

DEPARTMENT OF HUMAN SERVICES
OFFICE OF CHILD WELFARE PROGRAMS

CHAPTER 413
DIVISION 015

CHILD PROTECTIVE SERVICES

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TABLE OF CONTENTS

Introduction to CPS Rules	2
Screening.....	16
Cross Reporting.....	32
CPS Assessment.....	37
Child Welfare Responsibilities When a Referral Involves a Day Care.....	75
Child Welfare Responsibilities When a Report Involves a Home Certified by Child Welfare, ODDS or OYA	81
CPS Assessment Dispositions.....	89
Access to Law Enforcement Data System (LEDS) in Local Child Welfare Offices.....	95
Assessment of an Individual as a Safety Service Provider.....	99

Introduction to CPS Rules

413-015-0100

Child Protective Service Authority and Responsibility

(Amended 6/29/18)

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, 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*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050, Or Laws 2016, ch 106, Or Laws 2017, ch 733

413-015-0105

Purpose of Child Protective Services

(Amended 6/29/18)

The purposes of Child Protective Services are to identify *unsafe* children and to assure protection of children after a *report* of alleged *abuse* is received by a *screener*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

413-015-0115

Definitions

(Amended 12/4/2018)

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-caring agency" is defined in Oregon Laws 2017, chapter 244 and means a "child-caring agency" that is not owned, operated, or administered by a governmental agency or unit.
- (6) "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.
- (7) "CPS assessment" means an investigation into a *report of abuse* pursuant to ORS 419B.020 or Oregon Laws 2017, chapter 733 that includes activities and interventions to identify and analyze safety threats, determine if there is reasonable cause to believe *abuse* occurred, and assure safety through protective action plans, initial safety plans, or ongoing safety planning.
- (8) "CPS supervisor" means an employee of Child Welfare trained in *child protective services* and designated as a supervisor.
- (9) "CPS worker" means an employee of Child Welfare who has completed the mandatory Child Welfare training for CPS workers.
- (10) "Child Safety Meeting" means a meeting held at the conclusion of a *CPS assessment* for the purpose of developing an *ongoing safety plan*.
- (11) "Child Welfare" means the Oregon Department of Human Services, Child Welfare.
- (12) "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*.

- (13) "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.
- (14) "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.
- (15) "Department" means the Oregon Department of Human Services.
- (16) "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.
- (17) "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.
- (18) "Face-to-face" means an in-person interaction between individuals.
- (19) "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.
- (20) "Guardian" means an individual who has been granted guardianship of a *child* or *young adult* through a judgment of the court.

- (21) "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.
- (22) "ICWA" means the Indian Child Welfare Act.
- (23) "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.
- (24) "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.
- (25) "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.
- (26) "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*.
- (27) "LEDS" means Law Enforcement Data System, the computerized criminal history information system maintained by the Oregon State Police.
- (28) "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.
- (29) "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.
- (30) "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.
- (31) "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.
- (32) "Monthly face-to-face contact" means in-person interaction between individuals at least once each and every full calendar month.
- (33) "Multi-disciplinary team" (MDT) means a county child abuse investigative team as defined in ORS 418.747.
- (34) "Observable" means specific, real, can be seen and described. Observable does not include suspicion or gut feeling.
- (35) "ODDS" means the Office of Developmental Disabilities Services within the Department.
- (36) "ODDS licensed group home" means a 24-hour residential program and setting for children and adults with intellectual or developmental disabilities.
- (37) "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.
- (38) "OTIS" means the Office of Training, Investigations and Safety within the Department.
- (39) "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.
- (40) "OYA" means the Oregon Youth Authority.
- (41) "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.

- (42) "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.
- (43) "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.
- (44) "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.
- (45) "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.
- (46) "Proctor foster home" means a foster home certified by a *child-caring agency* that is not subject to ORS 418.625 to 418.470.
- (47) "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*.
- (48) "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.
- (49) "Protective custody" means custody authorized by ORS 419B.150.

- (50) "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.
- (51) "Referral" means a *report* that has been assigned for the purpose of *CPS assessment*.
- (52) "Report" means an allegation of *abuse* that the *screeener* evaluates to determine if it constitutes a *report of abuse* as defined in ORS 419B.005 or, when applicable, Oregon Laws 2017, chapter 733.
- (53) "Reporter" means an individual who makes a *report*.
- (54) "Safe" means there is an absence of present danger safety threats and impending danger safety threats.
- (55) "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.
- (56) "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.
- (57) "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*.
- (58) "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.
- (59) "Screeener" means a Child Welfare employee with training required to provide *screening* services.
- (60) "Screening" means the process used by a *screeener* to determine the response to information received.

- (61) "Severe harm" means:
- (a) Significant or acute injury to an alleged victim's physical, sexual, psychological, cognitive, or behavioral development or functioning;
 - (b) Immobilizing impairment; or
 - (c) Life threatening damage.
- (62) "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.
- (63) "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.
- (64) "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.
- (65) "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.
- (66) "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*.
- (67) "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.
- (68) "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. Examples of persons who could be considered as a third-party under this definition include school personnel, coaches, and church personnel.
- (69) "Unsafe" means the presence of a *present danger safety threat* or an *impending danger safety threat*.
- (70) "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.
- (71) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 409.185, 418.005, 418.747, 419B.017, 419B.024, 419B.035, Or Laws 2016, ch 106

Stats. Implemented: ORS 147.425, 409.185, 418.005, 418.015, 418.747, 419B.005 - 419B.050, Or Laws 2016, ch 106, Or Laws 2017, ch 733

413-015-0125

CPS Responsibility Ends

(Amended 6/29/18)

Child Welfare is not responsible for providing *child protective services* when:

- (1) A *screener* determines that information received during *screening* does not require a *CPS assessment* under OAR 413-015-0210(2);
- (2) The *CPS assessment* has determined the alleged victim is *safe*; or
- (3) The *CPS assessment* does not identify information sufficient to request juvenile court intervention or the *CPS assessment* has determined the alleged victim is *unsafe* and the juvenile court declines to intervene, and the parents or caregivers do not request or agree to cooperatively receive services.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Screening

413-015-0200

Purpose of Screening Rules

(Amended 9/10/2018)

OAR 413-015-0200 to 413-015-0225 describe how Child Welfare handles and documents information received, and outlines the criteria used to determine a response to the information, including the response time lines. This process is known as *screening* and is conducted by a *screeener*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-015-0205

Screening Activities

(Amended 6/29/18)

The *screeener* must complete the following activities:

- (1) Gather information. When gathering information, the *screeener* must do both of the following:
 - (a) Accept reports of *abuse* regardless of where the *child* resides or where the alleged *abuse* may have occurred. If the *report* is about a *child*, or when applicable *young adult*, that does not reside in the county where the *report* is received, the *screeener* must forward the completed *screening* report form to the local child welfare office in the county or state where the *child* resides. The *screeener* must forward the *screening* report form on the same day the *report* is received and confirm that it has been successfully forwarded.
 - (b) Accept and handle anonymous reports of *abuse* in the same manner as other reports, gather the same information from the anonymous *reporter* as the *screeener* would from any other *reporter*, and encourage the *reporter* to provide identifying information.
- (2) If appropriate, refer the person to community services and resources.
- (3) Determine the type of information received, Child Protective Services or Family Support Services, and where and when to document the information received.
 - (a) Child Protective Services. This type of information is related to reports of alleged *abuse*.

- (A) Child Protective Services information is documented in the Child Welfare electronic information system.
- (B) The time line for screeners to complete and document their actions, and document information gathered, unless a *CPS supervisor* grants the *screener* an extension as provided in OAR 413-015-0220, is:
 - (i) Immediately when a "within 24 hours" response time line is assigned;
 - (ii) Within the same day when a "within five calendar days" response time line is assigned; or
 - (iii) No later than the next business day after the *screening* determination is made when the *report* is closed at *screening*.
- (b) Family Support Services. This type of information is not a *report* of alleged *abuse*, and it does not include information that indicates a *child* is *unsafe*.
 - (A) This information is documented in the Child Welfare electronic information system using a *screening* report form.
 - (B) The time line for screeners to complete and document their actions, and document information gathered is within two calendar days of receiving the request for services.
 - (C) Family Support Services information falls within one of the categories described below:
 - (i) Request for Placement. Information falls within this category when:
 - (I) A *parent* or *guardian* requests out-of-home placement of their *child* due solely to obtain services for the emotional, behavioral, or mental disorder or developmental or physical disability of the *child*;
 - (II) The *parent* or *guardian* requests Child Welfare take legal custody of their *child*; or
 - (III) The court has ordered a pre-adjudicated delinquent into the care of Child Welfare.
 - (ii) Request for Independent Living Program Services. Information falls within this category when a *former foster child* qualifies for Independent Living Program (ILP) services, is not a participant on an open case, and requests to enroll in the Child Welfare ILP.

- (iii) Request for Post Legal Adoption and Post Guardianship Services. Information falls within this category when a family requests post legal adoption or post guardianship services, if the adoption or guardianship occurred through Child Welfare.
- (iv) Request for Voluntary Services. Information falls within this category when it does not meet the criteria in subparagraphs (i), (ii), or (iii) of this paragraph, a *parent* or *caregiver* requests assistance with a *child* in the home, and all of the following apply:
 - (I) Other community resources have been utilized and determined to be ineffective.
 - (II) Members of the extended family and other responsible adults who are well known to the *child* have been explored or utilized and determined to be *unsafe*, unavailable, unwilling, or ineffective as support for the family.
 - (III) The *parent* or *caregiver* is temporarily or will be temporarily unable to fulfill parental responsibilities due to a diagnosed medical condition or a mental health diagnosis.
 - (IV) The parent's or caregiver's inability to fulfill parental responsibilities is temporary and immediate, and will be alleviated with short term services or short-term services will transition the family to community services.
 - (V) A Child Welfare program manager approves the request for voluntary services.
- (4) When the *screener* receives Child Protective Services information, the *screener* must complete the *screening* activities described below, except as described in subsection (c) of this section.
 - (a) The *screener* must gather the following information, which is critical to effectively identify if there is a *report* of *abuse* as defined in ORS 419B.005 or, when applicable, Oregon Laws 2017, chapter 733 and if the information alleges that behaviors, conditions, or circumstances could result in *harm*:
 - (A) The type of alleged *abuse* and the circumstances surrounding the *report*;
 - (B) How the alleged *abuse* or the surrounding circumstances are reported to affect safety;
 - (C) Information that identifies how the alleged victim is vulnerable; and

- (D) Reported *parent* or *caregiver* functioning and behavior.
- (b) When information gathered indicates present danger or alleges a current *suspicious physical injury* immediately:
 - (A) Cross report to law enforcement; and
 - (B) Notify OTIS when the report involves any setting in subsection (c)(A) of this section.
- (c) After gathering and documenting information required in subsection (a) of this subsection, the screener must determine if OTIS is required to respond to the *report*.
 - (A) Unless the *abuse* alleged is familial, OTIS determines the response to reports that involve any of the following settings:
 - (i) *Child-caring agency*;
 - (ii) *Proctor foster home*;
 - (iii) *County-operated agency*;
 - (iv) Young adults in transition program; or
 - (v) *ODDS licensed group home*.
 - (B) When a *screener* determines OTIS is required to respond to the *report*:
 - (i) The *screener* must immediately pend the *screening* information to the OTIS screener's workload.
 - (ii) The *screener* must immediately send an e-mail to the OTIS to let the OTIS know that a *screening report* has been assigned to the OTIS screener's workload.
 - (iii) Additional screening requirements in these rules, except subsection (a) and (b) of this subsection, do not apply.
- (d) Gather information from individuals who can provide firsthand information necessary to determine the appropriate response. This may include individuals who have regular contact with the alleged victim, doctors, teachers, or others who have evaluated or maintain records on the alleged victim, 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

those who have records or reason to know things about the *parent* or *caregiver* as a result of their involvement with or exposure to the *parent* or *caregiver*.

- (e) Research Child Welfare history of the alleged victim, every identified *child* or *young adult*, *parent*, *caregiver*, and household member for information about current or previous Child Welfare involvement relevant to the current *abuse report*. If the research reveals an "unable to locate" disposition that has not been assessed, the *screener* must reference that assessment, the date the assessment was completed, and those allegations not able to be assessed in the current *report* summary.
 - (f) Inquire regarding possible Indian or Alaskan Native heritage (for further direction see OAR 413-115-0040(1)).
 - (g) Request relevant information when available and appropriate from law enforcement agencies (LEA), including domestic disturbance calls, arrests, warrants, convictions, restraining orders, probation status, and parole status.
 - (h) Determine the location and corresponding law enforcement jurisdiction of the family's residence and the site where the alleged *abuse* may have occurred.
 - (i) Immediately comply with OAR 413-015-0600 to 413-015-0615 when information involves a home certified by Child Welfare, ODDS, or OYA.
 - (j) Immediately comply with the Child Welfare "Fatality Protocol" when information is related to the death of a *child*.
- (5) Explain to reporters the information in all of the following subsections:
- (a) Child Welfare will not disclose the identity of the *reporter* unless disclosure is to an LEA for purposes of investigating the *report*, disclosure is required because the *reporter* may need to testify as a witness in court, or the court orders Child Welfare to disclose the identity of the *reporter*.
 - (b) That anyone making a *report* of *abuse* in good faith, who has reasonable grounds to make the *report*, is immune from liability in respect to making the *report* and the contents of the *report*.
 - (c) The decisions about paragraphs (A) to (C) of this subsection. If the decisions have not been made when the *report* is completed, the *screener* must notify the *reporter* that, if contact information is provided, diligent efforts will be made to contact him or her at a later date and inform him or her of the decisions:
 - (A) Whether contact with the alleged victim was made;
 - (B) Whether *abuse* occurred; and

- (C) Whether services will be provided.
- (d) If applicable, that the information reported does not meet the *screening* criteria to be documented and retained in the Child Welfare electronic information system.
- (e) That mandatory reporters should consider maintaining a record of their *report* to document compliance with mandatory reporting laws.

