

Be It Enacted *by the People of the State of Oregon:*

# FOSTER PARENT BILL OF RIGHTS

## A FOSTER PARENT HAS THE RIGHT TO:

- 1. Be treated with dignity**, respect and trust as a member of a team, including respect for the family values and routines of the foster parent.
- 2. Be included as a valued member of a team** that provides care and planning for a foster child placed in the home of the foster parent.
- 3. Receive support services**, as resources permit, from the Department of Human Services that are designed to assist in the care of the foster child placed in the home of the foster parent.
- 4. Be informed of any condition** that relates solely to a foster child placed in the home of the foster parent that may jeopardize the health or safety of the foster parent or other members of the home or alter the manner in which foster care should be provided to the foster child. The information shall include complete access to written reports, psychological evaluations and diagnoses that relate solely to a foster child placed in the home of the foster parent provided that confidential information given to a foster parent must be kept confidential by the foster parent, except as necessary to promote or to protect the health and welfare of the foster child and the community.
- 5. Have input into a permanency plan** for a foster child placed in the home of the foster parent.
- 6. Receive assistance** from the department in dealing with family loss and separation when the foster child leaves the home of the foster parent.
- 7. Be informed of all policies and procedures** of the department that relate to the role of the foster parent.
- 8. Be informed of how to receive services** and to have access to department personnel or service providers 24 hours a day, seven days a week.
- 9. Initiate an inactive referral status** for a reasonable period of time, not to exceed 12 months, to allow a foster parent relief from caring for foster children.
- 10. Not be discriminated against** on the basis of race, color, religion, sex, gender identity, gender expression, sexual orientation, national origin, age or disability.
- 11. Be notified of the foster parent's right** to limited participation in proceedings in the juvenile court and provided with an explanation of that right.



**I CAN CONTACT THE GOVERNORS ADVOCACY OFFICE AT 800-442-5238  
OR EMAIL [DHS.INFO@STATE.OR.US](mailto:DHS.INFO@STATE.OR.US) TO DISCUSS MY CONCERNS.**



This document can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request this publication in another format or language, contact 503-378-3486 or 503-378-3523 for TTY.



DEPARTMENT OF HUMAN SERVICES  
OFFICE OF CHILD WELFARE PROGRAMS

CHAPTER 413  
DIVISION 200

FOSTER HOME CERTIFICATION

*Updated 10/11/2018*

TABLE OF CONTENTS

<b>Definitions .....</b>	<b>2</b>
<b>Responsibilities for Certification and Supervision of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources .....</b>	<b>8</b>
<b>Standards for Certification of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources.....</b>	<b>50</b>

# Definitions

---

## 413-200-0260

### Definitions

(Amended 6/29/2018)

The following definitions apply to OAR chapter 413, division 200.

- (1) "Adoptive resource" means an individual or individuals selected by the Department, another public child welfare agency, or a licensed adoption agency as the adoptive family for a *child* where no administrative review was requested within the timeframe allowed for such a request, or if a review was requested, the selection has been sustained by that review and the review is complete.
- (2) "Age-appropriate or developmentally appropriate activities" means:
  - (a) Activities or items that are generally accepted as suitable for children or young adults of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a *child* or *young adult*, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and
  - (b) In the case of a specific *child* or *young adult*, activities or items that are suitable for the *child* or *young adult* based on the developmental stages attained by the *child* or *young adult* with respect to the cognitive, emotional, physical, and behavioral capacities of the *child* or *young adult*.
- (3) "Applicant" means any individual who applies:
  - (a) To become or remain a certified family;
  - (b) To change certification type; or
  - (c) For approval through the Department as a potential *adoptive resource*.
- (4) "Babysitting" means the provision of occasional temporary care for a *child* or *young adult* in the care or custody of the Department that:
  - (a) Is ten consecutive hours or less;
  - (b) Is not overnight care; and
  - (c) Does not meet the definition of *child care* or *respite care*.

- (5) "Certificate of Approval" means a document the Department issues to a *certified family* to approve the operation of a home to provide care for a *child or young adult* in the care or custody of the Department.
- (6) "Certification supervisor" means an employee of the Department, designated as a supervisor, supervising staff responsible for certification, training, and monitoring homes certified by the Department.
- (7) "Certified family" means an individual or individuals who hold a current *Certificate of Approval* from the Department to operate a home to provide care, in the home in which the individual or individuals reside, to a *child or young adult* in the care or custody of the Department.
- (8) "Certifier" means a Department employee who:
  - (a) Conducts assessments of applicants, members of the household, home and surroundings;
  - (b) Determines whether to recommend approval of a potential applicant for foster care, or *adoptive resource*, or that a *Certificate of Approval or Child-Specific Certificate of Approval* be approved or renewed; and
  - (c) Monitors the compliance and ongoing assessment of a *certified family*, home and surroundings with ~~OAR 413-200-0301~~ to 413-200-0396.
- (9) "Chemical Restraint" means the administration of medication for the management of uncontrolled behavior. "Chemical restraint" does not include the use of medication for treatment of symptoms of severe emotional disturbances or disorders.
- (10) "Child" means a person who:
  - (a) Is under 18 years of age; or
  - (b) Is under 21 years of age and residing in or receiving care or services at a *child-caring agency* or *proctor foster home*.
- (11) "Child care" means the supervision of a *child* in the care or custody of the Department by a licensed, approved, or listed provider during the working hours of the *foster parent* or *relative caregiver*.
- (12) "Child Care Facility" means each of the following:

- (a) A Registered Family Child Care Home, which is the residence of a provider who has a current Family Child Care Registration at that address and who provides care in the family living quarters.
  - (b) A Certified Family Child Care Home, which is a child care facility located in a building constructed as a single-family dwelling that has certification to care for a maximum of 16 children at any one time.
  - (c) A Certified Child Care Center, which is certified to care for 13 or more children, or a facility that is certified to care for 12 or fewer children and located in a building constructed as other than a single-family dwelling.
  - (d) A Listed Facility, which is a *child care* provider who has been approved by DHS Self-Sufficiency Program for *child care* on behalf of clients of the Department.
- (13) "Child protective services assessment" (CPS assessment) means an investigation into a report of abuse pursuant to ORS 419B.020 or ORS 418.257 that includes activities and interventions to identify and analyze safety threats, determine if there is reasonable cause to believe abuse occurred, and assure safety through protective action plans, initial safety plans, or ongoing safety planning.
- (14) "Child protective services worker" (CPS worker) means an employee of the Department who has completed the mandatory Department training for child protective service workers.
- (115) "Child-Specific Certificate of Approval" means a document the Department issues to a *certified family* to approve the operation of a home to provide care for a specific *child* or *young adult* in the care or custody of the Department and for whom the Department determines a placement is needed.
- (16) "Cohabiting" means the act of two adults, unmarried to each other, living together in an intimate relationship as if married.
- (17) "Criminal records check" means obtaining and reviewing criminal records as required by these rules and includes any or all of the following:
- (a) An Oregon criminal records check where criminal offender information is obtained from the Oregon State Police (OSP) using the Law Enforcement Data System (LEDS). The Oregon criminal records check may also include a review of other criminal records information obtained from other sources.
  - (b) A fingerprint based national criminal records check where records are obtained from the Federal Bureau of Investigation (FBI). The national criminal records check may also include a review of other criminal records information.

- (c) A state-specific *criminal records check* where records are obtained from law enforcement agencies, courts, or other criminal records information sources located in, or regarding, a state or jurisdiction outside Oregon.
- (18) "Denial" means the refusal of the Department to approve an application for certification and issue or renew a certification.
- (19) "Department" means the Oregon Department of Human Services.
- (20) "Designee" means a person whom the designator directly and immediately supervises, or a person with equal or greater management responsibility than the designator.
- (21) "Discipline" means a training process a family uses to help a *child or young adult* develop the self-control and self-direction necessary to assume responsibilities, make daily living decisions, and learn to conform to accepted levels of social behavior.
- (22) "Disqualifying condition" means any information or circumstance related to a person or to the home that does not meet one or more of the requirements in OAR 413-200-0301 to 413-200-0396.
- (23) "Enhanced supervision" means the additional support, direction, observation, and guidance necessary to promote and assure the safety and well-being of a *child or young adult* when the *child or young adult* qualifies for a *level of care payment*.
- (24) "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.
- (25) "Home study" means a document containing an analysis of the ability of the *applicant* to provide safe and appropriate care of a *child or young adult*.
- (26) "Impending danger safety threat" means a family behavior, condition, or circumstance that meets all five safety threshold criteria. When it is occurring, this type of threat is not immediate, obvious, or occurring at the onset of the CPS intervention. This threat is identified and understood more fully by evaluating and understanding individual and family functioning.
- (27) "Inactive Referral Status" means a period of time, not to exceed 12 months, during which neither the Department nor any other agency may place an additional *child or young adult* with a *certified family*.
- (28) "Member of the household" means any adult, *young adult* or *child* living in the home, including the *applicant*, *foster parent* or *relative caregiver*.
- (29) "Personal care services plan" means a written plan to provide personal care services for the *child or young adult* documenting:

- (a) The determination that the individual is a qualified provider;
  - (b) The frequency or intensity of each personal care service to be provided; and
  - (c) The date personal care services begin.
- (30) "Physical restraint" means the act of restricting the voluntary movement of a *child* or *young adult* as an emergency measure in order to manage and protect the *child, young adult*, or others from injury when no alternate actions are sufficient to manage the behavior of the *child* or *young adult*. "Physical restraint" does not include temporarily holding a *child* or *young adult* to assist him or her or assure his or her safety, such as preventing a *child* from running onto a busy street.
- (31) "Placement support plan" means a documented set of actions or resources that is developed to assist a *certified family* to maintain conditions that provide safety and well-being for a *child* or *young adult*.
- (32) "Present danger safety threat" means an immediate, significant, and clearly observable family behavior, condition, or circumstance occurring in the present tense, already endangering or threatening to endanger a *child*. The family behavior, condition, or circumstance is happening now and it is currently in the process of actively placing a *child* in peril.
- (33) "Psychotropic medication" means medication, the prescribed intent of which is to affect or alter thought processes, mood, or behavior, including but not limited to antipsychotic, antidepressant, and anxiolytic medication and behavior medications. The classification of a medication depends upon its stated intended effect when prescribed because it may have many different effects.
- (34) "Reasonable and prudent parent standard" means the standard, characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a *child* or *young adult* while encouraging the emotional and developmental growth of the *child* or *young adult*, that a substitute care provider shall use when determining whether to allow a *child* or *young adult* in substitute care to participate in extracurricular, enrichment, cultural, and social activities.
- (35) "Relative caregiver" means a person defined as a "relative" under OAR 413-070-0000 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.
- (36) "Respite care" means a formal planned arrangement to relieve a certified family's responsibilities by a person temporarily assuming responsibility for the care and supervision of a *child* or *young adult*, in the home of the person or *certified family*.

- (37) "Revocation" means an administrative act by the Department that rescinds an existing *Certificate of Approval*, *Child-Specific Certificate of Approval*, or *Temporary Certificate of Approval*.
- (38) "Screener" means a Department employee with training required to provide screening services.
- (39) "Surrogate" means an individual who has been appointed to safeguard a child's rights in the special education decision-making process. The individual may be appointed pursuant to applicable Department of Education administrative rules and statutes or by the juvenile court.
- (40) "Temporary Certificate of Approval" means a document the Department issues to a *certified family* to approve the operation of a home to provide care for a specific *child* or *young adult* in the care and custody of the Department. The "Temporary Certificate of Approval" is valid for up to 180 days unless an extension is granted under OAR 413-200-0276(3).
- (41) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 409.050, 418.005, 418.015, 418.027, 418.285, 418.315, 418.470, 418.625-418.648



# Responsibilities for Certification and Supervision of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources

---

## 413-200-0270

### Purpose

(Amended 6/29/2018)

- (1) The purpose of OAR 413-200-0270 to 413-200-0298 is to describe the activities of the Department related to:
  - (a) Certification of a *relative caregiver* or *foster parent*, and assessment of a potential *adoptive resource*;
  - (b) Monitoring compliance of a *certified family* with the certification standards in OAR 413-200-0301 to 413-200-0396; and
  - (c) Renewal of a *certified family* and reopening of a previously *certified family*.
  - (d) Disclosure of information about an *applicant* or *certified family*.
- (2) OAR 413-200-0270 to 413-200-0298 applies to any *child* or *young adult* for whom the Department has placement authority and responsibility. Any *child* or *young adult* who the Department has placement authority and responsibility must be placed with a *certified family* or *approved placement setting*.
- (3) The following do not apply to a potential *adoptive resource*: OAR 413-200-0275, 413-200-0276, 413-200-0278, 413-200-0281, 413-200-0283, 413-200-0285, 413-200-0287, 413-200-0289, 413-200-0292, 413-200-0294, and 413-200-0296.

Stat. Auth.: ORS 409.050, 418.005, 418.016, 418.640, 418.642

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.016, 418.027, 418.285, 418.315, 418.470, 418.625 - 418.648

## 413-200-0272

### Responsibilities for Assessment and Certification

(Amended 6/29/2018)

- (1) Except as provided in sections (2) and (3) of this rule, the Department must conduct an assessment to determine if the *applicant* and the home of the *applicant* meet the standards in OAR 413-200-0301 to 413-200-0396 as follows:

- (a) For the approval of a potential *adoptive resource* or issuance of a *Certificate of Approval* or *Child-Specific Certificate of Approval*, the Department must conduct the activities described in OAR 413-200-0274. The *Certificate of Approval* and *Child-Specific Certificate of Approval* expire two years from the date of issuance unless OAR 413-200-0287(7) or OAR 413-200-0296(6) apply.
  - (b) For issuance of a *Temporary Certificate of Approval*, the Department must conduct the activities described in OAR 413-200-0275. A *Temporary Certificate of Approval* expires 180 days from the date of issuance unless an extension is granted.
  - (c) For issuance of a *Certificate of Approval* or *Child-Specific Certificate of Approval* to a *certified family* that has been issued a *Temporary Certificate of Approval*, the Department must conduct the activities described in OAR 413-200-0276. In this circumstance, the *Certificate of Approval* or *Child-Specific Certificate of Approval* expires two years from the date of issuance of the *Temporary Certificate of Approval*, unless OAR 413-200-0287(7) applies.
- (2) The Department is not required to assess an *applicant* and may deny the application if:
- (a) The *applicant* has had a previous application for certification denied or a prior certificate revoked during the five years prior to the date on the application;
  - (b) The *applicant* is seeking to care for a specific *child* or *young adult* who is not in the care or custody of the Department;
  - (c) The *applicant* is seeking to care for a specific *child* or *young adult* in the care and custody of the Department and the Department has determined that *child* or *young adult* does not require placement change. This subsection does not supersede placement priority with a *child* or *young adult's* relatives; or
  - (d) The *applicant* is seeking to care for a specific *child* or *young adult* for whom the Department has not received a request for a *home study* under the Interstate Compact for the Placement of Children (ICPC).
- (3) The Department may terminate the assessment process at any time and proceed to issue a proposed and final order denying certification for one or more of the reasons in OAR 413-200-0296 or, if the application is for approval to be a potential *adoptive resource*, deny the application for the reasons in OAR 413-120-0225.
- (4) Any certificate issued by the Department under OAR 413-200-0270 to 413-200-0298 must include all the following information:
- (a) The certificate type: *Temporary Certificate*, *Child-Specific Certificate of Approval*, or *Certificate of Approval*.

