



NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 413
DEPARTMENT OF HUMAN SERVICES
CHILD WELFARE PROGRAMS

FILED

10/30/2025 11:38 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Updating Definitions of "Parent" and "Relative" for Senate Bill 163 and the Uniform Parentage Act

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/21/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Ryan Schott
503-930-2932
CW.PolicyUnit@odhsoha.oregon.gov

500 Summer St NE E-67
Salem, OR 97301

Filed By:
Ryan Schott
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/17/2025

TIME: 11:00 AM - 11:30 AM

OFFICER: Child Welfare Policy Unit

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-971-277-2343

CONFERENCE ID: 591678678

SPECIAL INSTRUCTIONS:

Attendees will need to join the meeting by Microsoft Teams or phone. If you wish to provide comment, please be signed in or call in by no later than 15 minutes after the start time.

Join by Microsoft Teams: Meeting ID: 221 777 267 333 5 Passcode: jz2WN3Xz or call in: +1-971-277-2343 Phone Conference ID: 591 678 678#

Everyone has a right to know about and use ODHS programs and services. ODHS provides assistance such as sign language and spoken language interpreters, written materials in other languages, braille, large print, audio and other formats. If you need assistance or have questions, please contact CW.PolicyUnit@odhsoha.oregon.gov at least 5 days before the meeting.

NEED FOR THE RULE(S)

Child Welfare needs to make changes to administrative rules to update the definitions of "relative" and "parent" to be in compliance with Senate Bill 163 and the Uniform Parentage Act.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Senate Bill 163:

<https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/SB163>

Uniform Parentage Act:

<https://www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=5b21b8e4-ef07-7d46-14c5-51b8b28df73c&forceDialog=0>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Amendments of these rule changes will advance racial equity in Oregon by making parentage documentation more inclusive and reflective of the state's diverse family structures. Updating the definitions of "parent" and "relative" ensures equitable recognition of all legal parents and relatives, particularly benefiting families from marginalized racial, cultural, and gender backgrounds. These changes reduce bias, remove stigmatizing language, and promote uniform, respectful treatment of families involved in the child welfare system. The updates align with ODHS' Equity North Star and Vision for Transformation principles, supporting a more just and culturally responsive child welfare process for all Oregonians.

FISCAL AND ECONOMIC IMPACT:

The Department estimates that there will not be any fiscal impact to state agencies, clients, the public or businesses, including small businesses.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The Department estimates there will not be any cost of compliance to state agencies, units of local governments, or members of the public. (2) The Department estimates these rules will not have any effect on small business. (a) No small businesses are affected by this adoption; (b) The Department estimates there will not be any cost expected for reporting, record keeping, or administrative activities or cost to comply with the rules. (c) There is no cost of professional services, equipment supplies, labor and increased administration required for small businesses to comply with the rule(s).

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules, however, are invited to provide input during the public comment period.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Rulemaking is the result of federal or state legislation with no room for interpretation of the rule text and documented community engagement occurred in lieu of a traditional RAC.

RULES PROPOSED:

413-010-0000, 413-030-0000, 413-040-0000, 413-070-0000, 413-080-0050, 413-105-0010, 413-110-0000, 413-130-0000

AMEND: 413-010-0000

RULE SUMMARY: OAR 413-010-0000 "Definitions" set forth the definition for Division 010 and is being amended to update the definition of relative and parent to be in compliance with Senate Bill 163 and the Uniform Parentage Act.

CHANGES TO RULE:

413-010-0000

Definitions ¶¶

Unless the context indicates otherwise, the following definitions apply to OAR chapter 413, division 10.¶

- (1) "Adoption assistance" means assistance provided on behalf of an eligible child or young adult to offset the costs associated with adopting and meeting the ongoing needs of the child or young adult. "Adoption assistance" may be in the form of payments, medical coverage, reimbursement of nonrecurring expenses, or special payments.¶
- (2) "Adoption records, papers, and files" means all documents, writings, information, exhibits, and other filings retained in the court's record of an adoption case pursuant to ORS 109.319 and includes but is not limited to the Adoption Summary and Segregated Information Statement described in ORS 109.317 and exhibits attached to the statement, the petition and exhibits attached to the petition pursuant to ORS 109.315, and any other motion, judgment, document, writing, information, exhibit, or filing retained in the court's record of the adoption case.¶
- (3) "Adoptive family" means an individual or individuals who have legalized a parental relationship to the child who joined the family through a judgment of the court.¶
- (4) "Adult" means a person 18 years of age or older.¶
- (5) "Base rate payment" means a payment to the resource parent or relative resource parent at a rate established by the Department for the costs of providing the child or young adult with the following:¶
 - (a) Food, including the special or unique nutritional needs of the child or young adult;¶
 - (b) Clothing, including purchase and replacement;¶
 - (c) Housing, including maintenance of household utilities, furnishings, and equipment;¶
 - (d) Daily supervision, including teaching and directing to ensure safety and well-being at a level appropriate for the chronological age of the child or young adult;¶
 - (e) Personal incidentals, including personal care items, entertainment, reading materials, and miscellaneous items; and¶
 - (f) Transportation, including gas, oil, and vehicle maintenance and repair costs for local travel associated with providing the items listed above, and transportation to and from extracurricular, child care, recreational, and cultural activities.¶
- (6) "Case plan" means a written, goal oriented, and time-limited individualized plan for the child and the child's family, developed by the Department and the parents or guardians, to achieve the child's safety, permanency, and well-being.¶
- (7) "Central Office CPS Founded Disposition Review" means a process wherein a Central Office CPS Founded Disposition Review Committee reviews a founded disposition, makes recommendations to the Central Office Safety Program Manager or designee, and the Central Office Safety Program Manager or designee makes a decision to uphold, overturn, or change the abuse type of the founded disposition.¶
- (8) "Central Office CPS Founded Disposition Review Committee" means a group of two child welfare employees who make a recommendation or recommendations to the Child Protective Services Program Manager or designee regarding the CPS founded disposition. No one may serve on the "Central Office CPS Founded Disposition Review Committee" who participated in or observed the Local Child Welfare Office CPS Founded Disposition Review or had a role in the CPS assessment, including having participated in a staffing, that resulted in the CPS founded disposition under review. Further requirements of the "Central Office CPS Founded Disposition Review Committee" are found in OAR 413-010-0745 and 413-010-0746. The two child welfare staff on the committee must include any two of the following:¶
 - (a) Either the Program Manager for CPS or a designee;¶
 - (b) A CPS program coordinator;¶
 - (c) A CPS consultant; or¶
 - (d) A Department supervisor.¶
- (9) "Certificate of Approval" means a document that the Department issues to approve the operation of a child-specific relative resource parent home, child-specific foster home, pre-adoptive home, or a regular foster home.¶
- (10) "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 they reside, to a child or young adult in the care or custody of the Department.¶
- (11) "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.¶
- (12) "Child-caring agency" has the meaning given to it in ORS 418.205 as amended by Oregon Laws 2017 chapter

244, and means a "child-caring agency" that is not owned, operated, or administered by a governmental agency or unit.¶¶

(13) "Child protective services" (CPS) means a specialized social service program that the Department provides on behalf of children or, when applicable, young adults who may be unsafe after a report of abuse is received.¶¶

(14) "Client" means any individual receiving services from the Department, including the parent or legal guardian of a child or young adult, or the custodian of an unemancipated minor client.¶¶

(15) "Client file" means an electronic or paper file that the Department marks with the names of one or more clients, into which the Department places all of the named clients' records. A "client file" may contain confidential information about other clients and persons who are not clients.¶¶

(16) "Client information" means confidential information about a client or identified with a client.¶¶

(17) "Client record" means any record that includes client information and is created, requested, or held by the Department. A "client record" does not include general information, policy statements, statistical reports, or similar compilations of data which are not identified with an individual child, family or other recipient of services.¶¶

(18) "Confidential information" means information that is unavailable to the public by statute, rule, or court order.¶¶

(19) "Contract Provider" means any individual or organization that provides services to a Child Welfare client pursuant to a contract or agreement with Child Welfare.¶¶

(20) "Court Appointed Special Advocate (CASA)" means a volunteer who is appointed by the court, is a party to the juvenile proceeding, and advocates for the child pursuant to ORS 419A.170.¶¶

(21) "CPS Disposition" means a determination that completes a CPS assessment. Dispositions are discussed in OAR 413-015-1000 and include founded, unfounded, and unable to determine.¶¶

(22) "Department" means the Oregon Department of Human Services.¶¶

(23) "Department adoption records" means all documents, writings, and information required to be retained in the Department's Central Office adoption file including, but not limited to:¶¶

(a) Adoption records, papers, and files;¶¶

(b) Records and information created, generated, produced, or submitted for purposes of selecting the adoptive family for the child;¶¶

(c) Documents, writings and information obtained, created, or submitted by the Department Child Permanency Program staff for the purposes of finalizing the child's adoption;¶¶

(d) Records and information obtained or created by the Department for the purposes of determining eligibility or making payment for adoption assistance;¶¶

(e) Any medical, psychiatric, or psychological records of the child received by the Child Permanency Program staff for retention as part of the Child Permanency Program adoption file of the child; ¶¶

(f) The names, address, or other identifying information of the adoptive family of the child; and¶¶

(g) The birth certificate of the child. ¶¶

(24) "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.¶¶

(25) "Disclose" means reveal or provide client information to a person, agency, organization, or other entity outside of the Department of Human Services. Disclosing includes, but is not limited to:¶¶

(a) Showing or providing a client record or copy of a client record; and¶¶

(b) Orally transmitting client information.¶¶

(26) "Gender expression" means the manner in which a person expresses gender through clothing, appearance, behavior, speech, etc. Gender expression is distinct from sexual orientation and gender identity.¶¶

(27) "Gender identity" means an individual's gender-related identity, appearance, expression or behavior, regardless of whether the identity, appearance, expression or behavior differs from that associated with the gender assigned to the individual at birth.¶¶

(28) "Guardian" means an individual who has been granted guardianship of a child through a judgment of the court.¶¶

(29) "Guardianship assistance" means assistance provided by the Department to the guardian on behalf of an eligible child or young adult to offset costs associated with meeting the ongoing needs of the child or young adult. "Guardianship assistance" may be in the form of a payment, medical coverage, or reimbursement of guardianship expenses.¶¶

(30) "Indian child" means an unmarried person who is under 18 years of age and who is either a member of an Indian Tribe or is eligible for membership in an Indian Tribe and who is the biological child of a member of an Indian Tribe.¶¶

(31) "Juvenile" means a person younger than the age of 18 years who is identified as a perpetrator. OAR 413-010-0716 provides specific requirements regarding application of these rules to juveniles.¶¶