Stat. Auth.: ORS 418.005, Or Laws 2016, ch 106

Stats. Implemented: ORS 418.005, 419B.020, Or Laws 2016, ch 106, Oregon Laws 2017, chapter 733

413-015-0210

Determining the Response and Required Timelines for CPS Information

(Temporary effective 11/4/2018)

- (1) After the *screeener* completes *screening* activities required by OAR 413-015-0205, and the *screeener* determines the information received is CPS information, the *screeener* must determine the response, either *CPS assessment* required or close at *screening*. If a *CPS assessment* is required, the *screeener* must then determine the timeline for the response, either within 24 hours or within five calendar days.
- (2) CPS assessment required. A *CPS assessment* is required if one of the following subsections applies:
 - (a) The *screeener* determines that information received:
 - (A) Constitutes a *report of abuse* as defined in OAR 413-015-0115(1)(a) of a *child*; and
 - (B) The information indicates:
 - (i) The alleged perpetrator is a legal *parent* of the alleged victim;
 - (ii) The alleged perpetrator resides in the alleged victim's home;
 - (iii) 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
 - (iv) The alleged *abuse* involves a *day care* or a home certified by OYA.
 - (b) The *screeener* determines that information received:

- (A) Constitutes a *report of abuse of a child* as defined in OAR 413-015-0115(a) or a *report of abuse of a child or young adult* as defined in OAR 413-015-0115(1)(b); and
 - (B) 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 family 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.
 - (d) A tribe, LEA, or OTIS requests assistance from CPS with an investigation of *abuse*, and a *CPS supervisor* agrees that assistance from CPS is appropriate.
 - (e) A screener authorized by the Child Welfare director or designee, in consultation with a CPS supervisor, determines the information gathered during screening supports a child or young adult may be unsafe or is likely to have future Child Welfare intervention.
- (3) Response timelines. If the *screener* determines that a *CPS assessment* is required, the *screener* must:
- (a) Determine the *CPS assessment* response timeline. The timeline for the response refers to the amount of time between when the *report* is received at *screening* and when the *CPS worker* is required to make an *initial contact*. When determining the response time, the *screener* must take into account the location of the alleged victim, how long the alleged victim will be in that location, and access that others have to the alleged victim.
 - (A) Within 24 hours: This response timeline is required, unless paragraph (B) of this subsection applies, when the information received constitutes a *report of abuse* as defined in ORS 419B.005 or, when applicable, Oregon Laws 2017, chapter 733.
 - (B) Within five calendar days: This response timeline must only be used when the *screener* can clearly document how the information indicates the safety of the alleged victim will not be compromised by not responding within 24 hours and whether an intentional delay to allow for a planned response is less likely to compromise safety.
 - (b) Complete a *screening* report form immediately when a "within 24 hour" response timeline is assigned or the same day when a "within five calendar days" response time is assigned, unless a *CPS supervisor* grants an extension as provided in OAR 413-015-0220.
 - (c) Refer the *CPS assessment* to the appropriate county as described in OAR 413-015-0213.

- (4) Close at screening: A *report* will be closed at *screening* if one of the following subsections applies:
- (a) The *screener* determines that information received:
 - (A) Does not constitute a *report of abuse*, as defined in ORS 419B.005 or, when applicable, Oregon Laws 2017, chapter 733, 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 *report* that there are no children in the home and:
 - (i) An expectant mother has an active *substance* use disorder or is misusing substances during her pregnancy;
 - (ii) An expectant mother or a household member has had his or her parental rights to a *child* terminated; or
 - (iii) An expectant mother or a household member is known to have conditions or circumstances that would endanger a newborn *child*.
 - (D) Is information from a *caseworker* that a *child* or *young adult* on an open *Child Welfare* case is identified as a *sex trafficking victim* and the *report* does not meet the criteria in OAR 413-015-0210 to assign.
 - (E) Is a *report* that a *child* is identified as a *substance affected infant* and the *report* does not meet the criteria in OAR 413-015-0210 to assign.
 - (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.
 - (c) A screener authorized by the Child Welfare director or designee, in consultation with a CPS supervisor, determines the information gathered during screening supports a child or young adult may be safe or is unlikely to have future Child Welfare intervention.
- (5) If a *report* is closed at *screening*, the *screener* must:
- (a) Document the current information that supports the decision to close the *report* at *screening*.

- (b) Decide whether other services are appropriate and make service or resource referrals, as necessary. Document what service or resource referrals are made, if any.
- (c) Make diligent efforts to contact the *reporter* if contact information was provided and when the *reporter* was not informed of the following information prior to completing the *screening* report form:
 - (A) Whether contact with the alleged victim was made;
 - (B) Whether Child Welfare determined *abuse* occurred; and
 - (C) Whether services will be provided.
- (d) Complete a *screening* report form no later than the next business day after the *screening* determination is made, unless a *CPS supervisor* grants an extension, as provided in OAR 413-015-0220.

Stat. Auth.: ORS 418.005, Or Laws 2016, ch 106

Stats. Implemented: ORS 418.005, Or Laws 2016, ch 106, Oregon Laws 2017, chapter 733

413-015-0211

Additional Screening Activities

(Amended 6/29/18)

In the specific circumstances described below, the *screener* must complete additional activities to complete the *screening* process.

- (1) The screener receives information on an open *CPS assessment*.
 - (a) When a *screener* receives duplicate information (same alleged victim, same alleged perpetrator, same allegation of *abuse*, and same incident dates) on an open *CPS assessment*, the *screener* must:
 - (A) Inform the *reporter* that a new *screening* report will not be documented because the information has already been received;
 - (B) Provide the *reporter* with the assigned caseworker's name and phone number; and
 - (C) Provide contact information about the *reporter* and any information the *screener* received to the assigned *caseworker*.
 - (b) When a *screener* receives information that constitutes a new *report* of *abuse* as defined in ORS 419B.005 or, when applicable, Oregon Laws 2017, chapter 733 on an open *CPS assessment*, the *screener* must:

- (A) Document the information in a new *screening* report form; and
 - (B) Notify the assigned *CPS worker* and their supervisor of all new information received on the same day the information is received, and document this notification in the Child Welfare electronic information system.
- (c) When a *screener* receives information that constitutes a closed at *screening* on an open *CPS assessment*, the *screener* must:
- (A) Document the information in a new *screening* report form; and
 - (B) Notify the assigned *CPS worker* and their supervisor of all new information received on the same day the information is received, and document this notification in the Child Welfare electronic information system.
- (2) The *screener* receives new information on an open Child Welfare case.
- (a) When a *screener* receives new information on an open Child Welfare case, the *screener* must:
- (A) Consult with a *CPS supervisor*;
 - (B) Notify each assigned case worker and their respective supervisors of all new information received on the same day the information is received, and document this notification in the Child Welfare electronic information system's case notes; and
 - (C) Complete notification on the same day the information is received.
- (b) When a *screener* receives a new *report of abuse*, as defined in ORS 419B.005 or, when applicable, Oregon Laws 2016, chapter 106, section 36, but there is no open *CPS assessment*, the *screener* must document the information in a new *screening* report form.
- (c) The information received by a *screener* on an open Child Welfare case that will not be documented in a new *screening* report form but must be documented in the Child Welfare electronic information system's case notes includes:
- (A) Additional information on an open Child Welfare case that does not meet the criteria to assign for *CPS assessment* or be closed at *screening*;
 - (B) When an in-home *protective action plan*, *initial safety plan*, or *ongoing safety plan* is violated, but the violation is not a new incident of *abuse*;

- (C) Reports of an ongoing concern in an open case, which Child Welfare is currently addressing;
 - (D) Reports of a missing *child* or *young adult*; and
 - (E) Any requests for case information received by the *screener*.
- (3) When a *screener* receives information related to a home certified by Child Welfare, ODDS, or OYA, the *screener* must notify and document that the *screener* has notified each assigned case worker, assigned Child Welfare, ODDS, or OYA certifier, and their respective supervisors of all information received (see also OAR 413-015-0604).
- (4) When a *screener* receives information related to a minor *parent* as an alleged perpetrator:
- (a) The *screener* must gather information to determine if there is a *report of abuse* with the minor *parent* as an alleged victim.
 - (b) If the *screener* determines there is a *report of abuse* of the *child* of the minor *parent* with the minor *parent* as an alleged perpetrator and another *report* with the minor *parent* as an alleged victim, the *screener* must document the information in the following manner to determine when to use the mother or father's name as the case name:
 - (A) The allegation with the minor *parent* as an alleged perpetrator must be documented with the mother or father of the alleged victim as the case name (the mother or father being a minor does not preclude them from being the case name); and
 - (B) The allegation with the minor *parent* as an alleged victim must be documented with the mother or father of the minor *parent* as the case name.
- (5) When a *screener* receives a report of a missing *child* or *young adult* on an open *CPS assessment* or open Child Welfare case, the *screener* must:
- (a) If the *child* or *young adult* is in *substitute care* and the *reporter* is the *caregiver* inform the *reporter* he or she must report information about the *missing child or young adult* to law enforcement and the National Center for Missing and Exploited Children;
 - (b) Notify the assigned *caseworker*, the assigned certifier, and their respective supervisors of all information received; and
 - (c) Document the information received, and the notifications made in the Child Welfare electronic information system's case notes.

- (6) When a *screeener* receives information 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*, the *screeener* must:
 - (a) Determine if the information meets the criteria to assign for *CPS assessment* or be closed at *screening*; and
 - (b) Notify law enforcement as outlined in OAR 413-015-0215, "Notifications and Reports to Specific Agencies or Entities."
- (7) When a *screeener* receives a report that a child is identified as a *substance affected infant* whether the report is closed at screening or assigned, the *screeener* must:
 - (a) Ask the reporter whether a *plan of care* has been developed;
 - (b) Ask the reporter whether the *substance affected infant* and family were referred to services; and
 - (c) Document the responses to (a) and (b) of this paragraph in the Child Welfare electronic information system.
- (8) When a *screeener* receives a *report* of a child fatality, the *screeener* must:
 - (a) Consult with a *CPS supervisor*; and
 - (b) Refer to the Child Welfare "Fatality Protocol".

Stat. Auth.: ORS 418.005, Or Laws 2016, ch 106, Or Laws 2017, ch 469

Stats. Implemented: ORS 418.005, Or Laws 2016, ch 106, Oregon Laws 2017, chapter 733, Or Laws 2017, ch 469

413-015-0212

Screeener Consultation with a CPS Supervisor

(Amended 6/29/18)

Screeners may consult with a *CPS supervisor* about any *screening* determination. Screeners must consult with a *CPS supervisor* or designee in each of the following situations:

- (1) A *report of abuse* involving a *child, parent, caregiver*, or perpetrator who was a *child, parent, caregiver*, or perpetrator in a *CPS assessment* that resulted in a founded or substantiated disposition in the preceding six months.

- (2) A review of Child Welfare records on a family that is the subject of an *abuse report* finds multiple consecutive reports were closed at *screening*, and the information received in the current *report*, in combination with the prior reports regarding the same family, may meet the criteria to refer the *report* for a *CPS assessment*.
- (3) A new *report* involving a family that has an open Child Welfare case.
- (4) A *report* involving a home certified by Child Welfare, ODDS, or OYA.
- (5) A *report* involving a *proctor foster home*.
- (6) A *report* involving a *day care*.
- (7) A *report* of a child fatality.
- (8) A decision not to refer for assessment a *report* of a newborn child who is born with substances in his or her system.
- (9) A *report of abuse* in which a community partner or an employee of any program, office, or division of the Department or the OYA is the alleged perpetrator.
- (10) A *report of abuse* that is expected to receive media attention or that already is being reported by the media.
- (11) A decision that an additional *screening* report form is needed because the reported information alleges a threat of *harm* to additional children in other families.
- (12) A review of Child Welfare history reveals a prior allegation that has not been assessed because Child Welfare was unable to locate the family.

Stat. Auth.: ORS 418.005, Or Laws 2016, ch 106

Stats. Implemented: ORS 418.005, Or Laws 2016, ch 106

413-015-0213

Determining the County to which the CPS Assessment will be Referred

(Amended 6/29/18)

- (1) Except as described in section (2) of this rule, the *screener* must refer the *CPS assessment* to the local Child Welfare office in the county where the *alleged victim* resides, and that county is responsible for completing the *CPS assessment*.
- (2) When the alleged *abuse* occurred in a foster home, the *screener* must refer the *CPS assessment* to the local Child Welfare office in the county where the alleged *abuse* occurred, and that county is responsible for completing the *CPS assessment*.

- (3) The District Managers in the affected counties must jointly approve any exception to sections (1) or (2) of this rule. When a joint decision cannot be made, the CPS Program Manager or designee must approve the exception.
- (4) As a courtesy, and to assist with the *CPS assessment* process, when the alleged victim resides in a different county than the county where the alleged *abuse* occurred, CPS workers may be assigned in the county of the alleged victim's residence and the county where the alleged *abuse* occurred. The county that is responsible for completing the *CPS assessment* is described in sections (1) and (2) of this rule.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-015-0214

Assignment of the CPS Assessment

(Amended 11/03/09)

Whenever possible, separate CPS workers must be assigned to complete the assessments of allegations when a minor *parent* is an alleged perpetrator and alleged victim.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-015-0215

Notifications and Reports to Specific Agencies or Entities

(Amended 9/17/2018)

- (1) Law Enforcement Agency (LEA). The *screener* must:
 - (a) Cross report to LEA as required by OAR 413-015-0305(1); and
 - (b) Notify law enforcement 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.
- (2) Office of Child Care, Department of Education, Early Learning Division. The *screener* must notify the Office of Child Care when a *report* involves a *day care*, as required by ORS 419B.020(1). If the *report* is closed at *screening*, a copy of the completed *screening* report form must be sent to the Compliance Unit of the Office of Child Care after information related to the reporter's identity is removed.
- (3) Office of Developmental Disabilities Services (ODDS). The *screener* must notify the ODDS when a *report* involves a home certified by ODDS or a *child* or *young adult* receiving services from ODDS.

