DHS Policy
Oregon Department of Human Services

Office of Child Welfare Programs

Prior Version

Policy Title:	Introduction to CPS Rules – OAR				
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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 *Report*ing, OAR 413-015-0300 thru 0310
- I-AB.4 CPS Assessment, OAR 413-015-0400 thru 0485
- I-AB.4.1 Day Care Facility Investigation, OAR 413-015-0520 thru 0565
- 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 the Department 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

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413-015-0105
Purpose of Child Protective Services

The purposes of Child Protective Services are to identify *unsafe* children 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

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" (CPS assessment) means an investigation into a *report* of child abuse pursuant to ORS 419B.020, that includes activities and interventions to identify and analyze threats to child safety, determine if there is reasonable cause to believe *child abuse or neglect* occurred, and assure child safety through protective action plans, initial safety plans, or ongoing safety planning.

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

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

(8) "Child Safety Meeting" means a 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 DHS-licensed 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*. The term includes the CCP's employees, agents, contractors and their employees, and volunteers.

(10) "Conditions for return" means a written statement of the specific behaviors, conditions, or circumstances that must exist within a child's home before a *child* can safely return and remain in the home with an in-home *initial safety plan* or in-home *ongoing safety plan*.

(11) "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 that is exempt from Office of Child Care licensing and that receives subsidy payments for child care on behalf of clients of the Department of Human Services.

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

(13) "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.

(14) "Designated medical professional" means (as described in ORS 418.747(9)) 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.

(15) "Domestic violence" means a pattern of assaultive or coercive behavior (or both), which can include physical, sexual and emotional abuse, or economic coercion that an individual at least 18 years of age uses against an intimate partner to gain power and control in a relationship.

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

(17) "Former foster child" means a person under 21 years of age who was in substitute care at or after 16 years of age, including substitute care provided by federally recognized tribes, and had been in substitute care for at least 180 cumulative days after 14 years of age.

(18) "Guardian" means an individual who has been granted guardianship of a *child* through a judgment of the court.

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

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

(21) "Impending danger safety threat" means a family behavior, condition, or circumstance that meets all five *safety threshold* criteria. A threat to a *child* that is not immediate, obvious, or occurring at the onset of the CPS intervention. This threat is identified and understood more fully by evaluating and understanding individual and family functioning.

(22) "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; and gathering sufficient information on the family conditions and functioning to determine if present danger safety threats or impending danger safety threats exist.

(23) "Initial safety plan" means a documented set of actions or interventions sufficient to protect a *child* from an *impending danger safety threat* in order to allow for completion of the CPS assessment.

(24) "Moderate to high needs" means *observable* family behaviors, conditions, or circumstances that are occurring now; and over the next year without intervention, are likely to have a negative impact on a child's physical, sexual, psychological, cognitive, or behavioral development or functioning. The potential negative impact is not judged to be severe. While intervention is not required for the *child* to be *safe*, it is reasonable to determine that short-term, targeted services could reduce or eliminate the likelihood that the negative impact will occur.

(25) "Multi-disciplinary team" (MDT) means a county child abuse investigative team as defined in ORS 418.747.

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

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(27) "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 impending danger safety threats at the conclusion of a CPS assessment or anytime during ongoing work with a family.

(28) "Out of control" means family behaviors, conditions, or circumstances that can affect a child's safety are unrestrained, unmanaged, without limits or monitoring, not subject to influence or manipulation within the control of the family, resulting in an unpredictable and chaotic family environment.

(29) "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.

(30) "Pre-adoptive family" means an individual or individuals who:

(a) Has been selected to be a child's adoptive family; and

(b) Is in the process of legalizing the relationship to the *child* through the judgment of the court.

(31) "Present danger safety threat" means an immediate, significant, and clearly *observable* family behavior, condition, or circumstance occurring in the present tense, already endangering or threatening to endanger a *child*. The family behavior, condition, or circumstance is happening now and it is currently in the process of actively placing a *child* in peril.

(32) "Private child-caring agency" is defined 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.

(33) "Protective action plan" means an immediate, same day, short-term plan, lasting a maximum of ten calendar days, sufficient to protect a *child* from a *present danger safety threat*.

(34) "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.

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

(36) "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. 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.

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

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

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

(40) "Safe" means there is an absence of present danger safety threats or impending danger safety threats.

(41) "Safety service provider" means a participant in a *protective action plan*, *initial safety plan*, or *ongoing safety plan* whose actions, assistance, or supervision help a family in managing a child's safety.

(42) "Safety services" mean the actions, assistance, and supervision provided by safety service providers to manage the identified present danger safety threats or impending danger safety threats to a *child*.

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(43) "Safety threshold" means the point at which family behaviors, conditions, or circumstances are manifested in such a way that they are beyond being risk influences and have become an *impending danger safety threat*. In order to reach the "safety threshold" the behaviors, conditions, or circumstances must meet all of the following criteria: be imminent, be *out of control*, affect a *vulnerable child*, be specific and *observable*, and have potential to cause *severe harm* to a *child*. The "safety threshold" criteria are used to determine the presence of an *impending danger safety threat*.

(44) "School administrator" means the principal, vice principal, assistant principal, or any other person performing the duties of a principal, vice principal, or assistant principal at a school, as defined in the Teacher Standards and Practices Commission (TSPC) OAR 584-005-0005.

(45) "Screener" means a Department employee with training required to provide *screening* services.

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

(47) "Severe harm" means:

(a) Significant or acute injury to a child's physical, sexual, psychological, cognitive, or behavioral development or functioning;

(b) Immobilizing impairment; or

(c) Life threatening damage.

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

(49) "Suspicious physical injury" (as defined in ORS 419B.023) 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;

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(h) Unconsciousness or difficulty maintaining consciousness;

(i) Multiple injuries of different types;

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

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

(50) "Teacher" means (as defined in TSPC OAR 584-005-0005) a licensed or registered employee in a public school or charter school, or employed by an education service district, who has direct responsibility for instruction, coordination of educational programs, or supervision or evaluation of teachers; and who is compensated for services from public funds.

(51) "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.

(52) "Unsafe" means the presence of a *present danger safety threat* or an *impending danger safety threat*.

(53) "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 behaviors, 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 409.185, 418.005, 418.747, 419B.017, 419B.024, 419B.035
Stats. Implemented: ORS 147.425, 409.185, 418.005, 418.015, 418.747, 419B.005 - 419B.050

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 the *child* is *safe*; or

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(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 voluntarily receive services.

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Contact(s):

- **Name:** Deb Carnaghi; **Phone:** 503-947-5418

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