(32) "Legal custody" means that a person or agency has legal authority.¶¶

- (a) To have physical custody and control of a child;¶
- (b) To supply the child with food, clothing, shelter and other necessities;¶
- (c) To provide the child with care, education and discipline;¶
- (d) To authorize ordinary medical, dental, psychiatric, psychological, hygienic or other remedial care or treatment for the child, and in any emergency where the child's safety appears urgently to require it, to authorize surgery or other extraordinary care; and¶
- (e) "Legal custody" includes temporary custody of a child under an order of a court.¶
- (33) "Legal finding" means a court or administrative finding, judgment, order, stipulation, plea, or verdict that determines who was responsible for the abuse that is the subject of a CPS founded disposition. Successful completion of a diversion program is not a legal finding.¶
- (34) "Legal proceeding" means a court or administrative proceeding that may result in a legal finding.¶
- (35) "Legally emancipated " means a person under 18 years of age who is married or has been emancipated by the court in accordance with the requirements of ORS 419B.558.¶
- (36) "Level of care payment" means the payment provided to an approved or certified family, a guardian, a pre-adoptive family, or an adoptive family based on the need for enhanced supervision of a child or young adult as determined by applying the CANS algorithm to the results of the CANS screening.¶
- (37) "Level of personal care payment" means the payment to a qualified provider for performing the personal care services for an eligible child or young adult based on the child's or young adult's need for personal care services as determined by applying the personal care services algorithm to the results of the personal care services rating scale.¶
- (38) "Licensee" means a child-caring agency that holds a license issued by the Department.¶
- (39) "Local Child Welfare Office CPS Founded Disposition Review" means a process wherein a Local Child Welfare Office CPS Founded Disposition Review Committee reviews a founded disposition, makes recommendations to a Child Welfare Program Manager or designee, and the Child Welfare Program Manager or designee makes a decision to uphold, overturn, or change the abuse type of the founded disposition.¶
- (40) "Local Child Welfare Office CPS Founded Disposition Review Committee" means a group of two child welfare employees who make a recommendation or recommendations to a Child Welfare Program Manager or designee regarding a CPS founded disposition. One of the members must be a manager and one must be staff trained in CPS assessment and dispositions. No one may serve on the "Local Child Welfare Office CPS Founded Disposition Review Committee" in the review of an assessment in which he or she had a role in the CPS assessment, including having participated in a staffing, that resulted in the CPS founded disposition under review. Further requirements of the "Local Child Welfare Office CPS Founded Disposition Review Committee" are found in OAR 413-010-0735 and 413-010-0738.¶
- (41) "Parent" means is the biological or adoptive mother person who gave birth to the child or the legal father parent of the child. A legal father parent is a maperson who has adopted the child or whose paternity parentage has been established or declared under ORS 109.070, 416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the 65. In cases involving an Indian child, "parent" means a biological parent of an Indian Cchild-Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father, an Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom, or a father whose parentage has been acknowledged or established under ORS 109.065 or 419B.609. It also includes an alleged genetic parent who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father alleged genetic parent is not the legal or genetic parent of the child.¶
- (42) "Participating Tribe" means a federally recognized Indian Tribe in Oregon with a Title IV-E agreement with the Department.¶
- (43) "Party" means a person entitled to a contested case hearing under these rules.¶
- (44) "Perpetrator" means the person the Department has reasonable cause to believe is responsible for child abuse in a CPS founded disposition.¶
- (45) "Person Requesting Review" or "Requestor" means a perpetrator, their attorney, or, if a juvenile is identified as the perpetrator, the person who may request a review on their behalf, who requests a review of the founded disposition.¶
- (46) "Potential guardian" means an individual who:¶
 - (a) Has been approved by the Department or participating Tribe to be a child's guardian; and¶
 - (b) Is in the process of legalizing the relationship to the child through the judgment of the court.¶
- (47) "Pre-adoptive family" means an individual or individuals who:¶
 - (a) Has been selected to be a child's adoptive family; and¶
 - (b) Is in the process of legalizing the relationship to the child through the judgment of the court.¶
- (48) "Record" means a record, file, paper, or communication and includes, but is not limited to, any writing or

recording of information including automated records and printouts, handwriting, typewriting, printing, photostating, photographing, magnetic tapes, videotapes, or other documents. "Record" includes records that are in electronic form.¶¶

(49) "Record of sexual orientation, gender identity or gender expression" means a written or recorded statement made by a child, memoranda of an oral statement made by a child or any other documentation in a child's child welfare records of the child's statement, if the statement concerns the child's sexual orientation, gender expression or gender identity.¶¶

(50) "Registered domestic partner" means an individual joined in a domestic partnership that has been registered by a county clerk in accordance with ORS 106.300 to 106.340.¶¶

(51) "Relative" means any of the following:¶¶

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:¶¶

(A) Any ~~blood~~ relative of preceding generations denoted by the prefixes of grand, great, or great-great.¶¶

~~(B) Any half-blood~~ genetic relative of preceding generations denoted by the prefixes of grand, great, or great-great. Individuals with one common biological/genetic parent are ~~half-blood~~ half-blood relatives.¶¶

~~(C)~~ (B) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.¶¶

~~(D)~~ (C) A spouse of anyone listed in paragraphs (A) to (C) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.¶¶

(b) An individual with one of the following relationships to the child or young adult:¶¶

(A) A sibling, also to include an individual with a sibling relationship to the child or young adult through a ~~putative father~~ alleged genetic parent.¶¶

(B) An individual defined as a relative by the law or custom of the ~~Tribe~~ tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a ~~Tribe~~ tribe.¶¶

(C) An individual defined as a relative of a refugee child or young adult under OAR 413-070-0300 to 413-070-0380.¶¶

(D) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; ~~a stepbrother; or a stepsister~~ ibling.¶¶

(E) A registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.¶¶

(F) The adoptive parent or an individual who has been designated as the adoptive resource of a sibling of the child or young adult.¶¶

(G) An unrelated ~~legal or biological father or mother~~ parent of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated ~~legal or biological father or mother~~ parent.¶¶

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult ~~by blood, genetically or by~~ adoption; or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (C) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.¶¶

(d) An individual meeting the requirements of at least one of the following:¶¶

(A) An individual not related to the child, young adult, or parent ~~by blood, genetically or by~~ adoption; or marriage:¶¶

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and¶¶

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.¶¶

(B) An individual who has a ~~blood~~ genetic relationship to the child or young adult as described in paragraphs (A) to (C) of subsection (a) of this section through the ~~birth~~ genetic parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or ~~birth~~ genetic parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.¶¶

(e) For eligibility for the guardianship assistance program:¶¶

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the ~~adoptive or biological~~ parent of the child has been terminated by divorce or death.¶¶

(B) A resource parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:¶¶

(i) There is a compelling reason why adoption is not an achievable permanency plan;¶¶

(ii) The ~~resource~~ foster parent is currently caring for a child, in the care or custody of the Department or a

participating Tribe, who has a permanency plan or concurrent permanent plan of guardianship;¶

(iii) The ~~resource~~foster parent has cared for the child for at least 12 of the past 24 months; and¶

(iv) The Department or tribe has approved the ~~resource~~foster parent for consideration as a guardian.¶

(52) "Relative resource parent" means an individual 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.¶

(53) "Request for a Central Office CPS Founded Disposition Review" means a written request for a Central Office CPS Founded Disposition Review from a requestor who has received a Local Child Welfare Office CPS Founded Disposition Review Decision (Form CF 314) to retain a founded disposition. The specific requirements for a request for review by Central Office are described in OAR 413-010-0740.¶

(54) "Safety service provider" means a participant in a protective action plan, initial safety plan, or ongoing safety plan whose actions, assistance, or supervision help a family in managing a child's safety.¶

(55) "Service" means assistance that the Department provides clients.¶

(56) "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality or bisexuality.¶

(57) "Sibling" means one of two or more children or young adults who are related, or would be related but for a termination or other disruption of parental rights, in one of the following ways:¶

(a) By blood or adoption through a common parent;¶

(b) Through the marriage of the legal or biological parents of the children or young adults; or¶

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.¶

(58) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.¶

(59) "Substitute caregiver" means a relative resource parent, resource parent, or provider authorized to provide care to a child or young adult in the legal or physical custody of the Department.¶

(60) "Visit" means planned, in-person contact between the child or young adult and one or more family members.¶

(61) "Voluntary services" means services that the Department provides at the request of a person or persons and there is no open and related juvenile court proceeding.¶

(62) "Young adult" means a person 18 through 20 years of age.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 409.010, ORS 409.225, ORS 419A.255, ORS 418.200, ORS 418.606-418.609, ORS 174.100

RULE SUMMARY: OAR 413-030-0000 "Definitions" set forth the definition for Division 030 and is being amended to update the definition of parent to be in compliance with Senate Bill 163 and the Uniform Parentage Act.

CHANGES TO RULE:

413-030-0000

Definitions ¶¶

The following definitions apply to OAR ~~Chapter 413, d~~Division 30:¶¶

- (1) "APPLA" means Another Planned Permanent Living Arrangement, a permanency plan for a stable secure living arrangement for a child who has reached the age of 16 or young adult that includes building relationships with significant people in the child or young adult's life that may continue after substitute care. APPLA is the least preferred permanency plan of the five permanency plans for a child or young adult and is appropriate only after the permanency plans of reunification, adoption, guardianship, and placement with a fit and willing relative have been determined not in the best interest of a child or young adult.¶¶
- (a) "Planned" means the arrangement is intended, designed, and deliberate.¶¶
- (b) "Permanent" means enduring and stable.¶¶
- (2) "Case plan" means a written, goal-oriented, time-limited individualized plan for the child and the child's family, developed by the Department and the parents or guardians, to achieve the child's safety, permanency, and well-being.¶¶
- (3) "Chafee housing" means a payment to assist in covering the costs of room and board made to an eligible former foster child who was discharged from the care and custody of the Department or one of the federally recognized tribal nations on or after reaching 18 years of age.¶¶
- (4) "Child" means a person under 18 years of age.¶¶
- (5) "Department" means the Oregon Department of Human Services.¶¶
- (6) "Expert evaluation" means a written assessment prepared by a professional with specialized knowledge of a particular subject matter such as physical health, psychological health, mental health, sexual deviancy, substance abuse, and domestic violence. The assessment provides information regarding an individual's functioning in the area of the professional's specialized knowledge and when the expert is evaluating a parent, guardian, or Indian custodian whether the individual's functioning impacts his or her protective capacity. Parenting evaluations must not be based on a single general intelligence quotient or measure of the person's disability.¶¶
- (7) "Family support services case plan" means a goal-oriented, time-limited, individualized plan for a child and the child's family or a former foster child. The Department and the family or former foster child jointly develop a "family support services case plan" that addresses the service goals and the identified needs of the child and the child's family or the former foster child.¶¶
- (8) "Former foster child" means a person under 24 years of age who exited substitute care at or after 14 years of age, including substitute care provided by a federally recognized tribal nation, and had been in substitute care for at least 180 cumulative days after 13 years of age.¶¶
- (9) "Full-time activity" means a child or young adult is engaged in any combination of Department-approved productive activities for a minimum of 36 hours per week.¶¶
- (10) "GED" means a General Educational Development certificate issued pursuant to ORS 351.768.¶¶
- (11) "Guardian" means an individual who has been granted guardianship of a child through a judgment of the court.¶¶
- (12) "ILP" means the Independent Living Program services provided by the Department to an eligible foster child, young adult or former foster child.¶¶
- (13) "Independent living housing subsidy" means a payment to assist in covering the cost of room, board, or other monthly expenses made to an eligible individual who is at least 16 years of age and is in the care and custody of the Department and living independently.¶¶
- (14) "Indian child" means any unmarried person who is under age 18 and either:¶¶
 - (a) Is a member or citizen of an Indian tribal nation; or¶¶
 - (b) Is eligible for membership or citizenship in an Indian tribal nation and is the biological child of a member or citizen of an Indian tribal nation.¶¶
- (15) "Indian custodian" means any Indian, other than the Indian child's parent, who has custody of an Indian child under applicable tribal law or custom or under applicable state law, or to whom temporary physical care, custody, and control has been transferred by the Indian child's parent.¶¶
- (16) "Legal custody" means a legal relationship between a person, agency, or institution and a child that imposes on the person, agency, or institution the duties and authority of the child's legal custodian.¶¶
- (17) "Parent" means ~~is the biological or adoptive mother~~ person who gave birth to the child or the legal

~~fatherparent~~ of the child. A legal ~~fatherparent~~ is a ~~maperson~~ who has adopted the child or whose ~~paternityrentage~~ has been established or declared under ORS 109.070, ORS 416.400 to 416.610, or by a juvenile court⁶⁵. In cases involving an Indian child under the ORICWA, "parent" means any biological parent of an Indian child, or any Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom. ~~It does not include an unwed biological, or a father whose paternity has not~~rentage has been acknowledged or established.

