

Child Fatalities

Purpose and Definitions

- (1) The purpose of this protocol is to describe the notification, screening and CPS assessment requirements for Child Welfare staff when a *child fatality* occurs.
- (2) “Child fatality” in this protocol refers to a fatality of any child when:
 - (a) The fatality is alleged to be the result of abuse; or
 - (b) The deceased child, the deceased child’s sibling or a member of the deceased child’s household was the subject of a report regardless of:
 - (A) The date of the report; or
 - (B) The screening decision to close at screening or assign.
- (3) The requirements in this protocol also apply to a fatality of a young adult in substitute care.

Report or Notification

Report or notification to the Oregon Child Abuse Hotline. All Child Welfare staff must immediately report or notify the Oregon Child Abuse Hotline of a *child fatality*.

Screening

- (1) The screener must comply with the requirements outlined in this protocol, in addition to the requirements in OAR 413-015-0200 to 413-015-0230.
- (2) The screener must complete a screening report form and determine the response as follows:
 - (a) When the *child fatality* is alleged to be the result of abuse the screener must:
 - (A) Complete a screening report form; and
 - (B) Assign the report for CPS assessment.
 - (b) When the *child fatality* is not alleged to be the result of abuse, the screener must:
 - (A) Complete a screening report form; and
 - (B) Determine whether to close at screening or assign for CPS assessment

based on the criteria outlined in OAR 413-015-0211.

- (c) When additional allegations are identified that relate to the circumstances of the fatality, the surviving siblings or other children in the household, the screener must:
 - (A) Complete a screening report form; and
 - (B) Determine whether to close at screening or assign based on the criteria outlined in OAR 413-015-0211.
 - (d) When the circumstances described in (2)(a) through (c) of this section do not apply, the information does not meet the criteria to close at screening and the information is not the responsibility of OTIS, then the information must not be documented in the Child Welfare electronic information system.
- (3) When the screener determines the report meets the criteria to assign for CPS assessment, the screener must:
- (a) Assign the report in the county where the deceased child resided except as described in sub paragraph (b) of this paragraph.
 - (b) When a *child fatality* occurs in a substitute care setting, the report must be assigned in the county where the child was in substitute care.
- (4) When a report or notification of a *child fatality* is received by a screener, Oregon Child Abuse Hotline staff must:
- (a) Immediately complete a Sensitive Issue Report (Form CF150) except as described in sub paragraph (d) of this paragraph.
 - (b) The Sensitive Issue Report must include a summary of the following information, if known:
 - (A) Date of death;
 - (B) Date of incident that likely resulted in the fatality;
 - (C) Circumstances of the fatality;
 - (D) Alleged perpetrator and relationship to deceased child;
 - (E) Information about any safety plan for surviving siblings;
 - (F) Name of investigating police agency and officer;

- (G) Status of the Child Welfare case, if any, at the time of the fatality; and
 - (H) Pending juvenile, criminal or civil court action.
- (c) Identify fatality and the screening decision in the subject line of the email and attach a copy of the screening report form.
 - (d) When the screener receives *child fatality* information that is the responsibility of the Office of Training, Investigation and Safety (OTIS), the screener must immediately forward the information to the OTIS and it is the responsibility of the OTIS to complete a Sensitive Issue Report.

Secure and Sensitize the Case Record

If the *child fatality* is alleged to be the result of abuse and is assigned for CPS assessment, a supervisor must secure and sensitize all Child Welfare case records related to the *child fatality*. Sensitizing a case record requires restricting access to the information. Ensure the information is restricted in the following ways:

- (a) The electronic case record must be identified as a sensitive case. Staff allowed access to the case record must be staff assigned to complete work on the case; and
- (b) Gather original hard copies of all Child Welfare records relating to the case. Ensure the hard copy case record is kept in a location that prevents unauthorized staff from having access.

CPS Assessment

- (1) The CPS worker must comply with the *CPS assessment* requirements outlined in this protocol, in addition to the requirements outlined in OAR 413-015-0400 to 413-015-0485.
- (2) The CPS worker must gather and review the medical records of the deceased child for information relevant to the *child fatality*.
- (3) When a *child fatality* occurs in a county other than where the child resided, a CPS worker may be assigned in the county where the death occurred to assist with the CPS assessment and participate in the fatality staffing. This CPS worker will act as a liaison between the CPS worker in the county where the child resided and local agencies in the county where the child died.
- (4) When the law enforcement investigation and a medical examiner both conclude the fatality was the result of abuse and it is confirmed there are no siblings to the deceased child and no other children in the household where the fatality occurred, the CPS worker:
 - (a) May, after consulting with a CPS supervisor, complete the CPS assessment without face to face contact with the parents or caregivers.

