's life if the *child* is less than six months of age. A caregiver relationship does not include a relationship between a *child* or *young adult* and a person who is an unrelated *foster parent* of the *child* or *young adult* unless the relationship continued for a period of at least 12 consecutive months.

(b) The person had physical custody of the *child* or *young adult* or resided in the same household as the *child* and provided the *child* or *young adult* on a daily basis with the love, nurturing, and other necessities required to meet the psychological and physical needs of the *child* or *young adult*.

(c) The *child* or *young adult* depended on the relationship to meet the needs of the *child* or *young adult*.

(3) "Child" means a person under 18 years of age.

(4) "Department" means the Department of Human Services, Child Welfare.

(5) "Foster parent" means a person who operates a home that has been approved by the Department to provide care for unrelated children or young adults who are placed in the home by the Department.

(6) "Independent living housing subsidy" means a payment to assist in covering the cost of room, board, or other monthly expenses made to an eligible individual who is in the care and custody of the Department and living independently.

(7) "Indian child" means any unmarried person who is under age 18 and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe.

(8) "Parent" means the biological or adoptive mother or the legal father of the *child*. A legal father is a man who has adopted the *child* or whose paternity has been established or declared under ORS 109.070, ORS 416.400 to 416.465, or by a juvenile court. In cases involving an *Indian child* under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the *child* by assuming or attempting to assume responsibilities normally associated with parenthood unless a court finds that the putative father is not the legal father.

(9) "Permanency committee" means a group of individuals who are responsible for making a recommendation regarding a *permanency plan* or a potential permanency resource when the *child* or *young adult* likely is not returning to his or her *parent*.

(10) "Permanency plan" means a written course of action for achieving safe and lasting family resources for the *child*. Although the plan may change as more information becomes available, the goal is to develop safe and permanent family resources with the parents, relatives, or other people who will assume legal responsibility for the *child* during the remaining years of dependency and be accessible and supportive to the *child* in adulthood.

(11) "Permanent foster care" means the out of home placement of a *child* in which there is a long-term foster care agreement between each *substitute caregiver* and the Department approved by the juvenile court under which the *substitute caregiver* commits to raise a *child* in *substitute care* until the age of majority and be accessible to and supportive of the *child* into adulthood, until the court determines that APPLA - permanent foster care is no longer the appropriate *permanency plan* for the *child*.

(12) "Relative caregiver" means a person who operates a Department approved home providing care for a related *child* or *young adult* placed into the home by the Department.

(13) "Substitute care" means the out-of-home placement of a *child* who is in the legal or physical custody and care of the Department.

(14) "Substitute caregiver" means a *relative caregiver*, *foster parent*, or provider authorized to provide care to a *child* or *young adult* in the legal or physical custody of the Department.

(15) "Young adult" means a person 18 to 20 years of age who remains in the care and custody of the Department, and lives in *substitute care* or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005, 418.945
Stats Implemented: ORS 418.005, 418.925, 419A.004

413-070-0532
Types of APPLA

The caseworker considers one of the following types of APPLA when considering APPLA as a *permanency plan* for a *child* or *young adult*:

(1) APPLA - *permanent foster care*. An APPLA - *permanent foster care* is a plan in which the *child* or *young adult* remains in a *substitute care* placement with a *substitute caregiver* who has:

(a) Committed to the care and well-being of the *child* or *young adult*; and

(b) Entered into a *permanent foster care* agreement.

(2) APPLA - permanent connections and support. An APPLA - permanent connections and support plan is a plan in which:

(a) A c*hild* or *young adult* is in *substitute care* living with a *substitute caregiver* or living independently and receiving an *independent living housing subsidy* and the plan focus is not only on the child's or young adult's educational, vocational, health, and treatment needs, but also on the needs of the *child* or *young adult* to develop or maintain relationships with adults, including relatives and persons with a *caregiver relationship*, who can play a significant role in the child's or young adult's life after the *child* or *young adult* leaves *substitute care*; or

(b) A *child* or *young adult* is in a psychiatric residential facility, Developmental Disabilities placement, or residential treatment facility and is not going to be discharged from the facility while the Department maintains legal custody of the *child* or *young adult*.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005, 419A.004

413-070-0536
Consideration of APPLA as a Permanency Plan

(1) The Department may consider APPLA as a *permanency plan* for a *child* or *young adult* only if the Department has determined that there is a compelling reason that it is not in the best interests of the *child* to implement one of the following preferred permanency plans, listed in order of preference:

(a) Placement with a *parent*;

(b) Placement in an adoptive home which includes permanent placement with a fit and willing relative through the adoption; or

(c) Placement with a legal guardian which includes permanent placement with a fit and willing relative as a guardian.

