

	<b>STATE OFFICE for SERVICES to CHILDREN and FAMILIES</b> <b>CLIENT SERVICES MANUAL I</b>  <b>ISSUED BY:</b> Office of Self-Sufficiency and Child Safety <b>EFFECTIVE DATE:</b> January 7, 2003	<b>NUMBER:</b> I-A.6.1 <b>OAR:</b> 413-010-0700 to 0750
		<b>SECTION:</b> A. Clients Rights
		<b>SUBSECTION:</b> 6. CPS Disposition
<b>SUBJECT:</b> 1. Notice & Review of CPS Founded Dispositions - Oregon Administrative Rules		

Responsible Manager: Manager,  
CPS Unit

Approval: \_\_\_\_\_  
Administrator, Office of  
Self-Sufficiency and Child

Safety

Interpretation: Manager, Policy Coordinator,  
and CPS Consultants, CPS Unit

**REFERENCES:** OAR 413-020-0400 through 0430, CAF Policy I-B.2.2,  
Child Protective Services Assessment  
OAR 413-030-0100 through 0130, CAF Policy I-B.2.3.2,  
Protective Service Eligibility  
OAR 413-350-0000 through 0090, CAF Policy III-F.1.6,  
Inspection and Copying of Records  
ORS 418.005  
ORS 419B.010  
ORS 419.370  
Federal Child Abuse Prevention and Treatment Act (CAPTA)

**FORMS:** Form CF 313 "Notice of CPS Founded Disposition"  
Form CF 314 "Notice of SDA Review Committee Decision"  
Form CF 315 "Notice of Central Review Committee Decision"  
Form CF 316 "Notice of a Legal Finding"  
Form CF 317 "Notice of Waived Rights for Review"

## PURPOSE

**413-010-0700 (1)** The purpose of Oregon Administrative Rules (OAR) 413-010-0700 through 0750 is to state procedures for ensuring the rights of individuals to have Notice and to Request a Review when a Child Protective Services (CPS) assessment results in a "Founded" Disposition. These rules outline a process to provide review, upon request, which begins with a preliminary review by an SDA Review Committee that has the authority to change the disposition, and upon additional request, final review by a Central Review Committee with the same authority to change the disposition.

**(2)** The Federal Child Abuse Prevention and Treatment Act (CAPTA) requires

child protective service agencies to provide notice to individuals identified as responsible for child abuse or neglect and to provide individuals with an opportunity to request and have a review of the disposition.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005**

## DEFINITIONS

**413-010-0705** For the purposes of OAR 413-010-0700 to 0750, the following words and phrases have these meanings:

(1) **“SDA Review Committee”** means a group of three child welfare employees selected by an SDA Child Welfare Manager or a designee, none of whom were involved in the assessment that resulted in the specific CPS Founded Disposition under review. One of the members must be a Manager and one must be staff trained in CPS assessment and dispositions. Further requirements of the SDA Review Committee are described in OAR 413-010-0735 and 0738.

(2) **“Central Review Committee”** means a group of three child welfare employees selected by the CAF Manager for Protective Services or a designee, none of whom were involved in either the SDA Review Committee or in the assessment that resulted in the specific CPS Founded Disposition under review. Further requirements of the Central Review Committee are described in OAR 413-010-0745 and 0746. The three child welfare staff must include:

- (a) Either the CHS Assistant Director or a designee; and
- (b) Either the Manager for Child Protective Services or a designee; and
- (c) At least one of the four CPS Consultants.

(3) **“CPS”** means the Department’s Child Protective Services program located in the CAF policy cluster, that includes but is not limited to the assessment of alleged child abuse or neglect.

(4) **“CPS Disposition”** is a finding that completes a CPS Assessment. Dispositions are defined in OAR 413-020-0430(15) and summarized as follows:

(a) **“Founded”** means there is reasonable cause to believe that the child abuse or neglect occurred;

(b) **“Unfounded”** means no evidence of child abuse or neglect was identified or disclosed; or

(c) **“Unable to Determine”** means some indications of child abuse/neglect exist, but there is insufficient data to confirm whether or not child abuse/neglect occurred.

