

Marilyn Jones,
 Director, Office of Child Welfare Programs
Authorized Signature

Number: CW-PT-18-019
Issue date: 6/29/2018

Topic: Protective Services

Transmitting (check the box that best applies):

- New policy
 Policy change
 Policy clarification
 Executive letter
 Administrative Rule
 Manual update
 Other: _____

Applies to (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Office of Developmental Disabilities Services(ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children’s Intensive In Home Services |
| <input type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> ODDS Children’s Residential Services | <input type="checkbox"/> Other (please specify): |
| <input checked="" type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	Substantive changes were made to Introduction to CPS Rules, Screening, CPS Assessment, CPS Assessment Dispositions, Department Responsibilities When a Report Involves a Home Certified by CW, ODDS or OYA. Minor changes were made to all CPS rules.		
Policy/rule number(s):	Division 15 Rules		
Effective date:	June 29, 2018		
References:			
Web address:	http://www.dhs.state.or.us/policy/childwelfare/manual_1/division_15.pdf		

Rules filed temporary on January 1, 2018 are now filed permanent.

When: June 29, 2018: The above temporary rules are effective.

Who: These changes primarily impact screeners, screening supervisors, CPS workers, CPS supervisors and Child Welfare program managers.

All Child Welfare staff will benefit from being aware of these changes even though the same level of understanding is not required.

Why: In the 2017 legislative session, various bills passed that impact the work of Child Welfare. The bulk of the changes are to increase the protection of the vulnerable children and young adults placed in care, regardless of what setting they are placed in. These changes are partially directed by the new laws and partially directed by Child Welfare leadership decisions about how DHS will implement the laws.

There are additional changes made to further enhance the way reports of abuse are screened and assessed. Many of these were made based on conversations with and feedback from screeners, CPS workers and supervisors. There are several reasons for these changes, some of which include:

- Understanding the time it takes to complete and document a comprehensive CPS assessment.
- The need to focus resources on reports where children or young adults are abused and unsafe.
- The benefits to screeners and law enforcement partners of removing inefficiencies.
- The need to collaborate seamlessly between CPS and permanency to ensure timely permanent planning.

What: The substantive changes include:

- Chapter 2 of the procedure manual is up to date.
- Abuse is defined in rule as it applies to any child and also as it applies to children or young adults in care. Abuse is defined for screening purposes and then described in CPS Assessment Disposition rules for determining disposition.
- The definitions of caseworker and parent were added to the rules, and other definitions were modified to be clear about what applies to a young adult.
- Reports involving the following settings (unless the alleged abuse is familial) are the responsibility of OTIS (formerly OAAPI):
 - Child caring agencies (all types of CCAs)
 - Proctor foster homes
 - County-operated agencies
 - Young adults in transition programs
 - ODDS licensed group homes
- The CCA and proctor foster home rule is being repealed since these are now the responsibility of OTIS (formerly OAAPI).

- An additional criteria for assigning a CPS assessment is when OTIS (formerly OAAPI) requests assistance and the CPS supervisor determines the assignment is appropriate. (Just like the requirement for tribes and LEA.)
- The rule that addresses requirements for reports involving CW foster homes will be moved to the CPS rules and will now include requirements for reports involving CW foster homes, ODDS and OYA foster homes. Staffing, supervisor consultation, safety planning and notifications that applied to CW certified foster/relative homes will now apply to all types of state-certified foster homes.
- Notifications to ODDS and OYA expanded.
- Prior to interviewing a child or young adult in care that is also in the custody of the department or OYA, the CPS worker must inform the child or young adult that they may have their attorney present
- Prior to interviewing a child or young adult in care that is not in custody (privately placed by parent) the CPS worker must interview their parent, gain permission from the parent and inform the child or young adult that they may have their parent or attorney present.
- Screeners and CPS workers are required to notify LEA if a suspected crime occurred to a child or young adult in care or in a setting where a child or young adult in care lives.
- The Citizen Review Board will be added to the legal parties who receive notification of assessments and dispositions involving children or young adults in the custody of the Department. This impacts CPS workers when a permanency worker is not assigned.
- Screeners and CPS workers must notify Disability Rights Oregon when a report involves a child with a disability and is alleged to have occurred at a school or in an educational setting.
- CPS workers now have 60 days to complete the CPS assessment, but completion must not interfere with timely development of a case plan when the Department was granted temporary custody of the child during the CPS assessment.
- CPS assessment extensions are limited and may only be approved by a CW program manager.
- Some criteria are outlined in rule to allow a CPS worker to complete a CPS assessment without completing all CPS assessment activities. These criteria are fully outlined in the abbreviated assessment procedure in the Chapter 2 appendix of the Child Welfare Procedure Manual.
- Mandatory reporting requirements related to adult abuse now reflect the obligation to report 24 hours a day 7 days a week.
- The criteria to determine how a safety threat is occurring more accurately reflects the language used in training.
- The rules were updated to accurately reflect when a requirement applies to just a child or to a child or young adult.

