

Policy Title:	Notice and Review of CPS Founded Dispositions – OAR		
Policy Number:	I-A.6.1 413-010-0700 thru 0750	Version:	Effective Date: 4/04/12

Approved By: *on file*

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Policy

Forms, etc.

Definitions

References

Contact

History

Reference(s):

- Child Welfare Policy I-AB.1, Introduction to Child Protective Services
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-ab1.pdf
- Child Welfare Policy I-AB.4, Child Protective Services Assessment
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-ab4.pdf
- Child Welfare Policy III-E.4.8.12, Review of Founded CPS Disposition for Child Welfare Employees
http://www.dhs.state.or.us/policy/childwelfare/manual_3/iii-e4812.pdf
- Child Welfare Policy III-F.1.6, Inspection and Copying of Records
http://www.dhs.state.or.us/policy/childwelfare/manual_3/iii-f16.pdf
- Federal Child Abuse Prevention and Treatment Act (CAPTA)
http://www.acf.hhs.gov/programs/cb/laws_policies/cblaws/capta03/capta_manual.pdf
- ORS 418.005
<http://www.leg.state.or.us/ors/418.html>
- ORS 419B.010
<http://www.leg.state.or.us/ors/419b.html>

Form(s) that apply:

- CF313, Notice of CPS Founded Disposition (replaces CF 313C)
http://dhsresources.hr.state.or.us/WORD_DOCS/CE0313.doc
- CF 314A, "Request for Review; Local Child Welfare office Committee Decision"
http://dhsresources.hr.state.or.us/WORD_DOCS/CE0314a.doc
- CF 314B, "Re: Request for Review; Local Child Welfare office Committee Decision"
http://dhsresources.hr.state.or.us/WORD_DOCS/CE0314b.doc
- CF 314C, "Request for Review; Central Office Committee Decision"
http://dhsresources.hr.state.or.us/WORD_DOCS/CE0314c.doc
- CF 315A, "Re: Request for Review; Central Office Committee Decision"
http://dhsresources.hr.state.or.us/WORD_DOCS/CE0315a.doc
- CF 315B, "Re: Request for Review; Central Office Review Committee Decision"
http://dhsresources.hr.state.or.us/WORD_DOCS/CE0315b.doc

- CF 315C, "Re: Request for Review; Central Office Committee Decision"
http://dhsresources.hr.state.or.us/WORD_DOCS/CE0315c.doc
- CF 316, "Re: Request for Review, Notice of Waived Rights"
http://dhsresources.hr.state.or.us/WORD_DOCS/CE0316.doc
- CF 317, "Request for Review; Legal proceeding"
http://dhsresources.hr.state.or.us/WORD_DOCS/CE0317.doc
- CF 318, "Re: Request for Review, Legal finding"
http://dhsresources.hr.state.or.us/WORD_DOCS/CE0318.doc
- CF 319, "Re: Notice of Child Protective Services Founded Disposition" (for an employee)
http://dhsresources.hr.state.or.us/WORD_DOCS/CE0319.doc
- CF 322, "Founded Disposition Change Request"
http://dhsresources.hr.state.or.us/WORD_DOCS/CE0322.doc

Rules:

413-010-0700

Purpose

- (1) The purpose of these rules (OAR 413-010-0700 to 413-010-0750) is to establish procedures for ensuring the rights of individuals to receive notice and the opportunity to request a review when a Child Protective Services (CPS) assessment results in a CPS founded 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.

Stat. Auth. ORS 418.005

Stats. Implemented: ORS 418.005

413-010-0705

Definitions

For the purposes of OAR 413-010-0700 to 413-010-0750, the following terms have these meanings:

- (1) "Central Office CPS Founded Disposition Review" means a process wherein a *Central Office CPS Founded Disposition Review Committee* reviews a founded disposition, makes recommendations to the CPS Program Manager or designee, and the CPS Program Manager or designee makes a decision to uphold, overturn, or change the abuse type of the founded disposition.

