DHS Policy
Oregon Department of Human Services

Office of Child Welfare Programs

Prior Version

Policy Title:	Differential Response – OAR				
Policy Number:	I-AB.4.1.2 413-015-9000 thru 9040	Version:		Effective Date:	5/27/14

Approved By: *on file* Date Approved:

Reference(s):

- Decision Flow for Traditional Track
- Decision Flow for Alternate Track
- Track Assignment Tool
- Family Engagement Toolkit

Form(s) that apply:

- None.

Rules:

413-015-9000
Authority, Responsibility, and Applicability

(1) ORS 418.005 provides that, in order to establish, extend, and strengthen welfare services for the protection and care of dependent or neglected children, the Department of Human Services may make all necessary rules and regulations for administering child welfare services. Among other duties outlined by ORS 409.010, the Department is responsible for the delivery and administration of programs and services relating to children and families, including *child protective services* (CPS).

(2) The Department has determined that in order to effectively administer *child protective services* it is necessary to adopt a child abuse assessment system that allows CPS to respond differently to reports of child abuse and neglect that meet the criteria to assign for CPS assessment. This system is called “differential response” and includes two types of CPS assessments, traditional response assessments and alternative response assessments. These changes in the Department’s practice will be implemented, over time, on a county-by-county basis.

(3) Only the Department local offices in those counties identified by the Department to implement the Differential Response system must comply with the requirements outlined in these rules, OAR 413-015-9000 through 413-015-9040. Those counties will be referred to as DR implementation counties and are listed in subsections (a) through (c) of this section. Department local offices in all other counties must comply with the rules in OAR chapter 413, but are not responsible for OAR 413-015-9000 through 413-015-9040.

(a) Klamath County, effective May 27, 2014;

(b) Lake County, effective May 27, 2014; and

(c) Lane County, effective May 29, 2014.

(4) Except as provided in OAR 413-015-9000 through 413-015-9040, employees in the DR implementation counties remain responsible for all other rules in OAR chapter 413.

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Stat. Auth: ORS 409.027, 409.050, 418.005, 418.598
Stats. Implemented: ORS 409.010, 409.185, 418.005, 418.015, 418.580, 419B.020

413-015-9010
Purpose

The purpose of Differential Response is to achieve the following objectives:

(1) Allow for different approaches to Child Protective Services assessments depending on severity and type of child abuse and neglect allegations;

(2) Identify a family's needs and connect the family to community services to meet those needs;

(3) Increase the number of children who can be safely at home and in their communities;

(4) Reduce the number of children who re-enter the Department's system;

(5) Reduce the number of referrals on a family; and

(6) Reduce disproportional representation of children of color in the Department's foster care system.

Stat. Auth: ORS 409.027, 409.050, 418.005, 418.598
Stats. Implemented: ORS 409.010, 409.185, 418.005, 418.015, 418.580, 419B.020

413-015-9020
Definitions

In addition to the terms defined in OAR 413-015-0115, these terms are defined for use in these rules, OAR 413-015-9000 through 413-015-9040:

(1) “Alternative response assessment” means a type of CPS assessment that, in addition to the other requirements of a CPS assessment, utilizes community partners and assesses the strengths and needs of the family and *child*, but does not require a formal determination of whether there is reasonable cause to believe *child abuse or neglect* occurred.

(2) “Strengths and needs assessment” means a tool used to assess the strengths and needs, including service needs, of a family determined to have *moderate to high needs*.

(3) “Strengths and needs assessment provider” means an individual or organization trained to complete a *strengths and needs assessment*.

(4) “Traditional response assessment” means a type of CPS assessment used to assess reports of child abuse and neglect that require a formal determination of whether there is reasonable cause to believe *child abuse or neglect* occurred.