(5) **“CPS Founded Disposition”** means that the Department determined at the conclusion of an assessment of alleged child abuse or neglect that there is reasonable cause to believe that child abuse or neglect occurred; and, when known, that there is reasonable cause to believe that a specific person or persons was responsible for the child abuse or neglect.

(6) **“CAF”** means Children, Adults and Families (CAF).

(7) **“Community Human Services (CHS)”** means the service delivery structure of the Department of Human Services.

(8) **“Department”** means the Department of Human Services (DHS).

(9) **“Juvenile”** means a person younger than age 18 years. OAR 413-010-0716 provides specific requirements regarding application of these rules for Juveniles.

(10) **“Legal Finding”** means a Juvenile or Criminal Court finding, guilty plea or guilty verdict which identifies that the person inquiring about or requesting a review was responsible for the child abuse or neglect which was the subject of the CPS Founded Disposition.

(11) **“Notice of SDA Review Committee Decision (Form CF 314)”** means a written notice of the Decision of the SDA Review Committee and a Notice of the Right to Request a Central Review. The Notice of SDA Review Committee Decision is further described in OAR 413-010-0738.

(12) **“Notice of Central Review Committee Decision (Form CF 315)”** means a written notice of the Decision of the Central Review Committee. The Central Review Committee Decision is the Final Order and is further described in 413-010-0746.

(13) **“Notice of CPS Founded Disposition (Form CF 313)”** means the written Notice delivered to the individual identified as responsible for the child abuse or neglect. This Notice states the right of the individual to Request a Review. Further requirements of the Notice are described in OAR 413-010-0715, 0717 and 0718, including who must receive the Notice if the individual identified as responsible for the child abuse or neglect is a juvenile, which is further described in OAR 413-010-0716.

(14) **“Notice of a Legal Finding (Form CF 316)”** means the written notice that Department has established that there is a Juvenile or Criminal Court Finding, guilty plea, or guilty verdict, which identifies that the person inquiring about or requesting a

review was responsible for the child abuse or neglect which was the subject of the CPS founded disposition.

**(15) “Notice of Waived Rights for Review (Form CF 317)”** means a written notice that Department staff may send to a Person Requesting Review, when the office has documentation that a person refused to accept delivery of the Notice of CPS Founded Disposition or that the person accepted the delivery of the Notice of CPS Founded Disposition and did not Request a Review within the time period required in OAR 413-010-0720(7).

**(16) “Perpetrator”** means an individual identified by the Department as responsible for child abuse or neglect in a CPS Founded Disposition.

**(17) “Person Requesting Review,” or “Person Requests a Review”** means an individual who is identified in a CPS Founded Disposition and who Requests a Review of the Disposition because the individual believes the finding is in error. OAR 413-010-0715, 0716, 0717 and 0718 further describe the individual who may Inquire about a Review or Request a Review, and specifically if the individual is an employee of the Department (413-010-0714), or a Juvenile (413-010-0716).

**(18) “Request for Review by SDA Review Committee”** means a written request from a Person Requesting Review. The specific requirements for a Request for Review are described in 413-010-0721.

**(19) “Request for Review by Central Review Committee”** means a written request from a person who has received an SDA Review Committee Decision (CF Form 314), continues to believe the CPS Founded Disposition is in error, and requests additional review by a Central Review Committee. The specific requirements for a Request for Review by a Central Review Committee are described in OAR 413-010-0740.

**(20) “Retain a Request for Review”** means an SDA Child Welfare Manager or designee determines a Request for Review will be held until a juvenile court Legal Finding is made. More specific details are described in OAR 413-010-0722 and 0723.

