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**TEMPORARY ADMINISTRATIVE RULES**  
A Statement of Need and Justification accompanies this form.

**FILED**  
9-30-15 10:23 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on Upon filing, by the  
Department of Human Services, Child Welfare Programs 413

Agency and Division

Administrative Rules Chapter Number

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To become effective 10/01/2015 through 03/28/2016.

**RULE CAPTION**

Amending rules relating to children and young adults in substitute care

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**ADOPT:**

413-080-0053, 413-090-0087

**AMEND:**

413-015-0115, 413-015-0211, 413-015-0415, 413-080-0050, 413-080-0054

**SUSPEND:**

**Statutory Authority:**

409.050, 411.060, 411.070, 418.005

**Other Authority:**

Preventing Sex Trafficking and Strengthening Families Act of 2014; 42 USC 671(a)

**Statutes Implemented:**

409.010, 409.050, 411.060, 411.070, 418.005, 418.015

**RULE SUMMARY**

The Department of Human Services, Office of Child Welfare Programs, is adopting temporary amendments to implement provisions of the Preventing Sex Trafficking and Strengthening Families Act of 2014 relating to the Department's responsibilities when a child or young adult in substitute care is missing. Specifically, the amendments do the following:

- State that when a child or young adult in substitute care is missing, the caseworker must:
  - o Make immediate efforts to locate the child or young adult; and
  - o Notify the court and legal parties to the case that the child or young adult is missing. (OAR 413-080-0053)
  
- State that when a child or young adult in substitute care is located, the caseworker must:
  - o Determine and address the primary factors that contributed to the missing status of the child or young adult;
  - o Determine the child or young adult's experiences while missing;
  - o Determine if the child or young adult is a victim of sex trafficking or is at risk of being a victim of sex trafficking; and
  - o Notify the court and legal parties to the case that the child or young adult has been located. (OAR 413-080-0053)
  
- State that monthly face-to-face contact is a required CPS (Child Protective Services) assessment activity (OAR 413-015-0415) and if a caseworker is unable to make face-to-face contact with a child or young adult because the child or young adult is missing, the caseworker must follow the protocols in OAR 413-080-0053 described above. (OAR 413-015-0054)

- Add definitions for "monthly face-to-face contact," and "sex trafficking," and "young adult." (OAR 413-015-0115 and 413-015-0415)
- Clarify that reports of a missing child or young adult must be documented in the Department's electronic information system. (OAR 413-015-0211)
- Require BRS (Behavior Rehabilitation Services) providers to immediately report to the Department information about a missing child or young adult placed with a BRS program. (OAR 413-090-0087)

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Secretary of State  
**STATEMENT OF NEED AND JUSTIFICATION**  
A Certificate and Order for Filing Temporary Administrative Rules  
accompanies this form

**FILED**  
9-30-15 10:23 AM  
ARCHIVES DIVISION  
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Department of Human Services, Child Welfare Programs  
Agency and Division

413  
Administrative Rules Chapter Number

Amending rules relating to children and young adults in substitute care

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Temporary adoption of OAR 413-080-0053 and 413-090-0087 and temporary amendment of 413-015-0115, 413-015-0211, 413-015-0415, 413-080-0050, and 413-080-0054

**Statutory Authority:**

409.050, 411.060, 411.070, 418.005

**Other Authority:**

Preventing Sex Trafficking and Strengthening Families Act of 2014; 42 USC 671(a)

**Statutes Implemented:**

409.010, 409.050, 411.060, 411.070, 418.005, 418.015

**Need for the Temporary Rule(s):**

These rules need to be amended to implement provisions of the Preventing Sex Trafficking and Strengthening Families Act of 2014. The law requires the Department to develop and implement protocols to: locate children and young adults missing from substitute care; determine and address the primary factors that contributed to the missing status of the child or young adult; determine the child or young adult's experiences while missing; and determine if the child or young adult is a victim of sex trafficking. These amendments establish these requirements and align the Department with federal law.

**Documents Relied Upon, and where they are available:**

None.

**Justification of Temporary Rule(s):**

The Department finds that failure to act promptly by amending these rules will result in serious prejudice to the public interest, the Department, and children and young adults in substitute care. The Department needs to proceed by temporary rule because establishing these protocols will improve the Department's response to children and young adults who are missing from substitute care and ensure the Department is in compliance with federal law, which will immediately benefit the public, the Department, and children and young adults in substitute care.

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## 413-015-0115

### Definitions

~~(Amended 12/24/14)~~ *(Temporary Effective 10/01/15 - 03/28/16)*

Unless the context indicates otherwise, these terms are defined for use in OAR chapter 413, division 015:

- (1) "Caregiver" means a *guardian*, legal custodian, or other person acting in loco parentis, who exercises significant authority over and responsibility for a *child*.
- (2) "Child" means a person under 18 years of age.
- (3) "Child abuse or neglect" means any form of abuse, including abuse through neglect and abuse or neglect by a third party, of a person under age 18.
- (4) "Child protective services" (CPS) means a specialized social service program that the Department provides on behalf of children who may be *unsafe* after a *report of child abuse or neglect* is received.
- (5) "Child protective services assessment" (CPS assessment) means an investigation into a *report* of child abuse pursuant to ORS 419B.020, that includes activities and interventions to identify and analyze threats to child safety, determine if there is reasonable cause to believe *child abuse or neglect* occurred, and assure child safety through protective action plans, initial safety plans, or ongoing safety planning.
- (6) "Child protective services supervisor" (CPS supervisor) means an employee of the Department trained in *child protective services* and designated as a supervisor.
- (7) "Child protective services worker" (CPS worker) means an employee of the Department who has completed the mandatory Department training for child protective service workers.
- (8) "Child Safety Meeting" means a meeting held at the conclusion of a CPS assessment for the purpose of developing an *ongoing safety plan*.
- (9) "Children's Care Provider" (CCP) means a DHS-licensed Residential Care Agency, Day Treatment Program, Foster Care Agency, Therapeutic Boarding School, or Outdoor Youth Program that has assumed responsibility for all or a portion of the care of a *child*. The term includes the CCP's employees, agents, contractors and their employees, and volunteers.
- (10) "Conditions for return" means a written statement of the specific behaviors, conditions, or circumstances that must exist within a child's home before a *child* can safely return and remain in the home with an in-home *ongoing safety plan*.

