

	Department of Human Services CHILDREN, ADULTS & FAMILIES	NUMBER: I-E.3.5 OAR: 413-070-0800 thru 0880
	CLIENT SERVICES INDEX	SECTION: E. Substitute Care
	ISSUED BY: Office of Safety and Permanency for Children FINAL: 6-28-08	SUBSECTION: 3. Placement Expectations
SUBJECT: 5. Visits and Other Types of Child and Family Contact – OAR		

REFERENCES

I-AB.4 Assessment

http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-ab4.pdf

I-B.3.1 Developing and Managing the Case Plan

http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-b31.pdf

I-I.2 Narrative Recording

http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-i2.pdf

FORMS

CF 0333a Child Welfare Case Plan (child in substitute care)

http://dhsresources.hr.state.or.us/WORD_DOCS/CE0333a.doc

CF 0333c Family Support Services Case Plan (child in substitute care)

http://dhsresources.hr.state.or.us/WORD_DOCS/CE0333c.doc

CF 0831A Temporary Visit and Contact Plan

http://dhsresources.hr.state.or.us/WORD_DOCS/CE0831a.doc

CF 0831B Ongoing Visit and Contact Plan

http://dhsresources.hr.state.or.us/WORD_DOCS/CE0831b.doc

413-070-0800

Purpose

The purpose of these rules (OAR 413-070-0800 to 413-070-0880) is to describe the Department's responsibilities in arranging frequent contact between the child or young adult in substitute care, the child or young adult's parents or legal guardians, siblings, and other people with whom the child or young adult has a significant connection. In all cases, the contact is intended to --

- (1) Be in the best interest of the child or young adult, develop or enhance attachment with the child or young adult's family, including siblings, and continue the child or young adult's relationships with significant others, including siblings;
- (2) Reduce the trauma to the child or young adult associated with separation from primary attachment figures; and

- (3) Assure that the safety and well-being of the child or young adult are the paramount concerns in developing a child-family contact plan.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-070-0810

Definitions

The following definitions apply to OAR 413-070-0800 to 413-070-0880:

- (1) "Child" means a person under 18 years of age.
- (2) "Child-family contact" means communication between the child or young adult and family and includes but is not limited to visitation with the child or young adult, participation in the child or young adult's activities, and appointments, phone calls, e-mail, and written correspondence.
- (3) "Department" means the Department of Human Services, Child Welfare.
- (4) "FACIS" means the Family and Child Information System.
- (5) "Family member" means any person related to the child by blood, marriage, or adoption, including, but not limited to the parents, grandparents, stepparents, aunts, uncles, sisters, brothers, cousins, or great-grandparents. Family member also includes a child 12 years of age or older and a child younger than 12 years of age, when appropriate. In a case involving an Indian child under the Indian Child Welfare Act (ICWA), a "family member" is defined by the law or custom of the child's tribe.
- (6) "Foster parent" means a person who operates a home that has been approved by the Department to provide care for unrelated child or young adult placed in the home by the Department.
- (7) "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.

- (8) "Provider" means a person approved by a licensed private child-caring agency to provide care for a child or young adult, or an employee of a licensed private child-caring agency approved to provide care for a child or young adult.
- (9) "Relative caregiver" means a person who operates a home that has been approved by the Department to provide care for a related child or young adult who is placed in the home by the Department.
- (10) "Sibling" means one of two or more children or young adults related:
 - (a) By blood or adoption through a common legal parent; or
 - (b) Through the marriage of the children's or young adults' legal or biological parents.
- (11) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.
- (12) "Substitute caregiver" means a relative caregiver, foster parent, or provider who is authorized to provide care to a child or young adult who is in the legal or physical custody of the Department.
- (13) "Supervised visit" means a child-family contact that includes a designated third party to protect the emotional and physical safety of a child or young adult.
- (14) "Visit" means planned, in-person contact between the child or young adult and one or more family members.
- (15) "Young adult" means a person aged 18 through 20 years 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

Stats. Implemented: ORS 418.005, 419B.337, 419B.440

413-070-0830

The Right to Visit

Subject to the limitation of section (4) of this rule:

- (1) The child or young adult, a parent or legal guardian, and each sibling have the right to visit each other while the child or young adult is in substitute care. The child or young adult, the parent or legal guardian, and each sibling have a right to visit as often as reasonably necessary to develop and enhance their attachment to each other.

