

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES

A Statement of Need and Justification must accompany this form.

I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on

April 11, 2016 by the

Department of Human Services, Office of Child Welfare Programs

413

Agency and Division

Chapter Number

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to become effective April 11, 2016 through October 7, 2016.*

**Temporary rules are effective for a maximum of 180 days including the effective date.*

Rule Caption: *Amending rules about child abuse reporting*

In the Matter of: *Temporary amendment of OAR 413-015-0215*

AMEND: 413-015-0215

ORS 418.005, 419B.017

Stat. Auth.

None.

Other Auth.

ORS 418.005, 419B.015, 419B.017

Stats. Implemented

Rule Summary

OAR 413-015-0215 about notifications and reports to specific agencies or entities is being amended to state that DHS child abuse report screeners must report to the Office of Adult Abuse Prevention and Investigation (OAAPI) when a report involves a child with intellectual or developmental disabilities in a home licensed or certified by the Office of Developmental Disabilities Services (ODDS). The previous rule required reporting to OAAPI only when the report involved a residential group home licensed by ODDS. The rule text showing proposed changes is available at http://www.dhs.state.or.us/policy/childwelfare/implement/temp_rules.htm.

Need for the Rules

OAR 413-015-0215 needs to be amended to ensure child safety. OAAPI and ODDS must be made aware of child abuse reports related to all the homes they certify but the current rule only requires notifications for abuse

reports relating to group homes certified by ODDS. The amendment ensures that the entities responsible for certifying homes for children with intellectual or developmental disabilities will be notified of all abuse reports.

Documents Relied Upon

None.

Justification of Temporary Rules

The Department finds that failure to act promptly by amending OAR 413-015-0215 will result in serious prejudice to the public interest, the Department, and children in homes certified by ODDS. The Department needs to proceed by temporary rule because the public, the Department, and those children will immediately benefit when the entities responsible for certifying foster homes are notified of child abuse reports.

413-015-0215

Notifications and Reports to Specific Agencies or Entities

(Amended 05/27/14)

- (1) Law Enforcement Agency (LEA). The *screener* must cross report to LEA as required by OAR 413-015-0305(1).
- (2) Office of Child Care, Department of Education, Early Learning Division. The *screener* must notify the Office of Child Care when a *report* involves a day care facility, as required by ORS 419B.020(1). If the *report* is closed at *screening*, a copy of the completed *screening* report form must be sent to the Compliance Unit of the Office of Child Care after information related to the reporter's identity and other confidential information is removed.
- (3) Office of Adult Abuse Prevention and Investigation (OAAPI). The *screener* must report to the OAAPI when:
 - (a) A *report* involves a *Children's Care Provider* as outlined in OAR 413-015-0205(4)(b); or
 - (b) A *report* involves a *child* with intellectual or developmental disabilities in a ~~residential group~~ home licensed or certified by the Office of Developmental Disabilities Services.
- (4) Indian Tribes. If the *screener* knows or has reason to know that the *child* is an Indian child, the *screener* must give notice within 24 hours to the Indian child's tribe that a CPS assessment is being conducted.
- (5) Teacher Standards and Practices Commission (TSPC). The *screener* must notify the TSPC when a *teacher* or *school administrator*, as defined in OAR 413-015-0115, is identified as an alleged perpetrator in a *report*. A copy of the *report* must be sent to the TSPC after information related to the reporter's identity and other confidential information is removed.
- (6) Community Mental Health Program, Community Developmental Disabilities Program, or Adult Protective Services. The *screener* must make a report to the Community Mental Health Program, Community Developmental Disabilities Program, or the local Adult Protective Service office when the *screener* has reasonable cause to believe:
 - (a) 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 *screener* comes into contact while the *screener* is acting in an official capacity, has suffered abuse; or

- (b) That any person with whom the *screeener* comes into contact, while acting in an official capacity, has abused a person 18 years of age or older with a mental illness, developmental disability, or physical disability, or any person 65 years of age or older.

Stat. Auth.: ORS 418.005, 419B.017

Stats. Implemented: ORS 418.005, 419B.015, 419B.017

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