- (11) "Day Care Facility" means each of the following:
- (a) A Registered Family Child Care Home, which is the residence of a provider who has a current Family Child Care Registration at that address and who provides care in the family living quarters.
  - (b) A Certified Family Child Care Home, which is a child care facility located in a building constructed as a single family dwelling that has certification to care for a maximum of 16 children at any one time.
  - (c) A Certified Child Care Center, which is certified to care for 13 or more children, or a facility that is certified to care for twelve or fewer children and located in a building constructed as other than a single family dwelling.
  - (d) A Listed Facility, which is a child care provider that is exempt from Office of Child Care licensing and that receives subsidy payments for child care on behalf of clients of the Department of Human Services.
- (12) "Department" means the Department of Human Services, Child Welfare.
- (13) "Department response" means how the Department intends to respond to information that a *child* is *unsafe* after a *report* of alleged abuse or neglect is received.
- (14) "Designated medical professional" means (as described in ORS 418.747(9)) a physician, physician assistant, or nurse practitioner who has been designated by the local *multi-disciplinary team* and trained to conduct child abuse medical assessments (as defined in ORS 418.782), and who is -- or who may designate another physician, physician assistant, or nurse practitioner who is -- regularly available to conduct these medical assessments.
- (15) "Domestic violence" means a pattern of coercive behavior, which can include physical, sexual, economic, and emotional abuse that an individual uses against a past or current intimate partner to gain power and control in a relationship.
- (16) "Face-to-face" means an in-person interaction between individuals.
- (17) "Former foster child" means a person under 21 years of age who was in substitute care at or after 16 years of age, including substitute care provided by federally recognized tribes, and had been in substitute care for at least 180 cumulative days after 14 years of age.
- (18) "Guardian" means an individual who has been granted guardianship of a *child* through a judgment of the court.

- (19) "Harm" means any kind of impairment, damage, detriment, or injury to a child's physical, sexual, psychological, cognitive, or behavioral development or functioning. "Harm" is the result of *child abuse or neglect* and may vary from mild to severe.
- (20) "ICWA" means the Indian Child Welfare Act.
- (21) "Impending danger safety threat" means a family behavior, condition, or circumstance that meets all five *safety threshold* criteria. A threat to a *child* that is not immediate, obvious, or occurring at the onset of the CPS intervention. This threat is identified and understood more fully by evaluating and understanding individual and family functioning.
- (22) "Initial contact" means the first *face-to-face* contact between a CPS worker and a family. The initial contact includes *face-to-face* contact with the alleged child victim, his or her siblings, parent or *caregiver*, and other children and adults living in the home; accessing the home environment; and gathering sufficient information on the family conditions and functioning to determine if present danger safety threats or impending danger safety threats exist.
- (23) "Initial safety plan" means a documented set of actions or interventions sufficient to protect a *child* from an *impending danger safety threat* in order to allow for completion of the CPS assessment.
- (24) "Moderate to high needs" means *observable* family behaviors, conditions, or circumstances that are occurring now; and over the next year without intervention, are likely to have a negative impact on a child's physical, sexual, psychological, cognitive, or behavioral development or functioning. The potential negative impact is not judged to be severe. While intervention is not required for the *child* to be *safe*, it is reasonable to determine that short-term, targeted services could reduce or eliminate the likelihood that the negative impact will occur.
- (25) "Monthly face-to-face contact" means in-person interaction between individuals at least once each and every full calendar month.
- (256) "Multi-disciplinary team" (MDT) means a county child abuse investigative team as defined in ORS 418.747.
- (267) "Observable" means specific, real, can be seen and described. Observable does not include suspicion or gut feeling.
- (278) "Ongoing safety plan" means a documented set of actions or interventions that manage a child's safety after the Department has identified one or more impending danger safety threats at the conclusion of a CPS assessment or anytime during ongoing work with a family.

(289) "Out of control" means family behaviors, conditions, or circumstances that can affect a child's safety are unrestrained, unmanaged, without limits or monitoring, not subject to influence or manipulation within the control of the family, resulting in an unpredictable and chaotic family environment.

(2930) "Personal representative" means a person who is at least 18 years of age and is selected to be present and supportive during the CPS assessment by a *child* who is the victim of a person crime as defined in ORS 147.425 and is at least 15 years of age at the time of the crime. The personal representative may not be a person who is a suspect in, party or witness to, the crime.

(301) "Pre-adoptive family" means an individual or individuals who:

- (a) Has been selected to be a child's adoptive family; and
- (b) Is in the process of legalizing the relationship to the *child* through the judgment of the court.

(342) "Present danger safety threat" means an immediate, significant, and clearly *observable* family behavior, condition, or circumstance occurring in the present tense, already endangering or threatening to endanger a *child*. The family behavior, condition, or circumstance is happening now and it is currently in the process of actively placing a *child* in peril.

(323) "Private child-caring agency" is defined in ORS 418.205, and means a "child-caring agency" that is not owned, operated, or administered by any governmental agency or unit.

- (a) A "child-caring agency" means an agency or organization providing:
  - (A) Day treatment for disturbed children;
  - (B) Adoption placement services;
  - (C) Residential care, including but not limited to foster care or residential treatment for children;
  - (D) Outdoor youth programs as defined in OAR 413-215-0911; or
  - (E) Other similar services for children.
- (b) A "child-caring agency" does not include residential facilities or foster care homes certified or licensed by the Department under ORS 443.400 to 443.455, 443.830, and 443.835 for children receiving developmental disability services.

(334) "Protective action plan" means an immediate, same day, short-term plan, lasting a maximum of ten calendar days, sufficient to protect a *child* from a *present danger safety threat*.

(345) "Protective capacity" means behavioral, cognitive, and emotional characteristics that can specifically and directly be associated with a person's ability and willingness to care for and keep a *child* safe.

