

## 7. Develop Protective Action Plans, Initial Safety Plans and Ongoing Safety Plans

As outlined in OAR 413-015-0432, when a present danger safety threat or impending danger safety threat is identified, a CPS worker must put a safety plan in place to manage the threat. There are three types of safety plans: the protective action plan which manages present danger safety threats, and the initial safety plan and the ongoing safety plan, which manage impending danger safety threats.

Shared requirements for a protective action plan, initial safety plan or ongoing safety plan:

- When developing a protective action plan, initial safety plan or ongoing safety plan, the CPS worker must:
  - Assure the plan focuses on and controls the identified present danger safety threat or impending danger safety threat;
  - Not use a parent or caregiver who is the alleged perpetrator of physical abuse, sexual abuse, or domestic violence to provide protection or any other adult who was aware of the threats to child safety and did not protect;
  - Include safety service providers that have been confirmed to be suitable to provide safety for the child (refer to OAR 413-015-1200 through 413-015-1230, “Assessment of an Individual as a Safety Service Provider”);
  - Involve the child’s parent or caregiver;
  - Use the Indian child’s tribe as a resource, unless the tribe declines, when the CPS worker knows or has reason to know the child is an Indian child; and
  - Assure it has been approved by a Department supervisor.
- The protective action plan, initial safety plan or ongoing safety plan , whether in-home or out-of-home, must:
  - Be a written document between the parent or caregiver and the Department;
  - Provide a detailed description of the present danger safety threat or impending danger safety threat;
  - Describe how identified present danger safety threats or impending danger safety threats will be managed, including:
    - If impending danger safety threats will be managed in-home, an explanation of how the in-home criteria were met;
    - If impending danger safety threats will be managed out-of-home, an explanation of how the in-home criteria were not met; and
    - How the plan will be monitored;
  - Identify the safety service providers and the safety services necessary to implement the plan;
  - Establish the time commitments and availability of those involved in the plan; and

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- Include conditions for return when an out-of-home ongoing safety plan is developed.
- The CPS worker must determine whether the impending danger safety threats will be managed with an in-home or out-of-home initial safety plan or ongoing safety plan by determining how the impending danger safety threat is occurring and applying the in-home safety plan criteria.
  - The CPS worker must understand how the impending danger safety threat is occurring as required in OAR 413-015-0428, “Identifying How the Impending Danger Safety Threat is Occurring” and use the information about how the impending danger safety threat is occurring to develop the least intrusive plan that can manage the identified impending danger safety threat occurring within the particular family;
  - An in-home initial safety plan or in-home ongoing safety plan is required when all of the following in-home safety plan criteria are met:
    - There is a home-like setting where the parent and child live.
    - The home is calm enough to allow safety service providers access and activities to occur.
    - At least one parent is willing to cooperate with the plan.
    - The necessary safety activities and resources are available to implement the plan.
  - An out-of-home initial safety plan or ongoing safety plan is required when any of the in-home safety plan criteria outlined in home safety plan criteria are not met.
- A protective action plan, initial safety plan or in-home ongoing safety plan may be a combination of in-home and out-of-home in order to assure the least intrusive intervention.
- The CPS worker must make modifications to the protective action plan, initial safety plan or ongoing safety plan, as necessary, to continue to control the identified present danger safety threats or impending danger safety threats.
- When assessing an allegation of sexual abuse, if a plan includes a parent or caregiver, who is the alleged perpetrator, consenting to leave the family home, the CPS worker must notify the local district attorney responsible for the Multi-Disciplinary Team in the county where the child resides that a plan of this type has been developed, pursuant to ORS 418.800. The notice must:
  - Be in writing; and
  - Be provided within three business days of the date the parent or caregiver leaves the family home.
- When a plan includes a parent or caregiver, who is the alleged perpetrator, consenting to leave the family home without their children or have their children leave the family home without them, the CPS worker must, in consultation with a supervisor, file a petition alleging the child is within the jurisdiction of the juvenile court pursuant to ORS 419B.100 within 10 calendar days of the date the parent or caregiver or their children leaves the home if the plan is still necessary to assure child safety and will continue to be necessary for the immediate future.

- Additional Requirements for a Protective Action Plan as outlined in OAR 413-015-0435 are that the protective action plan:
  - Manages present danger safety threats;
  - Is in place before the CPS worker leaves the home;
  - Does not remain in place longer than 10 calendar days; and
  - Does not remain in place after the CPS assessment is complete.
- Additional Requirements for an Initial Safety Plan as outlined in OAR 413-015-0437 are that the initial safety plan:
  - Manages impending danger safety threats; and
  - Does not continue or remain in place after the CPS assessment is complete.
- Additional Requirements for an Ongoing Safety Plan as outlined in OAR 413-015-0450 are that the CPS worker must:
  - Use a Child Safety Meeting unless a supervisor approved an exception; and
  - Re-evaluate the initial safety plan, if one is in place, to determine if it is appropriate and sufficient as an ongoing safety plan and re-confirm all commitments with all safety service providers identified in the initial safety plan if it is to become an ongoing safety plan.
- Documentation. The CPS worker must provide a detailed description of the protective action plan, initial safety plan or ongoing safety plan developed to manage the present danger safety threat or impending danger safety threat. Documentation must be completed in OR-Kids within five business days following the identification of the threat and must include:
  - All requirements outlined above for the in-home or out of home plan;
  - A summary of the parents' and caregivers' agreement to and acceptance of the plan; and
  - The date the plan was reviewed by a supervisor and the name of the supervisor who reviewed it.

