

## Placement with a Fit and Willing Relative



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## Opening Activity



On your tables, there is a paper labeled “Are you my relative?,” which contains examples of people who may or may not meet the definition of relative. Please circle all of the people who you believe meet the definition of relative.

## Are you my relative?



Biological grandmother

Child's half-sister

Biological cousin once-removed

Biological father's former domestic partner

Adoptive mother of child's half-sibling

Biological mother's former boyfriend

Biological uncle of a child who was adopted

Unrelated foster parent caring for the child in a DD placement for the past 12 months

Biological mother's step-brother

Biological cousin's ex-wife

Adopted mother's former husband

Biological mother's best friend "Aunt Patty"

Unrelated biological father of child's half-sibling

Unrelated biological grandfather of child's half-sibling

Mother's adopted sister's husband

## Hierarchy of Permanency



Reunification

Adoption

Guardianship

**Placement with Fit and Willing Relative**

APPLA

## Placement with Fit and Willing Relative: What type of Permanency Plan is it?



Placement with a Fit and Willing Relative is a separate and distinct permanency plan in ORS 419B.476(5).

Placement with a Fit and Willing Relative is a permanency option only when there are compelling reasons not to pursue the more preferred permanency plans of Reunification, Adoption, or Guardianship.

Compelling reasons means “a convincing and persuasive reason why it would not be in the best interest of the child to be reunified with a parent, placed for adoption or placed with a legal guardian. A compelling reason must be supported with very strong, case-specific facts and evidence including justification for the reasons and decisions why each more preferred permanency option is not reasonable, appropriate or possible.” *(DHS Child Welfare Procedure Manual)*

## Placement with Fit and Willing Relative: Compelling reasons not to consider a more preferred permanency plan



What are some common compelling reasons for choosing Placement with a Fit and Willing Relative over a more preferred permanency plan?

- Child is currently opposed to adoption or guardianship as a permanency plan;
- Child remains connected to parent, although parent cannot care for the child for reasons beyond his or her control such as mental illness or developmental disability;
- Relative wants to maintain the status of grandma, grandpa, aunt, uncle as opposed to mother or father;
- Relative (or caregiver) may rely heavily on the support and services of DHS if the child has significant special needs that they feel they cannot meet on their own.

## Placement with Fit and Willing Relative: What type of Permanency Plan is it?



Placement with a Fit and Willing Relative **does not achieve legal permanency**: the child remains a ward of the court and in the care and custody of DHS, and the plan requires biannual reviews by the court and CRB.

The intent of the plan is to secure a lasting, forever commitment from a relative caregiver intended to endure into adulthood and remain a permanent connection and support throughout the child's life. It is **not** intended to be only a long-term foster placement or to replace APPLA.

## When can Placement with a Fit and Willing Relative be considered as a permanency plan?



The plan can be considered only after DHS has determined that it would not be in the child's best interest to implement one of the three more preferred permanency plans.

The caseworker and his or her supervisor must:

- fully explore all more preferred permanency options and make the determination that there are compelling reasons to proceed with this plan,
- consider what the barriers are to achieving a more preferred permanency plan and the actions taken by DHS to address these barriers, and
- determine that a thorough relative search has been conducted and ensure that all paternal and maternal relatives have been identified and contacted.

## When can Placement with a Fit and Willing Relative be considered as a permanency plan?



It is never appropriate to consider Placement with a Fit and Willing Relative if reunification is still an option, or if there is not a compelling reason why adoption or guardianship cannot be achieved with either a relative or nonrelative.

Even adoption or guardianship with a nonrelative is preferred over Placement with a Fit and Willing Relative. Children deserve legal permanency if at all possible. While still an acceptable permanency plan, remember that Placement with a Fit and Willing Relative keeps the child in the foster care system, which is never more desirable than achieving legal permanency.

## Placement with Fit and Willing Relative: Eligibility Requirements



Eligibility Requirements for a Fit and Willing Relative:

- Meet the definition of *relative*; or
- Meet the definition of *caregiver* for a child placed in foster care through Developmental Disabilities Services; and
- Be approved by DHS as a long term resource for the child; and
- Have a certificate of approval to be a foster provider.

## Process for approval of a Placement with a Fit and Willing Relative plan



When the decision is made to consider implementing the plan of Placement with a Fit and Willing Relative, the caseworker must convene a team meeting.

Prior to the team meeting the caseworker should always meet individually with the child and the potential relative caregiver to assess both the needs of the child and the caregiver's commitment to the long-term plan; the relationship and commitment should last beyond the child's legal custody with DHS.