- (b) The name of each *applicant* approved as the *certified family*.
- (c) The address to which the certificate applies.
- (d) The age range (birth to 20) of any *child* or *young adult* the Department may place in the certified family's home.
- (e) The placement capacity of the certified family.
- (f) The provider number that the Department has given the home.
- (g) The effective and expiration dates of the certificate.
- (h) The signature of the Child Welfare Program Manager or *designee*.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

#### **413-200-0274**

#### **Assessment for Approval of an Adoptive Resource or Issuance of a Certificate of Approval or Child-Specific Certificate of Approval**

(Amended 6/29/2018)

- (1) To complete an assessment of an *applicant* and approve a potential *adoptive resource* or issue a *Certificate of Approval* or *Child-Specific Certificate of Approval*, the *certifier* must:
  - (a) Review the completed application.
  - (b) Have face-to-face contact with each *applicant* and each other *member of the household*.
  - (c) Explain to the *applicant* the process and requirements for certification of a *relative caregiver* or *foster parent* and approval of a potential *adoptive resource*.
  - (d) Discuss with the *applicant* the role and responsibilities of the Department.
  - (e) Assess the applicant's motivation for and interest in caring for a *child* or *young adult* in the care or custody of the Department.
  - (f) Assure the *applicant* possesses a valid driver license and auto insurance if the *applicant* will operate a motor vehicle with any *child* or *young adult* placed in their home by the Department inside the vehicle.

- (g) Determine, with input from the *applicant*, the gender, age, and placement capacity of the home.
- (h) When appropriate, obtain approval from the Child Welfare Program Manager or *designee* on a form approved by the Department under any of the following circumstances:
  - (A) The home will exceed the maximum placement capacity as described in OAR 413-200-0278.
  - (B) An *applicant* or other *member of the household* provides *child care* in the home or is a foster care provider licensed by another child-caring agency.
  - (C) An *applicant* or other *member of the household* provides foster care or day care to adults in the home.
  - (D) The *applicant* is applying to become a *relative caregiver* and is 18, 19, or 20 years of age.
  - (E) An *applicant* is married, in a domestic partnership, or *cohabitating* but the applicant's spouse or partner is not also an *applicant* and OAR 413-200-0306(3)(a) or (b) applies.
  - (F) The *applicant* applies for a *Certificate of Approval* or *Child-Specific Certificate of Approval* through a Department office other than the office in the county in which the family resides.
- (i) Complete a minimum of two home visits.
  - (A) Observe and assess the safety of the physical environment;
  - (B) Walk through each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual;
  - (C) Complete a safety assessment of the home and surroundings using a form approved by the Department; and
  - (D) Provide the home with age-appropriate documents outlining the Oregon Foster Children's Bill of Rights under ORS 418.201 and OAR 413-010-0180, Oregon Foster Children's Sibling Bill of Rights under ORS 418.608 and OAR 413-070-0860 (3).
  - (E) Provide of copy of the Oregon Foster Parent Bill of Rights under ORS 418.648.

- (j) Gather personal, family, and social history information through a series of questionnaires approved by the Department, interviews, and observations in which the Department staff gathers personal information about the *applicant* and each other *member of the household*. Analyze information as it relates to each applicant's personal qualifications and assess the conditions that appear to exist in the home that affect safety, health, and well-being for a *child* or *young adult*.
- (k) Assure completion of a *criminal records check* through LEDS and a fingerprint-based *criminal records check* of national crime information databases on each *applicant* and each other adult *member of the household*, excluding a *young adult* in the care and custody of the Department placed in the home, and, at the Department's discretion, on any *child* not in the care or custody of the Department and living in the home when there is reason to believe the *child* may pose a risk to a *child* or *young adult in the care or custody of the Department* placed in the home as outlined in OAR 413-120-0400 to 413-120-0475.
  - (A) Assess the fitness of each *applicant* and each other *member of the household* pursuant to OAR 413-120-0450 and 413-120-0455;
  - (B) If appropriate, obtain approval pursuant to OAR 413-120-0450 and 413-120-0455 to complete certification of the *applicant* despite the criminal offender history of each *applicant* and each other *member of the household*; or
  - (C) If an *applicant* or other *member of the household* has a disqualifying conviction under OAR 413-120-0450 (3) or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department will proceed under OAR 413-120-0460 and OAR 413-200-0296(2) and issue a proposed and final order denying certification, unless the application is withdrawn by the *applicant*.
  - (D) Document the information considered and the decision on a form approved by the Department.
- (L) Assure completion of child abuse history background checks for each *applicant* and each other adult *member of the household*, excluding a *young adult in the care and custody of the Department*, as follows:
  - (A) If an *applicant* or other adult *member of the household* excluding a *young adult* in the care and custody of the Department placed in the home, has lived outside the state of Oregon and within the United States in the previous five years, obtain a child abuse history background check from each state where the individual resided in the five years preceding the date on the application for certification from the Department;

- (B) If an *applicant* or other adult *member of the household, excluding a young adult* in the care and custody of the Department placed in the home has lived outside of the United States in the previous five years, request a child abuse history background check from each country where the individual lived within the five years preceding the date on the application for certification from the Department;
- (C) Assess any safety concerns regarding each *applicant* and each other *member of the household* raised by information learned from the child abuse history background check in Oregon and if applicable, another state or country; and
- (D) When an *applicant* or other *member of the household excluding a young adult* in the care and custody of the Department placed in the home, has been identified as the perpetrator or possible perpetrator, or respondent of abuse or neglect in a *child protective services assessment* in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition or a similar disposition from another Department division, agency, or state, consult with the *certification supervisor* about whether to seek approval from the District Manager or *designee* to continue with the certification assessment:
  - (i) If the decision is to seek approval, the District Manager or *designee* must consider the information and the safety concerns and may approve or deny continuing the assessment;
  - (ii) If the decision in subparagraph (i) of this paragraph is to deny continuing with the assessment, the Department may terminate the assessment process and, unless the application is withdrawn, proceed to deny the application under OAR 413-200-0296;
  - (iii) The information considered, including the safety concerns assessed, and the decision must be documented on a form approved by the Department.
- (m) Gather information from at least four personal references for the *applicant*, no more than two of which may be provided by the applicant's relatives.
- (n) Verify each *applicant* has completed:
  - (A) Orientation prior to certification;
  - (B) Foundations training before or within 12 months of certification unless the *applicant* has written documentation of completion of equivalent training content from another licensed child-caring agency within two years of the date on the current application that is approved by the supervisor; and

- (C) The Department-approved training per OAR 413-120-0246, prior to approval for adoption, when the *applicant* has applied for adoption.
- (o) For purposes of a *Child-Specific Certificate of Approval*, as appropriate, verify the *applicant* has a written, individualized training plan, approved by a supervisor, specific to meeting the needs of the *child or young adult* placed with the *certified family*. The individualized training plan must:
  - (A) Include training on the mental, emotional, and physical impacts of abuse and neglect, including sexual abuse and rape of a child; and
  - (B) Be developed on or prior to issuance of the *Child Specific Certificate of Approval*.
- (p) Discuss and develop a training plan with each *applicant*, which must include knowledge and skills related to applying the *reasonable and prudent parent standard* for the participation of the *child or young adult* in *age-appropriate or developmentally appropriate activities*.
- (q) Document completion of the activities described in this rule and the assessment of whether the *applicant* and the home meet the qualifications and standards required in OAR 413-200-0301 to 413-200-0396 and the ability of each *applicant* to provide for the safety, health, and well-being of the *child or young adult* in the care or custody of the Department in a *home study* on a form approved by the Department when the recommendation is to certify the *applicant*.
- (2) If the *certifier* has completed all of the activities in section (1) of this rule and the supervisor has approved the *home study*, the Department may:
  - (a) In the case of an *applicant* seeking certification, either:
    - (A) Issue a *Certificate of Approval* or *Child-Specific Certificate of Approval* for a two-year period, as applicable; or
    - (B) Issue a proposed and final order denying certification, unless the application is withdrawn by the *applicant*.
  - (b) In the case of an *applicant* seeking to be an *adoptive resource*, send written notice of the status of the application pursuant to OAR 413-120-0240.
- (3) The Department must assess an *applicant* and determine whether to approve the application or deny the application within 180 days of Department receipt of a completed application unless:

- (a) The application is withdrawn by the *applicant*;
- (b) The District Manager or *designee* extends the assessment period;
- (c) The Department has issued a *Temporary Certificate of Approval*; or
- (d) One of the circumstances in OAR 413-200-0272(2) applies.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 417.200-417.260, 418.005, 418.625 - 418.648

#### **413-200-0275**

##### **Assessment for Issuance of a Temporary Certificate of Approval**

(Amended 6/29/2018)

- (1) The Department may only use the assessment described in this rule for the purpose of issuing a *Temporary Certificate of Approval*.
- (2) To complete an assessment of an *applicant* and issue a *Temporary Certificate of Approval*, the *certifier* must:
  - (a) Review the completed application.
  - (b) Have face-to-face contact with each *applicant* and each other *member of the household*. If an *applicant* or other *member of the household* is unavailable when conducting face-to-face contact for a *Temporary Certificate*, the *certifier* must:
    - (A) Obtain approval of the supervisor to delay face-to-face contact with an *applicant* or other *member of the household*, and document the approval on a form approved by the Department; and
    - (B) Determine a date and time for the face-to-face contact within seven calendar days of the date the *applicant* or other *member of the household* becomes available.
  - (c) Explain to the *applicant* the process and requirements for certification of a *relative caregiver* or *foster parent*.
  - (d) Discuss with the *applicant* the role and responsibilities of the Department.
  - (e) Assess the *applicant's* motivation for and interest in caring for a *child* or *young adult*.



- (f) Assure the *applicant* possesses a valid driver license and auto insurance if the *applicant* will transport a *child or young adult* in the care or custody of the Department.
- (g) Determine, with input from the *applicant*, the gender, age, and placement capacity of the home.
- (h) When appropriate, obtain approval from the Child Welfare Program Manager or *designee* on a form approved by the Department for any of the following circumstances:
  - (A) The home will exceed the maximum placement capacity as described in OAR 413-200-0278.
  - (B) An *applicant* or other *member of the household* provides *child care* in the home or is a foster care provider licensed by another child-caring agency.
  - (C) An *applicant* or other *member of the household* provides foster care or day care to adults in the home.
  - (D) The *applicant* applying to become a *relative caregiver* is 18, 19, or 20 years of age.
  - (E) An *applicant* is married, in a domestic partnership, or *cohabitating* but the spouse or partner is not an *applicant*.
  - (F) The *applicant* applies for a *Child-Specific Certificate of Approval* through a Department office other than the office in the county in which the family resides.
- (i) Gather information from at least two personal references for the *applicant*. If information from references are not able to be gathered prior to or on the day of issuance of the *Temporary Certificate of Approval*, then obtain within 24 hours.
- (j) Complete a home visit:
  - (A) Observe and assess the safety of the physical environment;
  - (B) Walk through each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual;
  - (C) Complete a safety assessment of the home and surroundings using a form approved by the Department;

- (D) Provide the home with age-appropriate documents outlining the Oregon Foster Children's Bill of Rights under ORS 418.201 and OAR 413-010-0180, Oregon Foster Children's Sibling Bill of Rights under ORS 418.608 and OAR 413-070-0860 (3); and
- (E) Provide of copy of the Oregon Foster Parent Bill of Rights under ORS 418.648.
- (k) Gather and analyze information, through interview and observation, as it relates to each *applicant's* personal qualifications and assess the conditions that appear to exist in the home that affect safety, health, and well-being for a *child* or *young adult* in the care or custody of the Department.
- (L) Assure completion of a *criminal records check* through LEDS on each *applicant* and each other adult *member of the household*, excluding *any young adult* in the care and custody of the Department placed in the home, and initiate a fingerprint-based criminal offender records check of national crime information as outlined in OAR 413-120-0400 to 413-120-0475. For any *child* not in the care or custody of the Department and living in the home, when there is reason to believe the child may pose a risk to a *child* or *young adult* in the care or custody of the Department placed in the home, the Department may complete a *criminal records check* as outlined in OAR 413-120-0400 to 413-120-0475.
- (A) Assess the fitness of each *applicant* and each other *member of the household* pursuant to OAR 413-120-0450 and 413-120-0455;
- (B) If appropriate, obtain approval pursuant to OAR 413-120-0450 and 413-120-0455 to complete certification of the *applicant* despite the criminal offender history of each *applicant* and each other *member of the household*; or
- (C) If an *applicant* or other *member of the household* has a disqualifying conviction under OAR 413-120-0450(3) or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department will proceed under OAR 413-120-0460 and 413-200-0296(2) and issue a proposed and final order denying certification, unless the application is withdrawn by the *applicant*.
- (D) Document the information considered and the decision on a form approved by the Department.
- (m) Assure completion of a child abuse history background check in the state of Oregon for each *applicant* and each other adult *member of the household*, excluding *any young adult* in the care and custody of the Department placed in the home.

- (A) If an *applicant* or other adult *member of the household*, excluding any *young adult* in the care and custody of the Department placed in the home, has lived outside the state of Oregon and within the United States in the previous five years, initiate a child abuse history background check from each state where the individual resided in the five years preceding the date on the application for certification from the Department;
- (B) If an *applicant* or other adult *member of the household*, excluding any *young adult* in the care and custody of the Department placed in the home, has lived outside of the United States in the previous five years, initiate the request for a child abuse history background check from each country where the individual lived within the five years preceding the date on the application for certification from the Department;
- (C) Assess any safety concerns regarding each *applicant* and each other *member of the household* raised by information learned from the child abuse history background check in Oregon and if applicable, another state or country;
- (D) When an *applicant* or other *member of the household*, excluding a *child* or *young adult* in the care and custody of the Department, has been identified as the perpetrator or possible perpetrator, or respondent of abuse or neglect in a *child protective services assessment* in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition for abuse or neglect to a *child* or *young adult*, or a similar disposition from another Department division, agency, or state, consult with the *certification supervisor* about whether to seek approval from the District Manager or *designee* to continue with the certification assessment:
  - (i) If the decision is to seek approval, the District Manager or *designee* must consider the information and the safety concerns and may approve or deny continuing the assessment;
  - (ii) If the decision in subparagraph (i) of this paragraph is to deny continuing with the assessment, the Department may terminate the assessment process and, unless the application is withdrawn, proceed to deny the application under OAR 413-200-0296;
  - (iii) The information considered, including the safety concerns assessed, and the decision must be documented on a form approved by the Department.
- (n) Obtain supervisor review and approval of the assessment of the qualifications and ability of the *applicant* to provide safety, health, and well-being for the specific *child* or *young adult* in the care or custody of the Department.

- (o) Upon completion of the activities in section (2) of this rule, and based on the assessment:
  - (A) Document completion of the activities described above and the assessment of whether the *applicant* and the home meet the qualifications and standards required in OAR 413-200-0301 to 413-200-0396 and the ability of each *applicant* to provide safety, health, and well-being for the *child* or *young adult* in the care or custody of the Department on a form approved by the Department when the recommendation is to issue a Temporary *Certificate of Approval*;
  - (B) Issue a proposed and final order denying certification unless the application is withdrawn by the *applicant*; or
  - (C) Proceed to further assess as described in OAR 413-200-0276.
- (3) If the Department issues a Temporary Certificate of Approval, it must comply with OAR 413-200-0276.

Stat. Auth.: ORS 409.050, 418.005, 418.016, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.016, 418.625 - 418.648

#### **413-200-0276**

#### **Assessment to Move from a Temporary Certificate of Approval to a Certificate of Approval or Child-Specific Certificate of Approval**

(Amended 6/29/2018)

- (1) To complete the assessment of an *applicant* that already has been issued a *Temporary Certificate of Approval* and issue a *Certificate of Approval* or *Child-Specific Certificate of Approval*, the *certifier* must complete the following activities as soon as possible, but no later than 180 days from the date the *Temporary Certificate of Approval* is issued, unless the certificate has been extended under subsection (3) of this rule:
  - (a) Gather information from at least two additional references. No more than two of the four required references may be provided by the applicant's relatives.
  - (b) Seek input from the caseworker of the *child* or *young adult* placed in the home and gather information regarding the adjustment of the *child* or *young adult* to the home and the *certified family's* ability to meet the needs of the *child* or *young adult*.
  - (c) Conduct a home visit at least every 90 days, and when necessary, additional home visits. During each visit, review and assess the certified family's compliance with certification standards and the conditions that appear to exist in the home that

affect safety and well-being for the *child* or *young adult placed in the home*; and document the *certified family's* compliance with the certification standards after each visit in the Department's electronic system.

