

<b>Policy Title:</b>	Notice and Review of CPS Founded Dispositions – <b>Temporary</b> OAR		
<b>Policy Number:</b>	I-A.6.1 413-010-0700 thru 0750	<b>Version:</b>	<b>Effective Date:</b> 10/06/11 thru 04/03/12

Approved By: *on file*

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Policy

Forms, etc.

Definitions

References

Contact

History

### Reference(s):

- Child Welfare Policy I-AB.1, Introduction to Child Protective Services  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-ab1.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-ab1.pdf)
- Child Welfare Policy I-AB.4, Child Protective Services Assessment  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-ab4.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-ab4.pdf)
- Child Welfare Policy III-E.4.8.12, Review of Founded CPS Disposition for Child Welfare Employees  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_3/iii-e4812.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_3/iii-e4812.pdf)
- Child Welfare Policy III-F.1.6, Inspection and Copying of Records  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_3/iii-f16.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_3/iii-f16.pdf)
- Federal Child Abuse Prevention and Treatment Act (CAPTA)  
[http://www.acf.hhs.gov/programs/cb/laws\\_policies/cblaws/capta03/capta\\_manual.pdf](http://www.acf.hhs.gov/programs/cb/laws_policies/cblaws/capta03/capta_manual.pdf)
- ORS 418.005  
<http://www.leg.state.or.us/ors/418.html>
- ORS 419B.010  
<http://www.leg.state.or.us/ors/419b.html>

### Form(s) that apply:

- CF313A, Notice of CPS Founded Disposition When Perpetrator is Parent/Caregiver and Services Will Be Provided  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0313a.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0313a.doc)
- CF313B, Notice of CPS Founded Disposition When Perpetrator is Parent/Caregiver and Services Will Not Be Provided  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0313b.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0313b.doc)
- CF313C, Notice of CPS Founded Disposition When Perpetrator is Not Parent/Caregiver  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0313c.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0313c.doc)
- CF313D, Notice of CPS Founded Disposition When Perpetrator is Parent/Caregiver, Services Will Be Provided and There is an Additional Disposition"  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0313d.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0313d.doc)

- CF313E, Notice of CPS Founded Disposition When Perpetrator is Parent/Caregiver, Services Will Not Be Provided and There is an Additional Disposition  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0313e.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0313e.doc)
- CF 314A, "Request for Review; Local Child Welfare office Committee Decision"  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0314a.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0314a.doc)
- CF 314B, "Re: Request for Review; Local Child Welfare office Committee Decision"  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0314b.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0314b.doc)
- CF 314C, "Request for Review; Central Office Committee Decision"  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0314c.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0314c.doc)
- CF 315A, "Re: Request for Review; Central Office Committee Decision"  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0315a.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0315a.doc)
- CF 315B, "Re: Request for Review; Central Office Review Committee Decision"  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0315b.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0315b.doc)
- CF 315C, "Re: Request for Review; Central Office Committee Decision"  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0315c.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0315c.doc)
- CF 316, "Re: Request for Review, Notice of Waived Rights"  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0316.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0316.doc)
- CF 317, "Request for Review; Legal proceeding"  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0317.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0317.doc)
- CF 318, "Re: Request for Review, Legal finding"  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0318.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0318.doc)
- CF 319, "Re: Notice of Child Protective Services Founded Disposition" (for an employee)  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0319.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0319.doc)
- CF 322, "Founded Disposition Change Request"  
[http://dhsresources.hr.state.or.us/WORD\\_DOCS/CE0322.doc](http://dhsresources.hr.state.or.us/WORD_DOCS/CE0322.doc)

## Rules:

### **413-010-0700**

#### **Purpose**

- (1) The purpose of these rules (413-010-0700 to 0750) is to establish procedures for ensuring the rights of individuals to receive notice and the opportunity to request a review when a Child Protective Services (CPS) assessment results in a "founded" disposition.
- (2) The Federal Child Abuse Prevention and Treatment Act (CAPTA) requires child protective service agencies to provide notice to individuals identified as responsible for child abuse or neglect and to provide individuals with an opportunity to request and have a review of the disposition.

