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	<b>RESOURCE MANAGEMENT INDEX II</b>	<b>SECTION:</b> C. Private Child Caring Agencies
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<b>SUBJECT:</b> 3. Licensing Adoption Agencies – OAR		

**REFERENCES:**

- ORS 409.050
- ORS 418.005
- ORS 418.240
- ORS 418.205-325
- ORS 409.050
- ORS 417.200 through 260 (Interstate Compact on the Placement of Children)
- Section 1808 of the Small Business Job Protection Act of 1996, Pub. L. No. 104-188, 110 Stat. 1903 (1996), amending 42 U. S. C. § 671
- The Howard M. Metzenbaum Multiethnic Placement Act of 1994, Pub. L. No. 103-382, 108 Stat. 4056 (1994)
- The Intercountry Adoption Act of 2000, Pub. L. No. 106-279, 114 Stat. 825 (2000), 42 U. S. C. § § 14901 to 14954.
- ORS Chapter 109
- OAR 407-007-0200 through 0380 (Dept. Criminal History Rules)  
[http://www.oregon.gov/DHS/admin/dwssrules/adopted/407\\_007\\_b.pdf](http://www.oregon.gov/DHS/admin/dwssrules/adopted/407_007_b.pdf)
- I-E.2.1, Placement of Indian Children, OAR 413-070-0100 to 0260 (ICWA)  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-e21.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e21.pdf)
- II-C.1 Licensing Umbrella Rules  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_2/ii-c1.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_2/ii-c1.pdf)

**FORMS**

- CF 0979, Safety Assessment (Home and Surroundings) Checklist  
[http://DHSResources.hr.state.or.us/WORD\\_DOCS/CE0979.doc](http://DHSResources.hr.state.or.us/WORD_DOCS/CE0979.doc)

**413-215-0401**

**Adoption Agencies, What Law Applies**

A *child caring agency* (defined in OAR 413-215-0006) that is an *adoption agency* (defined in OAR 413-215-0406) must be licensed in accordance with--

- (1) OAR 413-215-0001 to 413-215-0131 which sets forth the requirements of the Department for licensing child-caring agencies, including adoption agencies; and

- (2) These rules, OAR 413-215-0401 to 413-215-0481, which provide additional regulation of adoption agencies.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

### **413-215-0406**

#### **Definitions**

As used in OAR 413-215-0401 to 413-215-0481:

- (1) "Adoption agency" means an organization providing any of the following services:
- (a) Identifying a child for adoption and arranging an adoption.
  - (b) Securing the necessary consent to relinquishment of parental rights and to adoption.
  - (c) Performing a background study on a child or a home study on a prospective adoptive parent and reporting on such a study.
  - (d) Making determinations of the best interests of a child and the appropriateness of adoptive *placement* for the child.
  - (e) Monitoring a case after *placement* until final adoption.
  - (f) When necessary because of *disruption* before final adoption, assuming custody and providing childcare or other social services for the child pending an alternative *placement*.
- (2) "Birth parent" means each person who holds a legally recognized parental relationship to the child but does not include the adoptive parents in the adoption arranged by the *adoption agency*.
- (3) "Criminal history check" means compliance with the Department's criminal records history rules (OAR 407-007-0200 to 407-007-0380). To comply with these rules, the agency must appoint a Contact Person (CP) who is designated to receive and process criminal history and child abuse check forms. Final fitness determinations will be made by the Department.
- (4) "Disruption" means the interruption of an adoptive *placement* prior to the finalization of the adoption in a court of law.

- (5) "Intercountry adoption" means an adoption in which a child who is a resident and citizen of one country is adopted by a citizen of another country.
- (6) "Placement" of a child occurs when the child is placed in the physical or legal custody of prospective adoptive parents.
- (7) "Re-adoption" means a process in which a child whose adoption was completed in another country is re-adopted in this country.
- (8) "Special needs" mean a trait or disability of a child that requires special care or attention of the child or that historically has made *placement* of a child with similar characteristics or disability difficult.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

#### **413-215-0411**

#### **Information and Reporting Requirements of an Adoption Agency**

- (1) Public information.
  - (a) An *adoption agency* (defined in OAR 413-215-0406) must provide to each person making an inquiry about adoption a written program statement that describes the services of the *adoption agency* and includes all of the following information:
    - (A) A description of the children normally placed by the *adoption agency*.
    - (B) Eligibility requirements for adoptive families.
    - (C) Timelines for intake screening and for being placed on a waiting list.
    - (D) A clear delineation of fees, charges, contributions, or donations required to obtain adoption services.
    - (E) The services provided during the adoption process.
    - (F) The geographical area covered by the *adoption agency*.
  - (b) The written and electronic materials of an *adoption agency* describing its adoption program must be accurate, must be reviewed regularly for accuracy, and must include the date the material was last updated.
- (2) Cost disclosures. An *adoption agency* must provide the following information regarding the costs of an adoption:

- (a) The *adoption agency* must provide all of the following information to all prospective adoptive parents:
  - (A) A written schedule of estimated fees and expenses.
  - (B) An explanation of the conditions under which estimated fees or expenses may be charged, waived, reduced, increased, or refunded.
  - (C) When, how, and to whom the estimated fees and expenses must be paid.
- (b) Before providing an adoption service to a prospective adoptive parent, the *adoption agency* must itemize and disclose in writing to the parent the estimated fees and expenses the parent will be charged related to each of the following:
  - (A) A home study.
  - (B) The *adoption agency* fees in the United States.
  - (C) Other–country program expenses, if applicable.
  - (D) Translation and document expenses, if applicable.
  - (E) Travel and accommodation expenses, if applicable.
  - (F) Contributions.
  - (G) Post-*placement* (defined in OAR 413-215-0406) and post-adoption reports.
  - (H) Likely charges of the U.S. Citizenship and Immigration Services (USCIS).
  - (I) Legal finalization or *re-adoption* (defined in OAR 413-215-0406) expenses, if applicable
- (c) The *adoption agency* must specify in its written adoption contract when and how funds advanced to cover fees or expenses will be refunded if adoption services are not provided.
- (d) When the delivery of adoption services is completed, the *adoption agency* must provide the prospective adoptive parents, within 30 days following the completion of services, a detailed written accounting of the total fees and

expenditures for which the adoptive parents will be charged by the *adoption agency*.

- (3) Data collection requirements. An *adoption agency* must maintain in a standard and accessible format all of the following information and make it available on request:
  - (a) The number of adoption placements it completes each year for the prior three calendar years, and the number and percentage of those placements that remain intact, are disrupted, and have been dissolved as of the time the information is provided.
  - (b) The number of parents who apply with the *adoption agency* to adopt a child each year.
  - (c) The number of waiting children available for adoption that the *adoption agency* is attempting to place.
- (4) Mandatory reporting of disruption and dissolution. The *adoption agency* must submit to the Department on a prescribed form a written report within 14 days after a *disruption* (defined in OAR 413-215-0406) or *dissolution* is reported to the *adoption agency* if the *adoption agency* was involved in the study of the family, the *placement* of the child, or the supervision of the adoptive *placement*. As used in this rule, "dissolution" means the termination of an adoptive *placement* after finalization.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

#### **413-215-0416**

#### **Adoption Agency Staff**

In addition to meeting the requirements in OAR 413-215-0021(3):

- (1) Required staff. An *adoption agency* (defined in OAR 413-215-0406) must have an executive director and a social services supervisor. If one person fills both positions, that person must meet the qualifications of both the executive director and the social services supervisor listed in subsections (2)(a) and (b) of this rule.
- (2) Qualifications.
  - (a) The executive director must possess all of the following qualifications:
    - (A) Management skills and abilities.
    - (B) A bachelor's degree from an accredited program.

- (C) Two years of full-time experience in child social services.
- (b) The social services supervisor must possess all of the following qualifications:
  - (A) A master's or doctorate degree from an accredited program in social work, psychology, guidance and counseling, or a similar subject area.
  - (B) Two years of experience in family and children's services, one year of which must include providing adoption services.
  - (C) If the agency provides *intercountry adoption* (defined in OAR 413-215-0406) services, the supervisor must have experience in *intercountry adoptions*.
- (c) On the date this rule as renumbered becomes effective, an incumbent executive director or social services supervisor --- of an *adoption agency* already licensed by the Department --- who does not meet the qualifications listed in subsections (a) and (b) of this section is deemed to meet those requirements if he or she has been in the position for at least three years, has significant skills and experience with the adoption process, and has access to consultation with persons having the qualifications listed in subsections (a) and (b) of this section, as applicable.
- (d) Social services staff, who are non-supervisory employees providing adoption-related social services requiring the application of clinical skills and judgment, must possess--
  - (A) A master's degree from an accredited program of social work education or another human service field;
  - (B) A bachelor's degree from an accredited program of social work education; or
  - (C) A combination of a bachelor's degree in another human service field and experience in family and children's services or adoption.
- (3) Supervision. All non-supervisory social services staff described in subsection (2)(d) of this rule must be supervised by an employee of the *adoption agency* who meets the requirements for social services supervisor set forth in subsection (2)(b) or (2)(c) of this rule.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

#### 413-215-0421

## Staff Training Requirements for Adoption Agencies

An *adoption agency* (defined in OAR 413-215-0406) must meet all of the following requirements related to its staff:

- (1) The *adoption agency* must have a comprehensive plan for providing basic training to newly hired social services employees on the issues that arise with adoptive placement.
- (2) The *adoption agency* must ensure that all social services staff and contracted social services providers obtain a minimum of 10 hours of training annually on issues related to adoption.
- (3) The *adoption agency* must ensure that all social services staff and all persons who provide adoption services complete training in all of the following areas:
  - (a) The potential short- and long-term effects of prenatal exposure to alcohol, drugs, and poor nutrition.
  - (b) The potential effects of separation and loss.
  - (c) The process of developing emotional ties to an adoptive family.
  - (d) Normal child and adolescent development.
  - (e) The potential effects of physical abuse, sexual abuse, neglect, and institutionalization on the development of the child.
  - (f) The potential issues of race, culture, and identity; issues of acculturation and assimilation; and, if applicable, the effects of having been adopted internationally.
  - (g) The emotional adjustment of adopted children and their families.
  - (h) Open adoption.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

