	Department of Human Services **CHILDREN, ADULTS & FAMILIES** **CLIENT SERVICES INDEX** **ISSUED BY:** Office of Safety and Permanency for Children FINAL: 11-03-09	**NUMBER:** I-AB.4 **OAR:** 413-015-0400 thru 0485 **SECTION:** AB. Child Protective Services **SUBSECTION:**
SUBJECT: 4. CPS Assessment – OAR		

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REFERENCES

ORS 418.747, ORS 418.748, ORS 418.751, ORS 418.782, ORS 419B.005 through 419.050
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.2 Screening, OAR 413-015-0200 through 0225
I-AB.3 Cross Reporting, OAR 413-015-0300 through 0310
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 through 1125

413-015-0400
Purpose and Overview of the CPS Assessment Rules

(1) These rules, OAR 413-015-0400 to 413-015-0485 describe the activities required to sufficiently complete a CPS assessment.

(2) Completing a CPS assessment involves the following:

(a) Making initial contact within the assigned response time lines, which includes:

(A) Face-to-face contact with the alleged victim, his or her siblings, his or her parent or caregiver and other children and adults living in the home;

(B) Access to the home environment;

(C) Determining if there is a safety threat;

(D) Determining if the child is unsafe; and

(E) Establishing a protective action when the child is unsafe.

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(b) Gathering safety-related information through interviews and observation;

(c) Determining child vulnerability and explaining the basis for that determination;

(d) Determining if the parent or caregiver can or cannot and will or will not protect and explain the basis for that determination;

(e) Determining if there is reasonable cause to believe that child abuse or neglect occurred and explaining the basis for that determination;

(f) Completing a safety analysis; and

(g) Developing an ongoing safety plan when a child is unsafe.

(3) A CPS assessment must only be completed by a Department employee whose current position is a CPS worker, a CPS supervisor, or an employee who meets the definition of CPS worker and has recent experience completing CPS assessments.

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

413-015-0403
Assignment of CPS Assessment

Whenever possible, separate CPS workers must be assigned to complete the assessments of allegations when a minor parent is an alleged perpetrator and alleged victim.

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

413-015-0405
CPS Assessment Response Time Lines

(1) The time line for the Department response refers to the amount of time from the receipt of a report at screening to the time when the CPS worker is required to make an initial contact.

(2) Except as provided in sections (3) and (4) of this rule, every CPS assessment must be assigned one of the following response time lines and the CPS worker must make an initial contact within the assigned response time line:

(a) Within 24 hours.

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(b) Within five calendar days.

(3) A supervisor may change the initial contact time lines established in section (2) of this rule as follows:

(a) The supervisor may change the response time line from within five calendar days to within 24 hours.

(b) The supervisor may change the response timeline from within 24 hours to within five calendar days, but the supervisor must explain in writing why the time line was changed and how the child's safety needs were considered when the change was approved.

(4) If a screener was granted an extension to complete the screening process, the CPS supervisor may adjust the initial contact time lines as follows:

(a) Within 24 hours: The CPS worker must make an initial contact within 24 hours of the end date of either the last screening extension or the date the CPS assessment was assigned, whichever is earlier.

(b) Within five calendar days: The CPS worker must make an initial contact within five calendar days of the end date of either the last screening extension or the date the CPS assessment was assigned, whichever is earlier.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 409.185, 418.005, 418.015, 418.800, 419B.005 to 419B.050

413-015-0409
Exception to Completing CPS Assessment Activities

(1) The only exception to completing the CPS assessment activities required by these rules (OAR 413-015-0400 to 413-015-0485) on an assigned referral is when a CPS worker, in consultation with a CPS supervisor or designee, determines prior to the initial contact (see OAR 413-015-0420) that the referral does not require a CPS assessment because:

(a) The referral was opened in error;

(b) The referral content will be addressed in an open CPS assessment; or

(c) There is no longer an allegation of abuse or neglect. The CPS worker received information after being assigned the referral that in combination with the corresponding screening report no longer constitutes a report of child abuse or neglect as defined in ORS 419B.005. This exception may be used only when the CPS worker and the CPS supervisor or designee determine the information:

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(A) Is not from the alleged perpetrator;

(B) Relates directly to and specifically negates all allegations in the screening report; and

(C) Is considered on the basis of the objectivity of the individual providing the information and the quality of the information.

(2) The exception in section (1) of this rule is not permitted and a CPS assessment must be completed when the CPS worker has already made contact with the parent, caregiver, or alleged victim, unless the parent, caregiver, or alleged victim is the original reporter.

(3) The CPS worker must document the determination in the Department's information system and explain the basis for the determination that a CPS assessment is not necessary.

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

413-015-0415
CPS Assessment Activities

The required CPS assessment activities are outlined below. The activities are described in a logical order in these rules, but the order in which they occur is controlled by the specific circumstances in a given case.

(1) Review Records.

(a) The assigned CPS worker must:

(A) Thoroughly review the documentation in the referral;

(B) Thoroughly review the paper and electronic records maintained by Child Welfare for historical information on the family and the child that may be useful in completing the CPS assessment;

(C) Thoroughly review available Self Sufficiency records; and

(D) Make diligent efforts to contact another state's child welfare agency to obtain records, if any, when the CPS worker has information that the family has lived in another state.

(b) The CPS worker must review the documents to identify information related to:

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(A) Safety threats;

(B) History or a pattern of abuse or neglect;

(C) Child and family support systems and protective capacity; and

(D) Worker safety.

(2) Addressing Prior Allegations that Have Not Been Assessed Because the Department was Unable to Locate the Family.

The assigned CPS worker must address in the current assessment any allegations not previously assessed because the Department was unable to locate the family as follows:

(a) Discuss the prior unassessed allegations during interviews;

(b) Consider all information about prior unassessed allegations in the current safety analysis; and

(c) Document the consideration of prior unassessed allegations in interviews, observations, and dispositional findings.

(3) Contact Collateral Sources.

(a) The CPS worker must contact collateral sources who can clarify or supplement the information in the referral and in records already reviewed.

(A) The CPS worker must contact the assigned self sufficiency worker, if any.

(B) The CPS worker may contact other collateral sources including, but not limited to:

(i) Individuals who have regular contact with the child;

(ii) Doctors or others who have evaluated or maintain records on the child;

(iii) 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

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(iv) People who have records or information about the parent or caregiver as a result of their involvement with, or exposure to, the parent or caregiver.

(b) The CPS worker must gather information from collateral sources throughout the CPS assessment.

(c) The CPS worker must:

(A) Protect the identity of collateral sources to the extent possible.

(B) Consult with the district attorney or the assistant attorney general to obtain a court order for records from a collateral source, if the source is unable or unwilling to share information with Child Welfare.

(4) Consult with CPS Supervisor.

