

### 3. Assessment Activities

The required CPS assessment activities are outlined below. The activities are described in a logical order, but the order in which they occur is controlled by the specific circumstances in a given case. A comprehensive CPS assessment thoroughly documents information relating to the six domains: Extent of Maltreatment, Circumstances Surrounding the Maltreatment, Child Functioning, Adult Functioning, Parenting Practices and Disciplinary Practices. The focus of the CPS assessment is child safety. By effectively engaging families and community partners in the assessment process, the CPS worker can gather sufficient information about the six domains to determine if there is an impending danger safety threat present.

As outlined in OAR 413-015-0409, the only exception to completing CPS assessment activities on an assigned referral is when a CPS worker, in consultation with a CPS supervisor or designee, determines prior to the initial contact that the referral does not require a CPS assessment because one of the following apply:

1. The referral was opened in error
2. There is no longer an allegation of abuse or neglect. The CPS worker received information after being assigned the referral and that information in combination with the corresponding screening report no longer constitutes a report of child abuse or neglect as defined in ORS 419B.005. This exception may be used only when the CPS worker and the CPS supervisor, or designee, determine the information:
  - Is not from the alleged perpetrator,
  - Relates directly to and specifically negates all allegations in the screening report AND
  - Is considered on the basis of the objectivity of the individual providing the information and the quality of the information.

Note: Once contact of any kind has been made with a parent, child or household member a CPS assessment must be completed unless the parent, child or household member is the reporting party.

#### A. Prior to Initial Contact: Actions to take

The following activities should be completed prior to initial contact whenever possible, or as soon after initial contact as the CPS worker can accommodate.

##### 1. Review Records

As outlined in OAR 413-015-0415, the assigned CPS worker must:

- Thoroughly review the documentation in the referral.
- Thoroughly review the paper and electronic records maintained by Child Welfare for historical information on the family and the child that may be useful in completing the CPS assessment.
- Thoroughly review available Self Sufficiency records.

- Make diligent efforts to contact another state’s child welfare agency to obtain records, if any, when the CPS worker has information that the family has lived in another state

### **Procedure**

Review all the documents to identify information related to:

- i. Present danger safety threats or impending danger safety threats;
- ii. History of, or a pattern of, abuse or neglect;
- iii. Child and family support systems and protective capacity;
- iv. Information related to any of the six domains; and
- v. Worker safety.

ORS 419B.050 allows health care providers to furnish medical records of the child, including psychological and psychiatric records, without the consent of the parent, to law enforcement or the Department when conducting an assessment of child abuse. Additionally the Federal Family Educational and Privacy Rights Act, 20 USC § 1232g. and “Rights to a Child’s Education Records,” OAR 413-100-0930, in Child Welfare Policy I-E.8, “Educational Services for a Child in Substitute Care,” provide guidance on working with educators and schools.

### **2. Contact collateral sources**

As outlined in OAR 413-015-0415, the CPS worker must contact collateral sources that can clarify or supplement the information in the referral and in records already reviewed.

The collateral sources must include the assigned Self Sufficiency worker, if any and may include individuals who have regular contact with the child, teachers, doctors or others who have evaluated or maintained records on the child, people who are in an established personal or professional relationship with the parent or caregiver and who can judge the quality and nature of the parent or caregiver behavior and functioning, and people who have records or information about the parent or caregiver as a result of their involvement with, or exposure to, the parent or caregiver.

The CPS worker must:

- Gather information from collateral sources throughout the CPS assessment.
- Protect the identity of collateral sources to the extent possible.
- Consult with the district attorney or the assistant attorney general to obtain a court order for records from collateral sources, if the source is unwilling to share information with the Department.

### **3. Consult with a CPS supervisor**

#### **Procedure**

The CPS worker must consult with a CPS supervisor or designee:

- When the CPS worker has reasonable cause to believe the alleged perpetrator is an employee of any program, office or division of the Department of Human Services (DHS)

- or Oregon Youth Authority (OYA).
- When a referral involves the home of a Department-certified foster parent or relative caregiver.
- When a referral involves allegations that child abuse or neglect occurred in a private child caring agency.
- When a CPS worker receives notification that a closed at screening or new referral was created on an open CPS assessment.
- Prior to a decision to place a child in protective custody, or after placement if consultation before placement will delay the safety intervention.
- Prior to initiating court action, or after initiating court action if consultation will delay the safety intervention.
- When the referral involves a child fatality.
- When making a disposition in a complicated or sensitive situation or case.
- When closing an assessment with the disposition of “unable to locate”.
- Prior to developing an initial safety plan with a Department certified foster parent or relative caregiver.

Subject to the discretion of the CPS supervisor, the CPS worker will consult with a CPS supervisor or designee at key points during the assessment, such as:

- Before making initial contact with the family.
- When a referral indicates potential danger to the worker.

#### **4. Contact and work with other entities**

OAR 413-015-0415 outlines when the CPS worker may need to work with representatives of other entities to gather and analyze safety related information, develop a sufficient protective action plan, initial safety plan, or ongoing safety plan, and to complete the CPS assessment.