(356) "Protective custody" means custody authorized by ORS 419B.150.

(367) "Reasonable suspicion" means a reasonable belief given all of the circumstances, based upon specific and describable facts, that the *suspicious physical injury* may be the result of abuse. Explanation: The belief must be subjectively and objectively reasonable. In other words, the person subjectively believes that the injury may be the result of abuse, and the belief is objectively reasonable considering all of the circumstances. The circumstances that may give rise to a reasonable belief may include, but not be limited to, observations, interviews, experience, and training. The fact that there are possible non-abuse explanations for the injury does not negate reasonable suspicion.

(378) "Referral" means a *report* that has been assigned for the purpose of CPS assessment.

(389) "Report" means an allegation of child abuse or neglect provided to the Department that the *screener* evaluates to determine if it constitutes a *report* of child abuse or neglect as defined in ORS 419B.005.

(3940) "Reporter" means an individual who makes a *report*.

(401) "Safe" means there is an absence of present danger safety threats and impending danger safety threats.

(412) "Safety service provider" means a participant in a *protective action plan*, *initial safety plan*, or *ongoing safety plan* whose actions, assistance, or supervision help a family in managing a child's safety.

(423) "Safety services" mean the actions, assistance, and supervision provided by safety service providers to manage the identified present danger safety threats or impending danger safety threats to a *child*.

(434) "Safety threshold" means the point at which family behaviors, conditions, or circumstances are manifested in such a way that they are beyond being risk influences and have become an *impending danger safety threat*. In order to reach the "safety threshold" the behaviors, conditions, or circumstances must meet all of the following criteria: be imminent, be *out of control*, affect a *vulnerable child*, be specific and *observable*, and have potential to cause *severe harm* to a *child*. The

"safety threshold" criteria are used to determine the presence of an *impending danger safety threat*.

(445) "School administrator" means the principal, vice principal, assistant principal, or any other person performing the duties of a principal, vice principal, or assistant principal at a school, as defined in the Teacher Standards and Practices Commission (TSPC) OAR 584-005-0005.

(456) "Screener" means a Department employee with training required to provide *screening services*.

(467) "Screening" means the process used by a *screener* to determine the *Department response* when information alleging abuse or neglect is received.

(478) "Severe harm" means:

- (a) Significant or acute injury to a child's physical, sexual, psychological, cognitive, or behavioral development or functioning;
- (b) Immobilizing impairment; or
- (c) Life threatening damage.

(489) "Substance" means any controlled substance as defined by ORS 475.005, prescription medications, over-the-counter medications, or alcoholic beverages.

(4950) "Suspicious physical injury" (as defined in ORS 419B.023) includes, but is not limited to:

- (a) Burns or scalds;
- (b) Extensive bruising or abrasions on any part of the body;
- (c) Bruising, swelling, or abrasions on the head, neck, or face;
- (d) Fractures of any bone in a *child* under the age of three;
- (e) Multiple fractures in a *child* of any age;
- (f) Dislocations, soft tissue swelling, or moderate to severe cuts;
- (g) Loss of the ability to walk or move normally according to the child's developmental ability;
- (h) Unconsciousness or difficulty maintaining consciousness;

- (i) Multiple injuries of different types;
- (j) Injuries causing serious or protracted disfigurement or loss or impairment of the function of any bodily organ; or
- (k) Any other injury that threatens the physical well-being of the *child*.

(501) "Teacher" means (as defined in TSPC OAR 584-005-0005) a licensed or registered employee in a public school or charter school, or employed by an education service district, who has direct responsibility for instruction, coordination of educational programs, or supervision or evaluation of teachers; and who is compensated for services from public funds.

(512) "Third-party abuse" means abuse by a person who is not the child's parent, not the child's *caregiver* or other member of the child's household, and not a person responsible for the child's care, custody, and control. Examples of persons who could be considered as a third-party under this definition include school personnel, day-care providers, coaches, and church personnel.

(523) "Unsafe" means the presence of a *present danger safety threat* or an *impending danger safety threat*.

(534) "Vulnerable child" means a *child* who is unable to protect him or herself. This includes a *child* who is dependent on others for sustenance and protection. A "vulnerable child" is defenseless, exposed to behaviors, conditions, or circumstances that he or she is powerless to manage, and is susceptible and accessible to a threatening parent or *caregiver*. Vulnerability is judged according to physical and emotional development, ability to communicate needs, mobility, size, and dependence.

(55) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 409.185, 418.005, 418.747, 419B.017, 419B.024, 419B.035

Stats. Implemented: ORS 147.425, 409.185, 418.005, 418.015, 418.747, 419B.005 - 419B.050

## **413-015-0211**

### **Additional Screening Activities**

(Amended 05/27/14)(Temporary Effective 10/01/15 - 03/28/16)

In the specific circumstances described below, the *screeener* must complete additional activities to complete the *screening* process.

- (1) The *screeener* receives information on an open CPS assessment.

- (a) When a *screener* receives duplicate information (same alleged victim, same alleged perpetrator, same allegation of *child abuse or neglect*, and same incident dates) on an open CPS assessment, the *screener* must:
    - (A) Inform the *reporter* that a new *screening* report will not be documented because the information has already been received;
    - (B) Provide the *reporter* with the assigned caseworker's name and phone number; and
    - (C) Provide contact information about the *reporter* and any information the *screener* received to the assigned caseworker.
  - (b) When a *screener* receives information that constitutes a new *report* of child abuse or neglect as defined in ORS 419B.005 on an open CPS assessment, the *screener* must:
    - (A) Document the information in a new *screening* report form; and
    - (B) Notify the assigned CPS worker and their supervisor of all new information received on the same day the information is received, and document this notification in the Department's electronic information system.
  - (c) When a *screener* receives information that constitutes a closed at *screening* on an open CPS assessment, the *screener* must:
    - (A) Document the information in a new *screening* report form; and
    - (B) Notify the assigned CPS worker and their supervisor of all new information received on the same day the information is received, and document this notification in the Department's electronic information system.
- (2) The *screener* receives new information on an open Department case.
- (a) When a *screener* receives new information on an open Department case, the *screener* must:
    - (A) Consult with a CPS supervisor;
    - (B) Notify each assigned case worker and their respective supervisors of all new information received on the same day the information is received, and document this notification in the Department's electronic information system's case notes; and

