

A child needs a safe and permanent home...

Sometimes a child spends a long time in foster care. Yet, parents still don't make the changes needed to meet their children's need for safety.

The law limits the time parents have to make changes. If a child cannot be safely returned to the parent, the court will have a permanency hearing. This hearing will be held no later than 14 months after a child is removed from home.

At this hearing, a concurrent plan may become the goal for the child. If a child cannot be safely returned to a parent, the concurrent plan should be put into place quickly.

NOTE: The law is complex and each case is different. Contact your local DHS child welfare office, your caseworker or DHS, Children, Adults & Families, Office of Safety and Permanency for Children, 503-945-5651, if you have questions about this information. Visit our Web site for local office information — www.oregon.gov/DHS/localoffices/locations.shtml

Upon request this publication can be furnished in an alternate format for individuals with disabilities by contacting: DHS, Children, Adults & Families, Office of Safety and Permanency for Children, 503-945-5651. Available formats are: large print, Braille, audio tape recording, electronic format and oral presentation.

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What is ASFA?

In 1997, Congress made significant changes to the federal child abuse and neglect law. These changes became the Adoption and Safe Families Act (ASFA). ASFA focuses on the health and safety of a child. Oregon law already supported that main goal.

If a child is not safe at home, Department of Human Services child welfare staff and the courts may become involved. A child who is not safe with a parent may be removed from his/her home temporarily. A child removed from home may be placed with relatives, foster parents or residential treatment providers.

During this time child welfare staff, the courts and the parents work to determine what changes need to occur in order for the child to return safely to the parent's home. ASFA and Oregon law shortened the time a parent has to make changes. In most cases, DHS will work with parents to make changes to address concerns about the child's safety.

Oregon law also requires a concurrent plan (such as adoption, guardianship, permanent placement with a fit and willing relative or another planned permanent living arrangement) be developed for the child. This concurrent plan will be used if the parents cannot provide a safe home for a child. The family should help build this plan, if possible. This concurrent plan will be used if the parents cannot make the changes required for the child to remain safely in the parent's home within the ASFA timelines.

Relatives, foster parents or others in the community may provide information to the child welfare staff to help build both plans. This may be done in a Family Decision Meeting. Foster parents or relatives may provide support to parents. They can also help with visits between the child and parents.

If the child cannot be safely returned to the parent's home, the court will have a permanency hearing. This hearing will be held no later than 14 months after a child is removed from home. The permanency hearing may be held sooner if a parent is not working toward making changes. The hearing may result in a plan to terminate or relinquish parental rights and place the child for adoption, place the child with a fit and willing relative or another planned permanent living arrangement.

ASFA puts the child first

The main goal of the Adoption and Safe Families Act is to assure the health and safety of a child.

If parents cannot provide safe care for a child, the court and DHS child welfare staff may become involved.

If a child must be removed from home to be safe, the child may be placed with relatives, a foster family or residential treatment providers. During this time, parents must make changes to meet the needs of the child.

Parents have limited time to make changes

Most parents will be given the chance to make changes. Changes may include better parenting practices or a lifestyle free of alcohol or drug abuse. DHS and others will work with parents to make these changes.

The law allows only a limited time to make changes so a child can be safely placed with a parent.

Making a concurrent plan

The law requires a concurrent (or alternate) plan be made in case a child cannot be safely returned to a parent's home. This plan will be used if parents cannot provide a safe home for a child. Families should help build this plan, if possible.

The concurrent plan may be adoption. Other concurrent plans may be guardianship, permanent placement with a fit and willing relative, independence or another planned permanent living arrangement. If a concurrent plan becomes the goal for a child, the court must approve that plan.

Aggravated circumstances

Murder, torture and sexual abuse are examples of aggravated circumstances. A court may decide that a parent has done something that seriously harms or results in the death of a child. If so, the court may say DHS does not have to work with that parent to return a child to that parent. Then DHS may look for another permanent home for the child right away.