- (d) Gather personal, family, and social history information sufficient to assess the conditions that appear to exist in the home that affect safety, health, and well-being of a *child* or *young adult* through a series of questionnaires and interviews completed by applicants, members of the household, and others.
- (e) Assure completion of a *criminal records check* and a fingerprint-based *criminal records check* of national crime information databases on each *applicant* and each other adult *member of the household*, excluding any *young adult* in the care and custody of the Department placed in the home, and, at the Department's discretion, on any *child*, not in the care and custody of the Department and living in the home, when there is reason to believe the *child* may pose a risk to a *child* or *young adult* placed in the home as outlined in OAR 413-120-0400 to 413-120-0475.
  - (A) Assess the fitness of each *applicant* and each other *member of the household* pursuant to OAR 413-120-0450 and 413-120-0455;
  - (B) If appropriate, request approval, pursuant to OAR 413-120-0450 and 413-120-0455, to complete certification of the *applicant* despite the criminal offender history of each *applicant* or other *member of the household*; and
  - (C) If an *applicant* or other *member of the household* has a disqualifying conviction under OAR 413-120-0450 (3) or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department will proceed under OAR 413-120-0460 and OAR 413-200-0296(2) and issue a proposed and final order denying certification, unless the application is withdrawn by the applicant.
  - (D) Document the information considered and the decision on a form approved by the Department.
- (f) Assure completion of the child abuse history background checks for each *applicant* and each other adult *member of the household*, excluding any *young adult* in the care and custody of the Department placed in the home, as required in OAR 413-200-0274(1)(l).
  - (A) Ensure completion of child abuse history background checks when an *applicant* and each other adult *member of the household*, excluding any *young adult* in the care and custody of the Department placed in the home, has lived outside the state of Oregon and within the United States in the previous five years from each state where the individual lived within the five years preceding the date on the application for certification from the Department;

- (B) Ensure completion of child abuse history background checks when an *applicant* and each other adult *member of the household*, excluding *any young adult* in the care and custody of the Department placed in the home, has lived outside the United States in the previous five years, from each country where the individual lived within the five years preceding the date on the application for certification from the Department;
  - (i) Document receipt of any documentation received from each country in the Department's information system;
  - (ii) Document the certification supervisor's approval for efforts made to obtain records from each country in the Department's information system;
- (C) Assess any safety concerns regarding each *applicant* and each other *member of the household* raised by information learned from the child abuse history background check in Oregon and if applicable, another state or country; and
- (D) When an *applicant* or other *member of the household*, excluding *any young adult* in the care and custody of the Department placed in the home, has been identified as the perpetrator or possible perpetrator, or respondent of abuse or neglect in a *child protective services assessment* in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition for abuse or neglect to a *child* or a *young adult*, or a similar disposition from another Department division, agency, or state, consult with the *certification supervisor* about whether to seek approval from the District Manager or *designee* to continue with the certification assessment:
  - (i) If the decision is to seek approval, the District Manager or *designee* must consider the information and the safety concerns and may approve or deny continuing the assessment;
  - (ii) If the decision in subparagraph (i) of this paragraph is to deny continuing with the assessment, the Department may terminate the assessment process and, unless the application is withdrawn, proceed to deny the application under OAR 413-200-0296;
  - (iii) The information considered, including the safety concerns assessed, and the decision must be documented on a form approved by the Department.
- (g) Verify that the *certified family*:

- (A) Has completed Orientation within 30 days after the *Temporary Certificate of Approval* was issued; and
- (B) Has a plan:
  - (i) To complete Foundations training before or within 12 months after the date on which the *Temporary Certificate of Approval* was issued, unless the *certification supervisor* waives the training requirement based on the family's documented knowledge and skills in caring for a *child* or *young adult* in the care or custody of the Department; or
  - (ii) Has a written, individualized training plan, approved by a *certification supervisor*, specific to meeting the needs of the *child* or *young adult* placed with the *certified family*. The individualized training plan must:
    - (I) Include training on the mental, emotional, and physical impacts of abuse and neglect, including sexual abuse and rape of a *child*; and
    - (II) Be developed within 90 days after the *Temporary Certificate of Approval* and prior to a *Child Specific Certificate of Approval* is issued by the Department.
- (h) Discuss and develop a training plan under OAR 413-200-0379(6) for each certified adult in the family.
- (i) Document the assessment of the *certified family's* qualifications and ability to provide safety, health, and well-being for the *child* or *young adult* in the care or custody of the Department in a *home study* on a form approved by the Department, when the recommendation is to issue a *Certificate of Approval* or *Child-Specific Certificate of Approval*
- (j) Obtain approval from the *certification supervisor* of the *home study*.
- (2) If the *certifier* has completed all of the activities in section (1) of this rule, the Department may issue a *Certificate of Approval* or *Child-Specific Certificate of Approval*.
- (3) When the activities described in sections (1) and (2) of this rule have not been completed within 180 days:
  - (a) The District Manager or *designee* may extend the *Temporary Certificate of Approval* on a form approved by the Department for up to 30 days; and

- (b) The Foster Care Program Manager or *designee* may extend the *Temporary Certificate of Approval* for more than 30 days.

Stat. Auth.: ORS 409.050, 418.005, 418.016, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.016, 418.625 - 418.648

#### **413-200-0278**

### **Responsibility to Determine the Maximum Number of Children or Young Adults in a Certified Family Home**

(Amended 6/29/2018)

- (1) Except as provide in subsection (3) of this rule, the Department may not issue a *Certificate of Approval*, a *Child-Specific Certificate of Approval*, or a *Temporary Certificate of Approval* if the home would exceed the following maximum capacity:
  - (a) A total of four children or young adults to one certified adult living in the home;
  - (b) A total of seven children or young adults to two certified adults living in the home; or
  - (c) A total of two children under the age of three.
- (2) When counting the children or young adults under this rule, all children are included and all young adults in the care or custody of the Department are included.
- (3) A Child Welfare Program Manager or *designee* may approve placing an additional *child* or *young adult* in the home in special circumstances.
  - (a) Special circumstances include, but are not limited to:
    - (A) Placing siblings together;
    - (B) Placing a *child* or *young adult* with special needs with a family who has demonstrated extraordinary ability in meeting the safety, health, and well-being needs of a *child* or *young adult*; or
    - (C) Placing a *child* or *young adult* in the home of a *relative*.
  - (b) In these special circumstances, the *certifier* must assess:
    - (A) The skills and abilities, willingness, and training of the *certified family* related to the quantity of services required for each *child* or *young adult* to be placed in the home;
    - (B) The skills and abilities of the *certified family* to meet the safety, health,



- and well-being needs of each *child* or *young adult* to be placed in the home;
- (C) The amount of Departmental supervision and support the *certified family* requires to meet the needs of each *child* or *young adult* to be placed in the home;
  - (D) The maximum safe physical capacity of the home, including sleeping arrangements; and
  - (E) The plan for each individual to escape from the home in case of fire or other emergency.
- (4) The *certifier* must document the assessment described in subsection (b) of section (3) of this rule on a form approved by the Department, including the sustainability of the plan and any actions the Department will take to ensure continued child safety and well-being in the certified home, and obtain Child Welfare Program Manager or *designee* approval prior to permitting the home to exceed the maximum capacity specified in section (1) of this rule.
- (5) When a Child Welfare Program Manager or *designee* approves exceeding the maximum capacity in a certified home, the *certifier* must:
- (a) Visit the home every 90 days as long as the home exceeds the maximum capacity; and
  - (b) During each visit, review, assess and document the certified family's compliance with certification standards as outlined in OAR 413-200-0283 and the conditions that appear to exist in the home that affect safety, health and well-being for the *child* or *young adult* placed in the home.
- (6) The Department may at its discretion modify any certificate issued under OAR 413-200-0270 to 413-200-0298 to increase or decrease the maximum capacity or the age range of the children or young adults for whom the family is certified within the limits prescribed in this rule.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

#### **413-200-0281**

#### **Respite Care Providers, Child Care, and Babysitters**

(Amended 6/29/2018)

- (1) The *certifier* must undertake all of the following activities when applicable:

- (a) Discuss with the *certified family* the plan for providing care to a *child* or *young adult* placed in the home when the *certified family* will be unavailable to provide care.
- (b) For any prospective *respite care* provider or *child care* provider, assure completion of a *criminal records check* through LEDS as outlined in OAR 413-120-0400, unless the provider is a *child care facility*.
- (c) Assure the fitness of each prospective *respite care* provider or *child care* provider having a conviction described in OAR 413-120-0450 or an arrest described in OAR 413-120-0455 is determined by the appropriate authorized designee, in accordance with OAR 413-120-0450, OAR 413-120-0455 and OAR 413-120-0457.
- (d) Assure initiation of a fingerprint-based criminal offender records check of national crime information databases as outlined in OAR 413-120-0400 to 413-120-0475 whenever:
  - (A) The *criminal records check* conducted under subsection (b) of this section indicates the prospective *respite care* or *child care* provider has a criminal history; or
  - (B) The prospective *respite care* or *child care* provider has lived in Oregon less than five years.
- (e) Assure completion of a *criminal records check* as required by OAR 413-120-0440, on each individual the *certified family* has identified as a prospective *respite care* or *child care* provider and if applicable:
  - (A) Follow the requirements in OAR 413-120-0450 to 413-120-0475; and
  - (B) Document the information considered and the results of any fitness determination on a form approved by the Department.
- (f) For any prospective *respite care* provider or *child care* provider, conduct child abuse history background checks, unless the provider is a *child care facility*.
- (g) Initiate out of state child abuse history background checks if the prospective *respite care* or *child care* provider has lived outside the state of Oregon in the previous five years.
  - (A) When a prospective *respite provider* or *child care* provider has been identified as the perpetrator or possible perpetrator, or respondent of abuse or neglect in a *child protective services assessment* in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition for abuse or neglect to a *child* or *young adult* or a

similar disposition from another division of the Department, agency or state, consult with the *certification supervisor* about whether to seek approval from the District Manager or designee:

- (i) If the decision is to seek approval, the District Manager or *designee* must consider the information and safety concerns and may approve or deny continuing the determination of the *respite care* or *child care* provider;
  - (ii) The decision, and the information assessed, must be documented on a form approved by the Department.
- (h) When *respite care* or *child care* will be provided in the home of the *respite care* or *child care* provider, assure the activities described in subsections (b) through (g) of this section are complete for all adults living in the home of the *respite care* or *child care* provider.
  - (i) Analyze information gathered under subsections (a) to (h) of this section prior to determining the individual is safe and appropriate to provide *respite care* or *child care* and approving the individual to provide *respite care* or *child care*.
  - (j) Document the analysis required under subsection (i) of this section in the Department's electronic information system.
  - (k) Notify the *certified family* of the determination of whether the individual is authorized to provide *respite care* or *child care*.
  - (L) Verify that any *certified family* identified to provide *respite care* or *child care* for another *certified family* has a current *certification*.
  - (m) The Department may disapprove a prospective *respite care* provider or *child care* provider even if the provider has a positive fitness determination.
- (2) If the *respite care* provider or *child care* provider has a disqualifying conviction under OAR 413-120-0450 (3) or (4) or the authorized designee makes a negative fitness determination with respect to the *respite care* or *child care* provider, the provider may not provide care.
  - (3) The Department has the discretion to request a *criminal records check* of a babysitter.
  - (4) When a *certified family* notifies the Department of their intent to provide *respite care* for another *child* or *young adult* in the care or custody of the Department, the *certifier* must approve the request prior to the *certified family* providing *respite care*.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

## **413-200-0283**

### **Responsibilities to Monitor Certification Compliance**

(Amended 6/29/2018)

- (1) A *certifier* must conduct the following home visits:
  - (a) A minimum of one home visit every 90 days during the period a *Temporary Certificate of Approval* is effective;
  - (b) A minimum of one home visit every 90 days when a *certified family* has been approved to exceed the maximum capacity as prescribed in OAR 413-200-0278(1), for the duration of the management approval; and
  - (c) A minimum of one home visit to any *certified family* every 180 days.
- (2) A *certifier* must assess a certified family's compliance with OAR 413-200-0301 to 413-200-0396 and ability to continue to meet the safety, health and well-being needs for a *child* or *young adult* in the care or custody of the Department at each home visit and complete the following activities when applicable:
  - (a) Whenever it becomes known that the *certified family* wishes to become an in-home *child care*, an adult foster care, or an in-home adult day care provider, obtain approval from the Child Welfare Program Manager or *designee* on a form approved by the Department;
  - (b) Whenever it becomes known that another agency wishes to place a *child* or *young adult* in a certified home, prior to placement of the *child* or *young adult*, obtain approval from the Child Welfare Program Manager or *designee* on a form approved by the Department.
  - (c) Whenever it becomes known that another adult, not in the care or custody of the Department, is living in the household or the Department has reason to believe that a *child*, not in the custody of the Department, who lives in the home, a babysitter, or a person who frequents the home poses a risk to a *child* or *young adult* in the care or custody of the Department:
    - (A) Assure completion of a *criminal records check* under OAR 413-120-0400 and follow requirements in OAR 413-120-0450 to OAR 413-120-0475;
    - (B) Assure completion of a child abuse history background check and assess any safety concerns as outlined in OAR 413-200-0274(1)(L); and
    - (C) Document the information considered and the results of any fitness determination or safety assessment on a form approved by the

Department.

