	Department of Human Services **CHILDREN, ADULTS & FAMILIES** **CLIENT SERVICES INDEX** **ISSUED BY:** Office of Safety and Permanency for Children **TEMPORARY**: 6-28-08 thru 12-24-08	**NUMBER:** I-AB.2 **OAR:** 413-015-0200 thru 0225 **SECTION:** AB. Child Protective Services **SUBSECTION:**
SUBJECT: 2. Screening – OAR		

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REFERENCES

ORS 418.747, ORS 418.748, ORS 418.751, ORS 419B.005 through .419B.050
APSAC: American Professional Society on the Abuse of Children
Annie E. Casey Foundation
I-AB.1 Introduction to CPS Rules, OAR 413-015-0100 thru 0125
I-AB.3 Cross Reporting, 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

413-015-0200
Purpose of Screening Rules

OAR 413-015-0200 to 413-015-0225 describe how the Department handles and documents information received, and outlines the criteria used to determine a Department response to the information, including the Department response time lines. This process is known as screening and is conducted by a screener.

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

413-015-0205
Screening Activities

The screener must complete the following activities:

(1) Gather information. When gathering information, the screener must do both of the following:

(a) Accept reports of child abuse and neglect regardless of where the child resides or where the alleged child abuse or neglect may have occurred. If the report is

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about a child that does not reside in the county where the report is received, the screener must forward the report to the local child welfare office in the county or state where the child resides. The screener must forward the report on the same day the report is received and confirm that the report has been successfully forwarded.

(b) Accept and handle anonymous reports of child abuse and neglect in the same manner as other reports, gather the same information from the anonymous reporter as the screener would from any other reporter, and encourage the reporter to provide identifying information.

(2) If appropriate, refer the person to community services and resources.

(3) Determine the type of information received, Child Protective Services, Family Support Services, or Interstate Compact on the Placement of Children, and where and when to document the information received.

(a) Child Protective Services. This type of information is related to reports of child abuse or neglect.

(A) Child Protective Services information is documented in FACIS using the Guided Assessment Process (GAP).

(B) The time line for screeners to complete and document their actions, and document information gathered, unless a CPS supervisor grants the screener an extension as provided in OAR 413-015-0220, is:

(i) Immediately when a within 24 hours response time line is assigned;

(ii) Within the same day when a within five days response time line is assigned; or

(iii) No later than the next working day after the screening determination is made when the report is closed at screening.

(b) Family Support Services. This type of information is not a report of alleged child abuse or neglect, and it does not include information that indicates a child is unsafe.

(A) This information is documented in FACIS using a screening form.

(B) The time line for screeners to complete and document their actions, and document information gathered is within two days of receiving the request for services.

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(C) Family Support Services information falls within one of the categories described below:

(i) Request for Placement – Information falls within this category when:

(I) A parent or legal guardian requests out-of-home placement of their child due solely to obtain services for the emotional, behavioral, or mental disorder or developmental or physical disability of the child;

(II) The parent or legal guardian requests the Department take legal custody of their child; or

(III) The court has ordered a pre-adjudicated delinquent into the care of the Department.

(ii) Request for Independent Living Program Services -- Information falls within this category when a former foster child qualifies for Independent Living Program (ILP) services, is not a member on an open case, and requests to enroll in the Department's ILP.

(iii) Request for Post Legal Adoption and Post Guardianship Services -- Information falls within this category when a family requests post legal adoption or post guardianship services, if the adoption or guardianship occurred through the Department.

(iv) Request for Voluntary Services -- Information falls within this category when it does not meet the criteria in subparagraphs (i), (ii), or (iii) of this paragraph, a parent or caregiver requests assistance with a child in the home, and all of the following apply:

(I) Other community resources have been utilized and determined to be ineffective.

(II) Members of the extended family and other responsible adults who are well known to the child have been explored or utilized and determined to be unsafe, unavailable, unwilling, or ineffective as support for the family.

