PLACEMENT WITH A FIT AND WILLING RELATIVE

Legal Background: On September 29, 2014, President Obama signed the Preventing Sex Trafficking and Strengthening Families Act into law. Among many other provisions, the Act limited the permanency plan of APPLA to children age 16 or older. Oregon statutes were modified to include the permanency plan "Placement with a Fit and Willing Relative" as a legally recognized plan.

Who meets the definition of "fit and willing relative" under this plan? A person who meets the definition of "relative" as defined by DHS policy is considered a relative under this plan. The definition of relative is broad, but generally includes all people related by blood or adoption to the child, all spouses of those people related by blood or adoption to the child, including former spouses if the child had a relationship with the former spouse, and people who are not related to the child but who are identified by the child and child's family as a relative and who have an emotionally significant relationship with the child prior to the most recent episode of DHS custody.

For children who are placed in foster care through the Office of Developmental Disabilities, a person who has met the definition of caregiver (a foster parent who has had the child in their home for at least 12 months) can be considered a relative.

In order to be considered "fit and willing," the caregiver must demonstrate a long-term commitment to the child. The intention is that this commitment last after the child ages out of DHS custody.

What is Placement with a Fit and Willing Relative? Under this permanency plan, children remain in foster care: unlike guardianship or adoption, DHS retains legal custody of the child. This plan is **NOT** considered a preferred permanency plan. All children deserve permanency, and Placement with a Fit and Willing Relative does not create legal permanency for children. Because of this, there must be **compelling reasons** why a more preferred permanency plan (reunification, adoption, guardianship) cannot be established.

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

What should the CRB do when a child has or is being considered for the permanency plan of Placement with a Fit and Willing Relative? Because this plan does not establish legal permanency for children in foster care, it should never be the preferred plan. DHS has an ongoing responsibility to evaluate the barriers to a more permanent plan and to determine whether those barriers can be overcome. As CRB board members, you should ensure that DHS is regularly evaluating whether a more preferred permanency plan can be implemented. You should be asking at every review what the barriers to a more preferred plan are, and evaluating whether those barriers meet the threshold of a "compelling reason."