

OFFICE OF THE SECRETARY OF STATE  
BEV CLARNO  
SECRETARY OF STATE  
JEFF MORGAN  
INTERIM DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION  
STEPHANIE CLARK  
DIRECTOR  
800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 413  
DEPARTMENT OF HUMAN SERVICES  
CHILD WELFARE PROGRAMS

**FILED**  
03/31/2020 2:59 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Amending Rules Related to Child Safety to be Consistent with OTIS Rule Changes

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/21/2020 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: Jason Ramey

500 Summer St NE E-67

503-586-9135

Salem, OR 97301

jason.h.ramey@dhsosha.state.or.us

Filed By:

Jason Ramey

Rules Coordinator

HEARING(S)

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

DATE: 04/15/2020

TIME: 11:00 AM - 12:00 PM

OFFICER: Jason Ramey

ADDRESS:

Stype or Phone Hearing Only

Salem, OR 97301

SPECIAL INSTRUCTIONS:

Attendees: In light of the current state of emergency and executive orders recently issued by Governor Kate Brown in response to COVID 19, this meeting will not be held in person.

Attendees will need to join the meeting by Skype 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 Skype or call in: +1 (971) 673-8888, Conference ID: 49225906#

Everyone has a right to know about and use DHS|OHA programs and services. DHS|OHA provide free help. Some examples of the free help

DHS|OHA can provide are: sign language and spoken language interpreters, written materials in other languages, braille, large print, audio and other formats. If you need help or have questions, please contact the Child Welfare Policy Unit at 503-586-9135, 711 TTY, cw.policyunit@dhsaha.state.or.us at least 48 hours before the meeting.

---

**NEED FOR THE RULE(S):**

Changes to the rules and procedures are necessary due to the Office of Training, Investigations, and Safety (OTIS) taking over the responsibility for information related to and conducting investigations of child abuse in day care settings.

---

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

None.

---

**FISCAL AND ECONOMIC IMPACT:**

The Office of Training Investigations and Safety (OTIS) will have a fiscal impact as they take over the day care investigation work currently being done by Child Welfare, as reported in their Notice of Proposed Rulemaking. For Child Welfare, any temporary additional costs during the transition to OTIS will be absorbed within the current budget structure.

---

**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 may be a cost of compliance to OTIS as set forth in the notice of proposed rule making filed by OTIS. The Department estimates there will not be a cost to other 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) There is no reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (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? YES**

---

**RULES PROPOSED:**

413-015-0100, 413-015-0115, 413-015-0210, 413-015-0211, 413-015-0215, 413-015-0400, 413-015-0415, 413-

015-0520, 413-015-0525, 413-015-0530, 413-015-0535, 413-015-0540, 413-015-0545, 413-015-0550, 413-015-0555, 413-015-0560, 413-015-0565

AMEND: 413-015-0100

RULE SUMMARY: OAR 413-015-0100 sets forth the Child Protective Service Authority and Responsibility and is being amended to be consistent with 413-015-0215.

CHANGES TO RULE:

413-015-0100

Child Protective Service Authority and Responsibility ¶

Reports of alleged abuse are received by Child Welfare and screened to determine the response. The processes and time lines for responding are provided in division 015 of this chapter, and in OAR chapter 407, division 045 for reports of alleged abuse involving ~~child-caring agencies, proctor foster homes, young adults in transition programs, county-operated agencies, and ODDS licensed group homes,~~ the settings listed in OAR 413-015-0215, which are screened and investigated by the Office of Training, Investigations and Safety (OTIS). OAR 413-015-0100 to 413-015-0125 provide an overview of division 015, which implements laws relating to the Department's responsibilities to respond to reports of abuse.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005, ORS 409.185, ORS 418.015, ORS 419B.005 to 419B.050, ~~Or Laws 2016, ch 106, Or Laws 2017, ch 733~~ RS 418.205-418.327

AMEND: 413-015-0115

RULE SUMMARY: OAR 413-015-0115 sets forth the definitions used in Division 015 and is being amended to update the definition of "Child care" and removes the definition of "Day care" to be consistent with OTIS administrative rules.

CHANGES TO RULE:

413-015-0115

#### Definitions

Unless the context indicates otherwise, the following terms apply to OAR chapter 413, division 015.¶

(1) "Abuse":¶

(a) For purposes of screening a report of "abuse" of a child subject to ORS 419B.005, "abuse" means any of the following, except that "abuse" does not include reasonable discipline unless the discipline results in one of the conditions described in this subsection.¶

(A) Mental Injury. Any mental injury to a child, which includes only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.¶

(B) Neglect. ¶

(i) Negligent treatment or maltreatment of a child, including, but not limited to, the failure to provide adequate food, clothing, shelter, or medical care that is likely to endanger the health or welfare of the child.¶

(ii) Buying or selling a person under 18 years of age as described in ORS 163.537.¶

(iii) Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.¶

(iv) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful manufacturing of a cannabinoid extract, as defined in ORS 475B.015, that subjects a child to a substantial risk of harm to the child's health or safety.¶

(C) Physical Abuse. Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given for the injury. ¶

(D) Sexual Abuse.¶

(i) Rape of a child, which includes, but is not limited to, rape, sodomy, unlawful sexual penetration and incest, as described in ORS chapter 163.¶

(ii) Sexual abuse, as described in ORS chapter 163.¶

(iii) Sexual exploitation, including, but not limited to:¶

(I) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct which allows, employs, authorizes, permits, induces, or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording, or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or which is designed to serve educational or other legitimate purposes; and¶

(II) Allowing, permitting, encouraging, or hiring a child to engage in prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as described in ORS 163.413 or to patronize a prostitute as described in ORS 167.008.¶

(E) Threat of harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.¶

(b) For purposes of screening a report of abuse of a child or young adult living in a home certified by Child Welfare or ODDS, unless the abuse alleged is familial, "abuse" means any of the following:¶

(A) Abandonment, including desertion or willful forsaking of a child or young adult, or the withdrawal or neglect of duties and obligations owed a child or young adult by a home certified by Child Welfare or ODDS, a caregiver, or other person.¶

(B) Financial exploitation.¶

(i) Financial exploitation includes:¶

(I) Wrongfully taking the assets, funds, or property belonging to or intended for the use of a child or young adult.¶

(II) Alarming a child or young adult by conveying a threat to wrongfully take or appropriate moneys or property of the child or young adult if the child would reasonably believe that the threat conveyed would be carried out.¶

(III) Misappropriating, misusing, or transferring without authorization any moneys from any account held jointly or singly by a child or young adult.¶

(IV) Failing to use the income or assets of a child or young adult effectively for the support and maintenance of the child or young adult.¶

(ii) Financial exploitation does not include age-appropriate discipline that may involve the threat to withhold, or the withholding of privileges.¶

(C) Involuntary seclusion. Involuntary seclusion means confinement of a child or young adult alone in a room from which the child or young adult is physically prevented from leaving.¶

(i) Involuntary seclusion includes:¶

(I) Involuntary seclusion of a child or young adult for the convenience of a home certified by Child Welfare or ODDS or a caregiver;¶

(II) Involuntary seclusion of a child or young adult to discipline the child or young adult;¶

(ii) Involuntary seclusion does not include age appropriate discipline, including but not limited to a time-out.¶

(D) Neglect, which includes:¶

(i) Failure to provide the care, supervision, or services necessary to maintain the physical and mental health of a child or young adult; or¶

(ii) The failure of a home certified by Child Welfare or ODDS, a caregiver, or other person to make a reasonable effort to protect a child or young adult from abuse.¶

(E) Physical abuse, which includes:¶

(i) Any physical injury to a child or young adult caused by other than accidental means, or that appears to conflict with the explanation given of the injury; or¶

(ii) Willful infliction of physical pain or injury upon a child or young adult.¶

(F) Sexual abuse, which includes:¶

(i) Sexual harassment, sexual exploitation as described in ORS 419B.005(1)(a)(E), or inappropriate exposure to sexually explicit material or language;¶

(ii) Any sexual contact between a child or young adult and an employee of a home certified by Child Welfare or ODDS, a caregiver, or other person responsible for the provision of care or services to a child or young adult;¶

(iii) Any sexual contact between a person and a child or young adult that is unlawful under ORS chapter 163 and not subject to a defense under that chapter; or¶

(iv) Any sexual contact that is achieved through force, trickery, threat, or coercion.¶

(v) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427, 163.467, or 163.525.¶