- (4) Indian tribes. If the *screeener* knows or has reason to know that the *child* is an *Indian child*, the *screeener* must comply with OAR 413-115-0040(1).
- (5) Teacher Standards and Practices Commission (TSPC). The *screeener* must notify the 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.
- (6) Disability Rights Oregon. The screener must notify 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.
- (7) Community Mental Health Program, Community Developmental Disabilities Program, or Adult Protective Services. The *screeener* must make a *report* to the Community Mental Health Program, Community Developmental Disabilities Program, or the local Adult Protective Service office when the *screeener* 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 *screeener* comes into contact has suffered *abuse*; or
 - (b) That any person with whom the *screeener* 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.

Stat. Auth.: ORS 418.005, 419B.017

Stats. Implemented: ORS 418.005, 419B.015, 419B.017, Or Laws 2017, ch 733, Or Laws 2017, ch 377

413-015-0220

Screening Extensions

(Amended 6/29/18)

- (1) Except as provided in section (2) of this rule, the *CPS supervisor* may grant an extension to the deadline in OAR 413-015-0205 if the *screeener* is unable to complete all required *screening* activities the same day that the *report* alleging *abuse* is received because critical information, such as the alleged victim's location, is still needed to determine the response. The *screeener* must document in the Child Welfare electronic information system the reason for the extension, including the critical information that remains to be collected, and the CPS supervisor's approval.
 - (a) The *CPS supervisor* may grant a one business day extension up to two times; and

- (b) *Screening* activities may not exceed two business days beyond the day the *report* alleging *abuse* is received by Child Welfare.
- (2) If the *screener* has the critical information needed to determine the response or has information that indicates the alleged victim is *unsafe*, no extension to the deadline in OAR 413-015-0205 may be allowed.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-015-0225
Supervisory Review
(Amended 9/10/2018)

The *CPS supervisor* or designee must review all closed at screening reports within five calendar days of the completion of *screening* activities and electronic submission of the *screening* report forms for review.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

Cross Reporting

413-015-0300

Cross Reporting Defined

(Amended 6/29/18)

Child Welfare and law enforcement agencies are required by ORS 419B.015 to notify each other when a *report of abuse*, as defined in ORS 419B.005 or Oregon Laws 2017, chapter 733, is received. This process is known as cross reporting, and the notification is called a cross report. OAR 413-015-0300 to 413-015-0310 explain when and how a *report of abuse* received by Child Welfare or a law enforcement agency is cross reported. Information is not cross reported until it is received.

Stat. Auth.: ORS 418.005, 419B.017

Stats. Implemented: ORS 418.005, 419B.015, 419B.017, 419B.020

413-015-0302

Purpose of Cross Reporting

(Amended 6/29/18)

The purpose of the cross report is to share reports of alleged *abuse* between Child Welfare and law enforcement agencies.

Stat. Auth.: ORS 418.005, 419B.017

Stats. Implemented: ORS 418.005, 419B.015, 419B.017

413-015-0305

Cross Reporting Requirements

(Temporary effective 11/26/18)

- (1) Who is required to cross report and to whom.
 - (a) When a *report of abuse* is received by a *screener*, the *screener* or designee must cross report to a law enforcement agency in the county where the alleged *abuse* occurred, unless the county where the alleged *abuse* occurred is unknown, in which case, cross report to the law enforcement agency in the county where the alleged victim resides, unless the county where the alleged victim resides is unknown, in which case, cross report to the law enforcement agency in the county where the reporter made contact with the alleged victim or the alleged perpetrator.
 - (b) When a *report of abuse* is received by a law enforcement agency, the law enforcement agency must cross report to the local office of Child Welfare in the

county where the *report* was made, unless reports of abuse in the county where the *report* was made are received by the Oregon Child Abuse Hotline, in which case, cross report to the Oregon Child Abuse Hotline.

- (2) What to include in a cross report. A cross report from either Child Welfare or law enforcement agencies must include:
- (a) The information provided by the person making the *report of abuse*. This may include the name of and contact information for the confidential *reporter*, the names and addresses of the child, the names and addresses of the child's *parent* or *caregiver*, the child's age, the nature and extent of the *abuse*, any evidence of previous *abuse*, the explanation given for the *abuse*, where the *abuse* occurred, identity and whereabouts of the alleged perpetrator, and any other information provided by the person making the *report* that would be helpful in establishing the cause of the *abuse* and the identity and whereabouts of the alleged perpetrator; and
 - (b) The name and contact information for the assigned *CPS worker* and officer, if known.
- (3) When and how to cross report.
- (a) Child Welfare. When and how Child Welfare must cross report to a law enforcement agency is described below.
 - (A) The same day.
 - (i) Child Welfare must cross report to a law enforcement agency on the same day the screener determines that a *report of alleged abuse* requires a within 24 hours response by Child Welfare or immediate notification to law enforcement. This requirement includes, but is not limited to, any reports of:
 - (I) Moderate to severe physical abuse;
 - (II) Visible injuries to a child;
 - (III) Sexual abuse; or
 - (IV) Suspicious or unexpected death of a child.
 - (ii) The reports of *abuse* that Child Welfare cross reports on the same day must be cross reported in one of the following ways:
 - (I) Verbal cross report. When a cross report is verbal, and Child Welfare and law enforcement do not respond to the

report of abuse together, a completed screening report form must be sent to the law enforcement agency.

- (II) Electronic transmission.
 - (III) Hand delivery.
- (B) No later than 10 days.
- (i) All other reports of *abuse*, including reports assigned for *CPS assessment* and closed at screening, must be cross reported within a time frame that ensures the receipt of the cross report by law enforcement no later than 10 calendar days after receiving the *report*.
 - (ii) The reports of *abuse* that Child Welfare cross reports within a time frame that ensures the receipt of the cross report no later than 10 calendar days must be cross reported in one of the following ways:
 - (I) Electronic transmission.
 - (II) Hand delivery.
 - (III) Mail.
- (C) Child Welfare cover sheet. In order for law enforcement agencies to quickly and easily prioritize reports and respond accordingly, all written cross reports from Child Welfare must have a cover sheet. The following information must be included on the cover sheet:
- (i) Date and time of the cross report;
 - (ii) How the cross report is made;
 - (iii) If additional cross reports occurred, and if so, to what agencies;
 - (iv) Name and number of the screener or designee making the cross report;
 - (v) If the *report* was assigned or not assigned;
 - (vi) Name and number of the assigned *caseworker*;
 - (vii) Cross reporting time frame;
 - (viii) If the *report* is an original or follow-up cross report; and

- (ix) Date of the original cross report, if it is a follow-up cross report.
- (D) Supplemental cross reporting by Child Welfare. Child Welfare may receive information not previously cross reported but apparently related to a *report of abuse* involving the same victim and the same alleged perpetrator that has been previously cross reported. If the information relates to the same incident of *abuse*, the screener must make a supplemental cross report of the additional information to each law enforcement agency that received the prior cross report. Supplemental information that is determined to be critical, given the information in the original *report*, must be cross reported immediately. All other supplemental information must be cross reported within a time frame that ensures the receipt of the information no later than 10 calendar days after the information was received.
- (b) Law enforcement. When and how law enforcement agencies must cross report to Child Welfare is described below.
 - (A) Immediate.
 - (i) Law enforcement agencies must cross report to Child Welfare immediately when a law enforcement agency determines that a *report of alleged abuse* requires a joint immediate response.
 - (ii) The reports of *abuse* that law enforcement agencies cross report immediately must be cross reported by verbal cross report to Child Welfare without delay.
 - (B) Next business day.
 - (i) Law enforcement agencies must cross report to Child Welfare all other reports of *abuse* no later than the end of the next business day after receiving the *report*.
 - (ii) The reports of *abuse* that law enforcement agencies cross report no later than the end of the next business day must be cross reported in one of the following ways:
 - (I) Verbal report.
 - (II) Electronic transmission.

(III) Hand delivery.

Stat. Auth.: ORS 418.005, 419B.017

Stats. Implemented: ORS 418.005, 419B.015, 419B.017

413-015-0310

Child Welfare Documentation and Verification Requirements

(Amended 6/29/18)

Documentation and Verification

- (1) If Child Welfare cross reports a *report of abuse* on the same day the *report* is received, the screener or designee must document in the Child Welfare electronic information system:
 - (a) The date the cross report is made from Child Welfare to law enforcement;
 - (b) To which law enforcement agency the cross report is made; and
 - (c) How the cross report is made.
- (2) Copies of the cover sheet for a cross report must be maintained in the case record.
- (3) If the cross report is faxed, the screener or designee must attach the fax transmittal confirmation sheet to each cover sheet.

Stat. Auth.: ORS 418.005, 419B.017

Stats. Implemented: ORS 418.005, 419B.015, 419B.017

CPS Assessment

413-015-0400

Purpose and Overview of the CPS Assessment Rules

(Amended 6/29/2018)

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.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

413-015-0403

Assignment of CPS Assessment

(Amended 9/10/2018)

- (1) A *CPS assessment* may only be assigned to a Child Welfare employee whose current position is a *CPS worker*, a *CPS supervisor*, or an employee who meets the definition of *CPS worker*.
- (2) Whenever possible, separate CPS workers must be assigned to complete the assessments of allegations when a minor *parent* is an alleged perpetrator and alleged victim.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

413-015-0404

Receipt of New Information on an Open CPS Assessment

(Amended 9/10/2018)

When a *CPS worker* receives notification from a *screener* that a closed at *screening* or new *referral* was created on an open *CPS assessment* the *CPS worker* must:

- (1) Review the new information, in consultation with the *CPS supervisor*, on the same day the *CPS worker* received notification of the new information.

- (2) Link a new *referral* to an open assessment only when the date the new *referral* was assigned is within 60 calendar days of the date the open assessment was assigned.
- (3) Create a new assessment when a new *referral* was assigned more than 60 calendar days from the date the open assessment was assigned.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

413-015-0405

CPS Assessment Response Time Lines

(Amended 9/10/2018)

- (1) The time line for the response refers to the amount of time from the receipt of a *report at screening* to the time when the *CPS worker* is required to make an *initial contact*.
- (2) Except as provided in sections (3) and (4) of this rule, every *CPS assessment* must be assigned one of the following response time lines by a *screeener* pursuant to OAR 413-015-0210 and the *CPS worker* must make an *initial contact* within the assigned response time line:
 - (a) Within 24 hours.
 - (b) Within five calendar days.
- (3) A *CPS supervisor* may change the *initial contact* time lines established in section (2) of this rule as follows:
 - (a) The *CPS supervisor* may change the response time line from within five calendar days to within 24 hours.
 - (b) The *CPS supervisor* may change the response time line from within 24 hours to within five calendar days, but the supervisor must explain in writing why the time line was changed and how child safety was considered when the change was approved.
- (4) If a *screeener* was granted an extension to complete the *screening* process, the *CPS supervisor* may adjust the *initial contact* time lines as follows:
 - (a) Within 24 hours: The *CPS worker* must make an *initial contact* within 24 hours of the end date of either the last *screening* extension or the date the *CPS assessment* was assigned, whichever is earlier.

- (b) Within five calendar days: The *CPS worker* must make an *initial contact* within five calendar days of the end date of either the last *screening* extension or the date the *CPS assessment* was assigned, whichever is earlier.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 418.800, 419B.005 to 419B.050

413-015-0409

Exception to Completing a CPS Assessment or CPS Assessment Activities

(Amended 6/29/18)

- (1) Exception to Completing a CPS Assessment.
- (a) The only exception to completing a *CPS assessment* required by these rules (OAR 413-015-0400 to 413-015-0485) on an assigned *referral* is when a *CPS worker*, in consultation with a *CPS supervisor* or designee, determines that the *referral* does not require a *CPS assessment* because:
- (A) The *referral* was opened in error; or
- (B) There is no longer an allegation of *abuse*. The *CPS worker* received information after being assigned the *referral* and that information in combination with the corresponding *screening* report no longer constitutes a *report of abuse* as defined in ORS 419B.005 or, when applicable, Oregon Laws 2017, chapter 733. This exception may be used only when the *CPS worker* and the *CPS supervisor* or designee determine the information:
- (i) Is not from the alleged perpetrator;
- (ii) Relates directly to and specifically negates all allegations in the *screening* report; and
- (iii) Is considered on the basis of the objectivity of the individual providing the information and the quality of the information.
- (b) The exception in section (1) of this rule is not permitted and a *CPS assessment* must be completed when the *CPS worker* has already made contact with the *parent, caregiver, or alleged victim*, unless the *parent, caregiver, or alleged victim* is the original *reporter*.
- (2) Exception to Completing CPS Assessment Activities. The only exception to completing all requirements of a *CPS assessment* outlined in these rules (OAR 413-015-0400 to 413-015-0485) is when the following subsections apply:

- (a) The *CPS worker* has gathered sufficient information to make a safety determination and the alleged victim is *safe*;
 - (b) The *CPS worker* has gather sufficient information to make a disposition as required by OAR 413-015-1015 and the disposition is unfounded; and
 - (c) The criteria outlined in the "Exception to Completing *CPS Assessment* Activities" procedure are met.
- (3) The *CPS worker* must document any exceptions granted under this rule in the Child Welfare electronic information system and explain the basis for the exception.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050, Oregon Laws 2017, chapter 740

413-015-0415

CPS Assessment Activities

(Amended 9/17/2018)

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.
- (H) Public or private schools. 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.
- (I) 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 assessment of a new allegation of *abuse*; and
 - (B) Each time, during the 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) 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.
 - (e) 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 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) The *CPS worker* must facilitate an assessment by a medical professional if the alleged *abuse* involves injury to the anal or genital region.
 - (d) 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.
 - (e) 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.
- (f) 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.
- (g) 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.
- (h) 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.