(a) The CPS worker must consult with a CPS supervisor or designee:

(A) When the CPS worker has reasonable cause to believe the alleged perpetrator is an employee of any program, office, or division of the Department or Oregon Youth Authority (OYA);

(B) When a referral involves the home of a Department certified foster parent or relative caregiver;

(C) When a referral involves allegations that child abuse or neglect occurred in a licensed child caring agency;

(D) Prior to a decision to place a child in protective custody, or after placement if consultation before placement will delay the safety intervention;

(E) Prior to initiating court action, or after initiating court action if consultation before will delay the safety intervention;

(F) When the referral involves a child fatality;

(G) When making dispositions in complicated or sensitive situations or cases;

(H) When closing an assessment with the disposition of "unable to locate"; or

(I) Prior to a decision to close a case during or at the end of the CPS assessment.

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(b) Subject to the discretion of the CPS supervisor, the CPS worker will consult with a CPS supervisor or designee at additional key points during the assessment, such as:

(A) Before making initial contact with the family; or

(B) When a referral indicates potential danger to the worker.

(5) Contact and Work with Other Entities.

The CPS worker may need to work with representatives of other entities to develop a sufficient protective action or ongoing safety plan, to analyze safety threats, and to complete the CPS assessment.

(a) The CPS worker may, as appropriate, notify or consult with other Department programs or other agencies, including but not limited to the Office of Vocational Rehabilitation Services and Animal Control.

(b) The CPS worker must contact and work with other entities as follows:

(A) Child Care Division. The CPS worker must notify and coordinate with the Child Care Division when a report involves a registered day-care home or a licensed day-care center, as required by ORS 418.747(2)(e) and 419B.020(1).

(B) Oregon Youth Authority (OYA). The CPS worker must notify OYA when the allegation involves an OYA certified foster home.

(C) Seniors and People with Disabilities Division (SPD).

(i) The CPS worker must notify the Office of Investigations and Training with the Department when the allegation involves a child with developmental disabilities in an SPD licensed group home.

(ii) The CPS worker must make a report to the Office of Investigations and Training with the Department when the CPS worker has reasonable cause to believe:

(I) That any person 18 years of age or older with a mental illness or a developmental disability whom the CPS worker comes into contact with, while acting in an official capacity, has suffered abuse.

(II) That any person with whom the CPS worker comes into contact, while acting in an official capacity, has abused a

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person 18 years of age or older with a mental illness or developmental disability.

(iii) The CPS worker must make a report to SPD when the CPS worker has reasonable cause to believe:

(I) That any person 65 years of age or older with whom the CPS worker comes into contact, while acting in an official capacity, has suffered abuse.

(II) That any person with whom the CPS worker comes into contact, while acting in an official capacity, has abused a person 65 years of age or older.

(D) Child Caring Agency Licensing Program. The CPS worker must notify the Department's Child Caring Agency Licensing Program when the allegation involves a licensed child caring facility.

(E) Indian Tribes. If the CPS worker knows or has reason to know that the child is an Indian child, the CPS worker must give notice within 24 hours to the Indian child's tribe that a CPS assessment is being conducted unless the screener documented completion of this notification in the referral.

(F) Probation and Parole. The CPS worker must contact probation and parole when the allegation involves a parent or caregiver, or alleged perpetrator who is supervised by probation or parole.

(G) Law Enforcement. If the screener did not cross report, the CPS worker must contact one or more law enforcement agencies in accordance with the protocols of the local MDT agreement and in accordance with cross reporting rules, OAR 413-015-0300 to OAR 413-015-0310. When there is a joint response involving a CPS worker and LEA staff, the CPS worker is still responsible for all of the activities necessary to complete a CPS assessment which are summarized in OAR 413-015-0400. Whenever possible, the CPS worker must coordinate assessment activities with LEA in the following situations:

(i) Presence of danger. When the CPS worker has information that indicates that the child is unsafe right now.

(ii) Family cooperation. When the CPS worker has information that the family may not allow the CPS worker to observe the alleged victim or other children in the home.

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(iii) Protective custody. When the CPS worker has information that a child may need to be placed in protective custody.

(iv) Child interview. When the CPS worker and the LEA officer must each interview a child, it is preferable to coordinate the interviews to reduce the number of interactions with the child.

(v) Worker safety. When the CPS worker has information that indicates the family behavior, circumstances, or situation could pose a danger to the CPS worker.

(vi) Crime committed. When the CPS worker suspects or receives a report that a crime may have been committed.

(H) Public or Private Schools. The CPS worker may interview a child at school when the worker believes it will be the best environment in which to assure a child's safety when making contact with the child. ORS 419B.045 provides requirements for CPS investigations that are conducted on school premises. The CPS worker must do following:

(i) Notify the school administrator that a CPS assessment must be conducted. If the school administrator is a subject of the CPS assessment, then notification is not required.

(ii) Report to the school office, provide identification, inform school personnel of the CPS assessment, and provide the name of the child to be interviewed.

(iii) Request information from school personnel regarding the disabilities of the child, if any, prior to an interview with the affected child.

(iv) Interview the child out of the presence of other persons, unless the CPS worker believes the presence of a school employee or other person would facilitate the interview. If the CPS worker believes that a school employee does not need to be present, but the school employee insists on being present during the interview, the worker should confer with the CPS supervisor for assistance in handling the situation.

(v) Discuss further actions with the child at the conclusion of the interview.

(vi) Inform school personnel when the interview has been completed.

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(vii) Inform school personnel if the child is taken into protective custody.

(viii) Inform school personnel that the CPS worker will notify parents of the interview.

(ix) Contact the CPS supervisor if school officials refuse to allow the assessment to take place on school property.

(I) Multi-Disciplinary Teams (MDTs). Department district managers must develop interagency agreements regarding assessment of child abuse and neglect, as necessary, with local MDTs. Requirements for MDT protocols are set out in ORS 418.747.

(6) Obtain Interpreters and Translation.

The CPS worker must obtain the services of a competent interpreter and competent written translation service for families, including hearing-impaired family members, who have limited or no means of communicating in or reading English.

(7) Determine ICWA Status and Comply with ICWA, if Applicable.

The CPS worker must initiate the process to determine the child's ICWA status and notify the Indian child's tribe if ICWA applies. To initiate this process, the CPS worker must:

(a) Complete a form CF 1270, "Verification of ICWA Eligibility," to assist in determining ICWA eligibility.

(b) Contact the child's tribe when an Indian child is the subject of a CPS assessment. Federally recognized tribes must be notified within 24 hours after information alleging abuse or neglect is received by Child Welfare.

(c) If the Indian child is enrolled or eligible for enrollment in a federally recognized tribe, notify the child's tribe if the child may be placed in protective custody.

(d) Consult with the local Department ICWA liaison, a supervisor, or the ICWA manager if the worker has questions regarding the involvement of a tribe or the ICWA status of a child.