- (C) Complete notification on the same day the information is received.
- (b) When a *screener* receives a new *report* of child abuse or neglect, as defined in ORS 419B.005, but there is no open CPS assessment, the *screener* must document the information in a new *screening* report form.
- (c) The information received by a *screener* on an open Department case that will not be documented in a new *screening* report form but must be documented in the Department's electronic information system's case notes includes:
  - (A) Additional information on an open case that does not meet the criteria for a new CPS assessment or closed at *screening*;
  - (B) When an in-home *protective action plan*, *initial safety plan*, or *ongoing safety plan* is violated, but the violation is not a new incident of *child abuse or neglect*;
  - (C) Reports of an ongoing concern in an open case, which the Department is currently addressing;
  - (D) Reports of a missing child ~~runaways~~ or young adult; and
  - (E) Any requests for case information received by the *screener*.
- (3) When a *screener* receives information related to the home of a Department certified foster parent or relative caregiver, the *screener* must notify and document that the *screener* has notified each assigned case worker, assigned certifier, and their respective supervisors of all information received (see OAR 413-200-0404 to 413-200-0424).
- (4) When a *screener* receives information related to a minor parent as an alleged perpetrator:
  - (a) The *screener* must gather information to determine if there is a *report* of abuse or neglect with the minor parent as an alleged victim.
  - (b) If the *screener* determines there is a *report* of abuse or neglect of the *child* of the minor parent with the minor parent as an alleged perpetrator and another *report* with the minor parent as an alleged victim, the *screener* must document the information in the following manner to determine when to use the mother or father's name as the case name:
    - (A) The allegation with the minor parent as an alleged perpetrator must be documented with the mother or father of the alleged victim as

the case name (the mother or father being a minor does not preclude them from being the case name); and

- (B) The allegation with the minor parent as an alleged victim must be documented with the mother or father of the minor parent as the case name.
- (5) When a *screener* receives a *report* of a child fatality alleged to be the result of abuse or neglect or involving a *child* known to the Department, the *screener* must:
- (a) Consult with a CPS supervisor;
  - (b) Refer to the Child Welfare "Fatality Protocol";
  - (c) Complete a *screening* report form identifying in the Department's electronic information system that the *report* involves a child fatality;
  - (d) Notify the CPS consultant; and
  - (e) Complete subsections (a) through (d) of this section even when there are no siblings to the deceased *child* and no other children in the home where the fatality occurred.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

## **413-015-0415**

### **CPS Assessment Activities**

~~(Amended 12/24/14)~~*(Temporary Effective 10/01/15 - 03/28/16)*

The required CPS assessment activities are outlined below. The activities are described in a logical order in these rules, but the order in which they occur is controlled by the specific circumstances in a given case.

- (1) Review Records.
  - (a) The assigned CPS worker must:
    - (A) Thoroughly review the documentation in the *referral*;
    - (B) Thoroughly review the paper and electronic records maintained by the Department for historical information on the family and the *child* that may be useful in completing the CPS assessment;
    - (C) Thoroughly review available Self-Sufficiency records; and

- (D) 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.
- (b) The CPS worker must review the documents to identify information related to:
- (A) Present danger safety threats or impending danger safety threats;
  - (B) History or a pattern of abuse or neglect;
  - (C) Child and family support systems and *protective capacity*; and
  - (D) Worker safety.
- (2) Addressing Prior Allegations That Have Not Been Assessed Because the Department was Unable to Locate the Family. The assigned CPS worker must address in the current assessment any allegations not previously assessed because the Department was unable to locate the family as follows:
- (a) Discuss the prior unassessed allegations during interviews;
  - (b) Consider all information about prior unassessed allegations when determining child safety; and
  - (c) Document the consideration of prior unassessed allegations in interviews, observations, and dispositional findings.
- (3) Contact Collateral Sources.
- (a) The CPS worker must contact collateral sources who can clarify or supplement the information in the *referral* and in records already reviewed.
    - (A) The CPS worker must contact the assigned Self-Sufficiency worker, if any.
    - (B) The CPS worker may contact other collateral sources including, but not limited to:
      - (i) Individuals who have regular contact with the *child*;
      - (ii) Doctors or others who have evaluated or maintain records on the *child*;

- (iii) 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
    - (iv) 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*.
  - (b) The CPS worker must gather information from collateral sources throughout the CPS assessment.
  - (c) The CPS worker must:
    - (A) Protect the identity of collateral sources to the extent possible.
    - (B) Consult with the district attorney or the assistant attorney general to obtain a court order for records from a collateral source, if the source is unable or unwilling to share information with the Department.
- (4) Consult with CPS Supervisor.
  - (a) The CPS worker must consult with a CPS supervisor or designee:
    - (A) 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 or Oregon Youth Authority (OYA);
    - (B) When a *referral* involves the home of a Department certified foster parent or relative caregiver;
    - (C) When a *referral* involves allegations that *child abuse or neglect* occurred in a *private child-caring agency*;
    - (D) When a CPS worker receives notification from a *screener* that a closed at *screening* or new *referral* was created on an open CPS assessment;
    - (E) Prior to a decision to place a *child in protective custody*, or after placement if consultation before placement will delay the safety intervention;
    - (F) Prior to initiating court action, or after initiating court action if consultation before will delay the safety intervention;

- (G) Prior to developing an *initial safety plan* with a Department certified foster parent or relative caregiver;
  - (H) When the *referral* involves a child fatality;
  - (I) When making a disposition in a complicated or sensitive situation or case; or
  - (J) When closing an assessment with the disposition of "unable to locate".
- (b) Subject to the discretion of the CPS supervisor, the CPS worker will consult with a CPS supervisor or designee at additional key points during the assessment, such as:
- (A) Before making *initial contact* with the family; or
  - (B) When a *referral* indicates potential danger to the worker.

(5) Contact and Work with Other Entities.

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.