**(21) “SDA”** means Service Delivery Area (SDA). A geographic region of one or more counties served by the Department and managed by an SDA Manager.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005**

## OVERVIEW OF THE PROCEDURES OUTLINED IN THESE RULES

**413-010-0712** These rules include the following procedures:

(1) Applying DHS employee policies if the person identified as responsible in a CPS Founded Disposition **is an employee of the Department**. Refer to OAR 413-010-0714;

(2) Providing **Notice of a CPS Founded Disposition** as a result of a disposition. Refer to OAR 413-010-0715;

(3) Providing **Notice of a CPS Founded Disposition and other documents to Juveniles** when they are identified as responsible in a CPS Founded Disposition, as a result of a disposition. Refer to OAR 413-010-0716;

(4) Inquiry about a Review of **CPS Founded Disposition** as a result of a disposition made **prior to** August 4, 2000. Refer to OAR 413-010-0717;

(5) **Inquiry about a Review of a CPS Founded Disposition** when a person believes they have not received a notice. Refer to OAR 413-010-0718;

(6) **SDA Responsibilities when a Person Inquires About a Review of a CPS Founded Disposition**. Refer to OAR 413-010-0719;

(7) **Information included in the Notice of CPS Founded Disposition (Form CF 313)**. Refer to OAR 413-010-0720;

(8) **Making a Request for a Review of a CPS Founded Disposition**. Refer to OAR 413-010-0721;

(9) Determining when **Legal Findings** preclude a Right for Review. Refer to OAR 413-010-0722;

(10) Providing a **Notice of Legal Finding**. Refer to OAR 413-010-0723;

(11) **Local Department Office Responsibilities Related to Notices and Reviews**. Refer to OAR 413-010-0732;

(12) **SDA Committee Reviews** of CPS Founded Dispositions. Refer to OAR 413-010-0735;

(13) **Providing a Notice of SDA Review Committee Decision**. Refer to OAR 413-010-0738;

(14) **Requesting a Central Committee Review** of CPS Founded Disposition; Refer to OAR 413-010-0740;

**(15) SDA Responsibilities in a Request for Central Committee Review.** Refer to OAR 413-010-0743;

**(16) Central Committee Review;** Refer to OAR 413-010-0745;

**(17) Notice of Central Committee Review Decisions;** Refer to OAR 413-010-0746;

**(18) Revising CPS Founded Dispositions** in the Integrated Information System (IIS). Refer to OAR 413-010-0750;

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005**

## **DEPARTMENT EMPLOYEE - APPLICATION OF DEPARTMENT EMPLOYEE POLICIES**

**413-010-0714** When the individual identified as responsible for "Founded" Child Abuse or Neglect is a Department employee, the Department will refer to CAF Policy I-E.4.8.12 for additional and/or different requirements.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005**

## **PROVIDING NOTICE OF A CPS FOUNDED DISPOSITION**

**413-010-0715** The local Department office that determines a person responsible for a CPS Founded Disposition at the completion of a CPS assessment, shall deliver a Notice of CPS Founded Disposition (Form CF 313) to the person who has been identified as responsible in the CPS Founded Disposition. If the person is a Juvenile refer to OAR 413-010-0716. If the individual is not a juvenile the delivery shall be made in one of the following ways:

**(1)** by certified mail, restricted delivery, with a return receipt requested to the last known address; or

**(2)** by hand delivery, when it is hand-addressed to the individual by the Department child welfare caseworker, the original is signed and dated by the individual to whom it is addressed to acknowledge receipt, and signed by the caseworker. Local Department staff shall place the document with original signatures in the case record.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005**

## **PROVIDING NOTICE OF A CPS FOUNDED DISPOSITION AND OTHER**

**DOCUMENTS TO A JUVENILE**

**413-010-0716 (1)** The local Department office that determines a juvenile is responsible for a CPS Founded Disposition at the completion of a CPS assessment shall deliver the Notice of CPS Founded Disposition (Form CF 313) to one of the following persons who may act on behalf of the juvenile and submit a Request for Review based on the legal custody of the juvenile:

- (a) the Juvenile's parent, or
- (b) the Juvenile's guardian.

**(2)** If the Juvenile is in the Department's legal custody, the notice shall be sent to both of the following:

- (a) the Juvenile's attorney, and

(b) the Juvenile's parent, unless there is cause to believe such consultation will be detrimental to the child, per 413-020-170 (2) (c),

**(3)** If the Juvenile is in Department custody and is unrepresented, the Department shall ask the Juvenile court to appoint an attorney for the child.

**(4)** The notice of a CPS Founded Disposition (Form CF 313) shall be delivered by certified mail, restricted delivery, with a return receipt requested to the last known address of the appropriate person(s).