(e) Make a diligent attempt to address the following when determining the placement resource:

(A) Contact the Tribe's social services department;

(B) Search for relative resources;

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(C) Search for available Indian homes; and

(D) Contact other Indian tribes and other Indian organizations with available placement resources; and

(f) Unless the Indian child's tribe has established a different order of preference, comply with the ICWA placement preference, which is:

(A) Placement with a member of Indian child's extended family.

(B) Placement with a foster family that is licensed, approved or specified by the Indian child's tribe.

(C) Placement with an Indian foster home licensed or approved by an authorized non-Indian licensing authority.

(D) Placement with an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

(8) Determine Refugee Status and Comply with the Refugee Children Act, if applicable.

During a CPS assessment, the CPS worker must consider whether the child is a refugee child. Under ORS 418.925, a "refugee child" is a "person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular group or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular group or political opinion."

(a) If it appears that a child is a refugee child:

(A) The CPS worker must ask about the child or parents' country of origin, length of time the child or parents have been in the United States, and the reasons why the child or parents came to the United States. The CPS worker does not have to make a legal determination that the child and parent are refugees, but if the child or the parents indicate they are refugees, then the CPS worker must proceed as if they are, until or unless it is known that they are not refugees.

(B) The CPS worker is not required to determine whether the child is a refugee child, but if the child appears to be a refugee child the CPS

worker must proceed as if they are, until or unless it is known that the child is not a refugee child.

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(b) The CPS worker may not take a refugee child into protective custody unless, in addition to the other requirements for taking a child into custody, the CPS worker determines that:

(A) Removal is necessary to prevent imminent serious emotional or physical harm to the child; and

(B) Reasonable efforts to alleviate the harm through remedial or preventive services do not alleviate the harm, have failed, or are not practical in an emergency situation.

(c) No refugee child may remain in placement more than five days unless there has been a judicial determination, supported by clear and convincing evidence that:

(A) Preventative or remedial services provided by the Department have failed to alleviate the need for removal; and

(B) Return to the home will likely result in psychological or physical damage to the child.

(d) When a refugee child is placed in care, the juvenile court petition must include, in addition to the information required by ORS 419B.809, the following information:

(A) A specific and detailed account of the circumstances that led the Department to conclude that the child was in imminent danger of serious emotional or physical harm;

(B) Specific actions the Department has taken or is taking to alleviate the need for removal;

(C) Assurance that the Department has complied with placement preferences listed in ORS 418.937 and listed in subsection (e) of this section; and

(D) Assurance that the Department is making or has made diligent efforts to locate and give notice to all affected refugee family members and to the Refugee Child Welfare Advisory Committee that the petition has been filed.

(e) The CPS worker must consider the refugee child's culture and tradition when making any placement decision for a refugee child and, unless shown to be

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inappropriate and inconsistent with the best interests of the child, place the child with the following in order of preference:

(A) Natural parents.

(B) Extended family member.

(C) Members from the same cultural heritage.

(D) Persons with knowledge and appreciation of the child's cultural heritage.

(f) The CPS worker may determine that placement under subsection (e) of this section is inappropriate and inconsistent with the best interests of the child if:

(A) The preferred placement presents safety threats to the child;

(B) The extreme medical, physical, or psychological needs of the child cannot be met in the placement; or

(C) There is an informed request from either of the child's biological parents not to use a placement, if the request is consistent with stability, security, and the individual needs of the child.

(g) The CPS worker must staff the case with the Refugee Child Welfare Advisory Committee (RCWAC). The CPS worker must contact the Cultural Competency Coordinator for Child Welfare to arrange a time for the staffing. In preparation for the staffing, the CPS worker must:

(A) Invite the CPS supervisor to the staffing; and

(B) Be prepared to discuss the reasons for the CPS referral, the information indicating that family members are refugees, and their country of origin.

(9) Take Photographs.

The CPS worker must, during the CPS assessment, take photographs and document, as necessary, child abuse, neglect, and observable safety threats.

(a) As provided in ORS 419B.028, a law enforcement officer or the CPS worker may take photographs for the purpose of documenting the child's condition at the time of the CPS assessment.

(b) As provided in ORS 419B.028, if the CPS worker conducting a CPS assessment observes a child who has suffered suspicious physical injury and the CPS worker has a reasonable suspicion that the injury may be the result of abuse, the CPS worker, in accordance with the protocols and procedures of the

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county multi-disciplinary team described in ORS 418.747, will immediately photograph or cause to have photographed the suspicious physical injuries. Regardless of whether the child has previously been photographed or assessed during a CPS assessment, the CPS worker will photograph or cause to be photographed any suspicious injuries if the CPS worker has a reasonable suspicion the suspicious injuries are the result of abuse:

(A) During the assessment of a new allegation of abuse; and

(B) Each time, during the assessment, an injury is observed that was not previously observed by the assigned CPS worker.

(c) When a child is photographed pursuant to subsection (b) of this section:

(A) The person taking the photographs or causing to have the photographs taken must, within 48 hours or by the end of the next regular business day, whichever occurs later:

(i) Provide hard copies or prints of the photographs and, if available, copies of the photographs in an electronic format to the designated medical professional; and

(ii) Place hard copies or prints of the photographs and, if available, copies of the photographs in an electronic format in the child welfare record labeled with the case name, case number, sequence number, person letter, child's name, and date taken.

(B) If a county multidisciplinary team staffing of the case is held, photographs of the injury will be made available to each team member involved in the case staffing at the first meeting regarding the child's case.

(d) The CPS worker must document injuries, hazardous environments, and any observable safety threats in the assessment narrative by use of photographs, written description, or illustrations.

(e) Photographs of the anal or genital region may be taken only by medical personnel.

(10) Obtain Medical Assessment.

The CPS worker must, during the CPS assessment as required in this section, facilitate a medical assessment of the child and obtain the child's medical history when necessary to assure child safety, determine treatment needs, reassure the child and family, or assist in analyzing safety threats.

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(a) When the CPS worker determines that the child is in need of a medical assessment as part of a CPS assessment, the CPS worker must consult with a CPS supervisor as soon as possible, but not at the expense of delaying medical treatment.

(b) If a person conducting an assessment under ORS 419B.020 observes a child who has suffered suspicious physical injury and the person has a reasonable suspicion that the injury may be the result of abuse, the person must, in accordance with the protocols and procedures of the county multi-disciplinary team described in ORS 418.747, ensure that --

(A) A designated medical professional conducts a medical assessment within 48 hours of the observation of the suspicious physical injury, or sooner if dictated by the child's medical needs; or

(B) An available physician conducts a medical assessment if, after reasonable efforts to locate a designated medical professional, a designated medical professional is not available to conduct a medical assessment within 48 hours. The CPS worker is required to document in FACIS efforts to locate the designated medical professional when an available physician is used.