### **Procedure**

#### **In-Home Initial Safety Plan or Ongoing Safety Plan**

The CPS worker either ensures child safety by managing impending danger safety threats in the home or out of the home. An in-home initial safety plan or in-home ongoing safety plan is required when safety actions and services can ensure child safety can be managed and controlled in the child's own home. All four of the following in-home safety plan criteria must be met for an in-home initial safety plan or in-home ongoing safety plan to manage safety:

- There is a home-like setting where the parent and child live.
- The home is calm enough to allow safety service providers access and activities to occur.

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- At least one parent is willing to cooperate with the plan.
- The necessary safety activities and resources are available to implement the plan.

At any point if one of the above criteria is no longer met, an in home initial safety plan or in-home ongoing safety plan is no longer able to be implemented and the caseworker must consult with a supervisor to determine next steps.

### **Out-of-home plan**

An out-of-home initial safety plan or ongoing safety plan is required when separation of the child from the impending danger safety threats, including separation of the child from the child's home or a child from their parents or caregivers, is necessary to ensure the child's safety. One of the following criteria must be missing in order for an out-of-home initial safety plan or out-of-home ongoing safety plan to be required:

- There is a home-like setting where the parent and child live.
  - The home is calm enough to allow safety service providers access and activities can occur.
  - At least one parent is willing to cooperate with the plan.
  - The necessary safety activities and resources are available to implement the plan.
1. Include safety service providers that have been confirmed to be suitable (relatives, neighbors, community partners) to provide safety for the child; and
  2. Consider the following criteria when determining the suitability of a safety service provider, especially a non-professional safety service provider:
    - The person's viewpoint toward the child is appropriate and realistic,
    - The person's understanding of the family problems is consistent with the facts,
    - The person's beliefs about what happened that required safety intervention and who is responsible are reasonable and appropriate,
    - The person accepts CPS involvement,
    - The person's use of substances in no way affects his or her ability to perform expected responsibilities,
    - The person possesses the knowledge, skills and motivation necessary to perform the action or service being asked of him or her,
    - The person has sufficient resources to meet his or her responsibilities,
    - The person currently is not involved in any criminal behavior and does not have a history or pattern of criminal behavior that affects his or her ability to perform expected responsibilities,
    - The person is not a party to an active CPS case, and
    - The person does not have a CPS history that affects his or her ability to perform expected responsibilities.
- When determining the suitability of a safety service provider who will be a placement

resource, consider the following criteria:

1. The person's living arrangement is safe,
  2. The person's home is secure from access by others,
  3. The person and home situation are stable, and
  4. The person is not involved in domestic violence.
- Be approved by a CPS supervisor.

If the initial safety plan or ongoing safety plan results in an out-of-home placement, the following options may be applicable:

1. **Emergency Certification:** A child-specific certification is an expedited process to certify a relative or unrelated adult to avoid placement with persons unknown to the child and minimize trauma to the child. The CPS worker can begin the child-specific certification assessment on initial contact with the adult to be considered for child-specific certification. In some local child welfare offices, assessment and certification responsibilities remain solely in the certification units. In other local child welfare offices, a CPS worker performs these functions during the assessment. In either case, the CPS worker or certifier begins the process of assessing the adult's ability to and interest in providing substitute care and/or identification of other possible relatives who may be interested in providing substitute care. The complete procedures are outlined in Substitute Care Services.
2. **Placement with an unrelated adult known to the child:** In some cases during the screening and assessment process, the CPS worker will identify unrelated adults who are willing to provide substitute care for the child (e.g., a teacher, neighbor or family friend). If no relatives are identified or available for immediate placement of the child, unrelated adults known to the child may be considered. The CPS worker contacts these persons to determine if the person is able to provide immediate care and safety to the child. The worker begins procedures for immediate certification of the family.

When an initial safety plan or ongoing safety plan is put in place the caseworker and supervisor must consider the least intrusive plan possible to manage the impending danger safety threat.

**Note:** When the child is placed in a substitute care placement, the CPS worker is responsible for many activities. Please refer to the substitute care services section of the procedures manual for related information, such as the caseworker/foster parent relationship, medical cards, clothing vouchers and medical care.

### **A. Protective Action Plan**

If the CPS worker and supervisor have determined that Present Danger exists the CPS worker must immediately initiate a protective action plan.

A Protective action plan is an immediate (same day), short term (10 day maximum), sufficient strategy that provides a child responsible adult supervision and care to allow for the completion of the CPS assessment. A Protective action plan is an intervention required to assure child safety and is not optional. The purpose of a Protective action plan is to ensure that children are safe while

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CPS intervention continues and a fuller understanding of the family is obtained. A Protective action plan could involve taking the child into protective custody and always starts with the least intrusive option, when child safety allows.