**(5)** The Notice of CPS Founded Disposition (Form CF 313) shall include the information listed in OAR 413-010-0720.

**(6)** Any other documents that are delivered for the purposes of implementing these rules shall be delivered to the appropriate person(s) as outlined in this rule.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005, ORS 419.370**

**INQUIRY ABOUT A REVIEW WHEN A CPS FOUNDED DISPOSITION WAS MADE PRIOR TO AUGUST 4, 2000**

**413-010-0717 (1)** The Department will not deliver a Notice of Founded CPS Disposition (Form CF 313) to persons identified as responsible in CPS Founded Dispositions as a result of assessments made prior to August 4, 2000, unless a person makes an inquiry to the Department about an opportunity for review as described in (2) below.

(2) Individuals who are identified as responsible in a CPS Founded Disposition made prior to August 4, 2000 may contact the Department and inquire about a Review of the Disposition. The Department will follow the procedures outlined in OAR 413-010-0719 to determine if a Review may be requested.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005**

### **INQUIRY ABOUT A REVIEW OF A CPS FOUNDED DISPOSITION WHEN A PERSON BELIEVES THEY HAVE NOT RECEIVED A NOTICE**

**413-010-0718** If a person believes they have not received a Notice of CPS Founded Disposition (Form CF 313), the person may contact the Department to inquire about a Review of the Disposition. The Department will follow the procedures outlined in OAR 413-010-0719 to determine if a Review of a CPS Founded Disposition may be requested.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005**

### **LOCAL DEPARTMENT OFFICE RESPONSIBILITIES WHEN A PERSON INQUIRES ABOUT A REVIEW OF A CPS FOUNDED DISPOSITION**

**413-010-0719** Local Department office staff shall take the following steps when a person inquires about a Review of a CPS Founded Disposition. Persons may contact the Department under circumstances described in 413-010-0716, 0717 and/or 0718.

(1) Staff of the local office will record the individual's name and address, and a telephone number when available.

(2) Staff of the local office that determined the CPS Founded Disposition shall determine whether a Legal Finding exists for the person making the inquiry.

(a) If there is a Legal Finding that identifies the person making the inquiry as responsible for the child abuse or neglect that was the subject of the CPS Founded Disposition, the Department staff shall deliver a Notice of Legal Finding to the person (Form CF 316). A Request for Review shall be precluded as described in 413-010-0722.

(b) If there is no Legal Finding as described in (a) above, Department staff shall review the Department records to determine whether:

(A) A Notice of a CPS Founded Disposition was delivered to the person; and

(B) Whether the person refused the delivery.

(3) If staff determine that either the Notice was delivered as evidenced by the returned receipt, or that the person refused the delivery as evidenced by the returned receipt, the staff may prepare and deliver a Notice of Waived Rights for Review (Form CF 317), or inform the person by telephone. If the person is a juvenile, staff shall follow the procedures provided in OAR 413-010-0716.

(4) If staff determine that the Notice was not delivered as evidenced by the returned receipt, and that no Legal Finding was made, the staff shall deliver a Notice of CPS Founded Disposition as outlined in OAR 413-010-0720. If the person is a juvenile, staff shall follow the procedures provided in OAR 413-010-0716.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: Federal CAPTA, ORS 418.005**

### **INFORMATION INCLUDED IN THE NOTICE OF A CPS FOUNDED DISPOSITION (Form CF 313)**

**413-010-0720** The Notice of a CPS Founded Disposition (Form CF 313) shall include all of the following:

(1) The case and sequence numbers assigned to the assessment that resulted in the CPS Founded Disposition;

(2) The full name of the individual who has been identified as responsible for the child abuse or neglect as it is recorded in the case record;

(3) A statement that the CPS Disposition was recorded as Founded including a description of the type of child abuse or neglect identified;

(4) A statement about the right of the individual to make a Request for Review of the "founded" CPS disposition;

(5) Instructions for making a Request for Review, which must include the reason the individual believes the CPS Founded Disposition is in error;

(6) A statement that the local Department office may retain a Request for Review when a dependency petition has been filed in a juvenile court that identifies the person requesting review as responsible for the child abuse or neglect that was the subject of the Founded CPS Disposition. If the Request for Review is Retained, the Department staff shall notify the Person Requesting Review within 30 days of the juvenile court finding, of either the Legal Finding or the SDA Review Committee Decision.