- The rules were updated to remove neglect and only refer to abuse, as neglect is a type of abuse.

In addition, since being filed temporary on January 1, 2018, the following changes were made. These changes will be reflected in procedure soon:

- OAAPI (Office of Adult Abuse, Prevention and Investigation) was changed to OTIS (Office of Training, Investigation and Safety).
- The definition of abuse was modified to include the unlawful manufacturing of a cannabinoid extract to be consistent with statute.
- The Department refers to DHS, and Child Welfare is referred to by name.
- Day Care Facility was changed to Day Care to ensure inclusion of all day cares whether in a facility or home.
- The immediate report to LEA when there is present danger was changed to include suspicious physical injury and also to include a report to OTIS. The rule now reads: When information gathered indicates present danger or alleges a current suspicious physical injury immediately:
 - Cross report to law enforcement; and
 - Notify OTIS when the report involves any setting they are responsible for
- **The change on 1/1/2018 to screeners no longer needing to cross report to law enforcement in the county where the report is made if it is not the same county must now be changed back. Due to a statutory requirement, this change can't occur at this time. The rule now reads:**
 - **The screener or designee must cross report to a law enforcement agency in the county where the report was made. If the abuse is alleged to have occurred in a different county, the screener must cross report a second time to the 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.**
- Day Care Facility Investigation rule is now called Child Welfare Responsibilities When a Referral Involves a Day Care.
- The definition of sexual exploitation was modified/clarified to read:
 - 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.

Remember, these are highlights and do not include all rule changes. For a complete list of all changes, refer to the summary of changes and review the rules:

http://www.dhs.state.or.us/policy/childwelfare/policy_releases.htm

Training/communication plan:

- DM/PM meeting
- Multiple phone conferences with DM/PM, supervisors, screening supervisors, consultant staff
- Email communication from the Child Safety program to screening and CPS supervisors
- Consultants provided local office training to CPS, beginning with screening units
- The provision of tools (see resources section) to assist in the communication and understanding of the changes

Local office action required:

Review and discuss the new rules, procedures and all attachments. Reach out to the district Child Safety consultant for additional support as needed.

Resources:

- 1/1/2018 transmittal, which includes:
 - The following handouts specific to addressing abuse of children and young adults in care
 - Background
 - Highlights
 - Types of Abuse
 - Abuse for Screening and Abuse for Disposition
 - Matrix
 - Impacts by Role
 - OR-Kids cheat sheet
 - Screening and CPS Changes Power Point
- Child Welfare Division 015 (CPS) rules
- Information for Screening and CPS contacts and notifications:
<https://inside.dhsoha.state.or.us/dhs/child-welfare/licensed-child-caring-agencies.html>

If you have any questions about this policy, contact:

Contact(s):	Deborah Carnaghi, L.C.S.W., CPS Program Coordinator		
Phone:	503.947.5418		
Email:	deborah.carnaghi@state.or.us		