

Policy Title:	Review of Founded CPS Disposition for Child Welfare Employees – Policy		
Policy Number:	III-E.4.8.12		Effective Date: 04-12-2001

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

Reference(s):

- Child Welfare Policy I-A.6.1, Reviews of Founded CPS Disposition
http://www.dhs.state.or.us/policy/childwelfare/manual_3/i-a61.pdf

Form(s) that apply:

- None.

Policy:

Purpose

(1) The purpose of this policy is:

(a) To set forth the procedures for ensuring the right to have Notice and to Request a Review when a Child Protective Services (CPS) assessment results in a “*Founded*” Disposition and the person identified as a perpetrator is an SOSCF employee;

(b) To communicate to all SOSCF staff (represented, unrepresented, management service and executive service) that SOSCF will consider a case of *founded* abuse when the SOSCF employee is the person identified as the perpetrator as potential cause for termination of employment.

Policy

SOSCF is charged with the responsibility of protecting abused and neglected children and providing services to assure their safety. Every SOSCF employee, regardless of position, is required by law to report any instances of abuse. SOSCF employees must be exemplary in their own behaviors with children in order for SOSCF to be credible with families, partners, and the communities within which they work. Therefore, all SOSCF employees must maintain a

record free of *founded* abuse as a perpetrator as a condition of initial and continued employment.

Definitions

(1) CPS: Child Protective Services, a program of the State Office for Services to Children and Families (SOSCF) that includes but is not limited to the assessment of alleged child abuse or neglect.

(2) CPS Disposition: A finding that completes a *CPS* Assessment. Dispositions are defined in OAR 413-020-0430 (15) and summarized as follows:

(a) “founded” means there is reasonable cause to believe that the child abuse or neglect occurred.

(b) “unfounded” means no evidence of child abuse or neglect was identified or disclosed; or

(c) “unable to determine” means some indications of child abuse/neglect exist, but there is insufficient data to confirm whether or not child abuse/neglect occurred.

(3) CPS Founded Disposition: SOSCF determined at the conclusion of an assessment of alleged child abuse or neglect that there is reasonable cause to believe that child abuse or neglect occurred; and, when known, that there is reasonable cause to believe that a specific person or persons were responsible for the child abuse or neglect.

Communication Of Policy

(1) Employees will be provided with an electronic copy of this policy upon implementation.

(2) The policy will be incorporated into the New Employee Checklist used to orient all new employees.

(3) The policy will be placed on the SOSCF policy website.

(4) The policy will be discussed during SOSCF New Employee Orientation.

Assessment Of Referral

Whenever possible, in non-emergency cases, the assessment of a referral of an SOSCF employee as a perpetrator will be conducted by a *CPS*-trained management service employee in a branch other than the branch in which the employee resides or works or has worked as an SOSCF employee. At the discretion of the branch manager where the assessment will be completed, a management service employee and a *CPS*-trained worker may jointly conduct the assessment.

Status of Employee

An SOSCF employee who is referred to SOSCF as a perpetrator may be reassigned duties and/or work station pending assessment of a referral and/or final review by an SOSCF central review team of a *founded* abuse disposition.

Information Included in the Notice of a *Cps Founded Disposition*

An SOSCF employee will receive a written notice of a *CPS founded* disposition when the SOSCF employee is the person identified as the perpetrator. The notice will include:

- (1)** The case and sequence numbers assigned to the 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 or neglect 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 statement that a review procedure will automatically occur unless an SOSCF employee requests in writing that a review of the *founded* abuse not be conducted;
- (5)** The date, time, location and the name of the branch manager with whom the SOSCF employee will meet for the purpose of clarifying or discussing the reasons for the disposition;
- (6)** A statement that, during the meeting set forth in number 5 above, the employee must provide written material which must include the reason the employee believes the *CPS Founded Disposition* is in error;
- (7)** A statement that, during the meeting set forth in number 5 above, the employee may have a union steward present.

Right to Review of a *Founded Abuse Disposition*

To ensure SOSCF employees identified as perpetrators of *founded* child abuse or neglect have rights of review comparable to those of the general public, the following review procedure will automatically occur unless an employee requests in writing that a review of the *founded* abuse not be conducted. An SOSCF employee may not access the right to review of a *founded* abuse disposition process for non-SOSCF employees.