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Stat. Auth: ORS 409.027, 409.050, 418.005, 418.598
Stats. Implemented: ORS 409.010, 409.185, 418.005, 418.015, 418.580, 419B.020

413-015-9030
Screening CPS Information - Determining Department's Response, Type of CPS Assessment, and Response Time Lines

Except as provided below, screeners in DR implementation counties must comply with OAR 413-015-0200 through 413-015-0225. OAR 413-015-0210(1) through (3) are replaced by the following:

(1) After the *screener* completes activities required by OAR 413-015-0205, and determines the information received is CPS information, the *screener* must determine the *Department response*, either CPS assessment required or close at *screening*. If a CPS assessment is required, the *screener* must determine the type of CPS assessment and the time line for the *Department response*.

(2) <u>CPS assessment required</u>. 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 law enforcement agency (LEA) requests assistance from the Department with an investigation of *child abuse or neglect*, and a CPS supervisor agrees that assistance from the Department is appropriate.

(3) Type of CPS Assessment. If the *screener* determines that a CPS assessment is required, the *screener* must:

(a) Determine the type of CPS assessment required. The *screener* must determine if the *report* is assigned for a *traditional response assessment* or an *alternative response assessment*.

(A) Traditional Response Assessment. This type of CPS assessment is required when the *report* alleges or the information gathered indicates:

(i) The *child* has suffered or could likely suffer *severe harm*;

(ii) The 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);

(iii) The perpetrator is a day care employee, certified foster parent or relative caregiver, or a Department of Human Services employee;

(iv) There are multiple allegations in the same *report* and any of the allegations meet one of the criteria outlined in (i) through (iii) of this paragraph for a *traditional response assessment*;

(v) There is a prior *report* of *child abuse or neglect* that has not been assessed because the Department was unable to locate the family and the prior allegation(s) or the current allegations(s) meet the criteria for a *traditional response assessment*; or

(vi) There is an open *traditional response assessment* and the date the open *traditional response assessment* was assigned is within 60 days of the date the new *report* will be assigned.

(B) Alternative Response Assessment. This type of CPS assessment is required when the *report* alleges or the information gathered indicates the *child* has suffered or could likely suffer *harm*, but the *harm* is not *severe harm* and none of the conditions outlined in (A)(i) through (v) of this rule apply.

(b) Consult with a CPS supervisor. The *screener* must consult with the CPS supervisor or designee when the *screener* determines the type of CPS assessment required is a *traditional response assessment*.

(c) Document the type of CPS assessment required. The *screener* must document the type of CPS assessment required and document the justification for the determination.

(4) Response Time Lines. If the *screener* determines that a CPS assessment is required, the *screener* must:

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(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) Traditional Response Assessment. The *screener* is required to assign the following response time lines for a *traditional response assessment*:

(i) A "within 24 hours" response time line unless (ii) below applies.

(ii) A "within five calendar days" response time line is only permitted for a *traditional response assessment* when the *screener* can clearly document how the information indicates child safety will not be compromised or an intentional delay to allow for a planned response is less likely to compromise the safety of the *child*.

(B) Alternative Response Assessment. The *screener* is required to assign the following response time lines for an *alternative response assessment*:

(i) A "within five calendar days" response time line is required unless (ii) below applies.

(ii) A "within 24 hours" response time line is only required for an *alternative response assessment* when the information indicates a *child* is in danger right now.

(b) Complete a screening report 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. A CPS supervisor may grant an extension for the completion of a screening report form as provided in OAR 413-015-0220.

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

Stat. Auth: ORS 409.027, 409.050, 418.005, 418.598
Stats. Implemented: ORS 409.010, 409.185, 418.005, 418.015, 418.580, 419B.020

413-015-9040
Assessment

(1) Except as provided in this rule, CPS workers in DR implementation counties must comply with OAR 413-015-0400 through 413-015-0485.

(2) Overview. The following outlines the primary components of all CPS assessments and the components unique to *traditional response assessment* and *alternative response assessment*.

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(a) Completing a CPS assessment, whether *traditional response assessment* or *alternative response assessment*, involves all of the following:

(A) Making efforts to schedule the *initial contact* when a response timeline of "within five calendar" days is assigned.

(B) Making *face-to-face* contact with the alleged victim, his or her siblings, his or her parent or *caregiver*, other children and adults living in the home, and the alleged perpetrator.

(C) Accessing and viewing the home environment.

(D) Gathering safety-related information through interviews and observation.

