

7. Report of Child Abuse or Neglect in a Certified Home

This section describes the additional procedures required for screeners, CPS workers, permanency workers, certifiers, and supervisors when information is received involving the home of a certified family.

There are times when the department will receive information alleging child abuse or neglect occurred or is occurring in the home of a department certified foster or relative caregiver. When this happens, there are specific activities that are required for screeners, CPS caseworkers, on-going workers, certifiers and supervisors, in addition to following Child Welfare administrative rules related to screening, CPS assessment, certification and case management. These additional requirements are outlined in Child Welfare administrative rule, “Department Responsibilities during Screening and Assessment of a Child Abuse or Neglect Report Involving the Home of a Department Certified Foster Parent or Relative Caregiver” and further described in this procedure.

In addition to following screening and CPS rules and procedure (see OAR 412-015-0200 through 0225 and Chapter 2), as well as Certification Rules and procedure, (see OAR 413-200-0301 through 413-200-0396 as well as 413-200-0270 through 413-200-0296, and chapter 7), there are additional requirements outlined in this section. These extra responsibilities apply when:

- The current or past abuse or neglect is alleged to have occurred in a department certified home (even if the alleged victim no longer lives in that home).
- The alleged perpetrator resides in or frequents the department certified home (even if the alleged perpetrator is not a caregiver).
- The alleged abuse or neglect occurred while the child was under the care and supervision of a department certified foster or relative caregiver (even if the reported incident occurred outside the actual house).

These extra responsibilities do not apply when a child discloses historical familial abuse while residing in a department certified home.

A. SCREENING PROCEDURES

- The screener must:
 1. Follow screening administrative rules and procedure (see OAR 412-015-0200 through 0225) and Chapter 2). When there is an allegation of child abuse or neglect in a department certified home, the screener is responsible for all of the requirements in the screening rule in addition to completing the requirements outlined in this section.
 2. Consult with supervisor to determine department's response (close at screening, refer for CPS assessment or document in case notes and/or provider notes.)
 3. Notify the following staff of all information received and the department's response to the information:
- The assigned caseworker for each child or young adult placed in the home and each assigned caseworker's supervisor.
- The assigned certifier and the certifier's supervisor
- If it is determined that the information received will be closed at screening, the screener must:
 1. Document the information in OR-Kids provider case notes
 2. Notify the caseworkers for each child placed in the home, those caseworker's supervisors, the assigned certifier and that certifier's supervisor that the information was closed at screening.



Examples of information that is not an allegation of child abuse or neglect, but is about a certified family home or a person living in a certified family home.

Some examples include:

- A foster parent has spanked a child (no concern of injury)
- A neighbor calls to report the foster parent's adult child has moved back into the home (there are no report of any concerns about this individual)
- A report of a child runaway

The Supervisor's Role

CPS/Screening Supervisor

- Consult with the screener to determine the department's response.
- Ensure all required notifications occur.

B. Information That Does Not Require a CPS Assessment

Once a screening decision has been made that the information will not be assigned for CPS assessment the following additional procedures apply:

Permanency Worker

Procedure

- Review information received from the screener. If the information is about a child on your caseload, (this may also apply to a CPS worker) consider the information in regard to that child's vulnerabilities and individual needs to assess how the information affects the child. If the information is about another child in the home, review the information and assess if the information poses any concerns, both safety and well-being, for the child on your caseload, given that child's vulnerabilities and individual needs.

Certifier

Procedure

- When a certifier receives information which is information only (does not require a CPS assessment, and is not a 'closed at screening') the certifier must look at the information and identify any potential certification issues, training or support needed. Follow up as appropriate to ensure the safety of the certified family's home environment. This is critical communication since certifiers make decisions about the adequacy of department certified family homes.
- When the certifier is notified by a screener that information regarding one of the certifier's homes was closed at screening, the certifier must:
 1. Assess the information and determine whether the information may be a certification concern, a violation of certification standards, or may indicate the certified family may need additional support.
 2. Assess whether any certification action should be considered, such as initiating a placement support plan, invoking inactive referral status, or making the decision to send a notice of intent to revoke the certificate of approval. Ways of doing this include talking to caseworkers, discussing with the foster parent. reading the screener's notes, discussing with the screener.
 3. Staff case with certification supervisor.
 4. Determine if additional actions are necessary to ensure the safety of the environment in the certified home.