(c) The CPS worker must facilitate an assessment by a medical professional if the alleged child abuse or neglect involves injury to the anal or genital region.

(d) When there are indications of severe physical trauma to the child, the CPS worker must make arrangements to immediately transport the child to a medical facility, which may include calling 911. The CPS worker must also make arrangements for medical examination of a child for mild or moderate physical trauma.

(e) To make arrangements for the medical examination of a child, the CPS worker must do the following, unless completing the action would delay medical treatment for the child:

(A) Discuss with the parent or caregiver the need for medical examination or treatment.

(B) Ask the parent or caregiver to take the child to a medical facility for a medical examination or treatment.

(C) Request that the parent sign a form DHS 2099, "Authorization for Use and Disclosure of Information."

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(D) Contact an LEA immediately and seek a juvenile court order to obtain protective custody of the child for the purpose of obtaining a medical examination or treatment when:

(i) The parent or caregiver refuses to obtain needed medical examination or treatment;

(ii) The parent or caregiver may flee with the child;

(iii) Delaying medical examination or treatment could harm the child; or

(iv) The CPS worker has reason to believe medical examination will reveal evidence of child abuse or neglect.

(E) Immediately seek medical care and consultation when the child may have a life-threatening condition, or a deteriorating condition that may become life-threatening.

(F) As soon as possible and not later than 24 hours after learning of the exposure, make arrangements to have the child tested for chemical exposure to harmful substances when there is reason to believe a child has been exposed to dangerous chemicals such as those found in a chemical drug lab.

(f) When a report of suspected medical neglect of an infant with a disability and with life-threatening conditions is referred for CPS assessment, the assigned CPS worker must comply with Child Welfare Policy I-B.2.2.2, "Investigation of Suspected Medical Neglect-Infants", OAR 413-030-0600 to 413-030-0650.

(g) When it is medically indicated to subject a child in the custody of the Department to HIV testing, the CPS worker must comply with Child Welfare Policy I-B.5.1, "HIV Testing of Children in Custody and HIV Confidentiality", OAR 413-040-0400 to 413-040-0450.

(h) As provided in ORS 147.425, a child who is the victim of a person crime and is at least 15 years of age at the time of the abuse may have a personal representative present during a medical examination. If a CPS worker believes that a personal representative would compromise the CPS assessment, a CPS worker may prohibit a personal representative from being present during the medical examination.

(i) When the CPS worker is assessing a CPS allegation of medical neglect, the CPS worker must consult with a health care professional as part of the assessment.

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(11) Obtain Psychological and Psychiatric Evaluations.

(a) The CPS worker must make a referral for a psychological or psychiatric evaluation of the parent, caregiver, or child by a mental health professional to assure child safety, determine treatment needs, or assist in analyzing safety threats when during the CPS assessment the CPS worker identifies a specific condition or behavior that requires additional professional evaluation. This includes but is not limited to:

(A) Unusual or bizarre forms of punishment;

(B) Mental illness;

(C) Suicidal ideation;

(D) Homicidal ideation; or

(E) Unusual or bizarre child or parental behavior that is indicative of emotional problems.

(b) The CPS worker must obtain consent of the parent or caregiver prior to making a referral for a psychological or psychiatric evaluation of the parent, caregiver, or child, unless the evaluation is court ordered.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 409.185, ORS 418.015, 418.747, 418.785, 419B.005 to 419B.050, 2007 Or. Laws ch. 674

413-015-0420
Make Initial Contact

The CPS worker must make an initial contact within the assigned response time line.

(1) To make an initial contact, the CPS worker must:

(a) Have face-to-face contact with and interview the alleged victim, his or her siblings, and other children living in the home. The purpose of the face-to-face contact and interview with the alleged victim, his or her siblings, and other children living in the home is to gather information regarding possible child abuse and neglect, assess if the children are vulnerable to identified safety threats, and assess the children's immediate safety. If it is not possible during the initial contact for the CPS worker to make a face-to-face contact with and interview the siblings or other children living in the home, the CPS worker must document why contact was not made and must complete the face-to-face contact and interview as soon as possible.

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(b) Interview and observe children as follows:

(A) The CPS worker must notify parents of the intent to interview a child, unless notification could compromise the child's safety or a criminal investigation.

(B) The CPS worker must make diligent efforts to contact the child at home, school, day care, or any other place where the worker believes the child may be found. If the CPS worker is unsuccessful, the CPS worker must document in the assessment activities section of the GAP all attempts made to contact the child and the dates of those attempted contacts.

(C) When the CPS worker contacts the child at home and the parent or caregiver is not present:

(i) The CPS worker must consult with a CPS supervisor and seek assistance from LEA if the referral indicates that: there may be severe harm or threat of severe harm to the child; there is reasonable cause to believe the child's health or safety is endangered by the conditions of the dwelling; or the child is inadequately supervised and there is an immediate need to evaluate the child's health and safety.

(ii) The CPS worker must wait until the parent is present in the home to complete a child interview in the home if the referral does not indicate severe harm or threat of severe harm to the child or if there is not reasonable cause to believe the child's health or safety is endangered by the conditions of the dwelling or that the child is inadequately supervised.

(D) When the CPS worker is denied access to the child or to the child's residence, the CPS worker must:

(i) If the referral indicates that the child may be unsafe, request assistance from LEA in assessing the situation and in taking the child into protective custody if needed.

(ii) If the referral indicates that the child is presently safe, the CPS worker must do the following:

(I) Attempt to contact other persons who may have relevant information regarding the referral;

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(II) Persist in attempts to gain cooperation from the family or caregivers, depending on the known child safety information; and

(III) Seek LEA assistance.

(iii) Consult with the CPS supervisor, the district attorney, assistant attorney general, or the county juvenile department to discuss possible juvenile court action; or

(iv) Seek a protective custody order from the juvenile court.

(E) The CPS worker must notify the parents or caregivers the same day a child is interviewed. If the same day notification could make a child or adult unsafe, a CPS supervisor may authorize an extension for one day to allow a planned notification that is less likely to compromise safety. The CPS worker must document the supervisory approval and an explanation describing the basis for the approval.

(F) The CPS worker must conduct interviews in a manner that assures privacy for the child.

(G) If the parent or caregiver is the alleged perpetrator or if the presence of the parent or caregiver might impede the interview, the CPS worker must attempt to interview children outside the presence of their parents or caregivers.

(H) A CPS worker must allow 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 abuse to have a personal representative be present during an interview. If a CPS worker believes that the personal representative would compromise the CPS assessment, the CPS worker may prohibit a personal representative from being present during the interview.

(I) The CPS worker must observe the child's injuries or signs of neglect. The CPS worker may need to remove a child's clothing to make adequate observations. In that event, the CPS worker must:

(i) Use discretion and make the child as comfortable as possible.

