

DEPARTMENT OF HUMAN SERVICES
OFFICE OF CHILD WELFARE PROGRAMS

CHAPTER 413
DIVISION 017

CRITICAL INCIDENT RESPONSE TEAMS (CIRT) AND
DISCRETIONARY REVIEWS

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CRITICAL INCIDENT RESPONSE TEAMS AND DISCRETIONARY REVIEWS

413-017-0050

Definitions

(Adopted 03/06/18)

Unless the context indicates otherwise, the following definitions apply to OAR chapter 413, division 017.

- (1) "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.
- (2) "Abuse" means abuse as defined in OAR 413-015-0115 of a *child*.
- (3) "Child protective services assessment" (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.
- (4) "Critical incident" means a *child* fatality where the Department determines that the fatality was likely the result of *abuse*.
- (5) "Critical Incident Response Team (CIRT)" means a designated committee, appointed by the Department director, to conduct an executive review of a *critical incident*.
- (6) "Custody" means legal custody as described in ORS 419B.373.
- (7) "Department" means the Oregon Department of Human Services.
- (8) "Sibling" means one of two or more children or young adults who are related, or would be related but for a termination or other disruption of parental rights, in one of the following ways:
 - (a) By blood or adoption through a common parent;
 - (b) Through the marriage of the legal or biological parents of the children or young adults; or

- (c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

Stat. Auth.: ORS 418.005, 419B.024

Stats. Implemented: ORS 418.005, 419B.024

413-017-0060

Purpose of the Critical Incident Response Team (CIRT)

(Adopted 03/06/18)

- (1) The purpose of convening the CIRT is to increase child safety by:
 - (a) Rapidly drawing lessons from a critical incident to improve child welfare practice administered by the Department;
 - (b) Increasing transparency regarding the Department's processes and practice;
 - (c) Identifying and evaluating internal or external systemic issues from a critical incident that impact current practice; and
 - (d) Ensuring timely responses by the Department with respect to a *critical incident*.
- (2) Reviews conducted as provided in these rules are in addition to and separate from reviews conducted by a county Multi-Disciplinary Team pursuant to ORS 418.747, a State Fatality Review Team pursuant to ORS 418.748, or activities related to Department protocols on "Notification and Review of Child Fatalities."

Stat. Auth.: ORS 418.005, 419B.024

Stats. Implemented: ORS 418.005, 419B.024

413-017-0070

CIRT Reports and Timelines

(Adopted 03/06/18)

- (1) The Department director or designee must assign a CIRT no later than 10 business days of when the Department becomes aware of a *critical incident*.
- (2) A CIRT is required for a *critical incident* when:
 - (a) The deceased *child* was in the *custody* of the Department at the time of death;
 - (b) The deceased *child*, the deceased child's *sibling*, or any other *child* living in the household with the deceased *child* was the subject of a *CPS assessment* by the Department within the 12 months preceding the fatality;

- (c) The *child*, the child's *sibling*, or any other *child* living in the household with the *child* had a pending child welfare or adoption case with the Department within the 12 months preceding the fatality; or
 - (d) The deceased *child*, the deceased child's *sibling*, or any other *child* living in the household with the deceased *child* was the subject of a report of *abuse* made to the Department or a law enforcement agency within the 12 months preceding the fatality, whether the report of *abuse* was closed at screening or assigned for *CPS assessment*.
- (3) Required Reports and Timelines for Submission.
- (a) All CIRT reports must be submitted to the Department director.
 - (b) Initial Report. An initial report must be submitted as soon as possible, but no later than 60 days from the date the CIRT was assigned, unless an exception is granted by the Department director, pursuant to (4)(b) of this rule.
 - (A) The initial written report must include:
 - (i) Information about the CIRT's case review status;
 - (ii) Conclusions and recommendations at the time the initial report is submitted; and
 - (iii) Identification of any systemic issues the CIRT has concluded led to the *critical incident*.
 - (B) The initial report may not contain confidential information or records that may not be disclosed to members of the public.
 - (c) Progress Reports. If the CIRT's case review is not complete prior to the preparation of the initial report, the CIRT must submit a progress report every 30 days following submission of the initial report until the final report is submitted.
 - (d) Final Report. Upon conclusion of the CIRT's case review, the CIRT must prepare and submit a final written report. The final written report must include:
 - (A) A description of the incident that resulted in the fatality and of the events that led to the incident;
 - (B) A description of any concerns raised by actions taken or not taken by the Department or law enforcement agencies in response to the incident or the events that led to the incident;