5. Arrange a home visit if a particular certification action will support the family toward mitigating identified concerns.
 - a. If additional supports would ensure the safety of the environment, implement a placement support plan. Remember that a placement support plan should be time limited, with specific actions or services in which the certified family will participate, as well as any actions the department will take or services it will provide to support the family in ensuring child safety. (see Section 5, D of this Chapter)
 - b. If it is important to maintain the stability of the home with the children currently placed in the home, consider placing the certified family on inactive referral status. In determining if inactive referral status is appropriate, assess whether doing so will stabilize the family and will strengthen the family's ability to provide for the safety, health and well being of children placed in the home. Be honest and forthright in your discussions with the family.
 - c. If, from the information received by the screener, and your ongoing assessment of the certified family's ability to maintain safety and well-being of the children placed in the home, it is determined that neither a placement support plan or inactive referral status will provide enough support for the family to maintain certification standards, initiate the revocation process. (see section, Section 10 of this Chapter).
 - d. To place a family on inactive referral status in the Department's information system; the certificate of approval must be placed, "on hold". The placed on hold function is accessed by selecting additional certification actions from the options drop down menu on the certification window. On the "additional certification actions" window choose "place on hold" as the "action" and complete the other fields as appropriate. Once all fields are completed, select approval from the options drop down menu and send for approval.



The Supervisor's Role

Certification Supervisor

- Consult with the certifier regarding any necessary certification actions.

Ongoing Supervisor

- Ensure information reported regarding a young adult (anyone over 18 years old) is shared with SPD and/or law enforcement as appropriate.
- Ensure notification of a report of child abuse to appropriate individuals.

C. Information that Requires a CPS Assessment

Once a screening decision has been made that the information will be assigned for CPS assessment the following additional procedures apply.

One of the most important factors in completing an assessment in a home certified by the department is clear communication between department staff. Responsibility for ensuring a safe environment for a child or young adult in the home and contacting the certified family is shared by the CPS caseworker, the on-going caseworker, and the certifier. Because all of these staff play a role it is essential that cross communication and collaboration occur.



CPS Worker

Procedure

Initial Staffing:

The CPS worker must convene a staffing before making initial contact unless timing of the staffing will compromise child safety. Consult with your supervisor to determine if this is the case.

1. Invite the assigned certifier or the certification supervisor and the caseworker of each child in the home, or that caseworker's supervisor.
2. Consider inviting the Child Welfare Program Manager, CPS consultant and Foster Care Coordinator. Considerations include the nature of the referral, whether it is likely the case will be high profile or receive media attention, or if a serious injury to a child has occurred.
3. At the staffing discuss:
 - a. The nature of the referral.

Suggestions for how to complete initial staffing:

- Standing meetings
- Consider having the staffing via telephone when staff are housed in different offices.

Examples of when delaying the response time will compromise child safety include:

- Family (including alleged perpetrator and alleged victim) is due to leave town within a few hours either permanently (to move or flee) or temporarily (vacation).
- It is nearing the end of the school day and the alleged perpetrator is aware of the report being made and there is potential for coaching the child if the interview does not occur prior to the child's release from school .

- b. Coordination of the response to the referral. For example, if the presence of a permanency caseworker who has an established relationship with a child may be helpful in making the child more comfortable during the CPS worker's interview of that child, the two caseworkers could arrange an interview where they are both present.
 - c. Any previous Out of Home Care Assessments.
 - d. Information known by staff who have worked with the family, and any other information known by the department (or example, special needs of any children placed in the home, or previous certification concerns).
- **During the CPS assessment the CPS worker must:**
 1. Follow Child Welfare administrative rule regarding completion of a CPS assessment (see OAR 413-015-0400 through 0485 and chapter 2 for related procedures). When there is an allegation of child abuse or neglect in a department certified home, the CPS worker is responsible for all of the requirements in the CPS assessment rule in addition to completing the requirements outlined in OAR 413-200-0404 through 0424, "The Department's Responsibilities During Screening and Assessment of a Child Abuse or Neglect Report Involving the Home of a Department Certified Foster Home or Relative Caregiver" and the procedure described in this section.
 2. If a foster child in the home is an alleged victim, provide the certified family with the Pamphlet 1537, "What You Need to Know about a Child Protective Service Assessment, Foster Care."
 3. If a child of the certified family is an alleged victim, (could be a biological child, an adopted child, or other child living in the home, not placed by the department) provide the family with Pamphlet 1536, "What You Need to Know about a Child Protective Service Assessment."
 4. If both a foster child and another child in the home, (could be a biological child, an adopted child, or other child living in the home, not placed by the department) are alleged victims, provide the family with both pamphlets.
 5. If during the course of the CPS assessment it is determined that additional children are at a threat of harm or are victims of abuse ensure additional screening forms are generated as appropriate.
 6. Consult with your supervisor before making the decision to remove any child from the home.
 7. Provide on-going information to the assigned certifier and to the caseworkers of each child placed in the home on the status of the CPS assessment. The status of the assessment may have an effect on what the caseworker or certifier is required to do.