(2) Prior to consideration of a *foster parent* as the APPLA resource, the caseworker and the caseworker's supervisor have complied with the requirements of both of the following subsections:

(a) Reviewed the Department's diligent efforts to identify, contact, and place a *child* or *young adult* with relatives and to place siblings together as required under Child Welfare Policy I-E.1.1, "Search for and Engagement of a Child's Relatives", OAR 413-070-0060 to 413-070-0087.

(b) Confirmed there are no current Department actions to identify or assess a child's or young adult's relative who has either expressed an interest in and needs to be or currently is being assessed as a permanency resource.

(3) The Department must base consideration of each *permanency plan* on the individual safety, permanency, and well-being needs of a *child* or *young adult*. A child's age or disability is never a disqualifier for a more preferred *permanency plan*.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 109.328, 418.005

413-070-0540
Determination of APPLA as a Child's or Young Adult's Permanency Plan

(1) When the Department is considering a change in a *child* or young adult's *permanency plan*, the Department makes the determination pursuant to Child Welfare Policy I-E.3.6, "Legal Permanency, Concurrent Planning, and Use of Permanency Committee", OAR 413-070-0500 to 413-070-0519.

(2) Prior to the *permanency committee*, when APPLA - *permanent foster care* is being considered as the most appropriate *permanency plan* for a *child* or *young adult*, the caseworker must:

(a) Meet with the *substitute caregiver* to --

(A) Assess interest in and commitment to a *permanent foster care* agreement with each *substitute caregiver* as long as APPLA - *permanent foster care* is the *permanency plan* for the *child* or *young adult*; and

(B) Review the requirements, responsibilities, and approval process for the *permanent foster care* agreement with each *substitute caregiver*.

(b) Meet with the *child* or *young adult*, as developmentally appropriate, to assess interest in APPLA - *permanent foster care* as the *permanency plan*.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005, 418.937, 418.941, 419A.004

413-070-0550
Approval and Implementation of an APPLA Permanency Plan

(1) The *permanency committee* must consider the best interests of the *child* or *young adult* under consideration and consider each of the following factors when making a recommendation regarding APPLA:

(a) How an APPLA *permanency plan* meets safety, permanency, and well-being needs of the *child* or *young adult*, and is in the best interests of the *child* or *young adult*.

(b) Whether the Department has provided the *child* or *young adult*, and the *child* or young adult's parents, an opportunity to identify available permanency resources.

(c) The parents' acceptance of APPLA as a *permanency plan* and their desire for continued contact with the *child* or *young adult*.

(d) Whether the *child* or young adult's *substitute caregiver* is able to meet the *child* or young adult's needs pursuant to OAR 413-070-0640 in Child Welfare Policy I-E.3.1, "Placement Matching".

(e) Consideration of each of the more preferred permanency plans described in OAR 413-070-0536(1) and identification of the compelling reasons why return home, adoption, or guardianship cannot be achieved.

(f) When the *child* or *young adult* has siblings, the sufficiency of the plan for continued contact unless such contact is not in the best interests of the *child* or *young adult* and each sibling.

(2) After completing the review under section (1) of this rule, the *permanency committee* considers all of the information, deliberates, and, when committee members agree, makes a recommendation to the Child Welfare Program Manager.

(3) When the *permanency committee* cannot reach agreement, each *permanency committee* member makes his or her respective recommendations known to the committee facilitator.

(4) The Child Welfare Program Manager who makes the decision on behalf of the Department must consider all of the following when making the decision:

(a) The considerations in section (1) of this rule.

(b) The information presented to the *permanency committee*.

(c) The recommendation of the *permanency committee*.

(5) Within 30 days of the Department's decision to approve an APPLA *permanency plan* under OAR 413-070-0519, the caseworker must request a permanency hearing before the court. At the court hearing, the caseworker must:

(a) Recommend that the court issue an order approving the APPLA plan;

(b) Set forth the compelling reasons why it would not be in the best interests of the *child* or *young adult* to return home, be placed for adoption, or be placed with a guardian;

(c) Set forth a timetable for the *child* or young adult's placement in another planned permanent living arrangement;

(d) Set forth the reasonable services the Department may offer each *parent* to meet the best interests of the *child* or *young adult* until a more preferred *permanency plan* is achieved, the *child* reaches the age of majority, reaches independence, or the juvenile court relieves the Department of *legal custody* of the *child* or *young adult*; and

(e) Set forth the type and amount of parent-child and child-sibling contact and involvement until a more preferred *permanency plan* is achieved, the *child* reaches age of majority, reaches independence, or the juvenile court relieves the Department of *legal custody* of the *child* or *young adult*.