(E) Determining if there is a *present danger safety threat*.

(F) Determining if there is an *impending danger safety threat* by applying the *safety threshold* criteria:

(i) Imminent;

(ii) *Observable*;

(iii) *Vulnerable child*;

(iv) *Out of control*; and

(v) Severity.

(G) Developing a *protective action plan* when a *child* is determined to be *unsafe* due to a *present danger safety threat*.

(H) Developing an *initial safety plan* when a *child* is determined to be *unsafe* due to an *impending danger safety threat*.

(I) Developing an *ongoing safety plan* when a *child* is determined to be *unsafe* from an *impending danger safety threat* at the conclusion of a CPS assessment.

(J) Determining whether the *initial safety plan* or *ongoing safety plan* is the least intrusive plan sufficient to manage child safety by identifying how the *impending danger safety threat* is occurring and applying the in-home safety plan criteria.

(K) Developing *conditions for return* when an out-of-home *initial safety plan* or out-of-home *ongoing safety plan* is established.

(L) Determining whether a family has *moderate to high needs* when a *child* is determined to be *safe*.

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(M) Referring a family for a *strengths and needs assessment* and subsequently for community services when a family is determined to have *moderate to high need*s and accepts the referrals.

(b) In addition to the components of a CPS assessment outlined in paragraphs (a)(A) through (M) of this section, completing a *traditional response assessment* includes determining if there is reasonable cause to believe that *child abuse or neglect* occurred.

(c) In addition to the components of a CPS assessment outlined in paragraphs (a)(A) through (M) of this section, completing an *alternative response assessment* includes offering the family the option of having a community partner accompany the worker when a response timeline of "within five calendar" days is assigned.

(3) Make Initial Contact. When completing a *traditional response assessment* or an *alternative response assessment* the CPS worker must comply with OAR 413-015-0420, "Make Initial Contact", and the additional requirements outlined in this section when a response timeline of "within five calendar days" is assigned:

(a) The CPS worker must make efforts to schedule the *initial contact*; and

(b) The CPS worker must, when completing an *alternative response assessment*:

(A) Offer the family the option of having a community partner accompany the worker on *initial contact*;

(B) Obtain a release of information signed by the parent or *caregiver* specific to the identified community partner; and

(C) Document, if applicable, whether the CPS worker completed the *initial contact* with a community partner. When a community partner was not present at *initial contact*, the CPS worker must document why a community partner was not present. When a community partner was present, the CPS worker must document which community partner was present.

(4) Change from Alternative Response Assessment to Traditional Response Assessment. When changing the type of CPS assessment from *alternative response assessment* to *traditional response assessment* the CPS worker must:

(a) Assure one of the following applies:

(A) Any of the criteria outlined in 413-015-9030(3)(a)(A)(i) through (vi);

(B) A *referral* is received on an open *alternative response assessment* within 60 days of the date the open assessment was assigned and the new *referral* meets the screening criteria to assign as a *traditional response assessment*;

(C) The CPS worker filed a petition alleging the *child* is within the jurisdiction of the juvenile court pursuant to ORS 419B.100; or

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(D) The CPS worker determined the *child* is *unsafe* at the conclusion of the CPS assessment and an *ongoing safety plan* will be established and the case will be opened for services.

(b) Assure the decision is approved by a Department supervisor; and

(c) Document in the Department's electronic information system the decision to change from *alternative response assessment* to *traditional response assessment* and explain the basis for the decision.

(5) Make Child Safety Decision and Determine Whether to Open a Case. The CPS worker must comply with the requirements outlined in this section which replaces OAR 413-015-0445, "Child Safety Decision".

(a) After all the necessary information is gathered for the CPS assessment and the disposition has been determined, the CPS worker must determine if the *child* is *safe* or *unsafe* at the conclusion of the CPS assessment. To make a child safety decision at the conclusion of a CPS assessment, the CPS worker must again determine if an *impending danger safety threat* is present as outlined in OAR 413-015-0425, "Determine if there is a Present Danger Safety Threat or an Impending Danger Safety Threat".