(G) Verbal abuse.¶

(i) Verbal abuse includes threatening severe harm, either physical or emotional, to a child or young adult, through the use of:¶

(I) Derogatory or inappropriate names, insults, verbal assaults, profanity, or ridicule; or¶

(II) Harassment, coercion, threats, compelling or deterring conduct by threats, humiliation, mental cruelty, or inappropriate sexual comments.¶

(ii) Verbal abuse does not include age-appropriate discipline that may involve the threat to withhold privileges.¶

(H) Wrongful use of restraint. Wrongful use of a physical or chemical restraint of a child or young adult, excluding an act of restraint prescribed by a physician licensed under ORS chapter 677 and any treatment activities that are consistent with an approved treatment plan or in connection with a court order.¶

(i) "Physical restraint" means the act of restricting a child or young adult 's voluntary movement as an emergency measure in order to manage and protect the child or young adult or others from injury when no alternate actions are sufficient to manage the child or young adult 's behavior. "Physical restraint" does not include temporarily

holding a child or young adult to assist him or her or assure his or her safety, such as preventing a child or young adult from running onto a busy street.¶

(ii) "Chemical restraint" means the administration of medication for the management of uncontrolled behavior.¶

(2) "Caregiver" means a guardian, legal custodian, or other person acting in loco parentis, who exercises significant authority over and responsibility for a child or young adult.¶

(3) "Caseworker" means a Child Welfare employee assigned primary responsibility for a child or young adult served by Child Welfare.¶

(4) "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.¶

(5) "Child care" means each of the following:¶

(a) A Registered Family Child Care Home, which is the residence of a provider who has a current Family Child Care Registration at that address and who provides care in the family living quarters.¶

(b) A Certified Family Child Care Home, which is a child care facility located in a building constructed as a single-family dwelling that has certification to care for a maximum of 16 children at any one time.¶

(c) A Certified Child Care Center, which is certified to care for 13 or more children, or a facility that is certified to care for twelve or fewer children and located in a building constructed as other than a single-family dwelling.¶

(d) A Regulated Subsidy Provider, which is a child care provider that is exempt from Office of Child Care licensing and that receives subsidy payments for child care on behalf of clients of the Department.¶

(e) Other facilities that are operating as a Registered Family Care Home, Certified Family Child Care Home, Certified Child Care Center, or Regulated Subsidy Provider without a license when a license is required by the Office of Child Care.¶

(6) "Child-caring agency" is defined in ORS 418.205 and:¶

(a) Means any private school, private agency, or private organization providing:¶

(A) Day treatment for children with emotional disturbances;¶

(B) Adoption placement services;¶

(C) Residential care including, but not limited to, foster care or residential treatment for children;¶

(D) Outdoor youth programs; or¶

(E) Other similar care or services for children.¶

(b) Includes the following:¶

(A) A shelter-care home that is not a foster home subject to ORS 418.625 to 418.645;¶

(B) An independent residence facility as described in ORS 418.475;¶

(C) A private residential boarding school; and¶

(D) A child-caring facility as described in ORS 418.950.¶

(E) A county operated program that provides care or services to children in the custody of the Department of Human Services or the Oregon Youth Authority as described in ORS 418.205¶

(c) Child-caring agency does not include:¶

(A) Residential facilities or foster care homes certified or licensed by the Department under ORS 443.400 to 443.455, 443.830 and 443.835 for children receiving developmental disability services.¶

(B) Any private agency or organization facilitating the provision of respite services for parents pursuant to a properly executed power of attorney under ORS 109.056. For purposes of this paragraph, "respite services" means the voluntary assumption of short-term care and control of a minor child without compensation or reimbursement of expenses for the purposes of providing a parent in crisis with relief from the demands of ongoing care of the parent's child;¶

(C) A youth job development organization as defined in ORS 344.415;¶

(D) A shelter-care home that is a foster home subject to ORS 418.625 to 418.645; or¶

(E) A foster home subject to ORS 418.625 to 418.645.¶

(F) A facility that exclusively serves individuals 18 years of age and older; or¶

(G) A facility that primarily serves both adults and children but requires that any child must be accompanied at all times by at least one custodial parent or guardian.¶

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

(78) "CPS assessment" means an investigation into a report of abuse pursuant to ORS 419B.020 or ~~Oregon Laws 2017, chapter 733~~ RS 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.¶

(89) "CPS supervisor" means an employee of Child Welfare trained in child protective services and designated as a supervisor.¶

(910) "CPS worker" means an employee of Child Welfare who has completed the mandatory Child Welfare training for CPS workers.¶

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

(112) "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.¶

(123) "County-operated agency" means an agency that otherwise meets the definition of a child-caring agency in SB 245 (2017), except that it is owned, operated, or administered by a governmental agency or unit.¶

(13) "Day Care" means each of the following:¶

(a) A Registered Family Child Care Home, which is the residence of a provider who has a current Family Child Care Registration at that address and who provides care in the family living quarters.¶

(b) A Certified Family Child Care Home, which is a child care facility located in a building constructed as a single-family dwelling that has certification to care for a maximum of 16 children at any one time.¶

(c) A Certified Child Care Center, which is certified to care for 13 or more children, or a facility that is certified to care for twelve or fewer children and located in a building constructed as other than a single-family dwelling.¶

(d) A Listed Facility, which is a child care provider that is exempt from Office of Child Care licensing and that receives subsidy payments for child care on behalf of clients of the Department.¶

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

(15) "Designated medical professional" means (as described in ORS 418.747(9)) a physician, physician assistant, or nurse practitioner who has been designated by the local multi-disciplinary team and trained to conduct child abuse medical assessments (as defined in ORS 418.782), and who is - or who may designate another physician, physician assistant, or nurse practitioner who is - regularly available to conduct these medical assessments.¶

(16) "Domestic violence" means a pattern of coercive behavior, which can include physical, sexual, economic, and emotional abuse that an individual uses against a past or current intimate partner to gain power and control in a relationship.¶

(17) "Education provider" as defined in ORS 339.370 means:¶

(a) A school district, as defined in ORS 332.002;¶

(b) The Oregon School for the Deaf;¶

(c) An educational program under the Youth Corrections Education Program;¶

(d) A public charter school, as defined in ORS 338.005;¶

(e) An education service district, as defined in ORS 334.003;¶

(f) Any state operated program that provides educational services to kindergarten through grade 12 students; or¶

(g) A private school.¶

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

(19) "Family engagement meeting" (FEM) means a family-focused intervention facilitated by professional staff that is designed to build and strengthen the natural caregiving system for the child. The purpose of the family engagement meeting is to establish a plan that provides for the safety, attachment, and permanency needs of the child. A FEM meets the Oregon Family Decision Meeting requirements as described in ORS 417.365 to 417.375 that include extended family and rely upon the family to make decisions about planning for the children.¶

- (20) "Former foster child" means a person under 21 years of age who was in substitute care at or after 16 years of age, including substitute care provided by federally recognized tribes, and had been in substitute care for at least 180 cumulative days after 14 years of age.¶
- (21) "Guardian" means an individual who has been granted guardianship of a child or young adult through a judgment of the court.¶
- (22) "Harm" means any kind of impairment, damage, detriment, or injury to an alleged victim's physical, sexual, psychological, cognitive, or behavioral development or functioning. "Harm" is the result of abuse and may vary from mild to severe.¶
- (23) "Household" means an association of persons who live in the same home or dwelling and may be related by blood, adoption, or marriage or may be unrelated persons residing in the same home or dwelling as the child.¶
- (24) "ICWA" means the Indian Child Welfare Act.¶
- (25) "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.¶
- (26) "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.¶
- (27) "Initial contact" means the first face-to-face contact between a CPS worker and a family. The "initial contact" includes face-to-face contact with the alleged victim, his or her siblings, parent or caregiver, and any children and adults living in the home; accessing the home environment; and gathering sufficient information on the family conditions and functioning to determine if present danger safety threats or impending danger safety threats exist.¶
- (28) "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 to allow for completion of the CPS assessment.¶
- (29) "LEDS" means Law Enforcement Data System, the computerized criminal history information system maintained by the Oregon State Police.¶
- (30) "LEDS representative" means the staff person in the local Child Welfare office who has been designated under OAR 257-015-0050(5) and who has completed the training required by the Oregon State Police to train other employees to be LEDS users.¶
- (31) "LEDS user" means a staff person in the local Child Welfare office who has been trained by a LEDS representative and has been certified by the Oregon State Police to access LEDS information.¶
- (32) "LEDS notice" means a written statement hand-delivered to the subject individual or sent via U.S. mail to his or her last known address informing the subject individual of subsections (a) and (b) of this section. "LEDS notice" does not imply consent or permission of the subject individual.¶
- (a) Child Welfare may conduct, or has already conducted, criminal records checks.¶
  - (b) The subject individual has the right to obtain a copy of his or her LEDS record and challenge the accuracy of the information in the record through the Oregon State Police procedures outlined in OAR 257-010-0035.¶
- (33) "Moderate to high needs" means observable family behaviors, conditions, or circumstances that are occurring now; and over the next year without intervention, are likely to have a negative impact on a child's physical, sexual, psychological, cognitive, or behavioral development or functioning. The potential negative impact is not judged to be severe. While intervention is not required for the child to be safe, it is reasonable to determine that short-term, targeted services could reduce or eliminate the likelihood that the negative impact will occur.¶
- (34) "Monthly face-to-face contact" means in-person interaction between individuals at least once each and every full calendar month.¶
- (35) "Multi-disciplinary team" (MDT) means a county child abuse investigative team as defined in ORS 418.747.¶
- (36) "Observable" means specific, real, can be seen and described. Observable does not include suspicion or gut feeling.¶