- (a) The CPS worker may, as appropriate, notify or consult with other Department of Human Services programs or other agencies, including but not limited to the Office of Vocational Rehabilitation Services and Animal Control.
- (b) The CPS worker must report to or contact and work with other entities as follows:
  - (A) 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).
  - (B) Oregon Youth Authority (OYA). The CPS worker must notify OYA when the allegation involves an OYA certified foster home.
  - (C) Office of Adult Abuse Prevention and Investigation (OAAPI). The CPS worker must notify the OAAPI when an allegation involves a *child* with intellectual or developmental disabilities in a residential

group home licensed by the Office of Developmental Disabilities Services.

- (D) 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 *Children's Care Provider* (CCP).
- (E) 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, with whom the CPS worker comes into contact 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.
- (F) 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*.
- (G) 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.
- (H) Law Enforcement. If the *screener* did not cross report, the CPS worker must contact one or more law enforcement agencies (LEA) 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.
- (I) 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.
- (J) Multi-Disciplinary Teams (MDTs). Department district managers must develop interagency agreements regarding assessment of child abuse and neglect, as necessary, with local MDTs. Requirements for MDT protocols are set out in ORS 418.747.

(6) Obtain Interpreters and Translation.

The CPS worker must obtain the services of a competent interpreter and competent written translation service for families, including hearing-impaired family members, who have limited or no means of communicating in or reading English.

(7) Determine Indian Child Welfare Act (ICWA) Status and Comply with ICWA, if Applicable.

The CPS worker must initiate the process to determine the child's ICWA status and notify the Indian child's tribe if ICWA applies. To initiate this process, the CPS worker must:

- (a) Assure completion of a form CF 1270, "Verification of ICWA Eligibility", to assist in determining ICWA eligibility.

- (b) Contact the child's tribe when an Indian child is the subject of a CPS assessment. Federally recognized tribes must be notified within 24 hours after information alleging abuse or neglect is received by the Department.
  - (c) If the Indian child is enrolled or eligible for enrollment in a federally recognized tribe, notify the child's tribe if the *child* may be placed in *protective custody*.
  - (d) Consult with the local Department ICWA liaison, a supervisor, or the ICWA manager if the worker has questions regarding the involvement of a tribe or the ICWA status of a *child*.
  - (e) Make a diligent attempt to address the following when determining the placement resource:
    - (A) Contact the tribe's social services department;
    - (B) Search for relative resources;
    - (C) Search for available Indian homes; and
    - (D) Contact other Indian tribes and other Indian organizations with available placement resources.
  - (f) Unless the Indian child's tribe has established a different order of preference, comply with the ICWA placement preference, which is:
    - (A) Placement with a member of Indian child's extended family.
    - (B) Placement with a foster family that is licensed, approved or specified by the Indian child's tribe.
    - (C) Placement with an Indian foster home licensed or approved by an authorized non-Indian licensing authority.
    - (D) Placement with an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.
- (8) Determine Refugee Status and Comply with the Refugee Children Act, if applicable.

During a CPS assessment, the CPS worker must consider whether the *child* is a refugee child. Under ORS 418.925, a "refugee child" is a "person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution

on account of race, religion, nationality, membership in a particular group or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular group or political opinion."

- (a) If it appears that a *child* is a refugee child, the CPS worker must ask about the *child* or parents' country of origin, length of time the *child* or parents have been in the United States, reasons why the *child* or parents came to the United States, and ethnic and cultural information relevant to the child's status as a refugee. The CPS worker does not have to make a legal determination that the *child* and parent are refugees, but if the *child* or the parents indicate they are refugees, then the CPS worker must proceed as if they are, until or unless it is known that they are not refugees.
- (b) The CPS worker may not take a refugee child into *protective custody* unless, in addition to the other requirements for taking a *child* into custody, the CPS worker determines that:
  - (A) Removal is necessary to prevent imminent serious emotional or physical *harm* to the *child*; and
  - (B) Reasonable efforts to alleviate the *harm* through remedial or preventive services do not alleviate the *harm*, have failed, or are not practical in an emergency situation.
- (c) Unless it is a voluntary placement, no refugee child may remain in placement more than five days unless there has been a judicial determination, supported by clear and convincing evidence that:
  - (A) Preventative or remedial services provided by the Department have failed to alleviate the need for removal; and
  - (B) Return to the home will likely result in psychological or physical damage to the *child*.
- (d) When a refugee child is placed in care, the juvenile court petition must include, in addition to the information required by ORS 419B.809, the following information:
  - (A) A specific and detailed account of the circumstances that led the Department to conclude that the *child* was in imminent danger of serious emotional or physical *harm*;
  - (B) Specific actions the Department has taken or is taking to alleviate the need for removal;

- (C) Assurance that the Department has complied with placement preferences listed in ORS 418.937 and listed in subsection (e) of this section; and
  - (D) Assurance that the Department is making or has made diligent efforts to locate and give notice to all affected refugee family members and to the Refugee Child Welfare Advisory Committee that the petition has been filed.
- (e) The CPS worker must consider the refugee child's culture and tradition when making any placement decision for a refugee child and, unless shown to be inappropriate and inconsistent with the best interests of the *child*, place the *child* with the following in order of preference:
- (A) Natural parents.
  - (B) Extended family member.
  - (C) Members from the same cultural heritage.
  - (D) Persons with knowledge and appreciation of the child's cultural heritage.
- (f) The CPS worker may determine that placement under subsection (e) of this section is inappropriate and inconsistent with the best interests of the *child* if:
- (A) The preferred placement presents a threat to the child's safety;
  - (B) The extreme medical, physical, or psychological needs of the *child* cannot be met in the placement; or
  - (C) There is an informed request from either of the child's biological parents not to use a placement, if the request is consistent with stability, security, and the individual needs of the *child*.
- (g) When a juvenile court petition is filed and a refugee child is placed in care, the CPS worker must staff the case with the Refugee Child Welfare Advisory Committee (RCWAC). The CPS worker must contact the International Case Consultant for the Department to arrange a time for the staffing. In preparation for the staffing, the CPS worker must:
- (A) Invite the CPS supervisor to the staffing; and

- (B) Be prepared to discuss the reasons for the CPS *referral*, the information indicating that family members are refugees, and their country of origin.