- (d) Whenever it becomes known that a *certified family* or other *member of the household*, excluding any *young adult* in the care and custody of the Department placed in the home, has been arrested or convicted of a crime not previously assessed and approved:
    - (A) Assure completion of a *criminal records check* under OAR 413-120-0400 and follow requirements in OAR 413-120-0450 to 413-120-0475 whenever it becomes known that an *applicant* or other *member of the household* excluding any *young adult* in the care and custody of the Department placed in the home, has been arrested or convicted of a crime not previously assessed and approved.
    - (B) Document the information considered and the results of any fitness determination or safety assessment on a form approved by the Department.
  - (e) Seek input from the caseworkers of each *child* and *young adult* placed in the home during the past 180 days and assess the conditions that appear to exist in the home that affect safety, health, and well-being for the *child* or *young adult* placed in the home in compliance with OAR 413-200-0301 to 413-200-0396.
  - (f) Assess the information that the *certifier* learns from the *certified family*, members of the household, caseworkers, and the home visit in section (1) of this rule, to determine whether conditions appear to exist in the home that affect safety, health, and well-being for the *child* or *young adult* placed in the home by the Department.
  - (g) Complete the activities under OAR 413-200-0278 when a Child Welfare Program Manager or *designee* has approved exceeding the maximum capacity specified in OAR 413-200-0278.
  - (h) Document the contacts with the *certified family* and the assessment information obtained under this rule in the provider record of the Department's electronic information system.
- (3) During and at the conclusion of a *child protective services assessment* regarding an allegation of child abuse or neglect in a *certified family*, follow the requirements of OAR 413-015-0601 to 413-015-0608.
- (a) When the assigned *certifier* or *certification supervisor* is notified that information received by a *screener* involving a home certified by Child Welfare is referred for a *CPS assessment*), within one business day after the *CPS worker* has made initial contact with the *certified family*, the *certifier* must:

- (A) Contact and notify the *certified family* and provide them with the following information:
    - (i) The *certifier* is available to answer questions related to certification but will not discuss the specifics of the *CPS assessment*;
    - (ii) The *certified family* is immediately placed on *inactive referral status* pending the completion of the *CPS assessment*; and
    - (iii) The *certified family* has the option of having a *foster parent* or *relative caregiver* available for support during the assessment.
  - (B) Document the initiation of a *CPS assessment* and the placement of the *certified family* on *inactive referral status* in provider notes in the Department's electronic information system.
  - (C) Notify Department staff responsible for placement that the certified family's home is on *inactive referral status*.
- (b) Within 14 days of the notification required in paragraph (3)(a)(A)(ii) of this rule, the Department must provide written notification to the *certified family* that the home has been placed on *inactive referral status* and place a copy of the written notification in the certification file.
  - (c) The *certifier* must provide ongoing information regarding the *certified family* and any individuals living in the home to the assigned *CPS worker* and the caseworkers of each *child* or *young adult* placed in the home by the Department.
  - (d) If the *certifier* is unavailable, the *certification supervisor* must ensure that the actions required in subsections (a) through (d) of this section are completed.
  - (e) At the conclusion of the *CPS assessment*, the *certifier* and *certification supervisor* must:
    - (A) Staff the case and review all the information in the *CPS assessment*;
    - (B) Determine whether the information indicates certification actions described in OAR 413-200-0270 to 413-200-0298 should be taken; and
    - (C) Ensure documentation of the results of the staffing in provider notes in the Department's electronic information system.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

## 413-200-0285

### Responsibilities When Developing a Placement Support Plan

(Amended 6/29/2018)

- (1) When a *certifier* determines that a *certified family* needs additional support to maintain conditions that provide safety, health, and well-being in the home, the *certifier* may develop a *placement support plan*. A *placement support plan* is appropriate when one or both of the following circumstances apply:
  - (a) The *certified family* needs additional training, instruction, or skills to improve their ability to meet the needs of a *child or young adult* placed in the home by the Department.
  - (b) The *certified family* is not in compliance with one or more of the Department's certification standards, and the non-compliance does not result in either a *present danger safety threat* or an *impending danger safety threat* to a *child or young adult*.
- (2) When a *placement support plan* is appropriate to support a *certified family*, the *certifier* must gather information regarding current circumstances from:
  - (a) The *certified family*;
  - (b) The *child or young adult* placed in the certified family's home, when appropriate;
  - (c) The caseworkers of any *child or young adult* currently placed in the home; and
  - (d) Other collateral contacts that may have information regarding the characteristics of the care provided in the *certified family's* home.
- (3) The *certifier* must schedule a meeting with the *certified family* to discuss the current circumstances which result in a *placement support plan* and the appropriate supports and services to assist the *certified family*.
- (4) A *placement support plan* must be documented and specify all of the following:
  - (a) The actions or services in which the *certified family* will participate.
  - (b) The actions or services the Department will provide to support the *certified family* in maintaining conditions that provide safety, health, and well-being for any *child or young adult* placed in the home by the Department.
  - (c) Agreement that the *certified family* is willing and able to participate in the actions or services.
  - (d) Agreement to review the *placement support plan* on a specified date, which is

within at least 90 days.

- (e) The anticipated end date of the *placement support plan*.
- (5) A *certification supervisor* must approve the *placement support plan*.
- (6) When the *placement support plan* has been approved, the *certifier* must:
  - (a) Provide a copy to the *certified family*;
  - (b) Document the *placement support plan* in the Department's electronic information system; and
  - (c) Provide written notification to the caseworkers of each *child* or *young adult* placed in the home by the Department.
- (7) The *certifier* must review the *placement support plan* on or before the date specified in subsection (4)(d) of this rule and determine, in consultation with the *certification supervisor*, whether the *placement support plan* should be updated or ended.
- (8) If the *placement support plan* is updated or ended, the *certifier* must document the decision in the provider record and must notify the caseworkers of each *child* or *young adult* placed in the home by the Department.
- (9) If the *certified family* fails to follow through with a *placement support plan*, the Department may deny an application or revoke a *Temporary Certificate of Approval*, *Child Specific Certificate of Approval*, or *Certificate of Approval* as outlined in OAR 413-200-0296.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.315, 418.625 - 418.648

#### **413-200-0287**

##### **Assessment for Renewal of Certification**

(Amended 6/29/2018)

- (1) When an application for a certification renewal is received before the current certificate expires, the Department must reassess the *certified family* to determine whether to renew the *Certificate of Approval* or *Child-Specific Certificate of Approval* for two additional years.
- (2) The Department may terminate the assessment process at any time and deny the application for certification renewal for one or more of the reasons in OAR 413-200-0296 or, if the application is for approval to be a potential *adoptive resource*, OAR 413-120-0225(2).



- (3) To complete the assessment and renew a *Certificate of Approval* or *Child-Specific Certificate of Approval*, the *certifier* must:
- (a) Review the completed Certified Family Certificate Renewal or Change of Status Application.
  - (b) Conduct a minimum of one visit to the home of the *certified family* and:
    - (A) Have face-to-face contact with each *member of the household*.
    - (B) Complete the questionnaires and interviews necessary to complete a *home study* update.
    - (C) Observe and assess the safety of the physical environment.
    - (D) Walk through each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual.
    - (E) Complete a safety assessment of the home and surroundings using a form approved by the Department.
    - (F) Confirm the home has posted age-appropriate documents outlining the Oregon Foster Children's Bill of Rights under ORS 418.201 and OAR 413-010-0180, and has available to any *child* or *young adult* placed in the home the Oregon Foster Children's Sibling Bill of Rights under ORS 418.608 and OAR 413-070-0860 (3).
  - (c) Confirm completion of required hours of training, ensure the provider record of the Department's electronic information system reflects all completed training, and develop a training plan for the new certification period.
  - (d) Assess information from the caseworker of each *child* or *young adult* placed by the Department with the *certified family* during the past 180 days.
  - (e) Assure completion of criminal records checks on each *applicant* and each other adult *member of the household*, excluding a *young adult* in the care or custody of the Department, previously approved *respite* provider, previously approved *child care* provider and, at the Department's discretion, any *child* not in the care and custody of the Department and living in the home, when there is reason to believe the *child* may pose a risk to a *child* or *young adult* placed in the home by the Department as described in OAR 413-120-0400 to 413-120-0475. A fingerprint-based criminal offender records check of national crime information databases is not required for an application for renewal of a *Certificate of Approval* or *Child-*

*Specific Certificate of Approval*, unless an *applicant* or other adult *member of the household* has lived outside of Oregon for more than 60 consecutive days within the two-year certification period or has been arrested or convicted during the two-year certification period.

- (A) Assess any safety concerns regarding the fitness of an *applicant*, other adult *member of the household*, and previously approved *respite* provider or *child care* pursuant to OAR 413-120-0450 and 413-120-0455; and
  - (B) If appropriate, request approval pursuant to OAR 413-120-0450 and 413-120-0455 to complete certification of the *applicant* despite the new criminal offender history of an *applicant* or other adult *member of the household*.
  - (C) If an *applicant* or other *member of the household* has a disqualifying conviction under OAR 413-120-0450 (3) or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department will proceed under OAR 413-120-0460 and issue a proposed and final order denying certification unless the *applicant* withdraws application.
  - (D) If the previously approved *respite* provider or *child care* provider has a new disqualifying conviction under OAR 413-120-0450(3) or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department will proceed to notify the *certified family* of the determination.
- (f) Assure completion of child abuse history background checks for each *applicant* and each other adult *member of the household*, excluding any *young adult* in the care and custody of the Department placed in the home, previously approved *respite care* provider, and previously approved *child care* provider.
- (A) If an *applicant* or other adult *member of the household*, excluding a *young adult* in the care or custody of the Department and placed in the home, previously approved *respite care* provider, or previously approved *child care* provider has lived outside the state of Oregon or outside of the United States for more than 60 consecutive days during the two-year certification period, a child abuse history background check must be obtained from each state and requested from each country where the individual resided during the two-year certification period.
  - (B) Assess any safety concerns regarding the *applicant*, other adult *member of the household*, excluding a *young adult* in the care or custody of the Department and placed in the home, previously approved *respite care* provider, or previously approved *child care* provider raised by information learned from the child abuse history background check.

- (C) When an *applicant* or other adult *member of the household*, excluding a *young adult* in the care or custody of the Department and placed in the home, has been identified as the perpetrator or possible perpetrator, or respondent of abuse or neglect in a *child protective services assessment* in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition for abuse or neglect to a *child or child* or *young adult* in the care or custody of the Department, or a similar disposition from another division of the Department, agency or state, which has not previously been approved, consult with the *certification supervisor* about whether to seek approval from the District Manager or *designee* to continue with the assessment for renewal:
- (i) If the decision is to seek approval, the District Manager or *designee* must consider the information and safety concerns and may approve or deny continuing the assessment for renewal.
  - (ii) If the decision in subparagraph (i) of this paragraph is to deny continuing with the assessment for renewal, the Department may terminate the assessment process and, unless the application is withdrawn, proceed to deny the application under OAR 413-200-0296.
  - (iii) The information considered, including the safety concerns assessed, and the decision must be documented on a form approved by the Department.
- (D) When the previously approved *respite* or *child care* provider has been identified as the perpetrator or possible perpetrator, or respondent of abuse or neglect in a *child protective services assessment* in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition for abuse or neglect to a *child* or a *child* or *young adult* in the care or custody of the Department, or a similar disposition from another division of the Department, agency or state, which has not previously been approved, consult with the *certification supervisor* about whether to seek approval from the District Manager or *designee*:
- (i) If the decision is to seek approval, the District Manager or *designee* must consider the information and safety concerns and may approve or deny continuing the assessment of the *respite provider*;
  - (ii) If the decision in subparagraph (i) of this paragraph is to proceed with approval of the *respite* or *child care* provider, notify the *certified family* of the Department's determination.

- (iii) The information considered, including the safety concerns assessed, and the decision must be documented on a form approved by the Department.
  - (g) Review and assess whether conditions appear to exist in the home that affect the safety, health, or well-being of a *child* or *young adult* in the care or custody of the Department.
  - (h) Review and analyze the *certified family's* skills and abilities in maintaining conditions in the home that provide safety, health, and well-being and ability to meet the safety, health, and well-being needs for the *child* or *young adult* in the care or custody of the Department, maintaining relationships with the community and the Department, supporting the case plan of the *child* or *young adult* and the certified family's compliance with OAR 413-200-0301 to 413-200-0396.
  - (i) When recommending renewal of the certification, update the *home study* on a form approved by the Department, including results of the assessment activities completed in subsections (a) to (h) of this section, and submit to the *certification supervisor* for approval.
- (4) Before the Department may renew a certification, a *certification supervisor* must:
- (a) Assure the *certifier* has completed all assessment activities required by subsections (3)(a) to (i) of this rule and review the certifier's assessment of the *certified family*;
  - (b) Review the *home study* update; and
  - (c) Determine whether to approve or deny the application for renewal.
- (5) When the *certification supervisor* approves the application for renewal, the Department may issue a new *Certificate of Approval* or *Child-Specific Certificate of Approval*, valid for two years from the expiration date of the current *Certificate of Approval* or *Child-Specific Certificate of Approval*.
- (6) If the *certification supervisor* decides not to approve the application for renewal, the Department must proceed to deny the application as outlined in OAR 413-200-0296 unless the *certified family* voluntarily withdraws their application as provided in OAR 413-200-0314. The current certificate continues until its expiration date unless the Department proceeds to revoke the certificate as outlined in OAR 413-200-0296 or the *certified family* requests to voluntarily terminate the certificate and the Department accepts the family's request. If the certificate did not expire under section (7) of this rule and the *certified family* withdraws the application, the certificate terminates.

- (7) Pursuant to ORS 183.430, if the *certified family* has submitted a timely application and the Department does not complete the activities in sections (3) to (5) of this rule before the stated expiration date on the certified family's *Certificate of Approval* or *Child-Specific Certificate of Approval*, the certified family's *Certificate of Approval* does not expire until the Department has issued a new *Certificate of Approval* or *Child-Specific Certificate of Approval* or there is a final order denying renewal.

Stat. Auth.: ORS 409.050, 418.005, 418.016, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.016, 418.625 - 418.648

#### **413-200-0289**

### **Responsibilities Regarding Withdrawal of an Application, Termination of a Certification, Changing Certification Type**

(Amended 6/29/2018)

- (1) When an *applicant* requests to withdraw his or her application for certification or adoption under OAR 413-200-0314, the *certifier* must document his or her communication regarding the applicant's request.
- (2) When a *certified family* requests the Department terminate their certification, the *certifier* must:
- (a) Terminate the certificate on a date to be determined by the Department and the *certified family*, notify the *certified family* of the date the certificate was terminated and document the reasons for termination of the certificate; or
  - (b) If the Department intends to revoke the certificate, determine with a Child Welfare Program Manager or *designee* whether to accept the request to terminate the certificate or continue with the *revocation* process, inform the *certified family* of the Department's decision, and document the Department's decision regarding the certified family's request.
- (3) The Department must terminate a *Temporary Certificate of Approval* or *Child-Specific Certificate of Approval* 60 calendar days after the *child* or *young adult* placed in the home moves from the home of the *certified family*, unless at least one of the following applies:
- (a) The *certified family* submits a written request to change the type of certificate from a *Child-Specific Certificate of Approval* to a *Certificate of Approval* under section (5) of this rule within 60 calendar days of the departure of the specific *child* or *young adult* from the home.
  - (b) The *certified family* requests to voluntarily terminate the *Temporary Certificate of Approval* or *Child-Specific Certificate of Approval*, and the Department agrees to terminate the certificate;

- (c) The Department determines the *child* or *young adult* placed in the home is removed because the *certified family* cannot meet the safety, health, or well-being needs of the *child* or *young adult* placed in the home and has violated one or more rules under OAR 413-200-0301 to 413-200-0396; or
  - (d) OAR 413-200-0296(4) applies.
- (4) When the Department determines that subsection (3)(c) of this rule applies, the Department will determine whether to revoke the *Temporary Certificate of Approval* or *Child Specific Certificate of Approval*.
- (a) If the decision is to revoke, the Department must issue a notice of intent to revoke the *Temporary Certificate of Approval* or *Child Specific Certificate of Approval*.
  - (b) If the decision is not to revoke, the Department may terminate the certificate.
- (5) When a *certified family* with a *Temporary Certificate of Approval* seeks to change the type of certificate to a *Certificate of Approval*, and when the individual or individuals who hold the *Temporary Certificate of Approval* remain the same, the *certifier* must:
- (a) Update the application to reflect the accurate applicant type;
  - (b) Ensure all activities under OAR 413-200-0274 are complete before issuing a *Certificate of Approval*; and
  - (c) If a *fitness determination* had previously been made, assure completion of a new *fitness determination* under OAR 413-120-0440(9).
- (6) When a *certified family* with a *Child-Specific Certificate of Approval* seeks to change the type of certificate to a *Certificate of Approval*, and when the individual or individuals who hold the *Child-Specific Certificate of Approval* remain the same the *certifier* must:
- (a) Provide the family with an application change from a *Child-Specific Certificate of Approval* to a *Certificate of Approval*;
  - (b) Assess the family's ability to meet the safety, health, and well-being needs of a non-specific *child* or *young adult* in the care or custody of the Department pursuant to the requirements of OAR 413-200-0274 and the certified family's compliance with OAR 413-200-0301 to 413-200-0396;
  - (c) Document the assessment in the provider record; and
  - (d) If a *fitness determination* had previously been made, assure completion of a new *fitness determination* under OAR 413-120-0440(9).