- (37) "ODDS" means the Office of Developmental Disabilities Services within the Department.¶
- (38) "ODDS licensed group home" means a 24-hour residential program and setting for children and adults with intellectual or developmental disabilities.¶
- (39) "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 Child Welfare has identified one or more impending danger safety threats at the conclusion of a CPS assessment or anytime during ongoing work with a family.¶
- (40) "OTIS" means the Office of Training, Investigations and Safety within the Department.¶
- (41) "Out of control" means family behaviors, conditions, or circumstances that can affect safety of a child or, when applicable, a young adult are unrestrained, unmanaged, without limits or monitoring, not subject to influence or manipulation within the control of the family, resulting in an unpredictable and chaotic family environment.¶
- (42) "OYA" means the Oregon Youth Authority.¶
- (43) "Parent" means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity 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), "parent" means any biological parent of an Indian child, or any Indian who has lawfully adopted an Indian child, including adoptions under tribal law or custom. It does not include an unwed biological father where paternity has not been acknowledged or established. "Parent" also includes a putative father 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.¶
- (44) "Personal representative" means a person who is at least 18 years of age and is selected to be present and supportive during the CPS assessment by a child who is the victim of a person crime as defined in ORS 147.425 and is at least 15 years of age at the time of the crime. The personal representative may not be a person who is a suspect in, party or witness to, the crime.¶
- (45) "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.¶
- (46) "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.¶
- (47) "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.¶
- (48) "Proctor foster home" means a foster home certified by a child-caring agency that is not subject to ORS 418.625 to 418.470.¶
- (49) "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.¶
- (50) "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.¶
- (51) "Protective custody" means custody authorized by ORS 419B.150.¶
- (52) "Reasonable cause" as defined in ORS 419B.150 means a subjectively and objectively reasonable belief, given all of the circumstances and based on specific and articulable facts.¶
- (53) "Reasonable suspicion" means a reasonable belief given all of the circumstances, based upon specific and describable facts, that the suspicious physical injury may be the result of abuse. Explanation: The belief must be subjectively and objectively reasonable. In other words, the person subjectively believes that the injury may be the result of abuse, and the belief is objectively reasonable considering all of the circumstances. The circumstances that may give rise to a reasonable belief may include, but not be limited to, observations,

interviews, experience, and training. The fact that there are possible non-abuse explanations for the injury does not negate reasonable suspicion.¶

(54) "Referral" means a report that has been assigned for the purpose of CPS assessment.¶

(55) "Report" means an allegation of abuse that the screener evaluates to determine if it constitutes a report of abuse as defined in ORS 419B.005 or, when applicable, ~~Oregon Laws 2017, chapter 733~~ RS 418.205 - 418.327.¶

(56) "Reporter" means an individual who makes a report.¶

(57) "Safe" means there is an absence of present danger safety threats and impending danger safety threats.¶

(58) "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.¶

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

(60) "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 or young adult, be specific and observable, and have potential to cause severe harm. The "safety threshold" criteria are used to determine the presence of an impending danger safety threat.¶

(61) "School administrator" means the principal, vice principal, assistant principal, or any other person performing the duties of a principal, vice principal, or assistant principal at a school, as defined in the Teacher Standards and Practices Commission (TSPC) OAR 584-005-0005.¶

(62) "Screener" means a Child Welfare employee with training required to receive information and requests at the Oregon Child Abuse Hotline and assess the information and requests to determine Child Welfare's response.¶

(63) "Screening" means the process of determining Child Welfare's response to information and requests received by the Oregon Child Abuse Hotline.¶

(64) "Screening supervisor" means an employee of Child Welfare whose primary responsibility is to oversee the work of a screener and ensure compliance with rules and consistency in the practice of screening.¶

(65) "Severe harm" as defined in ORS 419B.150 means:¶

(a) Life-threatening damage; or¶

(b) Significant or acute injury to a person's physical, sexual, or psychological functioning.¶

(66) "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.¶

(67) "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.¶

(68) "Substance" means any legal or illegal drug with potential for misuse, including any controlled substance as defined by ORS 475.005, prescription medications, over-the-counter medications, or alcoholic beverages.¶

(69) "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.¶

(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 Child Welfare.¶¶

(71) "Suspicious physical injury" (as defined in ORS 419B.023) includes, but is not limited to:¶¶

(a) Burns or scalds;¶¶

(b) Extensive bruising or abrasions on any part of the body;¶¶

(c) Bruising, swelling, or abrasions on the head, neck, or face;¶¶

(d) Fractures of any bone in a child under the age of three;¶¶

(e) Multiple fractures in a child of any age;¶¶

(f) Dislocations, soft tissue swelling, or moderate to severe cuts;¶¶

(g) Loss of the ability to walk or move normally according to the child's developmental ability;¶¶

(h) Unconsciousness or difficulty maintaining consciousness;¶¶

(i) Multiple injuries of different types;¶¶

(j) Injuries causing serious or protracted disfigurement or loss or impairment of the function of any bodily organ; or¶¶

(k) Any other injury that threatens the physical well-being of the child.¶¶

(72) "Teacher" means (as defined in TSPC OAR 584-005-0005) a licensed or registered employee in a public school or charter school, or employed by an education service district, who has direct responsibility for instruction, coordination of educational programs, or supervision or evaluation of teachers; and who is compensated for services from public funds.¶¶

(73) "Third party abuse" means abuse by a person who is not the alleged victim's parent, caregiver, or other member of the alleged victim's household, and not a person responsible for the alleged victim's care, custody, and control.¶¶

(74) "Unsafe" means the presence of a present danger safety threat or an impending danger safety threat.¶¶

(75) "Vulnerable child or young adult" means a child or, when applicable, young adult who is unable to protect him or herself. This includes a child or young adult who is dependent on others for sustenance and protection. A "vulnerable child or young adult" is defenseless, exposed to behaviors, conditions, or circumstances that he or she is powerless to manage, and is susceptible and accessible to a threatening parent or caregiver. Vulnerability is judged according to physical and emotional development, ability to communicate needs, mobility, size, and dependence.¶¶

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

Statutory/Other Authority: ORS 409.185, ORS 418.005, ORS 418.747, ORS 419B.017, ORS 419B.024, ORS 419B.035, ORS 418.205 - 418.327

Statutes/Other Implemented: ORS 409.185, ORS 418.005, ORS 418.747, ORS 418.205 - 418.327, ORS 147.425, ORS 418.015, ORS 419B.005 - 419B.050

AMEND: 413-015-0210

RULE SUMMARY: OAR 413-015-0210 sets forth the Documentation Requirements and is being amended to correct an error where a word was inadvertently omitted.