(9) Take Photographs.

The CPS worker must, during the CPS assessment, take photographs and document, as necessary, child abuse or neglect and the *observable* nature of any *present danger safety threat* or *impending danger safety threat*.

- (a) As provided in ORS 419B.028, a law enforcement officer or the CPS worker may take photographs for the purpose of documenting the child's condition at the time of the CPS assessment.
- (b) As provided in ORS 419B.028, if the CPS worker conducting a CPS assessment observes a *child* who has suffered *suspicious physical injury* and the CPS worker is certain or has a *reasonable suspicion* that the injury is or may be the result of abuse, the CPS worker, in accordance with the protocols and procedures of the county multi-disciplinary team described in ORS 418.747, will immediately photograph or cause to have photographed the suspicious physical injuries. Regardless of whether the *child* has previously been photographed or assessed during a CPS assessment, the CPS worker will photograph or cause to be photographed any suspicious injuries if the CPS worker is certain or has a *reasonable suspicion* the suspicious injuries are the result of abuse:
  - (A) During the assessment of a new allegation of abuse; and
  - (B) Each time, during the assessment, an injury is observed that was not previously observed by the assigned CPS worker.
- (c) When a *child* is photographed pursuant to subsection (b) of this section:
  - (A) The person taking the photographs or causing to have the photographs taken must, within 48 hours or by the end of the next regular business day, whichever occurs later:
    - (i) Provide hard copies or prints of the photographs and, if available, copies of the photographs in an electronic format to the *designated medical professional*; and
    - (ii) Place hard copies or prints of the photographs and, if available, copies of the photographs in an electronic format in the Department record labeled with the case name, case number, child's name, and date taken.

(B) If a county multidisciplinary team staffing of the case is held, photographs of the injury will be made available to each team member involved in the case staffing at the first meeting regarding the child's case.

(d) The CPS worker must document injuries, hazardous environments, and the *observable* nature of any *present danger safety threat* or *impending danger safety threat* in the assessment narrative by use of photographs, written description, or illustrations.

(e) Photographs of the anal or genital region may be taken only by medical personnel.

(10) Obtain Medical Assessment.

The CPS worker must, during the CPS assessment as required in this section, facilitate a medical assessment of the *child* and obtain the child's medical history when necessary to assure child safety, determine treatment needs, reassure the *child* and family, or assist in analyzing safety-related information.

(a) When the CPS worker determines that the *child* is in need of a medical assessment as part of a CPS assessment, the CPS worker must consult with a CPS supervisor as soon as possible, but not at the expense of delaying medical treatment.

(b) If a person conducting an assessment under ORS 419B.020 observes a *child* who has suffered *suspicious physical injury* as defined in ORS 419B.023 and the person is certain or has a *reasonable suspicion* that the injury is or may be the result of abuse, the person must, in accordance with the protocols and procedures of the county multi-disciplinary team described in ORS 418.747, ensure that --

(A) A *designated medical professional* conducts a medical assessment within 48 hours of the observation of the *suspicious physical injury*, or sooner if dictated by the child's medical needs; or

(B) An available physician, physician assistant, or nurse practitioner conducts a medical assessment if, after reasonable efforts to locate a *designated medical professional*, a *designated medical professional* is not available to conduct a medical assessment within 48 hours. The CPS worker is required to document in the Department's electronic information system efforts to locate the *designated medical professional* when an available physician, physician assistant, or nurse practitioner is used.

- (c) The CPS worker must facilitate an assessment by a medical professional if the alleged *child abuse or neglect* involves injury to the anal or genital region.
- (d) When there are indications of severe physical trauma to the *child*, the CPS worker must make arrangements to immediately transport the *child* to a medical facility, which may include calling 911. The CPS worker must also make arrangements for medical examination of a *child* for mild or moderate physical trauma.
- (e) To make arrangements for the medical examination of a *child*, the CPS worker must do the following, unless completing the action would delay medical treatment for the *child*:
  - (A) Discuss with the parent or *caregiver* the need for medical examination or treatment.
  - (B) Ask the parent or *caregiver* to take the *child* to a medical facility for a medical examination or treatment.
  - (C) Request that the parent sign a form DHS 2099, "Authorization for Use and Disclosure of Information".
  - (D) Contact an LEA immediately and seek a juvenile court order to obtain *protective custody* of the *child* for the purpose of obtaining a medical examination or treatment when:
    - (i) The parent or *caregiver* refuses to obtain needed medical examination or treatment;
    - (ii) The parent or *caregiver* may flee with the *child*; or
    - (iii) Delaying medical examination or treatment could result in *severe harm* to the *child*.
  - (E) Immediately seek medical care and consultation when the *child* may have a life-threatening condition, or a deteriorating condition that may become life-threatening.
  - (F) As soon as possible and not later than 24 hours after learning of the exposure, make arrangements to have the *child* tested for chemical exposure to harmful substances when there is reason to believe a *child* has been exposed to dangerous chemicals such as those found in a chemical drug lab.

- (f) When a *report* of suspected medical neglect of an infant with a disability and with life-threatening conditions is referred for CPS assessment, the assigned CPS worker must comply with Child Welfare Policy I-B.2.2.2, "Investigation of Suspected Medical Neglect-Infants", OAR 413-030-0600 to 413-030-0650.
  - (g) When it is medically indicated to subject a *child* in the custody of the Department to HIV testing, the CPS worker must comply with Child Welfare Policy I-B.5.1, "HIV Testing of Children in Custody and HIV Confidentiality", OAR 413-040-0400 to 413-040-0450.
  - (h) As provided in ORS 147.425, a *child* who is the victim of a person crime and is at least 15 years of age at the time of the abuse may have a *personal representative* present during a medical examination. If a CPS worker believes that a *personal representative* would compromise the CPS assessment, a CPS worker may prohibit a *personal representative* from being present during the medical examination.
  - (i) When the CPS worker is assessing a CPS allegation of medical neglect, the CPS worker must consult with a health care professional as part of the assessment.
- (11) Obtain Psychological and Psychiatric Evaluations.
- (a) The CPS worker must make a referral for a psychological or psychiatric evaluation of the parent, *caregiver*, or *child* by a mental health professional to assure child safety, determine treatment needs, or assist in analyzing safety-related information when during the CPS assessment the CPS worker identifies a specific condition or behavior that requires additional professional evaluation. This includes but is not limited to:
    - (A) Unusual or bizarre forms of punishment;
    - (B) Mental illness;
    - (C) Suicidal ideation;
    - (D) Homicidal ideation; or
    - (E) Unusual or bizarre child or parental behavior that is indicative of emotional problems.