(ii) Seek parental consent and assistance, when possible and appropriate.

(iii) Consider requesting a worker or other support person, who is the same gender as the child, be present to serve as a witness and provide comfort for the child.

Prior Version

(J) The CPS worker may observe injuries to a child's anal or genital region if the child is not school aged and if the injury can be observed without the CPS worker touching the child's anal or genital region.

(c) Have face-to-face contact with and interview the non-offending parent or caregiver and all adults living in the home. The purpose of this face-to-face contact and interview is to find out what the non-offending parent or caregiver and other adults living in the home know about the alleged child abuse or neglect, gather information related to the safety of the child, and gather information to determine if the parent or caregiver can or cannot and will or will not protect the child. If it is not possible during the initial contact for the CPS worker to make face-to-face contact with and interview the non-offending parent or caregiver and other adults living in the home, the CPS worker must document why the contact was not made and must complete the face-to-face contact and interview as soon as possible.

(A) Whenever practicable, the CPS worker must interview both parents and caregivers in person, as follows:

(i) Interview each person individually;

(ii) Ask questions about domestic violence in separate interviews only; and

(iii) Provide all adults living in the home with a written notice that a criminal records check may be conducted on them.

(B) The CPS worker must provide the parent or caregiver with a "What you need to know about a Child Protective Services assessment" pamphlet, which includes written information regarding the CPS assessment process, including the court process and the rights of the parent and caregiver.

(C) The CPS worker must interview the non-custodial legal parent during the CPS assessment. This is not required during the initial contact, but must be completed as part of the assessment process because the non-custodial parent may have essential information or be a placement resource. If the interview of the non-custodial legal parent may make a child or adult unsafe, a CPS supervisor may authorize an exception to this requirement based on written documentation that supports the conclusion that an interview with a non-custodial legal parent should not be conducted.

(d) Have face-to-face contact with and interview the alleged perpetrator. Except as provided in this subsection, the CPS worker must make face-to-face contact

Prior Version

with and interview the alleged perpetrator during the initial contact when he or she is the child's custodial parent, caregiver, any person living in the home, or is present in the home when the CPS worker makes contact. The purpose of this interview is to evaluate the alleged perpetrator's reaction to allegations of abuse or neglect as well as to the child and his or her condition, and to gather further information about the alleged perpetrator and the family in relation to the safety of the child. When the alleged perpetrator is a minor parent, the purpose is also to determine if the minor parent is an alleged victim of abuse (under paragraph (D) of this subsection).

(A) The CPS worker is not required to make face-to-face contact with or interview the alleged perpetrator during the initial contact if:

(i) The alleged perpetrator is not a custodial parent, caregiver, anyone living in the home, or is not present in the home when the CPS worker makes contact. The CPS worker still must interview the alleged perpetrator, but may complete the interview during the course of the CPS assessment; or

(ii) There is a criminal investigation and the interview cannot be coordinated with an LEA within the time lines for initial contact.

(B) The decision not to interview an alleged perpetrator as provided in subparagraphs (A)(i) or (ii) of this subsection must be approved by a CPS supervisor, and the CPS worker must document both the approval and the reason for not completing the interview.

(C) When interviewing the alleged perpetrator, the CPS worker must:

(i) Coordinate the interviews of the alleged perpetrator with LEA when law enforcement is conducting an investigation;

(ii) Consult with a CPS supervisor if an interview with the alleged perpetrator could make a child or adult unsafe;

(iii) Provide the alleged perpetrator with a written notice that a criminal records check may be conducted on them; and

(iv) Make inquiries about the employment status of the alleged perpetrator. If the CPS worker has reasonable cause to believe the alleged perpetrator is an employee of any program, office, or division of the Department or OYA, the CPS worker must notify a CPS supervisor. The CPS supervisor must confirm the person's employee status by contacting a Central Office Field Services representative. If the CPS supervisor determines the alleged perpetrator is an employee of the Department or OYA, the CPS

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supervisor must notify the Department Office of Human Resources at the time of the assessment and at the time the assessment is reviewed as required in OAR 413-015-0475. The CPS supervisor must document the notifications in FACIS.

(D) When interviewing the alleged perpetrator who is a minor and the parent of the alleged victim, the CPS worker must ask questions to determine if there is an allegation of abuse or neglect with the minor parent as an alleged victim. If it is determined that there is an allegation of abuse or neglect with the minor parent as an alleged victim, the information must be reported to a screener.

(E) When interviewing an alleged perpetrator who is the parent or caregiver, the CPS worker must provide the parent or caregiver with a "What you need to know about a Child Protective Services assessment" pamphlet, which includes written information regarding the CPS assessment process, including the court process and the rights of the parent and caregiver.

(e) Gather safety-related information through interviews and observation.

(A) The CPS worker must gather relevant information and facts necessary to complete all parts of the CPS assessment. The CPS worker must gather information through interview and observation about the following:

(i) The extent of the child abuse or neglect;

(ii) The circumstances surrounding the child abuse or neglect;

(iii) Child functioning;

(iv) Adult functioning;

(v) Parenting practices and skills; and

(vi) Disciplinary practices.

(B) Interview. If possible, family members should be interviewed separately in the following order, using information gathered from one interview to assist in the next interview:

(i) Alleged victim.

(ii) Siblings and other children in the home.

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(iii) Non-offending parents and caregivers, including all of the non-offending adults in the home.

(iv) Non-custodial legal parent.

(v) Alleged perpetrator.

(C) The CPS worker must, to the extent possible, do the following during interviews with family members:

(i) Present identification to the family at the beginning of the interview and provide a business card or other document to the parents and caregivers containing the CPS worker's name and phone number.

(ii) Clearly state the reason for the interview, provide statutory authority to assess reports of child abuse and neglect, and give an explanation of the alleged child abuse or neglect.

(iii) Allow the parent or caregiver to respond to each allegation.

(iv) Assure the privacy of the persons being interviewed.

(v) Focus the interview on the safety of the children.

(vi) Assess whether the parents or caregivers are involved in domestic violence.

(vii) Summarize and discuss the initial impressions and intentions resulting from the interview with appropriate family members or caregivers.

(viii) Obtain from the parents or caregivers the names of persons who can provide additional information in determining child safety and completing the CPS assessment.

(ix) Ask the parents and caregivers to sign an authorization to release information to enable Child Welfare to obtain confidential information from physicians, mental health providers, school employees, or other service or treatment providers.

(x) Inform the parents and caregivers about the Child Welfare grievance procedure.