Stat. Auth. ORS 418.005

Stats. Implemented: ORS 418.005

## 413-010-0705

### Definitions

For the purposes of OAR 413-010-0700 to 413-010-0750, the following terms have these meanings:

- (1) A "Local Child Welfare Office CPS Founded Disposition Review" is a process wherein a *Local Child Welfare Office CPS Founded Disposition Review Committee* reviews a founded disposition, makes recommendations to a Child Welfare Program Manager or designee, and the Child Welfare Program Manager or designee makes a decision to uphold, overturn, or change the abuse type of the founded disposition.
- (2) A "Local Child Welfare Office Review Committee" is a group of three child welfare employees. One of the members must be a Manager and one must be staff trained in CPS assessment and dispositions. No one may serve on the Local Child Welfare Office Review Committee in the review of an assessment in which he or she was involved. Further requirements of the Local Child Welfare Office Review Committee are found in OAR 413-010-0735 and 413-010-0738.
- (3) A "Central Office CPS Founded Disposition Review" is a process wherein a *Central Office CPS Founded Disposition Review Committee* reviews a founded disposition, makes recommendations to the CPS Program Manager or designee, and the CPS Program Manager or designee makes a decision to uphold, overturn, or change the abuse type of the founded disposition.
- (4) A "Central Office CPS Founded Disposition Review Committee" is a group of three child welfare employees, none of whom was involved in either the Local Child Welfare Office Review or in the assessment that resulted in the *CPS Founded Disposition* under review. Further requirements of the Central Office CPS Founded Disposition Review Committee are found in OAR 413-010-0745 and 413-010-0746. The three child welfare staff on the committee must include--
  - (a) Either the Assistant Director for the Department's child welfare programs or a designee;
  - (b) Either the Manager for Child Protective Services or a designee; and
  - (c) A CPS consultant.
- (5) "CPS" refers to the Department's Child Protective Services program, that is responsible for, among other duties, the assessment of alleged child abuse.
- (6) "CPS Disposition" is a determination that completes a CPS assessment. Dispositions are discussed in OAR 413-015-1000 and include founded, unfounded, and unable to determine.
  - (a) "Founded disposition" means there is reasonable cause to believe that child abuse occurred;

- (b) "Unfounded disposition" means no evidence of child abuse was identified or disclosed; or
  - (c) "Unable to Determine" means there are some indications of child abuse, but there is insufficient data to conclude that there is reasonable cause to believe that child abuse or neglect occurred.
- (7) "CPS Founded Disposition" means that the Department determined, after completing a CPS assessment, that there is reasonable cause to believe that child abuse occurred.
  - (8) "Department" means the Department of Human Services.
  - (9) "Juvenile" means a person younger than the age of 18 years who is identified as a perpetrator. OAR 413-010-0716 provides specific requirements regarding application of these rules to juveniles.
  - (10) "Legal finding" means a court or administrative finding, judgment, order, stipulation, plea, or verdict that determines who was responsible for the child abuse that is the subject of a *CPS Founded Disposition*.
  - (11) "Legal proceeding" means a court or administrative proceeding that may result in a *legal finding*.
  - (12) "Local Child Welfare office" means the Department's child welfare office that conducted the CPS assessment that resulted in the *CPS Founded Disposition* subject to review under these rules.
  - (13) "Perpetrator" means the person the Department has reasonable cause to believe is responsible for child abuse in a *CPS Founded Disposition*.
  - (14) "Person Requesting Review" or "Requestor" means a *perpetrator*, his or her attorney, or, if a *juvenile* is identified as the *perpetrator*, the person who may request a review on behalf of the *juvenile*, who requests a review of the founded disposition because they believe the founded disposition is in error.
  - (15) "Request for a Central Office CPS Founded Disposition Review" means a written request for a *Central Office CPS Founded Disposition Review* from a requestor who has received a Local Child Welfare Office CPS Founded Disposition Review Decision (Form CF 314) to retain a founded disposition. The specific requirements for a request for review by Central Office are described in OAR 413-010-0740.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