~~"Parent" also includes a putative father under ORS 109.065 or 419B.609. It also includes an alleged genetic parent who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father.~~ alleged genetic parent is not the legal or genetic parent of the child.¶

(18) "Permanency plan" means a written course of action for achieving safe and lasting family resources for the child or young adult. Although the plan may change as more information becomes available, the goal is to develop safe and permanent resources with the parents, relatives, or other people who may assume responsibility for the child or young adult during the remaining years of dependency and be accessible and supportive to the child or young adult in adulthood.¶

(19) "Registered domestic partner" means an individual joined in a domestic partnership that is registered by a county clerk in accordance with ORS 106.300 to 106.340.¶

(20) "Service Agreement" means a written document between the Department and a parent, guardian, Indian custodian or former foster child that identifies one or more of the service goals in a family support services case plan, and the services and activities that are necessary for the parent, guardian, Indian custodian or former foster child to achieve the goal.¶

(21) "Service goal" means the observable, sustained change in behavior, condition, or circumstance that, when accomplished, achieves the desired effect.¶

(22) "Short term services" mean actions or activities that are limited in duration to a maximum of 180 days.¶

(23) "Sibling" means one of two or more children or young adults who are related, or would be related but for a termination or other disruption of parental rights, in one of the following ways:¶

(a) By blood or adoption through a common parent;¶

(b) Through the marriage of the legal or biological parents of the children or young adults; or¶

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent.¶

(24) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.¶

(25) "Substitute caregiver" means a relative resource parent, resource parent, or provider authorized to provide care to a child or young adult in the legal or physical custody of the Department.¶

(26) "Young adult" means a person aged 18 through 20.

Statutory/Other Authority: ORS 409.050, ORS 418.005, 45 CFR § 84.60

Statutes/Other Implemented: ORS 418.005, Section 504 of the Rehabilitation Act, 29 USC § 794

RULE SUMMARY: OAR 413-040-0000 "Definitions" set forth the definition for Division 040 and is being amended to update the definition of parent to be in compliance with Senate Bill 163 and the Uniform Parentage Act.

CHANGES TO RULE:

413-040-0000

Definitions ¶¶

Unless the context indicates otherwise, the following definitions apply to rules in OAR chapter 413, division 040:¶
(1) "AAICPC" means the Association of Administrators of the Interstate Compact on the Placement of Children, which is the national professional association of state administrators of the Interstate Compact on the Placement of Children, housed at the American Public Human Services Association (APHSA).¶

(2) "Action agreement" means a written document between the Department and a parent or guardian that identifies one or more of the services or activities provided by the Department or other community partners, in which the parent or guardian may participate to achieve an expected outcome.¶

(3) "Acquired Immune Deficiency Syndrome (AIDS)" is a disorder in which a person's immune system is severely suppressed. It is caused by the human immunodeficiency virus (HIV). In order for a person to be diagnosed as having AIDS, the virus, immune system suppression, and an opportunistic infection or other condition stipulated by the U.S. Centers for Disease Control must all be present. A laboratory diagnosis of a CD4 less than 200 also is an AIDS defined illness.¶

(4) "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.¶

(5) "Applicant" means any individual other than the parent of the child who is being placed who applies for approval from the Department to become an ICPC placement.¶

(6) "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of gathering information on the needs and strengths of a child or young adult for one or more of the following purposes:¶

(a) To identify case planning, service planning, and supervision needs of the child or young adult in substitute care with a certified family.¶

(b) To determine the level of care payment while in substitute care with a certified family; and¶

(c) To determine the level of care payment included in an adoption assistance agreement or guardianship assistance agreement.¶

(7) "Case plan" means a written goal-oriented, time-limited individualized plan for the child and the child's family, developed by the Department and the parents or guardians, to achieve the child's safety, permanency, and well-being.¶

(8) "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.¶

(9) "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.¶

(10) "Child" means a person under 18 years of age.¶

(11) "Child protective services assessment" (CPS assessment) means an investigation into a report of abuse pursuant to ORS 419B.020 or ORS 418.205 - 418.327 that includes activities and interventions to identify and analyze safety threats, determine if there is reasonable cause to believe abuse occurred, and ensure safety through protective action plans, initial safety plans, or ongoing safety planning.¶

(12) "Compact administrator" means the person for each party to the Compact responsible for carrying out the provisions of the Compact.¶

(13) "Complete judicial review" means a hearing that results in a written order that contains the findings required under ORS 419B.476 or includes substantially the same findings as are required under ORS 419A.116.¶

(14) "Concurrent permanent plan" means the alternate permanency plan whenever the child has been placed in substitute care when the goal of the permanency plan is to return the child to the parents. The "concurrent permanent plan" is developed simultaneously with the plan to return the child to the parents or legal guardians.¶

(15) "Conditions for return" mean a written statement of the specific behaviors, conditions, or circumstances that

must exist within a child's home before a child can safely return and remain in the home with an in-home ongoing safety plan.¶

(16) "Counseling" means group and individual counseling, emotional support groups, one-on-one emotional support, AIDS education, and/or information services.¶

(17) "Court jurisdiction only" means a case where the sending court has an open abuse, neglect or dependency case that establishes court jurisdiction with the authority to supervise, remove, and/or place the child, and where the child is not in the custody or guardianship of an agency or the court at the time the ICPC Request form 100A is completed.¶

(18) "Date child entered substitute care" means the earlier of the following two dates:¶

(a) The date the court found the child within the jurisdiction of the court (under ORS 419B.100); or¶

(b) The date that is 60 days from the date of removal.¶

(19) "Department" means the Department of Human Services, Child Welfare.¶

(20) "Deputy compact administrator" means the person appointed by a compact administrator as the coordinator to ensure compliance with the ICPC and OAR 413-040-0200 to 0300.¶

(21) "Expected outcome" means an observable, sustained change in a parent or guardian's behavior, condition, or circumstance that, when accomplished, may increase a parent or guardian's protective capacity and reduce or eliminate an identified impending danger safety threat, and which, when accomplished, may no longer require Child Welfare intervention to manage a child's safety. It is a desired end result and takes effort to achieve.¶

(22) "Expert evaluation" means a written assessment prepared by a professional with specialized knowledge of a particular subject matter such as physical health, psychological health, mental health, sexual deviancy, substance abuse, and domestic violence. The assessment provides information regarding an individual's functioning in the area of the professional's specialized knowledge, and when the expert is evaluating a parent or guardian, whether the individual's functioning impacts his or her protective capacity.¶

(23) "Face-to-face" means an in-person interaction between individuals.¶

(24) "FDM" means family decision-making meeting as defined by ORS 417.365.¶

(25) "FEM" means the family engagement meeting. The FEM occurs between 30 - 60 days after a child or young adult has been placed in substitute care or a cooperative case has opened. This meeting is family-focused, facilitated by a highly skilled meeting facilitator, and officially moves the family's case from co-case management to ongoing case planning with the family and the permanency worker. It is designed to build on the strengths of the family and their team in order to support the written safety plan and meeting conditions for return. These meetings must include Oregon Family Decision Meeting (OFDM) requirements as described in ORS 417.365 to 417.375 regarding concurrent planning. Extended family, natural supports and professionals are invited. The purpose of the family engagement meeting is to continue support case planning with the family to provide for the safety, attachment, and permanency needs of the child and family.¶

(26) "Family member" means any person related to the child or young adult by blood, marriage, or adoption, including, but not limited to, the parents, grandparents, stepparents, aunts, uncles, sisters, brothers, cousins or great-grandparents. Family member also includes the registered domestic partner of a person related to the child, a child 12 years of age or older, and when appropriate, a child younger than 12 years of age. In a case involving an Indian child under the Indian Child Welfare Act (ICWA), a "family member" is defined by the law or custom of the child's tribe.¶

(27) "Fictive kin" has the same meaning as kith and means an individual who is not related to the child or young adult by blood, adoption or marriage but has an emotionally significant relationship with the child or young adult that has the characteristics of a family relationship.¶

(28) "Family plan" means a written document developed at the FDM that includes family recommendations on planning for the child and may include a permanency plan, concurrent permanent plan, placement recommendations, or service recommendations. The "family plan" also includes expectations of the parents of the child and other family members, services the Department may provide, timelines for implementation of the plan, benefits of compliance with the plan, consequences of noncompliance with the plan, and a schedule of future meetings if appropriate. The "family plan" described in ORS 417.375(1) is incorporated into the case plan to the extent that it protects the child, builds on family strengths, and is focused on achieving permanency for the child within a reasonable time.¶

(29) "Form 100A" means the sending agency's formal written notice to the revocation of its intention to make an interstate placement and a request for a finding as to whether the placement would be contrary to the interests of the child. The form may also include a formal request for a home study. The form accompanies all requests for placement to which the Compact is applicable. ¶

(30) "Form 100B," Interstate Compact Report on Child's Placement Status, means the form used to: ¶

(a) Confirm that an approved placement in accordance with the Compact has been made; ¶

(b) Withdraw a request prior to the home study; ¶

(c) Indicate that an approved resource will not be used; ¶

- (d) Report a change in the placement resource and/or type of care; or¶
- (e) Report a change of address.¶
- (31) "Grandparent" for purposes of notification, visitation, contact, or communication ordered by the court under ORS 419.B876 means the legal parent of the child or young adult's legal parent, regardless of whether the parental rights of the child or young adult's legal parent have been terminated under ORS 419B.500 to 419B.524.¶
- (32) "Guardian" means an individual who has been granted guardianship of a child through a judgment of the court.¶
- (33) "High-risk behaviors" means the following:¶
 - (a) Having shared a needle with an intravenous drug abuser since 1977;¶
 - (b) For a man, having had sex with another man or men since 1977;¶
 - (c) Having been sexually active in an area where heterosexual transmission is believed to be high;¶
 - (d) Persons with hemophilia;¶
 - (e) Having been the sexual partner of a person in one of the previous categories;¶
 - (f) Being born to a woman whose history has put her in one of these other categories.¶
- (34) "HIV" is the acronym for human immunodeficiency virus. This is the current name for the virus which causes AIDS.¶
- (35) "HIV Infection". People who have been tested and found to have the antibody are referred to as having HIV infection. These people are capable of transmitting the virus through risk behaviors, as described below.¶
- (36) "HIV Positive" means that a blood test has indicated the presence of antibodies to HIV. This means that the person has been infected by the virus and the immune system has responded by producing antibodies. An exception is infants of HIV-infected mothers. They have been exposed to the mother's antibodies and carry these antibodies in their blood for a number of months after birth. A series of tests is necessary to determine if these infants are themselves infected with HIV.¶
- (37) "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.¶
- (38) "Home visit" means a face-to-face contact at an individual's residence. ¶
- (39) "ICPC" or "Compact" means the Interstate Compact on the Placement of Children.¶
- (40) "ICPC approved family" means a family approved by the Interstate Compact on the Placement of Children (ICPC) compact administrator, deputy compact administrator or designee after reviewing a home study.¶
- (41) "ICWA" or "the Act" means the Indian Child Welfare Act of 1978, 25 U.S.C. §§1901-63.¶
- (42) "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 to a child 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 function.¶
- (43) "Indian child" means any unmarried person who is under age 18 and either:¶
 - (a) Is a member or citizen of an Indian tribe; or¶
 - (b) Is eligible for membership or citizenship in an Indian tribe and is the biological child of a member or citizen of an Indian tribe.¶
- (44) "Indian custodian" means any Indian who has legal custody of an Indian child under applicable tribal law or custom or under applicable state law, or to whom temporary physical care, custody, and control has been transferred by the parent of such child.¶
- (45) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska Native village as defined in 43 USC section 1602.¶
- (46) "Legal custody" means that a person or agency has legal authority: ¶
 - (a) To have physical custody and control of a child or young adult; ¶
 - (b) To supply the child or young adult with food, clothing, shelter and other necessities;¶
 - (c) To provide the child or young adult with care, education and discipline;¶
 - (d) To authorize medical, dental, psychiatric, psychological, hygienic or other remedial care or treatment for the child or young adult, and in any emergency where the child or young adult's safety appears urgently to require it, to authorize surgery or other extraordinary care; and¶
 - (e) "Legal custody" includes temporary custody of a child or young adult under an order of a court.¶
- (47) "Local Citizen Review Board (CRB)" means a board of not less than three nor more than five members appointed by the Chief Justice of the Supreme Court of the State of Oregon to review the cases of all children in the custody of the Department and placed in an out-of-home placement (ORS 419A.090-419A.094).¶
- (48) "Member of the household" means any adult or child living in the home, including the applicant or parent and any caregiving employee or volunteer who resides in the home.¶
- (49) "Ongoing safety plan" means a documented set of actions or interventions that manage a child's safety after

the Department has identified one or more impending danger safety threats at the conclusion of a CPS assessment or anytime during ongoing work with a family.¶