- (7) Before the Department may change the type of certificate under sections (5) and (6) of this rule, a *certification supervisor* must:
  - (a) Assure the *certifier* has completed all activities required by section (5) and (6) of this rule;
  - (b) Review the certifier's assessment of the *certified family*; and
  - (c) Determine, upon completion of the review in subsection (b) of this section, whether to approve or not approve the certified family's application to change the *Child-Specific Certificate of Approval* to a type of certificate that does not limit the family to care for a specific *child* or *young adult*.
- (8) If the *certification supervisor* decides to approve the certified family's application to change the *Child-Specific Certificate of Approval* to a type of certificate that does not limit the family to care for a specific *child in care*, the Department must issue a *Certificate of Approval* with the same end date as the current certificate to the family.
- (9) If the *certification supervisor* decides not to approve the certified family's application to change the type of certificate to one that does not limit the family to care for a specific *child* or *young adult*, the Department must proceed to issue a proposed and final order to deny the application as outlined in OAR 413-200-0296 unless the *certified family* voluntarily withdraws the application as provided in OAR 413-200-0314.
- (10) No *child* or *young adult* in the care or custody of the Department may remain in the home if there is not an active certificate or the Department has taken an action to revoke certification, unless a court has ordered the *child* or *young adult* to remain in the home.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.315, 418.625 - 418.648

## **413-200-0292**

### **Responsibilities Regarding a Previously Certified Family and When a Certified Family Moves**

(Amended 6/29/2018)

- (1) The Department may conduct an assessment to reopen the previous certification when all of the following apply:
  - (a) The certification has been closed less than six months.
  - (b) The certificate would not have expired during the months the certification has been closed.

- (c) There have been no additions to adult members of the household, and the previously *certified family* remain the same.
  - (d) The former *certified family* continues to live in the same residence.
  - (e) No new child abuse background exists, other than history which was previously assessed.
  - (f) No new arrests or convictions exist, other than history which was previously assessed.
- (2) When a former *certified family* requests that the Department reopen the family's previous certification, and the requirements of section (1) of this rule are met, the *certifier* must undertake the following actions:
- (a) Provide the former *certified family* with a Certified Family Certificate Renewal or Change of Status Application; and
  - (b) Complete a new LEDS and complete a new fingerprint-based *criminal records check* of national crime information databases on each *applicant* and each other adult *member of the household*, excluding a *young adult* in the care or custody of the Department and placed in the home. For any *child* not in the care or custody of the Department and living in the home, when there is reason to believe the *child* may pose a risk to a *child* or *young adult* placed in the home, the Department may complete a *criminal records check* as outlined in OAR 413-120-0400 to 413-120-0475;
    - (A) Assess the fitness of each applicant and each other *member of the household* pursuant to OAR 413-120-0450 and 413-120-0455;
    - (B) If appropriate, obtain approval pursuant to OAR 413-120-0450 and 413-120-0455 to complete certification of the *applicant* despite the criminal offender history of each *applicant* and each other *member of the household*; or
    - (C) If an *applicant* or other *member of the household* has a disqualifying conviction under OAR 413-120-0450 (3) or (4) or the authorized designee makes a negative fitness determination with respect to the individual, the Department will proceed under OAR 413-120-0460 and OAR 413-200-0296(3) and issue a proposed and final order denying certification, unless the application is withdrawn by the applicant.
    - (D) Document the information considered and the decision on a form approved by the Department.



- (c) Assure completion of a new child abuse history background check for each applicant and each other adult *member of the household*.
  - (A) If an *applicant* or other adult *member of the household*, excluding a *young adult* in the care or custody of the Department and placed in the home has lived outside the State of Oregon and within the United States in the previous five years, obtain a child abuse history background check from each state where the individual resided in the five years preceding the date on the application for certification from the Department;
  - (B) If an *applicant* or other adult *member of the household*, excluding a *young adult* in the care or custody of the Department and placed in the home has lived outside of the United States in the previous five years, request a child abuse history background check from each country where the individual lived within the five years preceding the date on the application for certification from the Department;
  - (C) Assess any safety concerns regarding each *applicant* and each other *member of the household* raised by information learned from the child abuse history background check in Oregon and if applicable, another state or country; and
  - (D) When an *applicant* or other *member of the household*, excluding a *young adult* in the care or custody of the Department and placed in the home, has been identified as the perpetrator or possible perpetrator, or respondent of abuse or neglect in a *child protective services assessment* in a founded disposition, substantiated disposition, unable to determine disposition, or inconclusive disposition for abuse or neglect to a *child* or *young adult*, or a similar disposition from another Department division, agency, or state, consult with the *certification supervisor* about whether to seek approval from the District Manager or *designee* to continue with the certification assessment:
    - (i) If the decision is to seek approval, the District Manager or *designee* must consider the information and the safety concerns and may approve or deny continuing the assessment;
    - (ii) If the decision in subparagraph (i) of this paragraph is to deny continuing with the assessment, the Department may terminate the assessment process and, unless the application is withdrawn, proceed to deny the application under OAR 413-200-0296;
    - (iii) The information considered, including the safety concerns assessed, and the decision must be documented on a form approved by the Department.

- (d) Conduct a home visit to identify and assess any changes in the environment or family:
  - (A) Have face-to-face contact with each *applicant* and each other *member of the household*;
  - (B) Observe and assess the safety of the physical environment;
  - (C) Walk through each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual;
  - (D) Complete a safety assessment of the home and surroundings using a form approved by the Department; and
  - (E) Provide the home with age-appropriate documents outlining the Oregon Foster Children's Bill of Rights under ORS 418.201 and OAR 413-010-0180, Oregon Foster Children's Sibling Bill of Rights under ORS 418.608 and OAR 413-070-0860 (3).
  - (F) Provide of copy of the Oregon Foster Parent Bill of Rights under ORS 418.648.
- (e) Document in the provider record of the Department's electronic information system the circumstances under which the Department reopened the certification.
- (3) Before the Department may reopen a previously *certified family*, a *certification supervisor* must assure that the *certifier* has completed the actions outlined in subsections (a) to (e) of section (2) of this rule and decide whether to approve or deny the family's request to reopen a certification.
  - (a) If the *certification supervisor* decides to approve the application, the Department will reopen the family for the time remaining on the certificate.
  - (b) If the *certification supervisor* decides that the application should be denied, the Department will proceed to issue a proposed and final order to deny the application as outlined in OAR 413-200-0296 unless the application is withdrawn.
- (4) A family previously certified by the Department must complete Foundations training if the family has not been certified within the last two years unless the *certification supervisor* either:

- (a) Approves an individualized training plan for a *certified family* who has been issued a *Child-Specific Certificate of Approval*; or
  - (b) Waives the training requirement based on the family's documented knowledge and skills in caring for a *child* or *young adult* placed in the home by the Department.
- (5) If subsections (a) or (b) of section (4) of this rule apply, document the approval of an individualized training plan or the waiving of the training requirement on a form approved by the Department.
- (6) When the *certified family* moves to another residence in the State of Oregon, the Department terminates the certification. The Department may issue a new certification for the new residence after the activities described in this section have been completed. Within 10 business days, the *certifier* must complete the following actions:
- (a) Conduct a home visit.
    - (A) Provide the *certified family* a Certified Family Certificate Renewal or Change of Status Application;
    - (B) Review the completed Certified Family Certificate Renewal or Change of Status Application;
    - (C) Observe and assess the safety of the physical environment;
    - (D) Walk through each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual;
    - (E) Complete a safety assessment of the home and surroundings using a form approved by the Department; and
    - (F) Assess any concerns regarding the certified family's ability to meet safety, health, and well-being needs of a *child* or *young adult* in the care or custody of the Department. Determine whether the home and *certified family* meet the standards under OAR 413-200-0301 to 413-200-0396 and document those assessment activities in the provider record.
    - (G) Ensure the home has posted age-appropriate documents outlining the Oregon Foster Children's Bill of Rights under ORS 418.201 and OAR 413-010-0180, and that the Oregon Foster Children's Sibling Bill of Rights under ORS 418.608 and OAR 413-070-0860 (3) is available in the home.

- (b) Document the circumstances of the family's relocation and the Department's decision about certification at the new address in the provider record of the Department's electronic information system.
- (7) When a *certified family* has been initially certified by the local Child Welfare office in the county in which the family resides and the family moves to another county, the following must occur prior to the approval of the new certificate:
  - (a) The Child Welfare Program Managers or designees in both counties must coordinate the transfer of the record and ongoing Department responsibilities for certification; and
  - (b) A *certifier* must complete the actions described in section (6) of this rule.
- (8) When a *certified family* intends to move outside the State of Oregon and the *child* or *young adult* placed in the home by the Department has been approved to remain the *certified family*, OAR 413-040-0200 to 413-040-0330 applies.

Stat. Auth.: ORS 409.050, 418.005, 418.016, 418.640

Stats. Implemented: ORS 409.010, 417.200-417.260, 418.005, 418.015, 418.016, 418.315, 418.625 - 418.648

#### **413-200-0294**

#### **Responsibilities Regarding Inactive Referral Status**

(Amended 6/29/2018)

- (1) The *certified family* or the Department may initiate an *Inactive Referral Status*. When a *certified family* is on *Inactive Referral Status*, no additional *child* or *young adult* may be placed in the home.
- (2) When either a *certified family* or the Department initiates an *Inactive Referral Status*, the *certifier* must immediately notify Department staff responsible for placement that the *certified family* is unavailable for placement of a *child* or *young adult* and update the provider record.
- (3) A *certified family* may ask the Department to place their home on *Inactive Referral Status* for any reason for up to 12 months. The *Inactive Referral Status* begins on the date requested by the *certified family*.
- (4) Within 30 days of a *certified family* requesting *Inactive Referral Status*, the *certifier* must send a letter to the *certified family* that documents the inactive status, the reasons for the status, and the length of the *Inactive Referral Status*.
- (5) When a *certified family* initiates *Inactive Referral Status*, if a *child* or *young adult* is

currently placed in the home by the Department all certification standards and responsibilities remain in effect. If there is no *child or young adult* currently placed in the home by the Department, the home visit requirements may be waived if approved by a Child Welfare Program Manager or *designee*.

- (6) The Department may initiate *Inactive Referral Status* for one or more of the following reasons:
  - (a) The special needs of a *child or young adult*, currently in the home, require so much of the certified family's care and attention that no agency should place an additional *child or young adult* in the home.
  - (b) The *certified family or members of the household* are experiencing significant family or life stress.
  - (c) The *certified family* does not currently meet one or more of the certification standards.
- (7) The Department must place a *certified family* on *Inactive Referral Status*:
  - (a) When the Department is assessing an allegation of child abuse or neglect in the home; or
  - (b) The Department has made a decision to revoke the *certified family's* certificate
- (8) If the Department initiates *inactive referral status*, the Department must:
  - (a) Within 14 business days, send a letter to the *certified family* that documents the beginning date of *inactive referral status*, the reason for the *Inactive Referral Status*, specific certification standards that have been violated, if any, and what action the Department may take if the conditions that warranted the *inactive referral status* are not resolved within the time frame of the *inactive referral status*; and
  - (b) Provide written notification to the *certified family* when *inactive referral status* ends.
- (9) *Inactive referral status*, when requested by the *certified family*, ends:
  - (a) At the request of the *certified family*;
  - (b) When the certificate terminates or expires, unless the Department has renewed the certificate; or
  - (c) No more than 12 months from the initiation of *inactive referral status*.

- (10) If the *certified family* is not able or willing to end the *inactive referral status*, requested by the *certified family*, the Department may proceed to revoke the certificate as outlined in OAR 413-200-0296, unless the *certified family* requests to voluntarily terminate the certificate and the Department accepts the family's request.
- (11) When the Department initiates *Inactive Referral Status*, the Department determines, within the time frame of the *Inactive Referral Status*, when the conditions that warranted the *Inactive Referral Status* have been resolved. The Department may revoke a certificate if a *certified family* is unable to remedy a violation of a certification standard within the time frame of the *Inactive Referral Status*.
- (12) When the *Inactive Referral Status* ends at the request of the family or because the conditions that warranted the *inactive referral status* have been resolved, the *certifier* must:
  - (a) Document removal of the *Inactive Referral Status* in the provider record of the Department's electronic information system; and
  - (b) Send written notification to the family within 30 days.

Stat. Auth.: ORS 409.050, 418.005, 418.015, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.315, 418.625-418.648

## **413-200-0296**

### **Responsibilities Regarding Denial or Revocation of a Certification**

(Amended 6/29/2018)

- (1) The Department may deny an application for certification if:
  - (a) Any of the reasons in OAR 413-200-0272 (2) exist;
  - (b) The *applicant* fails to provide requested information within 90 days of a written request from the Department; or
  - (c) When an adult *member of the household*, excluding *any young adult* in the care and custody of the Department placed in the home, has been identified as the perpetrator possible perpetrator, or respondent of abuse or neglect in a *child protective services assessment* founded disposition, unable to determine disposition, substantiated, inconclusive or a similar disposition from another agency or state as described in 413-200-0274(1)(l) and 413-200-0275(2)(m).
- (2) The Department may deny an application or revoke a *Temporary Certificate of Approval*, *Child-Specific Certificate of Approval*, or *Certificate of Approval* when:

- (a) The *applicant* or *certified family* does not meet or no longer meets one or more of the certification standards in OAR 413-200-0301 to 413-200-0396;
  - (b) The Department has determined that the *applicant* or the *certified family* does not meet or cannot continue to meet the safety, health or well-being needs of a *child* or *young adult* in the care or custody of the Department;
  - (c) The Department discovers an *applicant* or *certified family* has falsified information by act of commission or omission;
  - (d) An *applicant* or *certified family* fails to provide information to the Department or fails to inform the Department of any *disqualifying condition*, including a *disqualifying condition* that arises after the certification has been issued;
  - (e) An *applicant* or *certified family* is found to have interfered or hindered an investigation of abuse of a *child* or *young adult*, including but not limited to the intimidation of witnesses, falsification of records or *denial* or limitation of interviews with the child or young adult who is the subject of the investigation or with witnesses;
  - (f) A *member of the household*, excluding a *child* or *young adult* in the care or custody of the Department placed in the home, or a person who frequents the home is found to have a disqualifying conviction under OAR 413-120-0450(3) or (4) or an authorized *designee* makes a negative fitness determination;
  - (g) The *certified family* fails to follow through with a *placement support plan* developed under OAR 413-200-0285; or
  - (h) The Department determines a *child* or *young adult* has been removed because the *certified family* cannot meet the safety, health, or well-being needs of the *child* or *young adult* and violated one or more rules under OAR 413-200-0301 to 413-200-0396.
- (3) When the Department determines that subsection (2)(g) of this rule applies, the Department will determine whether to revoke the *Temporary Certificate of Approval*, *Child-Specific Certificate of Approval*, or *Certificate of Approval*. If the Department decides to revoke, the Department must issue a notice of intent to revoke the *Temporary Certificate of Approval*, *Child-Specific Certificate of Approval*, or *Certificate of Approval* pursuant to OAR 413-010-0510.
- (4) The Department must take action to revoke a certification when, at the conclusion of a *child protective services assessment*, the Department determines there is an *impending*

*danger safety threat* in the certified family's home, unless:

- (a) The *certified family* provides a request to voluntarily terminate the certificate; and
  - (b) The Department agrees to accept the voluntary termination of the certificate.
- (5) If the Department decides to deny an application for a certificate, renewal of a certificate, or a Change of Status, or decides to revoke a certificate, the Department must provide an *applicant* or *certified family* a written notice of intent to deny the application or revoke the certificate, which must state the reasons for the action and comply with OAR 413-010-0510.
  - (6) When the Department has issued a written notice to revoke a certificate before the stated expiration date on the certificate, the certificate will not expire until there is a final order on the notice to revoke the certificate.
  - (7) The Department must remove from the home any *child* or *young adult* in the care or custody of the Department upon making the decision to revoke the certified family's certification and place the *certified family* on Inactive Referral Status.
  - (8) The Department may deny an application for a certificate if, during the five years prior to the date an application is received by the Department, the *applicant* has had a previous application for certification denied or a prior certificate revoked.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.315, 418.625-418.648

