DHS Policy
Oregon Department of Human Services

Children, Adults and Families

Prior Version

Policy Title:	Introduction to CPS Rules – OAR				
Policy Number:	I-AB.1 413-015-0100 thru 0125	Version:		Effective Date:	04/01/08

Approved By: *on file* Date Approved

Policy | Forms, etc. | Definitions | References | Contact | History

Reference(s):

- ORS 418.747, ORS 418.751, ORS 419B.005 through 419B.050
- APSAC: American Professional Society on the Abuse of Children
- Annie E. Casey Foundation
- I-AB.2 Screening, OAR 413-015-0200 thru 0225
- I-AB.3 Cross Reporting, OAR 413-015-0300 thru 0310
- I-AB.4 CPS Assessment, OAR 413-015-0400 thru 0485
- I-AB.5 CPS Assessment Dispositions, OAR 413-015-1000
- I-AB.6 Access to Law Enforcement Data System (LEDS) in Local Child Welfare Offices, OAR 413-015-1100 thru 1125

Form(s) that apply:

- None referenced.

Rules:

413-015-0100
Child Protective Service Authority and Responsibility

Reports of alleged child abuse or neglect are received by Child Welfare and screened for Department response. The processes and time lines for completion are provided in division 015 of this chapter of rules, and also in OAR chapter 407 division 045 for *Children's Care Providers*. OAR 413-015-0100 to 413-015-0125 provide an overview of division 015, which implements ORS 409.185, 418.015 and 419B.005 to 419B.050.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

413-015-0105
Purpose of Child Protective Services

The purposes of Child Protective Services are to identify child safety threats and to assure protection of children after a report of alleged child abuse or neglect is received by a screener.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

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413-015-0110
Introduction to Rules Governing Child Protective Services

The rules of this division are organized as follows:

(1) Introduction to Child Protective Services, OAR 413-015-0100 to 413-015-0125.

(2) Screening, OAR 413-015-0200 to 413-015-0225.

(3) Cross Reporting, OAR 413-015-0300 to 413-015-0310.

(4) Child Protective Services Assessment, OAR 413-015-0400 to 413-015-0485.

(5) Child Abuse Assessment Dispositions, OAR 413-015-1000.

(6) Access to LEDS in Local Child Welfare Offices, OAR 413-015-1100 to 413-015-1125.

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

413-015-0115
Definitions

Unless the context indicates otherwise, these terms are defined for use in OAR chapter 413, division 015:

(1) "Caregiver" means a guardian, legal custodian, or other person acting in loco parentis, who exercises significant authority over and responsibility for a child.

(2) "Child" means a person under 18 years of age.

(3) "Child abuse or neglect" means any form of abuse, including abuse through neglect and abuse or neglect by a third party, of a person under age 18.

(4) "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.

(5) "Child protective services assessment" means activities and interventions that identify and analyze safety threats, determine if there is reasonable cause to believe child abuse or neglect occurred, and assure child safety through protective actions or ongoing safety planning.

(6) "Child protective services supervisor (CPS supervisor)" means an employee of Child Welfare trained in child protective services and designated as a supervisor.

(7) "Child protective services worker (CPS worker)" means an employee of Child Welfare who has completed the mandatory Department training for child protective service workers.

(8) "Child Safety Meeting" means a facilitated meeting held at the conclusion of a CPS assessment for the purpose of developing an ongoing safety plan.

(9) "Children's Care Provider (CCP)" means a licensed or certified Residential Care Agency, Day Treatment Program, Foster Care Agency, Therapeutic Boarding School, or Outdoor Youth Program that has assumed responsibility for all or a portion of the care of a child as a result of a contract or agreement. The term includes the CCP's employees, agents, contractors and their employees, and volunteers.

(10) "Day Care Facility" means each of the following:

(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.

(d) A Listed Facility, which is a child care provider who is exempt from CCD licensing and who receives subsidy payments for child care on behalf of clients of the Department of Human Services.

(11) "Department" means the Department of Human Services, Child Welfare.

(12) "Department response" means how the Department intends to respond to information that a child is unsafe after a report of alleged abuse or neglect is received.