(50) "Parent" means ~~is the biological or adoptive mother~~ person who gave birth to the child or the legal father ~~parent of the child. A legal father~~ parent is a person who has adopted the child or whose paternity ~~parentage has been established or declared under ORS 109.070, ORS 416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the Indian Child Welfare Act (ICWA) 65. In cases involving an Indian child, "parent" means any biological parent of an Indian child, or any Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom. It does not include an unwed biological, or a father whose paternity has not~~ parentage has been acknowledged or established. "Parent" also includes a putative father under ORS 109.065 or 419B.609. It also includes an alleged genetic parent who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father ~~alleged genetic parent is not the legal or genetic parent of the child.~~¶

(51) "Parent home study" means a document containing an analysis of the ability of the parent to provide safe and appropriate care of a child or young adult.¶

(52) "Permanency hearing" means the hearing that determines the permanency plan for the child. The "Permanency Hearing" is conducted by a juvenile court, another court of competent jurisdiction or by an authorized tribal court.¶

(53) "Permanency plan" means a written course of action for achieving safe and lasting family resources for the child or young adult. Although the plan may change as more information becomes available, the goal is to develop safe and permanent family resources with the parents, relatives, or other people who may assume legal responsibility for the child or young adult during the remaining years of dependency and be accessible and supportive to the child or young adult in adulthood.¶

(54) "Personal care services" means the provision of or assistance with those functional activities described in OAR 413-090-0120 consisting of mobility, transfers, repositioning, basic personal hygiene, toileting, bowel and bladder care, nutrition, medication management, and delegated nursing tasks that a child or young adult requires for his or her continued well-being.¶

(55) "Placement" means the arrangement for the care of a child in the home of a parent, a foster home, relative foster home, non-paid relative home, or a child-caring agency or institution. It does not include the arrangement for care in an institute caring for the mentally ill, an institution primarily educational in character, or a hospital or other medical facility.¶

(56) "Qualified individual" means an individual who is:¶

(a) A trained professional or licensed clinician;¶

(b) Not an employee of the Department or of the Oregon Health Authority;¶

(c) Not connected to, or affiliated with, any placement setting in which a child or young adult is placed by the Department.¶

(57) "Qualified residential treatment program (QRTP)" means a program that:¶

(a) Provides residential care and treatment to a child or young adult who, based on a QRTP assessment, requires specialized, evidence-based supports and services related to the effects of trauma or mental, emotional or behavioral health needs.¶

(b) Uses a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of the child or young adult.¶

(c) Ensures that the staff at the facility includes licensed or registered nurses licensed under ORS chapter 678 and other licensed clinical staff who:¶

(A) Provide care within their licensed scope of practice;¶

(B) Are on site according to the treatment model identified in OAR 410-170-0030 (2); and¶

(C) Are available 24 hours per day and seven days per week.¶

(d) Facilitates the involvement of the family of the child or young adult, as defined in ORS 418.575, in the treatment program of the child or young adult, to the extent appropriate, and in accordance with the best interests of the child or young adult.¶

(e) Facilitates outreach to the family of the child or young adult, as defined in ORS 418.575, documents how outreach is made and maintains contact information for any known biological relatives or fictive kin, as defined by the Department.¶

(f) Documents how the program integrates family into the treatment process of the child or young adult, including after discharge, and how sibling connections are maintained.¶

(g) Provides discharge planning and family-based after-care support for at least six months following the discharge from the program.¶

(h) Is accredited as outlined in OAR 413-095-0000 (2).¶

(58) "QRTP assessment" means an assessment of the strengths and needs of a child or young adult by a qualified

individual using the Child and Adolescent Needs and Strengths tool in combination with a review of clinical documentation to determine the most effective and appropriate level of care for the child or young adult.¶¶

(59) "Protective capacity" means behavioral, cognitive, and emotional characteristics that can specifically and directly be associated with a person's ability and willingness to care for and keep a child safe.¶¶

(60) "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.¶¶

(61) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by a public authority or a private person or agency, whether for placement with a state or local public authority or with a private agency or person.¶¶

(62) "Registered domestic partner" means an individual joined in a domestic partnership that is registered by a county clerk in accordance with ORS 106.300 to 106.340.¶¶

(63) "Reunification" means placement with a parent or guardian.¶¶

(64) "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.¶¶

(65) "Safety threshold" means the point at which family behaviors, conditions, or circumstances are manifested in such a way that they are beyond being risk influences and have become an impending danger safety threat. In order to reach the "safety threshold" the behaviors, conditions, or circumstances must meet all of the following criteria: be imminent, be out of control, affect a vulnerable child, be specific and observable, and have potential to cause severe harm to a child. The "safety threshold" criteria are used to determine the presence of an impending danger safety threat.¶¶

(66) "SAIP" means Secure Adolescent Inpatient Program.¶¶

(67) "SCIP" means Secure Children's Inpatient Program.¶¶

(68) "Sending agency" means a party state or an officer or employee thereof, a subdivision of a party state or an officer or employee thereof, a court of a party state, or a person, corporation, association, charitable agency, or other entity that sends, brings, or causes to be sent or brought a child to another party state. When an agency chooses to exert legal authority to supervise and or remove and place the child during a court jurisdiction only case, that agency is the sending agency.¶¶

(69) "Sending state" means the state from which a proposed placement is made.¶¶

(70) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.¶¶

(71) "Substitute caregiver" means a relative caregiver, foster parent, or provider authorized to provide care to a child or young adult in the legal or physical custody of the Department.¶¶

(72) "Termination of parental rights" means that a court of competent jurisdiction has entered an order terminating the rights of the parent or parents, pursuant to ORS 419B.500 through 419B.530 or the statutes of another state. The date of the termination order determines the effective date of the termination even if an appeal of that order has been filed (ORS 419A.200).¶¶

(73) "Young adult" means a person aged 18 through 20 years.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 418.005

RULE SUMMARY: OAR 413-070-0000 "Definitions" set forth the definition for Division 070 and is being amended to update the definition of relative and parent to be in compliance with Senate Bill 163 and the Uniform Parentage Act.

CHANGES TO RULE:

413-070-0000

Definitions ¶¶

The following definitions apply to OAR chapter 413, division 70.¶¶

- (1) "Adoption" means a legal or administrative process that establishes a permanent legal parent-child relationship between a child and an adult who is not already the child's legal parent and terminates the legal parent-child relationship between the adopted child and any former parent.¶¶
- (2) "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.¶¶
- (3) "Affected family members" means biological and legal parents, extended family members, and any person within the fifth degree of consanguinity to the child.¶¶
- (4) "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.¶¶
- (5) "Antipsychotic medication" means a medication, specified in class 28:16:08 by the American Hospital Formulary Service, used to treat psychosis and other conditions.¶¶
- (6) "APPLA" means Another Planned Permanent Living Arrangement, a permanency plan for a stable secure living arrangement for a child who has reached the age of 16 or young adult that includes building relationships with significant people in the child's life that may continue after substitute care. APPLA is the least preferred permanency plan of the five permanency plans for a child or young adult and is appropriate only after the permanency plans of reunification, adoption, guardianship, and placement with a fit and willing relative have been determined not in the best interests of a child or young adult.¶¶
 - (a) "Planned" means the arrangement is intended, designed, and deliberate.¶¶
 - (b) "Permanent" means enduring and stable.¶¶
- (7) "Assessment" means the determination of a child or young adult's need for mental health services through interviewing the child or young adult and obtaining all pertinent medical and psychosocial history information from the individual, family, and collateral sources. The "assessment:"¶¶
 - (a) Addresses the current complaint or condition presented by the child or young adult;¶¶
 - (b) Determines a diagnosis; and¶¶
 - (c) Provides treatment direction and individualized services and supports.¶¶
- (8) "Base rate payment" means a payment to the foster parent or relative caregiver for the costs of providing the child or young adult with the following:¶¶
 - (a) Food, including the special or unique nutritional needs of the child or young adult;¶¶
 - (b) Clothing, including purchase and replacement;¶¶
 - (c) Housing, including maintenance of household utilities, furnishings, and equipment;¶¶
 - (d) Daily supervision, including teaching and directing to ensure safety and well-being at a level appropriate for the age of the child or young adult;¶¶
 - (e) Personal incidentals, including personal care items, entertainment, reading materials, and miscellaneous items; and¶¶
 - (f) Transportation, including gas, oil, and vehicle maintenance and repair costs for local travel associated with providing the items listed above, and transportation to and from extracurricular, child care, recreational, and cultural activities.¶¶
- (9) "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of gathering information on the needs and strengths of a child or young adult:¶¶
 - (a) To identify case planning, service planning, and supervision needs of the child or young adult in substitute care with a certified family;¶¶

- (b) To determine the level of care payment while in substitute care with a certified family; and¶
- (c) To determine if a child or young adult qualifies for a level of care payment for the purpose of negotiating or renegotiating an adoption assistance or guardianship assistance payment.¶
- (10) "Caregiver relationship" means a relationship between a person and a child or young adult that meets all of the following requirements:¶
 - (a) The relationship has existed for the 12 months immediately preceding the initiation of a dependency proceeding, for at least six months during a dependency proceeding, or for half of the child's life if the child is less than six months of age. A "caregiver relationship" does not include a relationship between a child or young adult and a person who is an unrelated foster parent of the child or young adult unless the relationship continued for a period of at least twelve consecutive months.¶
 - (b) The person had physical custody of the child or young adult or resided in the same household as the child or young adult and provided the child or young adult on a daily basis with the love, nurturing, and other necessities required to meet the psychological and physical needs of the child or young adult.¶
 - (c) The child or young adult depended on the relationship to meet the needs of the child or young adult.¶
- (11) "CASA" means a court appointed special advocate: a volunteer who is appointed by the court, is a party to the juvenile proceeding, and advocates for the child pursuant to ORS 419B.112.¶
- (12) "Case plan" means a written goal-oriented, time-limited individualized plan for the child or young adult and the family of the child or young adult, developed by the Department and the parents or guardians, to achieve the safety, permanency, and well-being of the child or young adult.¶
- (13) "Central Office Guardianship Committee" means a group of individuals convened by Department staff to make recommendations to the Child Welfare Program Manager or designee regarding a guardianship plan. ¶
- (14) "Certificate of Approval" means a document that the Department issues to approve the operation of a child-specific relative caregiver home, child-specific foster home, pre-adoptive home, or a regular foster home.¶
- (15) "Child" means a person under 18 years of age.¶
- (16) "Child-family contact" means communication between the child or young adult and family and includes, but is not limited to, visitation with the child or young adult, participation in the child or young adult's activities, and appointments, phone calls, e-mail, and written correspondence.¶
- (17) "Child's home" means the home from which the child is removed under the provisions of ORS 419B.150.¶
- (18) "Committee facilitator" means a Department staff member appointed as a member of the committee to facilitate a permanency or adoption committee meeting.¶
- (19) "Concurrent permanent plan" means the alternate permanency plan whenever the child has been placed in substitute care when the goal of the permanency plan is to return the child to the parents. The "concurrent permanent plan" is developed simultaneously with the plan to return the child to the parents or legal guardians.¶
- (20) "Conditions for return" means a written statement of the specific behaviors, conditions, or circumstances that must exist within a child's home before a child can safely return and remain in the home with an in-home ongoing safety plan.¶
- (21) "Congregate care residential setting" means any setting that cares for more than one child or young adult in the care or custody of the Department and is not one of the following settings:¶
 - (a) A foster home certified by the Department under OAR 413-200-0270 to 413-200-0298;¶
 - (b) A foster home certified by the Office of Developmental Disabilities Services under OAR 411-346-0100 to 411-346-0240;¶
 - (c) A residential facility licensed by the Office of Developmental Disabilities Services under OAR 411-325-0100 to 411-325-0490;¶
 - (d) A proctor foster home certified by a foster care agency under OAR 413-215-0301 to 413-215-0396; or¶
 - (e) A foster home certified and licensed by a participating tribe.¶
- (22) "Cultural heritage" means the language, customary beliefs, social norms, and material traits including, but not limited to, the dress, food, music, and dance of a racial, religious, or social group that are transmitted from one generation to another.¶
- (23) "Current caretaker" means a foster parent who:¶
 - (a) Is currently caring for a child in the care and custody of the Department and has a permanency plan or concurrent permanent plan of adoption; and¶
 - (b) Has cared for the child or at least one sibling of the child for at least 12 months or for one-half of the child's or sibling's life if the child or sibling is younger than two years of age. Time spent caring for the child or sibling under this definition is calculated cumulatively.¶
- (24) "Department" means the Department of Human Services, Child Welfare.¶
- (25) "Designee" means a person who the designator directly and immediately supervises or a person with equal or greater management responsibility than the designator.¶
- (26) "Enhanced supervision" means the additional support, direction, observation, and guidance necessary to promote and ensure the safety and well-being of the child or young adult when the child or young adult qualifies