## **413-010-0710**

### **Required Forms**

- (1) Several Department forms are referred to by form number in these rules. The forms are available at the Department's website. When use of a form is required by these rules, the current version of the form must be used.
- (2) To be effective, a form required by these rules must be complete.
- (3) The following forms are required to be used by these rules:
  - (a) Form CF 313, "Notice of CPS Founded Disposition".
  - (b) Form CF 314A, "Notice of Local Child Welfare Office CPS Founded Disposition Review Decision to Retain as Founded".
  - (c) Form CF 314B, "Notice of Local Child Welfare Office CPS Founded Disposition Review Decision to Change Disposition".
  - (d) Form CF 314C, "Notice of Local Child Welfare Office CPS Founded Disposition Review Decision to Change Abuse Type".
  - (e) Form CF 315A, "Notice of Central Office CPS Founded Disposition Review Decision to Retain as Founded".
  - (f) Form CF 315B, "Notice of Central Office CPS Founded Disposition Review Decision to Change Disposition".
  - (g) Form CF 315C, "Notice of Central Office CPS Founded Disposition Review Decision to Change Abuse Type".
  - (h) Form CF 316, "Notice of Waived Rights".
  - (i) Form CF 317, "Notice of Legal Proceeding".
  - (j) Form CF 318, "Notice of Legal Finding".
  - (k) Form CF 319, "Notice of CPS Founded Disposition for an Employee".

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

## **413-010-0712**

### **Overview of the Procedures Required by These Rules**

These rules regulate the following subjects:

- (1) Applying Department employee policies if the person identified as responsible in a *CPS Founded Disposition* is an employee of the Department (see OAR 413-010-0714);
- (2) Providing notice of a *CPS Founded Disposition* as a result of a *CPS Disposition* (see OAR 413-010-0715);
- (3) Providing notice of a *CPS Founded Disposition* and other documents to juveniles (see OAR 413-010-0716);
- (4) Inquiring about a review of a *CPS Founded Disposition* completed before August 4, 2000, (see OAR 413-010-0717);
- (5) Inquiring about a review of a *CPS Founded Disposition* when a person believes they have not received a notice (see OAR 413-010-0718);
- (6) Local Child Welfare office responsibilities when a person inquires about a review of a CPS founded disposition (see OAR 413-010-0719);
- (7) Information included in the notice of *CPS Founded Disposition* (Form CF 313) (see OAR 413-010-0720);
- (8) Making a Request for a review of a *CPS Founded Disposition* (see OAR 413-010-0721);
- (9) Determining when legal findings preclude a right to request a review and providing notice of *legal proceeding* (see OAR 413-010-0722);
- (10) Providing a notice of *legal finding* (see OAR 413-010-0723);
- (11) Local Child Welfare office responsibilities related to notices and reviews (see OAR 413-010-0732);
- (12) Local Child Welfare office reviews of CPS founded dispositions (see OAR 413-010-0735);
- (13) Providing a notice of the local Child Welfare office's decision (see OAR 413-010-0738);
- (14) Requesting a Central Office review of *CPS Founded Disposition* (see OAR 413-010-0740);
- (15) Local Child Welfare office responsibilities in the case of a request for Central Office review (see OAR 413-010-0743);
- (16) Central Office review (see OAR 413-010-0745);
- (17) Providing a notice of Central Office's decisions (see OAR 413-010-0746);
- (18) Discretion of CPS Program Manager to review CPS founded dispositions (see OAR 413-010-0748); and

- (19) Revising CPS founded dispositions in the Department's records (see OAR 413-010-0750).

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

#### **413-010-0714**

##### **Department Employee - Application of Department Employee Policies**

When the perpetrator is a Department employee, the Department will follow the Department employee policies (*see policies in III-E.4.8.12.*).

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

#### **413-010-0715**

##### **Providing Notice of a CPS Founded Disposition**

- (1) The local Child Welfare office must deliver a notice of CPS founded disposition (Form CF 313 or CF 319 as appropriate) to the person identified as the perpetrator in the CPS founded disposition, except as provided in (2) below. If the perpetrator is a juvenile, notice must be provided as required by OAR 413-010-0716. If the perpetrator is not a juvenile, the notice must be delivered as follows:
- (a) By certified mail, restricted delivery, with a return receipt requested to the last known address of the perpetrator; or
  - (b) By hand delivery to the perpetrator. If hand delivered, the notice must be addressed to the perpetrator and a copy of the notice must be signed and dated by the perpetrator to acknowledge receipt, signed by the person delivering the notice, and filed in the child welfare case file.
  - (c) If section (2)(b) below does not apply, the method or process for providing notice of a CPS founded disposition when domestic violence has been identified should maximize the safety of the child, the adult victim, and Department employees. The Department will not use the adult victim to deliver the notice.
- (2) A notice of CPS founded disposition (Form CF 313) is not required if:
- (a) The CPS founded disposition was made prior to August 4, 2000. Notice will be given on CPS founded dispositions made prior to August 4, 2000 as provided in OAR 413-010-0717.
  - (b) Domestic violence has been identified and if providing the notice would increase the risk of harm to a child, adult victim, or Department employee. This exception

may only be made with Department management approval based on documentation of risk.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-010-0716**