CHANGES TO RULE:

#### 413-015-0210

##### Documentation Requirements

- (1) A report of abuse, request for family support services and information the OTIS is responsible for screening must be documented in a screening report form within Child Welfare's electronic information system.¶
- (2) Case management related information must be documented in Child Welfare's electronic information system case notes, or if applicable, provider case notes.¶
- (3) Internal and external notifications made by Oregon Child Abuse Hotline staff must be documented in Child Welfare's electronic information system.¶
- (4) Timelines for documentation.¶
  - (a) The screener must complete documentation immediately when:¶
    - (A) A report of abuse is assigned a "within 24 hour" response timeline; or¶
    - (B) The OTIS is responsible for screening.¶
  - (b) The screener must complete all other documentation no later than 10 hours from the date and time the report was received by the Oregon Child Abuse Hotline, unless the screening supervisor grants an extension as described in paragraph (c) of this section.¶
  - (c) A screening supervisor may grant a one-time extension to the deadline in paragraph (b) of this section, not to exceed 24 hours from the date and time the report was received by the Oregon Child Abuse Hotline, when the screener made a collateral contact as described in OAR 413-015-0211(2) and the additional information is not received within the timeline.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005, ORS 418.205-418.327

AMEND: 413-015-0211

RULE SUMMARY: OAR 413-015-0211 sets forth the requirements for Reports of Abuse and is being amended to remove sections of the rule that are now designated to OTIS.

CHANGES TO RULE:

#### 413-015-0211

##### Report of Abuse

(1) The screener must gather the following relevant information to the extent it is known by the reporter:¶

(a) The extent of the alleged abuse;¶

(b) The circumstances surrounding the alleged abuse;¶

(c) Child functioning;¶

(d) Adult functioning;¶

(e) Parenting practices;¶

(f) Disciplinary practices;¶

(g) The location of the family's residence and where the alleged abuse may have occurred; and¶

(h) Whether the child has or may have Indian or Alaska Native heritage.¶

(2) The screener may only make efforts to gather additional information from collateral contacts and law enforcement when there is insufficient information to assign the report for CPS assessment and:¶

(a) The information gathered from the reporter is concerning; and¶

(b) The collateral contact or law enforcement data is likely to supplement the report with sufficient information to make the screening decision.¶

(3) The screener must review the Child Welfare history, if any, of the alleged victim, every identified child or young adult, parent, caregiver, and household member for the report dates, types of abuse alleged, screening decisions and CPS assessment dispositions.¶

(4) The screener must assign the report for CPS assessment if¶

(a) The information received constitutes a report of abuse as defined in OAR 413-015-0115(1)(a) of a child; and the information indicates:¶

(A) The alleged perpetrator is a legal parent of the alleged victim;¶

(B) The alleged perpetrator resides in the alleged victim's home;¶

(C) The alleged perpetrator may have access to the alleged victim, and the parent or caregiver may not be able or willing to protect the alleged victim; or¶

(D) The alleged abuse involves a home certified by OYA; or¶

~~(E) The alleged abuse involves a day care.¶~~

(b) The information received constitutes a report of abuse of a child as defined in OAR 413-015-0115(1)(a) or a report of abuse of a child or young adult as defined in OAR 413-015-0115(1)(b); and involves a home certified by Child Welfare or ODDS.¶

(c) The screener determines the current report would be the fourth or greater consecutive report closed at screening regarding the same child or household and there is at least one child in the home who is less than five years of age, unless an exception has been approved by the CPS program manager or designee; or¶

(d) A tribe, LEA, or OTIS requests assistance from CPS with an investigation of abuse, and a screening supervisor agrees that assistance from CPS is appropriate.¶

(5) When a determination is made to assign a report for CPS assessment, the screener must determine the response timeline as follows:¶

(a) Within 24 hours. This timeline must be assigned when the report indicates present danger.¶

(b) Within 72 hours. This timeline must be assigned when the report indicates impending danger.¶

(c) Within 10 business days. This timeline must be assigned when the report indicates no present or impending danger.¶

(6) The screener must refer all reports that meet the criteria to assign for CPS assessment to a local Child Welfare office as follows:¶

- (a) Except as described in subsection (7)(b), the screener must refer the CPS assessment to the local office assigned to the address where the alleged victim resides, and that county is responsible for completing the CPS assessment.¶
- (b) When the alleged abuse occurred in a foster home ~~or a day care~~, the screener must refer the CPS assessment to the local office assigned to the address where the alleged abuse occurred, and that local office is responsible for completing the CPS assessment.¶
- (c) Any exception to (a) or (b) of this section must be made in consultation with the Child Welfare program managers in the affected local offices.¶
- (7) The screener must close the report at screening if one of the following subsections applies:¶
- (a) The screener determines that information received:¶
- (A) Does not constitute a report of abuse and the screener determines that the information describes behaviors, conditions, or circumstances that pose a risk to a child;¶
- (B) Is third party abuse that does not require a CPS assessment because the alleged perpetrator does not have access to the alleged victim, and the parent or caregiver is willing and able to protect the alleged victim; or¶
- (C) Is a notification described in OAR 413-015-0214, "Notifications Closed at Screening".¶
- (b) When a report is received, but the screener, after extensive efforts, is unable to obtain sufficient information to locate the alleged victim. Name and exact address are not necessary if a location is obtained.¶
- (8) The Oregon Child Abuse Hotline staff must cross report to law enforcement as required by OAR 413-015-0305(1).¶
- (9) The Oregon Child Abuse Hotline staff must complete the following external notifications:¶
- (a) Notification of law enforcement.¶
- (A) No later than 24 hours, when information is received from a caseworker that a child or young adult on an open CPS assessment or a child or young adult on an open Child Welfare case is identified as a sex trafficking victim.¶
- (B) Immediately when information gathered indicates a current suspicious physical injury.¶
- (C) Immediately when a crime is suspected to have occurred even if unrelated to a report of abuse:¶
- (i) To a child or young adult living in a home certified by Child Welfare, ODDS, or OYA; or¶
- (ii) At a home certified by Child Welfare, ODDS, or OYA.¶
- (b) Notification of Office of Child Care, Department of Education, Early Learning Division when a report involves a day care, as required by ORS 419B.020(1).¶
- ~~(c) Notification of Office of Developmental Disabilities Services (ODDS) when a report involves a home certified by ODDS or a child or young adult receiving services from ODDS.¶~~
- ~~(d) Notification of Teacher Standards and Practices Commission (TSPC) when a teacher or school administrator, as defined in OAR 413-015-0115, is identified as an alleged perpetrator in a report. A copy of the report must be sent to the TSPC after information related to the reporter's identity and other confidential information is removed.¶~~
- ~~(e) Notification of Disability Rights Oregon when a report of abuse is alleged to have occurred at a school or in an educational setting and the report involves a child with a disability. A copy of the report must be sent to Disability Rights Oregon after information related to the reporter's identity and other confidential information is removed.¶~~
- ~~(f) Developmental Disabilities Services (ODDS) when a report involves a home certified by ODDS or a child or young adult receiving services from ODDS.¶~~
- (c) Notification of Indian tribes when the screener knows or has reason to know that the child is an Indian child. A copy of the report must be sent to the tribe within 24 hours of completion of the screening report and after information related to the reporter's identity is removed.¶
- (gd) Notification of the reporter.¶
- (A) When a screener determines a report will be assigned, the screener must notify the reporter that if contact information is provided, efforts will be made by the CPS worker to inform the reporter at a later date if contact with the alleged victim was made, if abuse occurred, and if services will be provided.¶
- (B) When a screener determines a report will be closed at screening, the screener must notify the reporter of the following:¶

(i) Contact with the alleged victim will not be made;¶

(ii) An abuse determination will not be made; and¶

(iii) Whether services will be provided.¶

(h) Notification of Community Mental Health Program, Community Developmental Disabilities Program, or Adult Protective Services. The screener must make a report to the Community Mental Health Program, Community Developmental Disabilities Program, or the local Adult Protective Services office when the screener has reasonable cause to believe:¶

(A) That any person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older, with whom the screener comes into contact has suffered abuse; or¶

(B) That any person with whom the screener comes into contact has abused a person 18 years of age or older with a mental illness, developmental disability, or physical disability, or any person 65 years of age or older.¶

(10) The screener must obtain approval from the screening supervisor or designee prior to making a decision not to document information gathered.¶

(11) The screening supervisor or designee must review all closed at screening reports no later than 24 hours from the date and time the report was received by the Oregon Child Abuse Hotline.

Statutory/Other Authority: ORS 418.005, ORS 418.205-418.327, ORS 419B.024

Statutes/Other Implemented: ORS 418.005, ORS 418.205-418.327, ORS 419B.024

AMEND: 413-015-0215

RULE SUMMARY: OAR 413-015-0215 sets forth the Information the OTIS is Responsible for Screening and is being amended to change day care to child care to be consistent with the OTIS rules.