(6) When the court previously has ordered or the Department recommends that no contact be allowed between *parent* and *child*, or *child* and sibling, the caseworker must request that the court issue a standing protective order, including the reasons why no contact is allowed.

(7) When the APPLA plan does not receive Department approval, within 30 days the caseworker must:

(a) Inform the *child* or *young adult*, the child's or young adult's substitute caregivers, the child's or young adult's parents, the child's or young adult's attorney, the child's court appointed special advocate, and other persons with significant involvement in the child's or young adult's life; and

(b) Consult with the child's team to reconsider the child's or young adult's other permanency options.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005, 419A.004

413-070-0551
Contents of an APPLA Case Plan

(1) When requesting the change to a *permanency plan* of APPLA to the court, the caseworker must document how the Department plans to address each subsection of this section in the *child* or young adult's *case plan*. The *case plan* must include the following information:

(a) Family composition, which includes the identifying information of each *parent* (unless parental rights have been terminated), *legal guardian*, and sibling.

(b) Except when parental rights have been terminated, safety threats identified in a CPS assessment under Child Welfare Policy I-AB.4, "CPS Assessment", OAR 413-015-0400 to 413-015-0485.

(c) Except when parental rights have been terminated, the ongoing safety plan as described in Child Welfare Policy I-AB.4, "CPS Assessment" OAR 413-015-0400 to 413-015-0485 and recorded in the Department's information system.

(d) A description of how the Department determined the APPLA is the most appropriate *permanency plan* for the *child* or *young adult*, and each *compelling reason* why the more preferred *permanency plan* options were not selected for the *child* or *young adult*.

(e) A description of how the *child* or young adult's attachments and relationships with each *parent*, sibling, other family member, advocate, *substitute caregiver*, and other person who provides continuity, belonging, stability, support, nurturing, and caring relationships and cultural connections for the *child* may be developed while the *child* is in *substitute care* and maintained when the *child* reaches the age of majority or the juvenile court relieves the Department of *legal custody* of the *child* or *young adult.* When appropriate, the description may include the following:

(A) A description of how each *parent* and sibling of the *child* or *young adult* may participate actively in the life of the *child* or *young adult*.

(B) For each existing relationship the *child* or *young adult* has with a permanent adult caregiver or adult parental figure who is capable of sustaining a significant relationship with the *child* or *young adult*, a description of how the relationship may be maintained.

(C) A description of how relationships with relatives and other persons involved in the *child* or young adult's life may be developed and maintained.

(D) Current placement information including the location of the *child* or *young adult* when the *substitute caregiver* authorizes release of the address, except when doing so would jeopardize the safety of the *child*.

(E) The *child* or young adult's record of visits with his or her parents or siblings.

(f) When applicable, a description of the plan to transition a developmentally delayed *child* to an appropriate program for adults who are developmentally delayed.

(g) The comprehensive transition plan required by Child Welfare Policy I-B.2.3.5, "Youth Transitions", OAR 413-030-0400 to 413-030-0460 for any *child* 14 years of age or older and services that prepare the *child* or *young adult* to transition to adulthood.

(h) A description of the reasonable efforts made by the Department to put the services and structures described in this rule in place to meet the needs of the *child* or *young adult* and to enhance the stability of the child's living arrangement when the *child* or *young adult* is not living with a specified adult.

(i) A description of the services the Department must provide to ensure the emotional, medical, educational, cultural, and physical needs of the *child* or *young adult* are being met, including:

(A) The *child* or young adult's health information, which documents the *child* or young adult's specialized medical, dental, and mental health services; and

(B) The *child* or young adult's education services, including the school or educational placement history of the *child* or *young adult*, high school credits earned for a *child* over 14 years of age or a *young adult*, and any special educational needs.

(j) The services required to prepare the *child* or *young adult* to live in the least restrictive setting possible at the most appropriate time.

(k) The services that may make it possible to achieve a more preferred *permanency plan* listed in OAR 413-070-0536(1) for the *child* or *young adult*.

(l) The services the Department may continue to make available to the *child* or young adult's parents, upon request, that continue to be in the best interests of the *child* or *young adult*.