## **413-200-0298**

### **Confidentiality of Applicant or Certified Family Information**

(Amended 6/29/2018)

- (1) This rule describes how the Department will exercise its authority to disclose information it gathers about an *applicant* or a *certified family*.
- (2) The name, address, and other identifying information about a *certified family* are confidential under ORS. 418.642 and not open to public inspection. Except as provided in these rules, the Department may not disclose identifying information.
- (3) Unless prohibited by federal or state law, the Department may disclose the name, address, or other identifying information about a *foster parent* or *relative caregiver* when:
  - (a) A *foster parent* or *relative caregiver* requests information about the *foster parent* or *relative caregiver*;



- (b) A *foster parent* or *relative caregiver* authorizes disclosure about the *foster parent* or *relative caregiver*;
- (c) A court order requires disclosure;
- (d) The Department determines disclosure is necessary or advisable to protect the best interest of a *child* or *young adult*; or
- (e) The Department determines disclosure is necessary for the administration of child welfare laws, which may include, but is not limited to, the following circumstances:
  - (A) Disclosure to employees of the Secretary of State's Office, the Department of Health and Human Services, and the Department which requires information to complete audits, program reviews or other investigations of child welfare programs administered by the Department;
  - (B) Disclosure to law enforcement officers and district attorney's offices that require information for child abuse assessments, criminal investigations, or other civil or criminal proceedings connected with administering the Department's child welfare programs;
  - (C) Disclosure to the Office of Administrative Hearings or an Administrative Law Judge as part of an administrative action initiated by the Department;
  - (D) Disclosure to the juvenile court or a party to a juvenile court case concerning a *child* or *young adult* to enable the court or the party to protect the best interests of the *child* or *young adult*;
  - (E) Disclosure to comply with the requirements of mandatory abuse reporting laws including, but not limited to: ORS 124.060 (elder abuse), 419B.010 (child abuse), 430.765 (adults with mental illness or developmental disabilities), and 441.640 (residents in long-term care facilities);
  - (F) Disclosure for the purposes of providing support, training, education or other information about the role of a *certified family*.

- (4) Unless prohibited by federal or state law, the Department may disclose information about an *applicant* or *certified family* when:
- (a) Disclosure is required or authorized by federal or state laws, including the Oregon Public Records Law;
  - (b) An *applicant* has requested information about the *applicant*;
  - (c) An *applicant* authorizes disclosure of information about the *applicant*;
  - (d) A court order requires disclosure;
  - (e) Disclosure is necessary or advisable to protect the best interests of a *child* or *young adult*; or
  - (f) Disclosure is necessary for the administration of child welfare laws, as outlined in subsection (3)(e) of this rule.

Stat. Auth.: ORS 409.050, 418.005, 418.642

Stats. Implemented: ORS 409.010, 409.050, 418.005, 418.642

# Standards for Certification of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources

---

## 413-200-0301

### Purpose and Applicability of Certification Standards

(Amended 10/11/2018)

- (1) The purpose of OAR 413-200-0301 to 413-200-0396 is to describe the criteria for approval as:
  - (a) A *certified family*; or
  - (b) A potential *adoptive resource*.
- (2) These rules apply to any individual who:
  - (a) Has applied to become a *certified family* or potential *adoptive resource*;
  - (b) Is currently a *certified family*; or
  - (c) Has applied to renew certification.

Stat. Auth.: ORS 409.050, 418.005, 418.016, 418.640, 418.642

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.016, 418.027, 418.285, 418.315, 418.470, 418.625-418.648

## 413-200-0305

### Authorization

(Amended 10/11/2018)

- (1) Title IV-E, section 471(a)(10) of the Social Security Act, requires the State of Oregon to establish a state authority responsible for establishing and maintaining standards for foster family homes and child caring institutions.
- (2) ORS 418.005 gives the Department the authority and responsibility to approve homes for a *child* and *young adult* in the care or custody of the Department. ORS 418.005 authorizes the Department to develop rules to approve these homes.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.648

#### **413-200-0306**

##### **Eligibility for Certified Families and Adoptive Resources**

(Amended 6/29/2018)

To qualify as a newly *certified family* or *adoptive resource* for a *child* or *young adult* in the care or custody of the Department, an individual must:

- (1) Be at least 21 years of age, unless:
  - (a) Granted an approval by a Child Welfare Program Manager or *designee*, who may approve an *applicant* between 18 and 20 years of age to become a *relative caregiver*; or
  - (b) Placement of the *child* or *young adult* with the individual meets the placement preferences in the Indian Child Welfare Act and OAR 413-115-0090.
- (2) Submit a completed application on a form, and in the manner, prescribed by the Department.
- (3) When two individuals are lawfully married, have a domestic partnership (as defined in ORS 106.310), or are *cohabitating*, both individuals are required to apply, unless:
  - (a) One individual is in the military and stationed out of the state; or
  - (b) There are unique circumstances in which one individual will not be responsible for any household management or the care of a *child* or *young adult* placed in the home. This must be approved by the Child Welfare Program Manager.
- (4) Participate in the *applicant* assessment processes prescribed by the Department, and provide additional information requested by the Department to support the assessment; and
- (5) Be determined by the Department to meet the qualifications and standards required by OAR 413-200-0301 to 413-200-0396.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625-418.645

#### **413-200-0308**

##### **Personal Qualifications of Applicants and Certified Families**

(Amended 6/29/2018)

- (1) *Applicants* have the burden of proving they possess the required qualifications to be approved as a *certified family* or as a potential *adoptive resource*.

- (2) *Applicants* must, as determined by the Department pursuant to OAR 413-200-0274 to OAR 413-200-0298:
- (a) Exercise sound judgment and demonstrate responsible, stable, emotionally mature behavior;
  - (b) Manage the home and personal life;
  - (c) Possess the ability to apply the *reasonable and prudent parent standard* when determining whether to allow a *child* or *young adult* in the care or custody of the Department to participate in extracurricular, enrichment, cultural, and social activities;
  - (d) Maintain conditions in the home that provide safety, health, and well-being for the *child* or *young adult* in the care or custody of the Department and be able to meet the safety, health, and well-being needs for that *child* or *young adult*;
  - (e) Have supportive relationships with adults and children living in the household and with others in the community;
  - (f) Have a lifestyle and personal habits free of criminal activity, and abuse or misuse of alcohol or drugs;
  - (g) Have adequate financial resources to support the household;
  - (h) Be willing to participate in the assessment process that includes a comprehensive inquiry into the personal and family history including family dynamics;
  - (i) Have the physical and mental capacity to care for a *child* or *young adult* in the care or custody of the Department. Upon request, be willing to provide copies of medical reports from a health care professional, and be willing to participate in an expert evaluation and authorize the Department to obtain a report from the evaluator;
  - (j) Demonstrate an ability to learn and apply effective childrearing and behavior intervention practices focused on helping a *child* or *young adult* in the care and custody of the Department grow, develop, and build positive personal relationships and self-esteem;
  - (k) Respect the race, spiritual beliefs, sexual orientation, gender identity and gender expression, disabilities, national origin, and cultural identities of a *child* or *young adult* in the care or custody of the Department, and provide opportunities to enhance the positive self-concept and understanding of the *child* or *young adult's* heritage; and
- (L) Assure that all *members of the household*, excluding a *child* or *young adult* in the care or

custody of the Department:

- (A) Exercise sound judgment and demonstrate responsible, stable, emotionally mature behavior, within the individual's developmental and cognitive abilities;
  - (B) Do not pose a risk to the safety, health, and well-being needs of a *child* or *young adult in the care or custody of the Department*;
  - (C) Have a lifestyle and personal habits free of criminal activity, and abuse or misuse of alcohol or drugs; and
  - (D) Cooperate with the Department's assessment of the household.
- (3) To maintain certification, in addition to continuing to meet the personal qualifications listed in sections (2) of this rule, a *certified family* must:
- (a) Incorporate into the family's care-giving practices positive non-punitive *discipline* and ways of helping a *child* or *young adult* placed with the *certified family* build positive personal relationships, self-control, and self-esteem;
  - (b) Ensure the *child* or *young adult* placed with the *certified family* is taught age appropriate health and hygiene practices and is given the opportunity to practice good hygiene;
  - (c) Ensure the *child* or *young adult* placed with the *certified family* has regular, ongoing opportunities to engage in age-appropriate or developmentally-appropriate activities, including extracurricular, enrichment, cultural, and social activities;
  - (d) Respect and support the Department's efforts to develop and maintain the relationships of the *child* or *young adult* placed with the *certified family* with their birth family, their siblings, their relatives, and any other significant individual in the life of the *child* or *young adult*;
  - (e) Work in partnership with the Department to identify the strengths and meet the needs of each *child* or *young adult placed with the certified family*;
  - (f) Follow Department direction and comply with prescribed services and activities in the case plan, including, but not limited to supervision plans, personal care services plans, visitation plans, transition plans, and restrictions for - each *child* or *young adult* placed with the *certified family*, as applicable to that *child* or *young adult*;
  - (g) Follow through with any *placement support plan*; and
  - (h) Use reasonable efforts to prevent anyone from influencing any *child* or *young*

*adult* regarding allegations in a judicial or administrative proceeding in which the family or legal guardian of the *child* or *young adult*, , or another individual may be involved.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.315, 418.625 - 418.648

#### **413-200-0314**

### **Initial Application Process to Become a Certified Family or Adoptive Resource**

(Amended 6/29/2018)

- (1) An *applicant* must comply with all of the following requirements:
  - (a) Complete a Department application.
  - (b) Complete all paperwork and written requests for information required by the Department in a timely manner and no later than 90 days after the initial request.
  - (c) Allow Department staff to conduct an in-home safety assessment of conditions that appear to exist in the home that affect health, safety, and well-being for a *child* or *young adult* in the care or custody of the Department by providing access to each room in the primary residence of the *applicant* and each surrounding building and structure on the property of the *applicant* unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual.
  - (d) Allow Department staff to have face-to-face contact with all members of the applicant's household.
  - (e) Provide personal, family, and social history information to the Department.
  - (f) Provide information about any current or previous licenses, certifications, or applications for relative care, foster care, *child care*, adoption, or any other types of services for vulnerable individuals including adult caregiving. Information must include the organization's name and any denials, suspensions, revocations, or terminations.
  - (g) Sign a Department Authorization for Use and Disclosure of Information as requested to allow the Department to contact an individual or an organization to complete a thorough background check of the *applicant*.
  - (h) Allow the Department, at its discretion, to gather information regarding juvenile court involvement or law enforcement contacts of any *child*, not in the care or custody of the Department, who lives in the household when there is reason to

believe that the *child* may pose a risk to a *child* or *young adult* in the care or custody of the Department and, if requested, authorize disclosure of the records regarding such information to the Department.

- (2) Each *applicant* and each other adult *member of the household* must have face-to-face contact with a Department *certifier* and must provide:
  - (a) Information regarding criminal involvement, including arrests and convictions regarding any *applicant* or other *member of the household*;
  - (b) Consent to a *criminal records check*, as outlined in OAR 413-120-0400 to 413-120-0475;
  - (c) Information regarding any previous allegations of child abuse and neglect; and
  - (d) Consent to a child abuse history background check, as outlined in OAR 413-200-0274.
  - (e) Upon request, sign a Department Authorization for Use and Disclosure of Information.
  - (f) Upon request, authorize the Department to contact and obtain information from an individual or organization in order to complete a thorough background check of the *applicant* and, if applicable, authorize the Department to disclose that information as necessary during the certification process, including disclosure to the Office of Administrative Hearings or the juvenile court.
- (3) An *applicant* may voluntarily withdraw the application by:
  - (a) Completing a form provided by the Department;
  - (b) Submitting a written request to the Department in a format of the applicant's choice; or
  - (c) Making a verbal request to a *certifier*, adoption worker, or the supervisor of the *certifier* or adoption worker.
- (4) An application will be considered withdrawn if, during the assessment process, the *applicant* fails to respond to a written request for contact from the *certifier*, the adoption worker, or the supervisor of the *certifier* or adoption worker within 30 days of the request.
- (5) If an *applicant* moves to a new address, the application is considered withdrawn.

Stat. Auth.: ORS 409.050, 418.005, 418.016, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.016, 418.315, 418.625-418.648



#### **413-200-0335**

### **Standards Regarding the Home Environment**

(Amended 6/29/2018)

The *applicant* or *certified family* must allow Department staff access to each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual, and ensure the home and surrounding environment comply with all of the following requirements:

(1) General Conditions:

- (a) The home must be the primary residence of the *applicant* or *certified family* and the residence where the *child* or *young adult* placed by the Department will reside.
- (b) The home must have adequate space, including space for safe and appropriate sleeping arrangements, for each *member of the household*.
  - (A) Department staff must consider the age, gender, special needs, behavior, and history of abuse or neglect of the *child* or *young adult* in the care or custody of the Department, when determining appropriate sleeping arrangements.
  - (B) Each *child* or *young adult* in the care or custody of the Department must have his or her own bed and may not share a bed with an unrelated person.
- (c) To respect the privacy of a *child* or *young adult* in the care or custody of the Department, the home may not use electronic monitoring. Electronic monitoring means the use of video monitoring or listening devices to monitor or record the behavior of a *child* or *young adult*. Electronic monitoring does not include:
  - (A) Door monitors;
  - (B) Window alarms;
  - (C) Motion detectors;
  - (D) Security systems being used for general home security;
  - (E) Audio or video baby monitors used to monitor a *child* placed by the Department five years of age and under; or
  - (F) Monitors approved by a medical provider for medical purposes.

- (d) The *certified family* must post and comply with the Foster Children's Bill of Rights as required by OAR 413-010-0170 to 413-010-0185 and have available in the home the Oregon Foster Children's Sibling Bill of Rights. The Oregon Foster Parent Bill of Rights under ORS 418.648, will be provided to the *certified family* by the Department.
  - (e) The *applicant* or *certified family* must have access to a working telephone to make and receive phone calls.
  - (f) The *applicant* or *certified family* must consider the age, special needs, and capabilities of the *child* or *young adult* in the care or custody of the Department, and have necessary safeguards to assure that:
    - (A) Swimming pools, hot tubs, wading pools, ponds, and other water hazards are inaccessible to a *child* or *young adult* in the care or custody of the Department placed in the home, unless responsibly supervised, and safeguards comply with state and local ordinances;
    - (B) Outdoor tools and equipment, machinery, chemicals, flammables, and combustibles are stored in a safe manner;
    - (C) Animals are properly cared for and kept in compliance with local ordinances;
    - (D) Access of a *child* or *young adult* in the care or custody of the Department placed in the home to potentially dangerous animals is restricted; and
    - (E) Potentially dangerous hunting and sporting equipment are stored in a safe and secure manner inaccessible to a *child* or *young adult* in the care or custody of the Department placed in the home.
  - (g) The *certified family* must consider the age, special needs, and capabilities of the *child* or *young adult* in the care or custody of the Department placed in the home when determining if an animal is a safe and appropriate pet.
  - (h) The *certified family* must receive authorization from the caseworker of the *child* or *young adult* or the caseworker's supervisor prior to the beginning of hunting or target practice by the *child* or *young adult* in the care or custody of the Department placed in the home.
- (2) Sanitation and Health:
- (a) The home must have the necessary equipment for the safe preparation, storage, serving, and clean-up of food.
  - (b) The home must have a safe, properly maintained, and operational heating system.