for a level of care payment.¶¶

(27) "Entity" means any organization or agency including, but not limited to a private child placing agency, that is separate and independent of the Department, performs functions pursuant to a contract or subcontract with the Department, and receives federal funds.¶¶

(28) "Extended family member" means a person ordinarily recognized as the refugee child's parent by the custom of the child's culture, or a person 18 years of age or older who is the child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent.¶¶

(29) "Face-to-face" means an in-person interaction between individuals.¶¶

(30) "Family member" means any person related to the child or young adult by blood, marriage, or adoption, including, but not limited to the parents, grandparents, stepparents, aunts, uncles, sisters, brothers, cousins, and great-grandparents. "Family member" also includes the registered domestic partner of a person related to the child, a child 12 years of age or older, and when appropriate, a child younger than 12 years of age. Under the Indian Child Welfare Act (ICWA), "family member" has the meaning given by the law or custom of the child's tribe.¶¶

(31) "Fictive kin" has the same meaning as kith and means an individual who is not related to the child or young adult by blood, adoption or marriage but has an emotionally significant relationship with the child or young adult that has the characteristics of a family relationship.¶¶

(32) "Fit and willing relative" means an individual who meets the eligibility criteria in OAR 413-070-1010.¶¶

(33) "Foster care agency" means a private child-caring agency that offers to place children by taking physical custody of and then placing the children in a home certified by the agency.¶¶

(34) "Foster care placement" means any action removing, or which could result in the removal of, a child from his or her parent or Indian custodian, such as court-ordered supervision in the home, for placement in foster care, with a guardian, or in an institution where the parent or Indian custodian cannot have the child returned upon demand, but where parental rights have not been terminated.¶¶

(35) "Foster parent" means an individual 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.¶¶

(36) "General applicant" means an individual who:¶¶

(a) Is neither a relative or current caretaker; and¶¶

(b) Has submitted a completed application to adopt a child.¶¶

(37) "Grandparent" for purposes of notification, visitation, contact, or communication ordered by the court under ORS 419B.876 means the legal parent of the child or young adult's legal parent, regardless of whether the parental rights of the child's or young adult's legal parent have been terminated under ORS 419B.500 to 419B.524.¶¶

(38) "Guardian" means an individual who has been granted guardianship of a child through a judgment of the court.¶¶

(39) "Guardianship assistance" means assistance provided by the Department to the guardian on behalf of an eligible child or young adult to offset costs associated with meeting the ongoing needs of the child or young adult. "Guardianship assistance" may be in the form of a payment, medical coverage, or reimbursement of guardianship expenses.¶¶

(40) "Guardianship assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the potential guardian or guardian setting forth the assistance the Department is to provide on behalf of the child or young adult, the responsibilities of the guardian and the Department, and the manner in which the agreement and amount of assistance may be modified or terminated.¶¶

(41) "Guardianship assistance agreement only" means a written agreement, binding on the parties to the agreement, between the Department and the potential guardian or guardian of an eligible child or young adult, when the potential guardian or guardian is not receiving a guardianship assistance payment or medical coverage at the time of the agreement but may request it at a later date.¶¶

(42) "Guardianship assistance payment" means a monthly payment made by the Department to the guardian on behalf of the eligible child or young adult.¶¶

(43) "Guardianship Assistance Review Committee" means a committee composed of local and central office Department staff with expertise in the area of guardianship.¶¶

(44) "Homeless, runaway, and transitional living shelter" means a child-caring agency that provides residential services or operates a shelter, mass shelter, or transitional living program for a homeless or runaway child or young adult, a pregnant or parenting child or young adult, or other children and young adults in care working toward independent living.¶¶

(45) "Home visit" means a face-to-face contact at an individual's residence. ¶¶

(46) "ICWA" means the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901-63.¶¶

(47) "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 to a child 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.¶

(48) "Incapacity" means a physical or mental illness, or impairment that reduces substantially or eliminates the individual's ability to support, care for, or meet the needs of the child and is expected to be permanent.¶

(49) "Independent living housing subsidy" means a payment to assist in covering the cost of room, board, or other monthly expenses made to an eligible individual who is at least 16 years of age and is in the care and custody of the Department and living independently.¶

(50) "Indian" means any person who is a member of or eligible for membership in an Indian tribe or who is an Alaskan native and a member of a Regional Corporation as defined in 43 USC section 1606.¶

(51) "Indian child" means any unmarried person who is under age 18 and either:¶

(a) Is a member or citizen of an Indian tribe; or¶

(b) Is eligible for membership or citizenship in an Indian tribe and is the biological child of a member or citizen of an Indian tribe.¶

(52) "Indian child's tribe" means the Indian tribe in which an Indian child is a member or eligible for membership. In the case of an Indian child who is a member or eligible for membership in more than one Indian tribe, it is the Indian tribe with which the Indian child has the most significant contacts.¶

(53) "Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996" ("IEPA") means section 1808 of the act which is entitled "Removal of Barriers to Interethnic Adoption", and affirms and strengthens the prohibition against discrimination in adoption or foster care placements, and is codified in 42 USC section 671(a)18.¶

(54) "Legal assistance specialist" means an Adoption Program staff member who provides consultation on the technical and legal processes to achieve a permanency plan for a child in the legal custody of the Department.¶

(55) "Level of care payment" means the payment provided to an approved or certified family based on the need for enhanced supervision of a child or young adult determined by applying the CANS algorithm to the results of the CANS screening.¶

(56) "Licensed medical professional" means an individual who meets the criteria of both of the following subsections:¶

(a) The individual holds at least one of the following valid licensures or certifications:¶

(A) Physician licensed to practice in the State of Oregon;¶

(B) Nurse practitioner certified by the Oregon State Board of Nursing under ORS 678.375; or¶

(C) Physician assistant licensed to practice in the State of Oregon.¶

(b) The individual's training, experience, and competence demonstrate expertise in children's mental health, the ability to conduct a mental health assessment, and the ability to provide psychotropic medication management for children and young adults.¶

(57) "Medically accepted indication," defined in ORS 418.517, means any use for a covered outpatient drug that is approved under the Federal Food, Drug and Cosmetic Act, or recommended by the Pharmacy and Therapeutics Committee, or the use of which is supported by one or more citations included or approved for inclusion in any of the following compendia:¶

(a) American Hospital Formulary Services drug information;¶

(b) United States Pharmacopoeia drug information or any successor publication;¶

(c) The DRUGDEX Information System; or¶

(d) Peer-reviewed medical literature.¶

(58) "Multiethnic Placement Act of 1994" means federal statutes which prohibit discrimination based on race, color, or national origin as considerations in adoption and foster placements.¶

(59) "Nonrecurring guardianship assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the potential guardian of an eligible child for a one-time payment to reimburse the guardian for the reasonable and necessary expenses incurred in legally finalizing the guardianship.¶

(60) "Nonrecurring guardianship expenses" means a one-time payment of up to \$2,000 per child that the Department will make to a guardian to assist with the reasonable and necessary expenses associated with obtaining legal guardianship of an eligible child.¶

(61) "Office of Developmental Disabilities Services" means the Department of Human Services, Office of Developmental Disabilities Services.¶

(62) "Parent" means is the biological or adoptive mother ~~person who gave birth to the child~~ or the legal ~~father~~ parent of the child. A legal ~~father~~ parent is a ~~person~~ person who has adopted the child or whose ~~paternity~~ parentage has been established or declared under ORS 109.070, ~~ORS 416.400 to 416.610, or by a juvenile court~~ 65. In cases involving an Indian child ~~under the ICWA~~, "parent" means any biological parent of an Indian child, ~~or any Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom. It does not include an unwed biological, or a father whose paternity has not~~ parentage has been acknowledged or established. "Parent" ~~also includes a putative father under ORS 109.065 or 419B.609. It also includes an alleged genetic parent who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume~~

responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father alleged genetic parent is not the legal or genetic parent of the child.¶

(63) "Participating tribe" means a federally-recognized Indian tribe in Oregon with a Title IV-E agreement with the Department.¶

(64) "Permanency committee" means a group of individuals who are responsible for making a recommendation regarding a permanency plan or a potential permanency resource when the child or young adult likely is not returning to his or her parent.¶

(65) "Permanency plan" means a written course of action for achieving safe and lasting family resources for the child or young adult. Although the plan may change as more information becomes available, the goal is to develop safe and permanent family resources with the parents, relatives, or other people who will assume responsibility for the child or young adult during the remaining years of dependency and be accessible and supportive to the child or young adult in adulthood.¶

(66) "Permanent foster care" means the out of home placement of a child or young adult in which there is a long-term foster care agreement between each substitute caregiver and the Department approved by the juvenile court under which the substitute caregiver commits to raise a child in substitute care until the age of majority and be accessible to and supportive of the child into adulthood, until the court determines that APPLA - "permanent foster care" is no longer the appropriate permanency plan for the child or young adult.¶

(67) "Potential guardian" means an individual who is being considered by the Department or participating tribe to be the legal guardian of the child.¶

(68) "Provider" means an individual approved by a licensed private child-caring agency to provide care for a child or young adult, or an employee of a licensed private child-caring agency approved to provide care for a child or young adult.¶

(69) "Psychotropic medication," defined in ORS 418.517, 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.¶

(70) "Qualified individual" means an individual who is:¶

(a) A trained professional or licensed clinician;¶

(b) Not an employee of the Department or of the Oregon Health Authority;¶

(c) Not connected to, or affiliated with, any placement setting in which a child or young adult is placed by the Department.¶

(71) "Qualified mental health professional" means an individual who meets the requirements of both of the following subsections:¶

(a) Holds at least one of the following educational degrees:¶

(A) Graduate degree in psychology;¶

(B) Bachelor's degree in nursing and is licensed by the state of Oregon;¶

(C) Graduate degree in social work;¶

(D) Graduate degree in a behavioral science field;¶

(E) Graduate degree in recreational, art, or music therapy; or¶

(F) Bachelor's degree in occupational therapy and is licensed by the State of Oregon.¶

(b) Whose education and experience demonstrates the competencies to:¶

(A) Identify precipitating events;¶

(B) Gather histories of mental and physical disabilities, alcohol and drug use, past mental health services, and criminal justice contacts;¶