(D) Observation. The CPS worker must observe the identified child, parent or caregiver, and the home environment. Specific areas for observation are:

Prior Version

(i) Physical condition of the child, including any observable effects of child abuse or neglect;

(ii) Emotional status of the child, including mannerisms, signs of fear, and developmental status;

(iii) Reactions of the parents or caregivers to the Department concerns;

(iv) Emotional and behavioral status of the parents or caregivers during the interviewing process;

(v) Interactions between family members, including verbal and body language;

(vi) Condition of the child's living space, including where the child sleeps; and

(vii) Physical condition of the home.

(f) Determine if there is a safety threat.

During the initial contact, the CPS worker must determine, based on the information obtained at that time, if there is a safety threat to the child.

(A) To determine that there is a safety threat, the CPS worker must analyze the information gathered and conclude that:

(i) A specific, observable, describable family behavior, condition, or circumstance is present; and

(ii) The specific, observable, describable family behavior, condition, or circumstance reasonably could result in harm to a child.

(B) If the CPS worker determines during the initial contact that there is no safety threat and the child is safe, then the CPS worker must continue the activities required to sufficiently complete the CPS assessment.

(C) If the CPS worker determines there is a safety threat to the child, the CPS worker must determine if, because of the safety threat, the child is unsafe and a protective action is required. The CPS worker must then continue the activities required to sufficiently complete the CPS assessment.

Prior Version

(g) Determine if the child is unsafe.

If the CPS worker determines, based on the available information, that there is a safety threat to the child, the CPS worker must determine if the safety threat makes the child unsafe.

(A) To assess the child's safety, the CPS worker must analyze the information gathered, and

(i) Determine if the child is vulnerable to harm resulting from the identified family behavior, condition, or circumstance, as described in OAR 413-015-0425.

(ii) Determine if the child's parent or caregiver can or cannot and will or will not protect the child from harm resulting from the identified family behavior, condition, or circumstance, as described in OAR 413-015-0430.

(B) If the CPS worker determines that the child is not vulnerable to harm resulting from the identified safety threat, then the child is safe and the CPS worker must continue the activities required to sufficiently complete the CPS assessment.

(C) If the CPS worker determines that the child's parent or caregiver can and will protect the child from harm resulting from the identified safety threat, then the child is safe. The CPS worker must continue the activities required to sufficiently complete the CPS assessment.

(D) If the CPS worker determines that the child is vulnerable to the identified safety threat and the child's parent or caregiver cannot or will not protect the child from harm resulting from the identified safety threat, the child is unsafe and the CPS worker must initiate a protective action as described in OAR 413-015-0435. The CPS worker must then continue the activities required to sufficiently complete the CPS assessment.

(2) Documentation of the Initial Contact. The CPS worker must document the dates of the initial contact using the GAP. The CPS worker must document attempted and successful contacts.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 147.425, 409.185, 418.005, 418.015, 418.747, 418.785, 419B.005 to 419B.050, 2007 Or. Laws ch. 674

413-015-0425
Determine Child Vulnerability

Prior Version

(1) Requirements to Determine Child Vulnerability. The CPS worker must determine whether and how the child is or is not vulnerable to identified safety threats. The child's vulnerability to identified safety threats is determined by considering the child's physical and emotional development, ability to communicate needs, mobility, size and dependence, and an analysis of the identified safety threats in relation to the child's personal characteristics.

(a) If the CPS worker determines that the child is not vulnerable, then the child is safe, and the CPS worker must continue the activities required to sufficiently complete the CPS assessment.

(b) If the CPS worker determines that the child is vulnerable, the CPS worker must determine if the parent or caregiver can or cannot and will or will not protect the child, as described in OAR 413-015-0430.

(2) Documentation of Child Vulnerability. The CPS worker must document the determination and explain the basis for the determination that the child is or is not vulnerable to the identified safety threats prior to completing the CPS assessment.

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

413-015-0430
Determine Whether the Parent or Caregiver Can or Cannot and Will or Will Not Protect the Child

(1) Requirements to Determine Whether the Parent or Caregiver Can or Cannot and Will or Will Not Protect the Child. The CPS worker must determine whether a parent or caregiver can or cannot and will or will not protect the child against identified safety threats.

(a) If the CPS worker determines that the parent or caregiver can and will protect the child, then the child is safe, and the CPS worker must continue the activities required to sufficiently complete the CPS assessment.

(b) If the CPS worker determines that the parent or caregiver cannot or will not protect the child, the CPS worker must initiate a protective action.

(2) Documentation of Whether the Parent or Caregiver Can or Cannot and Will or Will Not Protect the Child. The CPS worker must document the determination and explain the basis for the determination that a parent or caregiver can or cannot and will or will not protect the child against identified safety threats prior to completing the CPS assessment.

Prior Version

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

413-015-0435
Establish a Protective Action

(1) If the CPS worker determines the child is unsafe, the CPS worker must immediately initiate a protective action. This usually occurs during the initial contact, but must occur at any time during the CPS assessment if it is determined that the child is unsafe. The purpose of the protective action is to assure that children are safe while CPS intervention continues and a fuller understanding of the family is obtained. A protective action may or may not involve taking the child into protective custody. A protective action occurs the same day that it is determined the child is unsafe and provides a child with responsible adult supervision and care. Typically a protective action will include a straightforward immediately achievable arrangement such as: arranging and confirming that the parent or caregiver who is the alleged perpetrator will leave and remain away from the home; arranging for a parent or caregiver who is not the alleged perpetrator to leave home with the child; using people and resources available to the family to immediately protect the child; or placing the child in a relative placement, foster care, or appropriate temporary shelter facility.

(2) Requirements for a Protective Action. The CPS worker must assure that the protective action:

(a) Is in place before the CPS worker leaves the home;

(b) Is focused on the particular family behaviors, conditions, or circumstances that present the safety threat;

(c) Controls the identified safety threats until sufficient information can be gathered and analyzed to determine whether there is a need for an ongoing safety plan;

(d) Does not use a parent or caregiver who is the alleged perpetrator of physical abuse, sexual abuse, or domestic violence to provide protection;

(e) Includes safety service providers who can provide protection for the child and have been confirmed to be suitable to do so;

(f) Does not continue or remain in place after the CPS assessment is complete; and

(g) Has been approved by a CPS supervisor.

(3) Additional Protective Action Requirements When Assessing Allegations of Sexual Abuse. When assessing an allegation of sexual abuse, if a CPS worker develops a

Prior Version

protective action that includes a parent or caregiver, who is the alleged perpetrator, consenting to leave the family home, the CPS worker must notify the local district attorney responsible for the MDT in the county where the child resides that a protective action of this type has been developed. The notice to the District Attorney must:

(a) Be in writing; and

(b) Be provided within three business days of the date the parent or caregiver leaves the family home.

(4) Modifying the Protective Action. The CPS worker must modify the protective action, as necessary, to continue to control the identified safety threats until sufficient information can be gathered and analyzed to determine whether there is a need for an ongoing safety plan.