(III) The parent or caregiver is temporarily or will be temporarily unable to fulfill parental responsibilities due to a diagnosed medical condition or a mental health diagnosis.

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(IV) The parent's or caregiver's inability to fulfill parental responsibilities is temporary and immediate, and will be alleviated with short term services or short term services will transition the family to community services.

(V) A Child Welfare program manager approves the request for voluntary services.

(c) Request for Interstate Compact on the Placement of Children (ICPC) supervision and services. This type of information is not a report of child abuse or neglect. Information falls within the ICPC category when a screener receives a request from central office to provide ICPC supervision and services. This information is documented in FACIS using a screening form.

(4) When the screener receives Child Protective Services information, the screener must complete the screening activities described below.

(a) The screener must use the GAP screening template to collect the following information, which is critical to effectively identify if there is a report of child abuse or neglect as defined in ORS 419B.005 and if the information alleges that behavior, conditions, or circumstances could result in harm to the child:

(A) The type of alleged child abuse or neglect and the circumstances surrounding the report;

(B) How the alleged child abuse or neglect or the surrounding circumstances are reported to affect the safety of the child;

(C) Information that identifies how the child is vulnerable; and

(D) Reported parent or caregiver functioning and behavior.

(b) After completing and documenting the information required in subsection (a) of this section, if the report is an allegation of child abuse or neglect that occurred in a Children's Care Provider (CCP), the screener must complete the requirements in paragraphs (A) through (C) of this subsection. CPS screening activities for CCP referrals are complete after the completion of the activities in paragraphs (A) through (C) of this subsection and additional screening activities in this rule do not apply:

(A) Immediately pend the screening information to the OIT screener's workload;

(B) Immediately send an e-mail to the OIT screener to let them know that a FACIS screening report has been assigned to their workload; and

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(C) When the report is new information on an open Child Welfare case:

(i) Notify the CPS supervisor;

(ii) Notify each assigned case worker and their respective supervisors of all new information received on the same day the information is received, and document this notification in FACIS case notes; and

(iii) Complete notification on the same day the information is received.

(c) Gather information from individuals who can provide firsthand information necessary to determine the appropriate Department response. This may include individuals who have regular contact with the child, doctors or others who have evaluated or maintain records on the child, people who are in an established personal or professional relationship with the parent or caregiver and who can judge the quality and nature of the parent or caregiver behavior, and those who have records or reason to know things about the parent or caregiver as a result of their involvement with or exposure to the parent or caregiver.

(d) Research Department history of every identified child, parent, caregiver, and household member for information about current or previous Department involvement relevant to the current child abuse or neglect report. If the research reveals an "unable to locate" disposition that has not been assessed, the screener must reference that referral number and those allegations in the current referral summary.

(e) Inquire regarding possible Indian or Alaskan Native heritage (for further direction *see* OAR 413-015-0215(5)).

(f) Request relevant information when available and appropriate from law enforcement agencies (LEA), including domestic disturbance calls, arrests, warrants, convictions, restraining orders, probation status, and parole status.

(g) Determine the location and corresponding law enforcement jurisdiction of the family's residence and the site where the alleged child abuse or neglect may have occurred.

(h) Immediately comply with Child Welfare Policy I-B.2.2.3 when information is related to a Department approved and certified home that is a foster home, relative caregiver home, or adoptive home.

(i) Immediately comply with Child Welfare Policy II-E.1, "Child-Caring Agencies", OAR 413-210-0000 to 413-210-0250 when information is related to a licensed child caring agency.

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(j) Immediately comply with the Child Welfare "Fatality Protocol" when information is related to the death of a child.

