

413-070-0060

Purpose

The purpose of these rules is to describe the Department's responsibility to search for and engage a *child* or young adult's relatives and persons with a *caregiver relationship*. The Department seeks to identify a *child* or young adult's relatives and persons with a *caregiver relationship* for one or more of the following purposes:

- (1) To engage in managing the *child* or young adult's safety;
- (2) To provide a *substitute care* resource;
- (3) To provide a permanent placement resource;
- (4) To develop and maintain family relationships and cultural connections with the *child* or *young adult* in *substitute care*; and
- (5) To gather family information and family history to plan for meeting the *child* or young adult's needs.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 109.119, 418.005, 419A.004, 419B.192

413-070-0063

Definitions

The following definitions apply to OAR 413-070-0060 to 413-070-0093:

(1) "Caregiver relationship" means a relationship between a person and a *child* that meets the requirements of the following subsections:

- (a) The relationship has existed for the 12 months immediately preceding the initiation of a dependency proceeding, at least six months during a dependency proceeding, or half of the child's life if the *child* is less than six months of age.
- (b) The person had physical custody of the *child* or resided in the same household as the *child* and provided the *child* on a daily basis with the love, nurturing, and other necessities required to meet the child's psychological and physical needs.
- (c) The *child* depended on the relationship to meet the child's needs.
- (d) A *caregiver relationship* does not include a relationship between a *child* and a person who is the unrelated *foster parent* of the *child* unless the relationship continued for a period of at least twelve consecutive months.

(10) "Relative" means:

- (a) Relationship to the *child* through the *child* or young adult's *parent*:
 - (A) Any blood *relative* of preceding generations
 - (B) Any half-blood *relative* of preceding generations
 - (C) A *sibling*, also to include an individual with a *sibling* relationship to the *child* or *young adult* through a putative father.
 - (D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.
 - (E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection. (The *child* must have had a relationship with the spouse prior to entering *substitute care*.)
- (b) Relationships to the *child* or *young adult*:
 - (C) A stepparent or former stepparent if the *child* had a relationship with the former stepparent prior to entering *substitute care*; a stepbrother; or a stepsister.
 - (D) The *registered domestic partner* of the *child's parent* or a former *registered domestic partner* if the *child* had a relationship prior to entering *substitute care*.
 - (E) The adoptive *parent* of a *child* or young adult's *sibling*.
 - (F) The unrelated legal or biological father or mother of a *child* or young adult's half-sibling when the *child* or young adult's half-sibling is living with the unrelated legal or biological father or mother.
- (c) Any other individual identified by the *child* or the *child's* family, or an individual who self-identifies, related to the *child*
- (d) An individual, although not related by blood, adoption, or marriage identified as:
 - (A) A member of the family by the *child* or the *child's* family; and

- (B) Had an emotionally significant relationship with the *child* or the *child's* family prior placement.

413-070-0066

Legal Obligations Regarding Placement Preference

- (1) The Department must conduct a search for a *child* or young adult's relatives:
- (a) To assess the relatives' availability as a placement resource;
 - (b) To make diligent efforts to place a *child* with a *relative* or person with a *caregiver relationship*;
 - (c) To place the *child* with siblings who are also in *substitute care*, unless placement of the siblings together is not in the best interest; and
 - (d) When necessary to place a *child* with a *relative* or person with a *caregiver relationship* as a permanent placement resource.
- (2) When a *child* or *young adult* must be placed in *substitute care* and the Department is unable to place the *child* or *young adult* with a *relative* at the time of initial placement, the Department must determine the *substitute care* placement in order of preference using the placement matching criteria set forth in Child Welfare Policy I-E.3.1, "Placement Matching" OAR 413-070-0600 to 413-070-0645.

413-070-0081

Review of a Child or Young Adult's Substitute Care Placement

- (2) The Department must review the efforts to place a *child* with a *relative* or person with a *caregiver relationship*:
- (a) No more than 30 calendar days from the date of the *child's* initial placement in *substitute care*;
 - (b) When the *child's* family, through a family meeting, has recommended *substitute care*, permanency, or concurrent permanency *relative* resources other than the current substitute caregiver and those *relative* resources have not yet been assessed;
 - (c) When it appears that a *child* is likely to experience or experiences a change in substitute caregiver;
 - (d) When the *child's* substitute caregiver does not meet the *child's* needs for safety, permanency, and well-being;
 - (e) During every regular case review; and
 - (f) No more than 30 calendar days prior to a court or administrative review hearing.

413-070-0087

Opportunity for Ongoing Connection and Support

- (1) The caseworker must assess a relative's interest and appropriateness in maintaining family relationships and cultural connections with a *child* when the *relative* is not a placement resource, based on the relative's ability to:
- (a) Meet the safety, permanency, and well-being needs of the *child* or *young adult*; and
 - (b) Provide appropriate ongoing support.
- (2) When a *relative* or person with a *caregiver relationship* meets the criteria described in section (1) of this rule, the caseworker must provide the *child* or young adult's *relative*, including a *relative* who resides outside the state of Oregon, with ongoing opportunities to develop and maintain family relationships and cultural connections with the *child* or *young adult* that support the *child* or young adult's safety and well-being while the *child* or *young adult* remains in *substitute care*.

Procedure(s) that apply:

- Child Welfare Procedure Manual, Chapter 2
- Child Welfare Procedure Manual, Chapter 4
- Child Welfare Procedure Manual, Chapter 7

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