(5) Documentation of the Protective Action. The CPS worker must provide a detailed description of the protective action taken to manage the safety threat. Documentation must be completed within five business days following the identification of the safety threat and must include:

(a) A detailed description of the safety threat;

(b) The location of the child;

(c) The names of all safety service providers, their contact information, their relationship to the family, and how they were determined to be suitable to provide safety for the child;

(d) The specific details of the protective action;

(e) A summary of the parents' and caregivers' agreement to and acceptance of the protective action;

(f) An explanation of why the protective action is the most suitable, least intrusive action that will protect the child; and

(g) The plan to oversee the protective action.

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

413-015-0440
Determine Disposition of the CPS Assessment

Prior Version

(1) After gathering all the information necessary to complete the CPS assessment, the CPS worker must determine the disposition.

(2) Requirement to Determine Disposition of the CPS Assessment. The CPS worker must determine if there is reasonable cause to believe that child abuse or neglect occurred and explain the basis for that determination. The requirements for determining dispositions are described in OAR 413-015-1000, "The CPS Assessment Dispositions".

(3) When a disposition is founded for child abuse or neglect, the CPS worker must refer all victims three years old and under to Early Intervention. In completing the referral, the CPS worker must use the "CPS to Early Intervention Referral Form" (DHS 323) when a release of information is not signed.

(4) Documentation. The CPS worker must document that determination and explain the basis for the determination in the disposition narrative section of the GAP prior to completing the CPS assessment.

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

413-015-0445
Safety Analysis

(1) After all the necessary information is gathered for the CPS assessment and the disposition has been determined, the CPS worker must analyze the safety-related information. The purpose of completing the safety analysis when all the information is gathered is to fully and accurately understand and explain how safety threats are occurring in the family and to determine the necessary level of ongoing safety intervention required to assure child safety.

(2) Requirements of the Safety Analysis.

(a) The CPS worker must again determine if the child is safe or unsafe by analyzing the information gathered and identified safety threats, which requires the worker to consider the following factors:

(A) The length of time the family behaviors, conditions, or circumstances have posed a threat to child safety;

(B) The frequency with which the family behaviors, conditions, or circumstances pose a threat to child safety;

(C) The predictability of the family behaviors, conditions, or circumstances that pose a threat to child safety;

Prior Version

(D) Specific times (during the day or week), if any, that require special attention due to the way the family behaviors, conditions, or circumstances are occurring;

(E) Identified individual or family behaviors, conditions, or circumstances that prevent a parent or caregiver from adequately functioning in their primary parenting role; and

(F) Anything else that is associated with, occurs at the same time as, or influences the family behaviors, conditions, or circumstances that pose a threat to child safety.

(b) After considering all of the factors described in subsection (a) of this section, the CPS worker must conclude that the child is safe when:

(A) The CPS worker determines there is no safety threat;

(B) The CPS worker determines the safety threat identified previously has been eliminated;

(C) The CPS worker determines the child is not vulnerable to the identified safety threat; or

(D) The CPS worker determines that the parent or caregiver can and will protect the child from the identified safety threat.

(c) If the CPS worker determines that the child is safe, the CPS worker must:

(A) Dismiss the protective action if one is in place; and

(B) Complete and close the CPS assessment.

(d) After considering the factors listed in subsection (a) of this section, the CPS worker must conclude that the child is unsafe when:

(A) The CPS worker determines that there is a safety threat, or the CPS worker determines that a previously identified safety threat has not been eliminated;

(B) The CPS worker determines the child is vulnerable to the identified safety threat; and

(C) The CPS worker determines that the parent or caregiver cannot or will not protect the child from the identified safety threat.

Prior Version

(e) If the CPS worker determines that the child is unsafe, the CPS worker must:

(A) Review the protective action and make modifications if necessary to assure child safety until an ongoing safety plan is developed;

(B) Use the safety analysis to support the development of an ongoing safety plan;

(C) Complete the CPS assessment; and

(D) Open a case.

(3) Documentation of the Safety Analysis. The CPS worker must document the conclusions from the safety analysis prior to completing the CPS assessment.

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

413-015-0450
Develop an Ongoing Safety Plan

(1) At the completion of the CPS assessment when the CPS worker determines, through an analysis of the safety-related information, that a child is unsafe, the CPS worker must develop and document an ongoing safety plan. The purpose of the ongoing safety plan is to control safety threats as they are uniquely occurring within a particular family.

(2) Requirements to Develop an Ongoing Safety Plan.

(a) When developing an ongoing safety plan, the CPS worker must:

(A) Use a Child Safety Meeting;

(B) Re-evaluate the protective action, if one is in place, to determine if it is appropriate and sufficient as an ongoing safety plan;

(C) Explain how the ongoing safety plan is the least intrusive means that can effectively manage identified safety threats occurring within the family;

(D) Re-confirm all commitments with all safety service providers identified in the protective action if the protective action is to become an ongoing safety plan;

(E) Involve the child's parent or caregiver when developing the ongoing safety plan; and

Prior Version

(F) Use the Indian child's tribe as a resource, unless the tribe declines, when the CPS worker knows or has reason to know the child is an Indian child.

(b) The CPS worker must assure child safety by developing either an in-home or out of home ongoing safety plan.

(A) An in-home ongoing safety plan is required when safety services can assure a child can be protected in the child's own home. All of the following criteria must be in place for an in-home ongoing safety plan to manage safety:

(i) The home environment is stable enough for safety services and safety service providers to be in the home and be safe.

(ii) The parent or caregiver is:

(I) Willing to accept an in-home ongoing safety plan;

(II) Willing to allow the safety services to be provided in the home according to the in-home ongoing safety plan;

(III) Willing to cooperate with the safety service providers carrying out the in-home ongoing safety plan;

(IV) Agreeable to the designated actions and time requirements in the in-home ongoing safety plan; and

(V) Agreeable to the expectations detailed in the in-home ongoing safety plan.

(iii) The CPS worker has determined that he or she can rely upon the willingness of the parent or caregiver to comply with the in-home ongoing safety plan.

(B) An out-of-home ongoing safety plan is required when separation of the child from the identified safety threats, including separation of the child from the child's home or the child's parents or caregivers, is necessary to assure the child's safety. Separation of the child from the child's parent or caregiver may occur only when the parent or caregiver cannot or will not protect the child. One of the following criteria must be present before an out-of-home ongoing safety plan is required:

(i) Safety threats as analyzed are occurring within the family in such a way as to prevent in-home safety management;

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(ii) The nature of the home environment is so out of control as to prevent in-home safety management;

(iii) The parent or caregiver is unwilling to accept an in-home ongoing safety plan;

(iv) The parent or caregiver is unwilling to accept people, resources, or safety services that are necessary to implement an in-home ongoing safety plan; or

(v) The willingness of a parent or caregiver to accept an in-home ongoing safety plan cannot be confirmed or relied upon.