(5) Explain to reporters:

(a) That the Department will not disclose the identity of the reporter unless disclosure is to an LEA for purposes of investigating the report, disclosure is required because the reporter may need to testify as a witness in court, or the court orders the Department to disclose the identity of the reporter;

(b) That anyone making a report of child abuse or neglect in good faith, who has reasonable grounds to make the report, is immune from liability in respect to making the report and the contents of the report;

(c) The Department's decisions about paragraphs (A) through (C) of this subsection. If the decisions have not been made when the report is completed, the screener must notify the reporter that, if contact information is provided, diligent efforts will be made to contact him or her at a later date and inform him or her of the decisions:

(A) Whether contact with the child was made;

(B) Whether the Department determined child abuse occurred; and

(C) Whether services will be provided.

(d) If applicable, that the information reported does not meet the screening criteria to be documented and retained in the child abuse information system; and

(e) That mandatory reporters should consider maintaining a record of their report to document compliance with ORS 419B.010 and 419B.015.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005, 419B.020

413-015-0210
Determining Department's Response and Required Time Lines for CPS Information

(1) After the screener completes screening activities required by OAR 413-015-0205, the screener must determine the Department response, either CPS assessment required or close at screening. If a CPS assessment is required, the screener must then determine the time line for the Department response, either within 24 hours or within five calendar days.

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(2) CPS assessment required. A CPS assessment is required if:

(a) The screener determines that information received constitutes a report of child abuse or neglect, as defined in ORS 419B.005, and the information indicates:

(A) The alleged perpetrator is a legal parent of the alleged child victim;

(B) The alleged perpetrator resides in the alleged child victim's home;

(C) The alleged perpetrator may have access to the alleged child victim, and the parent or caregiver may not be able or willing to protect the child; or

(D) The alleged child abuse occurred in a day care facility, the home of a Department certified foster parent or relative caregiver, or a private child caring agency that is not a Children's Care Provider (CCP).

(b) A Tribe or LEA requests assistance from Child Welfare with an investigation of child abuse or neglect, and a CPS supervisor agrees that assistance from Child Welfare is appropriate.

(3) If the screener determines that a CPS assessment is required, the screener must:

(a) Determine the CPS assessment response time line. The time line for the Department response refers to the amount of time between when the report is received at screening and when the CPS worker is required to make an initial contact. When determining the response time, the screener must take into account the location of the child, how long the child will be in that location, and access that others have to the child.

(A) Within 24 hours: This response time line is required, unless paragraph (B) of this subsection applies, when the information received constitutes a report of child abuse or neglect as defined in ORS 419B.005 in which a child is alleged to be unsafe.

(B) Within five calendar days: This response time line must only be used when the screener can clearly document how the information indicates the child's safety will not be compromised by not responding within 24 hours and whether an intentional delay to allow for a planned response is less likely to compromise the safety of the child.

(b) Complete a GAP screening form immediately when a within 24 hour response time line is assigned or the same day when a within five calendar days response time is assigned, unless a CPS supervisor grants an extension as provided in OAR 413-015-0220.

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(c) Refer the CPS assessment to the appropriate county as described in OAR 413-015-0213.

(4) Close at Screening: A report will be closed at screening if one of the following subsections applies:

(a) The screener determines that information received:

(A) Does not constitute a report of child abuse or neglect, as defined in ORS 419B.005, and the screener determines that the information describes family conditions, behaviors, or circumstances that pose a risk to a child but does not meet the definition of a safety threat.

(B) Is third party child abuse or neglect that does not require a CPS assessment because the alleged perpetrator does not have access to the child, and the parent or caregiver is willing and able to protect the child; or

(C) Is a report that there are no children in the home and:

(i) An expectant mother is abusing substances during her pregnancy;

(ii) An expectant mother or a household member has had his or her parental rights to another child terminated; or

(iii) An expectant mother or a household member is known to have conditions or circumstances that would endanger a newborn child.

(b) The screener, after extensive efforts, is unable to obtain sufficient information to locate the child. Name and exact address are not necessary if a location is obtained.

(5) If a report is closed at screening, the screener must:

(a) Document the current information that supports the decision to close the report at screening.

(b) Decide whether other services are appropriate and make service or resource referrals, as necessary. Document what service or resource referrals are made, if any.

