

Policy Title:	Authority for Providing Service – OAR		
Policy Number:	I-B.1.1		Effective Date: 01-02-1996

Approved By: *on file*

Date Approved:

Policy

Procedures

Forms, etc.

References

Contact

Reference(s):

- ORS 417.020 - 200
- ORS 418.015
- ORS 419B.020 and 419B.030
- ORS 419B.328 thru 419B.337
- ORS 419B.183
- ORS 419B.343 thru 419B.349
- ORS 419B.385 thru 419B.387
- ORS 435.205
- ORS 418.005
- Child Welfare Policy I-I.3, "Court Reports"
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-i3.pdf

Form(s) that apply:

- CF 100A, "Interstate Compact on the Placement of Children Request"
http://dhsresources.hr.state.or.us/WORD_DOCS/CE0100a.doc
- CF 304, "Service Application"
- CF 1005, "Voluntary Custody Agreement"
http://dhsresources.hr.state.or.us/WORD_DOCS/CE1005.doc

Policy:

Purpose

This policy summarizes the statutes which give the agency the authority to provide services to families and children and indicates the type of document required to establish the legal basis for service. The Oregon statutes are augmented by federal social security legislation which defines the service requirements of states receiving federal assistance.

Procedure

- (1) Legal Basis Required. A legal basis for providing service shall be established prior to services being given. The client's case record must contain proof that a legal basis for providing service was established.
- (2) Involuntary Services. The agency is mandated to provide the following services irrespective of the client's consent. The case record must contain documentation that the service was needed and authorized by law or court order.
 - (a) Child Protective Services. The necessity for the following services must be documented by factual reports of the Child Welfare worker and/or law enforcement officer. Whenever the situation warrants court intervention the record must contain copies of the court reports and legal documents. As a minimum, a CF307 must be completed and filed in the record to establish a legal basis for services.
 - (A) Investigation of Child Abuse and Neglect Reports. Upon receiving a report of suspected child abuse or neglect, the agency shall immediately cause an investigation to be made to determine the nature and cause of the abuse (ORS 419B.020).
 - (B) Protective Services. If investigation shows reasonable cause to believe abuse has occurred, the agency shall provide protective services of its own or of other available social service agencies, if necessary, to prevent further abuses to the child or to safeguard the child's welfare (ORS 419B.020).
 - (C) Central Registry of Abuse. The local offices of the Department of Human Services shall report to the state registry when investigation has shown that the child's condition was the result of abuse even if the cause remains unknown (ORS 419B.030).
 - (b) Emergency Care:
 - (A) Protective Custody. A child may be taken into temporary custody by an employee of the Department of Human Services where the child's condition or surroundings reasonably appear to be such as to jeopardize the child's welfare (ORS 419B.150). When a child is taken into protective custody by an employee of the Department of Human Services without an order of the court the person taking the child into custody shall promptly file with the court a brief written report stating the information required by ORS 419B.171 which is outlined in Child Welfare Policy I.I.3, "Court Reports." Whenever possible a voluntary consent for placement, or a court order should be secured.
 - (B) Notice. When a child is taken into custody, DHS shall make a reasonable effort to contact the parents immediately, regardless of the time of day (ORS 419B.171).

- (i) Parents will be told:
 - (I) The child has been taken into custody;
 - (II) Why the child has been taken into custody;
 - (III) General information about the child's placement;
 - (IV) The telephone number of the DHS Child Welfare office and any after-hours telephone numbers.
 - (ii) Notice to the parents may be given in writing, by telephone, or in person. If the initial contact is not by writing, the required information must be provided to the parents in writing as soon as possible.
 - (iii) DHS shall also make a reasonable effort to contact the non-custodial parent.
 - (iv) If a child is taken into custody while under the care of a person or organization other than a parent, DHS shall also make a reasonable effort to immediately notify that person or organization.
- (C) Shelter Care. DHS is to provide a place of shelter when the person taking the child into protective custody has probable cause to believe that the child or others may be immediately endangered by the release of the child to the custody of the child's parents or other responsible person. (ORS 419B.168). ORS 419B.175 thru 419B.185 provides the legal basis for providing involuntary shelter care in the following circumstances:
- (i) Shelter care for 24 judicial hours for a child taken into protective custody pending a judicial determination. When care is provided less than 24 judicial hours and a judicial determination is not made, the legal basis for care must be established in the report filed by the DHS worker or law enforcement officer;
 - (ii) Shelter care for 24 judicial hours based on a temporary custody order entered without a hearing of the matter. A copy of the order must be filed in the record;
 - (iii) Shelter care based on a court order following a hearing and a finding that the child should be placed or continued in out-of-home care. Jurisdiction and DHS's custody must be documented by a copy of the court order.
- (c) Care and Placement. The agency shall accept any child placed in its legal custody (ORS 418.015 & 419B.337). The record must contain a court order granting custody to DHS and must document the reasonable efforts made to prevent

placement.