- (2) The Department will prohibit or cancel visits when:
 - (a) There is reason to believe a parent or legal guardian's acts or omissions would result in child abuse or neglect during the visit;
 - (b) The child or young adult's safety cannot be managed by supervision;
 - (c) The visit does not meet the best interests of the child; or
 - (d) A court order prohibits visits.
- (3) When Department resources alone cannot meet the family contact and visitation needs of the child or young adult, the caseworker must solicit help from family and community resources.
- (4) If a parent or legal guardian objects to the contact and visit requirements and limitations that the Department imposes, the parent or legal guardian may seek the juvenile court's review of the requirements and limitations.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-070-0840

Orientation Activities

Prior to the first contact and after each revision of the Visit and Contact Plan, the Department must explain to the child or young adult's family and substitute caregiver (and the child or young adult when appropriate) the rights and expectations regarding child-family visitation and contact, including its importance to the child or young adult. The Department must explain the reason for arranging supervised or unsupervised visits to the involved parties.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-070-0855

Determining Priority in Visit and Contact Plans

- (1) Unless the court has entered an order regarding visitation by the child or young adult's parents, legal guardians or siblings, the caseworker determines a hierarchy of the child or young adult's attachments and prioritizes visits with the child or young adult's parents or legal guardians, and siblings. The caseworker may consider the preferences expressed by the child or young adult.

- (2) When the permanency plan is reunification with a parent or legal guardian, the first priority of the caseworker will be to provide visits with parents or legal guardians, siblings, and each intervenor granted visitation by the court.
- (3) When the permanency plan is a plan other than return to the parents or legal guardians, the visitation priority of the caseworker shall be to both preserve the child or young adult's attachment to parents or legal guardians and siblings and promote the child or young adult's attachment to the permanent placement resource.
- (4) When appropriate, the caseworker may consider establishing visits with the child or young adult's family members.
- (5) When appropriate, the caseworker may consider establishing visits with the child or young adult and non-related persons with whom the child or young adult has a significant attachment.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-070-0860

Types of Visit and Contact Plans

- (1) The Temporary Visit and Contact Plan.
 - (a) The caseworker must jointly develop a written Temporary Visit and Contact Plan (CF 0831A) with the parents or legal guardians, and may involve the child, family members, safety service providers and the substitute caregiver to participate in facilitating visitation and supporting the ongoing safety plan when the child first enters substitute care or at the time of the first court hearing required by ORS 419B.183, whichever is first. The visits must be planned to manage child safety.
 - (b) The court may make an order regarding visitation between the child or young adult's parents or siblings.
 - (c) The caseworker must arrange a Temporary Visit and Contact Plan (CF 0831A) that assures child safety.
 - (d) The plan must include the following:
 - (A) The names of each person, including the child's siblings, with whom the child may have contact; and
 - (B) A description of the contact permitted with each person that includes:

- (i) The type, time of day, frequency, length, and location of the visits; and
 - (ii) The reason for supervised visits when supervision is required.
 - (e) If the first visit does not occur within the first week of a child's placement in substitute care, the caseworker must document the reason the visit did not occur in FACIS case notes.
 - (f) The caseworker must provide a copy of the Temporary Visit and Contact Plan to the parents or legal guardians and to others participating in the Temporary Visit and Contact Plan.
- (2) The Ongoing Visit and Contact Plan.
- (a) The caseworker must develop an Ongoing Visit and Contact Plan (CF 0831B) with the parents or legal guardians within 30 days from the date that the child enters substitute care. The caseworker may involve the child, family members, safety service or treatment providers, and the substitute caregiver to participate in facilitating visitation in the development of the visit and contact plan. A copy of the written plan is given to each participant. The visits must be in the least restrictive manner in which the child or young adult's safety can be managed.
 - (b) The caseworker must arrange an Ongoing Visit and Contact Plan that supports child safety, the ongoing safety plan, the best interests of the child, and any orders of the court regarding visitation with a child or young adult's parents or siblings.
 - (c) When an Ongoing Visit and Contact Plan is revised, the caseworker completes a revised Ongoing Visit and Contact Plan and provides a copy of the revised plan to each participant.
 - (d) A plan that prohibits a parent, legal guardian, or sibling's visit must include the reason for each prohibition and state, if applicable, the conditions under which the Department would begin or resume contact.
 - (e) The caseworker must document the implementation of the Ongoing Visit and Contact Plan in the case plan.
 - (f) The caseworker must develop the written Ongoing Visit and Contact Plan which must:
 - (A) Include the purpose and conditions of visits and contacts including type, time of day, frequency, length, and location;
 - (B) Describe the reason for supervision when supervision is required;