(C) Assess family, social, and work relationships;¶

(D) Conduct a mental status examination;¶

(E) Document a multiaxial DSM diagnosis;¶

(F) Develop and supervise a treatment plan;¶

(G) Conduct a mental health assessment; and¶

(H) Provide individual, family, or group therapy within the scope of his or her practice.¶

(72) "Qualified residential treatment program (Q RTP)" means a program that:¶

(a) Provides residential care and treatment to a child or young adult who, based on a Q RTP assessment, requires specialized, evidence-based supports and services related to the effects of trauma or mental, emotional or behavioral health needs.¶

(b) Uses a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of the child or young adult.¶

(c) Ensures that the staff at the facility includes licensed or registered nurses licensed under ORS chapter 678 and other licensed clinical staff who:¶

(A) Provide care within their licensed scope of practice;¶

- (B) Are on site according to the treatment model identified in OAR 410-170-0030 (2); and¶
- (C) Are available 24 hours per day and seven days per week.¶
- (d) Facilitates the involvement of the family of the child or young adult, as defined in ORS 418.575, in the treatment program of the child or young adult, to the extent appropriate, and in accordance with the best interests of the child or young adult.¶
- (e) Facilitates outreach to the family of the child or young adult, as defined in ORS 418.575, documents how outreach is made and maintains contact information for any known biological relatives or fictive kin, as defined by the Department.¶
- (f) Documents how the program integrates family into the treatment process of the child or young adult, including after discharge, and how sibling connections are maintained.¶
- (g) Provides discharge planning and family-based after-care support for at least six months following the discharge from the program.¶
- (h) Is accredited as outlined in OAR 413-095-0000 (2).¶
- (73) "QRTP assessment" means an assessment of the strengths and needs of a child or young adult by a qualified individual using the Child and Adolescent Needs and Strengths tool in combination with a review of clinical documentation to determine the most effective and appropriate level of care for the child or young adult.¶
- (74) "Race" means American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, White.¶
- (75) "RCWAC" means the Refugee Child Welfare Advisory Committee.¶
- (76) "Reason to Know." A court or person has reason to know that a child is an Indian child if:¶
- (a) The person knows that the child is an Indian child;¶
- (b) The court has found that the child is an Indian child or that there is reason to know that the child is an Indian child.¶
- (c) Any individual present in the proceeding, officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court that the child is an Indian child;¶
- (d) Any individual present in the proceeding, officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court that information has been discovered indicating that the child is an Indian child;¶
- (e) The child indicates to the court that the child is an Indian child;¶
- (f) The court is informed that the domicile or residence of the child, the child's parent or the child's Indian custodian is on a reservation or in an Alaska Native village;¶
- (g) The court is informed that the child is or has been a ward of a tribal court;¶
- (h) The court is informed that the child or the child's parent possesses an identification card or other record indicating membership in an Indian tribe;¶
- (i) Testimony or documents presented to the court indicate in any way that the child may be an Indian child; or¶
- (j) Any other indicia provided to the court, or within the court's knowledge, indicates that the child is an Indian child.¶
- (77) "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.¶
- (78) "Refugee child" has the meaning given the term in ORS 418.925.¶
- (79) "Registered domestic partner" means an individual joined in a domestic partnership that is registered by a county clerk in accordance with ORS 106.300 to 106.340.¶
- (80) "Relative" means any of the following:¶
- (a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:¶
- (A) Any ~~blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.~~¶
- ~~(B) Any half-blood genetic~~ relative of preceding generations denoted by the prefixes of grand, great, or great-great. Individuals with one common ~~biological genetic~~ parent are ~~half-blood~~ relatives.¶
- ~~(C) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.~~¶
- ~~(D) A spouse of anyone listed in paragraphs (A) to (C) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.~~¶
- (b) An individual with one of the following relationships to the child or young adult:¶
- (A) A sibling, also to include an individual with a sibling relationship to the child or young adult through a ~~putative father~~ alleged genetic parent.¶

- (B) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.¶
- (C) An individual defined as a relative of a refugee child or young adult under OAR 413-070-0300 to 413-070-0380.¶
- (D) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother or a stepsister sibling.¶
- (E) A registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.¶
- (F) The adoptive parent or an individual who has been designated as the adoptive resource of a sibling of the child or young adult.¶
- (G) An unrelated ~~legal or biological father or mother~~ parent of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated ~~legal or biological father or mother~~ parent.¶
- (c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult ~~by blood, genetically or by~~ adoption; or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (C) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.¶
- (d) An individual meeting the requirements of at least one of the following:¶
- (A) An individual not related to the child, young adult, or parent ~~by blood, genetically or by~~ adoption; or marriage:¶
- (i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and¶
- (ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.¶
- (B) An individual who has a ~~blood~~ genetic relationship to the child or young adult as described in paragraphs (A) to (C) of subsection (a) of this section through the ~~birth~~ genetic parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or ~~birth~~ genetic parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.¶
- (e) For eligibility for the guardianship assistance program:¶
- (A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the ~~adoptive or biological~~ parent of the child has been terminated by divorce or death.¶
- (B) A ~~foster~~ resource parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:¶
- (i) There is a compelling reason why adoption is not an achievable permanency plan;¶
- (ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;¶
- (iii) The foster parent has cared for the child for at least 12 of the past 24 months; and¶
- (iv) The Department or tribe has approved the foster parent for consideration as a guardian.¶
- (81) "Relative caregiver" means an individual 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.¶
- (82) "Residential care agency" means a child-caring agency that provides care and treatment services to a child or young adult 24 hours a day in a staffed facility.¶
- (83) "Residential family-based program" is a residential care agency that meets the following requirements:¶
- (a) The services are provided in a family home setting; ¶
- (b) The foster parents live in the house full time;¶
- (c) The foster parents are the primary care providers for the children or young adults served by the program;¶
- (d) The program serves no more than 15 children or young adults at a time; and¶
- (e) The program accepts children or young adults who have sexually maladaptive behaviors, a history of eloping from care or a history of unsuccessful placement in other settings.¶
- (84) "Safety service provider" means a participant in a protective action plan, initial safety plan, or ongoing safety plan whose actions, assistance, or supervision help a family in managing a child's safety.¶
- (85) "Sex trafficking" means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person under the age of 18 for the purpose of a commercial sex act or the recruitment, harboring, transportation, provision, or obtaining of a person over the age of 18 using force, fraud, or coercion for the purpose of a commercial sex act.¶
- (86) "Sibling" means one of two or more children or young adults who are related, or would be related but for a termination or other disruption of parental rights, in one of the following ways:¶
- (a) By blood or adoption through a common parent;¶

(b) Through the marriage of the legal or biological parents of the children or young adults; or¶¶

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.¶¶

(87) "Special immigrant juvenile status" means a legal process to obtain lawful permanent resident status for a child who does not have lawful permanent resident status because he or she entered the United States without inspection and who meets the other criteria required by federal law.¶¶

(88) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.¶¶

(89) "Substitute caregiver" means a relative caregiver, foster parent, or provider authorized to provide care to a child or young adult in the legal or physical custody of the Department.¶¶

(90) "Successor legal guardian" means an individual who has been named in the guardianship assistance agreement, including any amendments to the agreement, as a replacement legal guardian in the event of the death or incapacity of the guardian.¶¶

(91) "Supervised visit" means a child-family contact that includes a designated third party to protect the emotional and physical safety of a child or young adult.¶¶

(92) "Title VI of Civil Rights Act of 1964" prohibits discrimination on the basis of race, color or national origin under programs receiving federal assistance through the United States Department of Health and Human Services.¶¶

(93) "Tribal court" means the court which holds jurisdiction over Indian child custody proceedings and is either a Court of Indian Offenses, a court established and operated under code or custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings.¶¶

(94) "Tribal customary adoption" means the adoption of an Indian child, by and through the tribal custom, traditions or law of the child's tribe, and which may be effected without the termination of parental rights.¶¶

(95) "Urgent medical need" means the onset of psychiatric symptoms requiring professional attention within 48 hours to prevent a serious deterioration in a child or young adult's mental or physical condition.¶¶

(96) "Visit" means planned, in-person contact between the child or young adult and one or more family members.¶¶

(97) "Young adult" means a person aged 18 through 20 years.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 418.005, ORS 419A.004

RULE SUMMARY: OAR 413-080-0050 "Definitions" sets forth the definition for Division 080 and is being amended to update the definition of parent to be in compliance with Senate Bill 163 and the Uniform Parentage Act.

CHANGES TO RULE:

413-080-0050

Definitions ¶¶

Unless the context indicates otherwise, the following definitions apply to OAR chapter 413, division 080:¶¶

- (1) "Abuse" means as defined in OAR 413-015-0115(1).¶¶
- (2) "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 they reside, to a child or young adult in the care or custody of the Department.¶¶
- (3) "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.¶¶
- (4) "Child-caring agency" means a "child-caring agency" that is not owned, operated, or administered by a governmental agency or unit. (See ORS 418.205)¶¶
- (5) "Conditions for return" means a written statement of the specific behaviors, conditions, or circumstances that must exist within a child's home before a child can safely return and remain in the home with an in-home initial safety plan or in-home ongoing safety plan.¶¶
- (6) "Contact" means any communication between Child Welfare staff and a child, young adult, parent or guardian, foster parent or relative caregiver, provider, or other individual involved in a Child Welfare safety plan or case. "Contact" includes, but is not limited to, communication in person, by telephone, by video-conferencing, or in writing. "Contact" may occur, for instance, during a face-to-face visit; a treatment review meeting for a child, young adult, parent, or guardian; a court or Citizen Review Board hearing; or a family meeting.¶¶
- (7) "Department" means the Oregon Department of Human Services.¶¶
- (8) "Face-to-face" means an in-person interaction between individuals.¶¶
- (9) "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.¶¶
- (10) "Guardian" means an individual who has been granted guardianship of a child or young adult through a judgment of the court.¶¶
- (11) "ICPC" means the Interstate Compact for the Placement of Children (see ORS 417.200).¶¶
- (12) "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.¶¶
- (13) "Indian child" means any unmarried person who is under age 18 and either:¶¶
 - (a) Is a member or citizen of an Indian tribe; or¶¶
 - (b) Is eligible for membership or citizenship in an Indian tribe and is the biological child of a member or citizen of an Indian tribe.¶¶
- (14) "Initial safety plan" means a documented set of actions or interventions sufficient to protect a child or, if applicable, a young adult from an impending danger safety threat in order to allow for completion of the CPS assessment.¶¶
- (15) "Located" means a caseworker has discovered the exact place of a missing child or young adult and has made physical contact with them in the place where they are living.¶¶
- (16) "Missing" means a the child or young adult is absent from an approved placement and their whereabouts are unknown.¶¶
- (17) "Monthly face-to-face contact" means in-person interaction between individuals at least once each and every full calendar month.¶¶
- (18) "Ongoing safety plan" means a documented set of actions or interventions that manage the safety of a child or, when applicable, a young adult after the Department has identified one or more impending danger safety threats at the conclusion of a CPS assessment or anytime during ongoing work with a family.¶¶
- (19) "Plan of care" means a written plan for a substance affected infant and the infant's family, focused on meeting health needs and substance disorder treatment needs and developed in collaboration with the family, the healthcare provider, community agencies and child welfare when appropriate.¶¶
- (20) "Parent" means is the biological or adoptive mother ~~person who gave birth to the child~~ or the legal

~~fatherparent~~ of the child. A legal ~~fatherparent~~ is a ~~maperson~~ who has adopted the child or whose ~~paternityrentage~~ has been established or declared under ORS 109.070, ORS 416.400 to 416.465, or by a juvenile court. ~~In cases involving an Indian child under the Indian Child Welfare Act (ICWA) 65. In cases involving an Indian child, "parent"~~ means ~~any~~ biological parent of an Indian child, ~~or any Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom. It does not include an unwed biological, or a father whose paternity has notrentage has~~ been acknowledged or established. "Parent" also includes a putative father under ORS 109.065 or 419B.609. It also includes an alleged genetic parent who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the ~~putative father is not the legal father~~ alleged genetic parent is not the legal or genetic parent of the child.¶

