

Information Memorandum Transmittal Office of Child Welfare Programs



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Number: CW-IM-19-005
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Topic: Draft Proposed Rule Changes for Screening and CPS Rules, Procedure and Forms

Subject:

Draft Proposed Rule Changes:

[Division 015 Introduction to CPS, Screening and CPS Assessment Rules](#)

Draft Proposed Procedure/Forms Changes:

Chapter 2 Screening Procedure

Chapter 3 CPS Assessment Procedure

Protective Custody Report (Form)

Declaration (previously affidavit) in support of request for protective custody order (Form)

Applies to (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging: {Select type} | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children's Intensive In Home Services |
| <input type="checkbox"/> County DD program managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> Support Service Brokerage Directors | <input type="checkbox"/> Other (<i>please specify</i>): |
| <input type="checkbox"/> ODDS Children's Residential Services | |
| <input checked="" type="checkbox"/> Child Welfare Programs | |

Message: The following informational memorandum transmittal is being sent to summarize proposed changes to Division 015 that are planned to be effective January 1, 2020. The attached documents are **proposed drafts** and are not currently in effect. If you would like to give feedback on these changes, please do so before November 29, 2019.

Who: These proposed changes primarily impact Oregon Child Abuse Hotline staff, CPS workers and CPS supervisors.

When: All the proposed rule changes outlined in in this transmittal are currently open for feedback until November 29, 2019 and will be finalized and effective January 1, 2020.

Why: The CPS rules, screening and CPS assessment procedures and two related forms are being revised to implement the changes resulting from the 2019 legislative session and to implement other miscellaneous changes that ensure best practice when engaging families and ensure consistency and clarity in rules across Child Welfare and with Office of Training Investigation and Safety (OTIS).

What: Each of the proposed changes to rule, procedure and forms is summarized below and can be found in the attached drafts. Note the attached document titled “01.01.2020 Communication” also outlines the below changes and may be used as a reference tool. When looking at the attachments note 1. deleted information is shown with cross out 2. added information is shown with underline 3. tracked changes are shown in color 4. Where procedure or forms changes are significant tracked changes are not used for readability.

Specifically, the following changes are being proposed:

Rules

OAR 413-015-0115 “Definitions”

- The definition of “child-caring agency” was revised to be consistent with statute and OTIS rules.
- The definition of “child safety meeting” was removed as this meeting type is being replaced by the FEM.
- The definition of “education provider” was added to implement revised statute.
- The definition of “family engagement meeting” (FEM) was added to replace the child safety meeting and the Oregon Family Decision Meeting while adding an engagement focus to improve outcomes for children and families.
- The definition of “reasonable cause” was added to be consistent with statute.
- The definition of “severe harm” was changed to be consistent with statute.
- The definition of “sibling” was added to the 015 Division to be consistent with the definition in other OARs.
- The definition of “third party abuse” was modified to remove the examples as they are procedural.

OAR 413-015-0210 “Documentation Requirements” The timeline to complete screening reports was modified to include a timeline specific to reports related to third party abuse. Oregon Child Abuse Hotline staff determine whether law enforcement will respond and then the screener completes the screening report no later than 10 hours from the date and time the law enforcement response is confirmed.

OAR 413-015-0211 “Reports of Abuse” The criteria to close a report at screening were modified to include direction on third party abuse reports. The direction differs depending on whether law enforcement will be investigating.

OAR 413-015-0215 “Information the OTIS is Responsible for”

- A county operated agency was removed as a separate type of setting for OTIS to respond to as it is now included in the definition of child caring agency.
- Host home programs and settings for children with intellectual or developmental disabilities was added to the list as it will fall under the responsibility of OTIS.
- Direction was added to ensure information involving an education provider was forwarded to OTIS for screening.
- Direction was added to ensure reports alleging third party abuse when law enforcement is not responding are assigned to OTIS for investigation.

OAR 413-015-0409 “Exception to Completing a CPS Assessment or CPS Assessment Activities”. Removed language to clarify criteria to complete an abbreviated CPS assessment does not always include an unfounded disposition.

OAR 413-015-0415 “CPS Assessment Activities”.

- The circumstances for taking protective custody of a child without a court order for the purpose of complying with Karly’s Law were updated to be consistent with statute.
- While a CPS worker could always request school records, this rule was updated to reflect statutory changes that require education providers to provide requested documents or materials to the CPS worker during the CPS assessment.

OAR 413-015-0440 “Determine the Disposition of the CPS Assessment” This section was reworded for clarity and the changes have no impact on practice or workload.

OAR 413-015-0450 “Develop an Ongoing Safety Plan” This section was changed to replace child safety meeting with family engagement meeting and to reflect that ongoing safety plans are developed in collaboration with the permanency worker.