- (i) 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.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 418.747, 418.785, 419B.005 to 419B.050, Or Laws 2017, ch 733

413-015-0420

Make Initial Contact

(Amended 6/29/18)

- (1) The *CPS worker* must make an *initial contact* within the assigned response time line.
- (2) The following outlines contacts the *CPS worker* is required to attempt and, when possible, complete at *initial contact*. The *CPS worker* must:
 - (a) Have *face-to-face* contact with and interview the alleged victim, his or her siblings, and any children living in the home except as provided in OAR 413-015-0606 and 413-015-0540. The purpose of the *face-to-face* contact and interview with the alleged victim, his or her siblings, and any children living in the home is to gather information regarding possible *abuse*, gather information about functioning and vulnerability, and assess immediate safety.
 - (A) Interview and observe the alleged victim and any children as follows:
 - (i) The *CPS worker* must notify parents of the intent to interview, unless notification could compromise safety.
 - (ii) The *CPS worker* must make diligent efforts to make contact at home, school, *day care*, or any other place where the worker believes the *child* or *young adult* may be found. If the *CPS worker* is unsuccessful, the *CPS worker* must document in the Child Welfare electronic information system all attempted contacts and the dates of those attempted contacts.
 - (iii) When the *CPS worker* makes contact at home and the *parent* or *caregiver* is not present:
 - (I) The *CPS worker* must consult with a *CPS supervisor* and seek assistance from LEA if the *referral* indicates there is reasonable cause to believe the alleged victim or any child's health or safety is endangered by the conditions of the

dwelling; or supervision is inadequate and there is an immediate need to evaluate health and safety.

- (II) The *CPS worker* must wait until the *parent* is present in the home to complete an interview in the home if there is not reasonable cause to believe health or safety is endangered by the conditions of the dwelling or that supervision is inadequate.
- (iv) When the *CPS worker* is denied access to the alleged victim or to the alleged victim's residence, the *CPS worker* must, if the *referral* indicates the alleged victim may be *unsafe*, request assistance from LEA in assessing the situation and in taking *protective custody* if needed. If the *referral* indicates that the alleged victim is presently *safe*, the *CPS worker* must consider the following:
- (I) Attempting to contact other persons who may have relevant information regarding the *referral*;
 - (II) Persisting in attempts to gain cooperation from the family or caregivers, depending on the known safety information;
 - (III) Seeking LEA assistance;
 - (IV) Consulting with the *CPS supervisor*, the district attorney, assistant attorney general, or the county juvenile department to discuss possible juvenile court action; or
 - (V) Seeking a *protective custody* order from the juvenile court.
- (v) The *CPS worker* must conduct interviews in a manner that assures privacy.
- (vi) If the *parent* or *caregiver* is the alleged perpetrator or if the presence of the *parent* or *caregiver* might impede the interview, the *CPS worker* must attempt to interview outside the presence of their parents or caregivers.
- (vii) A *CPS worker* must allow 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 *abuse* to have a *personal representative* be present during an interview. If a *CPS worker* believes that the *personal representative* would compromise the *CPS assessment*, the *CPS worker* may prohibit a *personal representative* from being present during the interview.

- (viii) The *CPS worker* must observe injuries or signs of *abuse*. The *CPS worker* may need to remove the alleged victim's clothing to make adequate observations. In that event, the *CPS worker* must:
 - (I) Use discretion and make the alleged victim as comfortable as possible.
 - (II) Seek parental consent and assistance, when possible and appropriate.
 - (III) Consider requesting a worker or other support person, who is the same gender as the alleged victim, be present to serve as a witness and provide comfort.
- (ix) The *CPS worker* may observe injuries to the anal or genital region if the alleged victim is not school aged and if the injury can be observed without the *CPS worker* touching the anal or genital region.
- (B) The *CPS worker* must notify the parents or caregivers the same day the interview occurred. If the same day notification could make a *child* or adult *unsafe*, a *CPS supervisor* may authorize an extension for one day to allow a planned notification that is less likely to compromise safety. The *CPS worker* must document in the Child Welfare electronic information system the supervisory approval and an explanation describing the basis for the approval.
- (b) Have *face-to-face* contact with and interview the non-offending *parent* or *caregiver* and all adults living in the home except as provided in OAR 413-015-0540. The purpose of this *face-to-face* contact and interview is to find out what the non-offending *parent* or *caregiver* and other adults living in the home know about the alleged *abuse*, gather safety related information, including *parent* and *caregiver* functioning, and gather information to determine if the *parent* or *caregiver* can or cannot and will or will not protect the alleged victim.
 - (A) Whenever practicable, the *CPS worker* must interview both parents and caregivers in person, as outlined in OAR 413-015-0422.
 - (B) Provide all adults living in the home with a written notice that a criminal records check may be conducted on them.
 - (C) The *CPS worker* must provide each *parent* or *caregiver* with a "What you need to know about a Child Protective Services assessment" pamphlet, which includes written information regarding the *CPS assessment* process, including the court process and the rights of the *parent* and *caregiver*.

- (D) The *CPS worker* must interview the non-custodial legal *parent* during the *CPS assessment*. This is not required during the *initial contact*, but must be completed as part of the assessment process because the non-custodial *parent* may have essential information or be a placement resource. If the interview of the non-custodial legal *parent* may make a *child* or adult *unsafe*, a *CPS supervisor* may authorize an exception to this requirement based on written documentation that supports the conclusion that an interview with a non-custodial legal *parent* should not be conducted.
- (c) Have face-to-face contact with and interview the alleged perpetrator. Except as provided in this subsection, the *CPS worker* must make *face-to-face* contact with and interview the alleged perpetrator during the *initial contact* when he or she is the custodial *parent*, *caregiver*, any person living in the home, or is present in the home when the *CPS worker* makes contact. The purpose of this interview is to evaluate the alleged perpetrator's reaction to allegations of *abuse* as well as to the alleged victim and his or her condition, and to gather further information about the alleged perpetrator and the family in relation to the safety of the alleged victim. When the alleged perpetrator is a minor *parent*, the purpose is also to determine if the minor *parent* is an alleged victim of *abuse* (under paragraph (D) of this subsection).
- (A) The *CPS worker* is not required to make *face-to-face* contact with or interview the alleged perpetrator during the *initial contact* if:
- (i) The alleged perpetrator is not a custodial *parent*, *caregiver*, anyone living in the home, or is not present in the home when the *CPS worker* makes contact and delaying contact will not compromise child safety. The *CPS worker* still must interview the alleged perpetrator, but may complete the interview during the course of the *CPS assessment*; or
 - (ii) There is a criminal investigation and the interview cannot be coordinated with an LEA within the time lines for *initial contact*.
- (B) The decision to delay interview of an alleged perpetrator as provided in subparagraphs (A)(i) or (ii) of this subsection must be approved by a *CPS supervisor*, and the *CPS worker* must document in the Child Welfare electronic information system both the approval and the reason for delaying the interview.
- (C) When interviewing the alleged perpetrator, the *CPS worker* must:
- (i) Coordinate the interviews of the alleged perpetrator with LEA when law enforcement is conducting an investigation;

- (ii) Consult with a *CPS supervisor* if an interview with the alleged perpetrator could make a *child* or adult *unsafe*;
 - (iii) Provide the alleged perpetrator with a written notice that a criminal records check may be conducted on them; and
 - (iv) Make inquiries about the employment status of the alleged perpetrator. If the *CPS worker* has reasonable cause to believe the alleged perpetrator is an employee of any program, office, or division of the Department of Human Services (DHS) or OYA, the *CPS worker* must notify a *CPS supervisor*. The *CPS supervisor* must notify the DHS Office of Human Resources at the time of the assessment and at the time the assessment is reviewed as required in OAR 413-015-0475. The *CPS supervisor* must document the notifications in the Child Welfare electronic information system.
- (D) When interviewing the alleged perpetrator who is a minor and the *parent* of the alleged victim, the *CPS worker* must ask questions to determine if there is an allegation of *abuse* with the minor *parent* as an alleged victim. If it is determined that there is an allegation of *abuse* with the minor *parent* as an alleged victim, the information must be reported to a *screener*.
- (E) When interviewing an alleged perpetrator who is the *parent* or *caregiver*, the *CPS worker* must provide the *parent* or *caregiver* with a "What you need to know about a Child Protective Services assessment" pamphlet, which includes written information regarding the *CPS assessment* process, including the court process and the rights of the *parent* and *caregiver*.
- (3) Gather safety related information through interviews and observation. The *CPS worker* must begin to gather safety related information through interviews and observation as outlined in OAR 413-015-0422.
- (4) Determine if there is a present danger safety threat or impending danger safety threat. During the *initial contact*, the *CPS worker* must determine, based on the information obtained at that time, if there is a *present danger safety threat* or *impending danger safety threat* as outlined in OAR 413-015-0425.
- (5) Documentation of the Initial Contact. The *CPS worker* must document the dates of attempted and successful contacts in the Child Welfare electronic information system. If it was not possible during the *initial contact* for the *CPS worker* to successfully complete

a required contact, the *CPS worker* must document why contact was not made and must complete the *face-to-face* contact and interview as soon as possible.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 147.425, 409.185, 418.005, 418.015, 418.747, 418.785, 419B.005 to 419B.050

413-015-0422

Gather Safety Related Information through Interview and Observation

(Amended 6/29/18)

- (1) The *CPS worker* must gather relevant information and facts necessary to complete all parts of the *CPS assessment*. The *CPS worker* must gather information through interview and observation about the following:
 - (a) The extent of the *abuse*;
 - (b) The circumstances surrounding the *abuse*;
 - (c) Child functioning;
 - (d) Adult functioning;
 - (e) Parenting practices and skills; and
 - (f) Disciplinary practices.
- (2) Interview.
 - (a) Except as outlined in subsection (b) of this section, interview each person in a manner that considers each person's privacy and safety and assures effective communication. Use information gathered from one interview to assist in the next interview.
 - (b) When *domestic violence* is alleged:
 - (A) And the adult victim is not alleged to be a perpetrator of *abuse*, consider interviewing the alleged adult victim first; and
 - (B) Ask questions about *domestic violence* in separate interviews only.
 - (c) The *CPS worker* must, to the extent possible, do the following during interviews with family members:

- (A) Present identification to the family at the beginning of the interview and provide a business card or other document to the parents and caregivers containing the CPS worker's name and phone number;
 - (B) Clearly state the reason for the interview, provide statutory authority to assess reports of *abuse*, and give an explanation of the alleged *abuse*;
 - (C) Allow the *parent* or *caregiver* to respond to each allegation;
 - (D) Assure the privacy of the persons being interviewed;
 - (E) Focus the interview on safety;
 - (F) Assess whether the parents or caregivers are involved in *domestic violence*;
 - (G) Summarize and discuss the initial impressions and intentions resulting from the interview with appropriate family members or caregivers;
 - (H) Obtain from the parents or caregivers the names of persons who can provide additional information in making a safety determination and completing the *CPS assessment*;
 - (I) Ask the parents and caregivers to sign an authorization to release information to enable Child Welfare to obtain confidential information from physicians, mental health providers, school employees, or other service or treatment providers, if applicable; and
 - (J) Inform the parents and caregivers about the Child Welfare grievance procedure.
- (3) Observation. The *CPS worker* must observe the alleged victim, *parent* or *caregiver*, and the home environment. When the alleged victim resides in more than one home environment the *CPS worker* must observe both home environments. Specific areas for observation are:
- (a) Physical condition of the alleged victim, including any *observable* effects of *abuse*;
 - (b) Emotional state of the alleged victim, including mannerisms, signs of fear, and developmental status;
 - (c) Reactions of the parents or caregivers to the concerns;
 - (d) Emotional and behavioral status of the parents or caregivers during the interviewing process;

- (e) Interactions between family members, including verbal and body language;
 - (f) Condition of the living space, including sleeping areas; and
 - (g) Physical condition of the home.
- (4) When information is gathered or observations made that indicate a *child* or *young adult* may be a victim of *sex trafficking*, the *CPS worker* must determine whether a *child* or *young adult* is, or is at risk of being, a victim of *sex trafficking*.
- (a) If a determination is made that a *child* or *young adult* is a victim of *sex trafficking* the *CPS worker* must:
 - (A) Report to a screener the identification of a *child* or a *young adult* as a *sex trafficking* victim;
 - (B) Identify and refer to appropriate services; and
 - (C) Document the *child* or *young adult* is a *sex trafficking* victim in the Child Welfare electronic information system.
 - (b) If a determination is made that a *child* or *young adult* is at risk of being a victim of *sex trafficking*, the *CPS worker* must identify and refer to appropriate services.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 419B.005 to 419B.050

413-015-0425

Determine if there is a Present Danger Safety Threat or Impending Danger Safety Threat

(Amended 9/10/2018)

- (1) Present Danger Safety Threat. At *initial contact* and at any time during the *CPS assessment* the *CPS worker* must determine if a *present danger safety threat* is occurring. To determine there is a *present danger safety threat*, the *CPS worker* must conclude the danger is immediate, significant, and clearly *observable*.
- (2) Impending Danger Safety Threat. Throughout the *CPS assessment* as new information is gathered and also at the conclusion of the *CPS assessment* when all information is gathered, the *CPS worker* must apply the following *safety threshold* criteria to determine if an *impending danger safety threat* is present. When the *CPS worker* concludes all the criteria apply to the family behaviors, conditions, or circumstances, an *impending danger safety threat* is present.