(21) "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 or, when applicable, a young adult. The family behavior, condition, or circumstance is happening now and it is currently in the process of actively placing a child or, when applicable, a young adult in peril.¶

(22) "Proctor foster home" means a foster home certified by a child-caring agency that is not subject to ORS 418.625 to 418.470.¶

(23) "Protective action plan" means an immediate, same day, short-term plan, lasting a maximum of 10 calendar days, sufficient to protect from a present danger safety threat.¶

(24) "Protective capacity" means behavioral, cognitive, and emotional characteristics that can specifically and directly be associated with a person's ability and willingness to care for and keep a child or, when applicable, a young adult safe.¶

(25) "Provider" means an employee of a child-caring agency approved to provide care for a child or young adult or a proctor foster parent.¶

(26) "Relative caregiver" means a person who operates a home that has been approved by the Department to provide care for a related child or young adult who is placed in the home by the Department.¶

(27) "Safety service provider" means a participant in a protective action plan, initial safety plan, or ongoing safety plan whose actions, assistance, or supervision help a family in managing safety.¶

(28) "Safety services" means the actions, assistance, and supervision provided by safety service providers to manage the identified present danger safety threats or impending danger safety threats.¶

(29) "Screener" means a Department employee with training required to provide screening services.¶

(30) "Sex trafficking" means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person under the age of 18 for the purpose of a commercial sex act or the recruitment, harboring, transportation, provision, or obtaining of a person over the age of 18 using force, fraud, or coercion for the purpose of a commercial sex act.¶

(31) "Social service assistant" means a Department employee with training required to provide services to assist a caseworker on an open case.¶

(32) "Substance affected infant" means an infant, regardless of whether abuse is suspected, for whom prenatal substance exposure is indicated at birth and subsequent assessment by a health care provider identifies signs of substance withdrawal, a Fetal Alcohol Spectrum Disorder diagnosis, or detectable physical, developmental, cognitive, or emotional delay or harm that is associated with prenatal substance exposure. Prenatal substance exposure is determined by a positive toxicology screen from the infant or the mother at delivery or credible information the mother had an active untreated substance use disorder, during the pregnancy or at the time of birth.¶

(33) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.¶

(34) "Young adult" means a person aged 18 through 20 years.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 418.005

RULE SUMMARY: OAR 413-105-0010 "Definitions" set forth the definition for Division 105 and is being amended to update the definition of parent to be in compliance with Senate Bill 163 and the Uniform Parentage Act.

CHANGES TO RULE:

413-105-0010

Definitions ¶¶

Unless the context dictates otherwise, the following definitions apply to OAR chapter 413 division 105.¶

- (1) "504 Plan" means a plan created pursuant to Section 504 of the Rehabilitation Act of 1973, which ensures that a child who is legally disabled and is attending an elementary or secondary educational institution receives accommodations that will ensure the child's academic success and access to the learning environment.¶
- (2) "CASA" means Court Appointed Special Advocate, a volunteer who is appointed by the court, is a party to the juvenile proceeding, and is an advocate for the child pursuant to ORS 419A.170.¶
- (3) "Child" means a person under 18 years of age.¶
- (4) "Disability" means one of the following conditions or diagnoses that causes the child or student to require special education: autism spectrum disorder; communication disorder; deafblindness; developmental disability emotional disturbance; hearing impairment, including deafness; intellectual disability; orthopedic other health impairment; specific learning disability; traumatic brain injury; or visual impairment, including blindness. (See "children with disabilities," OAR 581-015-2000.)¶
- (5) "Department" means the Oregon Department of Human Services.¶
- (6) "Foster care" means substitute care for children placed by the Department of Human Services or a tribal child welfare agency away from their parents and for whom the Department or agency has placement and care responsibility, including placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and preadoptive homes. Foster Care does not mean care for children whose parent or guardian voluntarily placed the child outside the child's home with a public or private agency and for whom the child's parent or guardian retains legal guardianship. ¶
- (7) "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.¶
- (8) "GED" means a General Educational Development certificate issued pursuant to ORS 326.550.¶
- (9) "Guardian" means an individual who has been granted guardianship of the child through a judgment of the court.¶
- (10) "Individualized Education Program" or "IEP" means a written statement of an educational program which is developed, reviewed, revised and implemented for a school-aged child with a disability.¶
- (11) "Legal custody" means that a person or agency has legal authority:¶
 - (a) To have physical custody and control of a child;¶
 - (b) To supply the child with food, clothing, shelter and other necessities;¶
 - (c) To provide the child with care, education and discipline;¶
 - (d) To authorize medical, dental, psychiatric, psychological, hygienic or other remedial care or treatment for the child, and in any emergency where the child's safety appears urgently to require it, to authorize surgery or other extraordinary care; and¶
 - (e) "Legal custody" includes temporary custody of a child under an order of a court.¶
- (12) "Office of Child Welfare Programs" or "OCWP" means the Office of Child Welfare Programs within the Department. "OCWP" includes all the individual programs that are responsible for various functions relating to child welfare, such as child safety, foster care, and permanency.¶
- (13) "Parent" means, ~~except as otherwise provided in OAR 413-105-0060, the biological or adoptive mother or the biological, legal, or adoptive father is the person who gave birth to the child or the legal parent of the child. A legal parent is a person who has adopted the child or whose parentage has been established or declared under ORS 109.065. In cases involving an Indian child, "parent" means a biological parent of an Indian child, an Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom, or a father whose parentage has been acknowledged or established under ORS 109.065 or 419B.609. It also includes an alleged genetic parent who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the alleged genetic parent is not the legal or genetic parent of the child.~~¶
- (14) "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. ¶
- (15) "School district of origin" means the school district where an child or young adult was a resident before:¶

- (a) The child or young adult was placed into foster care; or¶
 - (b) The foster care placement of the child or young adult changed.¶
 - (16) "School of origin" means the school that a child or young adult attended before:¶
 - (a) The child or young adult was placed into foster care; or¶
 - (b) The foster care placement of the child or young adult changed.¶
 - (17) "Special education," as defined in OAR 581-015-2000, means specially designed instruction that is provided at no cost to parents to meet the unique needs of a child with a disability. Special education includes instruction that:¶
 - (a) May be conducted in the classroom, the home, a hospital, an institution, a special school or another setting; and¶
 - (b) May involve physical education services, speech language services, transition services or other related services designated by rule to be services to meet the unique needs of a child with a disability.¶
 - (18) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody of the Department.¶
 - (19) "Substitute caregiver" means a relative caregiver, foster parent, or provider who is authorized to provide care to a child who is in the legal or physical custody of the Department.¶
 - (20) "Surrogate parent" means an individual appointed pursuant to OAR 581-015-2320 for school-aged children, OAR 581-015-2760 for preschool-aged children or ORS 419B.220. The surrogate parent acts in place of a biological or adoptive parent in safeguarding a child's rights in the special-education decision-making process.¶
 - (21) "Young adult" means a person aged 18 through 20 years.
- Statutory/Other Authority: ORS 409.050, ORS 418.005
- Statutes/Other Implemented: ORS 418.005, ORS 409.010, ORS 419B.192, ORS 419B.220, ORS 419B.343

AMEND: 413-110-0000

RULE SUMMARY: OAR 413-110-0000 "Definitions" set forth the definition for Division 110 and is being amended to add the definition of parent and remove the definition of "birth parent" to be in compliance with Senate Bill 163 and the Uniform Parentage Act.

CHANGES TO RULE:

413-110-0000

Definitions ¶¶

The following definitions apply to OAR chapter 413, division 110.¶

- (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) "Appropriateness of adoption" means the determination that a child can be successfully freed, placed, and maintained in an adoptive placement and that adoption is in the best interest of the child.¶
- (3) "Approved family" means a family that has been selected for a child in accordance with OAR 413-120-0010 to 413-120-0060.¶
- (4) ~~"Birth parent" means the woman or man who holds a legally recognized parental relationship to the child.¶~~
- ~~(5) "Child" means a person under 18 years of age.¶~~
- ~~(65) "Committee facilitator" means a Department staff member appointed as a member of the committee to facilitate a permanency or adoption committee meeting.¶~~
- ~~(76) "Compelling reason" means a reason meeting specific criteria and documented in the case plan by the local Department staff for not to file a petition to terminate parental rights of the parents of a child where the Department would otherwise be required to do so under state and federal law.¶~~
- ~~(87) "Date child entered substitute care": Oregon statute and federal law use the date the child is found to be within the jurisdiction of the court under ORS 419B.100 or 60 days from date of removal, whichever is earlier. The Department uses the date of the child's initial substitute care placement for calculating Citizens Review Board reviews, court, or permanency hearings intervals.¶~~
- ~~(98) "Department" means the Department of Human Services, Child Welfare.¶~~
- ~~(109) "Indian child" means any unmarried person who is under age 18 and either:¶~~
 - ~~(a) Is a member or citizen of an Indian tribe; or¶~~
 - ~~(b) Is eligible for membership or citizenship in an Indian tribe and is the biological child of a member or citizen of an Indian tribe.¶~~
- ~~(110) "Legal risk placement" means a placement that occurs when the Department believes that an adoption is in the best interests of the child; that the child is placed in an approved adoptive home; and the agency intends to approve this placement for adoption if the child becomes legally free for adoption.¶~~
- ~~(121) "Local Office Permanency/Adoption Committee" means the branch committee responsible for certain permanency and adoptions decisions, as specified in these rules. Members are selected by the local office from among the staff of the Department's field offices. The members must not be involved in the case to be heard.¶~~
- (12) "Parent" means is the person who gave birth to the child or the legal parent of the child. A legal parent is a person who has adopted the child or whose parentage has been established or declared under ORS 109.065. In cases involving an Indian child, "parent" means a biological parent of an Indian child, an Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom, or a father whose parentage has been acknowledged or established under ORS 109.065 or 419B.609. It also includes an alleged genetic parent who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the alleged genetic parent is not the legal or genetic parent of the child.¶
- (13) "Permanency/Adoption Council" (Council) means a council consisting of field management staff, permanency and adoption staff, and community partners from several districts, except that the Council in District 2 consists only of representatives from Multnomah County. A Council makes decisions for children whose county of jurisdiction is within their geographic area about appropriateness of adoption as a permanency plan, sibling planning, recruitment, adoption disruptions, and adoption selections referred by the local office. It also may provide permanency staffings to decide whether to place a child with an out-of-state relative resource prior to receipt by the Department of an approved adoption home study.¶
- (14) "Permanency/Adoption Council Committee" (Committee) means a committee established by the Permanency/Adoption Council that is responsible for decisions regarding adoptive placement selections that are

not the responsibility of the local office or the Department's Adoption Services Unit. The district manager or designee responsible for the local office may delegate a decision to the Committee. Each Committee must include at least three members not involved in the case to be heard by the Committee. There are two types:¶¶

(a) An ad-hoc committee selected by the child's worker. This committee consists of three people drawn from a pool of qualified permanency and adoption staff designated by the Council.¶¶

(b) The Standing Permanency/Adoption Committee. This committee is a standing committee of three persons appointed by the Council or the Council chair. Responsibilities of this committee include making decisions, such as those relating to sibling placement planning or current caretaker placement decisions, delegated by the Local Office Permanency/Adoption Committee to the Council.¶¶

(15) "Permanency committee" means a group of individuals who are responsible for making a recommendation regarding a permanency plan or a potential permanency resource when the child or young adult likely is not returning to his or her parent.¶¶

(16) "Permanency plan" means a written course of action for achieving safe and lasting family resources for the child. Although the plan may change as more information becomes available, the goal is to develop safe and permanent family resources with the parents, relatives, or other people who will assume legal responsibility for the child during the remaining years of dependency and be accessible and supportive to the child in adulthood.¶¶

(17) "Relative" has the same meaning as in OAR 413-070-0000.¶¶

(18) "Sibling" means one of two or more children or young adults who are related, or would be related but for a termination or other disruption of parental rights, in one of the following ways:¶¶

(a) By blood or adoption through a common parent;¶¶

(b) Through the marriage of the legal or biological parents of the children or young adults; or¶¶

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.¶¶

(19) "Substitute care" means an out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.