##### **Providing Notice of a CPS Founded Disposition and Other Documents to a Juvenile**

- (1) The local Child Welfare office that determines a juvenile is the perpetrator must deliver the "Notice of CPS Founded Disposition" (Form CF 313) to one of the following persons who may act on behalf of the juvenile in submitting a request for review based on having legal custody of the juvenile:
  - (a) The juvenile's parent; or
  - (b) The juvenile's guardian.
- (2) If the juvenile is in the legal custody of the Department or the Oregon Youth Authority, the notice must be sent to both of the following:
  - (a) The juvenile's attorney; and
  - (b) The juvenile's parent, unless there is cause to believe such communication will be detrimental to the juvenile (*see* OAR 413-020-170(2)(c)).
- (3) If the juvenile is in the legal custody of the Department and is unrepresented, the Department will ask the juvenile court to appoint an attorney for the juvenile.
- (4) The "Notice of a CPS Founded Disposition" (Form CF 313) must be delivered by certified mail, restricted delivery, with a return receipt requested to the last known address of each mandatory recipient identified in sections (1) and (2) of this rule.
- (5) Any other notices or documents that must be provided to perpetrators pursuant to these rules must be delivered to the appropriate persons as outlined in this rule if the perpetrator is a juvenile.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 419.370

#### **413-010-0717**

##### **Inquiry about a Review When a CPS Founded Disposition Was Made Prior to August 4, 2000**

- (1) The Department will not deliver a "Notice of Founded CPS Disposition" (Form CF 313) to a person identified as a perpetrator in a CPS founded disposition completed prior to

August 4, 2000, unless a person makes an inquiry to the Department about an opportunity for review and qualifies for a review as described in section (2) of this rule.

- (2) An individual identified as a perpetrator in a CPS founded disposition completed prior to August 4, 2000, may contact any local Child Welfare office and inquire about a review of the disposition. If a complete record of the incident, including a complete copy of the CPS assessment and documentation collected during the CPS assessment, is still available, the Department proceeds in accordance with OAR 413-010-0718. If a complete record of the incident is no longer available, the Department will not conduct a review but will provide notice to the individual that a review will not be conducted and the reasons for that determination.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

### **413-010-0718**

#### **Inquiry about a Review of a CPS Founded Disposition When a Person Believes They Have Not Received a Notice**

If a person believes he or she is entitled under these rules to a "Notice of CPS Founded Disposition" (Form CF 313) but has not received one, the person may contact any local Child Welfare office to inquire about a review of the disposition.

- (1) If the local Child Welfare office determines that the person making the inquiry has been identified as a perpetrator in a CPS Founded Disposition since August 4, 2000, staff must determine whether a "Notice of CPS Founded Disposition" (Form CF 313) was delivered to the perpetrator or the perpetrator refused the delivery of the notice, as evidenced by the returned receipt.
- (2) If a notice was delivered to the perpetrator or the perpetrator refused delivery of the notice, as evidenced by a returned receipt, and the time for requesting review of CPS founded disposition has expired, the local Child Welfare office must either prepare and deliver a "Notice of Waived Rights for Review" (Form CF 316) or inform the perpetrator by telephone of the information required in the "Notice of Waived Rights for Review" and document the telephone notification in the child welfare case file.
- (3) If the perpetrator is a juvenile, the local Child Welfare office must prepare and deliver a "Notice of Waived Rights" to the appropriate persons identified in OAR 413-010-0716.
- (4) If no returned receipt exists or if it appears that notice was not properly provided, the local Child Welfare office must deliver a "Notice of CPS Founded Disposition" as provided in OAR 413-010-0720 or, if the perpetrator is a juvenile, as provided in OAR 413-010-0716.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

## 413-010-0720

### Information Included in the "Notice of a CPS Founded Disposition" (Form CF 313)

The "Notice of a CPS Founded Disposition" (Form CF 313) must include the following:

- (1) The case and sequence numbers assigned to the CPS assessment that resulted in the CPS Founded Disposition;
- (2) The full name of the individual who has been identified as responsible for the child abuse as it is recorded in the case record;
- (3) A statement that the CPS disposition was recorded as "founded" including a description of the type of child abuse or neglect identified;
- (4) A description of the CPS assessment that briefly explains how the CPS founded disposition was determined;
- (5) A statement about the right of the individual to submit a request for review of the CPS founded disposition;
- (6) Instructions for making a request for review, including the requirement that the requestor provide a full explanation why the requestor believes the CPS founded disposition is in error;
- (7) A statement that the Department will not review a CPS founded disposition when a legal proceeding is pending and that the person requesting a review maintains the right to request a review for 30 days following resolution of the pending legal proceeding unless the proceeding results in a legal finding that is consistent with the CPS founded disposition.
- (8) A statement that the person waives the right to request a review if the request for review is not received by the local Child Welfare office within 30 calendar days from the date of receipt of the "Notice of CPS Founded Disposition," as documented by a returned receipt.
- (9) A statement that the Local Child Welfare Office will consider relevant documentary information contained in the Department's case file, including the CPS assessment and disposition, screening information, assessment information and narrative, related police reports, medical reports, and information submitted with the request for review by the person requesting review.
- (10) A statement that the review process will not include re-interviewing the victim; interviewing or meeting with the person requesting a review, with others associated with the requestor, or with others mentioned in the assessment; or conducting a field assessment of the allegation of child abuse; and

- (11) A statement that the local Child Welfare office will send the requestor a "Notice of Local Child Welfare Office CPS Founded Disposition Review Decision" (Form CF 314) within 30 days of receiving a request for review.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-010-0721**

##### **Making a Request for a Review of a CPS Founded Disposition**

A person requesting a review must use information contained on the "Notice of CPS Founded Disposition" to prepare a written request for review. The written request for review must be delivered to the local Child Welfare office within 30 calendar days of the receipt of the Notice of CPS Founded Disposition and must include the following items:

- (1) Date the request for review is written;
- (2) Case number and sequence number found on the "Notice of CPS Founded Disposition;"
- (3) Full name of the person identified as responsible for abuse or neglect in the CPS founded disposition;
- (4) A full explanation, responsive to the information provided in the Department's notice, explaining why the person believes the CPS founded disposition is in error and providing any additional information and documents the person wants considered during the review;
- (5) The person's current name (if it has changed from the name noted in subsection (c) of this section);
- (6) The person's current street address and telephone number; and
- (7) The person's signature.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-010-0722**

##### **Determining When Legal Findings Preclude a Right to Request a Review and Providing Notice of Legal Proceeding (Form CF 317)**

- (1) The Department does not conduct a review when there is a legal finding consistent with the CPS founded disposition. In that case, a "Notice of Legal Finding" must be provided as provided in OAR 413-010-0723(1).

- (2) (a) If the Department is aware that a legal proceeding is pending, the Local Child Welfare Office will not review the disposition until the legal proceeding is completed.
- (b) If the Department is aware that a legal proceeding is pending, the local Child Welfare office must prepare and deliver a notice of legal proceedings (CF 317) within 30 days after receipt of a request for review. This informs the requestor that the Department will not review the disposition until the legal proceeding is completed and will take no further action on the request.
- (c) The requestor may, at the conclusion of the legal proceeding, again submit a request for review within 30 days.
- (d) The requestor retains the right to request a review for 30 days following resolution of the legal proceeding.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-010-0723**

##### **Providing a Notice of Legal Finding (Form CF 318)**

If a requestor inquires about a review of a *CPS Founded Disposition* and there is a *legal finding* consistent with the *CPS Founded Disposition*, the Local Child Welfare office staff must prepare and deliver a "Notice of Legal Finding" (Form CF 318) that informs the requestor that the Department will not review the disposition.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-010-0732**