(7) A statement that the person Waives the Right to Request a Review if the Request for Review is not received by the local Department office within 30 calendar

days from the Date of Receipt of the Notice of CPS Founded Disposition, as documented by the US Postal Service.

**(8)** A statement that the SDA Review Committee shall consider all relevant case file information including CPS assessment and disposition, screening information, assessment information and narrative, related police reports, medical reports, and information provided by the person requesting review in their request. The Review Committee shall not: re-interview the victim; interview or meet with the person requesting a review, or others associated with the requestor, or others mentioned in the assessment; or conduct a field assessment of the allegation of child abuse or neglect;

**(9)** A statement that the local Department office will send the Notice of SDA Review Committee Decision (Form CF 314) within 30 days of receiving a Request for Review.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005**

## **MAKING A REQUEST FOR A REVIEW OF A CPS FOUNDED DISPOSITION**

**413-010-0721 (1)** A person who meets the criteria outlined in 413-010-0716, 0718, and/or 0719 may make an inquiry with the local Department Office to ask if they meet the criteria for Requesting a Review. A person meeting the criteria shall receive a Notice of CPS Founded Disposition, described in OAR 413-010-0720.

**(2)** A Person Requesting Review shall use information found on the Notice of CPS Founded Disposition to prepare a written Request for Review. The written Request for Review shall be delivered to a local Department office within 30 calendar days of the receipt of the Notice of CPS Founded Disposition and shall include the following items:

- (a)** Date the Request for Review is written;
- (b)** Case Number and Sequence Number (found on the Notice of CPS Founded Disposition);
- (c)** Full Name of the Person identified as responsible in the CPS Founded Disposition;
- (d)** The reason the Person is Requesting the Review. An explanation of why the person believes the CPS Founded Disposition is in error;
- (e)** The Person's current name (if it has changed from the name noted in (c) above);

(f) The Person's current street Address, City, State, Zip Code, and Telephone Number; and

(g) The Person's signature.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005**

## **DETERMINING WHEN LEGAL FINDINGS PRECLUDE A RIGHT TO REQUEST A REVIEW**

**413-010-0722 (1)** A Legal Finding will preclude a Person's Right to Request a Review when staff of the local Department office that determined the CPS Founded Disposition establish that a Legal Finding exists that is directly related to the inquiry the person has made. A Review shall not be held when a Legal Finding exists. A Notice of Legal Finding will be provided as outlined in 413-010-0723 (1).

(2) When the Request for Review is Retained as described 413-010-0723 and the juvenile court Legal Finding is made that the child abuse or neglect occurred and is the subject of Found CPS Disposition and that the Person Requesting Review is responsible, a Review shall not occur. A Notice of Legal Finding (Form CF 316) will be provided as outlined in 413-010-0723.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005**

## **PROVIDING A NOTICE OF LEGAL FINDING (Form CF 316)**

**413-010-0723 (1)** A Request for Review may not be made by a Person who has a Legal Finding as described in 413-010-0722. If a Person inquires about a review and a Legal Finding exists, the Department staff will prepare and deliver a Notice of Legal Finding (Form CF316) that a Review shall not occur.

(2) On or after August 4, 2000 when a Request for Review has been Retained the Department staff shall notify the Person Requesting Review, within 30 calendar days of the juvenile court finding, using a Notice of a Legal Finding (Form CF316) that a Review shall not occur.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005**

## **SDA OFFICE RESPONSIBILITIES RELATED TO NOTICES AND REVIEWS**

**413-010-0732 (1)** If an individual asks to review the record, OAR 413-350-0000 through 413-350-0090 shall govern inspection and copying of records.