Space heaters must be plugged directly into a wall outlet and must be equipped with tip-over protection.

- (c) The home and furnishings must be clean and in good repair, and the grounds must be maintained.
  - (d) There must be no unsafe accumulation of garbage or debris.
  - (e) The home must have safe and adequate drinking water, and an adequate source of safe water to be used for personal hygiene.
  - (f) There must be provision for the safe storage and administration of all medications in the household, taking into consideration the age, developmental level, and needs of the *child* or young adult in the care or custody of the Department placed in the home.
  - (g) There must be easily accessible first aid supplies in the home, and a reasonable understanding of how to use such supplies.
  - (h) Smoking and other substances:
    - (A) A *child* or *young adult* in the care or custody of the Department placed in the home may not be exposed to any type of second-hand smoke in the family's home or vehicle; and
    - (B) An *applicant* or other *member of the household* may not provide a *child* or *young adult* in the care or custody of the Department placed in the home any form of the following: tobacco, nicotine, marijuana, or any illegal substance.
    - (C) All products referenced in paragraph (B) of this subsection must be stored in a safe and secure manner inaccessible to a *child* or *young adult* in the care or custody of the Department placed in the home.
- (3) Fire and Carbon Monoxide Safety:
- (a) The home must have all of the following:
    - (A) Within 24 hours of the time the *applicant* is certified, all of the following must be present in the home:
      - (i) A working smoke alarm in each bedroom where a *child* or *young adult* in the care or custody of the Department placed in the home sleeps.
      - (ii) At least one working smoke alarm on each floor of the home.

- (iii) A working carbon monoxide detector within 15 feet of each bedroom where a *child* or *young adult* in the care or custody of the Department placed in the home sleeps.
    - (iv) At least one working carbon monoxide detector on each floor.
    - (v) At least one operable fire extinguisher rated 2-A:10-B-C or higher.
  - (B) At least one means of emergency exit and at least one additional means of rescue from the home.
  - (C) An adequate safeguard around operating fireplaces, wood stoves, or other heating systems that may cause burns to a *child* or *young adult* in the care or custody of the Department placed in the home who is developmentally unable to reasonably follow safety rules regarding such devices.
  - (D) A written, comprehensive home evacuation plan, shared with each *child* or *young adult* in the care or custody of the Department placed in the home within 24 hours of placement, and practiced at least every six months. The written, comprehensive home evacuation plan must include a provision for the safe exit of a *child* or *young adult* who is not capable of understanding or participating in the evacuation plan.
  - (E) Operable, quick-release mechanisms on barred windows. If a home does not have operable quick-release mechanisms on all barred windows, the home evacuation plan required in paragraph (D) of this subsection must be approved by the Department.
  - (F) Interior doors that lock must be operable from both sides of the door.
- (b) Each bedroom used by a *child* or *young adult* in the care or custody of the Department placed in the home must have:
  - (A) At least one unrestricted exit;
  - (B) At least one secondary means of exit or rescue;
  - (C) Smoke alarms required under paragraph (a)(A) of this section; and
  - (D) Unrestricted, direct access at all times to hallways, corridors, living rooms, or other such common areas.
- (4) Travel and Transportation Safety:

- (a) An *applicant* or *certified family* must have available, and be willing to use, a safe and reliable method of transportation.
- (b) An *applicant* or other *member of the household* must provide proof of a valid driver license and current insurance when operating a motor vehicle with a *child* or *young adult* in the care or custody of the Department as a passenger.
- (c) The *applicant* or *certified family* must assure that, as required by current state law:
  - (A) Only a licensed and insured driver transports a *child* or *young adult* in the care or custody of the Department placed in the home in motorized vehicles; and
  - (B) A *child* or *young adult* uses a seat belt or age and size appropriate safety seat when transported in motorized vehicles. An instrument of *physical restraint* other than a seat belt or age and size appropriate safety seat may not be used during the transportation of a *child* or *young adult* in the care or custody of the Department placed in the home. An instrument of *physical restraint* includes:
    - (i) Hand-cuff
    - (ii) Chain
    - (iii) Iron
    - (iv) Strait jacket
    - (v) Cloth restraint
    - (vi) Leather restraint
    - (vii) plastic restraint
    - (viii) Or similar item
- (d) Written authorization from the Department must be received by the *certified family* prior to transporting, or authorizing transport of a *child* or *young adult* in the care or custody of the Department placed in the home out of the State of Oregon or outside the United States.
- (e) A *certified family* must request approval from the Department no less than 90 days prior to any international travel with a *child* or *young adult* in the care or custody of the Department placed in the home. In an emergency, the *certified family* must request approval from the Department as soon as the need for international travel becomes known.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.315, 418.625 - 418.648

#### **413-200-0348**

### **Requirements Regarding the Number of Children and Young Adults in the Home**

(Amended 6/29/2018)

- (1) Except as provided in section 3) of this rule, a *certified family* may not exceed the following maximum capacity:
  - (a) A total of four children or young adults to one certified adult living in the home;
  - (b) A total of seven children or young adults to two certified adults living in the home; or
  - (c) A total of two children under the age of three.
- (2) When counting the children or young adults under this rule, all children living in the home are included and all *young adults* in the care or custody of the Department are included.
- (3) Under special circumstances, the Department may approve placement of an additional *child* or *young adult* in the home of a *certified family* that exceeds the maximum capacity specified in section (1) of this rule.
- (4) A *certified family* may not accept a *child* or *young adult* for placement from another agency without prior approval of the Department.
- (5) A *certified family* may not provide formal or informal adult foster care or *child care* without prior approval of the Department.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.315, 418.625 - 418.648

#### **413-200-0352**

### **Requirements for the Care of Children and Young Adults**

(Amended 10/11/2018)

The *certified family* must comply with all of the following requirements related to the care of a *child* or *young adult* in the care or custody of the Department placed with the *certified family*.

- (1) Work cooperatively with the Department, to support the case plan and meet the needs of the *child* or *young adult* in the care or custody of the Department placed with the *certified family* including, but not limited to:

- (a) Health, dental, and mental health care;
  - (b) Intellectual, emotional, social, and recreational needs, including participation in extracurricular, enrichment, cultural, and social activities;
  - (c) Continued contact or connection with family members, siblings, and relatives; and
  - (d) Adequate and appropriate clothing.
- (2) Include the *child* or *young adult* in the care or custody of the Department placed with the *certified family* as part of the *certified family* household.
- (3) Assure that, when a *child* or *young adult* in the care or custody of the Department leaves the *certified family*, the belongings, both those brought with the child or young adult and those obtained while living in the home, remain with the *child* or *young adult*.
- (4) When a *child* or *young adult* in the care or custody of the Department placed in the home is missing, immediately report to:
- (a) Law enforcement;
  - (b) The National Center for Missing and Exploited Children; and
  - (c) The Department.
- (5) Not subject any *child* or *young adult* to abuse, as described in ORS 419B.005 and 418.257.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.315, 418.625 - 418.648

#### **413-200-0354**

#### **Requirements Regarding the Education of a Child or Young Adult**

(Amended 6/29/2018)

- (1) The *certified family* must comply with all of the following requirements related to the education of the *child* or *young adult* in the care or custody of the Department placed in the home unless the *young adult* is the educational decision maker:
- (a) Enroll the *child* or *young adult* in his or her school or educational placement as determined by the Department, unless the placement has been determined by the

*child's* or *young adult's* Individualized Education Plan (IEP) team. The *certified family* must receive approval from the Department before enrolling a *child* or *young adult* in private school, charter school including an online school, alternative school, home school, or international study abroad program.

- (b) Enroll the *child* or *young adult* in the Free and Reduced Lunch program, even if the services may not be used.
  - (c) Support the *child* or *young adult* in his or her school or educational placement, and respond to inquiries from the school or educational placement.
  - (d) Assure the *child* or *young adult* regularly attends the school or educational placement, monitor the educational progress of the *child* or *young adult*, and share all of the following information with the caseworker in a timely manner:
    - (A) The report cards of the *child* or *young adult*;
    - (B) Any reports received from the teacher, school, or educational placement;
    - (C) Any evaluations received as a result of educational testing or assessment; including the Individualized Education Plan (IEP) or Individualized Family Service Plan (IFSP);
    - (D) Any excused and unexcused absences;
    - (E) Disciplinary reports and notices of restraint or seclusion regarding the *child* or *young adult*; and
    - (F) Ongoing progress toward high school graduation of a *child* or *young adult*, including number of credits earned;
  - (e) Monitor and share with the caseworker in a timely manner the educational successes, learning style, and potential learning difficulties of the *child* or *young adult*.
  - (f) Work with the caseworker of the *child* or *young adult* when referring the *child* or *young adult* for assessment of a possible disability.
  - (g) Inform the caseworker of and invite the caseworker to Individualized Education Plan (IEP) meetings, school conferences, and other school-related meetings.
- (2) The *certified family* may consent to routine school-related activities, such as school enrollment, storage and administration of medication at school, field trips within the state of Oregon, and extracurricular, enrichment, cultural, and social activities.



- (3) When the *certified family* has been identified as the parent by the school district, the *certified family* may consent to evaluation for an Individualized Education Plan (IEP) or 504 plan and special education decisions.
- (4) When the *child* or *young adult* in the care or custody of the Department placed in the home has been assigned a *surrogate* to make special education decisions, the *certified family* must work in collaboration with the *surrogate* for an Individualized Education Plan (IEP) or 504 plan and special education decisions.
- (5) Unless the decision about the diploma type is being made by the Individualized Education Plan (IEP) team or the *young adult* is the education decision maker, the *certified family* must receive approval from the Department when considering a modified diploma, extended diploma, or alternative certificate. When the *child* or *young adult* in the care or custody of the Department placed in the home is seeking a GED, the *certified family* must get approval from the Department and approval through the school district process.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.625 - 418.648

#### **413-200-0356**

### **Requirements Regarding Extracurricular, Enrichment, Cultural, and Social Activities**

(Amended 6/29/2018)

- (1) In regard to the *child* or *young adult* in the care or custody of the Department placed in the home, the *certified family* must:
  - (a) Support the *child* or *young adult* in his or her interests to participate in *age-appropriate or developmentally appropriate activities*, including extracurricular, enrichment, cultural, and social activities.
  - (b) Ensure the *child* or *young adult* has ongoing opportunities to participate in at least one age-appropriate or developmentally appropriate activity.
  - (c) Apply the *reasonable and prudent parent standard*, as well consulting with the *child* or *young adult*'s caseworker when determining whether to allow a *child* or *young adult* in *substitute care* to participate in extracurricular, enrichment, cultural, and social activities.
  - (d) Periodically update the Department regarding participation by the *child* or *young adult* in extracurricular, enrichment, cultural, and social activities, including any barriers that may keep the *child* or *young adult* from participation in such activities.

- (2) When applying the *reasonable and prudent parent standard*, the *certified family* must consider:
- (a) The age, maturity, and developmental level and best interest of a *child* or *young adult* in the care or custody of the Department placed in the home; and
  - (b) The nature and inherent risks of harm of the activity.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.625 - 418.648

### **413-200-0358**

#### **Requirements Regarding the Discipline of a Child or Young Adult**

(Amended 6/29/2018)

- (1) The *certified family* must demonstrate a willingness to understand the meaning of the behaviors, and have the ability to develop and use appropriate *discipline* strategies to address challenging behaviors.
- (2) The *certified family* must not do any of the following to a *child* or *young adult* in the care or custody of the Department placed in the home:
  - (a) Use or threaten physical force.
  - (b) Use threats or intimidation.
  - (c) Withhold food or other items essential to protection, safety, or well-being.
  - (d) *Discipline* all children or young adults in the household for the misbehavior of one *child* or *young adult*.
  - (e) Use intentional infliction of physical force causing pain.
  - (f) Verbal abuse including derogatory remarks about the *child* or *young adult*, or the family characteristics, physical traits, culture, ethnicity, language, sexual orientation, gender identity and expression, or traditions of the *child* or *young adult*.
  - (g) Deny, or threaten to deny, visits, telephone contact, or other types of contact with an individual authorized in a visit and contact plan, including contacts and visits with siblings.
  - (h) Assign extremely strenuous exercise or work.
  - (i) Use of or threatened use of restraining devices. Restraining devices do not include

a vehicle safety restraint such as a seat belt or age and size-appropriate safety seat.

- (j) Impose a sanction, penalty, consequence, or reprimand for bed-wetting or during toilet training.
  - (k) Direct or permit a *child* or *young adult* to punish or *discipline* another *child* or *young adult*.
  - (L) Threaten removal from the *certified family* home.
  - (m) Force or require a shower or bath as a sanction, penalty, consequence, or reprimand.
  - (n) Impose extreme isolation that restricts the ability to talk with or associate with others.
  - (o) Lock in a room or outside of the home.
- (3) The *certified family* may use a time-out only for the purpose of giving the *child* or *young adult* in the care or custody of the Department placed in the home a short break to regain control. The *certified family* must take into consideration the age and developmental level in determining the length of a time-out.
- (4) Pursuant to OAR 413-020-0200 to 413-020-0255, only a *foster parent* or *relative caregiver* who has been trained to use a *physical restraint* may do so, unless a *child* or *young adult* in the care or custody of the Department placed in the home, or others are at imminent risk of harm. *Physical restraint* may only be used if good judgment indicates a *physical restraint* may be safely implemented. Any time a *physical restraint* is used, the *certified family* must follow the reporting requirements in OAR 413-020-0236 and 413-020-0240. *Physical restraint* does not include an instrument of *physical restraint* as described in ORS 419A.245.
- (5) A *chemical restraint* may not be used for a *child* or *young adult* in the care or custody of the Department placed in the home, unless under the direction of a medical provider for the *child in care*.
- (6) The *certified family* must notify and request assistance of the Department when the challenging behavior of a *child* or *young adult* in the care or custody of the Department placed in the home may be beyond the ability of the *certified family* to *discipline* in a positive manner.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.015, 418.315, 418.625 - 418.648

**413-200-0362**

**Requirements Regarding the Medical, Dental, and Mental Health Care of a Child or Young Adult**

(Amended 6/29/2018)

- (1) In addressing the health care for a *child* or *young adult* in the care or custody of the Department placed in the home, the *certified family* must:
  - (a) Work collaboratively with the Department in managing the health care needs of the *child* or *young adult*, which may include involving a parent of the *child* or *young adult* in medical, dental, and mental health appointments;
  - (b) Regularly exchange medical, dental, and mental health information of the *child* or *young adult* with the Department;
  - (c) Work collaboratively with providers in managing the medical, dental, and mental health needs of the *child* or *young adult*; and
  - (d) Maintain health care documentation for each *child* or *young adult*, including:
    - (A) Medical, dental, and mental health appointments;
    - (B) Medical, dental, and mental health information;
    - (C) Medical, dental, and mental health appointment follow-up reports; and
    - (D) Immunization records.
- (2) A *certified family* must comply with the Department's direction on obtaining medical, dental, and mental health care for a *child* or *young adult* in the care or custody of the Department placed in the home.
- (3) A *certified family* may consent to routine examinations and laboratory tests.
- (4) A *certified family* must follow the Department's direction regarding vaccination and immunization of a *child* or *young adult* in the care or custody of the Department placed in the home, in accordance with the case plan.
- (5) Except as provided in section (6) of this rule, the *certified family* must contact the caseworker of a *child* or *young adult* to obtain appropriate prior consent from the Department before a *child* or *young adult* in the care or custody of the Department placed in the home receives any medical care or undergoes a procedure, other than routine medical care.
- (6) In an emergency, a *certified family* must notify the Department as soon as possible after accessing emergency care.