##### **Local Child Welfare Office Responsibilities Related to Notices and Reviews**

- (1) If an individual asks to review Department records for the purpose of reviewing a *CPS Founded Disposition*, state and federal confidentiality law, including OAR 413-010-0000 to 413-010-0075 and OAR 413-350-0000 to 413-350-0090 govern the inspection and copying of records.
- (2) The local Child Welfare office must maintain records to demonstrate the following, when applicable:
  - (a) Whether the Department delivered a "Notice of CPS Founded Disposition;"
  - (b) Whether or not the Notice of CPS Founded Disposition was received by the addressee, as evidenced by a returned receipt documenting that the notice was received, refused, or not received within the 15-day period provided by the United States Postal Service;

- (c) The date a Request for a local Child Welfare office review was received by the local Child Welfare office;
  - (d) If a review is conducted by a Local Child Welfare Office, whether the "Notice of the Local Child Welfare Office CPS Founded Disposition Review Decision" (Form CF 314) was received by the addressee as evidenced by a returned receipt documenting that the notice was received, refused, or not received within the 15-day period as provided by the United States Postal Service; and
  - (e) The date a request for review by Central Office was received by the Department.
- (3) The Child Welfare supervisor in each local Child Welfare office or designee must maintain a comprehensive record of the reviews completed by the Local Child Welfare Office on CPS founded dispositions arising out of the local Child Welfare office to which the supervisor is assigned. The record must include the date, case number, sequence number, and the committee decision for each review completed by the Local Child Welfare Office.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-010-0735**

##### **Local Child Welfare Office Review CPS Founded Dispositions**

- (1) The Local Child Welfare Office must conduct a review and issue a "Notice of Local Child Welfare Office CPS Founded Disposition Review Decision" (Form CF 314) to the requestor within 30 days from the date the local Child Welfare office receives a request for review of a *CPS Founded Disposition*.
- (2) If the request for review was delayed because a *legal proceeding* was pending as provided in OAR 413-010-0720(6), or the proceeding has been completed without a *legal finding* that would preclude a review, the review must occur within 30 days from the date the local Child Welfare office receives a new request for review.
- (3) The Local Child Welfare Office Review must occur as follows:
  - (a) The review may not include re-interviewing the victim; interviewing or meeting with the person requesting a review, with others associated with the requestor, or with others mentioned in the assessment; or conducting a field assessment of the allegation of child abuse or neglect.
  - (b) The review must be based on current child welfare practice and definitions of child abuse. Procedural rules in place at the time the CPS assessment was completed also must be considered.
  - (c) The following must be considered:

- (A) Relevant documentary information contained in the Department's child welfare case file including the CPS assessment and disposition, screening information, assessment information and narrative, related police reports, medical reports, and information provided by the person requesting review;
  - (B) Whether there is reasonable cause to believe that child abuse occurred;
  - (C) Whether there is reasonable cause to believe that the person requesting review is responsible for the child abuse; and
  - (D) Whether there is reasonable cause to believe that the type of abuse for which the CPS assessment was founded is correctly identified in the assessment.
- (d) The Local Child Welfare Office CPS Founded Disposition Review Committee must:
- (A) Make recommendations as follows:
    - (i) Retain the founded disposition;
    - (ii) Change the disposition to unfounded or unable to determine;
    - (iii) Change the type of abuse (see OAR 413-015-1000(3) for a list of the types of abuse) for which the CPS disposition was founded.
  - (B) When the Review Committee members all agree, the committee must make one recommendation.
  - (C) When the Review Committee members cannot reach agreement, each member must make his or her respective recommendation.
  - (D) At the conclusion of the Review Committee, the committee facilitator must document the committee's recommendation or recommendations and the basis for the recommendation or recommendations.
- (e) The Child Welfare Program Manager or designee may:
- (A) Observe the Review Committee; and
  - (B) Ask questions of the committee members.
- (f) The Child Welfare Program Manager or designee must:
- (A) Review the committee's recommendation or recommendations and the basis for the recommendation or recommendations, including but not limited to the considerations listed in subsection (3)(c) above.
  - (B) Make one of the following decisions:

- (i) Retain the founded disposition;
- (ii) Change the disposition to unfounded or unable to determine;
- (iii) Change the type of abuse (see OAR 413-015-1000(3) for a list of the types of abuse) for which the CPS disposition was founded.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-010-0738**

