DHS Policy
Oregon Department of Human Services

Children, Adults and Families

Policy Title:	Visits and Other Types of Child and Family Contact – OAR				
Policy Number:	I-E.3.5 413-070-0800 thru 0880			Effective Date:	1/01/14

Approved By: *on file*

Date Approved:

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

Reference(s):

- 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

Form(s) that apply:

- 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

Rules:

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 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) "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 the registered domestic partner of a person related to the *child*, a *child* 12 years of age or older, and when appropriate, a *child* younger than 12 years of age. 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.

(5) "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.

(6) "Grandparent" for purposes of visitation, contact, or communication ordered by the court under Oregon Laws 2013, Chapter 436, Section 3 (HB 3249) means the legal *parent* of the *child* or young adult's legal *parent*, as defined in ORS 109.119.

(7) "Guardian" means an individual who has been granted guardianship of a *child* through a judgment of the court.

(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) "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*.

(10) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related *child* or *young adult* placed in the home by the Department.

(11) "Sibling" means one of two or more children or young adults related:

(a) By blood or adoption through a common legal *parent*;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological *parent* who is the registered domestic partner of the legal or biological *parent* of the children or young adults.

(12) "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.

(13) "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.

(14) "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*.

(15) "Visit" means planned, in-person contact between the *child* or *young adult* and one or more family members.

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

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005, 419B.337, 419B.440, OL 2013 Ch. 436 Sec. 3

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 *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 *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, unless otherwise ordered by the court, when:

(a) There is reason to believe a *parent* or 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 *guardian* objects to the contact and *visit* requirements and limitations that the Department imposes, the *parent* or *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 developed under OAR 413-070-0860, 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, guardians, siblings, or grandparents, 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 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 *guardian*, the first priority of the caseworker will be to provide visits with parents or 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 guardians, the visitation priority of the caseworker shall be to both preserve the *child* or young adult's attachment to parents or 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, OL 2013 Ch. 436 Sec. 3

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 with the parents or 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, siblings, or grandparents.

(c) The caseworker must arrange a Temporary Visit and Contact Plan 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* with the *parent* or *guardian* 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 case notes in the Department's electronic information system.

(f) The caseworker must provide a copy of the Temporary Visit and Contact Plan to the parents or 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 with the parents or 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 may involve grandparents and other relatives, as identified in Child Welfare Policy I-E.1.1, "Search for and Engagement of Relatives", OAR 413-070-0060 to 413-070-0087, in the development of the Ongoing Visit and Contact Plan.

(c) 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, siblings, or grandparents.

(d) 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.

(e) A plan that prohibits a *parent*, *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.

(f) The caseworker must document the implementation of the Ongoing Visit and Contact Plan in the case plan.

(g) 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 *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 guardians can understand.

(h) 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 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 *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 guardians at doctor appointments, school events, and church;

(E) Address barriers to visitation that must be overcome in order for the *parent*, *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 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 *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 *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 *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 (ORS 417.200, Child Welfare Policy I-B.3.4.2, "Interstate Compact on the Placement of Children", OAR 413-040-0200 to 413-040-0330).

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005, 419B.337, 419B.440, 419B.449, OL 2013 Ch. 436 Sec. 3

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 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) 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

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Policy History

- 07/17/00
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