

<b>Policy Title:</b>	Protecting Rights of Children (Interrogations, Interviews & Polygraph Tests) – OAR		
<b>Policy Number:</b>	I-A.4.2 413-010-0200 thru 0240	<b>Version:</b>	<b>Effective Date:</b> 1/02/96 to 8/3/15

Approved By: *on file*

Date Approved: 9/27/10

Policy

Forms, etc.

References

Contact

History

**Reference(s):**

- None

**Form(s) that apply:**

- None referenced.

**Rules:**

**413-010-0200**

**Purpose**

These rules establish guidelines for Child Welfare staff and agents to follow to assure that the rights are maintained.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

**Policy**

**413-010-0210**

**Department Responsibilities**

Department through staff, contracted providers of care and other agents, will assert and protect the rights of children in the legal custody of Department by fulfilling the following responsibilities:

- (1) Developing and implementing service plans and agreements that address the needs, rights, and best interests of the child;

- (2) Advocating for the child's rights when family members, community institutions (such as school/law enforcement), or Department administrative practices appear to encroach upon the child's rights;
- (3) Arranging for a guardian ad litem or a court appointed special advocate to represent a child when Department cannot freely or objectively advocate for the child's rights.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

### **413-010-0220**

#### **Interrogation/Polygraph**

When a law enforcement agency (LEA) asks to interrogate or conduct a polygraph examination for a child suspected of violating the law or having knowledge of a law violation, Child Welfare staff and/or the child's physical custodian will:

- (1) Assure the officer has proper identification.
- (2) Determine if the officer has a warrant. If there is a warrant, Child Welfare will assist the LEA officer insofar as such assistance does not infringe upon the child's right to remain silent and to have legal representation present.
- (3) Advise the officer that no mechanical or electronic recording may be made of the interview.
- (4) If the LEA does not have a warrant, make sure:
  - (a) The child's legal guardian consents to the interrogation and/or polygraph (see I-B.1.4, Responsibility of Staff to Secure a Legal Consent);
  - (b) The child's attorney, a staff person or the child's custodian is present during the interview, and ensures that the interview is terminated if there is any indication of improper conduct on the part of the interrogator.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

### **413-010-0230**

#### **Attorney Interview**

When an attorney asks to interview a child, the following shall apply:

- (1) An attorney of record representing the child may interview the child privately. However, if the attorney or the child requests, a Child Welfare staff member shall be present during the interview.

- (2) An adversarial attorney shall not be permitted to interview a child unless the child's legal guardian consents to the interview and the child's own attorney is also present.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

## **413-010-0240**

### **Other Interviews**

When a request to interview a child is received from representatives of the Social Security Administration, Veteran's Administration, Department of Revenue, insurance representatives, etc., staff and/or custodians will:

- (1) Ensure that the requestor has proper identification;
- (2) Determine if the interview is related to pending litigation or the child may be a party to or a witness to an incident related to a litigation;
- (3) Determine whether or not the child should have legal counsel during the interview;
- (4) Set the time and place of the interview;
- (5) Inform the interviewers that no mechanical or electronic recording will be made of the interviews.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

### **Contact(s):**

- **Name:** CAF Reception; **Phone:** 503-945-5600

### **Policy History**

- [01/02/96](#)