CHANGES TO RULE:

413-015-0215

Information the OTIS is Responsible for Screening ¶¶

When the screener receives information involving any of the following settings, the screener must immediately forward the information to the OTIS and notify the OTIS the information was forwarded:¶¶

- (1) Child-caring agency;¶¶
- (2) Proctor foster home;¶¶
- (3) ODDS licensed group home;¶¶
- (4) Educational provider;~~or~~¶¶
- (5) ODDS licensed host home; or¶¶
- (6) Child care.

Statutory/Other Authority: ORS 418.005, ORS 419B.017

Statutes/Other Implemented: ORS 418.205-418.327, ORS 419B.035, ORS 418.005, ORS 419B.017, ORS 419B.015

AMEND: 413-015-0400

RULE SUMMARY: OAR 413-015-0400 sets forth the Purpose and Overview of the CPS Assessment Rules and is being amended to repeal a section referencing day care to be consistent with the OTIS rules.

CHANGES TO RULE:

413-015-0400

Purpose and Overview of the CPS Assessment Rules ¶

These rules, OAR 413-015-0400 to 413-015-0485, describe the activities required to sufficiently complete a CPS assessment.¶

~~(1) Additional CPS assessment activities are required by OAR 413-015-0520 to 413-015-0565 when the report involves a day care.¶~~

~~(2) Additional CPS assessment activities are required by OAR 413-015-0601 to 413-015-0608 when the report involves a home certified by Child Welfare, ODDS, or OYA.~~

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005, ORS 409.185, ORS 418.015, ORS 419B.005 - 419B.050

AMEND: 413-015-0415

RULE SUMMARY: OAR 413-015-0415 sets forth the CPS Assessment Activities and is being amended to remove a section that is now the responsibility of OTIS.

CHANGES TO RULE:

413-015-0415

#### CPS Assessment Activities ¶¶

CPS assessment activities are outlined below. The activities are described in a logical order in these rules, but the order in which they occur is controlled by the specific circumstances in a given referral.¶¶

(1) Review records.¶¶

(a) The assigned CPS worker must:¶¶

(A) Thoroughly review the documentation in the referral;¶¶

(B) Thoroughly review the paper and electronic records maintained by Child Welfare for historical information on the family and the alleged victim that may be useful in completing the CPS assessment;¶¶

(C) Thoroughly review available Self-Sufficiency records; and¶¶

(D) Make diligent efforts to contact another state's child welfare agency to obtain records, if any, when the CPS worker has information that the family has lived in another state.¶¶

(b) The CPS worker must review the documents to identify information related to:¶¶

(A) Present danger safety threats or impending danger safety threats;¶¶

(B) History or a pattern of abuse;¶¶

(C) Child and family support systems and protective capacity; and¶¶

(D) Worker safety.¶¶

(2) Addressing prior allegations that have not been assessed because Child Welfare was unable to locate the family. The assigned CPS worker must address in the current assessment any allegations not previously assessed because Child Welfare was unable to locate the family as follows:¶¶

(a) Discuss the prior unassessed allegations during interviews;¶¶

(b) Consider all information about prior unassessed allegations when determining child safety; and¶¶

(c) Document the consideration of prior unassessed allegations in interviews, observations, and dispositional findings.¶¶

(3) Contact collateral sources.¶¶

(a) The CPS worker must contact collateral sources who can clarify or supplement the information in the referral and in records already reviewed.¶¶

(A) The CPS worker must contact the assigned Self-Sufficiency worker, if any.¶¶

(B) The CPS worker may contact other collateral sources including, but not limited to:¶¶

(i) Individuals who have regular contact with the alleged victim;¶¶

(ii) Doctors or others who have evaluated or maintain records on the alleged victim;¶¶

(iii) People who are in an established personal or professional relationship with the parent or caregiver and who can judge the quality and nature of the parent or caregiver behavior and functioning; and¶¶

(iv) People who have records or information about the parent or caregiver as a result of their involvement with, or exposure to, the parent or caregiver.¶¶

(b) The CPS worker must gather information from collateral sources throughout the CPS assessment.¶¶

(c) The CPS worker must:¶¶

(A) Protect the identity of collateral sources to the extent possible.¶¶

(B) Consult with the district attorney or the assistant attorney general to obtain a court order for records from a collateral source, if the source is unable or unwilling to share information with Child Welfare.¶¶

(4) Consult with a CPS supervisor.¶¶

(a) The CPS worker must consult with a CPS supervisor or designee:¶¶

(A) When the CPS worker has reasonable cause to believe the alleged perpetrator is an employee of any program,

office, or division of the Department or OYA;¶

(B) When a referral involves a home certified by Child Welfare, ODDS, or OYA;¶

(C) When a referral involves allegations that abuse occurred in a proctor foster home;¶

(D) When a CPS worker receives notification from a screener that a closed at screening or new referral was created on an open CPS assessment;¶

(E) Prior to a decision to place a child in protective custody, or after placement if consultation before placement will delay the safety intervention;¶

(F) Prior to initiating court action, or after initiating court action if consultation before will delay the safety intervention;¶

(G) Prior to developing an initial safety plan in a home certified by Child Welfare, ODDS, or OYA;¶

(H) When the referral involves a child fatality;¶

(I) When making a disposition in a complicated or sensitive situation or case; or¶

(J) When closing a CPS assessment with the disposition of "unable to locate."¶

(b) Subject to the discretion of the CPS supervisor, the CPS worker will consult with a CPS supervisor or designee at additional key points during the CPS assessment, such as:¶

(A) Before making initial contact with the family; or¶

(B) When a referral indicates potential danger to the worker.¶

(5) Contact and work with other entities. The CPS worker may need to work with representatives of other entities to gather and analyze safety-related information, develop a sufficient protective action plan, initial safety plan, or ongoing safety plan, and to complete the CPS assessment.¶

(a) The CPS worker may, as appropriate, notify or consult with other Department programs or other agencies including, but not limited to, the Office of Vocational Rehabilitation Services and Animal Control.¶

(b) The CPS worker must report to or contact and work with other entities as follows:¶

~~(A) Office of Child Care. The CPS worker must notify and coordinate with the Compliance Unit of the Office of Child Care when a report involves a day care, as required by ORS 419B.020(1).¶~~

~~(B) Oregon Youth Authority (OYA). The CPS worker must notify and coordinate with OYA when a report involves a home certified by OYA or a child in the legal custody of OYA.¶~~

~~(C) Office of Developmental Disabilities Services (ODDS). The CPS worker must notify and coordinate with ODDS when a report involves a home certified by ODDS or a child or young adult receiving services from ODDS.¶~~

~~(D) Community Mental Health Program, Community Developmental Disabilities Program, or Adult Protective Services. The CPS worker must make a report to the Community Mental Health Program, Community Developmental Disabilities Program, or the local Adult Protective Service office when the CPS worker has reasonable cause to believe:¶~~

~~(i) That any person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older, with whom the CPS worker comes into contact has suffered abuse.¶~~

~~(ii) That any person with whom the CPS worker comes into contact has abused a person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older.¶~~

~~(E) Indian tribes. If the CPS worker knows or has reason to know that the child is an Indian child, the CPS worker must give notice within 24 hours to the Indian child's tribe that a CPS assessment is being conducted unless the screener documented completion of this notification in the referral. (See OAR 413-115-0040.)¶~~

~~(F) Probation and parole. The CPS worker must contact probation and parole when the allegation involves a parent or caregiver, or alleged perpetrator who is supervised by probation or parole.¶~~

~~(G) Law enforcement. If the screener did not cross report, the CPS worker must contact one or more law enforcement agencies (LEA) in accordance with the protocols of the local MDT agreement and in accordance with cross reporting rules, OAR 413-015-0300 to OAR 413-015-0310. When there is a joint response involving a CPS worker and LEA staff, the CPS worker is still responsible for all of the activities necessary to complete a CPS assessment, which are summarized in OAR 413-015-0400. The CPS worker must, in consultation with a CPS supervisor, determine whether to coordinate assessment activities with LEA in the following situations:¶~~

~~(i) Present danger. When the CPS worker has information that indicates that the child is unsafe right now.¶~~