### 413-215-0426

## Policies and Procedures for Adoption Agencies

An *adoption agency* (defined in OAR 413-215-0406) must have and follow written policies and procedures for the adoption services it provides including, at a minimum all of the following:

- (1) Policies and procedures prescribing safeguards relating to the needs, rights, and responsibilities of the following:
  - (a) A *birth parent* (defined in OAR 413-215-0406) who is considering the release of a child for adoption;
  - (b) A child who becomes available for adoption; and
  - (c) A family who adopts a child.
- (2) Policies and procedures designed to ensure compliance by the *adoption agency* all applicable federal and state laws, including but not limited to:
  - (a) The Indian Child Welfare Act of 1978, Pub. L. No. 95-608, 92 Stat. 3069 (1978) (ICWA)(see OAR 413-070-0100 to 413-070-0260);
  - (b) The Interstate Compact for Placement of Children (ICPC) (see ORS 417.200);
  - (c) Section 1808 of the Small Business Job Protection Act of 1996, Pub. L. No. 104-188, 110 Stat. 1903 (1996), amending 42 U.S.C. § 671;
  - (d) The Howard M. Metzenbaum Multiethnic Placement Act of 1994, Pub. L. No. 103-382, 108 Stat. 4056 (1994);
  - (e) The Intercountry Adoption Act of 2000, Pub. L. No. 106-279, 114 Stat. 825 (2000), 42 U.S.C. § § 14901 to 14954.
  - (f) Oregon Revised Statutes Chapter 109.
- (3) Policies and procedures designed to ensure that the decision to place a child in a specific home or to disrupt a *placement* (defined in OAR 413-215-0406) is not made autonomously by a social services worker.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

### **413-215-0431 Records Requirements for Adoptions**

In addition to compliance with the records and documentation requirements of OAR 413-215-0071 and 413-215-0456:

- (1) Permanent record in a domestic adoption. An *adoption agency* (defined in OAR 413-215-0406) must maintain a permanent record on each *birth parent* (defined in OAR

413-215-0406) who has consented to and has surrendered a child to the *adoption agency*. Except as authorized by section (2) of this rule, the record must include all of the following documents or information:

- (a) The date and place of the *birth parent's* initial inquiry with the *adoption agency* and the persons present when the inquiry was made.
- (b) The date, place, and purpose of each subsequent contact between the *adoption agency* and the *birth parent*.
- (c) Evidence that the following *adoption agency* forms were provided to the *birth parent*:
  - (A) Consent for Service;
  - (B) Receipt of Grievance Procedures;
  - (C) Clients' Rights and Responsibilities, including the notice required by ORS 109.346 when applicable; and
  - (D) Service Plan.
- (d) Each alternative to adoption discussed with the *birth parent*.
- (e) A description of each discussion relating to fees, expenses, or other consideration or thing of value relating to the adoption.
- (f) The date, time, and place of birth of the child, the name and address of the hospital or birthing center if the child was born in one, and all pertinent prenatal information.
- (g) The names, dates of birth, physical description of the *birth parents* at the time of the child's birth, including age, height, weight, and color of eyes, hair and skin.
- (h) Personality traits of the child's *birth parents*, siblings, and members of the child's extended family.
- (i) A medical history of the *birth parents*, siblings, and extended family of the child, including medical, mental, and emotional history, including the history of the use of drugs or alcohol, gynecologic and obstetric history of the birth mother, and a record of inheritable genetic or physical traits or tendencies of the *birth parents* or their families.
- (j) The ethnicity of the child's *birth parents* and the members of the child's extended family.

- (k) Documentation of the efforts of the *adoption agency* to determine whether the Indian Child Welfare Act (ICWA) applies.
  - (l) The religious background of the child's *birth parents* and the members of the birth parents' extended family.
  - (m) The educational level and functioning, employment history, criminal history, and social and emotional functioning of the *birth parents*, siblings, and the members of their extended family.
  - (n) A notation that identifies the adoptive parents sufficient to cross-reference the file of the *adoption agency* on the adoptive parents.
  - (o) A copy of the placement agreement.
  - (p) Post-adoption communication agreements.
  - (q) Details about any termination of parental rights.
  - (r) A copy of the general judgment of adoption.
  - (s) Copies of any documents signed by the *birth parent*.
- (2) If the *adoption agency* is unable to include in the permanent record a document or information required by subsections (1)(f) to (1)(m) of this rule, the *adoption agency* must include in the record a description of its reasonable effort to obtain the document or information.
- (3) Preservation and retention of adoption records for adoptions. An *adoption agency* giving legal consent to the adoption of a child must permanently retain, to the extent allowed by law, the records concerning the child's adoption, as follows:
- (a) The record must include all of the following:
    - (A) Adoptive parent orientation documentation.
    - (B) Evaluation documentation of both the birth and adoptive parents.
    - (C) *Placement* (defined in OAR 413-315-0406) documentation.
    - (D) *Post-placement* supervision documentation.
    - (E) Originals of photographs, letters, and other personal items provided by the child's birth family.