8. Complete the CPS Assessment in OR-Kids including the selection of a safety threat when appropriate. Even if children were removed from the home, the appropriate safety threats are selected in order to document the existence of a safety threat in the foster home. The safety analysis will conclude that children are safe, and a parent/caregiver can and will protect the child from the safety threat. The parent/caregiver in this situation is the Department, as the legal guardian of the child.

Ongoing Worker

Procedure

These requirements may need to be done by the CPS worker if the case has not yet transferred to an ongoing worker.

- When a report is received on an open case that alleges abuse or neglect (including third party abuse or neglect) in the home of a certified family, the assigned caseworker for the child must notify in writing the following individuals of the referral within three business days:
 1. The child's attorney
 2. The child's CASA
 3. The child's legal parents
 4. The child's parent's attorney
 5. Others as necessary who are involved in the case plan. Examples of others might include the child's therapist or sibling. If the child is in therapy it would be appropriate for the therapist to have information about any new events surrounding that child. Also, if a child is having regular visitation with a verbal sibling, it is likely that the allegation will be discussed. Providing the information in a manner that reduces fear and answers questions may be helpful.
- When it has been determined providing notification to the parents or to the parent's attorney will interfere with an investigation or assessment, or jeopardize the child's safety, consult with your supervisor. A supervisor can grant an exception to this notification. Include clear documentation in the OR-Kids case notes supporting this determination.
- Use the CF 988, Notification of Child Abuse/Neglect, as the template for providing written notice. This is to be used both when the information is closed at screening and when the information is referred for a CPS assessment.

- When an allegation involves the biological child of a certified family, still complete the notifications to department staff and hold the meetings. The notification to legal parties is not necessary (unless there is a threat of harm allegation against a foster child), as the biological child is not part of an open case. Again, all notifications to department staff and meetings are required to occur.

Certifier

Procedure

- When the certifier for the family is notified that a report of abuse or neglect has occurred in a certified family has been referred for an assessment, within one business day after the CPS worker has made initial contact, the certifier must provide the family with the following information:
 1. That the certifier is available to answer questions related to certification, but is not able to discuss the specifics of the CPS assessment. For instance, the certified family may want clarification on what the assessment means to their certification, or whether children will be removed from their home;
 2. That the certified family is immediately placed on inactive referral status;
 3. That the certified family has the option of having a consulting foster parent or relative caregiver available for support during the assessment; and must provide;
 4. The names of foster parents and relative caregivers who have agreed to be consulting foster parents;
 5. Also, within one business day, the certifier must:
 - a. Document in OR-Kids provider notes that a CPS assessment has been initiated and that the family is on inactive referral status; and
 - b. Notify all staff responsible for placing children in department certified homes that no additional children may be placed in the home.
- As with any time the department initiates inactive referral status, the certifier must provide the family written notification to the certified family, within 14 days, that their home has been placed on inactive referral status.
 1. Explain in the letter what inactive referral status means, and that anytime there is a CPS assessment, a family is placed on inactive referral status.
 2. File the letter in the certification file, Section 1, Certification Actions.
 3. File the letter in the certification file, Section 1, Certification Actions.
 4. The certifier must provide information regarding the family to the CPS worker as well as other caseworkers of children in the home.



The Supervisor's Role

CPS supervisor

- Ensure that the staffings occur in a timely manner.
- Attend the staffings (or assign a designee) or ensure the CPS worker is in attendance.
- Determine whether the Child Welfare Program Manager, CPS Consultant and Foster Care Coordinator should be invited to the staffing.
- Ensure that all required notifications to the certified family have occurred in a timely manner.

Ongoing Supervisor

- Attend the staffing (or assign a designee) or ensure the ongoing worker is in attendance.
- Staff the case with the ongoing worker as appropriate.