- (b) The CPS worker must obtain consent of the parent or *caregiver* prior to making a referral for a psychological or psychiatric evaluation of the parent, *caregiver*, or *child*, unless the evaluation is court ordered.

(12) Make Monthly Face-to-Face Contact. The CPS worker must make a minimum of monthly face-to-face contact as described in 413-080-0054.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 418.747, 418.785, 419B.005 to 419B.050

## **413-080-0050**

### **Definitions**

~~(Amended 05/27/14)~~(Temporary Effective 10/01/15 - 03/28/16)

The following definitions apply to OAR 413-080-0040 to 413-080-0067:

- (1) "Certified family" means an individual or individuals who hold a current Certificate of Approval from the Department to operate a home to provide care, in the home in which they reside, to a *child* or *young adult* in the care or custody of the Department.
- (2) "Child" means a person under 18 years of age.
- (3) "Conditions for return" means a written statement of the specific behaviors, conditions, or circumstances that must exist within a child's home before a *child* can safely return and remain in the home with an in-home *initial safety plan* or in-home *ongoing safety plan*.
- (4) "Contact" means any communication between Child Welfare staff and a *child*, *parent* or *guardian*, *foster parent* or *relative caregiver*, *provider*, or other individual involved in a Child Welfare safety plan or case. "Contact" includes, but is not limited to, communication in person, by telephone, by video-conferencing, or in writing. "Contact" may occur, for instance, during a *face-to-face* visit; a treatment review meeting for a *child*, *young adult*, *parent*, or *guardian*; a court or Citizen Review Board hearing; or a family meeting.
- (5) "Department" means the Department of Human Services, Child Welfare.
- (6) "Face-to-face" means an in-person interaction between individuals.
- (7) "Foster parent" means a person who operates a home that has been approved by the Department to provide care for an unrelated *child* or *young adult* placed in the home by the Department.

- (8) "Guardian" means an individual who has been granted guardianship of a *child* through a judgment of the court.
- (9) "ICPC" means the Interstate Compact for the Placement of Children (see ORS 417.200).
- (10) "Impending danger safety threat" means a family behavior, condition, or circumstance that meets all five *safety threshold* criteria. A threat to a *child* that is not immediate, obvious, or occurring at the onset of the CPS intervention. This threat is identified and understood more fully by evaluating and understanding individual and family functioning.
- (11) "Initial safety plan" means a documented set of actions or interventions sufficient to protect a *child* from an *impending danger safety threat* in order to allow for completion of the CPS assessment.
- (12) "Monthly face-to-face contact" means in person interaction between individuals at least once each and every full calendar month.
- ~~(123)~~ "Ongoing safety plan" means a documented set of actions or interventions that manage a child's safety after the Department has identified one or more impending danger safety threats at the conclusion of a CPS assessment or anytime during ongoing work with a family.
- ~~(134)~~ "Parent" means the biological or adoptive mother or the legal father of the *child*. A legal father is a man who has adopted the *child* or whose paternity has been established or declared under ORS 109.070, ORS 416.400 to 416.465, or by a juvenile court. In cases involving an Indian *child* under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the *child* by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father.
- ~~(145)~~ "Present danger safety threat" means an immediate, significant, and clearly observable family behavior, condition or circumstance occurring in the present tense, already endangering or threatening to endanger a *child*. The family behavior, condition, or circumstance is happening now and it is currently in the process of actively placing a *child* in peril.
- ~~(156)~~ "Protective action plan" means an immediate, same day, short-term plan, lasting a maximum of ten calendar days, sufficient to protect a *child* from a *present danger safety threat*.

- (167) "Protective capacity" means behavioral, cognitive, and emotional characteristics that can specifically and directly be associated with a person's ability and willingness to care for and keep a *child* safe.
- (178) "Provider" means a person approved by a licensed private child-caring agency to provide care for a *child* or *young adult*, or an employee of a licensed private child-caring agency approved to provide care for a *child* or *young adult*.
- (189) "Relative caregiver" means a person who operates a home that has been approved by the Department to provide care for a related *child* or *young adult* who is placed in the home by the Department.
- (1920) "Safety service provider" means a participant in a *protective action plan*, *initial safety plan*, or *ongoing safety plan* whose actions, assistance, or supervision help a family in managing a child's safety.
- (201) "Safety services" means the actions, assistance, and supervision provided by safety service providers to manage the identified present danger safety threats or impending danger safety threats to a *child*.
- (212) "Screener" means a Department employee with training required to provide screening services.
- (23) "Sex trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a person under the age of 18 for the purpose of a commercial sex act or the recruitment, harboring, transportation, provision, or obtaining of a person over the age of 18 using force, fraud, or coercion for the purpose of a commercial sex act.
- (224) "Social service assistant" means a Department employee with training required to provide services to assist a caseworker on an open case.
- (235) "Substitute care" means the out-of-home placement of a *child* or *young adult* who is in the legal or physical custody and care of the Department.
- (246) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

**413-080-0053**

**When A Child or Young Adult in Substitute Care is Missing**

(Temporary Effective 10/01/15 - 03/28/16)

THIS IS A NEW RULE

(1) When a caseworker receives information that a *child or young adult in substitute care* is missing, the caseworker must:

- (a) Make immediate efforts to locate the *child or young adult*; and
- (b) As soon as practicable, ensure the court and legal parties to the case are notified, unless notification may jeopardize the safety of the child or young adult or interfere with an investigation.