- (b) The *adoption agency* must store the records in fire-retardant, locked files kept in a secure location.
- (c) If more than one *adoption agency* is involved in an adoption, the *adoption agency* that placed the child must preserve the permanent case record.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 109.342, 418.205 - 418.310

#### **413-215-0436**

##### **Services Prohibited**

An *adoption agency* (defined in OAR 413-215-0406) may not guarantee or represent to prospective adoptive parents that a particular child will be placed in their home for payment of a fee.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

#### **413-215-0441**

##### **Services for Birth Parents Considering Domestic Adoption**

- (1) If an *adoption agency* (defined in OAR 413-215-0406) is serving a *birth parent* (defined in OAR 413-215-0406) who is considering the adoption of his or her child:
  - (a) The *adoption agency* must provide the services described in these rules, OAR 413-215-0401 to 413-215-0481.
  - (b) If the *adoption agency* is serving a *birth parent* who lives in a state other than Oregon, the *adoption agency* must make the services described in these rules (OAR 413-215-0401 to 413-215-0481) available to the *birth parent* in the state of residence of the *birth parent*.
- (2) Information.
  - (a) The *adoption agency* must make reasonable efforts to provide information described in subsection (2)(c) of this rule to each legal parent.
  - (b) The *adoption agency* must make reasonable efforts to provide information described in subsection (2)(c) of this rule to a putative father if --
    - (A) The putative father resided with the child within 60 days of the court proceeding about the adoption or custody of the child;

- (B) The putative father repeatedly contributed or tried to contribute to the support of the child within 12 months of the court proceeding about the adoption or custody of the child; or
  - (C) There is a notice of initiation of filiation proceedings on file with the Center for Health Statistics of the Department prior to the initiation of either a court proceeding about the adoption or custody of the child, or the *placement* (defined in OAR 413-215-0406) of the child in the physical custody of a person for the purpose of adoption by them. There is no requirement to provide information under this paragraph if the notice of initiation of filiation proceedings was not on file at the time of *placement*.
- (c) The *adoption agency* must provide all of the following information to the persons identified in subsections (2)(a) and (2)(b) this section:
- (A) Information regarding support and resources needed to parent a child.
  - (B) Information regarding options within adoption and the consequences of each option, including the possibility of a *birth parent* continuing contact with the adopted child and the adopting parents after adoption, the variables and options for such continuing contact, the desire of the child for continuing contact, and the availability of mediation to resolve issues involving contact.
  - (C) Information regarding grief and loss inherent in adoption.
  - (D) Information regarding the effects and permanence of adoption.
  - (E) Information regarding availability of or referral to appropriate support services. The availability of these services may not be made contingent upon the *birth parent's* decision to select adoption as the plan for the child.
- (3) The *adoption agency* must provide guidance if a child's *birth parents* disagree with each other about the adoption plan.
- (4) Identification of birth fathers. If the *adoption agency* is working with a birth mother, the *adoption agency* must ensure all of the following:
- (a) The *adoption agency* asks the birth mother for the identity and whereabouts of the birth father.
  - (b) The *adoption agency* does not counsel or advise a birth mother to state that the identity or location of the father is unknown.

- (c) If the birth mother indicates that the identity or location of the father is unknown, or if the birth mother refuses to identify the birth father, the *adoption agency* advises her of the potential ramifications of her knowing failure to provide the information.
  - (d) The *adoption agency* must contact the Center for Health Statistics of the Department within a reasonable period of time prior to *placement* to determine whether the child's legal or putative father can be identified.
  - (e) The adoption file of the *adoption agency* includes all reported information about the legal or putative father, even if his identity or location is unknown to the mother.
- (5) Disclosures prior to *placement*:
- (a) Potential disclosure of parental identity. The *adoption agency* must tell each *birth parent* who is contemplating making their child available for adoption that information related to their identities may subsequently be disclosed to the child in accordance with Oregon law.
  - (b) Voluntary adoption registry. As required by ORS 109.353, the *adoption agency* must inform each *birth parent* of the voluntary adoption registry established under ORS 109.450.
  - (c) Adoption–related counseling for birth parents. As required by ORS 109.346, the *adoption agency* must provide notice to each *birth parent* consenting to an adoption regarding his or her right to adoption-related counseling.
- (6) Consent and surrender. The *adoption agency* may accept the voluntary consent and surrender of a child after taking all of the following actions:
- (a) Providing to each *birth parent* full and accurate information, and the opportunity to discuss the consequences of the documents they are signing.
  - (b) Discussing with each *birth parent* the circumstances leading to the decision to choose adoption.
  - (c) Informing each *birth parent* of their right to their own legal counsel at their own expense.
  - (d) Providing each *birth parent* with written information to assist them in understanding the changes that result from adoption in their parental legal rights, obligations, and responsibilities, including potential ramifications of post-*placement* establishment of paternity.