OAR 413-015-0455 “Protective Custody and Juvenile Court Action”. The circumstances by which a CPS worker can take protective custody with or without a warrant were updated in this rule to be consistent with statute.

Proposed Procedure Changes

Chapter 2, Screening procedure and Chapter 3, CPS assessment procedure were both modified to reflect the changes in the rules and expanded to provide additional guidance to support practice around each change.

Specifically, the following Chapter 3 sections of the procedure manual were modified:

- Section 3, Assessment Activities
 - Removing the requirement for all abbreviated assessments to have an unfounded disposition
 - Addresses the ability for the CPS worker to obtain school records (schools now required to provide)
- Section 7, Safety Planning
 - Changes made to replace child safety meeting with family engagement meeting and to reflect that ongoing safety plans are developed in collaboration with permanency workers
- Section 9, Determine the Disposition of the CPS Assessment
 - No substantive changes, only language change for clarity
- Section 13, Child Safety Meeting
 - This section will be deleted as child safety meetings are being replaced with family engagement meetings
- Section 14, Protective Custody
 - Changes to this section are significant and give detailed guidance on when and how to facilitate protective custody
- Section 21, Special Considerations and Requirements for CPS Assessment
 - Addresses the ability to take protective custody to ensure compliance with Karly's Law
- Section 26, Exception to Completing CPS Assessment Requirements
 - The chapter 3 appendix 3.9 exception to completing CPS assessment requirements and appendix 3.9.1 Abbreviated CPS Assessments, Information and FAQ are being replaced with this section.
 - This section will detail when and how to complete an abbreviated CPS assessment

Proposed Forms Changes

Due to House Bill 2849 (2019) changing the statutory requirements for taking Protective Custody two forms were changed. Specifically, the "protective custody report" and the "declaration in support of request for protective custody order". The following explains the changes to each form:

- **Form Title: Declaration in support of request for protective custody order**
Form Number: CE0465

This form, currently referred to as an Affidavit for Protective Custody, is completed by the CPS worker when asking the court to order a child into protective custody.

- The title of the form has been changed to "Declaration in support of request for protective custody order" to reflect the change in the name in statute.
- The new circumstances by which protective custody is authorized have been added.

- The language in the document has been updated to be consistent with the changes in and requirements of statute.
 - Additional changes were made to ensure clarity and that comprehensive information is provided to the Court to support required findings.
 - The section regarding placement was removed because this document is completed before a child is placed.
- **Form Title: Protective Custody Report**
Form Number: CE0464

The protective custody report is completed after the CPS worker has taken a child into protective custody and documents for the court the justification for doing so.

- The document has been reformatted for clarity.
- Unnecessary information boxes have been removed.
- The language in the document has been updated to be consistent with the changes in and requirements of statute.
- A section for Hearing Notifications has been added to ensure necessary information is provided to the Court to support required findings.
- The new circumstances by which protective custody is authorized have been added.
- The Placement section was modified to include sibling placement and school of origin information to ensure necessary information is provided to the Court to support required findings.
- A Plan for Initial Visitation section has been added to ensure this information is conveyed to the Court.
- Section 13 has been added to improve communication between the Department and the Court and to ensure required findings are requested and ordered. This section also allows space for case-specific orders to be clearly requested by the Department.

Currently these forms can be created in OR-Kids or through DHS forms. Starting January 1, 2020, the forms will only be available through DHS forms until the OR-Kids version can be updated.

Review: Attached are copies of draft proposed rule, procedure and forms for your review.

Also, the proposed changes to rules, procedures, and forms will be reviewed through Policy Council (reach out to your district representative to participate in this review), Peer Advisory Review Committee (representation from each Child Welfare program), rule advisory committees (strong focus on external feedback to rule), workgroups (additional internal review), Oregon Judicial Department is being asked to provide feedback (forms), public comment (rules), and public hearings (rules).

Implementation: Once review is complete and feedback is gathered the comments will be reviewed, and the proposed rules, procedures and forms will be updated and finalized. The final versions will be effective 01/01/2020.

Prior to the effective date you can expect:

- Child Safety consultants to meet with CPS to provide an overview and ensure understanding of the changes
- To be provided with tools to assist in learning the changes
- Program managers and district managers to be provided talking points to assist with conversations with local courts about the protective custody changes
- Several Skype or phone call opportunities for supervisors to ask questions

Please remember the changes reflected in the proposed draft rules, procedures and forms are not effective yet.

Feedback/Questions: Direct questions and provide feedback to the child safety consultant assigned to your local office. Where changes reflect the wording in statute, there will be limited ability to incorporate feedback.

Screening related questions can be directed to:

Feedback.OregonChildAbuseHotline@dhsosha.state.or.us

Transmittal contacts: Deb Carnaghi, L.C.S.W., Child Safety Program and Leslie LaNier, Child Safety Program
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