- (a) Imminent. The family behavior, condition, or circumstance is likely to occur in the immediate to near future.
 - (b) Observable. The family behavior, condition, or circumstance is *observable* and can be clearly described and articulated.
 - (c) Vulnerable Child. The child's vulnerability is determined by considering the child's physical and emotional development, ability to communicate needs, mobility, size and dependence, and the child's personal characteristics in relation to the family behaviors, conditions, and circumstances.
 - (d) Out of Control. A family behavior, condition, or circumstance that can affect a child's safety is 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. The CPS worker must determine whether a *parent* or *caregiver* can or cannot and will or will not protect the *child* from the family behavior, condition, or circumstance.
 - (e) Severity. A family behavior, condition, or circumstance is likely to result in *severe harm* to a *child*.
- (3) When the *CPS worker* determines there is a *present danger safety threat* or *impending danger safety threat* the *CPS worker* must:
- (a) If the *CPS worker* determines a *child* is *unsafe* due to a *present danger safety threat*, establish a *protective action plan* as outlined in OAR 413-015-0435, "Develop a Protective Action Plan", and continue the activities required to sufficiently complete the *CPS assessment*.
 - (b) If the *CPS worker* determines a *child* is *unsafe* due to an *impending danger safety threat*, establish:
 - (A) An *initial safety plan* as outlined in OAR 413-015-0437, "Develop an Initial Safety Plan", and continue the activities required to sufficiently complete the *CPS assessment* when the determination is made prior to the conclusion of the *CPS assessment*.
 - (B) When the *CPS worker* determines a *child* is *unsafe* due to an *impending danger safety threat* at the conclusion of the *CPS assessment*, the *CPS worker* must establish an *ongoing safety plan* as outlined in OAR 413-015-0450, "Develop an Ongoing Safety Plan."
- (4) Documentation of Present Danger Safety Threats and Impending Danger Safety Threats. The *CPS worker* must document in the Child Welfare electronic information system the

determination that a *present danger safety threat* or *impending danger safety threat* is present or not, and explain the information that supports the determination.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

413-015-0428

Identify How the Impending Danger Safety Threat is Occurring

(Amended 6/29/18)

- (1) When the *CPS worker* determines an *impending danger safety threat* is present, the *CPS worker* must identify how the *impending danger safety threat* is occurring in the family to determine the necessary level of safety intervention required to assure child safety. The *CPS worker* must use the information gathered to determine:
 - (a) Who. Who is creating or allowing the threat;
 - (b) What. What are they doing or not doing;
 - (c) To whom. Which children are affected;
 - (d) When. Specific times during the day or week, if any, that requires special attention due to the way the family behaviors, conditions, or circumstances are occurring;
 - (e) Precipitants or family conditions. What contributes to the threat;
 - (f) Frequency. How often does the precipitant, family condition, or threat occur;
 - (g) Duration. How long has the family condition been occurring; and
 - (h) Persistent. How pervasive is the family condition or threat.
- (2) Documentation of how the *impending danger safety threat* is occurring. The *CPS worker* must document how each *impending danger safety threat* is occurring in the Child Welfare electronic information system.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

413-015-0432

Develop Safety Plans

(Amended 9/10/2018)

- (1) When a *present danger safety threat* or *impending danger safety threat* is identified, a *CPS worker* must put a safety plan in place to manage the threat. There are three types of safety plans: the *protective action plan* which manages present danger safety threats, and the *initial safety plan* and the *ongoing safety plan*, which manage impending danger safety threats.
- (2) Shared requirements for a *protective action plan*, *initial safety plan*, or *ongoing safety plan*:
 - (a) When developing a *protective action plan*, *initial safety plan*, or *ongoing safety plan*, the *CPS worker* must:
 - (A) Assure the plan focuses on and controls the identified *present danger safety threat* or *impending danger safety threat*;
 - (B) Not use a *parent* or *caregiver* who is the alleged perpetrator of physical abuse, sexual abuse, or *domestic violence* to provide protection or any other adult who was aware of the threats to child safety and did not protect;
 - (C) Include safety service providers that have been confirmed to be suitable to provide safety for the *child* (refer to OAR 413-015-1200 through 413-015-1230, "Assessment of an Individual as a Safety Service Provider");
 - (D) Involve the child's *parent* or *caregiver*;
 - (E) Involve the child's tribe as a resource and comply with OAR chapter 413, division 115 when the *CPS worker* knows or has reason to know that the child is an *Indian child*; and
 - (F) Assure it has been approved by a Child Welfare supervisor.
 - (b) The *protective action plan*, *initial safety plan*, or *ongoing safety plan*, whether in-home or out-of-home, must:
 - (A) Be a written document between the *parent* or *caregiver* and Child Welfare;
 - (B) Provide a detailed description of the *present danger safety threat* or *impending danger safety threat*;

- (C) Describe how identified present danger safety threats or impending danger safety threats will be managed, including:
 - (i) If impending danger safety threats will be managed in-home, an explanation of how the in-home criteria outlined in (2)(c)(B) of this rule were met;
 - (ii) If impending danger safety threats will be managed out-of-home, an explanation of how the in-home criteria outlined in (2)(c)(B) of this rule were not met; and
 - (iii) How the plan will be monitored.
 - (D) Identify the safety service providers and the *safety services* necessary to implement the plan; and
 - (E) Establish the time commitments and availability of those involved in the plan.
- (c) The CPS worker must determine whether the *impending danger safety threat* will be managed with an in-home or out-of-home *initial safety plan* or *ongoing safety plan* by determining how the *impending danger safety threat* is occurring and applying the in-home safety plan criteria.
- (A) The *CPS worker* must understand how the *impending danger safety threat* is occurring as required in OAR 413-015-0428, "Identify How the Impending Danger Safety Threat is Occurring", and use the information about how the *impending danger safety threat* is occurring to develop the least intrusive plan that can manage the identified *impending danger safety threat* occurring within the particular family;
 - (B) An in-home *initial safety plan* or in-home *ongoing safety plan* is required when all of the following in-home safety plan criteria are met:
 - (i) There is a home-like setting where the *parent* and *child* live.
 - (ii) The home is calm enough to allow safety service providers access and activities to occur.
 - (iii) At least one *parent* is willing to cooperate with the plan.
 - (iv) The necessary safety activities and resources are available to implement the plan.

- (C) An out-of-home *initial safety plan* or out-of-home *ongoing safety plan* is required when any of the in-home safety plan criteria outlined in (B)(i) through (iv) above are not met.
 - (d) A *protective action plan*, *initial safety plan*, or *ongoing safety plan* may be a combination of in-home and out-of-home in order to assure the least intrusive intervention.
 - (e) The *CPS worker* must make modifications to the *protective action plan*, *initial safety plan*, or *ongoing safety plan*, as necessary, to continue to control the identified present danger safety threats or impending danger safety threats.
 - (f) When assessing an allegation of sexual abuse, if a plan includes a *parent* or *caregiver*, who is the alleged perpetrator, consenting to leave the family home, the *CPS worker* must notify the local district attorney responsible for the MDT in the county where the *child* resides that a plan of this type has been developed, pursuant to ORS 418.800. The notice must:
 - (A) Be in writing; and
 - (B) Be provided within three business days of the date the *parent* or *caregiver* leaves the family home.
 - (g) When a plan includes a *parent* or *caregiver*, who is the alleged perpetrator, consenting to leave the family home without their children or have their children leave the family home without them, the *CPS worker* must, in consultation with a supervisor, file a petition alleging the *child* is within the jurisdiction of the juvenile court pursuant to ORS 419B.100 within 10 calendar days of the date the *parent* or *caregiver* or their children leave the home if the plan is still necessary to assure child safety and will continue to be necessary for the immediate future.
- (3) Additional Requirements for a Protective Action Plan. Refer to OAR 413-015-0435, "Develop a Protective Action Plan", for additional requirements when developing a *protective action plan*.
 - (4) Additional Requirements for an Initial Safety Plan. Refer to OAR 413-015-0437, "Develop an Initial Safety Plan", for additional requirements when developing an *initial safety plan*.
 - (5) Additional Requirements for an Ongoing Safety Plan. Refer to OAR 413-015-0450, "Develop an Ongoing Safety Plan", for additional requirements when developing an *ongoing safety plan*.
 - (6) Documentation. The *CPS worker* must provide a detailed description of the *protective action plan*, *initial safety plan*, or *ongoing safety plan* developed to manage the *present danger safety threat* or *impending danger safety threat*. Documentation must be

completed in the Child Welfare electronic information system within five business days following the identification of the threat and must include:

- (a) All requirements outlined in paragraphs (2)(b)(B) through (E) of this rule;
- (b) A summary of the parents' and caregivers' agreement to and acceptance of the plan; and
- (c) The date the plan was reviewed by a supervisor and the name of the supervisor who reviewed it.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

413-015-0435

Develop a Protective Action Plan

(Amended 05/27/14)

- (1) If the *CPS worker* determines the *child* is *unsafe* due to a *present danger safety threat*, the *CPS worker* must immediately initiate a *protective action plan*. This usually occurs during the *initial contact*, but must occur at any time during the *CPS assessment* if it is determined that the *child* is *unsafe* due to present danger. The purpose of the *protective action plan* is to assure that children are *safe* while CPS intervention continues and a fuller understanding of the family behaviors, conditions, and circumstances is obtained. A *protective action plan* occurs the same day that it is determined the *child* is *unsafe* and provides a *child* with responsible adult supervision and care.
- (2) Requirements for a Protective Action Plan. When developing a *protective action plan* the *CPS worker* must assure all requirements in OAR 413-015-0432, "Develop Safety Plans", are met and that the *protective action plan*:
 - (a) Manages present danger safety threats;
 - (b) Is in place before the *CPS worker* leaves the home;
 - (c) Does not remain in place longer than 10 calendar days; and
 - (d) Does not remain in place after the *CPS assessment* is complete.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

413-015-0437

Develop an Initial Safety Plan

(Amended 05/27/14)

- (1) If the *CPS worker* determines the *child* is *unsafe* due to an *impending danger safety threat*, the *CPS worker* must develop and document an *initial safety plan*. The purpose of the *initial safety plan* is to assure that children are *safe* while CPS intervention continues and a fuller understanding of the family behaviors, conditions, or circumstances is obtained.
- (2) Requirements for an *initial safety plan*. When developing an *initial safety plan* the *CPS worker* must assure all requirements in OAR 413-015-0432, "Develop Safety Plans", are met and that the *initial safety plan*:
 - (a) Manages impending danger safety threats; and
 - (b) Does not continue or remain in place after the *CPS assessment* is complete.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

413-015-0440

Determine Disposition of the CPS Assessment

(Amended 6/29/18)

- (1) After gathering all the information necessary to complete the CPS assessment, the *CPS worker* must determine the disposition.
- (2) Requirement to Determine Disposition of the *CPS Assessment*. The *CPS worker* must determine if there is reasonable cause to believe that *abuse* occurred and explain the basis for that determination.
 - (a) The requirements for determining dispositions on a *report of abuse* as defined in ORS 419B.005 are described in OAR 413-015-1015(1).
 - (b) The requirements for determining dispositions on a *report of abuse* as defined in SB 243 (2017) involving a home certified by Child Welfare or ODDS are described in OAR 413-015-1015(2).
- (3) When a disposition is *founded* or substantiated for *abuse*, the *CPS worker* must refer all victims three years old and under to Early Intervention. In completing the referral, the *CPS worker* must use the "CPS to Early Intervention Referral Form" (DHS 323) when a release of information is not signed.

- (4) Documentation. The *CPS worker* must document that determination and explain the basis for the determination in the disposition narrative section of the Child Welfare electronic information system prior to completing the *CPS assessment*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

413-015-0445

Make Child Safety Decision and Determine Whether to Open a Case

(Amended 6/29/2018)

- (1) After all the necessary information is gathered for the *CPS assessment* and the disposition has been determined, the *CPS worker* must determine if the *child* is *safe* or *unsafe* at the conclusion of the *CPS assessment*. To make a child safety decision at the conclusion of a *CPS assessment*, the *CPS worker* must again determine if an *impending danger safety threat* is present as outlined in OAR 413-015-0425.
- (2) When at the conclusion of the *CPS assessment* the *CPS worker* determines one or more impending danger safety threats are present, including a previously identified threat that has not been eliminated, the *CPS worker* must conclude the *child* is *unsafe*. When the *CPS worker* concludes the *child* is *unsafe* at the conclusion of the *CPS assessment*, the *CPS worker* must:
 - (a) Determine how the *impending danger safety threat* is occurring to support the development of an *ongoing safety plan* as outlined in OAR 413-015-0428;
 - (b) Develop an *ongoing safety plan* as outlined in OAR 413-015-0450;
 - (c) Complete the *CPS assessment*; and
 - (d) Open a case.
- (3) When at the conclusion of the *CPS assessment* the *CPS worker* determines no impending danger safety threats are present and any threat identified previously has been eliminated, the *CPS worker* must conclude the *child* is *safe*. When the *CPS worker* concludes the *child* is *safe* at the conclusion of the *CPS assessment*, the *CPS worker* must comply with all of the following subsections:
 - (a) Dismiss the *protective action plan* or *initial safety plan* if one is in place.
 - (b) Determine if the family has *moderate to high needs* unless completing a *CPS assessment* involving a home certified by Child Welfare, ODDS, or OYA.
 - (A) If the family does not have *moderate to high needs* the *CPS worker* must complete and close the *CPS assessment*.

- (B) If the family does have *moderate to high needs* the *CPS worker* must:
 - (i) Offer the family referrals to relevant services as available; and
 - (ii) If the family accepts the offer for referrals to services, the *CPS worker* must refer the family to relevant services as available.
- (c) Complete the *CPS assessment*.
- (d) Close the *CPS assessment* without opening a case.
- (4) Documentation of the Child Safety Decision. The *CPS worker* must document in the Child Welfare electronic information system the child safety decision including all of the following subsections as applicable:
 - (a) If the *child* is *safe* and the assessment will be closed or the *child* is *unsafe* and the case will be opened.
 - (b) If the *child* is *safe*:
 - (A) Whether the family was identified as having *moderate to high needs*; and
 - (B) If applicable, whether the family accepted the offer for service referrals.
 - (c) The basis for the determination in subsection (a) of this section.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

413-015-0450

Develop an Ongoing Safety Plan

(Amended 6/29/18)

- (1) At the completion of the CPS assessment when the *CPS worker* determines, through an analysis of the safety related information, that a *child* is *unsafe*, the *CPS worker* must develop and document an *ongoing safety plan* unless completing a *CPS assessment* involving a home certified by Child Welfare, ODDS, or OYA. The purpose of the *ongoing safety plan* is to control the impending danger safety threats as they are uniquely occurring within a particular family.
- (2) Requirements for an Ongoing Safety Plan. When developing an *ongoing safety plan*, the *CPS worker* must assure all requirements in OAR 413-015-0432, "Develop Safety Plans," are met and:

- (a) Use a *Child Safety Meeting* unless a supervisor approved an exception;
- (b) Include *conditions for return* when an out-of-home *ongoing safety plan* is developed; and
- (c) Re-evaluate the *initial safety plan*, if one is in place, to determine if it is appropriate and sufficient as an *ongoing safety plan* and re-confirm all commitments with all safety service providers identified in the *initial safety plan* if it is to become an *ongoing safety plan*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

413-015-0455

Protective Custody and Juvenile Court Action

(Amended 9/10/2018)

(1) Protective Custody

- (a) The *CPS worker* may take a *child* into emergency *protective custody* when there is *severe harm* or threat of *severe harm* to a *child* in the present and law enforcement assistance is not available. If there is any resistance or threatened resistance to taking the *child* into *protective custody*, which creates a substantial risk of physical injury to any person, the *CPS worker* may not take the *child* into custody, but must wait for law enforcement assistance or obtain an order of *protective custody* from the juvenile court.
- (b) As provided in ORS 419B.171, when a *child* is taken into *protective custody* without a court order, the person taking the *child* into custody must promptly file a brief written report with the court. A written report is required even if the *child* is released to a *parent* or other responsible person prior to a shelter care hearing. The written report must be completed and sent to the court the day the *child* is taken into custody or no later than the morning of the next business day.
- (c) If the *child* is not released to a *parent* or other responsible person, but is retained in *protective custody*, a shelter hearing must be scheduled as required by ORS 419B.183.
- (d) If a *child* is placed in *protective custody*, the *CPS worker* must notify, in writing, the child's parents, including a non-custodial *parent*; the child's caregivers; and if the *CPS worker* knows or has reason to know the child is an *Indian child*, the child's tribe. If the *CPS worker* knows or has reason to know the child is an *Indian child*, the worker must also comply with OAR chapter 413, division 115.