- (e) After the birth of the child, reassessing the birth mother's ability to understand the consequences of her decision to sign a consent and surrender document. This assessment must include consideration of her emotional state and current influence of medication.
  - (f) In the case of an Indian child, informing the parents that if no different order of preference has been established by the child's tribe for adoptive placement, the *adoption agency* must, in the absence of the court's determination that good cause to the contrary exists, give preference to placing the child with a member of the child's extended family, other members of the Indian child's tribe, or other Indian families.
  - (g) Informing the *birth parent* that the *adoption agency* cannot honor a request of the *birth parent* to place the child with a family based solely on preferred race, color, or national origin unless the child is an Indian child, in which case the licensed agency must follow the Indian Child Welfare Act of 1978.
- (7) Documents. The *adoption agency* must provide a copy of all documents signed by the *birth parents* to the *birth parents* at the time they sign a consent and surrender document.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 109.096, 109.346, 109.353, 418.205 - 418.310

#### **413-215-0446**

#### **Adoptive Family Recruitment and Screening**

An *adoption agency* (defined in OAR 413-215-0406) must have a recruitment and screening process that meets all of the following standards:

- (1) The *adoption agency* must have an ongoing recruitment program to ensure an adequate number of suitable adoptive families are identified for the types of children identified in the program statement of the *adoption agency*.
- (2) Orientation. The *adoption agency* must provide orientation for the adoptive family before the *adoption agency* approves the home study. The orientation must include the following information:
  - (a) The adoption program, policies, and procedures of the *adoption agency*.
  - (b) The needs and characteristics of children available for adoption.
  - (c) Attachment, separation, and loss issues for children and families.

- (d) The importance of cultural and ethnic identity to the child and ways to foster these identities.
- (e) The effects of adoption on the child and family.
- (f) The adoption process.
- (g) Rights and responsibilities of the adoptive family and *adoption agency*.
- (h) Information on the potential risks and challenges inherent in adoption.
- (i) *Pre-placement* (defined in OAR 413-215-0406), *placement*, and post-legal adoption services and resources available to the adoptive family.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

#### **413-215-0451**

##### **Adoptive Home Requirements**

- (1) Home study. Before an *adoption agency* (defined in OAR 413-215-0406) approves a family for an adoptive *placement* (defined in OAR 413-215-0406) and before referring or placing a child with a family for the purpose of adoption, a social services worker must complete a written home study of the adoptive family. The home study must include all of the following:
  - (a) An individual interview with each applicant parent as well as with each member of the applicants' household, as applicable.
  - (b) If the applicants are married or are a cohabiting couple, an additional, joint interview with the couple.
  - (c) An on-site evaluation of the applicants' home to determine whether the home is in full compliance with the safety standards identified in the Safety Checklist (CF 979).
- (2) Written home study. The home study required by section (1) of this rule must include all of the following information:
  - (a) The dates and places in which applicant parent and household members were interviewed or observed.
  - (b) The identity of each child to be considered for *placement*, if known.
  - (c) The applicants' motivation for adoption.

- (d) The family's plan for honoring the child's ethnic and cultural heritage.
- (e) Education or training needs of the adoptive parents, including education and training for children having *special needs* (defined in OAR 413-215-0406).
- (f) The applicants' need for support services and description of current support system.
- (g) Life experiences and challenges of the applicants.
- (h) Marriage status or relationship of the applicants.
- (i) The names and ages of the applicants' children in the home.
- (j) The names and ages of the applicants' children not living in the home.
- (k) The applicants' parenting skills and values.
- (l) The applicants' lifestyle.
- (m) The applicants' home and community.
- (n) The applicants' health.
- (o) The applicants' religion or spiritual beliefs, as applicable.
- (p) The applicants' employment and finances.
- (q) Safety information and safety issues discussed with the applicants.
- (r) Minimum of four references not related to the applicants.
- (s) Criminal history check and a child abuse and neglect history from every state in which the individual has lived within the preceding five years for each member of the household age 18 or older. Checks are also required for a household member under the age of 18 if there is reason to believe that the household member may pose a safety threat to children placed in the home.
- (t) Documentation that a child abuse and neglect history was requested from any other country in which a member of the household age 18 or older has lived within the preceding five years, and the response if any.
- (u) Summary assessment of the home and any recommendations.

- (v) Signed approval or denial by a social services supervisor to use the home for adoption.
- (3) Home study requirements.
- (a) An *adoption agency* may not complete a home study until the prospective adoptive parents have received at least six hours of the pre-adoptive training and education required by OAR 413-215-0456.
  - (b) An adoptive home study is valid for a maximum of two years from the date of completion, providing significant changes have not occurred in the applicants' household.
  - (c) If significant changes occur in the applicants' household after the completion of the home study but before the adoption is finalized, the *adoption agency* must complete an update of the home study.
  - (d) Once the adoption is finalized, the *adoption agency* must complete a new home study each time the family seeks to adopt another child.
- (4) Certificate of approval. The *adoption agency* must issue a written document certifying the approval or disapproval of the applicants as potential adoptive parents.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

#### **413-215-0456**

#### **Information, Education, and Training for Adoptive Parents**

An *adoption agency* must meet all of the following requirements related to information, education, and training for adoptive parents:

- (1) Adoptive parent training. The *adoption agency* must document that it has provided the prospective adoptive parents a minimum of 10 hours of comprehensive orientation and training, independent of the home study, that covers all of the following:
- (a) The possible short- and long-term effects of prenatal exposure to alcohol, drugs, and poor nutrition.
  - (b) The effects of separation and loss.
  - (c) The process of developing emotional ties to an adoptive family.
  - (d) Normal child and adolescent development.