(c) An ongoing safety plan may be a combination of an in-home and an out-of-home ongoing safety plan in order to assure the least intrusive intervention.

(d) The ongoing safety plan, whether in-home or out-of-home, must:

(A) Be a written document between the parent or caregiver and the Department;

(B) Specify the safety threat;

(C) Describe how identified safety threats will be managed, including what safety services are necessary to implement the ongoing safety plan;

(D) Identify the safety service providers and the safety services necessary to implement the ongoing safety plan;

(E) Establish the time commitments and availability of those involved;

(F) Identify safety services that will have immediate impact with respect to controlling identified safety threats;

(G) Not use a parent or caregiver who is the alleged perpetrator of physical abuse, sexual abuse, or domestic violence to provide protection;

(H) Include safety service providers that have been confirmed to be suitable to provide safety for the child; and

(I) Be approved by a CPS supervisor.

(3) Documentation of the Ongoing Safety Plan. The CPS worker must document the ongoing safety plan. This documentation must include an explanation of how the ongoing safety plan is the most suitable, least intrusive action available.

Prior Version

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

413-015-0455
Protective Custody and Juvenile Court Action

(1) Protective Custody

(a) The CPS worker may take a child into emergency protective custody when there is severe harm or threat of severe harm to a child in the present and law enforcement assistance is not available. If there is any resistance or threatened resistance to taking the child into protective custody, which creates a substantial risk of physical injury to any person, the CPS worker may not take the child into custody, but must wait for law enforcement assistance or obtain an order of protective custody from the juvenile court.

(b) As provided in ORS 419B.171, when a child is taken into protective custody without a court order, the person taking the child into custody must promptly file a brief written report with the court. A written report is required even if the child is released to a parent or other responsible person prior to a shelter care hearing. The written report must be completed and sent to the court the day the child is taken into custody, or no later than the morning of the next working day.

(c) If the child is not released to a parent or other responsible person, but is retained in protective custody, a shelter hearing must be scheduled as required by ORS 419B.183.

(d) If a child is placed in protective custody, the CPS worker must notify the child's parents, including a non-custodial parent; the child's caregivers; and the child's tribe, if applicable, in writing.

(e) The CPS worker or designee must immediately make diligent efforts to identify the child's legal parents and any putative fathers after a child is taken into protective custody. Information about putative fathers must be recorded on form CF 418, "Father(s) Questionnaire" and filed in the case record.

(2) Juvenile Court Petition. When a child is taken into protective custody or juvenile court intervention is necessary to assure the child and family receive appropriate services, the CPS worker must make arrangements for a juvenile court petition to be filed, as provided in ORS 419B.809.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050, 419B.171, 419B.183, 419B.809

Prior Version

413-015-0460
Visitation

(1) If an out-of-home ongoing safety plan is developed, the CPS worker must arrange for visitation between the child and the child's family.

(2) The CPS worker must refer to Child Welfare Policy I-E.3.5, "Visits and Other Types of Child and Family Contact", OAR 413-070-0800 to 413-070-0880.

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

413-015-0465
Medical Assessment, Dental Assessment, and Mental Health Assessment for All Children in Substitute Care

(1) The child's caseworker must refer a child placed in substitute care for:

(a) A medical assessment within 30 days of entering care;

(b) A dental assessment within 30 days of entering care; and

(c) A mental health assessment within 60 days of entering care.

(2) The assigned caseworker must assure that the child receives all required, covered medical treatment recommended in the assessments described in section (1) of this rule. (See Child Welfare Policy I-C.4.1, "Medical Services Provided through the Oregon Health Plan".)

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

413-015-0470
Notifications

(1) Requirements for Providing Notifications. The CPS worker must:

(a) Unless the Department determines that disclosure is not permitted under ORS 419B.035, notify the reporter, if the reporter provided the Department with contact information, whether contact was made, whether the Department determined that child abuse or neglect occurred, and whether services will be provided.

Union Version

(b) Provide the child's parents, including a non-custodial legal parent, and caregivers written notification of all CPS assessment dispositions (unfounded, unable to determine, or founded) and whether the Department will provide services as a result of the CPS assessment. When the child's parent is the perpetrator, the notice under subsection (c) of this section also must be provided. If notification may make a child or adult unsafe, a CPS supervisor may authorize an exception to the requirement to provide notification based on documentation supporting that conclusion.

(c) Provide perpetrators written notification of founded dispositions. This written notification must include information about the founded disposition review process as outlined in Child Welfare Policy I-A.6.1, "Notice and Review of CPS Founded Dispositions", OAR 413-010-0700 to 413-010-0750. When the perpetrator is the parent or caregiver of the victim, the notice also must include whether the Department will provide services as a result of the CPS assessment. If the notification could make a child or adult unsafe, a CPS supervisor may authorize an exception to the requirement to provide notification based on documentation that supports this conclusion.

(2) Documentation of Notifications. The CPS worker must document that the notifications described in this rule have been attempted or made within the following time lines:

(a) Prior to completing the CPS assessment for a notification provided under subsection (1)(a) of this rule.

(b) Within five business days of supervisory approval of the CPS assessment for a notification provided under subsection (1)(b) or (1)(c) of this rule.

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

413-015-0475
CPS Assessment Documentation and Supervisory Review Requirements

(1) The CPS worker must record assessment activities and information gathered during the assessment process.

(2) The CPS worker must complete the CPS assessment, including FACIS input, and electronically submit the CPS assessment for review by a CPS supervisor, within 30 days of the day that the information alleging child abuse or neglect is received by the screener, except as provided in OAR 413-015-0480, "CPS Assessment Extensions".

(3) A CPS supervisor or designee must review and approve a completed CPS assessment within five working days of the electronic submission of the assessment by the CPS worker. After the assessment is reviewed by a CPS supervisor, if the

alleged perpetrator is an employee of any program, office or division of the Department or OYA, the CPS Supervisor must inform the Department's Office of Human Resources of the disposition. If the disposition is founded, the CPS supervisor must also inform the Department's Office of Human Resources of the type of abuse. The CPS supervisor must document the notification in FACIS.

(4) Each local Child Welfare office may designate an individual to electronically enter into FACIS the verification of the completed review and approval of a CPS assessment by a CPS supervisor or designee.

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

Prior Version

413-015-0480
CPS Assessment Extensions

The CPS supervisor may approve a one-time extension of an additional 30 days for completion of the CPS assessment if critical information (information necessary to determine child safety or a child abuse or neglect disposition) is outstanding. 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 418.005
Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

413-015-0485
Confidentiality

Information gathered and records and reports compiled during a CPS assessment are confidential and may be disclosed only as provided in ORS 419B.035. The identity of the person reporting child abuse or neglect may not be disclosed.

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