

**Department of Human Services
CHILD WELFARE
PROTOCOL**

Notification and Review of Critical Incidents

Interpretation: Child Protective Services
Program Manager, Office of
Safety and Permanency for
Children
Children and Families

Approval: Administrator, Office of Safety
and Permanency for Children
Children, Adults and Families

REFERENCES: [DHS 150, "Sensitive Issue Report"](#)

PURPOSE

- (1) The purpose of the CIRT process is to increase child safety by:
 - (a) Rapidly drawing lessons from a particular critical incident for improvement of systems administered by the Department;
 - (b) Increasing the Department's accountability to the public;
 - (b) Evaluating and learning from cases designated as critical incidents;
 - (c) Ensuring timely responses by the Department with respect to critical incidents and the recommendations that result from critical incident reviews; and
 - (d) Increasing the Department's ability to address and recommend necessary changes to Child Welfare systems.

- (2) Reviews conducted as provided in this protocol are in addition to and separate from reviews conducted by a local Multi-Disciplinary Team pursuant to ORS 418.747, a State Fatality Review team pursuant to ORS 418.748 or the Department of Human Services, Child Welfare protocols, "Notification and Review of Child Fatalities" and "Notification and Review of Sensitive Issues".

DEFINITIONS

- (1) **"CIRT Lead"** means a designated Critical Incident Response Team member who is responsible for coordination of the Critical Incident response at the State level.

- (2) **"Contact Attorney"** is an Assistant Attorney in Charge in the Child Advocacy Section of the Civil Enforcement Division of the Oregon Department of Justice assigned to provide legal services and advice to the Department on Critical Incidents coming out of a particular field office.

- (3) **"Critical Incident"** is a fatality or a serious injury, as defined by ORS 419A.004(24), where child abuse or neglect is suspected or any other child

abuse or neglect event or situation designated by the DHS Director for which the consequences of a review process are likely to increase child safety.

- (4) **“Critical Incident Report”** is a report generated from activities of the Critical Incident Response Team, and approved by the Director of the Department of Human Services, that addresses case status and individual case conclusions. This report may also identify system issues, including policy, administrative rule, procedure, training and practice recommendations.
- (5) **“Critical Incident Response Team”** is a designated committee charged with responding to critical incidents. This includes members at both the state and local levels.
- (6) **“Critical Incident Review”** is a review of Department case related activities and systems, including Oregon Administrative Rule (OAR), policy, procedure, practice, training and personnel issues when a critical incident occurs.
- (7) **“Immediately”** means without undue delay.
- (8) **“Local Lead”** means a designated CIRT member responsible for coordination at the local office where the critical incident is being handled.
- (9) **“Sensitive Issues”** include events or situations which are highly concerning, may pose a potential liability, are of emerging public or media interest, or represent an interest of security.
- (10) **“Substantial Harm”**, as used in ORS 419B.005; means immobilizing impairment; life-threatening damage; or significant or acute injury to a child’s physical, sexual, psychological, or mental development or functioning.

NOTIFICATION PROCESS

- (1) When a sensitive issue report is generated in a case or circumstance that would qualify as a critical incident, as defined in this protocol, the following must be included on the DHS 150 report in addition to the items required by the Sensitive Issue Protocol.
- (2) The DHS 150 must include a brief summary of the following information, if applicable and known, in the “Issues” section of that form:
 - (a) A factual description of the critical incident;
 - (b) Name(s) and date(s) of birth of affected children;
 - (c) Circumstances and date of critical incident;
 - (d) Alleged perpetrator and relationship to victim;
 - (e) Information about any protection plan for affected children;
 - (f) Information about any safety concerns for CAF employees;
 - (g) Name of investigating police agency and officer;

- (h) Status of DHS Child Welfare case, if any, at the time of the critical incident;
 - (i) Pending juvenile, criminal or civil court action; and
 - (j) Names of additional people who should be included in the Critical Incident Response process to ensure best response.
- (3) A 307 must be created if the critical incident involves a child fatality or an allegation of child abuse or neglect. If an assessment is underway, the CIRT notification and process should not delay a CPS assessment.
- (4) A DHS child welfare supervisor must secure and sensitize all child welfare case records related to the critical incident. Sensitizing a case record requires restricting access to the information. Assure the information is restricted in the following ways:
- (a) Request the electronic case record be identified as a sensitive case and limit the staff allowed access. Staff allowed access to the case record must be staff assigned to complete work on the case; and
 - (b) Gather original hard copies of all child welfare records relating to the case. Assure the hard copy case record is kept in a location that prevents unauthorized staff from having access.
 - (c) Assure that a clear distinction is made in the case record prior to the CIRT designation and after. Prior case notes and narratives must not be altered and new information must be dated.
- (5) Management staff may request assistance from the Employee Assistance Program (EAP) when a critical incident occurs, or individual Department staff, including management staff, may seek personal assistance. Providing immediate assistance to Department staff may prevent delayed stress and vicarious trauma reactions. A supervisor may offer the support of another staff person to assist and support the assigned worker when the incident occurred on an open Department case.