Certification Supervisor

- Attend the staffing (or assign a designee) or ensure the certifier is in attendance.
- Staff the case with the certifier as appropriate.

D. Conclusion of the CPS Assessment

CPS Worker

Procedure

The CPS worker must convene a staffing within five days of completing the CPS assessment and invite the CPS supervisor, the certifier or certification supervisor, and the caseworker for each child placed in the home or the supervisor for each caseworker. It is good practice to notify the supervisor for the certifier and the supervisor for each child's caseworker even if they are not invited.

- During the staffing:
 1. Share information gathered during the assessment process, including the disposition.

2. Determine who needs to be notified of the disposition of the CPS assessment and determine which staff will provide notification.
3. Discuss certification actions that have been taken, will be taken and whether any additional actions are appropriate.
 - a. This is a general discussion of possible certification actions that may need to occur.

Ongoing Worker

Procedure

- Within 10 days of the determination of the disposition notify the child's attorney, child's CASA, the child's parents and parent's attorney (unless notification will jeopardize a child's safety,) others as involved in the case plan as necessary.

Certifier

Procedure

- The certifier must do the following within five days of the staffing at the conclusion of the CPS assessment:
 1. Staff the case with the supervisor and review all information gathered during the CPS assessment.
 2. Determine whether any additional contact with the certified family is appropriate and whether any certification actions should be taken. This is a follow-up to the staffing that occurred with other Department staff. During this meeting discuss the specifics of what was decided at the staffing, for instance, the particulars of a placement support plan, or documenting the specific facts for a notice of intent to revoke a certificate of approval.
 3. Discuss the need for any specific training. For example, should the certified family attend a behavior management training, or a training on parenting a child with an attachment disorder? Discuss the certified family's willingness to attend particular trainings, and their ability to use the information gained at the training.
 4. Discuss the need for respite care. Does the certified family have natural supports to give them needed breaks. Is a respite resource needed?
 5. Discuss the need for additional contact to provide support for the certified family and to verify safety in the home.
 - a. If the determination is made to seek revocation of the certified family's certificate of approval, see section 10 of this chapter, "Certification Actions.

- b. If the determination is that inactive referral status should continue, summarize the outcome of the CPS assessment and the reasons for continuing inactive referral status in a letter and deliver to certified family within 10 days of receiving the completed CPS assessment. File the letter in the certification file, Section 1 Certification Actions.
 - c. If the CPS assessment was founded or unable to determine and the decision is made to continue certification, obtain management approval from Program Manager on the CF 117. Be clear in the documentation on how the certified family is able to meet the safety and well-being needs of a child placed in the home, maintain conditions in the home that provide safety, health and well being for the child, despite the issues in the CPS assessment.
 - d. If no certification actions will be taken, send written notification to the certified family that the inactive referral status is no longer in effect. File a copy of the letter in the certification file, section 1, Certification Actions and notify the appropriate staff that the family is no longer on inactive referral status. This may be the case if the assessment disposition was unfounded, and the assessment and the staffings did not reveal any certification concerns.
6. Document the results of this staffing in OR-Kids provider notes and in the certification file.

Final Action

- The CPS worker and the certifier must:
 1. The final action in this process is for the CPS caseworker (or supervisor) and the certifier (or supervisor) to request a meeting with the certified family within 10 days of the completion of the CPS assessment to explain the disposition and any certification actions that will be taken. The intent of this meeting is to provide closure for the certified family. Be honest with the family regarding concerns the department has, and why the department has made the decisions it has made.
 - a. When the decision is to continue certification, the certified family may need assistance to address concerns and feelings regarding the assessment process. Provide additional contact, including telephone contact to the family. If the family has not been working with a foster parent mentor, provide the family with information regarding support groups or an experienced foster parent to help support the family.



The Supervisor's Role

CPS Supervisor

- Ensure that the staffing occurs.
- Determine whether the Child Welfare Program Manager, CPS consultant, and Foster Care Coordinator should be invited to the staffing.
- Approve notification of the disposition to the child's attorney, child's CASA, the child's parents and parent's attorney (unless notification will jeopardize a child's safety,) others as involved in the case plan as necessary.

On-going Supervisor

- Ensure that the required legal parties receive notification of the disposition.

Certification Supervisor

- Discuss with certifier the appropriate certification actions that need to occur and ensure appropriate follow through on all actions.