- (2) "Central Office CPS Founded Disposition Review Committee" means a group of two child welfare employees who make a recommendation or recommendations to the Child Protective Services Program Manager or designee regarding the CPS founded disposition. No one may serve on the "Central Office CPS Founded Disposition Review Committee" who participated in or observed the *Local Child Welfare Office CPS Founded Disposition Review* or had a role in the CPS assessment, including having participated in a staffing, that resulted in the CPS founded disposition under review. Further requirements of the "Central Office CPS Founded Disposition Review Committee" are found in OAR 413-010-0745 and 413-010-0746. The two child welfare staff on the committee must include any two of the following--
- (a) Either the Program Manager for Child Protective Services or a designee;
 - (b) A CPS program coordinator;
 - (c) A CPS consultant; or
 - (d) A Department supervisor.
- (3) "Child Protective Services (CPS)" means a specialized social service program that the Department provides on behalf of children who may be unsafe after a report of child abuse or neglect is received.
- (4) "CPS Disposition" means a determination that completes a CPS assessment. Dispositions are discussed in OAR 413-015-1000 and include founded, unfounded, and unable to determine.
- (5) "Department" means the Department of Human Services, Child Welfare.
- (6) "Juvenile" means a person younger than the age of 18 years who is identified as a *perpetrator*. OAR 413-010-0716 provides specific requirements regarding application of these rules to juveniles.
- (7) "Legal finding" means a court or administrative finding, judgment, order, stipulation, plea, or verdict that determines who was responsible for the child abuse that is the subject of a CPS founded disposition.
- (8) "Legal proceeding" means a court or administrative proceeding that may result in a *legal finding*.
- (9) "Local Child Welfare Office CPS Founded Disposition Review" means a process wherein a *Local Child Welfare Office CPS Founded Disposition Review Committee* reviews a founded disposition, makes recommendations to a Child Welfare program manager or designee, and the Child Welfare program manager or designee makes a decision to uphold, overturn, or change the abuse type of the founded disposition.

- (10) "Local Child Welfare Office CPS Founded Disposition Review Committee" means a group of two child welfare employees who make a recommendation or recommendations to a Child Welfare Program Manager or designee regarding a CPS founded disposition. One of the members must be a manager and one must be staff trained in CPS assessment and dispositions. No one may serve on the "Local Child Welfare Office CPS Founded Disposition Review Committee" in the review of an assessment in which he or she had a role in the CPS assessment, including having participated in a staffing, that resulted in the CPS founded disposition under review. Further requirements of the "Local Child Welfare Office CPS Founded Disposition Review Committee" are found in OAR 413-010-0735 and 413-010-0738.
- (11) "Perpetrator" means the person the Department has reasonable cause to believe is responsible for child abuse in a CPS founded disposition.
- (12) "Person Requesting Review" or "Requestor" means a *perpetrator*, his or her attorney, or, if a *juvenile* is identified as the *perpetrator*, the person who may request a review on behalf of the *juvenile*, who requests a review of the founded disposition because they believe the founded disposition is in error.
- (13) "Request for a Central Office CPS Founded Disposition Review" means a written request for a *Central Office CPS Founded Disposition Review* from a *requestor* who has received a Local Child Welfare Office CPS Founded Disposition Review Decision (Form CF 314) to retain a founded disposition. The specific requirements for a request for review by Central Office are described in OAR 413-010-0740.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-010-0710

Required Forms

Several Department forms are referred to by form number in these rules. The forms are available at the Department's website. When use of a form is required by these rules, the current version of the form must be used.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-010-0714

Department Employee - Application of Department Employee Policies

When the *perpetrator* is a Department employee, the Department will follow the Department employee policies (see Child Welfare Policy III-E.4.8.12, "Review of Founded CPS Disposition for Child Welfare Employees").