(13) "Designated medical professional" means (as defined in ORS 418.747(8)) a physician, physician assistant, or nurse practitioner who has been designated by the local multi-disciplinary team and trained to conduct child abuse medical assessments (as defined in ORS 418.782), and who is -- or who may designate another physician, physician assistant, or nurse practitioner who is -- regularly available to conduct these medical assessments.

(14) "Face-to-face" means an in-person interaction between individuals.

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(15) "FACIS" means the Family and Child Information System.

(16) "Former foster child" means a person under 21 years of age, who was in substitute care in Oregon, including substitute care provided by the Federally Recognized Tribes, after the age of 14 and remained in substitute care for an accumulative 180 days or longer.

(17) "Guided Assessment Process (GAP)" is a tool used to document the CPS assessment.

(18) "Harm" means any kind of impairment, damage, detriment, or injury to a child's physical, sexual, emotional, or mental development or functioning. Harm is the result of child abuse or neglect and may vary from mild to severe.

(19) "ICWA" means the Indian Child Welfare Act.

(20) "Initial contact" means the first face-to-face contact between a CPS worker and a family. The initial contact includes face-to-face contact with the alleged child victim, his or her siblings, parent or caregiver, and other children and adults living in the home; accessing the home environment; identifying safety threats; and determining if a protective action is needed.

(21) "Legal guardian" means a person or agency having the powers and responsibilities of a parent to make binding decisions for a child, including the authority to ---

(a) Authorize surgery for the child;

(b) Authorize enlistment in the armed forces;

(c) Consent to the child's adoption when the child is in the permanent custody of the agency; and

(d) Make other decisions of substantial legal significance concerning the child (but a guardian is not a conservator of the child's property or estate).

(22) "Multi-disciplinary team (MDT)" means a county investigative team described in ORS 418.747 that includes law enforcement personnel, child protective service workers, district attorneys, school officials, health department staff, and juvenile department personnel.

(23) "Observable" means specific, definite, real, can be seen and described. Observable does not include suspicion and gut feeling.

(24) "OIT" means Department of Human Services, Office of Investigations and Training.

(25) "Ongoing safety plan" means a documented set of actions or interventions that manage a child's safety after the Department has identified one or more safety threats to which the child is vulnerable and determined the parent or caregiver is unable or unwilling to protect the child. An ongoing safety plan can be in-home or out-of-home and is adjusted when necessary to provide the least intrusive interventions.

(26) "Out of control" means family behaviors, conditions, or circumstances that can affect a child are unrestrained, unmanaged, without limits or monitoring, not subject to influence

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or manipulation within the control of the family, resulting in an unpredictable and chaotic family environment.

(27) "Personal representative" means a person who is at least 18 years of age and is selected to be present and supportive during the CPS assessment by a child who is the victim of a person crime as defined in ORS 147.425 and is at least 15 years of age at the time of the crime. The personal representative may not be a person who is a suspect in, party or witness to, the crime.

(28) "Private child-caring agency" is defined by the definitions in ORS 418.205, and means a "child caring agency" that is not owned, operated, or administered by any governmental agency or unit.

(a) A "child-caring agency" means an agency or organization providing:

(A) Day treatment for disturbed children;

(B) Adoption placement services;

(C) Residential care, including but not limited to foster care or residential treatment for children;

(D) Outdoor youth programs as defined in OAR 413-215-0911; or

(E) Other similar services for children.

(b) A child-caring agency does not include residential facilities or foster care homes certified or licensed by the Department under ORS 443.400 to 443.455, 443.830, and 443.835 for children receiving developmental disability services.

(29) "Protective action" means an immediate, same day, short-term plan sufficient to protect a child from a safety threat in order to allow completion of the CPS assessment.

(30) "Protective capacity" means behavioral, cognitive, and emotional characteristics that can specifically and directly be associated with a person's ability and willingness to care for and keep a child safe.

(31) "Protective custody" means custody authorized by ORS 419B.150.