(2) When a *child or young adult* missing from *substitute care* is located, the caseworker must:

- (a) Determine and, to the extent possible, address the primary factors that contributed to the missing status of the *child or young adult*;
- (b) Determine the *child or young adult's* experiences when missing;
- (c) Determine if the *child or young adult* is a sex trafficking victim or at risk of being a sex trafficking victim; and
- (d) Ensure the court and legal parties to the case are notified the child or young adult has been located.

(3) Documentation.

(a) When a *child or young adult* in substitute care is missing, the caseworker must document the following in the Department's electronic information system:

- (A) Efforts made to locate the missing *child or young adult*; and
- (B) The notifications in subsection (b) of section (1) of this rule.

(b) When a missing *child or young adult* is located, the caseworker must document the following in the Department's electronic information system:

- (A) The determinations and notifications made in subsections (a) to (d) of section (2) of this rule; and

(B) Any actions taken to address the primary factors that contributed to the missing status of the *child* or *young adult*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

## **413-080-0054**

### **Monthly Face-to-Face Contact Requirements**

~~(Amended 05/27/14)~~(Temporary Effective 10/01/15 - 03/28/16)

- (1) A child or young adult in a child welfare case.
  - (a) Except as provided in section (2) of this rule, *monthly face-to-face contact* with a *child* or *young adult* in a child welfare case must be made by one of the following Department staff to ensure the safety, permanency, and well-being of the *child* or *young adult*:
    - (A) The primary caseworker;
    - (B) The caseworker's supervisor; or
    - (C) When designated by the caseworker's supervisor as described in OAR 413-080-0067 --
      - (i) Another caseworker or supervisor; or
      - (ii) A *social service assistant*.
  - (b) During the *face-to-face contact* required in section (1) of this rule, Department staff must:
    - (A) Ensure the safety, permanency, and well-being of the *child* or *young adult*;
    - (B) Address issues pertinent to case planning and service delivery during the *contact*;
    - (C) Notify a supervisor when he or she determines that the *ongoing safety plan* or the living environment is insufficient to ensure the safety of the *child* or *young adult* to determine if a *protective action plan* is necessary to ensure safety; and
    - (D) Notify a certifier when the well-being needs of a *child* or *young adult* are not being met by a *certified family*, or notify the Well

Being Program when the well-being needs of a *child* or *young adult* are not being met by a *provider*.

- (c) Department staff making *face-to-face contact* must document in the Department's electronic information system:
  - (A) The date, type, and location of each *contact* with the *child, young adult, parent, or guardian*; and
  - (B) The issues addressed during the *contact*.
- (d) A *face-to-face contact* with a *child* or *young adult* made by a social service assistant --
  - (A) May be reported as the required *face-to-face contact* no more than one time in any three-month period and no more than a four times within a year; and
  - (B) May not be reported as the required *face-to-face contact* for consecutive months.
- (e) *Face-to-face contact* with a *child* or *young adult* in *substitute care* must occur in the *substitute care* placement every other month.
- (f) When *face-to face contact* with a *child* or *young adult* in *substitute care* is not possible because the *child* or *young adult* is missing, the caseworker must comply with OAR 413-080-0053.

(2) A parent or guardian on a child welfare case.

- (a) When there is an in-home *ongoing safety plan*, Department staff must have *monthly face-to-face contact* in the home with the parents or guardians living in the home with the *child*.
- (b) A caseworker must have *face-to-face contact* with the *child* and the child's parent or guardians within five working days of learning any of the following:
  - (A) A condition of the *ongoing safety plan* has been violated.
  - (B) A change in the *protective capacity*, the family circumstances, or the composition of the household of a *parent* or *guardian* may negatively impact the *ongoing safety plan*.
  - (C) The caseworker is assigned a case that had been assigned to another caseworker (case transfer).

- (c) Department staff must have *monthly face-to-face contact* with the parents or guardians, unless a supervisor approves an exception to *contact* with the non-custodial *parent* who has an in-home *ongoing safety plan* or, when there is an out-of-home *ongoing safety plan*, the *parent* or *guardian* is unavailable or the *contact* could compromise the caseworker's safety. The supervisor's exception must be documented in the Department's electronic information system and must document:
  - (A) The reason for the exception; and
  - (B) The length of time the exception is in effect, which is not longer than 90 days unless a longer period is approved by a Child Welfare Program Manager.
- (3) The substitute caregiver.
  - (a) Department staff described in subsection (1)(a) of this rule must have monthly *contact* with the *certified family* or *provider*.
  - (b) The *face-to-face contact* with the *child* or *young adult* required in subsection (1)(e) of this rule must include at least one of the certified adults or providers who provide direct care for the *child* or *young adult*.
- (4) A *child* or *young adult* placed through ICPC or placed internationally.
  - (a) When a *child* or *young adult* is placed in another state through the *ICPC* or placed internationally, the caseworker must request that officials from the receiving state or country have monthly *face-to-face contact* to monitor child safety, permanency, and well-being.
  - (b) When the receiving state or country's child welfare office is unwilling or unable to have monthly *face-to-face contact* with the *child* or *young adult*, a plan must be developed to meet this requirement.
  - (c) The caseworker must document in the case file the type and level of *contact* the receiving state or country will provide and how the *contact* is sufficient to confirm the safety and well-being of the *child* or *young adult*.
  - (d) The documentation received from the receiving state or country must be filed in the Department's electronic information system.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

**413-090-0087**

**When a Child or Young Adult Placed with a BRS Program is Missing**

(Temporary Effective 10/01/15 - 03/28/16)

THIS IS A NEW RULE

- (1) When a *child* or *young adult* placed with a *BRS program* (see OAR 410-170-0020) is missing, the *BRS contractor* (see OAR 410-170-0020) must ensure its BRS providers immediately report information about the missing *child* or *young adult* to the Department.
- (2) Documentation of the report required in section (1) of this rule is required as outlined in OAR 410-170-0030(12)(b)(B).

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.116, 418.005

Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.116, 411.141, 418.005, 418.015, 418.490, 418.495