(2) Except when parental rights have been terminated or the Department is unable to obtain the signature of the *parent* or legal guardian, the case plan must include the signature of the caseworker, the supervisor, and each *parent* or legal guardian as described in Child Welfare Policy I-B.3.1, "Developing and Managing the Case Plan", OAR 413-040-0000 to 413-040-0032.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005, 419A.004

413-070-0552
Ongoing Department Responsibilities When APPLA is the Child's or Young Adult's Permanency Plan

(1) When APPLA is the court approved *permanency plan* for a *child* or *young adult* in the Department's legal custody, the *child* or young adult's caseworker must:

(a) Discuss the *child* or young adult's needs with the *substitute caregiver* and the *child or young adult* during face to face and other contacts, and routinely discuss needs, benefits, barriers, and solutions towards achieving a more preferred permanency option;

(b) Have contact with the *child or young adult*, with the *substitute caregiver*, and monitor *child* or *young adult* safety as described in Child Welfare Policy I-B.1, "Monitoring Child Safety", OAR 413-080-0040 to 413-080-0067;

(c) Provide timely assessment and services for identified needs of the *child* or *young adult*, the *child* or young adult's *substitute caregiver*, or the *child* or young adult's parents;

(d) As soon as possible after the *child* reaches 14 years of age initiate comprehensive transition planning as described in Child Welfare Policy I-B.2.3.5, "Youth Transitions", OAR 413-030-0400 to 413-030-0460;

(e) Ensure an annual review of Department efforts to identify and contact a *child* or young adult's relatives and efforts to place with or develop and maintain a *child* or young adult's connection and support with relatives is completed;

(f) Monitor the case plan and complete the required case plan reviews; and

(g) Submit to the court and to the citizen review board the case plan updates required in Child Welfare Policy I-I.2, "Narrative Recording", and, when the APPLA plan is APPLA - *permanent foster care*, submit a copy of the *permanent foster care* agreement.

(2) In addition to the requirements of section (1) of this rule, when the *child* or *young adult* has an approved APPLA - *permanent foster care* plan:

(a) The Department must continue to assess requirements for certification of a foster home pursuant to Child Welfare Policy II-B.1.1, "Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents", OAR 413-200-0270 to 413-200-0296; and

(b) The *substitute caregiver* must--

(A) Maintain a current Certificate of Approval and follow the requirements of the Department pursuant to Child Welfare Policy II-B.1, "Certification

Standards for Foster Parents, Relative Caregivers, and Pre-Adoptive Parents", OAR 413-200-0301 to 413-200-0396;

(B) Follow the requirements of the Department regarding a *child* or young adult's education, medical care, mental health care, and other services requested by the Department to meet the needs of the *child* or *young adult*;

(C) Maintain residence in the state of Oregon unless the ICPC referral has been submitted to the receiving state and approval to move has been obtained from the Department and the court prior to the move outside of Oregon; and

(D) Maintain residence in the ICPC approved state if the *substitute caregiver* lives in another state.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005, 419A.004

413-070-0556
APPLA Permanency Plan Reviews

(1) The caseworker must review the APPLA case plan at least every six months and the review must occur prior to a review by the court or citizen review board as required by ORS 419B.470 and 419A.106(1) respectively.

(a) The review must take place in a face-to-face meeting with the *child* or *young adult*, and may include members of the team of the *child* or *young adult*.

(A) When appropriate, the meeting may include a *parent* or legal guardian, unless the *parent* or legal guardian is not available for the review. When a *parent* or legal guardian is unavailable, the caseworker must document the reason the *parent* or legal guardian was unavailable and the efforts made to involve the *parent or* legal guardian.

(B) During the meeting the caseworker must consider input received from the *child* or *young adult*, other participants in the meeting, and other information received from service providers, substitute caregivers, a *child* or young adult's attorney, a *child* or young adult's court appointed special advocate, the tribe if the *child* is an ICWA *child*, persons with significant attachments to the *child* or *young adult*, and a *child* or young adult's relatives.

(b) After the meeting described in subsection (a) of this section, the caseworker must document in the case record:

(A) Whether the current placement continues to be the least restrictive setting available to meet the safety and permanency needs of the *child* or *young adult*; or

(B) Whether a more permanent *permanency plan*, such as reunification, adoption, or guardianship is more appropriate for the *child* or *young adult*.

(2) When an APPLA has been approved by the court as the *permanency plan* for a *child* or *young adult* in the legal custody of the Department, the Department must notify the court and request a review or permanency hearing:

(a) Not less frequently than once every 12 months while the *child* or *young adult* remains in *substitute care* in accordance with ORS 419B.470(2).