E. Allegations Regarding Young Adults (person over 18 years old)

- Because of differences in statutory authority regarding young adults there are different processes for handling an allegation involving a young adult (18-20) placed in a home certified by the department.
- Child welfare does not have the statutory authority to assess abuse and neglect of individuals over 18 years of age. Because of this, when a screener receives information alleging abuse of a young adult placed in a home certified by the department the screener must:
 1. Either report the information to law enforcement or DHS, Seniors and People with Disabilities, (SPD) if the young adult is an individual with a diagnosed disability. If it is unknown if the young adult has a diagnosed disability, contact SPD to determine if this is a young adult known to them.
 2. Document the information in OR-Kids provider case notes.

3. Notify the caseworkers for each child placed in the home, those caseworker's supervisors, the assigned certifier and that certifier's supervisor of the information received and actions taken.
- When an assigned caseworker for a young adult receives information that an allegation of abuse or neglect has been shared with Seniors and People with Disability Division or with law enforcement, the caseworker coordinates the department's response with SPD and/or law enforcement. The CPS screener will not be assigning the allegation of abuse because the young adult is 18 or older. However, as the caseworker you must assess the safety of the young adult in that placement setting. The young adult remains in the care or custody of the department, therefore, planning for the safety of the young adult continues to be the department's responsibility.
 - Within 10 days of the conclusion of a law enforcement determination regarding a young adult, the caseworker for the young adult must notify the young adult's parents, parent's attorney (unless notification will jeopardize a child's safety) and others involved in the case plan as necessary.

F. Foster Home Review Committee

- Each District is responsible for the development of a local protocol to ensure that there is a formal review structure for Foster Homes certified by the Department when an issue of concern, allegations, or rule violations occurs. This review provides a foundation for increased communication among staff and the consistency of a multidisciplinary review. It is intended to assist in the documentation and coordination of follow-up action by the Department.
- The local structure includes a regularly scheduled time a minimum of 2 times per month in which the committee meets. The purpose of having a regular scheduled time is intended to minimize the workload of coordinating a review committee among multiple individuals and to provide time for a more proactive review of foster homes. The structure will allow for a staff person to request a review of a foster home and prepare any materials that need to be presented and provided to the review team prior to the committee. This schedule is not intended to replace current administrative rule requirements and timelines pertaining to Child Protective Services. The local structure includes:
 1. A review process that is not incident based but considers prior issues, concerns and allegations that have been reviewed.
 2. A process to gather and provide review materials to committee members prior to the committee so a comprehensive review may occur.

3. Inclusion of the standing members of the Foster Home Review Committee and the certifier for the foster home and caseworkers who have children placed in the foster home being reviewed.
 4. A person assigned to take notes/minutes of the review committee, to document action items and assignments from the review and to disseminate these notes/minutes to the members of the committee.
 5. Documentation of the review committee notes for the individual family are kept in the OR-Kids Provider record.
 6. A process by which the foster home being reviewed receives a written notice from the branch as to the purpose of the staffing and any follow up action they need to be aware of by the committee, after they have been notified verbally.
- To ensure objectivity in the review process these reviews require the inclusion of individuals who have no relationship to the foster family or to the child welfare staff responsible for the foster home's certification or the foster children in the family's care. The staff persons involved with the foster homes are necessary participants in the review but are not the sole participants in the review committee.
 - Standing Committee Members include:
 1. Child Welfare Program Manager or designee
 2. CPS/Screening Supervisor or designee
 3. Certification Supervisor or designee
 4. Person assigned for notes/minutes and documentation of review
 5. Person(s) involved with the foster home under review; certifier and caseworkers
 - Others who may be considered;
 1. Culturally Appropriate Representation – Tribal worker or other representative should be invited if the foster home or foster child(ren) in the home have special cultural considerations.
 2. Social Service Assistant – when the persons have information to share or action that will require follow-up.
 3. Foster Parent Representative - A certified foster parent who can provide input on the review but who is not involved in the actual case being reviewed nor has a personal relationship with the foster parent. This person should be selected by the Child Welfare Program Manager and not someone who just assumes the role due to other responsibilities in local associations, or support groups.

4. Program Consultants – Central Office consultants ; Foster Care, CPS, Adoption, Residential Treatment, ICPC, or Field Administration may be utilized in complex cases, or cases which have been reviewed previously, or when the District/Branch requires additional review participants.

OAR

- Department Responsibilities During Screening and Assessment of a Child Abuse or Neglect Report Involving the Home of a Department Certified Foster Parent or Relative Caregiver

http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-b223.pdf