(32) "Reasonable suspicion" means a reasonable belief given all of the circumstances, based upon specific and describable facts, that the suspicious physical injury may be the result of abuse. Explanation: The belief must be subjectively and objectively reasonable. In other words, the person subjectively believes that the injury may be the result of abuse, and the belief is objectively reasonable considering all of the circumstances. Instinct and experience cannot be the entire basis of the belief. But the circumstances that may give rise to a reasonable belief may include, but not be limited to, observations, interviews, experience and training. The fact that there are possible non-abuse explanations for the injury does not negate reasonable suspicion.

(33) "Referral" means a report that has been assigned for the purpose of CPS assessment.

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(34) "Report" means an allegation of child abuse or neglect provided to Child Welfare that the screener evaluates to determine if it constitutes a report of child abuse or neglect as defined in ORS 419B.005.

(35) "Reporter" means an individual who makes a report.

(36) "Safe" means there is an absence of safety threats, the child is not vulnerable to identified safety threats, or there is sufficient parent or caregiver protective capacity to protect the vulnerable child from the identified safety threats.

(37) "Safety service provider" means a participant in a protective action or ongoing safety plan whose actions, assistance, or supervision help a family in managing a child's safety or increasing the protective capacities of the child's parent or caregiver.

(38) "Safety services" mean the actions, assistance, and supervision provided by safety service providers to manage the identified safety threats to a child.

(39) "Safety threat" means family behavior, conditions, or circumstances that could result in harm to a child.

(40) "Screener" means a Child Welfare employee with training required to provide screening services.

(41) "Screening" means the process used by a screener to determine the Department response when information alleging abuse or neglect is received.

(42) "Severe harm" means 'substantial', as used in ORS 419B.005; immobilizing impairment; life-threatening damage; or significant or acute injury to a child's physical, sexual, psychological, or mental development or functioning.

(43) "Substance" means any controlled substance as defined by ORS 475.005, prescription medications, over the counter medications, or alcoholic beverages.

(44) "Suspicious physical injury" (as defined in 2007 Oregon Laws Chapter 674) includes, but is not limited to:

(a) Burns or scalds;

(b) Extensive bruising or abrasions on any part of the body;

(c) Bruising, swelling, or abrasions on the head, neck, or face;

(d) Fractures of any bone in a child under the age of three;

(e) Multiple fractures in a child of any age;

(f) Dislocations, soft tissue swelling, or moderate to severe cuts;

(g) Loss of the ability to walk or move normally according to the child's developmental ability;

(h) Unconsciousness or difficulty maintaining consciousness;

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(i) Multiple injuries of different types;

(j) Injuries causing serious or protracted disfigurement or loss of impairment of the function of any bodily organ; or

(k) Any other injury that threatens the physical well-being of the child.

(45) "Third-party abuse" means abuse by a person who is not the child's parent, not the child's caregiver or other member of the child's household, and not a person responsible for the child's care, custody, and control. Examples of persons who could be considered as a third-party under this definition include school personnel, day-care providers, coaches, and church personnel.

(46) "Unsafe" means there is a safety threat to which the child is vulnerable and there is insufficient parent or caregiver protective capacity to protect a vulnerable child from the identified safety threats.

(47) "Vulnerable child" means a child who is unable to protect him or herself. This includes a child who is dependent on others for sustenance and protection. A vulnerable child is defenseless, exposed to behavior, conditions, or circumstances that he or she is powerless to manage, and is susceptible and accessible to a threatening parent or caregiver. Vulnerability is judged according to physical and emotional development, ability to communicate needs, mobility, size, and dependence.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 147.425, 409.185, 418.005, 418.015, 418.747, 419B.005 - 419B.050, 2007 Or. Laws ch. 674

413-015-0125
Department CPS Responsibility Ends

The Department is not responsible for providing child protective services when:

(1) A screener determines that information received during screening does not meet the statutory definition of child abuse or neglect (*see* OAR 413-015-0210(2)(a) and (b));

(2) The CPS assessment has determined that there is an absence of safety threats, the child is not vulnerable to identified safety threats, or the parent or caregiver can and will protect the vulnerable child from the identified safety threats; or

(3) The CPS assessment does not identify information sufficient to request juvenile court intervention or the juvenile court declines to intervene, and the parents or caregivers do not request or agree to receive voluntary services.

Stat. Auth.: ORS 418.005
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Contact(s):

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

Policy History

- 07/01/03
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