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-010-0715

Providing Notice of a CPS Founded Disposition

- (1) The local Child Welfare office must deliver a "Notice of a CPS Founded Disposition" (Form CF 313 or CF 319 as appropriate) to the person identified as the *perpetrator* in the CPS founded disposition, except as provided in section (2) of this rule. If the *perpetrator* is a *juvenile*, notice must be provided as required by OAR 413-010-0716. If the *perpetrator* is not a *juvenile*, the notice must be delivered as follows:
 - (a) By certified mail, restricted delivery, with a return receipt requested to the last known address of the *perpetrator*, or
 - (b) By hand delivery to the *perpetrator*. If hand delivered, the notice must be addressed to the *perpetrator* and a copy of the notice must be signed and dated by the *perpetrator* to acknowledge receipt, signed by the person delivering the notice, and filed in the child welfare case file.
 - (c) If subsection (2)(b) of this rule does not apply, the method or process for providing notice of a CPS founded disposition when domestic violence has been identified should maximize the safety of the child, the adult victim, and Department employees. The Department will not use the adult victim to deliver the notice.
- (2) A "Notice of a CPS Founded Disposition" (Form CF 313) is not required if:
 - (a) The CPS founded disposition was made prior to August 4, 2000. Notice will be given on CPS founded dispositions made prior to August 4, 2000 as provided in OAR 413-010-0717.
 - (b) Domestic violence has been identified and if providing the notice would increase the risk of harm to a child, adult victim, or Department employee. This exception may only be made with Department management approval based on documentation of risk.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-010-0716

Providing Notice of a CPS Founded Disposition and Other Documents to a Juvenile

- (1) The local Child Welfare office that determines a *juvenile* is the *perpetrator* must deliver the "Notice of CPS Founded Disposition" (Form CF 313) to one of the following persons who may act on behalf of the *juvenile* in submitting a request for review based on having legal custody of the *juvenile*:

- (a) The juvenile's parent; or
 - (b) The juvenile's guardian.
- (2) If the *juvenile* is in the legal custody of the Department or the Oregon Youth Authority, the notice must 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 communication will be detrimental to the *juvenile* (see OAR 413-020-0170(3)(c)).
- (3) If the *juvenile* is in the legal custody of the Department and is unrepresented, the Department will ask the juvenile court to appoint an attorney for the *juvenile*.
- (4) The "Notice of a CPS Founded Disposition" (Form CF 313) must be delivered by certified mail, restricted delivery, with a return receipt requested to the last known address of each mandatory recipient identified in sections (1) and (2) of this rule.
- (5) Any other notices or documents that must be provided to perpetrators pursuant to these rules must be delivered to the appropriate persons as outlined in this rule if the *perpetrator* is a *juvenile*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 419.370

413-010-0717

Inquiry about a Review When a CPS Founded Disposition Was Made Prior to August 4, 2000

- (1) The Department will not deliver a "Notice of Founded CPS Disposition" (Form CF 313) to a person identified as a *perpetrator* in a CPS founded disposition completed prior to August 4, 2000, unless a person makes an inquiry to the Department about an opportunity for review and qualifies for a review as described in section (2) of this rule.
- (2) An individual identified as a *perpetrator* in a CPS founded disposition completed prior to August 4, 2000 may contact any Child Welfare office and inquire about a review of the disposition. If a complete record of the incident, including a complete copy of the CPS assessment and documentation collected during the CPS assessment, is still available, the Department proceeds in accordance with OAR 413-010-0718. If a complete record of the incident is no longer available, the Department will not conduct a review but will provide notice to the individual that a review will not be conducted and the reasons for that determination.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-010-0718

Inquiry about a Review of a CPS Founded Disposition When a Person Believes They Have Not Received a Notice

If a person believes he or she is entitled under these rules (OAR 413-010-0700 to 413-010-0750) to a "Notice of CPS Founded Disposition" (Form CF 313) but has not received one, the person may contact any Child Welfare office to inquire about a review of the disposition.

- (1) If the local Child Welfare office determines that the person making the inquiry has been identified as a *perpetrator* in a CPS founded disposition since August 4, 2000, staff must determine whether a "Notice of CPS Founded Disposition" (Form CF 313) was delivered to the *perpetrator* or the *perpetrator* refused the delivery of the notice, as evidenced by the returned receipt.
- (2) If a notice was delivered to the *perpetrator* or the *perpetrator* refused delivery of the notice, as evidenced by a returned receipt, and the time for requesting review of the CPS founded disposition has expired, the local Child Welfare office must either prepare and deliver a "Notice of Waived Rights for Review" (Form CF 316) or inform the *perpetrator* by telephone of the information required in the "Notice of Waived Rights for Review" and document the telephone notification in the child welfare case file.
- (3) If the *perpetrator* is a *juvenile*, the local Child Welfare office must prepare and deliver a "Notice of Waived Rights" to the appropriate persons identified in OAR 413-010-0716.
- (4) If no returned receipt exists or if it appears that notice was not properly provided, the local Child Welfare office must deliver a "Notice of CPS Founded Disposition" as provided in OAR 413-010-0720 or, if the *perpetrator* is a *juvenile*, as provided in OAR 413-010-0716.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-010-0720

Information Included in the "Notice of a CPS Founded Disposition" (Form CF 313)

The "Notice of a CPS Founded Disposition" (Form CF 313) must include all of the following:

- (1) The case and sequence numbers assigned to the CPS 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 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 description of the CPS assessment that briefly explains how the CPS founded disposition was determined.