- (b) Must complete the CPS assessment and document a founded disposition based on the LEA investigation, Medical Examiner's report and any additional information gathered during the CPS assessment.
 - (c) Must provide notice to the reporter, the deceased child's parents, including non-custodial legal parent, caregivers and perpetrators, as outlined in OAR 413-015-0470 (1).
- (4) When no autopsy was conducted, the CPS worker must obtain and document the cause of death as determined by a medical professional.
- (5) When determining the CPS assessment disposition, the CPS worker must:
 - (a) Document whether the fatality was the result of abuse.
 - (b) When the determination is unable to determine, assure there are no additional CPS assessment activities that if completed would likely result in an unfounded or founded disposition.
 - (c) When the fatality was the result of abuse, document the type of abuse that resulted in the fatality and who perpetrated the abuse.
 - (d) Address any other allegations of abuse, separate from the alleged cause of the fatality and document the dispositions.
- (6) When a law enforcement investigation and autopsy are conducted, the CPS worker must obtain the law enforcement and medical examiner's reports. When the LEA and medical examiner's reports are received:
 - (a) The CPS supervisor must forward the reports to the CPS consultant assigned to the district.
 - (b) The CPS worker must review the reports and address any new safety related information.
- (7) When the CPS worker has gathered sufficient information to make a disposition as required by OAR 413-015-1015 and to make a safety determination, and the LEA or medical examiner's report has not yet been released:
 - (a) The CPS assessment must be closed; and
 - (b) When available, the CPS Supervisor and CPS worker must comply with (6)(a) and (b) of this section and place the LEA and medical examiner's report in the case record.

- (8) Prior to completion of the CPS assessment, the CPS worker and CPS supervisor must consult with a CPS consultant.
- (9) An updated Sensitive Issue Report must be completed at the conclusion of the CPS assessment, regardless of disposition.

Fatality Staffing

- (1) Unless an exception is granted by the CPS program manager as outlined in paragraph (5) of this section, a staffing must be completed within *three working days* of the receipt of a report that a *child fatality* may be the result of abuse or when the deceased child or the deceased child's siblings or a member of the deceased child's household was the subject of a report, regardless of the report being closed at screening or assigned.
- (2) The staffing must include:
 - (a) A District Manager or designee;
 - (b) A Program Manager or designee;
 - (c) Supervisors of the caseworkers assigned to the current CPS assessment and open case or designees;
 - (d) The CPS worker and the CPS supervisor or designee;
 - (e) If applicable, the caseworker assigned to the open case and their supervisor or designee;
 - (f) A CPS Consultant, CPS Program Coordinator or CPS Program Manager;
 - (g) A certifier, if applicable; and
 - (h) A Self Sufficiency worker, LEA representative or other internal or external partner, as appropriate.
- (3) The staffing participants must:
 - (a) Summarize the family history and current circumstances.
 - (b) Obtain and review all available information from other agencies including preliminary findings of the LEA investigation and results of any autopsy;
 - (c) Review the protective action plan or initial safety plan for surviving siblings or other children in the household to determine if it is sufficient;
 - (d) Assist in development of a supportive plan for family members.

- (e) Discuss funeral arrangements and Child Welfare's role in funeral arrangements, if any;
 - (f) Develop a plan of support for staff to deal with the grief and loss and consider use of the EAP; and
- (4) The CPS Consultant assigned to the district must document the fatality staffing in the Child Welfare electronic information system.
 - (5) An exception to completing the staffing outlined in this section, may be granted at the discretion of the CPS Program Manager if information from a medical professional identifies a cause of death that is inconsistent with abuse.
 - (6) A follow up staffing will be considered during the CPS assessment when critical information is gathered or decisions are being made regarding the presence of present or impending danger. The staffing must include the individuals identified in paragraph (2) of this section.
 - (7) A staffing must occur at the conclusion of the CPS assessment, prior to assessment approval, to jointly review the disposition and safety decision. The staffing must include the individuals identified in paragraph (2) of this section.

Fatality Summary

- (1) Unless a Critical Incident Review Team is assigned to review the fatality, the Child Welfare Program Manager or designee must complete a Fatality Summary (Form [CF0326](#)) within ten business days of the completion of a CPS assessment when the disposition is founded and abuse resulted in a fatality.
- (2) When available, the following documents must be included as attachments to the Fatality Summary:
 - (a) Law enforcement reports;
 - (b) Medical examiner's report;
 - (c) Medical records; and
 - (d) Any other documents considered significant.
- (3) The Fatality Summary must be forwarded to the CPS consultant assigned to the district.

Response to External Inquiries

All external inquiries about a *child fatality* must be directed to the Child Welfare Communication Officer. The Communication Officer will develop and approve any plan to address external inquiries.