(c) Make diligent efforts to contact the reporter if contact information was provided and when the reporter was not informed of the following information prior to completing the report.

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(A) Whether contact with the child was made;

(B) Whether the Department determined child abuse occurred; and

(C) Whether services will be provided.

(d) Complete a GAP screening form no later than the next working day after the screening determination is made, unless a CPS supervisor grants an extension, as provided in OAR 413-015-0220.

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

413-015-0211
Additional Screening Activities

In the specific circumstances described below, the screener must complete additional activities to complete the screening process.

(1) The screener receives information on an open CPS assessment.

(a) When a screener receives duplicate information (same alleged victim, same alleged perpetrator, same allegation of child abuse or neglect, and same incident dates) on an open CPS assessment, the screener must:

(A) Inform the reporter that a new report will not be assigned because the information has already been received;

(B) Provide the reporter with the assigned caseworker's name and phone number; and

(C) Provide contact information about the reporter and any information the screener received to the assigned caseworker.

(b) When a screener receives information that constitutes a new report of child abuse or neglect as defined in ORS 419B.005 on an open CPS assessment:

(A) The screener must document the information in a new GAP screening form unless paragraph (B) of this subsection applies.

(B) If a CPS worker assigned to an open CPS assessment reports child abuse or neglect in the household that is the subject of the open CPS

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assessment, the screener must direct the CPS worker to incorporate the new information into the existing, open CPS assessment.

(2) The screener receives new information on an open Child Welfare case.

(a) When a screener receives new information on an open Child Welfare case, the screener must:

(A) Consult with a CPS supervisor;

(B) Notify each assigned case worker and their respective supervisors of all new information received on the same day the information is received, and document this notification in FACIS case notes; and

(C) Complete notification on the same day the information is received.

(b) When a screener receives a new report of child abuse or neglect, as defined in ORS 419B.005, but there is no open CPS assessment, the screener must document the information in a new GAP screening form.

(c) The information received by a screener on an open Child Welfare case that will not be documented in the GAP but must be documented in FACIS case notes includes:

(A) Additional information on an open case that does not meet the criteria for a new CPS assessment or closed at screening;

(B) When an in-home ongoing safety plan is violated, but the violation is not a new incident of child abuse or neglect;

(C) Reports of an ongoing concern in an open case, which Child Welfare is currently addressing;

(D) Reports of child runaways; and

(E) Any requests for case information received by the screener.

(3) When a screener receives information related to the home of a Department certified foster parent or relative caregiver, the screener must notify and document that the screener has notified each assigned case worker, assigned certifier, and their respective supervisors of all information received (see Child Welfare Policy I-B.2.2.3, "Department Responsibilities During Screening and Assessment of a Child Abuse or Neglect Report Involving the Home of a Department Certified Foster Parent or Relative Caregiver", OAR 413-200-0404 to 413-200-0424).

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(4) When a screener receives the report of a child fatality alleged to be the result of abuse or neglect or involving a child known to the Department, the screener must:

(a) Consult with a CPS supervisor;

(b) Refer to the Child Welfare "Fatality Protocol";

(c) Complete a GAP screening form documenting the "allegation" as a "fatality" in addition to other allegations that apply;

(d) Notify the CPS consultant; and

(e) Complete subsections (a) through (d) of this section even when there are no siblings to the deceased child and no other children in the home where the fatality occurred.

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

413-015-0212
Screener Consultation with a CPS Supervisor

Screeners may consult with a CPS supervisor about any screening determination. Screeners must consult with a CPS supervisor in each of the following situations:

(1) A report of child abuse or neglect involving a child, parent, caregiver, or perpetrator who was a child, parent, caregiver, or perpetrator in a CPS assessment that resulted in a founded disposition in the preceding six months.

(2) A review of Department records on a family that is the subject of a child abuse or neglect report finds multiple consecutive reports were closed at screening, and the information received in the current report, in combination with the prior reports regarding the same family, may meet the criteria to refer the report for a CPS assessment.