- (5) A statement about the right of the individual to submit a request for review of the CPS founded disposition.
- (6) Instructions for making a request for review, including the requirement that the *requestor* provide a full explanation why the *requestor* believes the CPS founded disposition is in error.
- (7) A statement that the Department will not review a CPS founded disposition when a *legal proceeding* is pending and that the person requesting a review maintains the right to request a review for 30 days following resolution of the pending *legal proceeding* unless the proceeding results in a *legal finding* that is consistent with the CPS founded disposition.
- (8) A statement that the person waives the right to request a review if the request for review is not received by the local Child Welfare office within 30 calendar days from the date of receipt of the "Notice of CPS Founded Disposition," as documented by a returned receipt.
- (9) A statement that the local Child Welfare office will consider relevant documentary information contained in the Department's case file, including the CPS assessment and disposition, screening information, assessment information and narrative, related police reports, medical reports, and information submitted with the request for review by the *person requesting review*.
- (10) A statement that the review process will not include re-interviewing the victim; interviewing or meeting with the person requesting a review, with others associated with the *requestor*, or with others mentioned in the assessment; or conducting a field assessment of the allegation of child abuse.
- (11) A statement that the local Child Welfare office will send the *requestor* a "Notice of Local Child Welfare Office CPS Founded Disposition Review Decision" (Form CF 314) within 30 days of receiving a request for review.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-010-0721

Making a Request for a Review of a CPS Founded Disposition

A person requesting a review must use information contained on the "Notice of CPS Founded Disposition" to prepare a written request for review. The written request for review must be delivered to the local Child Welfare office within 30 calendar days of the receipt of the Notice of CPS Founded Disposition and must include the following items:

- (1) Date the request for review is written;

- (2) Case number and sequence number found on the "Notice of CPS Founded Disposition;"
- (3) Full name of the person identified as responsible for abuse or neglect in the CPS founded disposition;
- (4) A full explanation, responsive to the information provided in the Department's notice, explaining why the person believes the CPS founded disposition is in error and providing any additional information and documents the person wants considered during the review;
- (5) The person's current name (if it has changed from the name noted in section (3) of this rule);
- (6) The person's current street address and telephone number; and
- (7) The person's signature.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-010-0722

Determining When Legal Findings Preclude a Right to Request a Review and Providing Notice of Legal Proceeding (Form CF 317)

- (1) The Department does not conduct a review when there is a *legal finding* consistent with the CPS founded disposition. In that case, a "Notice of Legal Finding" must be provided as provided in OAR 413-010-0723.
- (2) If the Department is aware that a *legal proceeding* is pending, the local Child Welfare office will not review the CPS founded disposition until the *legal proceeding* is completed.
- (3) If the Department is aware that a *legal proceeding* is pending, the local Child Welfare office must prepare and deliver a notice of legal proceedings (CF 317) within 30 days after receipt of a request for review. This informs the *requestor* that the Department will not review the disposition until the *legal proceeding* is completed and will take no further action on the request.
- (4) The *requestor* may, at the conclusion of the *legal proceeding*, again submit a request for review within 30 days.
- (5) The *requestor* retains the right to request a review for 30 days following resolution of the *legal proceeding*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-010-0723

Providing a Notice of Legal Finding (Form CF 318)

If a *requestor* inquires about a review of a CPS founded disposition and there is a *legal finding* consistent with the CPS founded disposition, the local Child Welfare office staff must prepare and deliver a "Notice of Legal Finding" (Form CF 318) that informs the *requestor* that the Department will not review the disposition.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-010-0732