- (7) Medication management requirements:
- (a) The *certified family* must comply with all of the following requirements related to medication management for a *child* or *young adult* in the care or custody of the Department placed in the home:
    - (A) Over the Counter Medications may be provided to a *child* or *young adult* for their labeled purpose within the labeled dosage.
    - (B) Administer prescription medications to a *child* or *young adult* only in accordance with the written prescription or authorization.
    - (C) Record the dosage, date, and time of all medication administered to a *child* or *young adult* on the medication form approved by the Department. When medication is given in a setting other than the certified home, such as at school or in daycare, the medication form from that setting must be attached to the Department form.
    - (D) The medication form, with any attachments, must be submitted monthly to the caseworker.
    - (E) Inform the caseworker or the supervisor of the caseworker within one business day when a *child* or *young adult* is prescribed a *psychotropic medication* or the dosage of any existing prescription for *psychotropic medication* is changed, as required by OAR 413-070-0470.
    - (F) Begin administration of any *psychotropic medication* only after authorization has been obtained from the Department pursuant to OAR 413-070-0470.
    - (G) Maintain the documentation received from the caseworker when a *child* or *young adult* is prescribed a *psychotropic medication* or when the dosage of any existing prescription for a *psychotropic medication* is changed.
  - (b) The *certified family* must provide for the safe storage and administration of all medications in the household, taking into consideration the age, development level, and needs of the *child* or *young adult* placed in the home by the Department.
- (8) The *certified family* must comply with the *personal care services plan* for any *child* or *young adult* in the care or custody of the Department placed in the home and eligible for personal care services pursuant to OAR 413-090-0100 to 413-090-0210.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.015, 418.315, 418.625 - 418.648

#### **413-200-0371**

### **Responsibilities and Notification Requirements for Selection and Use of Respite Care Providers Child Care, and Babysitters**

(Amended 6/29/2018)

- (1) Respite Providers: When identifying prospective *respite care* providers for a *child* or *young adult* in the care or custody of the Department placed in the home, the *certified family* must:
  - (a) Select prospective *respite care* providers who:
    - (A) Are at least 18 years of age;
    - (B) Are capable of assuming supervision responsibilities, including meeting the safety, health, and well-being needs; and
    - (C) Will comply with OAR 413-200-0358 regarding *discipline*.
  - (b) Provide to the *certifier* the names, addresses, and telephone numbers of the prospective *respite care* providers and receive Department approval under OAR 413-200-0281 prior to using the *respite care* provider.
  - (c) Assure that *respite care* is no longer than 14 consecutive days, unless prior authorization for a greater period of time has been granted by the Department.
- (2) Child Care:
  - (a) A *certified family* may use a *child care facility* for a *child* or *young adult* in the care or custody of the Department placed in the home, and must notify the Department in advance of using the *child care facility*.
  - (b) If a prospective *child care* provider is not a *child care facility*, the *certified family* must provide to the *certifier* the names, addresses, and telephone numbers of the prospective *child care* providers and receive Department approval prior to using the *child care* provider. The *child care* provider must be at least 18 years old.
- (3) Babysitters:
  - (a) The *certified family* must use a responsible person 14 years of age or older for *babysitting a child* or *young adult* in the care or custody of the Department placed in the home, and must:
    - (A) Ensure the babysitter is capable of assuming care and supervision responsibilities and will be present at all times; and

- (B) Ensure that *babysitting* does not exceed ten consecutive hours and does not include overnight care.
- (C) Have no reason to suspect that the babysitter:
  - (i) Has any criminal history or child abuse or neglect history; or
  - (ii) Poses any risk to the *child* or *young adult* for whom the babysitter will provide care.
- (b) Unless requested by the Department, the *certified family* does not need to provide identifying information to the Department to complete a *criminal records check* or a child abuse check for a babysitter.
- (4) General Provisions for Respite Care, Child Care and Babysitting:
  - (a) The *certified family* must have an available method through which the *certified family* may be contacted in an emergency.
  - (b) The *certified family* must notify the *certifier* or *certification supervisor* of any plans to provide *respite care* or *child care* for another *certified family* and obtain *certifier* approval prior to providing care.

Stat. Auth.: ORS 409.050, 418.005, 418.016, 418.640

Stats. Implemented: ORS 409.010, 418.015, 418.625 - 418.648

#### **413-200-0377**

##### **Confidentiality**

(Amended 10/11/2018)

- (1) The *certified family* must exercise good judgment in sharing personal information about a *child* or *young adult* in the care or custody of the Department placed in the home and the family of the *child* or *young adult*. The *certified family* must store documents in a way that protects the privacy of the *child* or *young adult* and his or her family.
- (2) The *certified family* may not disclose confidential information regarding a *child* or *young adult* in the care or custody of the Department placed in the home or the family of a *child* or *young adult*, except when necessary to promote or to protect the health and welfare of the *child*, *young adult*, or the community.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.005, 418.625 - 418.645

## 413-200-0379

### Education and Training for Applicants and Certified Families

(Amended 6/29/2018)

- (1) An *applicant* must participate in the Department's orientation prior to receiving a *Certificate of Approval* or *Child-Specific Certificate of Approval*, or within 30 days after the placement of a *child* or *young adult* in a home that has been issued a *Temporary Certificate of Approval*.
- (2) Except as provided in sections (3) to (7) of this rule, each *applicant* and *certified family* must complete Foundations training before or within 12 months after the date on which the certificate was issued, or provide written documentation of completion of equivalent training content from another licensed child-caring agency within two years of an applicant's dated application for certification if approved as described in section (6) of this rule.
- (3) A *certified family* is exempt from section (2) of this rule if a written, individualized training plan, specific to the needs of the *child* or *young adult* in the care or custody of the Department placed in the home, has been approved by a *certification supervisor* and developed within 90 days after a *Child-Specific Certificate of Approval* or *Temporary Certificate of Approval* has been issued by the Department.
- (4) When an *applicant* applies for adoption, the Department-approved training must be completed prior to approval for adoption per 413-120-0246.
- (5) Foundations training is required if an *applicant* previously certified by the Department has not been certified within the preceding two years unless:
  - (a) Alternative training has been approved under sections (3) or (4) of this rule; or
  - (b) The *certification supervisor* waives the training requirement based on the *applicant's* documented knowledge and skills in caring for a *child* or *young adult* placed in the home by the Department.
- (6) Foundations training is not required if the *applicant* provides written documentation of completion of equivalent training content from another licensed child-caring agency within two years of an applicant's dated application for certification, and the *certification supervisor* agrees to waive Foundations training.
- (7) The *certified family* and the *certifier* must develop a training plan for each *foster parent* or *relative caregiver* to complete at least 30 hours of training during each two-year certification period, unless a written individualized training plan is developed for a *certified family* with a *Child-Specific Certificate of Approval*. This written individualized training plan:
  - (a) Must be designed to strengthen the ability of the *certified family* to meet the



safety, health, and well-being needs of the *child* or *young adult* in the care or custody of the Department placed in the home;

- (b) May be less than the required 30 hours required during a certification period; and
  - (c) Must be approved by a *certification supervisor*.
- (8) An *applicant* or *certified family* with limited English proficiency or a hearing or visual impairment, who is unable to meet the training requirements outlined in sections (1) to (6) of this rule may be provided an individualized training plan prepared by the *certifier* and approved by the *certification supervisor*.
- (9) The Department may require a *certified family* to complete more than the 30 hours of training for a two-year certification period based on the needs of the *child* or *young adult* placed in the home and the knowledge, skills, and abilities of the *certified family*.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.105, 418.625 - 418.648

#### **413-200-0383**

##### **Other Required Notifications**

(Amended 6/29/2018)

- (1) A *certified family* must immediately notify the *certifier* or *certification supervisor* of the following information and events:
- (a) Any anticipated change in address.
  - (b) Any anticipated extended absence of a member of the *certified family*, including but not limited to separation, divorce, or travel for work.
  - (c) Any physical or structural change in the home or surrounding property on which the *certified family* lives.
  - (d) Any known allegation of child abuse or neglect perpetrated by the *certified family* or any other *member of the household*, or any individual who frequents the home of the *certified family*.
  - (e) Any time another agency wishes to place a *child* or *young adult* in the home of the *certified family*.
  - (f) Any other circumstance that reasonably could affect the safety, health, or well-being of a *child* or *young adult* in the home of the *certified family*.

- (2) A *certified family* must notify the *certifier* or *certification supervisor* of the following information and events within one business day of the *certified family* learning of the information or event:
- (a) An individual joins or leaves the household, including an individual who frequents the home.
  - (b) The suspension of a driver license of a *member of the household*.
  - (c) Any change in the physical health, mental health, or medication of a *member of the household* that reasonably could affect the safety, health, and well-being of a *child* or *young adult* in the care or custody of the Department placed in the home.
  - (d) Any time a *member of the household* intends to provide in-home *child care*, adult foster care, or in-home adult day care.
  - (e) Any arrest or court conviction for a *member of the household*.
- (3) A *certified family* must notify the caseworker or caseworker's supervisor of any suicidal ideation, significant behavioral changes, injury or illness to a *child* or *young adult* in the care or custody of the Department placed in the home as soon as the *certified family* learns of the information.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.105, 418.315, 418.625 - 418.648

#### **413-200-0386**

#### **Requirements Regarding Mandatory Reporting**

(Amended 6/29/2018)

- (1) Any *certified family* must report information to the Department upon reasonable cause to believe that any *child* or *young adult* with whom the individual comes in contact has suffered abuse or neglect or that any adult with whom the individual comes in contact has abused or neglected a *child* or *young adult* under ORS 419B.005 and 418.257.
- (2) Any *certified family* with a caregiving employee, including a *respite care* provider or a *child care* provider who is not a *child care facility*, or volunteer must provide the caregiving employee or volunteer annual training and written materials on the requirements of mandatory reporting.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.015, 418.257, 418.315, 418.625 - 418.648, 419B.005

#### **413-200-0388**

##### **Requirements Regarding Visits in the Certified Family's Home**

(Amended 10/11/2018)

For purposes of assessing the conditions in the home that affect safety, health, and well-being of the *child* or *young adult* in the care or custody of the Department placed in the home, a *certified family* must:

- (1) Allow on-going in-home visits, both scheduled and unscheduled, by Department staff; and
- (2) Allow Department staff unsupervised contact with the *child* or *young adult* in the care or custody of the Department placed in the home.
- (3) Allow Department staff access to each room in the primary residence and each surrounding building and structure on the property, unless the building or residence is a self-contained, separate-entry residence rented to or owned by another individual.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.015, 418.315, 418.625 - 418.648

#### **413-200-0390**

##### **Requirements Regarding Renewal of the Certificate of Approval**

(Amended 6/29/2018)

- (1) To renew a *Certificate of Approval* or *Child-Specific Certificate of Approval* for up to two additional years, the *certified family* must submit a completed Application for Renewal or Change of Status. Upon receiving an application, the Department will assess the application under OAR 413-200-0287.
- (2) When the *certified family* has submitted an application for renewal, the current certificate will not expire, despite any expiration date, until the Department has renewed the certification, the renewal application is withdrawn, or there is a proposed and final order denying the application.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.015, 418.315, 418.625-418.648

#### **413-200-0393**

##### **Requirements Regarding Inactive Referral Status**

(Amended 6/29/2018)

- (1) The *Certificate of Approval* or *Child-Specific Certificate of Approval* remains in effect

and the responsibilities of the *certified family* remain in effect during *inactive referral status*.

- (2) A *certified family* may request that the Department place the home on *inactive referral status* for any reason for up to 12 months. The *inactive referral status* begins on the date requested by the *certified family* and while it is in effect:
  - (a) The Department will place no additional *child* or *young adult* in the home; and
  - (b) The *certified family* may not accept placement of any *child* or *young adult* from another agency.
- (3) *Inactive referral status*, when requested by the *certified family*, ends:
  - (a) At the request of the *certified family*; or
  - (b) When the certification terminates or expires.
- (4) The Department may initiate a *certified family's inactive referral status* under the conditions described in OAR 413-200-0294. When the Department initiates *inactive referral status*, the Department must:
  - (a) Provide written notification to the *certified family* of the *inactive referral status* within 14 business days after the inactive status is initiated.
  - (b) Provide written notification to the *certified family* when *inactive referral status* ends, unless the Department has issued Notice of Intent to Revoke.
- (5) The Department may revoke certification if a *certified family* does not remedy a violation of a certification standard within the time frame of the *inactive referral status*.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.105, 418.315, 418.625 - 418.648

#### **413-200-0394**

#### **Requirements Regarding Termination of a Certificate of Approval**

(Amended 6/29/2018)

- (1) A *certified family* may request that the Department terminate their certificate and close the home. The *certified family* must give the Department 10 business days' notice between the date of the request and the date the *certified family* would like the certificate to terminate.
  - (a) The Department may deny the *certified family's* request if the Department has decided to revoke the certificate.

- (b) When the Department accepts the certified family's request, the Department will notify the *certified family* of its decision to accept the voluntary termination and notify the *certified family* of the date the certification will terminate.
- (2) When a *child* or *young adult* in the care or custody of the Department placed in the home leaves a home that has a *Child-Specific Certificate of Approval* or *Temporary Certificate of Approval*, the certificate terminates 60 calendar days after the departure of the *child* or *young adult*, unless at least one of the following applies:
  - (a) The *certified family* submits a written request to change the type of certificate under OAR 413-200-0289(5) or (6) within 60 calendar days of the departure of the *child* or *young adult* from the home.
  - (b) The *certified family* requests to voluntarily terminate the *Temporary Certificate of Approval* or *Child-Specific Certificate of Approval*, and the Department agrees to terminate the certificate.
  - (c) The Department determines the *child* or *young adult* is removed because the certified family cannot meet the safety, health, or well-being needs of the *child* or *young adult* and has violated one or more rules under OAR 413-200-0301 to 413-200-0396.
  - (d) OAR 413-200-0296(6) applies.
- (3) When the Department determines that subsection (2)(c) of this rule applies, the Department will determine whether to revoke the *Temporary Certificate of Approval* or *Child Specific Certificate of Approval*. If the decision is to revoke, the Department must issue a notice of intent to revoke the *Temporary Certificate of Approval* or *Child Specific Certificate of Approval* pursuant to OAR 413-010-0510.
- (4) When a *certified family* moves to a different residence, the Department will terminate the certificate. The Department may issue a new certificate when the activities described in OAR 413-200-0292(6) have been completed.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.010, 418.315, 418.625 - 418.648

#### **413-200-0396**

#### **Requirements Regarding Contested Case Hearings**

(Amended 10/11/2018)

- (1) When the Department denies an application for certification or revokes certification, the *applicant* or *certified family* has a right to request a contested case hearing under this rule.

- (2) An *applicant* for certification, renewal of a certificate, or a Change of Status may request a contested case hearing when the Department has mailed a proposed and final order denying the application.
- (3) A *certified family* may request a contested case hearing when the Department has mailed a proposed and final order revoking certification.
- (4) A *certified family*, *applicant* for certification, renewal of a certificate, or a Change of Status, or *applicant* for consideration as a potential *adoptive resource* may request a contested case hearing, as provided in OAR 413-010-0505 and OAR 413-120-0460.
- (5) An *applicant* who is denied approval as a potential *adoptive resource* does not have a right to request a contested case hearing, and instead OAR 413-120-0225(2) applies.
- (6) If the Department does not receive a request for a contested case hearing within 30 days of the date the Department mailed the proposed and final order of *denial* or *revocation*, the *certified family* or *applicant* has waived the right to a hearing, except as provided in OAR 413-010-0505.
- (7) Department actions when a contested case hearing is timely requested but such request is subsequently withdrawn are outlined in OAR 413-010-0530.

Stat. Auth.: ORS 409.050, 418.005, 418.640

Stats. Implemented: ORS 409.015, 418.315, 418.625 - 418.64