- (ii) Family cooperation. When the CPS worker has information that the family may not allow the CPS worker to observe the alleged victim or other children in the home.¶
- (iii) Protective custody. When the CPS worker has information that a child may need to be placed in protective custody for the child's safety.¶
- (iv) Child interview. When the CPS worker and the LEA officer must each interview a child, it is preferable to coordinate the interviews to reduce the number of interactions with the child.¶
- (v) Worker safety. When the CPS worker has information that indicates the family behaviors, conditions, or circumstances could pose a danger to the CPS worker.¶
- (vi) Crime committed. When the CPS worker suspects or receives a report that a crime may have been committed.¶
- (HG) Public or private schools.¶
  - (i) The CPS worker may request school records, including documents and other materials which the education provider must immediately provide as described in SB 155 (2019).¶
  - (ii) The CPS worker may interview an alleged victim or potential witness at school when the worker believes it will be the best environment in which to assure safety when making contact. ORS 419B.045 provides requirements for CPS assessments that are conducted on school premises. The CPS worker must do the following:¶
    - (I) Notify the school administrator that a CPS assessment must be conducted. If the school administrator is a subject of the CPS assessment, then notification is not required.¶
    - (II) Report to the school office, provide identification, inform school personnel of the CPS assessment, and provide the name of the alleged victim or potential witness to be interviewed.¶
    - (III) Request information from school personnel regarding the disabilities of the alleged victim, if any, prior to an interview with the alleged victim.¶
    - (IV) Interview the alleged victim or potential witness out of the presence of other persons, unless the CPS worker believes the presence of a school employee or other person would facilitate the interview. If the CPS worker believes that a school employee does not need to be present, but the school employee insists on being present during the interview, the worker may confer with the CPS supervisor for assistance in handling the situation.¶
    - (V) Discuss further actions with the alleged victim at the conclusion of the interview.¶
    - (VI) Inform school personnel when the interview has been completed.¶
    - (VII) Inform school personnel if the alleged victim is taken into protective custody.¶
    - (VIII) Inform school personnel that the CPS worker will notify parents of the interview.¶
    - (IX) Contact the CPS supervisor if school officials refuse to allow the CPS assessment to take place on school property.¶
- (HH) Multi-Disciplinary Teams (MDTs). Department district managers must develop interagency agreements regarding assessment of child abuse, as necessary, with local MDTs. Requirements for MDT protocols are set out in ORS 418.747.¶
- (6) Obtain interpreters and translation. The CPS worker must obtain the services of a competent interpreter and competent written translation service for families, including hearing-impaired family members, who have limited or no means of communicating in or reading English.¶
- (7) Complete actions required to comply with the ICWA under OAR 413-115-0040 to 413-115-0090.¶
- (8) Determine refugee status and comply with the Refugee Children Act, if applicable. During a CPS assessment, the CPS worker must consider whether the child is a refugee child. Under ORS 418.925, a "refugee child" is a "person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular group or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular group or political opinion."¶
  - (a) If it appears that a child is a refugee child, the CPS worker must ask about the child or parents' country of origin, length of time the child or parents have been in the United States, reasons why the child or parents came to the

United States, and ethnic and cultural information relevant to the child's status as a refugee. The CPS worker does not have to make a legal determination that the child and parent are refugees, but if the child or the parents indicate they are refugees, then the CPS worker must proceed as if they are, until or unless it is known that they are not refugees.¶

(b) The CPS worker may not take a refugee child into protective custody unless, in addition to the other requirements for taking a child into custody, the CPS worker determines that:¶

(A) Removal is necessary to prevent imminent serious emotional or physical harm to the child; and¶

(B) Reasonable efforts to alleviate the harm through remedial or preventive services do not alleviate the harm, have failed, or are not practical in an emergency situation.¶

(c) Unless it is a voluntary placement, no refugee child may remain in placement more than five calendar days unless there has been a judicial determination, supported by clear and convincing evidence that:¶

(A) Preventative or remedial services provided by Child Welfare have failed to alleviate the need for removal; and¶

(B) Return to the home will likely result in psychological or physical damage to the child.¶

(d) When a refugee child is placed in care, the juvenile court petition must include, in addition to the information required by ORS 419B.809, the following information:¶

(A) A specific and detailed account of the circumstances that led Child Welfare to conclude that the child was in imminent danger of serious emotional or physical harm;¶

(B) Specific actions Child Welfare has taken or is taking to alleviate the need for removal;¶

(C) Assurance Child Welfare has complied with placement preferences listed in ORS 418.937 and listed in subsection (e) of this section; and¶

(D) Assurance Child Welfare is making or has made diligent efforts to locate and give notice to all affected refugee family members and to the Refugee Child Welfare Advisory Committee that the petition has been filed.¶

(e) The CPS worker must consider the refugee child's culture and tradition when making any placement decision for a refugee child and, unless shown to be inappropriate and inconsistent with the best interests of the child, place the child with the following in order of preference:¶

(A) Natural parents.¶

(B) Extended family member.¶

(C) Members from the same cultural heritage.¶

(D) Persons with knowledge and appreciation of the child's cultural heritage.¶

(f) The CPS worker may determine that placement under subsection (e) of this section is inappropriate and inconsistent with the best interests of the child if:¶

(A) The preferred placement presents a threat to the child's safety;¶

(B) The extreme medical, physical, or psychological needs of the child cannot be met in the placement; or¶

(C) There is an informed request from either of the child's biological parents not to use a placement, if the request is consistent with stability, security, and the individual needs of the child.¶

(g) When a juvenile court petition is filed and a refugee child is placed in care, the CPS worker must staff the case with the Refugee Child Welfare Advisory Committee (RCWAC). The CPS worker must contact the International Case Consultant for Child Welfare to arrange a time for the staffing. In preparation for the staffing, the CPS worker must:¶

(A) Invite the CPS supervisor to the staffing; and¶

(B) Be prepared to discuss the reasons for the CPS referral, the information indicating that family members are refugees, and their country of origin.¶

(9) Take photographs. The CPS worker must, during the CPS assessment, take photographs and document, as necessary, abuse and the observable nature of any present danger safety threat or impending danger safety threat.¶

(a) As provided in ORS 419B.028, a law enforcement officer or the CPS worker may take photographs for the purpose of documenting the child's condition at the time of the CPS assessment.¶

(b) As provided in ORS 419B.028, if the CPS worker conducting a CPS assessment observes a child who has

suffered suspicious physical injury and the CPS worker is certain or has a reasonable suspicion that the injury is or may be the result of abuse, the CPS worker, in accordance with the protocols and procedures of the county multi-disciplinary team described in ORS 418.747, will immediately photograph or cause to have photographed the suspicious physical injuries. Regardless of whether the child has previously been photographed or assessed during a CPS assessment, the CPS worker will photograph or cause to be photographed any suspicious injuries if the CPS worker is certain or has a reasonable suspicion the suspicious injuries are the result of abuse:¶

(A) During the CPS assessment of a new allegation of abuse; and¶

(B) Each time, during the CPS assessment, an injury is observed that was not previously observed by the assigned CPS worker.¶

(c) When a child is photographed pursuant to subsection (b) of this section:¶

(A) The person taking the photographs or causing to have the photographs taken must, within 48 hours or by the end of the next regular business day, whichever occurs later:¶

(i) Provide hard copies or prints of the photographs and, if available, copies of the photographs in an electronic format to the designated medical professional; and¶

(ii) Place hard copies or prints of the photographs and, if available, copies of the photographs in an electronic format in the Child Welfare record labeled with the case name, case number, child's name, and date taken.¶

(B) If a county multidisciplinary team staffing of the case is held, photographs of the injury will be made available to each team member involved in the case staffing at the first meeting regarding the child's case.¶

(d) When ensuring photographs are taken pursuant to subsection (b) of this section, the CPS worker may take the child into protective custody without a court order only for the period of time necessary to ensure the suspicious physical injuries are photographed, as described in ORS 419B.023 and OAR 413-015-0455.¶

(e) The CPS worker must document injuries, hazardous environments, and the observable nature of any present danger safety threat or impending danger safety threat in the CPS assessment narrative by use of photographs, written description, or illustrations.¶

(f) Photographs of the anal or genital region may be taken only by medical personnel.¶

(10) Obtain medical assessment. The CPS worker must, during the CPS assessment as required in this section, facilitate a medical assessment of the child or, when applicable, young adult and obtain medical history when necessary to assure safety, determine treatment needs, or assist in analyzing safety-related information.¶

(a) When the CPS worker determines that a medical assessment is needed as part of a CPS assessment, the CPS worker must consult with a CPS supervisor as soon as possible, but not at the expense of delaying medical treatment.¶

(b) If a person conducting an CPS assessment under ORS 419B.020 observes a child who has suffered suspicious physical injury as defined in ORS 419B.023 and the person is certain or has a reasonable suspicion that the injury is or may be the result of abuse, the person must, in accordance with the protocols and procedures of the county multi-disciplinary team described in ORS 418.747, ensure that:¶

