

Move over relatives, foster parents pull the weight in Oregon

by Bill & Clarinda Middleton

Oregon seems torn regarding little Gabriel Allred's placement with relatives in Mexico. What many don't realize is that Oregon policy clearly states that according to OAR 413-010-0340 CSD "will protect a child's right to live with his extended family." Oregon provides foster parents who operate homes that are approved by the department to provide care for children placed there by DHS. A foster parent's role is to provide food, shelter, security and safety, guidance and comfort on a 24-hour basis until such time as the child is placed in a permanent home. Some foster parents confuse their role with that of being the 'parent.' When this happens, the emotional damage to them and the child can be great.

As relatives who have been battling Umatilla County for 3 ? years, we have become very familiar with what happens when people foster for the wrong reasons. DHS places what we've come to call 'marketable' children with them. They cuddle, coo and change your child and come to believe it is their child. When this happens, they may misrepresent situations regarding you to DHS. DHS personnel are trained to listen to them because you, not the foster parent, are a threat to the child. When this happens, bias causes some DHS employees to see things in a wrong way and to act outside their own policy and law. How do we know this?

Our great nephew was placed in a 'foster home.' This couple signed up with DHS 15 months earlier to 'adopt' a child. This couple, who were childless, had decided they would not be denied a child and worked with their local office to secure the child of their dreams. The child's mother was handicapped and her immediate relatives would not qualify to adopt him. Within 8 weeks, qualified relative placement was found, DHS mediated with the mother that she would have a life-long relationship with her son and she could help choose a family. She chose her qualified relatives. DHS put off the first ICPC (Interstate Compact) until the foster parents had what Oregon calls 'standing.' In doing this, the foster family had become an adoptive resource. DHS kept us at bay until we went above their heads to Salem and demanded visitation. After driving a round trip of 36 hours each month for 11 months, we won the right to adopt our great nephew at the State Adoption Committee. Thirty-two days later, a single DHS administrator overturned that decision for the foster parents, which is unheard of in Oregon.

One year later to the date, we went to trial to overturn the administrator's decision and won hands down when the Judge, a 33 year veteran in the termination and adoption process, set the administrator's decision aside and ruled our great nephew should be adopted to the Committee's choice, his relatives. The Judgment stated that: Pursuant to ORS 183.484, the Court is required to make special findings of fact and conclusions of law based on the evidence before the Court. The Court makes the following findings of fact: 1. The Order of DHS is contrary to relevant law and policy. 2. The DHS order is not supported by substantial evidence in the record. 3. The Court detailed its' findings and the factual basis for them at the end of the proceeding. The Court's observations and findings are re-produced in Exhibit A and are attached and incorporated into this Judgment. (That ruling was 5 paragraphs long. Three of those 5 paragraphs outlined specifically that read flags regarding the foster parents were ignored by all involved in the case.) NOW, THEREFORE, it is hereby Ordered, Decreed and Adjudged: The Order of DHS denying the adoption application and request to adopt AO of Petitioners, Clarinda and William Middleton. and approving adoption of the other applicants is set aside.'

DHS' attorney appealed the Judge's decision and has held the appeal up ever since. By law the foster parents cannot adopt our great nephew unless DHS overturns the Judges Decision. DHS and the foster parents have ignored State and Federal law as well as Oregon policy. Our great nephew has been denied the right to live with extended family even though DHS' family choice has been shown at the State Adoption Committee level and the legal level to be incapable of fulfilling his needs throughout his life.

We are the first to appeal a DHS administrator's decision in Oregon, which means our case is setting a precedent for relative placement. Keeping this case on hold at the appellate level only hurts the child. DHS appears to be ok with that. Based on our experience with Oregon DHS: move over relatives, foster parents pull the weight in Oregon! Shame on Oregon!

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