CIRT DETERMINATION

- (1) Immediately upon receipt of the DHS 150, all management recipients must review the information. The CPS Manager and OSPC Administrator will determine if the incident may require the CIRT process and if so, bring it to the attention of Assistant Director for Children, Adults and Families (CAF). The Assistant Director for CAF will review the information, determine if the incident may require the CIRT process and if so, bring it to the attention of the Director of the Department of Human Services (DHS).
- (2) If a preliminary review of the file is needed for the purpose of providing a recommendation for a discretionary CIRT, it will conclude within 5 business days, unless an exception is granted by the Assistant Director for CAF. This review will be referenced as a Sensitive Case File review.

- (3) The Director of DHS will determine whether a critical incident requires a CIRT.
 - (a) There are no restrictions to how a critical incident may come to the attention of The Director of DHS.
 - (b) If a critical incident is identified in any way other than a Sensitive Issue Report (DHS 150), a DHS 150 must be created.
 - (c) The Department of Human Services shall assign a Critical Incident Response Team within 24 hours after the department determines that a child fatality was likely the result of child abuse or neglect if:
 - (A) The child was in the custody of the department at the time of death; or.
 - (B) The child was the subject of a child protective services assessment by the department within the 12 months preceding the fatality.
 - (d) The Director of DHS has discretion to assign a Critical Incident Response Team in any suspected or founded child abuse or neglect incident where any of the following apply to the incident:
 - (A) A child has suffered *substantial harm* and a review process is likely to impact system change in a manner that increases child safety.
 - (B) A review process is likely to increase child safety.
 - (C) The Department is likely to be required to respond to external inquiries and:
 - (i) The Department does not readily have the information to satisfy such inquiries.
 - (ii) The response to the event or situation includes multiple agencies, not exclusively DHS.
 - (iii) The nature of the inquiries and subsequent responses require information gathering and analysis from an objective reviewer who has had no prior involvement with the case.

- (3) If the critical incident documented in the DHS 150 does not warrant a CIRT process, the incident will be considered for a Sensitive Issue Review, as set forth in the Review of Sensitive Issues Protocol.

- (4) The Director of DHS may determine at any time, that the CIRT process is no longer needed if it is determined DHS' contributing actions or inactions are limited to individual staff person's actions or inactions that are both inconsistent with Department policy or administrative rule and are not indicative of a system issue.

CIRT PROCESS

- (1) Within 24 hours of the determination of a CIRT, the following must occur:
 - (a) Unless indicated otherwise, the CIRT Manager will serve as the CIRT Lead;
 - (b) The CIRT Lead must:
 - (A) Designate a local lead;
 - (B) Designate a media response lead;

- (C) Identify team members. The CIRT must include the following persons, who may attend the CIRT personally or through a designee. Additional team members may be added as needed throughout the CIRT process:
 - (i) The Assistant Director for CAF
 - (ii) The Deputy Assistant Director for Field Services
 - (iii) The Administrator for the Office of Safety and Permanency for Children
 - (iv) The CPS Program Manager
 - (v) The Contact Attorney
 - (vi) The Media Communications Officer
 - (vii) A Law Enforcement Agency (LEA) representative
 - (viii) Senior HR manager
 - (ix) CIRT Manager; and
 - (D) Initiate coordination of the CIRT.
- (2) The CIRT must address assigned tasks on an ongoing basis until completion. Safety needs must be addressed immediately.
- (a) The CIRT lead and local lead must report to one another immediately when:
 - (A) Information is received that changes or impedes the CIRT process.
 - (B) Information is received that would assist the other lead in carrying out their duties.
 - (C) There is a change in the status of the CPS assessment or Child Welfare case.
 - (D) Information is received that enables the distribution of the CIRT reports or recommendations.
 - (b) The information described in (2)(a) must be documented and distributed to the CIRT members.
 - (c) The CIRT lead must:
 - (A) Direct the CIRT process, including the Child Welfare case review;
 - (B) Thoroughly examine the critical incident;
 - (C) Identify issues;
 - (D) Consult and monitor activities and problem solve;
 - (E) Assure all decisions are documented;
 - (F) Provide updates to DHS Administration;
 - (G) Develop the CIRT Plan;
 - (H) Forward human resource matters to the HR representative when identified;
 - (I) Consult with state partners as appropriate;
 - (J) Coordinate the release of the CIRT reports and recommendations; and
 - (K) Delegate interviews of staff when:

- (i) The documentation in the CIRT review is inadequate to draw conclusions about whether Department policy and administrative rule were followed;
 - (ii) The documentation in the CIRT review is inadequate to draw conclusions intended to improve Child Welfare systems; and
 - (iii) It is believed that the staff person being interviewed can provide the information and no other reasonable means to gather the information have been identified.
- (d) The local lead must:
- (A) Address current safety needs of affected children;
 - (B) Develop a support plan for family members if appropriate;
 - (C) Interface with local MDT
 - (D) Consult with local partners as appropriate; and
 - (E) Communicate and coordinate with representatives of the local investigating law enforcement agency and District Attorney as well as with the contact attorney and local AAG assigned to the case.