- (e) The *CPS worker* or designee must immediately make diligent efforts to identify the child's legal parents and any putative fathers after a *child* is taken into *protective custody*. Information about putative fathers must be recorded on form CF 418, "Father(s) Questionnaire" and filed in the case record.
- (2) Juvenile Court Petition. When a *child* is taken into *protective custody* or juvenile court intervention is necessary to assure the *child* and family receive appropriate services, the *CPS worker* must make arrangements for a juvenile court petition to be filed, as provided in ORS 419B.809.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050, 419B.171, 419B.183, 419B.809

413-015-0460

Visitation

(Amended 01/01/16)

- (1) If an out-of-home *ongoing safety plan* is developed, the *CPS worker* must arrange for visitation between the *child* and the child's family.
- (2) The *CPS worker* must refer to "Visits and Other Types of Child and Family Contact", OAR 413-070-0800 to 413-070-0880.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

413-015-0465

Required Assessments and Screenings for all Children Entering Substitute Care

(Amended 9/10/2018)

- (1) Each *child* placed in *substitute care* must receive the following:
 - (a) An intake nursing assessment by a DHS contracted nurse, shortly after entering care;
 - (b) A comprehensive health assessment by the child's primary healthcare provider, within 30 calendar days of entering care;
 - (c) A dental assessment for children age 1 and older, within 30 calendar days of entering care;

- (d) A Child and Adolescent Needs and Strengths (CANS) screening, within 60 calendar days of entering care;
 - (e) A mental-health assessment for children age 3 and older, within 60 calendar days of entering care; and
 - (f) An Early Intervention Screening for children ages 0-2, within 60 calendar days of entering care. (See CPS Early Intervention Referral form CF323.)
- (2) The *caseworker* of a child who is placed in *substitute care* must ensure that the child receives:
- (a) All required assessments and screenings as described in section (1) of this rule; and
 - (b) All treatment and services that are recommended in the required assessments and screenings that are covered by either Oregon Health Plan (OHP) or the child's private health insurance.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

413-015-0470

Notifications at Conclusion of CPS Assessment

(Amended 9/17/2018)

- (1) Requirements for Providing Notifications. The *CPS worker* must:
- (a) Unless Child Welfare determines disclosure is not permitted under ORS 419B.035, notify the *reporter*, if the *reporter* provided Child Welfare with contact information, whether contact was made, whether Child Welfare determined *abuse* occurred, and whether services will be provided.
 - (b) Provide the alleged victim's parents, including a non-custodial legal *parent*, and caregivers verbal notification of all *CPS assessment* dispositions (unfounded or unsubstantiated, unable to determine or inconclusive, or *founded* or substantiated) and whether Child Welfare will provide services as a result of the *CPS assessment*. When the child's *parent* is the perpetrator, the notice under subsection (c) of this section also must be provided. If notification may make the *child* or adult *unsafe*, a *CPS supervisor* may authorize an exception to the requirement to provide notification based on documentation supporting that conclusion.
 - (c) Provide perpetrators written notification of founded or substantiated dispositions. This written notification must include information about the founded or substantiated disposition review process as outlined in OAR 413-010-0700 to

413-010-0750. If the notification could make a *child* or adult *unsafe*, a *CPS supervisor* may authorize an exception to the requirement to provide notification based on documentation that supports this conclusion.

- (d) Provide the Teacher Standards and Practices Commission (TSPC) notification of the completed *CPS assessment* when a *teacher* or *school administrator*, as defined in OAR 413-015-0115, is identified as an alleged perpetrator in a *report*. Regardless of the disposition, a copy of the completed *CPS assessment* must be sent to TSPC after information related to the reporter's identity and other confidential information is removed.
 - (e) Provide the Office of Developmental Disabilities Services (ODDS) notification of the completed *CPS assessment* when a *CPS assessment* involves a home certified by ODDS. Regardless of the disposition, a copy of the completed *CPS assessment* must be sent to ODDS after information related to the reporter's identity and other confidential information is removed.
 - (f) Provide Oregon Youth Authority (OYA) notification of the completed *CPS assessment* when a *CPS assessment* involves a home certified by OYA. Regardless of the disposition, a copy of the completed *CPS assessment* must be sent to OYA after information related to the reporter's identity and other confidential information is removed.
 - (g) Provide Disability Rights Oregon notification of the completed *CPS assessment* when a *report of abuse* was alleged to have occurred at a school or in an educational setting and the *report* involves a child with a disability. Regardless of the disposition, a copy of the completed *CPS assessment* must be sent to Disability Rights Oregon after information related to the reporter's identity and other confidential information is removed.
- (2) Documentation of notifications. The *CPS worker* must document the notifications as described in this rule in the Child Welfare electronic information system and the documentation must include:
- (a) Who made the notification.
 - (b) To whom the notification was made.
 - (c) The date the notification was made.
 - (d) That the notifications have been attempted or made within the following timelines:
 - (A) Prior to completing the *CPS assessment* for a notification provided under subsection (1)(a) of this rule.

- (B) Within five business days of supervisory approval of the *CPS assessment* for a notification provided under subsection (1)(b) through (1)(d) of this rule.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050, Or Laws 2017, ch 733, Or Laws 2017, ch 377

413-015-0475

CPS Assessment Documentation, Completion, and Supervisory Review Requirements

(Amended 6/29/18)

- (1) The *CPS worker* must record assessment activities and information gathered during the CPS assessment process.
- (2) The *CPS worker* must complete the *CPS assessment* and electronically submit the *CPS assessment* for review by a *CPS supervisor*, within 60 calendar days of the day that the information alleging *abuse* is received by the *screener*, except as provided in OAR 413-015-0480, "CPS Assessment Extensions."
- (3) The completion of the *CPS assessment* must not interfere with the timely development of the initial case plan as required in OAR 413-040-0010 when Child Welfare is granted temporary custody of the child during the *CPS assessment*.
- (4) A *CPS supervisor* or designee must review and approve a completed *CPS assessment* within five business days of the electronic submission of the assessment by the *CPS worker*. After the assessment is reviewed by a *CPS supervisor*, if the alleged perpetrator is an employee of any program, office or division of the Department or OYA, the *CPS Supervisor* must inform the Department's Office of Human Resources of the disposition. If the disposition is founded or substantiated, the *CPS supervisor* must also inform the Department's Office of Human Resources of the type of *abuse*. The *CPS supervisor* must document the notification in the Child Welfare electronic information system.
- (5) Each local Child Welfare office may designate an individual to electronically enter into the Child Welfare electronic information system the verification of the completed review and approval of a *CPS assessment* by a *CPS supervisor* or designee.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

413-015-0480

CPS Assessment Extensions

(Amended 6/29/18)

Unless Child Welfare is granted temporary custody of the child during the *CPS assessment*, the Child Welfare Program Manager may approve a one-time extension to the time line outlined in OAR 413-015-0475 of an additional 30 calendar days for completion of the *CPS assessment* if critical information (information necessary to determine safety or disposition) is outstanding and the ability to obtain the critical information is beyond the reasonable control of the *CPS worker*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

413-015-0485

Confidentiality

(Amended 6/29/18)

Information gathered and records and reports compiled during a *CPS assessment* are confidential and may be disclosed only as provided in ORS 419B.035. The identity of the person reporting *abuse* may not be disclosed.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

Child Welfare Responsibilities When a Referral Involves a Day Care

413-015-0520

Purpose and Overview

(Amended 6/29/18)

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

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.015, 419B.005 - 419B.050

413-015-0525

Contact and Work with Other Entities

(Amended 9/10/2018)

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.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.015, 418.747, 419B.005 to 419B.050

413-015-0530**Response Time Lines***(Amended 9/10/2018)*

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.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.015, 418.747, 419B.005 to 419B.050

413-015-0535**CPS Assessment Activities***(Amended 6/29/18)*

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.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.015, 418.747, 419B.005 - 419B.050

413-015-0540

Make Contact

(Amended 6/29/18)

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.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.015, 418.747, 419B.005 to 419B.050

413-015-0545

Other Required Contacts and Observations

(Amended 6/29/18)

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.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.015, 418.747, 419B.005 to 419B.050

413-015-0550

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

(Amended 9/10/2018)

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*.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.015, 418.747, 419B.005 to 419B.050

413-015-0555**Determine Disposition of the CPS Assessment***(Amended 6/29/18)*

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

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.015, 418.747, 419B.005 to 419B.050

413-015-0560**Notification of CPS Assessment Disposition***(Amended 6/29/18)*

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.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.015, 418.747, 419B.005 to 419B.050

413-015-0565**Documentation and Supervisory Review Requirements***(Amended 05/27/14)*

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

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.015, 418.747, 419B.005 - 419B.050

Child Welfare Responsibilities When a Report Involves a Home Certified by Child Welfare, ODDS, or OYA

413-015-0601

Purpose

(Amended 6/29/18)

The purpose of these rules (OAR 413-015-0601 to 413-015-0608) is to describe Child Welfare responsibilities during the screening and assessment of a *report of abuse* that involves a home certified by Child Welfare, ODDS, or OYA.

- (1) A *report* involves a home certified by Child Welfare or ODDS if the *report* alleges that someone in the home abused any *child* or, when applicable, *young adult*.
- (2) A *report* involves a home certified by OYA if the *report* alleges someone in the home abused any *child*.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015, 419B.020, Or Laws 2017, ch 733

413-015-0604

Additional Screening Activities When a Report Involves a Home Certified by Child Welfare, ODDS, or OYA

(Amended 6/29/18)

- (1) Screener Actions When a Report is Received.
 - (a) When a *screener* receives information that involves a home certified by Child Welfare, ODDS, or OYA, the *screener* must comply with all of the following requirements:
 - (A) Comply with screening requirements in OAR 413-015-0200 to 413-015-0225 to gather and share information. When the alleged victim in the *report* is a *young adult*, references in OAR 413-015-0200 to 413-015-0225 to "child" include a *young adult* unless the context indicates otherwise.
 - (B) When the home is certified by Child Welfare or ODDS, determine if information received:
 - (i) Meets the definition of *abuse* in OAR 413-015-0115(1)(a) of a *child*; or

- (ii) Meets the definition of *abuse* in OAR 413-015-0115(1)(b) of a *child* or *young adult*, unless the *abuse* alleged is familial.
- (C) When the home is certified by OYA, determine if information received meets the definition of *abuse* as defined in OAR 413-015-0115(1)(a) of a *child*.
- (D) Consult with the *CPS supervisor* before determining the response.
- (E) Notify the assigned *caseworker* of each *child* or *young adult* placed in the home, each assigned caseworker's supervisor, the assigned Child Welfare, ODDS, or OYA certifier, and the certifier's supervisor of all information received.
- (F) If the information is closed at screening as described in OAR 413-015-0210(4):
 - (i) Document the information in provider case notes in the Child Welfare electronic information system; and
 - (ii) Notify the individuals listed in paragraph (E) of this subsection that the information was closed at screening.
- (G) Notify law enforcement 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) When a *screener* receives information alleging *abuse* of a *young adult* living in a home certified by Child Welfare, ODDS, or OYA, the *screener* must:
 - (A) Provide the information to the Department's Aging and People with Disabilities Division local office, Community Developmental Disabilities Program, or Community Mental Health Program when the *young adult* is an individual with a diagnosed physical, developmental, or mental disability, respectively; or
 - (B) Provide the information to law enforcement.
- (2) Child Welfare Certifier Actions When a Report is Closed at Screening. When the assigned certifier is notified by a *screener* that information involving a home certified by Child Welfare was closed at screening, the certifier must examine the information received and follow OAR 413-200-0270 to 413-200-0298.
- (3) Assigned Caseworker Actions When a Report is Closed at Screening.