Local Child Welfare Office Responsibilities Related to Notices and Reviews

- (1) If an individual asks to review Department records for the purpose of reviewing a CPS founded disposition, state and federal confidentiality law, including OAR 413-010-0000 to 413-010-0075 and OAR 413-350-0000 to 413-350-0090 govern the inspection and copying of records.
- (2) The local Child Welfare office must 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 that the notice was received, refused, or not received within the 15-day period provided by the United States Postal Service;
 - (c) The date a Request for a *Local Child Welfare Office CPS Founded Disposition Review* was received by the local Child Welfare office;
 - (d) If a review is conducted by a local Child Welfare office, whether the "Notice of the Local Child Welfare Office CPS Founded Disposition Review Decision" (Form CF 314) was received by the addressee as evidenced by a returned receipt documenting that the notice was received, refused, or not received within the 15-day period as provided by the United States Postal Service; and
 - (e) The date a request for review by Central Office was received by the Department.

- (3) The Child Welfare supervisor in each local Child Welfare office or designee must maintain a comprehensive record of the reviews completed by the local Child Welfare office on CPS founded dispositions arising out of the local Child Welfare office to which the supervisor is assigned. The record must include the date, case number, sequence number, and the decision for each review completed by the local Child Welfare office.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-010-0735

Local Child Welfare Office Review of CPS Founded Dispositions

- (1) The local Child Welfare office must conduct a review and issue a "Notice of Local Child Welfare Office CPS Founded Disposition Review Decision" (Form CF 314) to the *requestor* within 30 days from the date the local Child Welfare office receives a request for review of a CPS founded disposition.
- (2) If the request for review was delayed because a *legal proceeding* was pending as provided in OAR 413-010-0720(6), or the proceeding has been completed without a *legal finding* that would preclude a review, the review must occur within 30 days from the date the local Child Welfare office receives a new request for review.
- (3) The *Local Child Welfare Office CPS Founded Disposition Review* must occur as follows:
 - (a) The review may not include re-interviewing the victim; interviewing or meeting with the person requesting a review, with others associated with the *requestor*, or with others mentioned in the assessment; or conducting a field assessment of the allegation of child abuse or neglect.
 - (b) The review must be based on current child welfare practice and definitions of child abuse. Procedural rules in place at the time the CPS assessment was completed also must be considered.
 - (c) The following must be considered by the *Local Child Welfare Office CPS Founded Disposition Review Committee* members and the Child Welfare Program Manager or designee:
 - (A) Relevant documentary information contained in the Department's child welfare case file including the CPS assessment and disposition, screening information, assessment information and narrative, related police reports, medical reports, and information provided by the *person requesting review*;
 - (B) Whether there is reasonable cause to believe that child abuse occurred;
 - (C) Whether there is reasonable cause to believe that the *person requesting review* is responsible for the child abuse; and

- (D) Whether there is reasonable cause to believe that the type of abuse for which the CPS assessment was founded is correctly identified in the assessment.
- (d) The *Local Child Welfare Office CPS Founded Disposition Review Committee* must:
 - (A) Make recommendations as follows:
 - (i) Retain the founded disposition;
 - (ii) Change the disposition to unfounded or unable to determine;
 - (iii) Change the type of abuse (see OAR 413-015-1000(3) for a list of the types of abuse) for which the *CPS Disposition* was founded.
 - (B) At the conclusion of the Review Committee, each committee member must make his or her respective recommendations known to the Child Welfare Program Manager or designee.
- (e) The Child Welfare Program Manager or designee must:
 - (A) Observe the Review Committee;
 - (B) Ask questions of the committee members as needed for clarification;
 - (C) Consider the committee's recommendation or recommendations and the basis for the recommendation or recommendations; and
 - (D) Make one of the following decisions:
 - (i) Retain the founded disposition.
 - (ii) Change the disposition to unfounded disposition or unable to determine.
 - (iii) Change the type of abuse (see OAR 413-015-1000(3) for a list of the types of abuse) for which the *CPS Disposition* was founded.
- (f) The decision and the basis for the decision must be documented.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-010-0738
Notice of Local Child Welfare Office CPS Founded Disposition Review Decision

