

Policy Title:	Day Care Facility Investigation – OAR			
Policy Number:	I-AB.4.1 413-015-0520 thru 0565		Effective Date:	12/24/14

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

References

Contact

History

Reference(s):

- ORS 418.747, ORS 418.748, ORS 418.751, ORS 418.782, ORS 419B.005 through 419.050
- APSAC: American Professional Society on the Abuse of Children
<http://www.apsac.org/>
- Annie E. Casey Foundation
<http://www.aecf.org/>
- I-AB.1 Introduction to CPS Rules, OAR 413-015-0100 thru 0125
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-ab1.pdf
- I-AB.2 Screening, OAR 413-015-0200 through 0225
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-ab2.pdf
- I-AB.3 Cross Reporting, OAR 413-015-0300 through 0310
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-ab3.pdf
- I-AB.4 CPS Assessment, OAR 413-015-0400 through 0485
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-ab4.pdf
- I-AB.5 CPS Assessment Dispositions, OAR 413-015-1000
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-ab5.pdf
- I-AB.6 Access to Law Enforcement Data System (LEDS) in Local Child Welfare Offices, OAR 413-015-1100 through 1125
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-ab6.pdf

Form(s) that apply:

- None referenced.

Rules:

413-015-0520

Purpose and Overview of the Day Care Facility Investigation

- (1) OAR 413-015-0520 to 413-015-0565 describe the activities required to complete a *child abuse or neglect* investigation in a day care facility.
- (2) A day care facility is:
 - (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; or
 - (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 the Department of Human Services' clients.
- (3) Completing a Day Care Facility Investigation involves all of the following:
 - (a) Making *initial contact* within the assigned response time line, which includes:
 - (A) *Face-to-face* contact with the alleged victim or victims;
 - (B) Contact with the parent or *caregiver* of the victim or victims; and
 - (C) Contact with other children as needed for child safety.
 - (b) Gathering safety-related information regarding the day care facility through interviews and observation.
 - (c) Determining if the parent or *caregiver* can and will protect the *child* and documenting the basis for that determination.
 - (d) Determining if there is reasonable cause to believe that *child abuse or neglect* occurred and documenting the basis for that determination.

Stat. Auth.: ORS 409.050, 418.005

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

413-015-0525

Contact and Work with Other Entities

The CPS worker may need to work with representatives of other entities to complete a day care facility investigation.

- (1) 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 day care facility as required by ORS 419B.020(1).
- (2) Law Enforcement. If the screener did not cross report to appropriate law enforcement agencies, the CPS worker must contact one or more law enforcement agencies in accordance with the protocols of the local MDT agreement and in accordance with cross reporting rules, OAR 413-015-0300 to OAR 413-015-0310. The Department and the law enforcement agency (LEA) shall jointly determine the roles and responsibilities of the Department and the LEA in their respective investigations. When there is a joint response involving CPS and law enforcement, the CPS worker is responsible for all of the activities necessary to complete the day care investigation. Whenever possible, the CPS worker must coordinate investigation activities with LEA.

Stat. Auth.: ORS 409.050, 418.005

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

413-015-0530

Day Care Facility Investigation Response Time Lines

The response time lines for investigations in day care facilities are the same as the response timelines for all CPS assessments. Those time lines are established in OAR 413-015-0405.

Stat. Auth.: ORS 409.050, 418.005

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

413-015-0535

Day Care Facility Investigation Activities

The required investigation activities are outlined below. The activities are described in a logical order in these rules (OAR 413-015-0520 to 413-015-0565), but the order in which they occur is controlled by the specific circumstances in a given case.

- (1) Review Records. 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 alleged child victim, the alleged perpetrator and their families, which must include a review for the following:

- (A) History or a pattern of abuse or neglect by the alleged perpetrator, and
- (B) History of abuse or neglect of the child victim or victims.
- (c) When the CPS worker has information that the alleged perpetrator has lived in another state, make diligent efforts to contact the child welfare agency in the other states where the alleged perpetrator has lived and obtain records, if any, that may be relevant to the current investigation.

(2) 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. These collaterals may include:
 - (A) Doctors or others who have evaluated or maintain records on the alleged child victim in regard to the abuse or any effects of the abuse;
 - (B) Other people who may have information about the day care facility or the alleged perpetrator;
 - (C) Staff members, including past staff members, of the day care facility that may have information regarding the abuse or the alleged perpetrator;
 - (D) Other children that attend the day care facility and their parents that may have information about the day care facility or the alleged perpetrator.
- (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.

(3) Consult with CPS Supervisor. The CPS worker must consult with a CPS supervisor or designee:

- (a) At the beginning of the investigation of a day care facility;
- (b) At any time during the investigation when there are additional child victims identified;
- (c) At any time during the investigation when information obtained indicates a licensing or a safety concern that requires an immediate protective action.

- (d) A report of *child abuse or neglect* that is expected to receive media attention or that already is being reported by the media.