The following are the entities the CPS worker must contact, gather information from and work with:

- Office of Child Care. The CPS worker must notify and coordinate with the Compliance Unit of the Office of Child Care when a report involves a registered day-care home or a licensed day-care center, as required by ORS 419B.020(1).
- Oregon Youth Authority (OYA). The CPS worker must notify OYA when the allegation involves an OYA certified foster home.
- Office of Adult Abuse Prevention and Investigation (OAAPI). The CPS worker must notify the OAAPI when the allegation involves a child with intellectual or developmental disabilities in a residential group home licensed by the Office of Developmental Disabilities Services.
- Office of Licensing and Regulatory Oversight. The CPS worker must notify the Office of Licensing and Regulatory Oversight Children’s Care Licensing Unit when the allegation involves a licensed private child caring agency which is not a CCP.

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- Community Mental Health Program, Community Developmental Disabilities Program or Adult Protective Services. The CPS worker must make a report to the Community Mental Health Program, Community Developmental Disabilities Program or the local Adult Protective Service office when the CPS worker has reasonable cause to believe:
  - (i) That any person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older, whom the CPS worker comes into contact with, while acting in an official capacity, has suffered abuse.
  - (ii) That any person with whom the CPS worker comes into contact, while acting in an official capacity, has abused a person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older.
- Indian Tribes. If the CPS worker knows or has reason to know that the child is an Indian child, the CPS worker must give notice within 24 hours to the Indian child's tribe that a CPS assessment is being conducted unless the screener documented completion of this notification in the referral.
- Probation and Parole. The CPS worker must contact probation and parole when the allegation involves a parent or caregiver, or alleged perpetrator who is supervised by probation or parole.
- Law Enforcement. If the screener did not cross report, the CPS worker must contact one or more law enforcement agencies in accordance with the protocols of the local MDT agreement and in accordance with cross reporting rules, OAR 413-015-0300 to OAR 413-015-0310. When there is a joint response involving a CPS worker and LEA staff, the CPS worker is still responsible for all of the activities necessary to complete a CPS assessment which are summarized in OAR 413-015-0400. The CPS worker must, in consultation with a CPS supervisor, determine whether to coordinate assessment activities with LEA in the following situations:
  - (i) Presence of danger. When the CPS worker has information that indicates that the child is unsafe right now.
  - (ii) Family cooperation. When the CPS worker has information that the family may not allow the CPS worker to observe the alleged victim or other children in the home.
  - (iii) Protective custody. When the CPS worker has information that a child may need to be placed in protective custody for the child's safety.
  - (iv) Child interview. When the CPS worker and the LEA officer must each interview a child, it is preferable to coordinate the interviews to reduce the number of interactions with the child.
  - (v) Worker safety. When the CPS worker has information that indicates the family behaviors, conditions, or circumstances could pose a danger to the CPS worker.
  - (vi) Crime committed. When the CPS worker suspects or receives a report that a crime may have been committed.
- Public or Private Schools. The CPS worker may interview a child at school when the worker believes it will be the best environment in which to assure a child's safety when

making contact with the child. ORS 419B.045 provides requirements for CPS investigations that are conducted on school premises. The CPS worker must do following:

- (i) Notify the school administrator that a CPS assessment must be conducted. If the school administrator is a subject of the CPS assessment, then notification is not required.
  - (ii) Report to the school office, provide identification, inform school personnel of the CPS assessment, and provide the name of the child to be interviewed.
  - (iii) Request information from school personnel regarding the disabilities of the child, if any, prior to an interview with the affected child.
  - (iv) Interview the child out of the presence of other persons, unless the CPS worker believes the presence of a school employee or other person would facilitate the interview. If the CPS worker believes that a school employee does not need to be present, but the school employee insists on being present during the interview, the worker may confer with the CPS supervisor for assistance in handling the situation.
  - (v) Discuss further actions with the child at the conclusion of the interview.
  - (vi) Inform school personnel when the interview has been completed.
  - (vii) Inform school personnel if the child is taken into protective custody.
  - (viii) Inform school personnel that the CPS worker will notify parents of the interview.
  - (ix) Contact the CPS supervisor if school officials refuse to allow the assessment to take place on school property.
- Multi-Disciplinary Teams (MDTs). Department district managers must develop inter-agency agreements regarding assessment of child abuse and neglect, as necessary, with local MDTs. Requirements for MDT protocols are set out in ORS 418.747.

The CPS worker may, as appropriate, notify or consult with other DHS programs or other agencies, including but not limited to the Office of Vocational Rehabilitation Services and Animal Control.