- (d) Protective Supervision. Protective supervision exists when a person or another agency has custody of a child but DHS is ordered to provide supervision. When a person or another agency has custody of a child but DHS is ordered to provide supervision, a copy of the court order is required to document the legal basis for service. (ORS 419B.331)
- (e) Interstate Compact Services. Oregon statutes mandate cooperation with every state that is a member of the Interstate Compact. The legal basis for service is the same as the referring state. DHS's documentation must include a referral for service through the compact administrators or a signed interstate agreement (CF100A).
 - (A) The Interstate Compact on Juveniles(ORS 417.020 and 030) requires:
 - (i) Cooperative supervision of delinquent juveniles on probation or parole from a member state;
 - (ii) The return, from one state to another, of delinquent youth who have escaped or absconded; and
 - (iii) The return of non-delinquent youth who have run away from home.
 - (B) The Interstate Compact for Placement of Children (ORS 417.200) requires the agency to:
 - (i) Complete home studies to assess if a proposed placement is contrary to the interests of the child and notify the other state of the results in writing;
 - (ii) Upon agreement with a public agency of a member state, provide services to children placed in Oregon.
- (f) Services for Severely Disabled Children:
 - (A) PL 98-457 requires that an immediate investigation be made of a report of possible medical neglect of a severely disabled infant (Baby Doe cases). As a minimum a CF 307 must be completed and filed in the record to document the legal basis for service;
 - (B) A DHS agreement assigns responsibility to CAF to provide a social assessment and ongoing case management for severely disabled children receiving high cost medical services in their own home (exceptional care cases). The legal authority for requiring the social assessment and providing ongoing services is Title XIX of the Social Security Act. If the client declines to sign a CF 304 requesting services, the worker shall complete the form to document the mandatory nature of the service.

(3) Voluntary Services

- (a) The following statutes establish DHS's general authority to provide services upon request:
- (A) The agency shall administer laws and programs relating to protective services to children, foster care, adoptions, Interstate Compact on Juveniles, restorative services to families with children, licensing of child care facilities, the mental health program for children, youth employment programs and services to families and children in compliance with the federal social security laws (ORS 418.005).
 - (B) Family planning and birth control services by public agencies. The Department of Human Services and every county health department shall offer family planning and birth control services within the limit of available funds. Both agencies jointly may offer such services. The Director of Human Services may designate which divisions shall initiate and conduct discussions of family planning with each person who might have an interest in and benefit from such service. The Department of Human Services through its clusters shall furnish consultation and assistance to county health departments (ORS 435.205).
 - (C) The Department of Human Services may, in its discretion, accept custody of children and may provide care, support and protective services for children who are dependent, neglected, mentally or physically disabled or who for other reasons are in need of public services (ORS 418.015).
- (b) A written application from an adult member of the family documents the legal basis for voluntary services. A DHS worker may sign a service application for a minor 15 years of age or older requesting family planning services, or pregnancy termination if the minor is not willing to have the parents contacted, or for a child of any age needing treatment of venereal diseases. The record must contain documentation that the client is eligible for the service and a signed copy of the appropriate application.
- (c) The following ORS references give specific authority for the program listed. The DHS Child Welfare application forms are required by the agency as proof of the client's request for service.

Program	Legal Basis	Application Form
Protective Services	ORS 409.185	CF304
Preventive/Restorative	ORS 409.185	CF304
Substitute Care <ul style="list-style-type: none">• Voluntary Custody• Voluntary Child Placement Agreement	ORS 418.015 ORS 418.312	CF1005 CF499

<p>Adoption</p> <ul style="list-style-type: none"> • Voluntary Relinquishments • Independent Adoptions 	<p>ORS 418.270 ORS 109.309</p>	<p>Release and Surrender Forms (contact the Permanency Planning Consultant for forms)</p> <p>Adoption Petition and fee</p>

Contact(s):

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