- (a) When the assigned *caseworker* is notified by a screener that information involving a child or *young adult* on an open case was closed at screening, the assigned *caseworker* must comply with OAR 413-080-0051.
 - (b) When a *caseworker* has not yet been assigned, the *CPS worker* is responsible for requirements in OAR 413-080-0051.
- (4) ODDS and OYA Actions When a Report is Closed at Screening. When a *report of abuse* has been closed at screening on a *child* or *young adult* who is not in the care or custody of the Child Welfare, ODDS or OYA are responsible for any additional notifications required in Oregon Laws 2017, chapter 733.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015, 419B.020, Or Laws 2017, ch 733

413-015-0606

Additional CPS Assessment Activities for a Report Involving a Home Certified by Child Welfare, ODDS, or OYA

(Amended 6/29/18)

- (1) CPS Worker and CPS Supervisor Actions.
 - (a) If the *report* involving a home certified by Child Welfare, ODDS, or OYA is referred for a *CPS assessment*, the assigned *CPS worker* must convene a staffing before making *initial contact* unless the timing of the staffing will compromise *child* or *young adult* safety. The purpose of the staffing is:
 - (A) To determine and coordinate the response to the *referral*;
 - (B) To notify the Child Welfare, ODDS, or OYA certifier assigned to the home, the caseworkers assigned to each *child* or *young adult* placed in the home, and their respective supervisors of the *referral*; and
 - (C) To share information regarding the home, the children or young adults placed in the home, any caregivers, and any other individuals living in the home.
 - (b) The *CPS worker* must ensure that the following people are invited to the staffing:
 - (A) The assigned Child Welfare, ODDS, or OYA certifier or their supervisor; and
 - (B) The assigned *caseworker* of each *child* or *young adult* in the home or each caseworker's supervisor.

- (c) The *CPS supervisor* or his or her designee must:
 - (A) Ensure that the staffing discussed in subsection (a) of this section occurs prior to the *initial contact* unless the timing of the staffing will compromise *child* or *young adult* safety;
 - (B) Determine whether the Child Welfare Program Manager, CPS Consultant, Foster Care Coordinator, or any other appropriate personnel within ODDS or OYA should be invited to the staffing; and
 - (C) If the staffing does not occur prior to the *initial contact*, ensure the staffing occurs the next business day and that all persons identified in subsection (b) of this section share information known regarding the home, the children or young adults placed in the home, any caregivers, and any other individuals living in the home.

- (d) The *CPS worker* must complete the following activities during the *CPS assessment*:
 - (A) Comply with *CPS assessment* requirements in OAR 413-015-0400 to 413-015-0485. When the alleged victim in the *referral* is a *young adult*, references in OAR 413-015-0400 to 413-015-0485 to "child" include a *young adult* unless the context indicates otherwise.
 - (B) At *initial contact*, provide the family with the appropriate "What you need to know about a Child Protective Service Assessment" pamphlet.
 - (C) Prior to conducting an interview with a *child* or *young adult* the *CPS worker* must inform the *child* or *young adult*:
 - (i) When the *child* or *young adult* is not in the custody of the Child Welfare or OYA, that they may have their *parent* or *caregiver* or attorney present.
 - (ii) When the *child* or *young adult* is in the custody of Child Welfare or OYA, that they may have their attorney present.
 - (D) Notify and interview the *parent* or *caregiver* of any *child* or *young adult* residing in a home certified by Child Welfare, ODDS, or OYA who is not in the legal custody of Child Welfare or OYA and gain permission to interview the *child* or *young adult*. If the *CPS worker* is denied permission to interview, but such interviews are needed to complete the assessment, the *CPS worker* should consult with a supervisor and seek the assistance of a district attorney or assistant attorney general.
 - (E) Consult with a *CPS supervisor* before making the decision to remove any *child* or *young adult* from the home.

- (F) Provide ongoing information to the assigned Child Welfare, ODDS, or OYA certifier and to the caseworkers of each *child* or *young adult* placed in the home on the status of the *CPS assessment*.
 - (G) Notify law enforcement 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.
 - (H) Determine and document the basis for the determination of whether there is reasonable cause to believe that *abuse* occurred as outlined in OAR 413-015-1015.
 - (I) Complete the *CPS assessment*.
- (2) Child Welfare Certifier and Certification Supervisor Actions. When the assigned certifier is notified that information received by a *screener* involving a home certified by Child Welfare is referred for a *CPS assessment*:
- (a) Within one business day after the *CPS worker* has made *initial contact*, the certifier must contact and notify the certified family and provide them with the following information:
 - (A) The certifier is available to answer questions related to certification but will not discuss the specifics of the *CPS assessment*;
 - (B) The certified family is immediately placed on inactive referral status pending the completion of the *CPS assessment*;
 - (C) The certified family has the option of having a foster parent or relative *caregiver* available for support during the assessment; and
 - (D) The names of foster parents and relative caregivers who have agreed to be available for support.
 - (b) Within one business day, the certifier must document the initiation of a *CPS assessment* and the placement of the certified family on inactive referral status in provider case notes in the Child Welfare electronic information system.
 - (c) Within one business day, the certifier must notify Child Welfare staff responsible for placement that the certified family's home is on inactive referral status.
 - (d) Within 14 calendar days of the notification required in paragraph (2)(a)(B) of this rule, Child Welfare must provide written notification to the certified family that

the home has been placed on inactive referral status and place a copy of the written notification in the certification file.

- (e) The certifier must provide ongoing information regarding the certified family and any individuals living in the home to the assigned *CPS worker* and the caseworkers of each *child* or *young adult* placed in the home.
- (f) The certification supervisor must ensure that the actions required in subsections (a) through (e) of this section are completed if the certifier is unavailable.

(3) Assigned Caseworker Actions.

- (a) When the assigned *caseworker* is notified that a *report of abuse* involving a child or *young adult* on an open case has been referred for a *CPS assessment*, the assigned *caseworker* must comply with OAR 413-080-0051.
- (b) When a *caseworker* has not yet been assigned, the *CPS worker* is responsible for requirements in OAR 413-080-0051.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015, 419B.020

413-015-0608

Additional Activities at the Conclusion of the CPS Assessment on a Home Certified by Child Welfare, ODDS, or OYA

(Amended 6/29/18)

(1) CPS Worker and Supervisor Actions.

- (a) In addition to the actions required in OAR 413-015-0400 to 413-015-0485, the *CPS worker* must convene a staffing within five business days of the completion of the *CPS assessment* to:
 - (A) Share information gathered during the *CPS assessment*, and the results of the *CPS assessment*;
 - (B) Discuss and determine whether any additional actions described in OAR 413-015-0400 to 413-015-0485 are appropriate;
 - (C) Determine who needs to be notified of the disposition of the *CPS assessment* and determine which staff will be responsible for providing notification as outlined in this rule and in OAR 413-015-0470;
 - (D) Discuss certification actions that have been taken and whether any additional actions described in OAR 413-200-0270 to 413-200-0298 are appropriate.

- (b) The *CPS worker* must ensure that the following staff are invited to the staffing:
 - (A) The *CPS supervisor*;
 - (B) The assigned Child Welfare, ODDS, or OYA certifier or their supervisor; and
 - (C) The caseworkers assigned to each *child* or *young adult* placed in the home or their respective supervisors.
- (c) The *CPS supervisor* or his or her designee:
 - (A) Must ensure that the staffing, discussed in subsection (a) of this section occurs;
 - (B) Must determine whether the Child Welfare Program Manager, CPS Consultant, Foster Care Coordinator, or other appropriate personnel within ODDS or OYA should be invited to the staffing; and
 - (C) When the *CPS assessment* disposition is founded or substantiated and involves a home certified by Child Welfare, ODDS, or OYA, the *CPS supervisor* or designee must complete a DHS 150 Sensitive Issue Report.
 - (D) At the conclusion of any *CPS assessment*, regardless of the disposition, must immediately notify the assigned caseworkers, the Child Welfare, ODDS, or OYA certifier, the CPS Consultant, and the Foster Care Coordinator that the *CPS assessment* has been completed and approved.
- (2) When the disposition involves a *child* or *young adult* on an open case, the assigned *caseworker* must comply with the requirements in OAR 413-080-0051.
- (3) When the disposition involves a *child* or *young adult* who is not in the care or custody of the Child Welfare, the ODDS or OYA certifier is responsible for any additional notifications required in Oregon Laws 2017, chapter 733.
- (4) Child Welfare Certifier and Certification Supervisor Actions.
 - (a) At the conclusion of a *CPS assessment* involving a home certified by Child Welfare, during or within five business days of the meeting required in subsection (1)(a) of this rule, the certifier and certification supervisor must:
 - (A) Staff the case and review all the information in the *CPS assessment*;
 - (B) Determine whether the information indicates certification actions described in OAR 413-200-0270 to 413-200-0298 should be taken; and
 - (C) Ensure documentation of the results of the staffing in provider case notes

in the Child Welfare electronic information system.

- (b) After completing the staffing required in subsection (1)(a) of this rule, if Child Welfare determines:
- (A) That the *Certificate of Approval* for the certified family should be revoked, the assigned certifier must initiate *revocation* of the *Certificate of Approval* as described in OAR 413-200-0296.
 - (B) That inactive referral status should continue because one or more of the conditions in OAR 413-200-0294 are present, the assigned certifier must summarize the outcome of the assessment and the reasons for continuing inactive referral status in a letter delivered to the certified family within 10 calendar days of the completed *CPS assessment*. The certifier must retain a copy of the letter in the certification file.
 - (C) That the certificate will not be revoked after a founded or substantiated or unable to determine or inconclusive disposition, the assigned certifier must:
 - (i) Submit written documentation supporting the continued certification to the District Manager or Child Welfare Program Manager for approval;
 - (ii) Upon receiving approval for continued certification from the District Manager or Child Welfare Program Manager, remove the certified family from inactive referral status;
 - (iii) Within ten business days of receiving approval from the District Manager or Child Welfare Program Manager, send written notification to the *certified* family that the home is no longer on inactive referral status and retain a copy of the written notification in the certification file; and
 - (iv) Notify Child Welfare staff responsible for placement that the certified family is no longer on inactive referral status.
- (5) The *CPS worker* or supervisor, and the Child Welfare certifier or supervisor must meet with the certified family within ten business days of the completion of the *CPS assessment* to explain the disposition and any certification actions that will be taken unless the certified family declines the opportunity for a meeting.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015, 419B.020

The CPS Assessment Dispositions

413-015-1005

Purpose of the CPS Assessment Dispositions

(Amended 6/29/18)

The purpose of OAR 413-015-1005 to 413-015-1015 is to describe Child Welfare responsibilities when determining *CPS assessment* dispositions for:

- (1) Reports of *abuse* as defined in OAR 413-015-0115(1)(a) of a *child*; and
- (2) Reports of *abuse* as defined in OAR 413-015-0115(1)(b) of a *child* or *young adult* living in a home certified by Child Welfare or ODDS.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.015, 419B.005 to 419B.050, Or Laws 2017, ch 733

413-015-1010

Standard of Proof and Possible CPS Assessment Dispositions

(Adopted 6/29/18)

- (1) The standard for determining *CPS assessment* dispositions is reasonable cause to believe.
- (2) The possible *CPS assessment* dispositions are:
 - (a) "Founded," which means there is reasonable cause to believe the *abuse* occurred. "Founded" is synonymous with "substantiated" as defined in Oregon Laws 2016, chapter 106, section 38.
 - (b) "Unfounded," which means there is no evidence the *abuse* occurred. "Unfounded" is synonymous with "unsubstantiated" as defined in Oregon Laws 2016, chapter 106, section 38.
 - (c) "Unable to determine," which means there is some indication the *abuse* occurred, but there is insufficient evidence to conclude that there is reasonable cause to believe the *abuse* occurred. "Unable to determine" is synonymous with "inconclusive as defined in Oregon Laws 2016, chapter 106, section 38 and may only be used in the following circumstances:
 - (A) After extensive efforts have been made, the *CPS worker* is unable to locate the family; or
 - (B) After completing a *CPS assessment*, there is insufficient information to support any other disposition and:

- (i) The alleged victim is unable or unwilling to provide consistent information; or
- (ii) There is conflicting or inconsistent information from collateral contacts or family.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.015, 419B.005 to 419B.050, Or Laws 2016, ch 106, Or Laws 2017, ch 733

413-015-1015

Making the CPS Assessment Disposition Determination

(Adopted 6/29/18)

- (1) Except as provide section (3) of this rule, *abuse of a child*, for the purpose of determining the *CPS assessment* disposition, includes, among others, the behavior, conditions, and circumstances described in this section.
 - (a) Abandonment, including parental behavior showing an intent to permanently give up all rights and claims to the child.
 - (b) Child selling, including the selling of a child that consists of buying, selling, bartering, trading, or offering to buy or sell the legal or physical custody of a child.
 - (c) Mental injury (psychological maltreatment), including cruel or unconscionable acts or statements made, threatened to be made, or permitted to be made by the *parent* or *caregiver* that has a direct effect on the child. The *parent* or caregiver's behavior, intentional or unintentional, must be related to the *observable* and substantial impairment of the child's psychological, cognitive, emotional, or social well-being and functioning.
 - (d) Neglect, including failure, through action or omission, to provide and maintain adequate food, clothing, shelter, medical care, supervision, protection, or nurturing. Chronic neglect is a persistent pattern of family functioning in which the *parent* or *caregiver* does not sustain or meet the basic needs of a child resulting in an accumulation of *harm* that can have long term effect on the child's overall physical, mental, or emotional development. Neglect includes each of the following:
 - (A) Physical neglect, which includes each of the following:
 - (i) Failing to provide for the child's basic physical needs including adequate shelter, food, and clothing.