### **5. Plan what to take**

#### **Procedure**

Prepare to bring all materials that likely will be needed when conducting the assessment. The CPS worker can prepare these materials in what is often referred to as a “go out packet.” This packet of information may include:

- The screening report (307A) or CPS Assessment (307B) (having the names and address are essential)
- Releases of Information (DHS 2099)
- “What you Need to Know About a Child Protective Services Assessment” pamphlet (DHS 1536).
- LEDS Notice (DHS 9004)
- Service Application (DHS 0304)

- Resource materials
- Father's Questionnaire (DHS 0418)
- ICWA form (DHS 1270)
- Certification packet
- Protective Custody Notice/Protective Custody Summons
- Court Appointed Attorney form
- Relative Search form (DHS 0449)
- Placement Information form (DHS 0261)
- Domestic violence resource information
- Local Alcohol and Drug Treatment resource information
- Protective Action Plan Form (DHS 1534)
- Initial Safety Plan (DHS 1149)
- Additional equipment
  - Car seats
  - Camera
  - Cell phone
  - Pen/pencil and paper

### 6. Anticipate interventions

#### Procedure

Decisions regarding child safety are informed by gathering safety related information. The CPS worker must be prepared to identify present danger safety threats and impending danger safety threats and take action if either are identified.

- If a present danger safety threat or impending danger safety threat is identified the CPS worker must implement a plan to manage safety for the child. Safety services must be individualized to meet the particular child safety needs and unique family behaviors, conditions and circumstances, based on a comprehensive understanding of how the identified safety threat to child safety is operating in the family. Safety services are different than services focused on treatment or change. A safety service provider will interrupt the behavior causing the unsafe family condition. For example:
  1. If the family agrees to go to a domestic violence shelter, this is considered a safety service, while general domestic violence assessment and counseling are not.
  2. A mental health evaluation or substance abuse evaluation further informs the assessment, but does not in anyway control or manage safety threats.
  3. Immediate access to day care can be a safety service if it removes the child from the

unsafe behavior, condition, or circumstance.

Note: Child Welfare Policy I-AB.7, “Assessment of an Individual as a Safety Service Provider,” OAR 413-015-1200 thru 1230, requires the CPS worker or caseworker to take several actions to assess and determine an individual’s suitability as a safety service provider, which is defined as “a participant in a protective action plan, initial safety plan or on-going safety plan whose actions, assistance, or supervision help a family in managing a child’s safety.”

A sufficient protective action plan or safety plan immediately interrupts the behavior causing the unsafe situation and contains the following elements:

1. Clearly controls or manages the impending danger threat.
2. Has an immediate effect.
3. Uses actions, people and resources that are immediately accessible and available.
4. Contains safety services and actions only (Not change based or case plan services).
5. Safety Service Providers were assessed to be suitable and reliable through a due diligence approach. It is not based on promises from parent/caregivers.
6. Includes detail on the oversight processes by DHS.

### **7. Plan for worker safety**

Every CPS case has the potential for unexpected confrontation due to the involuntary nature of CPS assessments. The first step in ensuring the safety of the CPS worker is to evaluate the situation before the initial contact. Effective engagement skills are also vital to de-escalating situations and engaging the family in difficult conversations.

#### **Procedure**

- In order to effectively evaluate the safety of the CPS worker, the CPS worker should consider the following questions:
  1. Is there a history of domestic violence?
  2. Does the referral indicate the possibility of a family member with a mental illness that results in violent or unpredictable behavior?
  3. Are there firearms or other weapons noted in the referral?
  4. Is someone in the home using drugs or likely to be currently intoxicated, high on drugs or selling drugs?
  5. Is the family’s geographic location extremely isolated or dangerous?
  6. Are there multiple complaints involving the family?
  7. Is the home visit scheduled after normal working hours?
  8. Are the subjects violent or hostile?
  9. Does the information note life-threatening or serious injuries to the children?
  10. Is it likely the children will be removed from the family situation on this visit?

11. Does the housing situation or neighborhood increase concerns for staff personal safety?

12. Does the family have pets that are potentially dangerous?

- Precautions for worker safety:

1. Have access by telephone to a supervisor or designated staff person for consultation.
2. Always inform the supervisor or other agency personnel of the worker's interview/visitation schedule and approximate return time when there is contact with the family.
3. Observe each person in and around the area closely and watch for signs that may indicate any potential for personal violence.
4. Follow one's instincts. Any time the caseworker feels frightened or unsafe, he or she should assess the immediate situation and take whatever action is necessary to obtain protection.
5. Avoid dangerous or unfamiliar areas at night.
6. Learn the safest route to the family's home.
7. Be sure the car is in good working order, and park it in a way that allows a quick exit.
8. Carry a cell phone and charged battery.
9. Whenever possible and feasible, plan to make initial contacts with another staff person or law enforcement officer when appropriate.

### **B. Preparing for the initial contact: What to think about**

Prepare to gather safety-related information through interviews and observation.

- Based on the information gathered at screening, each assessment should be planned with consideration given to:
  1. Where the interviews will take place.
  2. When the interviews will be conducted.
  3. How many interviews likely will be needed.
  4. How long each interview likely will last.
  5. What questions likely will be asked.
  6. Whether other agencies should be notified to participate in the interviews.
  7. Where are the other people who need to be interviewed likely to be found? For instance, if the father works the night shift, he may be home sleeping at noon.