(3) A new report involving a family that has an open Child Welfare case.

(4) A report involving the home of a Department certified foster parent or relative caregiver.

(5) A report involving a licensed child-caring agency.

(6) A report involving a day care facility.

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(7) A report of a child fatality.

(8) A decision not to refer for assessment a report of a baby who is born with substances in his or her system.

(9) A report of child abuse or neglect in which a community partner or an employee of any program, office, or division of the Department or the Oregon Youth Authority is the alleged perpetrator.

(10) A report of child abuse or neglect that is expected to receive media attention or that already is being reported by the media.

(11) A decision that an additional GAP screening form is needed because the reported information alleges a threat of harm to additional children in other families.

(12) A review of Department history reveals a prior allegation that has not been assessed because the Department was unable to locate the family.

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

413-015-0213
Determining the County to which the CPS Assessment will be Referred

(1) Except as described in section (2) of this rule, the screener must refer the CPS assessment to the local Child Welfare office in the county where the child resides, and that county is responsible for completing the CPS assessment.

(2) When the alleged child abuse or neglect occurred in a foster home or a residential care facility, the screener must refer the CPS assessment to the local Child Welfare office in the county where the alleged child abuse or neglect occurred, and that county is responsible for completing the CPS assessment.

(3) The District Managers in the affected counties must jointly approve any exception to sections (1) or (2) of this rule. When a joint decision cannot be made, the CPS Program Manager or designee must approve the exception.

(4) As a courtesy, and to assist with the CPS assessment process, when the child resides in a different county than the county where the alleged child abuse or neglect occurred, CPS workers may be assigned in the county of the child's residence and the county where the alleged child abuse or neglect occurred. The county who is responsible for completing the CPS assessment is described in sections (1) and (2) of this rule.

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

413-015-0215
Notifications to Specific Agencies or Entities

The screener must notify specific agencies or entities of reports that the screener determines will be referred for a CPS assessment or will be closed at screening.

(1) Law Enforcement Agency (LEA). The screener must cross report to LEA as required by OAR 413-015-0305(1).

(2) Child Care Division. The screener must notify the Child Care Division when a report involves a day care facility, as required by ORS 418.747(2)(e) and 419B.020(1). If the report is closed at screening, a copy of the report must be sent to the Child Care Division after information related to the reporter's identity and other confidential information is removed.

(3) Child Caring Agency Licensing Program. The screener must notify the Department's Child Caring Agency Licensing Program when a report involves a licensed child caring facility (see OAR 413-200-0000).

(4) Senior and People with Disabilities Division (SPD). The screener must notify the Office of Investigations and Training with the Public Health Division of the Department when a report involves a child with developmental disabilities in an SPD licensed group home.

(5) ICWA. If the screener knows or has reason to know that the child is an Indian child, the screener must give notice within 24 hours to the Indian child's tribe that a CPS assessment is being conducted.

Stat. Auth.: ORS 418.005, 419B.017
Stats. Implemented: ORS 418.005, 419B.015, 419B.017

413-015-0220
Screening Extensions

(1) Except as provided in section (2) of this rule, the CPS supervisor may grant an extension to the deadline in OAR 413-015-0205 if the screener is unable to complete all required screening activities the same day that the report alleging child abuse or neglect is received because critical information, such as the child's location, is still needed to determine the Department response. The screener must document in GAP

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the reason for the extension, including the critical information that remains to be collected, and the CPS supervisor's approval.

(a) The CPS supervisor may grant a one-business day extension up to two times; and

(b) Screening activities may not exceed two business days beyond the day the report alleging child abuse or neglect is received by Child Welfare.

(2) If the screener has the critical information needed to determine the Department response or has information that indicates the child is unsafe, no extension to the deadline in OAR 413-015-0205 may be allowed.

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

413-015-0225
Supervisory Review

The CPS supervisor must review all closed-at-screening reports within five days of the completion of screening activities and electronic submission of the reports for review.

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