- (ii) Permitting a child to enter or remain in or upon premises where methamphetamines are being manufactured.
 - (iii) Unlawful exposure of a child to a *substance* that subjects a child to *severe harm* to the child's health or safety. When the *CPS worker* is making a determination of physical neglect based on *severe harm* to the child's health due to unlawful exposure to a *substance*, this determination must be consistent with medical findings.
 - (B) Medical neglect is a refusal or failure to seek, obtain, or maintain necessary medical, dental, or mental health care. Medical neglect includes withholding medically indicated treatment from infants who have disabilities and life-threatening conditions. However, failure to provide the child with immunizations or routine well-child care alone does not constitute medical neglect. When the *CPS worker* is making a determination of medical neglect, this determination must be consistent with medical findings.
 - (C) Lack of supervision and protection, including failure to provide supervision and protection appropriate to the child's age, mental ability, and physical condition.
 - (D) Desertion, which includes the *parent* or *caregiver* leaving the child with another person and failing to reclaim the child, or *parent* or *caregiver* failure to provide information about their whereabouts, providing false information about their whereabouts, or failing to establish a legal *guardian* or custodian for the *child*.
 - (E) Psychological neglect, which includes serious inattention to the child's need for affection, support, nurturing, or emotional development. The *parent* or *caregiver* behavior must be related to the *observable* and *severe harm* of the child's psychological, cognitive, emotional, or social well-being and functioning.
- (e) Physical abuse, including an injury to a child that is inflicted or allowed to be inflicted by non-accidental means that results in *harm*. Physical abuse may include injury that could not reasonably be the result of the explanation given. Physical abuse may also include injury that is a result of discipline or punishment. Examples of injuries that may result from physical abuse include:
- (A) Head injuries;
 - (B) Bruises, cuts, lacerations;
 - (C) Internal injuries;
 - (D) Burns or scalds;

- (E) Injuries to bone, muscle, cartilage, and ligaments;
 - (F) Poisoning;
 - (G) Electrical shock; and
 - (H) Death.
- (f) Sexual abuse, which includes:
- (A) A person's use or attempted use of a *child* for the person's own sexual gratification, the sexual gratification of another person, or the sexual gratification of the *child*. Sexual abuse includes incest, rape, sodomy, sexual penetration, fondling, and voyeurism.
 - (B) Sexual exploitation, including the use of a *child* in a sexually explicit way for personal gain, for example, to make money or in exchange for goods or services such as food, drugs, status or housing. Sexual exploitation also includes using children in the act of prostitution or using children to create pornography.
 - (C) *Sex trafficking*.
- (g) Threat of harm, including all activities, conditions, and circumstances that place the *child* at threat of *severe harm* of physical abuse, sexual abuse, neglect, mental injury, or other child abuse.
- (2) Except as provided in section (3) of this rule or when the *abuse* is familial, *abuse* of a *child* or *young adult* when the *child* or *young adult* lives in a home certified by Child Welfare or ODDS includes, among others, the behavior, conditions, and circumstances described in this section.
- (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.
 - (A) 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 or young adult 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*.
 - (B) 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.
 - (A) 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*; and
 - (ii) Involuntary seclusion of a *child* or *young adult* to discipline the *child* or *young adult*.
 - (B) Involuntary seclusion does not include age appropriate discipline, including, but not limited to, a time-out.
- (d) Neglect, which includes:
 - (A) Failure to provide the care, supervision, or services necessary to maintain the physical and mental health of a *child* or *young adult*; or
 - (B) 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:
 - (A) 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
 - (B) Willful infliction of physical pain or injury upon a *child* or *young adult*.
- (f) Sexual abuse, which includes:
 - (A) A person's use or attempted use of a *child* or *young adult* for the person's own sexual gratification, the sexual gratification of another person, or the

sexual gratification of the *child* or *young adult*. Sexual abuse includes incest, rape, sodomy, sexual penetration, fondling, and voyeurism.

- (B) Sexual exploitation, including the use of a *child* or *young adult* in a sexually explicit way for personal gain, for example, to make money or in exchange for goods or services, such as food, drugs, status, or housing. Sexual exploitation also includes using children or young adults in the act of prostitution or using children or young adults to create pornography.
 - (C) *Sex trafficking*.
- (g) Verbal abuse.
- (A) 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.
 - (B) 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.
- (A) "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.
 - (B) "Chemical restraint" means the administration of medication for the management of uncontrolled behavior.
- (3) *Abuse* does not include reasonable discipline unless the discipline results in one of the conditions described in sections (1) or (2) of this rule.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 419B.005 to 419B.050, Or Laws 2017, ch 733

Access to Law Enforcement Data System (LEDS) in Local Child Welfare Offices

413-015-1100

Authority and Responsibility

(Amended 6/29/18)

- (1) ORS 418.005 provides that, in order to establish, extend, and strengthen welfare services for the protection and care of dependent or neglected children, the Department may make all necessary rules and regulations for administering child welfare services. Among other duties outlined by ORS 409.010, Child Welfare is responsible for the delivery and administration of programs and services relating to children and families, including *child protective services* and foster care. ORS 419B.020 provides that, upon receipt of a *report of child abuse*, Child Welfare or a law enforcement agency is required to immediately cause an investigation to be made to determine the nature and cause of the *abuse*. In addition, ORS 418.640 requires Child Welfare to adopt rules it deems necessary or advisable to protect the best interests of children in foster homes. Finally, ORS 181.537 authorizes Child Welfare to conduct criminal records checks on subject individuals, as defined by Child Welfare, if deemed necessary by Child Welfare.
- (2) Child Welfare has determined that, in order to protect children from *abuse* and to protect the best interests of children in foster homes, it is necessary for Child Welfare to permit local Child Welfare offices to perform criminal records checks on subject individuals when Child Welfare is conducting a *child protective services* assessment, has an open child welfare case, or determines that emergency foster home certification decisions must be made.

Stat. Auth.: ORS 181.537, 409.050, 418.005, 419B.020

Stats. Implemented: ORS 181.537, 409.010, 418.005, 419B.020

413-015-1105

Purpose

(Amended 9/10/2018)

- (1) The primary purposes of LEDS access in local Child Welfare offices are to assist staff in making decisions about safety, specifically related to *child protective services*, assessing safety service providers, and emergency certification as outlined in these rules (OAR 413-015-1100 to 413-015-1125). Criminal history information obtained from LEDS will be considered, along with other safety-related information, to:
 - (a) Identify present danger safety threats and impending danger safety threats; or

- (b) Determine if behavior that is revealed by criminal history is inconsistent with providing care to children or having access to children.
- (2) These rules do not address criminal records checks for non-emergency certification or adoption approval. Criminal records checks for non-emergency certification or adoption approval are governed by OAR 413-120-0400 to 413-120-0470.

Stat. Auth.: ORS 181.537, 409.050, 418.005

Stats. Implemented: ORS 181.537, 409.010, 418.005, 419B.020

413-015-1115

Requirements

(Amended 9/10/2018)

- (1) LEDS representatives must train and certify designated LEDS users as outlined in OAR 257-015-0050.
- (2) Child Welfare will complete background checks on all LEDS representatives and LEDS users as provided in OAR 257-015-0050(6).
- (3) Child Welfare will implement information security measures as provided in OAR 257-015-0000 to 257-015-0100.

Stat. Auth.: ORS 181.537, 409.010, 418.005, 419B.020

Stats. Implemented: ORS 181.537, 409.010, 418.005, 419B.020

413-015-1120

LEDS Use for Child Protective Service Purposes

(Amended 6/29/18)

- (1) The local Child Welfare office may conduct criminal records checks on a subject individual using the LEDS system available in the local office and use LEDS information pertaining to a subject individual for the purpose of making decisions about safety specifically related to Child Protective Services when:
 - (a) An allegation of *abuse* is being assessed; or
 - (b) A Child Welfare case is open.
- (2) When conducting criminal records checks for a Child Protective Services purpose under this rule, a subject individual is defined as a person:
 - (a) Alleged to be the perpetrator of *abuse* when the allegation is being assessed by Child Protective Services;

- (b) Residing in or frequenting a household where the alleged victim of *abuse* resides on a full- or part-time basis;
 - (c) Being assessed as a safety service provider; or
 - (d) In the household to which a child is being returned.
- (3) Time lines for providing *LEDS notice* to a subject individual when a criminal records check is conducted for a Child Protective Services purpose:
- (a) Prior to the conclusion of a CPS assessment: *LEDS notice* as defined at OAR 413-015-0115 must be provided to:
 - (A) The subject individual defined in subsection (2)(a), (b), or (d) of this rule no later than seven business days after the date the check was conducted.
 - (B) The subject individual defined in subsection (2)(c) of this rule before the check is conducted.
 - (b) After the conclusion of a CPS assessment and while a Child Welfare case is still open: *LEDS notice* must be provided to the subject individual before the check is conducted.

Stat. Auth.: ORS 181.537, 409.050, 418.005

Stats. Implemented: ORS 181.537, 181.557, 409.010, 418.005, 419B.020

413-015-1125

LEDS Use for Certification Purposes in Emergency Situations

(Amended 9/10/2018)

- (1) The local Child Welfare office may perform criminal records checks using the LEDS system available in the local office and use LEDS information pertaining to a subject individual for the purpose of making decisions about child safety, specifically related to emergency certification when:
 - (a) The subject individual has consented to Child Welfare conducting a criminal records check by signing form DHS 1011F, "Consent For Criminal Records & Fingerprint Check";
 - (b) There is an emergent need to place a *child* or maintain a placement of a *child*, and the Department Background Check Unit is unable to complete the check in time;
 - (c) Staff refer to and comply with OAR 413-120-0400 to 413-120-0475; and
 - (d) An allegation of *abuse* is being assessed or there is an open child welfare case.

- (2) When conducting criminal records checks for emergency certification purposes under this rule, a subject individual is defined as:
- (a) An adult who resides in or plans to reside in a household that is being certified for placement of a *child*;
 - (b) An adult who resides in or plans to reside in a household that is being re-certified to place or maintain a *child* in the household;
 - (c) A person assisting in the household to enrich the care provided to children placed in the household by tutoring or providing recreation, relief care, or other services such as household chores, whether paid or unpaid; or
 - (d) A member of the household under 18 years of age if there is reason to believe that member may pose a risk to children placed in the household.
- (3) Staff in local Child Welfare offices who access LEDS information for emergency certification purposes as outlined in these rules must:
- (a) Refer to and comply with OAR 413-120-0400 to 413-120-0475; and
 - (b) Forward fingerprints and consent forms to the Department Background Check Unit for processing if:
 - (A) LEDS information reveals an arrest or conviction of any kind;
 - (B) The subject individual discloses an arrest or conviction of any kind; or
 - (C) It is known that the subject individual has lived outside of Oregon within the last five years.

Stat. Auth.: ORS 181.537, 409.050, 418.005, 419B.020

Stats. Implemented: ORS 181.537, 409.010, 418.005, 419B.020

Assessment of an Individual as a Safety Service Provider

413-015-1200

Purpose

(Amended 9/10/2018)

- (1) The purpose of these rules, OAR 413-015-1200 to 413-015-1230, is to describe Child Welfare's responsibility to assess an individual for consideration as a *safety service provider* and to determine whether the individual is suitable as a *safety service provider*.
- (2) An individual employed by an agency providing services to a family through a current contract with Child Welfare is not covered under these rules.
- (3) Requirements for the assessment of an individual for the purpose of ongoing connection and support with a *child* or certification as a *relative caregiver* or *foster parent* are not covered under these rules.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-015-1220

Assessment of an Individual's Involvement in Safety Management

(Amended 6/29/18)

- (1) To assess an individual as a *safety service provider* for a specific family in a *protective action plan*, *initial safety plan*, or an *ongoing safety plan*, the *CPS worker* or *caseworker* must take all of the following actions:
 - (a) Identify and contact an individual who is a prospective *safety service provider*.
 - (b) Gather information from the individual regarding his or her:
 - (A) Relationship with the *child* and the child's family; and
 - (B) Willingness and ability to fulfill the specific role and responsibilities of a *safety service provider* for the identified family.
 - (c) Provide the individual with information regarding the specific role and responsibility of the individual to assist in managing the child's safety.
 - (d) Search the Child Welfare electronic information system and review any historic information regarding the individual that may be useful in assessing the individual's ability to be a *safety service provider*.

- (e) If in an individual's role as a *safety service provider* the individual will have contact with the *child*, conduct a criminal records check on the individual using LEADS, provide *LEADS notice* as described in "Access to Law Enforcement Data System in Local Child Welfare Offices" OAR 413-015-1100 to 413-015-1125, and review the individual's criminal history to assess the individual's ability to be a *safety service provider*.
- (2) After the *CPS worker* or *caseworker* has considered all the information gathered pursuant to section (1) of this rule, the *CPS worker* or *caseworker* must determine the individual's suitability as a *safety service provider*. In making this determination, the worker must consider whether the individual is willing and able to:
- (a) Assist in managing the safety of the *child*;
 - (b) Cooperate with any restrictions on contact between the *child* and others;
 - (c) Support, verbally and through actions, the *protective action plan*, *initial safety plan*, and *ongoing safety plan*; and
 - (d) Fulfill the identified role and responsibilities required of the individual in a *protective action plan*, *initial safety plan*, or an *ongoing safety plan*.
- (3) The *CPS worker* or *caseworker* must consult with and receive approval from a supervisor prior to engaging an individual as a *safety service provider* whenever the individual's past behaviors, conditions, or circumstances include one of the items listed in the subsections of this section so long as those behaviors, conditions, or circumstances do not impact negatively the individual's ability to fulfill the specific role and responsibilities in managing the child's safety:
- (a) A record of *abuse*;
 - (b) A criminal history; or
 - (c) A history of drug or alcohol abuse.
- (4) The *CPS worker* or *caseworker* must document in the Child Welfare electronic information system:
- (a) The basis for the determination regarding whether an individual is suitable as a *safety service provider*; and
 - (b) The supervisor who provided the approval required in section (3) of this rule.

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Stats. Implemented: ORS 418.005

413-015-1230

Safety Service Provider Approval

(Amended 9/10/2018)

- (1) The *CPS worker* or *caseworker* must inform an individual who has been considered and selected as a *safety service provider* that the individual has been approved as a *safety service provider*. The *CPS worker* or *caseworker* must further inform an approved *safety service provider* that the role of a *safety service provider*:
 - (a) Is temporary; and
 - (b) The role or responsibilities may change if Child Welfare obtains new information that changes the determination that the individual is suitable to manage a child's safety, prevents the individual from fulfilling the role identified in assisting to manage a child's safety, or the threat to child safety changes, is eliminated, or can be managed by a child's *parent* or *guardian*.
- (2) The *CPS worker* or *caseworker* must inform an individual who has been considered but has not been selected as a *safety service provider* that the individual has not been approved to be a *safety service provider*.
- (3) When an individual has been informed that the individual is approved or not approved as a *safety service provider* or the determination that an individual is approved changes, if the status change results in a change in the *protective action plan*, *initial safety plan*, or *ongoing safety plan*, the *CPS worker* or *caseworker* must refer to OAR 413-015-0435 and OAR 413-015-0450.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005