(b) Unless good cause is shown, at any time upon the request of the Department, a *substitute caregiver* directly responsible for the care of the *child* or *young adult*, a *parent* of the *child* or *young adult*, an attorney for the *child* or *young adult*, a court appointed special advocate, a citizen review board, or a tribal court in accordance with ORS 419B.470(5).

(c) By the citizen review board no less frequently than every six months in accordance with ORS 419A.106(1)(a) unless the court has relieved the citizen review board of its responsibility to review a case in accordance with ORS 419A.106(1)(b).

(d) Within 90 days of a change of *substitute care* placement.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005, 419A.004, 419B.470

413-070-0565
Termination of APPLA

(1) The APPLA - Permanent Connections and Support must be terminated when:

(a) Court wardship is terminated;

(b) The court relieves the Department of legal custody of the *child* or *young adult*; or

(c) The court determines that APPLA - Permanent Connections and Support is no longer the appropriate *permanency plan* for the *child* or *young adult*.

(2) The APPLA - *permanent foster care* plan and agreement must be terminated when:

(a) The *child* reaches the age of majority under ORS 419A.004(17);

(b) Court wardship is terminated;

(c) The court determines that APPLA - *permanent foster care* is no longer the appropriate *permanency plan* for the *child*;

(d) One of the more preferred permanency plans described in OAR 413-070-0536(1) is achieved;

(e) The Department and the *substitute caregiver* mutually consent to termination;

(f) The *foster parent* or *relative caregiver* fails to maintain a current Certificate of Approval in accordance to Child Welfare Policies II-B.1, "Certification Standards for Foster Parents, Relative Caregivers, and Pre-Adoptive Parents", OAR 413-200-0301 to 413-200-0396 and II-B.1.1, "Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents and Pre-Adoptive Parents", OAR 413-200-0270 to 413-200-0296, including when the certificate has been revoked or denied;

(g) The *child* or *young adult* is removed from the *substitute caregiver* by the Department; or

(h) The *child* or *young adult* requests, and a Child Welfare Program Manager approves, termination of the agreement because of serious or extraordinary circumstances.

(3) The Department must provide written notification to the court of any change in the placement of the *child* or *young adult*.

(4) If a *child* or *young adult* is removed from court approved APPLA - *permanent foster care*, the caseworker must request a permanency hearing within 90 days after the date of the change in placement to review the *permanency plan* for the *child* or *young adult* under ORS 419B.470(3).

Stat. Auth: ORS 418.005
Stats. Implemented: ORS 419A.004, 419B.470

Procedure(s) that apply:

- None referenced.

Contact(s):

- **Name:** Kevin George; **Phone:** 503-945-5987

Policy History

- 07/01/06
- 11/03/09
- 07/01/10 thru 12/28/10
- 12/29/10
- 3/22/11 thru 9/18/11

Who is a Relative?

1. An individual with one of the following relationships to the child or young adult through the parent of the child or young adult:

    - Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.
    - Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).
    - A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.
    - An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.
    - A spouse of anyone listed above, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a relative under this paragraph, the child or young adult must have had a relationship with the spouse prior to the child or young adult entering substitute care.

2. An individual with one of the following relationships to the child or young adult:

    - An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.
    - An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, "Placement of Refugee Children" OAR 413-070-0300 to 413-070-0380.
    - A stepparent described in OAR 413-100-0020(25)(e) or former stepparent if the child or young adult had a relationship with the former stepparent prior to the child or young adult entering substitute care; a stepbrother; or a stepsister.
    - The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to entering substitute care.
    - The adoptive parent of a sibling of the child or young adult.
    - The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

3. An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a relative in numbers 1 and 2 above.

4. An individual, although not related by blood, adoption, or marriage identified as:

    - A member of the family by the child or young adult or by the family of the child or young adult; and
    - An individual who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the time the Department placed the child in substitute care.

5. For eligibility for the Guardianship Assistance program:

    - A stepparent is considered a parent and is not a relative for the purpose of eligibility for Guardianship Assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the child's adoptive or biological parent has been terminated by divorce or death.
    - A foster parent may only be considered a relative for the purpose of eligibility for Guardianship Assistance and only when the requirements of all of the following subparagraphs are met:
        - There is a compelling reason why adoption is not an achievable permanency plan;
        - The foster parent is currently caring for a child in the legal custody of the Department who has a permanency plan or concurrent permanency plan of guardianship;
        - The foster parent has cared for the child for at least the past 12 consecutive months; and
        - The Department has approved the foster parent for consideration as a guardian.