- (e) What research indicates about the potential effect on a child's development of physical abuse, sexual abuse, neglect, institutionalization, and multiple caregivers.
  - (f) Issues related to race, culture, and identity.
  - (g) Acculturation, assimilation, and, if applicable, the effects of having been adopted internationally.
  - (h) Emotional adjustment of adopted children and their families, including attachment and psychological issues of children who have experienced abuse, neglect, or trauma.
  - (i) In the case of an *intercountry adoption* (defined in OAR 413-215-0406), the process involved in an *intercountry adoption* and the general characteristics and needs of children awaiting *intercountry adoption*.
- (2) Individual preparation. The *adoption agency* must document reasonable efforts to prepare prospective parents for the adoption of each child under consideration before the earliest of the following:
- (a) The child is placed with them.
  - (b) Travel to the child's country for the purpose of adoption.
- (3) Methods of training.
- (a) The *adoption agency* must provide the required training using appropriate methods, such as:
    - (A) Collaboration among agencies or persons to share resources to meet the training needs of parents;
    - (B) Group seminars offered by the *adoption agency* or others who provide training;
    - (C) Individual counseling sessions;
    - (D) Video, computer-assisted, or distance learning methods using standardized curricula.
  - (b) If the training cannot otherwise be provided, the *adoption agency* may allow the prospective adoptive family to complete an independent study that includes a system for evaluating the thoroughness of the subjects covered.
- (4) Information and disclosures.

- (a) The *adoption agency* must give the adoptive family detailed written information covering the following subjects:
  - (A) Resources for financial support, including tax credit, employee adoption benefit programs, and other financial assistance.
  - (B) Medical assistance availability, as applicable.
  - (C) Support services available to the family and the adoptive child, including adoptive family support groups, educational workshops and conferences, individual and family counseling, mental health services, and respite care.
  - (D) Information identifying each organization or individual who will be involved in the proposed *placement* (defined in OAR 413-215-0406), including whether the organization or individual will derive a fee or other consideration from a source other than the client in connection with the adoption.
  - (E) In domestic adoptions only, the potential ramifications of a failure of the birth father to sign the consent and surrender documents.
- (b) If a child qualifies for adoption assistance through the department's Adoption Assistance Program, the *adoption agency* must assist the prospective adoptive parents in getting approvals or agreements in a timely manner, prior to adoption finalization.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

#### **413-215-0461**

##### **Evaluation and Selection of Adoptive Family**

An *adoption agency* (defined in OAR 413-215-0406) must meet all of the following requirements regarding the *placement* (defined in OAR 413-215-0406) of a child:

- (1) Pre-placement evaluation. A social services worker must review the record, evaluate, and document all of the following factors before making a *placement* with an adoptive family:
  - (a) Physical, emotional, social, behavioral, educational, and other individual needs of the child.

- (b) The child's need for continued contact with siblings, relatives, foster parents, and other persons significant to the child.
  - (c) The ability and willingness of the prospective adoptive parents to accept the general and specific risks and challenges inherent in the *placement* being considered.
- (2) Placement requirements. For the *placement* of a child, the *adoption agency* must select an adoptive family who is approved by an *adoption agency*, consistent with the needs of the child and the recommendations in the *pre-placement* evaluation.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

#### **413-215-0466**

##### **Domestic Adoptive Placement; Adoption Agency Requirements**

An *adoption agency* (defined in OAR 413-215-0406) must meet all of the following requirements related to a domestic *placement* (defined in OAR 413-215-0406):

- (1) Pre-placement visit. The *adoption agency* must develop a written transition plan based on the developmental needs and best interests of the child. The plan must include provisions for *pre-placement* visits with the prospective adoptive family.
- (2) Placement agreement documents. Before placing the child in a home, the *adoption agency* must have a written agreement with the pre-adoptive parents. A signed copy of this agreement must be given to the pre-adoptive parents and a copy must be placed in the case record. The agreement must specify the following, if appropriate:
  - (a) That the pre-adoptive parents agree to legally finalize the adoption in a time frame that is based on the best interests of the child;
  - (b) That the *adoption agency* will provide the documents necessary for finalizing the adoption in a time frame that is based on the best interests of the child;
  - (c) That the pre-adoptive parents agree to participate in supervision by the *adoption agency*, based on the best interests of the child, during the time prior to finalization of the adoption;
  - (d) That the pre-adoptive parents agree to provide written notification to the *adoption agency* prior to each of the following:
    - (A) A change of residency.
    - (B) The removal of the child from the state for more than 72 hours.

- (C) *Placement* of the child in the care of another person for more than 72 hours.
- (e) That the *adoption agency* will arrange for supervision in accordance with the Interstate Compact for Placement of Children if the adoptive family moves to another state.
- (f) The plan must address all of the following subjects, based on the best interests of the child, in the event of a *disruption* (defined in OAR 413-215-0406):
  - (A) Who has responsibility for providing care and the cost of care.
  - (B) Financial arrangements to ensure transfer of custody when necessary.
  - (C) For *intercountry adoptions* (defined in OAR 413-215-0406) only, whether the child is to remain in the country of *placement* and how the authorities in the originating country will be notified of the *disruption*.
- (3) Medical consent form. At the time of the child's *placement* in the adoptive home, the *adoption agency* must give the adoptive parents a signed medical consent form authorizing medical care of the child.
- (4) Child and birth parent information. Before placing a child with a family, the *adoption agency* must make reasonable efforts to discuss with the adoptive parents and provide them in writing all available information about the child and his or her *birth parents* (defined in OAR 413-215-0406), including, but not limited to:
  - (a) Medical data.
  - (b) Information about genetic, congenital, or pre-existing conditions.
  - (c) Information on the child's physical, emotional, and behavioral functioning and adjustment
  - (d) Pertinent information regarding the *birth parents*, excluding identity.
  - (e) Information about disabilities and their implications, including information from diagnosticians and, if applicable, appropriate therapists.
- (5) The *adoption agency* may not withhold or misrepresent information, nor may it misrepresent the implications of child information. The *adoption agency* and its agents must provide to prospective adoptive parents, in accordance with these rules (OAR 413-215-0401 to 413-215-0481), all information obtained about the child.