(1) A branch manager in a branch other than that where the employee resides or works or has worked as an SOSCF employee will meet with the employee identified as a perpetrator of "*founded*" abuse. If requested by the employee, a union steward may also attend this meeting. The purpose of the meeting is to:

(a) Clarify or discuss the reasons for the disposition.

(b) Receive, from the SOSCF employee, any additional written material the employee would like to provide to clarify the reason the employee believes the disposition is in error.

(2) The branch manager will forward the case file information related to the *CPS* assessment and any additional written materials that have been submitted by the employee to an SOSCF Central Review team.

(3) The SOSCF central review team will include three SOSCF management or executive service employees selected by the SOSCF manager for Protective Services or a designee. No person on the SOSCF central review team may have been directly involved in the assessment associated with the “*founded*” disposition. The three SOSCF staff must include:

(a) Either the SOSCF Assistant Administrator of Field Operations or a designee;
and

(b) Either the Manager for Child Protective Services or a designee; and

(c) A *CPS* trained management service or executive service employee.

(4) The SOSCF central review team will operate as follows:

(a) The SOSCF central office review team will consider all relevant case file information including *CPS* assessment and disposition, screening information, assessment information and narrative, related policy reports, medical reports, and information provided by the SOSCF employee during the branch manager meeting. The SOSCF central review team will not: re-interview the victim; interview or meet with the SOSCF employee, or others associated with the SOSCF employee, or others mentioned in the assessment; or conduct a field assessment of the allegation of child abuse or neglect;

(b) The decision of the SOSCF central office review team will be by majority vote of the participating review team members. When reviewing a *CPS Founded* Disposition, the SOSCF central office review team will determine whether there is or is not reasonable cause to believe that child abuse or neglect occurred and whether there is or is not reasonable cause to believe that the SOSCF employee is responsible for the child abuse or neglect. The decision by the SOSCF central office review team is final.

Notice of Central Office Review Team Decision

(1) The SOSCF Central Office Review team will prepare a written notice of its decision that includes the following:

(a) When the *CPS* Disposition is *Founded* whether there is or is not reasonable cause to believe that child abuse or neglect occurred;

(b) When the *CPS* Disposition is *Founded* whether there is or is not reasonable cause to believe the SOSCF employee was responsible for the child abuse or neglect;

(c) The decision that a *CPS* Disposition will be retained or changed; and if changed, changed to *Unable to Determine* or *Unfounded* Disposition;

(d) A summary of the information upon which the decision was based.

(2) The SOSCF central office review team will forward its finding in writing to the SOSCF employee, to the respective branch for filing in the case record, and to the Senior Human Resource Manager for SOSCF.

(3) If the decision is to change the *CPS* Disposition, the SOSCF central review team will

send the Decision to the SOSCF Assistant Administrator for Field Operations. Revisions to the Disposition recorded in the Integrated Information System (IIS) will be made according to the procedures outlined in OAR 413-010-0750.

(4) The SOSCF central office review team will maintain a comprehensive record of the reviews of *CPS Founded* Dispositions conducted by the SOSCF central office review team. The record will include the date, case number, sequence number, and the central office review team decision.

Revising *Founded* Child Abuse/Neglect *Disposition* in the Integrated Information System (IIS)

When an SOSCF central office review team decision is made to change a *CPS Founded* Disposition, the SOSCF Assistant Administrator for Field Operations or designee will forward a copy of the SOSCF central office review team's written decision to the Department of Human Services Office of Information Services (OIS). OIS staff will enter authorized information and make changes in SOSCF's Integrated Information System (IIS), Families and Child Information System (FACIS). IIS staff will add the reason for the change in Disposition to the existing Assessment Narrative and change the *CPS Founded* Disposition and the perpetrator and victim information.

Disciplinary Action

(1) In instances where a *founded* abuse disposition is retained by the SOSCF central review team, the Senior Human Resource Manager for SOSCF will initiate an investigation to determine whether disciplinary action is justified up to and including dismissal.

(2) Disciplinary action, where appropriate, will be taken in accordance with the relevant collective bargaining contractual provisions or statutory provisions for unrepresented employees or employees in the management service.

Pending Related Actions

A pending related action, such as a related civil, criminal, juvenile, or administrative proceeding in which the allegations of abuse or neglect are at issue, will not be grounds to detain or stay either the review of the *founded* abuse disposition or any resulting disciplinary action.

Contact(s):

- **Name:** CAF Reception; **Phone:** 503-945-5600