(b) When at the conclusion of the CPS assessment the CPS worker determines one or more impending danger safety threats are present, including a previously identified *impending danger safety threat* that has not been eliminated, the CPS worker must conclude the *child* is *unsafe*. When the CPS worker concludes the *child* is *unsafe* at the conclusion of the CPS assessment, the CPS worker must:

(A) Determine how the *impending danger safety threat* is occurring to support the development of an *ongoing safety plan* as outlined in OAR 413-015-0428, "Identify How the Impending Danger Safety Threat is Occurring";

(B) Develop an *ongoing safety plan* as outlined in OAR 413-015-0450, "Develop an Ongoing Safety Plan";

(C) Complete the CPS assessment; and

(D) Open a case.

(c) When at the conclusion of the CPS assessment the CPS worker determines no present danger safety threats or impending danger safety threats are present and any identified previously have been eliminated, the CPS worker must conclude the *child* is *safe*. When the CPS worker concludes the *child* is *safe* at the conclusion of the CPS assessment, the CPS worker must:

(A) Dismiss the *protective action plan* or *initial safety plan* if one is in place; and

(B) Determine if the family has *moderate to high needs*.

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(d) When the CPS worker determines the family does not have *moderate to high needs* the CPS worker must complete and close the CPS assessment.

(e) When the CPS worker determines the family does have *moderate to high needs*, the CPS worker must offer the family the option to have a *strengths and needs assessment* completed by a *strengths and needs assessment provider*:

(A) If the family declines the offer to have a *strengths and needs assessment* completed the CPS worker must:

(i) Offer the family referrals to relevant non-contracted community services as available;

(ii) If the family accepts the offer, the CPS worker must refer the family to relevant non-contracted community services as available; and

(iii) Complete and close the CPS assessment.

(B) If the family accepts the offer to have a *strengths and needs assessment* completed the CPS worker must:

(i) Refer the family to a *strengths and needs assessment provider*;

(ii) Meet with the family and the *strengths and needs assessment provider* after the completion of the *strengths and needs assessment*, discuss contracted and non-contracted community service referral options, offer relevant community service referrals as available, and identify the family's preferences;

(iii) If the family accepts the offer for community service referrals, refer the family to relevant contracted or non-contracted community services as available.

(C) Complete and close the CPS assessment.

(f) The CPS worker must document in the Department's electronic information system the child safety decision including all of the following:

(A) If the *child* is *safe* and the assessment will be closed, or if the *child* is *unsafe* and the case will be opened.

(B) If the *child* is *safe*:

(i) Whether the family was determined to have *moderate to high needs* and the basis for the determination;

(ii) Whether the family accepted or declined to participate in a *strengths and needs assessment* and if they declined whether the family accepted the offer for relevant non-contracted community service referrals;

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(iii) Whether the family accepted or declined to participate in services recommended as the result of the *strengths and needs assessment*; and

(iv) If applicable, what contracted or non-contracted community services were declined or accepted.

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(6) CPS Assessment Documentation, Supervisory Review Requirements, and Extensions.

(a) The CPS worker must comply with OAR 413-015-0475, "CPS Assessment Documentation and Supervisory Review Requirements", with the exception of section (2) which this subsection replaces. The CPS worker must complete the CPS assessment and electronically submit the CPS assessment for review by a CPS supervisor, within 45 days of the day that the information alleging *child abuse or neglect* is received by the *screener*, except as provided in subsection (b) of this section.

(b) This subsection replaces OAR 413-015-0480, "CPS Assessment Extensions". The CPS supervisor may approve a one-time extension of an additional 15 days for completion of the CPS assessment if the supervisor has confirmed critical information (information necessary to determine child safety or a child abuse or neglect disposition) is outstanding or, if applicable, the *strengths and needs assessment* is not complete. Additional extension of time may be approved by the Child Welfare program manager if the ability to obtain critical information is beyond the reasonable control of the CPS worker.

Stat. Auth: ORS 409.027, 409.050, 418.005, 418.598
Stats. Implemented: ORS 409.010, 409.185, 418.005, 418.015, 418.580, 419B.020

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Policy History

- None (new rule set)