- (1) The Child Welfare supervisor or designee must prepare a "Notice of Local Child Welfare Office CPS Founded Disposition Review Decision" (Form CF 314) as described in OAR 413-010-0738.
- (2) The "Notice of Local Child Welfare Office CPS Founded Disposition Review Decision" (Form CF 314) must include the following:
 - (a) Whether there is reasonable cause to believe that child abuse occurred;
 - (b) Whether there is reasonable cause to believe the person requesting the review was responsible for the child abuse;
 - (c) The decision resulting from the *Local Child Welfare Office CPS Founded Disposition Review*;
 - (d) If the CPS founded disposition is changed, whether it will be changed to "unable to determine" or to "unfounded;"
 - (e) If the *Local Child Welfare Office CPS Founded Disposition Review* results in a decision that the CPS founded disposition should be retained but that the type of abuse for which the disposition was founded should be changed, the type of abuse that should be founded and the reason for this change;
 - (f) If the CPS founded disposition is retained but the type of abuse is changed, notice that the person requesting the review has the right to request a new *Local Child Welfare Office CPS Founded Disposition Review* of the change;
 - (g) A summary of the information and reasoning of the *Local Child Welfare Office CPS Founded Disposition Review* upon which the decisions were based;
 - (h) If a CPS founded disposition is determined to be "unable to determine" or "unfounded," notice that the change will be noted in the CPS assessment narrative;
 - (i) If the founded disposition is retained, a statement about how to request a review by Central Office, as described in OAR 413-010-0740.
- (3) The local Child Welfare office must place the request for review and a copy of the "Local Child Welfare Office CPS Founded Disposition Review Decision" (Form CF 314) in the child welfare case file. A change may not be made in the existing written child welfare case file except to add the determinations.
- (4) The Department must send the "Local Child Welfare Office CPS Founded Disposition Review 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.

- (5) When as a result of a *Local Child Welfare Office CPS Founded Disposition Review*, a decision is made to change a CPS founded disposition, the Child Welfare supervisor or designee must assure the revised disposition is reflected in the Department's information system. The Child Welfare supervisor or designee forwards the necessary information (Form CF 322) to the Department's Office of Information Services (OIS) Service Desk.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-010-0740

Requesting a Central Office Review

- (1) A person entitled to the notice described in OAR 413-010-0738 may, within 30 days of receipt of the notice, request a *Central Office CPS Founded Disposition Review*.
- (2) A person requesting a *Central Office CPS Founded Disposition Review* may use a copy of the request for local Child Welfare office review or prepare a new request for Central Office Review, following the requirements outlined in OAR 413-010-0721.
- (3) A person requesting a *Central Office CPS Founded Disposition Review* must deliver the request to the local Child Welfare office within 30 days of the date the "Notice of Local Child Welfare Office CPS Founded Disposition Review Decision" (Form CF 314) was received by the *requestor*, as evidenced on a United States Postal Service return receipt.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-010-0743

Local Office Responsibilities in a Request for Central Office CPS Founded Disposition Review

Within 10 calendar days after receiving a *request for a Central Office CPS Founded Disposition Review*, the local Child Welfare office must forward the following documents to the Department's Central Office CPS Program Unit:

- (1) The request for review; and
- (2) A copy of the child welfare case records pertinent to the CPS founded disposition, including the information reviewed as part of the *Local Child Welfare Office CPS Founded Disposition Review*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-010-0745

Central Office Review of CPS Founded Dispositions

- (1) Central Office must conduct a review and issue a "Notice of Central Office CPS Founded Disposition Review Decision" (Form CF 315) within 60 days from the date Central Office receives a request for a review.
- (2) The *Central Office CPS Founded Disposition Review* must occur as follows:
 - (a) The CPS program office schedules a review of the CPS founded disposition when a written request for review and case file information is received from the local Child Welfare office.
 - (b) The review may not include re-interviewing the victim; interviewing or meeting with the person requesting a review, with others associated with the *requestor*, or with others mentioned in the assessment; or conducting a field assessment of the allegation of child abuse or neglect.
 - (c) The review must be based on current child welfare practice and definitions of child abuse and neglect. Procedural rules in place at the time the CPS assessment was completed also must be considered.
 - (d) The following must be considered by the *Central Office CPS Founded Disposition Review Committee* members and the CPS Program Manager or designee:
 - (A) Relevant documentary information contained in the Department's child welfare case file, including the CPS assessment and disposition, screening information, assessment information and narrative, related police reports, medical reports, and information provided by the *person requesting review*.
 - (B) Whether there is reasonable cause to believe that child abuse or neglect occurred;
 - (C) Whether there is reasonable cause to believe that the *person requesting review* is responsible for the child abuse or neglect; and
 - (D) Whether there is reasonable cause to believe that the type of abuse is correctly identified in the assessment.
 - (e) The *Central Office CPS Founded Disposition Review Committee* must:
 - (A) Make recommendations as follows:
 - (i) Retain the founded disposition;
 - (ii) Change the disposition to unfounded or unable to determine;