(2) The local Department office that completed the assessment resulting in a CPS Founded Disposition shall maintain records to demonstrate the following, when applicable:

(a) Whether the Department delivered a Notice of CPS Founded Disposition;

(b) Whether or not the Notice of CPS Founded Disposition was received by the addressee, as evidenced by a returned receipt documenting the Notice was received, refused, or not received within the 15 calendar day time period as provided by the US Postal Service;

(c) Date a Request for a SDA Review was received;

(d) When a Request for SDA Committee Review was made, whether the Notice of the SDA Review Committee Decision (Form CF 314) was received or not, as evidenced by a returned receipt documenting the Notice was received, refused, or not received within the 15 calendar day time period as provided by the U.S. Postal Service;

(e) Date a Request for Central Committee Review was received.

(3) The Child Welfare Supervisor or designee shall maintain a comprehensive record of the Reviews held on CPS Founded Dispositions completed by that local Department office. The record shall include the date, case number, sequence number, and the Committee Decision.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005**

### **SDA REVIEW COMMITTEES AND REVIEWS OF CPS DISPOSITIONS**

**413-010-0735 (1)** The SDA Review Committee shall conduct a review and issue a Notice of SDA Review Committee Decision (Form CF 314) within 30 days of receiving a Request for Review of a CPS Founded Disposition, per OAR 413-010-0738 (3).

(2) If the Request for Review has been Retained as per OAR 413-010-0720 (6) and a Legal Finding was not made that would preclude a review, the review shall occur within 30 calendar days of the completion of the juvenile court proceeding.

(3) The SDA Review Committee will operate as follows:

(a) The SDA Review Committee shall consider all relevant case file information including CPS assessment and disposition, screening information, assessment information and narrative, related police reports, medical reports,

and information provided by the person requesting review in their request. The Review Committee shall not: re-interview the victim; interview or meet with the person requesting a review, or others associated with the requestor, or others mentioned in the assessment; or conduct a field assessment of the allegation of child abuse or neglect;

(b) The SDA Review Committee shall decide that a CPS disposition will be changed if it was entered as a result of an input error;

(c) The SDA Review Committee shall have the authority to retain or change a CPS disposition after a review has occurred;

(d) When reviewing a CPS Founded Disposition, the Review Committee shall determine whether there is or is not reasonable cause to believe that child abuse or neglect occurred (ORS 419B.010) and whether there is or is not reasonable cause to believe the person requesting review is responsible;

(e) The SDA Review Committee will decide by majority vote of the participating committee members if the CPS disposition will be retained or changed.

(4) The Child Welfare Supervisor or designee shall prepare a Notice of SDA Review Committee Decision (Form CF 314) as described in OAR 413-010-0738.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005**

#### **PROVIDING A NOTICE OF SDA REVIEW COMMITTEE DECISION**

**413-010-0738 (1)** The Notice of SDA Review Committee Decision (Form CF 314) shall include the following items:

(a) Whether there is or is not reasonable cause to believe that child abuse or neglect occurred;

(b) Whether there is or is not reasonable cause to believe the Person Requesting the Review was responsible for the child abuse or neglect;

(c) The Decision of the SDA Review Committee about whether the CPS Founded Disposition will be retained or changed; and if changed, whether it will be changed to either Unable to Determine or Unfounded;

(d) A summary of the information upon which the decision was based, and when a CPS Founded Disposition is changed, the information will be added to the assessment narrative;

(e) A statement about how to request a review by the Central Review Committee, as described in OAR 413-010-0740.

(2) The Department staff shall place the Request for Review, and a copy of the SDA Review Committee Decision (Form CF 314) into the case file. No changes shall be made in the existing written case record.

(3) The Department shall deliver the SDA Review Committee Decision (Form CF 314) by certified mail, restricted delivery, with a return receipt requested, to the Person Requesting Review within 30 days of the Request for Review, according to 413-010-735 (1).