(A) A designated medical professional conducts a medical assessment within 48 hours of the observation of the suspicious physical injury, or sooner if dictated by the child's medical needs; or¶

(B) An available physician, physician assistant, or nurse practitioner conducts a medical assessment if, after reasonable efforts to locate a designated medical professional, a designated medical professional is not available to conduct a medical assessment within 48 hours. The CPS worker is required to document in the Child Welfare electronic information system efforts to locate the designated medical professional when an available physician, physician assistant, or nurse practitioner is used.¶

(c) When ensuring the timely medical assessment of a child pursuant to subsection¶

(b) of this section, and actions outlined in subsection (f) of this section would not comply with the required timelines, the CPS worker may take the child into protective custody without a court order only for the period of time necessary to ensure the medical assessment is conducted, as described in ORS 419B.023 and OAR 413-015-0455.¶

(d) The CPS worker must facilitate an assessment by a medical professional if the alleged abuse involves injury to the anal or genital region.¶

- (e) When there are indications of severe physical trauma, the CPS worker must make arrangements to immediately transport to a medical facility, which may include calling 911. The CPS worker must also make arrangements for medical examination for mild or moderate physical trauma.¶
- (f) To make arrangements for the medical examination, the CPS worker must do the following, unless completing the action would delay medical treatment:¶
  - (A) Discuss with the parent or caregiver the need for medical examination or treatment.¶
  - (B) Ask the parent or caregiver to take the child or young adult to a medical facility for a medical examination or treatment.¶
  - (C) Request that the parent sign a form DHS 2099, "Authorization for Use and Disclosure of Information."¶
  - (D) Contact an LEA immediately and seek a juvenile court order to obtain protective custody for the purpose of obtaining a medical examination or treatment when:¶
    - (i) The parent or caregiver refuses to obtain needed medical examination or treatment;¶
    - (ii) The parent or caregiver may flee with the child or young adult; or¶
    - (iii) Delaying medical examination or treatment could result in severe harm.¶
  - (E) Immediately seek medical care and consultation when there may be a life-threatening condition, or a deteriorating condition that may become life-threatening.¶
  - (F) As soon as possible and not later than 24 hours after learning of the exposure, make arrangements to test for chemical exposure to harmful substances when there is reason to believe a child or young adult has been exposed to dangerous chemicals such as those found in a chemical drug lab.¶
  - (g) When a report of suspected medical neglect of an infant with a disability and with life-threatening conditions is referred for CPS assessment, the assigned CPS worker must comply with OAR 413-030-0600 to 413-030-0650.¶
  - (h) When it is medically indicated to subject a child in the custody of the Child Welfare to HIV testing, the CPS worker must comply with OAR 413-040-0400 to 413-040-0450.¶
  - (i) As provided in ORS 147.425, a child who is the victim of a person crime and is at least 15 years of age at the time of the abuse may have a personal representative present during a medical examination. If a CPS worker believes that a personal representative would compromise the CPS assessment, a CPS worker may prohibit a personal representative from being present during the medical examination.¶
  - (j) When the CPS worker is assessing a CPS allegation of medical neglect, the CPS worker must consult with a health care professional as part of the CPS assessment.¶
- (11) Obtain psychological and psychiatric evaluations.¶
  - (a) The CPS worker must make a referral for a psychological or psychiatric evaluation of the parent, caregiver, or child or young adult by a mental health professional to assure safety, determine treatment needs, or assist in analyzing safety-related information when during the CPS assessment the CPS worker identifies a specific condition or behavior that requires additional professional evaluation. This includes, but is not limited to:¶
    - (A) Unusual or bizarre forms of punishment;¶
    - (B) Mental illness;¶
    - (C) Suicidal ideation;¶
    - (D) Homicidal ideation; or¶
    - (E) Unusual or bizarre behavior that is indicative of emotional problems.¶
  - (b) The CPS worker must obtain consent of the parent or caregiver prior to making a referral for a psychological or psychiatric evaluation, unless the evaluation is court ordered.¶
- (12) Make efforts to locate. When a child or young adult in substitute care is missing, the CPS worker must complete required actions as described in OAR 413-080-0053.¶
- (13) Develop plan of care. When a healthcare provider involved in the delivery or care of an infant identifies the child as a substance affected infant, the CPS worker must:¶
  - (a) Ensure a plan of care is developed; ¶
  - (b) Ensure the substance affected infant and family are referred to services identified in the plan of care; and¶
  - (c) Document the plan of care and referrals made in Child Welfare's electronic information system. ¶
- (14) Make monthly face-to-face contact. The CPS worker must make a minimum of monthly face-to-face contact

as described in OAR 413-080-0054.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 409.185, ORS 418.005, ORS 418.015, ORS 418.747, ORS 418.785, ORS 419B.005 - 419B.050, ORS 418.205 - 418.327

REPEAL: 413-015-0520

RULE SUMMARY: OAR 413-015-0520 sets forth the Purpose and Overview and is being repealed as this is now the responsibility of OTIS.

CHANGES TO RULE:

~~413-015-0520~~

~~Purpose and Overview~~

~~OAR 413-015-0520 to 413-015-0565 describe the activities required to complete a CPS assessment involving a day care.~~

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

~~Statutes/Other Implemented: ORS 409.185, ORS 418.015, ORS 419B.005 – 419B.050~~

REPEAL: 413-015-0525

RULE SUMMARY: OAR 413-015-0525 sets forth the requirements for contact and work with families during assessments involving day cares and is being repealed as this is now the responsibility of OTIS.

CHANGES TO RULE:

~~413-015-0525~~

~~Contact and Work with Other Entities ¶¶~~

~~The CPS worker may need to work with representatives of other entities to complete a CPS assessment involving a day care.¶¶~~

~~(1) Office of Child Care. The CPS worker must notify and coordinate with the Compliance Unit of the Office of Child Care when a report involves a day care as required by ORS 419B.020(1).¶¶~~

~~(2) Law Enforcement. If the screener did not cross report to appropriate law enforcement agencies, the CPS worker must contact one or more law enforcement agencies in accordance with the protocols of the local MDT agreement and in accordance with cross reporting rules, OAR 413-015-0300 to OAR 413-015-0310. Child Welfare and the law enforcement agency (LEA) shall jointly determine the roles and responsibilities of Child Welfare and the LEA in their respective investigations. When there is a joint response involving CPS and law enforcement, the CPS worker is responsible for all of the activities necessary to complete the CPS assessment. Whenever possible, the CPS worker must coordinate with LEA.~~

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

~~Statutes/Other Implemented: ORS 409.185, ORS 418.015, ORS 418.747, ORS 419B.005 – 419B.050~~

REPEAL: 413-015-0530

RULE SUMMARY: OAR 413-015-0530 sets forth the response times for assessments involving day cares and is being repealed as this is now the responsibility of OTIS.

CHANGES TO RULE:

~~413-015-0530~~

~~Response Time Lines ¶~~

~~The response time lines for CPS assessments involving day cares are the same as the response time lines for all CPS assessments. Those time lines are established in OAR 413-015-0405.~~

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

~~Statutes/Other Implemented: ORS 418.015, ORS 418.747, ORS 419B.005 – 419B.050, ORS 409.185~~

REPEAL: 413-015-0535

RULE SUMMARY: OAR 413-015-0535 sets forth the CPS assessment activities for assessments involving day cares and is being repealed as this is now the responsibility of OTIS.