- (C) Identify the individual who will supervise the visit or assist a parent or legal guardian in meeting the needs of the child or young adult during visitation;
 - (D) Support the ongoing safety plan; and
 - (E) Use language that parents or legal guardians can understand.
- (g) In developing an Ongoing Visit and Contact Plan, the caseworker must --
- (A) Arrange visits so that the type, time of day, frequency, length, and location of visits maximize contact between the parents or legal guardians and the child or young adult, support the ongoing safety plan and support the child or young adult's permanency plan as described in OAR 413-070-0855(2) and (3);
 - (B) Meet the unique needs of the child or young adult, especially the child or young adult's chronological or developmental age and sense of time as they affect the child or young adult's attachment to a parent or legal guardian and other family members;
 - (C) Arrange visits that do not disrupt the school schedule of the child or young adult whenever possible;
 - (D) Arrange additional contact such as telephone calls, e-mail, and letters, and other activities the family and child or young adult may do together that support the ongoing safety plan, such as attendance by parents or legal guardians at doctor appointments, school events, and church;
 - (E) Address barriers to visitation that must be overcome in order for the parent, legal guardian, child or young adult to participate in the visits, including transportation, adaptations for those traveling long distances, health care requirements, and arranging child care for a child's sibling;
 - (F) Work within each parent's or legal guardian's employment and treatment obligations;
 - (G) Ensure that the Ongoing Visit and Contact Plan considers the safety needs of any non-offending parent or legal guardian in cases involving domestic violence, including but not limited to different visiting schedules or arranging safe drop-off and pick-up locations;
 - (H) Explain to a parent or legal guardian the consequences of failure to attend a visit;

- (I) Explain known or anticipated reasons for ending the visit (such as health or safety);
 - (J) Take the actions necessary to assure culturally relevant and language appropriate visitation services; and
 - (K) Discuss alternatives when visits are canceled due to circumstances of the parent or legal guardian, substitute caregiver, or the Department.
- (3) The Ongoing Visit and Contact Plan may be reviewed or revised at any time and must be reviewed every 90 days.
- (4) An Ongoing Visit and Contact Plan must comply with the Interstate Compact on the Placement of Children.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 419B.337, 419B.440, 419B.449

413-070-0870

Supervision of Visits

- (1) If supervision of visits is necessary to protect the child from harm, manage child safety, or provide therapeutic intervention, the Ongoing Visit and Contact Plan must state the reason for the supervision.
- (2) When delegating supervision to a person who is not an employee of the Department, the Department will ensure that the person supervising the visit receives a copy of the Ongoing Visit and Contact Plan, understands the dynamics of the individual family, the purpose of supervision, the specific circumstances that require the supervision, the documentation requirements, and complies with the ongoing safety plan.
- (3) When delegating supervision to other Department staff, the Department will ensure the Department employee who participates in the Ongoing Visit and Contact Plan receives a copy of the Ongoing Visit and Contact plan, understands the dynamics of the individual family, the purpose of supervision, the specific circumstances that require the supervision, and the documentation requirements of OAR 413-070-0880.
- (4) The caseworker must inform the parents or legal guardians of the reason for the supervision of the visits or contact, and, as resources allow, all supervision should be culturally relevant and language appropriate.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-070-0880**Documentation of Contact**

- (1) When Department staff supervise a visit, documentation of the visit must be included in the case file and must document:
 - (a) The location of the visit, who attended, and the length of the visit;
 - (b) Activities that occurred during the supervised visit;
 - (c) The impact of the visit on the child or young adult;
 - (d) Any missed visit and the reasons for the missed visit; and
 - (e) Any interrupted or terminated visits and reasons for the interruption or termination.
- (2) When the caseworker arranges supervision by a person other than Department staff, the caseworker must require that the person supervising the visit provides complete written documentation of the visit, as required by section (1) of this rule, to the caseworker within seven days of each visit.
- (3) For Visits Occurring On or After January 1, 2008. When the child or young adult is in the legal custody or guardianship of the Department, the caseworker must report to the court no less frequently than every six months, the place and date of the child's or young adult's visits with his or her parents or siblings since the child or young adult has been in the guardianship or legal custody of the Department, and whether the frequency is in the best interest of the child or young adult. Reports must be filed with the court more frequently if the court so orders.
- (4) When other types of contact in addition to face-to-face visits are included in the Ongoing Visit and Contact Plan, the caseworker must request regular feedback from the participants regarding the impact of the contact on the child or young adult.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 419B.337, 419B.440, 419B.449