- (6) Post-placement supervision. The *adoption agency* is responsible for the child until the court has entered the general judgment of adoption. After the child is placed, the *adoption agency* must provide and document supervision of the home by a social services worker, including all of the following:
- (a) A home visit with the family within the first 30 days following *placement* to establish a helping post-*placement* relationship. The frequency of contacts, including home visits, office visits, telephone calls, and e-mail, is dependent on the child's age and *special needs* (defined in OAR 413-215-0406), and the family's adjustment to the child.
  - (b) Any change in the adoptive family relating to health, finances, or composition that could affect the child.
  - (c) Providing to the adoptive parents any medical information on a child's birth family received by the *adoption agency* after the child was placed for adoption.
  - (d) If the *placement* appears likely to disrupt, the *adoption agency* must document its efforts to--
    - (A) Provide counseling services to preserve the *placement*; and
    - (B) Provide or arrange for replacement services, including foster care if needed, if *disruption* occurs.
- (7) Post-legalization services. The *adoption agency* must make adoption services available to birth parents, adoptive parents, and adopted children after the adoption is finalized. The *adoption agency* must provide or inform the adoptive parents how to obtain information regarding all of the following:
- (a) Counseling services.
  - (b) Crisis intervention.
  - (c) Respite care.
  - (d) Specialized support groups.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

#### **413-215-0471**

#### **Adoption Finalization - Adoption Agency Requirements**

- (1) For the legal finalization of an adoption, an *adoption agency* (defined in OAR 413-215-0406) must prepare and promptly provide to the adoptive family or the family's attorney all documents required for filing with the court.
- (2) After consenting to the adoption of a minor child, an *adoption agency* must promptly file with the appropriate court all required documents that are available.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

### **413-215-0476 Intercountry Adoptions**

In addition to the requirements for adoption agencies in OAR 413-215-0401 to 413-215-0481 other than OAR 413-215-0431(1) - (2), 413-215-0441, 413-215-0456(4)(a)(E), and 413-215-0466, an *adoption agency* (defined in OAR 413-215-0406) approved to provide *intercountry adoptions* (defined in OAR 413-215-0406) must meet all of the following standards with regard to *intercountry adoptions*:

- (1) Compliance with foreign law.
  - (a) The *adoption agency* must comply with the laws and regulations of the sending country.
  - (b) The *adoption agency* must make reasonable efforts to learn and understand legal and procedural adoption requirements in the sending country.
  - (c) The *adoption agency* must establish written policies and procedures designed to fulfill and comply with the legal requirements, adoption laws, and adoption procedures of the sending country.
  - (d) The *adoption agency* must train its employees and volunteers about the adoption laws and procedures of the sending country.
- (2) Compliance by foreign representatives. If the *adoption agency* uses an organization or person in the foreign country to facilitate adoption services within the foreign country, the *adoption agency* must make reasonable efforts to see that the organization or person meets all of the following requirements:
  - (a) Fully complies with all adoption and other laws and procedures of the sending country.
  - (b) Is licensed or otherwise authorized to provide the contemplated adoption services within the sending country.

- (c) Does not engage in practices that are not in the best interests of the child or that encourage or facilitate the sale, abduction, exploitation, or trafficking of children.
  - (d) Does not have a pattern of licensing suspensions or other sanctions within the foreign country and has not lost the right to provide adoption services in any jurisdiction for reasons associated with unlawful or unethical service.
  - (e) Provides full disclosure to the *adoption agency* regarding any suspension, debarment, sanction, criminal charge, or disciplinary action against the organization or person, or any person serving with the organization, related to adoption services or financial dealings within the past ten years.
  - (f) Provides full disclosure to the *adoption agency* of business activities performed by or engaged in by employees or affiliates of the foreign representative that are inconsistent with the principles of these rules or the Intercountry Adoption Act of 2000, 42 U.S.C. 14901 to 14954.
- (3) Pre-placement determination of compliance. Before a child can be placed for adoption, the *adoption agency* must determine that the adoption service or person authorized by the sending country has certified that:
- (a) The child is qualified for adoption and is in the permanent custody of an authorized organization or person in the sending country.
  - (b) The authorized service or person has obtained proof from a competent authority in the child's country of origin that the necessary consents to the child's adoption have been obtained and that the necessary determination has been made that the prospective *placement* (defined in OAR 413-215-0406) is in the best interests of the child.
  - (c) The child has the proper emigration and immigration permits.
  - (d) The authorized service or person has the child's social and medical history or, if either is not available, has documented adequate reasons why the *adoption agency* was not able to obtain the information.
- (4) Child information requirements. The *adoption agency* must use reasonable efforts, or require the authorized organization or person in the child's country of origin to make reasonable efforts, to obtain and provide all available information concerning a child referred for adoption, if known to the *adoption agency* or foreign representative, including the all of following:
- (a) The date an authorized authority in the sending country took custody of the child and the reasons why the child is in custody.