Stat. Auth.: ORS 409.050, 418.005

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

413-015-0540

Make Initial Contact

The CPS worker must make an *initial contact* within the assigned response time line with the alleged child victim's custodial parent or *caregiver* and the alleged child victim as follows:

- (1) As required by OAR 413-015-0420, notify the custodial parents or caregivers of the intent to interview an alleged child victim.
- (2) Have *face-to-face* contact with and interview the alleged child victim or victims. The purpose of the *face-to-face* contact and each interview is to gather information regarding possible child abuse, observe any signs of neglect or child injuries, determine if there are other alleged child victims, and assess the immediate safety of the *child* or children.
- (3) Have *face-to-face* contact with and interview each custodial parent or *caregiver* of the alleged child victim or victims. The purpose of this *face-to-face* contact and interview is to find out what the parent or *caregiver* knows about the alleged *child abuse or neglect* and to gather information about their ability and willingness to protect.

Stat. Auth.: ORS 409.050, 418.005

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

413-015-0545

Other Contacts and Observations Required During the Investigation

The CPS worker must:

- (1) Interview the non-custodial parent of the alleged child victim during the investigation. This is not required during the initial contact but must be completed as part of the investigation.
- (2) Notify and interview the provider, owner or director of the day care facility. Except as provided below, the CPS worker must meet with the provider, owner or director of the day care at the beginning of the investigation to notify them of the allegations, arrange for access to the facility, plan interviews that will take place at the facility, and gain access to names of other children and their parents who may have been a witness or could be a collateral source for the investigation. The CPS worker is not required to meet with the provider, owner, or director of the facility if it could compromise a child's safety or a criminal investigation.

- (3) Interview staff of the day care facility that may have information regarding the alleged abuse or the alleged perpetrator.
- (4) Identify and select other children to be interviewed. Other children that attend the day care facility where the abuse allegedly occurred may need to be interviewed. They are children who:
 - (a) Witnessed the alleged abuse or neglect;
 - (b) Have information pertinent to the investigation about the day care facility; or
 - (c) Have information pertinent to the investigation about the alleged perpetrator.
- (5) Notify and interview the parent or caregiver of any children who are selected to be interviewed during the investigation. The intent of the interview is to gain permission to interview their child and to learn of any information they may have about the alleged perpetrator and the alleged incident. Interviews with children that are not alleged victims must not occur prior to receiving permission by a parent or caregiver. If the CPS worker is denied permission to interview children who are not alleged victims, but such interviews are needed to complete the investigation, the CPS worker should consult with their supervisor and seek the assistance of a district attorney or assistant attorney general.
- (6) Interview the selected children. The purpose of the interview is to gain information about the alleged abuse and the alleged perpetrator and assess the child's safety at the day care facility.
- (7) Interview the alleged perpetrator. The purpose of the interview is to notify the alleged perpetrator of the allegations, allow them to respond to the allegations, determine if the alleged perpetrator poses a threat to other children, and notify them of the steps needed to complete the investigation. When interviewing the alleged perpetrator, the CPS worker must:
 - (a) Coordinate the interviews of the alleged perpetrator with the law enforcement agency (LEA) when law enforcement is conducting an investigation;
 - (b) Consult with a CPS supervisor if an interview with the alleged perpetrator could make a child or adult unsafe; and
 - (c) Provide the alleged perpetrator with a written notice that a criminal records check may be or has been conducted on them.
- (8) Observation of the day care facility. The purpose of observing the day care facility is to gather information about the alleged incident and to assess the overall safety of the setting.

Stat. Auth.: ORS 409.050, 418.005

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

413-015-0550

Determining If the Parent or Caregiver Can or Cannot and Will or Will Not Protect

The CPS worker must determine if the parent or *caregiver* can or cannot and will or will not protect the *child*. When the CPS worker determines the parent or *caregiver* cannot or will not protect the *child*, the CPS worker must determine whether to make a *report* of abuse or neglect against the parent or *caregiver*.

Stat. Auth.: ORS 409.050, 418.005

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

413-015-0555

Determine Disposition of the CPS Assessment

The CPS worker must comply with OAR 413-015-0440 to determine the disposition of the CPS assessment.

Stat. Auth.: ORS 409.050, 418.005

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

413-015-0560

Notification of Disposition

In addition to requirements of OAR 413-015-0470, the CPS worker must notify the --

- (1) Office of Child Care, Department of Education, Early Learning Division. A copy of the investigation must be sent to the Compliance Unit of the Office of Child Care after information relating to the reporter's identity and other confidential information is removed. Any recommendations regarding the day care facility may also be included.
- (2) Owner or director of the day care facility. When there is no owner or director the notification is to the provider. If the owner, director, or provider is not the alleged perpetrator, parent or *caregiver*, the notification will include whether the Department determined that *child abuse or neglect* occurred and information necessary to protect children from abuse and neglect in the facility in the future.

Stat. Auth.: ORS 409.050, 418.005

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

413-015-0565

Documentation and Supervisory Review Requirements

The CPS worker must refer to and comply with OAR 413-015-0475, "CPS Assessment Documentation and Supervisory Review Requirements".

Stat. Auth.: ORS 409.050, 418.005

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

Contact(s):

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Policy History

- [01/01/08 thru 06/27/08](#)
- [06/28/08](#)
- [05/27/14](#)
- [07/01/14 thru 12/23/14](#)