##### **Notice of Local Child Welfare Office CPS Founded Disposition Review Decision**

- (1) The Child Welfare supervisor or designee must prepare a "Notice of Local Child Welfare Office CPS Founded Disposition Review Decision" (Form CF 314) as described in OAR 413-010-0738.
- (2) The "Notice of Local Child Welfare Office CPS Founded Disposition Review Decision" (Form CF 314) must include the following:
  - (a) Whether there is reasonable cause to believe that child abuse occurred;
  - (b) Whether there is reasonable cause to believe the person requesting the review was responsible for the child abuse;
  - (c) The decision resulting from the Local Child Welfare Office Review;
  - (d) If the *CPS Founded Disposition* is changed, whether it will be changed to "unable to determine" or to "unfounded;"
  - (e) If the Local Child Welfare Office Review results in a decision that the *CPS Founded Disposition* should be retained but that the type of abuse for which the disposition was founded should be changed, the type of abuse that should be founded and the reason for this change.
  - (f) If the *CPS Founded Disposition* is retained but the type of abuse is changed, notice that the person requesting the review has the right to request a new Local Child Welfare Office Review of the change;
  - (g) A summary of the information and reasoning of the Local Child Welfare Office Review upon which the decisions were based;
  - (h) If a *CPS Founded Disposition* is determined to be "unable to determine" or "unfounded," notice that the change will be noted in the CPS assessment narrative;

- (i) If the founded disposition is retained, a statement about how to request a review by Central Office, as described in OAR 413-010-0740.
- (3) The Local Child Welfare Office must place the request for review and a copy of the "Local Child Welfare Office CPS Founded Disposition Review Decision" (Form CF 314) in the child welfare case file. A change may not be made in the existing written child welfare case file except to add the determinations.
- (4) The Department must send the "Local Child Welfare Office CPS Founded Disposition Review Decision" (Form CF 314) by certified mail, restricted delivery, with a return receipt requested, to the person requesting review within 30 days of the request for review.
- (5) When as a result of a Local Child Welfare Office CPS Founded Disposition Review, a decision is made to change a *CPS Founded Disposition*, the Child Welfare supervisor or designee must assure the revised disposition is reflected in the Department's information system. The Child Welfare supervisor or designee forwards the necessary information (Form CF 322) to the Department's Office of Information Services (OIS) Service Desk.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-010-0740**

##### **Requesting a Central Office Review**

- (1) A person entitled to the notice described in OAR 413-010-0738 may, within 30 days of receipt of the notice, request a review by Central Office.
- (2) A person requesting a Central Office Review of a *CPS Founded Disposition* may use a copy of the request for Local Child Welfare Office Review or prepare a new request for Central Office Review, following the requirements outlined in OAR 413-010-0721.
- (3) A person requesting a Central Office Review of a *CPS Founded Disposition* must deliver the request to the local Child Welfare office within 30 days of the date the "Notice of Local Child Welfare Office CPS Founded Disposition Review Decision" (Form CF 314) was received by the requestor, as evidenced on a United States Postal Service return receipt.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

### **413-010-0743**

#### **Local Office Responsibilities in a Request for Central Office CPS Founded Disposition Review**

Within 10 calendar days after receiving a request for *Central Office CPS Founded Disposition Review*, the local Child Welfare office must forward the following documents to the Department's Central Office CPS Program Unit:

- (1) The request for review; and
- (2) A copy of the child welfare case records pertinent to the *CPS Founded Disposition*, including the information reviewed as part of the Local Child Welfare Office Review.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

### **413-010-0745**

#### **Central Office Review of CPS Founded Dispositions**

- (1) Central Office must conduct a review and issue a "Notice of Central Office CPS Founded Disposition Review Decision" (Form CF 315) within 60 days from the date the CPS Program Unit receives a request for a review.
- (2) The Central Office Review must occur as follows:
  - (a) The CPS program office schedules a review of the CPS founded disposition when a written request for review and case file information is received from the local Child Welfare office.
  - (b) The review may not include re-interviewing the victim; interviewing or meeting with the person requesting a review, with others associated with the requestor, or with others mentioned in the assessment; or conducting a field assessment of the allegation of child abuse or neglect.
  - (c) The review must be based on current child welfare practice and definitions of child abuse and neglect. Procedural rules in place at the time the CPS assessment was completed also must be considered.
  - (d) The following must be considered:
    - (A) Relevant documentary information contained in the Department's child welfare case file, including the CPS assessment and disposition, screening information, assessment information and narrative, related police reports, medical reports, and information provided by the person requesting review.
    - (B) Whether there is reasonable cause to believe that child abuse or neglect occurred;