- (iii) Change the type of abuse (see OAR 413-015-1000(3) for a list of the types of abuse) for which the *CPS Disposition* was founded.
 - (B) At the conclusion of the Review Committee, each committee member makes his or her respective recommendation known to the CPS Program Manager or designee.
- (f) The Central Office CPS Program Manager or designee must:
 - (A) Observe the Review Committee;
 - (B) Ask questions of the committee members as needed for clarification;
 - (C) Consider the committee's recommendation or recommendations and the basis for the recommendation or recommendations; and
 - (D) Make one of the following decisions:
 - (i) Retain the founded disposition.
 - (ii) Change the disposition to unfounded or unable to determine.
 - (iii) Change the type of abuse (see OAR 413-015-1000(3) for a list of the types of abuse) for which the *CPS Disposition* was founded.
- (g) The decision and the basis for the decision must be documented.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-010-0746

Notice of Central Office CPS Founded Disposition Review Decision

- (1) Within 60 calendar days of the date Central Office receives the request for review from the local Child Welfare office, a CPS Program Coordinator or designee prepares and sends to the *requestor* by certified mail, restricted delivery, with a return receipt requested, a "Notice of Central Office CPS Founded Disposition Review Decision" (Form CF 315) that includes the following information:
 - (a) Whether there is reasonable cause to believe that child abuse occurred;
 - (b) Whether there is reasonable cause to believe that the *person requesting review* was responsible for the child abuse;
 - (c) The decisions resulting from the *Central Office CPS Founded Disposition Review*;

- (d) If the CPS founded disposition is changed, whether the change will be to "unable to determine" or to "unfounded disposition;"
 - (e) If the *Central Office CPS Founded Disposition Review* results in a decision that the CPS founded disposition should be retained but the type of abuse for which the disposition was founded should be changed, the new type of abuse and the reason for this change;
 - (f) If the CPS founded disposition is retained but the type of abuse or neglect is changed, notice that the person requesting the review has the right to request a new *Central Office CPS Founded Disposition Review* based on the change;
 - (g) A summary of the information used as part of the *Central Office CPS Founded Disposition Review* and the reasoning for reaching the decision; and
 - (h) If a CPS founded disposition is changed to "unable to determine" or "unfounded," notice that the change will be made to the CPS assessment narrative.
- (2) A "Notice of Central Office CPS Founded Disposition Review Decision" (Form CF 315) is sent to the *person requesting review*, the local Child Welfare office for filing in the child welfare case record, the CPS worker, and the supervisor involved in the initial CPS assessment and determination of disposition.
- (3) The CPS Program Office maintains a comprehensive record of the reviews of CPS founded dispositions conducted by Central Office. The record includes the date of the review, case number, sequence number, a copy of the materials used in the review and the decision that resulted from the review for each review conducted by Central Office.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-010-0748

Review Initiated by the Department

The CPS Program Manager may direct that either the local Child Welfare office or Central Office review a founded disposition if there is good cause to do so, such as a determination that there is a *legal finding* that contradicts the CPS founded disposition.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-010-0750

Revising Founded Child Abuse Dispositions in the Department's Electronic Information System

When as a result of a *Central Office CPS Founded Disposition Review*, a decision is made to change a CPS founded disposition, the CPS Program Coordinator or designee forwards the necessary information (Form CF 322) to the Department's Office of Information Services (OIS) Service Desk or other appropriate organizational unit to make changes in the Department's Electronic Information System.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Contact:

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Policy History

- [08/04/00](#)
- [07/01/01](#)
- [01/07/03](#)
- [01/01/04](#)
- [10/01/04](#)
- [02/01/05](#)
- [10/06/11 thru 4/03/12](#)