The following are options from the least to most restrictive:

1. The threatening person leaves the home.
  2. A responsible adult is in the home periodically.
  3. A responsible adult moved into the home 24/7.
  4. A responsible adult routinely monitors the home.
  5. The child is cared for outside the home periodically.
  6. The child lives with someone in the family network part time.
  7. The child lives with someone in the family network 24/7.
  8. The child is placed in foster care.
- When establishing a Protective action plan, the following criteria must be met:
    - Immediate: The plan must be capable of being in operation the same day it is created. Before the CPS worker leaves the home, the Protective action plan must be in motion and confirmed.
    - Short Term: The plan is very specific, tied to particular present danger situations and must control the present danger safety threat until sufficient information can be gathered and analyzed to determine the need for an Initial Safety Plan or ongoing safety plan.
      - Protective action plans must be sufficient to manage safety until the initial assessment is complete. There is not an intention for these plans to last beyond the initial assessment.
      - The time frame for the Protective action plan is no more than 10 days. This is tied to the amount of time it will take CPS to gather all the information necessary to understand the issues/conditions that affect safety - namely, impending danger safety threats.

### Sufficient

- The Protective action plan must manage the present danger safety threat and the CPS worker must confirm that it will do so.
- The CPS worker must verify that safety service providers are responsible, will be available, are trustworthy, and are capable. This does not use a parent or caregiver who is the alleged perpetrator of physical abuse, sexual abuse or domestic violence to provide protection.
- Additionally, it must be confirmed that safety service providers are willing to cooperate with the protective action plan.
- Although legal action may be necessary to carry out a protective action plan, the caregiv-

ers' ability/willingness to cooperate must still be assessed and confirmed.

- If the plan includes the child residing outside his or her household, the safety of the environment where the child is to stay must be determined.
- Must be approved by a CPS supervisor.

### Modifying the protective action plan

- The CPS worker must modify the protective action plan, as necessary, to continue to control the identified present danger safety threats until sufficient information can be gathered and analyzed to determine whether there is a need for an initial or ongoing safety plan.
- Protective action plans are ended if a present danger safety threat no longer exists.
- Protective action plans are replaced with initial safety plans if at any time while the protective action plan is in effect present danger no longer exists and impending danger is identified.

Please refer to Appendix # 2.6, Protective action plan Example.

## **B. Initial Safety Plan**

At any time during the assessment if a CPS worker determines there is an impending danger safety threat the CPS worker must create an initial safety plan. The purpose of the initial safety plan is to control impending danger safety threats as they are uniquely occurring within a particular family, identify foreseeable impending danger safety threats, and identify safety services and safety service providers while the CPS worker continues the assessment.

## **C. Ongoing Safety Plan**

The ongoing safety plan manages and controls impending danger safety threats during ongoing case management. The ongoing safety plan is established to enhance child safety and must be sufficient and the least intrusive possible to keep children safe. Ongoing safety plans can be either in-home or out-of-home safety plans or a combination of both.

If the initial safety plan is effective in managing the identified impending danger safety threats, it can be used as the ongoing safety plan. The safety plan should consistently be monitored for sufficiency and modified as more information is learned if needed. The ongoing safety plan will remain in place until the impending danger safety threats can be managed and controlled by the caregiver or until the threats are eliminated.

- Understand the safety decisions made
- Confirm that the initial safety plan is sufficient to control the impending danger safety threats
- Use the in-home safety plan criteria when confirming that an out of home ongoing safety plan is the least intrusive
- Reduce the level of intrusiveness in an ongoing safety plan when:

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- The protective capacities of the parent is sufficient to impact their ability to control the impending danger safety threat(s)
- The impending danger safety threat(s) can be managed with less intrusive actions or services (e.g. service providers, relatives, etc.)
- Increase the level of intrusiveness in an ongoing safety plan when:
  - The impending danger safety threat cannot be managed with the current ongoing safety plan, the caseworker must revise the safety plan.
- Identify gaps in information or safety actions/plans that must be addressed now

Understanding how the impending danger safety threats operate within a family provides us with a prescription for managing and controlling the threats. Once the impending danger safety threats are understood, the components required for the ongoing safety plan become much clearer.

Understand how the impending danger safety threats operate in the family by answering each of the questions below. By knowing the answers to the questions it is clear what must be managed and controlled as well as when it must be controlled.

- Who is creating the impending danger safety threat and/or allowing the threat?
- What are those who are creating/allowing the impending danger safety threat doing or not doing?
- To whom?
  - What children are affected?
- When is the impending danger safety threat(s) occurring?
  - What times, days of the week, etc?
- Precipitants?
  - What is contributing to the impending danger safety threat?
- How often is the impending danger safety threat occurring?
  - With what frequency?
- How long has the impending danger safety threat been occurring?
  - What is the duration?
- How pervasive or persistent is the impending danger safety threat?
  - Multi-generational?