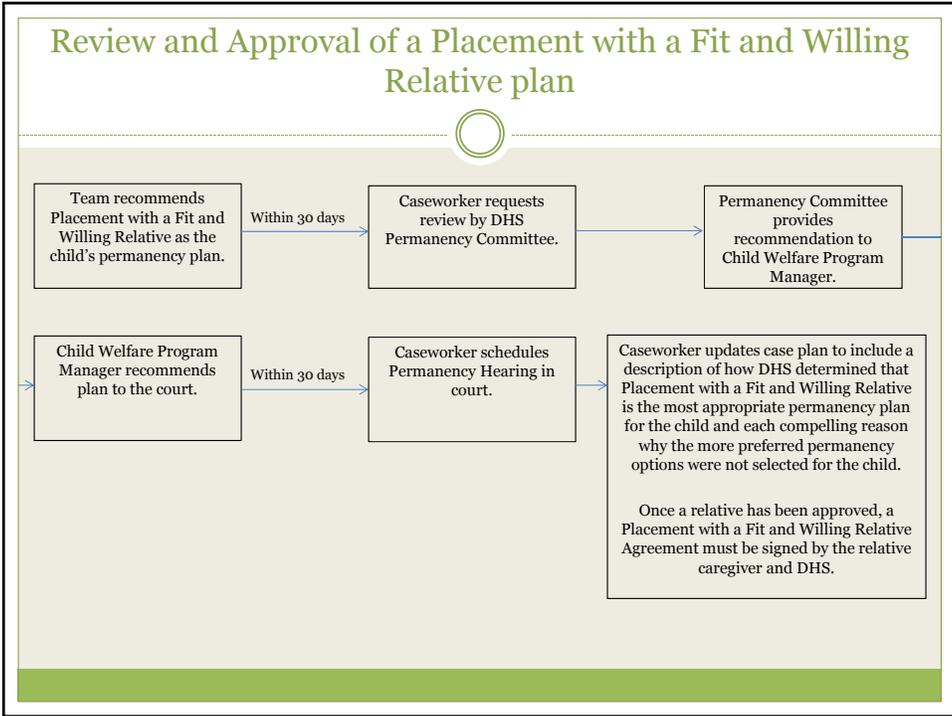
## Process for approval of a Placement with a Fit and Willing Relative plan



The following individuals must be invited to the team meeting to review the decision to implement the plan:

- Parents with legal rights
- Child
- Tribe, if applicable
- If the child is age 14 or older, two additional people selected by the child who are not the caseworker or the foster parent
- Attorneys for child and parents
- CASA, if applicable
- Relative caregiver under consideration

At the team meeting, the caseworker must ensure that all permanency options and all barriers to more preferred permanency options are discussed, the child and his/her parents have the opportunity to share their feelings about the plan, and the potential relative caregiver has the opportunity to discuss his/her long-term commitment and ability to meet the child's needs.



### Placement with Fit and Willing Relative: Ongoing DHS responsibilities

The caseworker continues to meet monthly with the child. The caseworker must meet with the child alone, and continue to monitor the safety of the child during every visit.

The caseworker must develop the comprehensive youth transition plan (T1 and T2) by the time the child reaches 14 years of age.

The caseworker should continue to examine the barriers for the relative caregiver to agree to a more preferable permanency plan of adoption or guardianship.

## Placement with Fit and Willing Relative: Permanency Reviews



The case shall be reviewed at a minimum of every six months by the CRB or the court. An internal DHS review must occur before each CRB or court review.

The internal review requires:

- ❖ A meeting with the child and the relative caregiver
- ❖ Consideration to meet with the child's team to gather input, if needed
- ❖ A discussion and determination whether a higher level of permanency might be achieved and if so, what steps need to occur
- ❖ A discussion to determine the child's progress towards achieving the goals of the comprehensive transition plan

## Placement with Fit and Willing Relative: Termination of the plan



The case plan must be terminated when:

- Court wardship is terminated;
- The young adult has reached the age of 21;
- The court has relieved DHS of legal custody;
- The court has determined that Placement with a Fit and Willing Relative is no longer appropriate; or
- The relative caregiver's certificate of approval cannot be maintained.

### Finding #9: Is the permanency plan the most appropriate plan for the child?



Things to consider when the permanency plan is Placement with a Fit and Willing Relative:

- When did the most recent internal DHS review of the permanency plan occur? What was the outcome of that review?
- Why is a more permanent plan not appropriate? What barriers exist to achieving a more permanent permanency plan?
- If appropriate, is the child making progress towards the goals identified in the comprehensive transition plan?

### References and Resources



DHS Child Welfare Procedure Manual- Chapter 5: Placement with a Fit and Willing Relative

[http://www.dhs.state.or.us/caf/safety\\_model/procedure\\_manual/ch05/ch5-section15.pdf](http://www.dhs.state.or.us/caf/safety_model/procedure_manual/ch05/ch5-section15.pdf)

Oregon Administrative Rule: OAR 413-070-0990 to 1060

[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/division\\_70.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/division_70.pdf)

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