Statutory/Other Authority: ORS 418.005, ORS 409.050

Statutes/Other Implemented: ORS 418.005

AMEND: 413-130-0000

RULE SUMMARY: OAR 413-130-0000 "Definitions" set forth the definition for Division 130 and is being amended to add the definition of parent and remove the definition of "birth parent" to be in compliance with Senate Bill 163 and the Uniform Parentage Act.

CHANGES TO RULE:

413-130-0000

Definitions ¶¶

The following definitions apply to rules in OAR chapter 413, division 130.¶¶

- (1) "Adoptee" pursuant to ORS 109.425 means an individual who has been adopted in the State of Oregon.¶¶
- (2) "Adoption" has the meaning given in OAR 413-120-0000(1).¶¶
- (3) "Adoption assistance" means assistance provided on behalf of an eligible child or young adult to offset the costs associated with adopting and meeting the on-going needs of the child or young adult. "Adoption assistance" may be in the form of payments, medical coverage, reimbursement of nonrecurring expenses, or special payments.¶¶
- (4) "Adoption assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the pre-adoptive family or adoptive family of an eligible child or young adult. The agreement sets forth the assistance the Department is to provide on behalf of the child or young adult, the responsibilities of the pre-adoptive family or adoptive family and the Department, and the manner in which the agreement and amount of assistance may be modified or terminated.¶¶
- (5) "Adoption assistance agreement only" means a written agreement, binding on the parties to the agreement, between the Department and the pre-adoptive family or adoptive family of an eligible child or young adult, when the pre-adoptive family or adoptive family is not receiving an adoption assistance payment or medical coverage at the time of the agreement but may request it at a later date.¶¶
- (6) "Adoption assistance payment" means a monthly payment made by the Department to the pre-adoptive family or adoptive family on behalf of an eligible child or young adult.¶¶
- (7) "Adoption Assistance Review Committee" means a committee composed of local and central office Department staff with expertise in the area of adoption.¶¶
- (8) "Adoptive family" means an individual or individuals who have legalized a parental relationship to the child who joined the family through a judgment of the court.¶¶
- (9) "Adoptive parent" means an adult who has become a parent of a child through adoption.¶¶
- (10) "Agency" means a public or private organization licensed or authorized under Oregon laws to place children for adoption.¶¶
- (11) "Applicable child" has the same meaning as in OAR 413-100-0335.¶¶
- (12) "Assisted search" means the work carried out to locate and make confidential contact with a sought for individual upon the application of an authorized requester.¶¶
- (13) "Base rate payment" means a payment to the resource parent or relative caregiver for the costs of providing the child or young adult with the following:¶¶
 - (a) Food, including the special or unique nutritional needs of the child or young adult;¶¶
 - (b) Clothing, including purchase and replacement;¶¶
 - (c) Housing, including maintenance of household utilities, furnishings, and equipment;¶¶
 - (d) Daily supervision, including teaching and directing to ensure safety and well-being at a level appropriate for the age of the child or young adult;¶¶
 - (e) Personal incidentals, including personal care items, entertainment, reading materials, and miscellaneous items; and¶¶
 - (f) Transportation, including gas, oil, and vehicle maintenance and repair costs for local travel associated with providing the items listed above, and transportation to and from extracurricular, childcare, recreational, and cultural activities.¶¶
- ~~(14) "Birth parent" means:¶¶
 - (a) The woman or man who is legally presumed, under the laws of this state, to be the mother or father of genetic origin of a child; and¶¶
 - (b) A putative father of the child if the birth mother alleges he is the father and the putative father, by written affidavit or surrender and release executed within three years of the relinquishment of the child by the birth mother or the termination of parental rights of the birth mother, acknowledges being the biological father of the child.¶¶~~
- (15) "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of gathering

information on the needs and strengths of a child or young adult:¶¶

(a) To identify case planning, service planning and supervision needs of the child or young adult in substitute care with a certified family;¶¶

(b) To determine the level of care payment while in substitute care with a certified family; and¶¶

(c) To determine if a child or young adult qualifies for a level of care payment for the purpose of negotiating or renegotiating an adoption assistance or guardianship assistance payment.¶¶

(165) "Child" means a person under 18 years of age.¶¶

(176) "Department" means the Oregon Department of Human Services, Child Welfare.¶¶

(187) "Enhanced supervision" means the additional support, direction, observation and guidance necessary to promote and ensure the safety and well-being of a child or young adult when the child or young adult qualifies for a level of care payment.¶¶

(198) "Fee" means the maximum fixed amount that the Department or Oregon licensed adoption agency may charge to register, for requests of non-identifying information, and to conduct an assisted search.¶¶

(2019) "Guardian" means an individual who has been granted guardianship of the child through a judgment of the court.¶¶

(240) "Genetic and social history" means a comprehensive report, when obtainable, of the health status and medical history of the birth parents and other individuals related to the child.¶¶

(a) The "genetic and social history" may contain as much of the following as is available:¶¶

(A) Medical history.¶¶

(B) Health status.¶¶

(C) Cause of and age at death.¶¶

(D) Height, weight, eye and hair color.¶¶

(E) Ethnic origins.¶¶

(F) Religion, if any.¶¶

(b) The "genetic and social history" may include the health status and medical history of:¶¶

(A) The birth parents.¶¶

(B) A putative father, if any.¶¶

(C) Siblings to the birth parents, if any.¶¶

(D) Siblings to a putative father, if any.¶¶

(E) Other children of either birth parent, if any.¶¶

(F) Other children of a putative father, if any.¶¶

(G) Parents of the birth parents.¶¶

(H) Parents of a putative father, if any.¶¶

(221) "Guardianship assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the potential guardian or guardian setting forth the assistance the Department is to provide on behalf of the child or young adult, the responsibilities of the guardian and the Department and the manner in which the agreement and amount of assistance may be modified or terminated. ¶¶

(232) "Health history" means a comprehensive report, when obtainable, of the health status and medical history of the child at the time of placement for adoption, including neonatal, psychological, physiological, and medical care history.¶¶

(243) "Identifying information" means names and addresses of birth parents, putative fathers, adult adoptee, and adult adoptee genetic siblings.¶¶

(254) "Independent adoption" means any adoption where the consent is given by other than the Department or a licensed adoption agency.¶¶

(265) "Indian child" means any unmarried person who is under age 18 and either:¶¶

(a) Is a member or citizen of an Indian Tribe; or¶¶

(b) Is eligible for membership or citizenship in an Indian Tribe and is the biological child of a member or citizen of an Indian tribe.¶¶

(276) "Legally free" means that, with respect to a child, the legal rights of all parents with legal standing have been judicially terminated, voluntarily relinquished, or otherwise terminated by operation of law, thus allowing for the child to be adopted.¶¶

(287) "Level of care payment" means the payment provided to an approved or certified family, based on the need for enhanced supervision of a child or young adult determined by applying the CANS algorithm to the results of the CANS screening.¶¶

(298) "Licensed adoption agency" means an:¶¶

(a) Approved child-caring agency of this state acting by authority of ORS 418.270 and OAR 413-215-0401 to 413-215-0481; and¶¶

(b) Agency or other organization that is licensed, or otherwise authorized, to provide adoption services pursuant to the laws of that state, country, or territory.¶¶

~~(3029)~~ "Non-identifying information" means genetic and social history and health history which excludes information identifying any birth parent, birth family, putative father, putative father's family, adoptee, or adoptive parent.¶

(310) "Nonrecurring adoption assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the pre-adoptive family of an eligible child for a one-time payment to reimburse the adoptive family for the reasonable and necessary expenses incurred in legally finalizing the adoption of a child who has been determined to have special needs.¶

(321) "Nonrecurring expenses" mean a one-time payment up to \$2,000 per child, which the Department will pay to an adoptive family to assist with the reasonable and necessary expenses incurred in legally finalizing the adoption of an eligible child.¶

~~(332) "Parent" means is the biological or adoptive mother person who gave birth to the child or the legal father parent of the child. A legal father parent is a maperson who has adopted the child or whose paternity rentage has been established or declared under ORS 109.070, ORS 416.400 to 416.610, or by a juvenile court 65. In cases involving an Indian child under the ICWA, "parent" means any biological parent of an Indian child, or any Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom. It does not include an unwed biological, or a father whose paternity has not rentage has been acknowledged or established: "Parent" also includes a putative father under ORS 109.065 or 419B.609. It also includes an alleged genetic parent who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father alleged genetic parent is not the legal or genetic parent of the child.¶~~

(343) "Participating Tribe" means a federally recognized Indian Tribe in Oregon with a Title IV-E agreement with the Department.¶

(354) "Pre-adoptive family" means an individual or individuals who:¶

(a) Has been selected to be the adoptive family of the child; and¶

(b) Is in the process of legalizing the relationship to the child through the judgment of the court.¶

(365) "Progeny" means the children or descendants of a person and the person's descendants in successive generations.¶

(376) "Putative father" means a man who, under the laws of this state, is not legally presumed to be the father of genetic origin of a child, but who claims or is alleged to be the father of genetic origin of the child.¶

(387) "Qualified non-citizen" has the same meaning as in OAR 413-100-0210(2) and 8 USC 1641(b).¶

~~(398)~~ "Qualified vendor attorney" means an attorney who has a price agreement with the Department to process the adoption of a child who is eligible for adoption assistance.¶

~~(4039)~~ "Registry" means a voluntary adoption registry established under ORS 109.450 and maintained by:¶

(a) An Oregon licensed adoption agency or successor agency; or¶

(b) The Department for all adoptions not arranged through an Oregon licensed adoption agency.¶

(410) "Requester" means an individual duly registered on a voluntary adoption registry who requests an assisted search, and who has filed an application and paid the applicable fee.¶

(421) "Searcher" means one of the following qualified entities that may conduct an assisted search:¶

(a) The Department;¶

(b) An Oregon licensed adoption agency; or¶

(c) A third party individual or entity who has been delegated to or contracted with by the Department or an Oregon licensed adoption agency.¶

(432) "Sibling" means one of two or more children or young adults who are related, or would be related but for a termination or other disruption of parental rights, in one of the following ways:¶

(a) By blood or adoption through a common parent;¶

(b) Through the marriage of the legal or biological parents of the children or young adults; or¶

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.¶

(443) "Special payment" means a payment for unanticipated short-term costs which are directly related to the special needs of the child or young adult or are essential to the welfare of the child or young adult, and are not covered by another resource available to the adoptive family.¶

(454) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.¶

(465) "Successor agency" means an agency which has the adoption records of another agency because of the merger of the agencies or because an agency has ceased doing business and has given its adoptions records to the "successor agency" as provided an ORS 109.435(2).¶

(476) "Voluntary adoption registry" means a voluntary registry operated by the Department or licensed adoption agency:¶

(a) Where birth parents, putative fathers, and adult adoptees may register their willingness to the release of

identifying information to each other;¶¶

(b) That provides for the disclosure of identifying information to birth parents and their genetic offspring;¶¶

(c) That provides for the transmission of non-identifying health and social and genetic history of specified persons; and¶¶

(d) That provides for the disclosure of specific identifying information under certain circumstances to Indian Tribes, governmental agencies, or to an individual settling an estate.¶¶

(487) "Work Product" means any records, information, or other materials obtained or developed by the Department or licensed adoption agency during the course of the assisted search.¶¶

(498) "Young adult" means a person aged 18 through 20 years.

Statutory/Other Authority: ORS 418.005, ORS 418.340, ORS 409.050

Statutes/Other Implemented: ORS 418.005, ORS 418.340, ORS 418.330, ORS 418.335