CHANGES TO RULE:

~~413-015-0535~~

~~CPS Assessment Activities~~

~~The required CPS assessment activities are outlined below. The activities are described in a logical order in these rules (OAR 413-015-0520 to 413-015-0565), but the order in which they occur is controlled by the specific circumstances in a given referral.~~

~~(1) Review Records. The assigned CPS worker must:~~

~~(a) Thoroughly review the documentation in the referral;~~

~~(b) Thoroughly review the paper and electronic records maintained by Child Welfare for historical information on the alleged victim, the alleged perpetrator and their families, which must include a review for the following:~~

~~(A) History or a pattern of abuse by the alleged perpetrator, and~~

~~(B) History of abuse of the alleged victim or victims.~~

~~(c) When the CPS worker has information that the alleged perpetrator has lived in another state, make diligent efforts to contact the child welfare agency in the other states where the alleged perpetrator has lived and obtain records, if any, that may be relevant to the current CPS assessment.~~

~~(2) Contact Collateral Sources.~~

~~(a) The CPS worker must contact collateral sources who can clarify or supplement the information in the referral and in records already reviewed. These collaterals may include:~~

~~(A) Doctors or others who have evaluated or maintain records on the alleged victim in regard to the abuse or any effects of the abuse;~~

~~(B) Other people who may have information about the day care or the alleged perpetrator;~~

~~(C) Staff members, including past staff members, of the day care that may have information regarding the abuse or the alleged perpetrator;~~

~~(D) Other children that attend the day care and their parents or caregivers that may have information about the day care or the alleged perpetrator.~~

~~(b) The CPS worker must gather information from collateral sources throughout the CPS assessment.~~

~~(c) The CPS worker must:~~

~~(A) Protect the identity of collateral sources to the extent possible.~~

~~(B) Consult with the district attorney or the assistant attorney general to obtain a court order for records from a collateral source, if the source is unable or unwilling to share information with the Child Welfare.~~

~~(3) Develop a protective action plan as described by OAR 413-015-0435 when present danger is identified.~~

~~(4) Consult with CPS Supervisor. The CPS worker must consult with a CPS supervisor or designee:~~

~~(a) At the beginning of a CPS assessment involving a day care;~~

~~(b) At any time during the CPS assessment when there are additional victims identified;~~

~~(c) A report of abuse that is expected to receive media attention or that already is being reported by the media.~~

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

~~Statutes/Other Implemented: ORS 409.185, ORS 418.015, ORS 418.747, ORS 419B.005 – 419B.050~~

REPEAL: 413-015-0540

RULE SUMMARY: OAR 413-015-0540 sets forth the requirements for making contact during assessments for day cares and is being repealed as this is now the responsibility of OTIS.

CHANGES TO RULE:

~~413-015-0540~~

~~Make Contact~~

~~The CPS worker must make contact within the assigned response time line with the alleged victim's custodial parent or caregiver and the alleged victim as follows:~~

~~(1) As required by OAR 413-015-0420, notify the custodial parents or caregivers of the intent to interview an alleged victim.~~

~~(2) Have face-to-face contact with and interview the alleged victim or victims. The purpose of the face-to-face contact and each interview is to gather information regarding possible abuse, observe any signs of neglect or injuries, determine if there are other alleged victims, and assess immediate safety.~~

~~(3) Have face-to-face contact with and interview each custodial parent or caregiver of the alleged victim or victims. The purpose of this face-to-face contact and interview is to find out what the parent or caregiver knows about the alleged abuse and to gather information about their ability and willingness to protect.~~

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

~~Statutes/Other Implemented: ORS 409.185, ORS 418.015, ORS 418.747, ORS 419B.005 – 419B.050~~

REPEAL: 413-015-0545

RULE SUMMARY: OAR 413-015-0545 sets forth the other required contacts and observations during assessments of day cares and is being repealed as this is now the responsibility of OTIS.

CHANGES TO RULE:

~~413-015-0545~~

~~Other Required Contacts and Observations~~

~~The CPS worker must:~~

- ~~(1) Interview the non-custodial parent of the alleged victim during the CPS assessment.~~
- ~~(2) Notify and interview the provider, owner, or director of the day care. Except as provided below, the CPS worker must meet with the provider, owner, or director of the day care at the beginning of the CPS assessment to notify them of the allegations, arrange for access to the day care, plan interviews that will take place at the day care, and gain access to names of other children and their parents who may have been a witness or could be a collateral source for the CPS assessment. The CPS worker is not required to meet with the provider, owner, or director of the day care if it could compromise a child's safety or a criminal investigation.~~
- ~~(3) Interview staff of the day care that may have information regarding the alleged abuse or the alleged perpetrator.~~
- ~~(4) Identify and select other children to be interviewed. Other children that attend the day care where the abuse allegedly occurred may need to be interviewed if they:~~
  - ~~(a) Witnessed the alleged abuse;~~
  - ~~(b) Have information pertinent to the CPS assessment about the day care; or~~
  - ~~(c) Have information pertinent to the CPS assessment about the alleged perpetrator.~~
- ~~(5) Notify and interview the parent or caregiver of any children who are selected to be interviewed during the CPS assessment. The intent of the interview is to gain permission to interview their child and to learn of any information they may have about the alleged perpetrator and the alleged incident. Interviews with children that are not alleged victims must not occur prior to receiving permission by a parent or caregiver. If the CPS worker is denied permission to interview children who are not alleged victims, but such interviews are needed to complete the CPS assessment, the CPS worker should consult with their supervisor and seek the assistance of a district attorney or assistant attorney general.~~
- ~~(6) Interview the selected children. The purpose of the interview is to gain information about the alleged abuse and the alleged perpetrator and assess the child's safety at the day care.~~
- ~~(7) Interview the alleged perpetrator. The purpose of the interview is to notify the alleged perpetrator of the allegations, allow them to respond to the allegations, determine if the alleged perpetrator poses a threat to other children, and notify them of the steps needed to complete the CPS assessment. When interviewing the alleged perpetrator, the CPS worker must:~~
  - ~~(a) Coordinate the interviews of the alleged perpetrator with the law enforcement agency (LEA) when law enforcement is conducting an investigation;~~
  - ~~(b) Consult with a CPS supervisor if an interview with the alleged perpetrator could make a child or adult unsafe; and~~
  - ~~(c) Provide the alleged perpetrator with a written notice that a criminal records check may be or has been conducted on them.~~
- ~~(8) Observation of the day care. The purpose of observing the day care is to gather information about the alleged incident and to assess the overall safety of the setting.~~

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

~~Statutes/Other Implemented: ORS 409.185, ORS 418.015, ORS 418.747, ORS 419B.005 – 419B.050~~

REPEAL: 413-015-0550

RULE SUMMARY: OAR 413-015-0550 sets forth requirements for day care assessments and is being repealed as this is now the responsibility of OTIS.

CHANGES TO RULE:

~~413-015-0550~~

~~Determining If the Parent or Caregiver Can or Cannot and Will or Will Not Protect ¶~~

~~The CPS worker must determine if the parent or caregiver can or cannot and will or will not protect the child. When the CPS worker determines the parent or caregiver cannot or will not protect the child, the CPS worker must determine whether to make a report of abuse against the parent or caregiver.~~

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

~~Statutes/Other Implemented: ORS 409.185, ORS 418.015, ORS 418.747, ORS 419B.005–419B.050~~

REPEAL: 413-015-0555

RULE SUMMARY: OAR 413-015-0555 sets forth requirements for day care assessments and is being repealed as this is now the responsibility of OTIS.

CHANGES TO RULE:

~~413-015-0555~~

~~Determine Disposition of the CPS Assessment ¶~~

~~The CPS worker must comply with OAR 413-015-0440 and OAR 413-015-1015 to determine the disposition of the CPS assessment.~~

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

~~Statutes/Other Implemented: ORS 409.185, ORS 418.015, ORS 418.747, ORS 419B.005 - 419B.050~~

REPEAL: 413-015-0560

RULE SUMMARY: OAR 413-015-0560 sets forth requirements for day care assessments and is being repealed as this is now the responsibility of OTIS.

CHANGES TO RULE:

~~413-015-0560~~

~~Notification of CPS Assessment Disposition ¶¶~~

~~In addition to requirements of OAR 413-015-0470, the CPS worker must notify the --¶¶~~

~~(1) Office of Child Care, Department of Education, Early Learning Division. A copy of the completed CPS assessment must be sent to the Compliance Unit of the Office of Child Care after information relating to the reporter's identity is removed. Any recommendations regarding the day care may also be included.¶¶~~

~~(2) Owner or director of the day care. When there is no owner or director the notification is to the provider. If the owner, director, or provider is not the alleged perpetrator, parent or caregiver, the notification will include whether Child Welfare determined abuse occurred and information necessary to protect children from abuse in the day care in the future.~~

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

~~Statutes/Other Implemented: ORS 409.185, ORS 418.015, ORS 418.747, ORS 419B.005 -- 419B.050~~

REPEAL: 413-015-0565

RULE SUMMARY: OAR 413-015-0565 sets forth requirements for day care assessments and is being repealed as this is now the responsibility of OTIS.

CHANGES TO RULE:

~~413-015-0565~~

~~Documentation and Supervisory Review Requirements~~

~~The CPS worker must refer to and comply with OAR 413-015-0475, "CPS Assessment Documentation and Supervisory Review Requirements".~~

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

~~Statutes/Other Implemented: ORS 409.185, 418.015, 418.747, 419B.005 - 419B.050~~