- (C) Whether there is reasonable cause to believe that the person requesting review is responsible for the child abuse or neglect; and
  - (D) Whether there is reasonable cause to believe that the type of abuse is correctly identified in the assessment.
- (e) The Central Office CPS Founded Disposition Review Committee must:
- (A) Make recommendations as follows:
    - (i) Retain the founded disposition;
    - (ii) Change the disposition to unfounded or unable to determine;
    - (iii) Change the type of abuse (see OAR 413-015-1000(3) for a list of the types of abuse) for which the CPS disposition was founded.
  - (B) When the Review Committee members all agree, the committee must make one recommendation.
  - (C) When the Review Committee members cannot reach agreement, each member must make his or her respective recommendation.
  - (D) At the conclusion of the Review Committee, the committee facilitator must document the committee's recommendation or recommendations and the basis for the recommendation or recommendations.
- (f) The Central Office CPS Program Manager or designee may:
- (A) Observe the Review Committee; and
  - (B) Ask questions of the committee members.
- (g) The Central Office CPS Program Manager or designee must:
- (A) Review the committee's recommendation or recommendations and the basis for the recommendation or recommendations, including but not limited to the considerations listed in subsection (d) of this section.
  - (B) Make one of the following decisions:
    - (i) Retain the founded disposition;
    - (ii) Change the disposition to unfounded or unable to determine;

- (iii) Change the type of abuse (see OAR 413-015-1000(3) for a list of the types of abuse) for which the CPS disposition was founded.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-010-0746**

#### **Notice of Central Office CPS Founded Disposition Review Decision**

- (1) Within 60 calendar days of the date the Central Office Review Committee receives the request for review from the local Child Welfare office, a CPS Program Coordinator or designee prepares and sends to the requestor by certified mail, restricted delivery, with a return receipt requested, a "Notice of Central Office CPS Founded Disposition Review Decision" (Form CF 315) that includes the following information:
  - (a) Whether there is reasonable cause to believe that child abuse occurred;
  - (b) Whether there is reasonable cause to believe that the person requesting review was responsible for the child abuse;
  - (c) The decisions resulting from the *Central Office CPS Founded Disposition Review*;
  - (d) If the *CPS Founded Disposition* is changed, whether the change will be to "unable to determine" or to "unfounded disposition;"
  - (e) If the *Central Office CPS Founded Disposition Review* results in a decision that the *CPS Founded Disposition* should be retained but the type of abuse for which the disposition was founded should be changed, the new type of abuse and the reason for this change;
  - (f) If the *CPS Founded Disposition* is retained but the type of abuse or neglect is changed, notice that the person requesting the review has the right to request a new *Central Office CPS Founded Disposition Review* based on the change;
  - (g) A summary of the information used as part of the *Central Office CPS Founded Disposition Review* and the reasoning for reaching the decision; and
  - (h) If a *CPS Founded Disposition* is changed to "unable to determine" or "unfounded," notice that the change will be made to the CPS assessment narrative.
- (2) A "Notice of Central Office CPS Founded Disposition Review Decision" (Form CF 315) is sent to the person requesting review, the local Child Welfare office for filing in the child welfare case record, the CPS worker, and the supervisor involved in the initial CPS assessment and determination of disposition.
- (3) The CPS Program Office maintains a comprehensive record of the reviews of CPS founded dispositions conducted by Central Office. The record includes the date of the

review, case number, sequence number, a copy of the materials used in the review and the decision that resulted from the review for each review conducted by Central Office.

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

### **413-010-0748**

#### **Review Initiated by the Department**

The CPS Program Manager may direct that either the Local Child Welfare Office or Central Office review a founded disposition if there is good cause to do so, such as a determination that there is a *legal finding* that contradicts the *CPS Founded Disposition*.

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

### **413-010-0750**

#### **Revising Founded Child Abuse Dispositions in the Department's Electronic Information System**

When as a result of a Central Office Review, a decision is made to change a *CPS Founded Disposition*, the CPS Program Coordinator or designee forwards the necessary information (Form CF 322) to the Department's Office of Information Services (OIS) Service Desk or other appropriate organizational unit to make changes in the Department's Electronic Information System.

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

#### **Contact:**

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#### **Policy History**

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