(4) If a person who has received Notice of the SDA Review Committee's Decision does not Request a Review by the Central Review Committee as outlined in OAR 413-010-0740 and the SDA Review Committee Decision is to change the CPS disposition; Department staff shall send the SDA Review Committee Decision to the Child Protective Services Program Coordinator. Revisions to the Disposition recorded in the Integrated Information System (IIS) will be made according to the procedures outlined in 413-010-0750.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005**

## **REQUESTING A CENTRAL COMMITTEE REVIEW**

**413-010-0740** Within 30 calendar days, a person who has received Notice of the SDA Review Committee Decision may Request a Review by the Central Review Committee. A Person Requesting a Review by Central Committee may use a copy of the Request for SDA Review or prepare a new Request for Review by Central Committee, according to the description outlined in 413-010-0721. A Person Requesting a Review by the Central Committee shall deliver the Request to the local Department Child Welfare office within 30 days of the date the Notice of SDA Review Committee Decision (Form CF 314) was received, as evidenced on a U.S. Postal Service return receipt.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005**

## **SDA RESPONSIBILITIES IN A REQUEST FOR CENTRAL COMMITTEE REVIEW**

**413-010-0743** Within 10 calendar days of the Department staff receiving a valid Request for Central Committee Review shall forward the following documents to the DHS Central CPS Program Unit:

(1) The Request for Central Committee Review, and

**(2)** A copy of the case records pertinent to the CPS Founded Disposition

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005**

## **CENTRAL COMMITTEE REVIEW**

**413-010-0745 (1)** The Central Review Committee shall conduct a review and issue a Notice of Central Review Committee Decision (Form CF 315) within 60 days from the date the Central CPS Program Unit receives a Request for a Central Committee Review.

**(a)** The CPS program office shall schedule a review of the CPS Founded Disposition when a written Request for Review and case file information is received from the SDA.

**(b)** The Central Review Committee shall consider all relevant case file information including CPS assessment and disposition, screening information, assessment information and narrative, related police reports, medical reports, and information provided by the person requesting review in their request. The Review Committee shall not: re-interview the victim; interview or meet with the person requesting a review, or others associated with the requestor, or others mentioned in the assessment; or conduct a field assessment of the allegation of child abuse or neglect.

**(2)** The decision of the Central Review Committee shall be by majority vote of the participating committee members. When reviewing a CPS Founded Disposition, the Review Committee shall determine whether there is or is not reasonable cause to believe that child abuse or neglect occurred (ORS 419B.010) and whether there is or is not reasonable cause to believe that the Person Requesting Review is responsible for the child abuse or neglect.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005**

## **NOTICE OF CENTRAL REVIEW COMMITTEE DECISION**

**413-010-0746 (1)** Within 60 calendar days of the date the Central Committee receives the Request for Review from the SDA, the Central Review Committee shall prepare a Notice of Central Review Committee Decision (Form CF 315) that includes the following:

**(a)** When the CPS Disposition is Founded whether there is or is not reasonable cause to believe that child abuse or neglect occurred;

**(b)** When the CPS disposition is Founded whether there is or is not

reasonable cause to believe that the Person Requesting Review was responsible for the child abuse or neglect;

(c) The decision that a CPS Disposition will be retained or changed; and if changed, changed to Unable to Determine or Unfounded Disposition;

(d) A summary of the information upon which the decision was based.

(2) Send the Notice of Central Review Committee Decision (Form CF 315) to the Person Requesting Review and the respective SDA for filing in the case record;

(3) If the decision is to change the CPS Disposition, the Central Review Committee shall send the Decision (Form CF 315) to the CAF CPS Program Coordinator. Revisions to the Disposition recorded in the Integrated Information System (IIS) will be made according to the procedures outlined in 413-010-0750; and

(4) The Central CPS Program Office shall maintain a comprehensive record of the Reviews of CPS Founded Dispositions conducted by the Central Review Committee. The record shall include the date, case number, sequence number, and the Committee Decision.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005**

### **REVISING FOUNDED CHILD ABUSE/NEGLECT DISPOSITIONS IN THE INTEGRATED INFORMATION SYSTEM (IIS)**

**413-010-0750** When a Review Committee Decision is made to change a CPS Founded Disposition, the CAF CPS Program Coordinator or designee shall forward the Notice of SDA Review Committee Decision (Form CF 314) or Notice of Central Review Committee Decision (Form CF 315) to the Department of Human Services Office of Information Services (OIS). OIS staff shall enter authorized information and make changes in Department's Integrated Information System (IIS), Families and Child Information System (FACIS). IIS staff shall add the reason for the change in Disposition to the existing Assessment Narrative and change the CPS Founded Disposition and the perpetrator and victim information.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: CAPTA, ORS 418.005**