- (C) Recommendations for improvements in the administration and oversight of the child welfare system that are specific to the case;
 - (D) A description of actions that are necessary to implement the recommendations and of timelines, tasks and individuals responsible to implement such recommendations; and
 - (E) Methods to evaluate implementation of the recommendations and expected outcomes.
- (e) Version of Final Report for Public Review. The CIRT must:
- (A) Prepare a version of the final written report that does not contain confidential information or records that may not be disclosed to the public pursuant to state or federal law; and
 - (B) Make this version of the final report for public review available on the Department's website.
- (4) Considerations and extension of timelines for submission.
- (a) Prior to submission of an initial report, progress report or final report, the CIRT must consider the following:
 - (A) Whether submission of the report is likely to compromise an ongoing investigation of a law enforcement agency, after the CIRT has communicated with and obtained agreement from appropriate law enforcement agency representatives and the district attorney;
 - (B) Whether the report can be modified for submission to the Department without compromising a law enforcement agency investigation; and
 - (C) Whether, as determined by the team, after consulting with the Department director, the public interest outweighs the potential consequences to a law enforcement agency investigation as provided in ORS 192.501.
 - (b) The Department director has the discretion to extend the timeline for submission of an initial report, progress report, or final report if:
 - (A) The Department director determines an extension is reasonable; or
 - (B) The report, even if modified, will compromise a law enforcement agency investigation, and the public interest does not outweigh the potential consequences of disclosure.

- (c) If the Department director extends the timeline for submission of a report under(4)(b) of this rule, the Department must document on its website the extension, current status of the report, and anticipated completion date.

Stat. Auth.: ORS 418.005, 419B.024

Stats. Implemented: ORS 418.005, 419B.024

413-017-0080

CIRT Membership and Functioning

(Adopted 03/06/18)

(1) Membership.

(a) CIRT members must include:

- (A) The Department director;
- (B) The Child Welfare director;
- (C) An attorney from the Department of Justice assigned to provide legal advice and representation to the Department on the matter of the *critical incident*;
- (D) The CPS program manager or designee;
- (E) The CIRT Coordinator; and
- (F) A representative from the Department's Office of Communications.

(b) CIRT members may include:

- (A) Members of the public (such as doctors, law enforcement, victim's organization representative, suicide prevention specialist);
- (B) A juvenile court judge appointed by the Chief Justice of the Oregon Supreme Court;
- (C) A state senator appointed by the President of the Senate and a state representative appointed by the Speaker of the House of Representatives;
- (D) A Department of Human Resources representative;
- (E) The district manager for the county in which the *critical incident* occurred;

- (F) The program manager for the local Child Welfare office in which the *critical incident* occurred;
 - (G) Child Welfare supervisors assigned to supervise the caseworkers involved in the identified case; and
 - (H) The Department supervisors assigned to supervise Department personnel responsible for certification or licensing, if the incident involved a *child* living in a home certified by the Department or an agency licensed by the Department.
- (2) Functioning.
- (a) CIRT members must:
 - (A) Review all information and records available to the Department regarding the incident that resulted in the fatality.
 - (B) Maintain the confidentiality of information and records provided by the Department and only disclose the information or record as may be necessary to carry out the purposes of the CIRT's case review.
 - (C) Attend CIRT meetings in person, telephonically, or by other two-way electronic communication.
 - (D) Not designate an individual to appear for a meeting on a member's behalf.
 - (b) The CIRT must:
 - (A) Conduct a case review and investigation focusing primarily on the safety and well-being of the *child* who was involved in the incident that led to the fatality and any other children who may be impacted by the circumstances surrounding the incident;
 - (B) Identify internal or external systemic issues; and
 - (C) Provide input for the initial, progress, and final reports prepared by the CIRT coordinator.
 - (c) The CIRT may:
 - (A) Meet when one or more members are absent.
 - (B) During its review, include or consult with the District Attorney from the county in which the *critical incident* occurred pursuant to ORS 419B.024 as amended by Oregon Laws 2017, chapter 469.

- (C) After submission of the final report and upon conclusion of any criminal investigation or prosecution arising out of the *critical incident*, meet with members of law enforcement that investigated the *child* fatality or with the prosecuting attorneys who prosecuted the case, to review the conclusions and recommendations of the CIRT and the submitted reports.

Stat. Auth.: ORS 418.005, 419B.024
Stat. Implemented: 418.005, 419B.024

413-017-0095
Discretionary Review
(Adopted 6/19/2018)

When a CIRT is not required under OAR 413-017-0060 and ORS 419B.024, and the Department has received a report of *abuse* that has resulted in a *child* fatality or serious physical injury of a *child*, the Department director or designee has the discretion to order an internal review of the incident.

Stat. Auth.: ORS 418.005, 419B.024
Stat. Implemented: 418.005, 419B.024