HUMAN RESOURCE MATTERS

- (1) Within 24 hours of the CIRT lead discovering information that staff action or inaction requires notification to human resources, the information must be documented and forwarded to the Senior Human Resources Manager.
- (2) When human resource matters are addressed in a report, they will be general statements that do not include names, actions or inactions, or specific details.

THE CRITICAL INCIDENT INITIAL REPORT, CRITICAL INCIDENT PROGRESS REPORTS, AND THE CRITICAL INCIDENT FINAL REPORT CONTENT REQUIREMENTS AND TIMELINES

- (1) Initial Report. As soon as reasonably possible and no later than 60 calendar days after initiating the CIRT process, the CIRT Lead must complete a review of the critical incident, complete a written initial critical incident report, and release the initial report. This initial report must include:
 - (a) Individual case status and high level conclusions; and
 - (b) Identified system issues.
- (2) Progress Report. Every 30 days, after initiating the CIRT process and until the CIRT recommendations are released, the CIRT lead will release a progress report.
- (3) Final Report. As soon as reasonably possible and no later than 45 days after completing the initial CIRT report, if system issues are identified, the CIRT must complete a written final report and release the final report. The final report must include:
 - (a) Recommendations to address systemic issues. Recommendations must be specific as to expected outcomes;

- (b) Action steps necessary to implement the recommendations. The action steps must be specific as to time lines, tasks, and parties responsible for the tasks; and
- (c) Methods to evaluate if the recommendations are successfully implemented and if the expected outcomes from the recommendations are achieved. The methods must be documented in such a way as to allow the implementation and outcomes to be audited.

CONSIDERATIONS, EXTENSIONS AND EXCEPTIONS TO THE RELEASE OF CIRT REPORTS

- (1) When a CIRT process is occurring at the same time as a law enforcement agency (LEA) investigation or legal proceeding, the following must be taken into consideration prior to releasing CIRT reports:
 - (a) Whether the release of a particular CIRT report is likely to compromise a LEA investigation or legal proceeding. The CIRT lead or local lead must communicate with appropriate LEA representatives, District Attorney's Office representatives and contact attorneys to determine their position regarding the content and timing of the release.
 - (b) Whether the report can be modified to allow for release of some information without compromising a LEA investigation or legal proceeding.
 - (c) Whether the department determines that public interest outweighs potential consequences to a LEA investigation or legal proceeding, pursuant to ORS 192.501(3).
- (2) The DHS Director may grant an extension to the timelines for releasing CIRT reports when the Director determines that delay is reasonable or when the report, even if modified, will likely compromise a LEA investigation or legal proceeding and the public interest does not outweigh the potential consequences of releasing the report while the investigation or legal proceeding is pending. When an extension is granted, the status of the reports must be documented on the DHS website.
- (3) The DHS Director may grant an exception to releasing CIRT reports when, even if modified, release of the report will likely compromise a LEA investigation or legal proceeding and the public interest does not outweigh the potential consequences of disclosure, pursuant to ORS 192.501(3). When an exception is granted, the status of the reports must be documented on the DHS website.

REVIEW OF CIRT PROCESS

- (1) On an ongoing basis the DHS auditors will review critical incident recommendations for evaluative methods. When evaluative methods have been identified, auditors must:
 - (a) Determine if recommendations were successfully implemented;
 - (b) Determine if expected outcomes were achieved; and
 - (c) Report all findings to the DHS Director.

- (2) When auditors determine expected outcomes were not achieved, the CIRT members may be reconvened to assist in developing new or modified recommendations to address the desired system change. These recommendations will be documented and released in the same manner as the final report.
- (3) On a biennial basis the CIRT process will be reviewed by the Child Welfare Advisory Committee. This review must:
 - (a) Review process results; and
 - (b) Review process effectiveness.
- (4) If system issues are identified, the Child Welfare Advisory Committee must:
 - (a) Develop recommendations to address the system issues;
 - (b) Identify action steps. The action steps will be specific as to timelines, tasks and parties responsible for the tasks; and
 - (c) Communicate recommendations, action steps and progress to the public and stakeholders as appropriate.