- (b) Information concerning the child's history, including a chronology showing the persons and institutions that have had custody of and cared for the child, the nature of care provided, and the reasons for transferring custody.
  - (c) Information concerning the child's immediate family, including current status and location of the *birth parents* (defined in OAR 413-215-0406) and siblings of the child; history of abuse, neglect, or mistreatment of the child; history of alcohol and drug abuse by the *birth parents*; hereditary conditions; and other risk factors.
  - (d) Information concerning the child's cultural, racial, religious, ethnic, and linguistic background.
  - (e) The child's medical information, including all of the following:
    - (A) All medical records, including both summaries or compilations of medical records and original records.
    - (B) Information resulting from medical examinations of the child.
    - (C) A history of significant illnesses or medical events, hospitalizations, and changes in the child's condition, growth data, and developmental status at the time of the child's referral for adoption.
  - (f) Videotapes and photographs of the child, identified by the date on which the videotape or photograph was recorded or taken.
  - (g) Specific information regarding health risks in the specific region or country where the child resides.
- (5) An *adoption agency* must provide the information described in section (4) of this rule to prospective adoptive parents regarding a child referred for adoption as follows:
- (a) The information must be provided at least two weeks before the earliest of the following:
    - (A) The adoption or *placement* for adoption.
    - (B) The date on which the prospective adoptive parents travel to the sending country to complete procedures relating to the adoption.
  - (b) To the extent the matter is within its control, the *adoption agency* may not withdraw the referral of a child until the prospective adoptive parents have had at least one week to consider the needs of the child and their ability to meet those needs, and to obtain medical review of child information. The *adoption*

*agency* may withdraw the referral earlier if the best interests of the child require a more expedited decision.

- (c) The information must be provided in both the original language, if available, and in English. The *adoption agency* must do nothing to discourage prospective adoptive parents from obtaining their own translation of the information.
- (6) An *adoption agency* must document in its adoption file all of the following:
- (a) The efforts of the *adoption agency* to obtain the information.
  - (b) Reasons why the *adoption agency* was not able to obtain the information, if applicable.
  - (c) All communications made with prospective adoptive parents regarding the information, including contents of, dates, and the manner in which the information was provided to the prospective adoptive parents.
- (7) With regard to post-*placement* and post-legalization requirements and services, an *adoption agency* must meet all of the following requirements:
- (a) The *adoption agency* must take all appropriate measures to ensure that the transfer of the child takes place in secure and appropriate circumstances, with properly trained and qualified escorts, if used, and, if practicable, in the company of the adoptive parents.
  - (b) Until the adoption is finalized, the *adoption agency* must provide post-*placement* reports on a child to the sending country when required by the sending country. When such reports are required, the *adoption agency*:
    - (A) Must inform the prospective adoptive parents of the requirement prior to the referral of the child for adoption; and
    - (B) Must inform the prospective adoptive parents that they will be required to provide all necessary information for the reports.
  - (c) For children sent to the United States, in addition to post-*placement* reports required by the sending country, the *adoption agency* must require at least one home visit with all persons living in the adoptive home between one and four months after the child's arrival in the United States. Home visits must be documented in a post-*placement* report that includes all of the following issues:
    - (A) The status and adjustment of each child in the adoptive home.
    - (B) The status and adjustment of the prospective adoptive parents and other adoptive family members to each child placed in the home.

- (C) A summary of the information obtained concerning the *birth parents* and the available social, medical, and genetic history of each child placed in the home.
- (d) If an adoption or *re-adoption* (defined in OAR 413-215-0406) is sought in Oregon, the original post-*placement* report, along with recommendations, must be filed by the *adoption agency* with the court and a copy forwarded to the department.
- (e) The *adoption agency* must inform the prospective adoptive parents of other available post-*placement* services and resources, including all of the following:
  - (A) Additional home visits, office visits, telephone conferences, and other contacts with the personnel of the *adoption agency*.
  - (B) Other professionals, organizations, and groups that provide support and information for adoptive parents of children adopted internationally.
- (f) When an adoption is not finalized in the sending country, the *adoption agency* must meet all of the following requirements:
  - (A) Monitor and supervise the *placement* to ensure that the *placement* remains in the best interests of the child.
  - (B) Inform prospective adoptive parents of the importance of finalizing the adoption in the United States and contractually require the prospective adoptive parents to finalize the adoption in the United States within a specified period after receiving the consent of the *adoption agency* for adoption.
  - (C) Advise adoptive parents regarding the means of obtaining proof of citizenship for the child and the process for obtaining a social security number.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

#### **413-215-0481**

#### **Services to Children from the United States Placed in Other Countries**

Before making a plan to place a child from the United States with non-relative citizens of another country, an *adoption agency* (defined in OAR 413-215-0406) must make reasonable efforts to actively recruit and make a diligent search for prospective adoptive parents in the United States.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310