

14. Protective Custody

OAR 413-015-0455 outlines the CPS worker authority and responsibility as it relates to Protective Custody.

- The CPS worker may take a child into emergency protective custody when there is severe harm or threat of severe harm to a child in the present and law enforcement assistance is not available. If there is any resistance or threatened resistance to taking the child into protective custody, which creates a substantial risk of physical injury to any person, the CPS worker may not take the child into custody, but must wait for law enforcement assistance or obtain an order of protective custody from the juvenile court.
 1. The CPS worker must make every effort to identify any medical conditions or special considerations for the child by engaging the parent or caregiver whenever possible.
 2. Please refer to Chapter IV section 2 of the procedure manual for further considerations upon initial placement of a child in substitute care.
- As provided in ORS 419B.171, when taking a child into protective custody without a court order, the person taking the child into custody must promptly file a brief written report with the court called a Protective Custody Report, CF464. A written report is required even if the child is released to a parent or other responsible person prior to a shelter hearing. The written report must be completed and sent to the court the day the child is taken into custody or no later than the morning of the next business day.
- If the child is not released to a parent or other responsible person, but is retained in protective custody, a shelter hearing must be scheduled as required by ORS 419B.183.
- If a child is placed in protective custody, the CPS worker must notify parents, including a non-custodial parent, caregivers and the child's tribe, if applicable, in writing.
- The CPS worker or designee must immediately make diligent efforts to identify legal parents and any putative fathers after a child is taken into protective custody. Information about putative fathers must be recorded on form CF 418, "Father Questionnaire" and filed in the case record.